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THE PROGRESS OF PEACE:  
HOW AMNESTY INTERNATIONAL PROMOTES AND PROTECTS  
HUMAN RIGHTS IN GUATEMALA

by

Jennifer F. Hathaway

B.A. University of Idaho, 2004

presented in partial fulfillment of the requirements

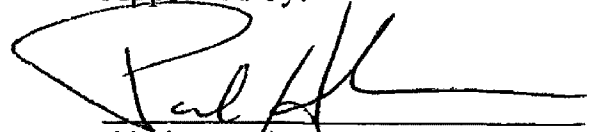
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Master of Arts

The University of Montana

August 2006

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Chairperson



Dean, Graduate School

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The Progress of Peace: How Amnesty International Promotes and Protects Human Rights in Guatemala

Chairperson: Paul Haber *PH*

Human rights NGOs strive to improve the conditions of international peoples by focusing on the protection of human rights within the international community at large. Often, human rights NGOs develop monitoring operations, establish peace missions, call for action against human rights violations, fund human rights activities and maintain a field presence in countries around the globe. Arguably, the most effective weapons in a NGOs' arsenal are awareness, norms, and state compliance. As human rights remain a prominent issue of the 21<sup>st</sup> century, and as human rights NGOs continue to increase in both number and international recognition, it is vital to look at the role of these organizations in identifying violations, preventing abuses and promoting human rights in the international community through norms.

My thesis advances three distinct hypotheses: First, human rights norms exist within the international community. Second, these norms shape state behavior. Third, NGOs play a vital role in influencing the creation of these norms and pressuring state conformity to these norms, both of which result in a change of state behavior. I compare and contrast neo-liberalism, structural realism, and constructivism – at three different levels of analysis – to predict and explain the role of NGOs in the international community, human rights NGOs in the international system, and human rights NGOs in Guatemala. Specifically, I focus on Amnesty International's (AI) campaign for human rights in Guatemala from 1996 to 2004. I argue that AI shaped and strengthened human rights norms, thereby challenging states to change their behavior. Although Guatemala's tumultuous history made normative shifts difficult, AI's media campaigns, lobbying efforts at the United Nations (UN), and cooperation with NGO partners significantly improved Guatemalan human rights by affecting state behavior within the international system.

It is my conclusion that constructivism best explains the importance of international norms, changing state behavior, and NGO promotion of respect for human rights. Neo-liberalism provides important analysis of institutions, but cannot account for the individual actions of NGOs or the cause of state action on human rights issues. In addition, structural realism offers insight into the structure of the international system but fails to account for the importance of NGOs within that system.

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*Linking NGOs, Human Rights and Guatemala*

During the course of the last century, the nature of non-governmental organizations (NGOs), and their role as actors within the international system, has changed dramatically. Beginning with the antislavery campaigns in the late 1700s, modern NGOs now exist at some level in every country, and have been established in areas as diverse as environmental protection, social justice, child advocacy, democracy, women's rights, poverty and health.<sup>1</sup> Presently, NGOs target specific issues within the international system in an effort to accomplish a wide range of goals and missions. These missions range from specific campaigns, such as assisting Sumatran coffee farmers, to broad areas such as promoting peace and human rights. The focus of my study is human rights NGOs, specifically the work of Amnesty International (AI).

Many human rights NGOs strive to improve the conditions of international peoples by focusing on the protection of human rights within the international community at large. Often, human rights NGOs develop monitoring operations, establish peace missions, call for action against human rights violations, fund human rights activities and maintain a field presence in countries around the globe.<sup>2</sup> Arguably, the most effective weapon in a NGOs' arsenal is awareness, norms, and state compliance. As human rights remain a prominent issue of the 21<sup>st</sup> century, and as human rights NGOs continue to increase in both number and international recognition, it is vital to look at the role of these organizations in identifying violations, preventing abuses and promoting human rights in the international community through norms. Important questions regarding the

purpose and presence of NGOs abound in the world of academia. Questions such as, are international NGOs significant international actors? More specifically, when are they effective in promoting and protecting human rights? Can international NGOs wield enough power to influence individuals, states and the international community? These broad questions serve as a guide for my thesis, which focuses on the importance of NGOs in addressing human rights violations.

Three international relations theories – neo-liberalism, structural realism, and constructivism – predict different answers to these fundamental questions. Structural realists would argue that NGOs are unable to broker sufficient power to effectively influence states, as states are the primary actors within the anarchic international system.<sup>3</sup> Therefore, states compete with other state actors to protect national security in order to survive and thus human rights are, at best, a secondary concern. Even when human rights rhetoric is applied to pressing national security issues, stopping human rights violations are seldom the singular aim – power politics remain preeminently salient. Neo-liberals, in contrast, suggest that NGOs do have a role in the international community, as they are motivated by international norms and work within international regimes to forge cooperation among states and organizations.<sup>4</sup> The goal of the international human rights regime, in which NGOs play a significant role, is to jointly accrue absolute gains on human rights issues. Finally, constructivists argue that NGOs are powerful determinants of social facts and values, and as such, are capable of shifting the focus of states and international political institutions from security to principled action by calling for the development of new international norms to promote and respect human rights.

From these theoretical contradictions, my study advances three key hypotheses. First, human rights norms exist within the international community. Second, these norms shape state behavior. Third, NGOs play a vital role in influencing the creation of these norms and pressuring state conformity to these norms, both of which result in a change of state behavior. I compare and contrast the neo-liberalism, structural realism, and constructivism – at three different levels of analysis - to predict and explain the role of NGOs in the international community, human rights NGOs in the international system, and human rights NGOs in Guatemala. Specifically, I focus on Amnesty International’s (AI) campaign for human rights in Guatemala from 1996 to 2004. I argue that AI shaped and strengthened human rights norms, thereby challenging states to change their behavior. Although Guatemala’s tumultuous history made normative shifts difficult, AI’s media campaigns, lobbying efforts at the United Nations (UN), and cooperation with NGO partners significantly improved Guatemalan human rights by effecting state behavior within the international system.

### *Shifting Norms and State Behavior*

Within the international community, shifts in human rights norms have been particularly focused since the close of the Second World War. Since that time, the Universal Declaration of Human Rights was written, human rights conventions were drafted and adopted, the number of human rights NGOs swelled, and states paid greater attention to human rights issues around the world. While advances have been made, states remain watchful over their sovereignty and human rights norms have experienced set-backs, such as the Cold War. Even now, enforcement of human rights norms remains difficult despite overwhelmingly positive rhetoric regarding the protection of human

rights. However, normative shifts continually become more consistent with human rights principles, particularly within the United Nations. I will highlight the growing prevalence of human rights work and the role of NGOs in the creation of further human rights norms.

These changes to international norms and behavior highlight the validity of constructivism, while creating challenging anomalies for both realism, and to a lesser degree, neo-liberalism. For example, structural realism cannot account for moral principles, like those found in the Universal Declaration of Human Rights, being codified and enforced by strong states, without apparent gain, inside the anarchic international system. Similarly, state respect for human rights independent of the influence of power politics, and the role of individual NGOs acting to shift norms, transcends the expectations of neo-liberalism. Thus, neither structural realism nor neo-liberalism can entirely explain the role and effectiveness of NGOs within the international system. However, the exercise of contrasting these theories with constructivism, which emphasizes prevailing norms, offers insight into the capabilities of NGOs to address human rights violations in the 21<sup>st</sup> century.

### *Amnesty International*

I aim to understand more about the nature of non-governmental organizations within the international system, and their relationship to the emergence and enforcement of norms. This study focuses on the efforts as Amnesty International. AI was uniquely poised to pioneer the codification of human rights norms, as it began as a reporting on human rights abuses, and promoting human rights protection in 1961. With over 1.8 million currently active supporters in 150 countries, AI's organizational structure and

activities promote individual and cooperative action opposing human rights abuses. Actions, from letter-writing campaigns to reporting to the United Nations, alter the course of prevailing international norms, however minutely. Over time, these shifts can become significant. AI continues to press for more binding guarantees of human rights. Once granted by governments, AI publicizes the widening gap between principle and practice. In this respect, AI fills an important role in the international community – not only do NGOs induce compliance to already existing norms, but these organizations are capable of facilitating the creation of new international norms. Taken one step further, NGOs are able to independently influence state behavior.

### ***Measures and Methods***

The measure of Amnesty International's and other human rights NGOs' effectiveness is the degree to which they are successful in promoting and protecting human rights. In my thesis, the main method of measurement is historical evidence and quantitative data about AI's activities in Guatemala, evaluated against the expectations of international relations theories.

Through the lens of neo-liberalism, structural realism, and constructivism, I will study the foundation of the human rights norms, as expressed in the Universal Declaration of Human Rights (UDHR), examine the history of human rights in Guatemala, survey the structure and organization of Amnesty International, and investigate AI's relationship with Guatemala. Furthermore, I will analyze AI's general presence, pressure and position within the United Nations, as well as its specific role in the cooperative process following the Guatemalan Peace Accords of 1996. Each area of

analysis seeks to prove that norms exist, these norms change state behavior, and AI plays a role in both the formation and enforcement of these norms.

AI's interaction with the United Nations will be measured by its pressure on the United Nations, operationalized quantitatively, in the form of addresses and statements to UN bodies, and the response of the United Nations in the form of dialogue and resolutions. I will also examine AI's coverage by the media, measured by the number of press releases and degree of media coverage by three major media outlets, and the frequency and organization of AI's international campaigns aimed at the plight of human rights in Guatemala. By documenting AI's presence in the media and at the UN, it can be shown that AI's information campaigns promoted issue awareness by affecting the opinions and actions of the individuals, states and the international community. In turn, greater awareness and support led to shifts in long held beliefs. These shifts represent a change from international norms ignoring human rights abuses in Guatemala to norms favoring peace accords, a UN presence, and international awareness of human rights abuses. In this vein, constructivism offers an accurate explanation of AI's efforts to raise awareness about Guatemalan human rights violations. I will show that these shifts have occurred, and AI's presence in the UN and pressure through the media was significant, therefore suggesting that structural realism is unable to offer a greater explanation for the role of NGOs in the international system. Similarly, AI's cooperation with the UN lead to greater enforcement and compliance with international norms, which seems to suggest normative power, rather than the power of an institution, as suggested by neo-liberalism. Further, the cause of compliance was normative shifts, and not the prospect of absolute gains.

In addition to the above measures and theoretical hypotheses, the number of human rights abuses in Guatemala following the civil war, from 1996 through 2004 will shed additional light on the question of AI's effectiveness. All of the above methods measuring AI's campaign efforts, AI's work with the UN, and the recorded number of human rights abuses in Guatemala prior to and following the Guatemalan Peace Accords will be used with theoretical application, in an effort to answer questions about the power and effectiveness of NGOs within the international system.

These methods of evaluating effectiveness could undoubtedly be improved through firsthand study in Guatemala, including interviews with government officials and access to internal documents developed before, during and after the signing of the Peace Accords. Additionally, access to Amnesty International internal drafts and direct, unfiltered accounts, and not just those reports widely available, would help establish a causal relationship rather than simple correlations between AI's actions and Guatemala's prevalence of human rights abuses. Unfortunately, resource and access limitations have curtailed the possibility of utilizing these methods, which eliminates the possibility of establishing a direct causal link. Despite these limitations, this paper is able to analyze both the efforts and degree of success Amnesty International achieved in the press and at the United Nations, as well as examine the theoretical possibilities of effectiveness, given the actions of individual, state and international actors. It is important to note that in an ideal world, human rights NGOs would want human rights abuses to be non-existent, with all states and international bodies adhering to international laws and norms. Clearly, Amnesty International's actions, and those actions by the United Nations and the international community at large, have been unable to produce a world free from human

rights abuses. Therefore, this paper does not measure effectiveness against perfection or the ideal, but rather, against the plausible, which is an increased awareness regarding human rights abuse, promotion of human rights through state and international action and a decrease in human rights abuse.

### ***Concepts and Definitions***

The main method of assessing NGO effectiveness in this paper is through the filter of theoretical perspectives. Chapter Two examines the predictions of structural realist, neo-liberal and constructivist perspectives regarding the general effectiveness of NGOs and human rights, as well as the hypotheses each theory would present on the specific post-civil war situation in Guatemala. In order to accurately study human rights and NGOs within these three theoretical perspectives, there are three key concepts to define.

### ***Human Rights***

For this thesis, it is important to develop and define the central conception of human rights and determine their role in the international system. This task will be accomplished through specifically looking at the Universal Declaration of Human Rights (UDHR). Not only is this document a cornerstone in defining the rights of human beings around the globe, but it provides a specific framework wherein human rights can be considered. Chapter Three will provide a more detailed description of the UDHR, as well as a brief discussion of the current state of human rights norms and law. At the outset, it is important to note that the UDHR, adopted by consensus on December 10, 1948 by the United Nations member states, is considered the most influential human rights document



of the modern era.<sup>5</sup> It was developed in the aftermath of two world wars and the Holocaust, and was touted as a “common standard of achievement” which outlined the rights of individuals across the globe.<sup>6</sup>

Adopted as a nonbinding General Assembly resolution, the UDHR has, over time, continued to be supported by individual states and organizations. Yet, human rights remain a deeply political issue.<sup>7</sup> Although adopted without formal opposition in the United Nations in 1948, the UDHR is not without controversy.<sup>8</sup> Many of the rights it elevated, such as the right to property and the right to education, are seen as threatening to governments across the political spectrum.<sup>9</sup> Because the UDHR encapsulates civil and political, or “first generation” rights, as well as economic and social rights, or “second generation” rights, socialist, communist, authoritarian and democratic regimes found portions of the Declaration potentially menacing because of the requirements these rights would place on all governments.<sup>10</sup> Despite these objections, which are discussed further in Chapter Three, the UDHR remains a widely supported achievement within the international community. This support has evolved into further human rights laws and norms through international documents such as the United Nations’ International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).<sup>11</sup> Together, the UDHR, ICCPR and the ICESCR are known as the International Bill of Rights, and codify international human rights law.<sup>12</sup>

While the UDHR may have been initially perceived as a simple suggestion for states to follow, overtime it has become more extensive. Within the declaration, there are four sections of articles, each with a different emphasis. The first two articles lay the

foundation for human rights by stating that human beings are equal and their rights are universal. The declaration elaborates on these basic rights in articles 3 through 21 by stating that everyone is entitled to political and civil rights, such as free speech, fair trials and freedom from torture. The declaration also aims to protect economic, social and cultural rights in articles 22 through 27, and explicitly recognizes the right to enjoy these freedoms in articles 28 through 30.<sup>13</sup> Thus, human rights will be defined, within the constructs of this paper, according to the Universal Declaration of Human Rights.

### *Norms*

The emergence of norms based on moral principles, such as human rights, are often difficult to define. Norms are codified through human rights treaties, intergovernmental monitoring and inquiry mechanisms, and implementation guidelines. While all of the above documents are considered norms within this study, most importantly, norms consist of “an altered consensus on how much the principle of sovereign noninterference entitles states to ignore international criticism.”<sup>14</sup> For example, the norms found in the Universal Declaration of Human Rights existed before the document was written. The most effective norms have matured within the international system, and become behavioral standards. However, norms are fluid, able to emerge and change over time, and various international actors challenge norms causing both the strengthening and dissolution of commonly held beliefs. One of the challenges in this study is determining the role of Amnesty International, and international NGOs, in the formation and evolution of international human rights norms.

## *Non-governmental Organizations*

A careful examination of a NGOs' qualifying characteristics, definition and role in human rights monitoring, promotion and protection will be an important base for study. In the arena of international relations, NGOs are a specific type of non-state actor. Broadly speaking, there is a myriad of types of non-state actors within the international system, including individuals, social movements, multinational corporations, expert communities and global policy networks.<sup>15</sup> Each of these actors fulfills different roles, and are organized around issue areas, both specific and expansive. Some non-state actors gather and publicize information, like Human Rights Watch, or provide aid and services, like the International Federation of Red Cross and Red Crescent Societies. Still others, like McDonalds, build economic networks across borders.<sup>16</sup> Like Oxfam International, non-state actors can be based in Western, developed countries. Or, like the Grameen Bank, they can be indigenous to a community, nation or region. Many non-state actors are combinations of these models, working in social justice and development issues, or terrorism and organized crime. Non-state actors can be loosely organized or rigidly structured, present in one state or transnationally federated, acting alone or with a coalition of other NGOs, funded privately or with the assistance of government funds – non-state actors and NGOs can consist of anyone working outside the constructs of government.

Like human rights, NGOs are often controversial.<sup>17</sup> Many view NGOs as well-intentioned and invaluable international players, working to speed development assist with humanitarian crises and alleviate poverty. However, malevolent actors in the international system, such as terrorist organizations, drug cartels, mafias or paramilitary

forces are also NGOs. Not all NGOs are munificent. Even organizations many would consider benign can be seen as predatory to communities, states and causes. For example, post-September 11<sup>th</sup> Afghanistan experienced a rush of NGO presence, with nearly 77 percent of the 8.4 billion in foreign aid pledged to Afghanistan managed by NGOs.<sup>18</sup> While not inherently harmful, many of these NGOs work to promulgate Western ideals, which are not necessarily consistent with the best interests of Afghanistan or the region. Additionally, some critics argue that resources directed to NGOs take away from a weak state's resources, thus limiting its ability to become a stronger state with a greater capacity. Therefore, even with the best intentions, NGOs remain a contentious international actor.

Clearly, many disparate NGOs with diverse missions, organizations, structures and capacities operate within the international system. This thesis will focus on human rights NGOs in an effort to narrow the scale of this study. Human rights organizations are non-profit groups functioning outside the scope of government, that are committed to working with and on behalf of people in order to improve social justice and human rights in individual communities, countries, and within the international system.

The NGO Amnesty International is the focus of this study. AI bases its mission on the United Nation's UDHR, which advances that every person is inherently endowed with the right to dignity, freedom and equality.<sup>19</sup> Essentially, AI began as a letter writing campaign regarding the imprisonment of two students in Portugal. The campaign, encouraged by the British newspaper *The Observer*, mobilized a year long campaign "Appeal for Amnesty 1961," which focused on the release of "prisoners of conscience."<sup>20</sup> In time, the organized efforts of citizens concerned with unjust imprisonments around the

globe spawned Amnesty International. Presently, AI is a network of individual members and partner organizations, linked to Amnesty International offices in 56 countries and staffed by an International Secretariat.<sup>21</sup> Further discussion of Amnesty International's organization, structure and membership is detailed in Chapter Five.

### ***Historical Introduction***

Before detailing the theoretical claims included in this study, it is imperative to briefly introduce Guatemala's ongoing struggle with human rights abuses. Presently, Guatemala is still recovering from an extended 36 year civil war which began with a CIA-assisted overthrow of the Jacobo Arbenz government in June of 1954. Arbenz had started a popular democratic-nationalist revolution supported by a majority of the population in Guatemala. The high percentage of rural and indigenous Guatemalans, coupled with the widespread inequality between economic classes, led Arbenz to eventually institute land reform and redistribution policies.<sup>22</sup> In the hopes of expanding the rural populations' land holdings, he purchased the U.S based United Fruit Company's land for the company's own tax list price, which fell well below the value of the land. This purchase caused a great stir in the United States, as did the idea of "communist" redistribution. Thus, the first independent, democratically-minded Guatemalan regime was dismantled and replaced with the military junta headed by Colonel Carlos Castillo Armas.<sup>23</sup>

Following the overthrow of Arbenz, the state and the revolutionary forces, particularly the Guatemalan National Revolutionary Unity (URNG), both of whom would later enter into peace talks with each other, fought for power in Guatemala. There were

many phases of insurgency and conflict during the 36 years. The government maintained political power but used exclusionary politics as a protective measure, thus disengaging many Guatemalans while consolidating central power.<sup>24</sup> Over the course of the civil war, over 200,000 citizens were killed or disappeared.<sup>25</sup> Although the negotiations to end the conflict between the armed revolutionaries and the state began in 1986, it took ten years before the accords were signed. The UN served as moderator to the peace accords and began a formal peace keeping mission (MINUGUA) in late 1996. The final draft of the accords were signed on December 29, 1996 and included agreements on democracy, historical clarity, economic reforms, social reforms, military reforms and human rights policy.<sup>26</sup> With the signing of the peace accords, officially called the “Firm and Lasting Peace Accord,” three other final documents, including a formal cease fire, a document endorsing a series of constitutional and legal reforms, and a document incorporating the URNG leadership into the civil life of the country, officially went into effect.<sup>27</sup> Although the signing of the accords represented a considerable step, the implementation process has represented a new round of struggles for Guatemala as human rights abuse, violence and inequality remain prevalent.

### ***Summation of Argument***

In 1951, the same year Jacobo Arbenz was elected President of Guatemala, the United Nations officially recognized only forty-one NGOs.<sup>28</sup> By the time Guatemala signed the Peace Accords in 1996, over 2,400 NGOs had achieved accreditation by the United Nations, with 325 of those NGOs committed solely to work on human rights issues.<sup>29</sup> The appearance of human rights NGOs in the international community suggests

a degree of perceived need by regions, states and the international system. Whether NGOs are capable of meeting these needs effectively and fulfilling their missions through promoting the realization of international human rights norms is the focus of study for this paper. Through the use of neo-liberalism, structural realism, and constructivism, in combination with the study of state behavior, media, international institutions and human rights abuses, I suggest that Amnesty International is an effective human rights NGO in respect to its mission with Guatemala, in the eight year period following the 36 year civil war. It is my conclusion that constructivism best explains the importance of international norms, changing state behavior, and NGO promotion of respect for human rights. Neo-liberalism provides important analysis of institutions, but cannot account for the individual actions of NGOs or the cause of state action on human rights issues. In addition, structural realism offers insight into the structure of the international system but fails to account for the importance of NGOs within that system.

