



# Brazil´s Responsibility while Protecting: a failed attempt of Global South norm innovation?

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Brazil´s Responsibility while Protecting (RwP) note, presented in 2011, put the South American nation under the international spotlight as it tackled a crucial ongoing debate inside the UN system. Launched in the prime of recent Brazilian foreign policy, at the end of its stage at the UN Security Council as a non-permanent member, with a sustained history of commitment to international peace keeping operations and with prospects of becoming an important global player in the international arena, the note grasped the attention of policy makers, academia and civil society practitioners. But, after 2012, it was followed with silence from Brazil, and no further development was made on what many analysts and decision-makers considered a conceptual advancement in the Responsibility to Protect (RtoP) debate from the Global South.

Many reasons are attributed to Brazil's lack of follow up engagement of the initiative. RwP stirred the global debate on RtoP and contributed to foster reactions on the issue by both Western powers and other Global South emerging powers. However, the RwP initiative events quickly went from being the focus of attention to falling gradually into oblivion. While valuable contributions were made with RwP, the opportunity to position Brazil as a global rule innovator or norm entrepreneur vanished, not only because of the rejection of the Western powers or the different priorities and interests of some of the mayor players from the Global South, but because the initiative was dropped by the ones who started it.

This chapter is aimed at explaining RwP, its contributions, its criticisms and how in the end it was a lost opportunity to promote norms from the Global South in the international debate. It also questions Brazil's role as a reliable norm entrepreneur or rule innovator, and whether this country can actually become a global player within the emerging international system or if it is limited by the shortcomings of its own foreign policy exertion tools.

### **From Responsibility to Protect to Responsibility while Protecting (RwP)**

In November 2011, in the context of a failed international intervention in Libya based on a resolution inspired by RtoP language, Brazil launched its Responsibility while Protecting (RwP) note. Seen by specialists as Brazil's first serious effort at norm entrepreneurship on a major issue within the United Nations system, it was in part a response to Resolution 1973 that led to military operations (Operation Unified Protector) in Libya. Recent events in this country, especially the actions of the United Kingdom, the United States and France (the P-3), that went beyond the RtoP mandate outlined in Resolution 1973 and led to a regime change operation in Libya provided the context for Brazilian contestation on the issue of international intervention and the use of force under UN mandate. As Gareth Evans points out:

*“...perception by a large number of countries—led by the so-called “BRICS” (Brazil, Russia, India, China and South*

*Africa)—that the major Western powers, as the NATO-led intervention in Libya went on, overreached the civilian protection mandate they had been given by the Security Council by demanding, and achieving, nothing less than the complete destruction of the Gaddafi regime” (Evans, 2014: 19-20).*

Briefly introducing the concept and the perceptions behind it, then Brazilian Minister of Foreign Affairs at the time, Antonio Patriota, wrote in an article for the Brazilian newspaper *Folha de Sao Paulo*, in anticipation of the note on RwP presented later at the UN, that:

*“...for Brazil, it is fundamental that when exerting the Responsibility to Protect through the use of the military, the international community must not only hold the corresponding multilateral mandate, but also observe another precept: The Responsibility while Protecting. The use of force must only be contemplated as a last resort. (...) Burning phases and precipitating the recourse of coercion is an attempt against the “rationale” of international law and the UN Charter. If our greater objectives included the decisive defense of human rights in their universality and indivisibility, as consecrated in the 1993 Vienna Conference, Brazilian actions must be defined case by case, under rigorous analysis of the circumstances and the means that are most effective to deal with each specific situation” (Patriota, 2011).*

Later that month, on September 21<sup>st</sup> 2011, President Dilma Rousseff stated during the 66<sup>th</sup> General Assembly in the United Nations, what would be the formal international presentation of the Responsibility while Protecting:

*“We vehemently repudiate the brutal repression of civilian populations. Yet we remain convinced that for the international community, the use of force must always be a last resort (...) Much is said about the responsibility to protect; yet we hear little about responsibility while protecting. These are concepts that we must develop together. For that, the role of the Security Council is vital - and the more legitimate its decisions are, the better it will be able to play its role.”<sup>1</sup>*

On November 9th of the same year, the Brazilian Permanent Representative at the UN, Ambassador María Luisa Viotti, presented letter with a concept note – “Responsibility while Protecting: Elements for the Development and Promotion of a Concept”<sup>2</sup> during the 12th Security Council Debate on the Protection of Civilians in Armed Conflict. As noted by Sainz-Borgo, it is important to stress that the note was addressed to the Secretary General, while Brazil was still occupying its seat at the Security Council (SC) (together with the other BRICS members), probably with the aim of moving the debate to the General Assembly even after Brazil left the SC (Sainz-Borgo, 2012: 194-195).

