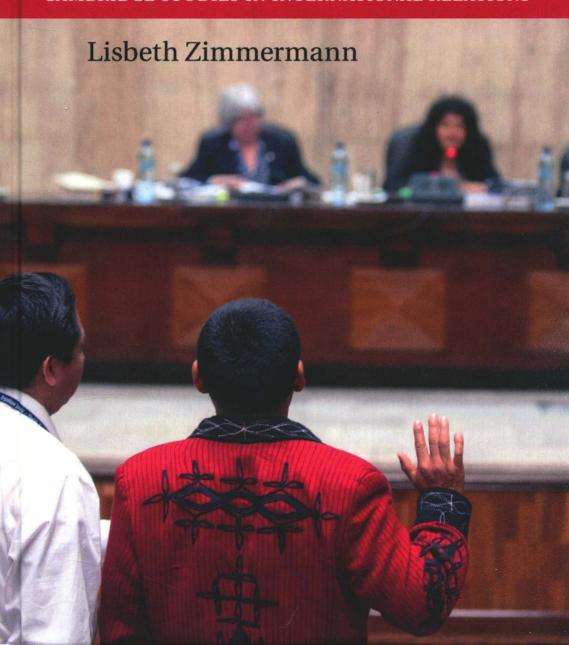
Global Norms with a Local Face

Rule-of-Law Promotion and Norm Translation

CAMBRIDGE STUDIES IN INTERNATIONAL RELATIONS



Theoretically compelling but also empirically grounded, Zimmermann adds to our understanding of how global norms come to matter domestically. The argument she presents is novel, nuanced and convincingly substantiated through three detailed case studies.

Professor Jutta Brunnée , Metcalf Chair in Environmental Law, University of Toronto

To what extent are global rule-of-law norms, which external actors promote in post-conflict states, localized? Who decides whether global standards or local particularities prevail? This book offers a new approach to the debate about how the dilemma between the diffusion of global norms and their localization is dealt with in global politics. Studying the promotion of children's rights, access to public information, and an international commission against impunity in Guatemala, Lisbeth Zimmermann demonstrates that rule-of-law promotion triggers domestic contestation, and thereby changes the approach taken by external actors, and ultimately the manner in which global norms are translated. However, the leeway in local translation is determined by the precision of global norms. Based on an innovative theoretical approach and in-depth study of rule-of-law translation, she argues for a shift in norm promotion from context sensitivity to democratic appropriation, speaking to International Relations, peacebuilding, democratization studies, international law and political theory.

LISBETH ZIMMERMANN is a senior researcher at the Peace Research Institute Frankfurt. She is an external lecturer at Goethe University Frankfurt and affiliated with the university's Cluster of Excellence 'Formation of Normative Orders'.

Cover illustration: © Hiroko Tanaka / Alamy Stock Photo





Global Norms with a Local Face

Rule-of-Law Promotion and Norm-Translation

LISBETH ZIMMERMANN Peace Research Institute Frankfurt



CAMBRIDGE

University Printing House, Cambridge CB2 8BS, United Kingdom One Liberty Plaza, 20th Floor, New York, NY 10006, USA 477 Williamstown Road, Port Melbourne, VIC 3207, Australia 4843/24, 2nd Floor, Ansari Road, Daryagani, Delhi – 110002, India 79 Anson Road, #06-04/06, Singapore 079906

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning, and research at the highest international levels of excellence.

www.cambridge.org

Information on this title: www.cambridge.org/9781107172043 DOI: 10.1017/9781316771341

© Lisbeth Zimmermann 2017

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press.

First published 2017

Printed in the United Kingdom by Clays, St Ives plc

A catalogue record for this publication is available from the British Library.

Library of Congress Cataloging-in-Publication Data

Names: Zimmermann, Lisbeth, author.

Title: Global norms with a local face: rule-of-law promotion and norm-translation / Lisbeth Zimmermann.

Description: Cambridge, United Kingdom; New York, NY: Cambridge University Press, 2017. | Series: Cambridge studies in international relations Identifiers: LCCN 2016056472 | ISBN 9781107172043 (hardback) Subjects: LCSH: Rule of law. | International law. | Convention on the Rights of the Child (1989 November 20) | Children's rights. | Freedom of information. | Rule of law - Guatemala. | BISAC: POLITICAL SCIENCE / International Relations / General.

