

# Debating the Responsibility to Protect?

## **Policy Debates in Brazil, China and South Africa on Protecting People From Atrocity Crimes**

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Global debates on the Responsibility to Protect people from atrocity crimes cannot make progress without engaging emerging powers such as Brazil, China and South Africa. In these countries, domestic discussions on protection from atrocity crimes have been quite limited so far. However, in Brazil and South Africa, there are civil society actors with the interest and the potential, if not always the capacity, to deepen national debates on foreign policy and on protection from atrocities. In China, despite current political constraints, there is also room to engage elite academic circles and to deepen the discussion on practical dimensions of protection such as crisis diplomacy and peacekeeping. We suggest two approaches to leverage this potential for more comprehensive debates on protection from atrocities.

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# Executive Summary

A decade since the United Nations adopted the doctrine of the Responsibility to Protect (R2P) people from atrocity crimes, most politicians, academics and civil society advocates in the West have come to realize the impossibility of seriously addressing the questions that arise from intervention and atrocity prevention without engaging with leading emerging powers. Given the growth in the number of powers influencing world affairs, discussions on R2P that remain limited to policy elites from Europe, North America, Australia and a few African countries have become increasingly antiquated and futile.

In recent years, this recognition has prompted an increase in analysis from academics and civil society groups – mostly Western, in both cases – of the positions and government policies on R2P in emerging powers. Much of the analysis focuses on official government policy and on R2P discussions between governments and Western officials. In contrast, this paper focuses on the domestic debates on protection that are unfolding in three key emerging powers: Brazil, China and South Africa. This choice of focus is based on the assumption that broader, more nuanced and better informed national debates are a prerequisite for successful engagement at the global level.

We argue that in Brazil and South Africa, there is great potential to encourage and facilitate broader and deeper national debates on foreign policy in general and on protection from atrocities in particular. Although public debates on protection have been limited in these two countries, there are actors with the interest and the potential, if not always the capacity, to foster more and deeper discussions on these issues. Despite current political constraints, there is also room in China to build upon the discussions and engagement taking place in elite academic circles and to deepen debates on the practical dimensions of protection like diplomacy and peacekeeping. While there is little room for public controversy and criticism in China, the capacity and pressure to fill the shoes of a great power provide some structural advantages for engagement, compared to the relatively weaker foreign policy establishments in Brazil and South Africa.

We show that, unsurprisingly, Brazil, China and South Africa approach R2P and protection from different angles. In China, debates on protection and Chinese foreign policy are closely linked to national economic interests (and in some cases, the fate of Chinese workers) abroad. In Brazil and South Africa, the participation in peacekeeping missions in Haiti and the Central African Republic, respectively, have sparked some of the loudest domestic debates on protection. In South Africa, the principle of non-indifference is closely intertwined with humanitarian intervention. But in Brazil, non-indifference is more related to humanitarian aid and the socioeconomic development of other countries.

The participants in debates on protection also differ between these three countries. In the democracies of Brazil and South Africa, the media is vital in channeling debates and highlighting criticisms of the government. In China, the relevant discussions are held within elite academic circles and in closed-door forums

with government officials. There are civil society organizations – such as Conectas in Brazil and the Human Rights Institute of South Africa – working on the promotion of human rights and their country’s contributions to protection abroad. While they have very limited capacities, they show the potential for growth in civil society participation in foreign policy debates. Meanwhile, domestic civil society in China has different priorities, and it is unlikely that its participation in foreign policy debates will grow in the near future.

Despite huge differences between their levels of openness, the debates on foreign policy in all three countries remain elite debates. Unlike the United States and some European countries, in which there are broader constituencies organizing around the plight of particular communities abroad or around atrocity prevention itself, the main participants in Brazil, China and South Africa are the government and small groups of experts in think tanks and academia. All three countries share a civil society and a public that are largely, and understandably so, concerned with human rights at home rather than abroad, and focus on issues like poverty reduction, income inequality, human rights, education and corruption. NGOs and civil society actors that are interested in engaging with their government’s foreign policy community often lack the capacity to do so. Access to decision-makers is strictly controlled in China. In Brazil and South Africa, the claims of foreign policy bureaucracies that they are open to civil society are not always affirmed by the experience of NGOs.

Based on these characteristics of the national debates on foreign policy, protection and R2P in Brazil, China and South Africa, we see two plausible programmatic avenues for international NGOs, donors and academic partnerships that seek to encourage more public debate in these countries:

The first approach – relevant mostly for the open societies of Brazil and South Africa – would aim to support a wide range of participants at universities, think tanks and NGOs that are already participating in protection debates. This strategy could increase the extent and depth of their contributions if they had more capacity – essentially, this means funding for time spent on developing expertise and engaging in debate.

The second approach would be to support and broaden internal debates within political parties and governments. This could be done by offering opportunities for exchange with other emerging powers, neighboring countries or partners in the Global North in the form of conferences, dialogue programs and working exchanges for government or party officials. Debates on protection usually start, if at all, on the occasion of a government’s introduction of a policy or initiative. At times, the best informed, most fervent and influential critics of these government initiatives are members of the ruling elites themselves – as was the case for the criticism of the South African government’s Libya policy. Strengthening these internal debates by facilitating international exchange thus has the potential of increasing the depth of the overall debates on protection issues. This can only be effective, however, if designed in ways that treat participants from the Global South as equal stakeholders, beginning with the choice and framing of the topics and agendas. Activities need to be politically relevant to the participants, which requires a focus on practical effects rather than abstract concepts that are disconnected from domestic political debate.

Finally, our analysis shows that it is not useful to frame debates on the protection of people from atrocities under the strict label of the Responsibility to Protect. Dialogue

programs and debates should build upon existing themes and debates in Brazil, China and South Africa. These themes include these countries' participation in peacekeeping operations, their role in preventive diplomacy and their mediation efforts. Other relevant themes are concepts that arise from local debates and vary in meaning between different countries (e.g., the principle of non-indifference), or those that seek to find new ways of reconciling the need for more international engagement with critical analyses on past interventions. Understanding and engaging with these themes and each national debate on its own right will help to promote a more constructive and nuanced international debate in the future.

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# Introduction

A decade since the United Nations adopted the doctrine of the Responsibility to Protect (R2P) people from atrocity crimes, most politicians, academics and civil society advocates in the West have come to realize the impossibility of seriously addressing the questions that arise from intervention and atrocity prevention without engaging with leading emerging powers. Given the growth in the number of powers influencing world affairs, discussions on R2P that remain limited to policy elites from Europe, North America, Australia and a few African countries have become increasingly antiquated and futile.<sup>1</sup>

In recent years, this recognition has prompted an increase in analysis from academics and civil society groups – mostly Western, in both cases – of the positions and government policies on R2P in emerging powers.<sup>2</sup> Much of the analysis focuses on official government policy and on R2P discussions between governments and Western officials. In contrast, this paper focuses on the domestic debates on protection that are unfolding in three key emerging powers: Brazil, China and South Africa. This choice of focus is based on the assumption that broader, more nuanced and better informed national debates are a prerequisite for successful engagement at the global level.

Most of the time, protecting populations from atrocity crimes is understood as a responsibility that comes from outside – a demand from “the international community” to which “we” must respond, in keeping with a country’s growing global role. This is the dominant dynamic in Brazil and China, but less so in South Africa. This paper argues that officials, academics, pundits or activists in these countries will be able to participate more effectively in a global debate on protection only when the challenges posed by atrocity crimes become relevant to their respective domestic discussions. Such engagement requires serious confrontation with controversial aspects of foreign policy, such as the use of force abroad. In-depth national discussions on questions on protection will enable, and might incentivize, policymakers to present their ideas for the prevention of mass atrocities and to develop alternatives to a Western-led debate on R2P.

The international community’s grim record of protecting people from atrocity crimes demonstrates an urgent need for new and constructive ideas and debates. Twenty years after the genocides in Rwanda and Srebrenica, and a decade since the UN adopted the principle of R2P, thousands in the Central African Republic, the Democratic Republic of the Congo, Iraq, South Sudan and Syria are suffering from crimes against humanity, war crimes and ethnic cleansing – the very crimes targeted by the R2P pledge.

Debates on R2P, and particularly on the question of using military force to protect people from atrocities, have increased sharply since NATO’s military intervention in Libya in 2011. Once authorized by the UN Security Council, the intervention quickly turned into an operation aimed at regime change.<sup>3</sup> The intervention increased concerns among emerging powers about the abuse of R2P by great powers and the violent consequences of military interventions pursued in its name. The highly contentious

intervention triggered new discussions on the criteria for the use of force to protect people from atrocities. The most prominent result is the Brazilian proposal for a doctrine of the Responsibility while Protecting (RwP).<sup>4</sup>

Since the controversial Libya intervention, intellectuals and media pundits in emerging powers have increasingly debated how the world can improve at protecting people from atrocity crimes in effective and responsible ways.<sup>5</sup> Globally, however, the debate has not made much progress. The discussions on RwP subsided after Brazil stopped pushing the idea, and no other country has picked up the baton. But the questions raised by the Brazilian initiative remain valid. These questions concern the efficacy of force when protecting people from atrocities, the accountability of interveners and, most importantly, how protection can best be achieved.

This paper examines the debates on these questions in three emerging powers: Brazil, China and South Africa. It is based on existing literature on emerging powers and R2P, various primary sources, workshops and – to varying extents across countries – interviews with government officials, academics, think tank experts, civil society representatives and journalists.

The first step of analyzing the discussions on R2P in these countries is to identify the participants of foreign policy debates. For this reason, each chapter begins by describing the key processes of foreign policy formulation in the country and the actors involved – or, in some cases, those who *could* be involved – in debates on foreign and security policies. To contextualize the debates on R2P and protection, we then examine the key themes in the foreign policies of Beijing, Brasília and Pretoria. The main focus of each chapter is a review of the debates – including their participants and the arguments made – that have taken place in the three countries. In each case, we describe the government’s official position on R2P and its practices in regards to the protection of civilians.

We argue that in Brazil and South Africa, there is great potential to encourage and facilitate broader and deeper national debates on foreign policy in general and on protection from atrocities in particular. Although public debates on protection have been limited in these two countries, there exist actors with interest in – and the potential, if not always the capacity, for – fostering more discussions on these issues. Despite current political constraints, there is also room in China to build upon the discussions and engagement taking place in elite academic circles and to deepen debates on the practical dimensions of protection like diplomacy and peacekeeping. While there is little – shrinking, in fact – room for public controversy and criticism in China, the capacity and pressure to fill the shoes of a great power provide some structural advantages for engagement, compared to the relatively weaker foreign policy establishments in Brazil and South Africa.

This paper argues that international NGOs, donors and academic institutions that seek to strengthen protection debates in Brazil, China and South Africa could pursue two plausible approaches. First, they could support civil society actors, academics and think tank experts who take an interest in protection, in order to increase and deepen their engagement with government officials on the topic. Given the political sensitivities of outside involvement, this strategy applies less to China than to Brazil and South Africa. Second, government officials in all three countries can raise the level of debate and engagement through dialogue with counterparts outside of their countries, in both official and informal working-level exchanges.

# Brazil \*

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Ever since Brazil suggested the Responsibility while Protecting concept in response to the controversial Libya intervention in 2011, Brazil has received an extraordinary amount of attention in global debates on R2P. Even Brazilian diplomats were surprised by the intensity of reactions internationally. But after a couple of months, Brasília stopped promoting the proposal, and the debate on RwP subsided. The fate of RwP reflects a pattern in Brazilian foreign policy more broadly: Brazil, seen as a rising power over the past decade, has been struggling to keep up with its global ambitions and to match its foreign policy ideas with the capacities required in times of economic downturn.

In this chapter, we examine Brazil's internal debates on R2P and protection. After reviewing the actors and themes of the debates on Brazilian foreign policy, we zoom in on the debate on R2P and protection in the country over the past decade. We argue that despite the very visible role played by Brazil in international debates on R2P, its domestic debates remain limited. The debates in Brazil, however, are more extensive and conducted on a higher level than in other emerging powers, including China and South Africa. Moreover, notwithstanding the current capacity constraints on Brazilian foreign policy, civil society engagement and public debates on foreign policy have been growing.

