How do Latin American States Engage with Responsibility to Protect Norms?

A Typology of Positions

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ABSTRACT	Within the discourse surrounding the Responsibility to Protect (R2P), scholars have typically categorized the stakeholders as either proponents or staunch detractors, commonly referring to them as R2P 'champions' and 'anti-preneurs,' respectively. However, there is a significant gap in the existing research devoted to comprehending the nuanced positions adopted by states that fall within the spectrum between these two extremes. This article offers a comprehensive exploration of Latin American states' stances concerning R2P norms and provides a typology based on their level of engagement with and degree of support for R2P norms. While certain states overtly contest the legitimacy of R2P, perceiving it as a pretext for external intervention, others challenge existing perceptions of how R2P should be practically implemented. To understand these diverse perspectives, the article differentiates contestation of the R2P norms themselves from contestation of the implementation mechanisms. Through an empirical analysis, it explores various Latin American countries' perspectives on R2P from 2005 to 2023, highlighting their proposals like the Brazilian Responsibility while Protecting, as well as Costa Rica and Mexico's contributions to the Responsibility Not to Veto initiatives. By unraveling the complexities of R2P contestation in Latin America, this article expands our understanding of how diverse regional perspectives shape and influence the advancement of R2P norms.

INTRODUCTION

The Responsibility to Protect (R2P) emerged as a transformative concept calling for collective action to prevent and respond to genocide, war crimes, ethnic cleansing, and crimes against humanity. Despite its triumphal formal endorsement during the 2005 World Summit (THAKUR 2016; THAKUR – WEISS 2009; BELLAMY 2015), the third pillar of R2P, which includes a coercive third party intervention if a state manifestly fails to protect its population, has faced enduring contestation on the international stage (REINOLD 2010; HEHIR 2008, 2013, 2019; CUNLIFFE 2011). This ongoing debate has laid bare the complexities surrounding the operationalization of R2P principles and has exposed the divergent interpretations among states regarding its scope and applicability. According to Jennifer Welsh, contestations of the content and scope of R2P lead to its greater resilience, which is indicated by its increasing relevance in the UN debates as well as the extensive number of its proponents among states, including many countries of the "Global South" (2019: 59).

This article aims to illustrate that despite its formal integration into the UN agenda and continued resonance in high-level debates, R2P remains a subject of persistent contestation, especially among non-Western states. The article focuses on Latin America as a compelling case study because it exemplifies the intricate and multifaceted nature of the contestation surrounding the R2P norms. Some states have embraced R2P as a moral imperative, urging robust international responses to protect vulnerable populations. Others, however, have adopted a more cautious approach, emphasizing the importance of preserving state sovereignty and autonomy in addressing internal crises. At the far end of the spectrum, a subset of states has overtly contested the legitimacy of the R2P norm itself, viewing it as a potential instrument for external intervention and manipulation of domestic affairs.

In the existing literature, the exploration of Latin American perspectives on R2P has been predominantly limited to two aspects: firstly, the examination of the concept's relevance within the region (RODRIGUES – SERBIN 2011), and secondly, the assessment of approval levels across different countries (SERRANO 2011; ARREDONO 2014; SERBIN – SERBIN PONT 2015A). The prevailing focus tends to cast the dissenters as an "undemocratic club" and prioritizes

the exploration of domestic conditions that shape individual national perspectives. Furthermore, scholars often linked a state's support or criticism of R2P with its level of adherence to other liberal norms. A pertinent example is found in the *Handbook of Responsibility to Protect*, which features a chapter on Latin America by Mónica Serrano that strongly correlates R2P endorsement with the existing human rights architecture in the region (SERRANO 2016). Serrano's analysis attributes the diverse perspectives among the countries to their respective historiographies of human rights advocacy, effectively creating a sharp dichotomy between those labeled as "victims as human rights architects" (such as Chile and Argentina) and those portrayed as "victims of interventionism as R2P opponents" (these include Venezuela, Nicaragua, and Cuba). Serbin and Serbin Pont view the antagonists as the "undemocratic club" and put more emphasis on explaining the domestic conditions shaping particular national constraints (2015A). This association between R2P support and adherence to liberal norms has contributed to an oversimplification of the complexities underlying Latin American states' contestation of R2P norms.

While academics have been mostly preoccupied with R2P "anti-preneurs" or "spoilers" on one hand and R2P champions on the other, there is a limited understanding of the actual level of engagement with R2P norms among various Latin American states. In fact, the empirical analysis shows that a significant number of countries have very little interest in the R2P debates, which provides a fruitful ground for future research (does this indicate little support or an uncontested acceptance of R2P?). More importantly, since the 2005 World Summit, many countries addressed legitimate concerns once the political debates turned to R2P implementation, and in this regard, these countries do not fit the conventional categories of R2P advocates and antagonists. With the notable exception of Brazil and its Responsibility while Protecting (RWP) proposal (STEFAN 2017; KENKEL – STEFAN 2016; BENNER 2013; LASKARIS – KREUTZ 2015), R2P contestation was mostly neglected or problematically associated with hostility towards R2P as such.

In contrast to the studies referred to above, this article builds on the contemporary literature that understands contestation as a meta-organizing principle of global governance (WIENER 2018, 2014; MÜLLER – WUNDERLICH 2018; IOMMI 2019). Antje Wiener's work, in particular, offers valuable insights into the contextualization of contestation within the broader landscape of

global International Relations (IR) debates. Wiener highlights the significance of contestation performed by non-Western states and raises the critical question of whose practices count within global conflicts over norms (WIENER 2018: 3). Her research underscores the idea that contestation is not merely a disruptive force but an essential element of normative evolution in the diverse and complex social world (IBID.: 1–5). This implies that norms need to be constantly challenged to be both legitimate and effective within the diverse and complex social world. By examining how Latin American states engage in contestation practices related to R2P, the paper aims to contribute to the broader discourse on the dynamics of norm contestation, especially within the context of the perspectives of the 'Global South' and the reconfiguration of global norms.