Classification: LCC K3171 .Z56 2017 | DDC 340/.11-dc23 LC record available at https://lccn.loc.gov/2016056472

ISBN 978-1-107-17204-3 Hardback

Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.

Global Norms with a Local Face

To what extent are global rule-of-law norms, which external actors promote in post-conflict states, localized? Who decides whether global standards or local particularities prevail? This book offers a new approach to the debate about how the dilemma between the diffusion of global norms and their localization is dealt with in global politics. Studying the promotion of children's rights, access to public information and an international commission against impunity in Guatemala, Lisbeth Zimmermann demonstrates that rule-of-law promotion triggers domestic contestation, and thereby changes the approach taken by external actors and ultimately the manner in which global norms are translated. However, the leeway in local translation is determined by the precision of global norms. Based on an innovative theoretical approach and in-depth study of rule-of-law translation, she argues for a shift in norm promotion from context sensitivity to democratic appropriation, speaking to international relations, peacebuilding, democratization studies, international law and political theory.

LISBETH ZIMMERMANN is a senior researcher at the Peace Research Institute Frankfurt. She is an external lecturer at Goethe University Frankfurt and affiliated with the university's Cluster of Excellence 'Formation of Normative Orders'.

Cambridge Studies in International Relations: 143

Global Norms with a Local Face

EDITORS

Evelyn Goh Christian Reus-Smit Nicholas J. Wheeler

EDITORIAL BOARD

Jacqueline Best, Karin Fierke, William Grimes, Yuen Foong Khong, Andrew Kydd, Lily Ling, Andrew Linklater, Nicola Phillips, Elizabeth Shakman Hurd, Jacquie True, Leslie Vinjamuri, Alexander Wendt

Cambridge Studies in International Relations is a joint initiative of Cambridge University Press and the British International Studies Association (BISA). The series aims to publish the best new scholarship in international studies, irrespective of subject matter, methodological approach or theoretical perspective. The series seeks to bring the latest theoretical work in International Relations to bear on the most important problems and issues in global politics.

Cambridge Studies in International Relations

143	Lisheth	Zimmermann

Global Norms with a Local Face

Rule-of-Law Promotion and Norm-Translation

142 Alexandre Debs and Nuno P. Monteiro

Nuclear Politics

The Strategic Causes of Proliferation

141 Mathias Albert

A theory of world politics

140 Emma Hutchison

Affective communities in world politics

Collective emotions after trauma

139 Patricia Owens

Economy of force

Counterinsurgency and the historical rise of the social

138 Ronald R. Krebs

Narrative and the making of US national security

137 Andrew Phillips and J.C. Sharman

International order in diversity

War, trade and rule in the Indian Ocean

136 Ole Jacob Sending, Vincent Pouliot and Iver B. Neumann (eds.)
Diplomacy and the making of world politics

135 Barry Buzan and George Lawson

The global transformation

History, modernity and the making of international relations

134 Heather Elko McKibben

State strategies in international bargaining

Play by the rules or change them?

133 Janina Dill

Legitimate targets?

Social construction, international law, and US bombing

Series list continues after index

Abbreviations

CONTROL OF THE PROPERTY OF THE PARTY OF THE		
ANAM	Asociación Nacional de Municipalidades de la República de Guatemala	National Association of Guatemalan Municipalities
ATI	access to information	
CACIF	Comité Coordinador de Asociaciones Agrícolas, Comerciales, Industriales y Financieras	Committee of Agricultural, Commercial, Industrial and Financial Associations
CALDH	Centro para la Acción Legal en Derechos Humanos	Centre for Legal Action on Human Rights
CCOIPINGUA	Comité Consultivo de Organismos Internacionales para la Protección Integral de la Niñez Guatemalteca	Guatemalan Consultative Committee of International Organizations for Child Protection
СЕН	Comisión para el Esclarecimiento Histórico	Commission for Historical Clarification
CIA	Central Intelligence Agency	
CIACS	Cuerpos Ilegales y Aparatos Clandestinos de Seguridad	Illegal Groups and Clandestine Security Structures
CICIACS	Comisión de Investigación de Cuerpos Ilegales y Aparatos Clandestinos de Seguridad	Commission for the Investigation of Illegal Groups and Clandestine Security Structures
CICIG	Comisión Internacional contra la Impunidad en Guatemala	International Commission against Impunity in Guatemala
CLAI	Conferencia Latinoamericana de Iglesias	Latin American Conference of Churches
CNJ	Código de la Niñez y la Juventud	Children and Youth Code

