REGIONAL HUMAN RIGHTS GOVERNANCE:
THE CASE OF THE INTER-AMERICAN HUMAN RIGHTS SYSTEM

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The Inter-American Human Rights System (IAHRS) has over time developed into a normatively intrusive regime with a far-reaching mandate to regulate domestic political norms and practices of regional states in the Americas. The system has emerged, from its roots as a quasi-judicial entity with an ill-defined mandate to promote respect for human rights in the region, as a legal regime formally empowering citizens to bring suit to challenge the domestic activities of their own government. An independent court and commission are invested with the mandate to respond to individual claims by judging whether the application of domestic rules or legislation violates international commitments. The access of individuals to the human rights regime has strengthened over time as the system has evolved into a judicial regime with a procedural focus on the force of legal argumentation and the generation of regional human rights jurisprudence. This memo will seek to address some of the central concerns of the workshop by outlining how the case of the Inter-American Human Rights System sheds light on the dynamics of regional human rights governance.

I. Brief Overview of the Development of the Inter-American Human Rights System

It might be useful to start with a very brief account of the historical development of the Inter-American Human Rights System (IAHRS). With the establishment of the Organization of American States in 1948, an American Declaration on the Rights and Duties of Man was adopted. The American Declaration preceded by a few months the Universal Declaration of Human Rights of the United Nations. But it took until 1959 for the Inter-American Commission on Human Rights to be created with the mandate to use the standards in the Declaration to evaluate the human rights record of OAS member states. And, it took nearly another decade before the American Convention on Human Rights was adopted, and another near-decade before the Convention entered into force in 1978.

Under the Convention, the Inter-American human rights system became a two-legged system, thereby adopting an institutional structure that has remained to this day. First, under the mechanisms developed under the OAS Charter, the Inter-American Commission is authorized to supervise human rights in the territories of OAS member states. Second, the mechanisms set forth in the Convention authorize the Commission and the Inter-American Court of Human Rights under its contentious jurisdiction to handle individual complaints of

human rights violations allegedly committed by any state party of the Convention. The Court has the further competence to render advisory opinions on matters of interpretation of the Convention and other human rights instruments.

In other words, the IAHRS has emerged as an integral part of the regional institutional landscape of the Americas since the mid-20th century. But, it is also important to note that the regional human rights system has evolved in light of the specific political conditions prevailing in the region. First, the system was created and experienced its initial development in a region marked by the Cold War and long periods of repressive and authoritarian rule, from the 1950s to the mid-1980s. During this period, the IAHRS primarily sought to identify general patterns of human rights violations rather than focusing on individual cases. The Inter-American Commission's country visits and reports played an important role in some cases – for example in Nicaragua under Somoza (1978), and in Argentina in 1979 – but had limited influence overall.

However, with the general return to democracy in Latin America, the Inter-American System gained in influence. In particular, with the democratic transitions, the System sought to insert itself into debates concerning transitional justice, and the political calculations made by transitional governments with regards to how to deal with human rights abuses under previous (predominantly military) regimes. From the mid-1990s onwards, the system turned its attention to the challenge of improving the quality of democratic rule, and efforts to address human rights challenges in a regional context where electoral democracy has made significant advances, but also where there continue to be widespread human rights abuses. Indeed, the IAHRS' increasing case-load demonstrates that democratic rule as such is not a guarantee for the respect of human rights.

In sum, over the decades the IAHRS has established the legal obligation under regional and international human rights law of states to protect the rights of citizens, and in the light of the failure to do so, the international obligation to hold states accountable. Today then, the reach of the IAHRS is truly hemispheric, covering all the 35 OAS member states. Twenty-five states have ratified the American Convention, and are therefore under the jurisdiction of the Inter-American Court.[1] Out of the 25 states that have ratified the American Convention, to date 21 states[2] have recognized the contentious jurisdiction of the Inter-American Court. It should be noted however that Trinidad and Tobago denounced the American Convention in 1998, and Venezuela did the same in 2012. This means that the Inter-American Court has not had jurisdiction over human rights violations in Venezuela from September 2013.