The first part of the paper explores critical constructivist perspectives on norms, particularly Antje Wiener's notions of reactive and proactive contestation as transformative normative practices. These insights underpin our examination of contestation in two dimensions: contestation of R2P itself, which is aimed at fostering alternative norms, and contestation of the R2P implementation mechanisms, which are intended to enhance R2P's practical application. To provide a comprehensive framework for understanding state responses to R2P, the paper introduces a typology that assesses states' positions based on their (i) level of engagement and (ii) degree of support. This typology enriches our analysis by situating contestation within a broader spectrum of state interactions with R2P norms. The analytical part discusses the results of the comparative analysis and provides a complex overview of various positions adopted by Latin American countries between 2005 (the formal R2P endorsement during the World Summit) and 2023 (the time of writing). The last section zooms in on two different examples of R2P contestation – the Brazilian *Responsibility while Protecting* initiative; and the *Responsibility Not to Veto* that challenged existing rules that hindered an effective R2P implementation. Both cases show persistent contestation practices motivated by different political ambitions yet both provide alternative and potentially norm-constitutive views on R2P implementation and global governance in general.

CONCEPTUALIZING R2P, NORMS AND CONTESTATION

In this article, R2P is understood as an *organizing principle* which constitutes a collective expectation that people should be protected from atrocity crimes (ICISS 2001: 17), namely genocide, ethnic cleansing, war crimes, and crimes against humanity (WSO 2005: PAR. 138). While fundamental norms are the most abstract and overarching principles that guide behavior in international relations (e.g. protection of human rights), organizing principles are more specific and focused, defining central themes and normative ideas within particular areas of international relations (BASED ON WIENER 2018: 58–62). The general principle was further elaborated into three specific norms corresponding to the so-called pillars of R2P – (i) states as primary carriers of responsibility, (ii) the responsibility of other states to assist, and (iii) the international responsibility to respond if a state manifestly fails to protect its people (UN DOC. A/63/677 2009).

There is an extensive literature elucidating the reasons why R2P should be treated as a globally recognized norm (WELSH 2019; BELLAMY 2015; GLANVILLE 2016). Despite this relatively robust consensus regarding the general principle that people should be protected from the four aforementioned crimes, the means are subject to continuing political deliberations. Especially the questions of who bears responsibility in a given situation and what exactly constitutes a manifest failure to invoke the third pillar are considered very controversial, as they reflect the diverse perspectives among states but also civil society organizations and academics (BLOOMFIELD 2015; QUINTON-BROWN 2023, 2013; CLAES 2012). This was demonstrated already during the negotiations of the 2005 World Summit Outcome through the cautious formulation that states were prepared to take collective action on a 'case-by-case basis,' and the emphasis put on the first two pillars (WELSH 2013). At the same time, both Bloomfield and Quinton-Brown pointed out that this resistance is in fact not really against the whole idea of R2P but rather against the principle of conditional sovereignty within the third pillar (BLOOMFIELD 2015: 325; QUINTON-BROWN 2013: 264). Building on these debates surrounding the diverse perceptions of R2P norms, this article aims to provide an empirical assessment of whether R2P norms are endorsed, contested, or rejected within the Latin American context, while shedding light on the complex landscape of contestation practices and their implications.

Norms play a crucial role in shaping global governance, national politics, and the everyday lives of individuals. They represent embedded normative expectations that constitute how particular situations should be addressed and define shared understandings of legitimacy (CLARK 2005: 207). While norms are not solely derived from moral principles, morality, alongside law and symbolic authority, serves as a potent source of their legitimacy (BUCHANAN 2003: 259). In a social constructivist perspective, the adherence to norms hinges on a shared belief in the appropriateness of certain actions (FINNEMORE – SIKKINK 1998: 891; KATZENSTEIN 1996: 5; KLOTZ 1995: 453). According to this line of thought, states comply with norms because they are convinced of the inherent values within them and seek recognition as credible members within the international community, akin to membership in a club (CLAUDE 1966: 367). Consequently, norms hold significant weight as they are constituted by collective normative expectations within a specific social context (BEN-JOSEPH HIRSCH – DIXON 2021: 4).

Since the late 80s, the constructivist understanding of norm development has advanced enormously. Martha Finnemore and Kathryn Sikkink's famous study (1998) traced the evolution of norms from norm emergence up to their complete internalization (IBID.: 897). As per Finnemore, Sikkink, and other scholars who adopt their life cycle model, the defining characteristic of norms is their taken-for-granted status. Consequently, the ultimate stage of norm internalization is marked by the minimal presence of contestation of the given norm(s) in public discourse or within practical policy-making. Contemporary research shifted from a narrow understanding of norms' progressive acceptance to acknowledging more complex processes of how norms evolve, transform and even decline (LEGRO 1997; KROOK – TRUE 2010; PANKE – PETERSON 2011, 2016). Scholars have used more precise indicators to measure compliance and have considered discursive- as well as practical- action to assess to what extent particular norms were endorsed (DEITELHOFF – ZIMMERMANN 2019). In contrast to the assumptions made by Finnemore and Sikkink, norms are hardly ever taken for granted – a problem recognized by a wider range of authors who focus on contestations over norms and their effects on norm-robustness (SANDHOLZ 2019; SIMMONS – JO 2019; KEATING 2014, SANDHOLZ – STILES 2009).

The existing scholarship on norm advocacy and legitimization has been recently enriched by studies focusing on discursive and practical

processes leading to norm weakening, norm erosion or even norm decline (KUTZ 2014; PANKE – PETERSON 2011; MCKEOWN 2009). In a recently published special issue on norm robustness, the authors challenged the assumption that contestation initiated by powerful states leads to norm weakening or even norm decay (SANDHOLZ 2019: 140). After examining some practical case-studies, including studies on prohibition of the use of force (BRUNNÉE – TOOPE 2019) and prohibition of torture (SCHMIDT – SIKKINK 2019), they saw that norms are apparently more resilient and do not necessarily erode after being discursively/practically challenged (SANDHOLZ 2019: 140).

