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Kenkel, Kai Michael; Trote, Marcelle Martins

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## Emerging Powers and the Notion of International Responsibility: moral duty or shifting goalpost?\*

**Kai Michael Kenkel**

Pontifícia Universidade Católica do Rio de Janeiro, Brazil

**Marcelle Trote Martins**

Pontifícia Universidade Católica do Rio de Janeiro, Brazil

The rise of new powers and attendant shifts in the global balance of power have led to calls for UN Security Council reform. Established powers have often responded by linking increased influence in the international system with the assumption of more international responsibility by aspirant powers. Based on ethical and philosophical approaches from the individual and state levels, and a case study of Brazil, this article analyses the way in which the notion of responsibility is discursively constructed, demonstrating the manner in which it has been used as an ever-shifting goalpost to deny emerging powers participation at the highest levels of global strategic decision-making. Most often, this is done by equating "responsibility" with the ability and willingness to use robust military force.

**Keywords:** Responsibility; intervention; political philosophy; emerging powers; Brazil; R2P.

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The rise of new powers and attendant shifts in the global balance of power have led to calls for UN Security Council reform. Established powers have often responded by linking increased influence in the international system with the assumption of more international responsibility by aspirant powers. Based on ethical and philosophical approaches to the notion of responsibility, and their transposition to the state and thus international level, from IR theory, as well as a brief analysis of an emerging power —Brazil's — engagement with the concept, this article analyses the way in which the notion of responsibility is discursively constructed, demonstrating the manner in which it has been used as an ever-shifting goalpost to deny emerging powers participation at the highest levels of global strategic decision making. Most often, this is done by equating 'responsibility' with the ability and willingness to use robust military force. However, these practices are at odds with the traditions and capabilities of many important emerging powers, whose strengths in contributing to international order lie elsewhere. This article lays out a conceptual approach for delving into the ethical, moral and philosophical foundations of the notion of international responsibility, with emphasis on application to the case of Brazil.

The article begins with how philosophy and ethics have dealt with the notion of responsibility, from Nietzsche to Levinas and Sartre. These origins are then progressively brought to bear on the discourse on international moral responsibility of states — not to be confused with the principle of state legal responsibility. The second section looks at how the transition from an individually-based concept to one applying to states is made, by means of the individuation of states. The emphasis is on remedial responsibility for others and its linked to both material capacity and common belonging to a cosmopolitan community.

Once the analysis is situated at the level of the state, the discussion then approaches the difference between the often-enshrined great power special systemic responsibility and how the notion of responsibility relates to emerging powers' quest for more influence. In this sense, the objective is to illustrate how responsibility — once derived from capabilities — has become constitutive in its own right of a social role attached to privilege and influence in the

international system. This is then illustrated through the extensive engagement of a prominent emerging power — Brazil — with intervention norms and their attendant focus on remedial responsibility.

### **The origins of responsibility**

Responsibility, as an ethical concept, refers to an individual action that presents two main characteristics: 'attributive' and 'relational'. As a relational concept, responsibility refers to the fact that in every responsible action, one can identify the relationship between the 'self' (that performs the action) and an 'other' (that is the cause of the action). The attributive characteristic of responsibility is explained by the fact that to every human being can be assigned the capability of being responsible for someone or something. So, this person is inherently capable of performing (or not) an action morally significant to another human being. In performing or failing to perform such a moral action, the individual can be both praised and blamed; in this sense, responsibility is also a consequentialist concept.

These two main characteristics (attributive and relational) guide the following reflection about the philosophical origins of responsibility, and how moral solicitude to the other, as a human being, guides policies in international relations. The discussion will first touch upon responsibility as a moral condition, understood as a duty to the other's needs; and second, as an attributive concept, guiding individuals' behavior in society.

Responsibility, as an ethical concept, refers to human relations that seek to make a choice between what is considered good and evil. Every day, humans face these choices in dealing with others' lives. Although individuals can be praised or blamed for what they do (or do not do) in a particular situation, the very fact that they have done something (or not) is what matters to be considered responsible or irresponsible. As Aristotle first argued, a person's responsibility is explained by her capacity of making a choice (ARISTOTLE, 1985, p. 66). But what really motivates such morally responsible actions?

Responsibility is, as mentioned before, a 'relational' concept because it involves relations between human beings – those that perform responsible actions, and those who are the cause of these actions. According to Levinas

(1991), "[r]esponsibility is being for the other" (LEVINAS, 1991, p. 10). In this sense, being responsible for the other means to be hostage to the other: what matters for Levinas is not the action performed by one actor, but the main fact that she was capable of recognizing the other's needs (RAFFOUL, 2010, p. 163).

According to Raffoul (2010), in order to understand Levinas' (1991) ethics of responsibility, one must transcend ontology; for Levinas (1991), ethics is thereby situated in the relationship to the other person, in intersubjectivity – as put by Levinas (1991), it takes place on a level 'beyond being'. This ethical thought places Levinas (1991) in opposition to the traditional and privileged ontology in Western philosophy. For Levinas (1991), Western philosophy is a "reduction of the 'other' to the same":

a. "philosophy of power, ontology is, as first philosophy which does not call into question the same, a philosophy of injustice"... "Western Philosophy has most often been an ontology: a reduction of the other to the same by interposition of a middle and neutral term that ensures the comprehension of being"... "Being before the existent, ontology before metaphysics, is freedom before justice" (LEVINAS, 1991, p. 47).

