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Populist Threats to the International Human Rights System

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I INTRODUCTION

Since 2016, world politics has been unsettled by a series of electoral successes of right-wing populist parties, leaders, and movements. The Brexit vote in the United Kingdom was followed by such events as the election of Donald Trump in the United States of America, near-wins in the Netherlands and Austria, the rapid rise of *Alternativ für Deutschland*, the joint rule of two populist parties in Italy, and the victory of Jair Bolsonaro in Brazil. In France, Marine Le Pen outpolled both traditional candidates and was defeated as President only by the independent candidate Emmanuel Macron.

This unexpected series of developments adds greater urgency to the study of populism and its effect on human rights, already exemplified in countries such as Hungary, Poland, Turkey, and the Philippines, and in recurrent periods of both left-wing and right-wing populism in Latin America. The growing strength of populism in established democracies that have previously provided key support to the international human rights regime poses special concern: it not only endangers human rights within those countries' own borders, but also threatens to weaken the international system for protecting human rights abroad.

This chapter frames the discussion that follows by examining the concept of populism, which is debated among political scientists. While considering a range of definitions, the chapter favors the "ideational approach," which understands populism as employing an exclusionary notion of the people – the "real people," as opposed to disfavored groups that are unworthy – and that purports to rule on behalf of the "real people," whose will should not be constrained. The chapter then sketches the negative effects that populism may produce on internationally recognized human rights, both internally and through its influence on foreign policy.

II POPULISM IN THEORY

In this chapter, I will focus on one common framing of populism employed by political scientists, the ideational approach. In Jan-Werner Müller's phrasing, populism is a "a way of perceiving the political world that sets a morally pure and fully unified . . . people against elites who are deemed corrupt or in some other way morally inferior."¹ Cas Mudde has defined populism in similar terms as "an ideology that considers society to be ultimately separated into two homogenous and antagonistic groups, 'the pure people' versus 'the corrupt elite', and which argues that politics should be an expression of the *volonté générale* (general will) of the people."² These efforts to capture the features of populism differ somewhat, but they share important common features: populists are anti-pluralist; populists have an exclusionary notion of the "real people" that they contrast with morally reprehensible elites; and populists claim to speak for the will of the "real people," which should not be constrained. This conception of populism is compatible with a range of policy orientations, depending on the values it attributes to "the people" and to the despised elites. It recognizes both left-wing and right-wing populists, and others who may be harder to place on a left/right spectrum. But not everyone who criticizes an elite or invokes "the people" is a populist.

Although these authors conceptualize populism in terms of antagonism to elites, they also make clear that there may be other segments of the population that populists exclude from the real "people." Müller has explained, "Right-wing populists also typically claim to discern a symbiotic relationship between an elite that does not truly belong and marginal groups that are also distinct from the people. In the twentieth-century United States, these groups were usually liberal elites on the one hand and racial minorities on the other."³ Mudde's application of his definition to xenophobic parties shows that their populism rejects both mainstream politicians and non-native groups that these politicians are accused of unduly favoring.⁴

The ideational approach differs from other framings of populism, for example, as an opportunistic strategy pursued by particular leaders, or as a matter of performance or political style. Some political scientists define populism as the electoral strategy by which a personalistic leader asserts a direct, unmediated relationship with the people in order to achieve or exercise power.⁵ This strategic approach considers

¹ Jan-Werner Müller, *What Is Populism?* (Philadelphia, PA: University of Pennsylvania Press, 2016), 19–20.

² Cas Mudde, "Populism: An Ideational Approach," in *The Oxford Handbook of Populism*, ed. Cristóbal Rovira Kaltwasser et al. (Oxford: Oxford University Press, 2017), 29.

³ Müller, *Populism*, 23.

⁴ Cas Mudde and Cristóbal Rovira Kaltwasser, "Exclusionary vs. Inclusionary Populism: Comparing Contemporary Europe and Latin America," *Government and Opposition* 48, no. 2 (2013): 166; Mudde, "Ideational Approach," 33.