This chapter introduced the major concepts of this study, including the theoretical parameters, methods and measures, limitations of study, definitions and introductory history. In the Chapter Two, I will further develop the relevant theoretical constructs by examining structural realism, neo-liberalism and constructivism, which serve as a base for this thesis. Accordingly, theoretical implications will serve as a foundation in later chapters as well. Chapter Three will briefly examine modern human rights definitions, as codified by the United Nations' Universal Declaration on Human Rights, and argue for the existence of international norms which govern behavior. Then, after examining Guatemala's past human rights policy and present situation in Chapter Four, I will focus on Amnesty International's mission, organization and goals, with specific attention to its

involvement in Guatemala in Chapter Five. The above areas of deliberation will set the context for the culmination of this study in Chapters Six, Seven and Eight, which will examine the extent of Amnesty International's role in protecting human rights in Guatemala in the years following the signing of the Peace Accords, from 1996 to 2004.

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- <sup>29</sup> Karns, Margaret and Karen Mingst, *International Organizations: The Politics and Processes of Global Governance*, p. 231.

***Theoretical Introduction: International Actors and Human Rights Dilemmas***

Since the intention of this study is to examine the role of NGOs in the creation and enforcement of human rights norms and assess the relative validity of three contending international relations theories to explain the effectiveness of NGOs, this chapter introduces the perspectives of structural realism, neo-liberalism, and constructivism on the role of states and NGO actors and the importance of human rights in the international system. In the course of this thesis I will test each of these theories against the situation in Guatemala following the 36 year civil war. I expect to find that structural realism, which holds that NGOs are incapable of independently exercising power and the issue of human rights as subordinate, is unable to account for the effects that international institutions, NGOs and the cooperative efforts of states can have on promoting human rights – effects that are in line constructivist, and to a lesser degree, neo-liberal expectations. While I anticipate that neo-liberalism and structural realism each provide a different analysis on the power of state actors, influence of NGOs as international actors, and the importance of human rights within the international community, constructivism best explains the roles of NGOs in the international system, and within Guatemala following the civil war. To support these claims, this chapter establishes why neo-liberalism, structural realism and constructivism were selected. Then, each theories' basic constructs, view on the role of the state, perception of NGOs, and value of human rights is evaluated. After reviewing neo-liberalism first, then structural realism, and

concluding with constructivism, the three theories will be evaluated, compared, and contrasted before concluding this chapter.

Within the realm of international relations, many theoretical foundations could be readily applied to the issue of human rights and the importance of NGOs. For example, classical political liberalism advances that states are rational actors, consisting of individuals who are basically good. These individuals pursue freedom, but recognize freedom is best achieved through cooperation, which promotes collective welfare. Like neo-liberalism, classical political liberalism would advance that it is the interest of individuals to protect human rights, as rights are a reflection of democratic and social justice safeguards. However, neo-liberalism is able to explain the actions of states and NGOs at the systemic level, while classical political liberalism can merely test the hypothesis on the individual or state level. The same is true for classical realism. While classical realism introduces many of the concepts found in structural realism, it is based on the individual level of analysis, and would surmise that individuals commit human rights abuses because it is in their self-interest, as individuals are prone to pursuits of power. Like classical political liberalism, classical realism is unable to address the importance of states and NGOs as actors in the international system. While critical theories, such as world-systems theory and Marxism examine the structure of the international system, much like structural realism, the importance of class and focus on production is not the main area of study for this paper. Certainly, there are economic aspects of the civil war in Guatemala, and these theories offer valuable insights on relationship between the western world and Latin America. However, many of these theories would divert the focus from human rights and NGOs by their very nature, be

unable to accurately shed light on the effectiveness of NGOs in the international system, or simply do not hold equal value to the theories chosen to guide this study. While world-systems theory could explain Guatemala's role within the capitalist-dominated international system, it would not be as effective in explaining the priorities of the state, interactions with NGOs and the end of the Guatemalan civil war.<sup>1</sup> In sum, many theories could serve as valuable tools of study when examining the relationship between states, NGOs and human rights. However, the theories selected specifically for this study – structural realism, neo-liberalism and constructivism – offer the greatest insights on the systemic level of analysis, the role of NGOs and state actors, and the importance of human rights for the purposes of this study.

### *Theoretical Assertions*

Amnesty International's advocacy of human rights norms is theoretically significant for the study of international relations because it highlights inconsistencies for both structural realism and neo-liberal institutionalism. Kenneth Waltz, the father of structural realism, predicted that even nonstate actors must possess the power and attributes of states to be successful.<sup>2</sup> In contrast, AI's source of effectiveness is very different from states, particularly in the Guatemala case; yet, AI's actions significantly effected both the international norms governing state behavior, and the state's behavior itself. Additionally, realism looks to power and the lack of central coordination in the international system as key determinants of state action. While realists characterize the absence of overarching authority in the international system as anarchy, and anarchy is the root of competition for power among states, AI relies on power derived from principled ideas and beliefs as its authority within the international system.

While norms may be limited when contradicted by powerful states, they are not extinguished. Norms based on principles of wrong and right suffer disadvantages when power is primary, surely. If a states security depends on constant competition, then other values are prevented from emerging, taking hold, and being further promoted by states. Under structural realist theory, norms would only find supporters among weak states. Yet, norms and principles are able to exist in an anarchic world. As Alexander Wendt argues, structural anarchy does not have to produce an international system hostile to cooperation.<sup>3</sup> To that end, security issues do not necessarily wipe out the presence of principled norms, and NGOs can certainly play a role in moving human rights issues to the top of the agenda internationally, and among state actors.

### *Neo-liberalism Applied*

Within the broader family of liberalism, neo-liberalism focuses on the cooperative actions of states and institutions seeking absolute gains.<sup>4</sup> In this vein, human rights are a compelling concept for liberals given the theories' propensity to promote mutually beneficial complex interdependence.<sup>5</sup> Additionally, international cooperation based on democratic values and institutions is predicated upon basic protections and equality; human rights abuses violate these core democratic principles. Thus liberalism would oppose human rights abuse, in favor of a cooperative effort to eliminate these inequalities. This violation of human rights is an obstruction to achieving a more ideal world, rich with principles propelling the progress of individuals, nations and the world community.<sup>6</sup> Neo-liberal institutionalism proposes that international institutions are central to a more peaceful international system, which fosters beneficial cooperation.

These institutions mitigate the dangerous tendencies toward predation within the anarchic international system and allow for the achievement of a less violent world. Based on the writings of Hugo Grotius and the European Enlightenment tradition – which developed the concept of basic human rights as best being promoted in a stable, democratic system – neo-liberalism advances that change can occur through cooperation with international institutions.<sup>7</sup>

Neo-liberalism provides an interesting lens through which to examine the conditions under which NGOs are effective within the international system. Neo-liberalism successfully explains the cooperative efforts of the international community to impel progress on human rights, and act within existing norms to forge cooperation. The main emphasis of neo-liberalism is the role of cooperative international institutions in the world, the significance of absolute gains and the appeal of collective security. These international institutions, according to Robert Keohane, lead to greater peace and cooperation in international system.<sup>8</sup>

### *The Role of the State*

According to neo-liberals, states are the main pluralistic actor within the international system, but also a piece of a much larger global picture.<sup>9</sup> Neo-liberal theory advances that the state remains an important actor because of its material capacities and its effective institutional arrangements, both of which are central to the exercise of authority and power. While the goals and interests of states change, relationships between states can be built when common norms and interests are identified. Cooperation between states is based on adherence to common interests. States are able to use power in the international system to create and maintain rules and institutions,

which can lead to even greater cooperation. As Sean Kay states, formal institutions can make international cooperation easier.<sup>10</sup> These institutions often mirror the commonly conceived rules, principles and norms of the international community and states within them act cooperatively to express these ideals. These institutions can also help shape state action by defining acceptable behavior and deterring unacceptable behavior by punishing violators.<sup>11</sup> Kay argues that international institutions are able to make cooperation work for their interests because international institutions are a collection of rational, state actors interested in maximizing their interests.

### *The Role of Non-Governmental Organizations*

While some major authors argue that international institutions are instrumental to interstate cooperation, the conditions under which cooperation occurs has remained an active research question amongst neo-liberal scholars since the 1980s.<sup>12</sup> The initial focus was uncertainty and credibility as the two main forces pushing states into cooperation. However, Keohane asserts that international institutions should not just serve as reactionary fixtures for state insecurities, but should assist with the bargaining process by filtering negotiations through its rules and procedure.<sup>13</sup> While all of these elements - credibility, uncertainty and bargaining - are important to the neo-liberalism evaluation of international institutions, these tenets seem more applicable to large, structured international institutions, such as the United Nations or NATO, not to most human rights NGOs.

At the same time that neo-liberal institutionalist scholars began to investigate the conditions under which international institutions function, another focus of neo-liberalism became “international regimes,” or informal structures of rules and norms, as an

extension of international institutions. Topic-specific NGOs working in cooperation with other international actors, often through the United Nations, can be considered part of international regimes, or as creators of regimes and instruments through which regimes work. This collaboration can achieve international goals, like poverty alleviation, environmental protection or the protection of human rights. International institutions, while they can foster greater cooperation, rely on international regimes to provide substantive international norms thus providing pressure to conform. To this end, NGOs are capable of assisting with the formulation of and maintenance of international norms through cooperation with regimes and groups, and campaigns against those states unwilling to conform.

Not only are NGOs able to work as members of worldwide international regimes, but Keohane also argues that NGOs are especially important for ensuring the accountability of international institutions to the democratic public.<sup>14</sup> According to Keohane, the future of international organizations must be to incorporate democratic accountability, rather than depending on elite negotiation, if a more peaceful world is to be achieved. For this purpose, NGOs are an essential element to neo-liberalism. Also, NGOs are able to help democratize international institutions facilitated by the relative ease of global communication. NGOs can now mobilize networks of individuals around a cause which crosses borders. Keohane recognizes that the democratic process could be enriched if institutions “seek to invigorate transnational society in the form of networks among individuals and nongovernmental organizations.”<sup>15</sup> Thus, NGOs are effective both in complementing the efforts of international institutions and independently instituting change by mobilizing the public and increasing accountability of state actors



### *Importance of Human Rights*

In addition to addressing the role of NGOs as important actors in the international system, neo-liberalism contains clear positions on human rights because of the importance of human rights in international institutions such as the United Nations. As Kay mentions, states are interest maximizing rational actors, and they can attempt to maximize their interests, defer costs and build support through international institutions. Under neo-liberal theory, states have an interest promoting peace, education, and welfare all of which are best practiced through the protection of human rights. Furthermore, states can pursue this interest through cooperation and institutions. These institutions reflect the norms and principles of the international community. While each international institution varies in its mission and purpose, neo-liberal theory predicts the sharing of certain key values. The United Nations is an example of an international institution which embraces human rights as an issue of great importance, as “virtually every United Nations body and specialized agency is involved in the protection of human rights.”<sup>16</sup> Thus, the institutional incorporation of human rights as a significant goal reinforces the importance of this issue for states. Whereas human rights may not always be at the forefront of the agenda, or even within an individual states interest at the time, the idea that human rights violations and abuses are undesirable in the international community is ingrained in the institution.

### *Structural Realism Applied*

The roots of realism are in the works of Thucydides, Machiavelli and Hobbes.<sup>17</sup> Hans J. Morgenthau, the modern champion of classical realism, provides the framework

for analysis when examining the conditions under which NGOs are effective within the constructs of realist theory. International relations, according to Morgenthau's argument, is the struggle for power.<sup>18</sup> This struggle for power extends to all levels of human interaction, individual aggrandizement is amplified by the state to influence the international system. However, only actors holding significant power within the international system are able to influence outcomes. While Morgenthau examines the international system as a result of individuals maximizing power, structural realists examine the international system, which is governed by anarchy, controlled through polarity, driven by security interests and concerned with relative gains.

### *The Role of the State*

Structural realism advances that states' primary aim is survival in an anarchic international system in which self-help is dominant. Polarity is the distribution of capabilities, and this distribution shapes state behavior and orders the international system by influencing who will ally with whom. According to structural realists, states are the most powerful presence within the international system. States work toward their goals within the international system by helping themselves. "Self-help is necessarily the principle of action in an anarchic order," and cooperation with other states is unlikely except to balance third parties.<sup>19</sup> According to Waltz, the foremost neo-realist thinker, "When faced with the possibility of cooperation for mutual gain, states feel insecure and ask how the gain will be divided... Even the prospect of large absolute gains for both parties does not elicit their cooperation so long as each fears how the other will use its increased capabilities."<sup>20</sup> Therefore, the drive of states to attain relative gains limits the

possibilities for cooperation with other states, within international institutions and with NGOs.

### *The Role of Non-Governmental Organizations*

The state-centered, orientation toward power precludes the independent influence of NGOs. For the structural realist, NGOs and non-state actors do not have enough power within the international system to control others and thus are insignificant actors. As Thucydides, the father of realism, once quipped, the powerful are able to do what they want while weaker actors must simply do as directed.<sup>21</sup> For NGOs, their ability to influence outcomes is strongly influenced by their lack of capacities.

### *Importance of Human Rights*

Not only does power dictate state action and the relations among states in the international system, but conditions states interest in power and survival. For an international NGO, interests represent a wide-range of possibilities. Interests can be rooted in environmental preservation, advancing health care systems, or proliferating capitalism. However, states do not have this luxury. For states, defining interests outside the realm of power is a disservice to the country unless security and survival are well-assured. Structural realists are primarily concerned with preservation through self-help, and interests outside politics and outside power are subordinate.

Together with the non-recognition of NGOs within structural realism and the drive for survival, the autonomy of the political sphere is an equally important principle of structural realism. Because states define their interests as survival, self-help, and balancing of power, states must define power attainment within the political realm alone. Moral purpose or religious fervor clouds the judgment of politicians according to political

realists. Morgenthau argues that seeking a universally moral policy leads to annihilation, and that policy makers are enjoined to protect their citizens as their primary moral duty.<sup>22</sup> At this level of analysis, it would appear that human rights serve very little purpose in the state interests. While there may be some cases where human rights violations represent a security threat or a moral guise under which to exercise a political opportunity, human rights alone do not fit within the political realm of concern. In fact, these spheres are secondary to politics when dealing with international relations. This is not in line with the interests many international NGOs, particularly Amnesty International, whose core mission is to alleviate human rights abuses through internationally recognizing them in all societies and cases.<sup>23</sup>

### ***Constructivism Applied***

Constructivism provides an alternate way of looking at the importance of non-governmental actors, human rights norms and the structure of the international system. Constructivism experienced a surge of popularity in the scholarly study international relations following the end of the Cold War, and is a significant, alternative theoretical construct with a base in sociology.<sup>24</sup> Driven by ideas, values and norms, constructivist theory emphasizes the behavior of individuals, states and the international system. This system is shaped by shared beliefs, socially constructed rules and cultural practices.<sup>25</sup> The prevailing international norms, whether they are violent competition or peaceful cooperation, have been socially constructed by the behavior of individuals, states and the international system. Therefore, because norms are formed through collective beliefs,

socially constructed rules and cultural practices, norms can be altered by changing ideas.<sup>26</sup>

### *The Role of the State*

Alexander Wendt, a noted constructivist scholar, believes that it is the social structure of the international system – not its political structure (anarchy) – that affects state behavior. According to Wendt, there are anarchies of enemies and anarchies of friends. What makes the difference is international norms. State behavior is a continual process of defining and redefining conduct according to the ever-evolving accepted values and norms present in the international system.<sup>27</sup> Where structural realists argue that state behavior is driven by self-interest and power, constructivists believe state interest is defined by socially constructed norms which can be changed. In this line of thinking, states, while considered the central actor, are not the only actor capable of exercising power within the international system. Organizations or institutions able to bolster or change international norms can similarly influence shared conceptions and beliefs.

### *The Role of Non-governmental Organizations*

Given the structure of constructivist theory, NGOs are capable of a more active role in international politics. NGOs embracing popularly accepted norms can fully operate on the level of states, while NGOs who disagree with the socially constructed norms have the opportunity to assist in changing those ideas. Institutions and formal organizations, like NGOs, embody norms held by the international community, but can also pressure other actors to accept different norms. Thus, these organizations can serve as “agents of social construction,” working to shape norms, and teach those norms to both

developed and developing nations.<sup>28</sup> Unlike structural realism or neo-liberalism, constructivism acknowledges the effect one organization, or even one individual, can have on changing international norms.

### *The Importance of Human Rights*

Human rights norms are social expectations that have been codified to some degree in formal international legal instruments, and the importance of these norms in constructivist theory is as important as any other pervasive international norm. Over the past fifty years, the prevalence of human rights attention has grown exponentially, as states, international organizations, and individuals emphasized its importance. Human rights alone are not important or unimportant within the constructs of constructivism, but the adoption of human rights as a norm is the essential element of constructivist theory. Chapter Three will look at the formation of human rights norms, and trace its emerging importance within the international community.

### *Theoretical Comparisons and Conclusions*

Each of these theories represents a different approach to examining the international system as a whole (see Table 2.1). Structural realism advances that relative gains help states consolidate security in an anarchic system. In contrast, neo-liberalism promotes absolute gains as a means to benefit all states and promote cooperation. Most dissimilarly, constructivism advances norms, not security, survival, interests, or gains, as the most important determinant of behavior in the international system. Furthermore, the core of constructivism is the possibility of altering policy through the changing of ideas, while structural realism has little faith in the ability to change the international system

and neo-liberalism asserts that changes are increasingly likely to cause change given certain institutional arrangements.

*Table 2.1 – Theory Comparison Chart*

	<b>Neo-Liberalism</b>	<b>Structural Realism</b>	<b>Constructivism</b>
<b>Explanatory Mechanisms</b>	interdependence, cooperation, institutions	anarchic structure of the international system, survival, polarity, power, security, self-help	socially constructed norms based on shared ideas, beliefs and culture
<b>Role of states</b>	The state is the main actor in a pluralistic system. It is one piece of a larger puzzle. The state can cooperate and work through international institutions.	States are the main actors and hold the most power in international relations.	State interests are driven by an ever-changing set of norms in the international system. Individuals, organizations and institutions are just as important as states.
<b>Role of NGOs</b>	NGOs are part of an international regime. They work collectively within international institutions to mobilize the public and hold state actors accountable.	Limited. Strong states are the main actors and NGOs cannot wield enough power to influence states.	NGOs have the potential for tremendous influence in the international system because organizations can embody norms that are changing within the international system.
<b>Importance of Human Rights</b>	Human rights are an international norm upheld by international institutions, and promoted by the international human rights regime.	While NGOs can define their interests at will, states must be more concerned with survival. Human rights are a subordinate concern.	Any issue is as important as international actors believe it to be. Given the current involvement of IGOs, NGOs, states, foundations and parts of government in HR, it is an important issue.

Moreover, each theory also addresses which actors are the most influential in the international system. Structural realism posits that sovereign states acting in the international system have the monopoly on power. States are the actors that matter, the actors who have the power to achieve results. Neo-liberalism, on the other hand, sees states as essential actors in a broad international context, where state action is cooperative with transnational actors and international institutions in order to achieve results.

Cooperation, not individual power, tends to accomplish tasks. Constructivism asserts that

individuals, states or collectives have the capacity to change social constructs are powerful, and can affect the behavior of states and organizations in the international system.

In this same vein, groups of individuals can form non-governmental organizations, or be a part of a multi-organizational international regime, which can assist in changing the norms of society, and, by extension, the behavior of states. In contention, structural realism questions the viability of NGOs serving as independent actors in the international system, given a NGOs relative power deficiency when contrasted with state actors. Because they do not always serve the interest of states and because they are unable to coerce states, NGOs are excluded from international policy making. Structural realists argue that NGOs are not prominent actors within the international system and have no independent effect on the outcome of human rights policy, because states with the highest concentrations of power in any given situation determine the results through their interactions with states of equal, or less power. Structural realism opposes liberal notions of NGO cooperation with state actors to promote human rights across borders. Because the most important factors for structural realists are anarchy and survival through self-help, they would discount the constructivist idea that NGOs can reshape international norms by forcing a change of ideas, thus making them significant actors in the international system. Structural realists would argue that NGOs do not have adequate power to shape these norms.

In contrast, neo-liberalism recognizes the growing importance of non-state and transnational actors, even though states remain the most important collective actors.<sup>29</sup> Therefore, neo-liberalism acknowledges the importance of NGOs as non-state actors in



the international community and values their contributions toward promoting and protecting human rights. Neo-liberalism would further promote NGOs as an essential element of institution building within the international system because they promote cooperation, represent various collective interests and work towards a more peaceful world. Under a neo-liberal model NGOs have two primary purposes within the international system. Not only can NGOs work in cooperation with international institutions to informally reflect norms and principles, but they also can serve to make international institutions more democratic. Constructivism takes neo-liberalism a step further, by arguing that NGOs not only cooperatively contribute, but also embody or promote international norms, thus assisting in the production of social constructs.