## The Context of Protection Debates

### Actors in Brazilian Foreign Policy

The key actors behind the formulation of Brazilian foreign policy are the foreign ministry (called Itamaraty), the president's office and the defense ministry. In recent years, there has been a gradual expansion of the role played by the Human Rights Office, the Office for Strategic Affairs of the Presidency, Brazil's National Development Bank and the international departments of other ministries. Itamaraty sees itself as "a cosmopolitan, highly professional body" that acts outside of party considerations.<sup>6</sup> The foreign minister usually rises from within the professional diplomatic service. In the 17 years between 1993 and 2010, only three individuals held this post.<sup>7</sup>

Foreign policy is not a contentious issue within Brazil's legislative bodies – the Federal Senate and the Chamber of Deputies. Although there are legislative commissions on foreign policy and defense in both houses, they do not have a representative specializing in foreign affairs. In fact, there are very few deputies and

\* All quotes taken from sources that were in Portuguese have been translated into English by Bruno Gomes Guimarães.

senators specializing in any particular topic, and their membership in commissions dedicated to particular issue areas is usually short, lasting no longer than two years. As is the case in parliaments around the world, most foreign policy debates that do take place in the congress relate to those issues that are controversial on a domestic level (e.g., Brazilian policies on Venezuela, Cuba and Iran).<sup>8</sup> Consequently, many foreign and security policy experts in academia and think tanks in Brazil are dismissive of the congress's role in the formulation of foreign policy.

Human rights NGOs, however, are increasingly trying to make use of the role formally allocated to the congress by asking senators to raise questions on foreign policy during the confirmation hearings of ambassadors, or by advocating for the senate to play a stronger role in ensuring that arms exports align with human rights standards.<sup>9</sup> Lucia Nader, director of the human rights NGO Conectas, admitted that working with the congress on foreign policy issues is difficult: "Congress doesn't really know a lot about foreign policy. Every single meeting you go to, to try to bring human rights and foreign policy to the table – we hear from the congressman that we have to save the Amazon."<sup>10</sup> But Conectas nevertheless engages with these politicians to work towards a system in which the congress plays a greater role in foreign policy.<sup>11</sup>

The civil society participants in foreign policy debates are composed of academics, think tanks and NGOs working on foreign affairs. International relations departments at universities have increased from less than ten to over a hundred in the last two decades, and the rising number of international relations students reflects a growing interest in foreign affairs in Brazil. While many academics in Brazil work on an abstract level, there are some (e.g., the private university Fundação Getúlio Vargas (FGV) or the Center for International Studies on Government (CEGOV) located at the Federal University of Rio Grande do Sul that also make concrete policy suggestions to government institutions. Think tanks on foreign and security policies include the Pandiá Calógeras Institute of the Ministry of Defense, the BRICS Policy Center, Instituto Igarapé, and the Brazilian Center for International Relations, a think tank that brings together former diplomats in Rio. The Institute for Applied Economic Research, Brazil's largest and most traditional think tank, also provides recommendations on Brazilian foreign and security policies. All these institutions provide, to varying degrees, forums for discussions on foreign and security policies.

The most prominent NGO working on human rights, including protection issues, is Conectas.<sup>12</sup> It has a staff of approximately 35 people, roughly half of whom work on Brazilian foreign policy and international human rights. Conectas is often the only NGO represented in R2P discussions with government institutions. In its advocacy work, the organization makes use of Article IV of the Brazilian constitution, which establishes the country's commitment to human rights.<sup>13</sup> "They are doing very focused case-by-case advocacy," Adriana Abdenur, professor of international relations at Pontifical Catholic University of Rio de Janeiro, observed of Conectas. "They are very good at saying, 'This is the situation. This is what Brazil did. Here is the gap between stated Brazilian positions, values and interests. So this is how Brazil should act.'"<sup>14</sup> In addition, Conectas has increased its efforts to share with other civil society organizations in the Global South its experience lobbying Brazilian government officials and using the media for its advocacy efforts.<sup>15</sup>

Like other NGOs in Brazil, however, Conectas struggles to establish a funding base that is not dependent on foreign contributions, including from the US. Such funding

makes NGOs vulnerable to the criticism that they represent Western interests. But domestic funding sources are scarce. Philanthropists prefer donating to organizations that work on domestic issues like poverty, education and health.

Most other NGOs working on international affairs focus on international development issues, and many of these organizations are directly connected to political parties. The Brazilian public's faith in NGOs is not comparable to how NGOs are viewed by societies across Europe or North America. "In Brazil, kick-backs and corruption are routine in the so-called third sector. Unlike in Europe or North America, where NGOs are often seen in a positive light, here in Brazil, NGOs are often negatively covered in the press," summarized Robert Muggah from Instituto Igarapé.<sup>16</sup>

The dearth of NGOs working on foreign policy issues and the minimal involvement of the legislative branch in foreign affairs are related to the fact that the broader public is mostly concerned with domestic human rights issues, including public security at home. With more than 50,000 murders per year, Brazil continues to have the highest number of homicides in the world.<sup>17</sup> Police brutality and impunity for most violent crimes remain key challenges for the country. "It is difficult to care about what's going on in Iran if you still have so many national issues to deal with," said Nader, director of Conectas. "Brazil is still trying to understand that we are now – could be now – a global player."<sup>18</sup>

The media pays little attention to Brazilian foreign policy, and when it does, the news is mostly related to trade and economic relations. The country's stance on security issues does not receive extensive coverage; the handful of newspapers that cover Brazilian foreign policy employ only one to three people focusing on security issues. Prominent journalists and commentators on Brasília's actions abroad include Matias Spektor, an international relations professor at FGV who writes a bi-weekly column for *Folha de São Paulo*, Patricia Campos Mello, a journalist at *Folha*, and Sérgio Léo, a writer and journalist in Brasília. Members of the Grupo de Reflexão sobre Relações Internacionais (Group of Reflection on International Relations) write regularly for the magazine *CartaCapital*. Debates on Brazilian foreign policy that are picked up or supported by the media usually begin in response to initiatives or perceived missteps of the government, and as a means to attack the government at large.<sup>19</sup> Overall, however, the "space for foreign affairs has increased" in the media, argued an international relations professor. "There are more TV programs, more columnists and journalists covering it."<sup>20</sup>

There is little interaction between civil society and state institutions on foreign affairs. Itamaraty is widely viewed as closed off to outside influence.<sup>21</sup> "We think of ourselves as open to talking with everyone that wants to talk to us," said an Itamaraty diplomat. "But we don't have structured interactions with civil society. And they won't come any time soon."<sup>22</sup> There is also a certain level of mistrust towards human rights NGOs. The same diplomat complained that some NGOs "are funded by NGOs abroad, which in turn are funded by foreign governments – for example, the Scandinavians have been very generous. So in some cases, it is not clear if the positions are entirely home grown. This creates some difficulties. Sadly, rarely do we have the critical mass for truly original perspectives on foreign policy in Brazil. Many in civil society just repeat what you hear in Brussels, New York, Berlin."<sup>23</sup>

Another senior Brazilian diplomat argued that Brazil is too self-centered – "partly because it's a continental country" – to engage more with civil society. "It

speaks a language that is not widely spoken in the world,” the diplomat said. “Brazilian society is very self-referential. Also, our history plays a role. We settled our borders peacefully more than a hundred years ago. All of this made foreign policy formulation too centralized in the bureaucracy and in Itamaraty alone.”<sup>24</sup>

The same diplomat said, however, that there has been some movement towards greater openness – for example, the press has grown more interested in Itamaraty’s work. In early 2014, under the direction of former Foreign Minister Luiz Alberto Figueiredo and former Deputy Foreign Minister Eduardo dos Santos, Itamaraty began a consulting process to draft a Brazilian white paper on foreign policy and held several dialogues with select members of civil society. “At best this was a consultation,” said a civil society member involved in the process. Itamaraty was “not very open,” the participant added, “but it was a good sign, and they made an effort to consult. They also made an effort to bring in people from different sides.”<sup>25</sup> After the initial consultations and a change in foreign ministers, however, the ministry stopped the public consultation process. It remains unclear if the paper will ever be published.<sup>26</sup>

## Themes and Trends in Brazilian Foreign Policy

Many observers of Brazilian foreign policy have expressed their bewilderment at the rapid progression of events over the past 15 years. The expanding role of Brazil on the world stage during the presidency of Luiz Inácio Lula da Silva came to an abrupt end in 2011, with the economic downturn and the election of Dilma Rousseff to the presidency.

Lula, as da Silva is popularly known, ruled from 2003 to 2010, a time of economic growth. His foreign policy was ambitious, reflecting his willingness to take risks and his “grand vision,” as a senior Brazilian diplomat put it.<sup>27</sup> In 2011, when the fallout of the global financial crisis hit Brazil, it was clear that the country’s ambitious spending throughout the world would have to be scaled back. But few involved in the formulation of Brazilian foreign policy could have expected that there would be not only capacity constraints, but also a lack of interest from the new president in foreign policy matters.<sup>28</sup>

President Rousseff is significantly less interested in foreign policy than her predecessor was. “Rather than thinking about how to use international trends in her favor at the domestic front, Rousseff seems to regard international politics as a nuisance,” said Oliver Stuenkel, an assistant professor at FGV. “Brazil’s international retreat and passivity over the past four years is thus not the result of a well-crafted argument or strategy, but largely due to a president both oblivious to foreign policy and intent on centralizing decision-making to the extreme, which leaves little space for an independent and globally visible foreign minister.”<sup>29</sup> According to a diplomat at Itamaraty, Brazilian foreign, development and humanitarian assistance decreased from \$100 million in 2009 to \$14 million in 2014.<sup>30</sup>

Given the president’s lack of interest, a severely limited budget, and a political atmosphere made tense by one of the country’s largest corruption scandals in history (senior politicians took bribes from the Petrobras oil company, sparking massive demonstrations across Brazil), Itamaraty diplomats are focusing on issues that “do not depend on the president’s active involvement,”<sup>31</sup> a Brasília diplomat said.

Resource constraints have had unfortunate implications for Brazilian foreign policy abroad – in recent years, for example, the expansion of Brazil’s diplomatic

presence in Africa has stagnated. Despite these limitations, however, the broad strokes of Brazil's foreign policy remain unchanged. Brazilian diplomats emphasized the country's general state of peace, pointing to over 150 years free of wars with neighboring countries.<sup>32</sup> Indeed, Brazilian foreign policy demonstrates a deep skepticism of using force in international relations and advocates a multilateral system that is rules-based and fair. In pursuit of the latter objective, the country hopes to reform the composition of the UN Security Council.

Especially since the expansion of its global role under Lula, Brazil has championed South-South solutions to development issues and shared its experiences and achievements in domestic development with other countries in the Global South. Brazil, as party to the BRICS and IBSA groupings,<sup>33</sup> deliberately participates in global alliances other than the UN. Brazil's BRICS membership has boosted its international standing without compromising its relationships with other partners, like the US and Argentina.<sup>34</sup> In addition, its BRICS membership has equipped Brazil with bargaining power in the pursuance of its global ambitions.

Brazil's status as one of the largest democracies and emerging powers in the world has provoked debates in the domestic sphere. While these debates are mostly limited to academia and the media, they are also constructive disagreements on the role that Brazil should play in international affairs. Broadly speaking, one side advocates closer relations with the West: Brazil should follow the US and Europe in its foreign policy, and it is useless to try engaging with other regions, since they do not have the wealth necessary to boost Brazilian development. The other side argues for a more autonomous Brazilian foreign policy, achieved by broadening partners and decreasing dependency on a single country or region (e.g., the US, the European Union). These two groups are normatively defined by their strategies of "autonomy through participation" and "autonomy through diversification,"<sup>35</sup> respectively. While the first group believes that Brazil should adhere to all international – including Western-led – regimes and norms in order to influence their formulation, the latter believes that adherence should be conducted through South-South and regional alliances to avoid asymmetries vis-à-vis powerful countries and to strengthen Brazilian leverage in international negotiations.<sup>36</sup> Of course, there are variations within these broad approaches, as well as individuals who agree with neither.

## Arguments and Evolution of Protection Debates in Brazil

Opposing views on Brazil's role in the world has influenced the Brazilian debate on R2P. Since 2003, the government has favored the "autonomy through diversification" strategy; consequently, many critics of Brazilian foreign policy concerning R2P are those who support the "autonomy through participation" approach. The following review of the Brazilian position and the domestic debates on R2P shows that most of the discussion has taken place on an ad-hoc basis. In general, the Brazilian media, academic community and legislative branch have engaged with Brazilian foreign policy issues only after Itamaraty or the president takes a position or devises a new initiative. The ensuing newspaper articles, books, or theses by Brazilian diplomats usually reflect the official Brazilian position, and these, in turn, prompt academics and political commentators to engage with R2P-related issues.

