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## **On Non-Western Norm Shapers: Brazil and the Responsibility while Protecting**

**Abstract:** Drawing on a notable example of a non-Western normative initiative, Brazil's 'Responsibility while Protecting' (RwP), this article contributes to broadening the scope of the norm dynamics literature beyond its common Western-centric focus. Post-2011 Libya intervention, Brazil proposed RwP to clarify what 'using force' means under the Responsibility to Protect (R2P) banner, but then withdrew from visible norm sponsorship, only to return to this as part of a collective exercise to institutionalize R2P at the United Nations. First, the article highlights the significant role of non-Western agents whose contributions usually go overlooked, yet carry the highest potential to address the legitimacy deficit of norms like R2P. Second, the article proposes adding a new conceptual tool when investigating the role of agency in norm dynamics, one that incorporates a wider range of norm 'shaping' processes and highlights enabling, contingent circumstances. The latter, is argued, best captures the anomalies in contemporary norm contestation. This is illustrated through an empirical analysis of the conditions under which Brazil was able to advance RwP, despite the subsequent emergence of unfavourable circumstances. This article emphasizes how significant an alignment of enabling circumstances is to non-Western agents in terms of shaping norm contestation and normative exercise completion.

**Author:** Cristina G. Stefan\*, School of Politics and International Studies, University of Leeds, UK

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**Key words:** non-Western agency, responsibility to protect, Brazil, norms, responsibility while protecting

### **Introduction**

The Responsibility to Protect (R2P) norm has been discussed extensively since its initial emergence in the 2001 report on the topic, and especially after 2005, when it was institutionalized at the UN. The UN Secretary-General's 2009 report Implementing the

Responsibility to Protect<sup>1</sup> introduced the ‘Three Pillars’ approach to R2P, which now informs all debates on this topic meant to shape responses to mass atrocity crimes. The cumulative impact of R2P to date has been dubbed ‘the most dramatic normative development of our time’,<sup>2</sup> with R2P’s main function described as ‘a global rallying call to action’ in response to mass atrocities.<sup>3</sup> R2P is first and foremost about states’ responsibilities to protect their own populations, but it also strengthens the international community’s overall responsibility to protect, through the UN, which makes it ‘one of the most significant normative shifts in international relations since the creation of the UN in 1945’.<sup>4</sup> As ‘an important normative innovation’,<sup>5</sup> R2P has evolved rapidly, but it has also generated intense controversy, reflected in a multitude of processes of contestation about the organization responsible for R2P’s development, the content of the norm, and especially how best to implement it.

This article’s emphasis on a non-Western initiative, meant to reshape and clarify R2P, was triggered by the call to pay greater attention to the agency role of non-Western ideas and actors in building global order.<sup>6</sup> R2P is often wrongly described as a Western-generated norm. As such, this article has two main reasons for examining Brazil’s RWP initiative: first, because it represents the normative engagement of a non-Western agent; and second, because

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<sup>1</sup> Ban Ki-moon, *Implementing the Responsibility to Protect: Report of the UN Secretary-General*, A/63/677 (12 January, 2009).

<sup>2</sup> Ramesh Thakur and Thomas Weiss, ‘R2P: From Idea to Norm – And Action?’, *Global Responsibility to Protect* 1:1 (2009), p. 22.

<sup>3</sup> Alex Bellamy, *The Responsibility to Protect: A Defence* (Oxford: Oxford University Press, 2015), p. 65.

<sup>4</sup> Anne Orford, *International Authority and the Responsibility to Protect*. (Cambridge: Cambridge University Press, 2011), p.41.

<sup>5</sup> Ramesh Thakur, ‘R2P’s Structural Problems: A Response to Roland Paris’, *International Peacekeeping* 1:15 (2015), p. 2.

<sup>6</sup> Amitav Acharya, ‘Dialogue and Discovery: In Search of International Relations Theories beyond the West’, *Millennium* 39:3 (2011), pp. 619-637. Amitav Acharya, ‘Who are the Norm Makers? The Asian-African Conference in Bandung and the Evolution of Norms’, *Global Governance* 20 (2014), pp. 405-417.

it pertains to the most contentious aspect of R2P – Pillar Three’s use of force component<sup>7</sup> – which makes the R2P norm ‘inherently controversial, contentious, and contested’.<sup>8</sup>

The 2011 NATO-led intervention in Libya triggered a renewed wave of contestation of R2P, with its application to the Libya crisis being the first time the Security Council invoked R2P under the coercive Chapter VII of the UN Charter. In response to the Muammar Gaddafi regime’s crackdown on peaceful demonstrators in Libya, the UN Security Council adopted two resolutions, 1970 and 1973 referencing R2P, in February and March 2011. It was the use of force component of R2P, and in particular the way in which NATO implemented its mandate in Libya, that caused a huge stir and backlash against R2P. Initially none of the BRICS (Brazil, Russia, India, China and South Africa) countries voted against Resolution 1973 on Libya, but they later on expressed concerns that potentially serious ceasefire offers were rejected, that locations without any obvious military significance were attacked, and that explicit arms embargoes were ignored during the NATO-led military intervention in Libya. While the passage of Resolution 1973 was initially seen as a success for R2P, NATO’s support for the rebels and the removal of Gaddafi prompted criticism from the BRICS over the potential for abuse of R2P, especially in terms of interventions translating into regime change.

Brazil’s response, in the form of the RWP initiative, was meant to clarify what using force under the R2P banner should look like. The ‘responsibility while protecting’ formula proposed complementing, not substituting, R2P with a set of principles that guide the

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<sup>7</sup> R2P’s Pillar Three is not restricted solely to the use of military force. Rather, peaceful means is Pillar Three’s default response, followed by the use of force only as a last resort. For a comprehensive discussion on what Pillar Three of R2P entails, see Alex Bellamy, *The First Response: Peaceful Means in the Third Pillar of the Responsibility to Protect: Policy Analysis* (Muscatine IA: Stanley Foundation, December 2015).

<sup>8</sup> Ramesh Thakur ‘R2P’s Structural Problems: A Response to Roland Paris,’ p. 6.

Security Council's decision-making process about the use of force and ensure accountability of interveners. Discussing the significance of Brazil's initiative provides the empirical context to investigate first and foremost the role of non-Western agency in international norm dynamics, especially in regard to reshaping norms traditionally associated with Western normative input. Viewed in this context, Brazil's contribution is significant since it tackles the most controversial aspect of R2P, Pillar Three, and particularly the most controversial tool amongst all Pillar Three available measures, namely the use of force.

Second, the fact that Brazil initiated RWP and then seemingly withdrew prematurely from norm sponsorship poses an intriguing theoretical conundrum. To answer it, the article engages with norm dynamics literature and draws on extensive elite interview data to explain Brazil's 'apparent retreat'<sup>9</sup> from RWP. I interviewed officials from eight Permanent Missions to the UN, civil society analysts, and international civil servants and UN diplomats in New York, to understand the specific context in which Brazil operated when initiating the RWP proposal and whether it subsequently pursued RWP, up to August 2016.<sup>10</sup> The use of interview artefacts provided the contextual evidence on the specific conditions and rationale under which Brazil was able to initiate and advance RWP, as an important contribution to the R2P debate.

To investigate these two issues, the article is structured as follows: The first section emphasizes the significant role of the usually side-lined non-Western agents in developing

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<sup>9</sup> Oliver Stuenkel and Marcos Tourinho, 'Regulating Intervention: Brazil and the Responsibility to Protect', *Conflict, Security and Development* 14:4 (2014), p. 395.

<sup>10</sup> These interviews, from June-July 2014 and June-August 2016, covered various aspects related to Brazil's initiatives and diplomatic efforts at the UN, and included eight Permanent Missions: the UK, USA, Netherlands, Australia, Slovenia, India, The European Union Delegation to the UN, as well as several Brazilian diplomats at different ranks, from the Brazilian Mission to the UN.

and championing norms such as R2P. Non-Western agents' contributions to shaping existing norms usually go overlooked in the norm dynamics literature, despite clear implications for a norm's perceived legitimacy. This section argues that normative initiatives such as Brazil's RWP have the potential to address the legitimacy deficit of norms such as R2P, and ought to be recognized as such. The analysis is located in the norm dynamics literature, and anchored within the post-positivist constructivist approach that sees a norm's meaning as evolving, and highlights the merits of contestation. The second section reflects this article's theoretical contribution toward broadening the framework of agency to recognize the significant role of contingent circumstances in shaping norm contestation, especially in the case of non-Western agents. Assigning an explanatory share to the specifics of a particularly enabling social context in which an agent operates best captures the anomalies in contemporary norm contestation. Indeed, RWP highlights the need to incorporate a wider range of norm 'shaping' processes and emphasizes agency contingent upon a specific context – or a unique set of circumstances – in which 'norm shapers' like Brazil operate at a given time.

### **Pinpointing the Importance of non-Western Agency**

The theoretical and empirical research into the causes and consequences of norm diffusion has flourished in the International Relations discipline. For the most part, however, the literature focuses on certain types of norm dynamics, which makes constructivism

scholarship rather Western-centric.<sup>11</sup> The significant bias in traditional norm dynamics literature towards focusing on the role of Western actors as norm entrepreneurs<sup>12</sup> is apparent.

### Where R2P and RWP Fit within Norm Dynamics Theorizing

The literature on the Responsibility to Protect has expanded exponentially in the last fifteen years. Consensus seems to have emerged among scholars conducting R2P-related research that constructivism provides one of the most appropriate frameworks to explore its progress to date. It is important to assess how R2P, understood as a social norm,<sup>13</sup> shapes international politics. More recent research on R2P describes it as a ‘complex norm’,<sup>14</sup> covering several prescriptions, the most controversial of which pertains to the use of force under R2P’s Pillar Three.<sup>15</sup> As a ‘principle norm’<sup>16</sup>, R2P has been refined through UN resolutions, reports, and

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<sup>11</sup> Several IR scholars discuss the discipline’s Western-centrism, for example Acharya, ‘Dialogue and Discovery’; Arlene Tickner and Ole Wæver (eds.) *International Relations Scholarship Around the World* (Oxon: Routledge, 2009); Pinar Bilgin, ‘The ‘Western-Centrism’ of Security Studies: ‘Blind Spot’ or Constitutive Practice?’ *Security Dialogue* 41:6 (2010), pp. 615-622.