These three theories provide vastly different views on their importance and protection of human rights. While neo-liberalism sees human rights as a principle worth protecting, as the defense of human rights carry implications for freedom and general welfare, structural realism sees human rights as a moral principle obscuring effective policy making and sought by those agents lacking the power to impose their will. Constructivism, while not wedded to human rights *per se*, recognizes the possibility of human rights being a prevailing international norm. This difference in opinion on the issue of human rights reveals a much deeper difference between the three theories. While structural realism focuses on the political, devoid of moral qualifications, both neo-liberalism and constructivism apply institutionalized morality through the constructs of norms. However, both structural realism and neo-liberalism recognize the state centric model of international politics; and if states are responsible for maintaining security, survival or even peace within their borders, they must act in a manner which preserves

their safety. All three theories share the conception of NGOs and states as fundamentally different, and herein lies the basic difference between NGOs, as discussed in this paper, and states, as defined by constructivism, neo-liberalism, and structural realism – NGOs believe in the betterment of the international community through idealistic principles, while states must act rationally in order to protect their interest and their public. Essentially, NGOs have greater freedom to invest in idealism and moralism and pursue these goals with vigor.

### *Theoretical Hypotheses*

Neo-liberalism, structural realism, and constructivism offer divergent views on the importance of states, NGOs, and human rights and as a result, would advance contrary opinions on the effectiveness of NGOs within the international community (see Table 2.2). My thesis will test these theoretical hypotheses against the evidence presented in later chapters. At the outset, constructivism provides the most effects means and measures for explaining the prevalence and actions of AI in Guatemala. Constructivism advances that NGOs are most effective when they shape international norms through shifting ideas, collective beliefs, socially constructed rules and cultural practices, which AI has done in the Guatemalan case. On the contrary, neo-liberalism advances that NGOs are most effective when they help states achieve collective security and absolute gains. Furthermore, human rights NGOs will be most effective when working to promote already existing norms in cooperation with states and through international institutions. However, I have found that the cause for action in the case of Guatemala was not a belief that all states would benefit from the alleviation of human

rights abuses in Guatemala. On the contrary, the prevailing international norm of protection and promotion and human rights succeeded both in Guatemala, and within the international community. Conversely to both the absolute gains and norms arguments, structural realism would predict that NGOs are most effective when they help strong states achieve relative gains, and can also be effective when they help strong states diminish the security dilemma. However, this structural realist scenario does not develop in Guatemala, as its inconsequentiality within the international system is seen as a contributing factor to the long civil war, and lack of international actions for 30 years.

*Table 2.2 – Theoretical Hypothesis Comparison Chart*

	<b><i>When are NGOs effective NGOs in the International System?</i></b>	<b><i>When are human rights NGOs effective in the international system?</i></b>	<b><i>Under what circumstances would Amnesty International be effective in Guatemala?</i></b>
<b><i>Neo-Liberalism</i></b>	NGOs are most effective when they help states achieve collective security and absolute gains.	Human rights NGOs are effective when their activities are motivated by already existing international norms, and when they work within the framework of international laws and with other actors in the international human rights regime.	Amnesty International is effective in Guatemala when working with other actors to promote already existing international norms and laws, and convincing states to act for the benefit of all states (absolute gains).
<b><i>Structural Realism</i></b>	NGOs are most effective when they help strong states achieve relative gains, and can also be effective when they help strong states diminish the security dilemma.	Human rights NGOs are effective when they work in regions or issues that do not concern strong states.	Amnesty International is effective in Guatemala when helping strong states capitalize on their interests, and benefit themselves (relative gains).
<b><i>Constructivism</i></b>	NGOs are most effective when they shape international norms through shifting ideas (collective beliefs, socially constructed rules and cultural practices).	Human rights NGOs are effective when they shape human rights norms, and promote adherence to those norms, within the international community.	Amnesty International is effective in Guatemala when it changes human rights norms and changes the behavior of individual, state and international actors.

In the next three chapters, these divergent theories of international relations will be applied to the study of human rights, the history of the Guatemalan state and the organization and efforts of Amnesty International. By testing the tenets of these theories against the situation in Guatemala, I hope to prove the existence of human rights norms, the process by which norms shape state behavior, and the importance of NGOs in human rights discourse, norm formation, and norm enforcement.

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<sup>1</sup> Wallerstein, Immanuel, *The Modern World-System* (New York: Academic Press, 1980).

<sup>2</sup> Waltz, Kenneth N., *Theory of International Politics* (New York, NY: McGraw-Hill, 1979), p. 111.

<sup>3</sup> Wendt, Alexander, *Social Theory of International Politics*, (New York: Cambridge University Press, 1999).

<sup>4</sup> Bull, Hedley, *The Anarchical Society: A Study of Order in Politics* (New York: Columbia University Press).

<sup>5</sup> Karns, Margaret and Karen Mingst, *International Organizations: The Politics and Processes of Global Governance*, p. 36.

<sup>6</sup> Wilson, Woodrow, *War Messages to the U.S. Congress* (65th Cong., 1<sup>st</sup> sess., 1917).

<sup>7</sup> Bull, Hedley, *The Anarchical Society: A Study of Order in Politics*.

<sup>8</sup> Robert O. Keohane, "International Institutions: Can Interdependence Work?," *Foreign Policy* Spring, Issue 110 (1998), p. 84.

<sup>9</sup> Kay, "Neoliberal Theory, Institutions at War," p. 112.

<sup>10</sup> Kay, "Neoliberal Theory, Institutions at War," p. 112.

<sup>11</sup> Kay, "Neoliberal Theory, Institutions at War," p. 112.

<sup>12</sup> Robert O. Keohane, "International Institutions: Can Interdependence Work?," *Foreign Policy* Spring, Issue 110 (1998), p. 84.

<sup>13</sup> Keohane, "International Institutions," p. 90.

<sup>14</sup> Keohane, "International Institutions," p. 90.

<sup>15</sup> Keohane, "International Institutions," p. 90.

<sup>16</sup> United Nations, Basic Facts about the United Nations (Retrieved December 15, 2005, from <http://www.un.org/aboutun/basicfacts/hrights.htm>, 2005).

<sup>17</sup> Sterling-Folker, Jennifer, *Making Sense of International Relations Theory* (Boulder, Colorado: Lynne Rienner Publishers, 2005), p. 44.

<sup>18</sup> Morgenthau, Hans J. "Political Power: A Realist Theory of International Politics," p. 24.

<sup>19</sup> Waltz, Kenneth N., *Theory of International Politics* (New York, NY: McGraw-Hill, 1979), p. 111.

<sup>20</sup> Waltz, Kenneth N., *Theory of International Politics* (New York, NY: McGraw-Hill, 1979), p. 105.

<sup>21</sup> Sterling-Folker, Jennifer, *Making Sense of International Relations Theory*, p. 44.

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- <sup>23</sup> Amnesty International, "About Amnesty International," *About Amnesty International*, <http://www.amnesty.org/>: accessed November 13, 2004
- <sup>24</sup> Karns, Margaret and Karen Mingst, *International Organizations: The Politics and Processes of Global Governance*, p. 50.
- <sup>25</sup> Karns, Margaret and Karen Mingst, *International Organizations: The Politics and Processes of Global Governance*, p. 50.
- <sup>26</sup> Wendt, Alexander, *Social Theory of International Politics*, (New York: Cambridge University Press, 1999).
- <sup>27</sup> Katzenstein, Peter J, ed., *The Culture of National Security: Norms and Identity in World Politics* (New York: Columbia University Press, 1996).
- <sup>28</sup> Karns, Margaret and Karen Mingst, *International Organizations: The Politics and Processes of Global Governance*, p. 51.
- <sup>29</sup> Karns, Margaret and Karen Mingst, *International Organizations: The Politics and Processes of Global Governance*, p. 37.

***Human Rights Protected: The Universal Declaration of Human Rights and its Implications for NGOs***

With the creation of the Universal Declaration of Human Rights (UDHR) in 1948, the idea of human rights became codified international issue. Over time, the depth and spectrum of human rights laws and norms have blossomed. Although this United Nations declaration may have started as a simple suggestion for states to follow, it has become something more extensive, inspiring movements and international actions.<sup>1</sup> This chapter will examine the creation of the UDHR, the transformation of human rights norms, and the modern applications of human rights norms through non-governmental organizations. Essentially, this chapter shows that human rights norms exist with the international community. In the larger context of this paper, this chapter is particularly important because the creation of the UDHR represents a substantive shift in norms – a shift which is not yet fully realized but vitally important. Through the UDHR's acceptance among UN member states and its further legitimization over time in the international community of non-state and state actors, the UDHR has become a sweeping international norm. The UDHR has greatly influenced the modern day human rights regime, and serves as the core document for Amnesty International. As such, the UDHR serves as the standard measure of human rights standards around the globe.

While the UDHR has been successful in achieving the status of an international norm, and through supporting covenants an international law, it remains a difficult

document to enforce when abuses arise within the international community. Each of the three theories – neo-liberalism, structural realism, and constructivism – offer different perspective as to why this document was created, how it became an international norm, and whether or not it can shape state behavior. This chapter will examine the evolution of human rights through the UDHR, as a soft law, and a series of enforceable international covenants.

### ***History and Status of the Universal Declaration of Human Rights***

The concept of human rights existed long before the UN Charter was created or the Universal Declaration of Human Rights was conceived. As Kofi Annan stated on the 50<sup>th</sup> anniversary of the UDHR, “The principles enshrined in the Universal Declaration of Human Rights are deeply rooted in the history of humankind. Their modern universality is founded on their endorsement by all Members of the United Nations.”<sup>2</sup> This basic “universality” of principles was uncovered with the widespread disenchantment with violence and carnage at the close of World War II. With pressure from lobbyists, great debates between countries, and the horrors of WWII on the minds of many, the groundwork for the protection and promotion of human rights was established in the signed Charter of the United Nations with the preambulatory phrase, “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small,” and Article 1, which says, “promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion...”<sup>3</sup>

Less than one year after the United Nations Charter was signed on June 26, 1945, the United Nations Commission on Human Rights (UNCHR) was created. The UNCHR was composed of 18 member states led by Eleanor Roosevelt.<sup>4</sup> Considering the broad spectrum of development and political, social and economic ideals governing the existing countries of the world, this UNCHR was challenged to create a universally applicable document on the rights of all human beings within the international community.<sup>5</sup> The UDHR advances that every person is inherently endowed with the right to dignity, freedom and equality.<sup>6</sup> These innate human rights must be recognized by governments and preserved by the international community. While the draft of the UDHR was developed over the course of two years and over 1400 rounds of voting were required to create the final draft, the UDHR was passed on December 10, 1948 in Paris by the United Nations General Assembly.

Although unanimous, the UDHR was not without contention, and the international community is still struggling to meet the human rights standards set by the declaration. The UDHR was unparalleled in its outlining of the individual rights and freedoms granted to all persons. Even today, the declaration stands as the first step to establishing human rights law and the basis of the universal human rights movement. As part of the human rights movement, Amnesty International utilizes the UDHR as the keystone of their international mission. Amnesty International's vision is a world free of human rights abuses, wherein every human being can fully enjoy the rights granted to them through the UDHR. With a network of individual supporters, Amnesty International promotes research and action on the realm of human rights, with the hopes of stopping abuses around the world.



The UDHR itself is not a solidified document of international law. When it was passed by the United Nations General Assembly, it was understood that the document would be an ideal for the international community to work towards, rather than a binding legal agreement. While the UN Charter does offer less specific and widespread articles on the respect for human rights, the Charter is respected as international law for all the members of the United Nations because it is a treaty, and therefore a legally binding document.<sup>7</sup> All United Nations Member States, by signing the Charter of the United Nations, have committed to fulfilling the responsibilities they have assumed under said Charter, including the assurance to promote respect for human rights, observe human rights, and to cooperate with individual states and the United Nations to achieve this respect for human rights.<sup>8</sup> However, the Charter does not specify human rights or establish any specific measures or means of implementation by member states. In sum, while the UDHR outlines a great deal of rights granted to individuals, but is not a binding law, while the UN Charter mentions respect for human rights, and serves as a basis for international law, but is not specific in the human rights it promotes.

Fortunately, the UN Charter and the UDHR are two of many other human rights documents in existence. Amnesty International also supports the various other universal instruments relating to human rights, including the core human rights treaties. While there are a variety of declarations, principles, guidelines, standard rules and recommendations which have no binding legal effect, many of these documents codify international norms. Additionally, these documents have a certain moral force within the international community and serve as a general guideline for state conduct.

Like the Charter, covenants, statutes, protocols and conventions are legally binding for those states that ratify or consent to them. The broadest legally binding human rights agreements are the United Nations' International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). These codify the international law of human rights. However, the UDHR serves as the guideline for most human rights organizations considering its implications for a fully recognized world free of human rights abuses. While considered a "soft law," the document remains a highlight in the struggle for human rights throughout the international community.<sup>9</sup>

Ideally, the UDHR would be enforced anytime a violation was recognizable. However, human rights abuses often go unaddressed in the international community both by the collection of states, broad organizations, and by individual action.<sup>10</sup> How and why some cases are taken up while others remain ignored is a question for another study. However, the unpredictable reactions to human rights abuses expose a flaw in both international laws and norms – enforcement. Despite the continued creation of human rights documents, violations of these international laws and norms continue. However, the general consensus of the world community, as signified by their signing of the UN Charter, support of the UDHR, and ratification of both the ICCPR and the ICESCR, is that human rights abuses are undesirable.<sup>11</sup>

The field of international relations would assume that inconsistent behavioral compliance with moral principles suggest that such principles are irrelevant. In the realist tradition, strategic priorities of states are expected to abandon morality when power and principle conflict. The persistent gap between moral principles and state behavior is then

interpreted as behavioral confirmation that norms are not authoritative. However, behavioral compliance and noncompliance are not fully transparent as measures of a norm's existence and authority. Hedley Bull notes that international norms influence states because of a sense of obligation, even if a central authority, or means of enforcement, is absent. As long as states "conceive themselves to be bound by a common set of rules," then the norm exists. Whether a specific action supports a norm depends on how it is interpreted, justified and criticized by actors or observers. AI continues to use the moral tension between human rights ideals and the facts of their incomplete realization as leverage in the intergovernmental system. This method has both strengthened the existing legal norms of human rights, and expanded them.

In the theoretical terms outlined in Chapter Two, the international norm exists, and cases where human rights abuses go unpunished does not mean that the norm is weak. Once these abuses are brought to the attention of the international community and gain significant support, individuals and states most often condemn abusive actions and resolve to bring attentions to the issues surrounding human rights violations, even if direct action is not always taken.

### ***Theoretical Perspectives***

The theoretical assumption underlying the UDHR acceptance and applicability reveal a great deal about the document and the direction of this study.

#### ***Constructivism***

Constructivism is the core theory for understanding why this document was created, how it has evolved into additional documents, and why it has been embraced by

international organizations. The international system is shaped by shared beliefs, socially constructed rules and cultural practices.<sup>12</sup> These values had been unified by the end of WWII, and individuals, states and organizations promoted the drafting and adoption of a document outline individual human rights. The prevailing international norms within the system had caused war, and new norms now worked to remedy that violence through cooperation. Therefore, the norms had shifted, ideas had changed, and human rights had become an issue of importance. Although facilitated through an international institution, the idea of human rights had been moving forward for decades, and the codification of these norms - with the signing of the UDHR – forced states to recognize this shift. Individuals, states and organizations continued to embrace this shift, more human rights documents were written, and the UDHR evolved into more than a suggestion for states, and became the core human rights document. Other documents, like the UN Convention against Torture, which is discussed in later chapters, helped human rights norms to continue evolving by outline specific rights of individuals. Many of these later documents were driven by the efforts of non-governmental organizations at the forefront of pushing norm recognition, and embraced by states through their signature and ratification within the United Nations. Therefore, constructivism offers an explanation of the evolution of the UDHR and other human rights documents following the end of WWII.

### *Neo-liberalism*

Neo-liberals would advance that the UDHR was written in a spirit of cooperation following the chaos of the Second World War. During this time, and in the years following its inception, the UDHR enshrined the cooperation and idealism of a world free

of human rights abuses. In this vein, neo-liberalism can be seen as illustrating the formation of this international document. The broader family of liberalism is based on the ideals of cooperation, democracy and working toward an ideal society. By the liberal definition, the ideal society would be without human rights abuses. Additionally, international cooperation based in democracy imagines a world of equality. Human rights abuses violate democratic principles. Thus liberalism would oppose human rights abuses, in favor of a cooperative effort to eliminate these inequalities. In this sense, liberalism addresses the ability of the UDHR, issued by the United Nations, to build cooperation, eliminate an undesirable effect of non-democracy and achieve a more ideal society.

More specifically, the neo-liberal view focuses on four key elements, in-line with the United Nations' core values and efforts to eliminate human rights abuses. Perhaps the most important motive under neo-liberalism emphasizes the need to address collective security issues.<sup>13</sup> Security issues abound in areas where human rights abuses are occurring. These abuses lead to a plethora of additional problems for bordering states, including refugee issues, increased violence and terrorism. Thus, neo-liberalism presents a purpose for states to address human rights concerns. The UN recognizes the need for collective security and would believe the prevention of human rights abuses to be paramount to securing freedom and democracy. Secondly, neo-liberalism advocates cooperative institutions and coalitions. The UDHR serves as a foundation for an international human rights regime. Through the United Nations Commission on Human Rights (UNCHR), individual states cooperatively work towards curbing human rights abuses in the international system. Third, neo-liberalism promotes pressuring countries

to follow international norms and laws. The United Nations strives to pressure countries into compliance with the UDHR. Moreover, the UDHR is an international norm in its own right. The last point neo-liberalism advances is the absolute gains the international community could capitalize on if human rights abuses were put to rest. Through cooperation to end human rights abuses, adherence to the UDHR would create greater security. This greater security, achieved through collective action but based in an individual states own interests, would allow states to focus on other issues outside of violence, war and abuse. The UN, through the UDHR, advances that protection of human rights provides for a better, more peaceful, world.

Hedley Bull explains that states form a society in as far as they can recognize common interests and values and “conceive themselves to be bound by a set of rules...and share in the workings of common institutions.”<sup>14</sup> Under neo-liberal institutionalism, the shared procedure, and not necessarily shared goals, are a requirement for international institutions. Moreover, if human rights are commonly held beliefs within the international community, then norms are created by the mere existence of these institutions and their processes, not by overwhelming shifts in international norms. While the UN Charter set the stage for the promotion of human rights, and the UDHR certainly solidified the rights to which the Charter refers, there was no follow-up mandated by these documents, no enforcement capabilities granted, and certainly no monitoring of state behavior implicit. While the frame of human rights norms existed, there was again no institutional climate spontaneously created with the establishment of these documents. Thus, no state centric, or institutionally mandated model accounts for the evolution of human rights norms. In many accounts of norms, both formal and informal institutions

are framed as though they only exist in the service of state interests. The possibility of their influencing state action is rarely a consideration. In that same vein, assumptions about international norms being affected by, or affecting, states limit the degree to which nonstate actors are involved in the discourse of norm formation and evolution.

### *Structural Realism*

While human rights are not at the forefront of a structural realist's agenda, the origination of this document could be explained in a structural realist perspective. The drafting and approval of the UDHR was completed by states, on behalf of states, in an effort remedy the security problems of World War II. At the time of its inception, states had been weakened by the war, anarchy had taken its toll, and the victors had realigned world polarity. Therefore, countries had an incentive to sign on to this document – they would outwardly show their disdain for the actions of countries who had lost the war, in an effort to move up in the world hierarchy.

Furthermore, the actual signing on to this suggestion could appear to have no real costs for states, as it was not international law or a binding agreement of any sort. In the beginning, the benefits certainly outweighed the costs, and states could regain structure within the international system. As the document evolved, and human rights became an even greater world issue, states were able to verbally tote their recognition of these rights as mechanism for legitimacy; while privately do nothing about the violations occurring within the international community. In this way, structural realism could explain the lack of enforcement of these principles.

Under structural realism, the UDHR can be explained away through hegemony, and regimes theory's adaptation of realism's state centered model of the international

system. Human rights norms have commonly been portrayed as an international regime that formed following the scare of World War II. Regime theory in its classic form characterizes regimes as sets of shared international rules, adopted to coordinate state activity, usually in the service of mutual interest.<sup>15</sup> In the realist perspective, these rules exist but can be adopted by each state accordingly, and do not conflict with state interest. When international standards appear to threaten national practices through international monitoring, a hegemon tends to balk. Under the idea of regimes, realism can account for shared rules, particularly because these rules can be promoted by the dominant state. Therefore, structural realism advances that rules and international norms arise out of the power needs of states, either through regimes or hegemonic persuasion.<sup>16</sup> This modification of realism by regime theory may account for the creation of international norms to some degree, although it fails to explain the propagation of these norms. In regime theory, state interests remain the key determinants of state action and the key to enforcement once the regime is established. The only way to see human rights norms as furthering state power is to redefine them as part of state self-interest, which would contradict other power-based norms such as sovereignty and non-interference. Thus, it becomes increasingly difficult for realists to account for principled norms like human rights in the international community.

