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Reis, Francisca Costa

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# What doesn't kill a norm makes it stronger? Brazil's contestation of the responsibility to protect

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## Abstract

This article analyzes the outcome of Brazil's contestation of the responsibility to protect, adding to existing literature through an analysis that makes use of recent norms research on possible alternate endings of contestation. As revealed, differentiating between the natures of contestation allows for greater nuance and broader reflections on the possibility of contestation, serving as an avenue for future cooperation.

**Keywords:** Brazil; Contestation; Norms; Responsibility to Protect.

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## Introduction

Driven by a historical and political urgency to unite the international community around the importance of collective action in the face of mass atrocities, the responsibility to protect (R2P) was developed and unanimously endorsed by the United Nations (UN) in 2005. With the aim of preventing and halting the human rights catastrophes that had, in the past decades, been met with international inaction, the responsibility to protect became an important norm of the international peace and security regime, and its adoption at the UN's 2005 World Summit is still considered a development of great importance in the last decades of international politics (Luck 2009; Thakur & Maley 2015). Following various episodes of inadequate or inexistent international responses to ongoing atrocities, R2P sought to reconcile the inherent tensions between sovereignty and intervention that had previously frozen the international community, advancing the idea that there is a

global responsibility to protect people threatened by mass atrocity crimes and articulating how and when this responsibility should play out (United Nations 2005).

Yet, despite the promising character of the responsibility to protect and its underlying political commitment, as well as its significant achievements (Evans 2020), both the norm's nascent evolution and its subsequent consolidation have not been free of challenges and contestation. From its first global endorsement by a summit meeting of the UN General Assembly in 2005 to the fallout over the military intervention in Libya in 2011, R2P has become heavily contested despite its continuous relevance in some of the more pressing contemporary political and security dilemmas the world faces. At the very core of this contestation lies the question of the role of coercive measures in the framework of R2P and the process of regulating the collective use of military force (Welsh 2019). Brazil is one of the actors that has stood out in its normative engagement with the responsibility to protect (Almeida 2014; Kenkel & Martins 2016; Stuenkel & Tourinho 2014), advancing its own R2P reform proposal, coined "responsibility while protecting" (RwP), in 2011. The aftermath of the 2011 UN Security Council-backed NATO intervention in Libya cast serious doubts on the use of force to uphold R2P, resulting in waves of condemnation on the manner in which the mandate was carried out. In this context, Brazil proposed RwP, calling for more responsible and cautious intervention under R2P, as well as advocating for the commitment to negotiation and conflict prevention strategies as the best avenue to pursue in the governance of international peace and security (Brazil 2011a).

As contestation over R2P, particularly its coercive arm, remains, debates about the norm have focused on its preventive dimension, which has gained momentum both at the UN and state levels (Sharma & Welsh 2015). In this context, Brazil's proposal of RwP has been often evoked – more recently by both the Secretary-General's Adviser for R2P and one of the original drafters of the concept – as a possible avenue for solving the impasse surrounding the responsibility to protect and addressing issues laid bare by the events in Libya (Evans 2020; Smith 2019). According to Evans (2020), a re-energized RwP would foster comprehensive debate over the criteria guiding the use of force and a stronger monitoring of the Security Council, issues which still dominate the contested existence of R2P and have led international inaction in the face of violence in places like Syria or Myanmar. This raises the question of whether Brazil's contestation and RwP proposal could indeed play a productive role in leading to greater understanding on the use of force within R2P.

It is against this background that this article aims to assess the process of Brazil's contestation of R2P and how it affects the R2P norm, probing into what the outcomes of contestation are and, consequently, if Brazil's proposal constitutes a good basis for future discussions of the norm. To do this, the article builds on recent constructivist norms research, more specifically Stimmer's (2019) framework categorizing contestation along disagreements over a norm's justification (frame) and its application (claim) and highlighting the different possible outcomes of norm contestation.

