



# Latin America and the Responsibility to Protect: Divergent Views from the South?

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## **The changing international landscape and the Responsibility to Protect**

In the last two decades, the international system underwent significant changes. The most important issue in current international relations relates to the nature of the change from a uni-polar world to a multi-polar structure after the end of the Cold War. In addition to the economic and political rise of China, recent years have seen an increasingly proactive and nationalistic Russia as well as growing assertiveness by major regional powers (Laskaris and Kreutz, 2015), as a diverse group of formerly peripheral states became increasingly empowered: not just

China, India and Brazil, but also South Africa, Indonesia and others that are commonly referred to as ‘emerging powers’.

As a result, some analysts argued that the “West” was confronting the “rise of the rest” (Zacharia, 2008; Hiro, 2010), and that North-South traditional relations begin to be transformed with the emergence of a more assertive Global South.

The recent rise of the South challenges the common ideas behind North-South relations. A new approach for understanding North-South relations is emerging. This approach moves beyond the traditional concepts of domination and modernization and stresses a more independent and proactive Global South. Most importantly, the South is challenging the post-World War II world order. Both Brazil and India are demanding permanent seats on the UN Security Council and several countries, including Germany, are asking for a reform of the UN. Additionally, a number of Southern countries such as South Africa, Turkey, Brazil, México and Argentina now sit at the influential G-20 summit meetings (i.e., the world’s most powerful economies) to make an impact on global policy (Ripley, 2014: 149-150).

Emerging powers are increasing their influence in international affairs, both as individual actors, as members of multilateral institutions or as participants of Global South blocs such as the BRICS (Brazil, Russia, India, China, South Africa), IBSA (India, Brazil, South Africa) or MIKTA (México, Indonesia, South Korea, Turkey, Australia). This reconfiguration also created the conditions for a new geopolitical landscape in the Americas, with the establishment of organizations such as ALBA (Bolivarian Alliance of the Americas), UNASUR (Union of South American States), CELAC (Community of Latin American and Caribbean States) or the Pacific Alliance, some of them with strong focus on South-South cooperation and increasing autonomy from the United States, while the previously established OAS (Organization of American States) and other groups linking the North with South are still persistent.

Within this framework, “Western” values and norms, which traditionally permeated the debate on the global agenda began to be reviewed or contested by the new emerging actors. Simultaneously with other global processes, the diffusion of norms and particular normative con-

ceptions from the Global South, moved the discipline of international relations from “international relations” toward the study of global governance (Sikkink, 2015: 350; Serbin, 2013: 181), which includes a broad array of state and non-states actors involved in global power dynamics.

In this regard, the end of World War II and the establishment of the United Nations carried important implications for state sovereignty. These events ushered in a wave of decolonization resulting in the creation of new formally sovereign states over the next several decades, drastically altering the international landscape. Furthermore, states in the Global South have, at least in the wake of decolonization, been more enthusiastic in their promotion of strict sovereignty than their Northern counterparts (Coe, 2015: 275). As pointed out by Rotmann and al. (2014: 256), decolonization made them equal members of the global order in name only: the rules of the game were set long ago by Europe and the United States. As seen from Beijing, Brasilia or Delhi, ‘resistance to the West required urgent adaptation to Western ideas of [...] the nation-state’. From this perspective, state sovereignty and non-interference were among the most relevant aspects of a global normative order emerging powers had never been able to shape. However, after the Second World War, Western notions of sovereignty associated with the Westphalian understanding of the role of the State in the international system were gradually embedded in the emerging worldviews from the South, while through the process of decolonization that developed after the Second World War, the principle of non-intervention was also closely associated to the notion of national sovereignty (Serbin, 2010).

These changes also affected the process of globalization of human rights (Coicaud, Doyle and Gardener, 2003), as understood by Western major powers, raising the question of who sets the global human rights agenda and the norms associated to it in the international system, and how those norms were associated with a diffusion from the North or with its vernacular adaptation on a national and local level by the South.<sup>1</sup> In this regard, Acharya (2004, 2011) introduced the concept of “localization” arguing that local actors actively reconstruct global norms “to create a fit between those norms and prior local norms”, and the notion of norm “subsidiarity” (or “norm protagonism”, according to Sikkink), whereby states and regional actors create new norms or

new understandings of existing global norms (Sikkink, 2015: 350). The diffusion of global norms also involves “norms entrepreneurs” that can shape them in a different form. Dominguez (2008) has stressed in this regard, that Latin American organizations have been “international rule innovators”, particularly in the 20th century and even previous to the process of decolonization, showing how Latin American states pioneered the defense of sovereignty and non-intervention, but also modified later such doctrines to permit international intervention on behalf of democracy. Following this observation, Sikkink argues “that Latin American states, regional organizations, and social movements were much more than passive recipients of an international human rights regime imposed from outside” and greater attention should be paid to the “protagonist” role of states and social actors outside the global North “despite important structural inequality in the international system” (Sikkink, 2015: 350).

However, the post-Cold War era witnessed not only the globalization of human rights and the related subsequent norms approved and promoted by the UN and by several regional organizations, according to different interpretations and priorities, but also an increasing (and general) concern, particularly after the crisis in Bosnia and Rwanda, about the prevention of mass atrocities and how the international community should be dealing with them and the arising humanitarian crisis, in a gradual transition from the concept of “humanitarian intervention” to the notion of the “Responsibility to Protect” (RtoP) in the event of mass atrocities against civilians (Evans, 2006).

