

LIBERALS, ROGUES & ENABLERS

*The International Order
in the 21st Century*



GLOBAL AMERICANS

Welcome to Global Americans

and the

Foreign Policy and Democracy Monitoring Project

Global Americans, LLC was established as a 501(c)(3) in 2015 to promote moderate debate on the Americas and the region's role in the world. Changes in global politics call for a fresh perspective on international relations, democratic development, social inclusion, and foreign policy, particularly in a region in which foreign relations and comparative politics have traditionally been measured and studied in relationship to the United States alone. The economic, diplomatic and political growth and presence of countries like China, Russia, Turkey, India, and Brazil have increasingly defined the global international order and the foreign policies of Latin America and the Caribbean, not necessarily in exclusion of the U.S. but as part of a larger, more diverse shift.

Global Americans works with a range of scholars and activists across the region to promote analysis and discussion on these changes and their implications for democracy, human rights, social inclusion, development, and foreign policy—including U.S. foreign policy. Its central publishing platform is its website, www.LatinAmericaGoesGlobal.org, where it posts op-ed style essays, data, articles, and reports by its contributors and staff members. These articles are often translated into Spanish and syndicated to the *Grupo de Diarios America*, the association of daily newspapers in Latin America.

Made possible by the generous support of the National Endowment for Democracy, this report is the first in a project to analyze and track the foreign policies of Latin American states and those of other select countries of the Global South as they relate to democracy and human rights, and the international norms and practices that have emerged in the past 50 years to defend and protect them. Using this report's analysis as a baseline, we will continue to provide updates and media alerts on votes and actions by states in the hemisphere—including the U.S.—and explore how those affect democratic governance and human rights. The goal is to promote greater discussion and accountability of foreign policy in the Western Hemisphere.

Global Americans is Christopher Sabatini (executive director), Amy Williams (managing director), Mariano Buey Fernandez (research associate), and Mishella Romo (research assistant). We'd like to thank Mariano and Mishella for their research for this report.

If you have comments or questions about this report, the project or our other activities, please don't hesitate to contact me via e-mail (sabatini@latinamericagoesglobal.org) or Twitter (@ChrisSabatini).

Sincerely,
Christopher Sabatini

Changes in global politics call for a fresh perspective on international relations, democratic development, social inclusion, and foreign policy.

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GLOSSARY

- ALBA** Bolivarian Alliance for the Peoples of Our America
- BRICS** Brazil, Russia, India, China, South Africa
- CELAC** Community of Latin American and Caribbean States
- DPLF** Due Process of Law Foundation
- IACHR** Inter-American Commission on Human Rights
- LGBT** Lesbian, Gay, Bisexual, Transgender
- NGO** Non-Governmental Organization
- OAS** Organization of American States
- RCTV** Radio Caracas TV
- UNASUR** Union of South American Republics
- UNHRC** United Nations Human Rights Council
- UPR** Universal Periodic Review

Executive Summary

Human rights standards and international norms to protect and defend democracy are being systematically weakened. Actions by countries of the Global South (democratic and nondemocratic) and competitive autocracies (such as Venezuela and Turkey), either acting individually or through newly created multilateral organizations, have intentionally or unintentionally diluted the liberal normative international order. We see it in the lack of collective responses to political prisoners in Venezuela, China or Turkey, in the odd alliance of states in the United Nations Human Rights Council (UNHRC or Council) that refuse to vote against human rights abuses in places like Syria, Iran or Belarus, and in the weakening of international standards for democratic elections. Decades-old international practices and commitments to political and civil rights are on the march—backward.

This report is the first analysis in an ongoing project to monitor the foreign policies of Latin America and the new Global South and their effect on global norms and standards designed to defend human rights and democracy.

There are a number of international bodies and activities to monitor in this regard. We have chosen to focus on four: the United Nations (including the UNHRC), the Organization of American States (OAS), including the inter-American system of human rights, and the newcomers in the Western Hemisphere, the Union of South American Republics (UNASUR) and the Community of Latin American and Caribbean States (CELAC).

What we have found is that despite the majority of the hemisphere's governments being (at least nominally) democratic, there is no clear pattern of support for democratic institutions and rights, neither among neighboring states nor in much of the developing world. In existing global multilateral bodies (the UN Security Council and UNHRC), countries such as Venezuela, the Dominican Republic and

Our hypothesis that international norms to defend popular sovereignty are in retreat can be tested and, if true, tracked over time.

Bolivia tend to abstain or vote against any form of comment or criticism in the name of defending political and civil rights in countries from Belarus to China to North Korea. Even countries like Brazil and Colombia, at times, toned down their public commitment to human rights and democracy when it came to China, Russia or Turkey. In contrast, countries like Argentina, Chile, Costa Rica, Mexico, and Uruguay remain stalwart defenders of human rights in the UN.

In the OAS inter-American system of human rights, those countries that have been strong advocates for human rights in the UN tend to be so in the Inter-American Commission on Human Rights (IACHR or Commission) and the Inter-American Court of Human Rights (Court), with the exception of Argentina. That difference came in the refusal of the previous Argentine administration to accept

civil society's complaints to the Commission concerning judicial independence. Overall, the inter-American system

has been under attack from other corners as well, as we discuss, including from an alliance of countries led by Ecuador to weaken the IACHR in 2011, and from Venezuela and the Dominican Republic, which have refused to accept the system's jurisdiction over domestic cases, effectively removing themselves from the system.