In doing so, it contributes to existing literature in two different ways. First it complements the literature on Brazil and R2P by adding a theoretically grounded account of Brazil's contestation

of R2P and its effects on the contested norm. While existing literature has focused on the country's non-Western actorness in normative debates (Kenkel et al. 2020; Stefan 2017; Kenkel & Destradi 2019; Stuenkel 2016), its role as a norm-shaper and contestator seeking to promote its preference for prevention and the respect for sovereignty (Kotyashko et al. 2018; Ribeiro 2020; Ribeiro et al. 2020; Stuenkel and Tourinho 2014) and as a contributor to the further operationalization of R2P (Tourinho et al. 2015), the theoretical framework employed in this article allows for a more nuanced understanding of how (dis)agreements over a norm's meaning help us grasp the effects of contestation on R2P. Second, it builds on the body of literature that describes contestation as part of a norm's life (Acharya 2004; Wiener 2014) but remains silent on its outcomes as well as the future of the norm. As will be argued, a closer analysis that differentiates between contestation of the frame and claim of a norm, allows for systematic insight into the nature of Brazil's engagement with the responsibility to protect and reflects on the possibility of such contestation serving as an "avenue toward agreement" (Stimmer 2019, 270) as often evoked by practitioners.

This article proceeds as follows. First, it shortly introduces the responsibility to protect norm, its making, meaning, and ongoing challenges. Section two reflects on the state of norm contestation literature to arrive at the theoretical framework used to capture the contestation of the responsibility to protect by Brazil and its possible outcomes. The third section outlines the qualitative method and data used in the article, as well as the codebook guiding the analysis. This is followed by the presentation and discussion of the findings, clarifying whether and how Brazil contests the frames or claims of R2P. Finally, based on the preceding analysis, the article concludes with a reflection on how Brazil's contestation affects the responsibility to protect norm, and, consequently, whether it can reasonably serve as a potential avenue for normative agreement.

## R2P: Origins and Contested Life

As a norm that sets a shared understanding of standards of appropriate behavior, the responsibility to protect has been fundamental in providing a clear sense of how mass atrocity events should be understood and addressed by the international community and in creating a code of conduct to be followed in such situations (Orchard 2020). Before its institutionalization at the 2005 World Summit, R2P was first mentioned in the International Commission on Intervention and State Sovereignty's (ICISS) famous 2001 report, "The Responsibility to Protect". The report introduced the responsibility to protect in an attempt to reconceptualize the *problématique* of state sovereignty and humanitarian intervention, which had been highly debated in various political and intellectual circles following the international community's failure to address humanitarian tragedies such as Rwanda and Srebrenica, and articulate moral and legally appropriate responses (see Holzgrefe & Keohane 2003). These massacres reminded the international community of the need to develop mechanisms to deal with mass atrocities and gave impetus to efforts of

reconciling what were often considered as competing norms about non-intervention, sovereignty and collective security (Ruys 2005; Stuenkel & Tourinho 2014; Weller 2015). The ICISS, thus, put forward the concept of the responsibility to protect, whereby states – and if these fail or are unwilling to, the international community – have the responsibility to protect its populations from suffering serious harm. Preventing mass atrocities, the report emphasized, is at the forefront of R2P's objectives, and exhausting preventive and peaceful measures prior to exploring options of military intervention is of central importance (ICISS 2001). As scholars have noted, this was an important development in discussions surrounding the legality and legitimacy (or not) of humanitarian interventions, reconstituting interpretations of states' legal obligations and signaling a new normative consensus (Hurd 2011; Weiss & Thakur 2010, 319).

The release of the ICISS's report on R2P, which then UN Secretary General Annan endorsed, was followed by years of advocacy and negotiations, until the responsibility to protect was finally unanimously endorsed by UN member states at the 2005 World Summit. The Summit's Outcome Document, adopted as a General Assembly resolution, recognized the acceptance of more than 170 heads of state and government of three interlinked responsibilities, which, taken together, form R2P, and are now commonly referred to as its three pillars (United Nations 2009).

Paragraphs 138-40 in particular set out, first, the primary responsibility of states "to protect [their] populations from genocide, war crimes, ethnic cleansing and crimes against humanity", as well as to prevent the occurrence of such crimes; second, the duty of states to assist each other in building the necessary capacities to fulfil their protection responsibilities, especially before crises occur; and, finally, the international community's responsibility to take timely and decisive collective action to prevent or halt the four crimes mentioned above in the event of states manifestly failing to protect their populations (United Nations 2005).

