



Revista Brasileira de Política Internacional

ISSN: 0034-7329

ISSN: 1983-3121

Instituto Brasileiro de Relações Internacionais

Roriz, João; Hernandez, Matheus de Carvalho
A dictatorship in the battle for human rights: the 1977 UN
High Commissioner proposal and the Brazilian resistance
Revista Brasileira de Política Internacional, vol. 64, no. 1, e009, 2021
Instituto Brasileiro de Relações Internacionais

DOI: <https://doi.org/10.1590/0034-7329202100109>

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João Roriz¹

¹Universidade Federal de Goiás, Faculdade de Ciências Sociais, Goiânia, GO, Brazil (joaororiz@ufg.br).

 ORCID ID:
orcid.org/0000-0001-8234-9342

**Matheus de Carvalho
Hernandez²**

²Universidade Federal da Grande Dourados, Faculdade de Direito e Relações Internacionais, Dourados, MS, Brazil (matheushernandez@ufgd.edu.br).

 ORCID ID:
orcid.org/0000-0003-3384-4982

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A dictatorship in the battle for human rights: the 1977 UN High Commissioner proposal and the Brazilian resistance

DOI: <http://dx.doi.org/10.1590/0034-7329202100109>

Rev. Bras. Polít. Int., 64(1): e009, 2021

Abstract

During the Cold War, attempts to create a High Commissioner for Human Rights within the UN were met with strong support and opposition. In the 1970s, human rights escalated in the public imagination, and in 1977 a new proposal was advanced with backing by the Carter administration, but failed. However, the Cold War does not fully explain how countries like Brazil reacted. Using secret diplomatic documents, we argue that the dictatorial Geisel administration was more concerned with the domestic process of distention and considered the new human rights advance a threat to its political project, antagonizing the High Commissioner proposal by using the same arguments of the USSR, despite its anti-communist rhetoric.

Keywords: Human rights; UN High Commissioner; Brazilian foreign policy; Dictatorship.

Received: May 7, 2021

Accepted: October 8, 2021

Introduction

“Mrs. Michelle Bachelet, if Pinochet’s people hadn’t defeated the left—among them your father—in 1973, Chile would be a Cuba today. (...) When people have nothing to do, they head for the Human Rights chair at the UN.” Such was Brazilian president Jair Bolsonaro’s reply, in September 2019, to criticism leveled at his country by Bachelet, former president of Chile and, since 2018, the UN High Commissioner for Human Rights (UNHCHR). Bachelet’s father was tortured (like her) and died by the hands of the Chilean murderous dictatorship (O Globo 2019). A few hours earlier, in Geneva, Bachelet had outlined some of the challenges she faced as High Commissioner and bemoaned what she called a “shrinking” of Brazil’s democratic space (Bachelet 2019). She voiced her concern over Bolsonaro’s celebration of the

1964 military coup and flat-out denial of state crimes—which, in her view, alarmingly suggested that Brazil's justice system had not fully transitioned from a dictatorial paradigm to a democratic one (Folha de S. Paulo, 2019).

While this article does not focus on the Bachelet-Bolsonaro altercation, Bolsonaro's retorts to the High Commissioner are reminiscent of Brazil's standpoints during the military dictatorship, a period about which he is fondly nostalgic. At the time, Brazilian diplomacy worked tirelessly not only to keep domestic human rights violations far from international scrutiny but to undermine these very instances and stall their institutional development.

This article specifically looks into the 1977 US-led proposal to create a High Commissioner for Human Rights within the UN and how Ernesto Geisel's administration reacted. Using secret diplomatic documents, we argue that the Brazilian government was more concerned with the domestic process of distention and understood the new human rights advance as a threat to its political project. Brazil's line of argumentation for rejecting the proposal resembles some made from its most notorious adversaries, such as the Soviet Union, despite its anti-communist rhetoric. We understand that the Brazilian position regarding the 1977 UNHCHR proposal is less explained by Cold War bipolar politics and is more a reflection of the authoritarian character of the regime. Contrary to some studies that do not relate the domestic context to the dictatorship's foreign policy (Cervo and Bueno 2015), we argue that in issues like human rights, the authoritarian character of the regime played a critical role in its foreign affairs.

There is a burgeoning literature that takes into account the regime's repressive aspect and its foreign behavior. Some focus on the dictatorship's institutional impact on Itamaraty (Almeida 2008; Batista 2010), the security and repression apparatus (Penna Filho 2009; Setemy 2013), the cooperation with other dictatorships in the region (Harmer 2012; Fernandes 2018; Simon 2021), the disputes with the US (Losito 2013; Roriz 2017), the cases against the regime in the OAS (Bernardi 2018; Leal 2021), and at the UN (Roriz 2021). Nonetheless, the dictatorship's position regarding the UNHCHR remains understudied.