As summarized by Garwood-Gowers, the document contained two main features. First, it outlined several criteria for the Security Council to consider when deliberating over the use of force for civilian protection purposes. These included principles of force as a last resort only, proportionality and likelihood of success. The second significant feature was a call for the Security Council to establish monitoring and compliance mechanisms for assessing the manner in which resolutions are interpreted and implemented. This was a direct response to concerns over the way NATO interpreted resolution 1973 in Libya. Overall, RwP can be seen as an attempt to build a bridge between the West and the Global South, and particularly RtoP rejectionists like Russia and China. As a concept RwP was intended to complement, rather than replace, RtoP (Garwood-Gowers, 2013: 34).

Rodrigues points out that there were conjuncture and structural motivations for the launching of the RwP initiative by Brazil. On the conjuncture side he mentions the manipulation of the Libyan intervention by the P-3 and the concern about the possible application of RtoP in the developing situation in Syria, while the structural motivations were related to the difficulties of the implementation of the third pillar of RtoP as an international concern and to Brazil's constitutional commitment to human rights as part of its domestic agenda (Rodrigues, 2012: 171-173).

In general terms, the note expressed its support for the principle of RtoP but also its discontent over its recent use, as mentioned above. The note refers to paragraphs 138-139 of the World Summit Outcome Document<sup>3</sup> on the issue but not to the principle's original formulation by the International Commission on Intervention and State Sove-

reignty (ICISS).<sup>4</sup> Criticized for being redundant in some aspects as it repeated many of the points of the ICISS report, the RwP note was innovative in its sixth paragraph where it calls for the strict political and chronological sequencing of RtoP's three pillars,<sup>5</sup> and establishes a conceptual distinction between collective responsibility and collective security. The note, focused on decision-making procedures and accountability mechanisms, was in tune with a general concern by the international community on the need to deepen the reflection and the debate about the building of rules and procedures – particularly juridical and political – for the implementation of RtoP (Rodrigues, 2012: 176-177).

Historically, humanitarian intervention has been a complex issue for Brazilian foreign policy makers, and with Brazil's increasing participation in global debates, it became a key issue it had to face. Split between the non-interventionism and sovereignty principles and the need to protect human rights, especially in the face of mass human rights violations such as the ones witnessed in Srebrenica, Somalia and Rwanda, Brazil had to carefully analyze its path in the global debate growing around the issue of civilian protection, moving from the adherence to the principle of “non indifference” promoted in previous years to an apparently more concrete and operationalized notion of the “Responsibility while Protecting” (RwP).<sup>6</sup> In this regard, from the perspective of international law, Brazil made an effort to separate two trends of International Humanitarian Law in the proposal – the protection of civilians and the use of force in military operations (Sainz-Borgo, 2012: 200-201). The concept aimed at reinforcing the prioritization of preventive mechanisms, increasing prudence in its application, and supporting accountability measures when the Security Council decides to use force (Rodrigues and de Souza, 2012).

The main contribution of the RwP note was its attempt to operationalize the RtoP concept and that it established a set of guidelines to orient the Security Council and other involved states in contemplating and setting up an RtoP-based intervention:

*i) Just as in the medical sciences, prevention is always the best policy. It is the emphasis on preventive diplomacy that reduces the risk of armed conflict and the human costs associated with it;*

- ii) *The international community must be rigorous in its efforts to exhaust all peaceful means available in the protection of civilians under threat of violence, in line with the principles and purposes of the Charter of the United Nations and as embodied in the 2005 Outcome Document;*
- iii) *The use of force, including in the exercise of the responsibility to protect, must always be authorized by the Security Council, in accordance with Chapter VII of the Charter of the United Nations, or, in exceptional circumstances, by the General Assembly under its Resolution 377 (V);*
- iv) *The authorization for the use of force must be limited in its legal, operational and temporal elements. The scope of military action must abide by the letter and the spirit of the mandate conferred by the UNSC or the UNGA, and be carried out in strict conformity with International Law, in particular International Humanitarian Law and the International Law of Armed Conflicts;*
- v) *The use of force must produce as little violence and instability as possible. Under no circumstances can it generate more harm than it was authorized to prevent;*
- vi) *In the event the use of force is contemplated, action must be judicious, proportionate and limited to the objectives established by the Security Council;*
- vii) *These guidelines must be observed throughout the entire length of the authorization, from the adoption of the resolution to the suspension of the authorization by a new resolution;*
- viii) *Enhanced UNSC procedures are needed to monitor and assess the manner in which resolutions are interpreted and implemented to ensure responsibility while protecting;*
- ix) *The Security Council must ensure the accountability of those to whom authority is granted to resort to force”.<sup>7</sup>*