It is noteworthy that as the needs of the 'other' are what really matters in the action of the self, the relationship between them is the primary subject. According to Levinas (2011), language is the instrument through which one being exists *vis-à-vis* another – it is the only way to exist outside one's inner existence. When the self is manifested to the other through language and the other engages in the same action, then one exists for the other and they can develop some kind of relationship. It is in this moment when the independence of the being is "lost, unrecognized and oppressed" that one becomes responsible for another because the 'center of gravitation of a being is now, outside that being'. The 'I', lives to attend and to serve the necessities of the 'Other'" (LEVINAS, 1991, p. 182-183).

Thus, recognition of the other as one who needs to be attended to is what defines responsibility as a human relation. Responsibility must not be considered as a selfish relation where the only one that matters is the performer of the action, but as a relation between humans that care for one another. When

the other is not taken into account, and the self ignores or refuses to attend their necessities, this is what Levinas (1991) calls 'murder':

Murder alone lays claim to total negation. Negation by labor and usage, like negation by representation, effect a grasp or a comprehension, rest on or aim at affirmation; they can. To kill is not to dominate but to annihilate; it is to renounce comprehension absolutely. Murder exercises a power over what escapes power. It is still a power, for the face expresses itself in the sensible, but already impotency, because the face rends the sensible. The alterity that is expressed in the face provides the unique 'matter' possible for total negation. I can wish to kill only an existent absolutely independent, which exceeds my powers infinitely, and therefore does not oppose them but paralyzes the very power of power. The Other is the sole being I can wish to kill (LEVINAS, 1991, p. 198).

Responsibility to the 'other' also became a preoccupation with the perception of the other's needs. Furthermore, being responsible for the other is a virtue that must also be applied in life in society. Living in society means that every citizen should feel responsible for her peers. According to Sartre (1943), "man being condemned to be free carries the weight of the whole world on his shoulders; he is responsible for the world and for himself as a way of being" (SARTRE, 1943, p. 553). Once Man lives in the world, he is part of this world and must be responsible for whatever he does that may change himself or the world.

Sartre (1943) specifically defines responsibility "in its ordinary sense as consciousness of being the incontestable author of an event or of an object " (SARTRE, 1943, p. 553). This concept implies that Sartre (1943) is still relying on the traditional sense of responsibility; nevertheless, it is noteworthy that the idea of authorship that Sartre (1943) stresses is different from the notion of responsibility as accountability. According to François Raffoul (2010), " Sartre's philosophy retrieves existential origins of responsibility that are distinct from mere authorship an agent-subject" (RAFFOUL, 2010, p. 123). Responsibility arises out of that event named 'the death of God', and Sartre (1943) "attempts to draw the most radical consequence of this event, explaining that by existentialism" (RAFFOUL, 2010, p. 123). It means that if God does not exist, people should face all the consequences of their acts, and neither values nor actions are transcendental.

The issue raised by Sartre's (1943) argument is that, although responsibility is not understood as accountability, it brings out the need for the capacity to carry out a responsible action in society. To assign the characteristic of being responsible or irresponsible to an individual is to make a moral judgment. This means that, when calling someone irresponsible, one is not criticizing one specific act they had committed, but a history of repeated such acts. Similarly, when someone is called 'responsible' this means that that person has a history of successfully accomplishing tasks, and so it is a positive evaluation of their character. Williams (2008) suggests that when 'irresponsible' and 'responsible' are used in this way, what we have in mind is "responsibility as a moral virtue" (WILLIAMS, 2008, pp. 456-457).

It could be argued that if someone is responsible, she has the power or the ability to perform some kind of action; this means that this person is capable of doing what she has or intends to do (this is of tantamount relevance as well when transposed to the state level; see below). As Sartre (1943) argues, if someone is called to respond to some situation in the world, this person needs to possess the capacity to perform that action, whether this ability is, physical, material, mental, psychological or virtuous. If someone has the power to do something (or the ability), it is this person's duty to perform it.

According to Sartre (1943), responsibility means to respond to an event that happens in the world. The very fact that a person is free — or not — to do something for another person makes her the owner and responsible for her own actions. In this sense, responding to the new demands of the humanitarian crises is a way of being responsible in Sartre (1943) terms because it is when one actor assumes that he has the capacity of being responsible.

Facing the new challenges in the humanitarian field, new standards for protecting human rights were developed. Nowadays, human rights are an important part of international law as they are a central subject and matter of responsibility for international relations (ICISS, 2001, p. 06). Dealing with the new challenges in human rights is a responsibility of every individual, defining a human being that lives in society. Despite all the biological terms that define human existence, being responsible for what happens in the world is what makes us human.

As discussed previously, responsibility is a concept that presents two main characteristics: relational, since the main concern is the other's welfare and needs (exemplified by Levinas (1991) argument on responsibility); and attributive, since it infers that being responsible, means to have the capacity for acting accordingly (as Sartre (1943) points it). But one question remains unanswered: how is responsibility to be legitimated?

