

Brazil and the Responsibility While Protecting Initiative

Kai Michael Kenkel

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Since Libya, the Responsibility to Protect (R2P) has been a hotly debated concept. Previously a nation exhibiting strict non-interventionist principles, Brazil has recently contributed to the R2P debate with its Responsibility while Protecting initiative.

Author's note: For further analysis on this topic, see the following publications: Kai Michael Kenkel and Cristina Stefan, "Brazil and the 'responsibility while protecting' initiative: norms and the timing of diplomatic support". *Global Governance*, Vol 22, No. 1 (2016); pp. 41-78; and Kai Michael Kenkel and Felipe De Rosa). "Localization and Subsidiarity in Brazil's Engagement with

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the Responsibility to Protect.” *Global Responsibility to Protect*. Vol. 7, No. 3/4 (2015); pp. 325-349.

Introduction

Inspired by what it saw as the excesses of NATO’s intervention in Libya and their potentially disastrous effects on the credibility of the “Responsibility to Protect” (R2P) norm, in November 2011 Brazil launched the corollary concept of a “Responsibility while Protecting” (RwP) at the United Nations. While essentially reiterating its endorsement of [key principles of R2P](#), Brazil admonished R2P implementing states to avoid discrediting the norm by exercising restraint while operationalizing R2P. Brazil, itself at that time a rising power seeking more global influence—and particularly participation in shaping the rules of the international system—saw the divisions created by the Libyan intervention as an opportunity to act as a norm entrepreneur. Meant to bridge the gap between R2P supporters in the North and sceptics in the South, RwP was initially criticized by both. Over time, however, certain R2P supporters began to see the concept’s value as a means of reviving R2P after Libya and as a means of attaining crucial Global South buy-in. By this time, however, Brazil—lacking experience in the role of norm entrepreneur—had backed away from its initiative. Though the specific initiative has not been taken forward, RwP has had a clear effect in structuring the contours of subsequent R2P debates at the UN.

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Under the Lula da Silva administration, Brazil began to actively seek a larger profile in international politics, ostensibly with a view to a permanent, veto-endowed seat on an eventually reformed UN Security Council. This presented the country with a conundrum: in UN praxis, particularly among established powers, there is a clear connection between global relevance, military capacity, and the willingness to use force remedially, beyond self-interest, to help those in need—as foreseen by R2P as implemented by the UN. Brazil’s historical normative commitments, however, are rooted in a combination of a highly traditional regional security culture—which equates sovereignty exclusively with non-intervention—and a healthy postcolonial scepticism of multilateral initiatives born in the North. Arguably, the most strongly held of these commitments is a profound aversion to the use of force. Faced with a choice between staying true to its original traditions and fulfilling the expectations placed on global players—as exemplified for example in R2P’s acceptance of the use of force in defence of human life—Brazil launched RWP as an attempt to reconcile these factors, remain active on the international stage, and render R2P both more relevant and less prone to misuse.

The Libya effect

NATO’s 2011 Libyan intervention created a trust deficit between its leaders and the BRICS countries, who had been excluded as non-permanent UNSC members from the elaboration process for its enabling Resolution 1973. These states emerged from the experience highly doubtful of Western motives, and they took as a lesson from the Libya intervention that the use of force could have an opposite effect from that intended, effectively distancing a crisis situation from a lasting solution.

Beyond the immediate concerns related to the intervention's mandate, the debate over the Libyan case took on contours that resonated with the larger tension between the established powers and emerging players such as the other BRICS countries and Brazil. Substantial divergences remain over R2P's implementation and particularly its third pillar, which can be used to authorize military force. R2P's shift in emphasis between understandings of sovereignty has become symbolic of some emerging powers' resistance to the normative dominance of established powers, making the principle a key rallying point in the ideational skirmishes resulting from a changing global distribution of power. This expands the debate over the RWP initiative beyond its immediate link to the Libyan case and links it firmly to broader issues of global governance. The R2P debate has become a not only a key element of some emerging powers' challenge to the established distribution of power, but a key locus for increased targeted consultation and cooperation in mounting that challenge. In addition, the intervention debates have become an important stage for emerging powers constructively to give normative content to their challenge to the established order, allowing them to move beyond what some have termed an obstructionist stance.

