

MA INTERNATIONAL RELATIONS
MA THESIS GLOBAL CONFLICT IN THE MODERN ERA



THESIS

“Latin American Active Role in Human Rights Theorization:
The Larreta Doctrine”

3rd July 2020

Thesis Supervisor: Dr. Rodriguez Idarraga

Thesis Author: Federico Iannuli

Word Count: 14,950

Latin American Active Role in Human Rights Theorization:

The Larreta Doctrine

by Federico Iannuli

Index

Introduction	p.3
Chapter I	p.11
Chapter II	p.20
Chapter III	p.28
Chapter IV	p.36
Conclusion	p.46
Bibliography	p. 51

Introduction

The idea for this thesis came to me inspired by a sentence at the end of one of Mary Ann Glendon's works:

*"I need to emphasize [...]that I have only excavated the top layer of a story that needs to be more fully explored. My hope is that Latin American thinkers and statespersons will soon recover this part of their heritage in its fullness, not only for the sake of their own democratic experiments, but for the sake of the human rights movement."*¹

These words triggered me as a Venezuelan citizen and as an MA student. I wanted to give my contribution to the reassessment of the role of Latin America in Human Rights (HR) theorization, that for so long has been overlooked.

We are used to think that the history of International HR started after WWII, when the winning powers, especially the United States (US), wanted to insert the defense and promotion of HR into the newborn International Organization, the United Nations (UN), presenting them to history in 1948, in the Universal Declaration of Human Rights (UDHR), approved by the General Assembly of the UN. In truth, it wasn't even the first document adopted by the international community regarding the promotion of HR, the American Declaration of Rights and Duties of Man (ADRDM) was adopted by American countries eight months before.²

Furthermore, scholars often argue that Latin Americans, and the entire Global South (GS), are passive, since their policies are adopted because of coercion or emulation of the Global North (GN).³ Instead this thesis aims to show Latin American thinkers as active in creating International Relations (IR) knowledge, investigating the lesser-known Larreta Doctrine, enunciated in 1945, by the then Uruguayan Minister of Foreign Affairs Eduardo Rodriguez Larreta, entailing the possibility to create a precommitment regime among American Countries, to protect democracy and rights in the region.⁴

¹ Glendon, 2003, p.39.

² Sikkink, 2014, p.389.

³ Domínguez, 2001, p.126 & Sikkink, 2014, p.389.

⁴ Rodriguez Larreta, 1945, pp.864-866.

Precisely, the research question and the sub-question of this thesis will be the following:

- To what extent did Latin American thinkers play a role in the development of the concept of Human Rights?
 - Is the Larreta Doctrine an example of innovation in the field?

The answers to these questions are relevant because contribution from Latin American governments and regional organizations to the idea of HR is underrated, as are examples like the Larreta Doctrine, one of the first projects to question the absoluteness of State's sovereignty.

As Glendon wrote, the topic of GS contribution to IR theories must be investigated much more, focusing on the commitment that was shown by Latin American countries during the 1940s to bring to the attention of the international community the topic of promotion and defense of HR.

Research Design

To answer the two questions above, I will draft a brief literature review, where the chosen timeframe will be discussed, together with works that have reassessed GS and Latin America's agency in history. The chosen timeframe is the 1940s because international concern for HR started during this decade, as Cmiel⁵ - whose idea will be highlighted in the literature review – said.

Then, the first two chapters will contextualize the framework. I chose Latin America because the contribution of this region has been highly underrated, while there have actually been many examples of innovation in the field of international law coming from this region. So, the first chapter will illustrate the historical context, and the second chapter will show the development of HR ideas in Latin America.

The contextualization will continue in the third chapter, zooming out from the region, to show Latin American relationships with the rest of the world, when discussing the matter of HR. Wanting to exemplify the international mindset at the time of the Larreta Doctrine theorization, three conferences will be analyzed.

Finally, in the fourth chapter, my case study will be assessed. Here, after illustrating the text of the Doctrine, its innovative potential for the time will be explained.

I will use primary and secondary sources. The former include documents from international organizations entailing the promotion and defence of HR, to investigate the developments in HR theory and understand what innovations were adopted during the time. Then, I will use statements and notes from Latin American Governments to understand their perspective and clarify their role in introducing new ideas. Instead, secondary sources will be useful for the description of the processes that brought to the adoption of certain ideals, and the exclusion of other principles from the official documents even if they had been part of the talks. I will use articles, books, and essays of academics because of their useful and deeper knowledge on the matter.

Therefore, I will conduct both a historical and discourse analysis. I will be looking for the history of HR theory innovations, tracing their origins in Latin American history, also investigating similarities between international laws and previous local habits. Moreover, I will look at documents that show

⁵ Cmiel, 2004.

those HR innovations brought to 1940s *fora* by Latin American countries, and the commitment that was put into their recognition in official documents. Lastly, I will look directly at Rodriguez Larreta's text and the ideas thereby contained.

Literature Review

Nowadays, there is yet no agreement among scholars on when HR first originated. There are two main factions focusing on the 1940s and the 1970s. Within the latter group can be placed Professor Samuel Moyn, who argued that the HR breakthrough in the 1940s was not impactful on the discipline of international law.⁶ As an example of this failure in taking HR to an international level, Moyn highlighted how the Conference of Dumbarton Oaks in 1944 did not mean the dawn of HR, but rather their end.⁷ According to him, triggered not by the WWII, but by anticolonialism and decolonization, HR only entered the international forum in the 1970s,⁸ because before they were seen as mere hypocritical slogans due to colonization still being present.⁹

Instead, Kenneth Cmiel, an American expert on the history of HR, accepts this idea of an “explosion of interest for Human Rights”¹⁰ in the 1970s, but the 1970s battles were based on concepts developed in the 1940s, and were also less comprehensive than those in the 1940s. In the ‘70s, only civil and political rights were claimed, while in the ‘40s economic rights were included too.¹¹ To prove the importance of the 1940s to the internationalization of HR, the American historian drafted a brief history of the origins of the concept of rights. Before the 1940s, the term HR was rarely used. Yet, rights theorization started long before: in the XVII and XVIII centuries, under the idea of the existence of rights deriving from nature, they were called natural rights.¹² Then, the Liberal Revolutions happened in the US and France, and both the American and French Declarations of Universal Rights stated that these rights must be protected by national states, and “as far as the international community was concerned, nations could still do what they wanted inside their borders.”¹³ This mind frame had never been challenged before the 1940s.

Finally, in the late 1940s, the protection of individual HR received international attention. First, the international law against genocide was written, and then it was proclaimed that the world community needed to monitor basic HR. This process happened thanks to prominent figures, who focused their efforts on the promotion of HR, such as Raphael Lemkin, a Polish-Jewish lawyer that

⁶ Moyn, 2010, p.178.

⁷ *Ibidem*.

⁸ *Ivi*, p.195.

⁹ *Ivi*, pp.195&197.

¹⁰ Cmiel, 2004, p.129.

¹¹ *Ibidem*.

¹² *Ivi*, p.124.

¹³ *Ivi*, p.126.

escaped to America during WWII, who is famous for coining the word genocide in 1944.¹⁴ Or Winston Churchill, a prominent figure in the creation of the European Convention of Human Rights. Last, Eleanor Roosevelt, the widow of former US President F.D. Roosevelt, had an essential role in drafting the UDHR, a milestone including a set of principles, which was supposed to be turned into binding international law.

Thus, even if during the 1940s they did not receive full international protection, the origins of international concern for HR can be traced to this decade, which is the reason why I consider it as the time when they originated and I will use the post-WWII period as time frame.

The reader may have noticed that only Western actors have been cited to this point. But there have been also attempts to look at HR theory from the perspective of the GS, even if most of the times the methods adopted were wrong. I divided Latin America works into two categories. In the first one, the authors reassessed the role of Latin America in producing HR knowledge considering the agency of states. The other one, comprises scholars who looked at individuals as an example of Latin American agency.

An example of the first category is Kathryn Sikkink. One of her works starts acknowledging that many scholars who investigated the origin of the global HR agenda argue that attention to HR derives from the coercion or the emulation of the most powerful states. And other academics think that the nongovernmental organizations (NGOs) from Western Countries set the importance of the issues also for non-Western NGOs and social movements. Thus, she affirmed that “there is a need for scholars of international norms to pay greater attention to the potential agency of states outside the Global North.”¹⁵ Among other scholars who have written on this topic, Amitav Acharya argued that too little attention has been given to the appeal of local and regional norms, and academics failed many times to locate agency in local and regional actors. Acharya also proposed the term “localization” associated with norms: it is “a process through which local actors actively reconstruct global norms to create a fit between those norms and prior local norms”.¹⁶ Furthermore, Sikkink has illustrated the normative agency of Latin America in the field of democracy promotion and HR.¹⁷ She argued that Latin American countries were “protagonists of the idea of international Human

¹⁴ Cmiel, 2004, p.129.

¹⁵ Sikkink, 2014, p.390.

¹⁶ *Ibidem*.

¹⁷ *Ibidem*.

Rights". Thus, they advocated the idea that "there should be international involvement in formulating and enforcing international Human Rights norms and law, and that there should be international involvement in democracy promotion".¹⁸ In the same way, Jorge Dominguez has considered Latin American regional organizations as "international rule innovators" rather than simply "price takers".¹⁹ They, firstly, were among the staunchest defenders of the principles of sovereignty and nonintervention, but later they wanted to modify the doctrines, to permit international intervention on behalf of democracy and other individual HR, seeing international law as one of the "weapons of the weak" to balance the US' greater power. Last, American professor Mary Ann Glendon reassessed the agency of Latin American countries in the drafting of the UDHR.²⁰ First, she described briefly the role of some Latin American countries at the San Francisco Conference, topic that I will more deeply research. Then, Glendon illustrated the process of drafting within the UN: she highlighted the influence that the drafts of the ADRDM had on the choices of the UN Committee, "what made the Latin American-sponsored drafts such important sources [...] was their compatibility with the broad range of cultures and philosophies represented in the United Nations."²¹ She also emphasized the Latin American role in the debate that led to the approval of the Declaration: "the persistence of the Latin American delegates", she said, "did result [...] in significant additions to the UDHR".²²

While the work from authors in the first category is important, to understand better GS agency, is even more essential to focus on the individuals that put effort in the production of knowledge. Paolo Carozza, who explored the tradition of Latin American strong commitment to the idea of universal HR, is a good example of that.²³ Carozza focused on 4 historical examples: the ethical response, given by the Spanish bishop Bartolomé de las Casas to the Spanish conquest; the Simon Bolivar rights theorization in the context of the continent's liberal republican revolutions; the Mexican Constitution of 1917 and how progressive social and economic rights were articulated in it; and, similarly to this thesis, the Latin American contributions to the genesis of the UDHR. His article aimed to highlight a distinct Latin American tradition within the global discourse of HR. Yet, even in

¹⁸ Sikkink, 2014, pp.390-391.