In contrast to these studies, Antje Wiener treats contestation as a meta-organizing principle of global governance (2018; 2014). Rather than reducing the analysis to examining the impact of contestation on norm strength, she focused on various modes (arbitration, deliberation, contention and justification) to study the complex constitutive effects on norms. According to Wiener, norms need to be constantly challenged to be both legitimate and effective within the diverse and complex social world (WIENER 2008: 66, 2014: 36–39). Lucrecia Garcia Iommi builds on Wiener's theory and modifies the process of norm development by introducing (i) dynamic norm internationalization and (ii) norm regression as alternatives (2020: 12). The model takes into account that a lack of engagement (including contestation) might, in extreme cases, make norms obsolete due to their irrelevance and longer-term neglect. Alternatively, norms can be modified based on contestation through deviant application, especially if such a pattern occurs repeatedly over time (IOMMI 2020: 14–15). This paper aligns with Wiener and Iommi's perspective on the legitimization effects of contestation on norms, emphasizing the transformative power of contestation within the ever-evolving global governance.

Furthermore, Wiener's differentiation of *reactive* and *proactive* contestation is very useful as it allows for a deeper understanding of the critical engagement of particular agents with the norms as well as constitutive effects of their contestation practices (2018: 38). Reactive contestation occurs when an actor no longer considers a norm appropriate, whether it's regarding the implementation of the norm (referred to as 'contested compliance') or breaches of the norm ('contested norm violation') (WIENER 2020: 1). In the context of the R2P debates, this would correspond with the academic reflections of R2P's antagonists (BLOOMFIELD 2016; QUINTON-BROWN

2013; CLAES 2013; HEHIR 2013; ORCHARD 2015), and in particular with the positions of China, Russia, India and numerous other countries (FUNG 2019; CHEN – YIN 2020; VIRK 2017). They have reservations about the R2P based third party interventions and especially its possible activation in practical cases. Since the 2011 problematic implementation of R2P in the case of Libya, there was even a stronger reluctance to recognize all three pillars as equally important. In particular, the option of military intervention became so disputed that the third pillar of R2P was contested, while the first two pillars were recognized as relatively strong international norms (WELSH 2013, 2019; GARWOOD-GOWERS 2015).

While this type of contestation might have constitutive effects on the robustness of norms, proactive contestation indicates various interpretations among actors engaging with the norms, which in turn might be adapted according to particular normative claims. Wiener stresses that proactive contestation is not so much indicating one's discontent with the norm or its implementation, but rather diverse and competing perspectives among different agents with regard to the distinct meaning or specific means of implementation (2018: 40–41). In other words, proactive contestation occurs when agents with diverse socio-political backgrounds try to clarify specific parameters of the norm. The contestation of R2P indicates deep political divides among states, particularly along the North-South and East-West axes. At the same time, these varying viewpoints underscore the critical role of diverse perspectives in shaping the constitution of the legitimacy surrounding R2P norms on a global scale.

The following section builds on existing critical constructivist research by recognizing the importance of agency and the complexity of practices that might have constitutive effects on existing norms. It proposes a typology that will enable an empirical analysis of existing perceptions of R2P norms based on the level of engagement with R2P norms, on one hand, and specific positions taken regarding these norms, on the other. This typology provides a structured approach to examining how Latin American states have interacted with R2P norms, with a particular focus on the extent to which they have proactively advanced R2P by proposing specific initiatives. This will bridge the gap in the existing research on R2P from the perspective of the "Global South".

PERCEPTIONS OF EXISTING NORMS: A TYPOLOGY

This article analyzes existing perspectives towards the R2P norms across Latin American countries by differentiating between their supporters, antagonists, and contesting actors. The contesting actors neither fully endorse all three R2P pillars and a comprehensive range of implementation measures nor outright reject the R2P commitment or its implementation. Instead, they proactively challenge the interpretation of specific principles – e.g. questioning the necessity for a UN Security Council authorization in R2P-based enforcement interventions, or challenging a particular pillar in favor of alternative options, for instance, agreeing with R2P-based prevention but contesting long-term peace-building measures. Moreover, each position is further divided based on the level of engagement to distinguish between active (norm-making) and passive (norm-taking) stances. The active approach involves promoting R2P through academic or political conferences, sponsoring UN resolutions endorsing R2P, or even implementing its provisions. Conversely, a supportive yet passive position is characterized by a silent approval of an R2P document without any discursive or practical promulgation. Utilizing these criteria, a typology was devised, encompassing six ideal-typical standpoints for understanding the varying perspectives and contestation practices surrounding R2P within the Latin American context.

The first category, that of supportive states, covers R2P *advocates*, who actively promote R2P norms to achieve their greater recognition among other actors, and their more effective implementation, and/or to maintain their status as an influential norm champion. The active support is manifested not only by consistently positive statements presented in the UN debates on R2P but also by engagement within R2P advocacy networks, e.g. the Global Network of R2P Focal Points or the Global Center for R2P. In contrast, the *adherents* can be defined as passive norm-takers. These states exhibit compliance with R2P norms and acknowledge their importance without actively seeking to diffuse or champion them on the global stage. While they may endorse R2P principles and participate in relevant international discussions, their engagement remains relatively low-key compared to the active R2P advocates. Passive norm-takers may express a general support for R2P through periodic statements in UN forums or through their membership in regional organizations that endorse

the norm, but they do not engage extensively in norm-promoting activities or take on prominent roles within R2P advocacy networks. Instead, their focus lies primarily on internalizing the norm within their domestic policies and demonstrating their alignment with the global consensus on R2P, without assuming an overt leadership position in its advancement.

The first type of contesting actor, also referred to as *revisionists*, encompasses actors that challenge specific provisions of the R2P norm while actively presenting their own alternative interpretations (aligning with Wiener's concept of proactive contestation). These actors engage in a deliberate effort to promote their distinct perspectives, seeking to modify certain aspects of R2P or replace them with alternative approaches that align more closely with their interests or values. Revisionists adopt a critical stance towards particular elements of R2P, such as the criteria for intervention, the role of the United Nations Security Council, or the emphasis on military measures. They may advocate for a more stringent threshold for intervention or propose alternative methods of prevention and conflict resolution that prioritize non-coercive measures. Additionally, some revisionist actors may question the Western-centric aspects of R2P, calling for a more inclusive and culturally sensitive approach to addressing humanitarian crises. In their endeavor to contest and reshape the R2P norm, revisionists actively engage in diplomatic efforts, participate in international forums, and collaborate within advocacy networks. They seek to influence the discourse surrounding R2P by offering alternative R2P interpretations to address mass atrocities and protect vulnerable populations. By challenging specific provisions and presenting their own proposals, revisionist actors contribute to the ongoing evolution of the R2P norm and influence its implementation on the global stage.