The “Responsibility while Protecting” concept

The RWP concept was launched on 9 November 2011 and floated explicitly as a touchstone for further debate within the United Nations. This targeting would become important later on, as it meant that in characterizing R2P and mobilizing its history, the note limited itself to the concept's course within the United Nations system, referring for example to its inclusion in paragraphs 138-139 of the World Summit Outcome Document but not to the principle's original formulation by the [International Commission on Intervention and State](#)

Sovereignty (ICISS). As such the RWP note was intended less as a normative innovation than as an attempt to shape the norm in terms acceptable to the Global South.

The primary contribution of the note was its establishment of a set of guidelines to orient the Security Council in contemplating an R2P-based intervention. These guidelines focused on two main topics: limiting the use of force, and the strict chronological sequencing of R2P's three pillars. The RWP note posits that force should only be used as a last resort (an item already included in the 2011 ICISS Report that launched R2P), and subject to a limited and well-defined mandate implemented under conditions of complete accountability in the field. Brazilian diplomats attempted to appropriate the "do no harm" principle, known from the Hippocratic oath, even arguing that one death from an intervention is too many. These reservations were read correctly by many Western states as a reaction to the perceived excesses of NATO's foray into Libya, and an attempt to put strict limits on the level and type of force authorizeable under R2P.

The document's real element of innovation, and the eventual centre of the debate it created, is its call for the strict political and chronological sequencing of R2P's three pillars. This was viewed by Western states as too limiting, both in the field, and of the flexible diplomatic responses required of the Council in dealing with a crisis. The threat of force, it was argued, is often subjacent in making diplomatic initiatives work, and taking this option off the table could tie the international community's hands. Indeed, the note's Brazilian authors later replaced strict chronological sequencing with the toned-down notion of "prudential sequencing".

The reception of RWP

Initially received coolly by both Western and Southern states, the RWP note nonetheless played a crucial part in both moving R2P forward normatively and in stimulating the inclusion of Southern states into the intervention debate. Despite initial strong criticism, the initiative did shape how established and rising powers interacted in the ensuing UN debates on R2P and intervention more broadly. There are four main criticisms:

1. that the concept bears little value added, merely repeating provisions already present in the 2001 ICISS Report;
2. that the initiative was a Trojan horse, designed to limit Western powers' autonomy and to prevent the further institutionalization of R2P;
3. specific elements regarding feasibility of RWP's concrete suggestions, such as sequencing, proactive monitoring, and further limitations on the use of force;
4. the contention that RWP's confuses *jus ad bellum* (R2P's main focus) and *jus in bello* (rules for conduct once war has broken out);

Despite these criticisms and Brazil's abandonment of its role as a norm entrepreneur, the RWP note has continued to structure global diplomatic debates on intervention, with a focus on reigning in Western action through stricter guidelines in the wake of R2P's crisis of legitimacy after Libya. It has done so in three main areas: advancing the importance of some form of relational sequencing of R2P's pillars; increased restrictions on the use of force; and more proactive monitoring by the Security Council of the following of guidelines by ongoing missions.

Brazil's role as a norm entrepreneur on intervention issues remains tied to the RWP concept. The initiative was withdrawn after it did not elicit the desired level of support, and by the time its potential had been realized, internal changes in

Brazil and its Foreign Ministry had made continued advocacy politically unviable. Despite attempts to revive a strong role for Brazil in the R2P conversation through efforts in the General Assembly in 2015-2016, crippling fiscal austerity and the paralyzing political crisis which began in April 2016 have temporarily but severely limited Brazil's ability to proactively advance normative initiatives. Nevertheless, the desire remains to fulfill the country's natural function as a bridge-builder between North and South on intervention issues, and Brazil is sure not to remain absent for long from the ranks of those crafting R2P's future contours.

Kai Michael Kenkel is Associate Professor in the Institute of International Relations at the Pontifical Catholic University of Rio de Janeiro and Associate Researcher at the German Institute of Global and Area Studies. He has published extensively on R2P, with a focus on Brazilian policy, including three edited volumes and articles in *Global Governance*, *Global Responsibility to Protect* and *International Peacekeeping*.

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