The Contemporary World Order, BRICS and the R2P Principle: the Cases of Brazil and China (2005/2017)

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ABSTRACT. **Objective/Context:** One major pillar of the world orders' legitimacy is the existence and recognition of international norms and institutions. In the literature on International Relations, many studies call attention to the importance of these features in approaching such topics as (inter)national sovereignty, humanitarian crises, and military interventions. Since the dynamic of contemporary global power is changing due to the rise of new centres of power such as the BRICS countries, it is worth evaluating whether, and to what extent, these new actors will follow the same established norms or challenge them. In this article, we analyse the BRICS's adherence or failure to adhere to the norms encompassed by the concept of "Responsibility to Protect" (R2P). **Methodology:** It is a comparative investigation, based on official documents and a qualitative analysis, and focuses on the period of 2005-2017. **Conclusions:** Our findings suggest that even though the BRICS group do not present a united front in this field, they have highlighted the divisions in the international approach to R2P as seen in two major initiatives, led by Brazil and China. **Originality:** We argue that Brazil´s "Responsibility while Protecting" (RwP) and China´s "Responsible Protection" (RP) mean that those countries can be classified as "active critics of the norms" of R2P, while the other members are either "active critics" or "active critics and implementers".

KEY WORDS: BRICS; R2P; world order; rising powers; norms.

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El orden contemporáneo mundial, Brics y principio R2P: el caso de Brasil y China (2005-2017)

RESUMEN. **Objetivo/contexto:** uno de los principales pilares de la legitimidad de los órdenes mundiales es la existencia y el reconocimiento de normas e instituciones internacionales. En la literatura de relaciones internacionales, muchos estudios llaman atención sobre la importancia de las instituciones para abordar temas como la soberanía (inter) nacional, las crisis humanitaria y las intervenciones militares. Dado que la dinámica del poder global contemporáneo está cambiando debido al surgimiento de centros de poder, como los países del Brics, es relevante estudiar si y en qué medida los nuevos actores seguirán las normas establecidas o las impugnarán. Analizamos el desempeño de los BRICS *vis-à-vis* las normativas incorporadas al concepto de *responsabilidad de proteger* (R2P). **Metodología:** el artículo consiste en una investigación cualitativa y comparada desde documentos oficiales y análisis cualitativos, y se enfoca en el período entre 2005 y 2017. **Conclusiones:** los hallazgos sugieren que, si bien los Brics no presentan una posición unificada en la discusión, contribuyen a destacar los debates sobre la R2P por medio de dos esfuerzos separados hechos especialmente por Brasil y China. **Originalidad:** argumentamos que el concepto brasileño de *responsabilidad al proteger* y el chino de *protección responsable* se pueden clasificar como *críticos normativos activos* de la R2P, mientras que los demás miembros son *críticos activos* o *críticos activos y usuarios* de la R2P.

PALABRAS CLAVE: Brics; R2P; orden mundial; potencias emergentes; normas.

A ordem mundial contemporânea, o BRICS e o princípio R2P: os casos de Brasil e China (2005-2017)

RESUMO. **Objetivo/contexto:** um dos principais pilares da legitimidade das ordens mundiais é a existência e o reconhecimento de normas e instituições internacionais. Na literatura de Relações Internacionais, muitos estudos chamam a atenção para a importância dessas instituições para abordar temas tais como soberania (inter) nacional, crise humanitária e intervenções militares. Dado que a dinâmica de poder global contemporâneo está mudando em razão do surgimento de centros de poder, como os países do BRICS, é válido estudar se, e em que medida, esses novos atores seguirão as normas estabelecidas ou as contestarão. Analisamos a performance do BRICS *vis-à-vis* as normas incorporadas no conceito de "responsabilidade de proteger" (R2P). **Metodologia:** este artigo se baseia em uma pesquisa qualitativa e comparada a partir de documentos oficiais e análises qualitativas, com foco no período entre 2005 e 2017. **Conclusões:** nossos achados sugerem que, embora o BRICS não apresente uma posição unificada nessa questão, contribuem para destacar os debates sobre a R2P por meio de dois esforços separados feitos especialmente pelo Brasil e pela China. **Originalidade:** argumentamos que o conceito brasileiro de "responsabilidade ao proteger" e o chinês de "proteção responsável" podem ser classificados como de "críticos normativos ativos" da R2P, enquanto os demais membros são "críticos ativos" ou "críticos ativos e usuários" da R2P.

PALAVRAS-CHAVES: BRICS; R2P; Ordem Mundial; Potências Emergentes; Normas.

Introduction[1]

Subjects like national sovereignty, humanitarian interventions, and the importance of norms and institutions in today's global order continue to capture the attention of many academic analysts of International Relations (IR). Although they tend to study these topics individually (Kassim 2014; Ziegler 2016a), our approach is a holistic one. We do so by analysing the role played by international norms and institutions as the supporter of world orders and investigating their relationship to the rise of new centres of powers, notably the BRICS group (Brazil, Russia, India, China, and South Africa). We especially focus on the concept of "Responsibility to Protect" (R2P) since it groups all of the abovementioned issues into one core principle and continues to cause heated debates, two decades after it was devised at the start of the 21st century (Cater and Malone 2016; Hehir 2019).

R2P emerged as an effort to establish a normative framework to deal with and contain crimes against humanity, war crimes, genocide, ethnic cleansing, and mass atrocities. Sponsored by the United Nations and adopted, as a consensual policy of the UN, at the 2005 World Summit Outcome, R2P embodied the principle that if a State is unable or unwilling to act in order to protect its citizens, the international community has the right and moral obligation to intervene on behalf of any population (UNGA 2005).