But, despite the significant political tensions surrounding the IAHRS in recent years, the system remains at the centre of regional human rights politics. There are three key features

[1] Argentina, Barbados, Bolivia, Brasil, Chile, Colombia, Costa Rica, Dominica, Ecuador, El Salvador, Grenada, Guatemala, Haití, Honduras, Jamaica, México, Nicaragua, Panamá, Paraguay, Perú, República Dominicana, Suriname, Trinidad & Tobago, Uruguay, and Venezuela.

[2] Costa Rica, Perú, Venezuela, Honduras, Ecuador, Argentina, Uruguay, Colombia, Guatemala, Suriname, Panamá, Chile, Nicaragua, Paraguay, Bolivia, El Salvador, Haití, Brasil, México, República Dominicana y Barbados

of how the IAHRS works – how it matters for human rights politics – that I would like to highlight here: first, the significant development of regional human rights standards by the IAHRS; second, role of the IAHRS to stimulate human rights mobilisation in the region; and third, how the regional human rights standards and the Inter-American Court's jurisprudence are shaping domestic judiciaries and constitutional debates.

II. How Does the IAHRS Matter?

1. Development of regional human rights standards

First, the IAHRS has emerged as the central human rights reference point in the region. In particular, the human rights system has developed regional standards incorporating a wide range of human rights norms that seek to regulate the relationship between the state and its citizens. An indication of the evolution of the regional human rights system as it has extended its reach across a variety of human rights issue-areas could be seen in the increasing number of ratifications of regional human rights instruments.

Yet, there is significant regional variation with regards to the formal adherence to the system. This is reflected in the uneven adoption of regional human rights instruments by OAS member states. Indeed, one of the contentious issues surrounding the IAHRS is precisely its uneven ratification record. While most Latin American states demonstrate a high degree of formal commitment to the IAHRS, the US, Canada, and most of the English-speaking Caribbean have not ratified the American Convention and have not accepted the jurisdiction of the Inter-American Court.

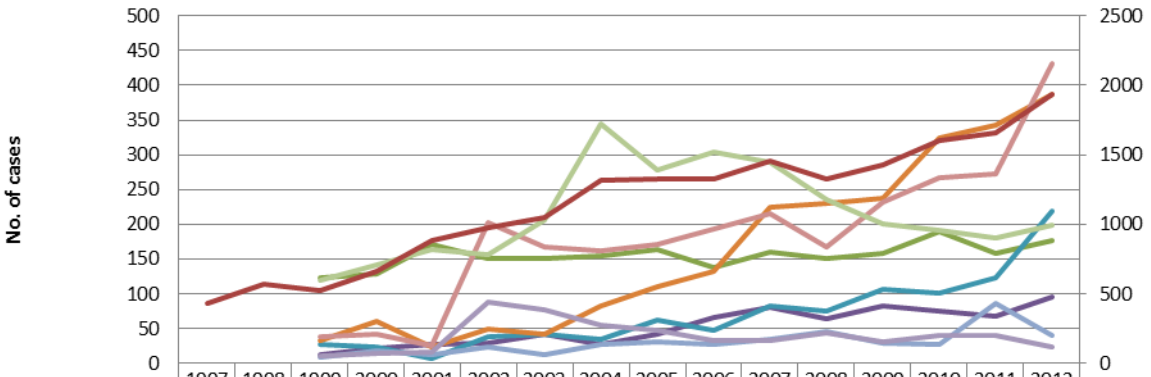
2. Human rights mobilisation

The second dimension to how the System matters is to consider its role as an important platform for human rights mobilisation. The use of the Inter-American Commission by human rights organisations across Latin America, in particular, has increased dramatically in recent decades. The availability of the IAHRS for domestic human rights groups has the potential to strengthen the domestic position of those groups that engage with the system. Human rights groups can use the IAHRS to expose systemic human rights violations; to negotiate with state institutions through the friendly settlement procedures provided by the IACHR; to frame social and political debates on the basis of IAHRS norms and jurisprudence; to promote the interests of vulnerable groups; to boost human rights litigation before domestic courts; and to strengthen regional human rights networks and use of the IAHRS in strategic supranational litigation (e.g. the example of CEJIL). In short, the IAHRS provides opportunities for domestic and transnational human rights activists to bring pressure for change in their domestic political systems.