⁵ Kurt Weyland, "Populism: A Political-Strategic Approach," in *Oxford Handbook of Populism*, 48–72; Steven Levitsky and James Loxton, "Populism and Competitive Authoritarianism in the Andes," *Democratization* 20, no. 1 (2013): 110.

populism as a method employed by particular leaders, not as a characteristic of parties, unlike the ideational approach, which applies to both individuals and groups. Other authors define populism as a form of rhetoric, communicating an identification with the people, through symbolically freighted vocabulary or “low” cultural style or both. The rhetorical approach treats the populist character of a speaker as a matter of degree rather than as a binary attribute; most politicians in a democracy invoke the people and perform a “low” cultural style, at least some of the time.

A school of political thinkers on the left, following Ernesto Laclau and Chantal Mouffe, has theorized populist mobilization as a discursive method necessary for constructing a “people” unified in antagonism to the elites in power in order to bring about transformational change.⁶ Whether such a transformation can develop into a stable, rights-protecting democracy, however, is disputed.⁷ Nadia Urbinati has argued in critiquing Laclau that it is important to distinguish between social movements employing populist rhetoric, which may contribute to democratic debate, and populist movements seeking to exercise state power, which suppress pluralism once they succeed.⁸

The ideational approach also contrasts with other uses of the term populism. Some thinkers proudly claim the populist label for a pluralistic, participatory empowerment of the full electorate, consistent with equal rights for all.⁹ Other authors, especially economists, refer to a category of economic populism, generally involving redistributive, protectionist, or fiscal policies that they consider unwise.¹⁰ There have indeed been populists in the ideational sense who favor certain economic policies of that kind, but also pluralists who strongly respect existing

⁶ See Ernesto Laclau, *On Populist Reason* (London: Verso, 2005); Yannis Stavrakakis, “Populism and Hegemony,” in *Oxford Handbook of Populism*, 535–553.

⁷ Compare Chantal Mouffe, *For a Left Populism* (London: Verso, 2018) (arguing that this kind of left populism can be consistent with pluralism and that it would reinterpret but not reject the ethico-political principles of liberal democracy), with Carlos de la Torre, “What Went Wrong? Leftwing Populist Democratic Promises and Autocratic Practices,” *Comparative Politics Newsletter* 26, no. 2 (2016): 40–45.

⁸ Nadia Urbinati, *Democracy Disfigured: Opinion, Truth, and the People* (Cambridge, MA: Harvard University Press, 2014), 130–132.

⁹ See, e.g., Chapter 9 (in this volume); Peter Mair, “Populist Democracy vs Party Democracy,” in Yves Mény and Yves Surel, *Democracies and the Populist Challenge* (Houndmills, Basingstoke: Palgrave, 2002), 81–98 (arguing in favor of “populist democracy” that deemphasizes parties but respects constitutionalism); Mark Tushnet, *Taking the Constitution Away from the Courts* (Princeton, NJ: Princeton University Press, 2000); Gregory P. Magarian, “The Pragmatic Populism of Justice Stevens’s Free Speech Jurisprudence,” *Fordham Law Review* 74, no. 4 (2006): 2201–2240.

¹⁰ See, e.g., Jeffrey D. Sachs, *Social Conflict and Populist Policies in Latin America*, Cambridge, MA: National Bureau of Economic Research, Working Paper No. 2897 (1989); Weyland, “Political-Strategic Approach,” 51; cf. Cristóbal Rovira Kaltwasser et al., “Populism: An Overview of the Concept and the State of the Art,” in *Oxford Handbook of Populism*, 14 (excluding this category from the handbook).

institutional constraints. Indeed, leading institutions in the international human rights regime favor constraining economic policies by social rights in a manner that many economists would condemn as populist in their own professional sense.¹¹ Finally, some observers have criticized the term “populist” as a generalized term of opprobrium that members of the establishment apply too easily to disruptive rivals, rather than a word with determinate content.¹²

Taken together, these disagreements call for some caution in drawing conclusions from the literature on populism. Academics diverge on what populism consists in, and on who counts as a populist. I will argue in Chapter 11 that in the face of this uncertainty, human rights bodies should not treat populism as an operative legal concept, but should rather derive heuristic benefit from observations of populists’ actions.