¹⁹ Domínguez, 2001, p.126.

²⁰ Glendon, 2003.

²¹ *Ivi*, p.32.

²² *Ivi*, p.38.

²³ Carozza, 2003.

this prominent work, there was a lack of more recent examples of Latin American individuals producing knowledge in fundamental periods, like the 1940s.

Thus, some authors have already written about the roles of the Latin American States and thinkers in the field of individual HR, but usually, they were Western scholars using Western sources, so their conclusions had a narrow point of view. But even when scholars have recognised the agency of Latin Americans in the production of knowledge, specific actors, such as the former Uruguayan Foreign Minister Rodriguez Larreta, still warrant for further investigation.

Chapter I – From the Monroe Doctrine, to the Good Neighbor Policy and *Peronismo*

The 1940s Historical Context in the Americas.

Introduction

This first chapter will contextualize the historical situation in Latin America in the 1940s, to make clear the context in which the Uruguayan Foreign Minister Eduardo Rodríguez Larreta made his proposal. First, I will analyze the role that the US had in Latin America, which have been changing since the US independence, claimed in 1776, to show why Latin American countries were wary of US. Then, I will focus on the regional situation. WWII influenced Latin American countries' behavior, who, after an initial decision of neutrality at the 1939 Panama Conference, were dragged into the war against the Axis by the US, who were attacked by Japanese in 1941, decision that jeopardized Latin American unity. In this same period, another issue in regional policymakers' minds was the Argentine domestic situation. A series of coups happened between 1930 and 1943, period known as "The Infamous Decade" (*La Decada Infame*). As a result, a Military Junta was established, and it will give birth to *Peronismo*, considered by contemporaries a threat for peace.

Thus, this chapter aims to explain the historical context and to illustrate why the various actors presented later in this thesis behaved in the way they did. I want to describe Latin American states' role in the world IR, to make more understandable their agency in future events, and what their views regarding HR were and why they considered their respect essential for the maintenance of peace.

The US – Latin American Relations

In their early years, the US aspired to complete isolation. From 1776, when they claim their independence from the UK, on many occasions Presidents, like George Washington in 1796²⁴ and Thomas Jefferson in 1801,²⁵ proclaimed their will of staying away from international commitments. But, the approach to the region has changed many times over the centuries, characterized by US Presidents Doctrines, a set of guidelines to relate to their southern neighbors. The first doctrine was formulated by President James Monroe in 1823. Regarding the Latin American situation in his period, Monroe recognized European colonies, but warned the European powers that any incursions into the Western Hemisphere would be considered a threat to the peace and safety of the US. It was essentially a defensive, isolationist statement.

Almost 100 years later, the so-called Roosevelt Corollary was added to this Doctrine. President Theodor Roosevelt was worried by the events that occurred in Venezuela in 1902-1903, when the European creditors of the South American state, the UK, Germany, and Italy, applied the infamous “Gunboats Diplomacy”, imposing a naval blockade. President Roosevelt was convinced that international incidents like that, were dangerous to hemispheric security because they had provoked European intervention and thereby presented a challenge to the Monroe Doctrine.

Therefore, in his 1904 annual message to the Congress, President Roosevelt said that:

“All that this country [US] desires is to see the neighboring countries stable, orderly, and prosperous. [...] If a nation [...] keeps order and pays its obligations, it need fear no interference from the United States. Chronic wrong-doing [...] may [...] ultimately require intervention by some civilized nation, [...] the adherence of the United States to the Monroe Doctrine may force the United States, [...] to the exercise of an international police power.”²⁶

In this speech Roosevelt changed the attitude: the old defensive attitude was now replaced by the evangelical tones of Manifest Destiny, a belief that the US had a God-given mission.²⁷

²⁴ Quinn, 2010, p.51.

²⁵ Jefferson, 1801.

²⁶ Roosevelt, T., 1904, in Livingstone, 2009, p.12.

²⁷ Ivi, pp.12-13.

This new way of thinking provoked many interventions: in the Dominican Republic in 1905 and its occupation from 1915 until 1924; in Nicaragua from 1912 to 1925 and again from 1926 to 1933; in Mexico in 1914; and in Haiti in 1915. This *modus operandi* caused the first wave of Latin American resentment toward their northern neighbor. An example is the Manos Fuera de Nicaragua (MAFUENIC) committee,²⁸ a transnational solidarity network. These networks were formed to raise money for helping the causes of anti-imperialism, anti-dictatorship, and anti-fascism. In this case, MAFUENIC was created in 1928, in Mexico City, to support Sandino's struggle in Nicaragua.²⁹ This is a good example, because the creation of this association derived from the fact that some Latin Americans could no longer bear the US attitude. In 1912, the US started an occupation in Nicaragua to defend the interest of some US Firms, so in the mid-1920s a group of liberal Nicaraguans organized paramilitary groups and carried out *guerrilla* operations. Sandino was the most prominent leader of these groups.³⁰

After the Roosevelt presidency ended, Taft became President of the US and started a new policy toward the region, now known as "Dollar Diplomacy".³¹ The key concept was that access to US credit and investment by US firms were the best way of furthering US interests in the region, but this did not end US interventionism. On the contrary, the expansion of US economic involvement provided further justification for military intervention in Latin America, when political instability was judged as a threat to US interests. This approach also had its critiques, some saw dollar diplomacy as an instrument to manipulate economies in weak states, to produce raw materials needed by the US, while they were leaving those countries dependent and vulnerable,³² the so-called "Banana Republics".³³

Since Woodrow Wilson's presidency, US policymakers felt that past policies implemented toward Latin America were counterproductive. But the first President who implemented a drastic change was F.D. Roosevelt. Anti-US and anti-imperialist sentiments were identified as a threat to the US interests in the region, so Roosevelt reconceptualized US' relations with Latin America starting from the idea of Pan American fraternity, theorizing the "Good Neighbor Policy". First, foreign policy was based on non-interventionism. Therefore, F.D. Roosevelt abrogated the Platt Amendment in Cuba

²⁸ Grossman, 2009, pp.67–79.

²⁹ Smith, 2005, p.85.

³⁰ Halperin Donghi, 1998, p.718.

³¹ Smith, 2005, pp.74–98.

³² *Ivi.*

³³ Livingstone, 2009, p.17.

(adopted 1901, and recognized by the Cuban constitution, it justified US intervention in case of an external threat to Cuba) and ordered the withdrawal of troops from the Dominican Republic, Nicaragua and Haiti. Then, the President's significant investments in cultural diplomacy made people hoping for an era of continental fraternity and mutual respect. The Good Neighbor Policy was a recognition that intervention was not the most effective way of maintaining hegemony.³⁴ In reality, there have been significant interventions through the support of sympathetic regimes (for example Trujillo in the Dominican Republic, Batista in Cuba, Somoza in Nicaragua, etc.).

These doctrines influenced both Latin American policies and minds. They caused the theorization by Latin American politicians of numerous doctrines against interventionism and supporting sovereignty, as will be seen in the next chapter. And they created in some parts of the society a visceral anti-Americanism, that resulted in what Sweig called a "foreign policy legacy of resentment".³⁵

³⁴ Livingstone, 2009, p.19.

³⁵ Sweig, 2006.

The 1940s Historical Context

This second section will illustrate the effects of WWII events on the Latin American regional context. Then, I will describe what happened in Argentina between the 1930s and 1945, to explain why the other Latin American countries had a bad perception of that state.

World War II

To understand Latin American mentality toward war, it is necessary to go back to the XIX century, when 12 bloody wars were fought, as the War of The Triple Alliance. It was fought between 1864 and 1870, the two factions were made up of Argentina, Brazil, and Uruguay on one side and Paraguay on the other side. During those 6 years, roughly 70% of Paraguay's male population died. Therefore, Latin American countries were looking for a way to make the practice of war less frequent. So, in 1933, at the Montevideo Conference, Argentina presented a proposal for a non-aggression and conciliation treaty, which was approved thanks to the US support,³⁶ who after the end of the Mexican-American War in 1848, were no more interested in expansion wars.

3 years later, in Buenos Aires was held the Inter-American Conference for the Maintenance of Peace,³⁷ where a draft treaty for the peaceful resolution of conflicts between American states was adopted, in which was recalled the principle of non-intervention.

In 1938, was adopted the *Declaration of Lima*, in which the principles of the previous conferences were recalled, and was stated that "peoples of America have achieved spiritual unity through the similarity of their republican institutions, their unshakable will for peace, [...]and through their absolute adherence to the principles of international law, of the equal sovereignty of states".³⁸ Worried about the events that were leading to WWII, the American States declared that "in case the peace [...]is thus threatened by acts of any nature [...]they proclaim their common concern and their determination to make effective their solidarity, [...]by means of the procedure of consultation".³⁹

³⁶ Halperín Donghi, 1998, p.377.

³⁷ Encyclopaedia Britannica, 2008.

³⁸ US Department of State, 1943, pp.438-39

³⁹ *Ibidem*.

One year later, after the German Invasion of Poland, the American States attended the Panama Conference, in which discussed their neutrality, and established a large no-war zone in the oceans around the Continent.⁴⁰

In 1940, the Havana Conference was called to discuss the consequences of the, till then, victorious German campaign. The American Nations were concerned that the fate of European colonies in the region could break the harmony of the Americas, so decided that American territories could not be transferred from one European power to another, based on the Monroe doctrine. Furthermore, they recognized that in case of urgency, an American state could enter the war without going through the consultation process.⁴¹

The US declared war to the Axis in December 1941, after the attack on Pearl Harbor. So, in January 1942, another Pan-American Conference was called in Rio de Janeiro, and American countries decided to sever diplomatic relations with the Axis powers. This situation jeopardized Latin American unity. On one hand, Mexico and Brazil declared war to the Axis in the summer of that same year. Mexico wanted to gain a better relationship with the US, instead, Brazil aimed to increase its military and political importance in Latin America. On the other hand, Chile and Argentina were not in favor of abandoning neutrality. The former waited one year before severing relations with the Axis, while Argentina waited more than two years.⁴² Argentina was influenced by the fact that its politicians and military officials had sympathies for the Axis and that had territorial and political disputes with the UK.⁴³ The Argentine reticence of severing relationships with the Axis and the nature of its government resulted in its isolation in Americans relations, until 1945.