Illustrating the power of norms in structuring and establishing parameters for the behavior of actors, the institutionalization of R2P within the UN system was followed by various Security Council and Presidential Statements referencing the norm (Global Centre for the Responsibility to Protect 2021a), continuous exchanges at the General Assembly on R2P through informal and formal dialogues, as well as numerous resolutions by the Human Rights Council featuring the responsibility to protect (Global Centre for the Responsibility to Protect 2021b).

Despite the traction R2P gained in the years after its institutionalization and its regular invocation by various international actors in their conduct of diplomacy (Powers 2015), the life of this norm has not only been accompanied by widespread endorsement, but also intense contestation. While UN member states agreed to the endorsement of the responsibility to protect at the World Summit, they remained far from united in what they understood the concept to mean in practice and how to implement it (Rotmann et al. 2014). While these debates and instances of contestation may have led to a conceptual clarification of R2P and greater consensus on its scope and overall validity (Badescu & Weiss 2010), the time period that followed the 2011 NATO-led intervention in Libya, under the framework of the responsibility to protect, raised more serious concerns and increased contestation over the appropriateness of R2P's coercive

measures and, more specifically, under what circumstances and how it should be operationalized and put into practice (Tourinho et al. 2015; Powers 2015). This lack of concerted political action despite R2P's overwhelming popularity has led some observers to deem the norm as "hollow" insofar as it has not had a significant practical impact on the global human rights and atrocity panorama (Hehir 2019). Overall, while the post-Libya period sparked intense discussions on the responsibility to protect and laid bare the persisting differences in interpretation and implementation, contestation over the appropriateness of the military dimension of R2P's third pillar has continued to surface in the annual dialogues held by the UN General Assembly on the topic (Welsh 2019).

## Analytical Framework: the Power of Norms and Contestation

While authors have debated the nature and form of R2P, discussing what the norm entails and how it can be typified (Lantis & Wunderlich 2018; Orchard 2020; Welsh 2013), there is no doubt as to the responsibility to protect's *status as a norm* (Labonte 2016). Its classification as a norm being a settled issue, it is, therefore, only logical to study R2P within the context of norm literature and research. The following paragraphs discuss the relevant literature this article is embedded in, departing from the constructivist argument that norms matter and arriving at the theoretical framework used to empirically analyze Brazil's contestation of R2P and its outcomes.

Norms, often defined in the literature as "standards of appropriate behavior for actors with a given identity" (Finnemore & Sikkink 1998, 891), have been a predominant focus of constructivist research in the field of International Relations. Since the advent of the constructivist research program around the 1990's, interest in researching and understanding norms has gained ground in the discipline, inspiring different waves and agendas of research as an alternative to the then mostly dominating rationalist approaches. Attributing to norms an explanatory power for actors' behaviors, this body of research has empirically and methodologically conveyed not only the constraining, but more importantly the constitutive nature of norms (Checkel 1997). In an attempt to delineate its objectives vis-à-vis predominant schools of thought in IR, the first wave of scholarship on norms focused on demonstrating to more skeptical audiences in the discipline that norms matter (Checkel 1997; Finnemore & Sikkink 2001). Presenting norms as affecting actors – their behaviors, preferences and identities – and setting standards of appropriate behavior, constructivist research in this first wave treated norms as independent variables to consider in understanding and explaining international affairs (Finnemore 1993; Katzenstein 1996). In arguing that norms matter in an anarchical international system and intent on proving their effectiveness, however, scholars tended to treat the meaning of norms as a stable variable and favored structural explanations at the expense of agency-related ones (Wunderlich 2019, 19).

While scholars within this wave were quick to recognize that norms often played out differently depending on the norm-recipient's domestic politics and context (Checkel 1997;



1998), which was deemed important to account for, research left little room for a dynamic and agentic-driven understanding of norm construction and meaning (Finnemore and Sikkink 2001), a critique that was later picked up in subsequent waves of norm research. Bringing agency-related factors to the fore, the second wave of constructivist norms research turned to questions of how norms diffuse internationally and how actors bring about normative change. In analyzing these dynamics, scholars advanced various models through which the emergence and evolution of norms could be understood, shedding light on how actors and their agency and resources played a role in the life of norms. While different in their names and claims, what these models have in common is that they advance agency-driven understandings of norm diffusion, but still largely regard norms as stable and their diffusion as a linear process, ending in unquestioned institutionalization where norms achieve a “taken-for-granted” quality (Finnemore and Sikkink 1998, 904).

