



Latin America, the responsibility to protect and the role regional arrangements in the prevention of mass human rights violations

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Introduction

The rise of the Responsibility to Protect (RtoP) and its establishment within the mainstream discussions of the international community, with emphasis on the United Nations system, has been quite remarkable, although many key questions continue to go unanswered. The Responsibility to Protect is still a contested norm within the international system, even if, as noted by Badescu & Weiss (2010), “as expected during the early stages of a norm spiraling toward socialization, backlash, and contestation dominate much of public

diplomacy; but backlash and contestation also can serve as boundary-defining exercises that clarify the actual meaning and limits of the norm” (p. 16). Therefore, this norm is better understood and more broadly accepted than often believed, as norms can advance through contestation and conceptual clarification (Badescu & Weiss, 2010). Currently, RtoP is embedded at the center of international political debate and enjoys widespread state support that hasn’t been translated into practical action (Hehir, 2019). Also, as Rotmann, Gurtz & Brockhmeier (2014, p. 357) show, “while relevant on a few occasions that made headlines, none of the neat splits between ‘North’ and ‘South’, ‘Western’ and ‘non-Western’, ‘emerging’ and ‘established’, ‘democratic’ and ‘authoritarian’ is helpful on its own in analyzing evolving views on global order through the prism of a responsibility to protect”. Even if the norm is still under discussion, there are reiterated and clear changes of positions of the different countries within each bloc regarding RtoP.

Yet a key question arises, as pointed out by Seaman (2015, p. 58): “who has the responsibility to protect whom under what conditions and toward what end?” and therefore “how should this protection be operationalized?”. The “who” is at the core of debates, as Responsibility to Protect signals the existence of a break in national sovereignty when one or more of the defined crimes are perpetrated and forces the international community to get involved. The “easy” answer then is usually: The United Nations. But there is more depth to this discussion as the role of regional organizations has been a key aspect in debates dating back to the ICISS report in 2001. Beyond the United Nations focused debate also lies the debate on how norms are diffused and localized, and in both instances, there is a relevant role, if not central, for regional organizations as well as national governments. This is in part exemplified by other regional experiences aimed at responding to these humanitarian challenges: Article 4 (H) of the Constitutive Act of the African Union (AU) granted the organization a right to intervene in the affairs of its Member States in matters relating to genocide and crimes against humanity (Bellamy, 2015). This was a clear example not only of the role that can be played by regional organizations in the operationalization of the Responsibility to Protect, but also on the normative localization and diffusion of international norms.

As expected, Latin America was not absent from the Responsibility to Protect debate nor the discussion regarding the limitations to national sovereignty. Not only did key experts such as Eduardo Stein¹ participated as a member of the 2001 International Commission on Intervention and State Sovereignty (ICISS), but also figures such as María Soledad Alvear Valenzuela (Minister of Foreign Affairs of the Republic of Chile) and Adalberto Rodríguez Giavarini (Minister of Foreign Relations, International Trade and Worship of the Argentine Republic) integrated the ICSS Advisory Board. Latin America had not only endured a dark path of systematic mass human rights violations, but it had also pioneered the conceptual debates regarding the reach and limitations of sovereignty, the principle of non-intervention, the protection of democracy, and the development and implementation of a model mechanism for hemispheric human rights protection. This last element is particularly relevant for the purpose of this article that seeks to better understand the role of regional organizations in the conceptual development of the Latin American debate on the Responsibility to Protect.

Latin America would, in the following years, become a source of normative knowledge that would contribute to the conceptual development of the Responsibility to Protect, nurtured by the varying experiences and local stances that in many ways reflected the ongoing debate at a global level. For the following decade we are able to identify three main trends in the region, composed of the so-called champions, skeptics, and a gray zone (Arredondo, 2012), as the region utilized its expertise to impact the global debate that in its core put into question a key norm of the international system: the reach and limitations of national sovereignty. Needless to say, this debate has created profound tensions amongst members of the United Nations system, and in particular Northern and Western countries in disagreement with Global South nations, as these point “to the North’s monopoly of power and privilege to excuse its own lack of a sense of international responsibility” (Thakur, 2006, p. 265) while the North refers to the instances in which the South has failed to honor the “international responsibility to protect to justify its refusal to restrict international policy-making to the collective UN forum” (Thakur, 2006, p. 265). This is why it is particularly relevant to better understand the debate within the region, as well as its contributions to the global debate on the

normative development of the Responsibility to Protect (and later on other mass atrocity prevention mechanisms), as it brought to the table not only the experiences of countries affected directly by systematic mass human rights violations, but also two centuries of normative entrepreneurship that shaped regional and global international dynamics (as exemplified in Calvo and Drago doctrines), as well as set important precedents regarding the reach, limitations and role of key concepts, principles and norms that shape the normative framework of the international system.