Nietzsche (2002) believed that to understand the concept of responsibility as a *causa sui*, is a matter of pride and arrogance. The author presented the concept of *causa sui* in the following way: "The *causa sui* is the best self-contradiction that has ever been conceived, a type of logical rape and abomination " (NIETZSCHE, 2002, p. 21). The belief in the *causa sui* as an origin of responsibility is the same as the belief in the fact that man is responsible for his own actions, as if owning them.

The *causa sui* is what confers rationality to human beings; what makes humans closer to God. In this sense, Nietzsche (2002) argues that the history of responsibility is a lie – a false history, as put by the author – once it is built upon the rationalization of the human being. We can also consider that responsibility, as a concept, does not exist, and the very notion of human agency is formulated through linguistic constructions:

We have seen how it is originally language which works on the construction of concepts, a labor taken over in later ages by science. Just as the bee simultaneously constructs cells and fills them with honey, so science works unceasingly on this great columbarium of concepts, the graveyard of perceptions. It is always building new, higher stories and shoring up, cleaning, and renovating the old cells; above all, it takes pains to fill up this monstrously towering framework and to arrange therein the entire empirical world, which is to say, the anthropomorphic world. Whereas the man of action binds his life to reason and its concepts so that he will not be swept away and lost, the scientific investigator builds his hut right next to the tower of science so that he will be able to work on it and to find shelter for himself beneath those bulwarks which presently exist. And he requires shelter, for there are frightful powers which continuously break in upon him, powers which oppose scientific truth with completely different kinds of 'truths' which bear on their shields the most varied sorts of emblems (NIETZSCHE, 1873, p. 1).

The effect of language is extremely important to understand the assembly of the concept of responsibility. The act of building concepts and



language is a linguistic phenomenon, or in other words, it is a psychosocial material production. The word is the copy in sound of a nerve stimulus; however, it is noteworthy that not every nerve stimulation produces a word. The transfer process of the nervous stimulation of sound is arbitrary, so we cannot say that there is a natural conception of responsibility:

But when the same image has been generated millions of times and has been handed down for many generations and finally appears on the same occasion every time for all mankind, then it acquires at last the same meaning for men it would have if it were the sole necessary image and if the relationship of the original nerve stimulus to the generated image were a strictly causal one. In the same manner, an eternally repeated dream would certainly be felt and judged to be reality. But the hardening and congealing of a metaphor guarantees absolutely nothing concerning its necessity and exclusive justification (NIETZSCHE, 1873 p. 1).

As pointed out by Nietzsche (1873), the meaning of a concept must change as interests change. The same can be applied to the new justification for international intervention, which lies in the responsibility to protect people from atrocities, wars and genocide, for example. As a concept, the responsibility to protect is 'false' because it has no inner significance, but only reflects a language phenomenon or a psychosocial material production that has the objective of legitimating an action (intervention). The importance of language as a way to legitimate intervention is present in the following passage of the ICISS Report (ICISS, 2001):

[t]he traditional language of the sovereignty-intervention debate – in terms of 'the right of humanitarian intervention' or the 'right to intervene' – is unhelpful in at least three key respects. First, it necessarily focuses attention on the claims, rights and prerogatives of the potentially intervening states much more so than on the urgent needs of the potential beneficiaries of the action. Secondly, by focusing narrowly on the act of intervention, the traditional language does not adequately take into account the need for either prior preventive effort or subsequent follow-up assistance, both of which have been too often neglected in practice. And thirdly, although this point should not be overstated, the familiar language does effectively operate to trump sovereignty with intervention at the outset of the debate: it loads the dice in favor of intervention before the argument has even begun, by tending to label and delegitimize dissent as anti-humanitarian (ICISS, 2001, paragraph 02, p.28).

It could also be argued that as a linguistic phenomenon, the idea of 'being responsible' for the 'others' is a way of constructing the idea that someone is capable of doing so. In this sense, if someone claims for himself the capacity of attending the other's needs, it means that this person is putting herself in a different position from the others; it means that she has the capacities to perform a responsible action, whether this ability is physical, mental, psychological, material or else.

The term 'responsibility' has distinct philosophical origins. Whilst some of the aforementioned authors describe responsibility as a capacity of living in the world, or understand that the real meaning of being responsible is to be 'available' to respond to the other's needs, we can conclude that the bond between human beings is always the central theme of debate. We could infer that one of the aspects that distinguish human beings from other animals is their capacity of 'being responsible', or the mere understanding that responsibility is a subject that needs to be explored in the field of human relations.

Although responsibility has been discussed here in the individual level, or as a human characteristic, Williams (2008), argues that, "responsibility is one of the central virtues of modern liberal societies. It is a virtue that we demand of both people and organizations—speaking of socially responsible corporations, managerial responsibility, individual responsibility and so forth" (WILLIAMS, 2008, p. 03). Thereby, in the following, we discuss how the philosophical origins of responsibility, as a concern with the needs of the other and as a condition to life in society, can be transposed from the individual level to that of the state, thus acquiring explanatory power in the area of international politics in general, and particularly in intervention and emerging (non-defining) powers' participation therein.