The Argentine Threat

In 1861, Argentina was proclaimed a Republic. Presidents were elected through indirect elections, and from 1916 with universal male suffrage. In 1928, Hipolito Yrigoyen was elected for his second term, but when was about to institute a fascist corporativism, in 1930, was removed from office by a military *coup d'état*, establishing a military junta guided by general Jose Felix Uriburu.⁴⁴

⁴⁰ Halperín Donghi, 1998, pp.377-378.

⁴¹ *Ivi*, p.378.

⁴² Halperín Donghi, 1998, p.379.

⁴³ *Ibidem*.

⁴⁴ *Ivi*, p.385.

The military junta called for elections, so in late 1931 the general Augustin Pedro Justo was elected, in elections held with fraud. After 6 years, other fraudulent elections were held, and Roberto Maria Ortiz became President. When WWII started, Ortiz was favorable to the democracies,⁴⁵ but having health issues, since 1940, left the power to his vice president, Ramón Castillo,⁴⁶ who was more authoritarian than his predecessor, and decided to keep on with neutrality. It was seen as a favor to the Axis.⁴⁷

But, in 1943, President Castillo, who understood that Germany would have surely lost the war, was now in favor of military intervention, but the Army was on the neutrality side. So, when Castillo decided to appoint a successor in favor of interventionism, the Army organized another *coup d'état*, taking the power,⁴⁸ establishing as President general Pedro Pablo Ramirez, former Castillo's War Minister. Even if the revolution postponed it, a decision on WWII was to be taken. So, given the fact that Germany was losing the war, Brazil, their regional rival, was gaining influence thanks to its support for the UN cause, and the US accused Ramirez of having German secret agents among his officials,⁴⁹ the new President felt obliged of severing Argentine relations with Axis in early 1944.⁵⁰ Considered a proof of his weakness, Ramirez was replaced with general Edelmiro Julián Farrell at the behest of colonel Juan Domingo Peron, who was in control of the government. *Peronismo* will characterize Argentine politics up until today, even after his death.

When Farrell became President, Argentina was isolated by all the American States, due to its alleged fascist-like ideology. But, after the Chapultepec Conference, in February 1945, Argentina decided to end this isolation, signing the final declaration of the Mexican Conference, even if they didn't take part at the meeting. To show their good-will, in March 1945, they declared war on Axis, and called the elections for the next February. However, the relations with the US were bad because the Farrell – Peron Government didn't change its domestic behavior. Moreover, in October 1945, another golpe occurred, Farrell kept the power, but Peron was sent to jail. His detention lasted only 5 days because the working class organized a counter-revolution and obtained his liberation. When Peron was liberated, went to the Government Palace, and announced his candidacy for the elections. The

⁴⁵ Halperín Donghi, 1998, p.387.

⁴⁶ *Ivi*, p.388.

⁴⁷ *Ibidem*.

⁴⁸ *Ibidem*.

⁴⁹ *Ivi*, p.379.

⁵⁰ *Ivi*, p.389.

other American countries were afraid of the possibility of him winning, because, especially the US, were sure that his victory would have resulted in a fascist dictatorship.⁵¹

⁵¹ Cabot, 1945, p.412. Even if in this diplomatic note, the Chargé in Argentina stated his certainty that Peron would establish a fascist regime, there is an ongoing debate on the nature of Peronism ideology, if it was fascism or populism.

Conclusion

In the 1940s, Latin American states had bad feelings about the US, because even if the US were acting friendly, implementing their Good Neighbor Policy, few years could not erase a century of interventions and occupations.

The other two historical processes characterizing the 1940s in the Western Hemisphere were WWII and the developing situation in Argentina. The former divided Latin American countries into interventionists and non-interventionists, even if they were unanimous in seeking continental harmony. The latter was creating a situation of instability within the continent, which was possibly resulting in a fascist dictatorship, the same kind of political regime that caused WWII and was seen as the enemy.

This chapter was essential because, as it will be seen in the next chapter, the Latin American thinkers' best skill is to adapt global ideas to their regional context. So, before describing their innovations I had to illustrate what their thoughts were at the time. A century of wars just ended and the Region was looking for stability. But there were two threats to peace: WWII, and Argentine suspected fascist shift. After WWII, the creation of a new international organization for the maintenance of peace was seen with positivism. But, Argentine with Peronism was still seen as fascist, and the only solution could be the possibility for the international community to solve domestic turmoil that could result in the jeopardization of peace. Even if Latin American Countries wanted the international recognition of rights, as it will be seen later in the thesis, they were worried of giving the possibility of intervening into states' affairs because of their experience with the US. Thus, a solution to these problems was needed, and it will be presented by Eduardo Rodriguez Larreta, as shown in the fourth chapter.

Chapter II – The Art of Adapting *Human Rights in Latin America.*

Introduction

After the historical context, this chapter will illustrate the evolution of thought in Latin America regarding the topic of HR. I will do this for two reasons: to demonstrate the fact that Latin American countries were not just “price takers”,⁵² but they produced HR knowledge, and to show where the Latin American ideas of the 1940s originated.

Scholars from the GN, especially from Western Europe and the US, too often have the presumption of saying that they invented and taught HR to the rest of the world. As Kathryn Sikkink stated,⁵³ some say that attention to HR is the consequence of powerful states’ dominance. For example, “scholars of diffusion suggest that ideas and policies often diffuse vertically from the Global North to the Global South via processes of coercion or emulation.”⁵⁴ Even Critical thinkers, supporters of the GS importance reassessment, used the wrong argument in GS defense, suggesting that HR are only a powerful states’ discourse imposed on others, instead of giving value to the GS role in this discourse.⁵⁵ Also some GS leaders supported the idea of the Western exclusive on HR.⁵⁶ For example, a Panamanian Government official responded to Amnesty International critiques, regarding the pardon of HR offender figures from Noriega dictatorship, that HR are analogous to an “Anglo-Saxon”⁵⁷ export inappropriate to their countries. But these allegations ignore a centuries-old tradition of GS thinkers, who succeeded in mixing the global concepts of HR with their own local culture, developing ideas that helped the evolution of International Law as we know it.

A place of honor is occupied by innovators coming from Latin America, who represent a challenge to the Western/Non-Western dichotomy, in fact it is difficult to place them properly into a well-defined group. Usually, Latin Americans consider themselves Western Countries, and indeed geographically they are in the Western Hemisphere, but are deemed as part of the GS. Latin American academics had frequent contact with western theories, but more than just emulating

⁵² Domínguez, 2001, p.126.

⁵³ Sikkink, 2014, p.389.

⁵⁴ *Ibidem.*

⁵⁵ *Ivi*, p.395.

⁵⁶ Sikkink, K., 1997, p.711.

⁵⁷ *Ibidem.*

them, they succeeded in transforming those theories into something more familiar to their own culture.

Thus, I will first write a section on the origins of the HR discourse in the Americas and how it developed until the early XX century. In the second part, I will illustrate the 1930s and 1940s developments, which will lead to the context in which Rodriguez Larreta formulated his doctrine.

Latin American Human Rights Background

According to Paolo Carozza,⁵⁸ HR in Latin America can be dated back to the XVI century, during the Spanish occupation of the New World, when the priest Bartolome de las Casas fought for the rights of *Indios* populations, enslaved and tortured by European conquerors. Carozza considers him to be the first Latin American HR thinker because Las Casas took European knowledge and applied it to indigenous populations, in an *ante litteram* “vernacularization”,⁵⁹ de Las Casas recognized them as “sons and daughters of God”, to whom the natural divine law should be applied.

In the late XVIII and early XIX century, Latin American Countries began to gain their independence from European colonists and wrote their own constitutions. These were the first written examples of Latin Americans adapting European and North American theories to their reality.⁶⁰ Whereas those constitutions were inspired by the US Declaration of Independence and the French Declaration of Rights, the Latin American Enlightenment was somehow more conservative. The Creoles, the Latin American establishment made up of people who are born from mixed European-Latin American parents, were driving the revolutions, which were not popular movements. The two huge differences between American Constitutions and their sources of inspiration are the absence of an anticlerical movement and that they are a hybrid between North American public law and Romano-Germanic legal tradition,⁶¹ as result of the Creole Legal Consciousness.⁶² As the Colombian scholar, Liliana Obregón, wrote “this consciousness [...]means that the region’s elite often assume themselves as being part of the metropolitan center (as descendants of Europeans) while at the same time challenging the center with notions of their own regional uniqueness (as natives of America).”⁶³ So, their diversity and differences were advantages “over a monolithic European view of the world.”⁶⁴

New developments in Rights Theory were triggered by the increasing importance of rights protection, the initial recognition of the correlation between democracy and peace, and the impact of wars and the US’ interventions upon public opinion. From the mid-XIX century, it is possible to

⁵⁸ Carozza, 2003.

⁵⁹ Merry, 2006, pp.38-51.

⁶⁰ Carozza, 2003, p.298.

⁶¹ *Ivi*, p.300; Glendon, 2003, p.32.

⁶² Sikkink, 2014, p.391.

⁶³ Obregón, L., 2006, p.817.

⁶⁴ *Ibidem*.

find the first examples of the dualism that will characterize the Latin American HR discourse throughout history: the defense of sovereignty vs the defense of Rights. This dualism is exemplified by Latin American Foreign Affairs Ministers' doctrines. In 1907 Carlos Tobar, an Ecuadorian diplomat in favor of rights protection, wrote the then called "Tobar Doctrine", based on the non-recognition of Governments who took power through nondemocratic means. There were also theorists supporting the sacredness of state sovereignty, such as Carlos Calvo and Luis Drago. The Calvo Doctrine in 1868, forbade the diplomatic intervention in American states, in response to the major US justification for intervention: that states were required to protect the rights and interests of their citizens residing abroad. The Drago Doctrine was against the interventions for debt collection, in response to the so-called "Gunboat Diplomacy", perpetrated by both the US and European countries. The event that triggered Drago was the UK, German, and Italian intervention in Venezuela that same year. Later in the XX century, Romulo Betancourt, a Venezuelan President, theorized a doctrine, similar to the Tobar one, according to which diplomatic relations should be severed with regimes that took power through non-democratic means.⁶⁵ In 1945, Rodriguez Larreta will try to solve this dualism in his doctrine.