Without attempting to resolve disputes about which definition best captures the historical range of populists, or distinguishes current populists from nonpopulists, I will explain my own preference for the ideational approach in the context of this book. First, the ideational approach emphasizes that such populists consistently invoke the people in an anti-pluralist manner. Second, the ideational approach emphasizes the populists’ claim to implement the people’s will without legal or institutional constraint. Third, the ideational approach applies both to personalistic leaders and less tightly led parties. These features make the ideational understanding of populism particularly useful in understanding the human rights challenges of the present moment. If that means that I will be focusing on a subcategory of populism, then I accept the need for an appropriate caveat to that effect.

Perhaps the relevant category should be called “exclusionary populism.” Professors Mudde and Rovira Kaltwasser, proponents of the ideational approach, have contrasted contemporary forms of populism in Europe and Latin America, and shown how European populists are often hostile to vulnerable ethnic groups and Latin American populists offer empowerment to vulnerable economic classes. Their study described the Europeans as exclusionary populists and the Latin Americans as inclusionary populists, while also observing that all populists are inclusive toward some and exclusionary toward others.¹³ That duality is inherent in their ideational definition, under which populists divide society into two antagonistic groups, the real people and their enemies. For that reason, it may be worthwhile to call all populists under the ideational approach exclusionary populists, even if Mudde and

¹¹ See, e.g., Committee on Economic, Social and Cultural Rights, Public Debt, Austerity Measures and the International Covenant on Economic, Social and Cultural Rights, UN Doc. E/C.12/2016/1 (2016); Report of the United Nations High Commissioner for Human Rights, UN Doc. E/2013/82 (2013) (report on austerity measures and economic and social rights).

¹² See Kenneth M. Roberts, “Populism as Epithet and Identity: The Use and Misuse of a Contested Concept,” *Comparative Politics Newsletter* 26, no. 2 (2016): 69–72; Roger Cohen, “It’s Time to Depopularize ‘Populist,’” *New York Times*, July 14, 2018.

¹³ Mudde and Rovira Kaltwasser, “Exclusionary vs. Inclusionary Populism,” 148.

Rovira Kaltwasser would consider that this usage renders the word “exclusionary” redundant.

Political scientists have made varied attempts to explore the causes of populism.¹⁴ For that purpose it should be kept in mind that different factors may be operative in different countries and at different periods. Moreover, studies may presuppose different definitions or subcategories of populism. Some scholars see populist politics as appealing to voters whose identities have been destabilized by modernization or globalization. Other scholars also emphasize globalization but understand populism as a rational reaction by voters who suffer economic harm from globalization. Some authors explain populism as a consequence of failures of democratic governance, as in Latin American states where extreme corruption diverts the established parties from serving the basic needs of the citizenry, or in European states where convergence among parties offers too narrow a range of policy choices to voters. Pippa Norris and Ronald Inglehart argue that the current success of authoritarian populists reflects a cultural backlash produced by structural changes in economics, politics, and society.¹⁵ Noam Gidron and Peter Hall provide evidence of social status anxiety among supporters of ideational populism in European democracies, where economic and cultural changes have decreased the subjective social status of less educated men.¹⁶ Richard Heydarian emphasizes in Chapter 7 that different causes operate in emerging market democracies, where despite economic growth weak institutions have been unable to meet the rising expectations of the middle classes.¹⁷

It should be noted that some of the factors identified here involve governments that fail to serve the human rights of their population. Other factors, however, concern cultural backlash that includes the negative reaction of some citizens to improvements in the human rights of others, possibly racial minorities or women.¹⁸ These types of causes may operate separately, or conjointly – as when majority group members whose economic and social rights are neglected resent attention to minority groups that may be even more disadvantaged.

¹⁴ See Kirk A. Hawkins et al., “Populism and Its Causes,” in *Oxford Handbook of Populism*, 267–286 (summarizing approaches).

