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THE SYMBIOSIS BETWEEN THE ENFORCEMENT OF NATIONAL AND INTERNATIONAL RIGHTS ACROSS THE AMERICAS[1]

A SIMBIOSE ENTRE A EXECUÇÃO NACIONAL E INTERNACIONAL DE DIREITOS NAS AMÉRICAS

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ABSTRACT: Nations in Latin America, not unlike many elsewhere, might compel a commentator to a combined consideration of their (1) international and (2) national guaranties. They have joined numerous treaties, which the third sector has been increasingly invoking at home and abroad. Beyond the combination of the two inaugural categories, a symbiosis between them seems to have consolidated. It might intensify across the globe and perhaps even reach the United States, where isolationism in this and other realms might eventually lose its lure. These pages will study this combinative and symbiotic tendency. They will demonstrate its prevalence. Deploying what the publishing journal would denominate "the bibliographic review-method," the demonstration will hinge on an examination of chartered canons, conjointly with correlative dispositions. Thereby, it will pave the road to the anticipation of the evoked intensification and expansion.

KEYWORDS: American Convention on Human Rights; Argentina; Colombia; Constitution; Dominican Republic; Guatemala; Human Rights; Inter-American Commission on Human Rights; Inter-American Court of Human Rights; Jurisdiction; Latin America; Mexico; Precedents; Public Ministry; Stare Decisis; Unconstitutionality Action; Venezuela.

RESUMO: As nações latino-americanas, não ao contrário de muitas outras, podem nos levar a uma consideração combinada de suas garantias (1) nacionais e (2) internacionais. Por terem aderido a inúmeros tratados, o terceiro setor tem invocado cada vez mais a sua aplicabilidade, seja no âmbito doméstico, seja internacionalmente. Além da combinação das duas categorias inaugurais, uma relação simbiótica entre elas parece ter se consolidado, podendo se intensificar em todo o mundo, de modo até mesmo a atingir os Estados Unidos, onde o isolacionismo pode eventualmente perder sua atração. Estas páginas estudarão essa tendência combinatória e simbiótica, demonstrando a sua prevalência. Implantando o que a Revista denomina de "método de revisão bibliográfica", a demonstração dependerá de um exame de cânones constitucionalizados, juntamente com disposições correlatas. Assim, abrir-se-á o caminho para a antecipação da intensificação e expansão evocadas.

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PALAVRAS-CHAVE: Convenção Americana sobre Direitos Humanos; Argentina; Colômbia; Constituição; República Dominicana; Guatemala; Direitos Humanos; Comissão Interamericana de Direitos Humanos; Corte Interamericana de Direitos Humanos; Jurisdição; América Latina; México; Precedentes; Ministério Público; *Stare Decisis*; Ação de Inconstitucionalidade; Venezuela.

Nations in Latin America, not unlike many elsewhere, might compel a commentator to a combined consideration of their (1) international and (2) national guaranties. They have joined numerous treaties,[3] which the third sector has been increasingly invoking at home and abroad. Beyond the combination of the two inaugural categories, a symbiosis between them seems to have consolidated. It might intensify across the globe and perhaps even reach the United States, where isolationism in this and other realms might eventually lose its lure.

Consequently, one might misrepresent the regional praxis by focusing exclusively on domestic regimens. Their transnational counterpart would expectedly have interacted with and influenced them, enhancing their adjective and substantive convergence. Throughout, constitutions espouse, over and above this internationalization, intraregional integration.[4] Regardless, they domesticate any accord upon its ratification without requiring legislation executing it.[5] In fact, their texts tend to prioritize it over statutes.[6]

[3] OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS, *Status of Ratifications of 18 International Human Rights Treaties*, https://indicators.ohchr.org (last visited Oct. 4, 2020) (on file with author).

[4] *See* CONST. art. 4 (Braz.); CONST. pmbl., arts. 9, 227 (Colom.); CONST. art. 12(c) (Cuba); CONST. art. 423 (Ecuador); CONST. art. 89 (El Sal.); CONST. art. 150 (Guat.); CONST. art. 335 (Hond.); CONST. art. 9 (Nicar.); CONST. pmbl. (Pan.); CONST. art. 44 (Peru); CONST. art. 6 (Uru.); CONST. pmbl. (Venez.).

[5] *See, e.g.*, CONST. art. 93 (Colom.); CONST. art. 26 (Dom. Rep.); CONST. art. 16 (Hond.); CONST. art. 133 (Mex.); CONST. art. 5 (Nicar.) (Inter-American law); CONST. art. 4 (Pan.); CONST. art. 141 (Para.).

[6] *See, e.g.*, CONST. art. 93 (Arg.); CONST. art. 5 (Braz.), § 3; CONST. art. 7 (Costa Rica); CONST. art. 425 (Ecuador); CONST. art. 144 (El Sal.); CONST. art. 18 (Hond.); CONST. art. 137 (Para.), The constitutions of Guatemala and Venezuela recognize the priority of international human rights over domestic law. CONST. art. 46 (Guat.); CONST. art. 23 (Venez.).

Overwhelmingly, these charters embrace human rights with specificity and gusto.[7] Often, they manifest support for supranational rulings.[8] In Bolivia or Peru, this manifestation specifically comprises a call on the judiciary to interpret homegrown guaranties in accordance with internationalized ones.[9] Strikingly, Argentina's 2016 Civil Code adopts an analogous posture on its own interpretation.[10] Across the board, the atrocities perpetrated by dictatorships in the 1970s and 1980s, the fight for democratization in the 1990s, and the perceived inefficacy of domestically rooted regimes might have fueled such an outward-looking engagement in this department.

Pertinently, forty-eight cases gathered by the author for a textbook reflecting on inter alia comparative caselaw might illustrate though obviously not empirically corroborate the trend.[11] By and large, they deal with constitutional, civil, procedural, or commercial issues.[12] Fifteen of them rest on international law at least partially.[13] Without doubt, thirty-one percent sounds like a fair amount.

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[7] *See* CONST. art. 75(22) (Arg.); CONST. art. 13 (Bol.); CONST. art. 5(2) (Braz.); CONST. art. 5 (Chile); CONST. arts. 44, 93, 214 (Colom.); CONST. art. 48 (Costa Rica); CONST. art. 417 (Ecuador); CONST. arts. 27, 46, 106 (Guat.); CONST. arts. 15, 119 (Hond.); CONST. arts. 46, 71, 160 (Nicar.); CONST. arts. 143, 145 (Para.); CONST., Cuarta Disposición Final y Transitoria [Fourth Final and Transitory Provision] (Peru); CONST. arts. 23, 78, 339, Cuarta Disposición Transitoria [Fourth Transitory Provision] (2) (Venez.).