### **Bridging the gap: individual and state responsibility**

While 'responsibility talk' (BUKOVANSKY et al., 2012, p. 01) has long been a common feature in diplomatic and political practice, and a recurring but insufficiently theorized one in the academic literature, little has been done to develop a systematic definition of the concept as it applies specifically to state

conduct. Indeed, the existing literature focuses directly on the concept and its origins tending — as does the present analysis — to approach the subject based on traits from philosophy and ethics whose primary application is to the conduct of individuals. Bukovansky et al. (2012) provide theoretical depth to this "covert domestic analogy" (BUKOVANSKY et al., 2012, p. 38) by adapting the work of Toni Erskine (2003). The authors posit that states fulfil two conditions for moral agency: " the ability to discern moral requirements, and the capacity to act accordingly" (ERSKINE, 2003, p. 65). In order to preserve the boundary between state and society — and thus, by extension, between the international and the domestic sphere — they adopt a thicker institutional approach to states as moral actors.

The domestic/international distinction is crucial particularly when the focus is on humanitarian intervention, in that an individual's — and a state's — responsibility takes on divergent forms, as noted above: responsibility for oneself is ethically and philosophically distinct from responsibility for others. David Miller (2007, p. 81-85) similarly labels these two concepts of responsibility 'outcome responsibility' — that for an actor's own actions and decisions — and 'remedial responsibility': to come to the aid of those in need of help. Miller's (2007) focus is on national responsibility in a proposed form of global justice, and he also establishes the notion with reference to the individual, as a form of collective responsibility in which individuals share the duty. The two archetypes are clearly different in how they relate to actions and consequences: whereas outcome responsibility largely refers to an action that has been committed; remedial responsibility applies to a situation that demands future action — which should be assigned to a specific actor. Miller (2007) distinguishes between the identification of a situation involving responsibility, and the assignment of responsibility to a specific actor, with the purpose of changing the situation. Outcome responsibility is a necessary prerequisite for moral responsibility in relation to a given situation, but the reverse is not necessarily the case, as the holder of moral responsibility may not have directly committed the action (MILLER, 2007, p. 89).

In the case of humanitarian intervention and concepts such as the "responsibility to protect" (ICISS, 2001) remedial responsibility and how it is

assigned that become important; in particular how (following which criteria) it might be assigned to specific actors. Leaving aside momentarily the key question of 'by whom' this responsibility might be assigned — crucial in the application of any concept of responsibility to emerging powers in the international system — this analysis makes use of the six possible modes by which an actor might be assigned remedial responsibility in a given situation. These are:

**Moral Responsibility:** The agent who is remedially responsible for P's condition is the agent who is morally responsible for bringing it about ... (ICISS, 2001, pp. 100).

**Outcome Responsibility:** 'A' can be outcome responsible for P's condition without being morally responsible for it. ... When we act as free agents among other free agents, we expect to keep the benefits that result from our actions, and so we should also expect, in general, to bear the costs. ... But if the costs [to others] are heavy—then remedial responsibilities cut in, and, other things being equal, they fall to the agent who was outcome responsible (ICISS, 2001, pp. 100-101).

**Causal Responsibility:** This category essentially consists of outcome responsibility without intentionality and can obtain when there is a need to assign remedial responsibility (ICISS, 2001, pp. 101-102).

**Benefit:** Remedial responsibility is assigned to those who without causality have benefitted from another's action upon a given actor (ICISS, 2001, pp. 102-103).

**Capacity:** Remedial responsibility falls to an initially uninvolved actor who has the capacity to bring relief to those in need; this is tempered by the notion that the cost to that actor should not be unduly high (ICISS, 2001, pp. 103-104).

**Community:** Ties of community can be used to confer remedial responsibility upon any actor at a given situation (ICISS, 2001, pp. 104).

Of these, the mainstream international relations literature has focused mostly on capacity as a factor for the attribution of responsibility and its attendant social roles. Indeed, these social roles establish responsibility as a correlate of power (a connection that will be discussed below); in this sense the connection between responsibility and material capacity is a foundational aspect of realist thought. Through cosmopolitanism and the advance of human rights, and in its conceptual form through the English School (BULL, 1977), community bonds have also made significant inroads into analytical IR's conception of (remedial) responsibility. Material capacity has historically been

seen as the preponderant determinant of responsibility and the privileged social roles that pertain to it. The following section will bring this conclusion to bear with respect to central aspects of International Relations theory.

### **Great powers and responsibility: material capacity**

Great powers' responsibility for the maintenance of the global system has been a part of the conceptualization of international order since at least the time of the Concert of Europe. Bukovansky et al. (2012) have placed the notion of 'special responsibilities' for great powers in the context of the need to mediate between sovereign equality and the unequal distribution of (mostly material) capabilities among actors in the international system (BUKOVANSKY et al., 2012, pp. 26-27). From Inis Claude to Raymond Aron to Hedley Bull (1977), influential IR theories have recognized the centrality of major actors in the successful maintenance of international order. Robert Jackson (2003) builds on Hedley Bull's (1977) conception of great powers' 'managerial role':

In the current practice of world politics, according to Bull, great powers perform a managerial role and for that purpose they enjoy special rights and duties which are generally recognized and acknowledged by international society. Great powers are responsible for 'determining issues that affect the peace and security of the international system as a whole'. That means they have a duty to shape and adjust their own foreign policies with those desirable international conditions firmly in view. It also means they can legitimately be criticized for failing in that responsibility (JACKSON, 2003, p. 375).