Within this framework, Brazil's RwP proposes to complement RtoP by focusing on a sequencing of the three pillars:

- 1) Pillars of RtoP “*must follow a strict line of political subordination and chronological sequencing*”,

- 2) All peaceful means must be exhausted, therefore a “*comprehensive and judicious analysis of the possible consequences of military action*” must take place before considering the use of force,
- 3) Only the Security Council can authorize the use of force in accordance with Chapter VII of the UN Charter, or “*in exceptional circumstances, by the General Assembly, in line with its resolution 377 (V)*”,
- 4) Such authorizations of the use of force must “*be limited in its legal, operational and temporal elements*”, and the enforcement must remain true to “*the letter and the spirit*” of the mandate,
- 5) “*enhanced Security Council procedures are needed*” in order to ensure adequate monitoring and assessment of the interpretation and implementation of the concept;
- 6) The Security Council is also obliged to “*ensure the accountability of those to whom authority is granted to resort to force*”.<sup>8</sup>

Nevertheless, Pasarelli argues that Brazil’s RwP note was only innovative in its terminology and in its attempt to consolidate a fragmented discussion (Pasarelli, 2012). According to the author, the demand for criteria for the use of force, a key aspect of RwP, was not new. Overall, RwP’s guidelines for implementation of Pillar III were a consolidation of existing principles and criteria under a single expression. A first example is that the RwP note stated that the “*use of force must be preceded by a comprehensive and judicious analysis of the possible consequences of military action on a case-by-case basis*” which has been previously highlighted by international, policy-makers and academics (Pasarelli, 2012: 80). In stating “[I]n exercising its collective responsibility, the international community should be careful not to provoke more instability than the one it is seeking to limit or to avoid” it evokes the notion of “Do no harm” that was already included in the ICISS<sup>9</sup> discussions as well as the concept of proportionality.<sup>10</sup> The need for UNSC to approve the use of force as stated in the RwP note is already clear in the UN Charter, and the concept of accountability is also included in the ICISS report.<sup>11</sup>

However, Brazil's note marked a departure from its traditional posture on the international debate by advancing a new concept that contested the understanding of sovereignty.<sup>12</sup> Also, it is a rare example of Brazil advancing concrete initiatives that contribute to its aspiration of becoming a possibly constructive member of the UN Security Council. In any event, it was a first Brazilian attempt to act as a "norm entrepreneur" or "rule innovator" at the United Nations.

Without going in further detail on the contents of RwP broadly debated and analyzed by other authors, the sudden reaction of Brazil at the moment of ending his stage as non-permanent member of the Security Council, and the initial full support by President Dilma Rousseff to the initiative at the UN should be seen both as part of an initiative addressed to the nation members of the UN in an attempt to led the country on the path of a long-time aspiration – becoming a legitimized global player and, eventually, contributing to the reform of the UN system and obtaining, within its framework, a permanent seat at the UNSC, and as a response to an initiative led personally by the Minister Antonio Patriota with the support of the President but without any apparent broader domestic consultation.<sup>13</sup>

Following this process, the only organized UN dialogue on RwP thus far was an informal discussion at the UN, coordinated by the Permanent Mission of Brazil on February 21, 2012. The consensus was that RwP was welcomed as a means of enhancing RtoP's implementation, but RtoP's framework, as set out in the World Summit Outcome Document, was not to be renegotiated (Prawse, 2014: 205).

### Responsibility while Protecting: The Criticisms

Stuenkel notes that the initial reception of RwP in the West was marked by skepticism, while the reaction in the Global South "*has been far more muted than in the West*" (Stuenkel, 2013a). However, even if RwP did not receive overwhelming support upon introduction, there has been a generally positive response to the proposal over the last couple of years. Obviously, Western states have overall been less supportive of RwP than non-Western states, who are more wary of intervention (Prawse, 2014: 203).