[8] *See* CONST. art. 75(22) (Arg.); CONST. art. 7 (Ato das Disposições Constitucionais Transitórias [Transitory Constitutional Provisions Act]) (Braz.); CONST. art. 93 (Colom.); CONST. art. 15 (Hond.); CONST. art. 5 (Nicar.); CONST. art. 145 (Para.); CONST. art. 205 (Peru); CONST. art. 31 (Venez.).

[9] *See* CONST. art. 13 (Bol.); CONST., Cuarta Disposición Final y Transitoria (Peru).

[10] CÓDIGO CIVIL art. 2 (Arg.) ("The law shall be interpreted taking into account its words, its aims, analogous laws, the provisions of human rights treaties, and legal principles and values, in coherence with the order as a whole.").

[11] *See* ÁNGEL R. OQUENDO, LATIN AMERICAN LAW (3d ed. 2017).

[12] *Id.*

[13] *Id.* (Olivo Payo (at 101), Yecapixtla (at 154), In Re Judicial Reorganization Decree (at 197), Representatives of the Federal District Legislative Assembly (at 233), Ekmekdjián I (at 281), Ekmekdjián II (at 284), Kot (at 346), Avon (at 361), Del Valle Bermúdez (at 395), In Re Carracedo Alvarado (at 609), González Bernal (at 614), Morales Aceña I (at 633), Morales Aceña II (at 654), Couto (at 672), Fourth Civil Panel (at 817)); cf. id. (Río Bravo (at 265), Mexican Sugar Workers Union (at 324), Siri (at 341), Virgen del Rosario (at 386), López (at 407), Bank of Brazil (at 421), Cochez Farrugia (at 433), Rodríguez Gutiérrez (at 444), Valle (at 544), Bacó (at 551), Reyes-Cardona (at 573), Federal Insurance (at 578), Fajardo Shopping Center (at 584), Báez Sierra (at 598), Espinoza González (at 603), Parra Parra (at 629), Paula Regina (at 682), Kiss (at 689), Jinesta Lobo (at 695), Picado González (at 701), Arguedas Rojas (at 706), Tovar Peel (at 712), Carballo (at 773), Mendoza Golden (at 779), Melgar Castillejos (at 804), Brazilian Union of Composers (at

In particular, virtually all countries have signed and ratified the 1969 American Convention on Human Rights.[14] Moreover, they have consented to the compulsory competence of the Inter-American Court. In contradistinction, the United States has dared neither move.

This instrument might evolve into the functional analog of a continental constitution. Under the mentioned domestication benchmarks, it presently operates nationally and internationally. In tune, the just identified institutional interpreter, somewhat along the lines of its European peer, might gradually become a supranational constitutional adjudicator. It has been playing a progressive in addition to assertive part[15] and appears to have pumped up its prestige, against its sporadic setbacks, over the past decades. Its 2020 endorsement at the judicially uppermost sphere in Mexico and the concomitant portrayal of its "judgments" as "totally" unreviewable, unqualifiable, incorrigible, unquestionable, preclusive, observable, recognizable, "obligatory" or "binding" document its stature.[16]

848), De Oliveira (at 863), FEBRAC (at 870), AJURIS (at 879), Notre Dame (at 907), Pirenópolis Municipal Assembly (at 921), Swift de la Plata (at 953), De Dios (at 959)).

[14] INTER-AM. COMM'N H.R., ORGANIZATION OF AMERICAN STATES, *American Convention on Human Rights Ratification*, https://www.cidh.oas.org/basicos/english/Basic4.Amer.Conv.Ratif.htm (last visited Mar. 9, 2022) (on file with author).

[15] *See, e.g.*, Juridical Condition and Rights of the Undocumented Migrants, Advisory Opinion OC-18/03, *Dispositif* 9 (2003) ("[T]he State has the obligation to respect and guarantee the labor human rights of all workers, irrespective of their status as nationals or aliens, and not to tolerate situations of discrimination that are harmful to these in the employment relationships established."); Baena Ricardo *et al.* Case, (270 workers *v.* Panama) Competence, Series C; No. 104, Dispositif 2 (2003) ("[I]n the exercise of its competence to monitor compliance with its decisions, the Inter-American Court of Human Rights is authorized to request the responsible States to submit reports on the steps they have taken to implement the measures of reparation ordered by the Court, to assess the said reports, and to issue instructions and orders on compliance with its judgments.").

[16] Suprema Corte de Justicia de la Nación [Sup. Ct.] [Supreme Court], Pleno, [Plenum], Aug. 7, 2020, Acción de Inconstitucionalidad [Unconstitutionality Action] 15/2017, Reg. No. 29425, ¶ 94, at 34, 198-99 n.106, Semanario Judicial de la Federación y su Gaceta, Décima Época (Mex.) (on file with author) (quoting Sup. Ct., Pleno, Tesis Aislada, [Isolated Thesis], P. LXV/2011, Reg. No. 160482, Semanario Judicial de la Federación y su Gaceta, Décima Época, Libro [Book] III, Tomo 1, Diciembre [December] de 2011, página 556 (Mex.)) ("El Estado Mexicano ha aceptado la jurisdicción de la Corte Interamericana de Derechos Humanos . . . . [L]a sentencia que se dicta en esa sede, junto con todas sus consideraciones, constituye cosa juzgada . . . . Por ello, la Suprema Corte de Justicia de la Nación, aun como tribunal constitucional, no es competente para analizar, revisar, calificar o decidir si una sentencia dictada por la Corte Interamericana de Derechos Humanos es correcta o incorrecta, o si excede en relación con las normas que rigen su materia y proceso. Por

Correlatively, the Commission considers personal along with governmental complaints, monitors the observance of the liberties within its purview, and refers causes to the courthouse.[17] It might weather its peculiar seemingly seasonal storms to promote the process of constitutionalization or harmonization essentially as a prosecutorial team.[18]

Manifestly, these developments might ride on increased backing from the sponsoring Organization of American States. Unfortunately, this short discussion cannot fully fathom them. At best, it can speculate on their relevance to the effectuation of entitlements.

