



# Chile's Human Rights Foreign Policy and RtoP

Claudia Fuentes Julio

This chapter examines Chile's responses to the international norm known as *Responsibility to Protect* (RtoP) and places it within the greater context of Chile's foreign policy since the transition to democracy.<sup>1</sup> It argues that Chile's support of RtoP is highly consistent with the objectives and international strategies developed by the new democratic authorities that since early in the 1990s decided to actively include human rights as an integral part of Chile's national interest. Chile is recognized today as an international human rights promoter, praised by organizations such as Human Rights Watch as one of the most influential nations from the Global South in the promotion and protection of universal human rights (Kenneth, 2009; HRW, 2010, 2011).

The first part of this article highlights Chile's trajectory within the international human rights regime including ratification of human rights treaties, participation at the UN Human Rights Council and other

relevant institutions protecting human rights, and Chile's support to UN peace-keeping operations. It highlights that among the main objectives of the first democratic government led by the center-left coalition in power ("Coalition of Parties for Democracy" or CPD) was to actively promote the reinsertion of Chile into the community of democratic states as a way of recovering the country's international credibility that was lost due to the multiple condemnations made by international institutions, states, and transnational NGOs aiming to stop the human rights abuses perpetrated by the military regime. The CPD promoted the notion that a relatively small country like Chile without geostrategic or economic prominence needs to search for alternative sources of power actively participating in the creation and strengthening of international norms and institutions and reinforcing Chile's traditional emphasis on international law and multilateralism as a way of leveling the playing field among nations.

Against this backdrop, the promotion of international human rights became an integral part of Chile's international strategy during the more than twenty years that this coalition was in power.<sup>2</sup> One of the key conditions for Chile to become a human rights promoter was the presence of domestic actors at relevant positions in the government and the Ministry of Foreign Affairs willing to mobilize, promote, and legitimize human rights ideas into the foreign policy process. These actors shared common values, had similar beliefs about what constitutes Chile's national interest and, most importantly, developed concrete foreign policy initiatives with an emphasis on international human rights and the promotion of democracy. This same dynamic is also responsible for Chile's more recent commitment to the RtoP norm.

The second part of this article specifically assesses Chile's international stance on RtoP since the concept was first introduced by the International Commission on Intervention and State Sovereignty (ICISS) in 2001. Particular attention is paid to Chile's position towards RtoP within UN forums and especially during the 2005 UN World Summit, when the country supported the inclusion of specific international commitments endorsing RtoP in the Outcome Document. Also a brief discussion of Chile's response to the most current and more controversial issues regarding RtoP such as the recent implementation of the norm in Libya (2011) and the failure to respond to massive human

rights atrocities in Syria is also included. The chapter ends with some conclusions regarding the challenges ahead for the second administration of Michelle Bachelet (2014-2018) in the context of Chile's seat at the UNSC (2014-2015) and the need to further mobilize domestic and international assets for the normative advance, consolidation, and implementation of RtoP.

## Chile's Human Rights Foreign Policy

### *Why Chile became a Human Rights Promoter?*

Chile's involvement with the promotion of universal human rights dates back to the creation of what is today the international human rights regime after the Second World War. Chilean diplomats along with a reduced number of leaders from other developing countries particularly from Asia and Latin America were able to play a significant role during the drafting of the UN Charter, the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Chile's Permanent Representative at the UN, Hernán Santa Cruz, was one among the group of ten international figures who drafted the UDHR in 1948 (Sikkink, 1993(b)/2004; Reus-Smit, 2011). Chile was also active in the ensuing debate. Speaking in the Third Committee of the General Assembly on the draft Declaration, the Chilean Representative stated almost prophetically "no one could infringe upon the rights proclaimed in it [the Universal Declaration] without becoming an outcast from the community of states" (Reus-Smit, 2011: 532).

The coup d'état in 1973 and subsequent military regime broke Chile's traditional engagement with the international human rights system. During this period, Chile's participation in the United Nations and other international and regional forum was drastically reduced. Those very same international institutions that Chile had helped to create were at the forefront of the fight against the massive human rights violations perpetrated by the military regime. The United Nations condemned the Chilean government several times, at critical moments of

state repression. Following the coup against President Salvador Allende, the United Nations established an *ad hoc* working group (1975) to inquire into the situation of human rights in the country. This *ad hoc* working group is generally perceived to be the first “Special Procedure” of the United Nations Commission on Human Rights.<sup>3</sup> In 1979, this working group was replaced by a special *rappporteur* and two experts to study the fate of the disappeared. This led to the establishment of the first thematic Special Procedure in 1980: The Working Group on Disappearances to deal with the question of enforced disappearances throughout the world. The Inter-American Commission on Human rights also presented several reports on the human rights situation of the country.<sup>4</sup>