One major historical pillar of the legitimacy and permanence of the world order has been a set of agreed-on principles and institutions. In theory at least, these norms prevent anarchy and facilitate the diplomatic settlement of disputes among States (Ikenberry 2018). Thus, they enable one to understand the contemporary system of international relations, and the foreign policies recently devised by some rising powers, especially those of the BRICS group.

The current debates on the subject of emerging powers shed light on the changes that may take place in international politics. They have been fuelled, on the one hand, by the way that the economies of the Pacific Rim countries are overtaking those of the Atlantic Rim ones, with clear implications for the global hierarchy of power (McCormack 2019; Renshon 2017); and, on the other, by the recent emergence of players who did not question the status quo in the past but now seem to be uncomfortable with it (Ebert and Flemes 2018; Newman and Zala 2018).

In this article, we analyse the BRICS group´s adherence or failure to adhere to the norms encompassed by the concept of "Responsibility to Protect" (R2P) and "Responsible Protection" (RP), especially in the case of Brazil and

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China. It presents a comparative, in–depth case study of their respective stances, based on official documents, other sources and a qualitative analysis (cf. Bennet and Elman 2007): it thus seeks to overcome the limitations of previous studies, which have had a much narrower scope. It focuses on Brazil and China because they have made the strongest efforts to rethink the norms of R2P but it also offers brief analyses of the stances of Russia, India and South Africa.[2] On that basis, it groups the member countries of the BRICS countries into the following categories: "active critics", "active critics and implementers" and "active critics of the norms".

This article covers the period of 2005-2017, starting with the World Summit Outcome, which Kenkel, Neto and Ribeiro (2020) regard as the first, but also the most significant step so far, in the development of an international consensus on the norms on R2P. Afterwards, the concept gained more importance as it was applied and further debated, particularly from 2008 until 2017, when several events to do with the norms took place (they will be detailed below). In 2008, the U.N.´s Global Centre for the Responsibility to Protect was created as the main forum for discussions of R2P. 2010 marked the start of the informal interactive conversations at the Global Centre (as a prerequisite for the formal U.N. debate in 2009), while the military operations in Libya and Brazil led to the birth of RwP in 2011. In 2012, China introduced the principle of "RP" into the discussions. However, the informal conversations ended in 2017[3].

In short, we believe it is important to point out that the members of the BRICS group do not have a united stance on the concept of R2P, even though they agree on certain aspects of its contents. One might argue that this situation was foreordained from the start. Nevertheless, it is worth noting the efforts of Brazil and China, both on an individual and collective level, since they illustrate the possibilities and difficulties of changing the established norms. Each country, from its respective standpoint, launched initiatives to discuss and improve R2P, based on a critique of the underlying asymmetries of the current world order. Although the principles of "RwP" and "RP" were important aspects of their proposals, so far they have not had an effect, in practice, on international

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2   Most of these studies focus their analyses on the BRICS as a group, see Stuenkel (2014) and Ziegler (2016). Others prioritise one of the members, see Ganguly (2016), Smith (2016), Kozyrev (2016), Stuenkel (2016); Ziegler (2016b).

3   Even though there were further rounds of debates about R2P at the United Nations General Assembly in 2018 and 2019, for the purposes of this article we believe that the collapse of the 2017 interactive dialogue marked the end of the BRICS group´s more open, systematic efforts to influence R2P. As argued in the article, the BRICS, and in particular Brazil and China, suffered from some domestic changes which affected their foreign policy focus and made this specific issue less relevant to them.

humanitarian interventions by States. This has been mainly due to the internal affairs of States and the broader context of international relations.

This article consists of three sections, in addition to this Introduction and our final thoughts: First, an analytical account of today's world order, followed by a brief discussion of the rise of new powers and their attitudes towards the prevailing international norms and institutions. Second, a case study of the BRICS group and the concept of R2P, with the aim of assessing whether, and to what extent, those countries are attempting to challenge the key notions of Western governance. The third section focuses on Brazil and China. The final section goes over our main arguments in the light of the analyses of the previous sections.[4]

1. The western-led World order and the BRICS: new powers, new rules?

An international order consists of a set of principles, rules, procedures, and institutions, accepted by the actors, which establish an ongoing, interdependent relationship. By establishing a framework which allows them to negotiate for their respective goals and expectations, the States set in motion a system which aims to uphold their common interests.

Like any other type of order, it requires them to comply with the legal structure thus established. Finally, in order for it to endure, it must attain a degree of legitimacy, as it continually needs to highlight its benefits and therefore strengthen its superiority to other available alternatives (Bull 2002).

Bearing this in mind, the role in the world order played by the (re) emergence of new States, especially the BRICS countries (Cooper 2016; Roberts, Armijo, and Katada 2018; Stuenkel 2017), has become a concern in discussions of current international affairs. A central feature of these discussions is the status of the current international order (Stuenkel 2016b), in view of the possibility of certain challenges to it (Tooze 2020). Thus, if we assume that today's liberal-internationalist order is at the centre of such challenges, it is imperative to analyse the relationship between the Western States which established that traditional order and the new rising powers (Acharya 2017; Ikenberry 2018; Jacques 2009; Mahbubani 2019; Mearsheimer 2019).

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4   It should be clear that this article does not intend to discuss the nature of humanitarian intervention as a whole, or deal with all the BRICS's positions on defence and security. Instead, it highlights some important aspects of the debates about the norms which uphold the current world order.