The debate about a Responsibility to Protect people from mass atrocities – even if they are perpetrated by its own State - goes to the core of current changes in the world. Coinciding with the shift of power and influence away from the West, its evolution as a norm has become a crucial arena in which fundamental conflicts about the future global order play out. The nascent evolution of a responsibility to protect ‘from idea to norm’, as its supporters put it, has been accompanied by growing controversy. From its first global endorsement at the UN General Assembly in 2005 to the fallout over the military intervention in Libya in 2011, the issue has become heavily contested. However, in spite of the criticism and the contestation, the misuse of the RtoP language suggests a paradox: this norm is better understood and more

broadly accepted than often believed (Bradescu and Weiss, 2014:16). Indeed, the debates around a Responsibility to Protect provide a unique opportunity to analyze the changing global order in a way that focuses on fundamental conflicts over sovereignty and responsibility (Rotmann, Kurtz and Brockheimer, 2014: 357).

The RtoP concept, formalized by the 2005 United Nations (UN) World Summit (UN General Assembly, 2005) and the 2009 Report of the Secretary-General (UN Secretary-General, 2009) may face renewed scrutiny in a future multilateral system.<sup>2</sup> While RtoP was not imposed only by the West, the view of human rights as an important concern for international relations has been promoted by democratic, particularly European, states. Thus, this specific issue-area provides a suitable setting to explore whether rising powers may adapt to or seek reforms or even removal of existing international norms and agreements (Laskaris and Kreutz, 2015: 150).

While institutionalized discussions about RtoP first began in the 1990s, the promotion of human rights through military interventions and sanctions, aid allocation and supranational institutions had previously been mentioned in the foreign policy goals in Europe and the USA. However, while the concern for humanitarian suffering influenced the practice of the UN and other powers, the norm only became formalized in the early 2000s.

As aptly described by Alex Bellamy in his chapter, the principles of the Responsibility to Protect are based on three pillars. First, that the responsibility lies on the State to protect its population from mass atrocities. Second, that the international community has a responsibility to assist the State to fulfill this duty. Third, if the State is manifestly failing to protect its population from mass atrocities, then the international community must be prepared to take collective action to protect the people by proportional means ranging from peaceful to coercive in accordance with the UN Charter. As with most broad policy documents, these pillars are open to interpretation with regards to when and how they should be applied. This is particularly the case for the first and second pillars which generally receive a consensual support from both the Western countries and the Global South, especially represented by the BRICS group (Stuenkel, 2014). The third pillar is the subject of most of the divergent views by the UN member states, and creates

a division between the West and the rest regarding the use of force as the mechanism to be implemented by the international community in nations suffering from the incapacity of the State to deal with mass atrocities within its borders. As noted by Arredondo in his chapter in this volume:

“The third pillar, which upholds the necessity of a “timely and decisive response,” is clearly the most controversial one as it opens the possibility of the use of force within the framework of Chapter VII of the UN Charter. In this regard, it should be noted that there remains some sensitivity to the potential risks of abuse arising from the application of the concept in practice, which proved truthful after NATO’s actions in Libya in 2011”.

However, while the use of force has been the most fiercely debated option within the RtoP framework as an instrument of external intervention in domestic affairs, it is by no means the only measure through which the international community can contribute to the protection of civilians (Laskaris and Kretz, 2015:150-151).

When addressing those issues, the conventional interpretation of national sovereignty contrasts with the idea of a “responsible or conditioned sovereignty”, as the “responsibility for good governance” and the “accountability to national constituencies and the international community”. These principles were the precursors of the concept of “Responsibility to Protect” (RtoP), particularly when moving from the concept of the control of the State to its responsibility *vis á vis* its citizens (Deng, 2000). Divergent views on national sovereignty and its reach translate into different perceptions and interpretations of RtoP and the use of force as a last resort, and this divide is a source of important controversy. Similarly, the rest of the world addresses the issue of human rights and democracy through its own lens, developing particular interpretations according to their own values and worldviews.

In this regard, the most transformative aspect of the human rights regime for the international system is found not in its growth in scope, instruments, implementation, and players but in its impact on a fundamental principle of international relations: state sovereignty. By granting rights to individuals, the conception of human rights limits

state sovereignty, as a state's legitimacy is tied to proper treatment of its citizens (Doyle and Gardner, 2003: 3). Therefore, one of the basic existing tensions is between the traditional/conventional principles of national sovereignty and non-intervention, and the defense of human rights which reaches its peak when dealing with the four crimes addressed by RtoP.

It is along this background, that several questions could be raised regarding the emergence of RtoP as a new norm and its assimilation or reformulation by the diverse countries and regions of the Global South. Latin America in particular, represents a cauldron of different ways of processing and reacting to the new norm and this special issue of the journal attempts to address the existing regional divergences from this perspective, following previous issues on the applicability of RtoP in the region and the reform of the Inter-American Human Rights System (Anaya and Saltalamacchia, 2013).