By late 1970s and early-1980s, Chile was increasingly seen as a pariah state within the international community and the country's international image was at its lowest levels. Chile's relations with Latin American countries dramatically deteriorated after the country decided to withdraw from the Andean Pact; some European countries issued complaints against the country due to the killing of their nationals in Chile's territory—most notably Spain, and the lessening of United States' support after the killing in 1976 of the former Chilean Minister of Foreign Affairs, Orlando Letelier and his American assistant, Ronni Moffit, in Washington DC significantly affected the country's standing within the international community. Agents of the Chilean secret police planned and perpetrated this assassination, the first one of this kind committed not only beyond Latin American borders but in US soil and with one local casualty. The international repercussions of the killings were considerable and accentuated international criticism of the military regime. In the words of the Chilean diplomat and scholar, Heraldo Muñoz: “...each time the government increases its authoritarian measures domestically there will be a revitalization of the negative image of the regimen externally and political isolationism will continue characterizing the foreign relations of the military regime” (Muñoz, 1982: 597).

The reestablishment of democracy opened an enormous window of opportunity for the restoration of Chile's diplomatic prestige. Consistent with its historical tradition, and in light of the new democratic government's redefined objectives, Chile's most immediate foreign

policy objective was to re-insert itself into the international community. Promotion of human rights became an integral part of the country's international strategy. The newly elected President Patricio Aylwin defined this objective clearly in his 1992 State of the Union—a speech that traditionally has an almost exclusive domestic focus—in which he explains the importance of human rights for Chile's foreign policy:

We consider that the defense of human rights is an ineluctable duty of any government that is committed to peace, one in which there is no room for invoking the principle of non-intervention. As a designated member of the United Nations Human Rights Commission, Chile will act according to this conception (Aylwin in Morande and Aranda, 2010: 95).

The need to recover Chile's international prestige and the value that the new elected President Patricio Aylwin placed on getting international support toward a domestic agenda aiming to a stable transition to democracy prompted the first democratic government to fully embrace international human rights. Foreign Policy decisions made during Aylwin's term paved the way for the next three administrations of the Coalition of Parties for Democracy (CPD) (Eduardo Frei, 1994-2000, Ricardo Lagos, 2000-2006 and, Michelle Bachelet, 2006-2010) to adopt human rights as a salient foreign policy objective. Chile's interest in international human rights was further enhanced by the personal commitment to democratic and human rights values embraced by the political authorities from the CPD that governed Chile, including a group of international relations experts that took leading positions within the Ministry of Foreign Affairs for four consecutive presidential terms (Fuentes and Fuentes, 2014; Fuentes Julio, 2014). President Michelle Bachelet is one of the clearest examples of a leader employing ethical principles as a motive for action. During her time in office she was particularly sensitive to the topic, as she herself was a victim of the Pinochet regime's ruthless methods of torture and imprisonment. Explaining the Chilean commitment to the UN Security Council, Bachelet indicated:

You will be aware of my own personal experience with the abuse of human rights. Those were painful times for me, for my family, and for my country. They were certainly the darkest chapter in Chile's history (...). But we are striving to create

a world in which such abuses are no longer possible. *Nunca Más*, never again, as we said in Chile after our experience in the 1970s and 1980s. And that is what we must also say in the United Nations, and act accordingly. Chile subscribes fully to a broad concept of freedom and emancipation under which respect for human rights—along with economic and social development, peace and security—is one of the pillars of the mission of the United Nations in this new century. As such we would like to contribute with our experience and commitment to the new Human Security Council (Bachelet, 2011).<sup>5</sup>

In sum, Chile's foreign policy for the more than twenty years that was under the Coalition of Democratic parties was led by a group of political leaders who shared a common understanding of the importance of human rights in domestic and international policies. Most importantly, this group of people managed to match words with deeds. During their time in office, they led and developed concrete foreign policy initiatives with an emphasis on international human rights, the promotion of democracy, and most recently RtoP.<sup>6</sup> As the following assessment illustrates, Chile became particularly active in three areas international areas with an important human rights focus: a) the ratification of major international human rights instruments; b) participation in multilateral organizations that promote peace, human rights and democracy; and c) Peace Promotion and peacekeeping operations under the auspices of the United Nations. Together, these three priorities helped to pave the way for Chile's support of RtoP in the early 2000s.

### *Assessing Chile's International Human Rights Performance*

#### *Human Rights Instruments*

Chile has ratified a number of international human rights treaties since the return of democracy in 1990 (See Table 1). It has also recently ratified the following human rights instruments: the International Labour Organization (ILO) Convention concerning Indigenous and Tribal Peoples in Independent Countries (ILO No. 169); the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of the death penalty; the Protocol to the American Convention on Human Rights to Abolish the Death

Penalty; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the Convention on the Rights of Persons with Disabilities. Chile formally joined the International Criminal Court in 2009, ten years after signing its founding treaty.<sup>7</sup> At the regional level, Chile ratified the American Convention and recognized the jurisdiction of the Inter-American Court only a few months after its transition to democracy.