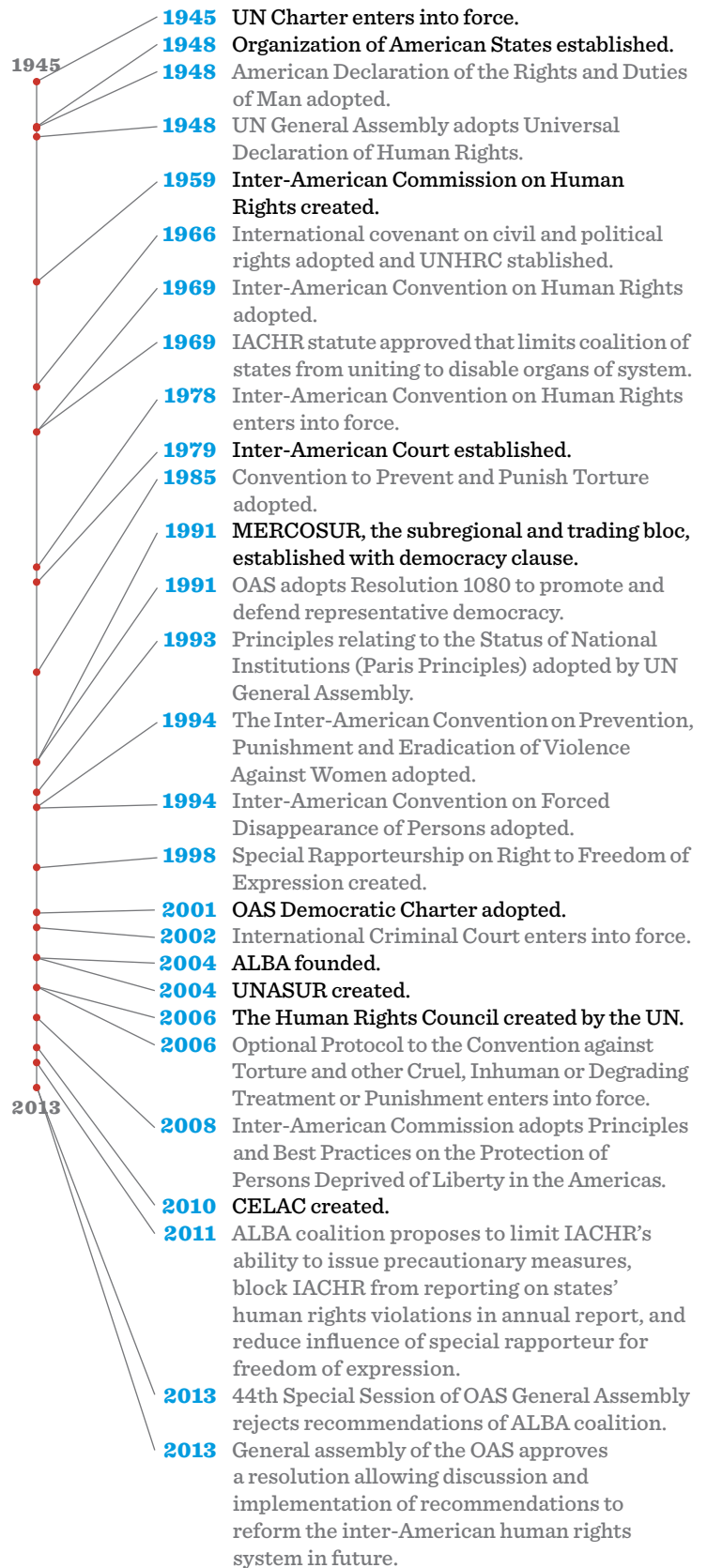
Last, we consider the region's multilateral diplomatic bodies, OAS, UNASUR and CELAC. In the case of the first, as we explain, despite the OAS Democratic Charter, the Permanent Council has remained collectively silent on the clear deterioration of democratic rights and institutions in countries like Venezuela and Ecuador and on political prisoners in Venezuela. In part, that has been the result of a bloc of countries receiving Venezuelan oil. But part of it stems also from a general weakening of consensus across the hemisphere and a lack

A TIMELINE OF INTERNATIONAL BODIES AND ACTIVITIES

Once a model for the world, election observation standards in the hemisphere have deteriorated.

of leadership on these issues. At the same time UNASUR and CELAC have provided new forums for autocrats to assert national sovereignty and non-intervention over matters of basic political and civil rights, often with the quiet acceptance of democratic governments, such as those of Brazil, Chile, Colombia, Mexico, and Peru. One result has been the weakening of international electoral standards in a hemisphere once held up as a model for the world.

In the following pages, we detail how governments have acted across international and regional forums to support democracy and human rights. There is a great deal of variation in the hemisphere, and some countries remain committed to both, subjecting themselves to and promoting norms and processes to defend political and civil rights. But, as we reveal, there is also a group of countries that often demonstrates a stronger commitment to allies in the Global South than a commitment to sustaining the broader liberal order from which many of them benefited only a few decades ago.



Who Supports Human Rights on the UN Human Rights Council?

To study the actions of Latin American countries on the global stage, we examined the UN system, and in particular the UN Human Rights Council. Founded in 2006, the Human Rights Council is the successor to the largely discredited UN Commission on Human Rights founded in 1946. The Council consists of 47 members; eight seats are reserved for Latin American and Caribbean countries. This gives the region 17% of the votes, an outsize role given that Latin Americans compose 8.6% of the global population. States can be elected for three-year terms, though after two terms they must step down for at least one year before being elected again. The current (2016) LAC members are Bolivia, Cuba, Ecuador, El Salvador, Mexico, Panama, Paraguay, and Venezuela. We focus on two activities undertaken at the UNHRC, the Council resolutions on regional issues and the Universal Periodic Review (UPR) process, described later.

What has become apparent in our analysis of both the regional UNHRC votes and the UPR process is that the value given to human rights by the different Latin American governments falls across a spectrum. On one end are the countries of ALBA (Bolivarian Alliance of Our America): Cuba, Venezuela, Bolivia, Nicaragua, and Ecuador (though Ecuador periodically splits from the group). Along with Russia and China, these countries systematically give priority to the sovereignty of governments and deny any role to the international community to “interfere,” as they see it, in the domestic affairs of countries to protect the human rights of the citizens, particularly the civil and political rights that these countries (Cuba, Venezuela, etc.) often do not protect themselves. At the other end are Chile,

Costa Rica and Mexico, which have, more or less consistently, voted to protect human rights throughout the region and the world.

Argentina and Brazil, two of the region’s political leaders, fall in the middle of these two extremes, with Argentina being the stronger supporter of human rights in the UNHRC regional votes. Brazil’s record in voting, with its hesitancy to protect human rights and its abstentions, does not match its self-proclaimed global role as a champion of human rights in the Global South. Argentina’s voting record, particularly given its choice of friends and allies under former president Cristina Fernández de Kirchner, belies expectations: along with Chile and Costa Rica, Argentina is one of the most stalwart protectors of human rights at the Council in regional votes.

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The following charts reflect how Latin American countries have voted on three different, but important, regional topics at the UNHRC. The full spectrum of support for human rights across the region is clear in these charts: ALBA countries vote consistently against any human rights resolutions that would interfere in the decisions of a sovereign government, while Chile, Costa Rica, and Mexico, here joined by Argentina and many of the countries of Central America, voted to protect human rights in Syria, Ukraine and North Korea.

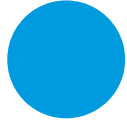
We included all the BRICS countries in order to view Brazil, as well as the other regional governments, in the context of the emerging Global South. These charts demonstrate that the Global South has not yet coalesced into a coherent voting bloc: China and Russia consistently voted alongside the Latin American ALBA coalition against almost any human rights resolutions, while India and South Africa abstain from making any concrete commitment for or against human rights. Using this BRICS lens, we see that Brazil is the most supportive of human rights on the global stage in that group, but, relatively speaking, that’s not saying much.

Votes for Human Rights in Syria

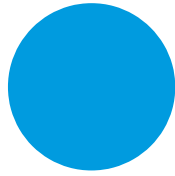
Since Syria's descent into civil war in 2011, human rights atrocities have been committed by all sides but especially by President Bashar al Assad's government. The United Nations Human Rights Council has taken up the issue multiple times, passing 15 separate resolutions calling for investigations into the "grave and deteriorating human rights and humanitarian situation" and possible war crimes being committed against the Syrian people. Latin American and BRICS countries have been split on voting to condemn the atrocities and calling for accountability, with most voting either 100% in support of or 100% against the resolutions.