<sup>12</sup> Amitav Acharya, ‘Norm Subsidiarity and Regional Orders: Sovereignty, Regionalism, and Rule-Making in the Third World’, *International Studies Quarterly* 55:1 (2011), pp. 95-123; Pu Xiaoyu, ‘Socialisation as a Two-way Process’: Emerging Powers and the Diffusion of International Norms’, *The Chinese Journal of International Politics* 5 (2012), pp. 341-367.

<sup>13</sup> Norms are defined as standards ‘of appropriate behaviour for actors with a given identity’, see Martha Finnemore and Kathryn Sikkink. ‘International Norm Dynamics and Political Change’, *International Organization* 52:4 (1998), p. 891.

<sup>14</sup> Jennifer Welsh, ‘Norm Contestation and the Responsibility to Protect’, *Global Responsibility to Protect* 5:1 (2013), pp. 365-396.

<sup>15</sup> R2P’s Pillar Three refers to the responsibility of the international community to respond, collectively, when states ‘manifestly fail’ to protect their populations, through a range of political, economic, and military tools. The use of force is, therefore, one option available in the Pillar Three toolkit.

<sup>16</sup> See Alexander Betts and Phil Orchard, ‘Introduction’ and ‘Conclusions’ in Alexander Betts and Phil Orchard (eds.) *Implementation and World Politics: How International Norms Change Practice* (Oxford: Oxford University Press, 2014).

complex institutionalization and implementation processes. R2P also went through endless processes of contestation, making it a classic example of a contested norm.<sup>17</sup>

Such processes of contestation capture this article's aim to advance the scholarship that explores how non-Western agents shape norms within the structures of the 'liberal international order'.<sup>18</sup> And it is precisely the interactions between Western and non-Western norm makers, takers and shapers that are under-explored in the relevant literature. The article aims to address this shortcoming by contributing to the development of what has been described as the 'third wave'<sup>19</sup> of scholarship on the dynamics of norm diffusion. The first wave of norm dynamics research depicts Western agents as norm makers, and norms as stable in terms of content. According to the famous life-cycle model set out by Finnemore and Sikkink, a norm passes through successive stages during which its meaning is clarified, it becomes institutionalized, and ultimately enters the phases of norm 'cascade' and 'diffusion', the latter occurring when states act on its prescriptions.<sup>20</sup> These models of norm diffusion that adhere to linear approaches to norm development end with a norm's internalization. It is assumed that after institutionalization, a norm's meaning becomes fixed, and the norm itself acquires a 'taken-for-granted quality', which shapes actors' behaviour.<sup>21</sup> Such models treat a norm's content as static, which is problematic because this ignores the shifts and changes in a norm's content over time. They also neglect the influence of pre-existing norms at the

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<sup>17</sup> Amitav Acharya, 'The R2P and Norm Diffusion: Towards a Framework of Norm Circulation', *Global Responsibility to Protect* 5:1 (2013), pp. 466-479.

<sup>18</sup> G. John Ikenberry 'Liberal Internationalism 3.0: America and the Dilemmas of Liberal World Order', *Perspectives on Politics* 7 (2009), pp. 71-87.

<sup>19</sup> See Gregorio Bettiza and Filippo Dionigi, 'How do Religion Norms Diffuse? Institutional Translation and International Change in a Post-secular World Society', *European Journal of International Relations*, 21:3 (2015), p. 629.

<sup>20</sup> Finnemore and Sikkink, 'International Norm Dynamics'.

<sup>21</sup> *Ibid.*, pp. 895-905.



national level and the processes of adaptation or localization which are expressions of contestation,<sup>22</sup> through which local actors may alter the original international norm.<sup>23</sup> As such, while some still embrace the predictability of a norm's life cycle,<sup>24</sup> others emphasize how norm violation reveals norm hypocrisy<sup>25</sup> or advances a norm through contestation.<sup>26</sup>

Such concerns gained traction with the second wave of scholarship, which drew attention to non-Western agents, mostly as norm takers, but also as 'localizers'<sup>27</sup> and 'vernacularizers'.<sup>28</sup> This wave of research approaches a norm's meaning as changing over time, and draws attention to both internal and external sources of dynamism.<sup>29</sup> The post-positivist constructivists' attention to examining a norm's 'meaning in use'<sup>30</sup> informs the theoretical backbone for the empirical analysis of Brazil's RWP initiative in this article. By approaching 'norms as processes'<sup>31</sup>, the emphasis is on the processes that frequently shape and reshape existing norms. As it will be shown here in regard to RWP, a norm's meaning is shaped by the social context in which an agent operates, a context in which – to use Checkel's

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<sup>22</sup> Susanne Zwingel, 'How Do Norms Travel? Theorizing International Women's Rights in Transnational Perspective', *International Studies Quarterly* 56:1 (2012), pp. 115-129; Amitav Acharya, 'How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in Asian Regionalism', *International Organization* 58:2 (2004), pp. 239-275.

<sup>23</sup> Jochen Prantl and Ryoko Nakano, 'Global Norm Diffusion in East Asia: How China and Japan implement the Responsibility to Protect', *International Relations* 25:2 (2011), pp. 204-223; Amitav Acharya, 'Norm Subsidiarity and Regional Orders'; Acharya, 'The R2P and Norm Diffusion'.

<sup>24</sup> Finnemore and Sikkink, 'International Norm Dynamics'.

<sup>25</sup> Catherine Weaver, *Hypocrisy Trap: The World Bank and the Poverty of Reform* (Princeton: Princeton University Press, 2008).

<sup>26</sup> Cristina G. Badescu and Thomas G. Weiss, 'Misrepresenting R2P and Advancing Norms: An Alternative Spiral?' *International Studies Perspectives* 11:4 (2010), pp. 354-374.

<sup>27</sup> Acharya, 'How Ideas Spread: Whose Norms Matter?'

<sup>28</sup> Peggy Levitt and Sally Merry, 'Vernacularization on the Ground: Local Uses of Global Women's Rights in Peru, India, China, and the US', *Global Networks* 9:4 (2009), pp. 441-461.

<sup>29</sup> Mona Krook and Jacqui True, 'Rethinking the Life Cycles of International Norms: The United Nations and the Global Promotion of Gender Equality', *European Journal of International Relations* 18:1 (2012), pp. 103-127.

<sup>30</sup> Antje Wiener, 'Enacting Meaning-in-Use: Qualitative Research on Norms and International Relations', *Review of International Studies* 35:1 (2009), pp. 175-193.

<sup>31</sup> Krook and True, 'Rethinking the Life Cycles of International Norms', p. 109.

terminology – the ‘norm takers’ who take over the norm’s implementation become detached from the ‘norm makers’, who help create the norms.<sup>32</sup> Although differently portrayed in terms of how local actors understand existing norms, other notable models of localization, subsidiarity, and norm circulation later emerged to explain how local actors reject, change, reshape, or else adapt to existing global norms.<sup>33</sup>

The third wave of scholarship goes beyond the core-periphery, global-local norm dynamics usually associated with the second wave, and explores processes of ‘translation’,<sup>34</sup> where the direction in which norms travel is not pre-determined, but could be ‘upward, downward, and sideways’.<sup>35</sup> This article places itself in conversation with such perceptions of non-Western agents beyond active norm takers. At the same time, it proposes broadening the existing norm shaping framework to allow for greater emphasis on extended forms of agency, which recognize the anomalies inherent in norm-shaping processes. It thus explores the role Brazil’s RWP has played in shaping both the meaning and the implementation of the R2P norm.

Several studies on Brazil’s RWP initiative have appeared in the more recent literature on R2P. While some assessments are more optimistic,<sup>36</sup> others are more critical of Brazil’s

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<sup>32</sup> Jeffrey Checkel was one of the first to differentiate between ‘norm makers’ and ‘norm takers’, see ‘Norms, Institutions, and National Identity in Contemporary Europe’, *International Studies Quarterly*, 43:1 (1999), pp. 84-114.

<sup>33</sup> Acharya, ‘How Ideas Spread: Whose Norms Matter?’; Acharya, ‘Norm Subsidiarity and Regional Orders’; Acharya, ‘The R2P and Norm Diffusion’.

<sup>34</sup> Zwingel, ‘How Do Norms Travel?’

<sup>35</sup> Benjamin Brake and Peter Katzenstein, ‘Lost in Translation? Nonstate Actors and the Transnational Movement of Procedural Law’, *International Organization* 67:4 (2013), p. 729.

<sup>36</sup> Oliver Stuenkel ‘The BRICS and the Future of R2P: Was Syria or Libya the Exception?’, *Global Responsibility to Protect* 6:1 (2014); Kai Kenkel and Cristina Stefan, ‘Brazil and the Responsibility While Protecting Initiative: Norms and the Timing of Diplomatic Support’ *Global Governance* 22:1 (2016), pp. 41-58, Stuenkel and Tourinho, ‘Regulating Intervention’.

initiative,<sup>37</sup> or describe RWP as a clear example of resistance to Western political dominance.<sup>38</sup> This article builds on the scholarship that discusses RWP's relevance in terms of giving a voice to the Global South,<sup>39</sup> but goes beyond the existing literature to assess the significance of Brazil's initiative in terms of both its normative and operational implications to the use of force. It also differs from existing studies in that it zooms in on the apparent change in Brazil's behaviour regarding RWP, to broaden the framework of agency via spotting the influence an enabling set of contingent circumstances has on the norm shaping exercise.

#### Non-Western Agency as a Recurring Theme in the Development of R2P

Despite the Western origin of constructivism, some of its theories have fleshed out issues of culture and identity as major sources of non-Western theorizing,<sup>40</sup> and emphasized Southern protagonists in norm-making.<sup>41</sup> The early norm dynamics literature, however, was dominated by assumptions of 'enlightened' norm entrepreneurs guiding 'unenlightened' non-Western

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<sup>37</sup> Stewart Patrick, 'Libya and the Future of Humanitarian Intervention: How Gaddafi's Fall Vindicated Obama and RtoP', *Foreign Affairs* (26 August 2011); Steen Christensen, 'Brazil's Foreign Policy Priorities', *Third World Quarterly* 34:2 (2013), pp. 271-286.

<sup>38</sup> Aidan Hehir, *The Responsibility to Protect: Rhetoric, Reality and the Future of Humanitarian Intervention* (London: Palgrave MacMillan, 2012), pp. 180-206.