## Initial Positioning on R2P

The Brazilian debates on R2P, just like the global debates on R2P, grew exponentially only after the Libya intervention in 2011.<sup>37</sup> For Brazilian policymakers, R2P was closely linked to humanitarian intervention and *droit d'ingérence*, as formulated by Bernard Kouchner, co-founder of Médecins Sans Frontières.<sup>38</sup> Therefore, from the very beginning, they were concerned about the abuse of R2P for non-humanitarian purposes and feared the possibility of the colonial agenda in a new disguise.<sup>39</sup> During the 2005 World Summit negotiations, which included an agreement on R2P,<sup>40</sup> Brazil supported the requirement of a Security Council mandate for any military intervention passed under the R2P banner. Brasília also backed the specification that R2P could be applied only in response to genocide, war crimes, crimes against humanity and ethnic cleansing.<sup>41</sup> After these conditions were included in the World Summit agreement, Brazil was more supportive of R2P. “It was not Brazil’s position that had changed substantially, but rather the concept of R2P itself,” argued FGV’s Oliver Stuenkel and Marcos Tourinho.<sup>42</sup>

Since 2009, when the UN General Assembly began its annual debates on R2P, Brazilian diplomats have consistently emphasized that rather than concentrating on coercive measures to compel a state to comply with R2P, the world should focus on each state’s responsibility to protect its own population and the international community’s duty to assist this process.<sup>43</sup>

## Haiti and the Principle of Non-Indifference

It was not R2P that triggered greater Brazilian debate on protection in the first decade of the 21<sup>st</sup> century. Rather, it was Brazil’s decision to lead the UN Stabilization Mission in Haiti (MINUSTAH) that sparked a discussion on Brazil’s role abroad. In 2004, Haitian authorities lost control over large parts of the Haitian capital of Port-au-Prince, leading to a volatile security situation in and around the city. Consequently, the UN mission received a Chapter VII mandate that included the assignment of a robust military force. Concerned about the legitimacy of the UN mission, then French President Jacques Chirac formally invited Brazil to take military command in Haiti.<sup>44</sup> The US, the EU and a number of Latin American countries backed the French initiative. In 2004, then Brazilian President Lula accepted the task and ordered the deployment of some 1,300 troops to Haiti.<sup>45</sup>

The deployment sparked a public debate in Brazil. Critics from the political right stated that the costs of peacekeeping in Haiti would be too high, given that Brazil itself remained a developing country. They argued that the mission would fail due to Haiti’s weak state institutions and the powerful resistance of armed gangs. Conservatives also argued that the government should focus on the problem of public security in Brazil, not elsewhere.<sup>46</sup> Meanwhile, critics from the political left (including from within the government) stated that Brazil was subordinating itself to US interests and viewed the peace operation as a case of sub-imperialism. They also questioned the legitimacy of a mission protecting a government that had come to power by coup d’état.

Government officials and members of the academic community who supported Brazil’s leadership role in MINUSTAH argued that it represented a step towards South

American and Latin American integration. They rebuked critics from the right by stating that the UN would cover most of the mission's costs and that the equipment acquired for the mission would join the Brazilian arsenal upon the mission's conclusion.<sup>47</sup> Some argued that Brazilian troops would benefit from not only more intensive training, but also real combat and pacification experiences, which could later prove useful for Brazil's own purposes.<sup>48</sup>

The question of Brazil's role in Haiti also triggered a debate on the principles of non-indifference and of non-intervention. In justification of MINUSTAH's Brazilian leadership, then President Lula and then Minister of Foreign Affairs Celso Amorim argued that Brazil cannot ignore the suffering in Haiti. In a 2005 article about Lula's foreign policy, Amorim wrote,

“What drives us forward is an active solidarity: the principle I usually call “non-indifference,” in my view as important as the one of “non-intervention.” Indeed, in the same way that it is not up to any country to interfere in the sovereign right of every people to solve their own problems, it is necessary that neighboring and friendly countries demonstrate disposition to collaborate whenever called upon, above all when the signs of political and social crisis are evident.”<sup>49</sup>

In 2005, during the third Ministerial Conference of the Community of Democracies, Amorim similarly stated that “non-intervention cannot mean neglect or lack of concern. Or, in other words: the principle of non-intervention should be seen in light of another precept, based on solidarity: the [principle of] non-indifference.”<sup>50</sup>

In a speech in September 2005, Lula reiterated these ideas:

“In a globalized and interdependent world, our contribution to peace and democracy is determined by the principle of non-indifference. That is why we have engaged in the stabilization efforts in Haiti ... This is a historical opportunity for Latin American and Caribbean countries to show that a new model of international cooperation is possible. A model in which reestablishing order and security is rooted on economic recovery and social change, never on belligerence ... Respecting the principle of non-intervention without arrogance, but also without indifference, we contribute to solving crises in countries of our South America.”<sup>51</sup>

Ricardo Seitenfus, a Brazilian professor of international affairs, further developed the idea of non-indifference and argued for a Brazilian “solidary diplomacy” and “active (international) solidarity.”<sup>52</sup>

It is important to note that while the same term, “non-indifference,” has been used in both Brazil and Africa, the Brazilian interpretation does not link the term as closely with the prevention of atrocity crimes as is the case in Africa (see the following section on South Africa). In the debates on non-indifference that followed the decision to send troops to Haiti, the majority of Brazilian scholars and policymakers emphasized that the Brazilian interpretation cannot be equated with the principle of non-indifference passed by the African Union (AU) in 2000. The latter referred to non-indifference in the face of genocide, crimes against humanity and war crimes. In Brazil, however, the terms “non-indifference,” “active solidarity” and “solidary diplomacy” are linked

more to socioeconomic development, humanitarian cooperation and the fight against inequality<sup>53</sup>; the terms do not specifically concern mass atrocities. Lula's government also invoked the principle of non-indifference, for example, when it was criticized for providing humanitarian aid to Sudan and to the Palestinian city of Ramallah.<sup>54</sup> Moreover, the Brazilian government often uses "solidarity" to mean solidarity with regimes, not people.<sup>55</sup>

Here is how the diplomat Breno Hermann compared Brazil's and the AU's interpretations of non-indifference:

"Even though they have related objectives, they resort to radically divergent approaches. In the case of the African Union, the emphasis is on the use of force and on abandoning the precept of non-intervention as a means to avoid mass human rights violations. In the Brazilian case, the emphasis is on collaborating to manage crisis situations, without illegitimately interfering in the internal affairs of another State. The Brazilian action is done in coordination with the State asking for help and respecting the precepts of international law."<sup>56</sup>

The Brazilian interpretation of non-indifference is therefore more related to the preventative aspects of R2P and the building of state capacities, while the African interpretation concerns external intervention for the purpose of preventing mass atrocities.<sup>57</sup>

## Peacekeeping, the Use of Force and a Preference for Careful Diplomacy

Although the non-indifference principle is not directly related to the prevention of mass atrocities in the manner seen in Africa, the Brazilian participation in MINUSTAH represented an important shift in Brazilian foreign and security policies towards atrocity prevention. The traditional interpretation of the Brazilian constitution does not allow for Chapter VII deployments, but since it began contributing troops to Haiti, Brazil has been acting under Chapter VII. The Ministry of Foreign Affairs argued that the resolution authorizing MINUSTAH actually fell under Chapter VI, and only one of its articles under Chapter VII. For this reason, the government argued, Brazil is not violating the traditional interpretation of the constitution of refraining from peace enforcement operations. This logic came under criticism, but the debate took place internally, within the Lula government and without the participation of the broader public and the congress.

Due to the size and range of tasks in the Haiti mission, the debates on peacekeeping in Brazil are still "98 percent about MINUSTAH."<sup>58</sup> Since 1947, Brazil has contributed to 25 peacekeeping operations and civilian missions of the UN,<sup>59</sup> such as in Timor Leste, Angola and Mozambique. Since Haiti, Brazil has participated in other peace operations with Chapter VII mandates. In 2013, it sent Carlos Alberto dos Santos Cruz, a retired general, to the Congo to become the force commander of the UN's largest peacekeeping mission (UN Organization Stabilization Mission in the Democratic Republic of the Congo, or MONUSCO).<sup>60</sup> With a "Force Intervention Brigade" of 3,000 troops mandated to go after rebel groups in Eastern Congo, the operation led by Santos Cruz is "as Chapter VII as they come," as Adriana Abdenur put it. In addition, Brazil

has led the naval command of the UN mission in Lebanon since 2011.<sup>61</sup> Unlike the case of Haiti, none of these peacekeeping engagements sparked public debates in Brazil. The debates that did take place, if at all, were mostly among academics and the armed forces, or between Brazilian diplomats and their international counterparts.

Similarly, other attempts by Brazilian policymakers to put R2P into practice receive scarcely any attention in the Brazilian public sphere. For example, the country is a key proponent of the Peacebuilding Commission and has ratified the Rome Statute of the International Criminal Court (ICC). Like their counterparts in Pretoria (see the forthcoming section on South Africa), Brazilian diplomats emphasized the need for balance and for openness to all sides in international diplomacy on atrocity situations. “The international community needs to play a supporting role – not determining outcomes, imposing pre-cooked arrangements on local political actors,” said a diplomat in Brasília. In the case of Syria, for instance, Brazilian diplomats believe that “many international actors imposed preconditions very early, such as that Assad should go,” and thus limited the space for agreement.<sup>62</sup>

This warning against “tying your hands”<sup>63</sup> is also visible in the Brazilian stance on ICC investigations. Most politicians and political parties did not oppose the Brazilian support for the ICC.<sup>64</sup> There was no significant public debate. Itamaraty emphasized that the ICC serves as a “limitation of unilateralism and discretion” and as a “tool for global governance based on international law and multilateralism.”<sup>65</sup> These arguments were accepted by the public and used by commentators. Some commentators expected the ICC to prosecute US actions in Afghanistan.<sup>66</sup>

Brazil has supported the ICC in practical cases like the Libya referral and the indictment of Sudanese President Omar al-Bashir. In the case of Syria, however, Brazilian diplomats have cautioned against closing off avenues for diplomacy,<sup>67</sup> despite Conectas’s efforts to get Brazil to support an ICC referral.<sup>68</sup> Brazil has also emphasized that all states should implement and respect the Rome Statute and has consistently complained about exemptions negotiated by the US in Security Council resolutions that refer to the ICC.<sup>69</sup>

## Debating Responsibility While Protecting

In the fall of 2011, then Brazilian Foreign Minister Antonio Patriota and his team developed the concept of Responsibility while Protecting and unveiled it at a UN meeting, sparking debate internationally and, to a smaller extent, domestically. Against the backdrop of the NATO intervention in Libya and its controversial transformation into regime change, UN debates on R2P were extremely polarized at the time.<sup>70</sup> RwP provided a middle ground: it supplemented R2P by recognizing that force might be necessary in certain circumstances to protect people from atrocity crimes, but it also emphasized the responsibility of interveners to do more good than harm.

The domestic conversation on RwP took off in late 2011. Brazilian scholars and university students began engaging with the concept. Patriota published articles on RwP in Brazilian newspapers, and a few analysts tackled the topic in the opinion pages of magazines and national publications. Institutions such as Instituto Igarapé, FGV, the Brazilian Center for International Relations, Centro de Reflexão Franco-Brasileiro Claude Lévi-Strauss and embassies from several Western countries organized public

scholarly debates on R2P and RwP. Model United Nation groups in Brazil also set up debates about the protection of civilians and the R2P. Many of these groups visit public and private high schools to engage in debates with students.

Given the widespread association of R2P with humanitarian intervention and *droit d'ingérence* in Brazil, most scholars and media commentators generally agree with the idea behind R2P, but dislike how it has been implemented thus far, especially by Western powers. Therefore, many reacted positively to the RwP proposal as a means of regulating and monitoring interventions. This view is closely related to the strategy of autonomy through diversification.

