

Oliver Stuenkel

Brazil as a New Global Agenda Setter?

Brazil is increasingly trying to turn into an agenda setter of global debates, including those linked to human rights issues. The introduction of the concept of 'Responsibility while Protecting' and its leadership in the debate around the future of Internet governance underline Brazil's growing assertiveness and willingness to influence important norms at the global stage.

Introduction

In the last decade, Brazil has engaged with the idea of an international 'Responsibility to Protect' (R2P) in a notable fashion. As a frequent member of the United Nations Security Council in the post-cold war era, the country resisted suggestions of a responsibility to intervene in humanitarian crises, fearing it would serve to justify military action outside the scope of the UN Charter and international law. Following the adoption of R2P at the 2005 World Summit, Brazil engaged with the concept more closely. This culminated in the 'Responsibility while Protecting' (RwP), a proposed addendum that would ensure clearer criteria and greater accountability of UN-authorized military interventions. Despite its limited hard power, Brazil thus exercised international leadership in the debate about humanitarian intervention. Likewise and more recently, Brazil turned into a forerunner in the international debate on Internet governance. Using the case of RwP and Internet governance as an illustration of Brazil's new assertiveness, this essay describes how Brazil is increasingly trying to become a norm entrepreneur in global affairs, including those with human rights components.

The broader context

Brazil's decision to introduce the concept of 'Responsibility while Protecting' marks, irrespective of its ultimate success or failure, a milestone in the process of multipolarization. Emerging powers no longer merely seek to obtain a seat at the table, they attempt to turn into agenda setters of the global debate. This process is bound to cause friction, for developing new terms or concepts is a sign of independence and unpredictability – thus disappointing those in the West who had hoped that rising powers would turn into 'responsible (and docile) stakeholders', graciously filling the space established powers had reserved for them.

Despite their recent relative decline, established powers still firmly control the agenda of the international debate – we still live in a world clearly divided between rule makers and rule

takers. In the eyes of the traditional rule makers, rule takers can either immediately embrace existing norms, or they can reject them – the latter causes them to be seen as dangerous revisionist powers with subversive intentions (Stephens 2010). What ‘revisionist’ means is subject to change. For example, while emerging powers used to be fully in line with the mainstream in the global debate about sovereignty, their – largely unchanged stance – is today seen as revisionist by the global rule makers who have turned R2P into a global norm.

The West is inviting emerging powers to assume global responsibility and engage internationally, but the fact that Beijing, Delhi and Brasilia prefer to engage on their own terms has caught many in the United States and Europe by surprise. Brazil’s initiative was seen by many as an attempt to obstruct the debate rather than a genuine attempt to enrich the conceptual discussion about humanitarian intervention. Brazil has a long history of actively participating in the global debate about norms, but its RWP initiative was still notable in that it clearly sought to project global ‘thought leadership’.

All the arguments and proposals that appear in Brazil’s RWP concept have already been made, in one form or another, in the past. The novelty was much more Brazil’s decision to bring them together under the RWP header and support them explicitly in their entirety. Still, there was a strong surprise element in Brazil’s initiative, considering that the country’s reaction to R2P had initially been quite negative. Then Foreign Minister Celso Amorim described it as just another pretext emerging powers would readily use to pursue their economic interests with military force (Spektor 2012).

The specific context

The origin of the concept of RWP must be seen in the context of the year 2011 – the year in which R2P was applied for the first time, first in Côte d’Ivoire, then in Libya. The UN Security Council (UNSC) did so in a historic composition of having all the BRICS present (Brazil, India and South Africa as non-permanent members, China and Russia as permanent ones). None of the BRICS voted against Resolution 1973 (though Brazil, China, India and Russia abstained, as well as Germany). Despite their decision to abstain, the result was seen at the time as a subtle signal of general support for humanitarian intervention in Libya.

Yet this support among emerging powers quickly turned into rejection when it became clear that NATO was using its mandate to protect civilians as a mandate for regime change, thus clearly misinterpreting the spirit of the resolution. In addition, NATO disobeyed the arms embargo by supplying Libyan rebels with arms and *de facto* acting as the rebels’ air force in the conflict (Gowan, O’Brien & Sinclair 2011). The bombing in Libya stopped not as soon as the rebels took control of Tripoli, but only when Muammar Gaddafi was killed.

It was during this time when Brazil changed its moderately supportive rhetoric and adopted a highly critical tone, falling in line with Russia’s assertions that the intervention in Libya was just another instance of Western imperialism. The way NATO intervened had led to a hardening of positions. In the West, it was seen as a great success, in the Global South as a step back. The result, in the words of Michael Ignatieff, was a return to the 1990s, when the world could decide between inactivity in the face of mass killings (as seen in Rwanda) and humanitarian intervention outside of international law (as seen in Yugoslavia) (Ignatieff 2012).