<sup>39</sup> Oliver Stuenkel, in particular, has written on this topic, see Stuenkel, 'Brazil as a Norm Entrepreneur: The Responsibility while Protecting, in *Implementing the Responsibility to Protect: New Directions for International Peace and Security?* Eduarda P. Hamann and Robert Muggah (eds) (Brasilia: Igarape Institute, 2013); Stuenkel, 'The BRICS and the Future of R2P'; see also, Derek McDougall, 'Responsibility While Protecting: Brazil's Proposal for Modifying Responsibility to Protect', *Global Responsibility to Protect* 6 (2014), pp. 64-87; Ramesh Thakur 'R2P after Libya and Syria: Engaging Emerging Powers', *The Washington Quarterly* 36:2 (2013), pp. 61-76.

<sup>40</sup> Arlene Tickner, 'Seeing IR Differently: Notes from Third World', *Millennium* 32:2 (2003), pp. 295-324.

<sup>41</sup> Kathryn Sikkink, 'Latin American Countries as Norm Protagonists of the Idea of International Human Rights', *Global Governance* 20 (2014), pp. 389-404.

norm takers.<sup>42</sup> Generally, norms are described as travelling from a Western core to a non-Western periphery, which explains the criticism directed toward the Western-centrism of constructivism.<sup>43</sup> Brazil's RWP provides a clear example to counter the traditional case-selection bias toward Western norm-making agency.

Claims that R2P is a 'Western' concept have circulated in media and policy circles ever since its emergence in 2001 as the report of a Western-sponsored commission, the International Commission on Intervention and State Sovereignty (ICISS). However, the commission's composition was equally balanced between Western and non-Western members. One of its two co-chairs, Mohamed Sahnoun, was an Algerian diplomat who played a key role in R2P's development. Sahnoun described R2P as 'an African contribution to human rights' and as having 'indigenous roots for Africans'.<sup>44</sup> Indeed, evidence points to non-Western contributions to the origins of R2P: at an individual norm entrepreneurial level, it was an African UN Secretary-General – Kofi Annan – who personally supported ICISS and its findings. Annan was instrumental in keeping R2P on the UN agenda, in R2P's early days, against the opposition of his senior advisers, who all recommended moving away from what was regarded as a very contentious agenda.<sup>45</sup> At a regional level, the African Union was the first organization to include the right to intervene in a member state in mass atrocity situations covered by R2P, in Article 4(h) of its Constitutive Act of 2000, and again in its

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<sup>42</sup> See Charlotte Epstein, 'Stop Telling us how to Behave: Socialisation and Infantilization?', *International Studies Perspectives* 13:2 (2013), pp. 135-145.

<sup>43</sup> For example, Amitav Acharya and Barry Buzan, *Non-Western International Relations Theory: Perspectives on and Beyond Asia* (London: Routledge, 2010).

<sup>44</sup> Mohamed Sahnoun, 'Africa: Uphold Continent's Contribution to Human Rights, urges Top Diplomat', *allAfrica.com* (21 July 2009).

<sup>45</sup> Cristina Badescu, *Humanitarian Intervention and the Responsibility to Protect: Security and Human Rights* (Oxon: Routledge, 2011), p. 122-123.

2005 Ezulwini Consensus.<sup>46</sup> While R2P's African 'roots' might carry less weight than the extent to which states embrace R2P, one could also point to South Africa and Rwanda as having played crucial diplomatic roles in pushing for R2P in critical negotiations before the World Summit Outcome Document, in 2005. Four years later at the UN, another non-Western state – Guatemala – introduced the first UN General Assembly (UNGA) Resolution on R2P, co-sponsored by 67 states, and adopted on 14 September 2009.<sup>47</sup> These are only a few examples of non-Western initiatives to rebut the portrayal of R2P as a Western concept.<sup>48</sup> The last fourteen years of actions and deliberations on R2P provide further empirical evidence.

While R2P was not imposed by the West, viewing human rights as an important international concern promoted by democratic states<sup>49</sup> consolidates such perceptions. Furthermore, moral dilemmas inherent in using force to save lives, under the R2P banner, increase such speculations.<sup>50</sup> The renewed contestation over how Pillar Three of R2P was implemented in Libya points to non-Western states' accusations – and particularly the BRICS – of Western bias, especially in terms of how the permanent 3 (P3) members of the UN Security Council – UK, France, and USA – can abuse R2P to pursue regime change. Relying solely on the UN Security Council to authorize the use of force has always been a source of

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<sup>46</sup> Cristina Badescu and Linnea Bergholm, 'The African Union' in David Black and Paul D. Williams (eds.), *The International Politics of Mass Atrocities: The Case of Darfur* (London: Routledge, 2010), pp. 108-110.

<sup>47</sup> This resolution welcomed the Secretary-General's Report on R2P and promised to hold annual debates on R2P, around the subsequent Reports' themes, see UN Doc. A/RES/63/308 (14 September 2009).

<sup>48</sup> For more on this, see Philipp Rotmann, Gerrit Kurtz, and Sarah Brockmeier, 'Major Powers and the Contested Evolution of a Responsibility to Protect', *Conflict, Security & Development* 14:4 (2014), pp. 355-374; and Badescu, *Humanitarian Intervention and the Responsibility to Protect*, pp. 101-129.

<sup>49</sup> Sarah Brockmeier, Gerrit Kurtz and Julian Junk, 'Emerging Norm and Rhetorical Tool: Europe and a Responsibility to Protect', *Conflict, Security and Development*, 14 (2014), pp. 429-460.

<sup>50</sup> See Cristina Badescu and Linnea Bergholm, 'The Responsibility to Protect and the Conflict in Darfur: The Big Let-down' *Security Dialogue* 40:3 (2009), pp. 287-309.

concern, for several reasons.<sup>51</sup> At the same time, the two non-Western permanent members of the Security Council – Russia and China – usually expected to veto resolutions referencing coercive action under R2P, have surprisingly voted in favour of several key resolutions on R2P, including for instance, Resolution 1894,<sup>52</sup> which recognizes R2P and its 2005 World Summit-related provisions, in relation to the protection of civilians in armed conflict.

The strongest empirical evidence of significant non-Western influence in recent years comes from Brazil's proposal to recalibrate R2P's Pillar Three. RWP challenges the belief that non-Western powers can only either reject or implement a norm, but not contribute to its normative development, at least not in terms of critically shaping its meaning. Brazil has played an active role in reshaping R2P, both vocally and openly, and less visibly behind closed-doors, as the timeline of Brazil's involvement with RWP will illustrate next.

### Brazil as a non-Western Norm Shaper

Scholars argue that R2P's normative development 'critically depends on the norm entrepreneurship of Western states.'<sup>53</sup> This empirical analysis of Brazil's RWP initiative challenges this view, to demonstrate that it does not. RWP disrupts Western states' apparent control over setting universal global standards and points toward the significance of the Global South in this context.<sup>54</sup> The existing literature on RWP portrays Brazil as a 'norm

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<sup>51</sup> Cristina Badescu, 'Authorizing Humanitarian Intervention: Hard Choices in Saving Strangers', *Canadian Journal of Political Science* 40:1 (2007), pp. 51-78.

<sup>52</sup> UN Doc. On Protection of Civilians (POC) S/RES/1894 (11 November 2009).

<sup>53</sup> For example, Theresa Reinhold 'The Responsibility to protect – Much Ado about Nothing?', *Review of International Studies* 36: Sp. Issue 1 (2010): 55-78, p. 65.

<sup>54</sup> See McDougall, 'Responsibility While Protecting'; Thakur, 'R2P after Libya and Syria'.

entrepreneur'<sup>55</sup> and 'a creator of global norms'.<sup>56</sup> However, the position taken in this article is that Brazil's RWP reflects in fact the best example of what a 'norm shaper' entails, especially when applied to a non-Western context.

A norm shaper engages in constructive contestation to influence the development and evolution of an existing norm toward a framing of this norm that is more aligned with its own values and interests, via several concomitant processes necessary to surpass structural obstacles. This is short of innovating or creating new norms, which is the function of norm entrepreneurs.<sup>57</sup> RWP did not bring any novel elements into the R2P debate. All the points in the initial concept paper on RWP and subsequent statements had been mentioned before, either in the ICISS report or in the various iterations in which R2P was embraced at the UN. What was new, and contributed toward advancing R2P, was Brazil's willingness to gather all these elements under a novel banner that resonated with non-Western interests, and its inclination to advance RWP visibly for a period of time. RWP emerged as a conceptual 'call for a prudent and judicious use of military force'<sup>58</sup>, meant to build on, and to 'evolve together [with the R2P norm], based on an agreed set of fundamental principles, parameters and procedures'.<sup>59</sup> Brazil has long held the belief that military force can create more harm than

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<sup>55</sup> For example, Thorsten Benner, 'Brazil as a Norm Entrepreneur': "Responsibility while Protecting" Initiative.' GPPi Working Paper (Global Public Policy Institute, 2013); Stuenkel, 'Brazil as a Norm Entrepreneur'.

<sup>56</sup> Stuenkel, 'Brazil as a Norm Entrepreneur', p. 59.

<sup>57</sup> While the norm maker, shaper, setter, and taker terminology is often used in the literature, the norm shaper category is rarely defined or discussed in detail. For some recent exceptions, see Waheguru Pal Singh Sidhu, Pratap Bhanu Mehta and Bruce Jones, 'A Hesitant Norm Shaper?' in Waheguru Pal Singh Sidhu, Pratap Bhanu Mehta and Bruce Jones (eds.), *Shaping the Emerging World: India and the Multilateral Order* (Washington DC: Brookings, 2013), pp. 3-21; and Brian Job and Anastasia Shesterinina, 'China as a Global Norm Shaper', in Alexander Betts and Phil Orchard (eds.) *Implementation and World Politics: How International Norms Change Practice* (Oxford: Oxford University Press, 2014), pp. 144-159.

<sup>58</sup> Steunkel and Tourinho, 'Regulating Intervention', p. 392.

