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Brazilian foreign policy and international human rights promotion: existing tensions and future prospects

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Brazil is important for the present and future development of international human rights. Yet, any immediate expectations that the country will emerge as an active promoter of human rights internationally are likely to remain unfulfilled.

Indeed, Brazil's distinctiveness, both in terms of its domestic human rights record, and in terms of its historical relationship with the international human rights regime, means that the country is likely to impact on debates on the meaning and nature of human rights in the decades to come. From its membership in the so-called *BRICS* to its leadership role in the exclusive club of G20 countries, Brazil has indeed emerged as a pivotal player in global governance. There are also a host of domestic processes of change that have projected Brazil abroad. From Brazilian companies with mining interests in Africa, increased diplomatic activities and collaborations through various country constellations (IBSA, BRICS), through to its significant soft power projection, Brazil's international profile is more varied and extensive than ever before.

Much of the international interest in Brazil in recent years reflects a widespread view that the country matters for the outside world. The very active foreign policy agenda pursued by former president Lula da Silva raised Brazil's international profile. And, although current president Dilma Rousseff has increasingly turned inward over the course of her administration the image of a 'rising' Brazil remains prevalent. It is of course not the first time that outside observers have had high expectations on Brazil. But what may be most striking in the current conjuncture is that these are increasingly matched by domestic expectations in Brazil that the country should take its rightful place in elite international fora. Whether these expectations are likely to be fulfilled is a matter of dispute. For many international observers, particularly in the financial press, the recent sluggish performance of the Brazilian economy raises significant doubts. For other even more hardnosed observers, Brazil's limited military might, its hard power, seriously questions the capacity of Brazil to play any influential role on the global scene. Brazil remains a moderate military power, and will do so for the foreseeable future.

Still, whether Brazil is actually rising – however one may measure it – is at least partly distinct from the international perceptions of and expectations on the country's rise. It may not be quite as simple as this, but as long as these perceptions and expectations persist, Brazil will continue its ascent. Important questions remain unanswered however, regarding Brazil, the character, meaning and direction of its rise. In this short article the aim is to assess, on the one hand, the considerable hopes that many have invested in Brazil, but also, on the other hand, to illustrate the many uncertainties that accompany Brazil's foreign policy in general and with regards to the promotion of human rights abroad in particular.¹

Brazil in the world

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¹ For a fuller account see Engstrom (2012).

Brazil has traditionally expressed support for universalist multilateral institutions, including with regards to the international human rights regime. There has always been, however, a clear instrumental side to Brazilian diplomats' attitude towards multilateralism, which has tended to frame Brazil's own narrow national interests in terms of arguments for greater justice and representativeness in international institutions (Hurrell, 2008: 53). This has been particularly noteworthy in recent years as Brazil has sought to increase its international weight and influence by advocating for reform of global governance. Still, from its (so far unsuccessful) struggles to gain a permanent seat on the United Nations Security Council (UNSC), to its (successful) efforts in joining the core group of states negotiating the Doha round trade talks of the World Trade Organization (WTO), Brazil has not been particularly radical in the positions taken. Nonetheless, successive Brazilian governments have expressed opposition to the status quo as reflected in the policies pursued with regards to issues such as nuclear proliferation (regarding the sanctions regime imposed on Iran), and climate change (regarding the principle of 'common but differentiated responsibilities' that stresses the need for developed countries to shoulder the greater burden of the costs of adapting to climate change).

These demands resonate widely in the 'Global South' as it draws on the widespread sense of the unrepresentative nature of contemporary international institutions. Indeed, in recent years, Brazil has prioritised the expansion of relations with other major developing countries, especially China, India, and South Africa. Efforts to intensify South-South dialogues are reflected in the increasing formalization of the IBSA forum (India, Brazil, and South Africa) and the gradual institutionalization of the BRICS group (Brazil, Russia, India, China, and South Africa). They can also be seen in the more activist Brazilian diplomacy, under Lula, towards Africa and the broader Middle East. Partly these diplomatic efforts need to be understood in the context of Brazil's attempts to mobilise support for its bid for a permanent seat on the UNSC, although stronger ties with what was used to be known as the 'Third World' also have deep roots in Brazilian foreign policy.