¹⁵ Pippa Norris and Ronald Inglehart, *Cultural Backlash: Trump, Brexit and Authoritarian Populism* (Cambridge: Cambridge University Press, 2019).

¹⁶ Noam Gidron and Peter A. Hall, “The Politics of Social Status: Economic and Cultural Roots of the Populist Right,” *British Journal of Sociology* 68, no. S1 (November 2017): S57–S84 (online special issue).

¹⁷ See Chapter 7 (in this volume); see also Marcus Mietzner, “Movement Leaders, Oligarchs, Technocrats and Autocratic Mavericks: Populists in Contemporary Asia,” in *Routledge Handbook of Global Populism*, ed. Carlos de la Torre (Abingdon: Routledge 2019), 381 (“rather than economic decline, it was the side effects of economic growth that facilitate the rise of third-generation populists in Asia”).

¹⁸ On the varying relationship between populism and women’s roles, see Sahar Abi-Hassan, “Populism and Gender,” in *Oxford Handbook of Populism*, 426–444.

The actual or perceived role of international human rights institutions in situations of backlash may vary. In some instances, populists recognize the institutions as responsible for a change in government policy, and object explicitly to their influence. In other cases, populist agitation focuses on the local change without attributing it to external institutions.

III HUMAN RIGHTS CONSEQUENCES OF EXCLUSIONARY POPULISM

This section describes and illustrates some of the dangers that exclusionary populism poses to human rights, and to the international system for protecting human rights. Two points deserve emphasis at the outset. First, I do not claim that these dangers are unique to populist governments. Racist governments need not be populist, for example, and fully authoritarian governments may attack freedom of expression more thoroughly than populist governments do. I would not characterize the present governments of China, North Korea, Saudi Arabia, or Russia as populist.¹⁹ Some of the international risks that populism creates are intensified when populist governments make common cause with autocrats. Second, most of the facts mentioned in this section are not intended as evidence that particular leaders or governments are populist but rather assume that they have been correctly characterized as populist, and describe some of their actions.

The exclusionary aspects of populism threaten human rights in a variety of ways. Some of these risks already materialize before populists attain public office. Populist incitement may lead to private discrimination and violence. Once populist movements attract substantial electoral support, established parties may borrow versions of their policy proposals in order to lessen the competition.

The risks multiply once populists come to power and control governmental authority and resources. Most fundamentally, the combination of a narrowed definition of the people with the unconstrained implementation of what is claimed to be the will of the people poses dangers to the rights of those in the excluded group. The potential victims may belong to formerly powerful elites, or to vulnerable minorities who the populists think received better treatment than they deserve. The scope of the threat, to equality, economic rights, liberties, fair trial, or even life, will depend on the particular local situation.

The dangers are not limited, however, to the social groups initially targeted by the populists. Once in power, populism risks tipping over into authoritarianism. Political scientists have emphasized the tendency of populist leaders to claim that only they represent the popular will, and to deny the legitimacy of any opposition.

¹⁹ See Luke March, "Populism in the Post-Soviet States," in *Oxford Handbook of Populism*, 221 (describing Vladimir Putin's later phase as anti-populist). But on China, see Elizabeth J. Perry, "The Populist Dream of Chinese Democracy," *Journal of Asian Studies* 74, no. 4 (2015): 903–915.

Thus the category of enemies of the people may expand to encompass former allies, dissenters, and critics, with resulting threats to their rights. Populists often try to entrench themselves in power, dismantling legal guarantees of fair electoral competition, and disrespecting the political rights of everyone, including their own constituency. They also express impatience with institutional checks and balances, and may seek to take over, replace or abolish independent components of government, such as the judiciary and other watchdog agencies. Meanwhile, populists may exploit their power to enrich themselves and their major supporters, neglecting the needs and rights of the people they purport to represent.