<sup>59</sup> Brazil, Permanent Mission to the UN in New York, *Responsibility while protecting: elements for the development and promotion of a concept*. UN Doc. A/66/551-S/2011/701 (11 November 2011).

good, and it has been skeptical about the ability of the use of force to address international peace and security concerns.<sup>60</sup> Most commentators suggest that Brazil became more engaged in security issues as a result of its desire to acquire a seat in a reformed Security Council. Some, however, argue that Brazil's engagement with R2P goes decades back to its broader desire to regulate the use of force and power in the international system, which preceded its Security Council aspirations.<sup>61</sup> In the early 2000s, Brazil was reluctant to embrace R2P not because of the idea of international responsibility per se but because of how it related to the UN Security Council, which Brasilia saw as the only authority in matters related to collective security.<sup>62</sup> The one exception to Brazil's overall reluctance to engage in UN peacekeeping was 2004, when Brazil took part in a Chapter VII operation in Haiti, in what became its largest military involvement since WWII. The first four years of R2P's existence were marked by Brazil's suspicion of R2P, with the Foreign Minister at the time, Celso Amorim, calling R2P a '*droit d'ingerence...in new clothes*'.<sup>63</sup> Brazil's position later changed, and the country stopped being a 'vocal detractor of R2P'.<sup>64</sup>

Brazil was serving as the President of the UN Security Council in February 2011, when Security Council Resolution 1970 on Libya passed unanimously. Also important, and quite unique is the fact that all the BRICS were present in the UN Security Council. Following the Arab League's support for establishing a no-fly zone in Libya, Brazil was supportive of invoking R2P and referring to military means in a Security Council

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<sup>60</sup> Kai M. Kenkel, 'Brazil and R2P: Does Taking Responsibility Mean Using Force?' *Global Responsibility to Protect* 4:1 (2012), pp. 5-32, see also Kenkel and Stefan, 'Brazil and the Responsibility While Protecting Initiative'.

<sup>61</sup> Stuenkel and Tourinho, 'Regulating Intervention.'

<sup>62</sup> *Ibid.*, p. 385.

<sup>63</sup> Kenkel, 'Brazil and R2P: Does Taking Responsibility Mean Using Force?', p. 15.

<sup>64</sup> *Ibid.*, p. 5.



resolution.<sup>65</sup> Resolution 1973 on Libya passed on 17 March 2011 and marked the first time the Security Council approved the use of force against a functioning state in support of R2P, under Chapter VII of the UN Charter. Brazil abstained in this vote, expressing concerns over Operative Paragraph 4 of the Resolution which included the ‘all necessary measures’ provision. China, Russia, Germany and India abstained as well, bringing the total abstentions to five, but South Africa supported the resolution. While some dubbed the intervention in Libya a great success that ‘vindicated R2P’,<sup>66</sup> others criticized NATO<sup>67</sup> for the way it conducted its military campaign in Libya. The latter appeared to confirm suspicions among the BRICS that the R2P’s military dimension could be used as a pretext to pursue regime change.

In this context, and triggered by these suspicions, Brazil proposed ‘Responsibility while Protecting’ to clarify what an effective implementation of R2P should look like, in terms of refining its Pillar Three component, and especially the use of force component of R2P’s Pillar Three. During the Informal General Assembly Interactive Dialogue on 12 July 2011, Brazil criticized how R2P’s Pillar Three was implemented in Libya, and warned against using such mandates as an excuse for regime change. The Brazilian Ambassador to the UN, Maria Luiza Viotti, argued that ‘caution and moderation are the best advisers’ when implementing Pillar Three of R2P and that ‘we must exercise responsibility as we protect.’<sup>68</sup>

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<sup>65</sup> Interviews conducted in June 2014, in New York, with Brazilian diplomats.

<sup>66</sup> Stewart Patrick, ‘Irresponsible Stakeholders? The Difficulty of Integrating Rising Powers’, *Foreign Affairs* 89:6 (2010), pp. 44-53.

<sup>67</sup> Alan Kuperman, ‘A Model Humanitarian Intervention? Reassessing NATO’s Libya Campaign’, *International Security* 38:1 (2013), pp. 105-136.

<sup>68</sup> Maria L. Viotti, ‘Informal Interactive Dialogue: The Role of Regional and Sub-regional Arrangements in Implementing the Responsibility to Protect’ (12 July 2011): <http://www.globalr2p.org/media/files/brazil-stmt.pdf>.

This marked the beginning of a series of statements Brazil made, up until 2013, in public loci and in front of large audiences, emphasizing the need to exercise responsibility while protecting. Spreading ideas in international fora is one of the manifestations through which a norm shaper influences a norm's perceptions. In opening the general debate of the UNGA's sixty-sixth session, on 21 September 2011, Brazil's president, Dilma Rousseff, asked for further discussion on the 'responsibility in protecting' alongside the responsibility to protect<sup>69</sup>, which is indicative of Brazil's emerging intention to shape R2P rather than change or replace it.

This was subsequently taken up by Brazil's Permanent Representative to the UN, Viotti, during the Security Council open debate on the protection of civilians in armed conflict on 9 November 2011, in a statement delivered on behalf of the Foreign Minister, Antonio de Aguiar Patriota.<sup>70</sup> It was the annex to this letter addressed to the UN Secretary-General dated 9 November 2011 that included all the proposed RwP elements, in a concept paper entitled, 'Responsibility while protecting: elements for the development and promotion of a concept'.<sup>71</sup> This framed the one clarification – while protecting – that Brazil would eventually aim as its legacy. The key principles and parameters are summed up in nine sub-points under point 11 of this annex, ranging from the adoption of criteria for the UN Security Council's decision-making process on the use of force, to emphasizing prevention as 'the best policy', and suggesting enhanced Security Council monitoring procedures and

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<sup>69</sup> Brazil, Statement at the Opening of the General Debate of the 66th Session of the UNGA (21 September, 2011): [http://gadebate.un.org/sites/default/files/gastatements/66/BR\\_en\\_0.pdf](http://gadebate.un.org/sites/default/files/gastatements/66/BR_en_0.pdf).

<sup>70</sup> Brazil, 'Statement at the Security Council open debate on protection of civilians in armed conflict, UN Doc. S/PV.6650 (9 November 2011), pp. 15-17.

<sup>71</sup> Brazil, Permanent Mission the UN in New York. Responsibility while protecting: elements for the development and promotion of a concept. UN Doc. A/66/551-S/2011/701 (11 November 2011).

accountability for interveners.<sup>72</sup> Certainly, RWP meant to add specificity to the rather vague component of R2P which tackles the implementation of its most coercive side at a level of detail unseen prior to November 2011. However, the substance of RWP does link back to the initial 2001 ICISS Report on R2P and the legitimacy criteria introduced in the UN 2004 High-Level Panel's report. This shows how R2P pertains to the core elements of the R2P agenda, which makes Brazil a norm shaper rather than a norm entrepreneur.

The RWP concept paper marked the first concrete proposal pertaining to regulating the use of force under the R2P banner, as used in Libya, since the norm's adoption at the UN in 2005. The attention generated by RWP encouraged Brazil to actively seek to shape the normative boundaries of R2P's implementation. After it rallied influential states, such as India, to support the initiative, Brazil hosted an informal meeting on 21 February 2012 at the UN to discuss RWP further.<sup>73</sup> This event gathered numerous speakers, with participation from both UN member states and civil society. Patriota, the Foreign Minister at the time, restated RWP's goal as a constructive contribution to the R2P debate. While Brazilian diplomats still

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<sup>72</sup> Ibid. Point 11(a)-(i), which sums up the substance of the 'responsibility while protecting' proposal, emphasizes: (a) the importance of preventive diplomacy; (b) the need 'to exhaust all peaceful means available in the protection of civilians'; (c) the right authority, with the use of force authorized by the Security Council or by the General Assembly in exceptional circumstances; (d) that authorized military action 'must abide by the letter and the spirit of the mandate conferred by the Security Council'; (e) the proportionality of means; (f) the judicious and proportionate use of force, which is 'limited to the objectives established by the Security Council'; and (g) that guidelines 'must be observed through the entire length ...'. Point 11 also stresses the need for (h) 'enhanced Security Council procedures...to monitor and assess the manner in which resolutions are monitored and interpreted', and (i) the Council to ensure the accountability of those to whom authority is granted to resort to force'.

<sup>73</sup> During a confidential lunch Ambassador Viotti hosted in New York in November 2011, about 20 Permanent Representatives from the Global South, Simon Adams, the Executive Director of the Global Centre for the Responsibility to Protect, and Ed Luck, the UN Special Adviser on R2P, rallied support behind RWP, which motivated Brazil to hold the follow-up meeting in February 2012.

referred to the RWP proposal in following years, this meeting represented ‘something of a high water mark in the efforts of Brazil to actively pursue RWP’.<sup>74</sup>

In a speech to the UN General Assembly on 25 September 2012, Brazil’s President, Dilma Rousseff, discussed ‘the need for a “responsibility while protecting” as a necessary complement to “the responsibility to protect”’, in line with Brazil’s preference for ‘legitimate actions, founded on international legality’.<sup>75</sup> In her statement to the General Assembly during the interactive informal dialogue on R2P, the Brazilian Permanent Representative explained how RWP calls for more consistent parameters and guidelines to ensure the Security Council’s accountability when exercising collective security.<sup>76</sup> In February 2013, Patriota, still Foreign Minister, also referenced RWP at the UN Security Council open debate on civilian protection, and emphasized that the use of force ‘must be judicious, proportionate and limited to the objectives’ established by the Security Council, a terminology which is often found in Brazil’s statements regarding recourse to force to protect.<sup>77</sup> Patriota referred to RWP a few more times in the following months, during trips to various European capitals, until August 2013, when he resigned from the helm of the Foreign Ministry, and was subsequently appointed Brazil’s Permanent Representative to the UN.

Soon after this switch, Brazil appeared to disengage from actively pursuing the initiative in its multilateral agenda, which made commentators question whether this meant

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<sup>74</sup> Interview with Brazilian diplomat, New York, June 2014. See also Stuenkel and Tourinho, who call this ‘the apex of Brazil’s activism’, ‘Regulating Intervention’, p. 396.

<sup>75</sup> Statement by The President of Brazil, Dilma Rousseff, at the Opening of the General Debate of the 67<sup>th</sup> Session of the UNGA, New York (25 September 2012): [https://gadebate.un.org/sites/default/files/gastatements/67/BR\\_en.pdf](https://gadebate.un.org/sites/default/files/gastatements/67/BR_en.pdf).

<sup>76</sup> Maria L. Viotti, Statement during ‘Informal Interactive Dialogue’ on R2P at the UNGA, New York (5 September 2012): <http://www.globalr2p.org/media/files/brazil-statement-2012.pdf>.

<sup>77</sup> Statement by Brazil’s Minister of External Relations, Antonio Patriota, at the UNSC Open Debate on the Protection of Civilians in Armed Conflict (12 February 2013): [http://responsibilitytoprotect.org/Brazil%20english\(1\).pdf](http://responsibilitytoprotect.org/Brazil%20english(1).pdf).