Systemic safeguards alongside those stemming from the Universal Declaration have spurred the propagation of the protective writ. Parallelly, the system has itself critically complemented the campaigns to force officials to grapple with the human immunodeficiency virus *(*HIV) and the acquired immune deficiency syndrome (AIDS) crises. As explained below, it has occasionally led the battle against codified sexism in tandem.

In unconstitutionality suits against sexist Colombian codification, the constitutional forum of last recourse has encountered supranationally bottomed postulations. Nevertheless, it has sporadically sidestepped them and decided on other bases.[19] Elsewhere, such postulated assertions have featured at the forefront.

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tanto, la Suprema Corte no puede hacer ningún pronunciamiento que cuestione la validez de lo resuelto por la Corte Interamericana de Derechos Humanos, ya que para el Estado Mexicano dichas sentencias constituyen cosa juzgada. Lo único procedente es acatar y reconocer la totalidad de la sentencia en sus términos. Así, las resoluciones pronunciadas por aquella instancia internacional son obligatorias para todos los órganos del Estado Mexicano . . . , siendo vinculantes para el Poder Judicial . . . la totalidad de los criterios contenidos en ella.").

[17] Organization of American States, Convención Americana de Derechos Humanos arts. 41, 61(1), Nov. 22, 1969, O.A.S. T.S. No. 36, 1144 U.N.T.S. 123.

[18] *See, e.g.*, María Eugenia Morales de Sierra v. Guat., Rep. No. 4/01 [*]; Case 11.625 (2001) (ordering Guatemala to eliminate its gender discriminatory Civil Code provisions in order to comply with the Convention); Rep. on the Human Rights Situation in Venezuela, OEA/Ser.L/V/II.118; doc. 4 rev. 2, ¶¶ 533-535 (2003) (strongly condemning the 2002 *coup* and reiterating "that nothing can justify the breach of the Constitution or any attempt to prevent the functioning of key institutions such as the branches of government.").

[19] *See, e.g.*, Corte Constitucional [Ct. Const.] [Constitutional Court], Feb. 17, 1999, [Parra Parra v. Artículo 140(7) del Código Civil,] Sentencia No. C-082/99, at 4, 12 (Colom.) (on file with author); Ct. Const., Oct.

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In Guatemala, the Human Rights Procuration Office partnered with a nongovernmental association to challenge "the Civil Code" for discriminating against the female population on matters of matrimony and childcare.[20] Upon suffering a defeat before the Guatemalan "Constitutionality" tribunal in "1993,"[21] it transited to the "Inter-American" commissioned institution in "1995."[22] The Deputy Procurator at the primary plaintiff's headquarters seems to have leadingly lawyered throughout. During the final phase, she volunteered to step up concomitantly as the victimized petitioner for the requisite "concrete" review versus an abstract appraisal.[23]

In 1998, the decisional entity conclusively reported a "violation" of the entitlements "to equal protection" and "to respect for familial [(and private)] life."[24] It "recommended . . . modifying, abrogating, or . . . deactivating" the discriminatory or disrespectful normative parameters, together with "repairing."[25] Upon certainly ample subsequent canvassing, pressuring, horse-trading, caucusing, and voting, "the Congress . . . approved Decree . . .

25, 2000, [Garcés Villamil v. Artículos 173-74 del Código Civil,] Sentencia No. C-1440/00, at 2, 11 (Colom.) (on file with author).

[20] María Eugenia Morales de Sierra v. Guatemala, Caso [Case] 11.625, Inter-Am. Comm'n H.R., Informe [Report] No. 4/01*, OEA/Ser./L/V/II.111, doc. 20 rev. ¶ 1 (2001) (En "la . . . petición . . . se . . . alega . . . que los artículos 109, 110, 113, 114, 115, 131, 133, 255 y 317 del Código Civil de . . . Guatemala . . . , que definen el papel de cada cónyuge dentro del matrimonio, establecen distinciones entre hombres y mujeres que son discriminatorias . . . .").

[21] *Id.*, ¶ 3 ("Los peticionarios declararon que la constitucionalidad de estas disposiciones jurídicas se había impugnado ante la Corte de Constitucionalidad de Guatemala . . . ."); *id.*, ¶ 34 ("[L]a decisión adoptada el 24 de junio de 1993 por la Corte de Constitucionalidad sobre la validez de los artículos citados sigue siendo la aplicación e interpretación autorizada de la ley nacional.").

[22] *Id.* ¶ 1 ("El 22 de febrero de 1995, la Comisión Interamericana de Derechos Humanos . . . recibió [l]a petición de fecha 8 de febrero de 1995 . . . .").

[23] *Id.*, ¶ 4 ("La Comisión señaló a los peticionarios que identificaran víctimas concretas, ya que ello era requerido bajo su sistema de casos. El 23 de abril de 1997 los peticionarios presentaron por escrito a María Eugenia Morales de Sierra como la víctima concreta en el caso."); *see id.* ¶¶ 11-12, 20.

[24] *Id.*, ¶ 55 ("[L]a Comisión [en su] Informe Nº 86/98 el 1º de octubre de 1998 . . . expuso . . . su conclusión de que el Estado de Guatemala era responsable de la violación de los derechos . . . a igual protección, al respeto por su vida familiar y al respeto por su vida privada . . . .").

[25] *Id.* ("Como consecuencia, la Comisión recomendó al Estado (1) . . . modificar, derogar o en definitiva dejar sin efecto los artículos 109, 110, 113, 114, 115, 131, 133, 255 y 317 del Código Civil . . . y . . . (2) reparar e indemnizar adecuadamente a María Eugenia Morales de Sierra . . . .").