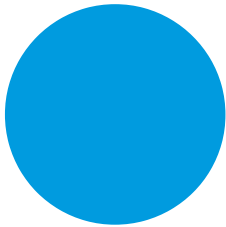
Paraguay
Yes 4 No 0
Abstain 0



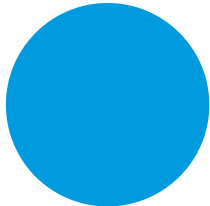
El Salvador
Yes 4 No 0
Abstain 0



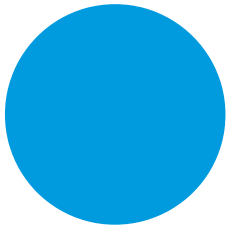
Uruguay
Yes 8 No 0
Abstain 0



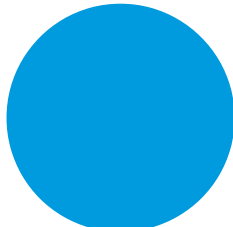
Costa Rica
Yes 14 No 0
Abstain 0



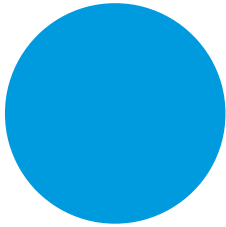
Guatemala
Yes 12 No 0
Abstain 0



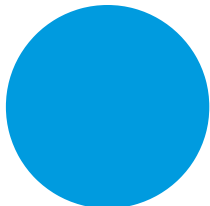
Peru
Yes 14 No 0
Abstain 0



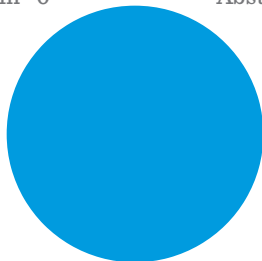
Mexico
Yes 15 No 0
Abstain 0



Chile
Yes 14 No 0
Abstain 0



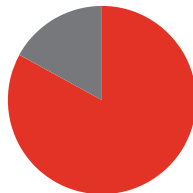
Argentina
Yes 12 No 0
Abstain 0



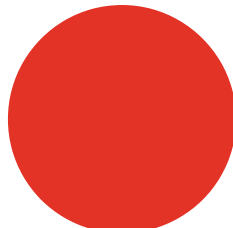
US
Yes 19 No 0
Abstain 0



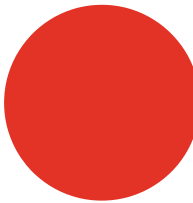
Bolivia
Yes 0 No 4
Abstain 0



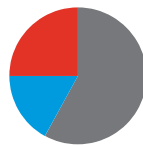
Brazil
Yes 0 No 10
Abstain 2



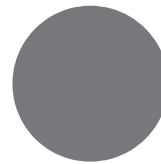
Cuba
Yes 0 No 15
Abstain 0



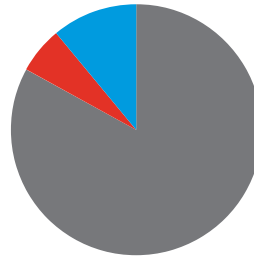
Venezuela
Yes 0 No 3
Abstain 0



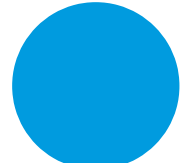
Ecuador
Yes 2 No 3
Abstain 7



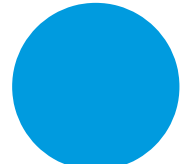
South Africa
Yes 0 No 0
Abstain 7



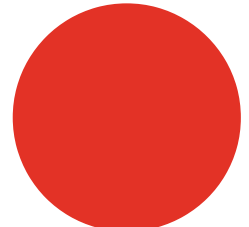
India
Yes 2 No 1
Abstain 15



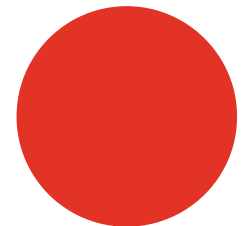
France
Yes 8 No 0
Abstain 0



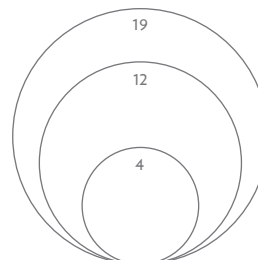
UK
Yes 8 No 0
Abstain 0



Russia
Yes 0 No 15
Abstain 0



China
Yes 0 No 14
Abstain 0

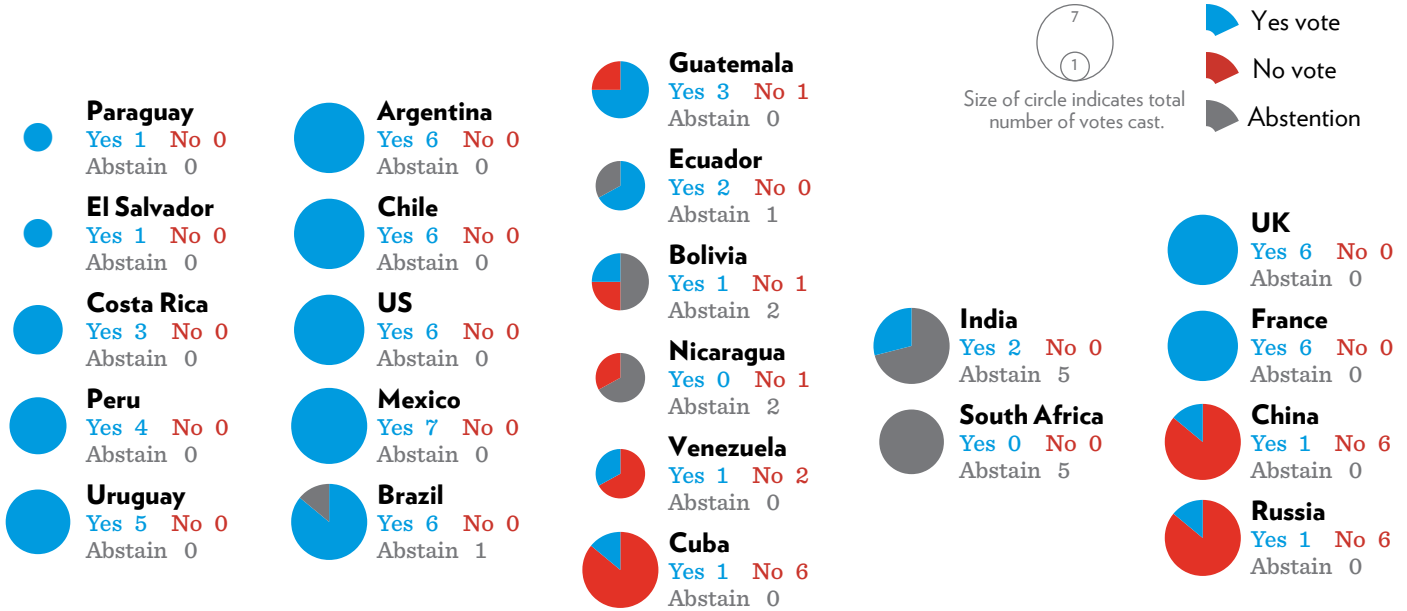


Size of circle indicates total number of votes cast.

