

Brazil and the EU: partnering on security and human rights?

Susanne Gratius and Giovanni Grevi

»» Both Brazil and the European Union (EU) are 'actors in transition'. The question is whether their fluid position in a changing international environment will make them closer or more distant partners on political and security issues. Despite a recent slowdown, after a decade of economic growth and social progress Brazil is now a large, self-confident power with a growing global projection. For the past few years, Brazil has been pursuing a multi-vectoral strategy of 'insertion' into global markets and leading governance clubs, leveraging its multiple identities as a traditional representative of the South (G77), a pragmatic trade power in the new Quad, an economic powerhouse in the G20 and a vocal emerging power in the IBSA (India, Brazil and South Africa) and BRICS (Brazil, Russia, India, China and South Africa) formats.

After decades of sustained growth and political integration based on the values of democracy and human rights, the economic crisis has affected the EU's international reputation and has pushed it into a soul-searching phase. The EU has been seeking to reposition itself in a polycentric international system where its traditional weight in setting the global agenda is increasingly contested. Europeans have been slow to respond to mounting pressure to address their (over)representation in major international fora. However, at the same time, the EU and its member states have sought to engage emerging powers such as Brazil at different levels, including via mini-lateral formats such as the G20 and the establishment of bilateral strategic partnerships.

HIGHLIGHTS

- Both Brazil and the EU are redefining their position in a fluid international system.
- Despite their different experiences and perceptions, there is scope for the two partners to enhance dialogue on security and human rights.
- Cooperation on specific issues is the best way to build confidence in the field and in multilateral settings.

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»»»»» **OPPORTUNITY AND AMBIGUITY**

The EU and Brazil now face the challenge of building mutual trust and entering an effective dialogue on the global agenda, despite different historical experiences and deep-rooted perceptions. Brazil has been building on its remarkable domestic performance and seeks to play a distinctive, bridge-building role in selected policy areas. Various initiatives point in this direction, from efforts to devise a post-Kyoto emissions' regime 'with legal force' to the ill-fated attempt to broker a deal on nuclear enrichment with Iran, jointly pursued with Turkey in 2010.

Such a role at the interface of different agendas, priorities and perceptions is a source of both opportunity and ambiguity. Brazil and the EU broadly share the same democratic values and principled support for multilateralism. They are both in favour of strengthening the UN human rights system, conflict prevention and peaceful crisis settlement. Unlike the US, Brazil and EU member states are parties to the Rome Statute of the International Criminal Court (ICC). Brazil and the EU have held regular consultations on human rights and agreed at the bilateral summit held in January 2013 to set up a high-level dialogue on peace and security issues, including peace-keeping and peace-building.

However, Brazil and the EU differ in two main aspects. First, Brazil remains wedded to the principles of sovereignty and non-interference in internal affairs. It has been traditionally suspicious of attempts from the North (or West) to influence political or economic agendas in the developing world and, in particular, to advance or protect rights by might, including through military intervention. Second, while Europe and the US share a military alliance and are working to upgrade their economic relations with a new trade and investment deal, in the last decade Brazil has been pursuing an overall strategy of soft-balancing vis-à-vis the US, not least by joining the BRICS group. Engagement between the EU and Brazil on a progressive security

agenda, centred on human rights and good governance as preconditions for lasting security, has been limited. This paper addresses three main dimensions of this agenda, namely the scope for triangular cooperation in the developing world, the debate on the implementation of the principle of responsibility to protect, and Brazil's position on key human rights and security issues at the UN.

**THE DEVELOPMENT-GOVERNANCE
NEXUS**

In her presidential campaign, Brazilian President Dilma Rousseff defined 13 priorities, including expanding and strengthening political, social and economic democracy, and defending national sovereignty and the principle of non-intervention through an active and autonomous international presence. According to Foreign Minister Antonio de Aguiar Patriota, the four concepts of democracy, security, human rights and development are intrinsically linked and cannot be considered separately. This integrated approach is broadly compatible with that of the EU, which also favours a comprehensive human development and security agenda. Emphasis on the interdependence among development, human rights and security (albeit with different accents by the two partners) suggests that there is scope for cooperation in this field between the EU as a traditional donor and Brazil as a newcomer.

Brazil's engagement in South-South and triangular cooperation is based on its own experience with democracy and development. In Latin America, Brazil promotes the so-called 'Brasilia consensus', which consists of a stable macroeconomic policy framework and sustained public investment. Brazil's rise from tenth to the sixth largest economy in the world between 1990 and 2012 proves that this formula has delivered, although growth has markedly slowed down over the last two years and Brazil needs to diversify the economy away from exporting commodities. Macroeconomic stability has gone

hand in hand with successful policies aimed at reducing poverty and inequality. In the past ten years, more than 40 million Brazilians have joined the middle class, and President Dilma Rousseff has promised to eradicate extreme poverty by the end of her mandate.