**Table 1.**  
**Selected Human Rights and Humanitarian Treaties: Chile**

Treaties	Year of Ratification
American Convention of Human Rights	1990
International Covenant on Civil and Political Rights	1972
International Covenant on Economic, Social, and Cultural Rights	1972
Convention Against Torture	1988
Ottawa Convention	2001
Convention on the Rights of Persons with Disabilities.	2008
ILO C169 Indigenous and Tribal Peoples Convention	2008
International Convention for the Protection of All Persons from Enforced Disappearance	2009
International Criminal Court/ Rome Statute	2009

Source: Coalition for the International Criminal Court. <http://www.iccnw.org/?mod=country&iduct=35>; Office of the High Commissioner for Human Rights. <http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>

### *Human Rights Organizations*

Chile has been active in various multilateral organizations with an important human rights mandate (see table 2). Since the 1990s, the country has been elected twice (1996-1997/2003-2004) to a non-permanent seat on the UN Security Council (UNSC) in spite of an intense domestic debate on the possible political costs associated with such a post particularly during the US-led war in Iraq. From 2014-2015,

Chile will once again occupy a non-permanent seat at the UNSC. Chile has also actively participated in the UN Economic and Social Council (ECOSOC), even holding the presidency on several occasions. It also supported the creation of the UN Peace-Building Commission in 2005, holding the presidency of that organization for two years. Since 1999 Chile has been part of the Human Security Network,<sup>8</sup> a group of likeminded countries that have made human security an integral part of their foreign policy concerns (Brauch and Fuentes J., 2009). The country was one of the founding members of the Community of Democracies<sup>9</sup>, a global, intergovernmental coalition of democratic countries, whose goal is the promotion of democratic rules and the strengthening of democratic norms and institutions around the world.

Since the 1990s, Chile was also an active participant at the UN Human Rights Commission sponsoring and co-sponsoring important initiatives and resolutions especially on issues such as the right to truth and reparations for victims of mass atrocities. After the 2006 merging of the Commission into the Human Rights Council, Chile continued with its strategy of supporting institutions for the protection and promotion of human rights within the UN. Indeed, Chile has been praised by Human Rights Watch as one of the most influential countries from the Global South in the promotion and protection of universal human rights internationally (Kenneth, 2009; HRW, 2010, 2011). Human Rights Watch latest report (2011) on the Council's work states that "Chile has a strong and coherent voting record at the Council. Its positions are based on a principled approach to human rights, which is consistent and non-selective". The country has been elected member of the Council twice (2008 and 2011) for three years terms and in 2009 it was selected as Vice-president of the Council for one year to represent its regional group. In terms of resolutions addressing country or special sessions considering urgent situations, Chile systematically voted in favor of examining situations or resolutions of Sudan, North Korea, Iran, Belarus, Sri Lanka, Congo and Syria (HRW, 2011).

In terms of initiatives on the HRC, Chile has been an important actor when it comes to supporting the effective implementation of the Council's mandate to respond promptly to human rights emergencies. It was a cosponsor of the special session on Libya and the only council member of the Group of Latin American and Caribbean

countries to sponsor the resolution on Iran, which led to the creation of the special *rappporteur* mandate (HRW, 2011). In a note to the UN General Assembly presenting its candidacy for reelection to the Human Rights Council, this point was made fairly clear by the Chilean delegation: “We believe that, as part of the Council’s action, there can and must be a strengthening of the procedures for the early warning of and response to situations of mass violations of human rights in a particular State, including special sessions, on-site visits and stronger resolutions on such countries” (Permanent Mission of Chile at the General Assembly, 2011).<sup>10</sup>

**Table 2**  
**Chile’s Participation in Multilateral Initiatives**  
**with a human rights mandate**

UN Institution	Years of Participation (since the 1990s)
Security Council	1996-1997, 2003-2004, 2014-2015
Economic and Social Council (ECOSOC)	Presidency 1993, 1998 (Juan Somavia)
UN Human Rights Commission	Member from 1998-2000, 2002-2004
UN Human Rights Council	2008-2014
Peace-building Commission (PBC)	Presidency 2009-2010 (Heraldo Muñoz)
UN Peacekeeping	UNIKOM (Iraq – Kuwait), 1991-1993 UNTAC (Cambodia), 1992-1993 ONUSAL (El Salvador), 1992-1995 MOMEPA (Ecuador- Peru), 1995, 1999 UNSCOM (Iraq), 1996-1998 UNMIBH (Bosnia Herzegovina), 1997-2002 UNTAET (Timor Oriental), 2000-2002 UNMOVIC (Iraq), 2000-2003 UNMIK (Kosovo), 2000-Present UNFICYP (Chipre), 2001-Present UNMISSET (Timor Leste), 2002-2003 MONUC (DRC), 2003 UNAMA (Afghanistan), 2003-2004 MINUSTAH (Haiti) 2004-Present