Yes vote
 No vote
 Abstention

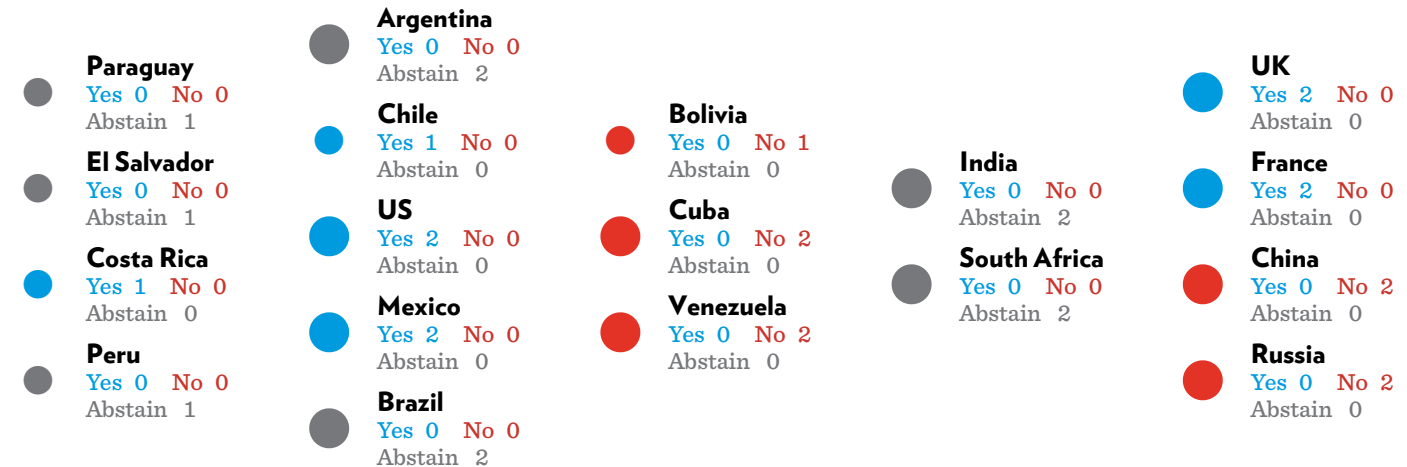
Human Rights Atrocities in North Korea

Despite documentation of forced labor camps, widespread torture and execution, North Korea has often been protected in international forums by those countries that do not abide any international interference in domestic affairs: Russia, China, Cuba, and Venezuela. The one exception: a resolution passed in April 2013 at the 22nd Council, after the UN Security Council approved new sanctions.



Protests and Violence in Ukraine

Ukraine emerged only recently as an issue for the UNHRC. The Council has voted on two separate resolutions, both regarding cooperation and assistance for Ukraine in human rights and calling for investigation into alleged human rights violations during protests and ongoing violence between separatists—supported by Russia—and the Ukrainian government.



Latin America, the Global South and the Universal Periodic Review

We started this project to answer a question: Do Latin American countries have a double standard in regard to human rights and democracy-related issues when it comes to those in their region or among allies of the Global South? Once we started going through the data we found that it varied. The region doesn't vote as a bloc when it comes to political or civil rights, regardless of the target country. Nor do members respond in the same way to political and civil rights concerns directed at them.

We looked at how select Latin American countries participated in the second cycle of the UNHRC's Universal Periodic Review. In the UPR process, member states receive lists of human rights concerns from other governments, which they can "accept" or "note." The act of accepting implies that the receiving state recognizes the legitimacy of the issue and will work on it. A note implies that the receiving state recognizes the concern but does not necessarily agree or endorse it.

We looked at the content of those recommendations and the reactions from the target countries, focusing specifically on first-generation human rights (political and civil rights and LGBT rights)—as opposed to other economic, social, or cultural rights—and how a country under review responded to recommendations related to political and civil rights.

We had the advantage in that the countries in the region and out are diverse in terms of human rights. In a number of countries in the region, such as Venezuela and Ecuador, political and civil rights have inarguably been in retreat, while in Cuba they remain nonexistent. At the same time, among many of the leaders of the new

Global South, such as Turkey, Russia and South Africa, such rights have also been at risk. In its 2015 Freedom in the World survey, Freedom House downgraded Turkey's rating from 60 to 55 compared to the previous year. We also included among these nonregional countries China, Belarus and North Korea, all generally accepted as autocracies.

Here's what we found:

A subset of countries in the hemisphere consistently ignored or downplayed human rights concerns not only in their neighbors but also in their allies in the Global South.

Brazil failed to call out civil and political rights abuses in China, Russia and Turkey; Bolivia held its tongue over violations of political and civil rights in China, Iran, Russia, and Belarus; Colombia remained silent over China, Turkey, Russia, and Belarus; the Dominican Republic only spoke out on human rights in Colombia; El Salvador found human rights violations only in Cuba and Belarus worthy of mention;

Cuba, Venezuela and Nicaragua were pretty much mute when it came to human rights concerns in almost any country, giving a pass to North Korea, Cuba, Iran, Russia (except Cuba), and Turkey (except Nicaragua).

But there was also a set of countries that did call out human rights abuses across the hemisphere and within the Global South.

Argentina, Chile, Costa Rica, Mexico, and Uruguay didn't flinch from making human rights recommendations to neighbors or to trade and diplomatic partners in the Global South like Russia, Iran, Turkey, Belarus, or Cuba.

Many of the same countries that shied away from raising concerns with others were also less tolerant of criticism of their own matters.

Cuba responded favorably to 20% of the 116 political and civil rights concerns that were raised; the Dominican Republic did so to only 38% of 34—most of those concerning the treatment of Dominicans of Haitian descent. The only exception to this general rule was Argentina.

For a full list of all the results and country-by-country details of how states made their recommendations, please visit our website:

www.LatinAmericaGoesGlobal.org/UPR2016.

The Inter-American Human Rights System

The inter-American system of human rights is made up of three main bodies, the Organization of American States (OAS), the Inter-American Commission on Human Rights (IACHR or Commission) and the Inter-American Court of Human Rights (Court). The inter-American system is the oldest active regional human rights body in the world; its foundational document, the American Declaration of the Rights and Duties of Man, was adopted in 1948.¹

Because we are interested in states' actions and responsiveness to human rights issues in this report, we focus on two of the Commission's duties: the participation of the states in Commission hearings on specific topics of human rights, and the cases the Commission chooses to send on to the Court because the states failed to comply with the Commission's recommendations. Increasingly, the Commission has also dealt with institutional issues related to the independence of the judicial system, as in the cases of the arbitrary dismissal of Supreme and Constitutional Court justices in Ecuador and the punishment of judges in Honduras for calling the 2009 overthrow of the government a coup.

What we found is that, as with the UN votes, the countries split into two groups: those that respected the authority of the IACHR and engaged with the participants at the hearing, and those that chose not to appear at all or to appear simply to protest interference in their domestic affairs. However, the split was not identical to

that at the UNHRC. Continuing to protest any international interference in domestic affairs were Cuba, Venezuela and Ecuador. In contrast, Colombia, Costa Rica and Peru all actively engaged at their respective hearings, but Argentina, El Salvador, Guatemala, and Honduras all reversed their proactive support of human rights and either protested the standing of the Commission—and implicitly the inter-American system in general—or chose to not show up at all.

The chart on page 9 reveals the cases that the Commission referred to the Court because it believed the state had failed to comply with its recommendations.

Several things stand out in the cases that were sent to the Court from 2010 to 2015, some of which go back 30 or more years. The first is that the region is still dealing with the human rights violations from past decades of dictatorships and civil wars. The second is that impunity for state abuses from that era remains, and abuses continue today in such forms

as intimidation, limits on freedom of expression, forced disappearances, and extrajudicial executions. The third is that the pattern of resistance to the Commission's recommendations continues to be dominated by a few countries, though it is not from the expected countries. Since 2010, Peru has seen the most cases sent to the Court by the Commission regarding its failure to address human rights violations in the country, with 16 cases involving everything from freedom of expression to forced disappearances and arbitrary detentions. Following Peru are Ecuador (12 cases), Guatemala (10 cases) and Argentina (10 cases). Perhaps it's not surprising then that Ecuador and Argentina were two of the countries leading the charge to reduce the mandate of the IACHR in 2011.