In addition to Brazilian foreign policy, this article adds a more nuanced perspective to the history of human rights in the UN and particularly to the UNHCHR's. The existing literature tends to underscore the impact of Cold War bipolarity upon the distribution of support and opposition to the High Commissioner project (Clark 1972; Boven 2007), especially the resistance played by the USSR in hampering it (Flood 1998). While the Soviet bloc's antagonism must not be downplayed, we argue that it is time to zoom in on a frequently overlooked aspect: the opposition mounted to the High Commissioner project by states, such as Brazil, which were not aligned with the Soviet side of the Cold War.

The text is organized as follows. In the next section, we analyze debates about the 1977 proposal and explore how the Carter administration tried to hasten proceedings by deploying its strong diplomatic influence. The following five sections address how the Brazilian dictatorship's foreign policy objected to the High Commissioner project. We first briefly dwell on the issue of human rights before Geisel took office. Then, we focus specifically on 1977, a central year

for Geisel's distention project, the first year of Carter's administration, and when it submitted the UNHCHR idea. In the next topic, we analyze the Brazilian dictatorship's response to the proposal and how it was similar to arguments raised by the Soviet Union. We then turn to the proposal's rejection and how Brazil reacted to it. Finally, we advance an interpretation regarding the dictatorship joining the UN Commission on Human Rights in the same context. In constructing this text, we have made use of both primary and secondary sources, but the sheer fact that little has been written on this topic prompted us to favor the former. The Brazilian documents were found in the Itamaraty (the Brazilian Ministry of Foreign Affairs) archives, in Brasília, and also at the Getúlio Vargas Foundation's CPDOC (Center for the Research and Documentation of Contemporary Brazilian History). The Brazilian diplomatic corps, both in Brasília and abroad, classified such documents as "confidential" or "secret".

The 1977 proposal and the battle for human rights

The UN High Commissioner for Human Rights was established in 1993, but first efforts at inaugurating it dates back to the 1940s, in the early years of the UN. The idea was proposed and rejected several times during the Cold War years, in distinct formats and different contexts. In the early years of the UN, human rights were still somewhat confined to the diplomatic conferences of New York and Geneva, and just a few social movements translated the notion into vernacular usage. However, the political context of the 1977 proposal was somewhat different. In the 1970s, human rights escalated in public popularity, and it became integrated into the lexicon of street activists and civil organizations. In 1977, Amnesty International, the world's leading human rights advocacy NGO, was awarded the Nobel Peace Prize, and Jimmy Carter was elected to the White House on a campaign predicated on the promotion of human rights.

The rise of this novel understanding of human rights is well described by intellectual historian Samuel Moyn (2010). He suggests that, throughout the decade, a new way of framing human rights enabled transnational movements to further their causes without relying on traditional, state-mediated routes. Activists and NGOs such as Amnesty International decried the practices of both right- and left-wing authoritarian governments and, by insistently drawing public attention to episodes of political imprisonment and torture, raised awareness around the importance of civil and political rights. This understanding of rights clashed with the traditional state-centric one, which prevailed at international organizations. In the sovereigntist rhetoric, rights were expected to be fulfilled *within* the state, not in opposition to it, and international organizations such as the UN were places to foster cooperation, not revise and judge domestic practices (Moyn 2010). Hence, the 1977 High Commissioner proposal was received with great enthusiasm by NGOs and activists on the one hand, and with skepticism by states that understood it as a US political tool on the other.

During his presidential campaign, Jimmy Carter placed human rights at the core of his foreign policy agenda. Standing against the backdrop of the scandalous Watergate episode, he succeeded in catapulting himself to the White House on a morality-redeeming campaign (Keys 2014). His foreign policy, which revolved around a set of firm moral principles, placed him on a collision course with some of Washington's long-time allies, such as the Latin-American dictatorships (Schmitz and Walker 2004).

US diplomacy deployed its powerful political influence to expedite the High Commissioner project, and sponsored it together with Costa Rica and Sweden. After successfully making it through the Commission on Human Rights, it was referred to the General Assembly, to whose Third Committee those in favor jointly drafted and submitted a resolution. The document had been agreed on by 17 delegations from the Western, Latin-American (not Brazil) and African blocs, and supporters were emboldened by a conviction that the proposal might be received more approvingly this time. After all, not only had the language of human rights become part of the vernacular repertoire of activists and NGOs, but there had also been successful national experiences in human rights advocacy, and the UN itself was in the process of revamping its institutional mechanisms in the field (Hernandez 2015).