80-98" amending "Articles 109, 110, 115, 131 and 255," while repealing those codified in turn under numbers "114 and 133."[26]

Successively, the unanimous Commissioners acknowledged that the defense had "addressed seven of the nine provisions challenged."[27] In the next breath, however, they asked it about the unaddressed remnants, respectively numbered "[1] 113 and [2] 317."[28] Anon, it informed them about the enactment of "a project to repeal" the former.[29]

Pronounced by them in 2001, *Morales de Sierra* "values" this response as "a significant advance" in the securement of "fundamental" guaranties.[30] It additionally acknowledges "substantial fulfillment[s]" of the dispositional proposals and conventionally assented-to answerabilities.[31] Nonetheless, its drafters and joiners underscored the absence of "complete compliance" or "repair."[32] They deemed the adjustment of Article 110 insufficient because it created "an imbalance" by imposing "the duty . . . to protect and assist" upon the "husband" yet not the "wife."[33]

To boot, the neglect of the provision enumerated as 317 had problematically left women listed among those excusable, "due to [their] limitations," "from exercising custody

[26] *Id.*, ¶ 57 ("[E]l Estado informó a la Comisión que con fecha 19 de noviembre de 1998 el Organismo Legislativo aprobó el Decreto Número 80-98 que introdujo . . . reformas a los artículos 109, 110, 115, 131 y 255, y derogó los artículos 114 y 133.").
[27] *Id.* ¶ 59 ("[L]as reformas señaladas . . . abordaron siete de las nueve disposiciones impugnadas . . . .").
[28] *Id.* ("[L]a Comisión se dirigió al Estado . . . con el fin de solicitar información sobre cualquier medida adoptada respecto a los artículos 113 y 317, los cuales no fueron abordados en las reformas en referencia . . . .").
[29] *Id.* ¶ 67 ("Informó [el Estado] que un proyecto para derogar el artículo 113 había sido elaborado . . . ."); *see id.* ¶ 74 (Article "113 [has] been abrogated.") (El artículo "113 ha[] sido derogado[].").
[30] *Id.*, ¶ 78 ("La Comisión . . . valora las reformas efectuadas [como] un avance significativo en la protección de los derechos fundamentales de la víctima y de la mujer en general en Guatemala.").
[31] *Id.* ("Estas reformas representan una medida de cumplimiento sustancial con las recomendaciones de la Comisión, y son congruentes con las obligaciones del Estado como Parte en la Convención Americana.").
[32] *Id.* ¶ 79 ("[L]a Comisión no está en posición de concluir que el Estado haya cumplido plenamente con las recomendaciones."); *id.* ¶ 81 ("Además, . . . el Estado no ha proporcionado medidas de reparación a la víctima . . . .").
[33] *Id.* ¶ 79 ("[En] el artículo 111 . . . , persiste un desequilibrio en el reconocimiento legislativo de que la mujer es beneficiaria del deber de protección y asistencia del hombre, pero la ley no le impone un deber igual con relación a éste.").

or guardianship" of children.[34] As a result, it had violated the pacts at play. After all, these prescribed parity between the sexes in this domain.[35]

Through this duo of failings, the codifiers had "explicitly or implicitly" characterized a woman as plagued "by an inherent weakness that limit[ed] her capacity as compared to that of a man."[36] They had deprived her of her "dignity" and status as an equal.[37] As an upshot, she would have to stomach "stereotyped notions of gender roles," in conjunction with the perpetuation of "de facto . . . discrimination against" her.[38]

This analysis ventures a first step toward articulating an account of female subordination. Beyond alerting to the perils of stereotypes and discriminatorily typified treatment, it homes in on the sociological link between inequality and misogynistic violence.[39] From this perspective, the reproached regimentation does not stop at oppressing the applicant and her sisters in the struggle. Simultaneously, it impedes their male partners from entirely developing "their roles within the marriage or family."[40]

The quasi-judicial intermediary retained the action within its cognizance and committed to persisting in its labors "until" lawmakers had completely "complied."[41] In 2009 and 2011, it released Reports relating that, whereas "the victim" had "expressly renounced" her "reparation," the defendant had neither honored its agreed-upon quid pro

[34] *Id.*, ¶ 80 ("Esencialmente, los términos del artículo 317 identifican clases de personas que pueden excusarse de la tutela o protutela en razón de limitaciones . . . . No es evidente, . . . cuál es la limitación que justifica la inclusión de 'las mujeres' dentro de dichas clases.").
[35] *Id.*, ¶ 80.
[36] *Id.*, ¶ 81 ("En este sentido, tanto el artículo 317 como el título y el primer párrafo del artículo 110 dan a entender, expresa o implícitamente, que la mujer está sujeta a debilidades inherentes que limitan su capacidad en comparación al hombre.").
[37] *Id.* ("Esta situación afecta a María Eugenia Morales de Sierra en su derecho a la igual protección de la ley . . . y a ser reconocida como ser humano con dignidad . . . .").
[38] *Id.* ("Adicionalmente, . . . estas disposiciones aplican conceptos estereotípicos sobre los roles de cada género que perpetúan una discriminación de facto contra la mujer en la esfera familiar.").
[39] *Id.*, ¶ 52.
[40] *Id.*, ¶ 44 ("[L]as disposiciones del Código Civil aplican conceptos estereotipados . . . que tienen el efecto ulterior de dificultar la capacidad de los hombres para desarrollar plenamente sus papeles dentro del matrimonio y de la familia.").
[41] *Id.*, ¶ 86 ("La CIDH . . . continuará evaluando las medidas adoptadas por el Estado guatemalteco respecto a las recomendaciones mencionadas, hasta que éstas hayan sido totalmente cumplidas por dicho Estado.").

quos nor passed the residual suite of amendments. In the wrap-up, a vow reverberates "to continue monitoring the items . . . pending."[42]

The 2018 and 2019 Follow-Up Factsheets note the noncompliance on the commitment to fund a foundation, coincidentally with education and research, on the flouted freedoms.[43] They express "concern" about the dearth of "recent progress in implementing the recommendations [from] eighteen years ago" and describe "the level" of adherence as "partial."[44] Although definitely disappointing, this extremely slow pace might recall that of complex litigation in the United States.[45]

[42]Inter-Am. Comm'n H.R., Informe Anual [Annual Report] 2011; III. El sistema de peticiones y casos individuales [System of Individual Petitions and Cases]; D. Estado de cumplimiento de las recomendaciones de la CIDH [Status of Compliance with IACHR Recommendations] ¶¶ 721, 726 (Chap. III, § D) (on file with author) ("María Eugenia Morales de Sierra renunció expresamente a la reparación económica que la CIDH recomendaba en su condición de víctima . . . .") ("[L]a CIDH . . . seguirá supervisando los puntos pendientes."); Inter-Am. Comm'n H.R., Informe Anual [Annual Rep.] 2009; III. El sistema de peticiones y casos individuales [System of Individual Petitions and Cases]; D. Estado de cumplimiento de las recomendaciones de la CIDH [Status of Compliance with IACHR Recommendations] ¶¶ 526, 531 (Chap. III, § D) (on file with author) (same).