Brazil regards its domestic experience as relevant to promoting development, rights and good governance in third countries, notably through the transfer of knowledge and skills through technical cooperation. Unlike Mexico, Brazil has

not joined the Organisation for Economic Cooperation and Development (OECD) and its Development Assistance Committee (DAC), opting instead for an approach delinked from traditional donors' aid conditionalities. On the

multilateral level, Brazil has been pursuing cooperation on development issues within the IBSA format, establishing a common fund and triangular cooperation in third countries. The BRICS group dedicated its fifth summit, held in March 2013 in Durban, to development cooperation and infrastructure in Africa, and agreed on further steps to create a new development bank with an initial capital of \$100 billion.

According to the Overseas Development Institute (ODI), Brazilian overall aid expenditure was in the range of \$1 billion in 2010, including technical cooperation, in-kind contribution to the World Food Programme (WFP) and the costs of the Brazil-led UN peace-keeping mission in Haiti (MINUSTAH). Most of Brazil's technical cooperation has focused on agriculture, education, health and environment. Fifty-eight countries have so far benefited from Brazil's so-called South-South cooperation, half of them in Africa and one-third in Latin America.

The focus of both Brazil and the EU on Africa provides opportunities for closer cooperation regarding the development-governance nexus. Triangular cooperation is part of their joint action plan (2012-2014) and was defined as 'one of the major areas for the Strategic Partnership'. Brazil has already signed a number of triangular cooperation agreements with a range of partners, notably Japan, as well as with the European Commission, Germany, Spain and the UK, launching common projects in different African and Latin American countries. Triangular cooperation entails that the two partners implement complementary projects around issues of common interest, in agreement with the recipient country.

So far, the EU and Brazil have only taken tentative steps in this direction, reflecting a certain level of reluctance on both sides. In particular, the EU and Brazil have entered triangular cooperation in 2010 with a view to developing bio-fuel crops in Mozambique. In 2013, the European Commission and Brazil's Supreme Electoral Tribunal signed the Charter of Brasilia, establishing the framework for triangular cooperation to support electoral processes (seminars, training and electoral observation) in African Portuguese speaking countries (PALOP) and in East Timor. It is early to say whether this as yet modest level of engagement will help build confidence and lead to broader cooperation in the future, translating normative proximity into concrete, joint projects.

'RESPONSIBILITY WHILE PROTECTING'

The debate on the concept of 'responsibility while protecting' (RwP) offers an interesting illustration of the potential and limitations of Brazil's normative entrepreneurship. Like China, India, Russia and Germany, Brazil abstained from United Nations Security Council resolution 1973 that authorised the use of force in application of the principle of 'responsibility to protect' (R2P) in order to protect civilians in



Brazil seeks to play a distinctive, bridge-building role in selected policy-areas

»»»»» Libya under attack by government forces. The subsequent NATO-led military operation, resulting in the overthrow of the Libyan regime, proved very controversial. Brazil and the other BRICS countries resented what they regarded as an abuse of the R2P principle by the intervening coalition. However, Brazil not only expressed its frustration, but also submitted a set of proposals to build on the principle of R2P instead of dismissing it as a tool of Western hegemony.

Foreign Minister Patriota had a concept note on RwP delivered at the November 2011 open debate of the UN Security Council on the protection of civilians in armed conflict. The note referred essentially to two points, namely sequencing and monitoring. First, R2P's three pillars (the responsibility of individual states to protect their populations, the responsibility of the international community to help individual countries do so, and the responsibility of the international community to take action in the face of their failure to do so) should be regarded as politically-subordinated to one another and considered in chronological succession. Coercive measures should only be adopted as a very last resort, after all other options have been exhausted. Second, once the UN Security Council authorises the use of force, military action should strictly fit the letter and spirit of the mandate and enhanced procedures would be required to monitor its implementation. An informal discussion on the RwP initiative took place in New York in February 2012. The participation of Minister Patriota signaled Brazil's high-level political commitment.

South Africa was the only fellow BRICS country that openly supported the concept, whereas many in the US and Europe saw it as setting questionable constraints on the implementation of R2P's third pillar. Diplomats noted that most of the principles recalled in the Brazilian proposal already belonged to the original elaboration of R2P, including the centrality of prevention as well as proportionality in the use of force. At the same time, it was felt that a tight sequencing of the three pillars of R2P would be

impractical. Acute crisis situations require flexibility to mobilise different tools of assistance and coercion, and the latter need not to entail military measures, which would anyway require the authorisation of the UN Security Council. In addition, while undertaken as a last resort, military action would not necessarily entail the exhaustion of parallel political and diplomatic initiatives.

