




Sovereignty in the South
Intrusive Regionalism in Africa,
Latin America, and Southeast Asia

Brooke N. Coe



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As international organizations gain greater power to monitor and manage the domestic affairs of their member states, the relationship between state sovereignty and international intervention becomes increasingly fraught. This book examines international rule-making in the global south, tracing how the status of state sovereignty has evolved since decolonisation. Coe argues regional organizations flout the former norm of non-interference, becoming involved in the domestic affairs of their member states in Africa, Latin America, and (to a much lesser extent) Southeast Asia. In the name of democracy, human rights, and security, regional organizations increasingly assume jurisdiction over once off-limits domestic matters: they monitor elections and human rights and they respond to intrastate crises with mediation, fact-finding, and sanctions. Coe explores the effects of democratization and economic crisis on regional institutions to explain the uneven development of “intrusive regionalism” across the postcolonial world.

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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
LAS	League of Arab 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
PACHR	Permanent Arab Human Rights Commission
R2P	Responsibility to Protect
SAP	Structural Adjustment Program
SEATO	Southeast Asian Treaty Organization



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 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 book examines a basic component of external sovereignty,² the norm of non-interference, arguing that – yes – sovereignty has evolved over time, 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. And, importantly, this regional variation is not simply defined by divergence between the global North and global South. It exists across regions in the global South. Non-interference, a watchword in developing regions during the immediate post-decolonization era, has eroded over time in critical ways in Latin America and Africa as more intrusive (interventionist) modes of regionalism have developed there, particularly since the 1990s. Non-interference has meanwhile been upheld and protected to a much greater degree in Southeast Asia.

This contemporary divergence has deep historical roots. Even before the formation of formal regional organizations, non-interference was

¹ See Biersteker 2013; Weber 1995, 2.

² External sovereignty refers to the state's authority and independence vis-à-vis external (international) actors while internal sovereignty refers to its authority and independence vis-à-vis internal (domestic) actors. This book is about external sovereignty norms.

already the subject of high-profile debates among diplomats and heads of state in Africa and Latin America, but not in Southeast Asia. This norm contestation contributed to the gradual erosion of non-interference in these regions over time, leading up to the “second wave” of regionalism in the late 1980s. In the shorter term, democratization patterns and economic performance critically affected the development (or not) of the intrusive regionalism we see today. These long-term processes and more proximate factors are together the focus of this book.

Sovereignty Norms in the Global South

Because sovereignty is so fundamental to international society, it is sometimes referenced as if it is a constant (dating back to the Peace of Westphalia), but, if “anarchy is what states make of it,”³ 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.”⁴ 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 “standard of civilization.”⁵ 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 discussed in Chapter 2, Latin American states (which gained independence much earlier than most African and Asian nations) sought to constrain US 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

³ Wendt 1992. ⁴ Reus-Smit 1997, 567, 565. ⁵ Glanville 2014, 112.

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.”⁶ According to Arnulf Becker Lorca, this convention “marked the dissolution of the standard of civilization” in the Americas.⁷

A decade later, World War II ended and the United Nations was established. 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.⁸ Furthermore, the 1945 United Nations Charter established more clearly the meaning and status of sovereignty, for the first time “firmly and unambiguously” codifying sovereign states’ rights to self-determination and non-interference.⁹ 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.¹⁰ Regime insecurity and the recent collective memory of colonialism and intervention motivated Southern states to guard their external sovereignty and to push back against infringements on exclusive domestic jurisdiction made with reference to doctrines that were reminiscent of the language of the “standard of civilization.”

Scholarship on rising powers (particularly the BRICS¹¹) tends to characterize Southern (or non-Western) states as firm proponents of “traditional” conceptions of state sovereignty. In his 2012 *No One’s World: The West, the Rising Rest, and the Coming Global Turn*, Charles Kupchan writes that “reaching a consensus on the terms of the next order will . . . require dialing back more ambitious proposals to attenuate sovereignty. Most of the rising rest have little interest in compromising their own or anyone else’s sovereignty. The sovereign nation-state is here to stay.”¹² Stephen Hopgood predicts that as US power wanes, so too will the power of human rights institutions and discourses since the non-Western world prioritizes, *inter alia*,

⁶ Shaw 2004, 51. ⁷ Lorca 2014, 8. ⁸ United Nations n.d.

⁹ Glanville 2014, 8.

¹⁰ And especially vis-à-vis extraregional actors and institutions.

¹¹ Brazil, Russia, India, China, South Africa. ¹² Kupchan 2012.

nationalism and sovereignty.¹³ Jacqueline Braveboy-Wagner argues that states in the global South hold fast to their sovereignty, even as they attempt the expansion of international cooperation.¹⁴ Others characterize international relations in the global South – especially Africa – as dominated by realist logics of “might makes right” and absence of shared commitments to liberal internationalism and human security (or shared norms more generally), in contrast to their Northern counterparts.¹⁵

Influential studies of comparative regionalism have come to similar conclusions. Amitav Acharya and A. I. Johnston write 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.”¹⁶ 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 devastating war, nationalism and post-colonial regionalism were in fact mutually reinforcing in the global South.¹⁷

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”¹⁸ 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

¹³ Hopgood 2013. ¹⁴ Braveboy-Wagner 2009.

¹⁵ See brief but highly relevant critical literature review in Williams (2007, 253–255).

¹⁶ Acharya and Johnston 2007, 262. ¹⁷ Acharya 2007, 633.

¹⁸ 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.

cooperation and integration.¹⁹ 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.²⁰ All of this 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 security in their member states, thereby demoting non-interference within the regional normative hierarchy. Other groupings – like Southeast Asia’s – remained relatively protective of strict sovereignty norms. By intrusive regionalism I mean actions carried out by states and (especially) 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 America and (especially) Africa – but have most maintained the attitude towards sovereignty norms that we associate with the insecurities of new post-colonial states. This book’s findings about the intrusive regionalism trend (and therefore about the status of state sovereignty

¹⁹ Fawcett 1995.

²⁰ “There is little doubt that the mid-1980s marked something of a turning-point in the fortunes of regionalism” (Fawcett 1995, 9).

in the global South) are in line with the thrust of Oliver Stuenkel's *Post-Western World: How Emerging Powers Are Remaking Global Order*, in which the author challenges the easy dichotomy between "Western universalism and non-Western particularism," a Western-centric view that "leads us to underappreciate . . . the role non-Western actors have played in the past (the history of global order is not as purely Western as we like to believe)."²¹ He makes reference, for example, to "R2P's partly African origins" and asserts that "rising powers' views on the norm in question are far more nuanced" than they are typically depicted.²²

Divergence in regional normative trajectories (uneven erosion of the norm of non-interference) since the second wave of regionalism²³ is a puzzling phenomenon and the primary explanandum of this study.²⁴ 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 1 – suggest that the more pronounced variation we find in the late twentieth century has historical roots.

This book has two main objectives: to establish underappreciated variation in sovereignty norms in the global South and to explain this variation. Chapter 1 speaks to the first objective and Chapters 2–5 to the second. The remainder of this introductory chapter presents my methodological approach and my arguments in brief.

Methodological Approach

This book employs comparative-historical analysis²⁵ – an approach well suited for the study of what Charles Tilly calls "big structures and

²¹ Stuenkel 2016, 10. ²² Stuenkel 2016, 18.

²³ Beginning in the 1980s and accelerating in the 1990s.

²⁴ Tanja Börzel and Vera van Hüllen (2015) use the language of "a global script in regional colors" to describe the phenomenon of convergence, on the one hand, among world regions with respect to "governance transfer" to regional organizations, and regional variation, on the other hand, in the degree and type of such transfer.

²⁵ See George and Bennett 2005; Lange 2013; Mahoney and Rueschemeyer 2003.

Table I.1 *Case overview*

Region (relevant organization)	Membership	Population
Latin America (Organization of American States – OAS – minus the United States and Canada) ^a	33 (Latin America and the Caribbean – excludes Cuba)	621 million
Africa (African Union)	54 (all African states except Morocco) ^b	1.1 billion
Southeast Asia (Association of Southeast Asian Nations – ASEAN)	10 (Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand, Vietnam)	633 million

Data are for 2015.

^a I recognize that because the OAS counts the United States and Canada as members, it is more precisely an American organization (broadly defined) than a Latin American organization. In my analysis of intrusive regionalism in Latin America, I exclude interference activities carried out by the United States but I am attentive to the ways in which US actions shape regional norms.

^b Morocco re-joined the African Union in 2017 but is not included in this book's analysis.

Source: United Nations (2017).

large processes.”²⁶ It analyzes developments over time in three world regions in order to establish that important variation exists and to draw conclusions about the 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 (Table I.1).

Comparative-historical analysis combines within-case analysis with the comparative method to identify variation and explain it. In so doing it seeks to bridge particular explanation and general explanation, tracing processes over time within single cases and drawing out similarities and differences across cases in order to pinpoint key causal factors. Because of the breadth of this combination of tasks, those using comparative-historical analysis make use of secondary sources,

²⁶ Tilly 1984.

supplementing these with primary sources when necessary and/or possible.²⁷ Although it is largely a qualitative approach, comparative-historical analysis increasingly employs quantitative methods to make its comparisons, and the descriptive statistics presented in Chapter 1 of this book are typical of this trend.

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? (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” as well as intrusive regional responses to these crises. Chapter 1 provides more details on this quantitative component of the study. In the rest of the book, I employ primarily qualitative methods to investigate the causal processes contributing to normative stasis and change. Chapters 2 and 3 cover pan-movements and regionalist activities, beginning as early as the 1820s and including the formation of formal regional organizations (OAS in 1948, the Organization of African Unity [OAU, predecessor to the African Union] in 1963, and ASEAN in 1967) and the development of regional norms within these organizations during the Cold War period. Chapters 4 and 5 investigate developments causally relevant to non-interference (democratization and economic crisis) that have taken place since the second wave of regionalism in the 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 treated separately. There are of course breadth-depth tradeoffs associated with this aspect of the research design, but the comparative regionalism literature is ripe for such a broadly comparative study. This is due to the availability of excellent work on particular regions written by area experts and to the general dearth of studies *directly* comparing multiple regions (as many existing studies take the form of edited volumes).

²⁷ Lange 2013.

Explanatory Framework

State sovereignty is not dead,²⁸ but shared understandings and practices of sovereignty have changed in meaningful and impactful ways in the post-war era and especially since the end of the Cold War. The rise of intrusive regionalism is one thread of this multifaceted and multi-level trend, and Europe is not the only affected world region. Southern regional organizations have, to varying degrees, been empowered to assume some jurisdiction over the domestic affairs of their member states. They now monitor and respond to the political and security problems of these states – in other words, they *interfere*. This means that a powerful norm – the norm of non-interference – has weakened over time. Again, it is not obsolete. It has simply lost some ground to competing norms like democracy promotion. It has been circumscribed and partially redefined. On the other hand, bilateral meddling or military campaigns for irredentist or territorial expansionist causes are as taboo as ever. The intrusive regionalism trend is largely a liberal internationalist trend, in that it is characterized by multilateral practices legitimized via regional law and carried out in the name of human rights, democracy, and security.

Chapter 1 establishes two kinds of variation in the status of the norm of non-interference – temporal and regional – and I, therefore, grapple with two causal questions here and in the rest of the book: (1) Why did regional groupings in the developing world introduce (or enhance existing) interference practices at this particular time (beginning in the late 1980s and especially after 1990)? (2) Why did some regions (Latin America and Africa) do so to a much greater degree than others (Southeast Asia)? My dependent variable, then, is the status or strength of the norm of non-interference. Traditionally the literature on international norm dynamics has focused on norm emergence and maturity,²⁹ especially with respect to what many would consider “good” norms. A more recent body of literature explores norm robustness, including norm erosion and even norm death.³⁰ Because the rise of intrusive regionalism implies the erosion or circumscription of a central sovereignty norm – the norm of non-interference – this book is situated here.

²⁸ Krasner 2001. ²⁹ See Finnemore and Sikkink (1998) for a seminal piece.

³⁰ For example, Deitelhoff and Zimmermann 2013; McKeown 2009.

The Rise of Intrusive Multilateralism: Global Institutional and Ideational Developments

The key context for understanding the timing of the intrusive regionalism trend in the late twentieth century is the more general rise of intrusive *multilateralism* including, and especially, at the United Nations. Post–World War II international society emerged with a sharp tension between its fundamental norms: respect for state sovereignty (and its corollary, non-interference) and international humanitarianism, including international commitments to protect human rights.³¹ The United Nations Charter (1945) established these contradictory principles and, as Martha Finnemore writes, “provided the normative framework in which much of the normative contestation over intervention practices have occurred” in the years since.³² Human rights and democracy promotion gained strength at the expense of state sovereignty during the post–World War II period, but it did so slowly; bipolarity hampered the development of intrusive globalism during the Cold War, particularly at the United Nations Security Council. The end of bipolarity removed this strategic layer and reinvigorated the Security Council, ushering in what Michael Doyle has termed “the new interventionism” in the early 1990s.³³ This manifested in state monitoring activities, in the imposition of mandatory sanctions against member states, and in the use of peacekeeping to manage civil conflicts. Concomitant ideational developments – the “triumph” of liberal internationalism and the emergence of the human security discourse – provided for and interacted with these institutional developments and help further explain the rise of intrusive multilateralism (at both the global and regional levels).

In the post–World War II period, sovereignty-challenging multilateralism, including state monitoring practices, developed gradually at the United Nations. The international community adopted core human rights treaties³⁴ in 1966 that included provisions for the establishment of monitoring agencies, but these treaties did not enter into force until a decade later. By 1991, six United Nations treaty monitoring bodies had become operational, and they have since “developed and

³¹ Finnemore 2003; Glanville 2014. ³² Finnemore 2003, 79.

³³ Doyle 2001.

³⁴ International Convention on Civil and Political Rights (ICCPR) and International Convention on Economic, Social, and Cultural Rights (ICESCR).

consolidated” approaches to report consideration and to coordination with other human rights institutions, including non-governmental organizations.³⁵ International election observation also exploded in the 1990s, although the groundwork for this trend was laid decades prior. As Judith Kelley argues, by committing to democracy via a series of declarations and treaties during the 1940s–1970s period,³⁶ states “paved the way for the rise of external supervision of these new obligations.”³⁷ The United Nations began monitoring elections in dependent territories in 1945, and others (e.g., the OAS and US-based non-governmental organizations) deployed small-scale missions to independent countries throughout the Cold War period. The practice became prevalent after 1990 because, while the Cold War “had forced Western countries to prioritize security concerns,” its end “freed” them to “push for democratic changes” via monitoring missions.³⁸

Along the same lines, the United Nations Security Council only imposed mandatory sanctions on two occasions before 1990 (in both cases the targets were racist regimes in Africa),³⁹ as Cold War politics made consensus among permanent Council members nearly impossible. Since 1990, though, United Nations military and economic sanctions have become a “prominent feature of the international relations landscape,” and have been aimed at such diverse goals as reversing unconstitutional changes in government, halting human rights violations, and ensuring cooperation with peacekeepers.⁴⁰ Peacekeeping itself has also enjoyed a renaissance in the post-Cold War era. The UN Security Council has made “increasing use of its powers under Chapter VII of the Charter,” deploying peace operations with much greater frequency and with an expanded definition of “threat to the peace,” one that includes risks to human security.⁴¹

A changing international ideational context foregrounded and interacted with the institutional changes outlined above. Specifically, we can observe the ascent of liberal internationalism beginning in the late 1970s (and especially with the end of the Cold War) and the emergence

³⁵ Crawford 2000, 1–3.

³⁶ 1948 American Declaration, 1948 UDHR, 1966 ICCPR, 1950 European Convention, 1969 American Convention, 1971 Commonwealth Declaration, 1975 Helsinki Final Act.

³⁷ Kelley 2012, 22. ³⁸ Kelley 2012, 26.

³⁹ Southern Rhodesia and South Africa. ⁴⁰ Farrall 2007, 3, 135–137.

⁴¹ Gowlland-Debbas 2001, 1–2.

of the human security paradigm in the late 1980s and early 1990s. Liberal internationalism means different things to different people, but I define it as a doctrine favoring the international promotion and protection of classical 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 on the agendas 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 the 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.⁴² These meetings provided opportunities for participating states to draw attention to other states' particular violations of Helsinki Act commitments.⁴³ When Jimmy Carter took office in 1977, his administration made human rights promotion an explicit priority of US bilateral foreign policy, and European states followed suit a few years later.⁴⁴ 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 3, 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, US 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 US foreign policy. The “liberal zeitgeist” of the time was

⁴² Bloed 1990, 12–21. ⁴³ Huntington 1991, 90.

⁴⁴ Ministry of Foreign Affairs of the Kingdom of the Netherlands 1979.

reinforced by this “appearance of a unipolar system presided over by a liberal democratic great power.”⁴⁵ 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.”⁴⁶ 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 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.⁴⁷

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.⁴⁸

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

⁴⁵ Hobson 2009, 385. ⁴⁶ Franck 1992, 50.

⁴⁷ Bratton and van de Walle 1997, 135; Dunning 2004.

⁴⁸ Human Security Research Project 2010.

structural adjustment programs (imposed on developing countries by international financial institutions). The United Nations 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”⁴⁹), providing the foundation for the emergence of the Responsibility to Protect doctrine.⁵⁰ According to the Responsibility to Protect, states forfeit their right to freedom from intervention when they fail to protect their populations from mass atrocities.

The intrusive regionalism trend documented in Chapter 1 fits in with the wider intrusive multilateralism trend, but global-level variables are insufficient to explain it because the rise of intrusive regionalism has been uneven. To explain regional variation, I make a two-stage argument. First, regional international societies vary with respect to their discursive foundations – specifically, the content and political salience of macronationalism in the lead-up to the creation of formal regional organizations. These foundations shaped the degree and nature of contestation and erosion (of the norm of non-interference) over time. The three regions under study here, therefore, arrived at the decade of the 1980s with different normative priors, and these normative priors interacted with political and economic factors that also varied across regions: regime type and economic performance.

Explaining Regional Variation: Macronationalism, Regime Type, and Economic Performance

Historical Factors: Macronationalism, Norm Contestation, and Norm Erosion

In order to begin addressing the question of regional variation, I first turn to regional ideational structures, specifically the history of macronationalism. The content and salience of macronationalism (i.e., pan-Americanism and pan-Africanism) provided the foundation for gradual normative change in Latin America and Africa over time and more accelerated change during the second wave of regionalism, when these collective identity discourses interacted with

⁴⁹ See Deng et al. 1996.

⁵⁰ International Commission on Intervention and State Sovereignty 2001.

more proximate causal factors (democratization and economic performance – 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.⁵¹ Constructivists – particularly Emanuel Adler and Michael Barnett – later built on Deutsch's concept of the security community.⁵² Martha 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."⁵³ More recently, Jeffrey Checkel and Peter Katzenstein have investigated the construction of a regional identity in Europe.⁵⁴ Most works on identity in international relations, though, focus on *national* identities to explain, for example, the foreign policies of individual states.⁵⁵

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."⁵⁶

As argued in Chapters 2 and 3, the norm of non-interference had long been more contested at the regional level in Africa and Latin America than in Southeast Asia, and this norm contestation contributed to the gradual erosion of non-interference in these regions over time. I link this contestation to pan-Americanism and pan-Africanism, which, through their appeals to values and solidarities transcending the nation state, created openings for critics of strict sovereignty norms to make these norms the subject of debate at the regional level.

Latin America: Decolonization came early to South and Central America (the 1810s), and liberalism and legalism feature prominently

⁵¹ Deutsch et al. 1957. ⁵² Adler and Barnett 1998. ⁵³ Finnemore 1996.

⁵⁴ Checkel and Katzenstein 2009. ⁵⁵ Katzenstein 1996.

⁵⁶ Krebs and Jackson 2007, 57.

in the history of pan-Americanism, even before the United States became a participant in hemispheric conferences in the late nineteenth 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.”⁵⁷ The principle of non-interference became central to pan-American legal discourse, in part due to actual and potential US interventionism, but other norms, based in the enlightenment ideals of the nineteenth 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.”⁵⁸

The tension between non-interference and liberal values persisted over many decades as the former was contested via proposals for democracy – and human rights – promoting regional institutions and practices. In the post-World War II period, norm contestation began translating into norm erosion with the establishment of a regional human rights commission and ad hoc election observation missions. The rise of authoritarianism and US Cold War interventionism temporarily stalled further development of intrusive liberal regionalism in Latin America. But when widespread democratization brought down the region’s dictators in the 1980s, and US foreign policy was transformed by the end of the Cold War, conditions 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,⁵⁹ over 100 years after decolonization in Latin America. In the decades leading up to independence, though, an active transnational movement constructed and promoted pan-Africanism, a set of ideas which would later present a challenge to strict sovereignty norms in independent Africa. We might think of pan-Africanism as situated between cosmopolitanism and communitarianism; Africans

⁵⁷ Obregon 2002, 253. ⁵⁸ Snyder 1984, 229.

⁵⁹ Decolonization continued into the 1970s.

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.”⁶⁰ 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 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 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. Heads of state framed contestation of the OAU’s non-interference policy with reference to pan-African ideals. For example, a group of African states boycotted a 1975 OAU meeting in protest of Idi Amin’s upcoming succession to the post of Chairman of the OAU because of Amin’s human rights record. The framing of the boycott appealed to the prioritization of transnational solidarity over interstate solidarity. Over time, contestation of this sort contributed to the gradual erosion of the norm of non-interference.⁶¹ 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 system – reflected both the changing international ideational context and the effect over time of norm contestation. In the late 1980s and early 1990s, 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 actors in Africa to engage in a collective “rethink” of the regional

⁶⁰ Abdul-Raheem 1996, 1, quoting W. E. B. Du Bois.

⁶¹ The boycott itself was not successful in preventing Amin’s succession.

normative order and to reform this order with reference to pan-African solidarities.

Southeast Asia: Pan-Asianism was less relevant to the founding of the Association of Southeast Asian Nations ASEAN (1967). The solidarity existing among the original ASEAN members was more so statist than transnational, and more so anti-communist than pan-Asianist. Pan-Asianism as a movement and ideology had existed at the level of civil society in the late nineteenth and early twentieth century, but Japanese imperialist pan-Asianist schemes in the 1930s and 1940s invalidated the movement. 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 ASEAN Five (Indonesia, Malaysia, the Philippines, Singapore, and Thailand) justified illiberal political regimes with reference to the need to foster economic development and undercut the appeal of communism.

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 some of 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 interstate 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: Regime Type and Economic Performance

Because of variation in macronationalism, norm contestation, and gradual norm erosion, these three regions arrived at the 1980s with

different normative priors.⁶² It was at this point that the second wave of regionalism (which roughly coincides with the end of the Cold War) got underway. Regional organizations in all three regions engaged in institutional expansion, but ASEAN did so in a much more sovereignty-sensitive way. In addition to having extant norms that made it less susceptible to the intrusive regionalism trend, the South-east Asian grouping also did not – in the 1980s – experience widespread democratization (unlike Latin America) or severe economic crisis (unlike Africa). These two factors – regime type and economic performance – interacted with regional normative priors, shaping the divergent regional normative trajectories of the post-Cold War period. Regime type is more causally significant to outcomes in the Latin American case, while economic performance is more causally significant to outcomes in the African case.

As Chapter 4 shows, sweeping democratization in Latin America during the 1980s significantly increased the region’s “democratic density”⁶³ and pushed Latin American states to renew and enhance long-standing multilateral commitments to democracy and human rights promotion and protection, resulting in the construction of their regional defense-of-democracy regime and civilian peace operations. The kind of wide and deep democratization we see in Latin America did not take place in Africa or Southeast Asia, but African regional institutions nevertheless underwent a dramatic shift away from strict non-interference. This can in part be understood as a continuation of long-term norm erosion processes taking place in Africa (and not Southeast Asia) but also as a collective response to Africa’s economic crisis of the 1980s. Poor economic performance rendered African states materially and socially vulnerable and therefore more open to reforming African regional institutions in order to attract aid and investment to the continent. Proponents of the reform of regional norms and institutions in the early 1990s explicitly called for a redefinition of sovereignty in Africa and for the creation of more intrusive regional institutions in order to provide for the collective management of domestic political and security problems. The ultimate aim was to promote economic development and improve Africa’s image in the

⁶² Amitav Acharya (2004) uses a related term: “cognitive priors.”

⁶³ Pevehouse 2005.



Figure I.1 Regional democratic density

Source: Center for Systemic Peace, data accessed at www.systemicpeace.org/inscrdata.html.

world, thereby combating and compensating for Africa’s economic marginalization. The reform campaign resulted in the creation of more intrusive regional institutions – including a regional conflict mechanism mandated to respond to intrastate war – and an increase in regional interference activities. In Southeast Asia, ASEAN’s adherence to non-interference in the 1990s and beyond can be attributed to ASEAN states’ stellar economic performance and relatively low level of democracy, in addition – again – to the stickiness of the norms it developed during the Cold War period.

The Role of Regime Type

Democratization in Latin America during the 1980s was extensive, and, by the end of this decade, the average Polity score of all its states was 6, reflecting what Jon Pevehouse terms a high “density” of democracy in the region (Figure I.1).⁶⁴ 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 in these other regions have been on the rise in the last twenty years, average

⁶⁴ Pevehouse (2005) coined the term “democracy density.”

scores remain in the “anocracy” range.⁶⁵ Even though high democratic density was not achieved in these two regions, democratization is not irrelevant here: emerging democracies with regional leadership aspirations, like South Africa and Indonesia, have been at the forefront of regional reform campaigns. Reform protagonism was more effective in Africa than Southeast Asia, though, because of regional normative priors (the product of norm contestation and gradual erosion during the Cold War period) and economic performance (see below).

In the abstract, the link between democracy and intrusive regionalism is logical because democracy is associated with the principle of popular sovereignty,⁶⁶ 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”).⁶⁷ Regarding the first type of belief, a new democracy might be especially zealous about 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

⁶⁵ Furthermore, gradual liberalization (short of democratization) opened up more space for civil society. Active civil society groups – some of which favor intrusive regionalism – also contributed to regional reform.

⁶⁶ Ochoa Espejo 2012. ⁶⁷ Goldstein and Keohane 1993.

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 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.⁶⁸

“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.⁶⁹ These 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.⁷⁰ 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.⁷¹ In 1991 and 1992, for example, the OAS adopted a resolution and a protocol⁷² establishing investigation and sanctions procedures in the event of an unconstitutional change in government in a member state. And Chilean diplomat Heraldo Muñoz has explained that Chile’s sponsorship of

⁶⁸ Mandela 1993, 88. ⁶⁹ Pevehouse 2005, 18. ⁷⁰ Moravcsik 2000.

⁷¹ Legler and Tiekou 2010, 477. ⁷² OAS 1991b, 1992.

this resolution was driven, in part, by the new Chilean regime's desire "to safeguard and consolidate the newly regained democracies against lingering authoritarianism."⁷³ 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 to distance/distinguish itself from a former autocratic regime and/or to maintain or 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.⁷⁴

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 increases 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.⁷⁵ 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

⁷³ Muñoz 1998, 1. ⁷⁴ Pevehouse 2005, 17–18. ⁷⁵ Risse 2013, 437.

Philippines, for its part, expressed concern about jeopardizing its own image as a “champion of human rights.”⁷⁶ Pressure from the international community only seemed to embolden the other ASEAN states to proceed with accession, though, 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.⁷⁷ States interested in telegraphing a democratic image aren’t always 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 that has been used to describe OAS, 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.⁷⁸ Therefore, regardless of the domestic and foreign policies of any particular member state, it may suffer (by association) from the negative perception extra-regional 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.⁷⁹

The Role of Economic Performance

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

⁷⁶ Quoted in Ba 2009, 120. ⁷⁷ Coe 2017a. ⁷⁸ Jetschke 2015.

⁷⁹ Tiekou 2004, 253.

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 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 (see Chapter 5). 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) may seek to improve the governance and security situation of its neighbors in order to not be associated with their dysfunction, illiberalism, et cetera.

The 1990s 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 I.2 shows Africa's poor economic performance compared to other regions, 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

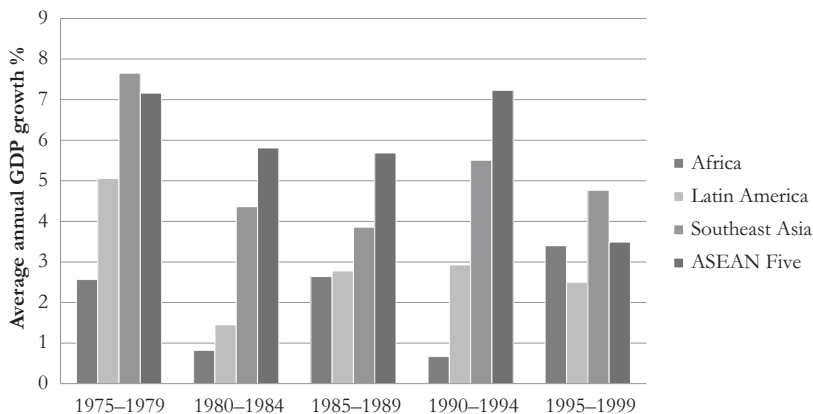


Figure I.2 Regional economic growth

Source: The World Bank, data accessed at <http://data.worldbank.org>.

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. From 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. The erosion is modest, though, because of the lesser severity of Southeast Asia's economic problems compared to those of Africa; because of ASEAN's prior experience with economic success (to which anti-reform advocates can refer when making the case for the effectiveness of ASEAN's norms in the long run); and because ASEAN has a longer history of maintaining strong sovereignty norms (relative to Africa and Latin America).

Alternative/Complementary Explanations

This section addresses two important alternative arguments, one power-centric and one functionalist.

Great Power Interventionism and Influence

Especially because these regions are populated by post-colonial “developing” states, we should 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 impact that perceived and actual great power *interventionism* has had on the regional construction of norms relevant to non-interference, as well as the *influence* exerted by these powers on regional norms.

First, one might argue that *great power interventionism* in the global South led to a decrease in the willingness of these targeted states to cede sovereignty to intergovernmental bodies, including their regional organizations. In general, my findings do not support this claim. 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 external-internal threat: it would reduce intra-ASEAN interstate 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 US 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. US interventionism during the Cold War, sometimes through the cooptation of OAS processes, contributed to a period of decline for multilateralism. Great power interventionism did affect the norm of non-interference in this case, then, because of US membership in the OAS, *but this does not help us understand variation across regions in the strength of non-interference.*

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 consequently 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. While insufficient on its own, it complements my explanatory model. 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.⁸⁰ This third face is related to what Michael Barnett and Raymond Duvall term “structural power”⁸¹ and to Antonio Gramsci’s notion of “hegemony.”⁸² With respect to such indirect influence, it is the case

⁸⁰ Lukes 1974. ⁸¹ Barnett and Duvall 2005. ⁸² Gramsci 1971.