However, questions remained in respect to what happens to norms once they become institutionalized. Norms do not necessarily acquire a taken for granted nature once they enter institutional frameworks, and contestation often enters the picture too. Subsequent scholarship therefore moved in the direction of capturing more complex processes of norm dynamics, abandoning a previously dominant view of norms as stable and turning their attention to the contestation of norms and the dynamic processes they go through (Acharya 2004; Sandholtz 2007; Wiener 2014). Paying particular attention to norm change, this strand of critical constructivist literature works on the assumption that norms entail a “dual quality” in that they are “both structuring and socially constructed through interaction in a context” and may, therefore, play a stabilizing structural function while remaining indeterminate in nature (Wiener 2007, 49).

Accordingly, while norms structure the behavior of actors, they are also constantly reinterpreted. Emphasizing the bottom-up construction of norms and their meanings, Acharya (2004) advanced the concept of norm localization as the process through which local actors appropriate global norms into domestic contexts, adapting them to their normative priors and even advancing alternative norms (Acharya 2011). Rather than the previous top-down perspectives of a stable norm diffusion, this research strand cleared the way for bottom-up and non-Western conceptualizations of norm construction, change and translation into local contexts (Zimmerman 2017). Indeed, Wiener (2014, 1) argues that norms have an inherent *contestedness* and puts forward the idea of contestation as a range of practices which “discursively express disapproval of norms”. Norms, thus, are contingent and subject to permanent change.

While the previous paragraphs have established the importance of researching norms as dependent variables subject to constant reinterpretation and change by intervening actors, an assumption on which this article is based, we pose the question: what effect can contestation have on norms? Scholarship has generally treated contestation as either an inherently positive component of a norm’s life and legitimacy (Acharya 2011; Wiener 2014) or as a sign of weakening and potential decay (McKeown 2009; Panke & Petersohn 2016), but it remained overwhelmingly silent on when contestation may result in a particular norm outcome. This article, however, seeks

to contribute to more recent calls for more empirical research on the various and nuanced outcomes of contestation that goes beyond an understanding of the phenomenon as a never-ending debate (Deitelhoff & Zimmermann 2020; Stimmer 2019). Although contestation has recently featured in studies on R2P, important questions remain precisely on the dimension of its outcomes beyond black and white views of contestation as either a positive deliberative tool or an indicator of norm decay (Hofmann and Zimmermann 2019). Researching this is particularly important considering the structuring power of the responsibility to protect as a “sense of collective responsibility for preventing and responding to atrocity crimes” (Welsh 2016, 994).

In order to understand the impact of Brazil’s contestation on R2P, this article makes use of recent constructivist research on norm contestation that seeks to capture a more nuanced image of agreements and disagreements over meanings of norms and its potential outcomes. Specifically, it employs the framework developed by Stimmer (2019, 270), which breaks norms down into frames – i.e. justifications – and claims – i.e. actions – to “categorize agreements and disagreements over them”. According to Stimmer (2019), whether contesting actors agree or disagree on norm claims or frames plays an important role on the outcome of that contestation, on the strength and clarity of norms as well as subsequent debate over them. More specifically, different combinations of agreement or disagreement over claims and frames result in different outcomes as well.

As Stimmer (2019) puts forward in her typology, contestation can result in four different outcomes, depending on whether actors contest or agree with the norm’s frame or claim: (1) if contestants agree on the norm’s frame and claim there is norm clarification, since its validity and application remain intact; (2) if they only agree on the frame but not on the concrete action (claim) that stems from a norm, contestation may result in norm recognition, an outcome that is stable, leaving the norm’s underlying commitment intact and potentially even leading to norm clarification through further debate; (3) disagreements on both the claim and frame of a norm results in norm impasse, an outcome that is the opposite of norm clarification and results in persisting normative uncertainty; and, finally, (4) if contestants disagree on the frame despite agreeing on the action to be taken, there is norm neglect, which reveals persisting uncertainty despite what might seem like a normative consensus stemming from the agreed concrete action (pp. 270-271). Accordingly, there may be different outcomes of norm contestation depending on what contesters disagree on, and this may have consequences for the future of the norm.

