

RISING BRAZIL: WHAT ROLE FOR HUMAN RIGHTS?

Dr Par Engstrom

Institute of the Americas, University College London

p.engstrom@ucl.ac.uk | <http://parengstrom.wordpress.com>

*Remarks delivered at the UCL Union's Model United Nations Society Conference
London, 25 January 2013*

Thank you to the organisers for the kind invitation.

Welcome to UCL.

I congratulate you for the choice of thematic focus for your conference. This is indeed an opportune moment to study Latin America.

For many, there is a strong sense of progress, of opportunity, when observing today's Latin America. Both the region as a whole and in particular certain individual countries – Mexico, Colombia, Brazil, Chile – are seen as emerging, as rising, as increasingly influential countries on the global scene.

The robust economic performance of many Latin American economies in recent years has for many highlighted the stark contrast with the recession-struck economies of Europe and the US. For some, such contrasts indicate fundamental shifts in the global economy toward the 'Global South' that evoke an important part of a future 'multi-polar' world order.

The contrast of Latin America with the prevailing sense of crisis and gloom here in the UK, and in Europe more broadly, is indeed refreshing and exhilarating.

But on a more sober note, there are of course also formidable challenges – political, economic, and social – in today's Latin America. And I am sure that in the coming days you will discuss many of these challenges, and, I am also sure, come up with creative proposals and ways forward.

The country that best captures some of these global trends and contradictions, these tensions between progress and enduring challenges – is, arguably, Brazil.

That Brazil is 'rising' is increasingly taken for granted in many policy-circles. From its membership in the so-called *BRICs* to its leadership role in the exclusive club of G20

countries, Brazil has emerged as a pivotal player in global governance. From being a country vulnerable to external shocks and a debtor country, Brazil is now a net creditor to the International Monetary Fund (IMF).

The very active foreign policy agenda pursued by the former President Lula has clearly raised Brazil's international profile. And the coverage of the current President Dilma in the international press reflects a widespread view that Brazil matters for the outside world.

And, as the country is gearing up to host the 2014 World Cup and the 2016 Olympic Games, Brazil is very likely to remain in the spotlight in the immediate future and in the medium-term at least.

And yet, beyond these headlines, important questions regarding Brazil, the character, meaning and direction of its rise remain unanswered.

My remarks will therefore focus on four dimensions of 'Rising Brazil', which I hope will illustrate, on the one hand, the considerable dynamism and hopes that many have invested in Brazil, but also, on the other hand, will highlight the many uncertainties that accompany Brazil's foreign policy in general and with regards to human rights policy in particular.

Human Rights in a World in Flux

Before turning to Brazil however, let me just say a few words about why I believe a focus on human rights policy reveals important insights into present and future trajectories of global governance, and by extension, the focus of your Society, the United Nations.

The remarkable rise of human rights since the end of the Second World War is deeply connected with the expansion of the global liberal order sustained and promoted by Western states during this period. From dominant understandings of human rights as individual protections against a potentially threatening State to the relative exclusion of socio-economic and collective rights from the mainstream human rights canon, Western liberal thought has fundamentally shaped both the theory and practice of human rights. And the role of the United Nations at the heart of global governance since the 1950s is in many ways a reflection of the policy preferences of powerful Western states.

Yet, in recent years much attention has been given to 'emerging powers' such as Brazil, China, India, and South Africa and the effects their growing influence may have on the present and future management of issues of global concern, including human rights. Allow me therefore to ask you the following question: If political, economic and social power is

important in understanding the development of the international human rights regime, what are the implications as power shifts in the international system?

This question is increasingly crucial to address given incipient debates that focus on the meaning and wider implications of the rise of so-called non-Western States.

And, the future of human rights in a changing global order is of a wider significance that goes far beyond the concerns of Western policymakers struggling with the notion that their era of dominance in world affairs may be coming to an end. For human rights advocates around the world, as well as for rights-bearing people worldwide, understanding the present and future evolution of human rights constitutes one of the key challenges of the twenty-first century.

The growing influence of rising powers is likely to shape the future development of the global human rights regime. As Western liberalism may become increasingly challenged by rising powers, the status of human rights as the dominant moral discourse is likely to be challenged by the emergence of distinctive political discourses that emphasise different sets of values and priorities. After all, values are not easily separated from the hard power that underpins them.