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, however, simplistic and misleading for two reasons.

First, as Chapter 2 shows, the macronationalist discourses that presented 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 twentieth 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 United Nations Economic Commission for Africa’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.”⁸³

With respect to more direct forms of great power influence, I do not find strong evidence for this influence on the emergence or content of macronationalism or intrusive regionalism. 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

⁸³ Deng et al. 1996.

(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 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.

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.⁸⁴ This is the “new wars” thesis. I test this (partial) alternative explanation in Chapter 1 by measuring interference practices relative to “interference opportunities” (domestic disputes rising to a “crisis” level) I further address this explanation in Chapter 5 by comparing average regional scores across time on a domestic-level measure called Civil Violence Magnitude and Impact as well as by examining the timing of the 1990s African norm shift in relation to the so-called new wars.

In general, my findings do not support the argument that a rise in civil conflict 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. Edward Newman makes this case – that the “newness” of the “new wars” is exaggerated – in his 2004 study, with special attention to Africa.⁸⁵ Second, civil conflict is not a problem unique to Africa even though it constitutes an important part of the continent’s image. Southeast Asia’s crisis-level dispute levels (see Figure 1.1) and Civil Violence Magnitude and Impact scores are higher than Africa’s (see Table 5.1). Finally, as I argue in Chapter 5, 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 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.

⁸⁴ Kaldor 1999. ⁸⁵ Newman 2004.

Plan for the Book

Chapter 1 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 late-1980s onward.

Chapter 2 compares and contrasts macronationalist movements (pan-Americanism, pan-Africanism, pan-Asianism) and the establishment of regional organizations (OAS, OAU, ASEAN), and Chapter 3 presents evidence of the greater contestedness of the non-interference norm in Latin America and Africa compared to Southeast Asia, making the case that (1) the content and political salience of macronationalism created openings for this contestation and that (2) this contestation contributed to the erosion of non-interference norm over time during the Cold War period.

Chapters 4 and 5 examine the more proximate factors that have shaped different outcomes in the three regions during and since the second wave of regionalism. Chapter 4 focuses on regime type, showing 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 intrusive liberal regionalism in Latin America. It also examines the protagonism of newly democratic regional powers in Africa and Southeast Asia. Chapter 5 shifts attention to the second proximate factor: economic performance. It analyzes the so-called shift from non-interference to non-indifference on the African continent in the early 1990s and the subsequent replacement of the OAU with the more intrusive African Union, making the case for the proximate causal role of the 1980s economic crisis. It also shows how ASEAN entered the 1990s as a “success story” due to ASEAN states’ remarkable economic growth. 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.

The Conclusion briefly revisits the explanatory framework and considers its applicability to the case of the League of Arab States. It then discusses the status of sovereignty in the South today; challenges for intrusive regionalism moving forward; and the normative implications of non-interference and institutionalized violations of it.

1 *The Uneven Rise of Intrusive Regionalism**

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.¹ Until very recently, much of comparative regionalism studies has 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.²

As this chapter demonstrates, though, Southeast Asia's relatively 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

* This chapter is a substantially revised version of a published article. See: Brooke Coe. 2015. “Sovereignty Regimes and the Norm of Non-interference in the Global South: Regional and Temporal Variation,” *Global Governance* 21(2): 275–298.

¹ Herbst 2007. ² Acharya and Johnston 2007.

non-interference and legalizing this violation through regional declarations and treaties. Importantly, this rise of intrusive regionalism is a qualitative change as well as a quantitative change. That is, not only has intraregional interference increased over time but the increase of certain types of interference – multilateral activities framed with reference to human rights, democracy, and security – has been responsible for this trend. To begin substantiating this key claim, I first offer an 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 Côte d'Ivoire (2010)

Following eight years of civil war, Côte d'Ivoire held a nearly successful presidential election in November 2010. The process itself was relatively peaceful,³ featured high voter turnout,⁴ 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 regional⁵ 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 Côte d'Ivoire as a member – were quick to respond diplomatically. ECOWAS, the West African sub-regional grouping, convened a series of extraordinary sessions where heads of state issued their condemnation of “any attempt to usurp the popular will of the people of Côte d'Ivoire,”⁶ officially recognized Ouattara's victory as “representing the freely expressed voice of the Ivorian people,”⁷ and suspended Côte d'Ivoire's membership from the organization. For its part, the African

³ At least in the first round of voting. ⁴ Apuuli 2012, 137.

⁵ Regional actors are, of course, international actors, but I generally use the term ‘international’ in this book in reference to *extraregional* international actors and institutions.

⁶ ECOWAS 2010a. ⁷ ECOWAS 2010b.

Union – through its Peace and Security Council⁸ – declared its “total rejection” of any efforts to “undermine the electoral process and the will of the people,”⁹ endorsed ECOWAS’ statements, and suspended Côte d’Ivoire’s membership “until such time the democratically-elected president assumes power.”¹⁰

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).¹¹ Gbagbo was not persuaded, and a discouraged Odinga remarked in a statement to the media that “Côte 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.”¹² The Peace and Security Council then formed a High Level Panel on Côte d’Ivoire in January 2011, made up of several African heads of state and the president of the ECOWAS Commission.¹³ This panel in turn created a team of experts to investigate the situation further, visiting Côte 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.¹⁴

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.”¹⁵ The communiqué further stated that, if Gbagbo would not comply with its demand to relinquish power, ECOWAS “would be left with no

⁸ 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).

⁹ African Union Peace and Security Council 2010a.

¹⁰ African Union Peace and Security Council 2010b.

¹¹ Bassett and Straus 2011, 135.

¹² Quoted in Apuuli 2012, 144.

¹³ Bassett and Straus 2011, 135.

¹⁴ Apuuli 2012, 144.

¹⁵ ECOWAS 2010b.

alternative but to take other measures including the use of legitimate force to achieve the goals of the Ivorian people.”¹⁶ 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.¹⁷

Meanwhile, the situation on the ground in Côte 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.”¹⁸ 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 to the commercial capital and largest city, Abidjan. During this offensive, both sides (pro-Ouattara and pro-Gbagbo forces) were responsible for the killing of civilians.¹⁹ 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 Ouattara 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.²⁰

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 Ivorians, 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

¹⁶ ECOWAS 2010b. ¹⁷ Apuuli 2012, 142. ¹⁸ Straus 2011, 48.

¹⁹ Bellamy and Williams 2011, 834. ²⁰ Bassett and Straus 2011, 138.

to facilitate the immediate transfer of power to Mr. Alassane Ouattara.”²¹ 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.”²² French and United Nations operatives did just that, using helicopter power to take out the heavy weapons surrounding the president’s residence. This enabled Ouattara’s forces to arrest Gbagbo.²³ Importantly, though, by the time the United Nations and French forces intervened, Ouattara had already assumed control of 90 percent of Côte d’Ivoire and was closing in quickly on Abidjan. Upon Gbagbo’s arrest, power transferred to Ouattara, and, as of 2019, the latter remains president of Côte d’Ivoire.

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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 sub-regional 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 apparent “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 argued by Andrew Hurrell, regionalism contains “multiple and competing logics.”<sup>24</sup> Increasingly, the logic of mutual preservation competes with another 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

<sup>21</sup> ECOWAS 2011.      <sup>22</sup> United Nations Security Council 2011.

<sup>23</sup> Bassett and Strauss 2011, 138.      <sup>24</sup> Hurrell 2007, 130.

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). 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, Ouattara 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.”<sup>25</sup> 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

<sup>25</sup> Bassett and Straus 2011, 131.

gatekeeping role<sup>26</sup> 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.<sup>27</sup>

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 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 extra-regional (and especially former colonial) powers in the future.<sup>28</sup> But African regionalism is all too often dismissed as meaningless and unworthy of study because of these limitations when, in fact, the rise of 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 book'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 completely surprise close observers of African politics. Over time, and especially in the two decades leading up to this crisis, these organizations had been

<sup>26</sup> See Conclusion. <sup>27</sup> Bellamy and Williams 2011, 837.

<sup>28</sup> For example, see Leijenaar 2014.

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.<sup>29</sup> The African Union's interference activities in this case have 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).<sup>30</sup> The Sudanese regime also objected to the expansion of the African Union peacekeeping mission in 2005,<sup>31</sup> and its "consent" was achieved through a United Nations Security Council resolution threatening sanctions.<sup>32</sup>

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.<sup>33</sup> This demonstrated a new willingness on the part of the OAU to behave intrusively.

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

<sup>29</sup> Rankhumise 2006. <sup>30</sup> Powell 2005, 44.

<sup>31</sup> From African Union Mission in Sudan (AMIS I) to AMIS II.

<sup>32</sup> United Nations Security Council 2004. <sup>33</sup> Rodt 2011, 7–8.

response to its civil war (see Chapter 5). 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.<sup>34</sup>

The African regional community is not alone in its increasing (but still inconsistent) 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 such recent 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 organizations<sup>35</sup> in Latin America as well as from the OAS, which 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 to Honduras,<sup>36</sup> and the Inter-American Development Bank paused new loans to the country.<sup>37</sup> 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"<sup>38</sup> by Zelaya and the 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 (*auto-golpe*), shutting down the congress and removing high court justices, among other unconstitutional actions. The OAS convened a same-day

<sup>34</sup> Malan 1999.

<sup>35</sup> Association of Caribbean States, Caribbean Community, Southern Common Market (Mercosur), and Union of South American Nations (UNASUR).

<sup>36</sup> Associated Press 2009. <sup>37</sup> Farias et al. 2009.

<sup>38</sup> Lohaus 2013, 38; OAS 2011.

meeting of its Permanent Council, which 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.<sup>39</sup> 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.<sup>40</sup>

A 2006 military coup in Thailand, which deposed democratically elected Thaksin Shinawatra while he was abroad at the United Nations and "'terminated' both houses of Parliament, the cabinet and the Constitutional Court,"<sup>41</sup> received more muted reactions from ASEAN. The group's members expressed concern to varying degrees<sup>42</sup> but did not impose sanctions. The Association itself "had for two weeks reacted to the crisis by citing its doctrine of noninterference in the affairs of member nations," and "limited itself to deploring the violence and urging some kind of peaceful settlement." It eventually released a more severe statement about violence used against protesters but did not "deman[d] an immediate end to the military junta's half-century of dictatorship."<sup>43</sup> A 2014 coup in Thailand elicited even less "questioning" from the ASEAN states.<sup>44</sup>

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

<sup>39</sup> Arceneaux and Pion-Berlin 2007, 14–15.      <sup>40</sup> Bloomfield 1994a, 14.

<sup>41</sup> Mydans and Fuller 2006.      <sup>42</sup> See, for example: Vasudevan et al. 2006.

<sup>43</sup> Cody 2007.      <sup>44</sup> Tay 2014.

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, 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 is the case despite the 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 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,<sup>45</sup> 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.”<sup>46</sup> 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.”<sup>47</sup> But how does one “measure” the strength or status of an international norm? First, and perhaps obviously, claims about norm strength make more sense in relative rather than absolute terms. That is, asserting that the

<sup>45</sup> Excluding Morocco, which rejoined the African Union in 2017.

<sup>46</sup> Finnemore and Sikkink 1998, 891. <sup>47</sup> Hurrell and Macdonald 2013, 69.

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, I consider evidence in two categories: law and practice. First, what is the legal status of the norm and/or practices that violate the norm? Second, 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 actions that violate the norm or and legal regimes that authorize these norm-violating activities.

Specifically, I'm interested in the 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. Although a characteristic of the intrusive regionalism trend is its multilateralism, I include interference that is not carried out by IGOs (inter-governmental organizations) in order to know if the variation across time and space is qualitative rather than quantitative (e.g. whether interference is bilateral in one region/era and multilateral in another). 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. The responses that I code are not exclusively those that are carried out in the name of democracy and human rights – I include, for example, bilateral military support of rebels in a neighboring state. Again, this type of interference is not characteristic of the intrusive regionalism trend, but inclusive coding allows for detection of qualitative as well as quantitative variation over time and space.



My definition and operationalization of interference follows scholars who have conceptualized non-interference as a principle of “exclusive domestic jurisdiction.”<sup>48</sup> 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 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 (i.e. against the explicit consent of the target state) 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-twentieth 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.

<sup>48</sup> See, for example, Umozurike 1979.

## **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 the OAS in 1948, culminating decades of pan-American regionalist activities (see Chapter 2). It currently counts as members all nations in the Western Hemisphere except Cuba.<sup>49</sup> Although the organization's founding charter<sup>50</sup> affirms democracy, human rights, and non-interference 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."<sup>51</sup> In general, these decades were a low-point for multilateralism in the region (see Chapter 3).

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 Man<sup>52</sup> (predating the adoption of the Universal Declaration of Human Rights<sup>53</sup> 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.<sup>54</sup> This was followed, ten years later, by the adoption of the American Convention on Human Rights, a binding legal document.<sup>55</sup> This sequence of events sets the Inter-American system apart from other regional systems, since its Commission was created before a relevant binding treaty emerged. When the Convention entered into force in 1978, the Commission began to operate on two tiers – using the 1948 American Declaration

<sup>49</sup> Cuba's suspension from the OAS was lifted in 2009, but it has not (as of the writing of this book) rejoined the organization.

<sup>50</sup> OAS 1948a. <sup>51</sup> Lutz and Sikkink 2000, 651. <sup>52</sup> OAS 1948b.

<sup>53</sup> United Nations General Assembly 1948.

<sup>54</sup> The Fifth Meeting of Consultation of Ministers of Foreign Affairs adopted a resolution approving the creation of a commission in Santiago, Chile in 1959. The OAS Council formally approved the Inter-American Commission's statute in 1960.

<sup>55</sup> OAS 1969.

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.<sup>56</sup> 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.<sup>57</sup> This was followed by more concrete measures, including a 1989 resolution mandating the secretary general to direct the development of election monitoring missions.<sup>58</sup> 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.”<sup>59</sup> 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 Permanent Council within ten days of a coup d’état in a member state, investigate the event, and “adopt any decisions deemed appropriate.”<sup>60</sup> 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.<sup>61</sup> The 1990s also saw the creation of bodies dedicated to democracy promotion<sup>62</sup> and the legalization and expansion of a regional election-monitoring regime.<sup>63</sup> These efforts culminated in the adoption in 2001 of the

<sup>56</sup> Lohaus 2013, 32.    <sup>57</sup> OAS 1985, Article 2.    <sup>58</sup> OAS 1989.

<sup>59</sup> Arceneaux and Pion-Berlin 2007, 4.    <sup>60</sup> OAS 1991b.    <sup>61</sup> OAS 1992.

<sup>62</sup> Arceneaux and Pion-Berlin 2007, 4.

<sup>63</sup> Santa-Cruz 2005, 685. Election monitoring had taken place in an ad hoc manner during the 1960s–1980s.

Inter-American Democratic Charter,<sup>64</sup> 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.<sup>65</sup>

### *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.<sup>66</sup> The charter also expresses a commitment to the Universal Declaration of Human Rights, but, unlike the OAS, the OAU did not 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.<sup>67</sup>

The 1990s saw the advance of regional law providing for multilateral interference in support of peace, democracy, and human rights. Concerning institutionalized responses to internal armed conflict, regional and sub-regional 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,<sup>68</sup> the OAU established in 1993 a new conflict mechanism mandated to address internal conflict for the first time.<sup>69</sup> Both ECOWAS and the African Union have adopted treaties (in 1999 and 2000, respectively) including articles allowing for non-consensual military intervention pursuant to grave circumstances.<sup>70</sup> 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

<sup>64</sup> OAS 2001.      <sup>65</sup> Legler and Tiekou 2010, 466.      <sup>66</sup> OAU 1963.

<sup>67</sup> OAU 1981.      <sup>68</sup> OAU 1990b.      <sup>69</sup> OAU 1993b.

<sup>70</sup> ECOWAS 1999; OAU 2000a.

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. Speaking to the importance of the transformation, one African diplomat notes that

We can tell that it matters by how much member states invest in it . . . South Africa invested a lot in getting [Nkosazana Dlamini-]Zuma as the chair (because she would then have influence). Also, member states send their best diplomatic teams to Addis—you have to have your best people here to best convey your positions. There is a body of genuinely African diplomacy emerging—common positions with consequences.<sup>71</sup>

Regarding democracy promotion, Thomas Legler and Thomas Kwasi Tiekú point to the OAU's endorsement of the 1990 African Charter for Popular Participation in Development<sup>72</sup> as an important discursive shift.<sup>73</sup> 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.<sup>74</sup> A July 2000 declaration of the Heads of State and Government (“Lomé Declaration”) generalized and expanded the Harare move by outlining anti-coup interference mechanisms, including OAU membership suspension, non-recognition of the de facto government, fact-finding missions, targeted sanctions, and multilateral mediation efforts.<sup>75</sup> 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 the 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.<sup>76</sup> Some have made the case, however, that the OAU and AU democracy-promotion regime now goes further

<sup>71</sup> Interview with Jack Gouveia (speaking in his personal capacity). First Secretary, Embassy of Mozambique. Addis Ababa, February 19, 2014.

<sup>72</sup> OAU 1990c. <sup>73</sup> Legler and Tiekú 2010, 469.

<sup>74</sup> Elvy 2013, 59; OAU 1997. <sup>75</sup> OAU 2000b.

<sup>76</sup> African Union 2007. See also McMahon 2007, 3–4.

than that of the OAS because it does not formally require invitation by the targeted country to deploy fact-finding missions and election observers.<sup>77</sup> While some have justifiably criticized African Union election observers for under-criticizing flawed elections, others point to signs of progress, including the fact that these missions are increasingly longer-term (“because elections are processes and not events”) and routine – “previously, member states would not be willing to accept observers, and now everyone does and it’s expected.”<sup>78</sup>

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 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 inter-governmental 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).<sup>79</sup> Sub-regional human rights courts operate in West Africa and East Africa as well.

### *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.<sup>80</sup> The organization’s 1976 Treaty of Amity and Cooperation further institutionalized non-interference and the principles of what is known as the “ASEAN Way,” a set of norms emphasizing informality and

<sup>77</sup> Elvy 2013, 100; Legler and Tiekou 2010, 480.

<sup>78</sup> Interview with Johnstone Oketch (speaking in his personal capacity). Humanitarian Affairs and African Union Liaison Officer, United Nations Office for the Coordination of Humanitarian Affairs. Addis Ababa, February 4, 2014.

<sup>79</sup> Nmehielle 2013. <sup>80</sup> ASEAN 1967.

consensus as opposed to legalistic, majority vote, and confrontational regionalism.<sup>81</sup>

The second wave of regionalism did not usher in a move away from non-interference for the ASEAN community, or rather it only did so in relatively minor ways. We do not find a regional human rights system, democracy promotion regime, or conflict management regime emerging in the 1990s in Southeast Asia. A 1997 Thai policy proposal for greater public discussion of member state affairs (“flexible engagement”) was rejected by ASEAN but the grouping did agree instead to a watered-down version – “enhanced interaction.” The latter allowed “*individual states* to comment on their neighbors’ domestic activities if they affected regional concerns but reaffirmed the Association’s commitment to non-interference.”<sup>82</sup>

Regional institutional and legal developments from the 2000s onward constitute a modest erosion of the non-interference norm. These developments are not as meaningful as those taking place in Latin America and Africa, but they are worthy of investigation. 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. Another policy development relevant to non-interference was the adoption of the 2007 ASEAN Charter. 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.<sup>83</sup> The document espouses a strong commitment to democracy and human rights and formally conditions ASEAN membership on adherence to charter standards.<sup>84</sup> While this might qualify as discursive movement away from non-interference, 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

<sup>81</sup> ASEAN 1976.

<sup>82</sup> Bellamy and Drummond 2011, 187 (emphasis mine).

<sup>83</sup> ASEAN 2007.

<sup>84</sup> ASEAN 2007.

Commission on Human Rights established in 2009, but this agency lacks investigative powers,<sup>85</sup> setting it apart in an important way from African and Latin American human rights institutions. It is not authorized to investigate or publish reports on the human rights situation of specific countries. Its 2010–2015 “work plan” primarily involved the preparation of studies on priority thematic issues including, for example, corporate social responsibility and migration.<sup>86</sup>

Overall, the erosion of non-interference via legal developments in Africa and Latin America has been much more profound than in Southeast Asia. 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.

### **The Rise of Interference: Shifts in Practice**

In what follows, I provide qualitative and descriptive quantitative evidence for the rise in two types of regional interference practices: (1) elections and human rights monitoring and (2) domestic crisis management. As mentioned above, analysis of the latter includes bilateral interference and interference for purposes other than “liberal internationalist” goals. This allows us to see, for example, that the unevenness of the rise of intrusive regionalism is not simply a matter of regional differences in norms about bilateralism versus multilateralism.

#### *Monitoring*

Regional institutions in Africa and Latin America have over time advanced their encroachment into member states’ domestic affairs by monitoring and reporting on member states’ human rights situations and elections. The OAS had been monitoring elections in an ad hoc manner since 1962,<sup>87</sup> 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.

<sup>85</sup> Ramcharan 2010, 204.      <sup>86</sup> Yuyun 2014.      <sup>87</sup> Lohaus 2013, 40.



Today, missions are dispatched systematically and are larger, more sophisticated, and of longer duration. In some cases,<sup>88</sup> OAS observers have produced reports severely critical of an electoral process and/or have disputed the outcome.<sup>89</sup> 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.<sup>90</sup> 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 understood to be a violation of non-interference, the move set a precedent for routine (invited) election monitoring missions on the continent throughout the 1990s.<sup>91</sup> 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 Tiekou 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.<sup>92</sup>

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 and began publishing its findings under the individual complaints procedure in 1994.<sup>93</sup> 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 non-interference norm.

ASEAN has only recently (since 2012) begun to coordinate election observers, and it is unclear whether this will become a more regular practice.<sup>94</sup> At this point, its human rights body does not

<sup>88</sup> These cases include: Dominican Republic 1994, Haiti 2000, Peru 2000, and Venezuela 2005.

<sup>89</sup> Lohaus 2013, 41. <sup>90</sup> Santa-Cruz 2005, 684. <sup>91</sup> Garber 1993, 55–56.

<sup>92</sup> Legler and Tiekou 2010, 480. <sup>93</sup> Vijoien and Louw 2007, 2–4.

<sup>94</sup> According to a 2015 report, ASEAN "conducted a limited observation mission in Myanmar for the by-elections in 2012, and is currently considering the feasibility of the conduct of election observation in the region," although

monitor individual state practices. Despite its very limiting mandate, the ASEAN Intergovernmental Commission on Human Rights (est. 2009) 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.<sup>95</sup> 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 destruction of villages, torture, and rape, and has resulted in massive population displacement.<sup>96</sup> ASEAN has otherwise 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.<sup>97</sup> This is a good 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 less intrusive than its Latin American and African counterparts.

### *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 1.2–1.4 for categories of activity).<sup>98</sup> 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).<sup>99</sup>

“Non-interference in the internal affairs of one another . . . was highlighted by some ASEAN delegates as one of the major concerns on the impact of election observation on state sovereignty and integrity” (“ASEAN Workshop on Election Observation,” 2015, 20, 15).

<sup>95</sup> Southwick 2015, 148.

<sup>96</sup> Human Rights and Governance Case Studies n.d.(b).

<sup>97</sup> Surin and Prashanth 2015.

<sup>98</sup> See Table 1.1 (under section “Cases and Dependent Variable”).

<sup>99</sup> 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>.

**Table 1.1** *Regional interference practice types*

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

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.<sup>100</sup> 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<sup>101</sup> to these crisis-level disputes. Although the DADM is one of the many existing data projects interested in interference and intervention,<sup>102</sup> it is uniquely suited to this inquiry since it offers data on intrastate crises not

<sup>100</sup> University of Central Arkansas, “Dynamic Analysis of Dispute Management – Intrastate Dispute Narratives,” <http://uca.edu/politicalscience/dadm-project/dadm-intratstate-dispute-narratives>.

<sup>101</sup> To count as regional interference, an activity must be one of those listed in the right-hand column of Table 1.1 and must be carried out by a regional state, ad hoc grouping of regional states, or an international organization whose membership is exclusively made up of regional states in a single region (regional organization or sub-regional organization). An interference activity involving extraregional actors is ONLY defined as a regional interference activity if a regional or sub-regional IO co-sponsors the mission “in name.” For example, a joint UN-AU mission meets the definition of a regional interference activity, but a UN mission to which African states contribute personnel does not.

<sup>102</sup> See DeRouen et al. 2011; Doyle and Sambanis 2000; Regan et al. 2009.

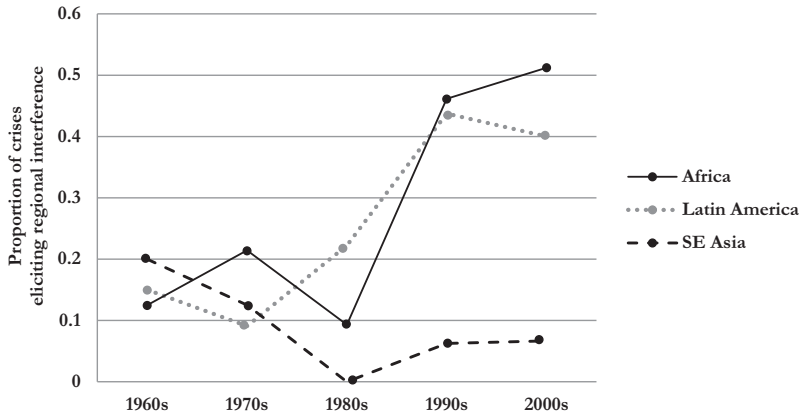


Figure 1.1 Rate of regional crisis response

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 regional 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.<sup>103</sup>

As Figure 1.1 shows, the rate of regional response to the crisis-level disputes (i.e. the percentage of crises eliciting a regional response) increased over time in both Latin America and Africa, but did not in Southeast Asia. The increase in Latin America was more gradual (beginning in the 1980s) than in Africa, where change took place 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 Africa, and that the same norm has been maintained to a much greater degree in Southeast Asia.

Tables 1.2–1.4 break down regional responses by type and regional actor, illuminating qualitative differences in regional responses to crisis

<sup>103</sup> I used secondary (non-DADM) sources to more accurately code regional responses to intrastate crises found in the narratives 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 narratives (i.e. new cases).

Table 1.2 *Africa: types of regional crisis response*

|                                                   | 1960s |        |       | 1970s |        |       | 1980s |        |       | 1990s |        |       | 2000s |        |       |
|---------------------------------------------------|-------|--------|-------|-------|--------|-------|-------|--------|-------|-------|--------|-------|-------|--------|-------|
| Disputes                                          | 32    |        |       | 42    |        |       | 43    |        |       | 52    |        |       | 41    |        |       |
| <i>Number of crisis-level disputes eliciting:</i> |       |        |       |       |        |       |       |        |       |       |        |       |       |        |       |
|                                                   | RO    | States | Total | RO    | States | Total | RO    | States | Total | RO    | States | Total | RO    | States | Total |
| Any response                                      | 2     | 3      | 4     | 2     | 9      | 9     | 1     | 4      | 4     | 14    | 21     | 24    | 17    | 13     | 21    |
| Diplomatic sanctions                              | 0     | 1      | 1     | 1     | 2      | 2     | 1     | 0      | 1     | 4     | 4      | 5     | 6     | 3      | 7     |
| Material sanctions                                | 0     | 0      | 0     | 0     | 0      | 0     | 0     | 0      | 0     | 2     | 1      | 3     | 1     | 1      | 1     |
| Rebel support                                     | 0     | 2      | 2     | 0     | 6      | 6     | 0     | 4      | 4     | 0     | 3      | 3     | 0     | 0      | 0     |
| Pro-rebel troops                                  | 0     | 0      | 0     | 0     | 3      | 3     | 0     | 2      | 2     | 0     | 2      | 2     | 0     | 0      | 0     |
| Mediation                                         | 2     | 0      | 2     | 2     | 3      | 4     | 1     | 1      | 2     | 12    | 15     | 22    | 14    | 11     | 19    |
| Civilian deployment                               | 0     | 0      | 0     | 0     | 0      | 0     | 0     | 0      | 0     | 3     | 0      | 3     | 4     | 0      | 4     |
| Military                                          | 0     | 0      | 0     | 0     | 1      | 1     | 1     | 0      | 1     | 5     | 0      | 5     | 5     | 1      | 5     |

Table 1.3 *Latin America: types of regional crisis response*

|                                                   | 1960s |        |       | 1970s |        |       | 1980s |        |       | 1990s |        |       | 2000s |        |       |  |
|---------------------------------------------------|-------|--------|-------|-------|--------|-------|-------|--------|-------|-------|--------|-------|-------|--------|-------|--|
| Disputes                                          | 20    |        |       | 22    |        |       | 18    |        |       | 16    |        |       | 10    |        |       |  |
| <i>Number of crisis-level disputes eliciting:</i> |       |        |       |       |        |       |       |        |       |       |        |       |       |        |       |  |
|                                                   | RO    | States | Total | RO    | States | Total | RO    | States | Total | RO    | States | Total | RO    | States | Total |  |
| Any response                                      | 1     | 3      | 3     | 1     | 1      | 2     | 2     | 3      | 4     | 7     | 2      | 7     | 4     | 1      | 4     |  |
| Diplomatic sanctions                              | 1     | 3      | 3     | 1     | 1      | 2     | 1     | 1      | 2     | 5     | 2      | 5     | 2     | 1      | 2     |  |
| Material sanctions                                | 1     | 0      | 1     | 0     | 0      | 0     | 0     | 0      | 0     | 1     | 1      | 2     | 0     | 0      | 0     |  |
| Rebel support                                     | 0     | 0      | 0     | 0     | 0      | 0     | 0     | 2      | 2     | 0     | 0      | 0     | 0     | 0      | 0     |  |
| Pro-rebel troops                                  | 0     | 0      | 0     | 0     | 0      | 0     | 1     | 0      | 1     | 0     | 0      | 0     | 0     | 0      | 0     |  |
| Mediation                                         | 1     | 1      | 1     | 1     | 0      | 1     | 2     | 0      | 2     | 2     | 0      | 2     | 3     | 0      | 3     |  |
| Civilian deployment                               | 1     | 0      | 1     | 0     | 0      | 0     | 0     | 0      | 0     | 4     | 0      | 4     | 4     | 0      | 4     |  |
| Military                                          | 1     | 0      | 1     | 0     | 0      | 0     | 0     | 0      | 0     | 0     | 0      | 0     | 0     | 0      | 0     |  |



over time and across regions. One important temporal pattern to note is that regional interference became more *multilateral* over time in Africa and Latin America over time. That is, ROs are more often the actors interfering in crisis-level disputes in the post-Cold War period than in the Cold War period. No regional responses coded here were executed by an RO in Southeast Asia. A related trend 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 RO, and, in Southeast Asia, they reflected Cold War rivalries. (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. Although not captured by the DADM narratives, Thailand is also reported to have supported right-wing rebel groups in Indochina.<sup>104</sup> This type of interference violated ASEAN's stated commitment to non-interference but was compatible with ASEAN's anti-communist ethos.