However, the capacity of actors to access and to mobilize the IAHRS is highly unequal. The graph below, which shows the number of petitions to the Inter-American Commission from a selection of countries, illustrates this country variation across the region. The graph indicates that patterns of use of the IACHR do not necessarily reflect levels of human rights

violations. Rather they reflect both the capacity and willingness of individuals and groups to turn to the Inter-American System as part of their advocacy strategies.

GRAPH 1: IACHR Petitions (1997-2012)



	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Argentina			123	129	171	150	150	155	163	138	160	151	159	189	159	177
Brazil			13	22	28	30	42	28	42	66	80	64	83	76	68	96
Chile			27	23	7	38	43	35	62	47	82	76	107	101	123	220
Colombia			32	60	24	49	43	83	111	132	225	230	237	325	342	386
Guatemala			8	19	13	23	12	28	31	28	35	45	30	28	86	41
Mexico			39	43	25	202	167	162	171	193	215	168	232	267	273	431
Peru			119	141	163	157	206	345	278	304	290	236	201	191	180	199
Venezuela			11	14	17	88	77	55	48	32	33	44	31	41	40	24
Total	435	571	520	658	885	979	1050	1319	1330	1325	1456	1323	1431	1598	1658	1936

My own research indicates that the differentiated engagement with the IAHRS by human rights organizations reflects varied capacities in terms of degree of professionalization, their levels of legal and technical expertise, and their access to international resources and human rights networks. The organisations that score high on these dimensions are able to integrate the IAHRS into their advocacy work. The organisations that do not, have difficulties in taking advantage of the IAHRS.

The increasing number of petitions to the Inter-American Commission has also led to a significantly increased case-load for the Inter-American Court. Yet, the Court deals with a very small number of cases when contrasted with the number of cases dealt with on an annual basis by the IACHR. The contrast with the European Court of Human Rights is also noteworthy: there are around 100,000 cases pending before the European Court with around 50,000 new cases being submitted every year.

A final point with regards to the use of the Inter-American System by human rights defenders in the region. It should be noted that in many countries in Latin America the risks associated with human rights work remain considerable. From efforts to hold perpetrators to account for gender violence in Mexico to mobilisation around LGBT or land rights in Brazil, HRDs face regular and widespread low-level police harassment, political vilification, paramilitary violence, and threats of assassination. In the face of these realities, a slow-moving judicial process in Washington D.C. and San José, Costa Rica is of little direct help. The IAHRS has attempted to respond to these realities by developing specific institutional

mechanisms aimed at HRDs such as the use of precautionary measures (*medidas cautelares*) to respond quickly to situations of acute risks.

3. Domestic judiciaries and the IAHRS

The third dimension of how the IAHRS matters is that beyond civil society activism, it is important to note the extent to which regional human rights norms are incorporated into domestic legal systems and how the jurisprudence of the IAHRS affects domestic legal processes. Clearly, the impact of the human rights standards developed by the IAHRS depends on the extent to which domestic legal systems incorporate these standards. This points to the importance of developments at the domestic level as governments pass laws to ensure constitutional safeguards for the protection of human rights. Indeed, in many states of Latin America human rights have been 'constitutionalized'. And, of course, there is a distinguished Latin American constitutional tradition that incorporates extensive human rights protections.

However, there is widespread variation in the effective enforcement of human rights within domestic legal systems. There are also significant differences in the willingness of judges to engage with international human rights law, including the jurisprudence of the Inter-American Court. Understanding the sources of this variation can be tricky. Some key factors include different degrees of judicial independence (a variable that can cut both ways), but also divergent national legal traditions, patterns of legal education, and engagement with transnational legal communities. The key point to make here is that domestic judges are important political actors that shape the ways in which international human rights are applied domestically.

III. Substantive Areas of Human Rights Governance

I will now turn to two substantive dimensions of the role of the Inter-American System in ensuring better human rights protections: (i) the role that the IAHRS has had in shaping approaches to transitional justice in the region; and, (ii) the ways in which the IAHRS has moved beyond transitional justice to address ongoing human rights challenges in Latin America.