The Carter administration established a taskforce in order to centralize efforts and recruit enough support to the High Commissioner proposal. The group featured some prominent individuals, all actively engaged in human rights advocacy. Allard Kenneth Lowenstein, chosen as the US representative in the Commission on Human Rights, led the American delegation during negotiations in Geneva. Another key name was Andrew Young, the first African-American US ambassador in the UN and a civil rights activist alongside Martin Luther King Jr. Interestingly, one of the many advisors recruited in Geneva, New York, and Washington to compose the American delegation was Brady Tyson, a man well-known to the Brazilian dictatorship. Tyson, a Methodist missionary, had immigrated with his family to Brazil, where he became involved with progressive Catholic and Protestant organizations. Later, he taught at the São Paulo School of Sociology and Politics and actively participated in the country's political and intellectual life. After being ordered to leave Brazil on account of his opposition to the regime (despite any evidence thereof), he returned to the US in 1966 (Green 2009). In 1977, he once again met with Brazilian government officials—but now in an official condition.¹

The Brazilian dictatorship and human rights

Since the 1964 coup, the Brazilian dictatorship regularly condoned and engaged in major human rights violations, and its foreign policy increasingly had to deal with it. Although further

¹ Tyson's biography contains one more interesting fact. During his term as the American representative in the UN Commission on Human Rights, he presented his formal apologies for the United States' endorsement of the military coup which overturned Salvador Allende's government in 1973. In his speech, he also criticized the repressive policies introduced by the Argentinian, Brazilian and Uruguayan dictatorships. The Carter administration subsequently repudiated his remarks, stating that Tyson's words had reflected not the American government's position, but his own views (Green 2009).

research is needed to add nuance to each military administration during the whole authoritarian period, it is sufficient here to state that all of them considered rights as a domestic issue and not as something that international organizations, the media, NGOs or foreign governments could monitor and mobilize to pressure the regime.

In the first years after the coup, few international accusations were put forward by the international media and other governments, and, as a rule, the widespread anti-communist rhetoric spoke louder than emergent complaints. Gradually, practices of murder, assassination, torture and political kidnapping—to name just a few—became constitutive of the repressive regime. In the late 1960s, opposition to the regime soared, and the governmental apparatus doubled its coercion and suppression system. The Institutional Act 5 (AI-5) was the result of a regime that incorporated practices of systemic violence and control as a form of governmentality. Domestically, press censorship and threats constituted default practice; internationally, however, the dictatorship's diplomatic corps handled things somewhat differently.

In the late 1960s, complaints against Brazil attracted the attention of international organizations such as the Inter-American Commission on Human Rights (IACHR) (Bernardi 2018) and the UN Commission on Human Rights (Amnesty International 1972; Roriz 2021). Headlines in Western media decried torture in Brazil (Sales and Martins 2018). In the US, activists pushed the Congress, which, in turn, pressured the White House into adopting a more peremptory position (Green 2009), though with scarce results. The Nixon administration resisted domestic pressure and albeit occasionally criticized South American dictatorships in public, their close ties endured.

The dictatorship's situation was particularly delicate at the IACHR. The Commission received at least 77 complaints against Brazil between 1969 and 1973 (Santos 2007), which resulted in 16 cases related to state violence and repression (Bernardi 2018). The dictatorship fiercely opposed any in situ visit by the IACHR, and with the help of the Brazilian Commissioner Carlos Dunshee de Abranches and bilateral diplomatic maneuvers, the dictatorship managed to block all cases against it – with only two exceptions. These cases regarded the arbitrary detention, torture, and assassination of the union leader Olavo Hansen (case 1683), and the assassination of priest Henrique Pereira Neto and torture of other political prisoners (case 1684) (Green 2009; Comissão Nacional da Verdade 2014; Leal, 2021). It was the first time an international organization analyzed and convicted Brazil on human rights violations, and it certainly impacted the Brazilian regime.

The IACHR cases were published just before Ernesto Geisel took office in 1974. In the mid-1970s, the international human rights movement was on the rise, and its criticism could jeopardize the political opening process the administration planned, as it could expose the violations systematically committed by Brazilian regime. Geisel and Azeredo da Silveira's foreign policy designed a more schematically approach to human rights and created an inter-ministerial group chaired by the diplomat João Clemente Baena Soares.² The group's main task was to examine

² Representatives of the Ministry of Justice, the National Information Service and the National Security Council were also part of the inter-ministerial group.

human rights issues at the UN and the OAS, where cases against the country were heard (Ministério das Relações Exteriores 1974). It created an information hub about cases and other human rights initiatives and supervised diplomatic posts on courses of action. Among other instructions the group decided that: the complaints against Brazil should be archived, any political dialogue with NGOs was categorically dismissed, and the non-interference imperative was reinforced. At the same time, Brazil cemented its ties with other states which had been accused of violating human rights and, especially after Carter became president, Brazil refused to bow to any pressure from the White House (Roriz 2017).