Media commentator Antonio Luiz Costa welcomed RwP as a harsh reprimand of the West.<sup>71</sup> *Folha* columnist Matias Spektor argued that RwP is structured as a bargain that allows interventions under the guise of human rights, so long as the great powers concede to weaker countries that there must be some sort of rule for their implementation, thereby increasing the sense of justice.<sup>72</sup> Similarly, FGV's Oliver Stuenkel noted that RwP provides a structure for balancing the protection of civilians and the avoidance of the negative consequences of using force.<sup>73</sup> Paula Almeida, a professor of international law at FGV, said that RwP intensifies the debate on, and refines the concept of, R2P.<sup>74</sup> In the view of Mariana Kalil, who teaches at the Federal University of Rio de Janeiro, RwP tries to consolidate the interdependence between international security and development, thus representing progress for the norm.<sup>75</sup>

Eduarda Hamann, a researcher at the think tank Instituto Igarapé, welcomed the Brazilian initiative because it regulated the use of force under R2P in a more coherent, responsible and ethical manner.<sup>76</sup> Human rights scholars Deisy Ventura and Rossana Reis argued that Western powers implementing R2P are motivated solely by the preservation of spheres of influence, not the pursuance of human rights. This does not mean that Brazil should discard human rights altogether, they said: "It's necessary to oppose the acts, not the pretexts."<sup>77</sup> João Paulo Charleaux, a journalist and Conectas member who supports RwP, raised similar points: R2P implementation in Libya was conducive to mass human rights violations, he acknowledged, and interventionist powers acting under R2P can very well commit atrocities, but Chapter VII resolutions are sometimes necessary to tackle mass atrocities.<sup>78</sup> Ventura criticized the abuse of veto power in the Security Council and suggested that the UN Human Rights Council should perhaps be in charge of humanitarian interventions to tackle situations historically marked by inaction, such as in Gaza or currently in Syria.<sup>79</sup> Carlos Eduardo Lins da Silva, editor of the foreign policy magazine *Política Externa*, and the scholar Clarice Frazão Alexandre also complained about the selective implementation of R2P.<sup>80</sup>

Current and former ambassadors who are usually identified as proponents of the strategy of autonomy through participation considered RwP to be a helpful proposal. For instance, Rubens Barbosa, former Brazilian ambassador to the US, welcomed RwP as a means of limiting the excesses of Western powers while implementing R2P.<sup>81</sup> Celso Lafer, a former minister of foreign affairs, similarly recognized the importance of RwP in the greater debate on humanitarian intervention, suggesting that regime change sometimes might be necessary to avoid greater suffering.<sup>82</sup>

But RwP was not universally welcomed. The strongest criticisms of RwP came from well-known conservative oppositionists of the government. These critics, who favored pro-West positions or the strategy of autonomy through participation, stated that the government used RwP to justify maintaining relations with dictators or to

appease tyrants. Underlying these comments was the view that Brazil should follow the West. Augusto Nunes, a columnist for the right-wing magazine *Veja*, wrote that Patriota was talking gibberish that he had learned from Rousseff.<sup>83</sup> *Folha* columnist Sérgio Malbergier wrote,

“Dilma’s supposed banner of defending human rights and democracy around the world does not stand to facts, the silent position of Brazil on the Arab revolts. And while Brazil is friendly with dictators, our foreign policy is always ready to assail Western powers, with which we share democratic, cultural and economic values.”<sup>84</sup>

The more important skeptics of RWP, however, were members of the Brazilian diplomatic and political elite. Brasília stopped pushing RWP for many reasons, including the end of Brazil’s tenure on the Security Council and the lack of support from other emerging powers or middle-ground countries in the UN (e.g., Latin American countries).<sup>85</sup> Another important reason for Brazil’s abandonment of the idea was that parts of the government, including the president, were uninterested in continuously leading a discussion that essentially concerned the use of force and not R2P’s preventative aspects. In addition, Figueiredo, who succeeded Patriota as foreign minister in 2013, was “not convinced” that R2P could be adapted in “a way that could be saved from its original sins: selectivity, manipulation, political use or misuse,” according to a Brazilian diplomat. In Figueiredo’s view, RWP was an “ill-conceived concept” that would “give R2P undue lifetime,” the diplomat said.<sup>86</sup> The fact that the foreign minister held this position reveals that RWP was also controversial within Brazil and its foreign policy community.

Given the positive reactions to its RWP proposal, the Brazilian government was heavily criticized by scholars and NGOs when it later dropped the initiative. Many in the Brazilian foreign policy community were disappointed by the government’s lack of perseverance. Conectas asked the government for a clarification of RWP’s operationalization and called for greater participation of civil society in the debate.<sup>87</sup> Instituto Igarapé also noted that Brazil should elaborate on the concept and not be so reluctant to play the leadership role in the international debate on R2P and RWP.<sup>88</sup>

## Conclusion

When one asks members of the foreign policy community in Brazil about the extent of the domestic debate on foreign policy in general and on protection in particular, they are pessimistic, describing the debate as very limited or non-existent. The foregoing review of the debate’s participants and the instances in which protection was debated suggests the accuracy of this description. The broader civil society and the legislative branch have engaged minimally with the debates on protection. The most significant debates have taken place when the government took the initiative and made a concrete policy proposal, such as sending peacekeepers to Haiti or introducing RWP. Much of the media and congressional criticisms of foreign policy do not engage with the merits of the foreign policy decision per se, but rather stem from domestic political battles and ideology.

Nevertheless, the foregoing review also shows that there is more debate in Brazil on protection-related issues than suggested by many in the foreign policy bubble. The debate in Brazil seems to involve more arguments and participants, at least in comparison to another emerging power examined in this paper, South Africa. Moreover, there seems to be an overall trend towards a government that is more open to debate: Itamaraty has indicated that it is more open to listening to civil society, NGOs, scholars and think tanks. There is a large and increasing group of international relations graduates who want to engage in these debates. NGOs like Conectas are pushing for more checks and balances in the formulation of foreign policy and more participation of parliamentarians in the debates. Those that want to support even more debate on atrocity prevention in Brazil – and indeed, there remains great room for domestic discussion on foreign policy – should build upon these trends.

# China

China's attitude towards R2P, atrocity prevention and civilian protection is ambivalent. Long a defender of non-intervention and state-led development, China is more and more being pulled into local crises around the world as a result of its economic needs. Increasingly over the last decade, Chinese officials and the academic sphere have been discussing the country's mode of engagement with the world.

Has this process been accompanied by more-nuanced debates on foreign policy? What does the Chinese debate on R2P and protection look like? This section will examine these questions to assess the potential for more Chinese debate on the protection of people from atrocity crimes. In the following, we briefly review the context of Beijing's formulation of foreign policy, including the key actors, processes and themes. Then, we examine the positions within the slowly emerging debate on R2P and the concept's practical implementation. We argue that while there is no open public debate and no discernable interest among Chinese human rights activists and domestic civil society, foreign policy experts in think tanks and academia are increasingly discussing issues of conflict, violence and protection, though the motivation is largely driven by China's material interests. Given China's growing global entanglements and its increasingly pivotal role in controversial international debates on protection, there is room for expanding the debate on protection, but within the political constraints of academic policy debates in contemporary China.

## The Context of Protection Debates

### Actors in Chinese Foreign Policy

After a period of growing diversity in voices that sought to influence foreign policy,<sup>89</sup> experts are observing a process of retrenchment while the relative influence of different actors in Chinese foreign policy and the actual process of decision-making remain quite opaque. Three sets of actors can be broadly identified and separated into a tiered pyramid.<sup>90</sup>

The top is occupied by the leaders of the central government: the Politburo Standing Committee (PSC) and the Party Central Committee's Central Foreign Affairs Work Leading Small Group. The latter assembles members of the PSC, the State Council and other key party organs, and maintains its own secretariat, separate from the Ministry of Foreign Affairs (MFA), as do several other party organs with international responsibilities.<sup>91</sup>

The second tier, which maintains official relations with other countries and represents China in international organizations, includes the Ministry of Foreign Affairs, the international departments of other ministries, and the People's Liberation Army (PLA). In China's relations with major powers and its neighboring countries, and

in its dealings with top-tier foreign policy issues, the ministries are “merely managers” that “do not make policy, they implement it.”<sup>92</sup> In issues and bilateral relations of lesser importance, however, the MFA appears to play a leading role, with other ministries (e.g., Ministry of Commerce) also involved. The weight of the PLA is much less clear, particularly given recent concerns about the army’s increasing autonomy from the central decision-making apparatus.<sup>93</sup>

The bottom tier is composed of research institutions and think tanks. While genuinely independent institutions do not exist in China, government-affiliated think tanks and universities provide space for independent thought and disagreement with official positions – as long as these disagreements are not widely made public. Membership of this tier, therefore, is open only to selected experts given access to closed-door meetings with state or party officials. Open debate on issues that are not highly sensitive, like R2P, is possible within Chinese academia, using the Chinese language, but publications written in English are subject to far greater limitations on free expression.

The MFA implements Chinese foreign policy, and the research community provides expertise and consultation, but it is the top leadership of the central government that ultimately has decision-making power in foreign policy. More so than in other countries, the top leadership dictates the official attitude of China’s foreign policy, and this official attitude critically shapes the country’s engagement with R2P and protection.

Non-official actors are becoming increasingly involved in these debates, though to a limited extent. The academic and broader research communities are by far the most active unofficial participants in the debates about R2P in particular and about specific country situations and related Chinese foreign policy choices more broadly. Scholars provide theoretical analysis and policy recommendations on R2P, and their opinions exhibit extraordinary diversity. Both Chinese and international observers are increasingly finding “an unprecedented degree of public engagement and ‘heated debate’ on foreign policy.”<sup>94</sup>

The media, while not known to engage with the abstract concept of R2P itself, does cover related foreign policy issues when they draw widespread public attention or are perceived as being in the government’s interest. Such issues include the fate of Chinese workers when violent conflicts break out in Africa and the deployment of Chinese peacekeeping troops. These topics, far away enough from the domestic and regional issues that are considered most sensitive by the government, can generate heated and controversial debates on TV talk shows and social media.<sup>95</sup>

Civil society in China, particularly the human rights community, is hardly involved in these debates. Chinese human rights advocates argue that they focus on pressing domestic concerns rather than the concerns of distant countries – though a focus on international human rights issues would actually be subject to less government attention and control.<sup>96</sup> Only a small number of Chinese NGOs work overseas in humanitarian or development capacities.<sup>97</sup>

Finally, the Chinese private sector is increasingly influential in the making of foreign policy, particularly when its commercial interests dovetail with the country’s economic interests. This is the case, for example, on securing access to energy. The business sector, civil society, media and general public do not, unlike some academics, engage specifically with issues of international human rights, atrocities or protection.

These actors are also not in a position to directly influence Chinese foreign policy, though some strategic sectors of the economy increasingly come close.

## Relevant Themes in Chinese Foreign Policy

China has witnessed a number of atrocities over the course of its own history. In some cases, the Chinese were victim to atrocities committed by foreigners – specifically, by European troops during the Opium Wars of the 19th century, and by Japanese soldiers during the Civil War (in particular, the Nanjing massacre in 1937). Atrocities were also committed during the rule of the Communist Party of China (in particular, the Cultural Revolution from 1966 to 1975).<sup>98</sup> The Chinese government has been complicit in atrocities abroad, such as the genocide of the Pol Pot regime in Cambodia in the 1970s.

Unwilling to face the dark side of its own past, the communist government selectively draws upon China's history for political gain. Meanwhile, Chinese historians abroad occasionally call for the country to “confront its own history of atrocities,” but they go unheeded.<sup>99</sup> Given the power of such strong taboos, China's own experience with genocide, war crimes and crimes against humanity has had no impact on the country's engagement with R2P and protection.

Instead, the Chinese reception of R2P is primarily shaped by its association with foreign interference and military intervention. China's historical opposition to foreign interference has deep roots in both history and propaganda. Not only have traumatic encounters with outside powers over the past 150 years conditioned the collective consciousness in China to react negatively to foreign interference, but the communist regime has actively encouraged these anti-interventionist sentiments among the general public since coming to power.

The Opium War of 1840 – which began as trade disputes between China and Britain, and ended with China's defeat and the loss of Hong Kong – contributed significantly to the country's anti-interventionist attitude. In the official Marxian historiography of communist China, the Opium War began a century of humiliation during which China continually suffered devastation in the hands of foreign invaders, from European colonial powers to imperial Japan. One legacy of this tumultuous century is the association, even on a purely semantic level, of foreign interference with collective memories of national humiliation. When the People's Republic of China was founded in 1949, Mao's regime lost no time impressing upon the nation that the triumph of communism in China marked the end of foreign interference in the country's affairs,<sup>100</sup> a point that is still used to support the regime's legitimacy in China today.