Reception in Western capitals and the Global South

RWP can thus be seen as an attempt to bridge the widening gap that had emerged in the aftermath of the Libya intervention. The initial reception in the West was marked by scepticism. This came, first of all, in the form of accusations that the RWP concept paper lacked detail, which opened too much space for speculation. Its opponents quickly called it a plot to delay meaningful action against the mass atrocities in Syria. How, they asked, could such a short and generally worded concept paper be of any use, now that the world needed to take swift action against the Assad regime?

This narrative was strengthened by Brazil’s previous decision to abstain, on October 4, 2011, from the European UNSC resolution condemning Syria. Given that the RWP concept paper was so vague, it was natural for analysts around the world to look back and measure it by Brazil’s recent behaviour in matters related to humanitarian intervention (Luck 2012). The European proposal contained only symbolic threats and explicitly excluded the use of military force, so Brazil’s stance was seen as a sign that it stood closer to Russia and China on the matter than to the West.

The second reason for the rejection in Western capitals was the fear that RWP would make intervening quickly – if the circumstances required it – too difficult, as satisfying the long list of demands was too cumbersome. The rigid sequencing was particularly strongly criticized during early debates in New York (Brazil distanced itself from it later on). In addition, article 11 h and i of the Brazilian concept paper states: “Enhanced Security Council procedures are needed to monitor and assess the manner in which resolutions are interpreted and implemented to ensure responsibility while protecting; The Security Council must ensure the accountability of those to whom authority is granted to resort to force.” This led to worries among NATO countries that the UNSC would have a say in ongoing R2P operations – something almost impossible to find support for in the West. It is worth remembering that the United States find it difficult to even coordinate military action with NATO, so giving all UNSC members a say is seen as a non-starter.

The third reason for scepticism was that, among Western policy makers, Brazil was acting irrationally and driven by the anger of being relegated to the sidelines during the intervention in Libya. Brazil's and India's requests for information had been arrogantly brushed aside by NATO with the implicit argument that Brazil and India had no business in the rather serious business of war (Benner 2012).

This points to the fourth reason for scepticism. With Brazil's insignificant hard power and inexperience in armed international conflict, Western powers feel that Brazil has no business in assuming a leadership role in important global security questions. What do Brazilian diplomats know, they ask, about what it means to send fighter jets into combat? Few Western commentators realized that RWP had serious potential to bridge the gap between the Global North and the Global South. Quite to the contrary, Western analysts have argued that RWP could even increase the wedge between the West and the rest.

The reaction in the Global South to RWP has been far more muted than in the West. Dilma Rousseff mentioned the concept during the 2011 IBSA Summit, yet it did not find its way into the final declaration of the meeting, indicating South Africa's and India's scepticism. Rejection in China and Russia was even stronger, and Brazil failed to introduce RWP into the final declaration of the 4th BRICS Summit, in Delhi in March 2012. Brazil had thus successfully created an idea both the West and the emerging powers rejected, albeit for opposite reasons. RWP was seen in the West as a tactic to obstruct action. In the Global South, by contrast, policy makers were reluctant to accept any idea that seemed to limit the concept of sovereignty. Rejection in China and Russia seemed vindicated when Brazil supported resolution 66/253 B against Syria on August 3rd, 2012, strengthening those in Moscow and Beijing who thought of RWP as a Western plot to trick emerging powers into accepting Western imperialist intervention.

Lost momentum

How did the RWP concept gain and, eventually, lose momentum? On February 21st 2012, a discussion organized by the Permanent Mission of Brazil to the UN on the RWP concept was held at the United Nations, co-chaired by Brazil's Foreign Minister Antonio Patriota and UN Special Adviser for the Responsibility to Protect Edward Luck. The concept note, 'Responsibility while protecting: elements for the development and promotion of a concept', presented to the Security Council on 9 November 2011 by Brazil's Permanent Representative to the UN, Maria Luiza Ribeiro Viotti, but first articulated by Brazilian President Dilma Rousseff in her opening address to the General Assembly in September 2011, was at the center of attention.

Unlike normal UN debates, the room was packed. The list of speakers grew so long that the

meeting took all day, and Patriota even had to decline requests from country representatives who sought to voice strong support of RWP. In the months after RWP's launch, it was impossible to speak about humanitarian intervention without mentioning Patriota's proposal. Brazil was ready to confront the often arrogant P5 (the five permanent UNSC members) and gained widespread admiration around the world for its audacity. It had finally turned into a global agendasetter. "The giant", as one Latin American diplomat put it, "had come to stay".

In many ways, RWP symbolized the very strategy Brazil aspired to pursue: to turn into a bridge builder, mediator and consensus seeker through thought leadership. RWP, despite its flaws, was an innovative and constructive proposal to bridge the gap between an overly trigger-happy NATO and excessively resistant China and Russia. Academics in Brazil and abroad lauded Patriota's initiative. It was the Rousseff administration's finest multilateral initiative.