This trend is perhaps the most troubling. Recently, governments have actively begun to resist regional human rights bodies. The reaction against the inter-American system has materialized at all levels, from public accusations that the OAS is a tool of the U.S. to attempts by Ecuador and allies to weaken the Commission. The most serious opposition has been the decision by Venezuela to withdraw from the jurisdiction of the Court entirely and the assertion by the Constitutional Court of the Dominican Republic that it has never fully been under the authority of the Inter-American Court, since its congress had not approved the document at the OAS that accepted jurisdiction. In both cases, the actions came after Court rulings rebuking those governments.

1. For a description of the history and organization of the inter-American system of human rights, please visit our website at: www.LatinAmericaGoesGlobal.org/IACHRhistory

Who is Cooperating with the Inter-American Commission?

Here we have listed all of the thematic hearings heard by the Commission in its 156th session, in October 2015, and rated them based on government attendance and participation on a scale of 0 to 3. A 0 indicates that government representatives did not attend; a 1 indicates that the government attempted to disrupt or protested during the hearing; a 2 equals neutral participation; and a 3 indicates active and positive engagement by the government to address the issues being discussed. Where a country had multiple hearings, the score presented is an average.

COUNTRY	NUMBER OF CASES	TOPICS	PARTICIPATION				
			Absent = 0	Negative = 1	Neutral = 2	Positive = 3	
Argentina	1	Judicial Independence					0
Bolivia	1	Judicial Independence					2
Brazil	4	Initial Court Appearances; Violence against Indigenous Peoples; Case about Indigenous Peoples; Violence against Journalists in the Southern Cone					2.25
Chile	1	Violence against Indigenous Children & Impunity					2
Colombia	4	Human Rights Defenders–Land Restitution; Health and Justice for Victims of Sexual Violence; Legal Reforms with Regard to Security Forces; Discrimination against People of African Descent					2.75
Costa Rica	2	Obstetric Violence; People of African Descent					3
Cuba	1	LGBT Persons					0
Dominican Republic	2	Right to Nationality; Situation of LGBT Persons					1.5
Ecuador	4	Case about Indigenous People in Voluntary Isolation; Case about Paola Guzman Albarracin & Family; Compliance with Truth Commission; Human Rights Defenders–Indigenous Peoples and the Environment					1
El Salvador	2	Women’s Rights–Medical, Pregnancy; Violence & Internal Displacement; Freedom of Expression in Central America					1
Grenada	1	Criminalization of Same-Sex Relations					0
Guatemala	4	Transitional Justice; Criminalization of Human Rights Defenders and Justice Operators; Indigenous People in the Context of Palm Oil Industry; Freedom of Expression in Central America					1.25
Honduras	3	Judicial Independence; Corruption in Public Institutions; Freedom of Expression in Central America					0
Mexico	4	Disappearances of Students of Ayotzinapa; Case of Manuel Santiz Culebra et al. (Acteal Massacre); Drug Policy; Extrajudicial Executions					2
Nicaragua	2	Indigenous People & Afro-Descendants; Women & Girls					2
Panama	1	Trans Persons					3
Paraguay	1	Violence against Journalists, Southern Cone					0
Peru	1	National Commission against Discrimination					3
United States	3	People Affected by Rendition, Detention and Interrogation Program; Extractive Industries on the Sacred Sites of Indigenous People; Excessive Use of Force by Police against People of African Descent					2.67
Venezuela	4	Freedom of Expression; Political Rights; Human Rights; Human Rights Defenders					1

Who Goes to Court?

Under the inter-American system of human rights, if a country does not follow a Commission recommendation, the Commission can decide to send the case to the Court. Decisions by the Court are binding if the state is a signatory to the Inter-American Convention on Human Rights. A greater number of cases in the Court implies a state's lack of cooperation with the Commission, and persistence of a case on the Court's dockets implies the same with the Court.

Like layers of fossilized earth, the accumulation of cases in the Inter-American Court of Human Rights tells the story of the evolution of human rights in the Americas. Unfortunately, in some instances, it also tells the story of devolution.

In countries such as Argentina, Peru, Colombia, Guatemala, and El Salvador, the bulk of cases involving military trials, disappearances and torture stem from the 1980s and 1990s, the era of civil wars, military dictatorships, and—shortly after their democratic transitions—unaccountable militaries. To be sure, cases of impunity for abuse by the armed forces and the police remain, a vestige of the past but increasingly tied to insecurity and narcotics trafficking today.

At the same time, a growing number of cases involving new-generation rights are making it to the Court, such as discrimination or violation of LGBT rights in Chile and Colombia or of indigenous rights in Chile, Ecuador, Honduras, and Panama. Similarly, new cases concerning judicial independence and efficiency have come to the Court in recent years, from countries such as Colombia, Ecuador (three), Guatemala, Honduras, and Venezuela (two).

It is in these cases that we see a troubling devolution of human rights. Ecuador and Venezuela both have a number of pending cases before the Court concerning the rule of law and judicial independence, as well as cases of threats and violence against journalists and human rights activists. More worrisome still are the decisions by both Venezuela and the Dominican Republic to refuse to recognize the Court, detailed here, effectively denying citizens in those countries their last recourse for the protection of their human rights.

Venezuela

Starting in 2001 the workers of *Radio Caracas TV* (RCTV), a media channel with 50 years of history in Venezuela and a vocal opponent of President Chávez, were subjected to threats and harassment; some had even been shot. In 2007 the Venezuelan government suspended RCTV's license and replaced the channel with a new one almost overnight. The owners and workers of RCTV petitioned the Inter-American Commission, claiming a violation of freedom of expression. In 2013, after the Commission's recommendations for reinstatement of the license were ignored, the Commission forwarded the case to the Inter-American Court of Human Rights. In 2015 the Court repeated the Commission's recommendation, ruling that the Venezuelan government had violated the rights of freedom of expression, and ordering that RCTV's license be reinstated and that the government pay reparations.

Due to an earlier case (*Diaz Peña v. Venezuela*), in 2012 Venezuela had already formally withdrawn from the Court's—and any international organization's—jurisdiction over Venezuelan institutions. However, despite Venezuelan objections, the Court continued to have jurisdiction over alleged violations that took place during the years prior to the withdrawal, including the revocation of the RCTV license and harassment of the workers.

Dominican Republic

In a ruling issued on August 28, 2014, the Inter-American Court of Human Rights determined the Dominican government had violated due process and the rights of Dominican citizens of Haitian descent. At issue was a judicial decision that stripped descendants of Haitian immigrants of citizenship if they lacked paperwork, even if they had been born in the Dominican Republic and had been in the country for multiple generations. According to the Court, the Dominican government had violated the right of *jus soli*, or citizenship based on the place of birth—a right guaranteed even in Dominican law.

The Dominican government rejected the ruling, as it had previous recommendations and rulings by the Commission and the Court on the same topic. To seal the state's lack of accountability to the inter-American system on the matter, on November 4, 2014, the Dominican Constitutional Court decided that in 1999, despite depositing a document with the OAS secretary-general accepting the jurisdiction of the Court, the Dominican legislature had never fully ratified membership in the Inter-American Court, and was not bound by its decisions. The legislature's vote was especially cynical given that the Dominican state had recognized previous rulings by the Inter-American Court.

Rhetorical and normative commitment to both national sovereignty and popular sovereignty has always existed in tension in the Americas. In the past 15 years the growing trend has been for countries and the new crop of multilateral organizations to emphasize—both in rhetoric and practice—national sovereignty over the rights of citizens and popular sovereignty.