1977 as a central year

Before specifically addressing the Brazilian response to the 1977 High Commissioner proposal, we must look at two contextual elements which characterized that year in Brazilian politics. Firstly, three years before, Ernesto Geisel and Golbery do Couto e Silva had kick-started a process of political liberalization and, since then, the military regime had alternately resorted to repressive and placating measures.

While an ongoing historiography continues to stress Geisel and Couto e Silva's endogenous role in orchestrating and implementing the distension, historian Marcos Napolitano (2014) holds another view. According to him liberalization was by no means a display of governmental altruism; rather, its main purpose was to further institutionalize the regime while keeping the repressive apparatus essentially intact. Indeed, the first two years of the Geisel administration gave rise to a great number of torture allegations, second only to the Médici presidency (Gaspari 2014). During Geisel's first year in power, "54 political disappearances were registered, the highest number in the entire regime" (Comissão Nacional da Verdade 2014, 104). The assassination of Vladimir Herzog in 1975 resulted in a national and international wave of condemnation and skepticism regarding Geisel's promises of distention. In 1977, seven members of Liga Operária were arrested and tortured, which triggered a massive student protest in São Paulo and in other cities against the regime (Green 2009). Human rights increasingly offered a vocabulary against the dictatorship.

According to Napolitano (2014), an opening process can only be said to have begun after 1977—and not as a consequence of Geisel and Couto e Silva's top-down commandments, but as the upshot of pressure coming from the streets and the political system. After the armed left had been defeated in the first half of the decade, other segments of civil society became more prominent: left-wing groups, the political opposition and the mainstream media were joined in protest by women's movements, the Catholic Church, factory workers, and students. A group of liberal agents from Brazilian elites wanted the military forces to agree on a controlled transition—something advantageous to both sides, based on the punishment-free dismissal of perpetrated crimes and the preservation of economic benefits.

Hence, 1977 was a decisive year as regards the political architecture of transition, which also makes it a crucial context for the purposes of this article. At the time, while far-right groups opposed the very idea of a transition, the left attempted to expedite the country's return to democracy. Another international body, as it may be the UNHCHR, holding the regime accountable for human rights violations — something already done by the Inter-American Commission and the UN Commission on Human Rights —, could potentially undermine the ideal of distension without accountability championed by the Brazilian dictatorship.

Secondly, Carter's 1977 election redirected American foreign policy and reconfigured bilateral relationships with Brasília. Geisel's diplomacy understood that Carter's election had triggered a fundamental change in US foreign policy. A Brazilian diplomat suggested that, while "US activism in the field of human rights" was not entirely new, it would "grow in substance and relevance" with Carter as president. Richard Gardner, the American representative in the Commission on Human Rights and a major High Commissioner enthusiast, harshly criticized Brazil for shelving the Amnesty-authored report³ (Ministério das Relações Exteriores 1977A, 1). But Brazil was on a collision course with Washington not only because of human rights.

Before 1977, Geisel's foreign policy had been aligned with his domestic political project. According to Spektor (2004), Brazil had adopted a form of pragmatism based on making inroads into a system still dominated by the world's great powers, and establishing partnerships premised on a non-confrontational kind of third-world sensitivity. Economic projects at the core of a developmentalist agenda, like the expansion of nuclear energy, were at stake. In 1975, for instance, Brasília managed to secure a deal with Bonn in order to buy several nuclear reactors (Patti 2021). At a time when the government sought to establish its legitimacy, the nuclear agreement with Western Germany was a display of international consensus and evoked feelings of patriotic pride.