(cont.)

BONS PRODUCTION DE L'AMBRE DE L'ORDES		PRINCE A RESERVE AND THE RESERVE AND A SERVE AND A SERVE AND THE RESERVE AND A SERVE AND A
CRC	Convention on the Rights of the Child	
DOSES	Asociación desarollo, organización, servicios y estudios socioculturales	Association for Development, Organization, Services and Socio-cultural Studies
DR-CAFTA	Dominican Republic-Central America-United States Free Trade Agreement	
EU	European Union	
FDNG	Frente Democrático Nueva Guatemala	New Guatemalan Democratic Front
FMLN	Frente Farabundo Martí para la Liberación Nacional	Farabundo Martí National Liberation Front
FOSS	Proyecto de Fortalecimiento de Organizaciones Sociales en Temas de Seguridad	Project to Strengthen Social Organizations in the Area of Security
FRG	Frente Republicano Guatemalteco	Guatemalan Republican Front
FSLN	Frente Sandinista de Liberación Nacional	Sandinista National Liberation Front
GAM	Grupo de Apoyo Mutuo	Mutual Support Group
GANA	Gran Alianza Nacional	Grand National Alliance
GDP	Gross Domestic Product	
GIZ	Gesellschaft für Internationale Zusammenarbeit	German government development agency
IACHR	Inter-American Commission on Human Rights	
IFAI	Instituto Federal de Acceso a la Información	Federal Institute for Access to Public Information
IR	International Relations	
Ley PINA	Ley de Protección Integral de la Niñez y Adolescencia	Comprehensive Child and Adolescent Protection Code
MINUGUA	United Nations Verification Mission in Guatemala	

(cont.)

AND THE PARTY OF T		
NGO	non-governmental	
	organization	
OAS	Organization of American States	
ODHAG	Oficina de Derechos	Human Rights Office of the
ODING	Humanos del Arzobispado de Guatemala	Archbishop of Guatemala
PAN	Partido de Avanzada Nacional	National Advancement Party
PP	Partido Patriota	Patriotic Party
PRODEN	Comisión Pro-Convención sobre los Derechos del Niño	Commission in Favour of the Convention on the Rights of the Child
SEDEM	Seguridad en Democracia	Security in Democracy Association
SEGEPLAN	Secretaría de Planificación y Programación de la Presidencia	Secretariat of Planning and Programming of the Presidency
TAN	transnational advocacy network	
UN	United Nations	
UNDP	United Nations	
	Development Programme	
UNE	Unidad Nacional de la Esperanza	National Union for Hope
UNICEF	United Nations Children's Fund	
UNIIIC	United Nations International Independent Investigation Commission	
URNG	Unidad Revolucionaria Nacional Guatemala	Guatemalan National Revolutionary Unity
USAID	United States Agency for International Development	,,
WOLA	Washington Office on Latin America	,

Acknowledgements

A book's journey to production is a long one. However often this observation may crop up in acknowledgements, I have not ceased to be surprised by the twists and turns the present project has taken and the number of people who have influenced the book's final form. To all who lent a collaborative hand, I offer heartfelt thanks.

The book is based on a doctoral dissertation presented at the Technische Universität (TU) Darmstadt in 2012. My first intellectual 'home base' was the 'Formation of Normative Orders' Cluster of Excellence, a rather rare interdisciplinary commingling of international relations (IR) researchers and political theorists working out of Goethe University Frankfurt and TU Darmstadt. The discussions I took part in here helped shape my thinking on the normative implications of tensions between global norms and local translations. At the Peace Research Institute Frankfurt (PRIF), which became my second base, I benefited enormously from the dual focus on global governance and the dynamics of local conflict. Terms like 'localization', 'contestation' and 'translation' may seem very much *en vogue* in IR research today, but eight years ago scholarly interest in them was minimal and the diverse expertise of PRIF colleagues was therefore key in helping me to shape my approach to these topics.