<b>Other Initiatives:</b>	
Human Security Network	1999-Present Presidency 2001-2002
Community of Democracies	2000-Present, Presidency 2003-2005

Source: Authors' table. United Nations: <http://www.un.org/>; Ministerio de Relaciones Exteriores de Chile: [www.minrel.gov.cl/](http://www.minrel.gov.cl/); CECOPAC-Chile: [http://www.cecopac.cl/chile\\_en\\_opaz/contribucion.html](http://www.cecopac.cl/chile_en_opaz/contribucion.html)

### *UN Peacekeeping Operations*

Chile's respond to the international intervention in Kosovo in 1999 was originally cautious, explicitly making manifest the concern about NATO'S decision to intervene without UN approval. This position is probably due to the coincidental arrest of General Pinochet in London and the need to be consistent with the notion advanced by the country's state officials that prosecuting Pinochet outside Chilean jurisdiction was not in the interest of Chile, a sovereign state capable of judging him at home. Yet, Chile ultimately condemned the atrocities perpetrated in Kosovo and decided to participate in peacekeeping and policing in the area when solicited by the UN (Serrano, 2000).

Chile also contributed to peacekeeping operations in Iraq, Cambodia, and El Salvador, among other missions. However, it was not until 2010 that Chile drastically increased its participation in peacekeeping, sending troops to the Multinational Force for Haiti and later to the United Nations Stabilization Mission in Haiti (MINUSTAH). With more than 500 troops on the ground since the beginning of the mission in 2004, Chilean officials see participating in MINUSTAH as one of its greatest contribution to the protection of human rights, human security and regional peace. The latter point is continuously emphasized by Chilean delegates, which indicate that this operation is at the core a regional one. Two Chilean diplomats have been selected as Special Representatives of the Secretary-General and Head of Mission since the beginning of the mission in 2004. Additionally, since 2010 Chile's International Cooperation Agency (AGCI) has been implementing programs on education and development in the Caribbean nation.<sup>11</sup>

## Chilean Foreign Policy and RtoP

### *Chile's road to RtoP*

Due to Chile's strong support for the promotion of international human rights and its concrete foreign policy agenda on the subject, the country was already primed to understand and embrace the normative aspirations embodied by the Responsibility to Protect. In May, 2001 the International Commission on Intervention and State Sovereignty's (ICISS) choose to hold their regional consultations in Santiago, where they prepared the RtoP report. The host country immediately demonstrated its solidarity with the Commission and the proposed concept of RtoP. In the consultation's opening address, Soledad Alvear, Chile's Minister of Foreign Affairs, referred to international intervention as a subject closely related "to life and death," and one that international organizations, despite all their technological progress, have been unable to effectively address. She further indicated that "... massacres and other major aggressions against humankind continue to occur, to the dismay of the international community. All this urgently requires international organizations and UN state members to compromise on a common approach." (ICISS, Part III-Background: 369).

The next opportunity for Chile to state its position in relation to RtoP was during the 2005 UN World Summit, when the country supported the inclusion of specific international commitments endorsing RtoP in the Outcome Document. As expressed by the former Chilean Minister of Foreign Relations, Ignacio Walker, at the Sixtieth Session of the UN General Assembly, "When States are unable or unwilling to act this organization cannot remain indifferent in the face of genocide, ethnic cleansing, war crimes and crimes against humanity. We have an international responsibility to protect which we cannot ethically shrink" (Walker, 2005: 2).

The World Summit Outcome Document contains two paragraphs on the Responsibility to Protect. Paragraph 138 declares that "each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including

their incitement, through appropriate and necessary means....” Paragraph 139 states that “the international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action in a timely and decisive manner through the Security Council in accordance with the Charter, including Chapter VII...”

The Chilean representatives to the UN endorsed these paragraphs on RtoP because they contained three elements that were at the core of the delegation's concerns at that time. First, they stated that the issue being considered was not “the *right* to intervene” but the *responsibility* of every state to protect its population. Thus, the debate was shifted from the more traditional rhetoric regarding humanitarian intervention to a debate wherein each state and the international community would share the onus of protecting human beings from gross human rights violations.

Second, the Chilean delegation insisted on its interpretation of the Responsibility to Protect as a “continuum,” which included the international responsibility to prevent and assist (Labbe, 2005). It argued that efforts to prevent genocide and other crimes against humanity needed to address root causes, such as hatred among ethnic groups and inequality among various groups within a country.