Nowhere is that more evident than in the founding charters and recent actions of UNASUR and CELAC.

For example, the preamble to UNASUR's charter asserts "unlimited respect" for state sovereignty first and only later mentions "unlimited respect for human rights." The charter articulates clearly the organization's main purpose: regional integration and global rebalancing, which is to be based on respect for national sovereignty. And while UNASUR later added language echoing the OAS's Democratic Charter, with the exception of the 2009 coup d'état in Honduras and the accelerated impeachment of former president Fernando Lugo of Paraguay, it has failed to address the deterioration of democracy in the region.

According to its own mandate, UNASUR's role in monitoring elections is to accompany a state's electoral commission—a sharp contrast to the international standard of serving as an independent arbiter between popular will and the state. Nowhere was this pro-government bias more prominent than in Venezuela's 2013 presidential elections to replace deceased president Hugo Chávez. Despite a broad popular outcry over alleged pre-electoral

violations in the wake of the closeness of the election results, UNASUR held firm in its election-day endorsement of the process. In a statement UNASUR declared: "the results must be respected since they originate in the National Electoral Council, CNE, the only competent authority in the matter according to Venezuela's constitution and legal framework."

CELAC's December 2011 charter commits the body to "the right of each nation to build freely and peacefully its own political and economic system," before it mentions human rights. This is no mistake. The only nondemocratic country in the hemisphere, Cuba, is a member of CELAC.

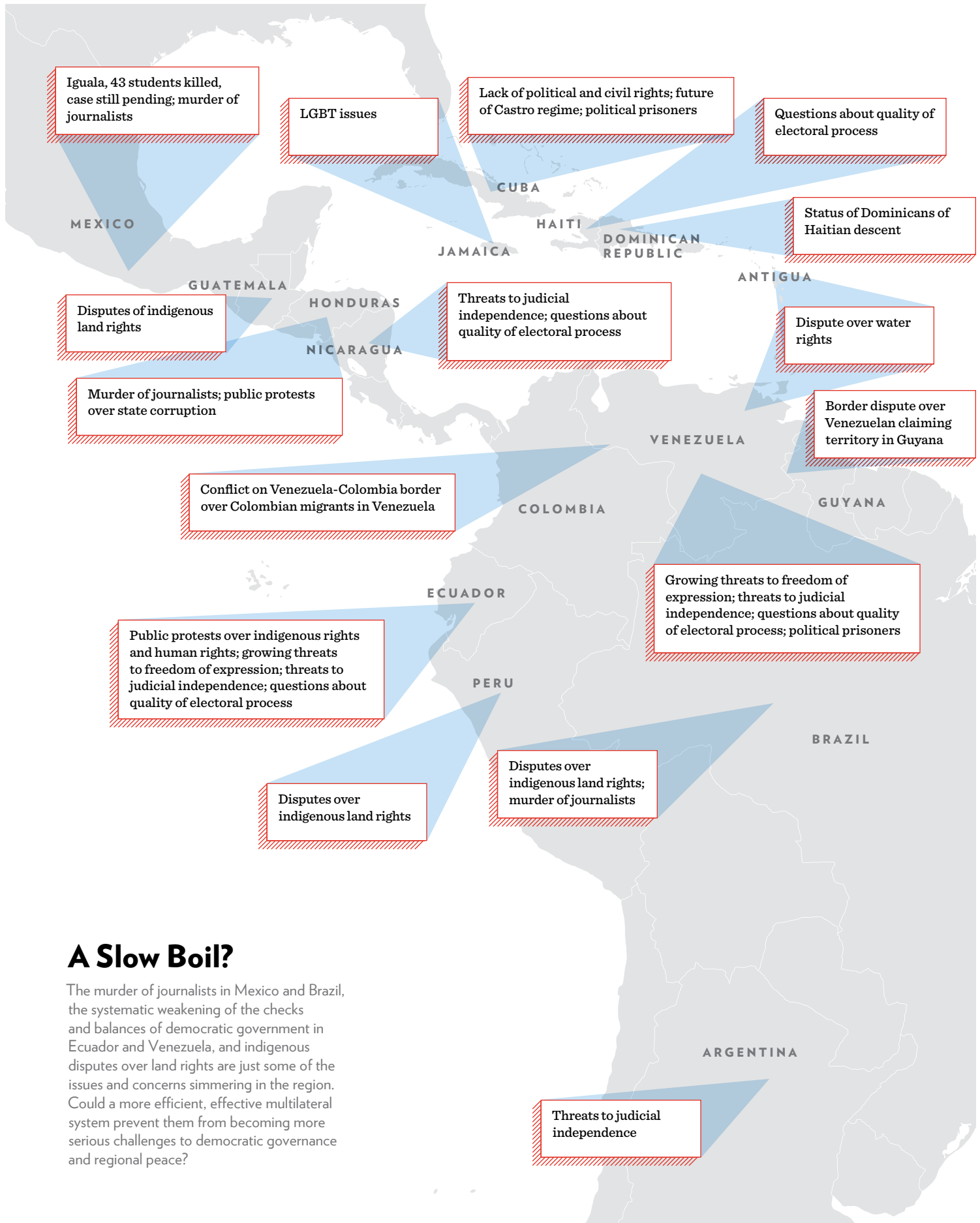
Over time, CELAC has deepened its relations with the new Global South. In a 2011 meeting in Cuba, CELAC and China agreed to create a joint forum. Three years later Brazil hosted a China-CELAC forum, and on January 8–9, 2015, Beijing hosted the first ever ministerial forum between China and CELAC. In the most recent summit, CELAC members committed the organization to solidifying ties to Turkey, China, India, and Africa.

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The net effect of these new bodies and their toothless, plagiarized democracy clauses has been to create parallel forums more favorable to the interests of autocrats.

democracy clauses has been to create parallel forums more favorable to the interests of autocrats. While that suits Cuba, Ecuador, Venezuela, and the Dominican Republic, the larger question is why other countries have continued to collaborate, especially those that in the UN and in the inter-American system have been steadfast supporters of political and civil rights and norms. One of those was Argentina under the Kirchners, and the other is Brazil. The latter has championed UNASUR as a way of exerting its power in the region by marginalizing the United States and ostensibly by containing former president Chávez's more ideological regional ambitions to create a "Bolivarian" alliance of the Americas. But in continuing to support these organizations in their present form, Brazil has enabled the erosion of effective multilateralism and international law, which it regularly proclaims it supports.

These intentional or unintentional oversights and weaknesses come at real risk that the region will not be able to react collectively to threats not just to the internal democratic order but also to the deterioration of human and democratic rights in countries. On the next page is a map of some ongoing hotspots in the region. Are the new kids on the bloc up to the task? In terms of protocol and recent experience, they're on a pretty shaky foundation.



A Slow Boil?

The murder of journalists in Mexico and Brazil, the systematic weakening of the checks and balances of democratic government in Ecuador and Venezuela, and indigenous disputes over land rights are just some of the issues and concerns simmering in the region. Could a more efficient, effective multilateral system prevent them from becoming more serious challenges to democratic governance and regional peace?

Turning the Corner

Recovering International Norms and the Democratic Consensus, and Why It Matters

There is no perfect comparative measure for how a government supports (or doesn't support) human rights and democracy internationally. First, there is the issue of private bilateral discussions on these topics that many of us will never be privy to. And even if a government raises human rights concerns publicly, it's difficult to assess how vigorously these issues are pushed once behind closed doors or if they are just raised pro forma.