There are, I believe, nonetheless, powerful reasons for “thoughtful wishing” when imagining the future of the global human rights regime. In the first instance, it should be somewhat reassuring for human rights advocates that the evolution of human rights has become, to some extent, decoupled from the hard power of Western states. The power of human rights as a language of social criticism and as standards of behaviour and acceptable treatment of human beings has proved attractive to a wide range of movements and political forces across the world.

On this mixed message of hope and caution with regards to the present and future trajectory of the international human rights regime, let me now turn to Brazil.

Rising Brazil?

There are four particularly salient dimensions of Brazil’s human rights policies and foreign policy more generally that I would like to highlight here today:

- (i) Brazil’s role as an advocate for global governance reforms;
- (ii) its efforts to foster South-South relations;
- (iii) the character of Brazil’s power projection;
- (iv) and its regional leadership role.

Brazil and Global Governance Reforms

Diplomatically, Brazil has traditionally expressed rhetorical support for multilateralism, and for the UN. But, there has always been 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 global governance 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. This can most clearly be seen in Brazil's intense efforts to gain a permanent seat on the United Nations Security Council (UNSC). It can also be seen in Brazil's successful efforts in joining the core group of states negotiating the Doha round trade talks of the World Trade Organization.

Brazil has not been particularly radical in the positions taken. But it has 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 international institutions.

They also build upon a deep-rooted nationalist tradition in Brazil of viewing international institutions suspiciously and the international order as entrenching the privileges of the developed world. There has 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.

The consequences for Brazil's human rights policy are significant. Brazilian diplomatic discourse on human rights is likely to continue to stress internationalism and multilateralism and support for global liberal values, such as human rights. However, Brazil remains unwilling to convert that rhetorical support into concrete action. There has been very little evidence of any 'mainstreaming' of human rights in Brazilian foreign policy on the international arena. Brazil under current President Dilma 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.

Brazil and South-South Relations

This brings me to the second dimension of Brazilian foreign policy, South-South relations.

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 BRIC group (Brazil, Russia, India, and China). They can also be seen in the more activist Brazilian diplomacy towards Africa, and to a lesser extent the 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 the Third World also have deep roots in Brazilian foreign policy, as I have already mentioned.

Yet, the ambition to build South-South strategic alliances and to gain support for a UNSC seat has led Brazil to compromise on its expressed commitment to human rights. Although Brazil has traditionally refused to criticise other countries' human rights record, pragmatic strategic interests have tended to trump 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 president 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.

Many commentators have seized upon President's Dilma's personal history as a victim of human rights violations under Brazil's military regime, as evidence of an increasing willingness to engage internationally with human rights. And, indeed, in the early days of her presidency, Dilma adopted a more robust position on human rights by urging more robust criticism of Iran's human rights record.

Dilma's policy shift on Iran has exposed one of the main fault lines in Brazilian diplomacy on human rights that pit principled rhetorical condemnation against pragmatic and 'cordial'

dialogue. Yet, Brazil's position on Iran does not by itself reflect a fundamental shift in Brazilian diplomacy on human rights towards a more assertive and condemnatory rhetoric.

The Character of Brazil's Power Projection

This is particularly apparent when considering the third dimension of Brazil's foreign policy orientation, with regards to the use of military force.

Brazil's foreign policy elites have traditionally had a strong preference for soft power over hard power strategies. Brazil's opposition to the NATO bombing campaign in Libya reflected the country's traditional aversion to the use of force and its preferences for mediation and diplomacy.

However, the expectations on Brazil, particularly by the US and the EU, to shoulder increasing responsibilities for the management of international security may continue to grow. Brazil's continuing leadership role in the UN mission in Haiti, for example, reflects an increasing willingness to engage in more robust UNSC-mandated missions. And, often overlooked 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. This is in contrast to previous Brazilian reluctance to support sanctions in the case of Iran for example.

And yet, President Dilma's intervention in the debates over the 'Responsibility to Protect' that sought to focus on the responsibilities of the interveners, demonstrate that Brazil remains wary of the professed humanitarian purposes of those who call for military intervention in the ongoing civil war in Syria, for example. Moreover, any Brazilian policy shifts in these matters need to be understood in the context of the ongoing campaign to secure a permanent seat on the UNSC.

It should be noted however, that Brazilian aversion to the use of force even for humanitarian purposes does not mean that it does not support other (softer) human rights enforcement measures, such as diplomatic dialogue and mediation.

Brazil as an Ambivalent Regional Leader

The final dimension of Brazilian foreign policy that I would like to highlight is its ambivalent role as a regional leader in Latin America.