As many analysts have noted, it is possible to find the origins of the con-temporary liberal order in the deas of thinkers like Adam Smith, Immanuel Kant, and Hugo Grotius. However, we believe that a more useful approach would be to regard the liberal order as the result of the reconstruction of international rela-tions led by the major Western countries in the aftermath of the Second World War, especially the United States. In the course of events, the hegemony reached by the Americans has consolidated their sphere of influence, first in the West, then spreading from Western Europe to East Asia, and, finally, after the *debacle* of the Soviet Union in the 1990s, it embraced the whole "free world".[5]

In the last twenty years or so, one has seen what Zakaria (2008) has dismissively labelled the "rise of the rest," which refers to a political phenom-enon which has had an impact on the global balance of power. This shift has been mainly led by China and India – with the support of Brazil, South Africa, Mexico and Indonesia –, countries which, after modernizing their economies, have enjoyed unprecedented rates of growth, and improved education, reduced poverty, strengthened their military capacity and broadened their middle classes (Kiely 2015).

On the external front, these countries have acted in different manners, depending on the issues at stake. In general, they have demanded a stronger voice in international forums and pressured for specific reforms in some of the institutions of global governance, especially those controlled by the traditional Western powers – e.g., the institutions set up by the Bretton Woods Agreement (Hurrell 2018). There is a general sense that these emerging powers would prefer to cooperate among themselves, without the intermediation of the traditional players: this has resulted in a variety of regional groups, such as the IBSA, G20, and BRICS. Formerly accustomed to "obey" and comply with the existing norms and institutions, they are now aware of their ability to get things done in a dif-ferent way.

Some analysts claim that we have already entered into a new global phase called the "post-American world order" (Zakaria 2008), while others prefer to call it a "post-Western" one (Stuenkel 2016b), or foresee the possibility of a new Cold War between China and the United States (Bremmer 2020).

All of these assessments clearly have important implications for the liber-al-internationalist order (Weiss 2013). Arguing from the realist standpoint, some

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5   Closely tied to this dynamic of order construction, there was a consolidation of central institutions directly shaped by Western ideology – e.g. the Bretton Woods' institutions, the GATT (later, the WTO), and NATO. In the end, these innovations marked a decisive step towards establishing certain notion of global governance and played a major role in asserting the global hegemony of the United States. See Ikenberry (2001).

maintain that, even though the global distribution of capabilities is changing in favour of new players, the gap between the rising powers and the established ones is still too wide, which means that there is a lot of room for accommodation (Allison 2017).

Others, by contrast, look at the rise of new powers with scepticism, focusing, instead, on the possibilities – and implications – of a hegemonic conflict, primarily between the United States and China (Mearsheimer 2014). Some liberal-institutionalists emphasize the attractiveness of the liberal order, which will enable it to integrate the "entrants" into its norms and institutions, although some concessions would have to made to them (Ikenberry 2018). The critics of that idea argue that the rising powers may not necessarily be willing to be fully socialized into the existing global institutions as passive "norm-takers," so various forms of resistance to their norms would arise in a range of international arenas (Newman and Zala 2018).

The crucial point which emerges from this ongoing debate is that the world is changing and, as it does, its main foundations might be shaken. There are many causal aspects of this dynamic, but the rise of new powers may threaten both the institutions of the order and the norms which uphold it. Analysts from different disciplines have come up with meaningful insights into this facet of world politics, but so far there has been no systematic analysis of the different types of challenges to the world order and their links with the current shifts in the distribution of power[6] (Deitelhoff and Zimmermann 2013; Finnemore and Sikkink 1998; Newman and Zala 2018; Wolff and Zimmermann 2016).

Wolff and Zimmerman (2016) and Wiener (2007) approach the subject from the standpoint of resistance, with implications for the nature of the international norms. Deitelhoff and Zimmermann (2013) single out two specific kinds of challenges to the norms, each with its own logic: the applicatory and the justificatory. In the first case, some players do not question a norm as such but believe that its application depends on whether or not it is appropriate to the particular circumstances and this "leads to constant contestation about the right interpretation and application of a norm" (Ibid., p. 5).

This kind of challenge may gradually lead to modifications of the very nature of the norm. The justificatory discourse, on the other hand, deals with the problem of determining which of the actors will support the norms for a particular issue. The crucial question, in this case, is what each may expect of the others

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6   It is important to note that we do not offer a new theoretical approach to this issue. The article does not follow any specific theoretical framework or single school of thought.

in a given situation. That is to say, that only those norms which all can agree on, in principle, may be authorized.

We, on the other hand, do not intend to discuss whether challenging or violating some of the established norms represent ways to weaken or strengthen them. We are interested in assessing how, and to what extent, the rising powers are approaching some current norms, and then analysing whether they are complying with or challenging them. As Wiener (2007, 5) argues, "the research on norm contestation contributes to the literature on the dynamics of norms and its impact on the potential of conflict and the possibility of legitimate order in world politics".

In this regard, we have found the idea of "contestation over-representation" particularly compelling (Newman and Zala 2018). It is a challenge to the players who have made and overseen the rules rather than their content. However, as will be discussed below, some of the BRICS countries – especially Brazil and China – are not only challenging the self-assumed right of the Western powers to dictate major rules but also, and more important, the way they exploit some of those norms in a discretionary wary to advance their own interests.

This is the case of the (mis)use of the R2P principle in Libya (Hehir 2019; Murray 2013). These BRICS countries are challenging both the content (norm and principle) and performance (the real policy action) of some Western powers in this regard.