Within this framework, the main questions to be answered is if the different positions adopted by Latin American countries regarding RtoP make a substantial difference in its global acceptance and if those countries still keep a certain role as international rules innovators when dealing with the norm. A second question that also begs for a response relates the reach of certain Latin American nations with global aspirations to become norm entrepreneurs and to introduce substantial modifications to the globally discussed norms.

Nonetheless, before moving to the discussion on RtoP in Latin America, we should note two important issues related to the development of this norm in the global sphere.

First of all, RtoP is still a contested norm within the international system, even if, as noted by Badescu and Weiss (2010), “as expected during the early stages of a norm spiraling toward socialization, backlash, and contestation dominate much of public diplomacy; but backlash and contestation also can serve as boundary-defining exercises that clarify the actual meaning and limits of the norm” (2010:16). Therefore, this norm is better understood and more broadly accepted than often believed, as norms can advance through contestation and conceptual clarification (*ibidem*).

Secondly, as Rotmann et al (2014) shows “while relevant on a few occasions that made headlines, none of the neat splits between ‘North’ and ‘South’, ‘Western’ and ‘non-Western’, ‘emerging’ and ‘established’, ‘democratic’ and ‘authoritarian’ is helpful on its own in analyzing evolving views on global order through the prism of a responsibility to protect.” Even if the norm is still under discussion, there are reiterated and clear changes of positions of the different countries within each bloc regarding RtoP.

Both observations apply to the analysis of the process of regional assimilation of the norm in Latin America, within a changing landscape of priorities, positions and initiatives by the countries of the region with regards to it.

### **Latin America and the Responsibility to Protect: Champions, spoilers and rule innovators**

The previously presented approaches are particularly useful for explaining the process of introduction, assimilation and reaction to a new global norm such as the “Responsibility to Protect” (RtoP) in Latin America and the subsequent debate on its recognition and implementation, between those nations that support the norm and those who are reluctant to accept it - what we call the “champions” and the “skeptics”, respectively.

The debate about a responsibility to protect people from mass atrocities goes to the heart of current changes in the world. Coinciding with the shift of power and influence away from the West, its nascent and contested evolution as a norm has become a crucial arena in which fundamental conflicts about the future global order play out (Rotmann, Kurtz and Brockmeier, 2014), as part of the evolving tension and balance between the normative order of human rights and the modern international system. In Latin America, as in other parts of the world, the debate is clearly intertwined with the sovereignty and non-intervention doctrines which are historically embedded in its diplomatic and juridical tradition, and the also historically consolidated trend of juridical thought regarding human rights and democracy, within a sophisticated and highly developed system of regional international

law and institutions (Kacowicz, 2005: 10). The debate also shows the ambivalent frontiers existing between the main positions regarding the norm, a lack of a distinctive and clear differentiation between both currents and the existence of an ambiguous “grey zone”. The apparent dichotomy between “champions” and “skeptics” is often blurred by slides and displacements by their respective leading voices to ambivalent and, sometimes, contradictory positions. A situation which perhaps raises the question on the validity of this dichotomy *vis a vis* the predominance and eventual broadening of the “grey zone”.

In this regard, in Latin America, reactions to the norms originated from the West are not monolithic. They are diverse and heterogeneous in the framework of eventually divergent strategic cultures in the region and show diverse capacities - from a full assimilation and support to the norm as approved by the UN<sup>3</sup> to its rejection basically in terms of the defense of national sovereignty and the principle of non-intervention<sup>4</sup> to the development of initiatives to adapt or improve the norm.<sup>5</sup> In all the three cases, Latin America evidences that there is an effort to channel both the existing historical cultural and juridical background and the national interests and aspirations reflecting the principles of national sovereignty and non-intervention, including the efforts to become “norm entrepreneurs” or “rule innovators” as part of the new array of global players.

Many analysts argue that Latin America as a region with its own diplomatic and well developed juridical system is comparatively more peaceful than any other region in the world, and that for this reason it discloses particular difficulties in the full acceptance and implementation of RtoP. However, there are several other factors that partially explain the reasons for this situation.

First of all, after the 1980s, most Latin American countries engaged in a series of democratization processes, where the consolidation and strengthening of human rights, democracy and the rule of law became an important component of the post-military regimes domestic agenda. As noted by Muñoz (2009), democracy and the rule of law are also part of a regional agenda related to RtoP, dealing with true commissions processes and the consolidation of democratic institutions that preserve the memories of past human rights violations and prevent against the emergence of massive human rights abuses.

Notwithstanding these recent changes, well-embedded principles of national sovereignty, non-intervention and peaceful settlement of conflicts are an important part of the juridical legacy of these countries, acting historically as a shield against any external intervention (Kacowicz, 2005; Arredondo, 2009). Latin American states were in the vanguard of the struggle to export pluralistic understanding of European international society to the non-European world, playing a particularly central role in the struggle for equal sovereignty, but also developing a tradition that anchored such norms as strict non-intervention; increasingly tight restrictions on the use of force; territoriality and the pragmatic use of *uti possidetis* to stabilize borders (Engstrom and Hurrell, 2010:30).