And yet, more than one year after the memorable meeting, diplomats in New York privately confess to be disappointed with what some have called Brazil's 'enigmatic retreat'. February 21st 2012 turned out to be the apex of Brazil's activism. While RWP continues to be mentioned during debates, there is no longer the sense that Brazil prioritizes the matter. It has refrained from issuing an official follow-up note to deal with some of the most convincing critics. This is problematic: Brazil has since then distanced itself from the rigid sequencing approach that appears in the original concept note, but many commentators continue to read the only document available and believe that Brazil's official position has not changed.

Brazilian diplomats argue that the country has achieved its goal. It successfully promoted the debate about one of the most complex issues of our time. They argue that now that Brazil has left the UN Security Council, it can no longer play a leading role. Others should pick up the issue and take it forward.

Yet much more would have been possible. RWP only prospered because of a small group's tireless efforts to promote the topic. In the same way, RWP is unlikely to have a lasting impact on the debate without a powerful and credible sponsor like Brazil. No matter whether Brazil disengaged passively or actively, the move may have hurt Brazil's national interest. Future attempts to act as an agenda setter may receive a more hesitant reception because of a general uncertainty about Brazil's willingness to follow up and withstand the initial (and normal) criticism.

More than a year after the launch of the concept, the time to follow up and flesh out the concept has passed. The Brazilian government decided not to turn RWP into the foreign policy signature issue of Dilma Rousseff's first term. This became clear when the Brazilian President declined to explain the issue better during her opening speech at the UN General

Assembly in September 2012. In a debate about RWP on the sidelines of the UNGA, Brazil was markedly absent.

Looking back, it seems clear that upon launching the concept, there was a window of opportunity during which Brazil should have elaborated a more specific proposal to create momentum. Brazil would have had to develop a diplomatic campaign to garner support for the idea. For example, South Africa and India could have been potential candidates to support the concept. Rather than being 'Brazil's concept', it could have become 'IBSA's concept'. Yet Brazil declined to assume leadership in the matter, and RWP never achieved what R2P did – to turn into a household name in the public international relations debate. In theory, a country other than Brazil could have taken up this role – yet given the lack of a more specific description of what RWP entails and how it applies to the Syria crisis, no other country took the chance.

Internet governance: a new case of Brazil's norm entrepreneurship?

On the other hand, the RWP initiative may have been useful to provide a glimpse of what Brazil is capable of on a global scale. Brazil temporarily exercised international leadership in a debate that is likely to shape international affairs for decades to come. Quite similarly, Brazil took a leading role in the debate about governance of the Internet.

"Brazil shows the way", the Indian newspaper *The Hindu* wrote when Brazil's President Dilma Rousseff canceled her state visit to the United States in October 2013, in what was the most explicit repudiation of US spying activities. The Indian newspaper argued that:

"In cancelling her state visit to the United States on account of the National Security Agency's spying excesses, President Dilma Rousseff of Brazil has taken a principled position that most leaders around the world have shown little appetite for. While every major power affected by the NSA's intrusive surveillance programme – with the honourable exception of Germany – has gone out of its way to brush U.S. highhandedness under the carpet, Brazil has expressed its displeasure at the highest diplomatic level."

India's reaction, at the same time, was unusually tame. *The Hindu* wrote that:

"India too was affected by the NSA's schemes: it is now on record that our embassies, government leaders and ordinary citizens were spied upon. When NSA documents were made public, Foreign Minister Salman Khurshid sought to justify the Agency's conduct as commonplace. And where Ms Rousseff chose to cancel her visit,

there are indications that Prime Minister Manmohan Singh might end up making concessions on a host of issues that are of great concern to American businesses when he meets with President Obama on September 27."

As expected, Rousseff went a step further in her speech at the 68th UN General Assembly, accusing the United States of violating international law by its massive collection of personal information of Brazilian citizens and economic espionage targeted on the country's key industries. Rousseff (2013) said that:

"[W]e are (...) confronting a case of grave violations of human rights and civil liberties as well as the invasion and capture of secret information about the activities of companies and above all, disrespect for the national sovereignty of my country (...) personal data of citizens was intercepted indiscriminately. Corporate information – often of high economic and even strategic value – was at the centre of espionage activity."

Alluding to her own history of resistance against the Brazilian military dictatorship, she further stated that: "In the absence of the right to privacy, there can be no true freedom of expression and opinion, and therefore no effective democracy. In the absence of the respect for sovereignty, there is no basis for the relationship among nations."