The stronger criticisms and rejection came from the Western powers and its capitals – Washington, Berlin, Paris and London.

One of the main criticisms was about conceptual differences and the lack of conceptual clarity of RwP (Benner, 2013). German UN Ambassador Peter Wittig stated that the Brazilian approach lacked “*a precisely defined concept of its own*” as well as criticizing the “*prescription of a strict chronological sequencing, the mandatory exhaustion of all peaceful means, and the introduction of ‘exceptional circumstances’ as an additional qualifying trigger*” for the use of force. Overall Wittig considered that the RwP concept “*limits the scope for timely, decisive and tailor-made solutions to situations of extreme gravity*”.<sup>14</sup> On a more operational and political perspective, the United States was critical of the “*higher thresholds for the legitimacy of military intervention, such as the requirement that [RtoP’s] three pillars follow a strict line of political subordination and chronological sequencing.*” Even if the US agreed with RwP’s notion that “*‘prevention is always the best policy’ and [that] preventative diplomacy needs to be strengthened,*” Washington highlighted two of the elements of RwP with which it disagrees. First, the United States argued that it was a mistake to “*equate ‘manifest failure’ with strict chronological sequence.*” There should instead be a “*comprehensive assessment of risks and costs and the balance of consequences*” (Prawde, 2014: 2005) when making decisions, rather than just “*‘temporal’ considerations.*” Second, the United States disagrees with the idea that in “*circumstances where collective action is necessary, diplomacy should be considered ‘exhausted’*” (Prawde, 2014: 2005).

As argued by Alex Bellamy in his chapter in this volume, conceptual criticisms, particularly from Western countries, came additionally from RwP emphasis on “sequencing” the use of Pillars I, II and III, in a Brazilian effort to respond to the Global South reluctance to accept external intervention, arguing that the use of force should be the last resort in a situation when the Security Council face the escalate of any of the four crimes considered by RtoP *vis a vis* the incapacity of the State to deal with it.

The second criticism from the West was that the RwP note was a sort of “tit-for-tat” response to the Libyan RtoP intervention, as it showed a late remorse for supporting it.

But perhaps the most revealing negative reaction by the Western powers related to the Brazilian proposal was, as point out by Benner, the one that:

*“...goes deeper and has to do with how the Euro-Atlantic established powers see the process of global norm evolution. Political elites and academics alike mostly argue that norm entrepreneurship is (and as some would even add should be) the domain of the West. There is little room for agency of non-Western actors in the stages of the “norm cycle”. Advocacy for a norm, so the argument goes, originates in the West (from governments or NGOs). A norm is then codified in an international forum at the initiative of Western powers. After that, “global norm diffusion” and the implementation of the norm follows. During this process, the content of the norm remains unchanged. Non-Western countries can only decide whether they want to implement or reject the norm (...) In these models, there is little space for non-Western norm entrepreneurs who seek to shape a particular norm” (Benner, 2013: 6).*

Within this framework, notwithstanding the imperfections and flaws of RwP, one of the main reasons for its rejection by the Western powers seems to be the fact that Brazil was aspiring to assume a role of norm entrepreneur which is usually restricted to the West.

Another source of criticism came with regards to the lack of consultation with its regional neighbors, which Brazilian foreign policy had portrayed as being representative of yet did not engage with in an open dialogue on the issue of RtoP, humanitarian intervention and the development of the RwP note. In part this may be the result of Brazil's differentiated engagement, in which it behaves differently in different spheres of the international system, or as Federico Merke puts it: “Brazil appears as a conservative state in the region but a reformist in the world, especially in regards to the role of international organisms. This reformist agenda seems to be channeled through its partners in BRICS rather than UNASUR” (Merke, 2014: 8). In this regard, some analysts argue that RwP gave Brazil the opportunity of becoming a key protagonist as a Latin American voice in the promotion of human rights at the international level, as other regional actors were gradually displaced from a central role on this issue. While Chile - a historical

“champion” of RtoP – lost momentum during the 2005-2010 presidential period, giving less attention to the issue; México – one of the other key supporters of RtoP – exited the international arena due to domestic priorities,<sup>15</sup> and Argentina – a staunch supporter of human rights as part of its foreign and domestic policy – was leaning towards a Bolivarian prone skepticism, Brazil seized the opportunity to raise its profile as an international human rights promoter and as a new international rule innovator (Rodrigues, 2012: 183). In any event, in launching the RwP note, Brazil didn’t resort to its apparent regional leadership in Latin America as it happened with the creation of UNASUR and CELAC and didn’t build expressly a regional support for its initiative. Instead, it seemed to present the note with an eye on playing a global role and receiving the support of the BRICS as a Global South player which wouldn’t disdain a UN reform that opened the possibility for a permanent seat at the Security Council, an aspiration which was not necessarily shared by most of the Latin American countries and particularly, its closest trade partner and neighbor – Argentina.