RwP ‘post-mortem.’<sup>78</sup> Apart from some sparse references to RwP in public statements in the last couple of years, Brazil had not engaged in openly and vocally promoting or elaborating on RwP. When asked about the reasons for not producing another concept paper on RwP to clarify the elements from the November 2011 one in need of more details, Brazilian diplomats suggest that was never Brazil’s intention. Instead, Brazil had contributed the initial normative capital. Subsequently, as a Brazilian diplomat put it, ‘the concept gained a life of its own, with both analysts and UN delegations using it without Brazil having to push for it...’<sup>79</sup> There is no doubt that RwP’s impact would have been much stronger had Brazil continued to elaborate on some elements from the initial RwP proposal. However, Brazil did pursue RwP in less visible ways. Negotiations behind closed-doors within the cross-regional group to produce a UNGA resolution on R2P, now a failed attempt, show that Brazil’s 2013 vocal, public statements on RwP were actually not its swan song after all.

Brazil was a key member of the cross-regional group that worked on a draft UN General Assembly resolution on the R2P, to celebrate the norm’s tenth anniversary at the UN. The Group of Friends of R2P in New York took the first steps toward building a cross-regional group that would produce a draft UNGA resolution on R2P, to be adopted by consensus at the 71<sup>st</sup> session of the UNGA in September 2016. In 2015, Brazil was invited to be part of this eight state cross-regional group, precisely because of its status as ‘undeniably a very important player’.<sup>80</sup> This cross-regional group was designed to be representative and inclusive, and Brazil was viewed as speaking on behalf of non-Western

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<sup>78</sup> Stuenkel and Tourinho, ‘Regulating Intervention’, p. 393.

<sup>79</sup> Interview Brazilian diplomat, New York, June 2016.

<sup>80</sup> Interview with a Western diplomat from one of the eight Permanent Missions part of the cross-regional group that worked on the draft UNGA resolution on R2P in 2015-2016, New York, June 2016.

constituencies. In the words of the same Western diplomat whose country was part of this cross-regional group, Brazil ‘was a very important part of this initiative.’

Despite the failure of the cross-regional group to produce a GA resolution on R2P adopted by consensus at the 71<sup>st</sup> session of the UNGA, Brazil’s active engagement behind closed doors to ensure RWP-alike provisions make it into the draft resolution reflects significant shaping efforts. As Betts and Orchard note, institutionalization, in this case via a less formal process at the UN, does not necessary mean ‘a moment of triumph for norms.’<sup>81</sup> An exclusive focus on the final product, in this case a consensually adopted UNGA resolution on R2P to celebrate the norm’s tenth anniversary at the UN, would render Brazil’s shaping efforts from the last year invisible. Brazilian diplomats disregarded calls for producing more concept papers on RWP. They argued that ‘the R2P debate is not evolving through one country single-handedly providing concept papers...multilateral diplomacy is not done through position papers, but through bringing ideas into the realm of multilateral negotiations.’<sup>82</sup> And this is exactly what Brazil did through negotiations on the text of this draft UNGA resolution. This is not to say Brazil could not have exuded more leadership within the cross-regional group, to avoid unnecessary delays with other members of the group dragging their feet when in charge of rewriting the text of the draft resolution. A variety of concurrent factors, including imperfect timing, help explain the failure to complete the complex negotiations required to finalize the ambitious text of this draft GA resolution in time for September 2016. However, efforts to push for another UNGA resolution on R2P are likely to reemerge soon, as is Brazil’s engagement with the topic.

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<sup>81</sup> Alexander Betts and Phil Orchard, ‘Introduction’.

<sup>82</sup> Interview with Brazilian diplomat, New York, June 2016.

Overall, did Brazil's contributions make a difference? RWP surfaced as a critical clarification at a pivotal moment in the life of R2P.<sup>83</sup> It questioned how protection of civilian mandates should be carried out and how implementing no-fly zones should occur. As the current Permanent Representative to the UN, Patriota, argued recently, civilian protection 'would greatly benefit from the underlying...operational proposals brought to the fore by RWP.'<sup>84</sup> RWP raised important questions of accountability – a significant weakness of the R2P framework – once external agents are mandated by the UN Security Council to use force to protect. The RWP concept note proposed creating 'Security Council procedures', equivalent to setting up a monitoring-and-review mechanism to ensure that the implementation of the use-of-force mandates is thoroughly debated.<sup>85</sup> This concerns only explicit R2P mandates like the one authorized through Security Council Resolution 1973 in Libya, when the responsibility to implement the mandate fell onto specific member states. In such cases, intervening states need to report back to the Security Council regularly, describing the progress on the ground, how the mandate in question is being applied, and whether it needs to be adjusted. Brazil's commitment to clarifying such key aspects pertaining to using force under Pillar Three was reflected in its insistence to include Operative Paragraph 13 in the text of the draft UNGA resolution on R2P,<sup>86</sup> which was meant to be adopted by consensus at the 71<sup>st</sup> session of the UNGA. That some of the P5 states were not supportive of the resolution should not be surprising since there was widespread belief

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<sup>83</sup> Grateful to Simon Adams, the Executive Director of the Global Centre for R2P, for this formulation.

<sup>84</sup> Antonio de A. Patriota, 'Forward', in Kai Kenkel and Philip Cunliffe (eds.), *Brazil as a Rising Power: Intervention Norms and the Contestation of Global Order* (Oxon: Routledge, 2016), p. xx.

<sup>85</sup> Brazil, *Responsibility while protecting*, point 11(h)-(i).

<sup>86</sup> OP 13, in the text of the draft UNGA resolution dated 11 January 2016, links military means to mandates that are 'clear in their goals, their expected duration and procedures for monitoring implementation and reviewing progress.'

that such concerns ‘would constrict the Security Council’s prerogatives and mandates.’<sup>87</sup> Instead of creating mechanisms to oversee the Security Council’s activities which might deter states from enforcing Security Council mandates, including accountability measures into Security Council resolutions (such as sunset clauses) could provide the answer. Despite the contentiousness of such concerns, we are likely to see similar clarifications pertaining to monitoring implementation of the use of force while protecting in any future resolutions related to using force.

When asked about the relevance of RWP in UN circles, some UN officials suggest that when the Brazilian initiative does get mentioned nowadays, it is no longer linked to Brazil exclusively but to discussions on reforming the Security Council’s working methods and procedures.<sup>88</sup> Some of RWP’s proposals to raise the accountability and transparency of the Security Council build on earlier concerns about its working methods. They also relate to several initiatives taken up since 2011, which call for voluntary restraint of veto use in cases of mass atrocity, and press the Council to commit to the Accountability, Coherence and Transparency (ACT) Group’s code of conduct and the French initiative on limiting veto use.<sup>89</sup> The ‘responsibility not to veto’ is the latest diplomatic effort to get the P5 to uphold their voluntary and collective commitment to refrain from using their veto in cases of mass atrocities. Raising the political cost for those P5 on the Council that would block action in

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<sup>87</sup> Interview with a Western diplomat from a P5 Permanent Mission that opposed the idea of the UNGA resolution on R2P as expressed in the 11 January 2016 draft text (especially because of OP 12 and 13), August 2016.

<sup>88</sup> This came up in interviews with two UN officials, New York, June 2014.

<sup>89</sup> Launched in May 2013, the Accountability, Coherence and Transparency (ACT) group comprises 27 small and mid-sized countries working to improve the working methods of the UN Security Council, and to increase its accountability. France has been at the forefront of this initiative, with François Hollande, the President of France, first asking the P5 to ‘collectively renounce their veto powers’ in cases of mass atrocity crimes in his address to the 68th Session of the UNGA, in September 2013. In his September 2015 address, Hollande announced France will lead the way in voluntarily giving up using its veto in mass atrocity situations.



instances of mass atrocity, might have finally worked with only Russia (and not China) vetoing the 8 October 2016 Security Council resolution aimed at stopping the bombing in Aleppo, Syria. If anything, the four double-vetoes (China and Russia) on Syria, to date, reflect the exigent need for reform of the Council's working methods.

### Increasing the Legitimacy of R2P

New norms are more likely to spread if the responsibility for their creation and promotion is more broadly shared.<sup>90</sup> Brazil's proposal to refine R2P is significant precisely because it shares this responsibility, through legitimately claiming agency in developing and championing protection norms, to better reflect its own values and interests. Brazil's RWP initiative shows that non-Western actors can have a strong voice in a realm that was, until recently, seen as the exclusive domain of Western powers. Despite its unique status as a norm shaper on such an important global issue, Brazil has not projected a uniform practice of pushing forward the central elements that motivated the RWP initiative in the first place. This is understandable, since Brazil is still acquiring the skills needed to succeed in navigating stormy cross-regional waters at the UN, especially when their normative exercise applies to two very controversial issues: first, the use of force, and second, the most protracted of all possible reforms, the reform of the Security Council and its working methods.

After RWP, Brazil was invited in 2015 to join a cross-regional group co-sponsoring a GA resolution on R2P precisely because of its perceived aura of enhancing the legitimacy of

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<sup>90</sup> See, for instance, Acharya, 'The R2P and Norm Diffusion', p. 466.

this exercise. Brazil was also seen as speaking for other non-Western states. As a Western diplomat put it, Brazil ‘was invited to join in this effort because it represents countries that have some concerns about R2P and want to bring in their own perspectives.’<sup>91</sup> The fact that Brazil accepted some Western states’ invite and joined the group in being one of the resolution’s co-sponsors is telling in terms of its commitment to improve R2P implementation and its concerns about what happens at the UN Security Council. It is also possible that securing a legacy on RWP may have been a factor into Brazil’s actions. Regardless of its motivations, its genuine efforts to contribute to improving the R2P agenda are clear, given the lack of the RWP terminology per se in the text of this draft resolution. While admitting that it would have been a nice recognition to see the RWP language in the text itself, Brazilian diplomats emphasize that their priority was to incorporate the concerns that inspired the circulation of the RWP proposal in the first place, namely producing lessons on how to better protect civilians. It was not about the branding of RWP, then, but about integrating *RWP*’s central elements in the zero draft text. Indeed, Brazil was keen to include two operative paragraphs (12 and 13) to ensure such a resolution would ‘enhance the method for R2P’s implementation’.<sup>92</sup> These ended up being the most controversial paragraphs, as they pertained to the appropriateness of using force under Pillar Three of R2P, and to Security Council’s monitoring and reviewing of implementation of mandates to use force.<sup>93</sup>

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<sup>91</sup> Interview with Western diplomat, part of the cross-regional group co-sponsoring the draft UNGA resolution on R2P, New York, June 2016.