Before acknowledging the input of individual academic and editorial colleagues, I must remind the reader that what lies at the core of this study is the time I spent conducting research in Guatemala City and Washington, D.C., between 2009 and 2011. Countless individuals not specifically named in the study provided me with invaluable help during these visits, taking time to share their knowledge and opinions and helping me establish further contacts.

The situation of many politically active individuals in Guatemala is a frustrating one. The constant scrutiny to which they are subjected by researchers (and foreign donors) appears to them to bring few direct results in terms of their overall political aim – making Guatemala

a more just and democratic country. I hope that this book, besides being of academic value, may help bring about further change in the practices employed to promote democracy and the rule of law. I hope also that it conveys, and acknowledges, the everyday conflicts of Guatemalan politics.

I owe special thanks to the local office of the German development agency GIZ – and in particular to Bernhard Dohle and Natascha Solis – and to Tjark Eggenhof of the Adenauer Foundation for helping me to establish my first contacts in Guatemala City. Although he may not realize it, my conversation with Oscar Chavarría flagged up many of the key routes along which the book's main argument eventually developed. Besides generously giving of their expertise, Leonardo Castilho, Sergio Pivaral and Claudia Reyes provided me with a number of interesting contacts. Special thanks must also go to the staff of the Biblioteca Nacional de Guatemala for their friendliness and the interest they showed during the many days I spent in the library's newspaper archive.

Guatemala City is not the easiest of locations in which to do research. My warmest thanks go to Luis Eric Gudiel and Maria Georgina Quiñones, and to Natascha Solis, for making me feel so welcome, comfortable and safe during my visits to Guatemala. I would also like to thank my friend Kezia McKeague in Washington, D.C., particularly for introducing me to her network of first-rate contacts in the field of Latin American politics.

A great many people have been involved in the actual writing of this book, particularly the drafting of the original dissertation and its translation into book form. I would like to thank in particular my dissertation supervisors Klaus Dieter Wolf, whose talent for breaking down seemingly intractable problems into practical research steps proved invaluable, and Nicole Deitelhoff, who helped hone the various versions of the text with countless helpful suggestions. I am grateful to them both for the time they devoted to the project at each of its many stages.

Thanks are also due to all those who, at different stages and in different contexts, commented on the manuscript itself or on the key arguments presented in it. This includes Amitav Acharya, Tanja Börzel, Lothar Brock, David Chandler, Stephan Engelkamp, Katharina Glaab, Amichai Magen, Harald Müller, Kathryn Sikkink, Richard Price, Thomas Risse, Susan Sell, Chris Reus-Smit and Antje

Wiener. Amongst my colleagues at PRIF, Jonas Wolff was unstinting in his advice and Melanie Coni-Zimmer, Anne Flohr, Svenja Gertheiss, Steffi Herr and Eva Ottendörfer were a source of great support, as were the members of PRIF's colloquium of doctoral students. I also drew considerable inspiration from my discussions with Friedrich Arndt, Angela Marciniak and Peter Niesen at TU Darmstadt, and numerous excellent ideas for improving the text were provided by members of our research colloquium at Goethe University, including, amongst many others, Christopher Daase, Thorsten Thiel, Ben Kamis and Julian Junk.

I was fortunate to be offered scholarly sanctuary in a number of exceptional academic locations. Thanks to Susan Sell, during spring 2011 I had the opportunity to work as a research fellow at the Institute for Global and International Studies, located within the Elliott School of International Affairs at George Washington University. Likewise, in autumn 2010, Tanja Börzel and Thomas Risse provided me with a desk and an inspiring research setting in their group on 'The Transformative Power of Europe' at the Freie Universität Berlin.