Nevertheless, as shown in some of the chapters of this issue, RwP received initial support from a broad spectrum of Latin American countries – from the traditional champions of RtoP such as Argentina and Guatemala to radical skeptics such as Bolivarian Venezuela. The *ex post facto* alignment of several Latin American countries seems to respond more to an automatic regional solidarity and the identification with the Brazilian proposal rather than to a building up of consensus and support by Itamaraty. In this regard, on the regional level, it is difficult to assess how the initiative resonated in such organizations as MERCOSUR or UNASUR, not to mention the case of the already polarized OAS in terms of human rights and the reform or even the rejection and denunciation of the Inter-American Human Rights System (IAHRS) by members of the Bolivarian Alliance (Anaya and Saltalamacchia, 2013).

Also, though including aspects of prevention and accountability, Brazil did not engage with civil society in the elaboration of the note, being that civil society movements had been a major component in promoting and advocating for aspects of accountability and strengthening mass atrocity prevention capabilities as key elements in RtoP principle (Serbin and Rodrigues, 2011). In this regard, it should be noted that while the Northern NGOs, active in New York and Geneva, reacted quickly

to RWP and were involved in the interactive dialogue that followed the launching of the initiative, the role of Brazilian and Southern NGOs was also clearly a *ex post facto* involvement (Hamann and Muggah, 2013).

Notwithstanding the generalized sympathy to the initiative, the fellow members of the BRICS also reacted to RWP in different ways. Initially, China and India “welcomed” RWP, and Russia committed itself to “*participat[ing] constructively in developing [the] idea*” of RWP (Prawse, 2014: 205). Yet China and Russia were also skeptical, since Brazil's RWP contained an endorsement of the need to intervene in grave cases. Fellow emerging powers India and South Africa had little to say on the RWP initiative even if the IBSA group signaled stronger interest in the concept and seemed open to suggestions that this bloc countries get together to further promote and develop the concept (Benner, 2013: 8-9).

It is important to note, that all five BRICS members, as aptly noted by Garwood-Gowers (2013) share similar but not identical perspectives on RtoP, as there were significant differences rooted in distinct historical, cultural and values experiences, as well as differentiated national interests. While some of them were open to pillars I and II they also were cautious about coercive pillar III measures. The cautious approach or the open reluctance over pillar III implementation reflected a deeper contestation over RtoP's content, scope and implications for international order, and the lack of a monolithic consensus in the international community, particularly among the Global South, with regards to external intervention and the use of force. This contestation reflected both pragmatic and normative concerns over pillar III, mostly related to the risk of abuse by powerful Western states, the emphasis on the role that regional organizations could play, the scepticism about the efficacy of military force, and the preference for non-coercive civilian protection measures, including dialogue. Overall, this contestation was associated with a pluralist resistance to an assertive, liberal vision of RtoP.

After Brazil's RWP note, China followed suit with the presentation of a document on “Responsible Protection” (RP), which was part of the display of criticisms and contestation from the Global South to the norm,<sup>16</sup> but it was clear that there was no monolithic response of support by the BRICS bloc. However, the different nuances expressed in their criticisms or the full rejection by the members of the bloc of the

RtoP norm, and particularly pillar III, after Libya, reflect the disparity of positions and national interests by the members of the BRICS, but also marked an important step in the terms of the contestation of a global norm mostly promoted by the Western countries, as a relevant dimension of the reconfiguration of power relations in the international system. Within this context, Brazil's RWP and China's RP initiatives represented more restrictive interpretations of pillar III.

However, the BRICS' positions on Syria must be assessed in two separate phases. The first— from April to November 2011 – saw all five members assume a unified stance in opposition to proposed Western responses to the crisis. In the second phase – from December 2011 onwards – the IBSA states shifted their positions, gradually becoming more receptive to proposed civilian protection measures. Instead of continuing to act as a bloc the BRICS split into two sub-groups: on one side, Russia and China remained strongly aligned in its opposition to any coercive measures against Syria, while on the other, the IBSA states adopted more flexible, though not always identical, stances towards proposed international action (Garwood-Gowers, 2013: 24).