Carter's commitments to nuclear non-proliferation placed Brazil in a precarious position. Shortly after the election, Carter's diplomatic corps attempted to dismantle the Brasília-Bonn nuclear agreement—a move with crucial implications for the bilateral agenda. Then, two months after Carter's inauguration, one of the most emblematic episodes of the time took place. Following the Foreign Assistance Act, approved by US Congress in 1976, the American embassy in Brasília had produced a report on the state of human rights in Brazil. The document was reasonably balanced: while it mentioned violations and cited reports from the Amnesty and the Inter-American Commission, it also acknowledged the ongoing liberalization (Power 1986). In Skidmore's (1988, 197) words, the Geisel administration reacted with "calculated fury": it refused to receive the report sent by the embassy—deeming it "unworthy of our archives" (Estado de S. Paulo, 1977b)—and, even more symbolically, suspended a military assistance agreement established in 1952. The

³ 052 TR Delbrasgen-SECE 09.03.77 1-3p. One of the main participants of the so-called "operation center" (a term coined by Ambassador Corrêa da Costa), established by the American government to muster support to the High Commissioner project, and already mentioned in another footnote above, was Brady Tyson, to whom the Brazilian representative had previously referred in a message to Brasília. After spending four years in Brazil, Tyson had been forced to leave the country in 1966 on account of his allegedly subversive political actions as a Methodist missionary. See more at <<https://www.washingtonpost.com/archive/politics/1977/05/06/brady-tyson-chapter-ii/6898da3d-7e9b-4207-a35b-d3043b289778/>>

episode propelled both the issue of human rights and the Brazilian foreign policy to the national headlines. The Geisel administration used it to muster support from far-right nationalist groups, as well as from left-wing organizations who criticized American imperialism. At a time when domestic consensus was instrumental in advancing distension, Geisel maneuvered foreign policy to legitimize his own political projects.

Against the 1977 proposal

When the US relaunched the High Commissioner proposal, Itamaraty displayed concern. It was not the first time the dictatorship faced the proposal⁴, but the political environment was certainly different in 1977. Itamaraty collected the most relevant documents and tallied the number of States which had previously voted in favor of and against the project. Among the latter, it focused on the opposition manifested by the USSR, Ukraine and India (Ministério das Relações Exteriores 1977B).

Establishing who shaped the dictatorship's arguments against the High Commissioner is no easy task; nor is it clear how the process of developing such arguments unfolded. Topics raised by Brazilian representatives are quite similar to those made by some of the proposal's most outspoken adversaries — among them, the USSR, virtually the only state to publicly oppose the project every time it was reintroduced since the 1940s.

Not coincidentally, in the Itamaraty archives, the only transcript of a speech given by a foreign delegation in 1977 during the High Commissioner vote we found was given by the socialist country. In the document, the USSR expressed its vehement rejection of the proposal, arguing that it violated the UN Charter by envisioning an “independent” High Commissioner, hierarchically superior to the states, invested with powers which encroached upon domestic jurisdiction. Moreover, it warned that the High Commissioner was susceptible to being weaponized by certain countries under the “hypocritical guise” of human rights advocacy; that it would threaten institutions such as the Commission on Human Rights; and that it might “taint” international cooperation in the human rights area (Ministério das Relações Exteriores 1978C, 2-3). While no documents undoubtedly state that the Brazilian dictatorship's stance was directly motivated by the Soviet position, there are remarkable similarities between the two. The Brazilian position vis-à-vis the High Commissioner becomes clearer in 1977. A document signed by Azeredo da Silveira and sent to President Geisel enumerated reasons why the dictatorship ought to refuse the proposal

⁴ Before the proposal, Itamaraty under the dictatorship had refused to back the idea in 1973. Sérgio Armando Frazão (then Brazilian representative in the UN) advised caution against the proposal made by Costa Rica, Sweden and Uruguay. Analyzing the UN environment, he concluded that the idea would be rejected by the socialists and by “a considerable number of Arabs, led by Saudi Arabia.” He expressed his conviction that Brazil had “no interest whatsoever in keeping the item on the agenda, let alone in approving the creation of the post.” Brazil, whose dictatorial government explicitly relied on anti-communist rhetoric to conduct domestic affairs, should, Armando Frazão maintained, “discreetly support” socialists so as not to antagonize initiatives by “friendly countries like Uruguay and Costa Rica” (Ministério das Relações Exteriores 1973). The 1973 proposal did not generate a lot of diplomatic discussion and it was defeated rather easily.

(Ministério das Relações Exteriores 1977E). At the time, debates on the topic took place in the highest spheres of decision-making at Itamaraty. While Azeredo da Silveira cannot be assumed to have single-handedly articulated why the regime should resist the proposal, he was the one who ratified a set of arguments and presented them to President Geisel. The same reasons can be found in a secret document sent by Brasília to the Brazilian missions at the UN and the OAS (Ministério das Relações Exteriores 1977C).