A significant record of external interventions in Latin America and the Caribbean, since their independence in the early 19<sup>th</sup> century, generated the conditions for the development of a strong reluctance, from governments and civil society, to accept any possible threat to national sovereignty or any attempt of external interference, usually labeled as colonialist or imperialist, and the external use of force to intervene in domestic affairs. Thanks to the European colonial powers first, and the US hegemony in the hemisphere later, external intervention became one of the most feared threats to national sovereignty in Latin America. Accordingly, these principles were strongly rooted in the regional diplomatic and legal cultures, as well as in popular beliefs and public opinion, and have become an important part of LAC contribution to the development of international law (Rodrigues, 2009).

Secondly, those principles are the cornerstones of most of the recent Constitutions in Latin America and, particularly, the South American countries, approved in the last two decades. These Constitutions also assert that human rights and fundamental rights are essential for the states, linking them to the development of international and humanitarian law (Serbin, 2010).

Thirdly, Latin American countries have been strong advocates of the principles of national sovereignty (in the Westphalian sense), non-intervention and self-determination since the creation of the UN in 1945, but also committed promoters of human rights, even within the context of a strong record of political instability and military coups and regimes in the region (Arredondo, 2009). In this regard, the Latin American countries have been key players in the approval of the Univer-

sal Declaration of Human Rights and its inclusion in the UN Charter, as incipient “norm entrepreneurs” or “international rule innovators”. However, the norms associated to the principles of sovereignty and non-intervention developed in parallel with those of democracy and human rights, “often leading to institutional and political tensions”, even if traditionally these tensions have been resolved in favor of state sovereignty (Ergstrom and Hurrell, 2010: 31).

Fourthly, currently there are no imminent threats of massive human rights abuses or atrocity crimes in the region, which is, *per se*, an extraordinarily positive sign (Arredondo, 2009), although some would argue that the growing tensions in the Dominican Republic regarding Haitian immigration and Dominican born Haitians is a textbook case of phases previous to mass human rights violations as it exemplifies acts of racial violence, systematic discrimination of an ethnic group and a growing trends toward the suppression of the legal status of a minority group. Overall the Dominican Republic would be a possible exception in a region where we find little to no signs possible mass human rights violations (Serbin Pont, 2014).

This is a result of strenuous efforts on the part of Latin American civil society to remember and condone past human rights abuses, but it is also the consequence of efforts by both governments and intergovernmental organizations to strengthening the rule of law and democracy, particularly in the case the Organization of American States (OAS) and the Inter-American system. The American Declaration of the Rights and Duties of Man, signed along with the Charter of the Organization of American States in 1948, was the very first international human rights instrument, predating the Universal Declaration of Human Rights (UDHR) by six months (Turner and Popovski, 2010: 230). The consequently emerging Inter-American system has played a key role in addressing and dealing with human rights violations in Latin America throughout a triple and interconnected institutional structure: the Inter-American Commission on Human Rights based in Washington, D.C., the Inter-American Court on Human Rights and the Inter-American Human Rights Institute located in San Jose, Costa Rica. These institutions also offered, probably for the first time, the opportunity for Latin American civil society organizations to play an outstanding role in preventing and denouncing human rights abuses,

particularly during the prevalence of military regimes, often linking those initiatives to the existing mechanisms of the international system of human rights. In this regard, civil society organizations and movements – mainly human rights NGOs – played a key role in the presentation and defense of successful appeals to the Inter-American Commission on Human Rights, where the possibility of accepting individual petitions exists (Cañado Trinidad, 2007). As a result, the Inter-American Human Rights System (IAHRS), along with its European and African counterparts, constitutes one of the world’s principal regional human rights systems (Cardenas, 2010: 87).

As a fifth distinctive feature, the regional experience shows that there is a clear preference, in extreme cases, to accept a role for the OAS, regional or sub-regional inter-governmental organizations, or “groups of friends”, in the process of influencing a peaceful outcome for the regional conflicts – both inter-state and intrastate – , being the UN the last resort for solving inter-state disputes and tensions, even if in some cases, long-standing disputes (particularly border and territorial disputes and bi-lateral conflicts) tend to be derived to the International Court of Justice in The Hague, as a way of looking for a juridical solution which usually is accepted by both parties (Sotomayor, 2008). However, although Latin American governments have been leaders in creating new regional and sub-regional arrangements –including the Inter-American Democratic Charter (IADC) at the OAS and several Democratic clauses at different recently created regional and sub-regional organizations such as UNASUR and MERCOSUR, these organizations do not have strongly embedded mass atrocity prevention mechanisms (Pace, 2012: 20).

On the other hand, the role of the Contadora group (which later became the Río Group) in the case of the Central American crisis in the 80’s, the role of the “group of friends” in the case of the Peru-Ecuador border conflict in the 90’s, the presence of the OAS in polarized and conflicted electoral processes such as in Venezuela, and the role of UNASUR in the Pando crisis in Bolivia (and the Colombia vs. Ecuador/Venezuela tensions) (Serbin, 2010b) illustrate a clear recent trend to avoid external actors’ intervention, with the probable exception of the case of Haiti.<sup>6</sup> However previously, in the 80s and 90s, the role of UN missions in the process of peace negotiations and its implementation was also crucial in Central America, as shown in the chapter by Aguilera on Guatemala.