From 1953 to 1954, during bilateral negotiations with India about Tibet, China first proposed the “Five Principles of Peaceful Coexistence,” which enshrined the principles of sovereignty and mutual non-interference.<sup>101</sup> The principles, multilateralized during the 1955 Bandung Conference, were seen as communist China's first original contribution to international relations and served as the cornerstone of Chinese foreign policy doctrine for decades. The actual practice of Chinese foreign policy did not always align with the values enshrined in the Five Principles. China intervened in the Korean War and the Vietnam War by using its troops and making major arms deliveries, while the official commitment to sovereignty and non-interference – which overpowered all other foreign policy priorities on paper – never wavered.<sup>102</sup>

Meanwhile, the Chinese public came to believe, accurately or not, that the preservation of China's autonomy from looming Soviet hegemony was the reason for the Sino-Soviet split of 1960. Mao's break with the Soviet Union had a profound impact on the popular mind for decades to come. Regarded as dignified and heroic, it signified that China would not tolerate foreign meddling in domestic affairs, even if this meant breaking ties with the regime's oldest ally.

Regardless of China's own record of interference abroad, the idea of non-interference as an international norm is deeply entrenched today. This has been palpable during events like the Kosovo War, specifically when US bombs hit the Chinese embassy in Belgrade. There were large-scale protests against the US. The protesters complained that the US and its allies were wrong to intrude upon the sovereignty of another country, regardless of humanitarian justifications. Discontent was so strong and persistent in China, that when the 9/11 terrorist attacks occurred, there was a discernable sense (in addition to sympathy and shock, of course) among the media and general public that Americans had brought the disaster upon themselves by violating the sovereign rights of other countries.<sup>103</sup>

The other constitutive theme of Chinese foreign policy concerning international security, human rights and development is a deep-seated normative commitment to the role of a strong, effective state as the provider of order, justice and protection to its people. In the mainstream view, strengthening "state capacity and contributing more broadly to the development goals of states – as defined by governments in power – is a route to peace – to peace between governments and society, and peace with neighbors."<sup>104</sup> Objecting to what he, like other Chinese officials, sees as an empirically unfounded Western-liberal bias against the state, former Foreign Minister Yang Jiechi said, "The international community should pay more attention to economic and social development as well as poverty alleviation in poor and weak states rather than to intervention. Helping states enhance their capacity to protect their populations will help lay the foundation for a more stable society in the future."<sup>105</sup>

## Arguments and Evolution of Protection Debates in China

Foreign policy is not subject to debate in China as it is in open societies like Brazil and South Africa. While there appears to be some space for select external stakeholders and a few academic experts to provide advice behind closed doors, the process, participants and content of these meetings remain opaque. Academics discuss high-profile policy decisions (after the fact, of course) like the Chinese abstention from the 2011 Security Council vote authorizing the use of force in Libya, as well as more general concepts like R2P. Their debates are constrained by limits on access and expression in Chinese academia, and by a weak feedback loop to the policymaking elite. By all accounts, space for debate in universities and civil society has been shrinking under the Xi Jinping government.<sup>106</sup>

Fundamentally, the ideas of atrocity prevention, protection and R2P have not significantly attracted domestic Chinese constituents, whose urge to debate and shape policy is constrained by the government. Rather, the normative urge to prevent or stop mass atrocities abroad is widely seen as a foreign rather than a Chinese or universal idea – an important factor in a context where Chinese exceptionalism is strongly pushed by

the party and has been largely accepted by the population.<sup>107</sup> Chinese policymakers and scholars feel the need to engage with R2P and protection as a part of China's growing international profile, but these ideas do not relate to the collective Chinese experience, which is shaped by the official narrative. Quite tellingly, the Chinese government addresses R2P exclusively in front of foreign audiences, mostly in the form of diplomatic statements at the UN. The rare statements on R2P made in Beijing come from MFA officials. R2P and atrocities abroad are not issues that interest the communist party.

## Understanding China's Reactions to R2P

For China, the discussion on R2P is inseparable from the debate on balancing human rights and state sovereignty, which forms the main ideational backdrop for most Chinese academic articles on R2P.<sup>108</sup> It is revealing that when a preeminent Chinese scholar explained R2P, she did not contextualize the concept with reference to the prevention of genocide or mass atrocities, but described it as "the international community's latest progress in negotiating the relationship between human rights and state sovereignty."<sup>109</sup> Unlike the specifics of R2P and human rights violations outside of China, however, the debate about human rights and state sovereignty as such is one of the most sensitive public policy issues in China. It is this link between protecting people from mass atrocities and the human rights-versus-state sovereignty debate that constrains the ideological space for Chinese discussion on R2P.

As a result of this constraint and a generally cautious attitude towards its growing global status throughout the last decade, China has been slow and passive about responding to the evolution of R2P. In June 2005, the Chinese government expressed its official stance on R2P in a position paper:

"Each state shoulders the primary responsibility to protect its own population. However, internal unrest in a country is often caused by complex factors. Prudence is called for in judging a government's ability and will to protect its citizens. No reckless intervention should be allowed.

When a massive humanitarian crisis occurs, it is the legitimate concern of the international community to ease and defuse the crisis. Any response to such a crisis should strictly conform to the UN Charter and the opinions of the country and the regional organization concerned should be respected. It falls on the Security Council to make the decision in the framework of the UN in light of specific circumstances which should lead to a peaceful solution as far as possible. Wherever it involves enforcement actions, there should be more prudence in the consideration of each case."<sup>110</sup>

This summarizes the underlying logic of the Chinese government when it cautiously supported the adoption of R2P at the 2005 World Summit: while China embraced the idea that states are responsible for the well-being of their populations, it remained suspicious of attempts to undermine state sovereignty and to interfere in other countries' affairs. China supported limiting the application of R2P to the four crimes of genocide, war crimes, ethnic cleansing and crimes against humanity. During the World Summit negotiations, the country also contributed significantly to

a shift in discussions on R2P towards a “consensual” understanding in line with state sovereignty.<sup>111</sup> The emphasis on state responsibility in the language used to discuss R2P in the World Summit outcome document accorded with China’s preferences, as it allowed the country to focus as much or more on “state” as on “responsibility.”

After the summit, China continued to participate in discussions on R2P in the UN. China’s contribution to these discussions was defined by three key tenets widely shared by the Chinese mainstream. First, protection from atrocities should focus more on prevention and be driven less by crises and intervention. Given the assumption that state capacity is key to effective protection, this call for prevention implies the need to strengthen state capacities in order to deliver security and justice, ameliorate poverty and promote economic development according to the priorities of the respective ruling government.<sup>112</sup> In crises, diplomatic means should be exhausted before military intervention is considered. Second, any military action must be tied exclusively to the authority of the Security Council as a safeguard against the abuse of humanitarian arguments for other political interests by Western powers.<sup>113</sup> Third, R2P should be applied on a case-by-case basis and adapted to the particular circumstances of a crisis.

## The Academy’s Reaction to Libya and Syria: Beginnings of a Real Debate

In early 2011, the Chinese government voted in favor of the Security Council’s Resolution 1970, which established sanctions on Libya and enabled the International Criminal Court to launch investigations. By abstaining from Resolution 1973, Beijing was instrumental in authorizing the use of force in Libya. Explaining the vote, the Chinese ambassador to the UN stressed that his country had supported military action not because of R2P, but because “the special circumstances in Libya” demanded it.<sup>114</sup> When the military intervention resulted in the toppling of Muammar Gaddafi’s regime, both the Chinese government and the scholarly community expressed strong indignation about civilian casualties and the abuse of R2P to justify regime change.<sup>115</sup>

The Libya intervention has significance for China’s domestic debate because it marked the beginning of growing interest in R2P and protection within the policy and academic spheres. The number of academic articles on R2P published in China multiplied from 2011 to 2012 and has continued to grow ever since. The diversity of opinions is remarkable.

On one end, there are individuals who actively support R2P and treat sovereignty as a fluid condition, arguing that humanitarian intervention has sound international legal basis and that China should act in accordance with the international declaration it accepted in 2005. In their analysis on the academic debates in China, scholars Liu Tiewa and Zhang Haibin cite another scholar, Song Jie, as stating that “by a series of legal practices, [the International Court of Justice] has actually made the ‘responsibility to protect,’ highlighted and advocated by the United Nations in the political field, especially the ‘responsibility to prevent,’ a legal norm.”<sup>116</sup>

On the other end, some scholars insist that the principle of sovereignty should overrule all other priorities and never be tampered with, though these voices are relatively few in number. They also point out that the very fact of R2P’s development from humanitarian intervention “inevitably reflected Western power politics.”<sup>117</sup> More common are the academics who assume a neutral or cautious stance on R2P: they

believe that states and the international community should protect human rights, but are skeptical of international military intervention.<sup>118</sup> The broad range of opinions is indication that the scholarly community in China does not always simply echo the stance of the central government and has, in this particular case, embraced a far greater diversity of opinions than the latter. This diversity is possible in part because R2P has little applicability to sensitive domestic issues in China, and there is little that a scholar can say on R2P to merit censorship.

In response to the abuse of the Security Council mandate regarding Libya and to the recent deadlock within the council over Syria, a prominent Chinese scholar and pundit made the first original contribution from China to the global debate on R2P, protection and intervention. In March 2012, Ruan Zongze, vice president of the government-affiliated think tank China Institute of International Studies (CIIS), coined the term “responsible protection” in an opinion piece that first appeared in Chinese and later in English.<sup>119</sup> In June, he followed up with a longer paper, which appears to be available only in English on the CIIS website.<sup>120</sup> In October, the concept was the subject of the annual CIIS conference in Beijing, for which Ruan purposely invited some of the main voices in the global R2P debate, including the former Australian Foreign Minister Gareth Evans as a keynote speaker.<sup>121</sup>

Unlike the Brazilian proposal for Responsibility while Protecting, which had been made at the UN in New York, the Chinese government never officially endorsed the concept of responsible protection.<sup>122</sup> It remains unclear what to make of this initiative. On the one hand, Ruan’s position and activism may indicate that responsible protection should be seen as “semi-official” or as a particularly careful attempt at norm entrepreneurship by the Chinese government.<sup>123</sup> On the other hand, the lack of formal endorsement and resonance among Chinese academics seems to contradict this interpretation. While there has been an explosion of international attention on responsible protection among R2P scholars and advocates, recent Chinese academic writings on R2P give responsible protection little more than a fleeting mention, perhaps in part because Ruan, despite his prominence and his close relationship with the foreign ministry, is derided among his peers as a scholar who likes to spend his time in a TV studio rather than a library.<sup>124</sup> Either way, the concept of responsible protection represents a detailed and constructive engagement by a Chinese policy specialist with the challenges of R2P and protection – a step forward in its own right.

We find no evidence of independent contributions to R2P from Chinese civil society. Aside from the fact that R2P remains a novel idea in China, the lack of civil society participation is also because R2P is a foreign policy issue with little domestic applicability, giving Chinese civil society little reason to engage with it. Domestic human rights issues remain the primary preoccupation of Chinese advocacy communities. At present, Chinese civil society is neither able nor particularly interested to employ the R2P framework to pressure the Chinese or foreign governments into action during international crises.