This becomes particularly crucial in the case of leadership within international organizations; the questions of causality and the linkage of capacity and responsibility were fundamental to the institutional design of the United Nations:

...these debates rested on various assumptions about what it was that made the great powers special, and what in particular it then was that gave rise to their resulting responsibilities. In effect, these amounted to a conflation of a number of slightly different arguments: that the specialness of the great powers derived from their part in the victory in the recent war; from the sacrifices that they had made in effecting this outcome; and, finally, also from their capacity to manage the future international order in conformity with the Charter

design. In whichever precise form, however, what made the great powers special was their aggregate capacity to act on behalf of the new organization.

It was precisely this linkage between capability and responsibility that was considered so central in the provisions specifically pertaining to the Security Council. Britain's Dumbarton Oaks paper accordingly suggested that 'the more power and responsibility can be made to correspond, the more likely it is that the machinery will be able to fulfil its functions' (BUKOVANSKY et al., 2012, p. 31).

For the authors, what unifies the various claims to attribute remedial responsibility to those with greater material capabilities is the ability, prominent in Michael Walzer's (1995) work, to act as "agents of last resort" (BUKOVANSKY et al., 2012, p. 41; WALZER, 1995). A conceptual thread runs throughout influential systemic theories in IR that holds, similarly to Miller's notion of capacity responsibility above, that "special responsibilities fall to the materially powerful, not necessarily because they have any greater responsibility for causing the problem, nor any greater moral responsibility for redressing it, but rather as "default agents simply because they alone enjoy the capabilities and conditions necessary to act " (BUKOVANSKY et al., 2012, p. 41.)

One crucial aspect of the attribution of capacity-based remedial responsibility to great powers has been its consistent limitation to security-related issues of global order. This goes hand in hand with the heightened status accorded to security issues by diplomatic practice and mainstream analysis (BUKOVANSKY et al., 2012, p. 47; see also BUZAN et al., 1998) and it has persisted in the face of efforts to broaden and deepen the applicability of security logic to political issues (KRAUSE AND WILLIAMS, 1996).

In United Nations practice regarding collective security and conflict resolution, this has placed an increasing premium on military capacity and rendered difficult the connection between notions of great power answerability and non-security issues such as development<sup>1</sup>. Within the current context of a redistribution of influence within the international system and the rise of a consistent category of emerging powers whose strengths lie in development

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<sup>1</sup> This persists despite increasing recognition of the security-development nexus; the failure of Western operations to attain peacebuilding aims is not infrequently attributed to excessive attention to security elements to the detriment of socioeconomic development.

and not in security, this places the notion of responsibility squarely at the centre of debates over the future of the international system.

### Emerging powers and responsibility: social roles

Linking capabilities and responsibility is innately tied to platforms of analysis, such as realism, that place a premium on material variables and on great power conduct in a systemic context. To bring the applicability of the notion of responsibility to other actors in the system, in particular to emerging powers, whose systemic identity is in flux, constructivist theory has key contributions to offer. To date, research into responsibility in this vein has coalesced perhaps most fruitfully around the idea of foreign policy roles and how they are constituted. These findings are crucial to the interpretation that informs much emerging power thinking about the responsibility as a role - (and influence) - defining discourse in international politics.

Bukovansky et al. (2012, pp. 27-32) couch the emergence of special responsibilities in the need to mediate between juridical sovereign equality and political material inequality. Special responsibilities in the (remedial) maintenance of international order are assigned to the most capable powers in the system. With these special responsibilities are granted special rights within the system, *inter alia* in the form of (often institutionalized) heightened influence over collective systemic decision-making. Over time, these special rights came equally to define great power status, but remained notionally derived from the greater responsibility certain actors were able to exercise in the name of remedial responsibility for vulnerable elements in the system. The social role (see BUKOVANSKY et al., 2012, p. 62; WENDT, 1994, 1999) of 'great power' came to be based on the commitment to exercising remedial responsibility — and enjoy the rights this responsibility conferred.

In other words, whereas the relationship between the rights and responsibilities of great powers — or major players — gradually inverted, the notion of responsibility retained a key gatekeeping quality over this status. Aspirants to global status were held to demonstrate both the means required for capacity-based remedial responsibility, and the intention to exercise it following the great powers' social roles. Therefore, responsibility has become a

key discursive prerequisite for accessing greater global influence, and the demonstration of such responsibility remains subjected to definitions created by the extent powers. Bukovansky et al. (2012) contribute substantively to the understanding of how this threshold is upheld with their distinction between universal and particular special responsibilities, which clarifies the extent to which the group of great powers can and cannot be auto-defined:

Special responsibilities come in two forms. The first is what we might term 'universal' special responsibilities. Here the sub-group of actors who bear these responsibilities is, at least theoretically, an open category, such as great powers or developed states. The particular actors that populate these categories are not pre-ordained; membership may vary, and any actors who satisfy the relevant criteria (such as 'greatness' or 'developed') can claim, or be allocated, the attendant special responsibilities. ... The second type of special responsibilities are 'non-universal', in the sense that the sub-group in question is not an open category. Only actors with certain integral characteristics are included; characteristics which other actors may admire, but which they cannot acquire or develop. ... The Nuclear Non-Proliferation Treaty (NPT) provides another example... Under the treaty, the category of nuclear weapons states (NWSs) is non-universal. Even if a state manages to acquire nuclear weapons, it cannot enter the select club of NWSs under the treaty: this is a closed category (BUKOVANSKY et al., 2012, pp. 58-59).