[43] Inter-Am. Comm'n H.R., 2019 Annual Report; Follow-Up Factsheet of Report No. 04/01; Case 11.625; María Eugenia Morales de Sierra (Guatemala) ¶¶ 13, 17-19 (on file with author); Inter-Am. Comm'n H.R., Informe Anual [Annual Report] 2018; Ficha de Seguimiento del Informe [Follow-Up Factsheet of Report] No. 04/01; Caso 11.625; María Eugenia Morales de Sierra (Guatemala) ¶¶ 16, 20-22 (on file with author).

[44] Inter-Am. Comm'n H.R., 2019 Annual Report; Follow-Up Factsheet of Report No. 04/01, ¶ 20 ("The Commission observes with concern that there has been no substantial recent progress in implementing the recommendations made eighteen years ago and therefore, concludes that the level of compliance of the case is partial."); Informe Anual [Annual Report] 2018; Ficha de Seguimiento del Informe [Follow-Up Factsheet of Report] No. 04/01, ¶ 23 ("La Comisión observa con preocupación que no han existido avances sustanciales recientes en la ejecución de las recomendaciones formuladas hace dieciocho años. En consecuencia, concluye que el estado de cumplimiento del caso es parcial.").

[45] *See, e.g.*, Evans v. Jeff D., 475 U.S. 717, 720 (1986) ("On August 4, 1980, respondents commenced this action . . . ."); Jeff D. v. Kempthorne, 365 F.3d 844, 848 (9th Cir. 2004) ("By the late 1980s, there were serious concerns about the state's compliance with the consent decree . . . . The parties . . . eventually stipulated to a supplemental agreement in December 1990 [and had] the district court entered [it] as a consent decree . . . . In 1993, the plaintiffs filed a motion with the district court requesting that the defendants be ordered to comply with the decrees . . . . [T]he plaintiffs moved for a finding of contempt against the defendants in March 1998. [B]y 2000, the plaintiffs again moved for a finding of contempt . . . .); Jeff D. v. Kempthorne, 2007 U.S. Dist. LEXIS 9297, 156 (2007) (In 2007, plaintiffs had made enough of a showing of non-compliance to succeed on their motion for civil contempt.); Jeff D. v. Otter, 643 F.3d 278, 284 (9th Cir. 2011) (In 2011, the Ninth Circuit concluded that "it was the burden of the Defendants to establish that they had substantially complied . . . .").

In any event, the deliberative organ achieved the alteration or elimination of eight out of the nonet of contested codified prescripts and is maintaining its pressure to produce further changes. Of course, it appears to have acted not in a vacuum but in the context of a persistently proactive civic movement lobbying the local legislature and mobilizing the citizenry. The decision might profit from considerable impact. Significantly, it hails from a decision-maker that purports to prod or police nationally invested administrations within its ambit. Patently, these possess prudential plus practical reasons to observe such official constructions of the principal pact.

Indeed, systemically adjudicated resolutions seem to attain abidance or recognition with frequency. In this spirit, the highest Argentine adjudicative body proclaimed the right to reply, which derives from the executively negotiated and legislatively endorsed core compact, "the supreme law of the land" in 1992.[46] It recognized an onus "to orient itself by the precedents" of its Inter-American cousin, which counted among "its objectives" the elucidation of the agreement.[47]

The justices rebuffed the contention that the justiciability of the license in question depended on whether the government had regulated vindication. They relied on their transnational colleagues' understanding that the nonexistence of such regulation did "not impair the enforceability" of the charges "assumed."[48] Issued on this occasion, (1) *Ekmekdjián v. Sófovich* embraces the transnationally advanced determination that

[46] Corte Suprema de la Nación Argentina [Ct. Sup.] [Supreme Court], July 7, 1992, Ekmekdjián c/ Sófovich, Fallos [Rulings]: 315:1492, ¶ 15 (Arg.) (on file with author) ("[E]n nuestro ordenamiento jurídico, el derecho de respuesta, o rectificación ha sido establecido en el art. 14 del Pacto de San José de Costa Rica que, al ser aprobado por ley 23.054 y ratificado por nuestro país el 5 de setiembre de 1984, es ley suprema de la Nación conforme a lo dispuesto por el art. 31 de la Constitución Nacional."). *See generally* CONST. art. 31 (Arg.) ("[T]reaties entered into with foreign powers shall be the supreme law of the land . . . .") ("[L]os tratados con las potencias extranjeras son la ley suprema de la Nación . . . .").

[47] Ct. Sup., July 7, 1992, Ekmekdjián c/ Sófovich, Fallos: 315:1492, ¶ 21 (Arg.) (on file with author) ("[L]a interpretación del Pacto debe, además, guiarse por la jurisprudencia de la Corte Interamericana de Derechos Humanos, uno de cuyos objetivos es la interpretación del Pacto de San José.").

[48] *Id.* (quoting Exigibilidad del derecho de rectificación o respuesta (Arts. 14(1), 1(1) and 2, American Convention on Human Rights), Advisory Opinion OC-7/86, Inter-Am. Ct. H.R. (ser. A) No. 7, ¶ 14 (Aug 29, 1986)) ("[E]l hecho de que los Estados partes puedan fijar las condiciones del ejercicio del derecho de rectificación o respuesta[] no impide la exigibilidad . . . de las obligaciones que aquéllos han contraído . . . .").

representative officers must ensure the exercisability of the entitlement "by legislation or whatever other means . . . necessary."[49] Against the parliament's inaction on this front, it provides the regulatory restrictions itself,[50] squarely countering (2) a 1988 precedent. Actually, the latter denies the same suitor, a renowned constitutionalist and internationalist professor, the guaranty of a "reply" to avowals aired on television about the "validity" or currency of democracy.[51] It announces that such prerogative may "not yet" chalk up domesticity because of the want of substantiation standards.[52]

The second time around, in contrast, the would-be replier targeted "offensive . . . utterances" against "the Virgin Mary and Jesus" on the televised broadcast "Saturday Night."[53] He managed to occasion a jurisprudential about-face in the previously depicted direction. His robed interlocutors distanced themselves from their predecessors, whose standpoint they happened not to "share,"[54] casually distinguishing the alleged offense before them (to his "religious sentiments") from the prior discrepancy between the broadcasted testimony and what he might himself have opined on a publicly "controversial matter[]."[55] To prevent an "interminable . . . multiplication" of responders, they anointed