Finally, in accordance with the UN Charter, the Chilean delegation concurred with the idea of a collective international obligation to take timely and decisive action when needed. The concept of decisive action included the provisional use of coercive tactics only under certain extreme conditions and only with the collective consent of the Security Council. Chile, along with Mexico and Japan, floated these ideas in a non-paper, which was meant to facilitate discussion prior to the World Summit; the document clearly emphasized the importance of strengthening conflict prevention mechanisms as part of the RtoP framework.<sup>12</sup>

In July 2009, for the first time since the adoption of the 2005 World Summit Outcome Document, the UN General Assembly met to re-

consider the responsibility to protect (RtoP) agenda. On this occasion, the General Assembly gathered specifically to discuss the UN Secretary, General Ban Ki-Moon's report "Implementing the Responsibility to Protect." Chile once again confirmed its commitment to RtoP, supporting Ban Ki-moon's call to turn RtoP into an operational concept. Chile endorsed the Secretary General's formulation of a three pillar strategy: state responsibility, assistance to states, and timely and decisive action by the international community. Chile acknowledged the importance of the first two pillars, but also insisted on the essentiality of generating preventive instruments to avoid mass atrocities, specifically through the promotion of democracy (Muñoz, 2009b).

From 2001, when the International Commission on Intervention and State Sovereignty (ICISS) presented its original report, through the most recent debates at the United Nations that have taken place in the last two years regarding the implementation of RtoP, Chile has continually insisted on the need for a political debate about the practical and consensual implementation of RtoP. Two topics appear prominently in Chile's official statements on RtoP: clarifying the conceptual and practical relationship between sovereignty and non-intervention, and defining the precise scope of RtoP as well as the criteria for intervention.

Regarding the sovereignty debate, it is worth noting that support for the principle of non-intervention has traditionally been very strong in Latin America and the Caribbean. As early as 1933, at the Inter-American Conference in Montevideo, Latin American countries had already crafted a repudiation of the Roosevelt Doctrine. The Convention of Rights and Duties of the States indicated that "no state has the right to intervene in the external or internal affairs of one another" (Cooper and Legler, 2006). The concept of Responsibility to Protect once again brought the tension of "sovereignty versus intervention" back to Latin America, and into the international debate.

Heraldo Muñoz, Permanent Representative of Chile to the UN, expressed the nature of this debate very clearly:

During the cold war, many countries in Latin America, including my own, suffered dictatorial repression with crimes against humanity. The Nixon administration actively contri-

buted to the tragedy in my country while others, both from the North and the South, kept silent. During the 80s, dictatorships began making way to restored democracies. The legacy of extrajudicial killings, disappearances of political prisoners and torture still haunts Latin American societies with its consequences. Our countries felt caught between a rock and a hard place. Most Latin American leaders wished to explore a better alternative to the stark choice between inaction vs. unilateral external intervention in case of a humanitarian crisis (Muñoz, 2009a:3)

As the previous quote illustrates, unlike other Latin American authorities that claim that RtoP is a threat to their sovereignty or represents a new form of interventionism, Chilean leaders have insisted that no country is less sovereign because of its willingness to accept an international responsibility to respond to mass atrocities. Chilean policy makers have explicitly indicated that RtoP is a legitimate alternative for responding to humanitarian crises. Yet, there is a much broader discussion – one which carries beyond the scope of RtoP – in the Latin American context. It considers when and by which means it is justifiable to intervene in a domestic or regional crisis. This discussion revolves around the application of the Inter-American Democratic Charter and how to respond to a democratic crisis. It has opened the regional debate over sovereignty versus collective response to defend democracy and prevent gross human rights violations in Latin America and the Caribbean (Sikkink, 1993 (a); Farer 1993/1996; Muñoz, 1998; Cooper and Legler, 2006).

The second topic regards the scope and the criteria for responding to atrocities. Chilean authorities view this subject as critical to making interventions legitimate. Chilean foreign policymakers have stated clearly that in order to avoid misinterpretations and potential abuses of the concept, the most viable political alternative is to narrow RtoP's focus and decide on concrete methods of implementation. "To make it workable in real life, the concept must be saved from friends and foes by narrowing its focus and making RtoP as operational as possible so as to effectively implement it ..." (Muñoz, 2009b:1). This was precisely the intention of the 2005 UN World Summit Document and the 2009 Secretary General Report, *Implementing the Responsibility to Protect*.

Both documents were strongly supported by the Chilean delegation to the United Nations. In terms of scope, Chilean authorities insisted on narrowing RtoP to just four crimes: genocide, war crimes, ethnic cleansing, and crimes against humanity as outlined in paragraph 139 of the UN World Summit Document. In Muñoz words, "... not all humanitarian tragedies or human rights violations can or should activate the RtoP" (Muñoz, 2009b: 2).