This distinction renders clear that the discursive constitution of a state as a great power — and the enjoyment of the rights and privileges accruing to that status, is in fact far more subjective than the simple possession of material remedial capacity: responsibility is a concept used by established great powers to control access to the highest echelons of the international system<sup>2</sup>. One form of doing so is to couple the mere possession of capacity with the endorsement of norms — such as the responsibility to protect — largely defined by established Western powers governing its exercise. Thus whereas given emerging powers may possess the capacity to act remedially, as well as the normative commitment to do so, they may balk at subjecting this commitment to specific norms that clash with their own traditions. In the case of the most prominent current example of contribution to global governance — humanitarian intervention — this normative clash finds its clearest expression in

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<sup>2</sup> This is not dissimilar to the 'concert effect' described in Bosco, 2009.



disagreements over the morality and utility of the use of military force for remedial ends.

### Responsibility and the use of force

Remedial responsibility based on capacity grants special rights upon those tasked to carry it out. This is expressed in the role of the Security Council in the United Nations Charter and it grounds the logic behind the exception granted in Article 2.7 of the Charter: that the principle of sovereign inviolability is not immune to actions taken by the Security Council under Chapter VII of the Charter, which is designed to cover active breaches of international peace and security. In practice, this has enshrined military capacity and the use of force — in the name of Council actions to maintain international peace and security — as the prime measure of international responsibility.

By extension, possessing the capacity to use force, and placing it at the disposal of collective decisions oriented by principles such as the responsibility to protect (R2P) have become the primary — perhaps the only permitted — course towards obtaining the rights and privileges that accrue to major players in the international system (JONES et al., 2009, p. 27). Barring disproportionate expenditure on military means and the abandonment of historically grounded local cognitive priors (ACHARYA, 2009), aspirant powers remain ineligible even for consideration to be included in the group of leading powers represented most prominently by permanent membership in the UN Security Council.

Currently, a key element determining the relationship between influence, responsibility and the use of military is the concept of the responsibility to protect, (R2P) developed by the International Commission on Intervention and State Sovereignty (ICISS) in 2001. Put succinctly, R2P consolidates extant international law and state practice to demonstrate that individual rights have, in fact, always been a key component of state sovereignty. This differs from views in regions such as South America and Southeast Asia with place states' rights (such as the inviolability of borders) in opposition to human rights and individuals' concerns. Almost all United Nations member states — including Brazil, which has played an active role in subsequent debates on the concept (KENKEL, 2012; KENKEL AND STEFAN,

forthcoming) — have actively endorsed the concept and worked towards its operationalization. The essence of R2P is to subordinate a state's right to the protections of external sovereignty (non-intervention) to its respect of the internal contract between state and citizen and the provision of basic rights. When a state cannot or will not exercise this (primary) responsibility a vestigial (in the terms of the present analysis, remedial) responsibility falls to the international community.

R2P was endorsed by world leaders in the 2005 World Summit Outcome Document, whose paragraphs 138 and 139 limited the concept's application to the four crimes of genocide, ethnic cleansing, war crimes and crimes against humanity. Among other related specifications<sup>3</sup>, a key definition of R2P's guidelines for application was established by the UN Secretary General in his Implementation Report for R2P in 2009. It established three 'pillars', which enshrined the notion that primary responsibility was with the affected state; that other states should assist that state in building capacities to fulfil its responsibilities towards its citizens; and that force could be used as a last resort. This last pillar has generated almost all of the subsequent debate on R2P both within and outside the United Nations, and the use of force has become a central issue in the conversation regarding the legitimacy of R2P in the wake of the Libyan intervention in 2011. R2P is a very clear statement of remedial responsibility, and given its explicit sanction of the use of force, its rise has contributed fundamentally to creating the link between influence, responsibility, and the propensity to use military means.

The utility of force in conflict resolution is a prominent issue of contention between putatively universal norms such as the R2P and, for example, South Asian and South American regional security cultures that strongly value the pacific resolution of disputes and the 'good fences, good neighbours' reasoning behind non-intervention. Brazil and India, for example, have strongly contested the utility of force, from their reactions to the World Summit Outcome Document to the NATO operation in Libya in 2011 (KENKEL, 2012). Nevertheless, as the increasing prominence of Pillar III in R2P, and peace

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<sup>3</sup> See the documentation available at <http://www.responsibilitytoprotect.org/index.php/about-rtop/core-rtop-documents>.

enforcement overall in UN peace operations demonstrates, the disposition to either approve the use of force by the international community, or to commit oneself to its deployment, has become a fundamental prerequisite of membership in the self-defined group to whom special responsibility — and its attendant augmented rights and influence — accrue. This is most evident in the case of the Security Council, to which the UN Charter assigns specific rights and responsibilities (competences, in legal terms).