That said, China’s stance on R2P has been affected by interaction with international civil society. During the crises in Darfur, many international advocacy NGOs released reports that revealed Chinese complicity in Sudanese crimes and exerted pressure on the Chinese government.<sup>125</sup> China’s leadership, while unwilling to be led by the nose by human rights activists, was shocked by the unprecedented critical attention and was forced to defend its actions and to reconsider its strategy in Sudan.<sup>126</sup>

## From Reaction to Action, Norm-Taking to Norm-Making?

As a rising power, China has been grappling with growing international expectations and its increasing economic stakes – particularly due to the need for natural resources – in conflict-afflicted countries. Strict non-interference has “never cohered comfortably with [China’s] historical record of intrusive engagement in African affairs under Mao.”<sup>127</sup> But in recent years, China’s engagement with protection challenges in Myanmar and a number of African countries has also led to more-nuanced official attitudes and policies. The possible erosion of non-interference is now a topic of debate in academic periodicals.<sup>128</sup>

Diplomatic activism is an area in which these changes can be observed. In 2008, China strictly opposed French calls for intervention in Myanmar after Cyclone Nargis and blocked a Security Council resolution. Nevertheless, China was reportedly “very active” in ensuring that UN envoy Ibrahim Gambari receive a visa to meet with two high-level officials in Myanmar.<sup>129</sup> More recently, China’s support for negotiations has been credited with “preventing a crisis between the government and ethnic groups from escalating.”<sup>130</sup> Meanwhile, in response to the renewed civil war in South Sudan, the Chinese government repeatedly engaged with parties at very high levels and used blunt language that marked a stark departure from the prior practice of solidarity within the Global South.<sup>131</sup> These practical developments parallel calls by Chinese scholars for more ideas on how Chinese foreign policy needs to change. An example is the idea of “creative involvement/intervention” by Wang Yizhou, a professor at Peking University.<sup>132</sup>

Another indication of increased activism is China’s growing role in UN peacekeeping. In comparison to China’s engagement with the conceptual debate on R2P, its contribution to UN peacekeeping missions has been much more active and extensive. It makes the most financial contributions to UN peacekeeping from among developing countries, and it sends more troops, military observers and civilian police than any other permanent members of the Security Council. In international debates about balancing peacekeeping with state sovereignty, China actively supports mandates for civilian protection with host government consent and has deployed its own infantry troops to the UN mission in South Sudan.<sup>133</sup> As of April 30, 2015, China deployed almost 3,000 uniformed personnel to 10 different operations, with the largest contingents in South Sudan (more than 1,000 troops), Liberia (including a formed police unit), Mali, Sudan, the Congo and Lebanon.<sup>134</sup> Chinese generals have served as force commanders in Western Sahara and in Cyprus.<sup>135</sup>

There exists no wider public debate on such practical aspects of Chinese engagement with protection. But the increasing role of China in peacekeeping is explained in part by the expert debates taking place in China and the “international law scholars and foreign policy experts pointing to the changing nature of peacekeeping and the circumstances that warrant a more flexible interpretation and understanding of the principles related to sovereignty.”<sup>136</sup> With regard to peacekeeping, some of these experts, according to the scholars Bates Gill and Chin-Hao Huang, have access to the relevant figures in the foreign policy machinery of China and have “shaped the foreign policy discourse.”<sup>137</sup>

## Conclusion

In China, there is currently a gap between the growing expert debate on foreign policy issues and the limited engagement with the more specific issues of international human rights and protection. Any indications of broader engagement with protection challenges can be explained by pragmatic, interest-driven considerations, such as the influence of Chinese oil companies,<sup>138</sup> or even by nationalist strands in public discourse that push for military intervention to protect Chinese workers abroad.<sup>139</sup> A normative strand that measures Chinese policy against its stated rhetoric of international solidarity and protection from harm is very insignificant in comparison to these pragmatic considerations.

Clearly, the only people who engage in these discussions are academic experts on international affairs. Human rights experts and civil society groups do not engage with issues of atrocities and protection abroad. On the basis of China's growing dependence on access to resources and markets, the scholarly foreign policy community is increasingly developing attempts to reconcile the needs of intervention with China's own lessons and preferences for state-led development, such as Ruan Zongze's concept of responsible protection and other ideas that address crisis management, Africa or international diplomacy more broadly.<sup>140</sup> At the same time, whether and how these ideas enter the decision-making process, and to what extent they reflect public diplomacy towards international audiences, remain unclear.

The interdependence of China and the world is huge and continuously growing. Therefore, it is important to know how China would like to adapt global attempts in the prevention of violence and atrocities. As an international challenge that is inseparable from China's rise in power, the issue of violence and conflict is gaining prominence in Chinese foreign policy debates. In Chinese academic circles, there is room for, and increasing interest in, discussion on the subject, though under tightening constraints. In contrast, Chinese civil society has not demonstrated particular interest in the subject.

# South Africa

When South Africa emerged from apartheid in 1994, it had to reinvent its foreign policy. The new foreign policy elite, largely composed of individuals who had spent the previous decades in the liberation struggle against apartheid, did not have any strategy documents or blueprints for the way forward. They had few resources to draw upon while making foreign policy decisions. “Imagine us, suddenly sitting in New York behind the South Africa placard at the United Nations,” recalled a South African diplomat. “We had to wing it, make it up as we went along. All we had for orientation were our values from the struggle.”<sup>141</sup>

South Africa’s current foreign policy remains very much informed by the narrative of the fight against apartheid (“the struggle”), but policymakers are now able to build upon a robust body of decisions, white papers and experience from the last 20 years. “We don’t have to reinvent [our foreign policy] when a Syria comes up,” the same senior diplomat said. “We know what we stand for now.”<sup>142</sup>

Has this process of development and learning been accompanied by national debates on foreign policy? Two decades after the end of the apartheid regime, what does the South African debate on R2P and protection look like? This chapter will examine these questions to gauge the potential for more South African debate on the protection of people from atrocity crimes. In the following, we review the context of foreign policy formulation in South Africa, including the central themes, actors and processes involved, before examining the debate on Pretoria’s position on R2P and its practical implementation. We argue there is currently little public debate on R2P and protection due to the shaping of foreign policy by a small circle of elites, the low engagement of parliament and civil society’s focus on national human rights issues. Considering South Africa’s ambitions in foreign policy and the international controversy surrounding the issue of protection, the South African debate on protection can be far larger than it is.

## The Context of Protection Debates

### Actors in South African Foreign Policy

In South Africa, foreign policy is dictated by a small circle of policymakers from the African National Congress (ANC), the Department of International Relations and Cooperation (DIRCO) and the cabinet, including the president. DIRCO has a central role in coordinating and conducting South African foreign policy, but ultimately it is the party – in particular, the ANC’s subcommittee on international relations – and most importantly the president, or the “foreign policy maker in chief,”<sup>143</sup> making the decisions.<sup>144</sup> Given the ANC’s close connection to the communist party and the trade unions through the Tripartite Alliance, the positions of the latter two bodies also influence foreign policy decisions.

The defense department and the National Intelligence Agency – “the other foreign affairs department,” as one observer put it – are involved in foreign policy decisions as well.<sup>145</sup> The process of making individual foreign policy decisions is often erratic and ad hoc, and offers little opportunity for policy debates with the broader public.<sup>146</sup>

From the perspective of civil society members, academics and think tank experts, civil society has little influence on policymaking in the realm of foreign affairs. In South Africa, civil society and the public are concerned much more with domestic issues than with foreign policy, even as it relates to human rights. Given the myriad challenges facing the country – poverty, wealth inequality, corruption, health and education issues – it is not surprising that the majority of civil society organizations involved in human rights issues work on domestic policy.

There are think tanks in South Africa that work on the protection of civilians and, more generally, South African foreign policy – most prominently, the South African Institute of International Affairs, and the Institute for Security Studies. The Human Rights Institute of South Africa (HURISA) and the Institute for Global Dialogue also work on protection issues.<sup>147</sup>

A number of international NGOs engaged in international work on protection also operate in South Africa, including Oxfam, Human Rights Watch, Amnesty International and Crisis Action. But such NGOs and think tanks are few, partly due to the fact that the South African public is focused on “bread and butter issues.”<sup>148</sup> In a 2013 poll conducted by researchers at Stellenbosch University, 44 percent of the South African respondents considered economic growth at home the unambiguous number-one priority of their country’s foreign policy.<sup>149</sup> In comparison, only 16 percent chose “promoting human rights” as the country’s main aim abroad. In the same survey, 51 percent of respondents said that human rights considerations should not affect South Africa’s trade.<sup>150</sup>

The South African parliament has done little to encourage public debate on foreign affairs. Respondents to the Stellenbosch survey rated the parliament among the top three or four most important players in foreign policy.<sup>151</sup> The parliament’s official role in foreign policy is to ratify treaties, evaluate foreign policy documents and appropriate funds for DIRCO.<sup>152</sup> In reality, however, its role in the formulation of foreign policy is marginal. For larger-scale initiatives like major climate change negotiations, DIRCO diplomats fly to Cape Town and brief parliamentarians, some of whom may question DIRCO on its decisions. But a senior DIRCO diplomat could not think of an instance in which the parliament had changed DIRCO’s position.<sup>153</sup> The degree to which opposition parties debate the government’s foreign policy is equally limited. The ANC occupies two thirds of the seats in parliament. The largest opposition party, the Democratic Alliance, naturally focuses on domestic issues, including corruption.<sup>154</sup>

The courts in South Africa indirectly influence foreign policy. South Africa has one of the most progressive constitutions in the world,<sup>155</sup> and the courts sometimes make judgments that uphold and promote human rights, with implications for South Africa’s foreign policy. In 2012, for example, the threat of litigation before the courts might have led South Africa to reject the appointment of a suspected Sri Lankan war criminal as deputy ambassador to the country.<sup>156</sup>

If there is one actor beside the government that can initiate public debates on foreign policy, it is the media, which has been described as “the strongest opposition in South Africa.”<sup>157</sup> There are only a few specialized foreign affairs correspondents in

the country, such as Peter Fabricius, the foreign editor of Independent Newspapers.<sup>158</sup> Most of the foreign policy coverage in South African newspapers is syndicated material from outlets like Agence France-Presse, Reuters, Bloomberg News, *Financial Times* and *The Guardian*.<sup>159</sup> Public broadcasting is less critical of the government than private channels, which have their roots in old Western media houses.<sup>160</sup>

## Central Themes in South African Foreign Policy

Most analysts and observers agree that South Africa does not follow a coherent strategy in its foreign policy.<sup>161</sup> In interviews with South African observers, the country's foreign policy was described as “schizophrenic” and “flip-flopping,” given the unpredictability of Pretoria's decision-making.<sup>162</sup> It is possible, however, to identify some themes that have consistently influenced South African foreign policy.

Central to Pretoria's foreign policy is the rest of the African continent. In the words of the most recent white paper on foreign policy, South Africa “understands its national interest as being intrinsically linked to Africa's stability, unity, and prosperity.”<sup>163</sup> South African policymakers, especially since the presidency of Thabo Mbeki, have firmly based their foreign policies in Africa on the narrative of an African Renaissance.<sup>164</sup> The country was instrumental to the creation of the African Union in 2001 and 2002, and the establishment of the African Peer Review Mechanism in 2003.<sup>165</sup> In addition to furthering pan-African integration, South Africa is pushing for greater regional integration with its neighbors in the South African Development Community (SADC).

Some policymakers present the country's African agenda as a selfless, value-driven undertaking that is engrained in the national lifeblood. They point to, for example, the national anthem's inclusion of the line “God bless Africa” instead of, say, “God bless South Africa.”<sup>166</sup> But the African agenda is also very much driven by South Africa's ambition to be Africa's representative to the world – an ambition that is not universally supported on the continent.<sup>167</sup> In 2012, the controversial election of Nkosazana Dlamini-Zuma – Mbeki's long-serving minister of foreign affairs – as chairperson of the AU Commission not only exemplified South Africa's ambition to act as leader of the continent, but also seemed to support allegations of South Africa's bullying ways, sometimes brought against the country by the rest of the continent.

Another theme in South African foreign policy is its support for multilateralism and, by extension, multilateral reform.<sup>168</sup> It advocates a rules-based international order and a reform of the multilateral system that increases representation of the Global South and makes multilateral organizations more responsive to the needs of developing countries.<sup>169</sup> In parallel, South Africa has in recent years actively pursued its membership in the BRICS club (Brazil, Russia, India, China). South Africa's activism within the BRICS and IBSA (India, Brazil, South Africa) initiatives is a reaction to what it sees as an unwillingness to reform in the existing international systems and the hypocritical behavior of Western states. The BRICS membership provides South Africa influence that extends quite far, considering the country's relative economic size.<sup>170</sup> The membership also aligns with the South African priority of strengthening South-South relationships.<sup>171</sup>

The focus on human rights is another legacy of the anti-apartheid struggle. Nelson Mandela has described human rights as “central to international relations” and stated that “human rights will be the light that guides [South Africa’s] foreign affairs.”<sup>172</sup> Similarly, DIRCO diplomats and the current foreign policy white paper point to “Ubuntu” – the philosophy that one’s humanity is affirmed by affirming the humanity of others – as a guiding principle for South African foreign policy.<sup>173</sup> The paper emphasizes that national security would “depend on the centrality of human security as a universal goal, based on the principle of Batho Pele (putting people first).”<sup>174</sup>

The ambition to represent the entire African continent, to reform the multilateral system and to strengthen human rights far exceeds the country’s current capacities for foreign and security policies. With a myriad of domestic challenges, and with only 5 million out of the country’s 50.5 million inhabitants paying taxes,<sup>175</sup> foreign policy budgets are more likely to shrink than to grow.