When considering activating RtoP at the international level, the Chilean delegation to the UN emphasized that, in order to protect the civilian population from mass atrocities, the international community is obliged to use the peaceful means outlined in Chapters VI and VIII of the UN Charter as a first resort (Labbe, 2005). Additionally, as the UN World Summit Outcome Document (2005) indicates, non-peaceful collective action is subject to at least two conditions: the determination to take collective action on a case-by-case basis and only "should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide..." Again the Chilean delegation concurred with narrowing down the coercive components of RtoP, so that they would only be applied under certain extreme conditions and only through the collective action of the Security Council. As indicated by Heraldo Muñoz in the 2009 UN General Assembly, "It is clear that the collective obligation is not to intervene, but rather to adopt whatever timely and decisive actions the international community deems appropriate, in accordance with the UN Charter. There is no automaticity, triggers, or implicit green lights for coercive action in what the world leaders agreed upon" (Muñoz, 2009a: 2).

One aspect that the Chilean position has underscored is the necessary emphasis on prevention as a means of addressing mass atrocities; acting in advance and tackling the root causes of conflict and mass atrocities. As indicated in the 2005 UN debate, "Chile views the responsibility to protect as a 'continuum' that includes international prevention and assistance entities and functions, and as the development and creation of national capacities" (Labbe 2005: 4). Specifically, Chile has pointed out that the best "strategy for preventing the occurrence of the RtoP crimes should contemplate the promotion of democracy... In the long run, the expansion of democracy could be a useful means for preventing the occurrence of atrocities, thus avoiding the recurrence

of the third pillar that could lead to coercive measure on the part of the international community” (Muñoz, 2009a: 9).

Finally and in light with Chile's commitment to RtoP at the United Nations, the country is part of several international networks aiming to promote this concept. Chile is part of the nations that are “Friends of RtoP” acting as an informal group within the United Nations in order to promote, discuss, and concert positions when RtoP situations arise. The Chilean Ministry of Foreign Affairs has also convened a couple of seminars in partnership with the Global Centre for Responsibility to Protect through their mission in New York to discuss relevant aspects of RtoP particularly from a regional perspective.<sup>13</sup> Also, Chilean nationals occupying relevant positions in international organizations have actively participated in international seminars to discuss the prospects for consolidating and implementing RtoP. Heraldo Muñoz, former Chilean Ambassador at the UN and now current Minister of Foreign Affairs of Bachelet's second administration has written a series of papers on the subject and was very active as the head of the Peace Building Commission. He was also pivotal in framing the Chilean response to RtoP and he is widely recognized among the diplomatic community as an RtoP supporter. In 2012, Michele Bachelet, acting as the Executive Director of UN Women, participated as a key speaker at the Stanley Foundation presenting her vision on the prospect for the Responsibility to Protect in the next decade.<sup>14</sup>

### *Chile's position on Libya and Syria*

The crisis in Libya and Syria are probably two of the best case examples to demonstrate the difficulties for implementing RtoP as an international norm. In the case of Chile, it also coincides with the arrival in March 2010—exactly a year before the crisis in Libya started—of President Sebastian Piñera as the newly elected President and the first right-wing leader in fifty-two years to win an election democratically. Even though human rights was not explicitly a foreign policy priority of Piñera's Presidency and underscoring that his government placed special attention and resources to international economic policies, there are important signs of continuity when comes to Chile's position on the responsibility to protect and its diplomatic responses to RtoP situations in the Middle East.

During the Special Session of the UN Human Rights Council (UNHRC) on the situation in Libya in on the February, 25 2011 Ambassador Oyarce condemned the human rights violations in the country asking for immediate responses from the UNHRC. Oyarce explicitly used RtoP language referring to the humanitarian emergency in Libya:

*“Todo estado tiene la responsabilidad de proteger a sus ciudadanos, asegurando la protección de los derechos humanos. La comunidad internacional debe alentar, ayudar y exigir a los países ejercer dicha obligación, utilizando todos los medios políticos y diplomáticos posibles (...) Instamos al gobierno Libio a cumplir su responsabilidad de proteger sus ciudadanos y llamamos a la comunidad internacional a intensificar sus esfuerzos para garantizar esa protección”.*

Even though Chile was not part of the UN Security Council to vote on the resolutions on Libya imposing sanctions (Res. 1970) and authorizing a non-fly zone and the use of force by NATO (Res. 1973), Chile’s position was of support. On the open debate on the protection of civilian in armed conflict in 2013, Ambassador Errazuriz, Chile’ representative to the UN explicitly supported both resolutions:

*“However, States themselves hold the primary responsibility for protecting their populations. They must create early warning and conflict detection mechanisms and adopt corresponding preventive measures. As that has not always been possible, however, the Council has had to take the measures necessary to adequately protect civilians in conflict situations. The adoption of resolutions 1970 (2011) and 1973 (2011) on Libya responds to that need. The measures contemplated in those resolutions are adequate for the protection of civilians, and their implementation must also be so. When States cannot protect their civilians, the international community, through the United Nations, cannot remain indifferent to the fate of those whose rights are being seriously, systematically and repeatedly violated” (Errazuriz, 2013).*