In Africa, we see an increase in interference in the 1970s compared to the 1960s, but, as in Southeast Asia, 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 Gaddafi'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.<sup>105</sup> Furthermore, no regional law lent support to these subversive activities, and they do not constitute evidence of a competing norm. The norm of non-interference was arguably principally motivated by African states' desire to prevent this type of subversion or irredentism.

Regional variation in interference level and type becomes much more pronounced beginning in the 1980s, and especially after the end of the Cold War. 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,

<sup>104</sup> Kislenko 2004; Sutayut 2007.      <sup>105</sup> Solomon and Swart 2005, 474.



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 intrusive, sometimes involving diplomatic pressure to secure access. Mediation activities have increased more than any other activity type in Africa. This trend constitutes an important challenge to non-interference 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."<sup>106</sup> 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 non-state 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.<sup>107</sup>

Military missions increased in the 1990s and 2000s in Africa. These 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.<sup>108</sup> The Sudanese government opposed the deployment of African Union Mission in Sudan peacekeeping forces, and a 2004 United Nations Security Council resolution threatening sanctions against Sudan was necessary to secure consent for African Union Mission in Sudan II.<sup>109</sup> 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.

<sup>106</sup> Maundi et al. 2006, 7. <sup>107</sup> Rothchild and Hartzell 1993, 84.

<sup>108</sup> Rodt 2011, 7–8. <sup>109</sup> United Nations Security Council 2004.

Importantly, Latin America has retained its norm against military intervention. The OAS increasingly involved itself, though, 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.”<sup>110</sup> 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 commitments,” short-term fact-finding missions, et cetera), mediation missions, and diplomatic and economic sanctions.<sup>111</sup> Civilians rather than military personnel have staffed missions on the ground,<sup>112</sup> as OAS member states harbor an “historical and deep-seated fear” that any legitimization of the use of force might be co-opted by the United States to impose its political will in the region.<sup>113</sup>

One early example of post-Cold War OAS civilian deployments shows the multidimensionality of these missions. 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.<sup>114</sup> Despite the civilian status of the mission, then, it was highly intrusive by Cold War understandings of state sovereignty.<sup>115</sup>

<sup>110</sup> Vaky 1993, 43.      <sup>111</sup> Vaky 1993, 43.      <sup>112</sup> Vaky 1993, 43.

<sup>113</sup> Vaky 1993, 44.      <sup>114</sup> OAS Secretariat for Political Affairs n.d.

<sup>115</sup> 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 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

My data do not capture ASEAN's somewhat intrusive policies related to Cambodia's accession to the Association in the 1990s (i.e. conditionality). ASEAN had invested great diplomatic energy in ending Vietnam's occupation of Cambodia. When Vietnam finally withdrew in 1992, the United Nations Transitional Authority in Cambodia managed Cambodia's political transition until elections in 1993. On a bilateral basis, ASEAN states – which had worked for many years for Cambodia's independence – provided “policy advice and business involvement” to the new regime in an effort to boost its stability.<sup>116</sup> When Cambodia experienced a coup in 1997, ASEAN responded by delaying Cambodia's accession to the Association and by “impos[ing] a creeping set of [political] conditions” for membership, including the establishment of a senate. When Cambodia fulfilled this requirement in 1999, it gained admission.<sup>117</sup> Other developments in the 2000s which are relevant to the erosion of non-interference but more minor (especially relative to developments in Latin America and Africa) are discussed in Chapter 5. One instance of Southeast Asian response to crisis can be found in the DADM narratives during the 2000s – a Malaysia-led unarmed international monitoring group has been deployed since 2004 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). 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. This erosion is less consequential than what has taken place in the other two regions under study here.

A final point to make about these divergent normative trajectories is that, even though regional variation in crisis response becomes much

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 (Herz 2008, 22).

<sup>116</sup> Jones 2012, 141. <sup>117</sup> Jones 2012, 145–148.

more pronounced during the second wave of regionalism (from the 1980s), when we investigate important cases of regional interference in the 1970s, we find evidence of already existing variation. Non-interference 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,<sup>118</sup> 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.<sup>119</sup>

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 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.”

Finally, 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

<sup>118</sup> Tesón 1988, 164 (cited in Finnemore 1996, 179).

<sup>119</sup> Aluko 1981, 172.

replacement” of the Nicaraguan regime.<sup>120</sup> 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 assertion that regional variation in the status or strength of non-interference existed before the second wave of regionalism.

## Conclusion

This chapter has established the distinct normative trajectories of the three regions with respect to 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 via mediation and 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 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 “rise of intrusive regionalism” is not just an increase in interference activity but especially an increase in interference carried out via *multilateral* institutions and in the name of a *particular set of values*.<sup>121</sup> It’s not just a quantitative change but a qualitative change. The rest of the book seeks to explain not just the erosion of non-interference, then, but the norm’s demotion in favor of the multilateral promotion of human rights, democracy, and/or security.

<sup>120</sup> Hannum 1996, 470.

<sup>121</sup> To be clear, this doesn’t mean those interference activities were always actually motivated by these values.

## 2

*Macronationalism and the Discursive Foundations of Regionalism in the Global South*

Decolonization produced sovereignty-sensitive states. It also, however, produced regional international societies founded on macronational ideologies, like pan-Americanism and pan-Africanism. And because macronationalism appeals to values and solidarities that transcend the nation-state, it holds the potential to challenge strict sovereignty norms. Chapter 3 will make the case that sovereignty norms have long been more *contested* among states in Africa and Latin America than in Southeast Asia, and that this norm contestation contributed to norm erosion over time. The present chapter speaks to a prior question: Why are certain norms more contested in some times and places than in others? Specifically, which features of the regional social contexts in Africa and Latin America enabled or even motivated this contestation with respect to the norm of non-interference? To make sense of this variation, I examine Third World regionalisms' discursive foundations, focusing on macronationalism as a movement and discourse. Formal regional organizations in Africa and Latin America emerged in the mid-twentieth century with a built-in tension between collective commitments to sovereignty norms, on the one hand, and macronationalist ideals, on the other. I argue that the content and salience of macronationalism helps explain why non-interference was more contested in some regions than in others during the Cold War period.

Pan-movements like pan-Europeanism, Pan-Americanism,<sup>1</sup> pan-Asianism, pan-Arabism, and pan-Africanism emerged alongside nationalist movements in the nineteenth and twentieth centuries,<sup>2</sup> and, like nationalism, pan-ideologies were based on "imagined communities," albeit broader ones.<sup>3</sup> In the global South, pan-movements often played an important role in the decolonization struggle. The state and state sovereignty as they exist now – products of this struggle – were not inevitable. Latin American independence leader Simón

<sup>1</sup> Emerged earlier (in the 1820s).    <sup>2</sup> Duara 1997, 1033.    <sup>3</sup> Anderson 1983.

Bolívar sought to form a federation of Hispanic-American states in the 1820s. “Regional bloc” thinking was highly influential globally in the 1930s, and in the 1920s and 1930s, pan-Asianist activities led German general and academic Karl Haushofer to predict “a future world order that would be dominated by large, regional blocs, replacing the existing order characterized by the sovereign nation state.”<sup>4</sup> Later, in the 1950s and 1960s, radical pan-Africanist leaders campaigned for a “United States of Africa” modeled after the United States or Soviet Union.

These political unions did not materialize, but pan-ideologies with transnational or supranational threads, like pan-Africanism and pan-Americanism – and pan-Asianism prior to the end of World War II – continued to challenge 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 (but not eliminating) this tension.<sup>5</sup> Historian Prasenjit Duara conceives of it in terms of cosmopolitanism versus competitive nationalism, and Southeast Asia scholar Amitav Acharya distinguishes “universalist” regionalism from “nationalist” regionalism. This tension is present in all three cases under study here but is resolved earlier in the (Southeast) Asian case (in favor of nationalism and state sovereignty). In what follows, I trace the development of formal regionalism. In Latin America and Africa, the establishment of regional organizations in some ways culminated pan-American and pan-African movements. The formation of the Association of Southeast Asian Nations (ASEAN) did not culminate pan-Asianism – the latter had lost favor in the wider region due to its cooptation by imperial Japan.

### **Pan-Americanism before the OAS**

The Organization of American States (OAS) was established in 1948, but pan-Americanism as a movement and discourse predated it by over a century. The inter-American system – a set of regional institutions and a regional body of law – existed first as a Latin American project (1820s–1880s) and then as a US-led hemispheric project (from 1889).

<sup>4</sup> Saaler and Szpilman 2011, 8.      <sup>5</sup> Barnett 1995.

The Latin American international society that emerged in the nineteenth century came with a built-in tension between sovereignty norms, on the one hand, and pan-American liberal values of democracy and individual rights, on the other.

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 nineteenth century. The leaders<sup>6</sup> of these American revolutions framed their activities with the same Enlightenment ideas of their French and North American counterparts.<sup>7</sup> A pan-Hispanic movement – sometimes referred to as the Bolivarian phase of pan-Americanism (1820s–1889) because of the leadership of independence leader Simón Bolívar – emerged during these independence wars. Bolívar (1783–1830) was a Venezuelan military and political leader who fought for the independence of several former Spanish colonies (Bolivia, Colombia, Ecuador, Peru, and Venezuela) and sought to form a confederation of Hispanic-American states,<sup>8</sup> a project rooted in his desire to put forward a united front among the fledgling states against European interventionism.<sup>9,10</sup>

During Latin American decolonization and the birth of (Hispanic) pan-Americanism, US President James Monroe delivered a message to the US Congress in which he declared any future interference by European states in the Western Hemisphere to be acts of aggression requiring US intervention to combat them. This declaration was later termed the Monroe Doctrine, which came to be synonymous with US 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.<sup>11</sup> On the face of it, Monroe's message reflected solidarity with Latin America against its European oppressors, and it did not initially alarm Latin American leaders, despite it being declared unilaterally, because the United States was not yet a powerful state,

<sup>6</sup> Mostly local-born bourgeois men of European descent.

<sup>7</sup> Kacowicz 2005, 62. <sup>8</sup> Shaw 2004. <sup>9</sup> Kacowicz 2005, 50.

<sup>10</sup> Carlos Støetzer 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 Bolívar's political vision of the 1820s” (Støetzer 1993, 1–2).

<sup>11</sup> Mace 1999, 21.



let alone a hegemonic power. These states would grow increasingly wary of the concept of US intervention to combat extra-hemispheric intervention – and its implications for their sovereignty – as US 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 US-organized inter-American conference (1889), the United States remained fairly isolationist and uninvolved in the pan-American movement and absent from pan-American conferences.<sup>12</sup> Bolívar 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.<sup>13</sup> They considered the development of a common Spanish-American citizenship and regional defense arrangements – in other words, sovereignty-pooling projects.<sup>14</sup> A regional political union did not materialize, but “the idea of a Latin American consciousness and identity, of a regional society based on a common history, culture, and language, never disappeared.”<sup>15</sup>

The newly independent states continued to organize conferences over the next several decades and to develop a body of regional law. Latin America is unique among the three regions in this study for its early decolonization and subsequent post-colonial development of a “peculiar legal (or legalist) culture.”<sup>16</sup> Independence from colonial (mostly Spanish) rule and the production of law were both elite projects, carried out by men like Bolívar and Carlos Calvo, 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.”<sup>17</sup> Writing on the development of what she terms “creole legal consciousness,” Liliانا 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

<sup>12</sup> Shaw 2004, 43.

<sup>13</sup> Brazil, Argentina, and Paraguay were invited but did not attend. Although Bolívar opposed it, Colombia did invite the United States. The latter sent two representatives, but they did not arrive in time for the conference.

<sup>14</sup> Snyder 1984, 229.

<sup>15</sup> Kacowicz 2005, 50

<sup>16</sup> Obregon 2009, 154.

<sup>17</sup> Obregon 2002, 253.

participation of the new states in the ‘community of civilized nations.’”<sup>18</sup> From independence in the early nineteenth century, these states (later in cooperation with the United States) have prioritized legal questions and have progressively constructed an advanced 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.<sup>19</sup>

Diplomatic and legal traditions established during this period – wherein tensions between sovereignty and liberalism were already apparent – formed a foundation for more formal pan-American institutions that would emerge in the twentieth century.<sup>20</sup> State sovereignty issues, like international recognition, non-interference, and the sanctity of colonially inherited borders, were of primary concern for early Latin American jurists,<sup>21</sup> but we can simultaneously observe “a strong, long-lasting, and under-studied tradition of formal support for democracy and human rights.”<sup>22</sup> For example, in his discussion of a distinct Latin American tradition of the idea of human rights, Paolo Carozza describes founding father Bolívar – 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.<sup>23</sup> Bolívar’s expressions of Latin American exceptionalism contrast its republicanism to Europe’s monarchism.<sup>24</sup> This republicanism and the rule of law have long constituted strong discursive traditions in domestic and regional politics.<sup>25</sup>

According to Kathryn Sikkink, “Like the United States and France, Spanish America was a laboratory for early experiences in democratic rule, and was the first to experiment with universal male suffrage. But countries in the region suffered more frequent interruptions of these democratic experiments, and thus began to think early about how

<sup>18</sup> Obregon 2009, 157.      <sup>19</sup> Kacowicz 2005, 46–47.      <sup>20</sup> Shaw 2004, 43.

<sup>21</sup> Obregon 2009, 159.      <sup>22</sup> Kacowicz 2005, 62.      <sup>23</sup> Carozza 2003, 301.

<sup>24</sup> Snyder 1984, 229.

<sup>25</sup> Kacowicz 2005, 62. 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) (Linde 2013, 6).

international pressures might enhance democracies in neighboring states.”<sup>26</sup> Early examples of democracy and human rights promotion in pan-American legal scholarship and activism include proposals for a Great American Congress and an American Court – both with strong intervention mandates. Chilean Pedro Felix Vicuña’s 1837 pamphlet advocated for the former, an institution that would support democracies and popular revolution against dictatorship.<sup>27</sup> Juan Bautista Alberdi – a supporter of Vicuña’s plan and principal designer of Argentina’s 1853 constitution – proposed the latter, a regional court empowered to intervene in states to enforce its rulings. Although Alberdi valued state sovereignty, he reasoned that “ultimate sovereignty and rights of collective intervention resided with the international community to protect humanity and oppose tyranny.”<sup>28</sup> Neither proposal was enacted, but their existence constitutes evidence of the historical importance of debates about the proper balance between non-interference and liberal values – debates that preceded US involvement in the regional project.

The United States emerged as the hemispheric hegemon at the turn of the century and assumed leadership over the inter-American project, initiating the period (1890–1933) of peak US interventionism in the region. This intervention – including the annexation of Puerto Rico and the establishment of a protectorate over Cuba (both in 1898) – prompted Latin American delegations to push for greater guarantees of sovereign rights and to seek to use pan-Americanism to constrain US power. US delegates pushed back against this, working to limit discussions of sovereignty issues at pan-American conferences, including the peaceful settlement of disputes and the prohibition of debt collection by force.<sup>29</sup>

While Latin American states clearly had good reason to promote non-interference, pan-American challenges to strict sovereignty remained salient. In 1907, Ecuadorian diplomat Carlos Tobar proposed a policy of collective diplomatic non-recognition of governments coming to power through non-democratic means.<sup>30</sup> Although it did not achieve majority support at the time, the Tobar Doctrine would be restated decades later as the Betancourt Doctrine, and eventually (post-Cold War), the OAS would formally institutionalize a version

<sup>26</sup> Sikkink 2014, 392.

<sup>27</sup> Atkins 1989, 228.

<sup>28</sup> Atkins 1989, 228.

<sup>29</sup> Mares 1997, 205.

<sup>30</sup> Sikkink 1997, 713.

of the policy. One proposal that did succeed (for a decade) in the Central American region was the Central American Court of Justice established in 1907. Very much ahead of its time, this 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 José, Costa Rica for ten years (1908–1918).<sup>31</sup>

During the interwar years, Latin American states began to offer more forceful resistance to US dominance. At the Fifth International Conference of American States (Santiago, Chile) in 1923, the regional hegemon vetoed a proposal for a “multilateral Monroe Doctrine” to replace the existing unilateral version, and Latin American delegates denounced it for this and forced more discussion of “political” issues than in years past.<sup>32</sup> 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.”<sup>33</sup> 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.<sup>34</sup>

But again, despite US interventionism and Latin Americans’ interest in protecting state sovereignty in response to this interventionism, the multilateral promotion of liberal values continued to form part of the language of pan-Americanism. During the interwar period, international human rights promotion began to “enter the international scholarly discourse.”<sup>35</sup> 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 . . .”<sup>36</sup> And, although the American Declaration on the Rights and Duties of Man wouldn’t be adopted until after World War II, many

<sup>31</sup> Rescia and Seitles (1999–2000, 596). I find no reports, though, of actual cases brought by individuals.

<sup>32</sup> Shaw 2004, 48. <sup>33</sup> Snyder 1984, 236. <sup>34</sup> Shaw 2004, 50.

<sup>35</sup> Sikkink 1997, 712. <sup>36</sup> Sikkink 1997, 712.

regional treaties relevant to individual rights were adopted in the decades before this.<sup>37</sup>

President Roosevelt's 1933 Good Neighbor Policy (which emphasized non-intervention and self-determination) provided some reassurance to the region about US intentions and perhaps alleviated anxieties about the potential for US cooptation of sovereignty-challenging multilateralism.<sup>38</sup> As a result, at the 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."<sup>39</sup> 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."<sup>40</sup>

Progress on democracy and human rights promotion was made during the 1930s and 1940s. At this same Seventh International Conference (1933), delegates worked on designing the right to political asylum,<sup>41</sup> and the 1936 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.<sup>42</sup> World War II fostered the democracy-promotion movement as Latin American democracies became "disillusioned with the practice of opposing European dictators and tolerating Latin American ones" and made further proposals to support democracy at the expense of non-interference.<sup>43</sup> A debate took place concerning a 1945 Uruguayan plan advocating the use of regional collective intervention to oppose dictators. Stating that "It is not difficult to harmonize" the principles of non-intervention and the defense of individual liberties, Uruguayan foreign minister Eduardo Rodríguez Larreta argued that "'non-intervention' cannot be converted into a right to invoke one principle in order to violate all other principles with immunity" and advocated for multilateral collective action in the defense of democracy.<sup>44</sup>

<sup>37</sup> See Atkins 1997, 123 for a list. <sup>38</sup> Scheman 2007, 15.

<sup>39</sup> Shaw 2004, 51. <sup>40</sup> Lorca 2014, 8.

<sup>41</sup> Rescia and Seitles 1999–2000, 596. <sup>42</sup> Pan-American Union 1936.

<sup>43</sup> Atkins 1989, 123.

<sup>44</sup> "Inter-American Solidarity: Safeguarding the Democratic Ideal (Note from Uruguayan Foreign Minister to Secretary of State)," *US Department of State Bulletin*, 13(314), 866 (note released to the press on November 23, 1945).

The United States and six Latin American states endorsed Larreta's proposal, but it did not win majority support.<sup>45</sup> Two years later, a collective defense pact – the Inter-American Treaty of Reciprocal Assistance – again affirmed democracy and human rights as pan-American values, stating that, “the obligation of mutual assistance and common defense of the American Republics is essentially related to their democratic ideals” and further that “peace is founded . . . on the international recognition and protection of human rights and freedoms . . . and on the effectiveness of democracy.”<sup>46</sup>

### **The Formation of the OAS**

Decades-old pan-American debates over sovereignty and competing liberal norm-sets were institutionalized in the founding texts of the OAS, but such questions were by no means resolved at this time. Both non-interference and liberal values feature prominently in the Charter of the Organization of American States (1948).<sup>47</sup> Its preamble 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.” The charter’s “purposes” include “To promote and consolidate representative democracy, with due respect for the principle of nonintervention.” 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.” But also that “Every State has the right to choose, without external interference, its political, economic, and social system and to organize itself in the way best suited to it, and has the duty to abstain from intervening in the affairs of another State.”<sup>48</sup> The Charter’s explicit recognition of human rights and democracy as primary regional norms distinguishes it from the founding documents of ASEAN and the OAU (the latter

<sup>45</sup> Atkins 1989, 229.      <sup>46</sup> Pan-American Union 1947.

<sup>47</sup> 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).

<sup>48</sup> OAS 1948a, Chapter II (Principles).

refers to the Universal Declaration of Human Rights but does not mention democracy). It shares with its counterparts affirmations of state sovereignty.

The 1948 International Conference of American States also produced the American Declaration of the Rights and Duties of Man, the world's first general 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.*<sup>49</sup>

The 1948 American Declaration initiated a process that would eventually lead to a binding human rights convention and a regional human rights commission and court, i.e., the erosion of the norm of non-interference. It 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."<sup>50</sup> 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

<sup>49</sup> Inter-American Juridical Committee. 1946. "Draft Declaration of the International Rights and Duties of Man and Accompanying Report." Washington, DC: Pan-American Union. March, p. 21. (Quoted in Sikkink 2014) (emphasis mine).

<sup>50</sup> OAS (1948b), emphasis mine. 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.

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.<sup>51</sup>

## **Pan-Africanism before the OAU**

Across the Atlantic, decolonization came much later, but similar debates about sovereignty and competing values and solidarities animated African international society in the lead-up to the formation of the OAU. These debates were based on conflicting visions of African unity, i.e., competing interpretations of pan-Africanism. Pan-Africanism – as a movement and discourse – originated in the African diaspora in the early twentieth century, several decades before African states would achieve their independence. It emphasized common experiences and a common fate of people of African descent and promoted their rights. 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 US, Brazil, and the Caribbean in the early nineteenth century. These initiatives laid some of the intellectual and networking foundations for what would become the pan-Africanist movement – a response to the transatlantic slave trade and related systems of exploitation.<sup>52</sup>

As articulated by pan-Africanist W. E. B. Du Bois, 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.”<sup>53</sup> 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 the 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,

<sup>51</sup> Sikkink 2014.      <sup>52</sup> Abdul-Raheem 1996, 1.

<sup>53</sup> Quoted in Abdul-Raheem 1996, 1 (footnote 2).



Ghana (in 1961), where he was 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.<sup>54</sup> 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.

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.”<sup>55</sup> He campaigned for African unity both inside and outside Africa in the 1920s. In response to Garvey's “radical” activities on the continent, the colonial powers worked against him by empowering Africans who advocated closer relationships with colonial powers over closer relationships to other African nations. One such figure, Senegalese politician (and the 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.”<sup>56</sup> This rejection of radical pan-Africanism by some African leaders during colonial rule foretold divisions that would hinder a united pan-Africanist project among newly independent states in the 1950s and 1960s. According to historian Adegunle Ajala, it is nevertheless “indisputable that Garvey's idea of a united Africa has become the cardinal point of Pan-Africanism.”<sup>57</sup>

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

<sup>54</sup> Adejumobi 2001. <sup>55</sup> Quoted in Ajala 1974, 97.

<sup>56</sup> Quoted in Ajala 1974, 98. <sup>57</sup> Ajala 1974, 101.

Ghanaian independence leader, Kwame Nkrumah. While the visibility of the pan-Africanist movement had waned in the 1930s as fascism, communism, and World War II dominated international politics,<sup>58</sup> it regained international prominence in the post-war period and took on new emphases. African nationalist organizing had emerged during the interwar period, especially in British West Africa.<sup>59</sup> Nationalist campaigns at first sought greater African participation in government and then developed into independence movements.<sup>60</sup> 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.<sup>61</sup> He returned to Ghana in 1947 where he became a political activist and independence leader, serving as the 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 considered 1945 to be the year pan-Africanism became a "mass movement of Africa for the Africans"<sup>62</sup> 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.<sup>63</sup> 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 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

<sup>58</sup> Uzoigwe 2014, 190.      <sup>59</sup> Snyder 1984, 196.      <sup>60</sup> Snyder 1984, 183.

<sup>61</sup> Aziz Mostefaoui 2016.      <sup>62</sup> Quoted in Jeng 2012, 140.

<sup>63</sup> Jeng 2012, 140.

cooperation).<sup>64</sup> 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). Functionalists tended to be leaders of more "conservative" states, generally more inclined to stronger ties with extraregional powers and tending towards capitalist economic orientations.

Nkrumah and likeminded African leaders envisioned – and actively campaigned for – a United States of Africa, modeled after the USA or USSR. He distributed his manifesto on the topic, *Africa Must Unite*, at the founding summit of the OAU (1963). In the years leading up to the summit, Nkrumah engaged in pan-African organizing among independence leaders, heads of state, as well as civil society groups. These activities evidenced the relevance of transnational solidarities (not just interstate solidarities), produced proposals that challenged exclusive domestic jurisdiction in Africa and laid the foundation for enduring contestation of sovereignty norms within African international society. For example, Nkrumah organized a series of All-African People's Conferences that convened African political parties and trade unions, rather than heads of state.<sup>65</sup> The first such conference (1958) resolved to establish a permanent secretariat with the aim, *inter alia*, "To develop the feeling of one community among the peoples of Africa with the object of the emergence of a United States of Africa."<sup>66</sup>

<sup>64</sup> See Mutiso and Rohio (1975) for more on variants of pan-Africanism.

<sup>65</sup> An All-African People's 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." The second People's Conference, convened in 1960, placed special emphasis on the evils of neocolonialism and the threat of "balkanization" created by foreign interference, and the Third All-African People's Congress (March 1961) produced a four-page resolution on neocolonialism, "a name that was perhaps first given collective recognition here" (Uzoigwe 2014, 227).

<sup>66</sup> The All-African People's Conference, "Resolution on the Establishment of a Permanent Organization," Accra, December 5–13, 1958. Reprinted in Mutiso and Rohio (1975, 361).

Further resolutions suggested intermediate steps towards this goal, including the amalgamation of states “on the basis of geographical contiguity” and called for national sovereignty to be “subordinated to the overriding demands of Pan-African Unity.”<sup>67</sup>

The All-African People’s Conference was the first international convention to propose international sanctions against South Africa,<sup>68</sup> recommending a boycott of South African goods and the imposition of diplomatic sanctions.<sup>69</sup> This is relevant to the evolution of external sovereignty norms in Africa, because, as Paul D. Williams argues, the anti-apartheid movement would come to constitute part of a contradiction within the OAU’s “security culture” – a contradiction between the policy of non-interference (in response to atrocities committed by independent African states) and the policy of condemnation and sanction (in response to those committed by racist regimes).<sup>70</sup> And this contradiction would create room for contestation of non-interference.<sup>71</sup>

The 1958 Conference also produced a very early proposal for a regional human rights monitoring mechanism “to examine complaints of abuse of human rights in every part of Africa and to take appropriate steps to ensure the enjoyment of the rights by everyone” – the type of institution created by the Organization of *American* States one year later. The relevant resolution reasoned that the protection of human rights in independent African states would provide an “example” to colonial and racist regimes on the continent.<sup>72</sup> The African transnational legal community became active a few years later in promoting the establishment of a regional human rights system, organizing a series of conferences on that theme.<sup>73</sup> This movement would see its

<sup>67</sup> The All-African People’s Conference, “Resolution on Frontiers, Boundaries, and Federations,” Accra, December 5–13, 1958. Reprinted in Mutiso and Rohio (1975, 364–366).

<sup>68</sup> Uzoigwe 2014, 227.

<sup>69</sup> The All-African People’s Conference, “Resolution on Racialism and Discriminating Laws and Practices,” Accra, December 5–13, 1958. Reprinted in Mutiso and Rohio (1975, 366–367).

<sup>70</sup> Williams 2007, 268–269. <sup>71</sup> See Chapter 3.

<sup>72</sup> The All-African People’s Conference, “Resolution on Imperialism and Colonialism,” Accra, December 5–13, 1958. Reprinted in Mutiso and Rohio (1975, 363–364).

<sup>73</sup> Evan and Murray 2008, 1–2.

calls heeded two decades later in the establishment of a regional human rights charter (and later a commission and court).

According to Nkrumah's vision for Africa's future, the balkanization of the continent could best be avoided, and African socio-economic development achieved, through a politically united continent. As noted above, he and like-minded African leaders<sup>74</sup> 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."<sup>75</sup> Contributing to their wariness was the fact that "Ghana's neighbours were particularly afraid of what they considered to be Nkrumah's expansionist policy in the early 1960s," as "[h]is interpretation of the principle of self-determination included the accession to Ghana of ethnic groups that had been divided between Ghana and her neighbours."<sup>76</sup>

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 (the Casablanca Group), whereas the more conservative blocs (Monrovia and Brazzaville Groups) advocated respect for the sovereignty of newly independent states and a gradualist approach to African unity. The 1961 Monrovia Conference produced a resolution affirming traditional sovereignty norms and the idea that "The unity that is aimed to be achieved at the moment is not the political integration of African States, but unity of aspirations and of action considered from the point of view of African social solidarity and political identity."<sup>77</sup>

## The Formation of the OAU

In 1963, after a cascade of decolonization in the space of a few years, this organizing and counter-organizing culminated in the founding

<sup>74</sup> For example, Guinean President Ahmed Sékou Touré. <sup>75</sup> Ajala 1974, 23.

<sup>76</sup> Umozurike 1979.

<sup>77</sup> The Monrovia Conference Communiqué (May 8–12, 1961), reprinted in Mutiso and Rohio (1975, 392–393).

summit of the OAU – an intergovernmental regional organization. The political organization of the continent (whether a United States of Africa or some other arrangement) was the main topic of debate at this summit, and this speaks to the contestedness in the 1960s of state sovereignty based on inherited boundaries. 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 foundation for peaceful and positive cooperation among States.”<sup>78</sup> 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. The establishment of a regional Human Rights Commission was also “widely discussed” but not agreed to.<sup>79</sup>

On the whole, though, the Charter emphasized sovereignty norms. The majority did not favor Nkrumah’s United States of Africa (a very radical idea); in part, they “feared interference in their affairs by stronger neighbors in the name of Pan-Africanism,” and so “[w]hen the Charter was written these fears were embodied in it.”<sup>80</sup> Of the seven core principles enumerated in the Charter, 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).<sup>81</sup> In this way, it reads similar to the Monrovia Conference Communiqué (quoted above).