Within this context, several Latin American countries are increasingly supportive of RtoP, basically accepting the pre-eminence of human rights and the protection of their citizen's over the principles of national sovereignty and non-intervention. In this regard, as one of the authors argued in a recent paper, the globalization of human rights, international and humanitarian law, and the rule of law, linked to the historical development and legacy of human rights in the region are becoming pre-eminent to those principles, even within several recently approved Constitutions (Serbin, 2010). It is important to note, in this regard, that particularly after the demise of military regimes in the region the human rights regime evolved in the context of changing concepts of the State and had lasting impact upon the traditional conception of state sovereignty. Additionally to that, as argued by some analysts, "State policies were increasingly subjected to normative, political and legal constraints that challenged conventional understandings of sovereignty and consolidated the growing consensus that human rights are matters not only of domestic jurisdiction but also of concern to the international community, particularly when large-scale violations take place" (Turner and Popovski, 2010: 232).

In fact, the combination of an accumulative experience of human rights government policies and civil society organizations initiatives, and the endorsement of the RtoP principle by several Latin American and Caribbean governments, prove that there is a gradual tendency to accept an eventual intervention of the international community either in cases of humanitarian crisis or of natural disasters, particularly if it is lead or promoted by regional organizations such as the OAS or UNASUR and it stays short of the use of force.

During the recent development of a phase of new regionalism – "post-neoliberal" or "post-hegemonic" (Serbin, Martinez and Ramanzini, 2012), with a strengthened state-centric emphasis, these two approaches within the regional juridical tradition oppose the role of the state against the rights of the citizens (Wolff, 2013), and affect the performance and development of a vibrant civil society. Nevertheless the existence of this opposition does not impede the emergence of an important debate that "shapes the adaptation of the new norm in the region" (Rotmann, Kurtz and Brockmier, 2014).

While the “skeptics” of RtoP in the region can be associated with governments that maintain a strong anti-US rhetoric as well as with proponents of more state centric and protectionist conceptions of regional integration that emphasize sovereignty and non-intervention doctrines, this does not apply to all the cases. Argentina being a prime example, as its government since 2003 has been confrontational with US policy in the region while assuming a leadership role in supporting regional integration initiatives such as UNASUR, yet has eventually positioned itself as a “champion” – with some qualifications and contradictions as shown by Arredondo in this volume - in matters of promoting and supporting the principle of RtoP. In some cases, this is in part associated with a long standing history of cooperation with the UN, participation in international peacekeeping operations, but also a strong emphasis in promoting the respect for human rights both internally as well as externally. Another example is Ecuador that, according to Dolores Bermeo contribution to this volume, while ideologically associated with Venezuela and Cuba as a member of ALBA, has maintained a moderate position towards RtoP in contrast with its ALBA partners. These two cases, question the idea that opposition or support for RtoP is solely based on the government’s current ideology, as it is rather due to the confluence of diverse internal and external factors associated with a history of human rights violations, the positioning in global affairs, the interpretation of international norms, and the traditions in the foreign policy development of these countries.

In this context, it is key to understand that Brazil’s 2011 proposal on Responsibility While Protecting is not merely a response to the Responsibility to Protect as it emerged in 2001 or the use of the norm in the Libyan crisis, but rather represents a culmination of Brazil’s engagement with questions of international intervention and normative manifestation as part of its expanding efforts to position itself globally by integrating to the central debate on international policy making. However, as shown in our own chapter on the issue, Brazilian aspirations to become a “norm entrepreneur” on a global level didn’t build on a regional consensus (and, on the contrary, avoided any regional consultation notwithstanding the widespread support it received after launching RWP as shown in most of the country cases presented in this volume), and didn’t achieve the full support of other Global South nations (Stuenkel, 2014). Additionally, Brazil’s lack of follow up

elaboration regarding RWP stalled its impact in the global debate that witnessed no further discussion after 2012. Once Brazil left its seat at the UN Security Council the initiative tended to lose momentum in the international debate and relevance within Brazilian foreign policy being displaced by other priorities (Stuenkel, 2013).

Interestingly enough, a country of more restricted international reach and with far less ambitious global aspirations, Costa Rica, has been more consistent in its contributions to the principle of RtoP and has been perceived as one of the most fervent supporters, or “champions” in regards to advocacy efforts for the advancement of the principle. Its emphasis on The Arms Trade Treaty as a key element in reinforcing preventive capabilities of RtoP, as pointed out by Cordero and Harmon in this issue, can be considered a much more profound contribution to the normative development of RtoP, therefore positioning the country on the short list of Latin American norm entrepreneurs.

Nevertheless, the three general tendencies profiled regarding the Responsibility to Protect in Latin America help us outline regional positions towards the principle, yet they do not function as a categorization mechanism in which we can conglomerate the hows and whys of these positions. Further analysis is critical to understand the position of Latin American countries, and this is why we aim at providing deeper insights into the development of policies towards the Responsibility to Protect and the assimilation or rejection of the norm in the cases of Argentina, Brazil, Chile, Costa Rica, Cuba, Ecuador, Guatemala, and Venezuela. By understanding the complexity of country positions towards RtoP within the regional and global context, we can have a better picture of the role of Latin America regarding the debate on RtoP and particularly, the reach of Global South nation’s efforts to become norm setters and innovators within the new global order.