[49] *Id.* at ¶ 22 ("[T]odo Estado parte que no haya ya garantizado el libre y pleno ejercicio del derecho de rectificación o respuesta, está en la obligación de lograr ese resultado, sea por medio de legislación o cualesquiera otras medidas que fueren necesarias . . . .").
[50] *Id.*
[51] Damián Loreti, *Derecho de la información en Argentina*, in TEMAS FUNDAMENTALES DE DERECHO DE LA INFORMACIÓN EN IBEROAMÉRICA 13, 23 (José Carreño Carlón & Ernesto Villanueva, eds., 1998) ("En el caso Ekmedjián c/ Neustadt, el peticionante (Miguel Angel Ekmedjián) solicitó judicialmente replicar expresiones de un ex-presidente de la Nación, Arturo Frondizi , formuladas en relación a la vigencia del sistema democrático en el programa Tiempo Nuevo, conducido por el citado Neustadt.").
[52] Ct. Sup., Dec. 1, 1988, Ekmekdjián c/ Neustadt, Fallos: 311:2497, ¶ 3 (Arg.) (on file with author) ("[E]l derecho a réplica o repuesta . . . no ha sido objeto aún de reglamentación legal para ser tenido como derecho positivo interno, lo cual lleva a rechazar los agravios del apelante en ese punto . . . .").
[53] Ct. Sup., July 7, 1992, Ekmekdjián c/ Sófovich, Fallos: 315:1492, ¶ 2 (Arg.) (on file with author) ("[E]l recurrente . . . promovió demanda de amparo . . . para . . . contesta[r] a Dalmiro Sáenz, quien expresó frases . . . agraviantes en relación a Jesucristo y a la Virgen María . . . en el programa 'La Noche del Sábado' —que se emitía por el canal 2 de televisión . . . .").
[54] *Id.* at ¶ 26 ("[E]ste Tribunal no comparte los precedentes citados . . . .").
[55] *Id.* ("No se trata pues de una cuestión vinculada con juicios públicos sobre materias controvertibles propias de las opiniones, sino de la ofensa a los sentimientos religiosos de una persona que afectan lo más profundo de su personalidad por su conexión con su sistema de creencias.").

him "by virtue" of his "temporal" precedence as a "collective" representative of a class of millions of potentially "offended" Christians.[56]

Notwithstanding, the forum exhibited no such enthusiasm for internationalism but rather recalcitrance before unambiguous unmediated Inter-American adjudicatory entreaties in 2017. Concretely, it refused to "set aside" (1) its 2001 adjudgment of "news" stories, which talked about "an unacknowledged son" of "onetime President Carlos . . . Menem," as an impingement upon "the privacy" of the putative father or (2) its affirmance of the interlocked "pecuniary" award against the publishers.[57] Ultimately, the persuasively precedential *Ministry of Foreign Affairs and of Worship* concedes the legitimacy or "obligatoriness" of such requests though restricts them to "remedial" (as opposed to "restitutive") resolutive aspects.[58] It rejects the possibility of a "reversal" from above (so to speak) as amounting to superimposing an additional "echelon of appeal"[59] and undermining the precept of "res judicata."[60]

[56] *Id.* at ¶ 25 ("Ejercido este derecho de responder a los dichos del ofensor, su efecto reparador alcanza, sin duda, al conjunto de quienes pudieron sentirse con igual intensidad ofendidos por el mismo agravio, . . . a los efectos de evitar que el derecho que aquí se reconoce se convierta en un multiplicador de respuestas interminables. [E]n los casos como el presente quien replica asume una suerte de representación colectiva, que lleva a cabo en virtud de una preferencia temporal . . . .").
[57] Ct. Sup., February 14, 2017, Ministerio de Relaciones Exteriores y Culto s/ informe sentencia dictada en el caso 'Fontevecchia y D'Amico vs. Argentina' por la Corte Interamericana de Derechos Humanos, Fallos: 368:1998, ¶ 1 (Arg.) (on file with author) ("El 25 de septiembre de 2001 esta Corte Suprema confirmó la sentencia de la . . . Cámara Nacional de Apelaciones en lo Civil que había hecho lugar a la demanda de daños y perjuicios promovida por el ex Presidente Carlos Saúl Menem . . . . Esta Corte entendió que la difusión de ciertas notas periodísticas vinculadas con la presunta existencia de un hijo no reconocido de Menem había lesionado en forma ilegítima su derecho a la intimidad . . . y confirmó la condena pecuniaria dispuesta . . . ."); *id.* ¶ 6 ("El 29 de noviembre de 2011 la Corte Interamericana . . . dispuso que el Estado argentino debía: . . . a. dejar sin efecto la condena civil impuesta . . . , así como todas sus consecuencias . . . .").
[58] *Id.* ¶ 6 (La "obligatoriedad [de las sentencias de la Corte Interamericana] alcanza únicamente a las sentencias dictadas por el tribunal internacional dentro del marco de sus potestades remediales."); *id.* ¶ 12 ("Por otra parte, la Corte Interamericana . . . ha recurrido a un mecanismo restitutivo que no se encuentra previsto por el texto convencional."); *id.* ¶ 20 ("[L]a obligatoriedad . . . debe circunscribirse a aquella materia sobre la cual tiene competencia el tribunal internacional.").
[59] *Id.* ¶ 11 ("En efecto, la idea de revocación se encuentra en el centro mismo del concepto de una 'cuarta instancia' . . . ."); *see id.* ¶ 17.
[60] *Id.* ¶ 12 ("[L]a Corte Interamericana . . . ordena[] dejar sin efecto la sentencia de esta Corte pasada en autoridad de cosa juzgada . . . ."); *id.* ¶ 16 ("En este caso, dejar sin efecto la sentencia de esta Corte pasada

In his dissent, Juan Carlos Maqueda underlined that the internationally "basic" tenet of "state . . . responsibility" demanded adhering to "conventional obligations in good faith."[61] He urged paying homage to the "unequivocal grounds sustaining" the international "pronouncement"[62] and undoing "the attribution of . . . liability" jointly with the "payment condemnation."[63] In reality, one can hardly imagine any other way of hewing to the relevant supranational accountabilities or addressing the equitable, symbolic, societal, and economic ramifications of the established encroachment. At any rate, the claimants could not have faced preclusion inasmuch as they could and did supranationally petition (albeit not appeal in full).

Likewise, Venezuela's Constitutional Chamber has itself come across as an outlier in its own repeated refusal to abide. In 2008, it balked at bowing to a similarly sourced (1) finding of a biased, delayed, unsupported and therefore violative "discharge" of a triad of triers or (2) corresponding order to "reinstate" and "indemnify" them and to "adopt" an "Ethics" Codification for them and their fellows or superiors within the profession.[64] The

en autoridad de cosa juzgada es uno de los supuestos en los que la restitución resulta jurídicamente imposible a la luz de los principios fundamentales del derecho público argentino.").