In the 1920s, all over the world, the lawyers took up the mantle of HR.⁶⁶ This was a decade of economic growth, so much that in the US it was called "the roaring 20s". As Catherine LeGrand noticed in her studies, the ideology behind this growth, capitalism, brought discontent among working-classes,⁶⁷ who asked for more rights, mainly economic and social. It is common knowledge, that this kind of rights were championed by USSR. But, the 1917 Mexican Constitution already contained these rights.⁶⁸ This can be considered a socialist constitution, but as other Latin American developments, this document is the result of various influences: it was influenced by European Socialist movements, and USSR, but Catholic social doctrines had an essential role too.⁶⁹ This document was drafted after the Mexican Revolution, and the dominant party was the anti-clerical National Revolutionary Party, but Mexican intellectual and political environment was suffused with the ideas of the Catholic social agenda.⁷⁰ The result was a constitution in which expropriation and

⁶⁵ Sikkink, 2014, p.392.

⁶⁶ Cmiel, 2004, p.128.

⁶⁷ LeGrand, 1984.

⁶⁸ Carozza, 2003, pp.303-311.

⁶⁹ *Ivi*, p.308.

⁷⁰ *Ivi*, p.309.

redistribution of lands were authorized, a maximum number of working hours and regulation of child labor were included, but social protection was granted to private property.⁷¹

So, in this section, it was made clear how HR became an important issue in Latin America and how the dualism with sovereignty was born.

⁷¹ Carozza, 2003, p.304.

Latin American Regionalization of Human Rights

In the first half of the XX century, the protection of universal rights was still state-centered. Every nation had the freedom to treat independently inner-issues and there was no international monitoring of basic HR.⁷² Whenever the world community was concerned with rights before the 1940s, it was always regarding the rights of minorities, group rights, and never individual ones.⁷³

However, in the Western Hemisphere, there have been attempts to make the State internationally responsible for the protection of HR. In 1889, the Pan-American Union, an international organization which included all the American states, was established to promote regional solidarity. The leading element of the organization was the Pan-American Conferences, meetings where delegations from all the American countries discussed regional issues.

Since 1928, at the Havana Conference, rights were discussed regionally, and from the following conference, resolutions and declarations were presented and approved to make countries bear the burden of HR. At the 1933 Pan-American Conference of Montevideo, two lawyers, Alejandro Alvarez and James Brown Scott, presented the "Declaration of Rights and Duties of Nations",⁷⁴ which stated that states had "the right to territory [...]and to exercise exclusive jurisdiction over its territory, and all persons whether native or foreign". In the same document, there was written: "according to the universal practice of the American Republics, nations or governments are regarded as created by the people, [...]and are instituted [...]to secure to the people the enjoyment of their fundamental rights". This Declaration was adopted as a Treaty, but in the final version HR were not mentioned, and at its core, there was an article supporting the non-intervention principle.

Three years later, at the Inter-American Special Conference for the Maintenance of Peace, was adopted the "Declaration of Principles of Inter-American Solidarity and Cooperation", which is the "first multilateral recognition of need for a common democracy throughout America",⁷⁵ and all the future Inter and Pan-American Conferences will reaffirm the importance of this Declaration.

In 1938, the VIII Pan American Conference of Lima approved the "Declaration in Defense of Human Rights", where there was written that when "recourse is had to war in any other region of the world,

⁷² Cmiel, 2004, p.126.

⁷³ *Ibidem*.

⁷⁴ Sikkink, 1997, pp.712-716.

⁷⁵ Acevedo & Grossman in *ivi*, p.722.

respect [should] be given to those human rights not necessarily involved in the conflict".⁷⁶ At this same conference, the delegations adopted other three forward-looking resolutions: one condemning racial and religious persecution, one in favor of women's rights, and one on freedom of association for workers.⁷⁷

Also the civil society began mobilizing support for political and civil rights, and people at the forefront were lawyers. In 1940, to take the discourse to an international level was created the Inter-American Bar Association, an organization of American lawyers meant to promote and preserve the State of Law, Democracy, and Justice. It has been meeting every year, and it has been of significant importance for Latin American HR history, being the forum where the ADRDM was first drafted.⁷⁸

Finally, in the mid-1940s, the necessity for international protection of HR was felt, due to the mass atrocities perpetrated during WWII. The first response came again from lawyers that, at the III Meeting of the Inter-American Bar Association in 1944, stated the necessity for a Declaration of Rights and for procedures to put it into action.⁷⁹ At this same meeting, the American lawyers were among the first to state that exists a right to self-determination for the peoples of the world.

⁷⁶ Glendon, 2003, p.28

⁷⁷ *Ibidem*.

⁷⁸ Sikkink, 2014, p.394.

⁷⁹ Sikkink, 1997, p.720.

Conclusion

In this chapter, I have briefly assessed the debate on the birth and diffusion of HR between GN and GS. Then, I summed up the early developments of rights theory in the XIX century and early XX century, to show that a Latin American discourse existed and to illustrate the centuries-old tradition present in the region. Last, I have introduced the regional interest for HR in the 1930s, with the Pan American Conferences.

This chapter showed Latin Americans HR discourse tradition that originated from the European influence, but then was developed by Latin American thinkers from a Latin American point of view. All the theories presented regarding HR referred to a specific issue or situation going on in Latin America, demonstrating a localization of global concepts. Thus, the unique experience of Latin American thinkers brought to unique developments, that for sure were innovations, or helped in the creation of knowledge in HR theory. Rights were discussed in all countries due to the American situation in the 1920s and this kind of mind frame was taken to the international level by the creation of the Pan-American Union, where it was possible to discuss these matters. The international promotion and protection of rights was the natural result.

This first introduction to the context in which Minister Rodriguez Larreta theorized his doctrine will continue in the next chapter.

Chapter III – The Three Conferences that Shaped Human Rights *Human Rights Conferences in the Americas.*

Introduction

This chapter aims to continue the work started in the previous one, highlighting the fact that Latin American countries were active agents in the development of HR. Furthermore, I want to demonstrate that Rodriguez Larreta theorized his doctrine within a Latin American tradition which was highly developed. To do this, I want to challenge the common knowledge according to which Western Powers set the ground for the international promotion and protection of HR.

The Conference of Dumbarton Oaks was the meeting where the US, Russia, China, and the UK proposed the creation of the UN, establishing a new world order, after the end of WWII, and it was considered the place where the foundations were laid to the international recognition of rights. But, as scholars such as Moyn⁸⁰ and Sikkink⁸¹ wrote, the Powers at Dumbarton Oaks were far from wanting HR language to enter the Charter of the new Organization. So, why are there references to HR in the UN Charter? Thanks to the agency of GS states, especially to Latin Americans. It will be seen later in this chapter, that while Western Powers, wanted to secure their interests, GS countries had a broader goal: to institute an international organization that could assure the respect of international law, to protect weak states from stronger ones.

In the following sections, I will describe the failure of the Dumbarton Oaks Conference in giving importance to HR. Then, I will show the importance of the Chapultepec Conference, where Latin American states met to analyze the Dumbarton Oak proposal and create a common plan for promoting their amendments at the San Francisco Conference, where the UN Charter would have been drafted. Last, I will highlight the importance of Latin American agency at the San Francisco Conference, in which promotion and protection of HR were added to the founding principles of the UN, focusing on Chile, Mexico, Panama, and Uruguay, who were among the most fervid supporters of Latin American, and more generally GS claims.

⁸⁰ Moyn, 2010.

⁸¹ Sikkink, 2014, p.395.

The Dumbarton Oaks Conference

The Washington Conversations on International Peace and Security Organization, August-October 1944.

WWII has been considered a clash of ideologies, democracy and freedom against dictatorship and hate, especially among Allies ranks, so much that one President Roosevelt's foreign affairs counselor, Sumner Welles, even said:

*"This is in very truth a people's war. It is a war which cannot be won until the fundamental rights of the peoples of the earth are secured."*⁸²

So, when it was about to end, the Allies Powers (Russia, UK, US) started to organize conferences at which they planned the future world order. One of these was held, in 1944, at Dumbarton Oaks, in Washington D.C. The US invited three Powers to this meeting, China, Russia, and the UK, to discuss the establishment of peace and the creation of a new International Organization to secure it.

The expectations for the international recognition of rights at the Dumbarton Oaks negotiations were high because of the context. First, the victory over the Axis was certain, and the winning Powers said they would bear the responsibility for the promotion of HR.⁸³ Moreover, the fact that the conference was held in the US, considered the "arsenal of the democracy", provided additional hope. Last, it was hosted by F.D. Roosevelt, who was the father of the "Four Freedoms". Announced three years before at the annual speech on State of the Union, the four freedoms that every person in the world should enjoy were: freedom of speech, of worship, from want, and fear. So, it was believed that the new international organization would be based on these principles.⁸⁴

Although the Allies used HR insistently in their war propaganda, there were two different sides within them. One faction wanted to include HR in the postwar order, the other, the majority, did not. An example of this duality of intents was the US Secretary of State Cordell Hull, he publicly stated that the objective of the delegations at Dumbarton Oaks was to "[...]lay the foundations upon which, after victory, peace, freedom, and a growing prosperity can be built."⁸⁵ But then, he opposed any efforts to promote HR that would undermine national sovereignty, instructing the US delegation

⁸² Sumner Welles in Lauren, 2013, p.137.

⁸³ *Ivi*, p.165.

⁸⁴ *Ivi*, pp.165-166.

⁸⁵ *ivi*, p.166.

to the Dumbarton Oaks meeting to avoid any detailed discussion of HR,⁸⁶ because if the principle of equality was formally recognized, could seriously challenge US domestic policies on a matter like segregation.

The other two Great Powers involved, UK and Russia, were concerned too, being worried that their sovereignty and power would be threatened if any language about HR and fundamental freedoms was added to the UN principles. The British were worried that this could greatly endanger their colonial empire. Considering HR as a founding principle would create an institution with the power of monitoring rights protection, and it would lead to a degree of interference with their sovereignty that they could not tolerate. On the other side, the socialist Soviets understood that the regime of collectivization, purges, and Gulag, that Stalin was building, was not compatible with such international order.⁸⁷

Only China tried to bring HR into the Dumbarton Oaks' final proposal, asking to mention racial and states equality, stating that putting them in the charter "will [...]give moral satisfaction to the greater part of humanity".⁸⁸ But they were not heard and while the initial drafts of the UN Charter contained no reference to HR, the final one contained only one reference to them.⁸⁹

When the proposal came out, it was clear that the Great Powers failed in including HR language in it, irritating the civil society, made of NGOs and social movements, and the less powerful states, such as Latin American ones, New Zealand and Australia.⁹⁰ Especially Latin American countries felt betrayed because no Latin American delegation was invited, even though the US in 1941 promised to them that every decision would have been taken together, and the Dumbarton Oaks Proposal didn't incorporate principles that in Inter and Pan-American resolutions were considered fundamental (e.g. equality of states, and individual rights recognition).