By making use of Stimmer’s framework to categorize contestation along disagreement over a norm’s frame or claim, this article offers a theoretically grounded and systematic analysis not only of the nature of Brazil’s contestation of R2P but also its outcomes and viability as a basis for future norm clarification and agreement. As elaborated above, a classification of contestation along the frame-claim typology reveals different outcome constellations, ranging from those that foster normative uncertainty and ambiguity to others that reveal an underlying commitment and may foster norm clarification. Contestation of a norm’s frame essentially questions its validity and justification, whether the underlying normative commitment is righteous or not.



Disagreements over norm claims, on the other hand, are about a norm's application and the concrete actions that fall under its framework in a given situation.

In this article, frame contestation is, therefore, operationalized as contestation over the normative content and core of R2P. We therefore see so-called frame contestation in instances where Brazil disagrees with the validity of the normative commitment, underpinning the responsibility to protect, namely that sovereignty is dependent on the protection of human rights and that states as well as the international community have a responsibility towards their peoples. Frame contestation could also target the underlying and agreed-upon three-pillar structure on which the responsibility to protect rests, which is meant to be non-sequential (i.e. one does not need to apply pillars one and two before moving to pillar three) and of equal importance. Brazil can, however also disagree on how to act in light of the responsibility to protect. Claim contestation would, therefore, involve challenging how the concrete application of R2P should look like. Accordingly, we would see claim contestation when Brazil disputes whether specific situations fall under R2P, what the norm actually implies in that concrete situation and, more broadly, how it should be operationalized and put in practice. In sum, claim contestation indicates a disagreement over actions legitimately required under the responsibility to protect, whereas frame contestation indicates a more fundamental challenge to the prevailing normative consensus of a responsible duty of protection.

## Method and Data

In order to carry out the analysis, this article builds on a corpus of data consisting of Brazil's statements delivered at the annual UN Dialogues on the Responsibility to Protect (both informal and formal). Stressing the importance of translating R2P from a commitment into deeds, former UN Secretary-General (UNSG) Ban Ki-moon began the initiative of deliberating the responsibility to protect at the United Nations. After the first Secretary-General report on R2P was released in 2009 and debated by the UN General Assembly (UNGA), these interactive dialogues have since taken place on a yearly basis as follow-ups to the UNSG's annual R2P reports. Given the under-institutionalization of R2P's discussion forums (Ribeiro et al. 2020) and being the sole instance specifically established to exclusively discuss the responsibility to protect and its implementation, the UN Dialogues on R2P were chosen as the most relevant and fitting setting to extract Brazil's statements from. The data corpus, therefore, consists of the annual statements delivered by Brazil's representatives at the interactive dialogues carried out in the framework of the UNGA between 2009 and 2019, which were collected from the UN's Digital Library as well as the database of the Global Centre for the Responsibility to Protect. In addition to these statements, Brazil's proposal of the Responsibility while Protecting, delivered as a letter addressed to the Secretary-General, was also added to the data corpus. With

the exception of the informal dialogue held in 2010, all statements by Brazil's representatives were collected and analyzed.

The data was analyzed using Qualitative Content Analysis (QCA), which allows for systematic, qualitatively oriented text analysis (Mayring 2015), and assisted by the data analysis software NVIVO. In resorting to QCA, this article follows other works on norm contestation and R2P (see Ribeiro 2020; Ribeiro et al. 2020), thus recognizing its methodological relevance for studies in this field. At a first instance the data was deductively coded, based on Stimmer's typology described above. Accordingly, statements were initially coded according to whether they referenced to R2P's claim or frame, and if these references illustrated an agreement or disagreement on these two aspects. The coding scheme below, elaborated on the basis of the framework set out above, informed the coding process (see Table 1). In order to better grasp the variety of contestation, the references previously coded into claims and frames were categorized to identify different patterns and themes within Brazil's contestation. This second step was conducted to provide a more complete narrative of how Brazil specifically (dis)agreed with R2P's frame and claims. Overall, this qualitative coding allows for a nuanced insight into contestation and its nature along the categories of norm frames and claims, as well as an assessment of variation of contestation along different issues. As will be argued, this holds insights into the outcomes of Brazil's contestation of the responsibility to protect for the norm at large.