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

<sup>78</sup> OAU 1963.      <sup>79</sup> Mathews 1987, 89.      <sup>80</sup> Ramphul 1983, 375.

<sup>81</sup> OAU 1963, Article III.

political unity – paid lip service to the political unity of the continent *as a long-term goal* that should be realized after a period of transition. For his part, Ethiopian Emperor Haile Selassie emphasized the necessity of this transitional stage: “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.”<sup>82</sup> This sentiment was echoed by similarly-minded states, like Senegalese President Leopold Senghor, who urged caution and called for African states to “move forward step by step and stage by stage,” expressing his “fear that we should be heading rapidly for disaster if we tried to construct a federation or 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.”<sup>83</sup> 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.”<sup>84</sup> This language leaves questions about strict sovereignty and exclusive domestic jurisdiction open in the long run.<sup>85</sup>

### Pan-Asianism before ASEAN

Pan-Asianism emerged at the level of transnational civil society – constituting a network of scholars, journalists, merchants, and lawyers – beginning in the late nineteenth century, at a time when Asia

<sup>82</sup> Haile Selassie 1963, emphasis mine.      <sup>83</sup> Senghor 1963, emphasis mine.

<sup>84</sup> Ahidjo 1963, emphasis mine.

<sup>85</sup> And rhetoric mattered. 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).

was being “overrun” by outsiders.<sup>86</sup> 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.<sup>87</sup> 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 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.”<sup>88</sup> One prominent pan-Asianist, Rabindranath Tagore<sup>89</sup> of India (1861–1941), promoted a society-centric version of macronationalism “thriv[ing] on ideational and cultural flows as on economic links or political purpose.”<sup>90</sup> Tagore envisioned an Asia rid of the West, where Japan and India would be united in a “common Eastern civilization.”<sup>91</sup> Of the many different currents of pan-Asianism, his version comes closest to Nkrumah’s United States of Africa. It was a transnational<sup>92</sup> or universalist<sup>93</sup> macronationalism, opposed to the nationalistic sovereign state system, but, although he was a celebrated thinker, his anti-nationalism did not gain support.<sup>94</sup> And, 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.”<sup>95</sup>

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, within 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

<sup>86</sup> Snyder 1984, 203.      <sup>87</sup> Snyder 1984, 203.

<sup>88</sup> Saaler and Szpilman 2011, 5–6.

<sup>89</sup> A writer and painter, Tagore won the 1913 Nobel Prize in Literature (he was the first non-European person to do so).

<sup>90</sup> Acharya 2010, 1004.      <sup>91</sup> Baogang He, March 2004, 108.

<sup>92</sup> I borrow the “transnational” adjective here from Duara (1997).

<sup>93</sup> I borrow the “universalist” adjective here from Acharya (2010).

<sup>94</sup> Duara 2010, 972.      <sup>95</sup> Duara 1997, 1030.



Asia, and these movements embraced the idea of a pan-Asianist project – “potentially under Japanese leadership” – as a way to combat Western domination.<sup>96</sup> Japanese pan-Asianist scholars<sup>97</sup> admired and sought engagement with pan-*Africanists* like Du Bois and Garvey; they saw common cause with these men in the building of “racial empires.”<sup>98</sup> These initial transnational developments did not lead, however, to concrete regional political projects<sup>99</sup> and, due to the Japanese imperialist turn, they would not get a chance to.

Although Japan 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 the Japanese state began *officially* promoting macronationalism and the idea of Japanese supreme leadership over Asia.<sup>100</sup> 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.”<sup>101</sup> 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 political and economic bloc under the authority of Japan. Among historians, there is a strong consensus that the appropriation of pan-Asianism by imperial Japan “doomed its future in the twentieth century,”<sup>102</sup> discrediting the transnational movement that came before and resulting in the “disappearance” of pan-Asianism from regional politics.<sup>103</sup> Some regional organizing did occur in the immediate post-World War II period; Asian independence leaders convened a two-part anticolonial meeting, the Asian Relations Conferences of 1947 and 1949. But otherwise, pan-Asianism largely fell by the wayside. These conferences fed into the 1955 Asian-African (Bandung) Conference – co-organized by Indonesia’s Sukarno and attended by six African delegates including Kwame Nkrumah – that birthed the *cross-regional*

<sup>96</sup> Aydin 2013, 77. <sup>97</sup> And later Japanese imperialists.

<sup>98</sup> Koshiro 2003, 187. <sup>99</sup> Aydin 2013, 151. <sup>100</sup> Snyder 1984, 213.

<sup>101</sup> Aydin 2013, 188–198. <sup>102</sup> Duara 2010, 970.

<sup>103</sup> Saaler and Szpilman 2011, 27.

Non-Aligned Movement, a group of post-colonial states seeking to extricate themselves from East-West bloc dynamics.<sup>104</sup>

### **The Gap between Pan-Asianism and ASEAN**

The end of World War II left Japan defeated and pan-Asianism essentially 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 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. Malaya (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 US 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 more so than 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. The Korean War (1950–1953) was a pivotal moment for the development of this alliance. US 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

<sup>104</sup> Korhonen 2012.

the spread of communism.<sup>105</sup> By the mid-1950s, the United States had managed to form a strong anti-communist coalition of Asian states, including several Southeast Asian states.<sup>106</sup> US bilateral defense treaties were strongest with Korea, Japan, and the Philippines (a former US colony).<sup>107</sup> In 1955, the Vietnam War (Second Indochina War) got underway, and troop US 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 post-war U.S. effort to organize a multilateral collective defense organization in the entire Third World.”<sup>108</sup> 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: “SEATO’s significance as an alliance was not really military; it was political. It provided a multilateral military framework for U.S. containment strategy in Southeast Asia.”<sup>109</sup> SEATO never resembled NATO in any meaningful way and quickly proved unimportant.<sup>110</sup> Although headquartered in Bangkok (Thailand), the organization’s membership was majority extraregional: the United States, France, Great Britain, New Zealand, Australia, and Pakistan. The only two Southeast Asian nations to participate, the Philippines and Thailand, were those with the strongest ties to the United States. Burma and Indonesia, founders of the Non-Aligned Movement, rejected SEATO outright as a mechanism to draw post-colonial states into the Cold War. When Malaya (Malaysia) and Singapore gained independence, they chose not to join SEATO, despite their solidly anti-communist orientations and alliances with the West.<sup>111</sup>

By the early 1960s, Southeast Asia had earned a reputation as “the Balkans of the East,”<sup>112</sup> and the creation of a formal regional organization seemed unlikely.<sup>113</sup> In the interim years between SEATO and ASEAN, regional states attempted the formation of two indigenous regional associations – the Association of Southeast Asia (ASA), whose members included the Philippines, Malaysia, and Thailand, and the

<sup>105</sup> Stubbs 1989, 521.      <sup>106</sup> Katzenstein 2005, 45.

<sup>107</sup> Katzenstein 2005, 50.      <sup>108</sup> Acharya 2011, 102.

<sup>109</sup> Weatherbee 2009, 66.      <sup>110</sup> Narine 2002b, 9.      <sup>111</sup> Khong 1997, 323.

<sup>112</sup> Caballero-Anthony 2002, 531.      <sup>113</sup> Acharya 2000, 79.

Greater Malayan Confederation (MAPHILINDO), comprising Malaysia, the Philippines, and Indonesia – but interstate tensions and conflicts thwarted these efforts. Most important among these conflicts were those between Malaysia and the Philippines (a territorial dispute over Sabah) and between Malaysia and Indonesia (the 1963–1966 “Konfrontasi” period).<sup>114</sup>

ASA technically remained in existence from 1961 to 1967, but it is considered a failure. The Sabah dispute paralyzed the association, and the perception that ASA was a pro-Western anti-communist bloc thwarted membership expansion. In fact, ASA’s establishment “served to crystallise division” in the region between those non-communist countries espousing explicitly anti-communist and anti-Chinese positions and non-communist countries with policies of accommodation towards China (like Indonesia under Sukarno).<sup>115</sup> For its part, MAPHILINDO lasted for one month in 1963. Although this grouping appealed rhetorically to a common Malay origin, “individual national interests and not ethnic magnetism were the reasons behind the membership of the three.”<sup>116</sup> Indonesia had regional hegemonic aspirations, and the Konfrontasi conflict “destroyed the credibility” of the Confederation.<sup>117</sup> Apart from pan-Malay sentiments framing MAPHILINDO, 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 interstate politics and to which appeal could be made and from which inspiration could be received.”<sup>118</sup> A strong pan-Asianist movement and discourse did not exist to provide foundation for regional organization.

## The Formation of ASEAN

It wasn’t until Southeast Asia became sufficiently polarized along Cold War lines and the original ASEAN members had experienced a common “shift to authoritarianism” that ASEAN emerged.<sup>119</sup> The pan-Asianist movement did not culminate in the creation of a regional organization,

<sup>114</sup> Caballero-Anthony 2002, 532. <sup>115</sup> Jorgensen-Dahl 1982, 18.

<sup>116</sup> Antolik 1990, 13. <sup>117</sup> Antolik 1990, 14. <sup>118</sup> Jorgensen-Dahl 1982, 70.

<sup>119</sup> Acharya 2013, 127.

and ASEAN did not bring together the whole of Southeast Asia but rather a smaller group of like-minded non-communist states: Indonesia, Malaysia, the Philippines, Singapore, and Thailand. These five states' common ideology and strategic concerns constituted the foundations for regionalism moving forward. The solidarity uniting them was not transnational, but rather statist. It was not pan-Asianist, but rather anti-communist (or more specifically, authoritarian capitalist<sup>120</sup>). Importantly for the purposes of this book, ASEAN's discursive foundations served more to reinforce strict sovereignty norms – in the long run – than to create openings for contestation of them.

Indonesia was the largest state in the region and its orientation to regionalism was crucial. Southeast Asian states wanted a regional organization in order to manage tensions and conflicts among themselves, but ASA was not going to fit the bill because Indonesia was committed to non-alignment and also wanted to participate in the founding of any organization to which it belonged.<sup>121</sup> In 1966, when regime change took place in Indonesia, its foreign policy evolved 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.<sup>122</sup> This regime change in Indonesia involved what is considered by some to be one of the worst atrocities of the twentieth 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.<sup>123</sup>

The ASEAN Five shared a capitalist orientation and a common fear of (foreign-backed) communist insurgency. Although the ASEAN Declaration does not speak much to security cooperation *per se*, the founding of the organization served as "a non-aggression pact between its member states" undergirded by the belief that with the reduction of interstate tensions, ASEAN members "freed political, economic, and military resources to fight communist insurgency."<sup>124</sup> As the

<sup>120</sup> Jones 2012, 33.      <sup>121</sup> Narine 2002b, 12.      <sup>122</sup> Acharya 2013, 131.

<sup>123</sup> Snyder 1984, 219.      <sup>124</sup> Narine 2005, 475.

Malaysian foreign minister declared at the Association's founding, "The key to peace and stability in our respective countries . . . lie[s] in our ability to surmount the backwardness of our people and to promote their welfare." He called for the "main pre-occupation" of ASEAN to be "joint efforts to eradicate poverty, hunger, disease and ignorance."<sup>125</sup> A necessary precondition for economic development was the elimination of a major distraction – interstate disputes and conflict (e.g., Konfrontasi and the Sabah dispute) – via the maintenance of strict *non-interference*.

Furthermore, as Lee Jones has demonstrated, the foundational ASEAN commitment to non-interference was aimed not only at regime security, generally, but more specifically at the maintenance of a certain "social order" – authoritarian capitalism.<sup>126</sup> 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."<sup>127</sup> 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."<sup>128</sup> Capitalist authoritarianism comprises an economic model and a political model, compounding ideological affinity among the ASEAN Five. Their economic emphases were "rapid urban industrial development," "openness to the world economy," and "close alliances between the state, foreign corporations and domestic capitalists."<sup>129</sup>

The ASEAN Five 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. As Acharya observes,

[T]he decline of democratic experiments and the rise of authoritarianism . . . created the political basis for a common subregional political and ideological

<sup>125</sup> Statement by Malaysian foreign minister at the First ASEAN Ministerial Meeting (Bangkok, August 8, 1967).

<sup>126</sup> Jones 2012, 33; see also Acharya 2013, 127. <sup>127</sup> Jones 2010, 485.

<sup>128</sup> Lee 2000, 370 (quoted in Jones 2010, 485). <sup>129</sup> Acharya 2013, 162.

framework . . . A common thread running through the shift towards authoritarianism was its justification by the ruling 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.<sup>130</sup>

Not only was Southeast Asian regionalism not based on a pan-Asianist movement, then, its ideological basis was illiberal. ASEAN's founding document, the Bangkok Declaration, in addition to being a piece of soft law – reflecting ASEAN states' wariness of formality and legalism – makes no reference to human rights or democracy.<sup>131</sup> Rather than creating openings for the contestation of non-interference with reference to common liberal values or transnational solidarities, ASEAN's discursive foundations are rather compatible with elite solidarity and the strict observance of non-interference, at least among the ASEAN states themselves.

The OAS and OAU were born with built-in tensions between collective commitments to state sovereignty, on the one hand, and macronationalist ideals, on the other. ASEAN's strategic and discursive foundations set the grouping apart from its Latin American and African counterparts; the development of a pan-Asianist movement had been cut short decades prior, and anti-communism served as ASEAN's ideology and *raison d'être*. 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 the correct balance between sovereignty and liberal values or whether states should form a grand federation like the United States of Africa idea. 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 macronationalism and state sovereignty at the founding moments of the OAS (1948) and OAU (1963). Chapter 3 fleshes out the implications of this variation with respect to the relative resilience or robustness of the non-interference norm during the Cold War period.

<sup>130</sup> Acharya 2013, 127.      <sup>131</sup> ASEAN 1967.

### 3

## *Contested Sovereignty Norms and the Erosion of Non-interference*

Pan-Americanism's promotion of liberal internationalism and pan-Africanism's appeals to transnational solidarity among African people(s) provided useful frames for critics of non-interference to make this norm the subject of debate – they were empowered to raise questions like “Who is regionalism for if not for the people?” I argue that the content and political salience of pan-Americanism and pan-Africanism (as established in Chapter 2) empowered – or even inspired – critics of non-interference in these regions. In what follows I offer a long-term account of the (uneven) erosion of non-interference at the regional level in the global South, an account centering on the contestedness of this norm within the OAS and OAU compared to ASEAN during the Cold War period. This *contestation* (at the level of discourse) contributed over time to norm *erosion* (at the level of law and practice). Pan-Asianism did not serve the same function. Since non-interference was less contested in Southeast Asia (and not on these grounds), it was more robust or resilient over time.

According to Antje Wiener's formulation, norm contestation refers to an interactive process through which an actor or actors “express disapproval” of a norm.<sup>1</sup> Scholars of international norm dynamics increasingly interrogate the relationship between such contestation and norm robustness or resilience over time.<sup>2</sup> In the cases of Latin America and Africa, I find that norm contestation contributed to norm erosion in part through reinterpretation.<sup>3</sup> That is, as “exceptions” to the non-interference rule gained ground, its meaning changed and it thereby eroded because its application was narrowed in significant

<sup>1</sup> Wiener 2014.

<sup>2</sup> See, for example, Deitelhoff and Zimmermann (2013), who argue that contestation of a norm's *application* can strengthen that norm while contestation of its *validity* tends to weaken it.

<sup>3</sup> Deitelhoff and Zimmermann (2013) raise the question about the relationship between norm reinterpretation and norm robustness.



ways. Over time, multilateral interference practices carried out in the name of human rights, democracy, and (human) security – and regulated by regional international law – gained legitimacy. These changes accelerated in the post–Cold War period but find precedent in Cold War contestation and erosion processes. There remains a prohibition against interference when carried out by non-multilateral actors and for other reasons – especially territorial conquest – and when international law does not permit it. This prohibition has probably actually strengthened over time. None of this is to say that violations of the non-interference norm always conform to the multilateral promotion and enforcement of legalized liberal norms, but the trend is in this direction.

### **Latin America<sup>4</sup>**

Despite the OAS founding charter's (1948) affirmation of each member state's right to choose its political and social system free from external interference, its parallel affirmations of long-standing pan-American commitments to democracy and human rights were no mere window dressing. Regional discourse and institution building during the early Cold War period evidence, according to Chilean diplomat Heraldo Muñoz, a "persistent concern about confronting antidemocratic regimes with a multilateral approach."<sup>5</sup> Policy-relevant actors challenged strict non-interference throughout the 1940s–1960s in debates over diplomatic recognition practices and proposals for collective democracy and human rights promotion. This post–World War II contestation built on pre–World War II contestation (see Chapter 2) and these debates contributed to legal and practical changes; the development of human rights and election monitoring regimes constitute erosion of the non-interference norm. This was not, however, a linear process; the paralysis of multilateralism in the 1970s interrupted progress towards more developed intrusive regionalism. The dual and linked processes of contestation and erosion were largely put on hold during this decade as a consequence of the rise of authoritarianism and US interventionism, but democratization and the end of the Cold War

<sup>4</sup> Some passages in this section contain language found in Coe (2017b).

<sup>5</sup> Muñoz 1998, 6.

would later usher in a renewal of the development of intrusive regionalism from the late 1980s onward (see Chapter 4).

It might be tempting to attribute the development of intrusive regional democracy- and human rights-promotion mechanisms to the influence and efforts of the United States since the superpower is credited with the development of the global postwar liberal order,<sup>6</sup> and since its southern neighbors insisted on maintaining non-interference in order to check US interventionism. The discourse of liberal pan-Americanism, however, predated US involvement and leadership,<sup>7</sup> and the United States was only an inconsistent supporter of these norm-contesting proposals in the Americas during the Cold War period.

### *Contesting Automatic Diplomatic Recognition and Collective Non-response to Authoritarianism*

The post-war period was a time of active OAS debate about regional democracy promotion and the appropriate balance between non-interference, on the one hand, and the protection of pan-American liberal values, on the other. As Chapter 2 chronicles, these debates had been part of the inter-American discourse for decades. They became more salient after World War II, though, 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,” and as Latin Americans were strong proponents of this point of view (in part because the second wave of democratization had recently brought to power many center-left governments in the region).<sup>8</sup>

Strict sovereignty implies automatic diplomatic recognition of the de facto regime regardless of regime type or internal human rights practices. Proposals challenging this policy – i.e., proposals for a diplomatic sanctions regime – challenge the non-interference norm. Two approaches to the question competed within the OAS. 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. Mexican Foreign Minister Genaro Estrada put forward this policy of continuous diplomacy and automatic recognition of new governments in 1930, but it featured in inter-American debates long

<sup>6</sup> Ikenberry 2001.    <sup>7</sup> See Chapter 2.    <sup>8</sup> Sikkink 2014, 392.

afterwards.<sup>9</sup> Venezuelan President Romulo Betancourt followed and promoted a sovereignty-challenging policy of diplomatic non-recognition and the suspension of diplomatic relations with military regimes – the Betancourt Doctrine. This policy was to some degree a restatement of earlier versions, including the 1907 Tobar Doctrine.<sup>10</sup> Betancourt famously declared in 1959 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.”<sup>11</sup> The president’s sentiments were not fringe but rather reflected “the mood of the hemisphere.” According to Arturo Santa-Cruz – they drew upon a pan-American “stock of interpretive patterns.”<sup>12</sup>

At the Ninth International Conference of American States (1948),<sup>13</sup> the newly established OAS adopted a resolution that affirmed the sovereignty-promoting Estrada Doctrine, calling for continuous diplomatic relations among states in the hemisphere. The resolution asserted – as Estrada had reasoned – that diplomatic recognition of a government in power does not communicate approval of the regime (or the manner in which it came to power) but simply responds to the fact of effective control – this is one way to resolve the sovereignty-liberalism tension. The United States advocated for this resolution, demonstrating its inconsistent position on multilateral democracy promotion.<sup>14</sup>

The following year, however, the Inter-American Juridical Committee produced a report articulating a different point of view, more in line with the Betancourt Doctrine.<sup>15</sup> It concluded that, in order to merit diplomatic recognition by the regional community, regimes must fulfil 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

<sup>9</sup> Atkins 1989, 228. <sup>10</sup> See Chapter 2.

<sup>11</sup> Santa-Cruz 2005, 676. Betancourt served two non-consecutive terms. I’m quoting his inaugural speech at the beginning of a second term.

<sup>12</sup> Santa-Cruz 2005, 676. <sup>13</sup> The OAS was founded at this conference.

<sup>14</sup> “Exercise of the Right of Legation” (Atkins 1997, 127).

<sup>15</sup> 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).

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.<sup>16</sup>

At the 1959 ministerial meeting, representatives of Venezuela and the new post-revolution Cuban regime argued forcefully not just for non-recognition but for more coercive collective action against dictatorships, echoing the Uruguayan Larreta proposal of 1945.<sup>17</sup> They reasoned that non-intervention should not apply to dictators, calling back to the language of the OAS Charter which envisions “the consolidation of this continent, within the framework of democratic institutions, of a system of individual liberty and social justice.”<sup>18</sup> Like Larreta’s 14 years earlier, their proposal did not gain majority support. More interested in containing communism than supporting transitions to democracy, the US ambassador argued – quite hypocritically – that “democratic progress which all of us seek requires among other factors a strict compliance with [the] principles of nonintervention and collective security . . .”<sup>19</sup> The Inter-American Council of Jurists was then asked to 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.”<sup>20</sup> The resulting report found human rights and democracy to be interrelated and the OAS Charter’s principles to be binding, but it concluded that collective action to restore democracy was not permitted under the Charter.<sup>21</sup>

Following the 1959 ministerial meeting, “the scope of the hemispheric organization’s democratic commitment came under intense

<sup>16</sup> Quoted in Atkins 1997, 128. <sup>17</sup> See Chapter 3.

<sup>18</sup> Quoted in Mecham 1961, 415. <sup>19</sup> Mecham 1961, 415.

<sup>20</sup> Quoted in Santa-Cruz (2005, 676).

<sup>21</sup> Muñoz 1998, 5. 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.

discussion.”<sup>22</sup> A group of delegates representing Costa Rica, Dominica, Honduras, and Venezuela issued this statement to the 1962 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.”<sup>23</sup> Then in yet another attempt to resolve the tension between democracy promotion and non-interference, delegates at the Second Extraordinary Inter-American Conference<sup>24</sup> in 1965 adopted a sort of compromise resolution, 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 relations with the de facto government.”<sup>25</sup>

### *Norm Erosion via State Monitoring Regimes*

Despite limited progress on the diplomatic recognition question (a question that would be addressed at the level of law and practice in the 1990s), the regional community did make strides on democracy and human rights promotion in the 1960s via the establishment of sovereignty-challenging state monitoring regimes. These developments cannot be understood apart from long-running inter-American debates – outlined above and in Chapter 2 – about the proper balance between non-interference and pan-American liberal values of human rights and democracy promotion. Contestation of the norm of non-interference contributed to norm erosion.

<sup>22</sup> According to Muñoz (1998, 5): “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.”

<sup>23</sup> Santa-Cruz 2005, 678.

<sup>24</sup> The International Conference of American States was renamed the Inter-American Conference when the OAS was founded in 1948.

<sup>25</sup> OAS 1965. Resolution title: “Informal Procedure on the Recognition of De Facto Governments.”

OAS member states were alarmed in the wake of the Cuban revolution 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).<sup>26</sup> In part as a response to these concerns, the foreign ministers voted in 1959 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."<sup>27</sup> 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 Rights in 1960, and negotiations over a binding convention (providing for a court) began at this time. The United States did not take a leadership role in these negotiations.<sup>28</sup>

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. Furthermore, 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, and these activities clearly violate a strict interpretation of non-interference, thereby eroding the norm. Investigations are taken up in response to individual communications,<sup>29</sup> general petitions to the OAS, and petitions by member states. This constitutes the erosion of the norm of non-interference in the hemisphere.

In 1969, an Inter-American Specialized Conference on Human Rights produced a binding legal instrument – the American Convention on Human Rights. This development can be attributed to the momentum of earlier efforts as well as the protagonism of advocate states (e.g., Chile, Uruguay, Costa Rica, Venezuela). 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

<sup>26</sup> Goldman 2009, 861–862; Mecham 1961, 411–415.

<sup>27</sup> Rescia and Seitles 1999–2000, 598. <sup>28</sup> Sikkink 2004, 44.

<sup>29</sup> Rescia and Seitles 1999–2000, 601–602, 598. The reception of individual complaints was instituted in 1965 through the Protocol of Rio de Janeiro.

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).<sup>30</sup> The American Convention also called for the creation of an Inter-American Court on Human Rights, which was established when the Convention entered into force (after sufficient ratification) in 1978.<sup>31</sup>

The 1960s also saw the development of a regional election monitoring regime – further evidence of norm erosion. Nicaragua introduced a relevant proposal to the same 1959 ministerial meeting that approved the Inter-American Commission. The United States supported this development but did not impose it on its neighbors.<sup>32</sup> The OAS sent its first election observation mission in 1962 to Costa Rica, and, over the next few years, dispatched observers to presidential elections in a handful of other countries.<sup>33</sup> The new practice was not without controversy. For example, the OAS foreign ministers had previously (in 1960) refused to send observers to the Dominican Republic – despite the host country’s consent – arguing that “this would constitute OAS intervention in the internal affairs of a member state.”<sup>34</sup> 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 a *properly interpreted* norm of non-interference since “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 Commission on Human Rights to their territories, or

<sup>30</sup> Atkins 1989, 231.

<sup>31</sup> Lohaus 2013, 32. 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.”

<sup>32</sup> Santa-Cruz 2005, 676–679.

<sup>33</sup> Atkins 1997, 126 (The Dominican Republic, Nicaragua, Honduras, and Bolivia).

<sup>34</sup> Santa-Cruz 2005, 677.

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.<sup>35</sup>

These monitoring regimes were more advanced than what developed in Africa during the Cold War period, and Latin America arguably would have moved earlier towards the kind of intrusive regionalism we see in the 1990s – in particular, a more robust defense-of-democracy regime – if it had not been for two major “reversals” of the later Cold War period: the reversal of President Roosevelt’s 1933 Good Neighbor policy via the resurgence of US interventionism in Latin America and the reversal of the second wave of democratization via the general shift to authoritarianism across the region. These trends paralyzed multilateralism, in general, and the development of intrusive regionalism, in particular.

### *The 1970s: Paralysis of Multilateralism*

The regional hegemon’s Cold War foreign policy shift manifested in two major ways: (1) US manipulation and cooptation of OAS processes in pursuit of its containment goals and (2) US unilateral interventionism, sometimes resulting in (anti-democratic) regime change, contributing to the autocratic wave noted above. US 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. In the 1960s, at the OAS, the United States bullied Latin American states into supporting these interventions,<sup>36</sup> which 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.”<sup>37</sup> 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 as a tool of the United States.<sup>38</sup>

The US invasion of the Dominican Republic in 1965 was an important moment with respect to the complicated relationship between the

<sup>35</sup> Quoted in Atkins (1997, 126).      <sup>36</sup> Parish and Peceny 2002, 235.

<sup>37</sup> Vaky 1993, 11.      <sup>38</sup> Vaky 1993, 32.



United States and Latin 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 US 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.<sup>39</sup> Latin American states feared that the institutionalized promotion of human rights and democracy would only create opportunities for abuse by the United States.<sup>40</sup> For the next two decades, multilateralism at the hemispheric level remained largely defunct.<sup>41</sup>

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.<sup>42</sup> As the region became increasingly populated by authoritarian regimes, the OAS turned a blind eye.<sup>43</sup> According to Javier Corrales, the paralysis of multilateralism in the region “provided an umbrella for impunity of action for the region’s authoritarians.”<sup>44</sup> The second reverse wave of democratization took place in Latin America beginning in the 1960s with the intervention of Peru’s military in 1962 and military coups in Brazil and Bolivia in 1964 and Argentina in 1966, and then accelerated in the 1970s with Ecuador in 1972 and Chile and Uruguay in 1973.<sup>45</sup> By the mid-1970s, the authoritarian trend had reached its peak.

Unlike the African case and (especially) Southeast Asian case, however, state monitoring activities did carry on during these later Cold War years through election observation missions and the Inter-American Commission on Human Rights. 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

<sup>39</sup> Scheman 1987, 8.      <sup>40</sup> Sikkink 1997, 727.      <sup>41</sup> Mace et al. 2007, 3.

<sup>42</sup> Lutz and Sikkink 2000, 657.      <sup>43</sup> Muñoz 1998, 7.      <sup>44</sup> Corrales 1994, 4.

<sup>45</sup> Huntington 1991, 19.

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 spread, the Commission worked to uncover and publicize the violations of human rights – especially physical integrity rights – carried out by these regimes. The activities of the Commission were occasionally quite impactful since it benefited from a good deal of institutional autonomy.<sup>46</sup> 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, by “[e]numerating with vivid detail the terrorist methods of many governments,” the Inter-American Commission on Human Rights “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.”<sup>47</sup>

### Africa<sup>48</sup>

Although the OAU Charter enshrines and prioritizes sovereignty norms, contestation of the norm of non-interference within the OAU took the form of both abstract debate and direct criticism of specific incidences of OAU non-response to atrocity in its member states. Kwame Nkrumah, who had been the face of radical pan-Africanism, left African politics in the late 1960s when he was ousted in a coup. Debates about sovereignty norms were carried forth by other heads of state, especially Tanzania’s president Julius Nyerere, who became more radicalized after Nkrumah’s exile, “assuming the mantle of [his] militancy.”<sup>49</sup> By the late 1970s and early 1980s, we find evidence of concrete norm erosion in the form of the initiation of a regional human rights system and then the deployment of a peacekeeping mission.

Nyerere’s famous “Dilemma of the Pan-Africanist” address to a 1966 assembly at the University of Zambia captures well the challenge

<sup>46</sup> For example, individuals elected to the body continued to serve even if a regime change took place in their home country.

<sup>47</sup> Farer 1996, 11.

<sup>48</sup> Some passages in this section contain language found in Coe (2017b).

