

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).