[61] *Id.* ¶ 4 (Maqueda, dissenting) ("[E]l deber de cumplir la decisión adoptada por la Corte Interamericana responde a un principio básico del derecho sobre la responsabilidad internacional del Estado, según el cual los Estados deben acatar sus obligaciones convencionales internacionales de buena fe . . . .").

[62] *Id.* ¶ 5 ("[A] la luz de lo expresado, haciendo mérito de los fundamentos inequívocos que sustentaron el fallo de la Corte Interamericana . . . y dado que dicho pronunciamiento debe ser cumplido por los poderes constituidos del Estado argentino en el ámbito de su competencia, corresponde a esta Corte Suprema . . . dejar sin efecto la sentencia dictada por este Tribunal . . . .").

[63] *Id.* ¶ 6 ("[Esta] solución importa dejar sin efecto la atribución de responsabilidad civil . . . y la condena al pago de una indemnización, de intereses y costas y tasa de justicia dispuesta oportunamente, así como cualquier otro efecto que tengan o hubieran tenido las referidas decisiones.").

[64] Tribunal Supremo de Justicia [Trib. Sup.] [Supreme Court], Sala Constitucional [Sala Const.] [Constitutional Chamber], Dec. 18, 2008, [República Bolivariana de Venezuela v. Corte Interamericana de Derechos Humanos] [Bolivarian Republic of Venezuela v. Inter-American Court of Human Rights,] Sentencia [Judgment] No. 1939, Expediente No. 08-1572, at 3 (Venez.) (on file with author) (quoting Apitz Barbera vs. Venezuela, Sentencia, Inter-Am. Ct. H.R. (ser. C) No. 182 ¶ 19, at 72 (Aug. 5, 2008)) ("[L]a Corte Interamericana de Derechos Humanos . . . declaró que el Estado venezolano violó, con la destitución de los ex magistrados . . . sus derechos a ser juzgados por un tribunal imparcial, a un recurso sencillo, rápido y efectivo, a ser oídos dentro de un plazo razonable, y el deber de motivación . . . . En consecuencia, dispuso que el Estado venezolano deberá indemnizar a los aludidos ex jueces . . . . Así mismo, ordenó el reintegro al Poder Judicial de los mencionados ex jueces . . . . Finalmente, . . . condenó a la República Bolivariana de Venezuela . . . a .

rendered opinion protests that the transnationally instated jurists inadmissibly "trampled upon [its republican complainant's] sovereignty" by dictating directives for the "judicial" and "legislative" branches.[65] Remarkably, it ends up "entreat[ing]" the "executive to denounce [the] Convention."[66]

In 2011, the judges discarded the censure from that very source against the Venezuelan officialdom for disqualifying an oppositional candidate administratively, not adjudicatively or criminally, and supposedly without enabling him to defend himself or sufficiently supporting his disqualification.[67] Oddly enough, they repudiated it for (1) consisting in a sheer "verdict[]" instead of a constitutionally coercive transnational human-rights "norm[],"[68] (2) standing in "contradiction" with the Constitution,[69] (3) accepting the treaty's plain-language requirement of an adjudication for such an electoral exclusion,[70] (4) "privileging . . . individual interests" over "the common good,"[71] (5) saddling sterner strictures than those derived from other accords, such as those against "corruption,"[72] and

. . 'adoptar . . . las medidas necesarias para la aprobación del Código de Ética del Juez o Jueza Venezolanos' . . . .").

[65] *Id.* at 11 ("[L]a Corte Interamericana de Derechos Humanos . . . dictó pautas de carácter obligatorio sobre gobierno y administración del Poder Judicial que son competencia exclusiva y excluyente del Tribunal Supremo de Justicia y estableció directrices para el Poder Legislativo, en materia de carrera judicial y responsabilidad de los jueces, violentando la soberanía del Estado venezolano en la organización de los poderes públicos y en la selección de sus funcionarios, lo cual resulta inadmisible.").

[66] *Id.* at 18 ("[S]e solicita al Ejecutivo Nacional [que] proceda a denunciar esta Convención . . . .") ("[S]e solicita al Ejecutivo Nacional [que] proceda a denunciar este Tratado o Convención . . . .").

[67] Trib. Sup., Sala Const., Oct. 17, 2011, Sentencia No. 1547, Expediente No. 11-1130, at 18-19 (Venez.) (on file with author).

[68] *Id.* at 21 (quoting Trib. Sup., Sala Const., July 15, 2003, Sentencia No. 1942, Expediente No. 01-0415, at 11 (Venez.) (on file with author)) ("[E]l artículo [constitucional venezolano que concede jerarquía constitucional a los derechos humanos internacionales se] refiere a normas que establezcan derechos, no a fallos o dictámenes de instituciones . . . .").

[69] *Id.* at 20 ("[E]n caso de antinomia o contradicción entre una disposición de la Carta Fundamental y una norma de un pacto internacional, correspondería al Poder Judicial determinar cuál sería la aplicable . . . .").

[70] *Id.* at 29.

[71] *Id.* at 33 ("[S]e solicita al Ejecutivo Nacional [que] proceda a denunciar este Tratado o Convención . . . .").

[72] *Id.* at 34 ("[N]o puede ejercerse una interpretación aislada y exclusiva de la Convención Americana de Derechos Humanos [desconociendo otros instrumentos] entre los que se encuentran las Convenciones contra la corrupción . . . .").