That is not to say that this challenge will necessarily lead to a synthesis of the divergent and contested principles of the world order, although, as Noesselt (2016) argues, it might result in a general reassessment of the philosophical and theoretical fundamentals of the global system, which might come to include practices and beliefs from the "non-Western" players as well. Beeson and Zeng comment that although

> (…) China and the BRICS may have different ideas about the best ways of running an economy and the appropriate role of the State, they are not looking to completely overturn the existing order. In addition, one area in which the BRICS are looking to change the interventionist impulses of the extant, liberal international order, however, is in protecting national sovereignty. (Beeson and Zeng 2018, 3)

Concurrently, the major players responsible for upholding this contingent order are no longer in such good shape. For example, the United States' share of global power has shrunk in the past decades. If measured by purchasing power parity, the U.S. economy, which accounted for half of the world's GDP in the

aftermath of the Second World War, had fallen to less than a quarter in the 1990s, and today is just one-seventh. Allison argues that for a nation whose core strategy has been to meet challenges with resources, this decline has put severe strains on its leadership (Allison 2018). Although they have overcome their country´s economic recession, they are no longer in a position to unilaterally dictate the rules. They will have to negotiate with the entrants to attain a reasonable equilibrium and accommodate their diversity.

In short, it seems that some disjunction between the existing world order and the distribution of power is occurring at the current time. Yet, even though the core norms and institutions of that order are still present, the corresponding ability to uphold those norms is no longer exclusively in the hands of those who created them. One key feature of this scenario is the diffusion of power. Another is the dynamic of contestation on the part of the latecomers to (and possible beneficiaries of) the current world order, particularly the members of the BRICS group, who have been relatively reluctant to accept it as a whole. These new powers are increasingly demanding revisions of the norms and reassessing their contents and their corresponding applications by the Western nations which have long dominated that order.

2. The BRICS and R2P

As mentioned above, the international role of the BRICS group has gained weight during the past few years. This is part of the agenda that Pu (2012) defines as a two-way socialization and diffusion of international norms, due to the fact that the emerging nations "are not only the targets of socialization but also active agents that influence the content and outcomes of the process" (p.344).

The BRICS nations are an integral part of the discussions about establishing new rules that will be more suitable to this new era of international politics and updating operational concepts like the R2P. As Pu also points out, whether as a group or as individual States, the BRICS nations intend to play a more active role in establishing the framework of the 21st century world order, in line with their current status and resources. In this sense, the R2P is an example of the interaction of all these realities.

Stefan (2017) argues that the evolution of the R2P debates indicates that some of the BRICS group – for instance, Brazil – are determined to act as the shapers of norms. In this regard, even though the BRICS countries played a fairly active role in the initial talks which led to the establishment of the concept, they were sensitive about its possible implications, particularly its impact on sovereignty in view of the redefinition of the principles of security and humanitarian

intervention, and their application to concrete situations. A brief study of R2P illustrates this.

In 1989, the end of the Cold War and the subsequent conflicts that irrupted around the world at the time of an alleged world peace made the international community aware of the need to update some concepts to do with security, sovereignty, and intervention.

The discussions not only involved these issues but also the need to update multilateralism, in all its dimensions, to deal with a changing international environment. The origins of the concept of R2P can be found as far back as 1992, when the then Secretary-General of the UN, Boutros-Boutros Ghali (1992/1996), proposed "An Agenda for Peace: preventive diplomacy, peacemaking and peace-keeping". This document was a precedent for many discussions which took place at that time: about peace, the nature of transnational threats, the roles States and multilateral institutions should play in the era of globalization and so forth. As Ghisleni (2011) points out, it was not solely focused on humanitarian intervention and preventive actions, it also called for taking action in extreme situations, even before they occurred.

Ghali's successor, Kofi Annan, advanced those proposals and PR2 during his term as Secretary-General (1997/2006) and further discussions about the new role of the UN's peace-keeping operations date back to this period, like the Brahimi Report (2000)[7].

During his term, Annan was a strong advocate of what he considered a much needed discussion of humanitarian intervention. In his reports to the UN and the UNSC, particularly in 1999/2000, he strongly emphasized the need to rethink security and sovereignty in modern terms (Cater and Malone, 2016). The United Nations Commission on Human Rights (UNCHR) played an active role in accomplishing these aims. The situations Annan called attention to were the 1992-1995 Balkans War and the Rwanda Genocide of 1994, along with the interventions in Somalia (1993) and Kosovo (1999). In addition, the R2P debate was also linked to the need to establish a new scheme for the protection of human rights in general (as celebrated in the Vienna Conference of Human Rights Declaration and Programme of Action in 1993), which included the creation of a permanent court for prosecuting human rights violations. The Statute of Rome (1998) created the International Criminal Court (ICC), which started to function in 2002.

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7   During Ban Ki-Moon's term (2007/2016), other related issues were the Capstone Doctrine (2008) and the New Partnership Agenda: Charting a New Horizon for UN Peacekeeping (2009). These documents expanded the scope of UN peace-keeping operations and their mandates and characteristics to include conflict prevention and peacemaking, peace-keeping and peace enforcement. To consult these documents, see https://peacekeeping.un.org/en

Almost simultaneously, R2P was taking shape, as shown in December 2001, by the report on Intervention and State Sovereignty (ICISS) by the International Commission. As its foreword stated,

> This report is about the so-called "right of humanitarian intervention": the question of when, if ever, it is appropriate for states to take coercive – and in particular military – action, against another state for the purpose of protecting people at risk in that other state. At least until the horrifying events of 11 September 2001 brought to center stage the international response to terrorism, the issue of intervention for human protection purposes has been seen as one of the most controversial and difficult of all international relations questions. With the end of the Cold War, it became a live issue as never before. Many calls for intervention have been made over the last decade – some of them answered and some of them ignored. But there continues to be disagreement as to whether, if there is a right of intervention, how and when it should be exercised, and under whose authority. (ICISS 2001, vii).