1. Transitional justice and the IAHRS

In many ways, the IAHRS came of age through its engagement with the dilemmas of transitional justice. At the beginning of the 1980s, the IAHRS was a weakly institutionalised and mainly promotional regional system consisting of a Commission, and a Court without any cases. From the mid-1980s onwards however, the IAHRS started to increasingly insert itself into transitional justice struggles in multiple ways.

In particular, the Inter-American System has played a central role in the construction of a set of rules, norms and principles of transitional justice. In the early stages of the democratic transitions in the Southern Cone in the 1980s, the international influences on transitional justice were limited. Confronted with the dilemmas of transitional justice, there were few

international precedents to draw from to guide government policies. International human rights jurisprudence at the time was of limited concrete help. Moreover, in the early stages of the transitional period, the regional human rights system was not sufficiently developed to play an active role in the attempts to hold the military accountable for their human rights abuses. In terms of human rights activism, increasingly professionalized human rights NGOs started to use the IAHRS more actively, but the learning process among the groups involved was still in its incipient stages.

However, the influence of the IAHRS would grow significantly over time, especially as the system developed a jurisprudence that emphasised the right to truth and the right to individual judicial redress.[3] The IAHRS dealings with TJ have given rise to a broad set of obligations that public institutions have to ensure accountability and reparations. The key principles that the IAHRS has developed in response to transitional justice include: a victim-oriented approach; the right to effective judicial remedy – i.e. right to a fair trial and judicial protection – in other words, access to justice; the right to truth; and increasingly comprehensive and 'holistic' reparation policies.

Clearly, as a legal and judicial system, the IAHRS has reinforced the dominance of legal and judicial strategies in the field of transitional justice – its 'legal bias' if you like. For some, the pursuit of trials, for example, demonstrates that law can prevail over politics, and that the criminal prosecution of abuses can assist in breaking the 'wall of impunity', and thereby prevent future violence. That is, criminally prosecuting individuals responsible for state violence will generate a ripple effect of accountability throughout society. Indeed, the principle of individual criminal accountability has become deeply embedded in global TJ policy and practice. This is in contrast to the more collective notions of accountability – political or regime accountability – that shaped TJ debates in the early transitional period in Latin America. The enmeshment between international criminal law and TJ has in other words both criminalised and individualised accountability debates in TJ.[4] It is important to note that the IAHRS is a human rights entity and can therefore only attribute state responsibility for violations. However, it is clearly the case that the IAHRS jurisprudence has

[3] In particular, over time, the IAHRS has adopted an increasingly robust position on the legitimacy of amnesty laws in the region. Most famously, in the 2001 *Barrios Altos* judgement the Inter-American Court ruled that two self-amnesty laws granted by the Fujimori regime to itself violated the victims' rights of access to justice. The *Barrios Altos* case, together with subsequent cases related to amnesty provisions in Chile, Uruguay, and Brazil, consolidated the IAHRS' position on impunity. The Court has defined impunity as a systematic failure to investigate, arrest, prosecute, adjudicate, and convict those who are responsible for violations of rights protected by the American Convention. Its condemnation of impunity is twofold. One the hand, for societies, impunity "fosters the chronic repetition of human rights violations." On the other, for victims and their family members impunity fosters "the total defenselessness of the victims and their next of kin, who have the right to know the truth about the facts".

[4] The significant limitations on retributionist approaches to criminal justice, especially in response to large-scale organised political violence, are well known. Simply given the vast number of cases in such contexts, attempts to establish individual criminal responsibility tend ultimately to be unsatisfactory. To focus on a handful of cases may invite accusations of selectivity and further contribute to the politicisation of the judicial system. To pursue maximalist prosecutorial strategies, an already slow and inefficient judiciary is likely to grind to a halt, undermining the rule of law.

fed into domestic criminal proceedings in a number of Latin American countries where trials are currently underway.[5]