⁸⁶Sikkink, 2014, p.393.

⁸⁷Lauren, 2013, p.162.

⁸⁸*ibidem*.

⁸⁹Sikkink, K., 2014, p.393.

⁹⁰Lauren, 2013, p.166.

The Chapultepec Conference

The Inter-American Conference on Problems of War and Peace, February-March 1945

In response to the expectations that were disregarded at the Washington Conversations and to create a strong, common, Latin American proposal, Mexico called an Inter-American Conference in preparation to the San Francisco Conference. So, all the Latin American countries participated in the Inter-American Conference on Problems of War and Peace, held at the Chapultepec Castle in Mexico City between February and March 1945.

Before this conference took place, many Latin American Countries had given already their opinion on the Dumbarton Oaks Proposal. For example, Brazil, Guatemala, Panama, and Uruguay declared themselves in favor of a new international organization, but it must protect and defend equality, liberty and justice.⁹¹ Moreover, Mexico wanted to include principles of rights and duties of nations and individuals in the founding chart, recalling the French Declaration of Rights, the League of Nations, and the promises made during WWII. Last, Venezuela criticized the proposal because it created a “fundamental defect,” and called for provisions on the disposition of colonies and protection of their inhabitants and “the great and humanitarian principles” of HR.⁹²

Finally, at the Mexico City Conference, many Latin American states claimed that, after WWII, the world needed the recognition and protection of rights at the international level, recalling the 1944 Conference of the Inter-American Bar Association.⁹³ The delegations at the meeting raised important issues about great-power dominance, international law, regional agreements for security, and economic and social problems. HR issues figured prominently in the speeches and resolutions, and their ideas were modern and progressive because they wanted the international recognition and protection of rights to be taken to an international level, while it was usually a matter of domestic concern.⁹⁴ Furthermore, they all said that the new international organization should be based on democracy, meaning that the vote of each state should matter, and there should be equality between large and small states.

⁹¹Lauren, 2013, p.168.

⁹²*Ibidem*.

⁹³ Sikkink, 2014, p.394.

⁹⁴ *Ivi*, pp.393-394.

Every Latin American nation brought its contribution. Bolivia asked for the definition of rights and responsibilities. Venezuela proposed a global system of law, justice, and equity that supported HR. Mexico presented the *Protection of the International Rights of Man* program. Cuba elaborated two proposals which addressed a wide range of civil, political, economic, and social rights, stating that extending the recognition of the rights of man to the whole world was of vital importance. There was also great attention to women and sex equality. One of the most prominent female delegates was Minerva Bernardino of the Dominican Republic, who served as president of the Inter-American Commission of Women, and she spoke strongly on behalf of women's rights.⁹⁵ This has also been highlighted by one of the amendments to the Dumbarton Oaks Proposal, in which there was written "Representation and participation in the General International Organization shall be open to men and women under equal conditions. [...]as affirmed [...]in the Final Act of the Inter-American Conference on Problems of War and Peace, approved in Mexico City, March 7, 1945."⁹⁶

The Dumbarton Oaks proposal was examined paragraph by paragraph and the delegates submitted more than one hundred and fifty draft resolutions.⁹⁷ The content of the resolutions varied from continued military cooperation and the punishment of war crimes, to the incorporation of international law into municipal legislation and proposals for a new international organization that emphasized HR.⁹⁸ In the Final Act, they wanted to state again that "the Republics here represented [...]did not take part in the Dumbarton Oaks Conversations." And the delegates pledged to honor the promises made during the war, the rights of women and children, economic and social rights, and a resolution recommending "every effort to prevent racial or religious discrimination."⁹⁹ To create procedures to put principles into action, the delegates wanted to prepare a draft declaration of the rights and duties of man, and assigned the task to the Inter-American Juridical Committee, an international body within the Pan American Union which grouped jurists from all over the Western Hemisphere that could discuss and solve regional issues.¹⁰⁰

⁹⁵ Lauren, 2013, p.168.

⁹⁶ Delegations of Brazil, Dominican Republic and Mexico, 1945, p.602.

⁹⁷ *Ivi*, p.168.

⁹⁸ Lauren, 2013, p.170.

⁹⁹ *Ibidem*.

¹⁰⁰ Goldman, 2009, p.858.

The San Francisco Conference

The United Nations Conference on International Organization, April-June 1945.

After the two conferences of preparation, in April 1945 was finally time for the San Francisco Conference to take place, from there the founding charter of the UN would come out. There were two factions: the Great Powers wanted their security, the protection of their interests, and the enjoyment of the fruits of their victory in WWII; Small states, such as the Latin American ones, wanted to establish principles of International Law that will protect them from the stronger countries.

At the San Francisco conference, fifty countries were present, and Latin American countries made up twenty of the fifty, being the most important voting bloc at San Francisco.¹⁰¹ Among them, the most hardened were Chile, Mexico, Panama, and Uruguay. One of the most important things that the Chilean delegation did was trying to solve the dualism between rights and sovereignty, explained in the previous chapter, making rights protection and sovereignty be together. They proposed that “the State is lord of its territory, can grant itself whatever democratic form of government it may desire within standards which respect the inalienable rights of man”.¹⁰²

Panama presented a complete “Declaration of Essential Human Rights”¹⁰³ made up of 18 articles and a preamble. It states that “upon the freedom of the individual depends the welfare of the people, the safety of the state and the peace of the World.”¹⁰⁴ This sentence shows Latin American countries’ belief that the respect of rights and freedom was a condition for the maintenance of peace, so, the new international organization needed to have among its founding principles the protection of HR. The rights listed in the declaration ranged from freedom of religion and speech to rights to fair trial and education. The most interesting one is article 18: “In the exercise of his rights everyone is limited by the rights of others and by the just requirements of the democratic state.”¹⁰⁵ This meant that rights are important, but they are subordinate to a common good.

The Uruguayan delegation suggested to promote HR “without distinction as to race, sex, belief or social status”,¹⁰⁶ and that the Charter shall contain a “declaration of rights,” and “a system of

¹⁰¹ Glendon, 2003.

¹⁰² Fernandez, 1945, p.293.

¹⁰³ *Ivi*, pp.266-269.

¹⁰⁴ *Ivi*, p.266.

¹⁰⁵ *Ivi*, p.269.

¹⁰⁶ Delegation of Uruguay, 1945, p.34.

effective international juridical guardianship of those rights.” They also urged that the organization should be based on the principle of “rights inherent in members’ full sovereignty.” In other words, as the Chilean delegation, they did not see a contradiction between “a system of effective international juridical guardianship”,¹⁰⁷ and the practice of full sovereignty.

Thanks to this hard work of lobbying, although the original Dumbarton Oaks proposal had only one reference to HR, the final UN Charter contained seven references to them, listing the promotion of HR as one of the basic purposes of the organization. The two main successes of Latin American tradition were the recognition of economic and social rights, present in the Mexican Constitution of 1917 and were not the result of Soviet pressure,¹⁰⁸ and the international recognition of *Amparo* laws, which protect from all kinds of rights violations that can come from authorities, as an example, the *Habeas Corpus* is part of them, but it is only a small part.¹⁰⁹

Despite the success that HR advocates had in securing their presence in the Charter, they also experienced some failures.¹¹⁰ The requests that the future organization should safeguard respect for HR, and that it should be instructed to make a declaration of rights weren’t satisfied. The final language merely called upon the UN to promote and encourage respect for HR.¹¹¹ The most ambitious goal of Latin Americans of having a declaration of rights included in the Charter, was unsuccessful, but it has been an inspiration for the later decision of drafting the Universal Declaration.

However, as the British Government said, the Latin American bloc had the credit for changing the US Government's position on HR at the San Francisco Conference. Without them, it was unlikely that the Charter would have contained references to HR.¹¹²

¹⁰⁷ Delegation of Uruguay, 1945, p.35.

¹⁰⁸ Sikkink, 2014, p.398.

¹⁰⁹ *Ibidem*.

¹¹⁰ Sikkink, 1997, p. 721.

¹¹¹ *Ibidem*.

¹¹² Sikkink, 2014, p. 394.

Conclusion

In this chapter, I completed the work of introduction to the context in which the Larreta Doctrine was theorized and enunciated.

Firstly, I challenged the assumption that HR were among the UN founding principles already after the Dumbarton Oaks Conference, thanks to the Western Powers will.

Secondly, I explained the importance of the Chapultepec Conference in uniting Latin American countries under the goal of changing the proposal coming from Dumbarton Oaks, showing that here was the place where the importance of HR was assessed.

Finally, I described the Latin American agency to the San Francisco Conference, which was essential to add HR among the founding principles.

So, in these first three chapters, I showed the Latin American tradition of HR discourse. This job has been already done by other scholars, as seen in the literature review. Two good examples are Glendon and Sikkink, who reassessed the Latin Americans' work on HR both domestically and internationally, showing that they produced knowledge rather than only learning it from GN thinkers. But more should be written on the prominent figures from GS that put their effort in producing this knowledge. So, while Professor Carozza illustrated the theories of some early thinkers, in the next chapter, I will focus on a more recent figure: Eduardo Rodriguez Larreta, who innovated HR theory during the 1940s, the most important period for HR recognition. So, it is important that his role in developing knowledge would not be forgotten.

Chapter IV – The Larreta Doctrine

*The Uruguayan Proposal for Multilateral Action in Cases of Flagrant Violation of Human Rights.*¹¹³

Introduction

The aim of this chapter, and of the whole thesis, is to demonstrate that Latin America doesn't belong to the background role to which it has been relegated in the literature on HR. I want to show that they produced knowledge in this field, rather than only learning from GN thinkers. The previous chapters showed the role of Latin American thinkers on numerous occasions, reassessing their agency in theorization and conferences. This last chapter will focus on the Larreta Doctrine, theorized by the Uruguayan Foreign Minister Eduardo Rodriguez Larreta, as an example of Latin American innovation in the HR discourse, bringing new ideas that will influence future measures and decisions.

To evaluate this historical document, I will perform a full analysis not only of the text of the Doctrine but also of what happened before and after its publication. So, I will briefly explain the diplomatic notes exchange, undergoing among the US and some Latin American countries on the matter of Argentine situation in 1945. In the second section, I will analyze the Doctrine, dividing this section into three parts. The first part will address the content of the diplomatic note that contained the Rodriguez Larreta's proposal. In the second section, I will explain Rodriguez Larreta's goal and the motives given to pursue this goal. In the third part, I will illustrate the measures proposed to obtain that goal, which are the true innovation. Last, I will comment on the Western Hemisphere reactions to the Doctrine. I will summarize the feedbacks given by Latin American countries and try to explain the reasons for the responses. In the last section, I will briefly describe the outcomes.