Divergences between the Russian and China position with that of IBSA states can be explained by numerous factors. First, national interest of BRICS do not coincide being that Russia's sustains a strong opposition to intervention due to strategic interests in Syria and China's strategy is based on alignment with Russia in the Security Council, especially after the Libyan intervention while IBSA countries have less at stake in the case of collapse of the Syrian regime. A second factor has been the differing internal governance structures of the BRICS as IBSA states have a democratic nature and the Syrian crisis had increased domestic media and civil society pressure for international action, while these internal pressures are non-existent or less relevant in China and Russia. Thirdly, IBSA states are seeking to gain permanent seats in the Security Council and therefore need to establish credentials, assume more relevant roles in international affairs, and obtain the support of Western countries while for China and Russia these factors do not influence their position and they can afford to pose a strong opposition to Western initiatives. Overall, these factors help to explain why the IBSA states have gradually moved away from the Russian and Chinese positions on Syria (Garwood-Gowers, 2013: 32-33).

*RwP: Officially pronounced dead?*

After the discussion organized by the Permanent Mission of Brazil on RwP in February 2012 had generated an unusual amount of interest and debate on a global scale, the general expectation was that Brazil would continue to prioritize RwP in its multilateral agenda. The concept had gained substantial backing from several traditional RtoP supporters and was being debated in multiple capitals. However, as observed by Stuenkel, February 21<sup>st</sup> 2012 turned out to be the apex of Brazil's activism (Stuenkel, 2013b).

Before that date, RwP had benefitted significantly from Antonio Patriota's personal support related to his personal interest in issues of sovereignty and intervention, and the former Foreign Minister not only contributed to the drafting and presentation of the RWP note but frequently spoke about the concept both in Brazil and abroad. In the months following RwP's presentation, the concept gained currency in UN circles, setting the agenda on a major international peace and security challenge. In many ways, RwP symbolized the very strategy Brazilian foreign policy-makers aspired to pursue: it acted as a bridge-builder, mediator and consensus-seeker through thought leadership (Stuenkel and Tourinho, 2014: 18-19).

Yet after February 2012, the concept lost momentum within UN circles and diplomats. While RwP continued to be mentioned during debates, there was no longer the sense that Brazil prioritized the matter. As some analysts pointed out, Brasilia *"refrained from issuing an official follow-up note to deal with some of the most convincing critics. In some ways, this was problematic: Brazil had distanced itself from the rigid sequencing approach that appeared in the original concept note, but many commentators continued to read the only document available and believed that Brazil's official position has not changed. It appeared that the Brazilian Government had decided not to turn RwP into the foreign policy signature issue of Dilma Rousseff's first term. The Brazilian President mentioned, but declined to explain the issue better during her opening speech of the UN General Assembly in September 2012 (...). In the same way, the Brazilian President did not mention the RwP concept during her opening speech at the UN General Assembly in September 2013"* (Stuenkel and Tourinho, 2014: 19).

There are several interpretations to explain Brazil's retreat from the RwP initiative. One of them relates this retreat to internal divergences within the Brazilian government, as the initiative was launched without extensive consultation with different domestic sectors and was mostly promoted by Patriota himself, who persuaded President Rousseff to further advance the initiative. Consequently, once he left the post of Minister of Foreign Affairs, even if moving to the UN Mission, his position was weakened. The exit of Patriota as Foreign Minister and his replacement with a colleague with a lesser predilection for security issues, coupled with President Rousseff's notorious disinterest in foreign policy, especially in an election year, appears to have doomed the RwP initiative (Kenkel, 2014: 22-23). The second one relates to the resistance and the criticisms that the initiative confronted once presented, and the lack of preparation of Brazilian diplomats to deal with them. As pointed out by Benner *"Brazil seems to have been unprepared for the criticism and pushback after it launched the RwP concept. (...) Engaging in the business of norm entrepreneurship means taking risks and dealing with setbacks and criticisms - especially in a charged and contested political environment such as the debate on intervention and the use of force"* (Benner, 2013: 8-9). Another plausible interpretation – related to the previous one – is Brazil's foreign policy cautious approach to controversial international issues and the associated risk aversion of its decision-makers. In an eventual balance of costs and benefits of trying to become a global player fostering the debate on a global norm – which touched such a sensitive issues as intervention and use of force–, the reaction by Western powers and the lack of a united support from the Global South may have become a deterrent for the Brazilian initiative.