Nonetheless, populists sometimes employ the language of individual rights. Populists may sincerely believe that they are doing more than prior governments have done to vindicate rights of their voters – social rights of the poor, property rights of the middle class, free speech rights of the intolerant, or the religious rights of the majority, for example. And in some cases they may be correct. From a human rights perspective, however, the allegiance of populists to rights is generally selective and defeasible. The populist favors some rights of some people, and may cease to favor them when they interfere with the populist's other preferences. Moreover, rather than implementing genuine social rights, populist governments may distribute benefits to the poor on a discretionary basis, requiring personal political loyalty in return.²⁰

When populists threaten the rights of those they govern, they put themselves in conflict with international human rights institutions. The contradiction between the populist understanding of the general will and the requirements of the human rights regime may itself provide a subject of populist agitation. Condemnation of the international regime may already have been an element of the populist program before they came to power, as with the Euroskeptics, or the conflict may begin later, after the international institutions criticize the populists' projects or their methods of governing, as when the International Criminal Court began to examine Rodrigo Duterte's sanguinary drug enforcement in The Philippines. The judges or personnel of the international institution, and human rights advocates relying on the institution, may then be identified as yet another corrupt elite.

Populists may reject international treaty obligations as inconsistent with national sovereignty, regardless of the fact that the treaties became binding through the consent of prior governments. They may dismiss the consent as coerced, or as a betrayal of the people by corrupt or disloyal politicians. They may portray the treaties as leading to government by foreigners, and thus objectionable in principle, or to government by a particularly despised category of foreigners. The populist strategy may then involve ad hoc defiance of particular rulings, or broader efforts to insulate

²⁰ See Carlos de la Torre, "Populism in Latin America," in *Oxford Handbook of Populism*, 202, 204; Asa K. Cusack, *Venezuela, ALBA, and the Limits of Postneoliberal Regionalism in Latin America and the Caribbean* (New York: Palgrave Macmillan, 2019), 10–11.

national policy from international interference. Using the United Kingdom as an example, opposition to implementing European Court of Human Rights judgments on prisoners' voting rights illustrates ad hoc defiance;²¹ calls to repeal the UK Human Rights Act in order to prevent national judges from enforcing Strasbourg judgments embody one broader strategy, and proposals to denounce the European Convention on Human Rights altogether offer another.²² Some populist governments have indeed withdrawn from treaties that authorize scrutiny by international bodies.²³ Venezuela under Hugo Chávez denounced the American Convention on Human Rights in 2012, thereby disabling future oversight by the Inter-American Court of Human Rights, and then his successor Nicolás Maduro resigned from the Organization of American States altogether in 2017, seeking to avoid the competence of both the Inter-American Commission on Human Rights and OAS political bodies.²⁴ The Philippines notified the International Criminal Court that it was denouncing the Rome Statute after the Prosecutor opened a preliminary examination regarding Duterte's extrajudicial killings.²⁵

Nonetheless, populist regimes may be willing to use human rights mechanisms to serve their own goals, either as allies against domestic opponents or in support of their foreign policy positions. For example, Bolivia sought and received the help of the OAS under the Inter-American Democratic Charter in 2008 when Evo Morales faced resistance to his proposed constitutional reforms.²⁶ In 2016, Ecuador requested an advisory opinion from the Inter-American Court of Human Rights to support it in disputes with the United Kingdom and the United States over its effort to provide asylum for Julian Assange.²⁷ The right-populist Trump administration has repeatedly sought to invoke the Inter-American Democratic Charter against left-populist

²¹ See, e.g., C.R.G. Murray, "Monsterring Strasbourg over Prisoner Voting Rights," in *Human Rights in the Media: Fear and Fetish*, ed. Michelle Farrell, Eleanor Drywood, and Edel Hughes (Abingdon: Routledge, 2019), 101–126.

²² See, e.g., "Brexit and the British Bill of Rights," ed. Tobias Lock and Tom Gerald Daly (2016), available at <https://livrepository.liverpool.ac.uk/3006605/1/Brexit%20and%20Human%20Rights.pdf>.