### *Conclusions*

Over time, the principles within the UDHR have evolved into well-respected international norms, which countries often extol but do not necessarily fully adhere to in all cases. While human rights are protected in the United Nations Charter and the human rights covenants, human rights issues are often difficult to enforce; however, this does not



change their international status as principled norms. Despite the lack of adherence, the ideal exists and is largely perpetuated by NGOs who use the UDHR as concrete cornerstone for their mission and action.

While states and the international community have been largely ineffective at enforcing human rights law, AI utilizes other means to encourage enforcement of the UDHR. The next two chapters will examine the historical abuses in Guatemala through the lens of the three international relations theories, and review the organization and efforts of AI in Guatemala and throughout the world community.

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<sup>1</sup> Bederman, David J., *International Law Frameworks* (New York: Foundation Press, 2001), p. 96

<sup>2</sup> Kofi Annan, *Universal Declaration of Human Rights Illuminates Global Pluralism and Diversity* (10 December 1997), delivered at the University of Tehran, available from <http://www.un.org/rights/50/dpi1937.htm>; Internet; accessed 7 March 2005.

<sup>3</sup> United Nations, *Charter of the United Nations*, 3 March 2005, available from <http://www.un.org/aboutun/charter/>; Internet; accessed 3 March 2005.

<sup>4</sup> United Nations Department of Social Affairs. *Impact of the Universal Declaration of Human Rights* (New York: United Nations, 1953).

<sup>5</sup> Office of the High Commissioner for Human Rights, *History of the Universal Declaration of Human Right*, 3 March 2005, available from <http://www.unhchr.ch/udhr/miscinfo/carta.htm>; Internet; accessed 3 March 2005.

<sup>6</sup> United Nations, *Human Rights: A Compilation of International Instruments* (New York: United Nations, 1978).

<sup>7</sup> Bederman, David, *International Law Frameworks*, p. 96.

<sup>8</sup> United Nations Department of Public Information. *Message of the Universal Declaration of Human Rights* (New York: United Nations, 1951).

<sup>9</sup> Bederman, David, *International Law Frameworks*, p. 96.

<sup>10</sup> Devine, Carol. Carol Rae Hansen, and Ralph Wilde, *Human Rights: The Essential Reference* (Phoenix, AZ: Oryx Press, 1999), p. 12.

<sup>11</sup> Wronka, Joseph, *Human Rights and Social Policy in the 21st Century* (Lanham, Maryland: University Press of America, Inc., 1992).

<sup>12</sup> Karns, Margaret and Karen Mingst, *International Organizations: The Politics and Processes of Global Governance*, p. 50.

<sup>13</sup> Wilson, Woodrow, *War Messages to the U.S. Congress* (65th Cong., 1<sup>st</sup> sess., 1917).

<sup>14</sup> Bull, Hedley, *The Anarchical Society* (New York: Columbia University Press, 1977), 13.

<sup>15</sup> Krasner, Stephen D., "Structural Causes and Regime Consequences," in *International Regimes*, ed. Krasner (Ithaca, N.Y.: Cornell University Press, 1983).

<sup>16</sup> Clark, Ann Marie. *Diplomacy of Conscience: AI and Changing Human Rights Norms*, p. 6.

## ***Guatemala Human Rights Policy and History***

To understand the persistent human rights problems in Guatemala, a look at past transgressions and current policies can provide insight into the internal state of affairs in Guatemala prior to the peace process, and the challenges that organizations like Amnesty International and other human rights advocates face when addressing Guatemalan human rights. In this chapter, I provide an in-depth look of Guatemalan political history, which serves as an important base for the next three chapters. By studying the historical context of human rights abuses in Guatemala, many of my central research questions can be better understood. For example, had Guatemala's history been relatively peaceful prior to the civil war, and had maintained some degree of pacification throughout, then protection of human rights abuses in the post-civil war process would be less difficult, as the abuses would be more uncharacteristic of the society. However, this is not the case, and the degree of abuses, the evolving methods used in Guatemala, and the large shifts in societal violence represent a greater problem, and greater possibilities to understand normative shifts within Guatemalan society, and the international community, following the civil war.

It is clear that present day Guatemala is struggling to overcome its past. The 36 year civil war ended in 1996 with the signing of the Firm and Lasting Peace Accords, which has allowed the current government to focus on creating more internal stability. While widespread poverty, rural agriculture crises, corruption and violence continue to plague Guatemalan society, human rights policy remains a difficult element to both

implement and enforce. Unfortunately, human rights abuses continue to persist, and some speculate, increase. In the first six months of 2004, the Guatemalan Human Rights Ombudsmans Office (PDH) received over 7,000 reports of human rights violations, more than the total number of reports received in all of last year.<sup>1</sup>

Despite these apparent increases in the number of abuses, it is clear that international human rights norms have effected the actions of the Guatemalan state. In an effort to examine the present human rights policy in Guatemala and draw conclusions about Amnesty International's presence and effectiveness, which will be detailed in Chapter Five, this chapter will examine the historical background of human rights abuses in Guatemala, the human rights policy of the Guatemalan government, the government system presently charged with implementing this policy, and the current human rights situation in Guatemala. These historical elements will provide context for AI's effectiveness in promoting human rights, while contrasting the three international relations theories applied to this study.

As an original member of the United Nations, Guatemala signed on to accept the UN Charter at its inception. Additionally, Guatemala voted to accept the Universal Declaration of Human Rights as a member of the General Assembly. Since the early days of human rights discussion within the United Nations, Guatemala has continually supported, within the constructs of the United Nations, the improvement of human rights conditions worldwide. Yet, internally, Guatemala has suffered from grave human rights abuses, particularly during the 36-year civil war between the guerilla forces and the government.<sup>2</sup> Beginning in 1954 and ending with the Peace Accords of 1996, nearly 200,000 people were dead or disappeared.<sup>3</sup>

## ***Historical Background of Human Rights in Guatemala***

In 1821, Guatemala gained its independence from Spain and following brief alliances with countries in the region, such as Mexico, Guatemala began a history of internal political tumult, marked by dictatorships, insurgencies and authoritarian rulers.<sup>4</sup> Following the “October Revolutionaries” overthrow of General Jorge Ubico in 1944, Guatemala entered a period of democracy wherein Juan Jose Arevalo, a civilian, was elected to the presidency.<sup>5</sup> In 1951, he was democratically succeeded by Colonel Jacobo Arbenz. In an effort to expand the rural populations’ land holdings, Arbenz bought the U.S based United Fruit Company’s land for its tax list price. Arbenz believed that by instituting land reform and redistribution policies, he would be able to assist the high percentage of rural and indigenous Guatemalans, and close an ever-growing gap between economic classes.<sup>6</sup> This period in Guatemalan history marked a considerable shift from the restrictiveness of colonial rule and authoritarian governance, to a democratic experiment wherein the concerns of the Guatemalan citizens themselves were taken into consideration. This internal normative shift, spawned of independence and proliferated by inequality and authoritarianism, provides evidence for constructivism, as the world was changing from colonial rule to independence, and as Guatemala struggled to embrace democracy.

Unfortunately, the purchase of United Fruit Company’s land, at well below its actual value, caused a great stir in the United States, as did the idea of “communist” redistribution. By 1954, the CIA assisted in overthrow of the Arbenz regime, and left Guatemala in the hands of the U.S.-backed group who had assisted in the coup.<sup>7</sup> After only a ten year taste of democratic elections, the experiment was dismantled and the

government was replaced by military junta, headed by Colonel Carlos Castillo Armas.<sup>8</sup> This action by the U.S. marks a further shift in international politics. As polarity became an issue of great importance following WWII, and as the U.S. and the U.S.S.R began managing the anarchic system of states from two diversely centered poles, small nations like Guatemala became key to state interests. “Allies” in the anarchic system ensured state survival, and perpetuated the power balances between these two great powers.

### *Guerrilla and Military Violence Begins*

Following the death Armas in 1958, Ydigoras Fuentes took power in Guatemala and repelled coup attempts from junior military officers.<sup>9</sup> The officers had opposed the Fuentes consolidation of executive power. When they failed, several went into hiding and established close ties with Cuba. This group became the core of the forces that were in armed insurrection against the government for the next 36 years. These four primary left-wing guerrilla groups - the Guerrilla Army of the Poor (EGP), the Revolutionary Organization of Armed People (ORPA), the Rebel Armed Forces (FAR), and the Guatemalan Labor Party (PGT) – would eventually join forces and form the Guatemalan National Revolutionary Unity (URNG) in 1982.<sup>10</sup> Just as these revolutionary groups were burgeoning in the early 1960s, right-wing paramilitaries formed in response and began to threaten, torture and even murder members of Guatemala society suspected of supporting the leftist movement. While certainly not systemic, Guatemala endured 36 years of a divided society, run by two very separate powers. Additionally, the groups who formed against the government were non-state actors, at first loosely organized in an effort to rally change in Guatemala, and oppose authoritarian rule.

President Julio Cesar Mendez Montenegro became president in 1966 and further involved the army in the already existing guerilla and paramilitary violence.<sup>11</sup> The army launched a major counterinsurgency campaign that largely broke up the guerrilla movement in the countryside. Then guerrillas concentrated on Guatemala City in an attempt to dispose of leading political figures. The state's involvement under Montenegro marked the beginning of the heightened tension in Guatemala between the paramilitary organizations, the guerilla groups and the state. This tension would continue to last through the late 1990s.<sup>12</sup> In many ways, the internal struggle of Guatemala matched the external struggle in the international system between the U.S. and the U.S.S.R. Undoubtedly, many areas of Latin America, such as Cuba and Nicaragua, were also engaged in this external political struggle. Although only independent for 15 years, Guatemala had experienced a variety of normative shifts – from independent democracy to divided, militaristic society.

#### *Heightened Human Rights Abuses under Rios Montt*

While there was a series of short-lived dictators and coups between 1966 and 1982, a political coup on March 23, 1982 led by army officers installed Rios Montt as the president.<sup>13</sup> Before his inauguration as president, Montt had been a staple in Guatemalan politics, losing in the presidential race of 1974. Rather than promote the weak democratic processes in place, Montt formed a small military junta, dismissed congress, threw out the 1965 constitution and suspended political party formation and participation on the governmental process. While guerilla forces strongly opposed Montt, he sought support with the military and introduced weak economic reforms. Under Montt, Guatemala experienced the worst human rights abuses seen during the 36 years of armed

conflict.<sup>14</sup> The government formed local Civilian Defense Patrols (PACs) charged with weeding out leftists and guerilla operations. Participation in the PACs, while voluntary, protected civilians, in most cases, from the military led massacres of civilians suspected of leftist sympathies. With the assistance from PACs, Montt's military was able to infringe on guerilla territory and decrease their activity.<sup>15</sup>

Scholars and observers of the Guatemalan conflict believe Montt's time as president was the most violent period of Guatemala's civil war.<sup>16</sup> Recent reports by Guatemala's Historical Clarification Committee estimates that over 90 percent of the human rights violations in Guatemala were committed by the military.<sup>17</sup> While Montt's presidency ended on August 8, 1983, by an internal coup from Oscar Humberto Mejia Victores, Montt would return to the political scene as the founder of the political party called the Guatemalan Republic Front. Despite Montt's promotion of violence and destruction in Guatemala during his year as president, he would later be elected President of Congress in 1995 and 2000.<sup>18</sup> His continued presence in the public life of Guatemala suggests the deterioration of human rights issues in Guatemala, or, under structural realism, the lack of importance of these issues when a state is bent on survival.

### *The Return of Elections*

Under Mejia, Guatemala returned to some degree of democracy. Mejia endorsed an election for a Constituent Assembly in 1984. The Assembly would draft a democratic constitution which took effect in May 30, 1985.<sup>19</sup> Vinicio Cerezo, a civilian politician and the presidential candidate of the Christian Democracy Party, won the first election held under the new constitution with almost 70% of the vote, and took office on January 14, 1986.<sup>20</sup> Cerezo made significant advances as president by instituting reforms to fight

corruption, improve the legal system and restructure the use of the military. Cerezo also established new offices, such as the Office of the Human Rights Ombudsman, and aimed to end the political violence ravaging Guatemala's citizens and country-side. Initially, Cerezo was praised for stabilizing the economy and exponentially decreasing the armed conflict. However, two military coups in 1988 and 1989 were symptomatic of deeper societal problems. Although the constitution was upheld by military leaders and the coups were resisted, Cerezo's government was criticized for not properly dealing with the human rights abuses of the past, the failing economy, and pervasive social welfare issues.<sup>21</sup> Cerezo's advances highlight a change in Guatemalan society following the tumultuous and violent rule of Montt.

Presidential and congressional elections were held on November 11, 1990. After a runoff ballot, Jorge Serrano was inaugurated on January 14, 1991, thus completing the first transition from one democratically elected civilian government to another.<sup>22</sup> This transition would mark a beginning of a much larger shifting of ideals in Guatemala. Coups had become less frequent, and certainly less successful. Serrano was able to control the military, engage in peace talks with the URNG and bolster the economy, but he also attempted to disband congress and institute heavy restrictions on civilian freedoms. These reforms, touted as a way to fight corruption, were highly unpopular and led to Serrano's departure from Guatemala in 1993.<sup>23</sup>

The Congress, within the constructs of the 1985 constitution, elected the Human Rights Ombudsman, Ramiro De Leon Carpio, to complete Serrano's presidential term. De Leon was not a member of any political party but had strong popular support, both of which were factors in his proposal of an anticorruption campaign to "purify" Congress



and the Supreme Court.<sup>24</sup> De Leon demanded the resignations of all members of the two bodies. After extended negotiations, a package of constitutional reforms was approved by popular referendum on January 30, 1994.<sup>25</sup> In August 1994, a new Congress was elected to complete the unexpired term. This new Congress was controlled by the anti-corruption parties which included the populist Guatemalan Republican Front (FRG) headed by Montt, and the center-right National Advancement Party (PAN).<sup>26</sup>

### *The United Nations and Guatemala*

The United Nations became engaged in the peace process under De Leon's presidency and the government and the URNG signed agreements on human rights in March 1994, resettlement of displaced persons in June 1994, historical clarification in June 1994, and indigenous rights in March 1995.<sup>27</sup> The provisions of these documents are discussed at greater length in the policy portion of this chapter. However, it is important to note that De Leon's government and the URNG made significant steps towards peace by signing the above agreements, and also made considerable progress on a socioeconomic and agrarian agreement. While much of this had been started by De Leon, it was aided by the UN's presence. The degree to which the UN was involved in Guatemala during this time was significant, as this beginning of the peace process was not organic, but part of a wider international movement from NGOs, states and the United Nations, as well as from within Guatemala. However, the cooperation existed between these diverse elements, and through an international institution like the UN, the process was propelled.

National elections for president, the Congress, and municipal offices were held in November 1995. With almost 20 parties competing in the first round, the presidential

election came down to a January 7, 1996 runoff in which PAN candidate Alvaro Arzu defeated Alfonso Portillo of the FRG by just over 2% of the vote.<sup>28</sup> Arzu had served as mayor in Guatemala City and won all of the rural departments except one. Under his administration, peace negotiations were concluded, and the government signed peace accords ending the 36-year internal conflict in December 1996. The human rights situation also improved during Arzu's tenure, and steps were taken to reduce the presence of the military in political issues.<sup>29</sup>

Guatemala held presidential, legislative, and municipal elections on November 7, 1999, and a runoff presidential election on December 26. On December 26, Alfonso Portillo (FRG) won 68% of the vote to 32% for Oscar Berger (PAN).<sup>30</sup> Portillo carried all of Guatemala's 22 departments and Guatemala City. Although Portillo was heavily criticized for his relationship with Montt, he promised to continue the peace process, appoint a civilian defense minister, reform the armed forces, replace the military presidential security service with a civilian one, and strengthen protection of human rights.<sup>31</sup> He appointed a pluralist cabinet, including indigenous members and others not affiliated with the FRG ruling party.

While Portillo's government attempted to institute reforms, they came slowly and his popularity declined as corruption scandals and criticisms from the U.S. on Guatemala's drug policy caused controversy.<sup>32</sup> These problems were intensified by reports of continued and prevalent human rights abuses in Guatemala ranging from harassment and intimidation of human rights activists, judicial workers, journalists, and witnesses in human rights trials to violent assassinations, left unsolved, throughout

Guatemala. While Portillo attempted, in 2001, to discuss what changes would be necessary to change the country, he was unable to garner enough support.

National elections were held in Guatemala on November 9, 2003 with Oscar Berger of the Grand National Alliance (GANA) party winning the election by receiving 54.1 percent of the total vote.<sup>33</sup> Berger was inaugurated January 14, 2004 and Guatemala continues to make progress towards a stable democracy President Berger's election. His administration has steadily moved forward to mobilize the public and private sectors to increase economic growth and combat widespread poverty.

However, Guatemala's apparent transition toward democratic process is still marked with problems, and human rights abuses still plague the country. Presently, Guatemala is still recovering from the civil war largely because the government maintained political power but used exclusionary politics as a protective measure.<sup>34</sup> With over 200,000 citizens killed or disappeared, peace in Guatemala remains tenuous.<sup>35</sup> Although the negotiations to end the conflict between the armed revolutionaries and the state began in 1986, it took ten years before the accords were signed. The UN served as moderator to the conflict and began a formal peace keeping mission (MINUGUA). While the final draft of the accords included agreements on democracy, historical clarity, economic reforms, social reforms, military reforms and human rights policy, many changes remain difficult to fully institute.<sup>36</sup> Although the signing of the accords represented a big step, the implementation process represents a new round of struggles for the Guatemalan government as human rights abuses, violence and inequality remain prevalent.<sup>37</sup>

### *Sketch of Guatemalan Government System*

Presently, Guatemala is considered a democratic republic. While the administration within Guatemala is centralized, there is a separation of powers between the executive branch, a unicameral congress and judiciary.<sup>38</sup> The Congress and the executive are the major policy formulators since the end of the civil war in Guatemala. However, the human rights policy of Guatemala, discussed in further detail in the next section of this paper, was a joint effort between the state and the revolutionary guerilla forces in Guatemala, and brokered by the United Nations.

The Guatemalan Constitution provides for universal suffrage for the electing the positions of president and Congress. This past election, in November and December of 2003, was witnessed by international observers and deemed free and fair. The Constitution was recently established and contains basic human rights recognitions, in coagulation with the Universal Declaration of Human Rights. While the judiciary is independent, many observers believe that corruption, inefficiency, and intimidation by political forces prevent adequate judicial process and free and fair trials.

The relationship between the police and the military continues to be major concern in regards to human rights issues, considering these two forces acting on behalf of the state were responsible for 93 percent of all civilian deaths during the 36 year conflict in Guatemala.<sup>39</sup> The Minister of Interior oversees the National Civilian Police (PNC), which has primary responsibility for internal security. The army, which is responsible for external security, is said to be separated from the PNC despite long-time ties between these two state military forces.<sup>40</sup> The Minister of Defense, who oversees the PNC, is an army officer, as designated by the constitution.

### ***Current Human Rights Policy***

With the signing of the Guatemala peace accords, officially called the “Firm and Lasting Peace Accord,” on December 29, 1996, three other documents, including a formal cease fire, a document endorsing a series of constitutional and legal reforms, and a document incorporating the URNG leadership into the civil life of the country, officially went into effect.<sup>41</sup> All the documents in the accords are designed to assist Guatemalan in both overcoming the causes of the armed confrontation and establishing a basis for new development. Emphasizing a national consensus, the accords have been accepted by the diverse sectors of the Guatemalan population as a mechanism for ending the violence and human rights abuses.<sup>42</sup> To go from coup attempts, violently divided society, and continual political change to the signing of Peace Accords represents a decisive shift in both the internal politics and the external pressures in Guatemala.

In 1996, the state and the URNG agreed that international verification of the compliance with the signed accords would be a necessary step in strengthening the confidence of Guatemala, and the international community, in a lasting peace. This collaboration, and significant shift in priorities, marked a change in Guatemalan society. As a result of Guatemala’s request and at the recommendation of the international community, the Secretary-General of the United Nations, with the approval of the General Assembly, established the United Nations Verification Mission in Guatemala (MINUGUA). In complement to this mission, the main substantive accords regarding and relating to human rights created the foundation for change in Guatemala. The first document, the Human Rights Accords, was signed in March 1994 and aimed at strengthening human rights organizations and ending impunity. This agreement

established MINUGUA, which has monitored human rights progress and been a key element in restoring peace.<sup>43</sup> This agreement also called for the disbanding of clandestine security forces and increased attention to human right issues in Guatemala.<sup>44</sup>

While the Resettlement Accord, signed in June 1994, was not directly related to human rights protection, it set goals for the resettlement and economic integration of displaced peoples in Guatemalan society, which is an important step in protecting personal freedoms.<sup>45</sup> The Historical Clarification Accord was also signed in June 1994 and was vitally important in reestablishing trust between the Guatemalan people and the government.<sup>46</sup> This accord established a commission to report on human rights violations committed during the conflict. While there is some controversy regarding the terms under which the report was issued, the aim was well-received and the report has been supplemented by independent reports.<sup>47</sup>

Other important agreements included the Indigenous Rights Accord, signed in on March 1995 which calls for recognition of Guatemala's ethnic, cultural, and linguistic diversity and for the rights of indigenous people to live by their own cultural norms.<sup>48</sup> This accord represented a major shift in indigenous rights in Guatemala, as the indigenous populations were disproportionately targeted and persecuted during the civil war. This document has generated greater recognition of indigenous rights within the Guatemalan government, such as official recognition of the Amerindian language tradition, the right to land use and more equal representation.<sup>49</sup>

The Socioeconomic and Agrarian issues Accord, signed in May 1996, promotes decentralization and regionalization of government services, urges land reform, protection of the environment, and a more equitable budgetary and taxation policy.<sup>50</sup> A

large proportion of the Guatemalan population is rural and these measures could dramatically increase the plight of the impoverished. Presently, Guatemala suffers from extreme income inequality — 56 percent of the population lives in poverty, one in five in extreme poverty.<sup>51</sup> Also important is the *Strengthening Civil Authority and the Role of the Military in a Democratic Society*, signed in September 1996 which charges the government with improvements, modernization, and strengthening of all three branches of the state.<sup>52</sup> It contains an agreed list of constitutional reforms which the government will propose and limits the armed forces' role to defense of national sovereignty and territorial integrity.