The report also adds that,

> The Policy Challenge External military intervention for human protection purposes has been controversial both when it has happened – as in Somalia, Bosnia and Kosovo – and when it has failed to happen, as in Rwanda. For some, the new activism has been a long overdue internationalization of the human conscience; for others, it has been an alarming breach of an international state order dependent on the sovereignty of states and the inviolability of their territory. For some, again, the only real issue is ensuring that coercive interventions are effective; for others, questions about legality, process and the possible misuse of precedent loom much larger. (ICISS 2001, vii).

This report was the result of an international commission formed to work on Annan's call for a new consideration of human security. Some argue that the diversity of the commission's members, drawn from both the developing and developed nations, is proof that, from the start, the emerging countries were in favor of these proposals (Stuenkel 2016b). On the other hand, the fact that the ICISS received financial support from the Canadian government and major US think tanks and foundations (such as the Carnegie Corporation and the Rockefeller, Simons, MacArthur and Hewlett foundations) has been a sensitive

matter. Both interpretations may be valid but the fact is that in 2005, following the report, the UN officially adopted and legitimized the R2P policy.

The UN had once more become the main forum for discussing these issues, particularly at the "High-Level Panel on Threats, Challenges and Change – A more secure world: our shared responsibility" (A/59/565), in line with a report called "Larger Freedom: towards development, security and human rights for all." There were further discussions and adjustments of the norm at the 2005 World Summit Outcome (Document A/RES/60/1), which resulted in a clearer understanding of the general outlines of R2P, as seen in articles 138 and 139:

> 138. Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity (…) 139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means (…) we are prepared to take collective action (…) through the Security Council (…) on a case-by-case basis and in cooperation with relevant regional organizations (…) to helping States build the capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out. (UNGA 2005, 30).

2008 marked the start of the Global Centre for the Responsibility to Protect, a sign of the importance of the R2P proposals which has led to a wider attention paid to them. In 2009, these principles were explained in the report "Implementing the Responsibility to Protect," written by the UN Secretary-General Ban Ki-Moon (2007/2016)[8]:

> Pillar one – The protection responsibilities of the State (a) Pillar one is the enduring responsibility of the State to protect its populations, whether nationals or not, from genocide, war crimes, ethnic cleansing and crimes against humanity, and from their incitement. Pillar two – International assistance and capacity-building (b) Pillar two is the commitment of the international community to assist States in meeting those obligations. Pillar three – Timely and decisive response (c) Pillar three is the responsibility of Member States to respond collectively in a timely and decisive

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8   See the Brahimi Report (2000), the Capstone Doctrine (2008) and the New Partnership Agenda: Charting a New Horizon for UN Peacekeeping (2009). To consult these documents, see https://peacekeeping.un.org/en.

manner when a State is manifestly failing to provide such protection. (UNGA 2009, 10–22).

As Bellamy (2015) indicates, there was a reasonable consensus on Pillars I and II in the international community, including the BRICS group. The same view is held by Stuenkel (2014), who considers misguided the "accepted notion that the global debate about Responsibility to Protect (R2P) is divided into a Western (or Northern) 'pro-R2P' camp and a non-Western (or Southern) 'anti-R2P camp'" (Kotyashko, Ferreira-Pereira, and Vieira 2018).

Pillars I and II are essentially an expression of the basic values and rights which the members of the UN share and strengthen the idea that States cannot ignore severe threats to human security. The crux of the problem, though, is Pillar III, since it deals with the possibility of military intervention. Some argue that Pillar III, and its basis for intervention, should be a last resort, and only employed after implementing the measures underlying Pillars I and II.

The key issue is the right (and duty?) of the international community to intervene in certain circumstances, when it may ultimately result in the re-definition of sovereignty. National sovereignty, in this view, should be linked to a humanitarian obligation to protect civilian populations, and not strictly to protecting frontiers, guaranteeing rights to self-determination or affording diplomatic recognition. The concept thus empowers a multilateral organization, namely the UN, to act as the guarantor of the security of the national population of a given State. As Kenkel and Martins (2016, 17) put it,

> The essence of R2P is to subordinate a state's right to the protection of its external sovereignty (non-intervention) to its respect of the internal contract between state and citizen and the provision of basic rights. When a state cannot or will not exercise this (primary) responsibility a vestigial (in the terms of the present analysis, remedial) responsibility falls to the international community.

In this regard, how are the BRICS dealing with R2P? Is there a BRICS position on the issue, or only individual ones? In fact, it has had two, which respectively correspond to the periods of 2005-2011 and 2011 onwards. The threshold was the NATO intervention in Libya in 2011 under the UNSC mandate (Resolution 1973) and its aftermath. As Ziegler (2016a, 263) argues, this intervention "sharpened the debate between the proponents and critics of the R2P".