## The structure of this volume

In a previous special issue of this journal dedicated to the applicability of RtoP in Latin America,<sup>7</sup> several researchers made an effort to introduce the issue in the regional academic debate, focusing on the general presentation of the evolution of the norm, its reach, the role

of civil society, and the main governments involved, both on a global and on a regional level. This issue attempts to reorient the debate towards the different (and sometimes changing) positions of several Latin American countries with regards to RtoP, and their contribution to the global debate on the norm.

This approach is introduced in the first chapter by Alex Bellamy, setting the basic traits and characteristics of the evolution of the norm on the global level, particularly with reference to the UN debates, and addressing the reach and limits of the Brazilian proposition of the Responsibility while Protecting as a contribution to the debate, especially with regards to the limits of the suggested sequencing of the three pillars of RtoP.

Following this chapter, a first section is dedicated to the countries we consider “champions” of RtoP in the region: Argentina, Costa Rica, Chile and Guatemala – all members of the “Group of Friends of RtoP” at the UN – whose foreign policies are strongly rooted in the defense of human rights particularly after suffering periods of military dictatorship and political turmoil as in the cases of Argentina, Chile and Guatemala or because they historically had been supporters of global norms and treaties that favor the interest of peace as in the case of Costa Rica. While two of the first chapters clearly refer in a supportive way to the Brazilian initiative of the Responsibility while Protecting (RwP), the chapter on Costa Rica links the debate on RtoP with the Arms Trade Treaty (ATT) as a crucial tool to prevent violence and promote peace and, from our perspective, positions Costa Rica amongst the few current norm innovators in the region.

A second section is dedicated to the “grey zone”, the countries that combine their positive historical record on human rights with a sometimes contradictory contestation of the norm mostly because of a perceived threat of external intervention that would benefit major Western powers interests and affect national sovereignty. Indeed this perception permeates not only these two chapters, on Brazil and its initiative of RwP and on Ecuador and its apparently, according to Dolores Bermeo, ambiguous position within the most strident group of regional skeptics – the Bolivarian ALBA member states, but also is present and transverses the positions of both the champions and the skeptics in the region. This section is particularly relevant because of

the attempt of Brazil to become a global player introducing modifications in the conceptualization and operationalization of the global norm, without building support, as already noted, from the region or from the BRICS as emerging players in the international system. Also, it shows how domestic constraints and changing priorities in foreign policy can abort or derail these initiatives.

A third section is dedicated to the Bolivarian skeptics: Venezuela and Cuba, historically hostile to the norm.<sup>8</sup> However, it is interesting to note that additionally to the recurrent concern regarding national sovereignty, non-intervention and the threat of a regime change as the implicit reason for rejecting any external interference, Venezuela's position is closely related, at some point, with the support of RwP, while the chapter on Cuba ignores the Brazilian initiative and focuses on its own foreign policy consistent rejection of RtoP as an external intervention tool that is not related to humanitarian interests.

Finally, we close this volume with a *Dossier* with two papers in Spanish on the situation of human rights and mass atrocities in El Salvador, as a potential test case for the implications of RtoP in Latin America, as part of a current project developed by CRIES. As already noted, prevention mechanisms for mass atrocities are absent from the already established and the recently emerging regional organizations. However, this is not an impediment to the potential emergence of crisis that could develop beyond the individual human rights abuses to situations of massive crimes. Even if this is not currently the case in El Salvador, the two papers show, from a civil society perspective, that there are reasons for concern in this regard.

All in all, this special issue dedicated to the Latin American positions, even if not covering all the main regional actors, reflects the current debate in the region, its capacity and its limits of influencing the global debate on RtoP, particularly through the positions expressed by national representatives at the UN.

## NOTES

1. According to Coe (2015:277) “norm” is a “standard of appropriate behavior for actors with a given identity.” It is not only a pattern of behavior but a “prescribed pattern of behavior which gives rise to normative expectations as to what ought to be done.” From a constructivist approach, norms at both cultural and political levels are an important part of shaping international politics, and while the state may remain the most important actor, norms create identity for the states themselves.
2. As our chapter in this issue on Brazil and the Responsibility of Protecting shows.
3. **It should be noted that among the Latin American countries members of the UN Group of Friends of Responsibility to Protect, that consistently supported the norm are included Argentina, Chile, Costa Rica, Guatemala, México, Panamá, and Uruguay.**
4. As in the most evident cases of Venezuela and Cuba.
5. As in the case of Brazil and its initiative to promote the “Responsibility while Protecting” (RwP), or, on a global scale, China’s initiative of “Protection Responsibility”.
6. Which is still under critical scrutiny by several Latin American governments (even if some of them are involved in the UN peace-building and post-conflict reconstruction operation – MINUSTAH, after the 1.559 resolution of the UN Security Council in 2004) (Brigagão, 2006), and by most of Latin American civil society organizations and networks (Jácome, Milet and Serbin, 2005).
7. *Pensamiento Propio*, 17, No. 35, January-June 2012, Special issue on “La Responsabilidad de Proteger y su aplicabilidad en América Latina”. Available at: [www.cries.org](http://www.cries.org)
8. Both were among the four countries that contested it during the 2005 Summit jointly with another Bolivarian member state – Nicaragua, and Sudan.