The category of *reserved* actors refers to states that express only partial support for or partial compliance with R2P norms. While they acknowledge certain aspects of the norm, they refrain from fully endorsing or implementing all its principles. Unlike revisionist actors, the reserved do not propose any distinct perspectives on or alternative approaches to R2P. Instead, they adopt a cautious or hesitant stance towards the norm without actively seeking to contest or challenge its fundamental principles. The reserved actors may selectively support specific pillars or elements of R2P that align with their immediate interests or regional security concerns.

They may demonstrate a willingness to engage in preventive measures but display reluctance towards more robust intervention options, or vice versa. They occupy an intermediary position between outright support and active contestation. Their partial support for and partial compliance with R2P norms demonstrate a measured engagement with the norm, while their lack of distinct perspectives or active contestation distinguishes them from other contesting actors seeking to reshape or challenge the R2P framework.

The *antagonists* are contesting actors who express a strong disapproval of the R2P norms, which corresponds to Wiener's reactive validity contestation. Unlike the reserved or revisionist actors, the antagonists actively promote competing norms as alternatives to R2P. They are driven by a fundamental rejection of the principles and objectives underlying R2P and seek to challenge and undermine its legitimacy as a normative framework. The antagonists manifest their disapproval of R2P through vocal criticism, diplomatic opposition, and advocacy for alternative approaches to addressing mass atrocities and protecting vulnerable populations. They may propose alternative norms or doctrines that prioritize national sovereignty, arguing against external interference in domestic affairs. For instance, in a situation of armed conflict, they may emphasize a diplomatic resolution of a dispute rather than condemning atrocity crimes. These contesting actors aim to challenge the legitimacy and effectiveness of R2P as such. In short, they soundly disapprove of R2P and actively work to promote competing norms as alternative frameworks for addressing mass atrocities.

Bystanders are characterized by their disengagement from R2P-related initiatives and their decision not to take part in discussions or debates on the norm. They may denounce R2P initiatives or proposals without offering alternative perspectives or actively challenging the norm's principles. Their lack of involvement in R2P-related discourse suggests a lack of commitment to shaping the global governance mechanism but it can be also explained by a pragmatic cautiousness to engage with potentially controversial issues. In other words, the bystanding of these actors can be motivated by various factors. It may result from a belief that R2P does not directly concern their national interests or regional security considerations. Alternatively, it may reflect a broader skepticism or lack

of priority regarding humanitarian issues on the global agenda. However, it remains challenging to ascertain the underlying causes definitively, as available data may not provide sufficient insights. Conducting further research through personal interviews with high-level political representatives would be necessary to gain a more comprehensive understanding of their motivations. Such an in-depth investigation, however, lies beyond the scope of this paper. Nevertheless, it is crucial to identify and acknowledge the existence of these actors to highlight the complexity of perspectives surrounding R2P norms. This inclusivity goes beyond merely recognizing active champions, antagonists, or revisionists; it encompasses states with varying levels of engagement, including those with limited involvement in R2P-related matters. The following table sums up the typology, including the indicators of each approach.

TABLE 1: PERCEPTIONS OF EXISTING NORMS

	Active	Passive
Support	*advocates* promoting norms in discourse and practice	*adherents* approval and compliance but no promulgation
Contestation	*revisionists* challenging specific provisions promoting alternatives	*reserved* declaring only partial support abstention in voting
Rejection	*antagonists* sound disapproval promoting competing norms	*bystanders* abstention from debates denouncing initiatives

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Having established the typology as a structured approach to assess Latin American states' interactions with R2P norms, it is crucial to underscore its significance in advancing our understanding of norm contestation. This typology not only offers a framework for categorizing states' positions but also serves as a tool to analyze the complexities of norm contestation practices. Countries' positions were studied through the documents from important high-level meetings on R2P between 2005 and June 2023; the annual debates of the UN General Assembly on R2P (E.G. FROM UN DOC A/63/PV.96, 2009 UP TO UN DOC A/73/PV.93, 2019, AND ITEM 132: REPORT OF THE SECRETARY-GENERAL A/77/910, GA/12513 – DEBATE ON THE ITEM, 2023). The UNGA debates were complemented by meeting records of the UN Security Council, especially those produced during the selected crises, which evoked strong controversies and contestations over R2P, including the first activation of the third pillar measures in Libya and the regionally highly relevant humanitarian crisis in Venezuela (E.G. ON LIBYA, UN DOC S/PV.6498, 2011, AND ON VENEZUELA, UN DOC S/PV.8452,

2019; UN DOC S/PV.8476, 2019; UN DOC S/PV.8506, 2019). In the past years, relevant debates took place within the Organization of American States (OAS), especially in the context of the crisis in Venezuela (e.g. the Conference on "The Responsibility to Protect in the Americas", 21 March 2019). These events are very useful for a comparison of the dynamics of the debate within a regional high-level platform and a global one, represented by the main UN bodies.[1]

LATIN AMERICAN POSITIONS TOWARDS R2P

When the R2P concept was negotiated and finally endorsed during the 2005 World Summit, the text of the two paragraphs was modified so as to be acceptable to the widest possible audience (BANNON 2006). The scope of the just cause was narrowed down to four specific situations (genocide, ethnic cleansing, war crimes and crimes against humanity); the option of military intervention within the third pillar of R2P remained strictly limited, according to the existing UN Charter-based regime (UN DOC A/RES/60/1 2001: 30). Some experts were disappointed by the lack of actual innovation, especially when compared to the original ambition of the ICISS (O'CONNELL 2010; HEHIR 2008, 76–96; HAACKE 2009). However, the final endorsement of the Outcome has been mostly considered a key milestone in the R2P normative trajectory, especially due to the fact that it was recognized worldwide, including in all countries of Latin America (SERRANO 2011: 425–426). As the following section will demonstrate, however, there was a greater diversity of country perspectives that were manifested after the 2005 World Summit.