²³ Depending on the details of the particular treaty regime, withdrawal may have only prospective effect, and may leave the state subject to international obligations with regard to violations that have already occurred before the withdrawal takes effect. See, e.g., *Case of San Miguel Sosa v. Venezuela*, 348 Inter-Am. Ct. H.R., para. 12 (2018) (citing ACHR art. 78(2)). Moreover, withdrawal from one procedural forum may leave the state subject to other avenues of redress.

²⁴ See Antonio F. Perez, "Democracy Clauses in the Americas: The Challenge of Venezuela's Withdrawal from the OAS," *American University International Law Review* 33, no. 2 (2017): 391–476. During the two-year delay before the OAS withdrawal could take effect, its continuing validity became clouded by debate within the OAS over the legitimacy of Maduro's reelection.

²⁵ See Chapter 7 (in this volume); Office of the Prosecutor, International Criminal Court, *Report on Preliminary Examination Activities 2018* (2018), 15.

²⁶ Rubén M. Perina, *The Organization of American States as the Advocate and Guardian of Democracy* (Lanham, MD: University Press of America, 2015), 90–91.

²⁷ Advisory Opinion OC-25/18, *The Institution of Asylum, and its Recognition as a Human Right under the Inter-American System of Protection (Interpretation and Scope of Articles 5, 22(7) and 22(8) in Relation to Article 1(1) of the American Convention on Human Rights)*,

Venezuela, and it promoted country-specific critical resolutions and mechanisms while it was a member of the Human Rights Council.

Populist governments also have effects on rights outside their borders. Some studies have concluded that there is no one typical populist foreign policy – populists may be inward-focused and pacifist, or assertive and interventionist, depending on their ideologies and situations.²⁸ In recent years, however, certain populist governments have contributed to the spread of populism by assisting like-minded populists in other countries. On the left, Hugo Chávez famously used Venezuela's oil wealth to assist populists in other Latin American countries.²⁹ On the right, Viktor Orbán of Hungary has openly campaigned for populist candidates in nearby countries such as Slovenia and North Macedonia,³⁰ and has reportedly channeled them financial support.³¹

Venezuela also created rival forms of regional cooperation to compete with those it rejected.³² With Cuba, it founded the Bolivarian Alliance for the Peoples of Our America (ALBA) as a vehicle for economic cooperation and development, and the Union of South American Nations (UNASUR) as a substitute for the OAS from which the United States would be excluded. However, as mismanagement and

25 Inter-Am. Ct. H.R. (ser. A) (2018). The Court responded favorably to Ecuador's request by strictly defining its duties toward asylum-seekers in its embassies overseas. The Court declined Ecuador's invitation to spell out the obligations of non-OAS states such as the United Kingdom, but did address the duties of other OAS states. OC-25/18, paras. 32, 59, 199. However, by the time the Court issued its opinion in May 2018, Ecuador had a new President and its relationship with Assange had changed, and ultimately Ecuador withdrew his asylum. See Charlie Savage, Adam Goldman, and Elaine Sullivan, "Britain Arrests Assange, Ending 7-Year Standoff," *New York Times*, April 12, 2019.

²⁸ Rosa Balfour et al., *Europe's Troublemakers: The Populist Challenge to Foreign Policy* (European Policy Center, 2016), 35–36, available at www.epc.eu/documents/uploads/pub_6377_europe_s_troublemakers.pdf?doc_id=1714; Bertjan Verbeek and Andrej Zaslove, "Populism and Foreign Policy," in *Oxford Handbook of Populism*, 393–395.

²⁹ See Javier Corrales and Carlos A. Romero, *U.S.–Venezuela Relations Since the 1990s: Coping with Midlevel Security Threats* (New York: Routledge 2013), 24–26; Chávez's subsidies also extended to Cuba. Corrales and Romero at 26–28.