¹¹³ Foreign Relations of the US Diplomatic Papers, 1945, p.185.

Preliminary Talks

As explained in the first chapter, in 1945 the Argentinian situation was one of the biggest concerns in the Region, its instability, and the apparent shift toward fascism were considered a probable source of conflict in the continent. Many American States didn't recognize the Farrell Government, and there was the will to have a regional solution to the matter, especially from the US, who started an intense correspondence on the matter with all the Chancelleries of the Hemisphere.

After the Argentine signing of the Final Document of the Chapultepec Conference, the Farrell – Peron Government did not change his behavior, and its bad relationship with the US made the Rio Inter-American Conference for the Maintenance of Continental Peace and Security, scheduled for 1945-1946, be postponed. So, in October 1945, the US asked to the other Latin American countries for a consultation about the Argentine situation.¹¹⁴ Up to the 10th of October, 17 countries had replied, suggesting:

“(a) consultation be limited to failure Argentine Government to comply with obligations under Mexico City Resolutions; (b) information be exchanged regarding evidence of such failure; (c) that no unilateral action be taken pending conclusion of consultation; (d) that consideration be given to appointment of investigating committee of four or five Foreign Ministers to report on failure of Argentine Government to comply with inter-American commitments; and (e) that consideration be given to desirability of some action by the United Nations Organization.”¹¹⁵

But the most interesting answer was sent by the Uruguayan Foreign Minister Eduardo Rodriguez Larreta, who handed a note to the US Ambassador William Dawson on the 19th of October 1945, in which stated that was “devoting full attention to the consultation”. Moreover, the Uruguayan Minister brought two important principles to the attention: first, that the principle of non-intervention was an important achievement, but it could not “be extended to cover without limitation notorious and repeated violation by any republic of most elementary human and civil rights”,¹¹⁶ as was also stated in the Mexico City resolutions; second, the Minister stated that the

¹¹⁴ Acheson, 1945, p.417.

¹¹⁵ Byrnes, 1945, pp.419-420.

¹¹⁶ Dawson, 1945, pp.185-186.

parallelism between democracy and peace was an essential norm for the future of the Inter-American System, recognizing that until that wasn't achieved, "there will always exist threat of conflicts".¹¹⁷ In fact, the regional community should focus its effort on the maintenance of democracy, but only with collective actions and "on basis of authentic substantiation of clear and repeated events."¹¹⁸ Rodriguez Larreta added that these considerations were presented in a general way and no reference to Argentina was intended.

¹¹⁷ Dawson, 1945, pp.185-186.

¹¹⁸ *Ibidem*.

The Larreta Doctrine

The Doctrine

After receiving US support for its views and their proposal to take the lead in the formulation of an Inter-American Declaration, Rodriguez Larreta decided to present his points, in November 1945, in a 2000-word note sent to the American Republics, which would be known as the Larreta Doctrine.¹¹⁹

His doctrine can be summarized as follows. The principle of non-intervention by one State in the affairs of another is a great achievement that should not be overruled, but it has to be harmonized with other principles as crucial for a peaceful international community. The first one is the “parallelism between peace and democracy”,¹²⁰ that, “since the terrible experience of the war”,¹²¹ has become “an absolute truth”.¹²² The second principle is “peace is indivisible”,¹²³ it means that, given what happened during WWII, conflicts cannot be isolated in the modern world, so every “center of disturbance” will be fatal for world peace. The last one is “the defense of the elementary human liberties”,¹²⁴ which must be restored “wherever they are notoriously and persistently infringed or ignored.”.¹²⁵ Rodriguez Larreta thought in one method to harmonize these 4 principles: a multilateral collective action, which should be arranged together with all the American states. In fact,

“a multilateral collective action [...] aimed at achieving in a spirit of brotherly prudence the mere reestablishment of essential rights, and directed toward the fulfillment of freely contracted juridical obligations, must not be held to injure the government affected, but rather it must be recognized as being taken for the benefit of all”¹²⁶

The Uruguayan Minister justified this statement recalling declarations from past Inter-American Conferences and the recently approved UN Charter, and assessed both the importance of the

¹¹⁹ Dawson, 1945, p.189.

¹²⁰ Rodriguez Larreta, 1945, p.865.

¹²¹ *Ivi*, p.864.

¹²² *Ibidem*.

¹²³ *Ivi*, p.865.

¹²⁴ *Ivi*, p.866.

¹²⁵ *Ibidem*.

¹²⁶ *Ibidem*.

interdependence between democracy and peace and why the principle of non-intervention should have some exceptions.

The Parallelism Between Rights and Peace

To show the importance of democracy and rights, Rodriguez Larreta cited US President Roosevelt's speech at the 1936 Buenos Aires Conference, in which was said that the first duty of the American Republics was to prevent any war, and the best way was to strengthen the processes of constitutional democratic government, so that the people of their nations "can and will insist on their intention to live in peace."¹²⁷ In that same Conference, other American Republics proclaimed "the existence of a solidary democracy in America".¹²⁸

Then, Rodriguez Larreta stated that in Panama, in 1939, it was affirmed that the American Republics adhere to the democratic ideal and it could be endangered by foreign ideology, so it should be protected with appropriate measures, as was also stated at the Havana Conference in 1940. Last, at the Chapultepec Conference, numerous resolutions were approved on the matter: resolution VII stated that "the dissemination of totalitarian doctrines in this Continent would endanger the American democratic ideal";¹²⁹ resolution XI proclaimed that "the interests of the community should be harmonized with the rights of the individual" and "the American man cannot conceive of living without justice, just as he cannot conceive of living without liberty";¹³⁰ resolution XL aimed "to proclaim the adherence of the American Republics to the principles established by international law for safeguarding the essential rights of man, and to declare their support of a system of international protection of these rights."¹³¹

The Mexican and the San Francisco Conferences bounded the nations to the preservation of democratic ideal and individual rights, and the persistent and repeated violation of essential rights could lead to the expulsion from the UN according to article 6 of its Charter. Furthermore, WWII taught that Nazi-fascist regimes "develop the ideology of force, create false notions of superiority and are fatal ferment for future external conflicts".¹³²

¹²⁷ Rodriguez Larreta, 1945, p.864.

¹²⁸ *Ibidem*.

¹²⁹ *Ivi*, p.865.

¹³⁰ *Ibidem*.

¹³¹ *Ibidem*.

¹³² *Ibidem*.

Thus, the goal of this doctrine was to internationally protect democracy and rights, in order to maintain peace in the world. The statements and resolutions mentioned above showed to the other American Republics that the interdependence between respect of democracy and rights, and peace was a principle universally recognized in the Inter-American System. So, if they wanted peace, they should find a way to assure the respect of rights and democracy in each country, but the obstacle of the importance of sovereignty had to be overcome. In the next section, Rodriguez Larreta's innovative solution will be explained.

The Multilateral Intervention

Rodriguez Larreta said that the principle of non-intervention should have exceptions and should not be considered universal, affirming that, when it was first theorized, this principle did not include collective intervention among its prohibitions, in fact, previous Uruguayan theses defined intervention as "the action of one state against another".¹³³ The Minister recalled Uruguayan statements at the conferences of Havana, Montevideo, and Buenos Aires, which emphasized the individual and selfish character of intervention. In Montevideo was stated that "No state has the right to intervene in the internal or external affairs of another." In Buenos Aires was affirmed that "the intervention of any one [...] in the affairs of another is inadmissible."¹³⁴ Therefore, a "multilateral action, exercised under the conditions and with the aims stated above, was not prohibited".¹³⁵ Referring to the harmonization with the democratic principle and rights, Rodriguez Larreta also declared that " 'non-intervention' is not a shield behind which crime may be perpetrated, law may be violated, agents and forces of the Axis may be sheltered, and binding obligations may be circumvented."¹³⁶

So, this is the real innovation the Uruguayan Minister brought, solving the centuries-long dilemma between the non-intervention principle and the international protection of rights. As seen throughout the thesis, this debate has characterized the whole history of HR all over the world, especially in the Latin American region. But, as already explained, this Doctrine is not meant to reduce the importance of the non-intervention principle. Instead, through the establishment of a

¹³³ Rodriguez Larreta, 1945, p.866.

¹³⁴ *Ibidem.*

¹³⁵ *Ibidem.*

¹³⁶ *Ibidem.*

democratic precommitment regime, the goal was to obligate the interventionist US and all the American states to precommit to work through the regional system instead of unilaterally.

To understand better this mechanism, I report the definition of precommitment given by Long and Friedman

“a contract by which a state or group of states recognizes as legitimate future measures by other signatories for the advancement or preservation of democratic practice and/or the defense of human rights, under specified conditions and through specified mechanisms and processes.”

Rodriguez Larreta thought that multilateral action was the only way to solve the dilemma, eliminate armed interventions, and create a counterweight to the exercise of US hegemony altogether.¹³⁷

¹³⁷ Long and Friedman, 2019, p.8.

The Continental Reactions

When it was published, the Larreta Doctrine entered into a lively and fierce debate, and all the American States sent their feedbacks. The continent was divided by the concept: countries such as the US, Costa Rica, Panama, and Guatemala responded positively;¹³⁸ Instead, others such as Mexico, Colombia, and some with living memories of interventions and occupations, like the Dominican Republic and Nicaragua, were in opposition to the idea.¹³⁹

Among the first to answer there was Venezuela, the homeland of the Betancourt Doctrine,¹⁴⁰ which affirmed that “Venezuelan Government strongly supports position recommended by Uruguayan Foreign Minister concerning multilateral inter-American action in cases of tyrannical governments.”¹⁴¹ Also, the US were in favor of the proposal, embracing the idea to use it against the Farrell-Peron Government, perceived as a threat to postwar Allied interests.¹⁴² In the same way, both Guatemala and Perú agreed with the Larreta Doctrine. The former’s Foreign Minister said that his Government was “entirely in agreement with the modern principle of international interdependence which replaces the archaic concept of absolute sovereignty of states; being the only manner possible to protect internationally the rights of man and to achieve a truly democratic world.”¹⁴³ The latter said that in 1928 in Havana, a Peruvian international lawyer, Dr. Maurtua, presented a plan which bears some similarity to the Larreta Doctrine.¹⁴⁴

Many more countries were against the proposal. Argentina publicly denounced the Doctrine as a threat.¹⁴⁵ Countries like Bolivia, El Salvador, Honduras, Haiti, Cuba, and Ecuador responded briefly, defending the idea of non-intervention.¹⁴⁶ Instead, Colombia and Mexico answered with long notes, strongly disagreeing with the doctrine. Besides of the critiques on the non-intervention principles, Colombia brought to the table two other problems: the primacy of democracy, saying that “Colombia has the greatest respect for the peoples who have adopted other regimes based on

¹³⁸ Long and Friedman, 2019, p.8.