The ambition to build South-South strategic alliances and to gain support for a UNSC seat has meant that pragmatic strategic interests have trumped more principled concerns for human rights. Brazil consistently supports China, gave a quick endorsement of Iran's disputed presidential elections in 2009, and former president Lula invited Iran's then president Mahmoud Ahmadinejad for an official visit. Supporters of this pragmatic approach stress the importance of engaging rather than isolating Iran, for example, and Brazilian diplomats may have calculated that they have very little influence to change the domestic behaviour of states such as China and Iran in any case. But there are also more deep-rooted reasons for Brazil's reluctance to criticise other countries' human rights record. Brazilian diplomatic practice continues to stress the importance of protections from external interference as enshrined in international law. From this perspective, Brazilian diplomacy has tended to be highly critical of the international human rights regime, which is viewed as unfair (strong countries criticising weak ones), hypocritical (applied selectively), and ineffective (diplomatic 'naming and shaming' does not improve human rights on the ground).

This posture builds at least in part upon a nationalist tradition in Brazil – both on the political left and right – of viewing international institutions suspiciously and the international order as entrenching the privileges of the developed world. There has also traditionally been a certain ambivalence among Brazilian elites about whether the country is part of the 'West' and should seek convergence with the global liberal order, or whether the country is a member of the 'Third World' and should therefore ally with the developing world in order to push for a greater role in international affairs. These domestic divisions are very likely to persist over time and to continue to shape Brazil's ambivalent relationship with the international human rights regime.

Attitudes towards human rights enforcement

The more general consequences for Brazil's human rights policy are significant. Brazilian diplomatic discourse on human rights stresses internationalism and multilateralism and support for global liberal values, such as human rights. Given that rhetoric matters for international human rights, such discursive support might become increasingly critical. The assertion by rising powers of alternative domestic and regional conceptions of human rights, or of rival sources of moral and political legitimacy, could increasingly bring into question the current international human rights regime. From this perspective, Brazil's support for the fundamental tenets of the international human rights regime, and possibly as a diplomatic bridge between the radical critics of the regime on the one hand and its supporters on the other, will be important. Still, Brazil is likely to remain unwilling to convert rhetorical support for international human rights into concrete action. There has indeed been very little evidence of any 'mainstreaming' of human rights in Brazilian foreign policy. Brazil has remained a comparatively inactive participant in terms of diplomatically supporting the international human rights regime, launching human rights initiatives in multilateral fora, and funding and staffing international agencies with rights mandates.²

The refusal of Brazilian diplomacy to seek adherence to prevailing models of human rights enforcement is particularly apparent in its critique of the idea, and practice, of humanitarian intervention. Brazilian reluctance to support military intervention was seen in its response to the conflict in Libya. In March 2011 Brazil, as a temporary member of the UN Security Council, joined with China, India, Russia and Germany to abstain from the vote authorising 'all necessary measures' against Libya. Following the onset of NATO bombing of Libya, Brazil's opposition to the bombing hardened with the Foreign Ministry, the *Itamaraty*, issuing statements condemning the loss of civilian lives, and calling for a ceasefire and the initiation of a dialogue. Often overlooked, however, given the focus on UNSC Resolution 1973 that authorised the use of force in the case of Libya and which Brazil opposed, is the fact that Brazil voted in favour of a previous UNSC Resolution (1970) that imposed sanctions on Libya and that referred the situation to the International Criminal Court (ICC). This is in contrast to previous Brazilian reluctance to support sanctions in the case of Iran for example.