The EU responded constructively to Brazilian concerns regarding the transparency and accountability of the use of force under UN mandate – an issue that was further debated at the UN General Assembly informal dialogue on timely and decisive response (third pillar of R2P) in September 2012. A broad consensus has emerged that RwP does not aim to modify the parameters of R2P, but to complement them better to articulate its implementation. The Brazilian initiative remains on the agenda and arguably constitutes a useful contribution to confidence-building on a sensitive, divisive issue. At the same time, it shows that there is only limited scope for the codification of an essentially political concept and for bridging different interpretations of what may or may not trigger coercive measures in specific cases.

A SHIFTING APPROACH TO HUMAN RIGHTS

Brazil's commitment to human rights, enshrined in the Preamble of its Constitution, has become more robust at both the domestic and international levels under the Rousseff administration. The Brazilian government has accepted 69 of the 70 recommendations made by the UN Human Rights Council in 2012 and has signed all human rights conventions and agreements. In close cooperation with civil society, Brazil has launched special initiatives against racism and has been focusing on gender balance, the protection of children, the elderly and the disabled. Brazil and the EU joined forces with others to hold a high-level conference on women empowerment as a side-event to the

22nd session of the UN Human Right Council (UNHRC) in February 2013.

The creation of a National Truth Commission in 2012 to investigate crimes during the Brazilian military regime (1964-1985) and the plan to develop by 2015 a National System of Human Rights Indicators provide further evidence of President Rousseff's strong commitment to human rights at home. The fight against corruption also features high on the agenda: eight ministers have resigned and the government has approved a transparency law that gives every citizen access to public documents.

According to Foreign Minister Patriota, human rights are a guiding principle of Brazil's foreign policy. In early 2011, Brazil promoted a debate at the UN Security Council on the 'interdependence' between security and development in order to achieve sustainable peace. At the UNHRC session in February 2013, Minister Patriota stressed that Brazil seeks a 'balanced and non-selective approach' in order to avoid 'polarisation' in the human rights debate. Brazil supports a broad definition of human rights, with particular emphasis on the social and economic dimension. Since the creation of the Human Rights Council in 2006, Brazil has been elected three times to be a member of this body (first for a two-year term and then for two terms of three years). At the last election, in November 2012, Brazil won the support of 184 out of 193 UN member states.

The record of the last two years shows a more open and progressive approach to human rights when compared to the controversial discourse and positions adopted by the Lula administration. But the picture is mixed. In 2009, Brazil abstained from UN General Assembly resolutions on the human rights situation in North Korea and Iran. President Rousseff criticised these decisions and on 25 March 2011 her government backed a UNHRC resolution appointing a special *rapporteur* on human rights for Iran, and supported a condemnatory resolution on North Korea. In 2013, Brazil also voted in favour of a

Commission of Inquiry to investigate human rights abuses in North Korea, promoted by the EU and Japan.

In 2011, Brazil did not support the efforts of EU member states, alongside the US, seeking a UN Security Council resolution condemning the Assad regime's violent crackdown on demonstrators. As the situation in the country deteriorated further, Brazil shifted its approach and supported the UN General Assembly resolutions adopted in February and August 2012 condemning the human rights violations carried out by Syrian government forces and calling for a political transition. In 2011, a Brazilian, Paulo Sergio Pinheiro, was appointed Chairman of the UN Independent Commission of Inquiry on Syria created by the Human Rights Council. However, in January 2013, Brazil did not support the petition by 57 countries (including 26 EU member states) for the UN Security Council to refer war crimes and crimes against humanity in Syria to the ICC – a step envisaged in the recommendations of the UN Inquiry Commission itself in its latest report in February 2013.

CONCLUSION

The review of the EU-Brazil dialogue and cooperation on rights-based security issues indicates that there is potential for further engagement across traditional ideological and political divides. It also suggests that converting this potential into practice may be better achieved by building tangible cooperation from the bottom-up and seeking convergence on specific issues rather than by questioning normative paradigms. Brazil will continue to pursue an autonomous foreign policy, reflecting its new status and self-confidence in international affairs. Democracy and human rights are increasingly likely to feature as important drivers of Brazil's international identity, but will be filtered by the country's distinctive domestic experience, its reluctance to contemplate limitations to sovereignty and by



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»»»»» sheer interest calculations. Dogmatic postures should be avoided; the two sides should look for platforms and issues to facilitate confidence-building and concrete progress. The EU and Brazil are international actors in transition and both will increasingly need reliable partners to advance their values and interests on the global stage.

**e-mail: fride@fride.org
www.fride.org**

*Susanne Gratius is senior researcher at FRIDE.
Giovanni Grevi is acting director of FRIDE.*