**Table 1. Codebook informing deductive analysis**

Variable	Value	Definition
<b>R2P Frame</b>	Agreement	Agreement with core normative commitment of R2P
	Disagreement	Denial of sovereignty as responsibility
		Denial of a responsibility to protect of states and/or the international community
		Sequential reading of R2P's pillars
		Attribution of greater weight to one or two of R2P's pillars over other(s)
<b>R2P Claim</b>	Agreement	Denial of legitimacy of one or more pillar(s)
		Agreement over how to act in light of R2P
	Disagreement	Questioning whether specific situations fall under R2P
		Contesting/ discussing what actions are legitimately required under R2P
		Contesting/discussing current operationalization of R2P or past application

Source: own elaboration

## Findings and Discussion

This section presents and discusses the findings based on the qualitative analysis conducted as described above. As will be discussed, Brazil has engaged far more frequently in claim contestation, disagreeing with or discussing how the implementation of R2P looks like or should look like, rather than questioning the normative underpinnings of the responsibility to protect (see Table 2). The significance of such a finding will be further considered in the concluding remarks.

**Table 2. Overview of coding references**

Code	References
R2P Frame	12
Agreement	8
Disagreement	4
R2P Claim	51
Agreement	7
Disagreement	44

Source: own elaboration

## Frame Contestation

While Brazil was initially wary of the responsibility to protect norm, particularly before it was eventually adopted at the World Summit in 2005 (Stuenkel & Tourinho 2014), by the time the UN Dialogues started taking place in 2009, its overall support for the norm increased, with Brazil showing a growing willingness to engage in R2P debates in line with its preference for peaceful resolution of conflicts and preventive strategies (Kenkel 2012). Accordingly, Brazil has continuously showed support for the core of R2P spelled out in the 2005 World Summit, as a norm that articulates the idea that “the attribute of sovereignty does not exempt a State from its obligation to protect its population” (Brazil 2009).

Similarly, besides recognizing the existence and rightfulness of such a responsibility of states, Brazil also evoked the historical failures in responding to mass atrocities, signaling its agreement with the wider responsibility of the international community to step in if states massively fail in their responsibilities (Brazil 2009; 2011a; 2016). Additionally, despite emphasizing its last resort nature, Brazil has also recognized the need to envisage military action in the framework of R2P, indicating its overall acceptance of the legitimacy of R2P’s three pillars (Brazil 2011a; 2018).

Despite an overall agreement with R2P’s core elements, the norm’s third pillar, which foresees appropriate collective action by the international community if a state manifestly fails to protect its population, has warranted greater debate and skepticism in Brazil’s reactions. While Brazil

has recurrently acknowledged the three-pillar structure of the responsibility to protect (Brazil 2011a; 2011b) and reinforced the idea that sovereignty is not limitless when states engage in mass atrocities (Brazil 2009), it has argued from the beginning in favor of caution when considering military action in the framework of R2P, stating that “there is a political subordination and chronological sequence among [the pillars]” and that the “third pillar is subsidiary to the first one and a truly exceptional course of action” (Brazil 2009; 2011b). As Stuenkel (2016) argues this mirrors the traditional skepticism towards military force adopted by the Brazilian foreign policy establishment, which has historically shown suspicion toward the use of coercive measures, which it claims to more often result in further harm than good. Chronological sequencing, however, represents a fundamental disagreement with the R2P frame, since it is the idea that the international community must work sequentially through the three pillars, only resorting to coercion or force when these other measures have failed. Such a reading of R2P contests the core of the R2P norm, since the World Summit Outcome document and further reports by Secretary-General of the UN Ban Ki-moon emphasized the non-sequential and non-chronological nature of the three pillars (UNGA 2005; United Nations 2009). Moreover, “a strict line of political subordination and chronological sequencing” (Brazil 2011a) of the three pillars, as suggested by Brazil and included in its Responsibility while Protecting proposal, could jeopardize a timely and decisive response and, therefore, threaten the integrity of R2P’s third pillar.