The documents list the four main reasons why Brazil should not support the creation of the High Commissioner.⁵ First, the post would duplicate efforts already underway at other UN forums, notably the Commission on Human Rights. Second, the proposal “might be read as an attempt by certain groups to drain out the Commission on Human Rights, which over time had been shown to be exceedingly amenable to political pressure from accused governments, whereas the High Commissioner’s functions would be fulfilled in a more ‘humanitarian’ and ‘impartial’ manner” (Ministério das Relações Exteriores 1977E, p. 2). Thirdly, “reporting directly to the Secretary-General, the High Commissioner would benefit from ample freedom of action” (Ministério das Relações Exteriores 1977E, 2). In short, Brazil should oppose the project “because the sensitiveness, complexity and the necessarily political nature of the functions envisaged for a High Commissioner should preclude the role’s entirely autonomous exercise, its only duty would be to inform the General Assembly of its activities” (Ministério das Relações Exteriores 1977E, 3).

As the document illustrates, the Brazilian dictatorship believed that proponents of the High Commissioner wished to distinguish it from the Commission on Human Rights, an organ seen as more vulnerable to political pressure. Here lies a particularly relevant distinction in terms of the UN’s own architecture. One of the key differences between an intergovernmental organ (such as the CHR) and an autonomous instance (such as the High Commissioner) is that, while the former responds to the demands of a majority of states, the latter, being more autonomous, is (typically) more sensitive to issues raised by the Secretariat itself (or by NGOs)⁶. Therefore, the Commission on Human Rights and the High Commissioner were likely to apprehend and promote human rights in different ways. The dictatorship did not fail to grasp that a post equipped with greater institutional freedom — in Azeredo da Silveira’s words, a more ‘humanitarian’ and ‘impartial’ one — could pose substantial risks to the regime. Itamaraty did not want another UN human rights institution, especially one with “ample freedom of action”.

The fourth and last reason why the Brazilian government objected to the High Commissioner project is revealing of the frames by which the dictatorship was informed. In the document’s words, “other High Commissioners established by the UN deal with objects—Refugees and Namibia—which do not fall under the sovereignty of any state. The same cannot be said of the protection of human rights, which, in our understanding, is an exclusive competence of the

⁵ We assume that these reasons are not the rhetorical ones presented publicly by the Brazilian delegation at the debates. The Brazilian delegation did not publically argue in this direction at the negotiations, which led us to suspect that the document was for internal discussions.

⁶ For a constructivist study on the autonomy of international organizations, centered on their capacity for political agency, see (Barnett and Finnemore 2004).

State” (Ministério das Relações Exteriores 1977E)⁷. In regarding human rights as a subject under the jurisdiction of each state, Brazilian diplomacy evoked the sovereigntist tradition whose core arguments date back (at least) to the UN’s very foundation.

The resemblance between the four reasons numbered by Azeredo da Silveira and the arguments used by the Soviet delegate during the public debates are remarkable. For example, the USSR diplomat mentioned that the creation of the High Commissioner would “duplicate efforts” within the UN system regarding human rights (A/C. 3/32/SR.50, 6), and that the proposal’s goal was “for the benefit of a specific group of countries, which had been trying for six months to push the scheme through” (A/C.3/32/SR.55). He also criticized the possibility to have a High Commissioner linked to the UN Secretary General, who “was not authorized to co-ordinate the activities of United Nations organs” (A/C. 3/32/SR.50, p. 5). Finally, the sovereignty argument: “if such a post was established, States would be obliged to surrender part of their sovereignty” (A/C. 3/32/SR.50, p. 6). The Brazilian delegation voted with the socialist and some Third World countries in all stages (A/C.3/32/SR.68).

The 1977 proposal’s rejection

Sérgio Corrêa da Costa, the Brazilian representative in the UN (1975-1983) provided a detailed analysis of the debates. The political authorship of the proposal was unambiguous to the delegations: it was “a consequence of the engagement shown by the current North-American administration”. Carter’s foreign policy made efforts to dispel any suspicions that the future High Commissioner might interfere in domestic affairs, and also tried to depict the future position as someone who would combat colonialism, racism, and apartheid. Such efforts, wrote the Brazilian representative, were superficial attempts designed to allay the worries of developing countries. Washington and other Western delegations had made “active and wide-ranging démarches” to other countries, he wrote, but “credibility was lent to an initiative which, in the past, had been readily dismissed, nonchalantly buried again after each exhumation” (Ministério das Relações Exteriores 1977D, 1-3).