In the following decade, several countries of Latin America consistently advocated for R2P and very much appreciated the activities of the UN Secretary General in that regard. Chile, Costa Rica and Guatemala were outspoken active supporters of R2P since the first regional consultations back in 2001, and in the following annual Interactive Dialogues of the UN General Assembly, they promoted the appropriate three pillar structure as well as the scope that was limited to the worst atrocity crimes (UN DOC. A.63/PV.97; UN DOC A.63/PV.98 2009; GCR2P 2010). Chile, the host country of the 2001 R2P regional conference, proposed the integration of R2P into the 2005 outcome (STATEMENT BY H.E. MR IGNACIO WALKER MINISTER OF FOREIGN AFFAIRS OF THE REPUBLIC OF CHILE 2005) and can be qualified as the leading norm entrepreneur in the region (JULIO 2015). As for Guatemala, it presented its mild concerns

with regard to the potential interventionism and different standards for qualifying a just cause; however, these were balanced by its strong advocacy for the general R2P mission $\overline{\text{(UN DOC. A.63/PV.97 2009: 14)}}$.

All three countries have emerged as active and committed members of the Global Network of R2P Focal Points, demonstrating their strong dedication to promoting and advancing the principles of the Responsibility to Protect (R2P). As focal points, these countries play crucial roles in coordinating efforts and facilitating communication between various stakeholders on matters related to R2P. Their active involvement in the network allows them to engage with other like-minded states, international organizations, and civil society actors, such as the Global Center for R2P (GCR2P) or the Canadian Montreal Institute for Genocide and Human Rights Studies (MIGS). Moreover, Costa Rica, together with other R2P proponents, actively participates in the UN-based Group of Friends of R2P, an informal group that convenes regular diplomatic meetings to advance the R2P agenda within the UN context. In recent years, Costa Rica has played a prominent role within the Group. In 2022 and 2023, the country co-chaired the Group alongside Botswana and Croatia, and delivered statements on its behalf during UN debates.

While champions of R2P like Chile, Costa Rica, and Guatemala actively and explicitly advocated for its advancement, Colombia, Argentina, and Peru took a more tacit approach by reaffirming their approval of the 2005 Outcome. These countries consistently stressed their commitments on the national level and their compliance with atrocity crime prevention; therefore, they indicated that their position is one of norm acceptance but not much active engagement. In 2021, these countries joined the group of 85 countries which co-sponsored Resolution 75/277, which reaffirmed the international commitment to R2P.

The radically opposite club of active antagonists, who consistently and loudly rejected different principles of R2P, includes Venezuela and Nicaragua $\overline{\text{(UN DOC. A.63/PV.99, 2009 AND GCR2P 2010)}}$. During the 2009 Interactive Dialogue, Miguel d'Escoto Brockmann of Nicaragua was in the position of the president, and therefore, his statement there was merely rather skeptical but in the upcoming debates, the country's position shifted closer to that of the vocal antagonists. Both countries see the framework as a tool

for interference in sovereign matters of targeted countries and do not support even the other two pillars. They frequently used the debates on R2P to criticize the UNSC's functioning, especially the prevailing politics of double standards and the hegemonic position of the veto powers (UN DOC. A.63/PV.97, UN DOC. A.63/PV.98, 2009). Meanwhile, Cuba is a difficult border case between the categories of opposers and disputers. It raised quite serious objections to the "right of humanitarian intervention" and ambiguous terms which could lead to fundamental violations of international law. But its representatives kept stressing development assistance as the best tool to prevent humanitarian crises. In 2016, Cuba delivered a statement and argued that R2P remained a matter of great concern for many countries, particularly small and developing nations, due to the potential for manipulation for political purposes. The country emphasized that the current lack of consensus about the scope and implications of R2P hindered any meaningful discussion about its implementation. Cuba's strong reservations regarding R2P's possible misuse led to significant disputes over the entire R2P concept, aligning its position closer to that of the antagonists, who fundamentally question and challenge the framework.

By 2009, many countries in the region were complete bystanders regarding R2P (Antigua and Barbuda, The Bahamas, Barbados, Belize, the Dominican Republic, Grenada, Guyana, Haiti, Honduras, Jamaica, Panama, Suriname and Trinidad and Tobago) and did not take part in the GA Dialogue or any other deliberation platform. Some of these countries recently shifted closer to a tacit support for it, however. For instance, Haiti contributed to the 2017 interactive dialogue by declaring its commitment to broaden human rights norms, as well as R2P. Based on its recent statement, it is the only country in the region which can be categorized among the supporters (as complete silence could be hardly interpreted as an implicit approval). This is actually quite a difficult analytical question: how to approach the absence of any standpoint on the part of a country but in the context of the existing advocacy towards the "undecided" states, which is especially exercised by the GCR2P. It is highly likely that those countries would be pushed to take a position by such advocacy unless they were literally disinterested.

Finally, a numerous group of countries repeatedly challenged R2P by either stressing problematic aspects and proposing modifications or just

endorsing a particular pillar at the expense of another. The most visible of these was, not surprisingly, Brazil, a country with serious aspirations to become a regional standard setter. Prior to the intervention in Libya, the Brazilian representatives to the UN stressed the exceptionality of the third pillar, use of force only as a last resort and potential extensions of the just cause beyond the situations agreed in 2005 (UN DOC. A.63/PV.97). According to the then Brazilian ambassador, the right to development is an important principle which should be emphasized as the best preventive tool to fulfill the R2P promises. In 2011, Brazil held the position of a non-permanent member of the UN Security Council and, together with China, Germany, India, and the Russian Federation, abstained during the voting on resolution 1973, which authorized an unprecedentedly wide range of punitive measures to protect civilians in Libya. The Brazilian representative justified this reserved position by declaring the measures of the resolution overly extensive, as they went far beyond the calls for a no-fly zone (UN DOC. S/PV.6498, 17 MARCH 2011: 6).