<sup>49</sup> Agyeman 1992, 93.

that transnational solidarities present to 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 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.” His core message was an acknowledgment 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.”<sup>50</sup>

### *The 1960s–1970s: Contesting OAU Non-response to Atrocity*

Post-Nkrumah challenges not only manifested in proposals for formal political union<sup>51</sup> but also (and more importantly) in direct criticisms

<sup>50</sup> Nyerere’s speech “The Dilemma of the Pan-Africanist,” given on 13 July 1965, is reprinted in Langley (1979).

<sup>51</sup> In the 1970s and 1980s, scholars and regional bureaucrats proposed versions of Nkrumah’s United States of Africa plan. 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. Later, OAU Secretary-General Edem Kodjo (1978–1983) proposed a follow-up to the federal blueprints of

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).<sup>52</sup> They were also framed with reference to the OAU's policies vis-à-vis South Africa and other racist regimes – policies that some African leaders came to see as hypocritical.<sup>53</sup> 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.<sup>54</sup> In his study of the African “shift from non-interference to non-indifference,” Paul D. Williams 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.<sup>55</sup> Relatedly, Elin Hellquist links the OAU pro-democracy sanctions regime that emerged

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 . . .” In his proposal, African states would first integrate – economically and politically – at the sub-regional level, leading to an eventual United States of Africa (Martin 2002, 276–277).

<sup>52</sup> African debates about the limits of non-interference were not taking place in a vacuum. The 1970s was also a time of the rise of the international human rights movement and efforts at the United Nations to encourage UN member states (including African states) to ratify global human rights instruments.

<sup>53</sup> Murray 2004, 17. See also Clapham (1996). <sup>54</sup> Zartman 1967, 547.

<sup>55</sup> Williams 2007, 268. Williams's findings raise the question, why were such contradictions – those relevant to the norm of non-interference – more pronounced or salient in the African case? My answer is that the discursive foundations of African regionalism – pan-Africanism – constituted a discursive resource for contestation. While Williams considers pan-Africanism to be a pro-sovereignty ideology, I'm interested in the sovereignty-challenging threads of it, i.e., those ideas that empowered critics of non-interference in Africa to contest the norm of non-interference.

in the 1990s to the organization's history of imposing anti-apartheid sanctions on South Africa.<sup>56</sup>

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 (1967–1970), which prompted the first major "spat" among OAU members over the organization's founding principles and commitment to *uti possidetis*.<sup>57</sup> Following a series of military coups, the Eastern region attempted to secede and declared independence as the state of Biafra, leading to a civil war responsible for over two million deaths.<sup>58</sup> 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 voted against the OAU's 1968 resolution appealing to secessionists to cooperate with the government "in order to restore peace and unity in Nigeria."<sup>59</sup> These same states – Gabon, Ivory Coast, Tanzania, and Zambia – extended diplomatic recognition and even aid to Biafra. The foreign minister of 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."<sup>60</sup> Sierra Leone, which was one of five states opposed to another (1969) resolution,<sup>61</sup> 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.<sup>62</sup> Finally, Nyerere spoke out about OAU inaction in response to the Biafran War in a piece entitled "Why we recognized Biafra," invoking the tension between state-centered regionalism and transnational solidarities: ". . . [African] unity can only be based on the general consent of the people involved . . . For States, and Governments, exist for men and for the service of man . . ."<sup>63</sup> And later in a lengthier analysis of the situation, he wrote:

<sup>56</sup> Hellquist 2014, 20–23. <sup>57</sup> *Africa Contemporary Record* 1968, xi.

<sup>58</sup> Meyers 1974, 365. <sup>59</sup> *African Contemporary Record* 1968, 620.

<sup>60</sup> Quoted in Akuchu (1977, 44). <sup>61</sup> *African Contemporary Record* 1969, C5.

<sup>62</sup> Akuchu 1977, 46. <sup>63</sup> *Africa Contemporary Record* 1968, 651.

The OAU was established by Heads of African States. But it is intended to serve the Peoples of Africa. The OAU is not a trade union of African Heads of States. 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 . . . The OAU must sometimes raise a voice against those regimes in Africa, including independent Africa, who oppress the Peoples of Africa. In some countries in Africa it might be the only voice that can speak on behalf of the people . . . If we do not learn to criticize injustice within our continent, we will soon be tolerating fascism in Africa, as long as it is practiced by African Governments against African Peoples.<sup>64</sup>

In this way, the Tanzanian president not only criticized OAU policy on the Biafran conflict, in particular, but made a broader point about the purposes of pan-African cooperation and the objects of pan-African responsibility (people over states).

General Idi Amin came to power in Uganda through a 1971 coup d'état. While some OAU member states (e.g., Tanzania, Guinea, Somalia, and Gambia) refused to recognize Amin's government,<sup>65</sup> others affirmed a strict interpretation of non-interference, arguing the change in government to be an internal matter and therefore none of their business:<sup>66</sup>

[T]he rule that the recognition of the new Government was for each sovereign state to decide and should not be of concern to the organization eventually prevailed. It was felt, however, that holding the conference in Kampala would inevitably give rise to a showdown between General Amin's friends and enemies, so that it would be better to hold it on the neutral ground of the OAU's headquarters in Addis Ababa.<sup>67</sup>

General Amin's regime grew infamous over the course of the 1970s for atrocities committed against Ugandan citizens. During this time, Julius Nyerere called on the OAU many times to condemn Amin's massive violations of human rights, sometimes 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."<sup>68</sup> Although Claude Welch credits

<sup>64</sup> *Africa Contemporary Record* 1969, C81.

<sup>65</sup> See (summaries of) their statements in *Africa Contemporary Record* 1971 beginning on C61.

<sup>66</sup> See (summaries of) their statements in *Africa Contemporary Record* 1971 beginning on C64.

<sup>67</sup> *Africa Contemporary Record* 1971, A83.      <sup>68</sup> Quoted in Aluko (1981,171).

Nyerere's "increasingly sharp criticisms" of Amin's practices for pushing the OAU to become more willing to "delve into the domestic practices of member states" by the late 1970s,<sup>69</sup> the organization and its members were not initially willing to do so, even rhetorically. The OAU was, in fact, responsible for blocking a vote at the United Nations on the "moral issues raised by Amin's" expulsion of Uganda's Asian population in 1972.<sup>70</sup> It also turned a blind eye that year to atrocities taking place in Burundi, where massacres of more than 100,000 Hutu did not elicit a regional response. Despite Tanzania's "vociferous . . . appeal" for intervention, the OAU Secretary General asserted that the situation remained Burundi's internal affairs.<sup>71</sup> The Rwandan delegate broached the subject at the 1972 Council of Ministers meeting, but no proposals for action were considered.<sup>72</sup>

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, using very similar language as before about the OAU behaving as a "trade union" of heads of state instead of acting, as it was meant to, "in the service of the people of Africa." 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.<sup>73</sup>

<sup>69</sup> Welch 1981, 405.      <sup>70</sup> *African Contemporary Record* 1972, A47.

<sup>71</sup> Umokurike 1979, 199.      <sup>72</sup> *African Contemporary Record* 1972, A52.

<sup>73</sup> Quoted in Welch (1981, 405).

Despite “fears that [the summit] would be widely boycotted” and much discussion about a possible change of venue (from Kampala) to prevent such an outcome, most OAU members did not join the official protest.<sup>74</sup> And neither did the 1975 boycott succeed in preventing Amin from assuming the OAU chairmanship. The boycott did work, though, to lessen the disparity 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.<sup>75</sup> A 1978 speech given by Nigerian leader General Olusegun Obasanjo in the context of discussions of Western intervention in Africa reflects this attention shift. In it he chastises OAU member states for ignoring other regimes’ bad behavior: “We African leaders must also realize that we cannot ask outside powers to leave us alone while, in most cases, it is our own actions which provide them with the excuse to interfere with our affairs. We must begin to depart from the diplomatic habit of closing our eyes to what should be deprecated, simply because it is happening in an African country . . . We must have the courage to tell ourselves what is unjust and what is immoral.”<sup>76</sup> These calls were heeded to some degree as OAU states started to “[look] increasingly at each other’s records in fostering basic liberties.”<sup>77</sup> In the meantime, heads of state made proposals to restructure the OAU via the revision of its charter. In a “remarkably candid” address to the 1978 meeting of the OAU Assembly, President Numeiry of Sudan called for “urgent reform,” and Nyerere and Obasanjo delivered speeches in support of these measures. Specifically, Nyerere spoke in favor of reforms aimed at “committing the organization to defend freedom and individual liberties in Africa” instead of working for “the protection of . . . Heads of State.”<sup>78</sup>

During this decade of increasing norm contestation (the 1970s) – while certain African states were trying (at first unsuccessfully) to soften the OAU’s stance on non-interference in order to do more to address human rights violations on the continent – other states were violating sovereignty norms in practice, but not in the ways called for by the OAU’s critics. Strict sovereignty has never been perfectly respected among independent states in Africa, just as it has not among

<sup>74</sup> *African Contemporary Record* 1975, A67.

<sup>76</sup> *African Contemporary Record* 1978, A35.

<sup>78</sup> *African Contemporary Record* 1978, A38.

<sup>75</sup> Welch 1981, 401–402.

<sup>77</sup> Welch 1981, 402.



states in other post-colonial regions, including Southeast Asia (see below). This is reflected in the DADM data presented in Chapter 2. As MacFarlane explained in 1984, the development of a “differentiation in military capabilities” among African states beginning in the early 1970s made such unsanctioned interference possible. Libya, in particular, “displayed a pronounced tendency to employ its new military power and the financial resources lying beneath it to acquire a position in regional affairs commensurate with its inflated self-image.”<sup>79</sup> Importantly, the bilateral interference activities – including military support for insurgents – that made up the bulk of intrusive responses to intrastate crisis during the Cold War period declined in the post-Cold War period; arguably the prohibition against such activities has grown stronger. Intrusive regionalism from the late 1980s onward in Africa (as well as Latin America) was, as explained in previous chapters, predominantly of a liberal internationalist character – i.e., multilateral and framed in terms of the promotion of human rights, democracy, and security.

### *Evidence of Norm Erosion: 1978–1982*

By the late 1970s, key developments at the level of regional law and practice evidence a weakening of the norm of non-interference and movement toward the type of intrusive regionalism that would gain further ground a decade later. Norm contestation began to translate into norm erosion. First, 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. Writing in 1981, Claude Welch specifically drew a causal link between criticisms that had been leveled in 1975 against Uganda and unanimous member state support for the 1979 resolution,<sup>80</sup> which was proposed by Mauritius and Senegal and championed by Gambia, Nigeria, Liberia, Tanzania, and the new leadership of Uganda.<sup>81</sup> 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

<sup>79</sup> MacFarlane 1984, 134.      <sup>80</sup> Welch 1981, 402.

<sup>81</sup> *African Contemporary Record* 1979, A66. The Tanzanian-Uganda war resulted in the ouster of Idi Amin.

were seen as internal affairs of member states,<sup>82</sup> but calls for a regional body tasked with the promotion and protection of human rights can be traced back to the 1958 All-African People's Conference and then to a 1961 rule-of-law themed conference of lawyers and other legal professionals in Lagos, Nigeria (sponsored by the International Commission of Jurists). The latter event generated a series of other conferences, seminars, and colloquia sponsored by the International Commission of Jurists and/or United Nations over the next two decades.<sup>83</sup> These were typically attended by African jurists, 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 initiated a process that would lead to the establishment of a regional human rights regime.<sup>84</sup> Nigerian legal scholar (and later chairman of the African Commission of Human and Peoples' Rights) Oji Umokurike wrote in favor of the development, echoing the sentiments of Nyerere and others and also drawing attention to the fact that opinion had shifted on the continent: "The doctrine of internal affairs is intended to protect the collective right of the people; it must not be allowed to constitute a barrier to the promotion and protection of human rights on the African continent ... Definite steps should now be taken towards setting up [a commission], an idea that was considered premature in the past but would now be widely appreciated."<sup>85</sup> A version of the draft charter was adopted by the OAU in 1981 and entered into force in 1986. The treaty established a regional human rights Commission tasked with the protection and promotion of human rights. The Commission came into being in 1986.<sup>86</sup> The regional human rights system that emerged had many weaknesses relative to its European and

<sup>82</sup> Munya 1999, 581.      <sup>83</sup> Evans and Murray 2008, 1–2.

<sup>84</sup> The 1979 Assembly also established an OAU Charter Review Committee, which met six times between 1980 and 1996 (accelerating the frequency of its meetings in the lead up to the drafting of the African Union Constitutive Act) (Maluwa 2001).

<sup>85</sup> Umokurike 1979.

<sup>86</sup> The charter did not establish a regional court (this would take place in 1998). 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," provisions for group (peoples') rights, and a greater emphasis on economic, social, and cultural rights than found in other regional charters. The "duties" provisions distinguish the African

Latin American counterparts,<sup>87</sup> but was, even in the 1980s, more intrusive than anything that has yet developed in Southeast Asia.

Second, in 1980, an “overwhelming majority” of OAU member states for the first time denied diplomatic recognition to a de facto government that had come to power through a coup d’état, preventing the Doe regime from representing Liberia at OAU summits. This was far from the first time that the OAU debated the proper response to such a situation, but the outcome was different than in previous iterations. Journalist Peter Enahoro “spoke for many” in writing that “The time has come for the OAU to end the system which automatically recognizes anybody who has put a bullet into his President, as the lawful successor of his victim.”<sup>88</sup>

Third, in 1981, the OAU mounted its first peacekeeping mission (in Chad), 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. The idea of an African defense force – “African High Command” – was first presented to the OAU Council of Ministers in 1964 by Kwame Nkrumah, as part of his greater vision for a Continental Government.<sup>89</sup> Discussion continued over the years but majority support did not materialize because of the “infringement of their sovereignty” involved if African states were “to place their military units under a supranatural military authority.”<sup>90</sup> In 1977, a proposal emerged from the summit of the Francophone African States for an Inter-African Security Force supported by the West, but this largely provoked charges of neocolonialism.<sup>91</sup> The peacekeeping force that was actually launched in Chad was distinct from the African High Command proposal,

human rights charter from the European human rights convention but not from the American version, which does include duties.

<sup>87</sup> Coe 2017b. <sup>88</sup> *African Contemporary Record* 1980, A64.

<sup>89</sup> *African Contemporary Record* 1970, A38–A39.

<sup>90</sup> *African Contemporary Record* 1970, A38.

<sup>91</sup> *African Contemporary Record* 1978, A32–A37.

which, if realized, would have served to defend African states against external (including South African) aggression.<sup>92</sup>

The OAU Peace Plan – of which the OAU Peace Force was one component – outlined a ceasefire; negotiations between parties; the drafting of a new constitution; elections; and finally Peace Force withdrawal. Although the Provisional Government of Chad signed the Plan, meaning the peacekeeping deployment was technically consensual, the *neutrality* of the force itself was unprecedented and faced pushback from that government, the head of which – Goukouni Weddeye – had expected the OAU forces to fight on the side of the government.<sup>93</sup> Weddeye expressed frustration, stating that “We do not need troops massing here, increasing our difficulties if they are not going to ensure the defense and security of the country. Unless the Peacekeeping Force is going to fight against the rebel troops, their presence in Chad makes no sense.”<sup>94</sup> In the end, the rebels, led by Hissène Habré, benefitted from the presence of the OAU forces and defeated Weddeye.

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.<sup>95</sup> The OAU was in uncharted territory as it had no 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 1980s, economic problems preoccupied African regionalism, but in the early 1990s, the idea of regional security governance would resurface. In the meantime, the non-interference norm remained a target of criticism. For example, in 1986, newly elected Ugandan President Yoweri Museveni echoed Nyerere’s and Obasanjo’s sentiments in his first address to the OAU Heads of State and Government, relaying a “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 levels “that enunciate the sanctity and inviolability of human life.”

<sup>92</sup> *African Contemporary Record* 1981, A94.

<sup>93</sup> May and Massey 1998, 52–53.

<sup>94</sup> *African Contemporary Record* 1981, A87. <sup>95</sup> Berman and Sams 2000, 53.

Non-interference, he argued, “should never be used as a cloak to shield genocide from just censure . . .”<sup>96</sup>

### **Southeast Asia**

The weakening of strict non-interference over time in favor of the multilateral promotion of human rights, democracy, and security in Latin America and Africa can be contrasted with the norm’s robustness over time in Southeast Asia. I attribute this in part to the fact that sovereignty norms were less contested within ASEAN at its founding moment and over the next two decades, and more specifically that non-interference wasn’t contested in terms of transnational solidarities or liberal internationalism. To be clear, this doesn’t mean that non-interference was sacrosanct in Southeast Asia during the Cold War. As noted in Chapter 1, we can observe a pattern of norm violation – covert bilateral interference (including military support to rebels) across Cold War lines.<sup>97</sup> This was not, however, a pattern of practice that would make the regional grouping predisposed to the intrusive regionalism trend during the second wave of regionalism since the latter was characterized by multilateral legalized practices. Despite these violations, which demonstrate that non-interference, like any norm, was not untouchable, ASEAN members by and large upheld the norm of non-interference rhetorically and practically<sup>98</sup> in their relations with *one another*. Non-interference 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 also includes the peaceful settlement of disputes and consultation and consensus in decision-making (as opposed to more formal, legalistic, or confrontational styles of diplomacy).<sup>99</sup> During the first decade of ASEAN’s existence, the ASEAN Way became further ingrained in ASEAN’s culture for several reasons.

<sup>96</sup> Museveni 1986.      <sup>97</sup> Vietnam, Thailand.

<sup>98</sup> 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 (Samad and Abu Bakar 1992, 559).

<sup>99</sup> Jones 2014, 73.

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 Southeast Asia by 1971, a move that would most affect Malaysia and Singapore.<sup>100</sup> Quickly following the British announcement came indications of “imminent changes” in the United States' Vietnam policy, and then, in 1969, US 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.”<sup>101</sup> Talk of US withdrawal from Vietnam and other language coming out of the Nixon administration communicated “a complete reappraisal of policies towards East and Southeast Asia”<sup>102</sup> and was considered by the ASEAN states to threaten decreased commitment on the part of the United States to its allies in the region.<sup>103</sup> These shifts in the regional balance of power, which threatened to empower China, reinforced ASEAN's original justification for elite solidarity and a strong intra-ASEAN non-interference norm.

During the seventies, it will be necessary for ASEAN, as their national economies develop, to be somewhat bolder in measures to accelerate regional cooperation. This is because in the years ahead the political and economic environment in South East Asia will undergo radical alteration. During the sixties the region benefitted from military expenditures, economic grants and loans from the advanced countries who had made the region the battleground of big power politics.<sup>104</sup>

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

<sup>100</sup> Narine 1998, 198.      <sup>101</sup> Prentice 2015, 1.      <sup>102</sup> Jorgensen-Dahl 1982, 77.

<sup>103</sup> Narine 1998, 198.

<sup>104</sup> Opening statement by foreign minister of Singapore at the 4th ASEAN Ministerial Meeting (Manila, March 12, 1971).

1971.<sup>105</sup> Relatedly, ASEAN states continued to recognize that “the viability of ASEAN member states will depend on their success in solving the endemic problem of poverty through economic and social development recognizing that poverty is the root cause of instability. Instability in turns forms the matrix for insurrections which in varying degrees continue to plague our societies.”<sup>106</sup>

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-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 re-emerged. 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.”<sup>107</sup>

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.”<sup>108</sup> In 1976, ASEAN held the Bali Conference, its first meeting of heads of states (there had only been ministerial meeting before this). Evidence of the formation of a distinct ASEAN identity linked to what would be termed the ASEAN Way emerged here. Singapore’s foreign minister declared, “So during the past nine years while the sceptics and the unfriendly ones have not

<sup>105</sup> Acharya 2013, 169.

<sup>106</sup> Statement by foreign minister of the Philippines at the 9th ASEAN Ministerial Meeting (Manila, June 24–26, 1976).

<sup>107</sup> Khong 1997, 330. <sup>108</sup> Narine 1998, 200.

inaccurately highlighted conflicts of interests as portents of ASEAN's eventual disintegration and demise, we, for our part, have confounded these gloomy prophets by devising a *specifically ASEAN political style* for containing differences."<sup>109</sup> The ASEAN Five further institutionalized this "style" in adopting its first formal treaty – the 1976 Treaty of Amity and Cooperation – a non-aggression pact that codified existing norms established at the founding of ASEAN and reaffirmed through practices and successes. The fundamental principles enumerated in the treaty reflected and reinforced the sovereignty-promoting ethos of ASEAN. These components of the ASEAN Way 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."<sup>110</sup> Malaysia's foreign minister affirmed the belief that these sovereignty-reinforcing norms had and would continue to promote interstate peace in the region: "I feel confident that . . . our abiding regard and adherence to the precepts and norms of the Treaty would make the construction of peace through regionalism a realizeable objective."<sup>111</sup>

The 1970s was a particularly violent decade in Southeast Asia, even after the Vietnam War ended. Two cases of mass murder, the Indonesian anti-communist counterinsurgency campaign in East Timor (1975–1980) and the Cambodian genocide (1975–1979), took place during roughly the same time period. On its face, ASEAN's generally supportive reaction to Indonesia's 1975 annexation of East Timor – a serious violation of non-interference – is puzzling.<sup>112</sup> East Timor (half of the island of Timor) had been a Portuguese colony until 1974, and West Timor had long been a part of Indonesia. Indonesia campaigned for East Timor's integration, in part because it feared the emergence of a communist state within its archipelago. When the campaign failed,

<sup>109</sup> Statement by foreign minister of Singapore at the 9th ASEAN Ministerial Meeting (Manila, June 24–26, 1976).

<sup>110</sup> ASEAN 1976.

<sup>111</sup> Statement by foreign minister of the Malaysia at the 9th ASEAN Ministerial Meeting (Manila, June 24–26, 1976).

<sup>112</sup> Because East Timor is not a member of ASEAN, this intervention is not represented in Figure 1.1 or Tables 1.2–1.4.



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.<sup>113</sup> Singapore was at first “uneasy” about the annexation and “did not support Indonesia in the first United Nations vote on the invasion,” because it “feared the image of a large state invading a smaller neighbor was too close to its own situation.”<sup>114</sup> It ultimately reversed this position, though. Indonesia’s violent campaign in East Timor (after its 1974 annexation of the territory) killed over 100,000 people.<sup>115</sup> 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. In both this case and the East Timor case, violent campaigns resulted in deaths totaling 21–26 percent of the population of the territory in question,<sup>116</sup> and in neither case did ASEAN states criticize these regimes, let alone investigate or impose sanctions on them.<sup>117</sup>

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 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.<sup>118</sup> ASEAN’s concern for the fate of Cambodia (a non-ASEAN member at the time) reflects its member states’ fears of Vietnam expansionism but also ASEAN’s (rhetorical) goal of “One Southeast Asia.” During the 1980s, evicting Vietnam from Cambodia was ASEAN’s primary diplomatic concern, and its perceived successes

<sup>113</sup> Amer 2013. <sup>114</sup> Narine 2005, 478, footnote 5. <sup>115</sup> Kiernan 2003.

<sup>116</sup> Kiernan 2003. <sup>117</sup> Drummond 2010, 6. <sup>118</sup> Drummond 2010, 6.

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.<sup>119</sup>

In the immediate wake of the Vietnamese intervention, although there was not initially a consensus among ASEAN member states about how to respond, ASEAN’s norms of “accommodative diplomacy” facilitated the development of such a consensus.<sup>120</sup> 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 international (global) level by organizing an international conference.<sup>121</sup> The grouping was able to effectively frame the conflict as a breach by Vietnam of the “accepted principles of international order, namely sovereignty and national self-determination.”<sup>122</sup>

In sum, then, non-interference did not exist in tension with macro-nationalism in Southeast Asia, and non-interference was much less contested as a result. Non-interference did not erode during the 1970s and 1980s. And, at the end of the Cold War, ASEAN states began to promote their distinct brand of regionalism – the ASEAN Way – as a viable alternative to Western liberal internationalism.

## Conclusion

The preceding comparative-historical analysis brings us to the 1980s. Because of the history of macronationalism, norm contestation, and norm erosion, the three regional groupings under study here arrived at this moment – the 1980s – with different normative priors.<sup>123</sup> This meant that Latin America and Africa were more amenable to the intrusive regionalism trend than was Southeast Asia. In Chapters 4 and 5, I analyze the effect of regime type and economic performance – variables that interacted with regional normative priors – on the uneven development of intrusive regionalism in the post-Cold War period.

<sup>119</sup> Narine 1998, 204.      <sup>120</sup> Khong and Nesadurai 2007, 35.

<sup>121</sup> Khong and Nesadurai 2007, 42–43.      <sup>122</sup> Khong and Nesadurai 2007, 43.

<sup>123</sup> Acharya (2004) uses a related term – “cognitive priors.”

## 4 | *The Role of Regime Type*

This book has so far chronicled discursive, legal, and practical developments relevant to the norm of non-interference and challenges to it during the Cold War period. Because of variation in the discursive foundations of regionalism and in the degree and nature of norm contestation and erosion, Latin America, Africa, and Southeast Asia arrived at the end of the Cold War with different normative priors. These normative priors interacted with other key variables during the second wave of regionalism, one of which is *regime type*. Democratization in Latin America during the 1980s was extensive, and, by the end of this decade, the average Polity score of its states was 6, reflecting a high “density” of democracy in the region.<sup>1</sup> The achievement of this critical mass of democracies contributed to the renewal of the development of intrusive regionalism (especially aimed at democracy promotion) in the region.

Neither Africa nor Southeast Asia has achieved this density. Although average democracy scores in these other regions have been on the rise in the last twenty years, they remain in the “anocracy” range.<sup>2</sup> But even though high democratic density was not achieved in these two regions, individual states democratized, and emerging democracies with regional leadership aspirations, like South Africa and Indonesia, have been at the forefront of regional reform campaigns. As discussed in the Introduction, the causal link between democracy and intrusive regionalism (as it developed in the global South in the post-Cold War period) is multifaceted. And importantly, as emphasized elsewhere, the intrusive regionalism trend is not simply a rise in interference, it’s especially a rise in multilateral interference carried out in the name of democracy, human rights, and security. The liberal

<sup>1</sup> Pevehouse (2005) coined the term “democracy density.”

<sup>2</sup> Furthermore, gradual liberalization (short of democratization) opened up more space for civil society. Active civil society groups – some of which favor intrusive regionalism – also contributed to regional reform.

internationalist nature of these activities makes the regime type variable (more) causally relevant.

## **Wide and Deep: The Third Wave of Democratization in Latin America**

Latin America is unique among the three regions studied in this book because of the widespread democratization that occurred here in the 1980s (and because fewer of its democracies have undergone significant backsliding). The Third Wave of democratization that began in Southern Europe in 1974 reached South America by the end of that 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).<sup>3</sup> Mexico underwent some liberalization in the late 1980s, and democratic governments were elected in Chile in 1989 and in Haiti and Nicaragua in 1990.

As Chapter 1 details, the OAS developed an exceptional and unprecedented defense-of-democracy regime and began deploying civilian peace missions to crisis-seized member states during the 1990s. Coup-makers and authoritarians could no longer count on a collective blind eye in response to unconstitutional changes in government, and OAS personnel built a bigger on-the-ground presence in the region through security and human rights operations. I argue that these developments – which constitute erosion of the norm of non-interference – can be attributed to (1) historically rooted pan-American debates about non-interference (norm contestation) and, in the shorter term, (2) a significant increase in the democratic density of the region. It's also the case that a shift in US foreign policy away from anti-communism removed an impediment to developing intrusive regionalism at the level of the OAS – the threat of US 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 pan-American values already embedded in regional institutions and practices.

<sup>3</sup> Huntington 1991, 22–23.

Debates about the proper balance between non-interference and democracy/human rights promotion had existed for decades, and the non-interference norm had already undergone weakening via the post-World War II development of regional state monitoring regimes (see Chapter 3). Latin America was, therefore, more greatly predisposed to build consensus around sovereignty-violating policies during the second wave of regionalism<sup>4</sup> than were other regions because of these decades-old processes of norm contestation and norm erosion. Diplomatic non-recognition of non-democratic regimes as a policy idea did not originate in the 1990s; Latin American diplomats had been advocating (albeit unsuccessfully) for it since at least the early twentieth century. The level of authoritarianism and US interventionism that characterized the 1970s had, however, paralyzed regional multilateralism and crowded out contestation of non-interference.

Democratization removed the first of these impediments (authoritarianism) over the course of the 1980s, and Jon Pevehouse's theory of "democratic density" goes a long way in accounting for the timing of the rather dramatic rise in intrusive regionalism we see in the 1990s, at least with respect to democracy enforcement. He finds 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.<sup>5</sup> 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.<sup>6</sup> 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."<sup>7</sup> They were likely also motivated by a desire to promote a democratic image internationally and domestically to distance themselves from previous (authoritarian) regimes.<sup>8</sup>

<sup>4</sup> The second wave began in the late 1980s. <sup>5</sup> Pevehouse 2005.

<sup>6</sup> Moravcsik 2000. <sup>7</sup> Legler and Tiekou 2010, 477.

<sup>8</sup> Legler and Tiekou 2010, 477.

### *Latin American Regionalism in the 1980s*

A confluence of domestic, regional, and international factors contributed to the Third Wave of democratization, 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.<sup>9</sup> Whereas the second reverse wave in the 1960s and 1970s (a shift to authoritarianism) had thwarted further development of intrusive liberal regionalism in the region, democratization in the 1980s enabled the renewal of multilateral initiatives to promote peace, democracy, and human rights. 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 another development – the resurgence of US interventionism in Central America under the Reagan administration – 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. They instead turned to 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.”<sup>10</sup> Washington provided financial and military support to the Contra rebels against the leftist Sandinista government in Nicaragua, 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, wars involving widespread human rights violations. 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 US 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, which was established in 1986 to find negotiated solutions to the conflicts of the isthmus. Its participants

<sup>9</sup> See Huntington 1991; Mainwaring and Pérez-Liñán 2014a.

<sup>10</sup> Parish and Peceny 2002.

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, and the next goal became democracy promotion on a wider scale.<sup>11</sup> 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.<sup>12</sup>

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 United States, 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.”<sup>13</sup> By the 1980s, the United States had “adopted an essentially unilateralist foreign policy, both globally and regionally.”<sup>14</sup> Andrew Hurrell considers these regionalist activities that excluded the United States to constitute of a resurgence of the phase of regionalism that predates US involvement.<sup>15</sup> In Arie Kacowicz’s similar evaluation, the initiatives of the Rio Group harkens back to the Bolivarianism of the nineteenth century, which had been displaced by US-led pan-Americanism, but reemerged in these multilateral peacemaking efforts operating outside of the inter-American system.<sup>16</sup>

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 laid a foundation for the emergence of a hemispheric defense-of-democracy regime in the early 1990s. As noted in Chapter 1, 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

<sup>11</sup> Dent and Wilson 2014, 271.