2. Beyond transitional justice

In its practice, the IAHRS has shifted from its focus on TJ-related human rights challenges towards dealing with issues related to structural and ongoing violence. It is important to recognise that the spread of elected governments in the region has marked an improvement in the condition of human rights on some key measures. Yet, the IAHRS has of continued to receive cases of indisputable and grave violations. Clearly sustained and 'structural' human rights violations occur on a large scale across the region, whether it involves low-level police brutality, the murder of street children, rural violence, and continued discrimination of indigenous peoples. In other words, the IAHRS has had to confront cases of human rights violations the causes of which do not lie in the exercise of arbitrary state power but are rather the consequences of state weakness and failure to act. In many cases the role of state authorities may be difficult to demonstrate, or may indeed be entirely absent. The capacity of weak and inefficient state institutions to address such violations may be extremely limited. The historical legacies of processes of state formation has therefore continued to shape both the character of human rights violations and the capacity of states to address them (including, for example, the often difficult political and legal relationship between federal governments and local authorities, or between the army and different parts of the police service). But also, in recent decades the IAHRS has received more cases from the "grey borderland where the state's authority to promote the general interest collides with individual rights" (the scope of and legitimate limits on freedom of expression, for example).

The overall human rights trend therefore could be characterised as a move away from 'traditional' human rights violations perpetrated by state agents as part of a deliberate state policy. Although much of the regional human rights agenda is still taken up by the legacies of authoritarianism and issues of transitional justice (amnesty laws, proper compensation, right to know about details of past violations), these forms of human rights abuses have tended to decline with the end of military governments in the region. Increasing attention has therefore been given to violations that involve challenges to the rule of law (access to justice, due process), to the rights of vulnerable groups (especially the rights of indigenous peoples in relation to land ownership and access to healthcare, the rights of women, and the rights of children). The focus of attention has shifted to structural violence by police on marginal communities, collapsed prison systems and deeply problematic judiciaries.

These trends pose major challenges for the regional human rights system that has traditionally been geared towards the protection of individuals against actions of the state,

[5] There is a discernible regional trend of "post-transitional justice" in Latin America increasingly challenging the political bargains of the democratic transitions. This trend is most clearly reflected in the rising number of human rights trials regarding the past underway in a number of countries, including Argentina, Chile, to some extent in Peru, and most recently in Guatemala.

built around legal notions of state responsibility, and that assumes, politically, that pressure can be exerted on states which possess the levers to improve the situation – in other words that states which are part of the problem can also be part of the solution. It also challenges those notions of human rights (especially deriving from the US tradition) that place almost their entire weight on the relationship between the individual and a potentially threatening state. And finally, especially when considering situations of protracted conflict and violence (as in Colombia), 'traditional' human rights law comes into an inherently closer relationship with other bodies of law, including international humanitarian law. Even assuming widespread goodwill, these changes pose major challenges for the mechanisms of a regional human rights system.

IV. Assessing Human Rights Governance

Against this background of the development of the IAHRS four main themes of direct relevance to the workshop discussions can be noted: (i) regional level of governance and broader normative structures; (ii) institutional transformation and change over time; (iii) institutional resilience despite significant political challenges; and (iv) questions of institutional impact.

1. Regional human rights governance

As with international institutions more generally, regional human rights regimes need to be understood in the context of the broader normative structures in which they are embedded. Clearly, significant differences underpin the development of the regional systems with comparatively deep and complex institutionalization of human rights in Europe and the Americas, a mainly promotional regime in Africa, and Asia and the Arab world still without established human rights institutions. This regional variance partly reflects the extent of the cultural embedding of human rights norms across regions, but patterns of state formation, colonisation and decolonisation, civil society activism, legal and judicial traditions, democratization, and economic development also shape the scope and depth of regional institutionalization. Moreover, while some regional systems may actively draw on global human rights norms (the Americas), other regional institutions seek to more actively resist extra-regional pressures for human rights (Africa). In other words, the impact of processes of regionalization on the development of international law lies in the ways in which they shape the interaction between 'universal' human rights standards and regional diversity and traditions.

Methodologically speaking, a regional perspective on human rights governance provides a more nuanced understanding of the relative impact of international human rights institutions more generally as it allows for a contextualised examination of the actual processes underpinning the interaction between national, regional, and global human rights. The evolutionary character of regional organizations is significant as they have undergone considerable transformation over time. The concrete impact on domestic human rights outcomes varies considerably both within and across regions. Yet, the regional systems have increasingly converged by developing similar norms, institutions and procedures to promote and protect human rights.