<sup>92</sup> Interview with Brazilian diplomat, New York, June 2016.

<sup>93</sup> ‘OP12. Emphasizes that the responsibility to protect...must be implemented responsibly’; and ‘OP13. Emphasizes that, should Security Council conclude that military means are necessary...mandates must be clear in their goals, their expected duration and procedures for monitoring implementation and reviewing progress.’, draft UNGA resolution on R2P, 11 January 2016, copy with author.

Insisting on having these elements incorporated into the draft resolution on R2P echoes the same message as in November 2011, when RWP first emerged, namely that Brazil had just as much of a right as any Western norm-maker to proclaim what R2P is or is not, and how it should be applied.<sup>94</sup> Put differently, the Brazilian message, through the RWP initiative, was an affirmation that R2P is not just a norm coming from and used by the West, but one that belongs to the Global South as well. Indeed, non-Western states perceive RWP as a substantially legitimate initiative, because of its source. Other BRICS members, India and South Africa in particular, expressed support for rejecting regime change and selectivity in the application of R2P, and were strongly against authorizing the use of force without accountability.<sup>95</sup> India argued that anchoring R2P in the concept of RWP is the only way forward if R2P ‘is to regain the respect of the international community’, post-Libya intervention.<sup>96</sup> China perceived RWP as significant to enhancing the implementation of Security Council resolutions and even repurposed some of RWP’s elements to produce the semi-official Chinese version of R2P known as ‘Responsible Protection’.<sup>97</sup> These are recent examples of the emerging powers’ preparedness to become vocal norm shapers on issues related to intervention. However, RWP differentiated Brazil from the other BRICS, which do not speak with one voice on this and other global issues. One example relates to the 2012 BRICS summit, when the differences between BRICS became evident. While India and South Africa were supportive of Brazil’s RWP, Russia expressed frustrations, privately, on

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<sup>94</sup> Interview with Brazilian diplomat, New York, June 2014.

<sup>95</sup> McDougall, ‘Responsibility While Protecting’, pp. 78-81.

<sup>96</sup> India, Statement at the 2012 UNGA Informal Dialogue on R2P, New York (5 September 2012): <http://responsibilitytoprotect.org/India.pdf>.

<sup>97</sup> Zongze Ruan, ‘Responsible Protection: Building a Safer World. China Institute of International Studies’ (2012): [www.ciis.org.cn/english/2012-06/15/content\\_5090912.htm](http://www.ciis.org.cn/english/2012-06/15/content_5090912.htm).

how RWP had ‘helped R2P after Libya’. Russia, concerned – in private – that Brazil was shaping the narrative on R2P while Russia was not, organized a high-level diplomatic get-together around R2P at the Diplomatic Academy of the Ministry of Foreign Affairs in Moscow, on October 30 2013.<sup>98</sup>

Non-Western agents’ contributions carry the highest potential to address the legitimacy deficit of norms like R2P, which risk being perceived as Western ideas, implemented to complement or strengthen Western interests. Their norm shaping exercises become key in increasing the norm’s legitimacy and overall appeal. The BRICS expressed frustration over NATO-led intervention in Libya exceeding its protection-of-civilians mandate and with how Western powers in the Security Council (especially the P3) interpreted it. This points to legitimacy fault lines regarding the procedural question of who decides how R2P is implemented.<sup>99</sup> Brazil, a key BRICS representative, addressed these legitimacy concerns through claims that it too should be part of the decision on what R2P stands for and how it is implemented.

Brazil played a critical role in reevaluating, and thereby reinvigorating, R2P in ways that restored its legitimacy. Western diplomats have suggested in interviews that Brazil was seen as speaking on behalf of non-Western constituencies, which was important if a truly encompassing, representative UNGA resolution on R2P – one which would exude global

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<sup>98</sup> R2P advocates invited to this event in Moscow, namely Simon Adams, the Executive Director of the Global Centre for R2P, and Jennifer Welsh, the UN Special Adviser on R2P, explained Brazil’s RWP added value in terms of raising ‘important questions about the methodology and motivations of civilian protection operations’, see *Remarks delivered by Dr. Simon Adams at a conference on “State Sovereignty and the Concept of ‘Responsibility to Protect’: The Evolution of the International Situation and Russia’s Interests,”* p. 2 (30 October 2013): <http://www.globalr2p.org/media/files/adams-r2p-speech-russia.pdf>.

<sup>99</sup> Jason Ralph and Adrian Gallagher, ‘Legitimacy Faultlines in International Society: The Responsibility to Protect and Prosecute after Libya’, *Review of International Studies* 41:3 (2015), pp. 553-573.

agreement on Pillar Three interpretation – was able to achieve consensus. RWP clearly informed this effort, especially in terms of spelling out the practical mechanisms to identify the best ways to respond to R2P situations. The fact that R2P was not officially added to the formal agenda of the UNGA in September 2016 and that the GA resolution did not materialize in time for the 71<sup>st</sup> session of the UNGA does not diminish the legitimacy of this exercise. However, the timeline of Brazil’s efforts to shape R2P suggests that it initiated RWP and then seemingly withdrew from pursuing a more impactful norm sponsorship strategy, other than its participation in the cross-regional group that worked on the potential UNGA resolution. Explaining the changes in Brazil’s push for RWP poses an intriguing theoretical conundrum, since previous scholarship does not account for the anomalies seen in such norm shaping exercises.

### **Accounting for Changes in Brazil’s Behaviour: A Closer Look at Contingent Circumstances**

2012 was the year when RWP was ‘on everyone’s lips at the UN’, in relation to any discussions on R2P-related topics.<sup>100</sup> Despite initial reservations, RWP has been gradually accepted by many Western states, and the UN Secretary-General dedicated an entire section of his 2012 R2P report, to RWP.<sup>101</sup> The UN Secretary-General’s Special Adviser for the Prevention of Genocide, Adama Dieng, said in 2012 that ‘RWP oxygenated R2P’.<sup>102</sup> In other

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<sup>100</sup> Interview with UN diplomat, New York, June 2014.

<sup>101</sup> Ban Ki-moon. Report of the Secretary-General Responsibility to protect timely and decisive response. UN Doc. A/66/874 (25 July 2012). Section V is entitled ‘Responsibility while protecting’, pp. 13-15.

<sup>102</sup> This specific quote came up in interviews with UN officials from the Joint Office for the Prevention of Genocide and R2P, and analysts from the Global Centre for R2P, New York, June 2014.

words, as one UN official put it, many practitioners and academics see RWP as ‘a tactic to repackage R2P in a way that would give it a new life.’<sup>103</sup> What, then, accounts for Brazil’s ‘apparent retreat’<sup>104</sup> from RWP?

To answer this, it is important to pay rigorous attention to the role of contingent circumstances in non-Western norm shaping exercises. The fact that contingency matters is not a novel finding in constructivist literature.<sup>105</sup> However, what is argued here is that the ability of non-traditional, non-Western agents to shape norms and their subsequent degree of success is conditioned by an enabling set of contingent circumstances, at particular moments in time. While contingency also matters to Western agents, the fact that norm-shaping is not something non-Western agents are known for, or expected to contribute to, makes contingent circumstances even more critical for this category of norm shapers. One can find examples of Western states whose promotion of R2P in particular has also been circumstantial.<sup>106</sup> However, non-Western normative exercises are far less frequent, which suggests the need to search deeper for potential explanations for these agents’ uneven normative behaviour. Also important, previous scholarship does not provide a comprehensive account of the anomalies seen in norm shaping exercises, even if some constructivist approaches have mentioned ‘chance occurrences’ as potential sources of norm emergence.<sup>107</sup>

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<sup>103</sup> Interview with UN official, New York, June 2014.

<sup>104</sup> Stuenkel and Tourinho, ‘Regulating Intervention’, p. 395.

<sup>105</sup> For example, Neta Crawford, *Argument and Change in World Politics: Ethics, Decolonization, and Humanitarian Intervention* (Cambridge: Cambridge University Press, 2002), p. 88.

<sup>106</sup> Canada is one example of a Western state that has been instrumental in bringing forward the R2P agenda, especially in terms of sponsoring the ICISS in the first place and then promoting R2P around the critical 2005 UN endorsement moment, but subsequently withdrew from norm sponsorship, with the change in government, see Badescu, *Humanitarian Intervention and the Responsibility to Protect*, pp. 126-128.

<sup>107</sup> See Finnemore and Sikkink, ‘International Norm Dynamics’, p. 896.

Brazil's RWP aimed to reshape an international norm (R2P) it perceived as 'generally good' but not completely in line with local interests, in order to 'realign' R2P's Pillar Three with its traditional foreign policy objectives – clearly engaging in 'localization'<sup>108</sup> efforts. These objectives resonate with local priors which emphasize prevention, criteria for the application of coercive interventions, and limit the use of force. Brazil's intention with the RWP concept paper was to make R2P compatible with its interests, and reflective of its commitments to ideas of universal justice, international order, and accountability for all. As a Brazilian diplomat noted, RWP's goal was to emphasize that any R2P-related action was always fully aligned with the UN Charter and respect for the multilateral system. RWP also reflects a form of agency Acharya calls 'subsidiarity', which is more outward-looking, and occurs when agents (usually weaker states, or in this case, non-Western agents) reshape a norm whose integrity is at risk because of 'more powerful central actors'' attempts to marginalize or abuse it.<sup>109</sup> It was the perceived abuse in terms of pursuing regime change in Libya that triggered Brazil's constructive contestation. Indeed, RWP was about criticizing an approach Brazil regarded as 'unsatisfactory because it relied too much on the use of military force (without a thorough consideration of potentially negative consequences using force could have on the country and the region), and about proposing some alternatives'.<sup>110</sup>

Brazil's efforts towards 'top-down' localization and 'bottom-up', outward-looking, processes of subsidiarity reflect special cases of implementation, which sum up this agent's 'bottom-up-and-back'<sup>111</sup> multi-faceted strategies between 2011 and 2016 to advance the R2P

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<sup>108</sup> Acharya, 'How Ideas Spread: Whose Norms Matter?'

<sup>109</sup> Acharya, 'Norm Subsidiarity and Regional Orders', p. 97.

<sup>110</sup> Interview with Brazilian diplomats, New York, July 2014, and June 2016.