¹³⁹ *Ivi*, p.9.

¹⁴⁰ See Chapter II, p.24.

¹⁴¹ Corrigan, 1945, p.196.

¹⁴² Long and Friedman, 2019, p.8.

¹⁴³ *Ivi*, p.9.

¹⁴⁴ Trueblood, 1945, p.221.

¹⁴⁵ Cooke, 1945, pp.198-203.

¹⁴⁶ Thurston, 1945, p.204; Scherer, 1945, p.211; Gade, 1945, p.213; Erwin, 1945, p.217; Wilson, 1945, p.210; Norweb, 1945, p.212; Scotten, 1945, p.207.

different political systems”,¹⁴⁷ and that their goal was to be at peace with all countries, “without examining the type of organization of their society”,¹⁴⁸ and the international protection of democracy and rights as a source of friction, given the fact that “a precise definition of the rights of man [...] does not exist”.¹⁴⁹ Whereas, Mexico was the fiercest detractor of Rodriguez Larreta, stating that “the principle of non-intervention in the internal affairs of other countries had been one of the most precious achievements of inter-American relationships and that it was a principle which had, at all costs, to be safeguarded and consolidated.”¹⁵⁰

Last, an interesting position was taken by the Brazilian Government, which was skeptical of the Larreta Doctrine itself. They considered it very dangerous because it put at risk the sovereignty and liberty of weak states,¹⁵¹ but Brazilian officials recognized that:

“the evolution of international juridical conscience no longer permits a state to assert its sovereignty against the highest interests of cooperation among nations and the moral and material advancement of humanity’. Possibly when international organization is further advanced it may be possible to admit the existence of a super-national organ with powers of intervention in certain very special cases, but such an aspiration is not yet a reality.”¹⁵²

So, they agreed with the basic idea of the proposal, but the time was not ripe yet.

Thus, while some recognized the importance of the innovations theorized by the Uruguayan Minister of Foreign Affairs, the Latin American majority was skeptical about the real intentions of Rodriguez Larreta concerning Argentina, and the deeply rooted concept of the defense of sovereignty prevailed.

¹⁴⁷ Wiley, 1945, p.218.

¹⁴⁸ *Ibidem*.

¹⁴⁹ *Ibidem*.

¹⁵⁰ Messersmith, 1945, p.214.

¹⁵¹ Long and Friedman, 2019, p.9.

¹⁵² Berle, 1945, p.209.

Conclusion

All the American States formally replied to the proposal, and the majority declared themselves against it, and concerned about the non-intervention principle. So, Rodriguez Larreta decided to send another message to the other American States, responding to “the resistance that has been raised, emanating from the fear that the principle of non-intervention would be modified.”¹⁵³ Rodriguez Larreta explained the mechanism that his Doctrine would create:

“any denunciation of a country for violating human or democratic rights must be made by a minimum of three countries; at least two-thirds of countries represented at a meeting of the Pan-American Union must vote in favor of any measures; and these measures must be peaceful, with a maximum sanction of breaking of diplomatic relations as ‘one of the recommended measures of exercising collective action, and surely, one of the most efficient.’.”¹⁵⁴

However, this message was not successful. So, according to the documents of the Pan-American Union in 1946, 13 states opposed the Larreta Doctrine while 8 supported it. Even though, the Doctrine was left off the agenda for the Rio Conference in 1947,¹⁵⁵ its influence on future debates of the innovations in this proposal are unquestionable.¹⁵⁶

Although it failed, the Larreta Doctrine was an innovative attempt to use international precommitment to link the continental interest for non-intervention to the goals of advancing democracy and protecting HR.

¹⁵³ Long and Friedman, 2019, p.7.

¹⁵⁴ *Ibidem*.

¹⁵⁵ *Ivi*, p.10.

¹⁵⁶ *Ivi*, pp.11-13.

Conclusion

In these last sections, I will explain the influence that the Larreta Doctrine had on the future documents approved in the region. Then, I will sum up the content of the whole thesis and emphasize the result of my research: Latin Americans and Rodriguez Larreta were protagonists in HR knowledge production.

Rodriguez Larreta's Influence

At the Rio Conference in 1947, Rodriguez Larreta's idea wasn't even discussed, instead a defense pact was signed, the Inter-American Treaty of Reciprocal Assistance, known as the Rio Treaty,¹⁵⁷ a document that prolonged wartime cooperation, and was later used by the US as a justification to intervene in Latin American countries during the Cold War.

However, while the Larreta Doctrine was sidelined, it still had a huge influence on other documents. First, we can see the influence of the Doctrine on the Rio Treaty itself, whose preamble states that "peace is founded on justice and moral order and [...] on the international recognition and protection of human rights and freedoms", a clear reference to what Rodriguez Larreta stated in his note.¹⁵⁸ Another document that has been influenced by the Larreta Doctrine was the founding charter of the Organization of American States, in which numerous references to the promotion of representative democracy – considered a condition for the persistence of American Solidarity – were made.¹⁵⁹ But, here the importance of sovereignty still prevailed.

The two documents above mentioned represent only a small part of Larreta Doctrine's bequest. His influence was even more evident in the ADRDM, and in the more recent documents founding the Inter-American HR System.¹⁶⁰ An example of this is the Declaration of Santiago in 1959, in which parallelism between democracy and rights, and Inter-American peace was recalled. Moreover, the fact that "anti-democratic regimes" violate the OAS Charter and cause "widespread disturbance" in the region was highlighted.¹⁶¹ Last, the revised version of the OAS Charter, effective since 1997, echoed the Larreta Doctrine too. Its article 9 "provides for the suspension of states whose

¹⁵⁷ Oxford Dictionaries, 2001.

¹⁵⁸ Long and Friedman, 2019, p.11.

¹⁵⁹ *Ibidem*.

¹⁶⁰ *Ibidem*.

¹⁶¹ *Ibidem*.

democratic governments have been toppled by force, after consultations and noncoercive attempts at restoration, by a two-thirds vote of the OAS General Assembly”.¹⁶² Furthermore, this charter includes a chapter titled “Strengthening and Preservation of Democratic Institutions”, which provides the possibility for American states to appeal to the OAS when their democracy is at risk, and the OAS may take actions “for the preservation of the democratic system and its strengthening”.¹⁶³

So, it can be clearly seen that even if the Larreta Doctrine failed in being accepted by the majority of American States, the ideas contained in it influenced Latin American thinkers. Therefore, the value of this Doctrine, which has been sidelined for so long, must be reassessed and its historical importance must be affirmed.

¹⁶² Long and Friedman, 2019, p.12.

¹⁶³ OAS 2001, chap. IV in Long and Friedman, 2019, p.12.

Research Results

Once again, this research aimed to show the importance of Latin American thinkers in the developments of HR theory. The chosen timeframe was the 1940s because it is considered by many the key decade for HR,¹⁶⁴ because of the international commitment to their recognition. But, as shown throughout the thesis, the winning Western Powers of WWII did not put much effort into having HR internationally recognized, because they were more inclined to secure their interests. Countries from the GS fought for having the international recognition of rights so that they could have been protected by international law against strong countries abuses, and their agency became essential.

Among these contributions, the Latin American role was very important, having a long tradition of innovations in the field of HR because of its peculiar position in the world, being Western States, and GS countries at the same time. They were in contact with Western theories and scholars, such as the Enlightenment and Rousseau, but they were also Americans and former colonies, so, for example, they supported the right of self-determination of peoples. Therefore, from the mix of those “two natures”, they had a long tradition of bringing innovations to domestic and international law, such as their definitions of the principle of non-intervention¹⁶⁵ or the recognition of social and economic rights that derived at the same time from the Catholic Tradition and Socialism.¹⁶⁶

A prominent example of the Latin American contribution to the HR discourse was the Uruguayan Foreign Minister Eduardo Rodriguez Larreta, who solved the dilemma that characterized Latin American tradition: non-intervention or HR protection? The hierarchy between these two principles is still debated nowadays, but the Uruguayan Minister found a way to make them compatible already in 1945. Theorized to avoid unilateral actions and to make the international protection of democratic principles and rights feasible, the idea of multilateral intervention was in fact a real innovation for that time.

Rodriguez Larreta’s idea of a collective regional action originated from the need of maintaining peace in the Region, which was a big concern for Latin Americans at the time. Being supporter of the parallelism between the respect of democracy and rights, and peace, the Uruguayan Minister

¹⁶⁴ Cmiel, 2004.

¹⁶⁵ See Chapter II, p.24.

¹⁶⁶ See Chapter II, pp.24-25.

wanted to assure the regional stability, protecting democracy and rights in every part of the Continent. However, the principle of non-intervention was an essential part of Latin American IR, and it needed to be protected as well. So, the Larreta Doctrine conceived multilateral action as able to interfere with a state domestic situation, in case it was a threat to Continental peace, preserving the respect for the non-intervention principle.

To demonstrate the agency of Latin American figures, especially of Rodriguez Larreta, in this thesis I resorted to a demonstration in 4 chapters. The first described the historical context, because I intended to do a historical analysis of how, why, and when the Larreta Doctrine was theorized. In the second chapter, I started to seek my objective of showing that Latin American thinkers have had a long tradition of HR principles innovation, explaining how those men from Latin America adapted global concepts regarding HR to their local/continental context. And in the meantime, I was introducing the tradition from which Rodriguez Larreta and his peer's mind-frame originated. The third chapter illustrated the Latin American agency in the process of the international recognition of rights during the founding conferences of the UN in the 1940s. Moreover, I contextualized the time in which Rodriguez Larreta was living. Last, the fourth chapter explained why the Larreta Doctrine should be considered production of knowledge in the field of HR discourse. It was the result of ingenious stratagems to solve the dilemma between the non-intervention principle and the international protection of rights, that has been haunting Latin American academics for a long time.

To conclude, the Larreta Doctrine was a brilliant case of Latin American innovation, inserted into a long tradition of adapting Global concepts to the local/continental context. During the San Francisco Conference debates, the idea of an international body in charge of protecting individual rights emerged, as shown in the third chapter. The Uruguayan Minister decided to adapt this idea to its regional context, ideating the multilateral action to overcome the non-intervention principle obstacle.

Nowadays, collective, or multilateral, actions are adopted by almost all Regional Organizations, such as the African Union, the OAS, and the European Union.¹⁶⁷ So, it is possible to see how foreseeing the idea was and that Eduardo Rodriguez Larreta was a real "norm protagonist".¹⁶⁸

¹⁶⁷ Long and Friedman, 2019, p.13.