2. Institutional transformation and change

More specifically, the institutional development of the IAHRS in recent decades is significant. The IAHRS has evolved from its institutional origins as a 'classical' intergovernmental regime into a normatively intrusive regime. An independent regional human rights court and an autonomous commission are regularly judging whether regional states are in compliance with their international human rights obligations. The access of individuals and regional human rights organizations to the human rights regime has strengthened over time as the system has become increasingly judicialized with a procedural focus on legal argumentation and the generation of regional human rights jurisprudence. The IAHRS has also exercised its jurisdiction to explicitly advocate the strengthening of regional democracies as the strongest guarantees for the protection of a wide range of human rights.

The normative and institutional evolution of the IAHRS has led to an increased interaction between domestic political processes, national legal orders and regional human rights institutions. In the process the IAHRS has become embedded in domestic political and legal systems, and is increasingly used for the implementation of regional human rights norms. These processes of regionalization have opened up space for transnational political agency, providing opportunities for domestic and transnational human rights actors to bring pressure for change in their domestic political and legal systems. The IAHRS has emerged as an important human rights actor in its own right in Latin America. It provides an important platform for human rights NGOs; some of which have been very adept at integrating the IAHRS into their advocacy strategies.

The IAHRS has institutionally responded to the changing human rights landscape in ways that underline both the potential of and limitations on effective change in human rights governance. First, as already outlined, in its practice, the IAHRS has shifted from its focus on TJ-related human rights challenges towards dealing with issues related to structural and ongoing violence. Whether it is abuses committed by police and security forces or indigenous groups' rights to ancestral lands, the IAHRS' emphasis on accountability, victims' rights, and reparations, builds on its decades-long engagement with TJ on the basis of the principles outlined in the previous section. Second, the IAHRS is increasingly ambitious not only in terms of the types of human rights challenges it deals with, but also in terms of what it demands from states. In particular, the Inter-American Court's evolving policies of reparations now span from monetary compensation to victims, symbolic reparations (e.g. memorials), to demands for state reforms and criminal prosecutions of individual perpetrators.

3. Institutional resilience and state backlash

Despite these very real advances by the IAHRS in recent decades, many challenges remain of course. The use of the IAHRS requires legal know-how that is far beyond the capacity of the vast majority of victims of human rights violations. There are also some very real costs for organizations that seek to include the IAHRS in their advocacy strategies. Engaging in the

process of litigation before the IAHRS involves very lengthy proceedings that imply a significant drain on already limited resources. The outcomes are also highly unpredictable and very often partial. Compliance and implementation remains an ongoing challenge, to use an understatement. In part, the unevenness of state compliance with the system can be explained by weak state capacity and problematic domestic judiciaries. Yet again, there is signification variation across Latin America in these respects as well. This raises the problem of having one system seeking to apply general principles of law in a regional context characterised by considerable heterogeneity between, and within, countries.

But the IAHRS itself is also struggling to develop adequate responses to pervasive human rights problems. The significant growth in the IAHRS' caseload has occurred without any corresponding rise in allocated resources by OAS member-states. And while state responses to the IAHRS may have improved in general over the course of the last two decades, some states continue to challenge the authority of the IAHRS. Venezuela has withdrawn from the Court's jurisdiction, and Ecuador, Peru and Nicaragua have threatened to follow Venezuela's example. Also, the IAHRS is currently undergoing a highly contentious reform process.

4. *Institutional effectiveness and impact*

With regards to debates concerning the institutional effectiveness of the IAHRS – often measured in terms of 'compliance' – a number of summary points could be highlighted that might be of more general relevance.

First, the IAHRS is no longer primarily concerned with "naming and shaming" repressive military regimes. It seeks rather to engage democratic regimes through a (quasi)judicial process that assumes at least partially responsive state institutions. This broader point underlines the importance for human rights scholarship to move beyond the unitary state to consider how various state institutions and officials interact with the IAHRS to shape human rights implementation/compliance. Sustained human rights activism has indeed strengthened processes of socialization in many Latin American states, but rule-consistent behaviour as predicted by earlier human rights scholarship has not materialised.