The resistance was publically led by the Soviets, and followed by some Third World countries. Moscow championed a view focused on the promotion of collective rights, and remained hostile to any arguments which could compromise sovereignty. Soviet officials held that already existing mechanisms (mainly, Procedure 1503, which established the participation of the Commission and the Sub-Commission on Human Rights in confidential debates on violations; and the Committee

⁷ In 1958, an inter-state executive committee was established to follow, monitor, and approve initiatives introduced by the High Commissioner for Refugees. This constitutes standard practice for UN agencies. Crucially, however, proposals to establish a High Commissioner for Human Rights — including the successful 1993 one — never included any mention to a similar committee. This state of affairs has not been altered ever since: the High Commissioner for Human Rights is still not specifically monitored by a directing body of states, which grants the post a unique scope of action. Naturally, this has historically distressed governments which engage in continued human rights violations. There is no doubt that similar fears informed the Brazilian dictatorship’s diplomatic decisions in 1977.

of the Covenant on Civil and Political Rights' analysis of reports produced by members) were already sufficient, and that a High Commissioner could potentially imperil national sovereignty (Flood 1998).

Countries such as Saudi Arabia, Cuba, Oman, and Egypt associated the High Commissioner proposal to Western-inspired individual rights, whereas they favored an emphasis on economic development and collective rights. Jamil Baroody, the Saudi Arabian representative in the UN, defended the prevalence of cultural values in the definition of human rights, denounced the imposition of Western interpretations, and called the very need for a High Commissioner into question. According to Burke (2010), his speech triggered and strengthened a range of similar stances, and even countries that had previously endorsed the proposal now lined up on the other side of the aisle. A Cuban procedural maneuver, introduced in an attempt to postpone the entire debate, elicited polarized responses. Supporters of the proposal had to revert seven votes, a number which "illustrates how close to fruition the High Commissioner campaign was at the General Assembly", calculated Corrêa da Costa (Ministério das Relações Exteriores 1977D, p. 3-7). In that context, a supportive stance from Brazil — a country which had historically been able to mobilize and work alongside other, especially Latin-American, allies — could prove decisive. Corrêa da Costa's narrative suggests the High Commissioner project came fairly close to being approved in the 1970s (Ministério das Relações Exteriores 1977D).

In December 1977, the proposal to create the High Commissioner was rejected at the Third Committee of the General Assembly. The Cuban resolution managed to secure 62 votes in favor, with 49 against and 21 abstentions. The outcome constituted a victory for a coalition established between socialists and third-world countries (New York Times, 1977a). Furthermore, the General Assembly also approved Resolution 32/130: a document sponsored by a coalition of dictatorships — including Iran, the Philippines, Argentina and Cuba —, which suggested that the promotion of civil and political rights was contingent on economic development (United Nations 1977). To the Brazilian observer, the result represented "a substantial defeat of the United States and other Western countries," which reinforced the importance of the Commission on Human Rights as the UN's human rights forum (Ministério das Relações Exteriores 1977D, 7).

Despite the proposal's defeat, Corrêa da Costa correctly predicted that it was unlikely to be permanently shelved. "Very few projects in the United Nations have displayed this tenacity in bouncing back after each new defeat" (Ministério das Relações Exteriores 1977D, 7), he wrote to Brasília. Indeed, Andrew Young, the US ambassador in the UN and a High Commissioner enthusiast, immediately told *The New York Times* that the fight would persevere. In a direct allusion to the articulations between socialists and right-wing dictatorships, he declared that the proposal had been quenched by "a profane alliance between left and right" (New York Times 1977b). In January 1978, in an op-ed published in *Correio Braziliense*, he wrote that the project would remain on the Carter administration's agenda, stating that "it is far preferable to momentarily fail and subsequently triumph than to reach a conciliatory agreement in the present and fail in the future" (Young 1978, 4).

The dictatorship joins the UN Commission on Human Rights

Even though the proposal was archived, human rights at the UN remained a concern for Geisel's foreign policy. Confronted by Carter's diplomatic maneuvers and aware of the ever-growing transnational activism of both NGOs and protesters, the Brazilian diplomacy decided it was time the country joined the UN's main human rights instance. The idea had been introduced years before, but only in 1977, in the context of the High Commissioner proposal, did Brazil apply for a seat in the UN Commission on Human Rights.

Initial instructions were sent by Brasília to Carlos Calero Rodrigues, a member of the Brazilian delegation in the UN. The document stated that human rights had acquired significant international relevance, triggering a series of repercussions around the globe. The Brazilian representative was instructed to express concern over and directly antagonize any political exploitation of the issue. The government's plan was to oppose any action in the human rights arena which "derived from the wishes and interests of this or that State, instead of representing a constructive expression of the international community's current disposition." Calero Rodrigues was also told not to endorse any project which was "seen to have the shape or the characteristics of investigative or legal proceedings" (Ministério das Relações Exteriores 1978A, 2)⁸.