## Arguments and Evolution of Protection Debates in South Africa

The aforementioned themes and the growing capacity constraints provide the background for debates on R2P and protection in South Africa. Overall, while South Africa plays an important role in international debates on R2P and humanitarian intervention, discussion on the subject within the country has been limited.

### Torn Between Non-Indifference and Non-Interference

In 1998, influenced by the horrors of the Rwanda genocide, Nelson Mandela coined the “Mandela Doctrine,” which reads like a summary of the R2P concept formulated three years later. “We must all accept,” Mandela stated, “that we cannot abuse the concept of national sovereignty to deny the rest of the continent the right and duty to intervene when behind those sovereign boundaries, people are being slaughtered to protect tyranny.”<sup>176</sup> In line with this sentiment, South Africa – as a driving force behind the creation of the AU – supported the inclusion of Article 4h into the AU’s Constitutive Act, in which member states affirm the “right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity.”<sup>177</sup>

At times, such show of support from Pretoria for the principle of non-indifference (as described by the first AU Commission Chair Alpha Oumar Konaré<sup>178</sup>) at the level of the AU is at odds with South Africa’s position in the SADC, an organization that emphasizes principles of non-interference. The theme of “solidarity” as it applies to SADC and especially Zimbabwe is an important factor for South African policymakers because many current decision-makers sought refuge in SADC countries during the apartheid era. However, solidarity is usually applied to the ruling elites rather than the people. Therefore, South Africa is less openly critical of human rights abuses in Zimbabwe and other SADC countries, preferring quiet diplomacy.

Pretoria’s 2008 vote against resolutions that would have condemned human rights abuses in Zimbabwe, as well as its 2007 vote to similar ends in Myanmar, reflect another aspect of South African foreign policy that influences the country’s policy on

human rights and protection: a deep skepticism of Western intentions that stems from the apartheid era, during which Western powers like the US and the United Kingdom did not support and even actively opposed the anti-apartheid struggle. This skepticism of Western intentions translates into mistrust of Western powers in international institutions.<sup>179</sup>

South Africa has expressed similar skepticism during votes on the Human Rights Council, where Pretoria has repeatedly voted against resolutions that would have criticized countries like Sri Lanka, the Congo and Sudan.<sup>180</sup> The country's own experience of reconciliation has led to a preference for quiet diplomatic efforts. "We didn't negotiate for the media," a DIRCO diplomat recalled of South Africa's reconciliation experience. "There were two tracks: one for the public and one behind the scenes, and that is where the real negotiations took place."<sup>181</sup> The domestic experience has led to the strong conviction within the South African foreign policy community that mediation and conflict resolution work if all sides are included.

Quiet diplomacy can be a source of disagreement over appropriate approaches to conflict resolution with Western powers. Recently in the Human Rights Council, for example, South Africa rejected a resolution on the Islamic State in Iraq and Syria (ISIS), arguing that a resolution on ISIS atrocities did not sufficiently acknowledge that other groups committed atrocities as well.<sup>182</sup> On Syria, South Africans are criticizing US and European efforts for not maintaining enough balance between the parties to the Syrian civil war. They criticize, for example, the fact that US and European governments claimed a few months into the violence in Syria that the Assad regime had "lost all legitimacy" early on. "You cannot pronounce that Assad is illegitimate and then expect him to deal with you," said a senior DIRCO diplomat.<sup>183</sup>

Pretoria's policy on protection is seen as inconsistent and at times unpredictable. There's the support for human rights and non-indifference on the one hand, and the skepticism of Western intentions, solidarity and advocacy for a balanced diplomatic approach on the other. South Africa seems torn between the different poles within Africa.<sup>184</sup> As *The Economist* put it, in 2011,

"South Africa often appears to be pursuing two contradictory sets of values. At one moment, Mr. Zuma is upholding the principles of national sovereignty and non-interference dear to despots around the world. At the next, he insists that his "primary objective" is to contribute to the ideals of democracy, human rights and justice. The result is a mishmash of unpredictable responses to apparently similar situations in different countries."

Domestic critics of the government also point out these contradictions. While limited, the debate within South Africa about its foreign policy decisions related to human rights does exist. In regards to Myanmar, for example, former Archbishop Desmond Tutu expressed his "deep disappointment" and described the South African vote as "a betrayal" of the country's history. "If others had used the arguments we are using today when we asked them for their support against apartheid, we might still have been unfree," Tutu wrote to the Associated Press after the vote.<sup>185</sup> The Democratic Alliance, the main opposition party, also condemned the vote. The Myanmar case offered "the very first opportunity South Africa had to vote in favour of human rights and good governance and against dictatorship" on the Security Council, the Democratic

Alliance argued, and Pretoria “chose the wrong side.”<sup>186</sup> The Congress of South African Trade Unions – a part of the Tripartite Alliance – joined Tutu and the opposition parties in their criticisms of the government’s decision.<sup>187</sup>

Some members of the media have criticized the South African votes in the Security Council just as harshly. “We, the democratic nation, have not condemned the government of Sudan responsible for the genocide in Darfur. This too is unconscionable,” wrote Carol Lazar, a columnist for the South African daily *The Star*, in 2007. “I used to feel proud of being a South African. But when my democratic, rainbow nation votes for those who practice human rights’ abuses, I feel ashamed.”<sup>188</sup>

## Debating R2P and the Libya Intervention

Policymakers in Pretoria have been equally torn about R2P. In principle, South Africa endorses the concept. The country was an important supporter of R2P’s inclusion in the World Summit outcome document in 2005, lobbying for and ensuring not only the support of other African countries, but also reluctant Latin American countries and India.<sup>189</sup> In accordance with its anti-imperialist attitude and mistrust of Western motives, however, South Africa has also been suspicious of the potential for Western powers to abuse R2P.<sup>190</sup>

In 2011, the Libya intervention strengthened the fear of South African policymakers that R2P would be abused by Western powers to justify interventions that further their own purposes. The South African “yes” vote on Resolution 1973, which authorized “all necessary measures” to protect civilians and a no-fly zone over Libya, was widely seen as the decisive vote in the resolution’s passage.<sup>191</sup> The ensuing NATO-led intervention aimed at removing Gaddafi from power and dismissed South Africa-led initiatives for peace negotiations, deeply angering Pretoria and other emerging powers.<sup>192</sup>

The intervention also led to significant internal debate and criticism of the country’s decision-makers. From the government’s perspective, the fiercest and most dangerous critics often came from within its own party: members of the ANC and the Tripartite Alliance, more so than civil society or the public, criticized the government. Senior figures within the ANC, such as former President Thabo Mbeki, sharply criticized the government for supporting the resolution. Julius Malema, then leader of the ANC Youth League (he has since founded a new opposition party, the Economic Freedom Fighters), rallied against the government and said the decision showed that South Africa allowed itself to be bullied by the West.<sup>193</sup>

The erratic decision-making has been criticized by the policymakers themselves. Harry Verhoeven, C.S.R. Murthy, and Ricardo Soares de Oliveira quote a senior ambassador as saying, “The Libya case shows the danger of only worrying about foreign policy when someone calls you. We looked like idiots. We were fooled but have only ourselves to blame.”<sup>194</sup>

At the opening of the General Assembly in 2012, President Jacob Zuma emphasized South Africa’s concern about the abuse of R2P:

“Any member state or international body that implements Security Council resolutions should be accountable to the Security Council. This will ensure

that we avoid the abuse of internationally agreed concepts like responsibility to protect and the protection of civilians. These principles must not be used to, amongst other things, justify the notion of regime change. These concepts exist to prevent mass atrocities, war crimes, genocide and ethnic cleansing.”<sup>195</sup>

In general, South Africa’s position on R2P since the Libya intervention has become more critical, but not because the country’s diplomats and politicians – as they insist – do not support the idea of R2P as such, but because they disagree with its implementation so far. “We support it, but the way we want it to be,” said a senior DIRCO diplomat. “Let’s just not be hypocritical.”<sup>196</sup>

The same logic informs the South African position on the International Criminal Court. South Africa is a signatory of the Rome Statute, but has also supported African criticism in recent years that the ICC acts too selectively. “We will continuously think that the ICC is just another good thing if it was applied universally,” as a senior diplomat at DIRCO described his country’s position, pointing to the lack of US ratification of the Rome Statute. But “we will have a problem with it until everyone is treated equally,” he added.<sup>197</sup>

## Limited Debate on Mediation and Peacekeeping

Despite the controversy of the Libya intervention, public debates on R2P and the ICC have not gone far beyond the small circle of policymakers concerned and the aforementioned leading think tanks on foreign affairs. Individual scholars and experts also try to initiate debates on South Africa’s role in protecting people from atrocity crimes. In a recent article in *The Thinker*, for example, Anthony Bizos argued that “a public dialogue surrounding the merits of humanitarian intervention is long overdue,” and that South Africa should act as a norm entrepreneur, assess “the aspects of the R2P norm which are most congruent with our local beliefs and practices” and “reconstruct the foreign norm so that it fits with our cognitive priors and identities.”<sup>198</sup> So far, however, this kind of national dialogue has not taken place, and the influence of expert knowledge and civil society organizations on policymaking is very limited.

The same applies to debates on the practical implementation of R2P and atrocity prevention. Policymakers in Pretoria like to emphasize their focus on preventive diplomacy and mediation efforts, which build on South Africa’s experience of the reconciliation process after apartheid. “We have a moral obligation to ensure that we use our own experience to assist where we are forced upon to assist,”<sup>199</sup> said a senior DIRCO diplomat. This sense of duty was echoed by Foreign Minister Maite Nkoana-Mashabane in 2013, when she argued that South Africa, if “called upon” to help and mediate in a conflict, would “always be there” and “never say no.”<sup>200</sup> South Africa has been involved in high-level mediation efforts related to the prevention of atrocity crimes in recent years, such as in Kenya, the Congo, Burundi and Libya. The country often relies on senior mediators, like Mbeki, who is currently the AU’s chief mediator in the conflicts in Darfur and between Sudan and South Sudan.

In addition to these mediation efforts, South Africa provides troops to UN peacekeeping missions in the Congo, Sudan and South Sudan. Its contributions have stayed approximately the same over the last five years, at around 2,100 troops and

police officers. Since 2013, however, the South African contribution of over 1,000 troops to MONUSCO's "Force Intervention Brigade" has received special attention. The brigade is mandated by the Security Council to cooperate with the Congolese army in offensive pursuit of rebel groups. It has been credited with the defeat of the M23 rebel group and with, by extension, significantly contributing to the protection of civilians in Eastern Congo.<sup>201</sup> South African peacekeepers were also stationed in Burundi from 2001 to 2009. What began as a major contribution to the AU Special Protection Force, at its peak with 1,266 troops, changed into a UN operation from 2004 onwards. In Burundi, the South African National Defence Force engaged in peace enforcement, VIP protection (i.e., of returning exiled leaders) and the training of the Burundi National Defence Force.<sup>202</sup>

Apart from a few articles in the media that report on, and at times question, South Africa's contributions to peacekeeping,<sup>203</sup> and as long as there are no casualties, South African participation in peacekeeping does not normally trigger a wider public debate. Given the actors and processes involved in South African policymaking, as described earlier, there is comparatively little interaction between policymakers and civil society on foreign policy in general, and much less on the specific issue of protection abroad. Institutes like the South African Institute of International Affairs or the Institute for Security Studies, as well as individual scholars and academics, work on protection- and debate-related topics within the academic sphere or with scholars and think tanks around the world.<sup>204</sup> Think tank experts have debated, for example, the South African capacity constraints. Even if the country wanted to send more troops abroad, it cannot; the most recent defense review revealed that the country can send only 3,000 troops at a time.<sup>205</sup>

But even if they produce good analyses, scholars, think tanks and civil society have limited influence on policymaking. "We don't shape it, we don't influence it," said a professor at the University of Pretoria. "The government has no reason to listen to us."<sup>206</sup> Indeed, the government is seen as not very open to outside influence. Furthermore, civil society lacks the resources and capacities to develop the knowledge, products and advocacy campaigns necessary to have an impact. A related challenge concerns civil society funding. Many South African NGOs, in particular those interested in working on foreign affairs, receive funding from foundations or governments from outside of South Africa. This enables politicians and policymakers who find themselves under pressure from civil society to question the credibility of civil society organizations and to label them as "imperialists."<sup>207</sup>

The only recent instance of greater public debate on peacekeeping was in March 2013, when a protection effort went spectacularly wrong. In clashes with rebels in the Central African Republic, 13 South African soldiers were killed and 27 injured. This caused a public debate that ultimately forced the government to withdraw all its troops from CAR.<sup>208</sup> The main question of the debate was why the government had deployed troops to CAR in the first place. It had not consulted any regional governments, much less its own citizens, beforehand.<sup>209</sup> Two years later, the chain of events is still not clear, and an inquiry report remains classified.