<sup>12</sup> Cooper and Legler 2001, 110.

<sup>13</sup> Parish and Peceny 2002, 235.

<sup>14</sup> Vaky 1993, 11.

<sup>15</sup> Hurrell 1994, 168.

<sup>16</sup> Kacowicz 2005, 50.

inter-American system's hierarchy of purpose."<sup>17</sup> Argentina, a new democracy as of 1983, was an "important proponent" of the 1985 Cartagena Protocol. Argentina's leadership on the protocol supports Moravcsik's lock-in thesis.<sup>18</sup>

Along with democratization came the growth of human rights non-governmental organizations (NGOs) and the consolidation of human rights networks during the 1980s, which also contributed to the development and effectiveness of intrusive regionalism. NGOs lobbied governments and collaborated with regional institutions in order to increase monitoring, criticism, and other pressures on repressive Latin American regimes.<sup>19</sup>

### *OAS Renewal in the Post-Cold War Era*

The end of the Cold War resulted in a transformation of US foreign policy and coincided with the culmination of the Third Wave of democratization in Latin America, 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 (i.e., to legitimize) peaceful multilateral activities 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.

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 late 1980s and early 1990s, the OAS Assembly produced a series of declarations and resolutions spelling out these specific actions.<sup>20</sup> Chile, which had held

<sup>17</sup> Cooper and Legler 2001, 105.

<sup>18</sup> Legler and Tiekou 2010, 477.

<sup>19</sup> Sikkink 1996.

<sup>20</sup> See Chapter 1.



democratic elections in 1989, was a key proponent of the Santiago Commitment and Resolution 1080.<sup>21</sup> Then Chilean ambassador to the OAS, Heraldo Muñoz, 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."<sup>22</sup> Former US 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, 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."<sup>23</sup> 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 government which "wanted to make sure that nobody would ever again be able to get away with the creeping authoritarianism practiced by the Fujimori government."<sup>24</sup> Again, democracies have played a crucial role in promoting intrusive regionalism.

And, again, The predominance of authoritarianism in the 1970s wasn't the only factor holding back the development of intrusive liberal regionalism during the this period; US unilateralism and cooptation of multilateralism for interventionist purposes was also a major impediment. The end of the Cold War fundamentally altered US 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 US hegemony did not, of course, disappear at this juncture – and the potential for US dominance of regional institutions remained – the disappearance of the communist threat dissolved the principal rationale for Washington's unilateral interventionism and

<sup>21</sup> Legler and Tiekou 2010, 477; OAS 1991a,b.      <sup>22</sup> Muñoz 1998, 1.

<sup>23</sup> Bloomfield 1994b.      <sup>24</sup> Legler and Tiekou 2010, 477.

attempts to co-opt 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 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.

Muñoz affirms the importance of the shift in US 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.”<sup>25</sup> 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.”<sup>26</sup> In other words, hypocrisy became less sustainable, and so more consistent democracy-promoting behaviors became possible. A group of what 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.’”<sup>27</sup> Finally, and importantly for a key argument of this book, Muñoz 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.”<sup>28</sup> Indeed, the Santiago Commitment’s full title includes the phrase “*Renewal* of the Inter-American System.”<sup>29</sup>

<sup>25</sup> Muñoz 1998, 1.

<sup>26</sup> Ullman 1994, 14.

<sup>27</sup> Bloomfield 1994a, 18.

<sup>28</sup> Muñoz 1998, 2.

<sup>29</sup> Emphasis mine.

## **Partial and Reversible: The Third Wave of Democratization in Africa and Southeast Asia**

Africa and Southeast Asia did not achieve (and have not achieved) the level of democratic density seen in Latin America, and so we have to turn to other causal factors – regional normative priors (Chapter 3) and economic performance (Chapter 5) – to make sense of the (uneven) rise of intrusive regionalism in these cases. Still, African and Southeast Asian countries did to varying degrees experience liberalizing political change short of democratization, and some (including some powerful states with regional leadership aspirations) actually democratized. Partial democratization is causally relevant because of the *reform protagonism* of emerging democracies in both regions, although these democracies were more successful in their reform campaigns in Africa (because of other factors noted above).

### **Africa**

The rise of intrusive regionalism via wide-ranging OAU reforms took off in the early 1990s after several years of economic crisis in the 1980s (the “Lost Decade for Africa”). IGO bureaucrats served as key reform protagonists during this stage of institutional reform. In this section, I pick up the OAU’s story in the second half of the 1990s because it is at this stage that a new democracy (South Africa) and a state that had recently achieved substantial political liberalization (Nigeria) pushed for the acceleration and greater institutionalization of regional reforms through the creation of a new continental organization: the African Union. First, though, I provide an overview of the effect of the Third Wave of democratization on the continent.

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 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, which 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.”<sup>30</sup> The 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.” Furthermore, 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.<sup>31</sup>

In many African 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. Average democracy scores increased in Africa after 1989, but 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.

### *The Role of South Africa and Nigeria*

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 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

<sup>30</sup> Bratton and van de Walle 1997, 104.

<sup>31</sup> Bratton and van de Walle 1997, 108–109.

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."<sup>32</sup>

Mandela 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,<sup>33</sup> and particularly emphasized human rights.<sup>34</sup> Writing in *Foreign Affairs* in 1993, he tied the history of domestic politics in South Africa and the values of the African National Congress to international politics and the new South African priorities:

By the end of the 1980s, South Africa was one of the most isolated states on earth ... Recovering from this will be no easy task. Conscious of this difficulty, the ANC is involved in developing those policies which will be necessary to take South Africa into the new world order as a responsible global citizen ... The anti-apartheid campaign was the most important human-rights crusade of the post-World War II era. Its success was a demonstration, in my opinion, of the oneness of our common humanity: in these troubled times, its passion should not be lost. Consequently, South Africa will not be indifferent to the rights of others. Human rights will be the light that guides our foreign affairs. 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

<sup>32</sup> 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).

<sup>33</sup> Mandela 1993, 87.

<sup>34</sup> 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."

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. This is especially important in Africa, and our concerns will be fixed upon securing a spirit of tolerance and the ethos of governance throughout the continent. There cannot be one system for Africa and another for the rest of the world. If there's a single lesson to be drawn from Africa's postcolonial history, it is that accountable government is good government.<sup>35</sup>

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."<sup>36</sup>

In a 1994 address to the US Congress, Mandela stated that "in an age such as this . . . much revision will have to be done of ideas that have seemed as stable as the rocks, including such concepts as sovereignty and national interest."<sup>37</sup> 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."<sup>38</sup>

This was not just talk. Mandela indeed became an outspoken critic of fellow African leaders for their undemocratic and repressive practices.<sup>39</sup> 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 Ogoni 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. 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

<sup>35</sup> Mandela 1993, 86–88. <sup>36</sup> Quoted in Landsberg (2000, 108).

<sup>37</sup> Quoted in Crawford (1995, 96). <sup>38</sup> Crawford 1995, 97.

<sup>39</sup> Vale and Maseko 1998, 272.

military intervention. These initiatives resulted in the reinstatement of the deposed leader.<sup>40</sup> South African leadership of a more democratic and developed African continent encountered push-back but also some encouragement from other African leaders. Julius Nyerere, for example, in a 1997 address to the South African Parliament, called on South Africa to take responsibility for Africa.<sup>41</sup>

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”<sup>42</sup> – 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 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.<sup>43</sup> 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.”<sup>44</sup>

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.<sup>45</sup> The doctrine shares much with the language of policy-relevant actors campaigning for reform in the early 1990s<sup>46</sup> – 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.”<sup>47</sup> In line with the policy objectives outlined above, South Africa was a lead proponent, in collaboration with OAU General Secretary Salim Ahmed Salim, of a sanctions regime in response to unconstitutional changes in government (legalized from 1997 to 2007).<sup>48</sup>

<sup>40</sup> Crawford 1995, 99.      <sup>41</sup> Vale and Maseko 1998, 283.

<sup>42</sup> Quoted in Landsberg (2000, 117).      <sup>43</sup> Tiekou 2004, 253.

<sup>44</sup> Quoted in Landsberg (2000, 108).      <sup>45</sup> Landsberg 2000, 118.

<sup>46</sup> See the 1991 Kampala Document (discussed in Chapter 5).

<sup>47</sup> Quoted in Tiekou 2004, 255.

<sup>48</sup> The legalization of the anti-UCG norm involved a May 1997 decision of the Council of Ministers (“Harare Decision”) condemning a coup d'état in Sierra

Mbeki “pursued a proactive agenda of norm setting in the AU, especially integrating the UCG norm into the protocol of the [African Union Peace and Security Council] (2003) by convening conferences and expert meetings.”<sup>49</sup>

Mbeki (along with Nigeria’s Olusegun Obasanjo) also played a central role in the replacement of the OAU with the African Union. As noted in Chapter 1, 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.<sup>50</sup> The OAU–African Union shift 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.

After becoming a prominent civil society leader in the 1980s and early 1990s, former Nigerian head of state Olusegun 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. This election moved Nigeria from a –6 to a 4 on the Polity IV scale; this constitutes substantial liberalization but not technically democratization. Drawing directly on his civil society organizing from the late 1980s and early 1990s, Obasanjo pushed for 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,<sup>51</sup> Obasanjo also wanted to

Leone and calling on the international community to refuse diplomatic recognition to the de facto regime; 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, non-recognition of the de facto government, fact-finding missions, targeted sanctions, and multilateral mediation efforts; and the 2007 African Charter on Democracy, Elections and Governance, which more strongly institutionalized these mechanisms.

<sup>49</sup> Leiningar 2014, 17. <sup>50</sup> OAU 2000a. <sup>51</sup> See Chapter 5.



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.<sup>52</sup>

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 joint military force, and a common African currency.<sup>53</sup> 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 to reject 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. Both sides promoted their plans as the fulfillment of the vision of the OAU’s pan-Africanist founding fathers. Bjørn Møller 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-Africanism, thus ‘out-casablancking the neo-Casablancans.’”<sup>54</sup> The Casablanca Group was the radical pan-Africanist bloc headed by Kwame Nkrumah in the late 1950s. The Constitutive Act of the African Union adopted at the 1999 Sirte summit was a disappointment to Gaddafi as it enshrined the liberal norms and interventionist priorities of Nigeria and South Africa.

### **Southeast Asia**

Southeast Asia proved mostly immune to the Third Wave of democratization. In the 1980s, only one Southeast Asian state, the

<sup>52</sup> Tiekou 2004, 260.    <sup>53</sup> Tiekou 2004, 261.    <sup>54</sup> Møller 2009, 10.

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. This relative immunity is puzzling given conventional wisdom. In his seminal book on the waves of democratization, 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.<sup>55</sup> 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.<sup>56</sup> Huntington’s thesis doesn’t hold here; growth actually provided non-democracies in Southeast Asia with the rhetorical and material tools to justify their forms of rule and coopt the middle class, bolstering their regimes.<sup>57</sup> In the immediate post-Cold War period, the only country of the ASEAN Five to have transitioned to democracy, the Philippines, was also the worst performer economically. In 1986, the non-violent 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, ranging from Indonesia’s –7 to Malaysia’s 4.<sup>58</sup> 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 percent. The other members of ASEAN Five boasted much higher growth rates: 7.7 percent (Indonesia), 8.6 percent (Malaysia), 9.8 percent (Singapore), and 11 percent (Thailand).

Furthermore, because of ASEAN states’ economic performance, the international community was less interested (although not uninterested) in applying pressure for liberalization and intrusive regionalism in Southeast Asia than in Africa. According to Amitav Acharya:

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

<sup>55</sup> Huntington 1991, 65–68.

<sup>57</sup> Acharya 1999, 420–421.

<sup>56</sup> Huntington 1991, 69.

<sup>58</sup> [www.systemicpeace.org/polity/polity4.htm](http://www.systemicpeace.org/polity/polity4.htm).

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.<sup>59</sup>

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.”<sup>60</sup>

### *The Role of the Philippines and Thailand before the 1997 Financial Crisis*

ASEAN states endured less international pressure to liberalize (domestically and in their foreign policy) than their more economically stagnant counterparts in other regions, but Western states did attempt to persuade the Association to isolate and sanction Myanmar in the mid-1990s (because of this pariah state's illiberalism). The grouping eventually admitted Myanmar as a member, 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 (which, 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.<sup>61</sup> 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

<sup>59</sup> Acharya 1999, 423–424.

<sup>60</sup> Khong and Nesadurai 2007, 35.

<sup>61</sup> Ba 2009, 103.

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."<sup>62</sup>

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, as the Philippines (democratic since 1987) and Thailand (democratic since 1992) began questioning the wisdom of Myanmar's immediate inclusion as a member.<sup>63</sup> 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 held its first multiparty elections since 1960, but, when opposition leader Aung San Suu Kyi's National League for Democracy won a decisive victory, the regime refused to acknowledge the outcome or transfer power. A crackdown on pro-democracy forces followed. Even before the elections, Aung San Suu Kyi had been placed under house arrest, and she would remain a political prisoner until 2010.<sup>64</sup>

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,<sup>65</sup> 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

<sup>62</sup> Acharya 2014a, 102.      <sup>63</sup> Ba 2009, 118.

<sup>64</sup> "Aung San Suu Kyi Fast Facts," CNN Library, November 19, 2018, accessed at [www.cnn.com/2013/01/18/world/asia/aung-san-suu-kyi-fast-facts/index.html](http://www.cnn.com/2013/01/18/world/asia/aung-san-suu-kyi-fast-facts/index.html).

<sup>65</sup> Ba 2009, 118.

take a hardline stand on Burma.”<sup>66</sup> 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.<sup>67</sup> 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.<sup>68</sup> 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 foreign policy,<sup>69</sup> 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. 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.<sup>70</sup> One Philippine official indicated that having this event take place on Philippine soil would have been “a disaster, at least for the Philippines, as the ‘champion of human rights.’”<sup>71</sup> 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?<sup>72</sup>

<sup>66</sup> Acharya 2014a, 106.      <sup>67</sup> Clarke 1998, xxv.      <sup>68</sup> Ba 2009, 119.

<sup>69</sup> Clarke 1998.      <sup>70</sup> Ba 2009, 120.      <sup>71</sup> Quoted in Ba (2009, 120).

<sup>72</sup> Quoted in Acharya (2014a, 106).

*The Role of Thailand, the Philippines, and Indonesia after the Crisis*

The 1997 Asian financial 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 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. In the wake of the crisis, ASEAN members grew concerned with their continuing relevance and international legitimacy, and so they were as a group somewhat more open to reform proposals (which were largely championed by the grouping’s democracies) than they previously had been.

In the late 1990s, democratic Thailand took the lead in pushing for the revision of regional norms (the ASEAN Way) as a partial solution to ASEAN’s image problems. 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.<sup>73</sup> The proposal was aimed at both economic and political issues, as it would allow for peer review of economic policies as well as criticism of “unacceptable internal conduct” (related to violations of human rights and democracy norms).<sup>74</sup> 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.”<sup>75</sup> He also pushed for a more “people-centered” regionalism, echoing arguments made by reformers in Africa and Latin America: “We believe that emphasis on the human agenda and the ASEAN people will help foster a fresh ASEAN image of transparency, communal accountability, good governance, and openness. ASEAN needs to derive its strength not only from the cooperation of its

<sup>73</sup> Haacke 1999, 583. <sup>74</sup> Acharya 2003, 382.

<sup>75</sup> Quoted in Jones (2008, 275).

governments but also from the support and endorsement of its peoples.”<sup>76</sup>

Thailand’s status as a democracy mattered in two ways. First, there was domestic pressure for liberalizing reforms and a more “liberal” foreign policy, as discussed above in relation to the question of Myanmar’s 1997 accession. The Democrat Party that came to power here as a result of the financial crisis was “predominantly urban, middle-class party espousing (neo)liberal values” and was eager to enact reform policies “aimed at ‘internationalizing’ both Thailand and ASEAN.”<sup>77</sup> Second, and relatedly, Thailand was eager to build up its democratic image internationally. As Acharya explains, flexible engagement “was partly inspired by [Thailand’s] desire to project its own democratic credentials” as the new government “did not want to be seen as part of a ‘club of dictators.’”<sup>78</sup> Thailand was interested in the reputation of Southeast Asia as a whole; its own reputation was linked to the region’s – “perceptions of Thailand within the [United States] and European Union would almost certainly be influenced by Thailand’s foreign policy.”<sup>79</sup>

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.<sup>80</sup> Apart from the Philippines, the rest of the ASEAN member states rejected flexible engagement. Instead, though, they adopted a diluted version: “enhanced interaction.” Enhanced 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.<sup>81</sup>

In 2001, a new government – with a somewhat different set of foreign policy priorities – came to power in Thailand, and Surin Pitsuwan ended his tenure as foreign minister.<sup>82</sup> His successor promoted a new foreign policy approach that would be more so “business-driven” than “ideology-driven,” and the new prime minister criticized

<sup>76</sup> Statement by foreign minister of Thailand at the 32nd ASEAN Ministerial Meeting (Singapore, July 23, 1999).

<sup>77</sup> Jones 2008, 275. <sup>78</sup> Acharya 2003, 381, 383. <sup>79</sup> Haacke 1999, 587.

<sup>80</sup> Katsumata 2004, 249. <sup>81</sup> Haacke 1999.

<sup>82</sup> Thailand then experienced a military coup in 2006.

his predecessor for focusing too much on human rights and democracy promotion.<sup>83</sup> As Thailand's role as ASEAN reform proponent waned somewhat in the 2000s, though, Indonesia's came into being. According to diplomat and international relations scholar Rizal Sukma, Indonesia's transition to democracy (which began in 1999) was tenuous for the first few years, but 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.<sup>84</sup>

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."<sup>85</sup> The new regime sought to legitimize itself internationally and domestically by "project[ing] its new democratic credentials."<sup>86</sup> 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."<sup>87</sup> 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."<sup>88</sup> In a 2004 speech to the ASEAN Ministers' Meeting, the Indonesian president called for a more people-centered regional organization, particularly through the expansion of "ASEAN's stakeholders beyond government officials, by including as much as possible members of our societies and by imbuing in them a strong sense of ownership of ASEAN." She declared her conviction that "Southeast Asia ought to be progressive and not conservative when it comes to public participation in governance and in the promotion and protection of human rights."<sup>89</sup>

<sup>83</sup> Samakkeenit 2014, 66.      <sup>84</sup> Sukma 2011.

<sup>85</sup> Quoted in Sukma (2011, 111).      <sup>86</sup> Acharya 2014a, 221.

<sup>87</sup> Sukma 2011, 112.      <sup>88</sup> Sukma 2011, 117.

<sup>89</sup> Statement by president of Indonesia at the 37th ASEAN Ministerial Meeting (Jakarta, June 29–30, 2004).



In 2003, Indonesia proposed the creation of an ASEAN Security Community (what would later be renamed the ASEAN Political-Security Community) in order to intensify cooperation on common security problems. In negotiations, Indonesia pushed for the development of more intrusive features, including an ASEAN peacekeeping force. 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 diluted form. For example, 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 approved later that decade).<sup>90</sup> Unsurprisingly, Indonesia's proposed peacekeeping force was dropped. According to statements made to the press, the other ASEAN members rejected the establishment of such a force as an affront to sovereignty.<sup>91</sup> Indonesia was also a proponent of the ASEAN Intergovernmental Commission on Human Rights (2009) and the Human Rights Declaration (2009). 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."<sup>92</sup>

## Conclusion

Regime type shaped the development of intrusive regionalism in all three cases, but most importantly in Latin America, where democratization renewed the development of historically-rooted democracy and human rights promotion institutions. In Africa and Southeast Asia, emerging democracies served as key reform protagonists, even if high democratic density was not achieved. These states' efforts were more effective in the African case, though. This difference in outcomes can partly be explained by regional normative priors, but a fuller explanation requires the examination of another more proximate factor: economic performance.

<sup>90</sup> Acharya 2014a, 229–230. <sup>91</sup> Simamora 2004, 1. <sup>92</sup> Sukma 2011, 113.

# 5

## *The Role of Economic Performance*

The previous chapter sets up a puzzle – why did Africa become so much more intrusive than Southeast Asia in the post–Cold War period, given that neither region experienced the extent of democratization that Latin America did? In both Africa and Southeast Asia, emerging democracies pushed for relevant reforms to regional norms and institutions, but this came to greater effect in Africa. A partial explanation for this variation in outcomes is that Africa’s normative priors were different – by the time these regions arrived at the 1980s, the norm of non-interference had already eroded to a greater extent in Africa, even if this erosion was minor compared to changes that would take place in the 1990s and beyond.

Another possible explanation that I will address briefly here is variation in *interference opportunity* with respect to civil conflict. In Chapter 1, 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 5.1 displays the results. Importantly, civil violence magnitude has been relatively high in the region with the least willingness to cede sovereignty – Southeast Asia.

**Table 5.1 Average civil violence magnitude and impact scores**

|                       | 1960s | 1970s | 1980s | 1990s | 2000s |
|-----------------------|-------|-------|-------|-------|-------|
| <b>Latin America</b>  | 0.129 | 0.511 | 0.965 | 0.548 | 0.243 |
| <b>Africa</b>         | 0.440 | 0.643 | 0.822 | 1.030 | 0.639 |
| <b>Southeast Asia</b> | 2.190 | 3.011 | 2.433 | 1.700 | 1.000 |

*Source:* Center for Systemic Peace “Major Episodes of Political Violence” data set, accessed at [www.systemicpeace.org/inscrdata.html](http://www.systemicpeace.org/inscrdata.html); Codebook accessed at [www.systemicpeace.org/inscr/MEPVcodebook2014.pdf](http://www.systemicpeace.org/inscr/MEPVcodebook2014.pdf).

This explanation is therefore unsatisfactory, so in what follows I make the case for another factor – economic performance. As discussed in the Introduction, poor economic performance renders states materially and socially vulnerable and creates legitimacy deficits, and these vulnerabilities make states more open to normative and institutional reform in order to correct an image of dysfunction and attract resources. In Africa reform took the form of more intrusive regional norms and institutions. In Southeast Asia, economic success reaffirmed existing norms and institutions, and this helps account for ASEAN’s relatively steadfast adherence to non-interference. The 1997 Asian financial crisis called this into question, though, creating openings for reform proponents and resulting in some modest norm erosion.

This chapter focuses on the impact of economic performance on norms in *Africa* and *Southeast Asia* since the more causally important proximate factor for Latin America was regime change (democratization). But it is worth noting that Latin America experienced an economic crisis in the 1980s with low growth rates (low compared to Southeast Asia, but higher than Africa – see Figure I.2). The threat of political and economic marginalization associated with the end of the Cold War – especially the 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.”<sup>1</sup> 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 explained 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.<sup>2</sup>

Since “maintaining access” to the northern neighbor was “of dominant importance” to economically uncertain Latin American states, these states also had a “strong incentive to prevent friction on *noneconomic* issues from disrupting economic relations.”<sup>3</sup> 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.<sup>4</sup>

## Africa

A common account of the timing of Africa’s norm shift is that the changing nature of conflict in Africa in the 1990s – and particularly the 1994 Rwandan genocide – prompted African states to empower their regional institutions to become more interventionist.<sup>5</sup> I do not dispute that major high-profile civil wars motivated policy-relevant actors on the continent to accelerate OAU reforms in the second half of the 1990s, but this is an incomplete explanation. Reform processes preceded the rise of the “new wars” and were motivated by the 1980s *economic* crisis as much as by deteriorating security conditions in the 1990s. The Rwandan genocide accelerated but did not provide impetus

<sup>1</sup> Hurrell 1994, 170.      <sup>2</sup> Hakim 1992, 93.

<sup>3</sup> Hurrell 1994, 175 (emphasis mine).

<sup>4</sup> Richard Bloomfield characterizes Mexico, Colombia, Peru, and Brazil of the early 1990s as “non-interventionists” that were reluctant to vote in favor of defense-of-democracy mechanisms (Bloomfield 1994a, 18).

<sup>5</sup> See, for example, Adebajo 2016, 1193.

for this shift, a shift that was already well underway before the “new wars” could be understood as such.

The economic crisis of the 1980s – the so-called Lost Decade for Africa – critically shaped the development of African regionalism in the 1990s. Specifically, economic crisis rendered African states materially and socially vulnerable and, therefore, more open to reforming African regional institutions in order to collectively create the conditions for economic development and to attract aid and investment to the continent. The end of the Cold War exacerbated these vulnerabilities for African states and increased the urgency of “regional solutions to regional problems.” While emerging democracies became lead proponents of reform in the late 1990s, in the immediate post-Cold War period, other policy-relevant actors including executive bureaucrats in the United Nations Economic Commission for Africa (ECA) and Organization of African Unity (OAU) took the lead. They explicitly called for a redefinition of sovereignty in Africa and for the creation of more intrusive regional institutions in order to provide for the collective management of domestic political and security problems. The ultimate aim was to promote development and improve Africa’s image in the world, thereby combating and compensating for Africa’s economic marginalization. The reform campaign resulted in the creation of more intrusive regional institutions – including a regional conflict mechanism mandated to respond to intrastate war – and an increase in regional interference activities. By the late 1990s, the process of replacing the OAU with the more interventionist African Union had begun.

### *Economic Crisis and Africa’s Vulnerabilities*

Because of the economically rooted vulnerabilities discussed in this section, African states would be more open in the 1990s to reforming regional institutions – making the OAU more intrusive – than they otherwise would have been. They enacted these reforms in order to combat international Afro-pessimism, attract resources, and create the political and security conditions for economic growth. This section presents an overview of the African economic crisis and the related problems of Africa’s negative international image and the threat of the continent’s political and economic marginalization. The end of the Cold War amplified African states’ concerns about marginalization.

### The “Lost Decade” of the 1980s

Although African states initially experienced relatively high economic growth during the early post-decolonization period, by the end of the 1970s it was apparent that approaches to development taken since independence had not delivered positive results for these economies.<sup>6</sup> A world recession compounded existing problems and created new ones, resulting in a severe economic crisis on the continent beginning in the early 1980s. Prominent among the external adverse factors confronting Africa included a fall in primary commodities prices, ballooning external debt, and general decline in resource flows to the continent.<sup>7</sup> Environmental conditions leading to severe drought in some countries exacerbated existing socio-economic problems. The 1980s proved to be Africa’s “Lost Decade”: between 1980 and 1988, the region’s average GDP per capita fell by 25 percent and income per capita by 30 percent.<sup>8</sup>

By the mid-1980s, African states had come to understand the economic situation on the continent to be “a real emergency that had to be addressed urgently and vigorously,”<sup>9</sup> and they sought solutions at the global level through the United Nations and at the regional level through organizations like the OAU and ECA.<sup>10</sup> 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.<sup>11</sup> 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.”<sup>12</sup> This unprecedented special session resulted in the launch of the United Nations Program of Action for African Economic Recovery and Development 1986–1990 in cooperation with the United Nations Development Program and the ECA.

<sup>6</sup> ECA 1989, 9.      <sup>7</sup> ECA 1989, i.      <sup>8</sup> Ghai and de Alcantara 1990, 26–27.

<sup>9</sup> Ake 1996, 26.

<sup>10</sup> 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 priorities.

<sup>11</sup> Ake 1996, 26.      <sup>12</sup> Rasheed and Sarr 1991, 28.

Unsurprisingly, economic concerns became the primary focus of African regionalism,<sup>13</sup> and this decade saw many regional summits devoted to the crisis. A series of OAU and ECA legal instruments aimed at economic development resulted.<sup>14</sup> As the economic crisis progressed, 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<sup>15</sup> – 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”<sup>16</sup> and the problem of “bad publicity.”<sup>17</sup>

Echoing these concerns, ECA Executive Secretary Adebayo Adedeji<sup>18</sup> observed in 1988 that “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?”<sup>19</sup> He also foreshadowed future regional reform proposals, calling on Africa to “get our house in order to attract the foreign aid we need to get ourselves out of the woods.”<sup>20</sup> The ECA's 1987 Abuja Statement on Economic Recovery and Long-Term Development in Africa makes a similar point about the problem of marginalization: “One of the major challenges that face 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.”<sup>21</sup>

<sup>13</sup> This preoccupation shows up in both speeches and OAU declarations.

<sup>14</sup> 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).

<sup>15</sup> Anja Jetschke uses the language of image as an externality in her study of ASEAN institutions. See Jetschke (2015).

<sup>16</sup> Mengistu Haile Mariam 1984. <sup>17</sup> OAU 1984.

<sup>18</sup> 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.

<sup>19</sup> African Leadership Forum 1988. <sup>20</sup> African Leadership Forum 1988, 43.

<sup>21</sup> ECA 1987.

### The End of the Cold War

The end of the Cold War exacerbated Africa's vulnerabilities. The events constituting this global shift – 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 and changing relations with former colonial powers; an 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 Europe.<sup>22</sup>

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,<sup>23</sup> but African states and other policy-relevant actors responded to the events of 1989–1991 with apprehension, articulating further concerns about the continent's marginalization in the post-Cold War period. Specifically, the content of speeches, declarations, and reports at regional venues reveal these expressed concerns. In April 1990, the newly established African Leadership Forum, a civil society group headed by the former Nigerian president Olusegun Obasanjo and supported by the OAU and ECA secretariats, 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 participants at the Paris meeting . . . 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?”<sup>24</sup> And the language of the outcome document of the 1990 Paris conference ties concerns about economic marginalization to international perceptions about Africa:

Perceptions on political instability are perhaps the greatest impediments to FDI in Africa. . . . [I]t should be emphasized that the pervasive negative perception of Africa seems to have eclipsed, considerably, foreign direct

<sup>22</sup> See OAU 1990a.

<sup>23</sup> Although disillusionment about this promise set in within a half decade.

<sup>24</sup> Machungo 2000, 4.



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.<sup>25</sup>

The economic crisis left African states with major revenue shortages, balance of payment problems, and mountains of debt to service.<sup>26</sup> 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.”<sup>27</sup> 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.<sup>28</sup> Superpower disengagement from the continent and weakening ties between France and Francophone states left certain regimes with even fewer relative resources.

### *Anti-SAP Backlash and Emergent Policy Discourses*

The economic crisis created new problems for Africa, but it also inspired policy processes that produced new policy discourses, turning international attention to the human impact of international policy and linking economic problems to political and security problems. The rise 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

<sup>25</sup> African Leadership Forum 1990, 22.