Later, in September 2011, when the early optimism of R2P advocates was replaced by a sober criticism of the NATO military campaign in Libya, the Brazilian foreign minister Antonio Patriota (2011) introduced the Responsibility while Protecting (RWP) as a complementary norm to the UN mandate for the first time. During the 66th Regular Session of the General Assembly, the Brazilian president Dilma Rousseff repeated the appeal and argued: *"Much is said about the responsibility to protect, yet we hear little about responsibility while protecting. These are concepts that we must develop together"* (STATEMENT BY BRAZIL, 12 JULY 2011). The greatest attempt to elaborate and come up with a more detailed conceptual framework of RWP was the presentation by the Permanent Representative to the UN, María Luisa Viotti, during the UN Security Council meeting in November 2011. The Brazilian proposal included principles of last resort, proportionality and likelihood of success; additionally, it called for the UNSC to systematically monitor how its resolutions are being implemented in practice (UN DOC A/66/551, 9 NOVEMBER 2011). Between 2012 and 2019, Brazilian representatives repeatedly stressed the need to systematize principles of accountability within military interventions, e.g. by reporting to and briefing delegations or by establishing expert panels which would monitor compliance with existing international norms regulating use of force (STATEMENT BY BRAZIL, 5 SEPTEMBER 2012, 8 SEPTEMBER 2014, 6 SEPTEMBER 2017; UN DOC A/73/PV.93 2019). Beyond the

flagship RWP initiative, Brazil consistently addressed the need to strengthen structural prevention and invest more in development assistance (while criticizing developed states for spending their budgets on militarization instead of reducing poverty and inequality). Finally, it strongly challenged the principle of authorization and the role of the UNSC in general to urge for an extension of membership to developing countries, thereby calling for more representativeness in the major UN decision making body. In addition to these larger and longer pressures for UNSC reform, Brazilian representatives repeatedly challenged the working mechanisms of the R2P Interactive Dialogue, including the three-minute limit on statements, which allegedly did not allow for adequate discussions of controversial issues (IBID.).

There was a larger group of countries that advocated for revisionism with regard to the role played by the UNSC in R2P decision making. Since 2009 Mexico, Argentina, and Bolivia have disputed the exclusive position of the Security Council in the implementation of R2P and stressed the need for an effective reform in this regard. The representatives of Bolivia and Mexico originally argued for a complete elimination of the veto power (UN DOC. A.63/PV.97; UN DOC. A.63/PV.98 2009). In the context of the crisis in Syria, those countries accused the Council of responding to it inadequately and revitalized the debate on the veto through the self-restraint principle. In 2015, Mexico, together with France, proposed an initiative to suspend the use of the veto in the Security Council in cases of serious atrocity crimes (Political statement on the suspension of the veto in case of mass atrocities 2015). Although the proposal challenged existing norms of R2P implementation, it gained support even among R2P advocates. In 2018, Mexico together with Finland hosted a meeting of R2P Focal Points, which indicated a shift towards constructive participation in R2P advancement. In contrast, Bolivia was more skeptical towards any possible progress in R2P and its representatives consistently stressed the vagueness of the concept, which could be easily abused for both interventionism and inaction (STATEMENT OF BOLIVIA, 11 SEPTEMBER 2013). In 2014, a Bolivian representative briefly stated: *"the international relations are in crisis, the values of this society are in crisis, its institutions are in crisis, the development model is in crisis, even the dialogue is in crisis, so, we believe that some countries want to resolve those crises with war, with intervention and without dialogue"* (STATEMENT OF BOLIVIA, 8 SEPTEMBER 2014). Bolivia also suggested strengthening the peaceful dialogue on the

conditions of R2P implementation to prevent policies of regime change and other destabilizing actions (STATEMENT OF BOLIVIA, 6 SEPTEMBER 2017).

The concept has been frequently challenged by requests for more clarification and continuing discussions on the operationalization mechanisms. Ecuador and Uruguay warned against any attempts to redefine the four crimes and extend the scope to other situations (UN DOC. A.63/PV.97). Ecuador also had reservations due to potential violations of the pillar based sequencing, for instance by skipping peaceful options and underestimating the role of regional organizations or the UN GA when calling for R2P based actions (STATEMENT OF ECUADOR, 6 SEPTEMBER 2016). These critical arguments clearly indicated a significant level of skepticism, especially with regard to practical applications. However, they typically did not lead to specific proposals or initiatives which would go beyond "warning" and "expressing concern". In the 2019 Interactive Dialogue, Ecuador did not deliver any statement, although Espinosa Garcés from Ecuador was the serving president of the UNGA's 73rd session.

Overall, there is no doubt that numerous Latin American countries have disputed R2P by presenting their reservations about the methods of operationalization or potential misinterpretations leading to abuses. Despite a clear diversity of specific positions, fear of interventionism was a common denominator of the advocates, the challengers and, to a great extent, the antagonists. It is a relevant factor and a significant counter-argument widely spread among countries in the South, which might have a legitimate concern in this respect, not necessarily due to their problematic domestic human rights standards. In most cases of R2P contestation, the countries raised their concerns in a constructive manner to facilitate a debate on existing provisions, and often simultaneously proposed possible modifications or additional principles. The following summarizing table (however simplifying it may still be) aims to demonstrate (i) the heterogeneity of positions in the region and (ii) the prevalence of contestation, which is far from limited to counter-interventionism. The final section then discusses the two most significant and elaborate cases of R2P contestation – the Brazilian RWP initiative and the Responsibility Not to Veto (RN2V) initiatives.