The CAR incident is an example of how media coverage can influence a government that is afraid of being publicly embarrassed. "CAR shows that media does a better job than all of us combined in foreign policy community," said one observer. Media reports, as well as some opposition politicians, alleged that the government had sent the troops

to CAR out of mining interests.<sup>210</sup> The government was heavily criticized by opposition parties, think tank experts and some media outlets for allegedly sending troops without sufficient munitions and logistical support.<sup>211</sup> The reaction of Solly Mapaila, deputy general secretary of the South African Communist Party, to this atmosphere of criticism reveals the degree to which debate on these issues is seen as extraordinary: “What the opposition parties want to do is to create an impression that we must now open up military operations for debate. Who has ever done that?”<sup>212</sup>

## Conclusion

Our review of the public debates on protection in South Africa shows that there is much room for expanding the discussions. In its official statements, not least its constitution, South Africa puts a premium on human rights, security and prosperity on the continent and on a rules-based and fair international order. Many of its policymakers are still influenced by their own struggle against the human rights abuses of apartheid. They share their experiences with national reconciliation in many mediation efforts across the continent.

There are gaps between the extensive involvement of South Africa on the continent, the international controversy surrounding some of its foreign policy decisions, and the extent of domestic debate on these issues. The discussions surrounding the CAR incident show that the few instances in which foreign policy or protection more specifically are debated in South Africa occur when they are related to domestic politics and corruption allegations at home. Unlike the debate on the killed peacekeepers in CAR, the debates on Myanmar, Zimbabwe and the Libya intervention – like most of the debates in South Africa – have taken place between ruling elites and a few select think tanks and academics. Given the myriad domestic challenges facing South Africa, the focus of local human rights NGOs on domestic problems and parliament’s weak role in the overall political system, it is hardly surprising that public debate on R2P and protection has been limited. Considering the extent of South African global ambitions, however, there is much more room for debate on South African foreign policy in general and on the protection of people from atrocity crimes specifically.

# Conclusion

Having reviewed the debates in Brazil, China and South Africa on the Responsibility to Protect and the protection of people from atrocity crimes, what are the options for engaging civil societies, media and policy elites in further exchange on protection? If serious engagement between these and other countries on these issues depends on informed domestic debates, how can these debates be strengthened and supported?

Given their distinct histories, identities and positions of power in the world, Brazil, China and South Africa unsurprisingly approach R2P and protection from different angles. In China, debates on protection and Chinese foreign policy are closely linked to national economic interests (and in some cases, the fate of Chinese workers) abroad. In Brazil and South Africa, however, their participation in peacekeeping missions in Haiti and the Central African Republic, respectively, have sparked some of the loudest domestic debates on protection. In South Africa, the principle of non-indifference is closely intertwined with humanitarian intervention. But in Brazil, non-indifference is more related to humanitarian aid and the socioeconomic development of other countries.

The participants in debates on protection also differ between these three countries. In the democracies of Brazil and South Africa, the media is vital in channeling debates and highlighting criticisms of the government. In China, unsurprisingly, the relevant discussions are held within elite academic circles and in closed-door forums with government officials. There are civil society organizations – such as Conectas in Brazil and HURISA in South Africa – working on the promotion of human rights and their country’s contributions to protection abroad. While they have very limited capacities, they show the potential for growth in civil society participation in foreign policy debates. Meanwhile, domestic civil society in China has different priorities, and it is unlikely that its participation in foreign policy debates will grow in the near future.

Although the themes and participants differ, the three BRICS members have several things in common. Public debate in China, Brazil and South Africa about atrocity prevention and R2P has been very limited, if to different degrees. While some local voices are actively contributing to the discussions, they remain a small minority in their respective public or academic spheres. Protection debates in all three countries are driven by government policies and initiatives: they start when the government takes a particular policy decision (e.g., sending troops to Haiti or CAR, allowing military intervention in Libya), or when it makes a specific proposal, such as the Brazilian concept of Responsibility while Protecting. In South Africa and Brazil, the media picks up on these decisions and spurs the debate further. The focus often quickly turns to domestic political topics, like related corruption allegations.

Despite huge differences between their levels of openness, the debates on foreign policy in all three countries remain elite debates. Unlike the US and some European countries, in which there are broad constituencies organizing around the plight of particular communities abroad or around atrocity prevention itself, the main participants in Brazil, China and South Africa are the government and small groups

of experts in think tanks and academia. All three countries share a civil society and a public that are largely, and understandably so, concerned with human rights at home rather than abroad, and focus on issues like poverty reduction, income inequality, human rights, education and corruption at home.

NGOs and civil society actors that are interested in engaging with their government's foreign policy community often lack the capacity to do so. Access to decision-makers is strictly controlled in China. In Brazil and South Africa, the claims of foreign policy bureaucracies that they are open to civil society are not always affirmed by the experience of NGOs.

## **Using Opportunities to Support More Debate on R2P and Protection**

Based on the characteristics of the national debates on foreign policy, protection and R2P in Brazil, China and South Africa, we see two plausible programmatic avenues towards encouraging more public debate in these countries. To effectively address relevant debates, both types of engagement need to focus on domestically relevant themes. Just as R2P, with its links to the UN and international law, is not the most relevant part of the atrocity prevention debate in the US, any engagement with emerging powers needs to directly address those aspects of foreign policy that policy elites and wider civil society consider relevant. International conflicts and conflict management consistently matter for every one of these countries; the intricate distinctions between conflict prevention and atrocity prevention or between R2P and humanitarian intervention tend not to attract significant attention.

### **1. Strengthen the capacity of a variety of civil society actors to participate in debates.**

The first approach, relevant mostly for the open societies of Brazil and South Africa, would support a wide range of participants at universities, think tanks and NGOs that are already participating in protection debates. This approach could increase the extent and depth of their contributions if they had more capacity – essentially, this means funding for time spent on developing expertise and engaging in debate.

As our analysis has shown, the limited influence of civil society organizations in Brazil and South Africa on public debates on foreign policy is related to their lack of capacity for engagement and of access to decision-makers. These two issues are related: civil society organizations with the capacity to develop high-quality research, policy recommendations and public outreach campaigns are more likely to gain access to policymakers. Therefore, stronger support to these civil society organizations could strengthen the direct interactions between think tanks, academics and government officials that already exist – at least in Brazil and South Africa. Funding for a wider range of smaller NGOs could increase the number of participants and the quality of debates on foreign policy and protection.

Supporting local civil society organizations could also mean facilitating already existing networks between NGOs internationally. For example, Brazil's Conectas has been working with HURISA and CIVICUS in South Africa; they exchange views on, among other matters, how to lobby their respective governments and legislatures on

foreign policy issues. Another possible way to support wider public participation in foreign policy debates is to use online platforms and social media. In Brazil, for example, the proliferation of international relations programs at universities has produced a large group of students and recent graduates with a keen interest in Brazil's role in the world – a societal group that is already debating foreign affairs in Model United Nations conferences across the country, and that would likely make use of online platforms to debate foreign policy if given the chance to do so.

For all these activities, European and North American foundations need to consider that outside funding for local NGOs can raise questions on legitimacy at home. The fact that these questions are raised, as described in our sections on Brazil and South Africa, does not mean that outside funding should be unconditionally rejected. Rather, they should be carefully considered for each activity, as well as openly and transparently addressed when concerns are raised.

## **2. Create opportunities for dialogue or government officials and politicians with relevant international counterparts, particularly from the Global South.**

The second approach is to support internal debates within political parties and governments, and to broaden these debates by encouraging conferences, dialogue programs and working exchanges between government officials and other countries – both in the North and the Global South. As we have shown, debates on protection usually start, if at all, on the occasion of a government's introduction of a policy or initiative. At times, the most fervent and influential critics of these government initiatives are members of the ruling elites themselves – as was the case for the criticism of the South African government's Libya policy. Strengthening these internal debates by facilitating international exchange thus has the potential of increasing the depth of the overall debates on protection issues.

Foreign policy elites in most developing countries, including emerging powers, are still networked better with Western counterparts than among themselves.<sup>213</sup> This longstanding deficiency of South-South cooperation is only recently and partly being addressed within the BRICS and IBSA groups. On the issues of R2P and protection, however, these exclusive groups are not likely to be the most effective forums, as they include many of the leading voices for atrocity prevention in the Global South.

Such dialogue programs could be conducted on different levels of the government, from working-level officials to high-level politicians. But effective exchange depends on topical relevance and functional design. Officials and civil society representatives in emerging powers receive too many invitations to conferences in which they are expected to play “the Southern/BRICS/IBSA voice” or to address topics with little relevance within their own policymaking context. Therefore, effective dialogue needs to be designed in ways that treat participants from the Global South as equal stakeholders, beginning with the choice and framing of the topics and agendas. Hard-pressed to cope with rapidly growing international expectations, diplomats and officials from emerging powers should be seen as having less time to spare for “showing the flag” than do their counterparts in the West. Dialogue programs will thus become relevant only when they offer an opportunity to make real progress on issues that are practically relevant to everyone's daily work.

There are a number of concrete topics related to the protection of people from atrocity crimes that could be addressed in such dialogues. One key question, as highlighted by the Libya intervention and the RwP proposals, concerns the effectiveness of the use of force to protect civilians. There are so many mutual stereotypes and accusations on this question internationally, that the opportunity to discuss the issue in an abstract and less polemic manner could make significant difference in discussions on R2P and protection. For example, a debate in which policymakers from both Northern and Southern countries together reviewed the successes and failures of past interventions, without the pressure of having to make a concrete policy decision in an ongoing crisis, could be an opportunity to build trust for the next time such a decision must be made. The experience and role of UN peacekeepers in protecting civilians is another topic that could benefit substantially from informal dialogue between government officials within the Global South and between Southern and Northern diplomats. Other topics might include how to best obtain and share information about ongoing atrocity crimes and how to broaden decision-making processes on intervention and peacekeeping in the Security Council.<sup>214</sup>

An international environment with multiple power centers and more states and actors involved in decision-making on protection will mean that all international actors, including established powers, need to improve at compromise and persuasion.<sup>215</sup> Dialogue programs that enable honest exchanges can help to build trust and sharpen much-needed arguments.

## Getting the Framing Right

This paper has also shown that it is not useful to frame debates on the protection of people from atrocities under the strict label of the Responsibility to Protect. R2P as such is often tainted as a “Western” or “imperialist” concept, and this framing runs the risks of focusing debates on the issue of sovereignty and non-intervention principles, which is no longer at the core of what is truly controversial about R2P.

Debates that are more relevant focus on two interrelated challenges of putting protection in practice: how to prevent the abuse of humanitarian arguments by great powers, and how to protect effectively at all, particularly when the shadow of coercion and the use of force come into play. Both of these questions require serious engagement with their many associated challenges – engagement that moves beyond the simplistic and misleading stereotypes that have long dominated the debate about R2P. None of the neat splits between “North” and “South,” “Western” and “non-Western,” “emerging” and “established,” “democratic” and “authoritarian” are helpful in analyzing and debating protection. In 1994, for example, the non-aligned movement was ready to authorize the strengthening of the UN peace operation in Rwanda, whereas the US actively opposed it. Western powers may have led the interventions in Kosovo and Libya to protect civilians, but it should be noted that tens of thousands of peacekeepers from South Asia and Africa have helped to protect civilians in dozens of UN missions in the last 20 years.<sup>216</sup>

Therefore, dialogue programs and debates should build upon existing themes and debates in Brazil, China and South Africa. As shown in this paper, these themes include these countries’ participation in peacekeeping operations, their role in preventive

diplomacy and their mediation efforts. Other relevant themes are concepts that emerge from local debates, such as the principle of non-indifference that vary in meaning between different countries, or those that seek to find new ways of reconciling the need for more international engagement with critical analyses on past interventions. First understanding and engaging with each national debate on its own right will help to promote a more constructive and nuanced international debate in the future.

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