## REFERENCES

- Acharia, Amitav (2004). "How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in Asian Regionalism", in *International Organization* 58, No. 2, pp. 239-275.
- Acharia, Amitav (2011). "Norm Subsidiarity and Regional Orders: Sovereignty, Regionalism and Rule-Making in the Third World", in *International Studies Quarterly*, 55, No. 1, pp. 35-123.
- Anaya, Muñoz and Natalia Saltalamacchia Ziccardi (eds.) (2013). El Sistema Interamericano de Derechos Humanos: Actores, reformas y desafíos, Special Issue, *PensamientoPropio*, No 38, July-December 2013.
- Arredondo, Ricardo (2009). "La responsabilidad de proteger. De la noción a la acción", en *Pensamiento Propio* (Buenos Aires), No. 29, enero-junio 2009, año 14, pp. 185-207.
- Badescu, Cristina and Thomas G. Weiss (2010). "Misrepresenting R2P and Advancing Norms: An Alternative Spiral?", in *International Studies Perspectives* (2010) 11, 354-374.
- Brigagão, Clóvis (ed) (2006). *Haiti, O Brasil e a Minustah*. Rio de Janeiro: GAPCon / Konrad AdenauerStiftung.
- Brockmeier, Sarah; Gerrit Kurtz and Julian Junk (2014). "Emerging norm and rhetorical tool: Europe and a responsibility to protect", *Conflict, Security and Development*, 14:4. Available at: <http://dx.doi.org/10.1080/14678802.2014.930587>
- Cançado Trindade, A. A. (2007). "La persona humana como sujeto del derecho internacional", en *Revista IIDH*, (46) San Jose (CR), Julio-Diciembre, 2007, pp. 273-329.
- Cardenas, Sonia (2010). *Human Rights in Latin America. A Politics of Terror and Hope*, Philadelphia: University of Pennsylvania Press.
- Coe, Brooke (2015). "Sovereignty Regimes and the Norm of Noninterference in the Global South: Regional and Temporal Variation", in *Global Governance: A Review of Multilateralism and International Organizations*: April-June 2015, Vol. 21, No. 2, pp. 275-298.
- Coicaud, Jean-Marc; Michael W. Doyle and Anne-Marie Gardner (eds.) (2003). *The Globalization of Human Rights*, Tokyo-New York-Paris: United Nations University Press.

- Deng, F. M. (2000). *Reconciling sovereignty with responsibility: a basis for international humanitarian action*, na.
- Dominguez, Jorge (2008). "International Cooperation in Latin America: The Design of Regional Institutions by Slow Accretion", in Acharya, Amitav and Alastair I. Johnston (eds.) *Crafting Cooperation: Regional International Institutions in Comparative Perspective*, Cambridge: Cambridge University Press, pp. 83-128.
- Doyle, Michael and Anne-Marie Gardner (2003). "Introduction: Human Rights and International Order", in Coicaud, Jean-Marc; Michael W. Doyle and Anne-Marie Gardner (eds.) (2003) *The Globalization of Human Rights*, Tokyo-New York-Paris: United Nations University Press, pp. 1-21.
- Engstrom, Par and Andrew Hurrell (2010). "Why the human rights regime in the Americas matters?", in Serrano, Mónica and Vesselin Popovski (eds.) (2010) *Human Rights Regimes in the Americas*, Tokyo-New York-Paris: United Nations University Press, pp. 29-35.
- Evans, Gareth (2006). "From Humanitarian Intervention to the Responsibility to Protect", in *Winsconsin Law Journal*, vol 24, No. 3, pp. 703-724.
- Finnemore, Martha and Kathryn Sikkink (1998). "International Norm Dynamics and Political Change," in *International Organization*, 54, No. 2, 1998.
- Hiro, Dilip (2010). *After Empire. The Birth of a Multipolar World*, New York: Nation Books.
- Hurrell, Andrew and Terry Macdonald (2013). "Ethics and Norms in International Relations," in Walter Carlsnaes et al., (eds.), *Handbook of International Relations*, 2nd ed., Los Angeles: Sage.
- Jacome, Francine; Paz Milet and Andrés Serbin (2005). "Conflict Prevention, Civil Society and International Organizations: The Difficult Path for Peacebuilding in Latin America and the Caribbean", *FOCAL Policy Paper*, Ottawa: FOCAL, May 2005.
- Kacowicz, Arie (2005). *The Impacts of Norms in International Society: The Latin American Experience, 1881-2001*, Notre Dame: University of Notre Dame Press.
- Laskaris, Stamatis and Joakim Kreutz (2015). "Rising powers and the responsibility to protect: will the norm survive in the age of BRICS?",