<sup>26</sup> Ghai and Hewitt de Alcantara 1990, 26.

<sup>27</sup> Ghai and Hewitt de Alcantara 1990, 28.

<sup>28</sup> Bratton and van de Walle 1997, 100.

into the rise of the “human security” and “sovereignty as responsibility” paradigms among academics and practitioners in the 1990s, paradigms presenting a challenge to traditional notions of national security and state sovereignty.<sup>29</sup>

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, the 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.<sup>30</sup> 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 . . .”<sup>31</sup> This “counter-offensive” was especially active at the regional level in Africa, particularly through at 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 United Nations agencies, the ECA’s Executive Secretary 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 to Structural Adjustment Programs for Socio-Economic Recovery and Transformation.”<sup>32</sup>

According to the ECA Executive Secretary Adedeji, African states and Bretton Woods bureaucrats had, until the late 1980s, viewed

<sup>29</sup> The economist Mahbub ul Haq is credited with popularizing the concept of human security in United Nations Development Program’s 1994 Human Development Report.

<sup>30</sup> Cornia et al. 1987      <sup>31</sup> ul Haq 1995, 24–25.

<sup>32</sup> 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).

economic problems from a narrowly economic perspective, ignoring their political origins and the social impact of measures taken to address them.<sup>33</sup> 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 two interrelated policy discourses, which I've labeled human-centrism and holistic problem-solving (Table 5.2).

**Human-centrism** was the focus of the 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 wellbeing of humans (especially "vulnerable populations"), in the short and long term. Human-centrism animated the ECA's 1988 "International Conference on the Human Dimension of Africa's Economic Recovery and Development," which produced the "Khartoum Declaration Towards a Human-Focused Approach to Socio-Economic Recovery and Development in Africa."<sup>34</sup> 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 R2P principle that emerged in the late 1990s – melds together human-centrism and holistic problem-solving. **Holistic problem-solving** pushes back against the structural adjustment programs' narrow focus on macroeconomic indicators and calls for international policy-making that recognizes the multidimensionality of underdevelopment and the relationship between the economic, political, security, social, and cultural spheres. For example, the first ECA conference on African development (1987), co-sponsored by the OAU and the African Development Bank, produced the "Abuja Statement on Long-Term Development in Africa,"<sup>35</sup> which asserted 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."<sup>36</sup>

<sup>33</sup> Adedeji 1991, 295.

<sup>34</sup> The Khartoum Declaration was endorsed by the ECA Council of Ministers.

<sup>35</sup> The 1987 Abuja Statement was subsequently endorsed by the ECA Council of Ministers (representatives of African states).

<sup>36</sup> ECA 1987.

**Table 5.2** *Emerging international policy discourses*

| Policy discourse         | Content                                                                           | Structural adjustment program (SAP) critique                             | Relevance to 1990s OAU reform and R2P                                                                                               |
|--------------------------|-----------------------------------------------------------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| Human-centrism           | Human wellbeing 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”) |
| 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                                                                                 |

### *The Campaign to Reform African Regionalism*

#### **The Reform Campaign's Economic Impetus and Framing**

In explicit response to the economic crisis and the events constituting the end of the Cold War – and drawing on the emerging international policy discourses discussed above – the secretariats of the OAU and the ECA launched a regional reform campaign in the early 1990s in collaboration with the African Leadership Forum. They appealed for changes to sovereignty norms in Africa and for the development of regional institutions mandated to manage domestic-level governance and security problems. The logic of these proposals was this: in order to combat Africa's (and the OAU's) image of dysfunction, 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. African leaders interested in projecting an image of success, functionality, or low political risk vis-à-vis investors and others sought – through collective regional mechanisms – to improve the governance and security situation of their neighbors in order to not be associated with their dysfunction, illiberalism, et cetera.

A principal voice of the reform movement was the African Leadership Forum. Beyond the 1990 Paris meeting discussed above, the African Leadership Forum continued to convene conferences of state and non-state actors during the early 1990s; 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. The most well-known conference of the African Leadership Forum series was the Kampala Forum (1991) that produced a policy platform known as the Kampala Document, the central theme of which is holistic problem-solving.<sup>37</sup> The document 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.<sup>38</sup> 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 theme of human-centrism and

<sup>37</sup> Deng and Zartman 2002.

<sup>38</sup> The Kampala Document (in Obasanjo and Mosha 1993), 310.

articulates an expansive definition of security in line with what would come to be termed “human security.”<sup>39</sup>

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.<sup>40</sup> In a speech at the Kampala Forum, former Nigerian president Olusegun 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.<sup>41</sup>

Ugandan president Museveni’s speech at the same event 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 . . .<sup>42</sup>

Africa’s collective image constituted a major concern, and reform of regional institutions was pitched as a solution. Obasanjo 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 plea for a redefinition of security and sovereignty (quoted above).<sup>43</sup> The Kampala initiative received support from the OAU and ECA secretariats.

<sup>39</sup> Hussien 2011, 218.      <sup>40</sup> Obasanjo and Mosha 1993.

<sup>41</sup> Obasanjo 1991, 260–261.      <sup>42</sup> Museveni 1991, 266.

<sup>43</sup> Obasanjo 1991, 260.

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.<sup>44</sup> 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 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.<sup>45</sup>

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.” 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 the associated trade diversion from Africa.<sup>46</sup> 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.<sup>47</sup> While the report mainly

<sup>44</sup> 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) (United Nations 2002).

<sup>45</sup> OAU 1989. <sup>46</sup> OAU 1990a. <sup>47</sup> OAU 1990a, 4, 14–15.

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 ... To this end, member states should ... 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.<sup>48</sup>

The third principal voice of the reform campaign was the ECA Executive Secretary 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,<sup>49</sup> 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.”<sup>50</sup> The Charter stresses holistic problem-solving, 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.”<sup>51</sup>

The regional reform campaign was also framed as a pan-African transnationalist project. As Bjørn Møller 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.”<sup>52</sup> Writing in support of the creation of an intrastate 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

<sup>48</sup> OAU 1990a, 14–15.      <sup>49</sup> Legler and Tieku 2010, 469.      <sup>50</sup> OAU 1990c.

<sup>51</sup> OAU 1990c.      <sup>52</sup> Møller 2009, 5.



cultural and social 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.”<sup>53</sup> 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 ...<sup>54</sup>

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 won sovereignty jealously. Sovereignty became a sacred cow and many crimes have been committed in its name.”<sup>55</sup> 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 and integration of Africa a common cause for action.”<sup>56</sup> A report on a 1990 brainstorming meeting co-chaired by General Obasanjo, Professor Adedeji, and OAU General Secretary Salim Ahmed Salim called upon Africa to “revisit the past and rekindle the spirit of Pan-Africanism of the 1950s.”<sup>57</sup>

<sup>53</sup> Quoted in Martin 2002, 238. <sup>54</sup> Nyerere 1991, 254–255.

<sup>55</sup> Museveni 1991, 265–266. <sup>56</sup> Adedeji 1991, 300.

<sup>57</sup> Printed in Obasanjo and Mosha 1993, 351.

*The Results of the Reform Campaign: Discursive, Institutional, and Practical Changes*

The African regional reform campaign brought about discursive shifts with respect to sovereignty and intervention at the regional level; the development of new, more intrusive regional institutions; and an increase in intrusive regional practices including the deployment military missions. Together, these developments constitute a circumscription of the norm of non-interference, what some tout as the African shift “from non-interference to non-indifference.” This shift began in the early 1990s and accelerated over time.

**The Immediate Post–Cold War Period**

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 the 1990 summit, the heads of state adopted the Declaration on the Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place in the World,<sup>58</sup> directly responding to Secretary General’s critical report published earlier that year (see above). 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 situation 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.”<sup>59</sup>

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

<sup>58</sup> OAU 1990b.      <sup>59</sup> OAU 1990b.

“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.”<sup>60</sup> The Declaration “provoked” a debate among African leaders about the relationship among governance, 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).<sup>61</sup> In a 1993 address, Salim affirmed 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.”<sup>62</sup>

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.<sup>63</sup> 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.<sup>64</sup> “Rather remarkably for an organization that hitherto has avoided involvement in internal conflicts, the new OAU Mechanism has a clear mandate to concern itself with such conflicts.”<sup>65</sup> The 1990–1993 period saw an important rise in regional interference in domestic political and security affairs: 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, and two OAU military missions were deployed to civil conflicts. This trend in

<sup>60</sup> Ibok 2000, 3.

<sup>61</sup> Ibok 2000, 6–7.

<sup>62</sup> OAU 1993a.

<sup>63</sup> OAU 1992.

<sup>64</sup> OAU 1993b.

<sup>65</sup> Martin 2002, 197.

practices – along with the legalization of these practices – accelerated over the course of the decade.<sup>66</sup>

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 case of Rwanda, 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.”<sup>67</sup> The rebel group entered Rwanda from across the border in Uganda, resulting in an outbreak of conflict and population displacement as the conflict spread.<sup>68</sup> 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.<sup>69</sup> In the wake of the 1994 genocide in Rwanda, 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.<sup>70</sup>

<sup>66</sup> See Chapter 1.   <sup>67</sup> Berman and Sams 2000, 58.   <sup>68</sup> Mays 2010, 166.

<sup>69</sup> “Dynamic Analysis of Dispute Management – Intrastate Dispute Narratives,” <http://uca.edu/politicalscience/dadm-project/dadm-intrastate-dispute-narratives>. Rwanda Narrative.

<sup>70</sup> International Panel of Eminent Personalities to Investigate the 1994 Genocide in Rwanda and Surrounding Events. 2000. *Special Report: Rwanda – The Preventable Genocide*. July 7.

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 government of Burundi, as the Burundian military was strongly opposed to the deployment.<sup>71</sup> 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.<sup>72</sup>

Conflict management mechanisms developed even more quickly at the subregional level in West Africa. In 1990, 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 interstate conflict), but this architecture was not in fact established, and the defense protocol was not invoked until the 1990 Liberian situation.<sup>73</sup>

The 1990 deployment to Liberia was an “improvised response” and had no basis in ECOWAS law – since the civil war was an internal

<sup>71</sup> Berman and Sams 2000, 69. See also Rodt 2011, 7–8.

<sup>72</sup> “Dynamic Analysis of Dispute Management – Intrastate Dispute Narratives,” <http://uca.edu/politicalscience/dadm-project/dadm-intrastate-dispute-narratives>. Burundi Narrative.

<sup>73</sup> Berman and Sams 2000, 78–83.

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 subregional hegemon), to carry out the intervention.<sup>74</sup> 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.<sup>75</sup> 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.<sup>76</sup> Many pointed to ECOWAS as an example for other subregional 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 toward 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 ECOWAS experiment could indeed be emulated ... [and] should be congratulated for having prevented a bad situation from getting worse.<sup>77</sup>

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.<sup>78</sup>

<sup>74</sup> Berman and Sams 2000, 83–84.

<sup>75</sup> Kufuor 2002, 387.

<sup>76</sup> OAU 1991.

<sup>77</sup> Obasanjo and Mosha 1993, 269.

<sup>78</sup> Alter et al. 2013, 744.

Together, these developments are evidence of the demotion of the norm of non-interference within the African regional normative hierarchy, and, as I've argued, this shift was initiated in response to economic crisis and related marginalization concerns. In 1993, former Sudanese ambassador to the United Nations – and lead developer of the concept of “sovereignty as responsibility”<sup>79</sup> – Francis Deng spoke to this motivation:

[Africans] are recognizing that if the world does not care much about them, they must take their destinies into their own hands. At the same time, the imperatives of global interdependence propel them to resist marginalization. Their aim is to put their houses in order through regional resolution to conflicts and improved economic performance, then return to participating in international affairs with a renewed sense of political and economic legitimacy.<sup>80</sup>

The establishment in 1993 of the Mechanism for Conflict Prevention, Management, and Resolution was an important step toward “non-indifference,” but the OAU had limitations, and these pushed Africa toward the creation of a new regional body, the African Union. 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, even with the new conflict mechanism. The OAU had set up an African Peace Fund in 1993 to facilitate international donations,<sup>81</sup> 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<sup>82</sup> in order to give regional institutions the tools needed to manage governance and security on the continent. The content of the African Union's mandate reflects proposals put forward by South Africa's second post-apartheid president Thabo Mbeki and Nigeria's Olusegun Obasanjo (who led the African Leadership Forum and won the Nigerian presidency in 1999). These proposals were based on similar regional policy platforms, the Kampala Document and the African Renaissance, respectively, which both aimed to broaden the OAU's mandate and capacity in its promotion of democracy, human

<sup>79</sup> See Deng et al. 1996.      <sup>80</sup> Deng 1993, 112.      <sup>81</sup> Martin 2002, 198.

<sup>82</sup> Packer and Rukare 2002, 367–369.

rights, and intrastate security, employing a “comprehensive concept of security including ‘human security.’”<sup>83</sup>

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.” 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.”<sup>84</sup> But 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.”<sup>85</sup>

### Southeast Asia<sup>86</sup>

Starting in the mid-1970s, ASEAN member states starting seeing remarkably high economic growth rates. Although these numbers dipped a bit in the early 1980s, they rebounded and continued into the 1990s, propelled by foreign direct investment and exports.<sup>87</sup> We might, as Andrew Wyatt-Walter does, contrast the “failure of debt-financed import substitution policies in much of Latin America, South Asia and Africa” with the “striking success of the outward-oriented policies of East Asia . . .”<sup>88</sup>

<sup>83</sup> Møller 2009.

<sup>84</sup> 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).

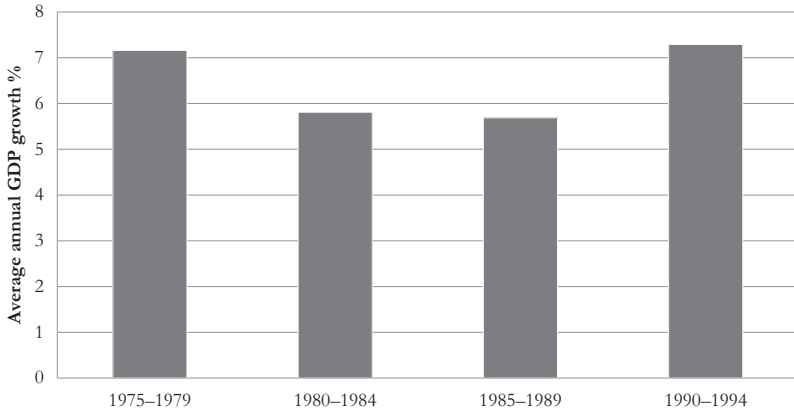
<sup>85</sup> Quoted in Vale and Maseko 1998, 285.

<sup>86</sup> Some passages in this section contain language found in Coe (2017b).

<sup>87</sup> Yukawa 2011, 260.

<sup>88</sup> Andrew Wyatt-Walter in Fawcett and Hurrell 1995, 94.





**Figure 5.1** ASEAN Five economic growth rates

Source: The World Bank, Data accessed at <http://data.worldbank.org>.

Economic success helped bolster the performance legitimacy of ASEAN's "soft authoritarian" regimes,<sup>89</sup> as well as the legitimacy of ASEAN itself. Performance legitimacy served to reaffirm (1) "Asian Values," a discourse deployed by some elites which emphasizes collectivism over individualism and economic development over civil and political rights, and (2) the ASEAN Way, the cornerstone of which is *non-interference*. So, while economic crisis in the 1980s called African regional norms into question, economic success, I argue, had the opposite effect in Southeast Asia. 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. The 1997 Asian financial crisis introduced greater vulnerability, though, calling the ASEAN Way into question and creating openings for proponents of reform.

### *Economic Success and Affirmation and Promotion of the ASEAN Way*

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.<sup>90</sup>

<sup>89</sup> Stubbs 2001. <sup>90</sup> Khong 1997, 327.

This reality did not stop ASEAN states from articulating satisfaction with the economic accomplishments of the Association (via its contributions to the reduction of interstate tensions). 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 respected in the community of nations."<sup>91</sup> At the ASEAN Ministers' Meeting that same year, Indonesia's foreign minister remarked on "ASEAN's steady growth and maturing process over the past 20 years" and the "justified pride" to be taken "in the fact that amidst a world of pervasive change ... its members states have yet managed to forge ahead in their efforts at national development and regional cooperation."<sup>92</sup> ASEAN scholars like Shaun Narine similarly assessed the Association's accomplishments: "Southeast Asia is 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."<sup>93</sup>

ASEAN entered the 1990s as an international success story, principally due to this incredible economic performance but also to some degree due to the Association's rising diplomatic clout as a driving force behind the international Cambodia–Vietnam negotiations.<sup>94</sup> In the face of the West's proclamation of the "unabashed victory of economic and political liberalism"<sup>95</sup> and the rise of liberal internationalism in the wake of the Cold War's end, ASEAN states were empowered by their performance legitimacy to insist upon an alternative – illiberal political systems protected by sovereignty-reinforcing regionalism – and they did.

<sup>91</sup> ASEAN 1987a.

<sup>92</sup> Statement by foreign minister of Indonesia at the 20th ASEAN Ministerial Meeting (Singapore, June 15–16, 1987). His Malaysian counterpart echoed these sentiments: "Over the years ASEAN has established itself as an example of what genuine cooperation among neighbours can achieve. It is a matter of pride for us all that ASEAN is acknowledged by the international community as a proven and viable regional association of states. ASEAN's progress can only be guaranteed through our continued commitment to the principles and objectives of regional cooperation."

<sup>93</sup> Narine 1998, 202 (emphasis mine). <sup>94</sup> Yukawa 2011.

<sup>95</sup> Fukuyama 1989, 3.

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*.<sup>96</sup>

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.<sup>97</sup>

In a 1992 speech, Prime Minister Ramos of the Philippines referred to ASEAN as the "most successful case of regionalization among developing countries."<sup>98</sup>

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 actually occurred.<sup>99</sup> Like other regional groupings, ASEAN's institutions widened and deepened. It also took on a leadership role in

<sup>96</sup> Statement by president of Indonesia at the 23rd ASEAN Ministerial Meeting (Jakarta, July 24–25, 1990) (emphasis mine).

<sup>97</sup> Statement by president of Indonesia at the 23rd ASEAN Ministerial Meeting (Jakarta, July 24–25, 1990) (emphasis mine).

<sup>98</sup> Quoted in Yukawa 2011, 264. <sup>99</sup> Khong 1997, 335.

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.<sup>100</sup> It sought to bring other states under the ASEAN normative umbrella (by 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 in effect extends the ASEAN Way. We see initial movement on this front with the 1987 Protocol Amending the Treaty,<sup>101</sup> which was aimed at “enabl [ing] states outside of Southeast Asia to accede” to it.<sup>102</sup> The Treaty currently has twenty-seven signatories including China, the United States, and the European Union.

The Association’s efforts to promote ASEAN norms beyond ASEAN and the region also resulted in the establishment of the ASEAN Regional Forum. According to Amitav Acharya, seizing a leadership role was seen as a way of “underscoring the continued and broader relevance of ASEAN’s norms.”<sup>103</sup> Similarly, ASEAN’s role in promoting the ASEAN Regional Forum “reflected its growing self-confidence about the relevance of its norms of regional cooperation.”<sup>104</sup> The 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 Taku 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].”<sup>105</sup> 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 for the Regional Forum, despite the small size of its states,

<sup>100</sup> Khong and Nesadurai 2007, 32.      <sup>101</sup> ASEAN 1987c.

<sup>102</sup> ASEAN 1987b.      <sup>103</sup> Acharya 2014a, 168.      <sup>104</sup> Acharya 2014a, 199.

<sup>105</sup> Yukawa 2011, 266.

was justified by the grouping's "collective economic potential and how that potential might translate into military clout in the future."<sup>106</sup>

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. 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."<sup>107</sup> 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.<sup>108</sup> 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 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 for 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, [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 policy-makers were announcing an "Asian renaissance" and aggressively

<sup>106</sup> Narine 2002a, 184.

<sup>107</sup> China News (Taipei), November 21, 1992. Quoted in Acharya 1999, 421.

<sup>108</sup> Risse and Ropp 2013, 21 (emphasis mine).

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.<sup>109</sup>

ASEAN did face criticism in the 1990s for its illiberalism and for its handling of the accession of new member states (especially authoritarian Myanmar), but its members were able to rebuff such criticism with reference to their collective accomplishments. At the 1997 ministerial meeting on the eve of the 1997 financial crisis (which coincided with ASEAN’s 30th anniversary), affirmations of the ASEAN Way abounded. The Malaysian prime minister emphasized the need for ASEAN to “resist and reject” suggestions for it to “pass judgement, deny membership and apply pressure on a potential candidate . . .” since these actions “are not part of the ASEAN way” i.e., the “ASEAN formula for success,” to which he attributed its members’ “rapid economic growth and political stability.”<sup>110</sup> Malaysia’s foreign minister echoed these sentiments, stating that

ASEAN has been able to survive and progress all these years because each member-state has been free to develop politically and economically according to its own national ethos. We do not have a common secretariat that prescribes what policies member governments should adopt in our nation building tasks. And perhaps one of the most important principles that have governed intra-ASEAN relations has been that of non-interference in one another’s internal affairs. This principle has stood the test of time and has contributed to the harmony that prevails today . . .<sup>111</sup>

The foreign minister of Indonesia, a state that would push for reform of the ASEAN Way in the post-financial crisis era, was in 1997 defensive of its sovereignty-protecting norms, identifying the principles of sovereignty equality and non-interference as “responsible for ASEAN’s

<sup>109</sup> Jones 2009, 2.

<sup>110</sup> Statement by prime minister of Malaysia at the 30th ASEAN Ministerial Meeting (Subang Jaya, Malaysia, July 24–25, 1997).

<sup>111</sup> Statement by foreign minister of Malaysia at the 30th ASEAN Ministerial Meeting (Subang Jaya, Malaysia, July 24–25, 1997).

success.” He warned that “The surest and quickest way to ruin is for ASEAN countries to begin commenting on how each of us deals with . . . sensitive issues,” and further proclaimed that

ASEAN countries’ consistent adherence to this principle of non-interference is the key reason why no military conflict has broken out between any two ASEAN countries since the founding of ASEAN. As any historian of South-east Asia can tell us, such peace was not the norm for the previous 200 years. The past thirty years of peace is a remarkable achievement. Let us maintain it in the 21st Century.<sup>112</sup>

### *The Asian Financial Crisis and Modest Erosion of Non-interference*

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 of 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.<sup>113</sup> In this environment, aided by the protagonism of Southeast Asia’s democracies, some changes in law and practice did take place, constituting modest erosion of non-interference. These changes are minor relative to what has occurred in Latin America and Africa. I argue that this is because Southeast Asian (and ASEAN in particular) does not have the same history of norm contestation and erosion and because its most pro-sovereignty members have many years of economic success to use as a discursive reference point in their defense of the ASEAN Way.

<sup>112</sup> Statement by foreign minister of Singapore at the 30th ASEAN Ministerial Meeting (Subang Jaya, Malaysia, July 24–25, 1997).

<sup>113</sup> See Jones 2012, Chapter 8; Jetschke 2015.



**Figure 5.2** Southeast Asian economic growth rates

*Source:* The World Bank, data accessed at <http://data.worldbank.org>.

### Southeast Asia's Financial Crisis and ASEAN's Image Crisis

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.<sup>114</sup> Growth rates plummeted, many firms were bankrupted, and several countries in the region were forced to request “politically humiliating” International Monetary Fund loan packages.<sup>115</sup> Figure 5.1 displays average annual GDP growth rates in Southeast Asia and in the group of the original ASEAN Five.

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.<sup>116</sup>

Western governments and international institutions pointed to “market-distorting connections between Asian governments and

<sup>114</sup> Narine 2002a, 183.

<sup>115</sup> “Ten Years On” 2007.

<sup>116</sup> Acharya 1999, 419.



business” as responsible for the crisis,<sup>117</sup> and, whereas earlier economic successes had been attributed to – and (soft) authoritarian rule justified by – Asian Values, the 1997 economic crisis was blamed in part on these same Asian Values.<sup>118</sup> In June 1998, US 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.” Similar attributions came from within the region as well. For example, Filipino president Fidel Ramos 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.”<sup>119</sup>

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.<sup>120</sup> Concerns about the Association’s image were not expressed exclusively by the ASEAN’s democratic members. Malaysia’s foreign minister, for example, observed “The temporary setback faced by ASEAN economics have given rise to the perception that ASEAN is in disarray, its unity imperiled and its image tarnished. ASEAN’s trademark, its approach, style and method of work that member countries have adopted in the conduct of affairs within the Association and in its relations with others have come under increasing scrutiny.”<sup>121</sup> Singapore’s prime minister similarly worried that, “ASEAN’s high reputation rested on our economic

<sup>117</sup> Narine 2002a, 185.      <sup>118</sup> Acharya 1999, 419.

<sup>119</sup> Both quoted in Acharya 1999, 421–422.      <sup>120</sup> Narine 2002a, 184.

<sup>121</sup> Statement by foreign minister of Malaysia at the 31st ASEAN Ministerial Meeting (Manila, July 24, 1998).

success,” that the crisis had “seriously dented” this reputation, and that “perceptions . . . can define political reality.”<sup>122</sup> Asian financial 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 5.2).<sup>123</sup> However, in 2000, Singapore’s foreign minister warned that despite the fact that Southeast Asia’s “quick recovery has vindicated our confidence,” extraregional perceptions of ASEAN as an organization remained negative. “If we continue to be perceived as ineffective, we can be marginalised as our Dialogue Partners and international investors relegate us to the sidelines.”<sup>124</sup>

The crisis also called into question the Association’s “modus operandi”<sup>125</sup> – the ASEAN Way. As Singapore’s foreign minister put it:

When we met in Kuala Lumpur exactly a year ago, I set out the basic principles that shaped ASEAN’s success . . . Some of these principles are now derided as the very cause of ASEAN’s ineffectual responses. *The Asian Wall Street Journal* of April 2, 1998 carried an article that argued that “a formalised habit of conflict avoidance, of endless striving for consensus, meant that ASEAN’s exhaustive decision-making procedures were just too slow for a rapidly unfolding situation.” *The Economist* of February 28, 1998 noted that ASEAN “favours carrots over sticks, consensus over breakthrough, camaraderie over formality and process over substance. Above all, ASEAN resists interference in the internal affairs of its members,” and bluntly concluded that “the ‘ASEAN way’ no longer works.”<sup>126</sup>

While this book 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

<sup>122</sup> Statement by prime minister of Singapore at the 32nd ASEAN Ministerial Meeting (Singapore, July 23, 1999).

<sup>123</sup> “Ten Years On” 2007.

<sup>124</sup> Statement by foreign minister of Singapore at the 33rd ASEAN Ministerial Meeting (Bangkok, July 24, 2000).

<sup>125</sup> Statement by foreign minister of Malaysia at the 32nd ASEAN Ministerial Meeting (Singapore, July, 1999).

<sup>126</sup> Statement by foreign minister of Singapore at the 31st ASEAN Ministerial Meeting (Manila, July 24, 1998).

warning system.”<sup>127</sup> Economic failure made the grouping more vulnerable to pressure from the international community to promote human rights and democracy norms in contravention of the ASEAN Way. 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.”<sup>128</sup> 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.”<sup>129</sup>

Southeast Asian states now had to manage increasing pressures from above and below, including those “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.”<sup>130</sup> 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.<sup>131</sup> This international pressure was reinforced by pressure from civil society, as ruling groups in ASEAN states “faced an upsurge in opposition from . . . forces including rioting peasants and workers, middle-class reformists, and Islamist and separatist movements,”<sup>132</sup> and some of these forces favored greater liberalization and liberal internationalist ASEAN policies.<sup>133</sup> According to Mely Caballero-Anthony, semi-authoritarianism and high economic performance 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.”

<sup>127</sup> Acharya 2003, 382.

<sup>128</sup> Acharya 2003, 378.

<sup>129</sup> Acharya 1999, 420.

<sup>130</sup> Acharya 1999, 419.

<sup>131</sup> Khong and Nesadurai 2007, 47.

<sup>132</sup> Jones 2010, 484.

<sup>133</sup> Mohamad 2002.

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.<sup>134</sup>

### The Campaign to Reform ASEAN Norms

As noted in previous chapters, in the wake of the financial crisis, Thailand’s foreign minister Surin Pitsuwan began campaigning to reform the ASEAN Way. His “flexible engagement” proposal would permit ASEAN to collectively discuss and publicly comment on member states’ domestic problems if these problems could be shown to have regional implications.<sup>135</sup> The Thailand delegation reasoned that the 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. Surin’s deputy 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 member states should have the “right to encourage fellow members to become more accountable to the region and to the international community.”<sup>136</sup>

Surin’s proposal was the subject of debate at the 1998 ministers’ meeting. Although Surin’s colleagues shared his concern about ASEAN’s image, the only ASEAN member to back the proposal was the Philippines, whose foreign minister stated in his 1998 speech that “We should be able to speak more freely on issues occurring in one member country that affect others, with a view to building more solid ground for regional action. For a stronger ASEAN, we need to think,

<sup>134</sup> Caballero-Anthony 2005, 237–238. See also Acharya (2014a) on civil society networks targeting ASEAN.

<sup>135</sup> Haacke 1999, 583. <sup>136</sup> Quoted in Jones 2008, 275.

talk and act regionally, even and particularly on thorny issues.”<sup>137</sup> Other members pushed back against “flexible engagement” with reference to the enduring relevance of ASEAN’s core norms and the contributions of these norms to ASEAN’s past successes. For example, Myanmar, a new member, argued that

As we look back to the last thirty-one years ASEAN has much to be proud of over these years the organisation has grown from strength to strength . . . These remarkable achievements could be attributed to the far-sightedness of the founders of ASEAN who have espoused the basic principles of ASEAN, principles such as . . . Non-interference in the internal affairs of one another. These and the spirit of equality and partnership have contributed significantly to the cohesion of ASEAN, principles which have served us so well over three decades remained even more valid today.<sup>138</sup>

More of the same came from Singapore’s minister:

Some of these fundamental principles are inherent in the very nature of the organisation, They have contributed to ASEAN’s success in the past, and will continue to do so in the future. . . . Adherence to these tested principles is one reason why no military conflict has broken out between any two ASEAN countries since the founding of ASEAN . . . We must be confident enough in ourselves, true enough to ourselves, to believe in our own logic and not discard what seems unfashionable or unpopular.<sup>139</sup>

The outcome of the 1998 meeting was the adoption of a watered-down version of flexible engagement: “enhanced interaction.” As illustrated below, this policy change led to some changes in ASEAN and member state practice. Minister Surin was not satisfied, though, and kept up his reform campaign for many years. In 1999, he declared:

[G]lobalisation and geo-economic realities necessitate a thorough review of our position [on the ASEAN Way]. Are we tigers ascendant, an integral part of a new Pacific Century, or are we last year’s wounded cubs, transposed and forgotten? Are we a force to reckon with in the region, admired and respected, or are we just passersby, seen but not heard? . . . As I mentioned earlier, in order to keep up with the changing environment, ASEAN would

<sup>137</sup> Statement by foreign minister of the Philippines at the 31st ASEAN Ministerial Meeting (Manila, July 24, 1998).