### ***Current Human Rights Situation***

The Guatemalan elections of 2003 were considered a crucial determinant in Guatemala's future success at curbing human rights abuses and formulating a stronger, more stable democracy. The election marked the second democratic election process since the signing of the 1996 Peace Accords, and a great deal of implementation still needed to occur. Issues such as Guatemala's participation in the Central American Free Trade Agreement, the possible creation of an International Commission to Investigate Illegal Armed Groups and Clandestine Security Apparatus (CICIACS), and the indemnification of thousands of former paramilitary troops demanding to be paid for services during the war were all waiting to be addressed by the incoming president.<sup>53</sup> Perhaps most daunting, the incoming administration would take on the debt burden of previous administrations and face the withdrawal of the United Nations Verification Mission (MINUGUA) in December of 2004. The 2003 election was considered critically

important for the further protection of human rights as well, considering that human rights were not being observed in Guatemala, despite the well-rounded policy plan in place through the Peace Accords of 1996 and the accompanying human rights documents.<sup>54</sup> At best, it could be said that a great deal of inaction on the part of the government was at work in Guatemala.<sup>55</sup> While efforts were being made, it seemed the implementation of policy is not effective.

Undoubtedly, it seems a relationship exists between human rights abuses and the challenges to Guatemalan democracy. The November 2003 elections boasted the highest voter turnout in years, up from 53.76 % participation in 1999 to 57.8 % in the first round of elections in 2003.<sup>56</sup> The increased voter participation may well be explained by the importance of the issues and the individual desire to express opinion after decades of fear and intimidation. However, 2003 marked the most violent year in Guatemala since the signing of the Peace Accords, and the fear of individual security became a prominent issue for the national campaign.<sup>57</sup> The traditional concerns of job creation, poverty eradication, rural development and agricultural issues continued to plague the country, yet recollections of past atrocities had been recalled during the 2003 election.<sup>58</sup>

Another essential voter issue was the payment of former members of the Civil Defense Patrols (PACs), who were responsible for numerous massacres during under the government of Rios Montt and throughout the seventies and eighties. Because individual participation in the PACs was often forced, rather than voluntary, former PAC members petitioned for payment and had been promised approximately \$500 US each by the Portillo administration.<sup>59</sup>



Montt, the President of Congress under Portillo, was influential in this decision. While the PAC members were offered compensation, the survivors of the atrocities had had received no promises of land or monetary retribution, and many of them had not even received information on “disappeared” family members.<sup>60</sup> Many Guatemalans were affected by the civil wars and outraged by the offer of payment to the PACs. This divided citizens and many opposed Portillo for his support of this recourse, while many ex-PACs rallied around Portillo and his FRG party.<sup>61</sup>

Largely because of these pressing issues, and also due to the individual personalities of the candidates, there was an elevated tension surrounding the election period, which began May 15, 2003 and ended with a victory for Oscar Berger in December of 2004.<sup>62</sup> During this time, there was documented repression and violence. Although violence in Guatemala during electoral years is nothing new, in 2003, according to the Amnesty International, human rights abuses more than doubled compared to 1999, the previous election year.<sup>63</sup> While the climate of repression had intensified over the four years since the signing of the Peace Accords, from 2002 to 2003 there was a dramatic increase.<sup>64</sup> In 2002, ten journalists were intimidated; this number jumped by 800 percent in 2003.<sup>65</sup> Likewise, from 2002 to 2003, violations against human rights defenders increased from forty-seven reported incidents to ninety-six.<sup>66</sup> The first round of elections was more violent than the second, largely owing to controversial and tense local elections. Because local governments are able to garner substantial control over local citizens, intimidation and scare tactics were particularly prevalent and effective.<sup>67</sup>

Already, by July, a number of politically motivated murders had been committed. In an attempt to head off further violence, the political parties signed the Agreement on Ethics and Politics on July 10, 2003 at a meeting facilitated by the Organization of American States (OAS).<sup>68</sup> This document included a commitment to non-violence: “The legally registered political parties are deeply committed to carrying out an election campaign based on the principle of non-violence. We condemn the acts of violence that have already occurred, and we commit to promoting a policy of non-aggression and respect for our opponents at all levels of our organizations.”<sup>69</sup> Despite the signing of the agreement, over seventy human rights violations occurred during the electoral period.<sup>70</sup> These violations included political assassinations, attempted assassinations, break-ins, assaults, threats and other acts of violence.

The majority of violent incidents were directed at party members opposing the current government. The attacks targeted candidates and activists at the community level, with the perpetrators being almost entirely FRG affiliates.<sup>71</sup> Many incidents may have been part of a larger strategy to have Montt elected president.<sup>72</sup> Also, most incidents involved more than one perpetrator, suggesting that the human rights violations were organized rather than spontaneous reactions to circumstances.

Unfortunately, the first round of elections in November did little to curb the violence in Guatemala. While the second round of elections, set to determine a victor in the presidential race, had a notably lower voter turnout rate and less violence surrounding the election. Because Montt lost in the first round, some human rights organizations believed the violence decreased as a result.<sup>73</sup> In May, the son of slain journalist, Hector Ramirez, who was attempting to sue Montt, received multiple threats.<sup>74</sup> There were also

a series of political assassinations following the election wherein locally elected figures of the opposing parties were shot by unidentified slayers.<sup>75</sup>

The election process eventually gave way to a victory for Oscar Berger, and many speculated that the violence would decrease following his election. However, human rights violations that existed under the FRG government of Portillo have not subsided under Berger's administration. They actually appear to have increased. An AI news release revealed that in the first four months of the year, twenty-two activists were attacked.<sup>76</sup> In the first four months of 2004, the Mutual Support Group (GAM) registered a total of 809 human rights violations, of which 508 were violent deaths.<sup>77</sup> In the first six months of 2004, the Guatemalan Human Rights Ombudsmans Office (PDH) received over 7,000 reports of human rights violations, more than the total number of reports received in all of last year.<sup>78</sup> This figure represents violations occurring in Guatemala City alone.

Since his election, Berger has made efforts to correct Guatemala's image within the international community as a state struggling with human rights. He has appointed respected human rights advocates to showcase governmental positions, including Frank LaRue, the founder and former director of the Center for Human Rights Legal Action (CALDH), to the position of Presidential Commissioner for Human Rights, and 1992 Nobel Laureate Rigoberta Menchu to the position of Good Will Ambassador for the Peace Accords.<sup>79</sup> On March 30, Berger asked Rosalina Tuyuc, the respected director of the National Coordination of Guatemalan Widows (CONAVIGUA), to head the National Reparation Program for the Victims of the Armed Conflict.<sup>80</sup> However, the government's commitment to these programs, despite the status of the appointees, is

difficult to assess. The reparations program has been allotted less than \$4 million US in funding in 2005, compared to the over \$50 million (US) that the ex-PAC will receive.<sup>81</sup> However, Berger's most dramatic effort to comply with the Peace Accords was his reduction of the army and the military budget by nearly half.<sup>82</sup>

At present, Guatemala is precariously balanced between the old and new ways. While human rights abuses erupt, the government is trying to balance democracy and the peace accords implementation. Berger's 2004 election as president placed him as the executive of a Guatemala in need of tremendous change. Burdened with a 1.2 billion (US) deficit, pervasive corruption, instability and heavy poverty rates, Guatemala faces many challenges in addition to curbing human rights abuses.<sup>83</sup> While Berger has been criticized for not taking concrete steps towards peace and stability in Guatemala, major criticism has also come from indigenous groups protesting land evictions in rural areas. Many Guatemalan civil and human rights groups challenge the ties that Berger has with economic and military interests. While Berger appears to be focusing primarily on the economic situation, little progress seems to have been made.

While much remains to be done, Berger has attempted to improve its image in the international community by taking responsibility for a few high-profile human rights violations committed during the internal armed conflict. On April 22, 2004 the Guatemalan state officially recognized responsibility and offered a public apology for the 1990 assassination of anthropologist Myrna Mack.<sup>84</sup> In late April of that same year, the government also accepted responsibility for the disappearance of Marco Molina Theissen, who was abducted by the army in 1981, at age fourteen.<sup>85</sup> On July 8, 2004, a Guatemalan court found a lieutenant and thirteen soldiers guilty in the October 5, 1995

massacre of eleven civilians, including two children in Xaman, Chisec.<sup>86</sup> Moreover, following a ruling by the Inter-American Human Rights Court in Costa Rica, Guatemala formally recognized the role of its government in the 1993 slaying of journalist and politician Jorge Carpio Nicolle.<sup>87</sup> Additionally, international rulings by the Inter-American Human Rights Court condemned the State of Guatemala for responsibility in the 1982 massacre of 268 villagers in Plan de Sanchez.<sup>88</sup> This was the first ruling against the Guatemalan State for responsibility in one of the 626 massacres that were documented by the UN's truth commission.<sup>89</sup>

### *Conclusions*

Given the rampant abuses following the 1996 Peace Accords, it is important to examine the role of Amnesty International, international institutions and state actors in Guatemala. Chapter 5 will outline the organization of Amnesty International, their means of running campaigns, partnering with other NGOs and their efforts in Guatemala. Chapter 6 will detail AI's efforts in the United Nations, while Chapters 7 and 8 will draw conclusions about the effectiveness of Amnesty International in relation to the abuses in Guatemala.

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*Analysis of AI's Organization and Efforts in Guatemala*

Amnesty International (AI) is a well-known name in the human rights community. As one of the largest human rights non-governmental organizations in the world, AI continues to work toward a more ideal world, free of human rights abuses in all forms. Understandably, AI's decades of work and international recognition, including a Nobel Peace Prize and a United Nations Human Rights Award, have solidified AI's position as an organization with a role in protecting human rights. By studying AI's mission, history and broad human rights goals, with particular attention to Amnesty's activity in Guatemala, I expect to assess the efforts and interests of AI, as they relate to Guatemala's human rights situation. The scope of these next three chapters will evaluate AI's role in protecting and promoting human rights in Guatemala through its organizational structure, mission, action-oriented campaigns, media efforts and relationship with the United Nations. Specifically, I will examine how AI approaches the defense of human rights, if it has been effective, and why AI has been effective, or ineffective, in curbing human rights abuses. Most importantly, this chapter is the first step in analyzing the role of NGOs play in the creation and enforcement of international human rights norms.

This question is particularly pressing given the attention human rights issues receive throughout the international community. While in some cases, human rights abuses tend to be deemed vitally important, other abuses go without mention by international actors, as discussed in Chapter Three. In contrast, AI works to gather information, develop new international norms and foster compliance with those norms.<sup>1</sup> This dedication to monitoring human rights issues across the globe is reflected in the

structure and organization, mission, goals, and the effects of AI's attention in the international community, and reveals a great deal about whether their struggle to curb human rights abuses is successful. Moreover, by assessing AI's effectiveness, a case can be made for the role of international non-governmental organizations as important, non-state actors in the international community.

This chapter studies AI's organization and structure, its mission and goals, approach to raising awareness of human rights abuses and work in Guatemala. I hope to find that AI's efforts in Guatemala make a difference in halting human rights abuses, and have the power to alter state behavior. However, given the violent past of Guatemala, and the lack of direct AI involvement on the ground in Guatemala, I am unsure as to whether or not AI is effective in curbing human rights in Guatemala. Ultimately, I propose that AI's efforts raise awareness of human rights abuses, which plays a significant role in states placing pressure on those individuals (or other states) violating human rights norms.

### ***Theoretical Framework***

Due to the orientation of my question and my hopes of finding that AI does, in fact, influence state behavior, the underlying assumptions of these next chapters are essentially based in constructivism. While the central actors in the international system may be states, assessing the role of AI assumes that non-state actors can also be important. Structural realism would not regard AI's efforts as effective in halting human rights abuses. Even if NGOs had the power to act, structural realism would find the protection of human rights unlikely except when necessary for survival, or perhaps when

there is no cost to security, or disruptions in the balance of power.<sup>2</sup> Given the anarchic nature of the international system, an individual nation-state is unconcerned with promoting human rights when conflict abounds and power is the key to protection. As stated in Chapter Two, structural realism believes state interest is defined as survival and power.<sup>3</sup> While anarchy exists within the international system and nations are dependent on the calm of internal forces to function as an externally powerful nation, human rights abuses do not represent the same level of threat which can be found in competing nations and external forces.

However, both constructivism and neo-liberalism address the effectiveness of AI's efforts to curb human rights abuses in Guatemala. Neo-liberalism focuses on four key elements which are in line with AI's beliefs, and reveals their efforts in Guatemala. First, neo-liberalism advocates cooperative institutions and coalitions.<sup>4</sup> Essentially, AI is attempting to build an international human rights coalition which monitors abuses and acts quickly to curb their damaging effects. Second, neo-liberalism promotes pressuring countries to follow international norms and laws.<sup>5</sup> AI also strives to pressure countries into compliance with the UDHR. Third, neo-liberalism emphasizes the need to address collective security issues.<sup>6</sup> Security issues abound in areas where human rights abuses are occurring. These abuses lead to a plethora of additional problems for bordering states, including refugee issues, increased violence and terrorism. Thus, neo-liberalism presents a motive for states to address human rights concerns. The last point neo-liberal theorists would advance is the absolute gains the international community could capitalize on if human rights abuses were put to rest.

While neo-liberalism appears to match AI's role within the international community, constructivism directly addresses AI's mission and goals and provides a superior explanation of AI's efforts. AI's goal is to call attention to human rights abuses, change the reactions of individuals and states and to create new, stronger international norms to prevent human rights violations. AI strives to change the international system by changing its perception of human rights.

### ***Amnesty International and Guatemala***

For nearly 40 years, AI has monitored the human rights situation in Guatemala. Since 1996, AI has issued over 300 news stories, reports and calls to urgent action which relate directly to Guatemala.<sup>7</sup> Additionally, AI has documented the situation in Guatemala in its annual report, issued mid-year and in its monthly magazine. In 2002, AI began a campaign titled, "Guatemala: the lethal legacy of impunity," which called for greater judicial and governmental responsibility in admitting to both past and present human rights transgressions.<sup>8</sup> Since 2003, AI has altered its campaign policy to concentrate on ten key areas of focus rather than a handful of campaigns each year. Presently, Guatemala is monitored by and reported on by AI in a variety of campaigns, including, "Human rights defenders in the Americas," "International justice" and "Economic globalization and human rights."<sup>9</sup>

### ***Facilitating the Mission: AI's Organization as an Agency***

In order to accurately examine the effectiveness of AI, it is vitally important to understand how the mission and organization of the agency facilitates action throughout

the international community. By looking at AI's initiation, structure and organization, overarching mission and goals, and the methods employed by the organization, an accurate assessment of the past efforts and current campaigns in Guatemala can be drawn.

### *History*

Essentially, AI began as letter writing campaign regarding the imprisonment of two students in Portugal. The campaign, encouraged by the British newspaper *The Observer*, mobilized a year long campaign "Appeal for Amnesty 1961," which focused on the release of "prisoners of conscience."<sup>10</sup> At its inception, the campaign sought to work impartially for the release of those imprisoned for their opinions, seek for them a fair and public trial, enlarge the Right of Asylum, help political refugees to find work and urge effective international machinery to guarantee freedom of opinion.<sup>11</sup>

In time, the organized efforts of citizens concerned with unjust imprisonments around the globe spawned the need for AI. In its first few years, Amnesty International sought relief and release for prisoners of conscience on a case-by-case basis through its volunteer adoption groups. However, as AI leaders and members became increasingly familiar with individual cases, it became apparent that stronger, preventative international norms were needed to protect human rights. As the former United Nations High Commissioner for Refugees, Jean-Pierre Hocke said, "It's a worn cliché, but if Amnesty did not exist, it would have to be invented. It is simply unique."<sup>12</sup> Since its foundation, AI has undertaken a large number of campaigns covering many aspects of human rights, including gender, trade, torture and capital punishment. With these campaigns, AI's

membership has grown. Presently, AI boasts 1.8 million members living in every region of the world.<sup>13</sup>

### *Mission*

AI bases its plight on the United Nation's UDHR, which advances that every person is inherently endowed with the right to dignity, freedom and equality.<sup>14</sup> These innate human rights must be recognized by governments and preserved by the international community. As part of the human rights movement, AI utilizes the UDHR as the keystone of their international mission. AI's vision is a world free of human rights abuses, wherein every human being can fully enjoy the rights granted to them through the UDHR.<sup>15</sup> With a network of individual supporters, AI promotes research and action on the realm of human rights, with the hopes of stopping abuses around the world.

### *Organization*

In order to promote the protection of human rights abuses, AI is organized through an international and national support system which directs AI members around the world. Individual countries with an AI organizations are typically helmed by a director and a small staff which coordinates the volunteer efforts of the country's members. Each country's AI organization also elects board members to represent the countries' membership. Additionally, each AI organization also sends a representative to the International Council Meeting, which takes place every two years with the purpose of discussing the direction of AI.<sup>16</sup> Following the International Council meeting, the International Executive Committee (IEC) manages the overarching operation of AI, and is charged with electing the Secretary General (SG).<sup>17</sup> Together, the SG and the IEC

carry-out AI's mission and vision, with the assistance of the International Secretariat which completes the daily tasks and paperwork.<sup>18</sup>

Due to this organizational structure, there are not typically regional offices or organizations to carry-out intensive monitoring and reporting of abuses in any given area at any given time. Thus, AI monitors media outlets, depends on reliable sources, carries out extensive research, relies on experts and conducts interviews and on-the-ground research as needed. One of the largest information gathering mechanisms is AI's relationship with other NGOs, and the network of contacts AI has developed over the last 30 years. When AI determines that action needs to be taken, the target of its efforts can be individuals, local and national governments, entire countries or global campaigns. If the problem exists in any specific country or area, AI will often dispatch employees to investigate the situation and gather information. Through the use of annual reports, emergency reports, their monthly magazine, advertisements, newsletters and email notifications, AI then mobilizes its membership to do any number of activities to raise awareness, including but not limited to education efforts, letter writing campaigns and fundraising. AI utilizes both urgent calls to action and long term "adoption" of causes in order to encourage better adherence to the UDHR by all countries and individuals within the world community.

### ***Analysis of AI's Efforts in Guatemala***

AI pursues the promotion of human rights in Central America and has focused much of its efforts on countries in this region, with particular attention to Guatemala. In an effort to stop human rights abuses following the end of the civil war, marked by the

signing of the 1996 Peace Accords, AI has attempted to raise awareness of human rights abuses through their international network of supporters. However, their effectiveness in curbing human rights abuses has been left untested. Strong measures of AI's effectiveness, as mentioned in earlier chapters, is AI's ability to stop human rights abuses, build coalitions, recruit partners, pressure countries, including Guatemala, by raising global awareness of human rights abuses and presence in the United Nations.

Stopping human rights abuses in Guatemala is an impossible measure to link causally to AI's efforts. However, the issue of increasing or decreasing human rights abuses is nonetheless important to understanding the problem at large. There are a wide variety of confounding variables contributing to Guatemala's human rights statistics. For example, the numbers could decrease because of the end of the civil war in 1996, or increase because the government and military performed much of the abuses, and the reported numbers could appear to increase due to greater transparency and more democratic institutions in country. Additionally convoluting this measure is the difficulty of recording solid statistical data representative of human rights abuses. AI avoids solid statistical data and prefers to record specific instances. Therefore, the measure for stopping human rights abuses in Guatemala would contrast the human rights abuse cases highlighted by AI with their ability to alleviate further abuses related to that specific case.

In addition to a strict increase or decrease in numbers, AI's ability to build coalitions and recruit partners and pressure the Guatemalan government, other countries and the United Nations provides insights into AI's effectiveness. AI's pressure can be measured by its capacity to generate media attention, file reports with UN bodies, prompt action UN bodies, and the prevalence of AI's data, citations and support in UN



documents. These measures will be further examined in Chapters 6 and 7, which detail AI relationships with the media, work on human rights campaigns, and presence in the UN.