Yet, even if the RwP concept was an important discussion starter and a catalyst, raising some of the concerns of the Global South regarding intervention and the use of force and opening the debate with the Western powers, at the time when the discussion should have started to tackle the serious open questions, Brazil seemed to retreat from the initiative.

Nevertheless, notwithstanding Brazil's retreat from a continued support and promotion of the initiative, some aspects of the RwP proposal remain relevant. Stuenkel and Tourinho point to three aspects that *"are worth highlighting. First, the proposal was the first concrete articulation in at least a decade about the further specification and regulation of the*

*use of military force under Chapter VII by the Security Council. On this issue the proposal goes beyond situations in which RtoP is invoked, and while the Council is certainly sovereign in its decisions, tighter normative oversight may be in order to increase global consensus about its Chapter VII activities. Second, as the UN membership continues to debate reform of the working methods and procedures of the Security Council, RwP gives some concrete suggestions on the need for greater transparency and accountability in the workings of the Security Council. Third, the question of internal hierarchy and lack of sufficient information within the Council (between the permanent and elected members) is implicit in RwP's claims for greater transparency and information, and for the ultimate authority to remain with the Council as an institution (and not just of some of its members)". Adding that, "In this sense, while RwP is an important stand-alone diplomatic initiative to adjust current international practices on RtoP, it is also part of a broader and more long-standing debate about the use of force as authorized by the UN Security Council. Brazil might have refrained from pushing for its broad acceptance, but if the UN Security Council is to remain legitimate as the centrepiece of global order in relation to issues of international peace and security, at least some elements of the proposal will ultimately have to be revisited" (Stuenkel and Tourinho, 2014: 19-20).*

As noted by Kenkel, despite the efforts of civil society and the academy to revitalize the process, it appears that proponents of prominent participation by states from the global South in the RtoP conversation will need to look beyond the "Responsibility while Protecting". Nevertheless, during its short journey, the RwP paper went a surprisingly long way towards laying bare the basic tenets of discord over RtoP's implementation, as well as providing the spaces necessary for future debate. It is to be hoped that in the future the domestic and international contexts will intertwine to allow Brazil to play its crucial role as a global mediator on issues of RtoP and intervention (Kenkel, 2014). However, RwP is unlikely to have a lasting impact on the debate on RtoP without a powerful and credible sponsor like Brazil (Stuenkel, 2013b). As a result, what was once a promising bridgehead between North and South has perhaps met with a premature end (Kenkel, 2015: 9).

Nevertheless, to end on a positive note, with all its drawbacks the RwP initiative illustrate the potential for a growing aspiration of an emerging



Global South power to assert its own normative preferences in the global agenda, as an emerging norm entrepreneur or rule innovator. This aspiration increasingly demands from the Western powers to accept, adapt and accommodate to a set of non-Western approaches and perspectives on sovereignty, intervention and global governance, within a changing international order. However, in the case of Latin America it shows once again, that even having developed, as a region, a substantial background and political capital as rule innovator, without a consistent leadership and a unified regional approach changing existing global norms can become a difficult task.

## NOTES

1. Statement by H.E. Dilma Rousseff (2011). President of the Federative Republic of Brazil, at the Opening of the General debate of the 66th. Session of the United Nations General assembly, New York, 21 September 2011, <http://www.un.in/brazil/speech/11d-Pr-Dilma-Rosseff-opening-of-the-66th-general-assembly.html>
2. Letter dated November 9th 2011 from the Permanent Representative of Brazil to the United Nations addressed to the Secretary General, general assembly, Sixty-sixth Session agenda items 14 and 117, [http://www.globalr2p.org/media/pdf/Concept-Paper\\_RwP.pdf](http://www.globalr2p.org/media/pdf/Concept-Paper_RwP.pdf)
3. United Nations General Assembly, '2005 World Summit Outcome', United Nations Document A/60/1, 16 September 2005, paragraphs 138-139.
4. Permanent Mission of the Federative Republic of Brazil to the United Nations. "Responsibility while protecting: elements for the development and promotion of a concept", 9 November 2011, United Nations Document A/66/551-S/2011/701, accessed 23 July 2015, <http://cpdoc.fgv.br/sites/default/files/2011%2011%2011%20UN%20conceptual%20paper%20on%20RwP.pdf>, paragraph 3.
5. Ibidem, paragraph 6.
6. As noted by Wojcikiewicz Almeida "... the ambiguity of the concept of non-indifference, the difficulty of translating it into tangible actions

capable of guiding foreign policy, and the desire for a more active role in decision-making processes under the UN, together led Brazil to create what appears to be a new label for an already well-established idea (...) This 'new' notion is 'Responsibility with Protection' (RwP) (Wojcikiewicz Almeida, 2013:10).