We would call the 2005-2011 period as the one of a *regular consensus*. After the approval of the 2005 World Outcome Summit Document, there was a sense

of unease among the BRICS and several other nations, due to the future implications of the concept. The primary concerns were about the extent of the mandates that should be allowed in R2P decisions, which cases were to be subject to the implementation of R2P, the role of military force, and the vulnerability of weaker states. These subjects represented major dilemmas for the advocates of humanitarian intervention at that time (Ercan 2016; Hehir and Murray 2013) and were one reason for the creation, in 2010, of the R2P Informal Interactive Dialogue at the Global Centre (which lasted till 2017).

Despite the initial hurdles, the concept survived and evolved and "all emerging powers supported [it] (…) in 2005 and most times since then – in fact, the emerging powers have supported R2P far more often than not in the UNSC" (Stuenkel 2014, 380). This is true of Pillars I and II, which can be seen as "principled," but not Pillar III, which is about the implementation of R2P. (Fiott and Koops 2014). Still, in 2011 the intervention in Libya became a reality that no one could ignore.

The intervention mandate followed the general guidelines of an R2P action: the justification was to protect civilians facing a humanitarian tragedy; the Qaddafi government allowed the operation and made the use of "all necessary means" available (UNSC 2011). The Resolution did not stipulate a strict timeline, nor did it provide a straightforward explanation of the subsequent procedures, and this was the crux of the controversy about the applicability and accountability of R2P, both during and after the intervention.

Stefan (2017, 89) points out that

> Initially none of the BRICS (…) countries voted against Resolution 1973 on Libya, but they later 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 (…) 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.

Therefore, we would call the period from 2011 onwards one of a *regular dissent*. This disagreement is two-fold: First, it questions the military actions in Libya and their aftermath; second, it calls for the very concept of intervention to be rethought. From the point of view of the BRICS group, the operation in Libya exceeded its mandate especially in the military dimension (even though the

resolution foresaw the use of "all necessary means") and provided no reasonable solution for what would happen after the fall of the Qaddafi regime, leaving a trail of problems very similar to the ones that justified the operation in the first place. This period brought out the complexities of R2P, and led, as Welsh (2013) argues, to a two-fold contestation, procedural and substantive. The first questions the nature of the forums where decisions about R2P should be made, and the second the application of the concept. Therefore, they deal with the operationalization and legitimacy of R2P.

The BRICS countries agreed on the general matter of "rethinking" R2P, as one can see in their Summit statements.[9] The debate was intensified by the growing instability in the Middle East, due to the Arab Spring uprising in 2010-2011, which led to other serious humanitarian crises – e.g., Syria – and the expansion of the Islamic State and the outbreak of violence in Mali. All of these situations showed that another R2P intervention might be at hand, which activated a red alert in the capitals of the BRICS countries, since it threatened an expansion of military actions by the traditional powers, like the US, UK, and France , who have long had strategic interests in these regions.

Apart from this general matter, each BRICS country had its own reasons for opposing and/or wanting to reform R2P. We would respectively categorize them as *active critics*, *active critics and implementers*, and *active critics of the norms*.

The first group was made up of India and South Africa. From the start, India has expressed a clear and coherent opposition to the interventionist aspects of R2P and it became even more emphatic after the operation in Libya. Ganguly (2016) argues that India's colonial past has left it with a strong dislike of any foreign threat to the sovereignty and autonomy of a nation.

South Africa, on the other hand, supported the development of R2P at the start but changed its position after NATO toppled the Gaddafi government. Its original support dated back to the principle of non-indifference proposed by the African Union (AU). After 2011, though, the country changed from supporter to opponent, mostly on the grounds of what Smith (2016, p. 395) calls the "inconsistent application" of Pillar III of R2P with regard to the notion of sovereignty and the nature of the mandates.

Russia is the best representative of the "active critics and implementers". As many studies have shown, Moscow openly criticises R2P and its application by Western nations (Averre and Davies 2015; Kotyashko, Ferreira-Pereira, and Vieira 2018; Ziegler 2016b). However, when it comes to legitimising its own

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9   BRICS Annual Summit Declarations, http://www.brics.utoronto.ca.

actions, as seen in the Ukrainian crises which led to its annexation of Crimea in 2014, the Kremlin justifies its actions as a way to protect the Russian population, which is very similar to the justifications of the interventionist-wing of the nations which invoke R2P.

According to Welsh, the countries in all categories share a common concern with procedural matters, since they question the imbalance of power of the UNSC when it comes to making decisions. The instrumentalization of humanitarian intervention to achieve geopolitical goals underlies these concerns about risks to the sovereignty of weaker states. However, the substantive contestation is mostly restricted to the countries in the last category "the active critics of the norms", since their criticisms are much more comprehensive: before the intervention, they question the "why, when, how" and the "what´s next" afterwards. So, the criticism of those in the first two categories takes place on a "traditional level." By this, we only mean that they question the concept but do not have a normative agenda. Brazil and China, on the other hand, go further than mere criticism. That is why we classify them as "active normative critics," which is similar to Stefan's idea of "norm-shapers."[10] They not only criticize R2P but propose concrete reform of its norms: Brazil, the 2011 "RwP" and China, the 2012 "RP".

Table 1. BRICS R2P Overview

Active Critics	Active Critics and Implementers	Active Critics of the Norms
India	Russia	Brazil
South Africa		China

Source: Our own classification, based on Stuenkel (2016), Smith (2016), Stefan (2017).