### ***Conclusions***

This chapter serves as the foundation to Chapter 6 and 7, which detail AI's work on campaigns, media influence, and UN presence to raise awareness about the human rights situations in Guatemala. It is evident that AI has been a catalyst of change in the human rights arena. It began by focusing on the plight of individual prisoners and found that further international legal support for human rights was needed. In its effort to free prisoners of conscience, AI relies on the ethical and legal reference points found in the Universal Declaration of Human Rights. In many ways, AI is able to promote the UDHR because it lacks the resources, authority, and political alliances of states. As an impartial observer, AI has made its loyalty to human rights principles known, and has worked accordingly within the world system. While the organizations original mission was to help individuals, Ai has been able to influence the international norms and dialogue on human rights.

From a theoretical perspective, constructivism is able to explain AI's efforts to strengthen existing international norms, raising awareness about pressing international issues, while calling for new international norms. It is important to realize that AI has maintained impartiality by being a principled, independent actor. As a result, AI's "disinterest" in playing politics has increased its influence. Chapter 6 and Chapter 7 will

examine AI's influence on state behavior, both through AI campaigns and through its work at the United Nations.

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- <sup>1</sup> Clark, Ann Marie. *Diplomacy of Conscience: AI and Changing Human Rights Norms* (Princeton, New Jersey: Princeton University Press, 2001), p. 6.
  - <sup>2</sup> Waltz, Kenneth N., *Theory of International Politics* (New York, NY: McGraw-Hill, 1979), p. 111.
  - <sup>3</sup> Morgenthau, Hans J. "Political Power: A Realist Theory of International Politics," from *Politics Among Nations*, p. 24.
  - <sup>4</sup> Karns, Margaret and Karen Mingst, *International Organizations: The Politics and Processes of Global Governance*, p. 50.
  - <sup>5</sup> Karns, Margaret and Karen Mingst, *International Organizations: The Politics and Processes of Global Governance*, p. 50.
  - <sup>6</sup> Robert O. Keohane, "International Institutions: Can Interdependence Work?," *Foreign Policy* Spring, Issue 110 (1998), p. 84.
  - <sup>7</sup> AI. "About AI." *About AI*. <http://www.amnesty.org/>: accessed February 3, 2005.
  - <sup>8</sup> AI. "About AI." *About AI*. <http://www.amnesty.org/>: accessed February 3, 2005.
  - <sup>9</sup> AI. "About AI." *About AI*. <http://www.amnesty.org/>: accessed February 3, 2005.
  - <sup>10</sup> AI. "About AI." *About AI*. <http://www.amnesty.org/>: accessed February 3, 2005.
  - <sup>11</sup> Clark, Ann Marie. *Diplomacy of Conscience: AI and Changing Human Rights Norms*, p. 6.
  - <sup>12</sup> AI. "About AI." *About AI*. <http://www.amnesty.org/>: accessed February 3, 2005.
  - <sup>13</sup> AI. "About AI." *About AI*. <http://www.amnesty.org/>: accessed February 3, 2005.
  - <sup>14</sup> United Nations, *Human Rights: A Compilation of International Instruments* (New York: United Nations, 1978).
  - <sup>15</sup> Weiss, Thomas G., and Leon Gordenker, Eds. *NGOs, The UN and Global Governance*, p. 13.
  - <sup>16</sup> Clark, Ann Marie. *Diplomacy of Conscience: AI and Changing Human Rights Norms*, p. 6.
  - <sup>17</sup> AI. *AI Annual Review 2003-04*, London, U.K., AI Publications. 2004.
  - <sup>18</sup> AI. *AI Annual Review 2003-04*, London, U.K., AI Publications. 2004.

*Amnesty International's Campaign for Peace in Guatemala*

The world was slow to act in Guatemala. Despite great internal tumult, the outside world – including other states, intergovernmental organizations, and non-governmental organizations – left Guatemala to its own devices for many years despite its increasingly desperate situation. While other Latin American countries gained international attention and garnered state and UN interference for rampant disappearances and reports of government torture, Guatemala remained well hidden from the international eye. This chapter examines how Amnesty International both raised awareness Guatemala, and influenced the behavior of that state and external forces (other states) through strategic campaigns aimed at identifying international norms and promoting international action.

Before identifying AI's means of disseminating information and showing a presence in international media outlets, I will discuss the process by which AI became involved in Guatemala. With continuous military rule since 1954, Guatemala never had the opportunity to create a strong civil society.<sup>1</sup> With low levels of education and no independent judiciary, internal networks and external relationships could best be categorized as weak. Furthermore, during the span of Guatemala's civil war, the country's international profile was incredibly low. Therefore, while abuses were pervasive in the country, few non-indigenous NGOs had taken up the cause, the UN was not talking about human rights in Guatemala, and stories featuring Guatemalan human rights issues in international news sections were virtually non-existent.

In contrast, other Latin American countries, such as Chile and Argentina, were receiving much greater coverage.<sup>2</sup> Generally speaking, the tactic of disappearances in Latin America began in the 1960s, and heavily intensified in the 1970s.<sup>3</sup> Whereas Chile experienced the lowest number of documented disappearances, with fewer than 1,000 total cases, Argentina exceeded that number by nine times, and the number of disappearances in Guatemala over the 30 year span would each almost 20 times the number of cases in Argentina.<sup>4</sup> However, the action taken in Chile in Argentina was more prompt, directed, and international. From AI's perspective, Argentina and Chile both had stronger civil societies, which acted as early alert systems.<sup>5</sup> For NGOs like AI, the fact-finding in Latin America was difficult in countries like Guatemala, yet Argentina and Chile had networks of lawyers, NGO presence, and oversight from the Organization of America States (OAS).<sup>6</sup>

During the 1960s and 1970s, UN monitoring mechanisms were not in place.<sup>7</sup> While this period witnessed a large growth in the number of worldwide NGOs, investigation, communication and coalitions among NGOs, and among NGOs and the UN, were weak. While these problems would later be somewhat remedied, as discussed in Chapter 7, AI began raising awareness about Guatemala at the request of international trade unions, who reported "arrests, disappearances, and murder" in Guatemala. In 1971, AI first addressed disappearances in Guatemala in its annual report. In 1976, ten years after the disappearances in Guatemala had begun, AI issued its first report on Guatemala. At this time, AI also began Urgent Action on behalf of Guatemala. For the next twenty years, AI would work to raise awareness about abuses in Guatemala. By 1996, the Peace

Accords had been signed, and MINIGUA was present in Guatemala. The efforts of AI up to that point, as detailed in Chapter 4, contributed to this process.

### ***AI's Means of Releasing Information***

Since 1996, AI has continued to issue reports and develop campaigns to address the situation in Guatemala. While the Peace Accords have been signed, and the UN presence is in place, abuses are still occurring in Guatemala. To raise awareness about these abuses, AI disseminates information on Guatemala in three ways, through reports, news releases and the Urgent Action network. AI's gathers all the information for its reports through AI's International Secretariat (IS) which receives reports from AI chapters, NGO networks, AI members dispatched to countries or regions, AI personnel on visitations, embassy's, governments and individuals.<sup>8</sup> The IS then coordinates these reports, interviews and information sources into one of three main vehicles.

Reports from AI present evidence of human rights violations. The purpose of reports is to make the case for action to be taken to stop the violations, and offer detailed accounts of the gap between what is actually happening in a country and what the country has promised to do, or what the international community expects. Therefore, AI uses reports as a way to hold governments accountable to the standards they have themselves agreed to through the UN.<sup>9</sup> All reports are written and researched by AI's International Secretariat.

There are two types of reports. The *Amnesty International Annual Report* is a reference guide, published once a year, which includes lists of countries who have signed human rights treaties and documents. The annual report also contains short entries on

individual countries which document AI concerns and campaigns within that country. Most importantly, the annual report describes any human rights violations. The annual report is purchased by individuals, organizations, journalists and libraries, and used as a guide for human rights information.<sup>10</sup>

The other type of AI report, also written by the IS, can be based on a country case, individual case or general theme. These reports are composed whenever needed, and have no release time frame. These reports serve as the base materials for most other AI documents, such as news releases and leaflets. Once a report has been finalized, AI circulates the report to the embassy of the country where the abuse is occurring, academics, libraries, NGOs working in the country, key media outlets, and AI members.<sup>11</sup> The report is also posted online and added to the online database. Articles from AI's monthly magazine, *The Wire*, are also considered reports.

News reports are basically press releases. Often condensed versions of the detailed reports, or overviews of the annual reports, these releases are sent to major media outlets with the hopes of follow-up, publication, or broadcast. While the news releases often cover what has been detailed in the longer report, they can also be an installment of AI's "Facts and Figures," which details up-to-date efforts by AI efforts in particular cases.<sup>12</sup>

The Urgent Action concept, established nearly 30 years ago, is a mechanism of alerting AI members in over 70 countries about up to date human rights violations, or of individuals at risk of human rights violations.<sup>13</sup> Urgent Actions briefly detail the case and call for specific types of action, such as emails to a certain official, who has the power to do something about the abuse. Members of the Urgent Action network are then

charged with acting, in the hope that the targeted recipient will receive hundreds or thousands of personal pleas. Amnesty believes these messages from Urgent Action members are a “powerful signal that their actions are being witnessed by an international audience deeply concerned about the fate of those involved.”<sup>14</sup>

Each of these information releases has many similarities, due to the method by which AI gathers information and motivates international action. As discussed in previous chapters, AI began as a letter writing campaign on behalf of a two students imprisoned in Portugal. The three methods of release reflect this person to person connection to the greater cause. Urgent Action is typically a call to action on behalf of an individual, family, or group. Reports, while dense with statistics, facts, and information, normally highlight any number of individuals whose story embodies the struggle or abuse. Even news releases, while focusing on the big picture and problem, provide personal witness accounts. Each of these methods of release manifest in different ways. Reports are issued online and released to the press. Urgent Actions are truly one on one, as an individual must be stirred into action by the cause, as proposed by AI.

### ***Amnesty International Campaigns***

This section provides quantitative support for theoretical hypotheses. I will examine the prevalence of reports, news releases and Urgent Actions for Guatemala, the intended purpose of those releases, and the results of those releases. I compiled all the campaign launch dates for Guatemala campaigns, which I found through AI’s Annual Reports and through the Amnesty International website. I identified the campaigns, key words used in the campaigns, and the general words that may appear in a search. I eliminated all campaigns centered in other countries, even if common themes tied

Argentina, or Chile's campaign to Guatemalan issues. From 1996 to 2004, AI released 303 reports, news releases and calls for Urgent Action in Guatemala.<sup>15</sup>

### *Reports*

Based on the fact-finding exercises completed by AI staff members and NGO associations and, the reports are detailed accounts of violations, written by the IS. The intended purpose of these reports is to raise general awareness about the issue, and reveal the violators non-compliance with international standards. For Guatemala, AI's purpose was to continue to inform the public about continued abuses, despite the end of the civil war and the signing of the Peace Accords. To that end, AI composed and released 78 reports on Guatemala from 1996 - 2004.<sup>16</sup> Report topics ranged from specific cases of violence against women and harassment of human rights defenders, to past impunity for human rights violators and concerns about the implementation of the Guatemalan Peace Accords.

Of these 78 reports, over half were followed by news releases, some of which were published by news agencies. Additionally, 24 of the reports were incorporated into thematic campaigns and further promoted by AI. Examples of this include protection for human rights defenders, the death penalty, impunity, fair elections, and torture campaigns.

### *News Releases*

Intended for release by the press in publication or broadcast, the new releases from AI are based on the reports written by the IS. While some news releases provide journalists with statistics, many of AI's releases include personal stories from victims of human rights violations. This is especially true with the new releases for Guatemala, as



the intent is to garner support for the human rights cause through specific cases, in the hope of improving the situation in Guatemala. With that purpose in mind, AI released 94 news releases from 1996 – 2004.<sup>17</sup> Three case studies on AI press releases are detailed below, however, the importance of these press releases as an element of a larger campaign strategy will be discussed in this section.

### *Urgent Action*

AI's Urgent Action network is designed to motivate individuals to act on the most pressing human rights cases in the world. The calls to Urgent Action typically detail a very specific case, with details of who to contact and what to request. In the Guatemalan case, over 131 calls for Urgent Action were issued from 1996 – 2004.<sup>18</sup> These requests, directed at individual AI members, most often dealt with an individual or groups fear for safety or political violence, or a imminent execution. The theory behind these types of Urgent Action appeals is that by sending the government appeals for an at-risk group or individual's safety, the government will realize that people in the international community are not only aware of the threats, but would take serious action this person be threaten, injured or killed.

Urgent Action and reports, when coupled with activities such as AI organized protests, letter writing campaigns, public speaking tours, and other campaign methods are efforts to not only raise awareness among the general public, but also among the governments, other NGOs and intergovernmental organizations (IGOs).

### *Campaigning in the Media*

While individual actions can certainly pressure governments, these actions are often unseen by the general public. Therefore, the media is an important tool in AI's mission to proliferate information on human rights abuses. AI believes the media both makes and shapes a government's image.<sup>19</sup> AI also advances that "most governments care about their public image, at home and abroad."<sup>20</sup> By releasing factual information that creates a public image problem, governments will be concerned about attracting foreign investment, tourism and criticism. Therefore, releases to the media can help build public awareness, shape public opinion, generate debate, and promote audience action on human rights. Perhaps more importantly, media coverage of key human rights abuses can place pressure on the at-fault government by highlighting its lack of effective human rights protections. In the event that AI is mentioned in a story based on their release, it can enhance the reputation of the organization and build the confidence of those working on behalf of human rights victims.

This section provides quantitative support for theoretical hypotheses. Three newspapers were selected based on circulation, international news sections, diversity of readership, and location. According to the Amnesty International Campaigning Manual, AI begins releasing information about a major campaign to the press up to two months before the campaign launch date. While the most expansive and intense press campaign begins three weeks before the launch of an AI campaign, the story could appear at anytime before or after the campaign launch date. My first task was to compile all the campaign launch dates for Guatemala campaigns, which I found through AI's Annual Reports and through the international website. I identified the campaigns, key words used in the campaigns, and the general words that may appear in a search.

When compiling my research on AI press presence, I did a broad academic search in three major news outlets in the three months before, and three months after all major AI campaigns involving Latin America, in the hopes of gleaning news about Guatemala's human rights situation, and to correlate that information to AI's press releases. This broad search was done filtered once through a headline search, once through an opening paragraph search, and once through an entire document search.

I also checked the 6 month period surrounding major campaigns in Guatemala, with concentrated effort on the three weeks prior and four weeks following all Guatemala campaigns. Again, my search of the three media outlets was done threefold – headlines, opening paragraphs, and complete text searches were completed.

All the matches from both searches were compiled and ordered, read in entirety, and key concepts, mentions of Amnesty International, and language matching Amnesty International press releases were highlighted, compared to AI press releases, and documented. After completing this process, I also repeated the process through the Associated Press wire service, to ensure that all major coverage of Guatemala from 1996 – 2004 was documented. The findings from this research is as follows:

#### *The New York Times*

*The New York Times* is the largest daily newspaper in the United States with over 1 million daily print subscribers, nearly two million Sunday print subscribers and over 10 million registered and active online subscribers.<sup>21</sup> *The New York Times* has 91 Pulitzer Prizes and the daily international news section is revered as one of the world's best.<sup>22</sup> Based in New York City, the citizens of the eastern seaboard are among *The New York*

*Times'* readers; however, the paper is circulated throughout the United States, and accessed online worldwide.

From 1996 – 2004, *The New York Times* printed 160 stories, briefs, and/or bulletins with sections on human rights in Guatemala.<sup>23</sup> While some stories dealt with the sex trade, narcotics trafficking or gang violence, 43 of the 160 articles dealt directly with issues of concern for AI. Of those 43 articles, 17 had mention of AI in the body of the article, while 9 could be traced to AI news releases, with information from AI reports, either annual or otherwise.

### *The Guardian*

*The Guardian* is a prominent British with a circulation of about 450,000 readers.<sup>24</sup> *The Guardian* has an in-depth international section, which often provides an alternate perspective from United States news sources. While most print subscribers are British, the award-winning web site, *The Guardian Unlimited*, is free with unrestricted access, which undoubtedly serves international readers. Like AI, *The Guardian* is based in London.

From 1996 – 2004, *The Guardian* printed 45 stories, briefs, and/or bulletins with sections on human rights in Guatemala.<sup>25</sup> Many of the stories addressed the U.S. relationship with Guatemalan human rights, but 11 of the 45 articles dealt directly with issues of concern for AI. Of those 11 articles, 9 had mention of AI in the body of the article and could be traced to AI news releases, with information from AI reports, either annual or otherwise.

### *The Miami Herald*

With a readership of over 1 million and a circulation of 300,000 daily, 450,000 Sunday, *The Miami Herald* is a prominent national newspaper.<sup>26</sup> Based in Miami, Florida, *The Miami Herald* has several Latin America bureau offices, and is considered a notable resource for Latin American news and Hispanic affairs. With a web site and Spanish language addition, *The Miami Herald* has significant readerships in Miami and the surrounding areas, the Caribbean, and throughout Latin America.<sup>27</sup>

From 1996 – 2004, *The Miami Herald* printed 359 stories, briefs, and/or bulletins with sections on human rights in Guatemala. While many of the stories were short briefs like “Latin America Round-Up”, “Report on the Americas”, or related to U.S. and Guatemalan relations, 107 articles dealt directly with issues of concern for AI. Of those 107 articles, 64 had mention of AI in the body of the article, while 49 could be traced to AI news releases, with information from AI reports, either annual or otherwise.

### ***Theoretical Assessment of Campaign and Media Presence***

Behind the figures and percentages AI’s campaign actions and media presence are the details of how this presence facilitates AI’s mission, and what theoretical implications this presence offers. On average, about 27 percent of all stories on Guatemala printed in major newspapers from 1996 – 2004 had some relevance to human rights issues. Of those 27 percent, nearly 60 percent had a mention of AI’s association with Guatemala and human rights. Within the 60 percent of stories which mentioned AI, almost 70 percent of the stories had traces of and coincided with AI press releases. Of all the stories which mentioned human rights in Guatemala, a total of 564 stories on these three major newspapers, 90 stories mentioned AI specifically.

The purpose of AI's media campaigns is to not only raise awareness about the issues, but to publicize the difference between talk and action among actors in the international community. AI's releases use personal stories to highlight international human rights issues, in an effort to launch public reaction, thereby influencing other individuals, groups, or states, and resulting in changing norms. The caveat to this process is the influence of states. While AI has the ability to place pressure on states through the media and through individual campaigns targeting specific leaders within a state, can AI guide a shift in norms without state participation?

Constructivists would argue that indeed, an NGO like AI would be able to slowly chip away at the international community through individual outreach to accomplish a shift in norms, resulting in a greater recognition for human rights. Neo-liberalism would also agree that AI could promote existing norms through institutions, both those consisting of states and those existing outside of state control. However, states would need to find it in their best, cooperative interest to comply with these norms. In contrast, structural realists would argue that should states not see find a reason, be it polarity, security, or survival, then states would simply ignore the norm and invalidate its creation.

Outside of the discussion on the creation and promulgation of norms through AI campaigns, structural realists would argue that the news and campaigns have little effect on government decision making in this type of isolated incident. Although individuals are reading these stories, it is unlikely that governments are taking heed. Furthermore, the publication of news and campaigns does not affect the system, and has no real bearing on decision making. Neo-liberals would disagree, as the pressure to cooperate and conform are inherent to the theory, as states must work together, one states bad publicity

represents an opportunity to reign the state into institutions. Constructivism best explains the value of AI campaigns in the media – as readership newspapers grows, as more individuals sign up for urgent action emails, as AI membership increases, and as campaigns reach new people, each statement has represents an opportunity to change the mind of an individual or group.

### ***Conclusions***

AI's believes that its ability to raise awareness about key human rights issue is an important aspect of the organization, and has thus devoted resources and efforts to doing so. By highlighting the gap between human rights norms and human rights actions, AI has devised a strategy of demanding that states live up to their own claims of legitimacy by accounting for the human rights abuses. While international response to human rights violations can be slowed by lack of information, or indifference to a certain countries plight, AI has certainly made a difference in identify new abuses and raising awareness. By early detection of abuses, reporting violations, exchanging information with other NGOs and international agencies, and publishing its findings, AI is able to interpret normative break-downs and push for greater compliance. As an individual NGO working within the international system, these efforts show the role of NGOs on human rights issues. The next chapter will further examine AI's efforts in Guatemala and with human rights by focusing on AI's past and present relationship with the United Nations.

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<sup>1</sup> Clark, Ann Marie. *Diplomacy of Conscience: AI and Changing Human Rights Norms*, p. 6.

<sup>2</sup> Clark, Ann Marie. *Diplomacy of Conscience: AI and Changing Human Rights Norms*, p. 78.

<sup>3</sup> Sikkink, Kathryn, *Mixed Signals: U.S. Human Rights Policy in Latin America* (Ithaca, New York: Cornell University Press), 2004, p. 107.