#### **Article 24**

**01.** In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

**02.** In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.

#### **Article 39**

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

#### **Article 42**

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations,

blockade, and other operations by air, sea, or land forces of Members of the United Nations<sup>4</sup>.

Security Council permanent membership — a close approximation of great power status in today's international system — thus relates to members' ability to contribute to the maintenance of peace and security (JONES et al., 2009, p. 55). This raises the fundamental question of how one can measure capacity to contribute – as tied to remedial responsibility. Whereas, as noted above, established influential powers conceive this capacity as tied to a specific approach to sovereignty and the use of force, some emerging powers such as Brazil and India have a discernibly different understanding of the situation (JONES et al., 2009, p. 59).

### **Brazil, responsibility, and intervention**

Given its own cognitive priors with respect to intervention (non-use of force; definition of sovereignty as inviolability, not responsibility; penchant for multilateralism as a global equalizer), Brazil's diplomatic positioning with respect to both specific and abstract issues related to R2P tend to challenge a number of the above assumptions. At the most abstract and fundamental level, Brazil expresses a stance — based in its case on its colonial past and its desire to join what has revealed itself to be a closed club of major powers — which casts into doubt the very notion of unfettered free will actors are postulated to possess in the vision of moral responsibility outlined above. K.E. Boxer (2013) outlines a view in which an actor's responsibility for her actions in a given context are sufficiently predetermined by antecedent decisions and history that full responsibility for their consequences must be shared between her and those who contributed the set of choices which determined those actions (BOXER, 2013). Chad Lavin (2008) takes a similar approach to what he terms 'liberal responsibility', identifying neatly how individual and ultimately state responsibility in a liberal context are constructed in such a way as to constrain given actors within certain roles dictated by a priori conceptions. In the

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<sup>4</sup> It is important here to recall Jackson's (1998) distinction between political and legal responsibility; that which can be laid out as an interpretation of legal responsibility, and that which requires justification of a legal course of action (JACKSON, 1998, p. 05).

argumentation adopted by Brazil, India and South Africa, for example, these constraints take the form both of the tenets of a postcolonial legacy, and the current hallmarks of a liberal international order.

Caught between the desire to attain greater influence and adherence to soundly grounded domestic norms, Brazil has actively sought to demonstrate its international responsibility — and thus attain the privileges that go with it — in ways that differ from those prescribed by the current practice of the established powers. For example, it has attempted to bring to the debate on the future development of R2P elements of development and prevention, while attempting to remove what it sees as an excessive focus on the use of force (KENKEL, 2012).

More specifically with regard to the responsibility to protect itself, the advent of R2P was greeted with significant skepticism by the makers of Brazilian foreign policy. Brazil's resistance to the ICISS concept was based on three main elements: the acceptability and efficacy of the use of military force; the criteria of right authority (which it sought to see limited to the Security Council, whose own aptness was cast into question in the absence of reform to include Southern states and Brazil itself); and a fear, based on a deep historically rooted mistrust, of misuse of R2P by Western powers to cloak aggressive interventionism (KENKEL and STEFAN, forthcoming).

Alongside fellow emerging power India, but distinctly from historical opponents of human rights advances at the UN such as Cuba, Sudan, Venezuela and China (BELLAMY, 2011, pp. 43ff.), Brazil opposed the taking up of paragraphs 138 and 139 on R2P into the 2005 World Outcome Document; the concept was, however, included, in a form restricted to "four crimes" of genocide, war crimes, ethnic cleansing and crimes against humanity — in paragraphs 138 and 139 of the Document (UNITED NATIONS, 2005).

However, growing rhetorical support for R2P at the UN, as well as its increasing institutionalization within the Organization — such as the appointment of Special Advisers to the Secretary-General for Genocide Prevention (2004) and R2P itself (2007) and its inclusion in Security Council

Resolutions, including those mandating UN peace operations<sup>5</sup> — created a dilemma for Brazilian policymakers. R2P's new weight within the UN placed two key tenets of the country's foreign conduct at odds: its desire to be seen as exercising responsibility, and thus to access the privileged group of influential powers, and its rejection of the concrete form that responsibility was being given in specific circumstances.

The public debates in the General Assembly (2005) on intervention and related issues that took place between the World Summit and the Libyan intervention show an increasing effort by Brazil's representatives to bridge this gap; in its most mature form this effort took the form of incorporating the incipient norm into Brazil's overarching foreign policy objectives<sup>6</sup> to give the country increased entrepreneurship as a norm 'taker' rather than 'giver'<sup>7</sup>. Another prominent example of the desire to take a normative lead in aligning developing countries' tradition with the Northern-led intervention debate — and a crucial element in Brazil's drive to show responsibility without buying into Western-led implementation of R2P — was the principle of 'non-indifference', a concept with origins on the African continent adapted by then-Foreign Minister Celso Amorim (ALMEIDA, 2013; HERMANN 2011; WILLIAMS 2007).