¹⁶⁸ Sikkink, 2014.

However, using again Glendon's words *"I have only excavated the top layer of a story that needs to be more fully explored."* Obviously, this work has its limits. First, the focus on the primary sources in the discourse analysis of single cases wasn't equal. I decided to focus more on the Larreta Doctrine discourse and I only briefly assessed reactions and contributions from other countries. Moreover, my overview on the literature regarding HR was partial, because I focused only on selected studies to respect the word-limit of this research. Last, for this same reason, I didn't fully define what rights and democracy were considered during the periods under consideration. Furthermore, after the reassessment of Latin American agency in producing knowledge on HR, new questions emerged. Chiefly, the gender issue should be taken into account. To what extent women had a role in this knowledge production? Were they considered or marginalized? Moreover, it can be seen in "The Continental Reaction" section of Chapter IV, that Latin American countries had different approaches to the matter. So, which Latin American Countries were more active in the production of HR knowledge? These should be the starting points for future works.

Bibliography

- Acheson, D., *"The Acting Secretary of State to the Diplomatic Representatives in the American Republics"*, Foreign Relations of the US Diplomatic Papers 1945, Volume IX, The American Republics (3/12/1945), p.417.
- Berle, A.A., *"The Ambassador in Brazil (Berle) to the Secretary of State"*, Foreign Relations of the US Diplomatic Papers 1945, Volume IX, The American Republics (14/12/1945), p.209.
- Byrnes, J.F., *"The Secretary of State to the Diplomatic Representatives in the American Republics"*, Foreign Relations of the US Diplomatic Papers 1945, Volume IX, The American Republics (10/10/1945), pp.419-420.
- Cabot, H., *"The Chargé in Argentina (Cabot) to the Secretary of State"*, Foreign Relations of the US Diplomatic Papers 1945, Volume IX, The American Republics (27/09/1945), pp.412-414.
- Carozza, P.G., *"From Conquest to Constitutions: Retrieving a Latin American Tradition of the Idea of Human Rights"*, Human Rights Quarterly, 2003, pp.281–313.
- Cmiel, K., *"The Recent History of Human Rights"*, The American Historical Review, 2004, pp.117–135.

- Corrigan, R.F., *“The Ambassador in Venezuela (Corrigan) to the Secretary of State”*, Foreign Relations of the US Diplomatic Papers 1945, Volume IX, The American Republics (27/11/1945), p.196.

- Dawson, W., *“The Ambassador in Uruguay (Dawson) to the Secretary of State”*, Foreign Relations of the US Diplomatic Papers 1945, Volume IX, The American Republics (20/10/1945).

- Delegation of the Republic of Panama, *“Additional Amendments Proposed by the Delegation of the Republic of Panama Concerning the Proposals for the Maintenance of Peace and Security Agreed Upon at the Conference of Dumbarton Oaks”*, 5/5/1945, Documents of the UN Conference on International Organization, San Francisco, 1945, Volume III, Dumbarton Oaks Proposals Comments and Proposed Amendments, English Text, pp.265-273.

- Delegation of Uruguay, *“New Uruguayan Proposals on the Dumbarton Oaks Proposals, (Commission 1 - Committee 1)”*, 5/5/1945, Documents of the UN Conference on International Organization, San Francisco, 1945, Volume III, Dumbarton Oaks Proposals Comments and Proposed Amendments, English Text, pp.34-48.

- Delegations of Brazil, Dominican Republic and the United States of Mexico, *“Amendments to the Dumbarton Oaks Proposals Submitted by the Delegations of Brazil, Dominican Republic, and the United States Of Mexico”*, 5/5/1945, Documents of the UN Conference on International Organization, San Francisco, 1945, Volume III, Dumbarton Oaks Proposals Comments and Proposed Amendments, English Text, 602-603, p.602.

- Domínguez, J.I., *“International cooperation in Latin America: the design of regional institutions by slow accretion”* in *“Crafting Cooperation: Regional International Institutions in Comparative Perspective”*, Cambridge University Press, 2001, pp.83–128.

- Encyclopaedia Britannica, *“Pan-American conferences”* in Encyclopædia Britannica, Encyclopædia Britannica, inc., 2008.

- Erwin, J.D., *“The Ambassador in Honduras (Erwin) to the Secretary of State”*, Foreign Relations of the US Diplomatic Papers 1945, Volume IX, The American Republics (22/12/1945), p.217.

- Gade, G., *“The Charge in El Salvador (Gade) to the Secretary of State”*, Foreign Relations of the US Diplomatic Papers 1945, Volume IX, The American Republics (20/12/1945), p.213.

- Glendon, M.A., *“The Forgotten Crucible: The Latin American Influence on the Universal Human Rights Idea”*, Harvard Human Rights Journal 16, 2003.

- Goldman, R.K., *“The Inter-American Human Rights System and the Role of the Inter-American Commission on Human Rights”*, Human Rights Quarterly, Vol. 31, No.4(Nov 2009), pp.856-887.

- Grossman, R., *“Solidarity with Sandino: The Anti-Intervention and Solidarity Movements in the United States, 1927—1933”*, Latin American Perspectives, 2009.

- Halperín Donghi, T., *"Historia contemporánea de América latina"* 1a ed. en *"Humanidades"*, Madrid:Alianza Editorial, 1998.

- Jefferson, T., *"First Inaugural Address, 4 March 1801"*, *The Papers of Thomas Jefferson*, Volume 33: 17/02 to 30/04 1801, Princeton University Press, 2006, pp.148-152.

- Kunz, J.L., *"The Inter-American Conference on Problems of War and Peace at Mexico City and the Problem of the Reorganization of the Inter-American System"*, Cambridge University Press, *The American Journal of International Law*, 1945, Vol. 39, No.3(Jul.,1945), pp.527-533.

- LeGrand, Catherine. *"Labor Acquisition and Social Conflict on the Colombian Frontier, 1850-1936"*, *Journal of Latin American Studies* 16, no.1, 1984, pp.27-49.

- Lauren, P., *"The Evolution of International Human Rights"*, Philadelphia:University of Pennsylvania Press, 2013.

- Livingstone, G., *"America's Backyard: The United States and Latin America From the Monroe Doctrine to the War on Terror"*, London:Zed Books, 2009.

- Long, T. and Friedman, M. P., *"The Promise of Precommitment in Democracy and Human Rights: The Hopeful, Forgotten Failure of the Larreta Doctrine"*, *Perspectives on Politics*. Cambridge University Press, 2019, pp.1–16.

- Merry, S.E., "*Transnational Human Rights and Local Activism*", *American Anthropologist* 108, 2006, no.1, pp.38-51.

- Messersmith, G.S., "*The Ambassador in Mexico (Messersmith) to the Secretary of State*", *Foreign Relations of the US Diplomatic Papers 1945, Volume IX, The American Republics (20/12/1945)*: 213-216, p.214.

- Moyn, S., "*The last utopia human rights in history*", Cambridge, MA:Belknap Press of Harvard University Press, 2010.

- Norweb, R.H., "*The Ambassador in Cuba (Norweb) to the Secretary of State*", *Foreign Relations of the US Diplomatic Papers 1945, Volume IX, The American Republics (17/12/1945)*, p.212.

- Obregón, L., "*Between Civilization and Barbarism: Creole Interventions in International Law*", *Third World Quarterly*, Vol.27, No.5, 2006, pp.815-832.

- Quinn, A., "*US Foreign Policy in Context: National Ideology from the Founders to the Bush Doctrine*", Routledge, New York, 2010.

- Ramcharan, R., "*The right to life in international*", law B.G & Académie de droit international de La Haye, The Hague:Nijhoff, 1985.

- Rodriguez Larreta, A., *"Inter-American Solidarity: Safeguarding the Democratic Ideal: Note from Uruguayan Foreign Minister to Secretary of State"*, Department of State Bulletin (25/11/1945), pp.864-866.

- Roosevelt, T., *"Annual message to Congress, 6 December 1904"* in Livingstone, G., *"America's Backyard: The United States and Latin America From the Monroe Doctrine to the War on Terror"*, London: Zed Books, 2009, p.12.

- Scherer, G., *"The Charge in the Dominican Republic (Scherer) to the Secretary of State"*, Foreign Relations of the US Diplomatic Papers 1945, Volume IX, The American Republics (17/12/1945), p.211.

- Scotten, R.M., *"The Ambassador in Ecuador (Scotten) to the Secretary of State"*, Foreign Relations of the US Diplomatic Papers 1945, Volume IX, The American Republics (12/12/1945), p.207.

- Sikkink, K., *"Latin American Countries as Norm Protagonists of the Idea of International Human Rights"* in *"Global Governance: A Review of Multilateralism and International Organizations"*, 2014, pp.389–404.

- Sikkink, K., *"Reconceptualizing sovereignty in the Americas: historical precursors and current practices"* in *"International Law in the Americas: Rethinking National Sovereignty in an Age of Regional Integration"*, Houston Journal of International Law, 1997, pp.705–729.

- Smith, J., "*Dollar diplomacy (1900–28)*" in "*The United States and Latin America: A History of American Diplomacy, 1776-2000*", Routledge, 2005, pp.74–98.

- Stern, S.J., "*The Human Rights Paradox: Universality and Its Discontents*", Wisconsin:University of Wisconsin Press, 2014, pp.3–28.

- Sweig, J.E., "*Friendly fire: losing friends and making enemies in the anti-American century*", New York, NY:Public Affairs, 2006.

- Thurston, W.C., "*The Ambassador in Bolivia (Thurston) to the Secretary of State*", Foreign Relations of the US Diplomatic Papers 1945, Volume IX, The American Republics (7/12/1945), p.204.

- Trueblood, E.G., "*The Charge in Peru (Trueblood) to the Secretary of State*", Foreign Relations of the US Diplomatic Papers 1945, Volume IX, The American Republics (28/12/1945), p.221.

- US Department of State, Publication 1983, "*Peace and War: United States Foreign Policy, 1931-1941*", Washington, D.C., U.S., Government Printing Office, 1943.

- Wiley, J.C., "*The Ambassador in Colombia (Wiley) to the Secretary of State*", Foreign Relations of the US Diplomatic Papers 1945, Volume IX, The American Republics (27/12/1945), pp.217-220.

- Wilson, O., *"The Ambassador in Haiti (Wilson) to the Secretary of State"*, Foreign Relations of the US Diplomatic Papers 1945, Volume IX, The American Republics (15/12/1945), p.210.