To understand such partial outcomes requires a more contextualised grasp of Latin American societies and rights-violating groups (perpetrators). Such perspectives would allow a better understanding of many contemporary human rights violations in Latin America, and elsewhere, that are occurring in the context of weak and fragile states where state responsibility for violations is difficult to establish and often even absent. It would also require an analytical focus on the disaggregated state in the region. In the practice of the IAHRS and for many human rights activists in the region, states in Latin America have gone from being abusers of human rights to being their main guarantor. Yet, human rights scholarship, generally, continues to lag behind the practice that it seeks to analyse.

Second, the internalization of IAHRS mechanisms and norms in domestic political and legal systems has significantly altered the character of human rights implementation and state compliance. Processes of compliance with the IAHRS have traditionally been dominated by the political branches of government and largely controlled by the Executive and the

Ministry of Foreign Affairs in particular. Although these state entities remain crucial, a broader range of state institutions and actors are now involved in processes of compliance. Domestic court systems in particular have come to play more prominent roles as arenas of human rights compliance, leading to increasingly judicialized processes of compliance. Further study is required of the domestic judicial actors and institutions that act and could potentially act as 'compliance constituencies' and conduits of domestic implementation linking international human rights norms to domestic political and legal institutions and actors.[6] Moreover, domestic actors tend not to remain passive recipients of international human rights norms and there are important feedback mechanisms as these actors influence the development of international norms and institutions.

Third, the IAHRS has become increasingly inserted into domestic policy and legislative debates on specific human rights issues across the region. This signals a gradual move away from a dominant focus on contentious litigation of individual cases to attempts to settle cases through friendly settlement procedures. This "change of paradigm" in human rights activism reflects the increasing use of individual cases to promote broader government policy changes and institutional changes. But it also reflects an increasing emphasis on enabling, as opposed to constraining, state action for the protection and promotion of human rights. Yet, much scholarship continues to adopt understandings of human rights that focus exclusively on imposing constraints on state behaviour. Focusing exclusively on the law as a constraint, however, misses the important constructive role that international human rights law has in legitimating political behaviour and in enabling state reforms.

Similarly, much recent research has sought to evaluate the empirical relationship between country participation in human rights treaties and country performance on different measures of human rights in practice. This literature has generated important insights into the political dynamics of state commitment to international human rights and, to a lesser extent, the effects of treaty ratification on state behaviour. Yet, an exclusive focus on formal treaties has important drawbacks. In the first instance, these global large-N comparisons do not capture what are strong regional differences in the relative effectiveness of regional human rights regimes which countries are parties to. But also in the same way that a narrow focus on the dynamics of interstate interactions does not fully capture the ways in which international human rights institutions may be effective, there is clearly no mechanical equivalence between treaty ratification and domestic human rights reforms. Rather, formal state ratification of human rights treaties is often followed by a protracted and contentious process of political struggle about the domestic implementation of human rights norms. This points to the importance of grounded analysis of domestic political processes of the kind alluded to above.

[6] Interestingly, a more strategic vision of the IAHRS appears to be increasingly recognised within some state bureaucracies across Latin America. State prosecutors' offices in several countries (e.g. Argentina and Brazil) have created dedicated human rights units to actively petition the Inter-American Commission. For many state officials engaged in these forms of international litigation this engagement between state institutions and the IAHRS highlights that human rights advocacy is not about being for or against the state. Rather, it is about using all available tools to defend human rights, particularly when state authorities fail to protect them.

A final point on methodological pluralism. Qualitative approaches to the study of the effects of the IAHRS enable in-depth analyses of what are often complex and prolonged pathways to human rights compliance; processes that quantitative studies are ill equipped to illuminate. Yet an increasing methodological diversity is enriching our understandings of both the potential and limits of human rights institutions in affecting political outcomes. The combination of methodological approaches is clearly to be promoted, but at the same time it should be the central questions and research puzzles of this particular field of enquiry that guide the appropriate methods and disciplinary approaches and not the other way around. In this sense, moreover, a genuinely interdisciplinary approach to the study of human rights governance (global/regional) and its impact on domestic politics calls for a dislocation of disciplinary boundaries between, at the minimum, international and national law, International Relations and comparative politics on the one hand, and between law and politics on the other. This seems particularly important as studies of human rights governance increasingly engage with studies of what explains repression and human rights violations in the first place.