TABLE 2: LATIN AMERICAN APPROACHES TO R2P

	Active	Passive
Support	*advocates* Costa Rica, Chile, Guatemala	*adherents* Argentina, Peru, Paraguay, Haiti
Contestation	*revisionists* Brazil, Mexico, Bolivia	*reserved* Ecuador, Uruguay, Colombia
Rejection	*antagonists* Venezuela, Nicaragua, Cuba	*bystanders* Grenada, Bahamas, Barbados, Belize, Dominican Republic, Grenada, Guyana, Honduras, Jamaica, Panama, Saint Lucia, Suriname, Trinidad and Tobago

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THE RESPONSIBILITY WHILE PROTECTING

Brazil presented the most elaborated form of the RWP proposal in a letter addressed to the Secretary General (UN DOC A/66/551, 9 NOVEMBER 2011). It clarified the ambition to introduce a concept that would be complementary to rather than substituting for R2P and introduced nine principles that defined the initiative – (a) an emphasis on preventive diplomacy, (b) rigorous implementation of all peaceful means, c) UN authorization of any use of military force, d) respect for international law, e) elimination of harm when using force, f) proportionality of means to the ends, g) assessment of these principles throughout the whole implementation phase, h) enhanced monitoring of how UN Security Council resolutions are implemented, and i) greater accountability of those authorized to take action. The proposal was subject to extensive scholarly reflection that aimed to evaluate the content and scope but also the originality of the RWP (SEE STEFAN 2017; STUENKEL 2016; KENKEL – STEFAN 2016; TOURINHO – STUENKEL – BROCKMEIER 2015; BENNER 2013; HERZ 2014).

In 2012, the permanent mission of Brazil to the UN hosted a UN General Assembly informal interactive dialogue on RWP (GCR2P 2012B), which indicated Brazil's serious effort to gain wider support for its proposal. The draft was debated in a hot political climate – still shortly after the 2011 intervention in Libya and at the dusk of the quickly escalating crisis in Syria, which did not provide very favorable conditions. The Brazilian representatives together with China, India and Russia criticized the Western countries for their failed humanitarian mission in Libya and, at the same time, distanced themselves from the EU pressure put on Assad's regime. In the end, Western representatives (namely those of Australia, Germany, and the Netherlands) together with the UN Special Advisor on R2P, Edward Luck,

did not support the core ideas of RWP, mostly due to the lack of conceptual clarity and the overly tight rules on the use of force, which could allegedly jeopardize the general mission of protection (UN DOC S/PV.6650 2012; GCR2P 2012).

The Brazilian initiative has been viewed as having the potential to influence and possibly modify existing global norms. On one hand, some viewed it as an emerging norm revisionism by one of the BRICS countries, which indicated more assertive voices in the South (STEFAN 2017; KENKEL – STEFAN 2016; EVANS 2012, 2014; GARWOOD-GOWERS 2013; BENNER 2013). On the other hand, Serbin and Serbin Pont stressed the ephemeral life of the concept, which was dropped as soon as Brazil completed its mandate in the UN Security Council (2015A: 178). Despite not formalizing the RwP initiative, Brazil's ongoing engagement in the UN debates underscores its commitment to contesting and refining the R2P framework. Brazil consistently stresses the need to prioritize prevention and emphasizes the importance of operationalizing preventive measures to reduce the risk of mass atrocities. Moreover, the country has been a vocal advocate for greater accountability in the implementation of R2P, urging for enhanced procedures for monitoring and assessing actions taken under the norm. Additionally, Brazil consistently highlights the principle of last resort when discussing the activation of the third pillar of R2P, advocating for a cautious and strict approach to the use of military force. For instance, in the 2023 UN debate on R2P (83rd meeting of the 77th Regular Session), Norberto Moretti, representing Brazil, emphasized the importance of establishing a consensus on fundamental principles and procedures before undertaking any collective action. He highlighted the necessity of exhausting all diplomatic, humanitarian, and peaceful means before considering any intervention.

Some commentators also disputed both domestic and wider regional support and argued that RWP was proposed by the highest state representatives of Brazil (the president and the foreign minister), but lacked the fundamental support of other Latin American countries (SERBIN – SERBIN PONT 2015A: 178). In reality, there were other countries which explicitly sympathized with the Brazilian initiative (e.g. Costa Rica, Uruguay, Ecuador) and most of the active representatives who participated in the debates stressed accountability and transparency when implementing R2P policies (S/PV.6650 2012; GCR2P 2012). While the RWP proposal has not been established as an amendment of the R2P norms, and the diplomatic efforts have been

therefore considered a failed attempt (SERBIN – SERBIN PONT 2015B) or a missed opportunity (STEFAN 2017; KENKEL – STEFAN 2016), the specific provisions corresponded with the reservations of many Latin American states and countries of the "Global South" in general.

Hence, the RwP initiative emerges as a substantial contribution to the continuing discussions on R2P within the Latin American context, aligning closely with the perspectives highlighted by Wiener and Iommi, who have consistently emphasized the pivotal significance of contestation in shaping the legitimacy and structuring influence of global norms. The RwP proposal reiterates the belief in the crucial role of prevention and preventive diplomacy in reducing the risk of mass atrocities, advocating for a stronger emphasis on the non-coercive aspects of R2P's implementation. This perspective aligns with the broader Latin American contestation of R2P, which has often emphasized the need to prioritize peaceful measures in addressing conflicts and human rights crises. Moreover, the RwP proposal highlights the importance of a prudent and judicious use of military force, emphasizing the principles of last resort and proportionality. Within the Latin American context, the cautious approach to military intervention is consistent with the region's historical emphasis on sovereignty and non-interference in internal affairs. By calling for careful consideration of the objectives and mandates established by the UN Security Council, Brazil's RwP initiative reflects the concerns of Latin American states regarding potential misuse or abuse of military force in the name of R2P. The RwP proposal addresses issues of accountability and monitoring, seeking to enhance transparency and responsibility among those granted the authority to resort to force. This again resonates with the broader Latin American critiques of the UN Security Council's actions and the need for more inclusive decision-making processes. Ultimately, the RwP initiative adds to the ongoing discourse on R2P contestation in Latin America by acknowledging the limitations of the collective security system. These limitations include concerns about potential selectivity and lack of consistency in the actions of the UN Security Council. Such considerations align with the broader Latin American discussions on the need for a more equitable and inclusive international order.