- Global Affairs*, 1:2, 149-158. Available at: <http://dx.doi.org/10.1080/23340460.2015.1032174>
- Legler, Thomas (2013). “Gobernanza Global”, en Legler, Thomas, Arturo Santa Cruz y Laura Zamudio (eds.) *Introducción a las Relaciones Internacionales. América Latina y la Política Global*, México D.F.: Oxford University Press, pp. 253-265.
- Muñoz, Heraldo (2009). “La Responsabilidad de Proteger: tres pilares y cuatro crímenes”, in *Foreign Affairs Latinoamérica*, 10, No1, 2009.
- Pace, William (2012). “Civil Society, Latin America and the Development of RtoP”, in *Pensamiento Propio*, No. 35. January-June 2012, pp.13-26.
- Report of the Global Centre for the Responsibility to Protect*, (2009). [http://globalr2p.org/media/pdf/GCR2P\\_General\\_Assembly\\_Debate\\_Assessment.pdf](http://globalr2p.org/media/pdf/GCR2P_General_Assembly_Debate_Assessment.pdf)
- Ripley, Charles G. (2014). “North-South Relations”, in *The Oxford Companion to International Relations*, pp. 148-151.
- Rodrigues, Gilberto M.A. (2009). “Latin America, a ‘certain West?’” in *Janus Foreign Relations Yearbook*. Lisboa: Universidade Autonoma de Lisboa/O Público, p.52-55. See the Portuguese version <[http://www.janusonline.pt/2009/2009\\_3\\_3\\_2.html](http://www.janusonline.pt/2009/2009_3_3_2.html)>
- Rotmann, Philipp; Gerrit Kurtz and Sarah Brockmeier (2014). “Major powers and the contested evolution of a responsibility to protect”, *Conflict, Security and Development*, 14:4, 355-377. Available at: <http://dx.doi.org/10.1080/14678802.2014.930592>
- Rotmann, Philipp and Sarah Brockmeier (Coordinators) (2015). *Effective and Responsible Protection from Atrocity Crimes: Toward Global Action. Findings and Policy Options From an International Research Project on “Global Norm Evolution and the Responsibility to Protect”*, Global Public Policy Institute, April 2015, GPPI, Policy Paper.
- Serbin, Andrés (2009). “The Organization of American States, the United Nations Organization, Civil Society and Conflict Prevention”, *Documentos CRIES No. 11*, Buenos Aires: CRIES, 40 pgs.
- Serbin, Andrés (2010a). “Regionalismo y soberanía nacional en América Latina: los nuevos desafíos”, en *Documentos Nueva Sociedad*, Buenos Aires, No. 42, 21 pgs.

- Serbin, Andrés (2010a). “OEA y UNASUR: Seguridad regional y sociedad civil en América Latina”, *Documentos CRIES No. 14*, Buenos Aires: CRIES, 60 pp.
- Serbin, Andrés (2013). “Actores no estatales y política transnacional”, en Legler, Thomas, Arturo Santa Cruz y Laura Zamudio (eds.) *Introducción a las Relaciones Internacionales. América Latina y la Política Global*, México D.F.: Oxford University Press, pp. 172-182.
- Serbin, Andrés; Laneydi Martínez and Haroldo Ramanzini Júnior (eds.) (2012). El regionalismo “post-liberal” en América Latina y el Caribe. *Anuario de la Integración regional de América Latina y el Caribe 2012*, Buenos Aires: CRIES.
- Serbin Pont, Andrei (2014). “Rivalry, Vengeance and Hope”, en *Courier*, Muscatine, Iowa: The Stanley Foundation, pp. 22-23.
- Sikkink, Kathryn (2015). “Latin America and the Idea of International Human Rights”, in Domínguez, Jorge and Ana Covarrubias (eds.) *Routledge Handbook of Latin America in the World*, New York: Routledge, pp. 349-361.
- Sotomayor Velázquez, Arturo (2008). “¡Nos vemos en la corte! El arreglo judicial de disputas en América Latina y sus implicaciones para el sistema interamericano”, en *Foreign Affairs Latinoamérica*, vol. 8, No. 3, pp. 42-51.
- Stuenkel, Oliver (2011). “Brazil and the responsibility while protecting”, *Post-Western World*. Available at: <http://www.postwesternworld.com/2011/11/28/brazil-and-the-responsibility-when-protecting/>
- Stuenkel, Oliver (2013a). “Brazil as a norm entrepreneur: the “Responsibility While Protecting”, in Hamann, Eduarda and Robert Muggah (eds.) *Implementing the Responsibility While Protecting: New Directions for International Peace and Security*”, Brasilia: Igarapé Institute. Available at [http://www.gppi.net/fileadmin/user\\_upload/media/pub/2013/Benner\\_2013\\_Working-Paper\\_Brazil-RWP.pdf](http://www.gppi.net/fileadmin/user_upload/media/pub/2013/Benner_2013_Working-Paper_Brazil-RWP.pdf)
- Stuenkel, Oliver (2014). “The BRICS and the Future of R2P”, in *Global Responsibility to Protect*, vol. 6, Issue 1, pp. 3-28.
- Turner, Nicholas and Vesselin Popovski (2010). “Human Rights in the Americas: Progress, challenges and prospects”, in Serrano, Mónica and Vesselin Popovski (eds.) (2010). *Human Rights Regimes in the Americas*, Tokyo-New York-Paris: United Nations University Press, pp. 228-242.

- Wolff, Jonas (2013). “Towards Post-Liberal Democracy in Latin America. A Conceptual Framework Applied to Bolivia”, in *Journal of Latin American Studies*, February 2013, at <http://www.researchgate.net/publication/259431723>
- Zakaria, Fareed (2008). *The Post-American World*, New York-London: W. W. Norton and Company.