7. Permanent Mission of the Federative Republic of Brazil to the United Nations. "Responsibility while protecting: elements for the development and promotion of a concept", 9 November 2011, United Nations Document A/66/551-S/2011/701, accessed 23 July 2015, <http://cpdoc.fgv.br/sites/default/files/2011%2011%20UN%20conceptual%20paper%20on%20RwPpdf>
8. Ibidem.
9. ICISS, 7.26
10. ICISS, 7.27
11. ICISS, 7.29
12. As noted by Benner "The RWP initiative is a major departure in Brazilian foreign policy in two respects. First, it is one of the rare cases where Brazil has forcefully advanced a new concept related to a contested key aspect of the global order – the understanding of sovereignty (...) Second, until 2011 Brazil had mostly pursued a skeptical if not outright negative course vis-à-vis the concept of a RtoP. The RWP concept, however, marks a clear departure from this position because it acknowledges the responsibility to intervene, in certain circumstances militarily", in Benner 2013: 2.
13. RwP had benefitted significantly from Antonio Patriota's personal support, and the former Foreign Minister frequently spoke about the concept both in Brazil and abroad. In September 2012 President Dilma Rousseff referred to RwP as a necessary complement to R2P (Stuenkel and Tourinho, 2014: 15). However, as noted by Rodrigues (2012: 174) "*la formulación de la RwP ha seguido el patrón clásico de la diplomacia brasileña: ha sido elaborada a partir del estado brasileño y centrada en Itamaraty, sin ningún proceso de consulta específico con la sociedad civil del país o de la región*".
14. Informal discussion on "Responsibility While Protecting" Hosted by the Permanent Mission of Brazil, New York, 21 February 2012, Remarks of Ambassador Dr. Peter Wittig, Permanent Representative of Germany to the UN, [www.globalr2p.org/resources/RwP.php](http://www.globalr2p.org/resources/RwP.php)

15. Arturo Sotomayor argues, interestingly enough, that “Mexico’s position vis-à-vis the RtoP debate can be described as “domestically instrumental”; it instrumentally and conveniently used the international framework to induce domestic change and justify national policies”, adding that “Mexico is effectively split into two irreconcilable domestic agendas that impede and constraint any norm entrepreneurial role overseas. On the one hand, Mexico has been traditionally supportive of human rights initiatives and has used RtoP concepts to frame domestic debates (...) domestically, Mexico’s RtoP/human rights agenda is more strictly controlled by diplomatic bureaucrats in the Foreign Ministry. On the other hand, its security agenda is dominated by military (specifically Army) interests, which have been traditionally opposed to RtoP proposals on intervention (...) these two domestic positions have not been reconciled in a coherent and consistent way. As a result, Mexico’s foreign policy, especially as it pertains to the RtoP debate, is inherently contradictory, disjointed, and confused. The Mexican strategy has thus consisted of picking and choosing between different notions entailed in RtoP debates, often favoring a human rights and preventive issues at the expense of the broader debate on intervention. The strategy might have worked in the early 2000s, when democratization dictated an emphasis on human rights. But increasingly, Mexico’s RtoP policy is undermined by its own national security agenda. Until Mexico resolves its domestic contradictions, it will not be able to play a norm entrepreneurial role at the UN or in RtoP circles” (Sotomayor, 2014: 2;20).
16. As noted by Laskaris and Kreutz (2015: 154) “In October 2013, during a closed conference organized by the China Institute of International Studies, China’s foreign minister presented the “Responsible Protection” to a group of experts mainly coming from BRICS states (Zongze, 2012). According to this, six principles are to be adhered to: the object of an intervention should be clear and people of the target country should be protected by all means; the legitimacy of the protection must be established; the means of protection must be limited; the purpose of protection must be clear; the “protectors” should be responsible for the post-intervention and post-protection reconstruction of the state concerned; and the UN should establish mechanisms of supervision, outcome evaluation and post factum accountability to ensure the means, process, scope and results of protection.

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