THE RESPONSIBILITY NOT TO VETO

Another notable example of contestation practices within the Latin American context is related to initiatives advocating for the Responsibility Not to Veto (RN2V) within the UN Security Council. Several Latin American states have actively supported campaigns and proposals aimed at limiting or suspending the veto power in cases of mass atrocities. In 2006, the Small Five (S5) group of states, comprising Costa Rica, Jordan, Liechtenstein, Singapore, and Switzerland, proposed to the General Assembly that the use of the veto in decisions pertaining to mass atrocity situations be curtailed. The S5, including Costa Rica, persistently advocated for the notion of veto-restraint, and as a result, it became a recurring and prominent topic of discussion during the UN's Informal Interactive Dialogues on R2P. However, the proposal of the S5 faced a strong push back by other countries, especially the permanent members of the UN SC, but also Brazil, which aspired to be recognized as another great power.

Confronted with resistance, the S5 took a strategic approach and, by May 2013, transformed itself into a more inclusive UN coalition of states known as the 'Accountability, Coherence and Transparency Group' (ACT). This reconstitution allowed the group to expand its membership and strengthen its position by collaborating with a wider range of like-minded states. While Costa Rica continued to be one of the most active champions of the initiative, the reconstituted ACT included several other Latin American states, including Chile, Peru and Uruguay. In 2015, the ACT proposed a *Code of Conduct regarding Security Council action against genocide, crimes against humanity, and war crimes* (UN DOC A/70/621-S/2015/978 2015). This significant proposal urges all members of the United Nations Security Council (both elected and permanent) not to vote against any credible draft resolution aimed at preventing or halting mass atrocities. Over the years, the Code of Conduct has gained considerable support, with 121 member states and 2 observers signing onto it as of 2022.

In August 2015, France and Mexico initiated the 'Political Declaration on Suspension of Veto Powers in Cases of Mass Atrocity' as a complementary yet separate initiative to the Code of Conduct. The declaration's primary objective was to encourage voluntary restraint among the Permanent Members of the UN Security Council when confronted with situations

involving mass atrocities. While France had a longer-term commitment to the veto self-restraint principle (VILMER 2018), the Mexican contribution has not been subject to deeper analysis and it was generally commented on as a "backing" of France (MORRIS – WHEELER 2016: 236). In the follow up debates on R2P, France frequently delivered a statement on behalf of Mexico, which indicates the long-term and consistent alignment of the two countries with regard to R2P norms. This showcased not only Mexico's commitment to the principles of multilateralism and collective action but also its strategic partnership with France, a Western state championing the RN2V initiative. In a broader sense, the contestation related to R2P norms extends beyond a mere push-back of the Global South against Western interventionism. However the Mexican engagement might be instrumental and politically motivated beyond the advancement of R2P, its commitment to the RN2V remains a significant contribution to the debate on multifaceted and diverse contestation practices.

CONCLUSION

Throughout this analysis, it has become evident that regional perspectives play a pivotal role in determining the dynamics of norm contestation. As Wiener highlights, enduring regional differences can both challenge and enrich the legitimacy of global norms. The Latin American experience with R2P serves as a powerful illustration of how regional actors, with their unique histories and perspectives, contribute to the ongoing evolution of international norms.

Among the R2P champions in the region, Costa Rica, Chile, and Guatemala have emerged as active advocates of it, engaging in various initiatives such as the Global Network of R2P Focal Points. These states have demonstrated strong commitments to R2P and have actively promoted its implementation, providing many examples of their dedication to protecting populations from mass atrocities. On the other hand, there are the passive adherents, including Colombia and Argentina, which comply with R2P norms without actively advancing or contesting them. These countries emphasize their commitment to atrocity prevention, but their engagement with R2P does not expand beyond a formal endorsement of the R2P principles. Among the opponents, states like Venezuela and Cuba have expressed strong disapproval of R2P, disputing the concept

and questioning its scope and implications. Their reservations have led to significant contestation of the whole R2P framework, reflecting deeper political divides among states, particularly due to the legacy of interventionism practices and the prevailing distrust towards "Western" norms.

One significant contribution of this article is the focus on proactive contestation, which goes beyond merely highlighting the rejection of R2P norms. By exploring the intricacies of contestation, including resistance to specific provisions and alternative interpretations, the study demonstrates that contestation is a highly political act driven by various considerations, including deeply embedded local norms but also the state's positions within global governance. The research has also shed light on the Brazilian RWP initiative, which proposed alternative perspectives on R2P implementation, emphasizing preventive diplomacy and non-coercive measures. Although the initiative did not become formalized, Brazil's continuous contestation of R2P norms has added valuable insights to the ongoing debates on R2P's implementation, especially its third pillar. Moreover, the study has highlighted Latin American states' contributions to the RN2V initiatives. Costa Rica's activities within the S5 and Mexico's support for the 'Political Declaration on Suspension of Veto Powers in Cases of Mass Atrocity' reflect a commitment to multilateralism and a desire to reform the UN Security Council's decision-making structures to enhance accountability and responsiveness. At the same time, they can be viewed as an instrumental support of France with the aim to strengthen the countries' strategic partnership with a powerful Western state.

In conclusion, this research emphasizes the significance of understanding the role of contestation in shaping global governance, while moving beyond the simplistic categorization of states as supporters or opponents of R2P. By acknowledging the diverse positions and practices within Latin America, we gain valuable insights into the complexities of R2P implementation and its potential for meaningful reform. Furthermore, it is crucial to understand contestation not only in relation to R2P norms as such but rather as a political struggle of individual actors to push their perspectives vis-a-vis other agents. In this broader context, contestation emerges as a dynamic process shaped by competing interests, historical legacies, and geopolitical considerations, further underscoring the multifaceted nature of R2P contestation. Ultimately, engaging with diverse

regional perspectives will be essential in future debates on R2P norms and their legitimacy in the context of the existing global order.

ENDNOTES

1   The presented analytical results are based on a careful examination of more than 100 official UN meeting records; therefore, the references provided in the text reflect only a fragment of the empirical material.

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