It is also difficult to assess or evaluate what a government or multilateral institution *doesn't* do. How does an observer calculate the lack of action by a government—individually or in a multilateral body—in the face of flagrant human rights abuses or the clear deterioration of democratic institutions and governance? How should one react? At what point?

Inarguably, there are cases of violations of the independence of legislative and judicial branches by executives in Venezuela and Ecuador that would count when measured against the OAS's or even UNASUR's or CELAC's own stated commitments to democracy. In those cases, the lack of action is a telling measure, but of what? Bureaucratic inertia? Authoritarian design? Lack of courage? Political calculation?

Nor do we know whether action by these organizations might have been effective. UNASUR's superficial, brazenly partisan election-monitoring rules and processes have done more harm than good, not just in the countries to which it has sent delegations but to standards regionally. UNASUR also applied that same pro-state logic when it attempted—with frustrating, disastrous results—to mediate between the Venezuelan opposition and the government during the 2015 protests. Rather than hold the state

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accountable for the violations of political and civil rights in the violent crackdown on protestors, in which 42 people were killed and more than 800 injured, or for arresting 3,000 demonstrators and political leaders (several of whom are still in prison as of this report), the UNASUR delegation, made up of the foreign ministers of Brazil, Ecuador and Colombia, called for both sides to reduce the polarization. The delegation's position in the negotiations was an affront to traditional mediation efforts and human rights practice that holds states accountable for the treatment of citizens and to political and civil rights as core principles to uphold and protect in moments of confrontation between citizens and their governments.¹

At the UN Human Rights Commission there is a fair degree of diversity in how countries vote individually. As shown

earlier, Brazil, in particular, tends to show a greater allegiance to its allies in the Global South—Turkey, China and Russia—and its neighbors by voting against or abstaining in key votes and by refusing to raise political or civil rights concerns directly with those countries. These calculations place the democratic Brazilian government often in the same camp as nondemocratic countries and with the competitive authoritarian governments of Ecuador and Venezuela.² In this Brazil stands in contrast to clear international champions of human rights such as Argentina, Chile, Costa Rica, and Mexico. Oddly, when it comes to its own policies, Brazil holds itself to a higher standard than it does its allies and fellow members of the Global South, accepting all the human rights concerns raised by member countries in the UNHRC/UPR process.

Within the inter-American system of human rights, however, Brazil's

1. "UNASUR: Condemn Abuses in Venezuela," Human Rights Watch, February 26, 2015, <https://www.hrw.org/news/2015/02/26/unasur-condemn-abuses-venezuela> (accessed March 21, 2016).

2. For a concise definition of competitive authoritarianism see Levitsky, Stephen and Lucan Way, "The Rise of Competitive Authoritarianism," *Journal of Democracy* 13 (April 2002): 51–65.

Despite its economic size, Brazil is a miserly contributor to the inter-American system, chipping in only \$20,000 in 2013.

role has been less straightforward. Recently Brazil has cooperated with the Commission and Court; it has only two cases pending before the higher body and has fully participated in the thematic hearings held by the Commission, and in fact initiated one. But in 2012, after the Commission called for temporarily suspending the building of the Belo Monte dam in Brazil over concerns that local indigenous groups had not been sufficiently consulted, Brazil joined Ecuador and other ALBA countries in an effort to gut the inter-American system. The government eventually backed off and later, in 2014, backed a solid candidate for the Commission.³

Nevertheless, despite its economic size relative to the other members of the hemispheric community, Brazil is a miserly contributor to the system; in 2013 the Brazilian state gave only \$20,000 to support the system. In contrast, the same year Argentina gave \$400,000, Colombia \$122,600, and Mexico \$305,000.⁴ Arguably, too, Brazil's continued support for UNASUR, with its feeble human rights provisions, constitutes competition for the inter-American system, not just for Brazil's resources but the resources of other countries in the region.

As would be expected, given their low regard for political and civil rights and democratic institutions in their own countries, Bolivia, Cuba and Venezuela—and occasionally Ecuador—stand out for their commitment to nonintervention and national sovereignty, even in the most egregious cases of human rights violations in Syria and North Korea. In their own hemisphere,

Venezuela and Ecuador continue to thumb their collective noses at international human rights institutions and rules, refusing to attend a number of hearings on their countries at the Commission and piling up unresolved cases in the Court. Venezuela has even rejected the jurisdiction of the Court altogether. This unprecedented action has been followed now at the opposite end of the ideological spectrum by the Dominican Republic, demonstrating that the efforts to erode the normative order are not confined to any one side. Along those lines, Colombia, a strong ally of the United States and under a longstanding democratic government, also has a mixed record, both in terms of its pro-human rights positions on the Universal Periodic Review process and in the Court—though many of its cases on the Court stem from the civil war that will, it is hoped, be resolved soon.

At the same time, a number of countries in the hemisphere have put in place regulations and laws that restrict civil society and the ability of nongovernmental organizations (NGOs) to receive outside assistance. Thirty or 40 years ago civil society organizations and outside support were key to opening up political space and placing pressure on autocratic governments in ways that led to the democratic

transitions of the 1970s and 1980s. But as documented by the International Center for Not-for-Profit Law and the World Movement for Democracy,⁵ today the governments in Panama and Argentina have passed rules complicating the registration and operation of local civil society organizations, while governments in Venezuela, Ecuador, Honduras, Nicaragua, and Bolivia have attempted to restrict international funding for select groups engaged in peaceful activities. Venezuela and Ecuador even prohibited domestic election observation groups.⁶

As with many of the antidemocratic activities that have taken place in recent years in the region, these have occurred under multilateral norms intended to protect the basic rights associated with NGOs, including freedom of association and expression. In June 2011 the OAS adopted the resolution Promotion of the Rights to Freedom of Assembly and Association in the Americas, which reiterated the rights of democratic NGOs to operate free of government harassment and to receive international support. Unfortunately, to date, the protocol has done little to curb the actions of member states that want to throw up obstacles or threaten the rights of democratic civil society that they see as a

3. Piccone, Ted. *Five Rising Democracies and the Fate of the International Liberal Order* (Washington, DC: Brookings Institution Press, 2016), p.111.

4. Maia, C. B., et al. *Desafíos del Sistema Interamericano de Derechos Humanos: Nuevos Tiempos, Viejos Retos* (Bogotá: Centro de Estudios de Derecho, Justicia y Sociedad, Aug. 2015), pp. 1–328.

5. International Center for Not-for-Profit Law, World Movement for Democracy Secretariat at the National Endowment for Democracy. *Defending Civil Society: A Report of the World Movement for Democracy*. 2nd ed. (Washington, D.C.: World Movement for Democracy, June 2012), pp. 1–64.

6. Carothers, Thomas, and Saskia Brechenmacher. *Closing Space: Democracy and Human Rights Support Under Fire* (Washington, D.C.: Carnegie Endowment for International Peace. (2014), pp. 1–75.

political threat. As perhaps could have been predicted, despite this regional normative commitment to the rights of civil society, Brazil, Argentina, Chile, and other countries have also remained mute in international bodies when Russia, China, India, Turkey, or other countries have, in varying degrees, tried to exert authority over or close civil society groups.