Rousseff's speech was bold, no doubt. "Forget RWP, the new playground for Brazil's norm entrepreneurship is Internet governance", Thorsten Benner of the Global Public Policy Institute (GPPi) commented moments after her presentation. Indeed, it will be thanks to Rousseff that Internet governance – aside from a potential thawing in the US-Iran relationship – will be the big story of this year's UN General Assembly.

"The time", according to Dilma Rousseff, "is ripe to create the conditions to prevent cyberspace from being used as a weapon of war, through espionage, sabotage and attacks against systems and infrastructure of other countries."

Rousseff (2013) promised that Brazil would reinforce its electronic security and called for a broad global discussion of international regulation of Internet use and governance through the UN. She advocated a new global legal system to govern the Internet, which can assure "freedom of expression, privacy of the individual and respect for human rights, the neutrality of the network, guided only by technical and ethical criteria, rendering it inadmissible to restrict it for political, commercial, religious or any other purposes".

Similar to her speech at the 66th UN General Assembly in 2011, where she introduced the concept of the 'Responsibility while Protecting' to regulate humanitarian interventions,

Rousseff thus took the initiative and placed Brazil in the center of another important international debate – that about the future of Internet governance. This is indicative of Brazil's growing willingness to play a key role in international affairs.

At the same time, Rousseff's presentation has also considerably raised global expectations. She asked the United Nations to take the lead in regulating electronic technology. At the NET-mundial conference in São Paulo in April, President Rousseff signed Brazil's landmark '*Marco Civil da Internet*', a comprehensive law that safeguards citizens' digital rights on key fronts. It was the result of a broad participatory process, and marked the decisive move by Brazil as a progressive player on digital rights on the global stage. This is a significant development, since for a long time Brazil had not clearly aligned itself with the set of countries working for an open and free Internet (Benner 2014). Brazil can now engage in norm entrepreneurship at the global level, for example by sponsoring regular reports that expose practices by governments that violate basic human rights.

Conclusion

Brazil's credibility as a global actor will, to no small degree, depend on its capacity to follow up more systematically on issues such as humanitarian intervention and Internet governance, and to make a meaningful contribution to these highly complex debates. Brazil's attempts to act as an agenda setter have been useful to provide a glimpse of what Brazil is capable of on a global scale. Between 2011 and 2012, it exercised international leadership in the debate about humanitarian intervention. In early 2014, Brazil took a meaningful first step in becoming a frontrunner in the debate about governance of the Internet, but it will be crucial to prepare for a tough discussion, which is likely to include fierce criticism from many sides, and which may take many years.

It is too early to tell whether Brazil's thought leadership in the realm of humanitarian intervention had any lasting impact. While the concept of RWP no longer plays a central role, some of the ideas may surface at a later stage. In the same way, Brazil's success regarding the discussion about Internet governance will depend on its willingness to persevere. This, in turn, will depend on the government's international priorities in 2015 and beyond.

Brazil's role in both debates points to the country's considerable potential to play an important role as a mediator, consensus seeker and bridge builder as there is growing scepticism that today's established powers still possess the legitimacy to solve global challenges alone. Yet the past few years have also shown that Brazil's leadership still strongly depends on a President who is personally invested in strengthening the country's international projection.

Maria Laura Canineu & Eileen Donahoe

Brazil as the Global Guardian of Internet Freedom?

Until fairly recently, 'Internet governance' was a term that made people's eyes glaze over. It has now become one of the most dynamic and challenging topics on the global political agenda. Digitization has escalated exponentially in the past several years, but social, legal and political institutions are struggling to keep pace with the implications. Internet governance will shape the future of global economics, security, communications, and human rights. The question arises: who will lead in the protection of Internet freedom in the digital age?

Introduction

It would be hard to overstate the extent to which Edward Snowden's disclosures about US mass surveillance techniques in the post-9/11 period have shaken up geopolitical dynamics on Internet freedom, security and governance over the past year.

Even before Snowden, many governments had recognized the revolutionary, disintermediating and disruptive capacities of the Internet, and the corresponding empowerment of their citizens. Unfortunately, though, some chose to respond to the blossoming of free expression on the Internet by clamping down on social media, monitoring online activists, and imposing new restrictions on digital communications. Others chose to place themselves at the forefront of international reform, creating new momentum for a more informed global discussion on the right to privacy in the digital era.

This article will examine Brazil's role in the increasingly complex realm of Internet governance. During the past year, Brazil has taken several significant leadership steps toward ensuring protection for human rights in the digital age. These moves have shaken up previous geopolitical alignments and challenged governments around the world to take a stand to ensure protection of human rights in the digital realm. The question remains whether Brazil can be counted on as a champion for digital freedom, security and privacy in the 21st century.

The geopolitics of Internet governance post-Snowden

Post-Snowden, numerous governments, democratic or not, became more assertive in international Internet governance matters, whether in the name of fighting terrorism, protecting