<sup>111</sup> Job and Shesterinina discuss what they call 'bottom-up-and-back' processes seen in norm shaping exercises, in regard to China's engagement with R2P, see 'China as a Global Norm Shaper', pp. 155-159.

norm in ways that reflect Brazilian values. Elsewhere, similar multi-directional processes of reshaping norms via contestation were dubbed ‘two-way processes’ of norm socialization.<sup>112</sup> Indeed, several alternative frameworks for studying norm creation and diffusion in world politics dominate the post-positivist constructivist literature, including ‘norm circulation’<sup>113</sup> and ‘norm implementation’<sup>114</sup>. It is the latter that best describes Brazil’s norm shaping efforts toward R2P, to date. Through the initial 2011 RwP concept paper, subsequent interactions Brazil had with both Western and non-Western agents in the UN site of practice, and the more recent processes of negotiation over the text of the draft GA resolution on R2P, Brazil’s norm shaping dynamics reflect the political processes of contestation it committed to, in order to shape and channel what R2P does in practice.<sup>115</sup> This approach is fitting as it allows for a discussion of processes that are often invisible so long as we remain focused solely on the end result of institutionalization at the UN (as evidenced by Brazil’s efforts behind-the-scenes to negotiate the text of the draft GA resolution on R2P, in 2015-2016).

Some analysts describe Brazil’s input as ‘a sign of how easy it would be for a non-established power to assume leadership in this field’.<sup>116</sup> However, as a Brazilian diplomat put it, RwP ‘demonstrates how difficult, but how necessary this is.’<sup>117</sup> Indeed, a Western diplomat acknowledged that several delegations’ initial assumptions in response to Brazil’s RwP was that it ‘could not be positive’ or constructive toward developing R2P.<sup>118</sup> As Patriota

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<sup>112</sup> Pu Xiaoyu, ‘Socialisation as a Two-way Process’.

<sup>113</sup> Acharya, ‘The R2P and Norm Diffusion’.

<sup>114</sup> See Betts and Orchard (eds.) *Implementation and World Politics*, especially ‘Introduction’ and ‘Conclusions’.

<sup>115</sup> This is in line with Betts and Orchard’s approach to implementation as ‘a political process of contestation’, see ‘Conclusions’, p. 281.

<sup>116</sup> Oliver Stuenkel, ‘Brazil as a Norm Entrepreneur: ‘Responsibility while Protecting’, in Brooke A. Smith-Windsor (ed.) *Enduring NATO, Rising Brazil* (Rome: NATO Defence College, 2015), p. 129.

<sup>117</sup> Interview with Brazilian diplomat, New York, June 2016.

<sup>118</sup> Interview with diplomat from a Western Permanent Mission to the UN, New York, July 2016.



also argued, ‘not everyone seemed ready to accept that an emerging power could call for a higher moral standard in this debate [on R2P]’.<sup>119</sup> RWP thus reflects parallel processes of contestation, first seen in the initial reactions to Brazil’s initiative amongst Western states and fellow BRICS members, and second, domestically, regarding the pay-off of Brazil’s continuing to promote RWP. It is important to examine how these in-tandem processes of contestation overlap with changes in the social and institutional context in which Brazil operated and how, taken together, they can help account for Brazil’s changing behaviour. Hence, rather than assessing Brazil’s normative injections into the R2P debate solely alongside agent-based performance, we need to pay rigorous attention to the particularities of some contingent circumstances, and their significance in dictating the success of Brazil’s normative exercise.

If one turns toward the recent ‘practice turn’ in IR, to look for potential explanations for changes in Brazil’s behaviour, some ‘points of contention within practice theory’,<sup>120</sup> particularly related to questions of change, emerge. Practice theorists acknowledge the inherent tensions within the dual nature of practices between, on the one hand, their changing character, and, on the other hand, the emphasis placed on identifying routines and patterns. Indeed, practice theory struggles to explain change,<sup>121</sup> and tends to consider practices in isolation from norms and normative positions discussed here. However, a closer look at Brazil’s practices, especially while operating within the distinctive institutional context

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<sup>119</sup> Antonio de A. Patriota, ‘Forward’, p. xx.

<sup>120</sup> Christian Bueger and Frank Gadinger discuss such ‘points of contention’ around ‘change’ in ‘The Play of International Practice: Minimalism, Pragmatism and Critical Theory’, *International Studies Quarterly* 59:3 (2015), p. 450.

<sup>121</sup> Raymond Duvall and Arjun Chowdbury, ‘Practices of Theory’ in Emmanuel Adler and Vincent Pouliot (eds.), *International Practices* (Cambridge: Cambridge University Press, 2011), pp. 335-354.

provided by Security Council membership, can complement discussions on norm contestation by providing the tools for tracing the processes through which change occurred.

As a non-Western norm shaper, Brazil is not used to ‘shaping’ the UN discourse on issues like the use of force, which are generally adjudicated to powerful Western states, and especially to the P5 members of the Security Council. According to practice theory, competence is required to practice in a certain area; however, competence is not intrinsic but ascribed through social relations.<sup>122</sup> As eloquently argued in a recent article,<sup>123</sup> there are, nonetheless, limitations in conceiving practice theory solely on an analytical plane, separate from normative context and norms. Discussing practice through an R2P lens in relation to the 2011 decision to intervene in Libya for instance, portrays R2P as a ‘thick’ form of contestation.<sup>124</sup> Indeed, Brazil’s behaviour after its 2012 and 2013 vocal and public support for RWP demonstrates its continuous engagement in such ‘thick’ contestation. Brazil did so in recent years, however, without the normative leverage its seat in the UN Security Council had previously provided, to demonstrate diplomatic competence. Since R2P’s Pillar Three, in particular, is open to contestation because of its inherently indeterminate provisions, Brazil’s intention with RWP was to add specificity to Pillar Three by focusing on the elements it was traditionally close to. Brazil’s more recent work on the draft UNGA resolution on R2P, and its frequent calls for reforming Security Council membership and its working methods, provide the best examples of such contestation efforts in the context of R2P. So, what accounts for changes in the norm shaper’s behaviour vis-à-vis RWP?

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<sup>122</sup> Emmanuel Adler and Vincent Pouliot, ‘International Practices’, *International Theory* 3:1 (2011), p. 6.

<sup>123</sup> Jason Ralph and Jess Gifkins, ‘The Purpose of United Nations Security Council Practice: Contesting Competence Claims in the Normative Context created by the Responsibility to Protect’, *European Journal of International Relations* (OnlineFirst 2016).

<sup>124</sup> *Ibid.*, p. 10.

In short, three factors account for change. Taken together, they allowed Brazil to vocally advance RWP, for a significant period of time. However, once the favourable circumstances changed, so too did Brazil's norm shaping abilities which impacted its norm shaping efforts. The first factor relates to changes in Brazil's domestic context. To begin with, RWP was first met with skepticism both by the North countries – who found it too restrictive – and by the Global South, especially other BRICS states – who found it too permissive. In the early days of RWP, 'Brazil found itself rebuffed by almost all sides', with a few Western states in particular '...so angered by the initiative that they exerted significant political pressure on the Rousseff government'.<sup>125</sup> During the February 2012 informal discussion, Germany for instance, argued that RWP might be too limiting, in addition to not constituting a 'precisely defined concept'.<sup>126</sup> Criticism from within the BRICS (like Russia) and from outside it (with several key Western powers questioning its value) meant RWP became an expensive exercise diplomatically. Brazil's leadership reasoned that RWP was not worth further investment of political capital, and perceived it as a case of remote and uncertain political payoffs, but with real political costs, 'a loss-making enterprise'.<sup>127</sup> This remained the case until the end of Rousseff's presidency. Indeed, commentators of Brazilian politics have focused on President Rousseff's belief that foreign policy could be a risk factor, which meant that such controversial global initiatives should be avoided.<sup>128</sup> Other processes of contestation which occurred within Brazil's domestic realm can explain Brazil's changing approach to norm shaping. In RWP's first year, such opposition allegedly came from one of

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<sup>125</sup> Benner, 'Brazil as a Norm Entrepreneur', p. 6.

<sup>126</sup> McDougall, 'Responsibility While Protecting', p. 75.

<sup>127</sup> Benner, 'Brazil as a Norm Entrepreneur', pp. 8-9.

<sup>128</sup> Stuenkel and Tourinho, 'Regulating Intervention', p. 395.

President Rousseff's close advisers, who was critical of RWP and of having Brazil's foreign policy agenda too closely associated with such normative efforts.<sup>129</sup>

Dramatic changes in the domestic context in which a norm shaper operates matter to non-traditional, non-Western agents like Brazil. There is agreement that an agent's role as norm shaper is determined by domestic economic and political drivers.<sup>130</sup> One cannot assess Brazil's overall normative performance regarding RWP without acknowledging the drastic shift from the domestic politics of 2011 and 2012 to the political turmoil that followed, and remained the case throughout Brazil's engagement with the cross-regional group working towards the draft GA resolution in the last year. Indeed, Western diplomats representing other members of this cross-regional group highlighted the complicated domestic political situation in Brazil along these lines.<sup>131</sup> The country's domestic political crisis meant that discussions regarding the text of the GA resolution on R2P had to advance at times without Brazilian input, since their attention was understandably elsewhere.

Human agency is another key factor when assessing drivers behind Brazil's push for RWP in the first place. Patriota, who was the Foreign Minister of Brazil when RWP emerged, was the main voice behind, and promotor of, RWP. As a Foreign Minister, Patriota had at the time a strong inclination toward multilateral affairs.<sup>132</sup> He played a critical role in ensuring the proposal's take-off, with the RWP concept paper being written mainly by Patriota

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<sup>129</sup> Interview with analyst from the Global Centre for R2P, New York, June 2014.

<sup>130</sup> See this argument on norm shapers in regard to India, Sanjaya Baru, 'Strategic Consequences of India's Economic Performance' in Baldev Raj Nayar (ed.), *Globalization and Politics in India* (Oxford: Oxford University Press, 2007).

<sup>131</sup> Interview with diplomat from a Western Permanent Mission, New York, July 2016.