Brazil’s RwP proposal may have included an understanding of R2P’s three pillars as chronologically sequenced, but this contestation of the norm’s frame was later abandoned in favor of a reading of sequencing that “should be logical, [and] based on political prudence (Brazil 2012; 2016). As Bellamy (2015) argues, such an approach to sequencing is entirely compatible with the R2P norm and the Secretary General’s reading too. As the next section will show, Brazil’s skepticism regarding the use of force in the context of R2P is less about a fundamental questioning of whether military interventions should even come under the purview of the responsibility to protect and more about emphasizing the importance of preventing mass atrocities as the primary aim of this norm. Brazil’s contestation of R2P in the aftermath of Libya’s invasion, particularly illustrated by its RwP proposal, was much more concerned with the operationalization of the norm and questions surrounding its application in concrete situations than with the validity of the responsibility to protect itself. After all, Brazil emphasized its reading of RwP as a dimension of R2P and not an alternative conceptualization or proposal (Brazil 2012).

## Claim contestation

While before the NATO-led intervention of Libya Brazil’s engagement with R2P during the various dialogues at the United Nations had shown an overall agreement with the frames and claims encompassed by the responsibility to protect, after this concrete application of the R2P by the international community Brazil’s claim contestations became more salient, culminating in its RwP proposal. At this point, the country’s statements illustrate a clear effort in debating the

concrete operationalization of the responsibility to protect, particularly in its collective action dimension. Overall, throughout the analyzed data, it becomes clear that Brazil's contestation of the responsibility to protect is far more targeted at the norm's claims, which the country often disagrees with or debates. Three key themes were identified in Brazil's interventions contesting R2P claims, that is the actions that fall under the norm's framework: atrocity prevention as a key dimension of R2P, the fragilities of military action, and the parameters for collective security upon the failure of collective responsibility.

The characterization of prevention as a key component of R2P had already been reaffirmed by Brazil during the 2009 UNGA Formal Debate on R2P, where the country's representative argued for the importance of prevention and development in finding durable solutions to humanitarian crises (Brazil 2009). However, Brazil's claim contestation and its argument for prevention as key culminated in the aftermath of what it saw as an abuse of the mandate in Libya, taking the form of a concept note entitled *Responsibility While Protecting: Elements for the Development and Promotion of a Concept* (Brazil 2011a). The document was intended as an addendum (and not a substitute) to the concept of R2P, which is important to consider, as mentioned above, since it did not contest the idea or validity of the norm in itself. At its core, Brazil reaffirmed a belief that prevention and preventive diplomacy must be at the core of the upholding of R2P. In line with its emphasis on development as a fundamental component of international affairs, Brazil has continuously referenced the "complex relationship between peace, security and development" (Brazil 2013) in its defense of prevention as the best tool to tackle the root causes of conflicts (Brazil 2011b). Accordingly, it has argued for the prioritization of "structural prevention", which recognizes dimensions such as sustainable development, the reduction of inequalities and food security as important drivers of peace (Brazil 2015). Preventive measures, such as mediation and diplomacy, should thus focus on helping countries attain social and economic stability and promote more inclusive societies (Brazil 2011b; 2013; 2014). In warning against the dangers of an excessively security-centered approach to R2P, Brazil has thus called for preventive policies to be prioritized, as its benefits greatly outweigh the costs of reacting to crises once they are underway (Brazil 2014; 2018).

Brazil's preference for prevention goes hand in hand with its perception of the human costs of military action. While Brazil has not engaged in contesting the validity of military action in the context of R2P, therefore not disagreeing on the norm's frame, the country has continuously warned in its interventions throughout the years of the costs such action bears, particularly for populations at the receiving end of such military response. As the empirical analysis reveals, this engagement by Brazil in contesting the operationalization of R2P in its military dimension started after the Libyan intervention, which illustrated the fragilities of collective security action that arose from the norm's implementation in that context. Arguing that "military action results in high human and material costs" (Brazil 2011a), Brazil has referenced the various "examples of interventions that caused more harm than good" and cautioned against hastened military interventions (Brazil 2016; 2017). Without denying the use of coercive measures, Brazil has, for example, argued for the preference of sanctions rather than military action, which shows how the

country has engaged in a contestation that seeks to clarify how R2P should look like in action, rather than deny its validity and core dimensions.