Nonetheless, Brazil's opposition to the NATO bombing campaign in Libya reflected the country's traditional aversion to the use of force, including for humanitarian purposes. The expectations on Brazil, however, to shoulder increasing responsibilities for the management of international security may continue to grow. Brazil's leadership role in the UN peacekeeping mission in Haiti (MINUSTAH), for example, reflects an increasing willingness to engage in more robust UNSC-mandated missions. Similarly, the transfer of command responsibility of the UN mission in the DRC to a Brazilian force commander is another illustration of the Brazilian military's, and its civilian leadership's, projection of a more active role in coercive peacekeeping. And yet, the challenges for Brazil to engage more actively in ongoing human rights and security crises are formidable. For example, in the case of Syria the *Itamaraty* seemed initially keen to sign off on a comparatively forceful condemnation of the violence in that country, which could have been construed as a call for a more active international intervention. However, following criticisms of Brazil by China and Russia on the one hand, and influential sectors of the pro-president Bashar al-Assad Syrian community in São Paulo on the other, Brazilian policy was quickly scaled back with regards to Syria. More recently, the Dilma government ratified its decision not to engage in international conflict resolution efforts by declining an invitation to participate in the Geneva talks on Syria that started in January 2014.

Moreover, the highly constrained space in international affairs for normative entrepreneurship by non-traditional powers was also clearly demonstrated in the hostile reception of president Dilma's intervention to promote her concept of 'Responsibility while Protecting'. The Brazilian government appeared to be motivated by the need to reshape the international debate over the legitimacy of

² This is not to detract from the areas in which Brazil play an active role internationally, such as, e.g. global health (AIDS/HIV), sexual orientation, and food security. Still Brazil tends not to emphasise rights-oriented approaches or discourses to tackling these issue-areas; opting instead for overlapping, yet distinct, arguments based on (distributive) justice and development needs.

humanitarian intervention, and the notion of 'Responsibility to Protect' (R2P) specifically, to include a more robust concern for the responsibilities of the interveners. And for many, Brazil's insistence that the use of force in the name of human rights has a very problematic record is an important reminder that the traditional military powers have become discredited as promoters of human rights. Quite predictably the initiative was attacked by R2P proponents, and the Brazilian government has not returned to the topic since. The main point here is to emphasise the significant diplomatic costs and strategic thinking required for a country such as Brazil to reshape global norms and institutions. In contrast to her predecessor, president Dilma is unwilling to expend these resources; a policy inclination that has been further strengthened recently as the presidential election (October 2014) is drawing closer.

Brazil in its region

The reluctance to expend diplomatic capital on the promotion of human rights abroad can also be seen closer to home. Traditionally, Brazil's multilateralism has tended to be projected beyond the region of Latin America. Under Lula however, there was some recalibration of foreign policy priorities, as Brazil sought to intensify relations with the South American sub-region in particular. The regionalization of Brazilian foreign policy has been reflected in the creation of the Union of South American Nations (UNASUR), and in efforts to broaden Mercosur (to include Venezuela) as well as deepen it (beyond purely economic relations and towards political cooperation, including on human rights matters). Brazil has also been more assertive in the wider Latin American region by becoming involved in politically contested issues, such as Brazil's leadership role in the UN peacekeeping mission in Haiti. The limits of Brazil's regional leadership are apparent however. Important regional countries – Argentina and Mexico in particular – do not sign off on Brazilian regional leadership. With regards to human rights policy specifically, even if it were willing to promote human rights as part of its regional foreign policy (Brazilian relations with Cuba indicates otherwise), Brazil's capacity to shape political outcomes in the region is limited. This could be seen in the frustrated attempts by Brazil to negotiate a political solution to the 2009 coup in Honduras, but also in Paraguay's continuing resistance to any attempts by Brazilian diplomacy to intervene to support democratic forces in that country. And, in response to current (February/March 2014) turmoil in Venezuela, the Brazilian government has shown little appetite to do more than to express vague hopes for an end to violent clashes. The gap between the expectations on Brazil to play a more active role, particularly by influential international human rights NGOs, and its willingness to do so is important to note. For example, according to José Miguel Vivanco, the Director of Human Rights Watch's Americas Division:

"Brazil is an emerging power that aspires to [play] a global role, [and] that for some time is looking for a permanent seat on the United Nations Security Council. But a global leader cannot remain silent faced with these human rights violations in its own region[.] [I]t is a big contradiction in its foreign policy and a policy failure in its strategy." (La Nación 2014; author's translation).