<sup>132</sup> Interview with Brazilian diplomat, New York, June 2016, who mentioned this in the context of Patriota's personal interest in the topic.

himself.<sup>133</sup> As the initiator, and one of the leading promoters of RWP at the time, Patriota's personal support proved key for the duration of Brazil's normative input. Patriota's personal relationship with one of the strongest supporters of R2P, Gareth Evans, was very important for motivating Brazil's advancement of RWP, and also for clarifying some of its central tenets. Those working closely with the Brazilian Permanent Mission at the time describe Evans' individual entrepreneurship and very vocal public support for RWP as essential for the diplomatic traction RWP received.<sup>134</sup> Indeed, individual entrepreneurship represents a significant component of this enabling set of circumstances which, taken together, contributed to Brazil's normative agency on R2P during this period. Domestic interest in RWP vanished once Patriota left the helm of the Foreign Ministry in August 2013. He then became the Permanent Representative of Brazil to the UN in October 2013, but without RWP as one of his agenda-pushing items.

Apart from circumstances pertaining to domestic context and manifestations of individual entrepreneurship at the right time, the third driver behind Brazil's push for RWP – and its subsequent change in behaviour – relates to the unique context in which Brazil operated at the UN when proposing RWP. The institutional context was a significant enabling factor since Brazil's role as a non-permanent member of the Security Council provided the platform to get closely engaged with issues concerning international peace and security. As an elected member of the Council, Brazil was able to exercise influence which otherwise would not have been possible. Michael Barnett and Raymond Duvall, among others, have

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<sup>133</sup> As suggested in interviews with Brazilian diplomats and analysts from the Global Centre for the R2P, working closely with the Brazilian Mission at the time, New York, June 2014 and 2016.

<sup>134</sup> Thankful to Simon Adams for clarifying this point to me on the personal dynamic between Patriota and Evans and the initial promotion of RWP as a joint effort between the two.

thoroughly explained how agents exercise institutional power mainly through their roles in the UN Security Council.<sup>135</sup> There are, of course, differences between the institutional roles played by the P5 and those of the non-permanent members of the Security Council. Nevertheless, Brazil's seat in the Council provided the country with sufficient clout to position itself as a norm shaper, and to operate through diffuse channels and interactions. Also noteworthy is the fact that all the BRICS were in the Security Council at the same time (China and Russia among the P5; Brazil, India, and South Africa as non-permanent members).

In light of Brazil's prominent Security Council aspirations, the country recognized the opportunity its seat conferred in terms of unique institutional and productive power, and seized it. Brazil's 'productive power'<sup>136</sup> manifested through diffuse social processes of practices and interactions in which Brazilian diplomats made sure they 'produced' or 'framed' R2P's social meaning as linked to RWP, to reflect Brazil's social identity. Brazilian diplomats recognized the opportunity to address the divisions in the UN Security Council membership and among the BRICS following the controversial intervention in Libya, to shape an international image of Brazil as a 'bridge-builder in the international community, particularly within a potentially reformed Security Council'.<sup>137</sup> This was also Brazil's chance to show the world it deserved a permanent seat at the Security Council table. Brazil has continuously appealed for wider and deeper Security Council reform, through an increase in the number of members and the inclusion of developing countries, which would correct the

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<sup>135</sup> Michael Barnett and Raymond Duvall, 'Power in International Politics', *International Organization* 59 (2005), pp. 39-75.

<sup>136</sup> *Ibid.*, p. 55-57.

<sup>137</sup> Stuenkel and Tourinho, 'Regulating Intervention', p. 393.

Council's 'deficit of representation and legitimacy'. For a short time in 2011 and 2012, such calls were uttered in relation to RwP.<sup>138</sup>

Brazil's end of term as an elected member of the Security Council meant that the institutional power it exercised while on the Council – a critically enabling factor – disappeared. Brazil lost its ability to exercise normative influence and to impact decision-making on the topic. According to a Brazilian diplomat, after leaving the UN Security Council, Brazil was no longer in a position to have its voice heard as loudly and to influence how matters related to international peace and security are shaped normatively.<sup>139</sup> Once Brazil lost its institutional power, it became much more difficult to engage actively in negotiations on the use of military force, and to lament about the lack of accountability which becomes problematic when allocating R2P's Pillar Three collective responsibility to the Security Council. These issues, however, became the most controversial items during negotiations on the text of a UNGA resolution on R2P, especially surrounding operative paragraphs 12 and 13 of this draft resolution, which reiterate how R2P 'must be implemented responsibly' and the importance of 'monitoring implementation and reviewing progress'. It should come as no surprise that these elements, which Brazil insisted on being included in

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<sup>138</sup> When opening the general debates in September 2013, 2014 and 2015 respectively, Dilma Rousseff, then President of Brazil, strongly urged for expansion of the UN Security Council, 'in its permanent and non-permanent categories...to make it more representative, legitimate and effective', see Statements by the President of Brazil at the 68<sup>th</sup>, 69<sup>th</sup> and 70<sup>th</sup> Sessions of UNGA (24 September 2013, 24 September 2014, and, respectively, 28 September 2015). At the 71<sup>st</sup> session of the UNGA in September 2016, Brazil's new President, Michel Temer, also reiterated Brazil's call for Security Council reform. However, RwP was never mentioned again in Presidential statements opening the yearly general debates at the UN after Rousseff's September 2012 speech.

<sup>139</sup> Interview with Brazilian diplomat, New York, July 2014.

the text of the resolution, were not favoured by the P5 since they impose limits on the Security Council.<sup>140</sup> At this point, the US, in particular, has been critical of Brazil for several years.<sup>141</sup>

The three enabling circumstances discussed here allowed Brazil to flourish, initially, as a norm shaper, but they also help explain its subsequent withdrawal from visible norm sponsorship. This calls for recognizing something hitherto overlooked by norm diffusion scholarship, namely a form of agency that manifests itself in a specific institutional context and takes advantage of a particularly enabling set of circumstances to make its message heard. Brazil's example suggests that an agent engages in refining and reshaping an existing norm once certain circumstances present themselves. In the case of RwP, it was a combination of a very specific context in which Brazil operated at that time, which included non-permanent membership status in the Security Council, and a committed norm entrepreneur, then Foreign Minister Patriota, who was the driving force behind Brazil's reshaping efforts, until the domestic political turmoil commenced. The enabling institutional context played a major role in Brazil's contributions to R2P. The end of its term on the Council is key in explaining Brazil's change of behaviour toward less visible agency.

## **Conclusion**

Through RwP, Brazil voiced the concerns of many states, the BRICS in particular, prompted by the implementation of 2011 NATO's mandate in Libya. This article argued that the voice

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<sup>140</sup> As suggested in several interviews, UK and USA were not on board and saw no particular value in having such a UNGA resolution on R2P, passing by consensus, interviews with diplomats from several Western and non-Western Permanent Missions, New York, June, July 2016.

<sup>141</sup> It didn't help that Brazil voted in 2010 against a resolution on Iran the USA fought hard for.



of non-Western actors is becoming significant in shaping existing norms, and that Brazil has played a critical and prototypical role in taking such an initiative, despite the emergence of unfavourable circumstances. In doing so, the article highlights the agency, and importance, of non-Western actors in shaping global norms, and in infusing them with legitimacy. The latter captures the significance for norm dynamics theory, in that non-Western agents' contributions carry the highest potential to address the legitimacy deficit of norms like R2P. Brazil's RWP is a perfect illustration of what a 'norm shaper' entails, especially when applied to a non-Western context. Through its engagement in constructive contestation, Brazil influenced the evolution of an existing norm (R2P), short of creating a new one. Brazil's clarifying contribution and championing of the RWP initiative, either openly and loudly or in a much less visible manner in the last year as a co-sponsor of the draft UNGA resolution on R2P initially intended for a September 2016 vote by consensus, reflect the political processes of contestation Brazil committed to, in order to shape and channel what R2P does in practice.

The empirical analysis showed that the ability of non-traditional, non-Western agents to shape norms and the degree of success of their normative exercises is contingent upon a specific context – or a unique set of circumstances – in which norm shapers like Brazil operate at a given time. Assigning an important explanatory share to the specifics of a particularly enabling social context in which an agent operates best captures the anomalies in contemporary norm contestation and these non-Western agents' non-uniform injections of normative capital. In particular, the institutional context was a key enabling factor for Brazil's contribution to R2P. Brazil's non-permanent seat on the Security Council provided the platform to get closely engaged with issues concerning international peace and security, to voice the concerns of the Global South. RWP will linger as an important future reference

point when the Security Council considers protection of civilian mandates in impending crisis situations, or the next time the Council refers to the use of force under the R2P banner, in terms of the international community's responsibility while protecting. RwP remains a constructive proposal, mainly in relation to improving the working methods of the Security Council to increase accountability while overseeing the implementation of R2P operations.

Assessing Brazil's efforts towards shaping R2P in the last four years by approaching institutionalization and implementation of a norm as separate processes<sup>142</sup> provides insights into explaining how a non-Western norm shaper practices implementation, at times even without visible manifestations of its normative contributions. This is particularly important given the inherent barriers non-Western agents face when taking up such a role, which is usually associated with Western agency. Unless we acknowledge the enabling context created by a set of circumstances which align, at times, to make normative input episodes possible, we miss some of the less visible, but very important practices of non-Western norm shapers, with global ambitions to sit at the big players' table. R2P is such a global ambition in two important senses: its scope is global, and it is pursued on behalf of the international community. Similarly, Brazil's RwP is global in its scope to underscore the authority of global multilateral institutions, and especially of the UN Security Council in authorizing the use of force. Brazil's ambition to ensure the main ideas behind RwP are taken on board R2P is voiced on behalf of all non-Western states. Given the realities of the current political environment and the desire of some non-Western agents to leave their mark on global norms, we are likely to encounter more instances of non-Western states as strategic norm shapers,

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<sup>142</sup> For details on the separation of the two, see Betts and Orchard (eds.) *Implementation and World Politics*.

rather than norm entrepreneurs, makers, or setters for norms which they did not play a role in creating.

Was Brazil's apparent public disengagement in the last couple of years the sunset of RWP? This article suggested that it was not, and that in fact, RWP is likely to be taken on board any future efforts to institutionalize R2P at the UN and elsewhere, especially since the Global South's engagement with the topic remains key. If emerging powers like Brazil become less active in this context, or remain more preoccupied with national power aspirations than with developing norms of global governance, they 'will remain incomplete powers, limited by their own narrow ambitions, with their material grasp longer than their normative reach.'<sup>143</sup> The fact that RWP emerged as the brainchild of a Global South member helps to address some of the lingering postcolonial critiques voiced against R2P. In this way, RWP has already broadened the legitimacy of R2P, together with its appeal.

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<sup>143</sup> Ramesh Thakur, 'How Representative are BRICS?', *Third World Quarterly* 35:10 (2014), p. 1802.