Instructions given to the Brazilian representative in Geneva (where the Commission was located) proceeded as follows:

In cases regarding countries accused of gross and continued human rights violations — in particular, countries located in our geographic region —, the Delegation will oppose any condemnatory declarations, and only in extreme situations, when an overwhelming sum of evidence and allegations have been presented, will the Delegation consider casting a vote of abstention (Ministério das Relações Exteriores 1978A, 3).

Such directives showcase how the military regime saw human rights — or the specific understanding of human rights advanced in the 1970s — as part and parcel of a US-led political project. Even in face of complaints about "gross and continued human rights violations," the country was supposed to refrain from adopting a condemnatory tone, and only in "extreme situations" should it consider a vote of abstention. The dictatorship was as unwilling to embrace the new policy orientation as it was fearful that the frame might thrive. In that regard, Brazil's joining the Commission on Human Rights does not constitute an attempt to further the UN's institutional transformation into an entity more actively and normatively engaged in the promotion of human rights. Rather, the dictatorship understood that, if the High Commissioner were inaugurated, one of two outcomes would follow: either other countries would be placed in an uncomfortable

⁸ Notably, the document itself outlines a few exceptions: (i) "when the situation represents a threat to international peace and security (South Africa)"; (ii) "any situation in the Arabian territories occupied by Israel"; (iii) when "the country manifests its own intention of being subjected to some kind of investigation or trial" (Ministério das Relações Exteriores 1978A, 2-3).

position, a scenario which would force Brazil to repeatedly reinforce its opposition to the emergent complaints; or the accusations could be leveled at Brazil itself, thereby forcing the country to covertly or overtly engage in institutional opposition to the High Commissioner.

Once Brazil had been elected to the Commission on Human Rights, the Brazilian diplomatic corps was able to use the country's new official status to buttress its resistance. In 1978, the dictatorship reiterated the view of the High Commissioner proposal as an attempt to drain out the CHR and establish another organization, one less "vulnerable to control by the States," but more susceptible to pressure from international groups, the media, and specific governments (Ministério das Relações Exteriores 1978A, 4). Calero Rodrigues, speaking at Session XXXIV of the Commission on Human Rights, also stated that Brazil was not favorable to any alteration in the Commission's institutional design. In response to a report produced by the Secretary General (E/CN.4/1273), the Brazilian diplomat maintained that a High Commissioner "would not constitute a useful innovation," and that the proposal itself betokened "a lack of trust" in the Commission. In Calero Rodrigues' words, the UN "should not try to become the world's administrator" (Ministério das Relações Exteriores 1978B, 4-5).

Brazilian diplomacy sustained its opposition to the High Commissioner way beyond 1977. As new initiatives were introduced, Brazil continued to back a series of measures which hindered its establishment, like the USSR (MRE, 1978D). The country's stance would only change in 1993, the first year during the post-dictatorship era when another High Commissioner proposal emerged. On the occasion, with substantial Brazilian support, the project was finally approved.

Conclusion

The language of human rights has been — and continues to be — claimed by various political actors across different times and spaces. To decontextualize such processes is to risk producing misleading narratives which, oblivious as they inevitable are to political efforts and conflicts, may sound triumphant and hagiographic.

During the 1970s, through the concerted practices and discourses of social movements, NGOs and activists, as well as through the actions of a few states, a new understanding of human rights gained significant momentum. Nonetheless, it met steadfast resistance, especially when it was cast as a language which could jeopardize sovereignty. One of the instances in which this new conception did not immediately flourish was the UN, where a long-standing idea posited that the promotion of human rights was a prerogative of each state, and that the international community should offer but cooperation. Attempts to establish a High Commissioner for Human Rights were heavily contested during the Cold War, and the post was only implemented in 1993, in an entirely different political landscape.

In this text, we directed our attention toward the Brazilian dictatorship's antagonism to the High Commissioner project, spearheaded by the Carter administration in 1977. We contended

that Brazilian diplomacy, rather than acting strictly in accordance with the Cold War logic of bipolarity, made decisions on international human rights which were predicated on domestic concerns. Geisel and Azeredo da Silveira's foreign policy regarded the human rights frame associated with the High Commissioner as a threat to the dictatorship's own political project, i.e., its carefully orchestrated 'distension', which was enough to justify fierce, sustained opposition. The regime's stance is indicative of how Brazilian diplomacy believed the world's main international organization should handle the issue of human rights. Our contemporary context suggests that, in the end, the generals' fears were not entirely unfounded.

Acknowledgements

We would like to thank the financial support of Fundação de Amparo à Pesquisa do Estado de Goiás (FAPEG) and CAPES/PROAP, as well as RBPI's editorial board.

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