Brazil's multilateralism has traditionally tended to be projected beyond the region of Latin America. But under Lula there was some recalibration of foreign policy priorities, as Brazil sought to intensify relations with the South American sub-region in particular. This was seen 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). The regionalization of Brazilian foreign policy was also reflected in the creation of the Union of South American Nations (UNASUR).

In recent years, Brazil has 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 peace-keeping mission in Haiti, and (tentative) expression of willingness to mediate in the Colombian conflict. However, these attempts have been fraught with problems, as regional countries – such as Argentina, Mexico in particular - do not necessarily sign off on Brazilian regional leadership.

With regards to human rights policy more specifically the limits of Brazil's regional leadership are also apparent. 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.

Moreover, although Brazil's ratification record of human rights treaties is notable compared to many other regional states (the US for example), the country remains in many ways a regional laggard. In recent years, the Dilma government has reacted aggressively to cases brought against Brazil by the Inter-American Human Rights System.

And, despite the creation of a Truth Commission mandated to look into human rights abuses by the military regime, the absence of Brazilian regional leadership is particularly noteworthy in the area of transitional justice. In contrast to many of its regional neighbours, the Brazilian government has maintained its policy preference for 'truth' over 'justice', and it has continued to resist international and national efforts to hold individual military and police personnel to account for their involvement in human rights violations under the military regime.

This lack of regional leadership and enduring reluctance to accept external scrutiny on human rights matters. It matters because what it means for a rising power to engage internationally, is to be able to accept external scrutiny in a serious and mature way, and respond to such scrutiny constructively and responsibly.

After all, when it comes to transitional justice, what we are talking about is whether it was legitimate for the Brazilian state to disappear, torture and extra-judicially execute its citizens. These are of course events of the past, but it is up to the Brazilian government in the present to attempt to repair the harm done and, crucially, put in place preventive mechanisms and institutions that ensures that similar acts are not committed in the present and in the future.

In this sense, the past and present, *and* the future, are intimately linked. And, moreover, in this sense, transitional justice is not about the past or backward-looking, it is also fundamentally directed towards the future. It raises issues of accountability of government towards its citizens and the limits on legitimate state violence.

Conclusion: 'Rising Brazil' - What Role for Human Rights?

This leads me towards some concluding thoughts.

As I have tried to argue, Brazil is important for the future development of the international human rights regime. The distinctiveness of the country, both in terms of its domestic human rights record, and in terms of its relationship with international human rights, means that Brazil is likely to impact on debates on the meaning and nature of democratic rule and human rights in the decades to come.

Together with India and South Africa (and China), Brazil is not likely to develop understandings of human rights governance in line with Western ideals. Brazil has traditionally emphasised the importance of universalist multilateral institutions, including with regards to the international human rights regime. But Brazil has also continued to stress the importance of the protections from external interference as enshrined in the principle of national sovereignty and voiced opposition to the idea, and practice, of humanitarian intervention. It has also resisted the inherent selectivity of Western criticisms of certain countries' human rights records (with, for example, Iran singled out as a human rights and security pariah, whereas Saudi Arabia is afforded the status of a key Western ally).

And, there are of course significant domestic challenges in terms of Brazil's own deeply problematic human rights record that I have already hinted at. 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'.

In conclusion, it is therefore important to note two structural features that will continue to shape Brazilian policies when it comes to international human rights.

First, on the domestic side, democratization and the increasing participation of previously marginalised sectors of society, has had its impact on foreign policy making.

Brazilian human rights NGOs and social movements are increasingly seeking to influence Brazilian 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 are increasingly lobbying Brazilian policymakers on human rights and foreign policy matters. In short, Brazilian foreign policy is no longer merely driven by traditional Brazilian policy elites.

Second, internationally Brazil will have to manage increasing expectations that the country *should* play a more active and forceful role in shaping the development of the international human rights regime.

As I discussed at the beginning of this talk, the international human rights regime is facing an uncertain future as highlighted in the debates surrounding the meaning and wider implications of the rise of non-Western states, shifting global power balances, and what some predict could be the beginning of the end of the period of US hegemony.

In many ways the rise of Brazil is seen as distinct from authoritarian China, and other 'middle-powers' such as Iran (and for some, to use a more regionally relevant example, Venezuela). Yet, one cannot simply assume Brazil to converge to global liberal norms and values, including human rights.

Confronted with increasing expectations and demands to assume greater international responsibilities, Brazilian foreign policy-makers need to balance and assess often conflicting policy objectives.

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)?

The answers to these questions remain uncertain of course. I invite you, therefore, to reflect on these questions during your discussions in the days to come.

Thank you.