Transforming a dissertation into a readable book is always a challenge, involving as it does a lengthy process of rethinking, rewriting and synthesizing. I am grateful to Anne Reiff, Anna Ferl, Michael Pollok and Lydia Both for helping me to update the manuscript and get to grips with citation managers. Invaluable native-speaker input was provided by Margaret Clarke, who helped polish and perfect the text in a calm and supportive way. Thanks also go to John Haslam and his team at Cambridge University Press for their expeditious handling of the publication process and to the Cambridge readers for their helpful comments. Any errors that remain in the book are, of course, my own.

I am pleased also to have the opportunity to thank the three bodies who funded the research presented in this book: the German Research Foundation's Cluster of Excellence on 'The Formation of Normative Orders'; the German Academic Exchange Service; and the Peace Research Institute Frankfurt. I gratefully acknowledge permission by Oxford University Press to reproduce sections of 'Same Same or Different? Norm Diffusion Between Resistance, Compliance, and Localization in Post-conflict States' (*International Studies Perspective* 17(1): 98–115).

Last, but not least, I would like to thank my family and friends. They played a crucial part as the book took shape – sometimes with hands-on help, sometimes just by virtue of their enduring interest. Thank you,

then, to Ellen Ehmke, Dorothea Gädeke, Lisa Groß, Angela Marciniak, Heather Renwick, Julia Strutz and, of course, my parents. Thanks also to my partner, Jannik Pfister, without whose help I can say, without exaggeration, this book would not have been written. The final coda belongs to baby Lukas, whose exemplary sleeping habits in the first few months of life enabled me to complete the bulk of revisions to the manuscript.

Contents

Lis	t of	Figures	page ix
Lis	st of	Tables	X
Lis	t of .	Abbreviations	xi
Ac	knou	vledgements	xiv
1	Intro 1.1 1.2 1.3 1.4 1.5 1.6	oduction: Between Global Norms and Local Translation Shortcomings of the State of the Art The Argument: Interactive Norm Translation Design Making Translation More Democratic? Data Collection and Analysis Outline of the Book	n 1 3 5 6 16 17 21
2	To 9 2.1 2.2 2.3 2.4	Norm Socialization: Asymmetric Interaction Norm Localization: Local Agency Only Beyond Existing Norm-Diffusion Research Acknowledging the Interactive Element	23 24 38 51 61
3	Gua 3.1 3.2 3.3	External and the International Community External Actors in War-Torn Guatemala Guatemala Today: Engulfed by Violence? A Difficult Relationship: Domestic Contestation of Rule-of-Law Promotion	63 64 78
4	Tra: 4.1 4.2 4.3	The Convention on the Rights of the Child: The Shift to a Rights-Based Approach Interactive Translation of the CRC in Guatemala: In Search of a Family-Based Approach Reshaping Children's Rights	83 84 89 112
5	Tran	nslating a Right to Access Information The Development of a Global Right to Information	117 118

	5.2	Interactive ATI Translation in Guatemala: Securing Justice	
		or Fighting Corruption?	124
	5.3	Reshaping Access to Information	149
6	Tra	nslating Scripts for Rule-of-Law Commissions	154
	6.1 6.2	Emerging Scripts for Rule-of-Law Commissions Interactive Translation of the Scripts: Human Rights	155
		or the Fight against Crime?	157
	6.3	Reshaping a Rule-of-Law Commission in Guatemala	187
7	Tov	vards an Interactive Perspective on Norm Translation	192
	7.1	Moving Norm-Translation Research Forward	193
	7.2	A Research Agenda for Norm Translation	205
	7.3	Shifting Coordinates	207
8		ancing Global Norms and Local Faces	209
	8.1	Global Norms with a Local Face: Is Translation 'a Good	210
	0 2	Thing?	210
	8.2	Making Appropriation (More) Democratic	221
An	nex	1 List of Interview Partners	223
An	nex.	2 Presidential Administrations since Democratization	
		in Guatemala	227
An	nex.	3 Data Selection Media Discourses	228
	Disc	course on Children's Rights	228
	Disc	course on Right to Access Information	229
	Disc	ourse on Scripts for Rule-of-Law Commission	229
Re	feren	aces	231
T	1		204