Unlike other Latin American countries, Chile did not entered into the debate regarding the interpretation and operationalization of

Res.1973 on Libya. Furthermore, there is no official statement on NATO's action in Libya regarding the controversy on whether or not the mission extended its mandate from the protection of civilians to regime change. As indicated on Brazil's chapter in this volume, the issue of regime change lies at the heart of the Brazilian concept note, Responsibility while Protecting (RwP) presented in 2011. Yet, Chile did not enter into this debate nor did they use Brazil's note (RwP) as a window of opportunity to further discussions on the Responsibility to Protect among Latin American countries. Unfortunately, the Brazilian proposal had very little resonance in the region and no country - nor Brazil as the leader of the initiative or the supporters of the concept such as Chile - took the lead to advocate for a Latin American debate on the subject.

In the case of Syria, since the beginning of the crisis Chile has supported a pacific and consensual resolution to the conflict based on political dialogue and negotiation between the parties. President Piñera strongly condemned the use of chemical weapons and "the indiscriminate use of force against the civilian population." Beyond condemnation to the systematic human rights violations in Syria, Chile has reiterated in several occasions and in different UN forums the appeal for countries that have the veto power to refrain from using it in cases of massive atrocities. Speaking at the Opening of the 68<sup>th</sup> UN General Assembly, President Piñera urged veto-holding countries on the Security Council to "refrain from exercising that right in situations of crimes against humanity, war crimes, genocide or ethnic cleansing." More recently, and already as a non-permanent member of the United Nations Security Council, Chile's delegation reiterated the appeal launched at the General Assembly, urging "the Security Council, in particular its permanent members, to shoulder that responsibility. Let us not forget the failures of recent years and the complex situations facing us today. May we not act too late" (Statement by Chile at the UNSC, April 2014).

Chile also co-sponsored a draft resolution referring the situation in Syria to the International Criminal Court (ICC).<sup>15</sup> The resolution was voted on May, 22 (2014) and sought to refer the situation in Syria to the ICC for the investigation and subsequent punishment of those responsible. However, the resolution could not be adopted due to the

veto of China and Russia. After the voting, Chile's delegation at the UNSC issued a statement indicating that:

“Chile sponsored the draft resolution in a spirit of openness and in the conviction that it represented a necessary step in obtaining justice for all the victims of the conflict in Syria, without any distinction between the various sides. Our country is a party to the Rome Statute and, as such, we believe that its integrity must be upheld so as to enable it to be fully implemented and effective in the fight against impunity. The International Criminal Court has shown itself to be the best tool for investigating the acts that have produced the draft resolution that could not be adopted today” (Statement by Chile at the UNSC, April 2014).

### **Bachelet and RtoP: Challenges Ahead**

Michelle Bachelet's term in the Presidency (2014-2018) will reinforce Chile's commitment with RtoP. The President herself and the current Ministry of Foreign Affairs, Heraldo Muñoz, **had been personally advocating** for the promotion of human rights and the need to hold the international community responsible for the prevention and response to massive atrocities. At the same time, Chile's seat as a non-permanent member at the United Nations Security Council (2014-2015) will provide a unique opportunity to influence the Council's agenda. Chile has been particularly supportive of a wide range of human security issues at the UNSC, including women, peace and security, children and armed conflict, and the protection of civilians in conflict (Security Council Report, 2013). During his time at the Security Council, Chile will continue supporting the implementation of RtoP as it was evidenced by the country's co-sponsoring of the resolution referring the situation in Syria to the ICC.

However, if Chile wants to strengthen its position as an RtoP advocate and a promoter of human rights more broadly, the country will have to invest greater political and economic resources into its international foreign policies. The final paragraphs of the conclusions are dedicated to highlight some of these challenges.

At the regional level, Chile's diplomacy needs to initiate further debates among Latin American countries with the aim of coordinating policies and initiatives especially on topics in which there is greater regional consensus such as early response to emergencies, prevention and mediation, and peace-building. Brazil's concept note on Responsibility while Protecting was a lost opportunity when comes to engaging other Latin American countries with this emergent international norm.