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- <sup>4</sup> Clark, Ann Marie. *Diplomacy of Conscience: AI and Changing Human Rights Norms*, p. 76.
- <sup>5</sup> Clark, Ann Marie. *Diplomacy of Conscience: AI and Changing Human Rights Norms*, p. 76.
- <sup>6</sup> Clark, Ann Marie. *Diplomacy of Conscience: AI and Changing Human Rights Norms*, p. 72.
- <sup>7</sup> Clark, Ann Marie. *Diplomacy of Conscience: AI and Changing Human Rights Norms*, p. 72.
- <sup>8</sup> AI. "About AI." *About AI*. <http://www.amnesty.org/>: accessed February 3, 2005..
- <sup>9</sup> Amnesty International, *Amnesty International's Campaigning Manual*, p. 7.
- <sup>10</sup> Amnesty International, *Amnesty International's Campaigning Manual*, p. 185.
- <sup>11</sup> AI. "About AI." *About AI*. <http://www.amnesty.org/>: accessed February 3, 2005..
- <sup>12</sup> Amnesty International, *Amnesty International's Campaigning Manual*, p. 180.
- <sup>13</sup> Amnesty International, *Amnesty International's Campaigning Manual*, p. 194.
- <sup>14</sup> AI. "About AI." *About AI*. <http://www.amnesty.org/>: accessed February 3, 2005..
- <sup>15</sup> AI, *Amnesty International Library*, from <http://www.amnesty.org/>: accessed July 18, 2005.
- <sup>16</sup> AI, *Amnesty International Library*, from <http://www.amnesty.org/>: accessed July 18, 2005.
- <sup>17</sup> AI, *Amnesty International Library*, from <http://www.amnesty.org/>: accessed July 18, 2005.
- <sup>18</sup> AI, *Amnesty International Library*, from <http://www.amnesty.org/>: accessed July 18, 2005.
- <sup>19</sup> Amnesty International, *Amnesty International's Campaigning Manual*, p. 160
- <sup>20</sup> Amnesty International, *Amnesty International's Campaigning Manual*, p. 160
- <sup>21</sup> The New York Times, *Homepage*, from [www.nytimes.com](http://www.nytimes.com): accessed February 2, 2006.
- <sup>22</sup> Society of Professional Journalists, *Newspaper Review*, from <http://www.spj.org/index.asp>: accessed November 3, 2005.
- <sup>23</sup> The New York Times, *Homepage*, from [www.nytimes.com](http://www.nytimes.com): accessed February 2, 2006.
- <sup>24</sup> The Guardian, *The Guardian Unlimited*, from <http://www.guardian.co.uk>: accessed February 2, 2006.
- <sup>25</sup> The Guardian, *The Guardian Unlimited*, from <http://www.guardian.co.uk>: accessed February 2, 2006.
- <sup>26</sup> The Miami Herald, *The Miami Herald*, from <http://www.miami.com/mld/miamiherald>: accessed February 2, 2006.
- <sup>27</sup> The Miami Herald, *The Miami Herald*, from <http://www.miami.com/mld/miamiherald>: accessed February 2, 2006.



***Amnesty's International Scope: Efforts and Recognition in the United Nations***

From its humble beginnings as a letter writing campaign, AI has been largely directed by the efforts of individuals who have formed a strong grassroots network. Initially, and still to some degree, AI is perceived as being on the outside of international affairs, serving as a principled observer of the actions of states and individuals alike. This perception exists because the organization lacks the resources and diplomatic standing of states, and does not have the size and authority, however limited, of an IGO like the United Nations.<sup>1</sup> Despite these limitations, AI has made significant advances for human rights as an independent entity, as discussed in Chapter 5 and Chapter 6. Moreover, AI has been able to successfully partner with other NGOs and IGOs to work toward broadening human rights norms. AI believes making human rights protection and promotion more central to the programs of the UN, regional bodies and individual countries is an essential step in fully realizing the UDHR. This chapter focuses on AI's role and relationship with the United Nations, with attention to human rights in general and Guatemala specifically. I will briefly examine the relationship between NGOs and the UN, discuss AI's presence at the United Nations, and highlight AI's role. Through action and interaction at the United Nations, AI continues to play a vital function in the creation and promotion of international norms.

***NGOs and the United Nations***

The United Nations has maintained relations with non-governmental organizations (NGOs) throughout the world even before the signing of the UN Charter in 1945.<sup>2</sup> NGOs were present during the drafting process, and still today represent the voices of civil society at the United Nations. The relationship between the UN and NGOs is guided by Article 71 of the UN Charter, and detailed further in ECOSOC resolution 1996/31, which solidifies infrastructure for NGO involvement in the UN.<sup>3</sup> While the beginnings of UN and NGO relations were not always based in the spirit of cooperation, NGOs have long been able to make a contribution to the mission, programs, and goals of the UN. In return, the UN is able to bolster legitimacy for NGOs, while providing both a lobbying and networking forum. Undoubtedly, NGOs are playing an increasingly more important role in forming policies which shape the direction of world politics.<sup>4</sup> The diversity of the world's NGOs and their perspectives is representative of the diversity and complexity of issues in the arena of international relations.<sup>5</sup> Through its main bodies, commissions, specialized agencies, summits and special sessions, the UN is arena for discussion on a wide range of issues including social development, economic advancement, international law, disarmament, environment, health, humanitarian assistance and human rights.

“The United Nations helps to solve the problems facing the world today by facilitating communication and information exchange and promoting mutually supportive activities between diverse groups of state and non-state actors.”<sup>6</sup> By maintaining relationships with thousands of NGOs in every region around the world, the UN is able to rely on these partnerships to promote the maintenance of peace and international security. NGOs are work with many entities of the UN. They not only provide expert analysis in

the field, but they can serve as early warning agents, monitor the implementation of international agreements, and raise awareness of international issues. Through these actions, NGOs can play a major role in advancing UN goals and objectives and contribute essential information at UN sponsored events. Because NGOs affiliated with the UN often share similar interests, NGOs can motivate their volunteer resources to both plan, implement, oversee and execute development projects.

The relationship between the UN and an individual NGO can be based in four realms. NGOs are able to secure accreditation for conferences, summits, or other events organized by the United Nations through requests to the Secretariat office preparing the event. Additionally, NGOs wanting to inform civil society about UN activities through mediums such as newsletters, broadcasts, or through public activities such as guests speakers, are able to apply for affiliation with the United Nations Department of Public Information (DPI) if they have worked on UN issues for three consecutive years. Also, NGOs may establish working relations with particular commissions, departments, programs or agencies within the United Nations system. This typically entails work on specific missions or narrowly focused issue areas.<sup>7</sup>

The most involved and widely recognized means NGOs use to establish a strong relationship with the UN is applying for consultative status with the Economic and Social Council (ECOSOC). NGOs working in the areas of economic and social development may seek to obtain consultative status with ECOSOC in one of three categories of status: General, Special or Roster. Each category entitles an NGO to a certain degree of privileges within the UN system, which include sending representatives to meetings and contributing to UN events

### *Consultative Status of NGOs*

Consultative status through ECOSOC was first available means by which NGOs could formally participate in the UN system. Article 71 of the UN Charter provided the foundation for NGO participation in the UN by stating, “The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.”<sup>8</sup> As it now stands, consultative status requirements are governed by ECOSOC resolution 1996/31, which outlines the eligibility requirements, rights and obligations, and the general procedures gaining or withdrawing consultative status. The resolution also details the role and functions of the ECOSOC Committee on NGOs, and the responsibilities of the UN Secretariat in supporting the consultative relationship.

International, regional, sub regional and national NGO, non-profit public or voluntary organizations are eligible for consultative status if they have been officially registered with their home government for a minimum of two years, have an established headquarters, have a democratically adopted constitution, and have the authority to speak for its members.<sup>9</sup> The organization must also have a representative structure in adherence with UN policy, accountability and democratic decision-making processes. There are also financial guidelines, and any NGO affiliated with a national organization must consult and receive permission from the Member State before applying. However, organizations established by governments or intergovernmental agreements are not considered NGOs.

There are three types of consultative status for NGOs working with ECOSOC. Most NGOs with any level of consultative status qualify to serve as technical experts, advisers and consultants to the UN system and the Secretariat. Generally, NGOs with any category of consultative status are easily accredited to attend UN sponsored or affiliated international conferences, and the preparatory meeting of these conferences, while other NGOs must apply to the secretariat. However, the different categories offer slightly different responsibilities and benefits. The first type of consultative status is the General category. General consultative status is reserved for large international NGOs whose area of expertise and work covers most of the issues on the agenda of ECOSOC and its subsidiary bodies. General category NGOs have a geographical presence in many areas of the world, and have multi-issue agendas. NGOs in the general category may send representatives to the UN, attend meetings of and its subsidiaries, speak at ECOSOC meetings, circulate statements, and are required to submit quadrennial reports. One of the main functional differences between the second type of consultative status, special category NGOs, and the general category is the ability of general NGOs to place items on the ECOSOC agenda. Additionally, special category NGOs typically have “special competence in, and are concerned with only a few of the fields of activity covered by ECOSOC.”<sup>10</sup> Like those NGOs in the general category, special category NGOs may also send representatives to the UN, attend meetings of ECOSOC and its subsidiaries, speak at ECOSOC meetings, circulate statements, and are required to submit quadrennial reports. The last category is Roster NGOs. These NGOs typically do not fit in either of the other two categories because of a narrow, and sometimes technical, focus. Also, NGOs who work with other UN bodies or agencies, but may be unable to offer continual input on

ECOSOC agenda can be roster category NGOs. Typically, roster NGOs make “occasional and useful contributions to the work of the Council or its subsidiary bodies,” and are permitted to attend meetings of ECOSOC and its subsidiaries, but are not allowed to circulate statements, speak at meetings, and are not required to submit quadrennial reports.<sup>11</sup>

### *AI's History with the United Nations*

In 1964, AI sought and received Special consultative status at the United Nations through one of its main bodies, the Economic and Social Council (ECOSOC).<sup>12</sup> While the UN had allowed NGO recognition since 1948, only 40 NGOs initially participated in ECOSOC.<sup>13</sup> With AI's inception in 1961, and the gaining of recognition with the United Nations by 1964, the number of recognized NGOs during this time period remained small, and only 180 NGOs had joined the UN ranks by 1968.<sup>14</sup> In the early stages of international NGO development, the United Nations and NGOs remained skeptical of the benefits of joining forces.

“Unlike the U.S. Congress, for example, where interest groups regularly lobby Congress members and offer testimony, the UN was not set up to process public demands.”<sup>15</sup> As a result, the UN requested little assistance from AI, and NGOs in general, and AI favored correspondence between governments and AI membership, rather than actual lobbying at the UN. Hence, AI's first decade at the UN focused solely on prisoner of conscience cases, relying heavily on the volunteer network and London offices. Additionally, AI volunteers worked on the organizations' behalf at the UN until the early 1970s. AI New York representatives, serving at ECOSOC and the General

Assembly, kept a feeble relationship with the UN and state-appointed delegations for the first decade. AI's one-person New York office relied on volunteers, and would send available volunteer appointees to UN meetings until the 1970s.

However, AI's representation in Geneva at the Commission on Human Rights was more significant, at least among other NGOs. Sean MacBride, and Irish Diplomat, member of AI's International Executive Committee, and secretary-general of the International Commission of Jurists (ICJ), forged relationships with prominent and established NGOs while holding AI's seat on the UN Commission on Human Rights in Geneva. While he would eventually create a coalition of human rights organizations through the Conference of Nongovernmental Organizations in Consultative Status and the UN (CONGO), he helped build NGO partnerships at a time when NGOs had little voice in UN proceedings. Two key partnerships with the ICJ and the International Committee for the Red Cross were instrumental in AI's expanding role during the 1970s.

### *Expansion of NGO presence*

Consultative status of NGOs represents a certain duality within the UN system. While states remain the voting members of the organization, NGOs have a presence within most UN bodies and agencies. While a large number of the NGOs work closely with UN bodies, committees and agencies, the 1970s saw a surge of cooperation as NGO participation grew dramatically, and issues facing the UN continued to expand. During the course of this growth, 5 branches of the UN began solidify the way the UN dealt specifically with building relationships with NGOs.

### *The Committee of Non-Governmental Organizations*

The Committee on Non-Governmental Organizations is a standing committee of ECOSOC established to broker relationships between ECOSOC and civil society. On June 21, 1946, ECOSOC resolution 3/II created the Committee on NGOs, which reports directly to ECOSOC.<sup>16</sup> The Committee has 19 members, elected on the basis of equitable geographical representation, who each serve for four year terms. The main tasks of the body are considering the applications for consultative status and requests for reclassification submitted by NGOs, evaluating the quadrennial reports submitted by NGOs in General and Special categories, monitoring the implementation of ECOSOC resolution 1996/31, evaluating the relationship between ECOSOC and NGOs, and considering other issues, as requested by ECOSOC.

The quadrennial reports are vitally important to the maintenance of NGO and UN relations, as they detail the activities of NGOs within the UN system. Every fourth year, NGOs with general and special roster status must submit a report containing the organizations most recent bylaws, charter or constitution, proof of NGO status from home government, financial statements listing donors, group associations, publications related to UN activity, and an overview of the work the organization has completed both inside the UN, within its organization and with the international community.

The process of quadrennial review assists NGOs in making their activities in within the UN known to the Member States. At the same time, the UN is able to provide feedback and acknowledgement of their contribution as partners to global development. The reports also help the UN oversee NGO relationships with UN bodies while monitoring the increasing number of NGOs with consultative statuses. Based on the Committee's findings, NGOs can be reclassified, or stripped of consultative status.



### *The Department of Public Information*

The UN Department of Public Information (UNDPI) was established in 1947 as a means to inform the public about the activities of the UN through intensive outreach and engagement efforts, including radio and television, press releases, publications, public tours and special events. While the UNDPPI has focuses on media resources and information resources, the public affairs arm of the UNDPPI focuses on the partnership of the UN and NGOs. This relationship officially began in 1968 with ECOSOC resolution 1297, which called for the UNDPPI act as the liaison between the UN and NGOs, in an effort to engage civil society organizations. Over time, the role of the UNDPPI has evolved and it now holds weekly NGO briefings, regular communication workshops, an annual NGO conference, and an annual orientation program for newly associated NGOs. Currently there are 1533 NGOs with strong information programs associated with DPI out of which 634 are also associated with ECOSOC.<sup>17</sup> While consultative status with ECOSOC may be obtained by NGOs whose work covers issues on the agenda of ECOSOC, association with DPI also requires having effective information programs in place and the ability and means to circulate information about the UN.

### *The Department of Social and Economic Affairs*

The Department of Social and Economic Affairs (DESA) serves as the secretariat for NGO participation in the UN by providing technical support to the Committee on NGOs, in addition to generating data on social, economic, and environmental reports. DESA screens all NGO applications seeking consultative status, as well as all quadrennial reports submitted to the UN to ensure that all necessary information has been submitted and that the NGOs meet the technical requirements mandated by ECOSOC.

Additionally, DESA oversees the authorization and accreditation process of NGO participation in UN sponsored events, and issues all logistical forms, identifications, and information on NGO access to the UN.

#### *United Nations Non-Governmental Liaison Service*

United Nations Non-Governmental Liaison Service (NGLS) is a jointly financed, interagency program with offices in both Geneva and New York, staffed by a total of ten UN employees. Established in 1975, NGLS strives to promote greater mutual understanding, dialogue and cooperation between the UN system and NGOs concentrating on humanitarian emergencies, education, human rights and democracy. NGLS is largely a coordination body, as it spans the UN system to synchronize activities rooted in all aspects of social and economic development. One of NGLS's main purposes is to coordinate UN and NGO follow-up to UN world conferences and summits while strengthening capacity of the UN system to engage constructively with NGOs and other organizations of civil society.<sup>18</sup>

#### *The Conference of NGOs in Consultative Relationship with the United Nations*

The mission of the Conference of NGOs in Consultative Relationship with the United Nations (CONGO) is “to ensure that NGOs in consultative status enjoy the fullest opportunities and all appropriate facilities for performing their consultative functions,” which stem directly from Article 71 of the Charter of the United Nations.<sup>19</sup> The Conference of NGOs itself has a consultative relationship with ECOSOC, and serves a main purpose of coordinating NGO efforts to continually improve the relationship between NGOs and the UN. While CONGO is not a substantive body, it does provide an arena shared-interest NGOs to form NGO committees. These formalized NGO

committees meet monthly to stay abreast of the current developments in a given field, share information, plan campaigns and draft statements. NGO committees exist in areas such as human rights, indigenous peoples, environmental issues, youth and narcotics. Through networking with other NGOs and forming issue-based groups, NGOs are able to influence UN decision making at the action, drafting and implementation stages.

### *Role of NGO-based bodies*

The existence of these bodies, some governed by states and other by the secretariat, suggest a relationship between the UN and NGOs. While the nature of this relationship is examined in the next few sections, the very idea that NGOs have a presence, outnumbering that of state representatives, at the UN suggests an inclusionary type of organization. Unlike other IGOs, such as the North Atlantic Treaty Organization (NATO) or the World Trade Organization (WTO), which function for the benefit of states, by states, with little NGO influence, the UN has made a considerable effort to establish infrastructure for NGOs of many sizes, regional alliances and agendas. The above organizations provide support, direction, and approval of NGO activities, however, ECOSOC is a main UN body with the strong substantive NGO presence.

### *Amnesty International and the Economic and Social Council*

With the signing of the United Nations Charter, the Economic and Social Council (ECOSOC) was established as one of the six main bodies of the UN. ECOSOC is charged with coordinating the economic, social, and related work of the UN, as well as overseeing 14 UN specialized agencies, 10 functional commissions and five regional commissions.<sup>20</sup> In addition to the 29 established committees, ECOSOC receives reports

from 11 UN funds and programs. With its broad mandate to cover all social and economic aspects within the international community, the ECOSOC bodies, commissions, agencies and committees utilizes over 70% of the personnel and monetary resources of the entire UN system.

The main mandates of ECOSOC are threefold. First, ECOSOC is responsible for creating higher standards of living, full employment and conditions economic and social progress and development. Additionally, the body must solve problems related to international health, economics and social issues while promoting international cultural and educational cooperation. In this same vein, establishing universal respect for human rights and fundamental freedoms for all regardless of race, gender, ethnicity, religion or language is a top priority for this body. ECOSOC serves as the central forum for discussing international economic and social issues, and for formulating policy recommendations addressed to Member States and the UN system. ECOSOC can issue reports or studies, assist the preparations and organization of major international conferences, and facilitate the follow-up to these conferences.

### ***Amnesty International and the Commission on Human Rights***

Less than one year after the United Nations Charter was signed on June 26, 1945, the United Nations Commission on Human Rights (CHR) was created under the authority of the Economic and Social Council. The UNCHR was composed of 18 member states, led by Eleanor Roosevelt and charged with creating a human rights document.<sup>21</sup> Considering the broad spectrum of development and political, social and economic ideals governing the existing countries of the world, this CHR was challenged to create a

universally applicable document on the rights of all human beings within the international community.<sup>22</sup> By 1948, the Universal Declaration on Human Rights was created and passed on December 10, 1948 in Paris by the United Nations General Assembly. As discussed in Chapter Three, the UDHR was unparalleled in its outlining of the individual rights and freedoms granted to all persons. Since the creation of the CHR and the birth of the UDHR, the Commission has been the main United Nations legislative body working to promote and protect human rights. The CHR sets policy, studies, and monitors human rights situations. Through the Commission's annual meeting in Geneva each year, states, NGOs and IGOs engage in discourse regarding the many issues surrounding human rights policy and issues.<sup>23</sup> Through this ongoing dialogue, the CHR is able to tackle the most pressing human rights issues around the globe.

Initially, the CHR used the UDHR as a foundation for a close examination of the environment surrounding human rights within the international community. From 1947 to 1966, the CHR mostly focused on establishing a solid base for human rights standards without any real jurisdiction to address human rights abuses in the world.<sup>24</sup> Although the CHR had no ability to act or enforce human rights policy, the Commission successfully drafted the *International Covenant on Civil and Political Rights*, and the *International Covenant on Economic, Social and Cultural Rights*. These covenants, based on the UDHR and passed by the General Assembly in 1966, served as the solidification of a revolutionary set of standards in human rights law.<sup>25</sup> With international standards codified and enforceable, ECOSOC and the General Assembly expanded the CHR's mandate to include monitoring and acting to end human rights abuses in 1967.<sup>26</sup>

After establishing an intricate system of organization, the CHR began monitoring human rights throughout the 1970s to the current day. Through the annual meeting of the Commission, member countries, NGOs and IGOs devise an agenda with country-specific and broad thematic issues. These topics range from monitoring the situations in Darfur, to protecting migrant workers, eliminating torture and discussing the death penalty. Aside from devising the human rights agenda, the CHR monitors compliance, investigates abuses and dispatches missions to a wide-variety of countries around the world. With the Commission's increased prevalence following the 1967 recommendation, the focus of the CHR continues to change and expand over time. While initially focused on elaborating human rights law, the CHR mobilized fact-finding missions in the 1970s and 1980s and has, since the 1990s, focused on providing technical assistance and consultation to states in order to assist in the protection of human rights.<sup>27</sup> Additionally, the current agenda of the CHR looks to securing economic, social and cultural rights, as well as protecting at risk groups in society. By monitoring and reporting on human rights situations in specific countries or regions and examining broader trends in human rights violations worldwide, the CHR uses its complex organizational system, which includes member state agenda-setting, reporting from special observers, establishing of human rights missions and a variety of other tools, in the hopes of realizing the standards, rules, norms and laws outlined in human rights documents.<sup>28</sup>

### ***Commission on Human Rights Responses to Guatemala***

Despite the CHR's wide scope and mandates, the support NGOs can offer to the organization is invaluable. Additionally, the recognition the CHR offers to NGOs can be an important link to their effectiveness within the international community, as the CHR is a forum for NGOs to rally state support, offer assistance to states, and network with other like-minded NGOs.<sup>29</sup> The CHR provides a forum for the exchange of ideas on human rights between states, international organizations and NGOs. NGOs play an important role in the monitoring of human rights worldwide, and can act as a valuable extension of the CHR in locations where the CHR is not present, and on issues that the CHR has left unaddressed.<sup>30</sup> While states are the only voting members of the CHR, NGOs are permitted to participate at the annual meetings through the drafting of reports, speeches to the body and pledges for support.