³⁰ See Péter Krekó and Zsolt Enyedi, "Orbán's Laboratory of Illiberalism," *Journal of Democracy* 29, no. 3 (2018): 39–51. Orbán also joined with Russia in fueling populist opposition to the compromise name "Republic of North Macedonia" that enabled that country to resolve its dispute with Greece and become a member of NATO, and Hungary helped the populist former prime minister Nikola Gruevski evade a prison term for corruption. See Patrick Kingsley, "Did Hungary Help Spring a Fugitive Macedonian Leader?," *New York Times*, December 30, 2018.

³¹ Maja Jovanovska et al., "Right-Wing Hungarian Media Moves into the Balkans" (2018), available at www.occrp.org/en/spooksandspin/right-wing-hungarian-media-moves-into-the-balkans. Of course, right-wing populists in Europe have also received various forms of direct and indirect support from Russia. See Anton Shekhovtsov, *Russia and the Western Far Right: Tango Noir* (Abingdon: Routledge, 2018).

³² See Cusak, ALBA; Ximena Soley and Silvia Steininger, "Parting Ways or Lashing Back? Withdrawals, Backlash and the Inter-American Court of Human Rights," *International Journal of Law in Context* 14, no. 2 (2018): 251.

corruption and the fall in oil prices produced the collapse of the Venezuelan economy, these initiatives have withered.

Instead of withdrawing from a human rights mechanism in order to avoid its scrutiny, a populist government may remain in the system and make efforts to undermine or obstruct it. When successful, the government's effort has effects that impair human rights in other countries as well. A populist government may work actively to undermine the mechanism, alone or with allies, or it may passively fail to resist such efforts by other populist governments or fully autocratic states.

In Latin America, left-populist governments led by Venezuela, Bolivia, and Ecuador (under Rafael Correa) have protected each other from OAS sanctions for anti-democratic practices.³³ They have sought to impede the Inter-American Commission's Special Rapporteur on Freedom of Expression, and to constrict the funding of the Inter-American Commission and the Inter-American Court.³⁴ They have sought the return of Cuba to the OAS without any human rights conditionality. At the United Nations, Bolivia, Nicaragua, and Venezuela have joined with Russia and China in attempts to weaken the global treaty body system.³⁵

The role of populist members who remain in the system has become increasingly problematic as populists gain power within key supporters of the international human rights regime. Prominent examples include the United States and the European Union.

Countries may decrease their financial support to international human rights institutions, either for the deliberate purpose of weakening them or merely because they prefer to reallocate the funds to other purposes. The budgets of human rights institutions often include portions that are collectively determined by a sponsoring organization, such as the United Nations, the Council of Europe, or the OAS, and portions that are funded by the voluntary contributions of individual states or organizations.³⁶ Populist governments may seek to reduce the collectively set budget, or may withhold their own legally owed dues or voluntary contributions.

³³ See Perina, *Organization of American States*. After Lenín Moreno Garces succeeded Rafael Correa as President, he made significant changes in domestic and foreign policy, and Ecuador withdrew from ALBA in August 2018. See Carlos de la Torre, "Ecuador after Correa," *Journal of Democracy* 29, no. 4 (2018): 77–88; "Ecuador Leaves Venezuela-Run Regional Alliance," Associated Press, August 23, 2018, available at www.apnews.com/6a7d8ed8738a475d8b6c276ffa0b761e.

³⁴ See Mónica Pinto, "The Crisis of the Inter-American System," *American Society of International Law Proceedings* 107 (2018): 127–129 (2013); Katya Salazar, "Between Reality and Appearances," *Aportes DPLf* 19 (April 2014): 17–18.

³⁵ See Christen Broecker and Michael O'Flaherty, "The Outcome of the General Assembly's Treaty Body Strengthening Process: An Important Milestone on a Longer Journey" (2014), available at www.universal-rights.org/urg-policy-reports/the-outcome-of-the-general-assembly-s-treaty-body-strengthening-process-an-important-milestone-on-a-longer-journey/ (discussing the efforts of the Cross-Regional Group to undermine the independence of the treaty bodies).

³⁶ See, e.g., Raísa Cetra and Jefferson Nascimento, "Counting Coins: Funding the Inter-American Human Rights System," in Camila Barretto Maia et al., *The Inter-American Human*