At the national level, the problem with Chilean policies on RtoP as well with other relevant decisions in related human rights areas is that they are fundamentally based on individual leadership rather than institutional support. Political leadership was fundamental for prompting Chile's foreign policy towards a greater engagement with international human rights in previous administrations. But for Chile to gain a more prominent role in this area, further institutionalization and local capacities are needed. In the case of RtoP, for example, there is no office or government official in the Ministry of Foreign Affairs in Santiago dealing with the issue. Chile is not part of the RtoP focal point initiative sponsored by the Global Center for the Responsibility to Protect. The objective of this initiative is to appoint a senior level official responsible for the promotion of RtoP at the national level who will support international cooperation by participating in a global network.<sup>16</sup> The lack of appointment of a national focal point reflects the fact that Chile's international actions on RtoP are processed by the missions to the United Nations in New York and Geneva. It also underscores one of Chile's shortcomings when dealing with humanitarian issues abroad: there are very limited domestic capacities dealing with RtoP and other topics such as conflict prevention at the Ministry of Foreign Affairs.

On other topics, such as human rights and human security, specific units were created within the Ministry of Foreign Affairs. Yet, when relevant decisions regarding human rights and international security are made, these units show very little capacity for generating responses. Rather than elaborating on the state's human rights policies internationally, the main task of the human rights division is to respond to Chile's monitoring requirements for international treaties. In sum, there is need of further institutionalization of RtoP and human rights within the Ministry of Foreign Affairs. There is also a greater need to

hire new personnel with expertise on this topic and to train younger diplomats so they are better prepared to respond to RtoP situations and to understand the human rights implications of complex political decisions.

Finally, Chile's non-governmental organizations remain weak, and their access to the decision-making process in foreign policy is limited. There is no evidence that the political opposition or other relevant groups are currently engaged in monitoring Chile's international action. Furthermore, unlike in the late-1980s and early 1990s, there are very few national academic institutions dedicated to the systematic study of Chile's international policies. Thus, there is relatively little pressure on the government to keep its previous commitments to international human rights. This is an important weakness considering that these types of organizations are fundamental to ensuring that states abide by international norms, especially in the area of human rights.

## NOTES

1. This article takes some insights from a previous chapter written by the author and Claudio Fuentes S. See: Fuentes and Fuentes forthcoming in 2014.
2. President Patricio Aylwin (1990-1994), Eduardo Frei (1994-2000), Ricardo Lagos (2000-2006), and Michelle Bachelet (2006-2010).
3. On Special Procedures see: <http://www.ohchr.org/EN/HRBodies/SP/Pages/Introduction.aspx>
4. For a detailed description on these reports see: (Vargas 2012)
5. Notes for the speech of H.E. President Michelle Bachelet at the meeting with Human Rights Watch, New York, September 2007. See <http://www.hrw.org/en/news/2007/09/25/chilean-president-visits-human-rights-watch> (accessed January 20, 2011).

6. Among them it is possible to include: Heraldo Muñoz, Juan Gabriel Valdes, Alberto van Klaveren, and Carlos Portales. Also the first head of Human Rights Unit at the Ministry of Foreign Affairs was a very well known human rights lawyer, Roberto Garreton and the appointments that followed as head of this unit were all professionals with extensive experience in human rights.
7. Despite being one of the first nations to sign the Rome Statute, the country's ratification process was delayed by a number of legal and constitutional difficulties and could only be ratified after the Chilean Chamber of Deputies approved a constitutional amendment recognizing the Court's jurisdiction.
8. This network involves thirteen countries: Austria, Canada, Chile, Greece, Ireland, Jordan, Mali, the Netherlands, Norway, Slovenia, South Africa, Switzerland, and Thailand.
9. The Community of Democracies was initiated by seven countries: Poland, Chile, the Czech Republic, India, the Republic of Korea, Mali, and the United States. Today, this organization consists of seventeen member countries. In 2000, in Warsaw, ministerial delegations from 106 countries signed the final declaration calling for the establishment of the Community of Democracies, see [http://community-democracies.org/index.php?option=com\\_content&view=article&id=1&Itemid=23](http://community-democracies.org/index.php?option=com_content&view=article&id=1&Itemid=23) (accessed February 15th, 2011).
10. Available at: [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/65/730&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=A/65/730&Lang=E)
11. See, Chilean Embassy in Haiti: <http://chileabroad.gov.cl/haiti/>
12. For more details regarding the Chilean position during the 2005 World Summit see: a) Statement by Ambassador Alfredo Labbé, "Meeting of the Plenary Assembly on the Reform of the United Nations". New York, 21 June 2005. b) Group of Friends of the UN Reform, non paper "The Responsibility to Protect, Civilian Protection, and the High level Panel Report", May 25, 2005.
13. The Permanent mission of Chile to the UN in New York convened a meeting on March 2012 under the title: "RtoP: Una Mirada en el Futuro".
14. Find the video of the conference at: <http://www.stanleyfoundation.org/RtoP.cfm>

15. Find the resolution at: [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2014\\_348.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2014_348.pdf)
16. For a description of the initiatives and a list of member states see: [http://www.globalRtoP.org/our\\_work/RtoP\\_focal\\_points](http://www.globalRtoP.org/our_work/RtoP_focal_points)

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