Brazil and China´s proposals were diplomatically significant at the UN because they went beyond the idea of procedures, and also put R2P aside or manipulated its agenda for their own purposes. As Garwood-Gowers (2015) notes, "Brazil's 'Responsibility While Protecting' (RwP) and China's semi-official 'Responsible Protection' (RP) concept provide two significant normative attempts to re-frame R2P's third pillar in a more constrained terms". In the next section, we will further explore both proposals.

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10 For Stefan (2017, 95), "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".

3. The Brazilian and the Chinese Cases: understanding the active critics of the norms

To better understand the idea of active critics of the norms, an overview of Brazil's and China's main contributions needs to be presented. For Brazil, RwP was an exercise of soft power and power projection, linked to its autonomous foreign policy agenda for the 21st century. This position, however, only lasted until 2016, when a domestic political crisis led to the impeachment of President Dilma Rousseff (2011/2016), the main supporter of the concept. RwP was an official governmental position and personally championed by the Minister of Foreign Relations, Antonio Patriota.[11] Also, as Kenkel, Neto and Ribeiro (2020) indicate, this initiative was in line with Brazil's ongoing tradition of contributing to the agenda of multilateralism in general and debates about reforms of peace operations in particular.

The RwP was presented at the 66th Session of the UN General Assembly – "Follow-up to the Outcome of the Millennium Summit" – as an annexe to the letter the Permanent Representative of Brazil to the United Nations sent to the Secretary-General on November 9, 2011, headed "Responsibility while protecting: elements for the development and promotion of a concept" (UNGA 2011). The Brazilian proposal stated that R2P was an incomplete principle, so it had to be improved in order to avoid misuse and threats to national sovereignty. It emphasised the need for guarantees that "the three pillars must follow a strict line of political subordination and chronological sequencing (A/66/551)". In addition, it stated that it is necessary to differentiate the types of coercion that should be applied – military or non-military – and the limits for using force.

For Kassim (2014), Patriota had a very strong sense of personal commitment to RwP. The letter said that, "As it exercises its responsibility to protect, the international community must show a great deal of responsibility while protecting." Nevertheless, what would it mean to "protect responsibly"? Patriota summarised it in eight steps:

> (…) 1. Prevention and preventive diplomacy; 2. Rigour in pushing for peaceful means; 3. The use of force, including the exercise of the responsibility to protect, must always be authorised by the Security Council; 4. The authorisation of the use of force must be limited and strictly governed by international

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11 It was one of the few international efforts of Rousseff's government, added to the Law on Digital Privacy of 2013, related to the National Security Agency´s (NSA) espionage practices leaked by Edward Snowden.

law; 5. The use of force must produce little violence and instability; 6. The use of force must be judicious, proportionate and limited to the objectives established by the Security Council; 7. These guidelines must be observed throughout the entire length of the authorisation; 8. The Security Council must ensure the accountability of those to whom authority is granted to resort to force. (Kassim 2014, 336–37).

The principle was important as a balanced and structured effort to promote a needed debate about R2P. Despite Patriota's exit and Rousseff's impeachment, the RwP seemed to weather the Brazilian domestic and external crises as it continued to be discussed in the UN (even without Brazil's support, due to the change in its foreign policy agenda)[12]. However, it had some problems, like its overly abstract wording (Tourinho, Stuenkel, and Brockmeier 2016). Moreover, as Hamann and Jumbert (2020) point out, there was an inherent contradiction in Brazil's stance on the R2P-RwP linkage,

> It highlights the inherent dilemma with RwP—how to advocate for the refining of a concept that one has reservations about, at least reservations about how one suspects it may be used. It also reveals Brazil's almost self-contradictory position in this balancing act: on the one hand, Brazilian diplomats developed a concept to refine and "responsibilize" R2P, and, on the other, there is a sense that doing this would make the concept stronger than what they would want to see it. (Hamman and Jumbert 2020, 166)

In 2012, it was China's turn to propose changes in the norms of R2P and highlight the risks of a "new interventionism" (Zongze 2012). China's position was not presented as a governmental agenda but a paper authored by Ruan Zongze, an expert at the China Institute of International Studies (CIIS) – the official think-tank of China's Ministry of Foreign Affairs. The RP was, then, a "semi-official position." As Kozyrev (2016, 336–37) says,

> The title of Ruan's seminal publication "Responsible Protection: Building a Safer World" is self-explanatory: it apparently stresses the order-forming

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12 However, as Lopes, Casarões and Gama (2020) point out, Brazilian foreign policy has gone through major changes since 2018 which question some of the core values of the country´s diplomacy. Other articles in the book edited by Esteves, Jumbert and Carvalho (2020) present similar analyses.

and security-oriented dimensions of this new initiative. While focusing on such issues as non-consensual military intervention for civilian protection purposes and decision-making on military intervention by the UNSC, the new Chinese concept creates a direct linkage between international involvement in states' intended or unintended violations of humanitarian law and the impact of international action on regional peace and security, emphasizing the primacy of regional stability as a matter of China's national security concerns.

The Chinese concept included human rights issues, military intervention, and regime change. Zongze's article has two parts. The first half assesses the Libyan and Syrian crises and their subsequent developments, and the second calls for reflections on R2P. Five considerations are listed: First, the risk that foreign nations may use R2P as a political tool to impose their will on other sovereign nation. Second, the consequence of R2P for civilian populations and who would be responsible for "inhumane consequences." Third, how it could incorporate the RwP proposed by Brazil[13]. Fourth, the question of whether military force is the most appropriate means available. Finally, which standard to apply for protection, and the threshold defining human rights protection.