(6) reeking of "ideological criteria" illegitimately foisted by "a colonial potentate" upon a "sovereign."[73]

Peculiarly, the stance described in the previous pair of paragraphs might boil down to a gambit in a longstanding interinstitutional confrontation.[74] As such, it might resemble that of the Dominican Republic's top tribunal for constitutional controversies, which in 2013 analogously snubbed the "conclusion that the" denial of a "birth certificate[]" to undocumented minors Dilcia Yean and Violeta Bosico "despite their birth on [national] territory" and the constitutionally enshrined "principle of jus solis for citizenship"[75] amounted to an abridgment of the entitlements to "nationality and equality."[76] A couple of months after a similar 2014 conclusive (and authoritative) appreciation favorable to a larger group of Dominicans and Haitians,[77] an invalidation, for lack of Congressional approval, of the "acceptance of the Inter-American Court's jurisdiction" ensued at the same domestic

[73] *Id.* ("[L]a Corte Interamericana de Derechos Humanos [emite] órdenes directas a órganos del Poder Público venezolano . . . , usurpando funciones cual si fuera una potencia colonial y pretendiendo imponer a un país soberano e independiente criterios políticos e ideológicos . . . .").
[74] Press Release, Inter-Am. Comm'n H.R., La CIDH rechaza un conjunto de decisiones recientes del Tribunal Supremo de Justicia de Venezuela que atenta contra la institucionalidad democrática y las libertades fundamentales [The Inter-American Commission on Human Rights rejects a set of recent decisions of the Venezuela's Supreme Court of Justice that threaten democratic institutions and fundamental freedoms] (June 27, 2020) (on file with author).
[75] Tribunal Constitucional, [Constitutional Court], Sept. 23, 2013, Sentencia No. TC/0168/13, Expediente No. 05-2012-0077, ¶ 2.1.2, at 69 (Dom. Rep.) ("La Comisión alegó ante la Corte que el Estado dominicano le negó a las niñas Dilcia Yean y Violeta Bosico la emisión de sus actas de nacimiento, a pesar de que ellas nacieron en el territorio de la República Dominicana y de que la Constitución de nuestro país establece el principio del *jus solis* para determinar quiénes son ciudadanos dominicanos"). *See also* Tribunal Constitucional, [Constitutional Court], Dec. 30, 2013, Sentencia No. TC/0290/13, Expediente No. 05-2012-0075 ¶ 4, at 38 (Dom. Rep.) (on file with author) (Jiménez Martínez, dissenting) ("El Tribunal constitucional reitera su desvinculación a los criterios contenidos en la Sentencia Yean y Bosico dictada en contra del Estado dominicano por la Corte Interamericana de Derechos Humanos.") ("The Constitutional Court reiterates its dissociation from the criteria contained in the Yean and Bosico judgment issued against the Dominican State by the Inter-American Court of Human Rights.").
[76] Tribunal Constitucional, [Constitutional Court], Sept. 23, 2013, Sentencia No. TC/0168/13, Expediente No. 05-2012-0077, ¶ 2.1.3, at 69 (Dom. Rep.) (on file with author) ("[L]a Corte llegó a la conclusión de que la República Dominicana había violado, en perjuicio de las demandantes, el derecho a la nacionalidad y a la igualdad ante la ley, consagrados [en] la Convención Americana.").
[77] Caso de personas dominicanas y haitianas expulsadas vs. República Dominicana, Sentencia, Inter-Am. Ct. H.R. (ser. C) No. 282 (Aug. 28, 2014).

venue.[78] A retort radiating from the courtroom in San Jose materialized during the 2019 substantiative supervisory session, with a jurisdictional reassertion and a repudiation of the supposed attempt to invalidate, aimed at the acceptive act, as "contrary to public international law," inconsistent with "commitments already undertaken" (including those at bar), and lethal to the populace's extraterritorial "access to . . . justice."[79]

Notably, none of the polities in this trio has juridically or otherwise forsaken its internationally borne bonds in general. Contrariwise, each has reaffirmed them in the midst of its divergence or dispute. Thus, one might anticipate their invocation to endure in the teeth of these twists or tensions.

In sum, the extant framework of guaranties encompasses (1) global as well as (2) local specimens. It appears to have emerged from an initial internationalization of the latter and an ensuing nationalization of the former. Subsequently, locally sited schemes have internalized many a transnational liberty, while allowing their supranationally erected parallel to participate prominently in actualization through direct decision-making and persuasive projection of jurisprudence.

Consonantly, litigants (whether accusers or the accused) may invoke a transnationally framed entitlement, concurrently with its construal at home, or turn to the supranational bench when the domestically domiciled one founders. By focusing wholly

[78] Tribunal Constitucional, [Constitutional Court], Nov. 4, 2014, Sentencia No. TC/0256/14, Expediente No. 01-2005-0013 ¶ 9.19, at 46-47 (Dom. Rep.) (on file with author) ("Resulta, en efecto, de la mayor importancia que antes de adherirse a un compromiso internacional de cualquier índole, la República Dominicana verifique su conformidad con los procedimientos constitucionales y legales nacionales previamente establecidos. Sin embargo, esta verificación fue omitida en la especie respecto [al] Instrumento de Aceptación, que no fue sometido al Congreso Nacional . . . ."); *id.* at 49 ("DECLARA[] la inconstitucionalidad del Instrumento de Aceptación de la Competencia de la CIDH . . . .").

[79] Caso de las niñas Yean y Bosico y Caso de personas dominicanas y haitianas expulsadas vs. República Dominicana, Supervisión de Cumplimiento de Sentencias y Competencia [Monitoring Compliance with Judgments and Jurisdiction], Inter-Am. Ct. H.R., ¶ 76, at 25 (Mar. 12, 2019) ("Finalmente, este Tribunal también concluye que mantiene su competencia contenciosa sobre República Dominicana al considerar que la decisión del Tribunal Constitucional TC-256-14 es contraria al derecho internacional público, desconoce los compromisos internacionales asumidos por República Dominicana, es un obstáculo para el cumplimiento de las Sentencias de estos dos casos y, en general, priva a la población dominicana del acceso a la justicia internacional.").

on homegrown safeguards, they or their attorneys might tamp down their prospects and scholars might present an incomplete or deformed depiction. This observation probably applies in areas beyond those directly examined.

Palpably, transnational structures may not necessarily acquit themselves better than domestic ones in their enforcement exertions. On the other hand, they might enjoy an edge in withstanding any nationally originating headwind. Furthermore, their expected expertise in or devotion to the field might hone their sensitivity to the claims before them.

In the end, international guaranties might intimately interweave with national ones. They might descend from or expand on these or vice versa. This reciprocal relationship might exist at the stage of formulation, exegesis, or implementation. Conjointly with its interrelated participants, it might constitute a key component of the whole picture, which might distort upon overlooking it.

The internationally posited partakers might themselves coexist not only as a complement to but also as a presupposition of the domestically directed ones. They might define a nucleus that inhabits within these, which might shelter and elaborate it. Supranationally, it might benefit from supplemental shelter or elaboration emanating with preeminence at a contained scale from the tip of the pyramid. This benefit might contribute to the creation of a constituency respected in its humanity and as such capable of relishing its remaining rights.

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