More importantly, and as strong evidence for Brazil's overwhelming engagement in claim rather than frame contestation, is Brazil's advancement for parameters for the use of collective security as advanced in its RwP proposal. Calling for "a prudent and judicious use of military force that did not generate more harm than good" (Stuenkel and Tourinho 2014, 392), Brazil's proposal outlined several criteria for the Security Council to consider when deliberating over the use of force for civilian protection purposes. These included the use of force as a last and exceptional resort, after peaceful means have been exhausted, as a proportional measure with likely success which does not generate more harm than that which it was authorized to prevent and as a course of action limited to the objectives established by the Security Council mandate (Brazil 2011a; 2011b). Moreover, Brazil also called for the Security Council to establish monitoring and compliance mechanisms for assessing the manner in which resolutions are interpreted and implemented. Directly responding to concerns over the way NATO interpreted resolution 1973 in Libya, Brazil argued for an enhancement of procedures of accountability for those that are granted authority to resort to force (Brazil 2011a; 2011b). While the RwP proposal was later dropped by the Brazilian administration and ceased to be one of its foreign policy agenda, it represents an important contribution to the operationalization of the responsibility to protect and debates on what type of action and application the norm warrants. As such it continues to be referenced in Brazil's interventions at the UN R2P dialogues as a contribution to the implementation of R2P and, subsequently, its success (Brazil 2015; 2016; 2017; 2018).

## Conclusion

From Syria, to Myanmar and Yemen, mass atrocities continue to devastate countries and fragile populations across the globe and keep being met with inadequate responses by a politicized and divided UN Security Council and, more broadly, international community. At a time when global governance and multilateralism suffer unprecedented challenges, a renewed impetus for discussions and consensus around the realization of the responsibility to protect are important, particularly considering the rising number of ongoing mass atrocities requiring urgent action. In this context, Brazil's proposal of the responsibility while protecting has been floated as a possible solution to the impasse characterizing R2P discussions, particularly in the aftermath of the intervention in Libya. Against this background, this article has analyzed Brazil's contestation of the responsibility to protect through a framework differentiating between frame and claim contestation in order to draw conclusions on the effects it may have on the clarity and strength of the contested R2P norm and, consequently, on future hopes of using RwP as a basis for moving R2P forward. In doing so, it has sought to contribute to both the literature on norms research and the scholarly work on Brazil's engagement with R2P.



As the preceding analysis shows, during its interventions at the annual dialogues on R2P held at the United Nations, Brazil's contestation of the responsibility to protect has overwhelmingly targeted the norm's claims and what type of action it entails rather than the underpinning commitment it represents. Instead, Brazil has shown a relatively stable and strong support for R2P's core elements, while directing its disagreement toward three main issues: the importance of prevention, problems in using force and the criteria for using force. Taking Stimmer's (2019) alternate endings typology described above, the constellation of frame agreement and claim disagreement found in the empirical analysis indicates an outcome of norm recognition. This outcome reflects an underlying normative agreement and a recognition of the validity of R2P, which in itself narrows the range of claim contestation Brazil can legitimately put forward by rendering unacceptable those claims that would directly contradict the norm. This conclusion has important consequences as it finds that Brazil's contestation of R2P and RwP proposal could feasibly serve as an avenue towards normative agreement on the implementation and realization of the responsibility to protect. By showing that it does not question or cast doubt on the core components of R2P, the preceding analysis adds empirical and systematic rigor to the calls for reviving the responsibility while protecting. Additionally, it reinforces the idea that contestation, often perceived as an attempt to derail normative arrangements, could, under certain conditions, open up avenues for normative encounters and agreement.

While it is true that Brazil has disengaged from its activism in the international peace and security arena, which has been associated with its domestic challenges in the past decade and ongoing political turmoil, the findings of this article point toward the possibility of the RwP proposal being re-energized. While this exceeds the scope of this article, future research could look into whether RwP has been picked up by other actors since Brazil's disengagement, particularly those with similar normative and global concerns, as a way to advance the R2P norm and possibly even clarifying or increasing its precision. At a time where crisis and contestation are often on the agenda, identifying avenues for cooperation despite or within contestation could add important contributions to discussions on the future of global governance.

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