<sup>138</sup> Statement by foreign minister of Myanmar at the 31st ASEAN Ministerial Meeting (Manila, July 24, 1998).

<sup>139</sup> Statement by foreign minister of Singapore at the 31st ASEAN Ministerial Meeting (Manila, July 24, 1998).

need to re-think and re-invent. We must ensure that ASEAN remains the pre-eminent organisation in the region – respected both here and abroad. In this time of changing environments, we either have to reform ourselves to meet international standards or we can resist and be overwhelmed at the end, with no control over the pace or direction of change.<sup>140</sup>

Other ASEAN members continued to express concerns about ASEAN image but to argue for the maintenance of the ASEAN Way with reference to past ASEAN successes.<sup>141</sup> As noted in Chapter 4, Indonesia assumed leadership of reform proposals from the mid-2000s on. The result of continued image concerns and continued debate about how to respond was the modest erosion of non-interference.

### **The Results of the Reform Campaign: Minor Practical and Institutional Changes**

The financial crisis and (especially Minister Surin's) reform efforts succeeded in eating away at the norm of non-interference in Southeast Asia, albeit to a less degree than in Africa and Latin America during the second wave of regionalism. ASEAN states were – as a group – concerned about their collective international image, but, while some pushed for reforms that would entail significant norm erosion, others argued in favor of the maintenance of the ASEAN Way with reference to the norm set's past accomplishments. As early as 1998, we find evidence of the impact of the new “enhanced interaction” policy in the form of high-profile instances of public criticism. 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.”<sup>142</sup>

The East Timor crisis of 1999 tested ASEAN norms and revealed some weakening of the non-interference norm. When Indonesian President Suharto stepped down in 1998, the new president moved to grant

<sup>140</sup> Statement by foreign minister of Thailand at the 32nd ASEAN Ministerial Meeting (Singapore, July 23, 1999).

<sup>141</sup> Several examples of this can be found in speeches given at the 1999 ASEAN Ministerial Meeting (AMM). See also the opening statement given by the foreign minister of Laos at the 2000 AMM.

<sup>142</sup> Acharya 1999, 430.

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 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.”<sup>143</sup>

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 can involve greater coercion than Chapter XI), and they worried that it would set a precedent for future Western-initiated interventions.<sup>144</sup> Within ASEAN, Thailand and the Philippines were “the most sympathetic” to humanitarian intervention in East Timor.<sup>145</sup> 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.”<sup>146</sup> Unlike the African Union and the OAS, ASEAN has not lent its name to a peacekeeping mission, but troop contribution from its member states is worthy of note.

Other developments since the 1997 crisis reflect a diluted norm of non-interference. 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 led core ASEAN states to try to discipline Myanmar when its actions endanger this process of renewal.”<sup>147</sup> ASEAN denied Myanmar its turn at the

<sup>143</sup> United Nations Security Council 1999. <sup>144</sup> Dupont 2000, 164.

<sup>145</sup> Khong and Nesadurai 2007, 46. <sup>146</sup> Dupont 2000, 167–168.

<sup>147</sup> Jones 2010, 484.

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's prime minister stated at the 2006 ASEAN Ministerial Meeting that "In our region, the situation in Myanmar is impacting upon the image and credibility of ASEAN. . . . Therefore, we also hope that the Government of Myanmar will take the necessary steps to enable Myanmar to so move forward with the rest of ASEAN."<sup>148</sup> 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). 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).<sup>149</sup>

As outlined in Chapter 1, ASEAN also engaged in institution building in the 2000s. Anja Jetschke and Philomena Murray argue that this institution building can best be explained as emulation – ASEAN emulated European Union institutions (albeit superficially, without sacrificing sovereignty in a meaningful way) because they faced a *crisis of reputation* in the 2000s.<sup>150</sup> Human rights violations in some ASEAN states produced what Jetschke terms an indirect negative externality in the form of a negative reputation for ASEAN – a social cost for the group.<sup>151</sup> The establishment of the ASEAN Economic, Security, and Socio-Cultural Communities and the ASEAN Charter were motivated in part by ASEAN states' desire to recapture the Association's "economic and political relevance" and to "project a reformist, progressive image" of the region as a whole.<sup>152</sup> Proponents of institutional changes that would entail serious circumscription of non-interference faced push-back, though, from other ASEAN members. While democratic Indonesia proposed intrusive features to be built into the Security Community, Jakarta's ambitions were checked by ASEAN's continued aversion to sovereignty-challenging structures. ASEAN's newer members have been especially defensive of the ASEAN Way and have made use of ASEAN's past successes to justify the maintenance of this norm set. Commenting on the Security Community in 2005, the prime minister of Laos again referred to ASEAN's past successes via its "established

<sup>148</sup> Statement by prime minister of Malaysia at the 39th ASEAN Ministerial Meeting (Kuala Lumpur, July 25, 2006).

<sup>149</sup> Acharya 2014a, 223. <sup>150</sup> Jetschke and Murray 2012.

<sup>151</sup> Jetschke 2015. <sup>152</sup> Jones 2010, 494.



fundamental principles, especially those of non-interference in each other's internal affairs and decision-making by consensus" and stated that "we should maintain those fundamental principles to serve as a basis for the dynamic development of ASEAN in the long run, even when the ASEAN Community is actually established."<sup>153</sup>

The 2007 ASEAN Charter was proposed in 2005, and the ASEAN Eminent Persons Group 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").<sup>154</sup>

In general, the actual ASEAN Charter largely 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. As noted in Chapter 1, 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. In anticipation of the Charter's adoption, Singapore's foreign minister remarked that the document

presents us with a golden opportunity to make a bold and visionary political statement to the world. We all share the same aspiration for ASEAN to remain credible, competitive and relevant. For others to take ASEAN seriously, we in the region must take ASEAN seriously. The Charter aims to transform ASEAN into a stronger and more effective organisation where commitments are honoured and obligations are fulfilled.<sup>155</sup>

Despite the weakness of the Charter relative to his preferences, Surin Pitsuwan (the then-ASEAN Secretary General) said at the Ceremony

<sup>153</sup> Statement by prime minister of Laos at the 38th ASEAN Ministerial Meeting (Vientiane, July 26, 2005).

<sup>154</sup> Sukma 2011, 113.

<sup>155</sup> Statement by foreign minister of Singapore at the 40th ASEAN Ministerial Meeting (Manila, August 2, 2007).

for the Deposit of Myanmar's Instrument of Ratification that "I believe the ASEAN Charter will help us build an ASEAN Community that we can all be proud of. Already we have generated tremendous excitement around the world and they are expecting so much out of the ASEAN and they believe with the completion of the ratification of the Charter, we will really be a new ASEAN worthy of full respect, cooperation and interaction with."<sup>156</sup>

In 2009, the Association created the ASEAN Intergovernmental Commission on Human Rights. 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. The Commission was tasked with the development of a human rights declaration, and ASEAN adopted the ASEAN Human Rights Declaration in 2012. Again, though, the Commission is relatively very weak. It is not the "watchdog" that civil society groups were pushing for; it engages in human rights promotion but not protection.<sup>157</sup>

## Conclusion

The timing and justification of the erosion of non-interference in Southeast Asia find many parallels with African reforms in the 1990s following a decade of crisis in the 1980s. Still, as Chapter 1 shows, these changes are "little and late" compared to developments in other regions. What accounts for the relative maintenance of non-interference? First, Southeast Asia recovered from the financial crisis more quickly than Africa did from the 1980s economic crisis. Furthermore, non-interference was a "stickier" norm by 1997 in Southeast Asia than it was in Africa in 1990 – it had not been subject to the same contestation and erosion in the Cold War period. Finally, the prior economic success of the region had become discursively linked to the ASEAN Way by this point, providing anti-reform actors a discursive reference point for their defense of non-interference. The 1997 crisis called ASEAN and its norms into question, but it did not erase history.

<sup>156</sup> Secretary-General of ASEAN Dr Surin Pitsuwan's Remarks at the Ceremony for the Deposit of Myanmar's Instrument of Ratification of the ASEAN Charter Singapore, July 21, 2008.

<sup>157</sup> Acharya 2014a, 245.



## *Conclusion*

The advantage of comparative-historical analysis is that, by combining within-case analysis and the comparative method, we can work to bridge particular explanation and general explanation.<sup>1</sup> The explanatory framework presented in this book is a product of both types of analysis – the tracing of causal processes over time and the leveraging of useful comparisons. Another product of this two-track investigation is the discovery of particularities – that is, causally relevant but less generalizable features of these cases. This conclusion both briefly revisits the causal arguments that make up the book’s general(izable) framework and highlights the role of idiosyncrasy, contingency, and agency in the divergent normative trajectories of regional societies of Latin America, Africa, and Southeast Asia. I then consider the applicability of my theory to a new case – the “Arab” region (defined by membership in the League of Arab States). The last section of the chapter discusses the future of intrusive regionalism in the global South.

### **General Explanation – The Theoretical Framework**

The foregoing chapters have made the case that there are distinct regional patterns of shared understandings and practices of sovereignty. 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.

<sup>1</sup> Lange 2013.

Pan-Americanism and pan-Africanism have long presented a challenge to strict interpretations of sovereignty, and similar identity discourses in Southeast Asia have not been strong enough to facilitate the contestation of non-interference in the same way. This means that these three regions arrived at the end of the Cold War with different normative priors – non-interference was already weaker in Latin America and Africa than in Southeast Asia by the 1980s.

These normative priors interacted with more proximate factors: regime type and economic performance. High regional democratic density and severe economic crisis (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. These two causal pathways led to similar (although certainly not identical) outcomes. I also find that newly democratic states served as regional reform protagonists in both Africa and Southeast Asia, even if they were more successful in Africa. Southeast Asia's relative immunity from the Third Wave of democratization and its stellar economic performance served to reinforce the ASEAN Way – the cornerstone of which is non-interference. In the wake of the 1997 Asian financial crisis, though, we do see a noticeable (but muted) effect of poor economic performance on regional norms as ASEAN's commitment to non-interference softened.

### **Particular Explanation – Acknowledging Contingency and Agency**

I argue that the content and salience of macronationalism in a given region impacted the resilience of the norm of non-interference over time. In the abstract, the basic logic of this causal effect is that macronationalism appeals to values and solidarities that transcend the nation-state and therefore poses a challenge to “traditional” understandings and practices of state sovereignty. More specifically, I have made the case that the content and salience of macronationalism shaped the degree (and content) of contestation of the norm of non-interference, and that contestation contributed to gradual norm erosion over time. This is the causal mechanism.

An examination of the characteristics of macronationalism in the two regions where this macronationalism-contestation-erosion chain manifested reveals particularities. In the case of Latin America, the

legalism and liberalism of pan-Americanism are special. The language of human rights and democracy was also present in pan-African organizing, but the Enlightenment foundations of the pan-American project and the region's "peculiar legal (or legalist) culture"<sup>2</sup> set it apart. The early adoption of a regional human rights declaration and development of an especially strong set of human rights and democracy-promoting regimes – including Cold War era monitoring institutions – emerged from these traditions. For its part, pan-Africanism's diasporic heritage contributed to its particular articulation of transnational solidarity (among African peoples rather than states) that was only reinforced by the persistence of colonial and racist regimes on the continent (especially apartheid South Africa). This created openings for vocal critics of the OAU – including Julius Nyerere – to call on fellow African heads of state to make good on their stated commitments to promote the "dignity ... of the African peoples" and to cooperate in response to those peoples' "aspirations ... for brother-hood and solidarity."<sup>3</sup>

Nyerere's persistent contestation of the OAU's policy to not criticize or sanction African despots raises another causal factor around which it is difficult to build generalizable theory – individual agency. Why did Nyerere and his allies – and not other heads of state states – play this role? Tanzania during the 1970s was not as authoritarian as some states on the continent, but it was not a democracy and did not transition away from one-party rule until 1990. I maintain that certain features of African international society (the structure or context) enabled and perhaps inspired Nyerere and others to engage in this contestation, but if Tanzania had been headed by someone who did not share his convictions or activism, non-interference may have eroded even more slowly. Surin Pitsuwan's efforts to reform ASEAN norms are somewhat more "theorizeable" than Nyerere's efforts to reform the OAU (since Thailand was a democracy in the late 1990s), but his was still a special passion for the cause of ASEAN reform. Even after Thailand's democracy faltered, Surin continued to push for reform and served as ASEAN Secretary-General from 2008 to 2012.

I also argue that economic performance has shaped regional norms because economic crisis renders states and groups of states

<sup>2</sup> Obregon 2009, 154.      <sup>3</sup> OAU Charter, 1963.

materially and socially insecure, calls their norms into question, and makes them vulnerable to criticism, while economic success has the opposite effect. The theorized effect of economic performance was reinforced in Africa and Southeast Asia by unique discursive developments that are worthy of note. First, in addition to creating new problems for Africa, severe economic crisis also inspired policy processes that produced new policy discourses (human-centrism and holistic problem solving), turning attention to the human impact of international policy and linking economic problems to political and security problems. The early 1990s campaign to reform OAU norms drew 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. These policy discourses also fed into the rise of the post-Cold War “human security” and “sovereignty as responsibility” paradigms among academics and practitioners, and this series of events is situated in a particular time and place.

In Southeast Asia, on the other hand, we find a special discursive linkage being made (by ASEAN members) between non-interference (as part of the ASEAN Way) and the economic success of the region. This was part of the original justification for strict non-interference (i.e., that adherence to this norm would allow states to focus on economic development), and the ASEAN Five’s economic success was attributed in part to the ASEAN Way. Again, this discursive development seems quite particular to the history of ASEAN.

#### **A Fourth Case: Middle East and North Africa (League of Arab States)**

There are breadth-depth tradeoffs associated with choices about the number of cases to include in a qualitative study – and this book focuses on three world regions in order to achieve a balance – but it’s worth briefly testing the explanatory framework developed for Latin America, Africa, and Southeast Asia on another major region in the global South. Examining an additional case extends the “comparative” dimension of comparative historical analysis and can help refine explanatory frameworks and raise questions for future research.

The membership of the African Union overlaps with that of the League of Arab States (LAS or Arab League),<sup>4</sup> complicating comparison between Africa as a region and the Middle East and North Africa as a region. But since the intrusive regionalism trend I observed is largely a convergence on the *multilateral* promotion of democracy, human rights, and security, I focus my discussion here on the law and practice of the LAS itself, which as an organization is completely distinct and independent from the African Union as well as from subregional organizations in Africa. I then consider the degree to which macronationalism, regime type, and economic performance can account for the normative trajectory of the Arab League.

Generally speaking, when it comes to its level of intrusiveness, the LAS is more similar to ASEAN than to the OAS or African Union. It has not developed a defense of democracy regime (including institutionalized response to unconstitutional changes in government) and only sends observers to monitor member state elections on an ad hoc basis.<sup>5</sup> It has not developed a peace and security architecture like that of the African Union (or at all), despite being a high-conflict region. Like ASEAN, it was late to develop a regional human rights system (in the 2000s/2010s). The most obvious explanation for this overall picture is **regime type**, i.e., the persistence of authoritarianism in the region (especially the Gulf states). The Arab League's democratic density is far below that of the OAS, and, unlike the OAU/African Union or even ASEAN, it has not seen the emergence of reform-minded democracies. With respect to **economic performance**, the LAS grouping is a mixed bag, counting as members some quite poor states (e.g., Somalia) but also some of the wealthiest states in the world like the oil-rich United Arab Emirates and Saudi Arabia. Like the ASEAN Five, the wealthy subset of LAS states "enjoyed substantial economic growth between the 1960s and the 1980s,"<sup>6</sup> which may have similarly brought the social and material security that serves to promote norm affirmation and stasis rather than norm change.

In some respects, though, the LAS is (and has been historically) more intrusive than ASEAN. For example, its human rights system is on

<sup>4</sup> LAS members include Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, the United Arab Emirates, and Yemen.

<sup>5</sup> Boubakri 2012, 85.      <sup>6</sup> Elbadawi et al. 2010.

track to become stronger than that of ASEAN.<sup>7</sup> “[F]acilitated by processes of political liberalization in a number of its member states during the late 1980s and early 1990s,”<sup>8</sup> the 1994 Arab Charter on Human Rights was adopted on the Arab League’s 50th anniversary. This document lacked enforcement mechanisms,<sup>9</sup> and no LAS member state ratified it,<sup>10</sup> perhaps, in part, due to the temporary nature of the above-mentioned domestic liberalization processes.<sup>11</sup> A revised Arab Charter on Human Rights was adopted in 2004 and entered into force in 2008. While the 2004 Charter does not provide for a complaints mechanism (available to states or individuals), it does provide for an Arab Human Rights Committee to which LAS states submit periodic reports for review. In this way, its investigatory powers are greater than the ASEAN human rights commission – it has some power of scrutiny. Furthermore, the League approved the creation of an Arab Court of Human Rights in 2014. Along with the Arab regional human rights system more generally, the Court has been highly criticized for falling short of international standards and for its weakness relative to the European, Latin American, and African systems,<sup>12</sup> but its existence nonetheless distinguishes the LAS from ASEAN with respect to level of intrusiveness.

A combination of historical and more proximate factors help account for this. First, the Arab League has been discussing and adopting resolutions about a regional approach to human rights since the 1960s, while ASEAN has not. Neither organization included references to human rights in their founding documents, but, in 1968, the LAS approved a resolution to establish the Permanent Arab Human

<sup>7</sup> Comprising the ASEAN Intergovernmental Commission on Human Rights and ASEAN Human Rights Declaration.

<sup>8</sup> Van Hüllen 2015, 146. <sup>9</sup> Al-Midani 2006, 148.

<sup>10</sup> Rishmawi 2005, 362. <sup>11</sup> Van Hüllen 2015, 146.

<sup>12</sup> See International Commission of Jurists 2015; Stork 2014. According to Stork, “The absurd provision that only states can bring complaints undercuts the very reason for setting up a human rights court in the first place, and simply perpetuates impunity. It is clear from decades of experience that states rarely, if ever, make use of interstate complaints procedures. Other regional courts – the European Court of Human Rights and the African Commission and Court of Human and People’s Rights, for instance – sensibly provide for individual and independent NGO complaints. Indeed, several Arab North African states are also members of the African Union and thus the African Commission, and an Egyptian rights organisation has gotten favorable decisions from the African Commission in response to complaints it filed.”



Rights Commission (PAHRC),<sup>13</sup> and the LAS Secretariat organized an Arab human conference later that year. “In addition to resolutions condemning Israel and declaring solidarity with the Palestinian People, that conference called for Arab cooperation in the protection of human rights at the regional and international level.”<sup>14</sup> The PAHRC is a technical body tasked with activities like drafting treaties and promoting human rights education, not a state monitoring body.<sup>15</sup> During the 1970s and 1980s, the PAHRC prepared and proposed drafts for a regional human rights declaration to the LAS Council, but no legal document would be adopted until the 1994 Arab Charter on Human Rights (above). Otherwise, the Commission’s activities centered on Palestinian rights.<sup>16</sup> The Arab League also adopted pieces of issue-specific human rights soft law during the Cold War period.<sup>17</sup> In sum, then, the regional human rights promotion made up part of the discourse of the Arab League and was mildly institutionalized and legalized during the Cold War, even if not (yet) in an intrusive way. Because this cannot be said of the Southeast Asian case, historical precedents in the Arab case may be causally important to the development of its human rights system in the 2000s.

With respect to more proximate causal factors, Arab states came under greater domestic and international pressure in the 2000s to liberalize in response to the problem of terrorism (including the 9/11 attacks) and socio-economic underperformance. Vera van Hüllen explains that “the international community identified ‘bad’ governance as one of the root causes for radicalization and terrorism,” resulting in increased targeting of the LAS region for democracy promotion. On the domestic front, “Socio-economic difficulties severely compromised the output legitimacy of those authoritarian regimes that were not able to compensate the lack of economic development through oil rents. They undermined popular support for the regimes as they failed to hold up their end of social pact promising socio-economic development instead of political participation.”<sup>18</sup> This resulted in protests and

<sup>13</sup> This is a different body than the Arab Human Rights Committee (est. 2009)

<sup>14</sup> An-Na‘im 2001, 712. <sup>15</sup> “Arab Permanent Committee” 2016.

<sup>16</sup> An-Na‘im 2001, 712.

<sup>17</sup> For example, the 1983 Arab Declaration on the Rights of the Child. A binding treaty on this issue was adopted at the United Nations six years later (Forsythe 2009, 413).

<sup>18</sup> Van Hüllen 2015, 137, 150.

ultimately the Arab Spring phenomenon, which the International Commission of Jurists points to as the motivation for the League's decision to move forward with a regional human rights court.<sup>19</sup> The legitimacy problems faced by the LAS states are in some ways comparable (but not identical) to those faced by Africa and (to a lesser degree) Southeast Asia in the wake of economic crisis. Economic performance was only one dimension for the Arab states, but the League similarly faced decreased material and social security as a result.<sup>20</sup> The LAS response – to institute reforms with the potential to challenge member state sovereignty – is also analogous. This comparison is worthy of further study – a deeper examination could further refine the **economic performance** component of my explanatory framework.

Another example of LAS intrusiveness (relative to ASEAN) is the former's high-profile (but exceptional) imposition of diplomatic sanctions on Libya and Syria in 2011, which were “the first to be directed at events within the borders of member states,” specifically, violent crackdowns on protesters in the context of the Arab Spring.<sup>21</sup> The Arab League also imposed economic sanctions on Syria. The same proximate factors that contributed to the development of a human rights regime (multidimensional legitimacy problems) likely contributed to decisions to impose sanctions. But it's also the case that LAS has, since its early years, been more willing than ASEAN to act intrusively and multilaterally in response to domestic crises in its member states (even if it has done so less consistently and less coercively than the OAU/African Union or the OAS have). These intrusive activities have taken the form of fact-finding missions conducted by the LAS secretary-general (e.g., to North Yemen [1948] and Oman [1975]); LAS mediation missions (e.g., in Jordan [1960 and 1970], Yemen [1963 and 1994], Somalia [1992, 1997, and 2006] and Comoros [1997]), and a 1970 military observation deployed to Jordan, where the Jordanian government had recently signed a ceasefire agreement

<sup>19</sup> International Commission of Jurists 2015, 5.

<sup>20</sup> Africa's 1980s economic crisis was more severe but also multidimensional (economic problems interacted with environmental, political, and security problems).

<sup>21</sup> Hellquist 2014, 5. The author contrasts the Arab League's “unpredictable, highly political” sanctions' practices with the African Union's automatic systematized anti-coup regime of the African Union as well as ASEAN's non-use and critique of sanctions.

with the Palestinian Liberation Organization. The Arab League's 1976 peacekeeping mission to Lebanon is difficult to categorize but is worthy of note. The Symbolic Arab Security Force was originally pitched as a mission to support the government (which would disqualify it from inclusion in the dataset presented in Chapter 1), but then it essentially transformed into a Syrian occupation force (which diminishes its multilateral character but makes it more coercive).<sup>22</sup>

The decades-long history of human rights regime building at the LAS (compared to ASEAN) as well the Arab League's greater willingness (during the Cold War but also more recently) to use multilateralism to respond intrusively to domestic crises suggests that the history of **macronationalism** may (have) play(ed) a role in the development of limited intrusive regionalism. I have argued that macronationalism – depending on its content and salience – presents a challenge to strict sovereignty norms. While LAS states have used pan-Arabism to bolster their regimes – Arab nationalism and the ideology of Palestine liberation proved to be “potent sources of legitimacy for many authoritarian Arab regimes”<sup>23</sup> – a tension exists (although less so today than decades ago) between two competing institutions – state sovereignty and pan-Arabism. Historically, according to Michael Barnett, Arab states “were at one and the same time to recognize each other's authority and to follow pan-Arabism to its logical conclusion of political unification.”<sup>24</sup> Two contradictory conceptions of nationalism make up the discursive foundations of the Arab regional society: “local ‘civic nationalisms’ (*wataniya*) and . . . identity in the form of a ‘trans-national nationalism’ (*qawmiya*).”<sup>25</sup> Such a tension creates openings for Arab states (and the Arab League) to frame interference in the domestic affairs of LAS member states in terms of pan-Arab solidarity. This does not necessarily mean that the same processes of norm contestation and norm erosion that I find in Latin America and Africa took place in the Arab region (or with the same discursive framing); the precise mechanisms through which this state sovereignty-macronationalism tension may have contributed to intrusive regionalism in the Arab region is, again, worthy of further study.

<sup>22</sup> See Dynamic Analysis of Dispute Management Intrastate Dispute Narratives for Yemen, Oman, Jordan, Somalia, Comoros, and Lebanon: <https://uca.edu/politicalscience/dadm-project/dadm-intratstate-dispute-narratives/>.

<sup>23</sup> Elbadawi et al. 2010. <sup>24</sup> Barnett 1993, 271. <sup>25</sup> Pinfari 2009, 7.

## **Intrusive Regionalism Today: Enduring Contestation and Future Challenges**

The norm of non-interference is not obsolete in African or Latin American regional societies. Liberal (regional) internationalism has not “defeated” sovereignty, and mutual preservation remains one of the “multiple and competing logics”<sup>26</sup> of regionalism in these regions as well as in Southeast Asia. I argue that non-interference faces stiffer competition from other norms – like democracy and human rights promotion – than it did in decades past in all three regions, but especially in Latin America and Africa. This doesn’t mean, though, that erosion of non-interference has been or is now a neatly linear process. Changing governments and shifting foreign policy priorities can create slow-downs and reversals. And, of course, the proper interpretation of non-interference and the correct balance between non-interference and other regional norms remain the subject of debate among policy-relevant actors in all three regions. I provide two examples here.

First, in Latin America, contestation and erosion have ebbed and flowed during the post-World War II period, and widespread and sustained democratization has actually had a somewhat paradoxical effect on the regional human rights regime since the 1990s. For example, 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. An emerging power – 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.”<sup>27</sup> 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 the Commission’s 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

<sup>26</sup> Hurrell 2007, 130.

<sup>27</sup> Human Rights and Governance Case Studies n.d.(a).

Foundation (DPLF), and 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 the Commission’s powers.<sup>28</sup> 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 continued strengthening 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 mixed consequences for certain kinds of intrusive regionalism – like human rights monitoring and enforcement – in the long term.

Second, military intervention – and the Responsibility to Protect (R2P) doctrine more broadly – remains the subject of debate in Africa. My analysis of the African case mostly ends at the creation in 2002 of the African Union, the Constitutive Act which contains what can be labeled an R2P provision. In preparation for the 2005 World Summit, the African Union produced the “Ezulwini Consensus,”<sup>29</sup> a report laying out the organization’s support for R2P. Specifically, it calls on the international community to recognize the primary 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.”<sup>30</sup> The existence of this document does not mean, though, that African states have actually achieved an enduring consensus on sovereignty and intervention, and African speeches at that same 2005 World Summit reveal conflicting understandings of sovereignty. In Antonia Witt’s analysis, these speeches evidence the existence of two “opposing frames” – one that conceives of sovereignty as responsibility and one that conceives of sovereignty

<sup>28</sup> Human Rights and Governance Case Studies n.d.(a).

<sup>29</sup> African Union 2005. <sup>30</sup> African Union 2005, 6.

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.”<sup>31</sup> In general, the group affirming the first frame tended to be more democratic (although not all in this group are democratic), and the group affirming the second frame was exclusively non-democratic. This division – and the related contestation of intrusive regionalism – remains relevant today. And, as one African Union official observes, states are still likely to “cry interference” when they are the target of regional interference, even if they support these mechanisms in general.<sup>32</sup> That said, the democracy, human rights, and security institutions of the African Union continue to develop, and intrusive regionalism continues to work through them.

Running parallel to (and interacting with) these debates about sovereignty and intrusive regionalism are debates about *multilevel* governance. An emerging problem is that there is neither a clear consensus about how labor should be divided among different levels<sup>33</sup> of (especially security) governance nor about which actors should defer to which when goals or strategies diverge. Global bodies (e.g., the United Nations) tend to be better financed and boast the legitimacy of universality – the ability to speak for the world. Regional and sub-regional groupings are “closer to the action,” and their members arguably hold a greater stake in the outcome of civil conflicts. They also boast a different kind of legitimacy based on shared regional identity. Sometimes, interactions among security-providing institutions at different levels of governance are cooperative and effective (e.g., Cote d’Ivoire 2010–2011 – see Chapter 1). Other times, these interlevel interactions are conflictual and/or dysfunctional. The African Union strongly opposed the North Atlantic Treaty Organization’s (NATO) 2011 intervention in Libya (which resulted in Muammar Gaddafi’s

<sup>31</sup> Witt 2013, 19–20.

<sup>32</sup> Interview with Samuel Mondays Atuobi (speaking in his personal capacity). Senior Political Officer, Democracy and Electoral Assistance Unit, African Union Commission. Addis Ababa, February 3, 2014.

<sup>33</sup> Subregional, regional, global.

ouster and death), but the United Nations Security Council authorized it anyway. The Arab League was (at least initially) more supportive of NATO here. The interaction between intrusive regionalism and extra-regional intervention (including the emerging “gatekeeping” role of regional organizations) raises complex empirical and normative questions. The Arab League was initially praised for endorsing the NATO no-fly zone, but the African Union has arguably been vindicated for opposing it. More work should be conducted on issues of multilevel division of labor and authority structures.

This raises a final question – one about the normative implications of the erosion of non-interference, a topic so far largely unaddressed in this book. State sovereignty is a double-edged sword. On the one hand, it protects weaker states from the incursions of more powerful states. On the other hand, strict interpretations of sovereignty shield repressive leaders from mechanisms of accountability. As sovereignty is reinterpreted and circumscribed, repressive leaders are less protected, but interventionist states have more pretext for intervention, including via multilateral bodies. This dilemma will continue to vex us, and intrusive regionalism is implicated here. What drew me to the study of regional organizations originally, though, is their potential (with improved capacity) to at least partially address this dilemma by taking former colonial masters and superpowers out of the intervention equation. And that remains a fascinating prospect.

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