Such exhortations notwithstanding, Brazil's hands-off approach is clearly on display with Brazilian government officials not willing to publicly express anything that might undermine the position of the Venezuelan president Nicolás Maduro. Brazil's attitude towards the Venezuelan crisis partly builds on its preference for behind-the-scenes negotiations (and Foreign Minister Luis Alberto Figueiredo has indeed sought to mediate between the Venezuelan opposition and government), partly on the very high degree of uncertainty over any post-Maduro scenario, and partly on concerns for Brazilian economic interests in Venezuela that have grown significantly under former president Hugo Chávez.

The absence of Brazilian regional leadership is similarly apparent in its relative neglect of the regional human rights system in the Americas (i.e. the Inter-American Human Rights Commission and Court). True, Brazil's ratification record of human rights treaties is notable compared to many other regional states (the US for example). And, in part, the relative neglect of the regional human

rights system is explained by the fact that Brazilian governments' engagement with international human rights has tended to be projected outside the region and towards the UN, which has led to Brazil not having a clearly defined presence within the Inter-American Human Rights System (IAHRS). Brazilian state institutions have tended either to ignore judgements by the regional system or choose not to implement substantial measures. This has been the response, for example, by the Brazilian state to the 2010 *Araguaia* ruling by the Inter-American Court of Human Rights challenging the country's 1979 Amnesty Law.³ Indeed, the absence of Brazilian regional leadership is particularly noteworthy in the area of transitional justice. The recent creation of a National Truth Commission notwithstanding, the contrast with Brazil's regional neighbours is instructive. Whilst very significant accountability advances have taken place in countries such as Argentina, Chile, Uruguay, and, arguably, Peru, the Brazilian government has maintained its policy preference for 'truth' over 'justice'. Again, this matters because many make explicit links between the Brazilian government's record and policies on international human rights *and* its potential for regional and global leadership. For example, Viviana Krsticevic, the executive director of CEJIL (Center for Justice and International Law) makes an explicit link between the Brazilian government's lack of progress on transitional justice and its potential for regional leadership:

"Latin America has advanced significantly in the resolution of crimes against humanity committed by dictatorial governments. Brazil, however, is still in debt with family members [of victims] and society when it comes to the establishment of truth and justice in relation to this topic. [The ruling by the Inter-American Court in the case of the Araguaia guerrilla] represents a unique opportunity for Brazil to show that it is capable of leadership both internationally as well as nationally with regards to human rights and democracy. For this reason, Brazil must overturn [*dejar sin efecto*] the aspects of the amnesty law that prevent justice to be done when confronted by crimes against humanity" (CEJIL 2010).

No matter whether one substantively agrees with such discursive links between promotion of human rights at home and abroad, the important point here is that they are being made, and the expectations on Brazil that they highlight are likely to increase.

Brazil and the future of the international human rights regime

Two structural features will continue to shape Brazilian willingness and effective capacity to promote human rights abroad. First, on the domestic side, democratization and the increasing participation of previously marginalised sectors of society, has had its impact even on Brazilian foreign policy making. Brazilian human rights NGOs and social movements are increasingly seeking to influence the country's foreign policy in human rights matters. For example, Brazilian NGOs played an active role in lobbying efforts that shaped the creation of the UN Human Rights Council. They have also worked with 'key countries' to produce international norms in relation to, for example, the framing of norms concerning discrimination based on sexual orientation. And Brazilian human rights groups, such as Conectas and Justiça Global, are increasingly lobbying Brazilian policymakers on human rights and foreign policy matters. There are of course significant domestic challenges in terms of Brazil's own deeply problematic human rights record, and domestic NGOs are likely to continue to devote much of their limited resources on domestic advocacy.

³ The Brazilian government under president Dilma Rousseff responded even more strongly to the Inter-American Commission's interim measures in the case of *Belo Monte*, which requested Brazil to suspend the construction of a hydroelectric dam on one of the Amazon's major tributaries. The government decided to suspend its annual contribution to the human rights body, and it withdrew the former Human Rights minister, Paulo Vannuchi's candidacy to become member of the Inter-American Commission. Since then, there has been a gradual return to the status quo by the Brazilian government (as reflected in the eventual election of Paulo Vannuchi to the Inter-American Commission in June 2013), yet the incident demonstrates the Brazilian government's reluctance to accept the legitimacy of international scrutiny, particularly when human rights come up against policy priorities to pursue rapid economic development.