Throughout the course of the CHR's activity in human rights, NGOs have played a role, particularly when calling attention to human rights situations throughout the world. This is particularly true for the CHR's relationship with Guatemala during the 36 year civil war. The Commission on Human Rights had been considering the situation of human rights in Guatemala since the 35<sup>th</sup> session of the Commission in 1979. In 1982, the CHR requested a Special Rapporteur of the Commission be appointed to monitor and study of the human rights situation in Guatemala. The following year, after the request had been reiterated, the Chairman appointed a Special Rapporteur.<sup>31</sup> The rapporteur was charged with collecting information and advising the government on legislation that would protect and preserve human rights in Guatemala. From 1982 to 1987, the conditions within Guatemala did not improve, nor did the government successfully implement any human rights policy.<sup>32</sup> NGOs like Amnesty International and Lawyers

Committee for Human Rights, petitioned the CHR to continue to investigate and make serious efforts to halt human rights abuses in Guatemala.

In 1987, the CHR requested that an expert be appointed to assist Guatemala in restoring human rights. Again, the Guatemalan government became entrenched in the civil war and the restoration of human rights protection did not occur. With continued pressure from NGOs and member states, the CHR appointed an independent expert to examine and report on the human rights situation, in an effort to help facilitate the CHR's assistance to Guatemala. In 1993, Professor Monica Pinto of Argentina was given the position and was mandated to "(a) report to the Commission on developments in the general human rights situation in Guatemala, for which purpose she submits duly confirmed information in order to enable the Commission to draw conclusions and make recommendations; (b) advise and assist the Government in the field of human rights, making specific recommendations to it; (c) for purely humanitarian reasons, using her good offices with the Government in individual cases on request."<sup>33</sup> She made visited Guatemala twice a year to interview and monitor abuses on the ground, while also relying on credible information from NGO partners. With this information, Pinto was able to draft a detailed report on the abuses and progresses in Guatemala. She served until the CHR voted to terminate the presence of the independent experts 1998, a decision which was made on the condition of the continued presence of the United Nations Verification Mission in Guatemala (MINUGUA).<sup>34</sup>

As of January 2005, in an effort to continually monitor human rights abuses and assist the government of Guatemala in protecting human rights, the Office for the United Nations High Commissioner on Human Rights signed an agreement with Guatemala to



establish a human rights office in country. Following the series of appointees of special rapporteurs and experts, the establishment of a verification mission and the newly proposed OHCHR in Guatemala, the United Nations CHR has worked with NGOs and member states to continually monitor the human rights situation in Guatemala.

### *Amnesty International, Guatemala and the United Nations*

While the CHR received a broadened mandate in 1967, and began tackling the issue of Guatemala in 1979, Amnesty International had turned its focus to torture in 1968, as AI members decided to lobby for stronger, protective international norms for prisoner treatment. While focused on prisoner of conscience cases, the frequency of torture became a deep concern for AI members, and the organization agreed to take action against torture by governments through the promotion new norms. The development started with AI's release of gathered information in the form of reports about government use of torture. These reports highlighted a contrast with the principles of human rights present in the UDHR and actual state action, and successfully generated political debate on the "contrast between principles and practice."<sup>35</sup> This discourse propelled norm construction through the UN and in collaboration with NGOs. Working mainly with Switzerland, Sweden, Denmark and the Netherlands, a large NGO contingent assisted in the drafting of the Convention against Torture (CAT), which passed and opened for ratification in February, 1985. At that time twenty nations signed, and five more signed within the month. At present sixty five nations have ratified the Convention against torture and sixteen more have signed but not yet ratified it.<sup>36</sup> While the detailed, fifteen year process of AI's role in raising awareness, building consensus, drafting and lobbying

for the passing of the CAT is not the main focus of this thesis, the process by which Amnesty International works within the UN constructs to bring about shifting norms is vitally important.

Ann Marie Clark identifies a four phase of norm construction used by Amnesty International. The first phase is fact-finding, which serves as the basis for raising international awareness about the issue. Fact-finding is the most pivotal step in highlighting secret abuses by individuals and governments. As Clark states, “human rights problems – torture, disappearances and extrajudicial executions – represent secret ways that states evade accountability for quashing political protest.”<sup>37</sup> The second step in AI’s norm building process is consensus building, which capitalizes on the highlighted facts of certain case by catapulting NGO and state actors into recognizing that something must be done to further protect already existing norms. After recognizing the need for further action, AI and partners begin the third phase, called principled norm construction. This process takes group consensus further by drafting legal constructs to facilitate greater protection for human rights. While the process requires heavy political action, and states typically play a strong role in this phase, NGOs like AI participate during this process. The last phase is the application of new norms, and in many ways begins a new cycle of norm construction as state actors fail to comply, or efforts are directed elsewhere.

During the drafting of the CAT, AI helped facilitate this new process of norm construction. This achievement of solidified norms regarding torture had provided new, official procedures which AI could use for continued mobilization in a cycle of further fact finding and application of existing standards in light of the newly constructed norms.

AI applied this new process of mobilization and norm shifting to the Guatemala, with particular regard to disappearances. Soon after the campaign against torture had begun in 1968, AI first addressed the issue of disappearances in its 1971 annual report. In 1976, while in the midst of negotiating the draft for CAT, AI released its first report on the disappearances in Guatemala. At the same time, Urgent Action campaigns regarding Guatemalan disappearances were enacted. While AI had participated in the UN process for decades, it was during this time of drafting the CAT and working to raise awareness about disappearances that AI solidified its role within the UN.

By partnering with the International Committee of Jurists (ICJ) and the Organization of American States' Inter-American Commission on Human Rights, AI participated in a fact-finding mission in Latin America, and returned to the UN to present a list of disappeared. In concert with other NGOs, AI counted over 3,000 disappeared persons in Argentina alone, and the CHR decided an ad hoc working group needed to be formed in hopes of defining disappearances and establishing a method of addressing this abuse. As a result, an expert body of 5 was created and named the UN Working Group on Enforced or Involuntary Disappearances (WGEID).

While the WGEID worked to draft a document on disappearances, consultative status NGOs played a heavy role in gathering information and propelling CHR action. In fact, the WGEID adopted AI's Urgent Action process as a means of gathering information. During this time, AI turned its attention to Guatemala. Leading up to the signing of the Peace Accords in 1996, AI documented Guatemalan human rights in over 35 reports to the CHR, and other key bodies investigating the situation in Guatemala. Additionally, AI lobbied groups working on torture and disappearances, and added key

phrases to state sponsored resolutions which eventually led to the creation on MINGUA.<sup>38</sup> The process of cooperation with WGEID, and the efforts of AI in drafting CAT, highlights the cooperation between NGOs and UN bodies. This cooperation, while essential for making progress with human rights issues, was not entrenched in the institutional structure of the UN. Rather, AI recognize the lack on international awareness about disappearances and torture. Then, through gathering information and codifying its findings, AI helped proliferate international norms on both torture and disappearances.

In addition to this cooperative process, from 1996 to 2005 AI issued over 20 reports within the UN system, at both CHR and ECOSOC meetings, which contained information on Guatemalan human rights. Of those reports, 5 statements from AI were included in the CHR final report. Also in the CHR report from the years 1996 to 2005, AI is named within the reports as a human rights monitor and regular report contributor. Additionally, 7 statements from AI were included in General Assembly resolutions regarding disappearances, torture, and human rights, as related to the Guatemalan case. AI was also able to partner with other NGOs, specifically with those members of the CONGO on human rights, to issue monthly statements about the state of human rights in countries around the world.

### ***Conclusions***

While NGOs have been subject to varying constraints over the years, consultative arrangements have allowed NGOs to observe the work of UN Member States, distribute reports, submit statements, receive UN documents, use UN resources and become

involved in work on international instruments. As NGO presence at the UN has grown, and the institution has made accommodations through the expansion of NGO services, the role of NGOs at the UN has also ballooned. AI continues to pursue normative guidelines for states, in accordance with the UDHR, as illustrated through AI's involvement with the CAT and WGEID. Clearly, AI remains a respected and integral part of the UN's array of NGOs. However, AI's participation does not stem from a need, but from a desire to cooperate while retaining a level of independence which states cannot possess. This cooperation allows for AI to monitor state behavior, raise awareness about existing norms, and develop additional norms.

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***The Role of Amnesty International in Promoting and Protecting Human Rights in Guatemala***

Despite the tumultuous history and unsteady nature of human rights enforcement, the situation in Guatemala and even the expansion of human rights norms had been aided by the campaigns and coalitions of Amnesty International (AI). Built on the principles of the Universal Declaration of Human Rights (UDHR), AI has been driven by grassroots membership, an active network of contacts in countries across the world. This network monitors and documents human rights abuses, and releases news, reports and calls for urgent action while working in partnership with other NGOs and the United Nations. Each theory offers insights as to the role of NGOs, the presence of international institutions, and the value of human rights in Guatemala's post civil war climate, yet constructivism stands as the only theory capable of explaining AI's role as a creator and facilitator of human rights norms. In this final chapter, I contrast how each theory could explain the value of human rights, the role of NGOs, and the efforts of state actors given the findings in previous chapters

Throughout the course of the civil war, both Amnesty International and the United Nations were involved in attempts to curb the abuses and assist Guatemala in rebuilding a more peaceful society. The UN brokered the Peace Accords and monitored Guatemalan society through the United Nations Verification Mission in Guatemala (MINUGUA).<sup>1</sup> AI, adhering to its mandate of promoting human rights as outlined in the UDHR, researched the human rights abuses in Guatemala with on-the-ground research, the assistance of other organizations and personal accounts. The situation in Guatemala

was then highly publicized by AI through press releases to Amnesty chapters, the AI annual reports, the AI website and releases of information to the press, collaboration with the UN, and AI's work with other organizations.

AI's activities are ultimately aimed at exposing objectionable government practices from the past, monitoring current practices, and preventing future human rights violations through both direct efforts to influence government policy and promotion of international law governing states' treatment of individuals. As AI continues to raise awareness of the gap between state action and state rhetoric, it is clarifying the shared standards held by the international community, and taking the first step toward the creation of stronger international norms.

### *The Guatemalan Case and Neo-Liberalism*

In the case of Guatemala, neo-liberalism can explain the cooperative actions of AI and institutions like the UN working toward better possibilities for the world at large.<sup>2</sup> Undoubtedly, the Peace Accords of 1996 were facilitated by the United Nations Mission in Guatemala (MINUGUA) and was largely representative of state interests, particularly those of the United States, an issue that will be further uncovered with the analysis of structural realism. However, if the UN, as an international institution, aided the Guatemalan military and revolutionary forces in reaching an agreement, then that international institutions were arguably shaped by two key concepts: state morality and individual principle. State morality, or the presence of morality-driven policy in state affairs as reflected in the mission and membership of international institutions, and individual principle, or the existence of individuals within a state who widely believe in the importance of principled state policy, were able work for the welfare of Guatemalan



citizens. Yet, even with the slow implementation of the peace accords, human rights abuses in Guatemala still occur. According to Human Rights Watch, an NGO which monitors human rights situations around the globe, armed political violence, government violence and lack of law enforcement on the issue of human rights is compounded by the abuses, despite the settlement.<sup>3</sup> The United Nations also reports in its mission update that the situation has certainly improved since the official end of the civil war, yet, there remains a great deal of room for progress, particularly in the area of human rights protection and defense from threats.<sup>4</sup>

AI also continues to work in Guatemala monitoring human rights. Yearly, they release a comprehensive report on the state of human rights affairs in countries around the world. Not only do they appeal to concerned citizens for specific cases, but they also appeal to the United Nations through their consultative status and the opportunity to officially report quadrennially to the Committee on Non-Governmental Organizations under the ECOSOC. The UN frequently mentions AI when addressing human rights issues, and considers AI a valuable source for human rights statistics, as they are often cited in reports.

Given this information, it appears that AI certainly has some degree of international prestige within institutions such as the United Nations. Moreover, their work in Guatemala continues to identify injustices under the UDHR. Yet their status as an international actor, even within the framework of neo-liberalism, appears limited. While they work to foster awareness of human rights issues, the effects of their actions are not overtly apparent in the continued human rights abuses, except in a case basis. Neo-liberal theory would advance that AI must continue to work in cooperation with the

international community. International institutional support, through the UN, could help AI carry out its mission. It seems as though AI's capacity is in line with liberal thought – NGOs can promote existing international norms, work in cooperation with international institutions and mobilize members of the population. However, NGOs are not comparable to state power despite their contributions. Neo-liberals could argue that while NGOs contribute and serve many purposes in the international community, they are neither an institution or a state, thus lack the political sway to resolve human rights abuses in an individual country. However, their efforts within institutions remain both important and influential.

### ***The Guatemalan Case and Structural Realism***

While the Guatemalan situation, following the implementation of the Peace Accords, seems to fit within the constructs of neo-liberal theory and constructivism, there are also many relationships between the research question and structural realism. Essentially, the Guatemalan 36 year civil war could be viewed as a power struggle between self-interested individuals. As a series of Guatemala presidents succumbed to successful coups, and stronger presidents fought against guerilla forces, realists would argue that this situation reflects a basic struggle for power. Therefore, realism frames Guatemala's tumultuous history, the pervasive human rights abuses and the extended period of civil war. Furthermore, structural realism does not recognize NGOs as significant actors in the international system. Constructivist theory would advance that AI's presence in Guatemala helped spread, to the global community, the status of human rights in Guatemala. Even if realists conceded this point, they would argue that it was not a determining factor in the formal end of the abuses. Rather, this end came about when

the Guatemalan state believed the agreements would protect their interests, secure their survival, and further their power. Realists could also argue that the United States, which is the single largest donor in support of the peace accords, exercised its hemispheric interest under the guise of morality. Since human rights are outside the political realm, the United States offering of \$270 million to implement the peace accords was driven by national interest.<sup>5</sup> Of course, the U.S. may have also viewed this contribution as enhancing their legitimacy of power, or as a means to act as polar force of the region, thus maintaining the balance of power. The exact reason for the investment can be speculated as a security threat, or even an economic interest in U.S. holdings based in Guatemala. While this could suggest that powerful states are interested in human rights abuses, a moral issue, when it directly threatens the political realm, it more likely represents a strategic effort by a world power, rather than a principled action by a neighboring state. As Morgenthau stated, “All nations are tempted – and few have been able to resist the temptation for long – to clothe their own particular aspirations and actions in the moral purposes of the universe.”<sup>6</sup>

Following the implementation of the Peace Accords, as the state re-asserted its power internally and attempted reforms, the human rights abuses continued, as discussed in Chapter 4. While international pressure, from the United Nations and various NGOs, remains, Guatemala is making little headway in protecting human rights in country. It is possible that once political power was consolidated and self-interest was preserved, Guatemala continued to strive for power both internally and within the international system.

The legality of human rights, as codified by the UDHR, is essentially a moral document in a political world. Structural realists would find this disturbing but also recognize that it is an international document subordinate to the interests of the state, and virtually unenforceable in an international system without any type of overarching authority. This mentality can explain human rights abuses, as well as the continued international pressure. While constructivists would argue that the international pressure to conform to human rights norms exists, the structural realists could assess the situation as the state choosing to pursue a policy of interests which ensure survival and the balance of power in a system characterized by a state's ability to help themselves. These drives, unfortunately, do not include protecting human rights.

### *The Guatemalan Case and Constructivism*

Constructivist theory is useful in assessing Amnesty International's effectiveness in the years following the Guatemalan civil war. Arguably, human rights already existed as an international norm, yet, Guatemala was driven by opposing socially constructed norms. During the 36 years of human rights abuses and instability in Guatemala, the prevailing international norms gradually shifted until ending human rights abuses in Guatemala became a priority for the international community. With the UN establishing a mission, and states joining NGOs to facilitate a peace agreement, the behavior of the Guatemalan state was influenced by the shift in international norms. By examining AI's role in promoting human rights, and influencing ideas through domestic and international relations, the offerings on constructivist theory can be evaluated.

While constructivism acknowledges that individuals and NGOs can operate alone and help shape success in changing norms, NGOs can also act through institutions or within an international regime to drive changes in culture, norms and ideas. International regimes, or informal structures of rules and norms, are an extension of international institutions. Collectively and with cooperation of other international actors, including the UN, NGOs concentrating on specific goals like poverty alleviation, environmental preservation or the protection of human rights can join forces with other organizations, institutions, and even states to form international regimes. These regimes work together to achieve international support and launch a shift in norms, thereby changing world perception of an issue while shifting state behavior. Since the drafting of the UDHR, the human rights regime has continued to grow within the international community. The regime, consisting of United Nations bodies, hundreds of human rights NGOs and individuals, and supported by declarations, covenants, statutes and conventions, continues to shift norms in an attempt to alter state behavior.<sup>7</sup> While constructivism places no innate value on human rights, or any principles in the international system, it acknowledges that international norms determine the relevance of international issues. Where structural realism argues the importance of power, and neo-liberalism advances cooperation as key, constructivism advances no agenda, in favor of promoting a preference for change.

However, AI's mission and mandate can be seen as strongly constructivist in nature. At its core, AI aims to promote respect for human rights by mobilizing individuals to act against human rights abuses.<sup>8</sup> Essentially, AI believes in changing the world by changing the minds of individuals, which is a tenet of constructivist theory.<sup>9</sup> In

the Guatemalan case, AI's actions – starting campaigns, releases news stories, mobilizing individuals, lobbying the UN – attempted to shift the norms in the international community. The effectiveness of these actions by AI in Guatemala can be measured through constructivism.

### ***Results***

Constructivism offers the most accurate and encompassing explanations of AI's campaign for greater protection of human rights in Guatemala. The theory advances pervasive norms dictate present action. Not only was AI acting to strengthen existing norms, as in neo-liberalism, but AI was attempting to construct more powerful norms through making individuals, governments and the international community more aware of human rights situations. Therefore, AI was acting within present norms to build new norms, in an attempt to improve the current human rights culture within the international system. Of these three theories, constructivism best explains the creation of the UDHR, the CAT, and the working group on disappearances. Also, constructivism best explains AI's ability to focus country-specific campaigns and media awareness to reach individuals, and change minds.

Neo-liberalism's recognition the importance of states in the international system, the value of international institutions, and the complex interdependence between states presents some valuable applications for this study, yet fails to fully encapsulate the power and capabilities of AI as an independent organization. Neo-liberalism explains state involvement in the UN as a cooperative exercise to help reduce anarchy within the international system. While state involvement is central the UN function, it can also be influenced by NGO participation. Additionally, NGOs can be one of many participants

within an international regime, which help solidify and perpetuate international norms, like the protection of human rights. What neo-liberalism fails to explain is the success of individual NGOs' work outside the institutionalism. Because these institutions perpetuate existing norms, neo-liberalism also cannot account for the creation of new norms, as show on AI's work on torture and disappearances.

Structural realism, which extols the state survival in a system of anarchy as the primary goal, achieved through self-help and balance of power, is useful insomuch as it explains states' perspectives of the international system, and represents the past social constructs within international relations. It can be clearly asserted that NGOs lack the same type of power of state actors. However, this study did not aim to prove otherwise. Rather, I advanced that NGOs have an effect on human rights situations, which I believe they do. Not only can NGOs raise awareness, work in cooperation with other actors, and slowly shift systemic-wide norms, but NGOs, particularly AI, have effects on individuals in specific cases. Even more so, NGOs are free to pursue principled agendas independent of state interests.

### *Looking to the Future*

While AI has worked extensively on human rights in Guatemala since 1996, problems still persist. After years of thematic campaigns, AI has recently has returned their focus to Guatemala in a 2006 campaign titled, "Guatemala: Land of Injustice?".<sup>10</sup> This study examines the current government's efforts to remove rural families from disputed land holding with excessive force, and ties into the historical agrarian conflicts present during the 30 year civil war. While the 1996 Peace Accords included measures to improve rural

poverty and address land distribution, these measures have yet to implemented. Additionally, a UN Special Rapporteur to Guatemala noted in a 2005 report that fundamental freedoms for indigenous populations and human rights in general will continue to require monitoring, as the “situation has not improved since before the internal armed conflict.”<sup>11</sup> With the changing of the Commission on Human Rights, now the Human Rights Council, within the UN, other questions will naturally arise. The restructuring represents a challenge for NGO participation, and an opportunity for greater enforcement of human rights norms.

All of these developments, in addition to the ever-changing agenda of AI, requires continued study. Moreover, aspects of this paper, and further questions raised within its chapters, necessitate a closer examination of the development of new international norms related to human rights, the coalitions built to advance these norms, and the role of states and NGOs in the future of these norms.

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