And herein lies the greatest challenge to the preexisting normative order: the lack of collective action in defense of human rights and democracy. At issue is not just the inaction of the OAS to collectively respond to the serious erosion of democratic institutions and rights in cases like Venezuela and Ecuador, but the actions of UNASUR and CELAC undermining those norms by design, and the inaction of other states that should be regional leaders but have chosen to remain on the sidelines. More than just innocuous initiatives to resolve local problems regionally—a noble goal—in their charter, rhetoric and action (or lack of) by these new regional bodies have provided cover for autocrats to grab the mantle of regional leadership in the name of solidarity, resist international accountability, and dilute human rights and electoral standards.

Governments avoiding commitments and actions that infringe on their national sovereignty or interfere with domestic policy is nothing new. In fact, it is to be expected. What is new has been the lack of attention and even negligence of the media and civil society organizations in demanding greater collective responsibility and accountability of these bodies.

Brazil

Under President Luiz Inácio Lula da Silva, Brazil actively sought to become a leader in the region and of the Global South. In the case of the latter, it did this by both building formal and informal alliances with other emerging powers in the Global South and by seeking to represent the interests of developing countries in forums such as the World Trade Organization talks.

The states that Brazil allied itself with were also countries with whom Brazil soft-pedaled in raising political and civil rights in the UNHRC: China, Russia and Turkey. Beyond strategic alliances and interests, however, Brazil's position under Lula and later his successor, Dilma Rousseff, reflected a larger vision against intervention (even in the name of human rights concerns) with a greater emphasis placed on national sovereignty. The result, not only in the UNHRC but also in the UN Security Council (UNSC) during Brazil's turn on the Council, was abstention on key votes. Abstention often enables dictators and antidemocratic behavior and undermines liberal norms, even if unwittingly. In recent years under President Rousseff, Brazil has retreated from its international role, reflecting both Rousseff's greater interest in domestic issues and the series of political and economic crises plaguing her administration.

In its regional relations, Brazil's leadership aspirations have also undermined international and hemispheric liberal norms. Brazil was the founder and is the main underwriter of UNASUR. Brazil's outsize role in the organization, which it promoted as a means to contain Venezuela and the ALBA group's more radical ambitions, makes UNASUR's weak commitment to legitimate electoral observation standards all the more perplexing. Indeed, when it became apparent that UNASUR was going to field a partisan, ineffective monitoring effort for the December 2015 legislative elections in Venezuela, Brazil reverted to its traditional international position. Rather than seek to strengthen the observation delegation or publicly level a constructive, substantive complaint about the mission, Brazil simply abstained, refusing to send a representative.

Colombia

Despite a strong domestic human rights community and a reputation under the current government for being pro-human rights, Colombia's record internationally on human rights is not strong. Colombia has never run for a seat on the UNHRC and only nominally participates in the UPR process. Colombia also issued only seven recommendations regarding civil and political rights concerns to other Latin American countries and accepted only 79% of political and civil rights recommendations from the rest of the region. Part of this reluctance to engage is likely the holdover from more than 50 years of internal civil war, during which the Colombian state and the guerrilla forces have often been a target of human rights complaints. In addition, as the government of President Juan Manuel Santos attempts to negotiate a peace agreement with the largest of the country's two guerrilla groups, the FARC, the government is seeking to avoid international scrutiny and—in the case of Cuba and Venezuela, both crucial to the peace talks—unwilling to rock the boat.

Nevertheless, President Santos was one of the few regional leaders to call the trial of Venezuelan opposition leader Leopoldo López a sham and to speak out over the arrest of the mayor of Caracas, Antonio Ledezma. Unfortunately, the deeper dysfunction in the region's multilateral system was on display again in the summer of 2015, when the OAS rejected a call by Colombia to serve as a broker over the sudden closing of the Colombia-Venezuela border by Venezuela and the expulsion of Colombian residents.

Latin American media, human rights groups, and activists need to pay greater attention to the foreign policies of their governments.

Perhaps it is because so little has been expected of organizations like the UNHRC, UNASUR, CELAC, and even the OAS that they have been given a pass. But the damage—in some cases intentional, in others by disinterest—to international norms and the international order has been real. As we note in this report, silence and even assent in egregiously unfair elections in Venezuela, violations of judicial independence in Ecuador, the smothering of checks and balances of power in Nicaragua, and the flagrant disregard for the inter-American human rights system by the Dominican Republic merit real consideration by a collective of states that purports to stand in favor of democracy and human rights.

Global Americans will continue to monitor the foreign policies of governments in the region regarding democracy and human rights and the actions of the region's multilateral bodies. Based on this, the first report, we offer these tentative observations and recommendations.

- Latin American media should pay greater attention to the foreign policies of the region's governments. In the United States, U.S. and foreign media are accustomed and oriented toward holding the U.S. foreign policy bureaucracy and executive accountable for the nation's actions beyond its borders (though, as was witnessed in the 2003 Iraq war, far from perfectly). As Latin American governments become more important international actors in their own right, journalists and media outlets need to pay greater attention to the implications of foreign

policies, relations and the directions policy makers set. That includes failing to vote to condemn notoriously repressive regimes such as North Korea's, but other less obvious cases as well, as when neighboring governments, for example, seek to restrict local civil society. In our capacity at Global Americans we will continue to provide information for the media.

- Human rights groups and activists also need to pay greater attention to the foreign policies of their governments. While groups such as *Conectas Direitos Humanos* in Brazil, the Due Process of Law Foundation (DPLF), and Human Rights Watch perform such roles, they are the exception. There are few domestic groups that devote a significant amount of attention to demanding accountability for their governments' human rights policies overseas. Part of this, of course, has grown out of the need over past decades to focus on the actions of their governments toward their own populations. But today, as we see from the actions or inaction of governments in multilateral organizations, these governments are also responsible for the rights and lives of citizens in other countries. Shining a bright light on a government's vote in the UNHRC or lack of action in the OAS or UNASUR can help to extend the same level of accountability—and its benefits—that human rights groups have struggled to realize in their own countries to citizens in other countries.

- Citizens, media, and activists should demand more of the recent crop of multilateral organizations such as UNASUR and CELAC. As Alexander Cooley⁷ has argued, the growth of parallel multinational organizations and what he smartly terms “zombie election monitoring groups” has become a global phenomenon. It is particularly sad that a model created and supported by autocratic regimes in Russia and China should have found its way to the Western Hemisphere, long the example for democracy and human rights successes and norms. As we demonstrate above, not only has the model of autocratic multilateral counter-norms extended to Latin America, many elected governments in the hemisphere—even stated pro-democratic and human rights-oriented governments—have chosen to ally themselves with the authors of these institutions in forums like the UNHRC.

As our map on page 12 shows, the region confronts a number of intra- and interstate challenges to international norms, including, but not limited to, human rights and democracy. Three decades after the dark era of dictatorship, Latin American and Caribbean states, civil society and media have a special responsibility to guard and defend the norms from which they benefited earlier and which they helped create for themselves and the broader global community.

7. See Cooley, Alexander, “Countering Democratic Norms,” *Journal of Democracy* 26 (July 2015): 49–63.

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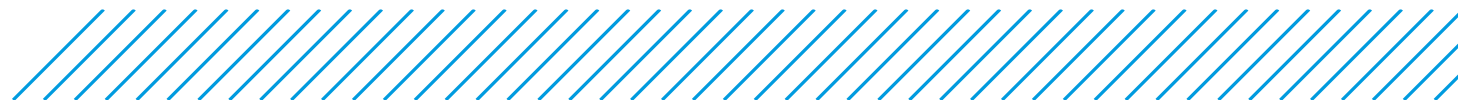
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