Yet, domestic experiences of human rights challenges can provide important opportunities to pursue informed and effective policies abroad. This can be seen, for example, in the struggle against poverty and in Lula's international initiative on combating hunger, as well as in Brazil's constructive role in the follow-up to the Durban conference on racial discrimination. And, of course, dominant countries have had their own internal human rights challenges (US and racial segregation, UK and colonial rule, and France in Algeria), while simultaneously supporting the development of the international human rights regime. And this is even before the more contemporary rights violating policies and practices by powerful states in the 'war on terror'. The broader point remains though, Brazilian foreign policy is no longer merely driven by traditional Brazilian policy elites. The democratization of Brazilian society more generally, and the widening of the country's middle classes, together with the broadening of their political demands (witness the drama of street protests in recent months), *may* lead to a realisation among the Brazilian electorate that foreign policy indeed has domestic implications. The inescapable fact remains that Brazil is one of the most unequal and violent societies in the world, and more active and sustained engagement with human rights internationally is increasingly likely to have significant domestic policy implications.

Second, as already alluded to, internationally Brazil will have to manage increasing expectations that the country *should* play a more active and forceful role in the promotion of human rights abroad. For many the rise of Brazil is seen as distinct from authoritarian China, and other 'middle-powers' such as Iran. It is unlikely, however, that Brazil will gradually converge to global liberal norms and values, including human rights. Together with India and South Africa (and China), Brazil is not likely to develop understandings of human rights governance in line with Western ideals. This highlights some of the long-standing tensions in Brazilian foreign policy strategy and national identity. Does Brazil's future lie as the leader of the Global South? Or, as the mediator between North and South? Or, as a rising power drawing on universal standards of legitimacy, such as human rights, for its own instrumental purposes? (Hurrell, 2008: 57). Whilst the first two sets of features of Brazil's identity are frequently referred to in foreign policy debates, the latter strategy was seen recently in Brazil's efforts to leverage widespread concerns for privacy and intrusive electronic mass surveillance by powerful states in pushing for reforms of Internet global governance structures.

Conclusion

It is against this background of policy ambiguity that the absence of a Brazilian vision for the future of the international human rights regime and the country's role in it could be understood. Indeed, it could be argued that the international dimensions of its human rights obligations are particularly important for Brazil. The Brazilian government has sought to play a more prominent international role in the areas of conflict prevention and resolution. And it seeks to insert itself as an international norm entrepreneur with regards to, for example, its notion of 'responsibility while protecting' and efforts to reform Internet governance. The setting up of regional offices in Brazil by Human Rights Watch and Amnesty International, reflects the rising expectations that Brazil needs to play a more active role in the promotion of human rights internationally.

And yet, the expectations that Brazil should more actively seek to promote human rights abroad raises tricky questions concerning how to do human rights advocacy in and with Brazil. It cannot be assumed that the human rights advocacy strategies that are deemed to have 'worked' with the US and European governments, are easily translatable into the Brazilian policy context. Clearly, the expectation that Brazilian diplomats will 'name and shame' alleged malefactors disregards deeply entrenched institutional practices and beliefs in policy circles across much of the ideological spectrum in Brazil. Moreover, efforts to leverage public opinion assume responsive domestic audiences and media outlets. These have traditionally been absent, however, in Brazil where the exposure of the general public to international affairs has been limited and foreign policy has played a subordinated role in domestic policy debates.

This is not to overlook what may be important domestic changes in contemporary Brazil in the form of an increasing willingness to publicly challenge political leaders. It is precisely for this reason that for human rights advocates the stakes are indeed high. The international human rights regime is facing an uncertain future as highlighted in the debates surrounding the meaning and wider implications of shifting global power balances. From this perspective, Brazil may indeed be the country of the future – and may always be.

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