The author asked uncomfortable questions about Western-changing standards: "who should be protected and who should be left alone?" The answer is an RP six-step process:

> (…) the object of RP must be made clear (…) the legitimacy of the 'protection' executors must be established. The government of a given state bears the primary responsibility for protecting its citizens (...) the UN Security Council is the only legitimate actor to perform this duty while no countries have such a right or status to do so (…) the means of 'protection' must be strictly limited (…) the purpose of 'protection' must be defined (…) the 'protectors' should be responsible for the post-'interventions' and post-'protection' reconstruction of the state concerned (…) the United Nations

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13 Garwood-Gowers (2016) presents a three-way comparison of R2P, RwP and RP which highlights the similarity of Brazil and China's agendas in insisting that military intervention should only be used as a last resort and furthermore, that, if authorized, any intervention should be subject to a strict monitoring in order to prevent the overshadowing of humanitarian purposes and its instrumentalization for geopolitical purposes. There is a significant difference, however, in their assessments of post-intervention responsibilities: whereas RP states that protection and reconstruction should be the responsibility of the protectors, RwP makes no direct recommendation on that matter.

should establish mechanisms of supervision, outcome evaluation and post factum accountability to ensure the means, the process, scope and results of 'protection'. (Zongze 2012, s.p.).

Garwood-Gowers (2013) believes that RP was an adroit way to gain ground in the UN debate when compared to RwP, and was incorporated into a more inclusive framework of the institutional discussions. However, as the debate over R2P was overshadowed by other priorities for the UN at a time when the UN was regarded as weak, RP faded from China's agenda as well. In this sense, China's foreign policy changed from a focus on RP and R2P to a much broader agenda of humanitarian issues and peace operations (Fung 2016). As Fung indicates, it seems that China's quest for global status and the consolidation of its power is leading to some modifications of its stance on non-intervention and non-interference.

These adaptations may lead to the fourth category in our table, the "active normative critics and implementers". China may be willing to continue to support UN operations, depending on the nature of the intervention and, in particular, the post-nation building and stabilisation efforts. The condition of this support, however, is the UN's agreement to a more open debate about the nature of the operations.

Since this will have to be dealt with in future studies, it would be best to sum up our current thoughts, which conclude that neither RwP nor RP fundamentally replaced or changed R2P. Nevertheless, both concepts prompted an important debate about the concept of R2P, accompanied by the Informal Interactive Dialogue that began in 2008. However, it has shown few results so far. While it did lead to several studies and statements by the member countries, the core of R2P has not significantly changed.

The end of the Informal Interactive Dialogue in 2017 was a sign of this deadlock, which is a reflection of an overall decline of multilateralism and international cooperation. Since this subject is not within the scope of this article, there is no need to elaborate on it, but it is worth noting that the rise of unipolarity and conservatism in many nations is hindering multilateral efforts and threatening the very concept of the liberal international order we mentioned at the start of this article (Mearsheimer 2019; Nexon, McConaughey, and Musgrave 2018).

This does not mean that the issues revolving around R2P, humanitarian interventions, or peace operations are not being discussed in the UN, but that their importance is at a crossroads[14]. Moreover, multilateralism and coali-

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14 For the current and past debates, see: https://www.globalr2p.org/resources/ and the *Global Responsibility to Protect Journal.*

tion-building are currently stalled and this may lead to a lack of perspective about the nature of the norms and institutionalisation of the debate.

To say the least, the current situation should make one more alert to the dynamics of today's world order and the role of the BRICS groups. Therefore, RwP and RP continue to play a role in the ongoing debate about norms.

For the BRICS countries, the absence of a united front indicates the clear limits of collective action in the military-strategic sphere, which contrasts with the current interest in financial and economic policies, which have led to the creation of important multilateral institutions like the New Development Bank and the Contingent Reserve Arrangement (Griffith-Jones 2014; Rinaldi 2017).

These initiatives indicate that there may be ways to create alternatives. It is not possible to say whether the BRICS countries will be able to join forces on R2P in the future or even retain their importance, but they are already generating potential waves of change in the international scenario.

Final Thoughts

One central feature of the contemporary world order is its transitory nature. No one knows, for sure, the characteristics it will assume, nor to where it will lead us. What we do know, though, is that the 'liberal-internationalist' order is under stress, which may represent a critical juncture for pushing towards adjustments and the accommodation of different interests. The rising powers, especially the BRICS countries, can play a very important role in these changes. Whether they are doing it successfully or not, and to what extent, is a question for another article.

Our case study shows that apart from general issues, the BRICS were not able to present a united front in the debate about the R2P concept. On the contrary, we note that they have had three separate stances: First, that of what we have called "active critics", which includes India and South Africa. Second, the stance we have called that of "active critics and implementers", which is best represented by the Russians. And third, the "active normative critics", which describes the stances of Beijing and Brasília. Brazil's "RwP" and China's "RP" were significant efforts to modify the R2P norms and shed light on the asymmetries of today's world order. They displayed the wish and possibility of emerging nations to act as norm-shapers. On the other hand, their separate proposals highlighted the difficulties which coalitions face in achieving a comprehensive change of the established rules of the game.

Last, but not least, this study of the BRICS positions on R2P also highlights the resilience of Western norms and institutions on critical issues like sovereignty, humanitarian intervention, and human rights.

We conclude that while RwP and RP did not fundamentally change R2P, both concepts raised important questions about the nature and legitimacy of humanitarian interventions under the R2P umbrella. It is not a trivial outcome, given the many difficulties States currently face in challenging some of the pillars of the world order. The real changes, though, will only be apparent in the future.

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