This trajectory of increased participation in UN intervention debates — spurred by the personal interest of then-Foreign Minister Antonio de Aguiar Patriota, who subsequently became the country's Permanent Representative to

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<sup>5</sup> Prior to the issuing of the RwP concept note, these include S/RES/1653, 1674 and 1706 (UNMIS) in 2006; 1894 in 2009; 1970, 1973 and 2016 in 2011, all on Libya; as well as 1978 and 1996 (2011). See Global Center for the Responsibility to Protect, 'UN Security Council Resolutions Referencing R2P', 15 April 2013, accessed on 09 March 2014, <http://www.global2p.org/resources/335>.

<sup>6</sup> On how the ensuing focus on development and root causes rather than acute military force has given peacebuilding practice a prominent place in Brazilian contributions to the debate, see Kenkel, 2013.

<sup>7</sup> A defining characteristic of emerging power conduct, with specific effects on how responsibility can be exercised, has been the desire to exercise normative leadership (in giving contours, *inter alia*, to the definition of responsibility), or at least not to be seen consistently as what Jeffrey Checkel and subsequently Amitav Acharya have termed a 'norm-taker' (Checkel, 1998, cited in Acharya, 2004) This is particularly true in the case of Brazil; the country has explicitly sought to exercise normative entrepreneurship and to stake a claim to ideational leadership in the global South and in its region; see Benner, 2013 and Schirm, 2010.

the UN in August 2013 — created the impetus that resulted in the 'responsibility while protecting' in the wake of the Libyan intervention.

Following the NATO intervention in Libya, Brazilian diplomacy voiced concerns specifically about the utility of the use of force as a means of conflict resolution—mostly such as doubts "that the use of force as provided for in paragraph 04 of the resolution will lead to the realization of our common objective — the immediate end to violence and the protection of civilians" (WILLIAMS and BELLAMY, 2012, p. 281) and that undue robustness in the international response might "change the home-grown nature of the rebellion narrative and thus endanger the chances of a stable resolution of the conflict in the longer term" (WILLIAMS, 2011, fn 50, p. 11).

The most important of Brazil's responses was the issuing of the concept note entitled "Responsibility while protecting" (RwP) (BRAZIL, 2011) in November of 2011. In it, Brazilian diplomats questioned the utility of the use of force in resolving the root causes of conflicts. While essentially accepting the existence of a remedial responsibility and its concentration in (particularly the permanent) members of the Security Council, the note questions whether that responsibility need necessarily be tied to the use of force (KENKEL and DE ROSA, forthcoming). In addition, the note suggests tighter controls on Security Council action, greater standardization of decision making, and the existence of other means by which states reluctant to use force might contribute to international conflict resolution.

Beyond the immediate concerns related to the intervention's mandate, RwP and the debate over the Libyan case took on contours that resonated with the larger tension between the established powers and emerging players such as the BRICS<sup>8</sup>. Substantial divergences remain over R2P's implementation and particularly its third pillar; interpretations of the concept of sovereignty sit at the centre of this debate, with emerging powers such as the BRICS interpreting the horizontal aspects of sovereignty as a means for states to reduce the adverse effect of the unequal distribution of power in the international system (CULP and PLAGEMANN, 2013, pp. 07-13). In this way, R2P's shift in emphasis

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<sup>8</sup> On the manifestation of this contestation in terms of norm diffusion, see Almustafa et al., 2013.

between understandings of sovereignty has enshrined it as a key locus for established powers to contest the West's normative dominance, making the principle a key rallying point in the ideational skirmishes resulting from a changing global distribution of power.

Diplomatic and analytical reactions to the RwP note have been as mixed as those to the Libyan intervention itself. Typically, RwP has been greeted more charitably, and as a constructive contribution, in the global South, while in the North there was scepticism over what was perceived as open resistance to the political dominance of the West and its control over how contributions to international peace and security can be made (KENKEL and STEFAN, forthcoming).

While this debate will go on for some time, it is clear that the R2P debate has become not only a key element of some emerging powers' challenge to the established distribution of powers, but a key locus for increased targeted consultation and cooperation in mounting that challenge. In addition, the intervention debates have become a key locus for emerging powers constructively to give normative content to their challenge to the established order, allowing them to move beyond what analysts such as Ramesh Thakur have described as obstructionist stance (THAKUR, 2011, pp. 153-159). Brazil's RwP initiative, whose content is synoptically presented below, is to date the most emphatic example of this movement, though it cannot be dealt with in detail in the present analysis (BRAZIL, 2011, paragraph 11).

In conclusion, Brazil's engagement with intervention norms illustrates both the importance of responsibility as a discursive practice and its intersubjective nature. How Brazil engages with demands to take on responsibility as a prerequisite to its quest for greater influence is an effective indicator of when it will abide by, and when it will seek to change, normative definitions concerning its position in the system set out by establish powers. P-5 practice has shown that the grouping of great powers is discursively indeed a closed one, and that simply meeting the criteria is not sufficient. In other words, the definition of responsibility — as a precondition for acceptance to a privileged position in the international system — will continue to be modified as a tool to limit membership. Brazil and other powers will continue to seek



some form of combining their own cognitive priors — in particular a strong aversion to the use of military force — with elements enshrined as crucial to the exercise of responsibility by the institutionalization of R2P at the UN.

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