When looking at Latin America as a region we can focus on three main thematic clusters relevant and impactful on the positions later developed on the Responsibility to Protect. The first is regional integration and the debates surrounding the reach and limitations of sovereignty. Throughout its history Latin America has gone through a diversity of integration phases influenced by varying models as well as a diversity of regional conditions that had contributed to a set of regionally specific experiences that have also molded pertinent debates to this thematic area. Of course, this includes one of the key aspects of regional integration debates which is the reach and limitation of national sovereignty. Additionally, and also of particular relevance to the discussions on the Responsibility to Protect, the discussions on the role of extra-hemispheric actors in regional affairs. A second cluster, closely linked with the varying experiences in integration, is the evolution of the security debate. This becomes particularly relevant to the discussions on the Responsibility to Protect in its later phases linked to the discussions at the United Nations on the concept of Human Security and its regional/hemispheric conceptualization of Multidimensional Security that would permeate the discussions in the region for decades to come. The third thematic cluster is the development of hemispheric level mechanisms oriented towards human rights protection as well as prosecution of perpetrators, and democracy preservation mechanisms, which is one that is most frequently referenced in the discussions on mass atrocity prevention mechanisms and in which the Inter American system is usually portrayed not only as an unique regional experience but also a source for good practices and lessons learned that should be replicated elsewhere.

These three thematic clusters not only contribute to understanding the regional and hemispheric initiatives linked to the development

of policies and mechanisms for the prevention of mass human rights violations, they also have contributed to shaping country stances of several Latin American countries, in different ways: May it be on the consolidation of positions based on staunch adherence to non-intervention and defense of sovereignty as in the most recent cases of regional integration mechanisms such as Bolivarian Alliance for the Peoples of Our America (ALBA), both of which have had a protagonist role on behalf of Cuba, or whether it be the development of the Inter American system in which Argentina has been seen as a “champion”, or Brazil’s positions regarding its own role in regional/hemispheric security matters and therefore also impacting on its understanding of Brazil’s global role in security affairs. Overall, understanding recent trends regarding regional integration, cooperative security debates, and the development of mechanisms for the safeguarding of human rights and democracy help us shed light not only on existing regional capacities that contribute to implementing the Responsibility to Protect, but also how these experiences have molded and shaped national positions.

The Role of Regional Arrangements

The relevance of regional arrangement in the Responsibility to Protect debate is not limited to their role in norm diffusion, localization and contestation, but also in regard to the operationalization of a norm. While this aspect is usually more technical, bureaucratic and political, it also has a role in norm contestation, and can contribute to the normative strengthening of Responsibility to Protect. Yet, the discussions on the operationalization of the Responsibility to Protect continues to “be hampered by the challenges organizations at the global level face in relation to both mandates and resources”, and these challenges “have led to an increasing focus on the role of regional organizations and the potential these organizations have for filling the resource gap” (Seaman, 2015, p. 58). This is in part exemplified by the ongoing stalemate of the “P-5 member states on Syria following the controversial intervention in Libya by NATO forces in 2011” (Barqueiro, Seaman, & Towey, 2016, p. 37) with the Responsibility to Protect becoming politicized within the Security Council. This politicization and inaction has “increased pressure on the United Nations (UN) to

empower regional organizations to take a greater role in implementing RtoP, particularly given the unlikely immediate possibility of UNSC reform” (Barqueiro, Seaman, & Towey, 2016, p. 38). Yet, as Barqueiro, Seaman, & Towey (2016, p. 38) point out, regional organizations are not a panacea to the challenges of implementing the Responsibility to Protect as they often face challenges associated with “lacking resources and capabilities to ensure enforcement of security mandates” as well as having “adopted divergent and inconsistent mandates related to RtoP, and suffer from similar deficiencies associated with multilateral decision-making, including consensus-based (frequently lowest common denominator) agreements which overemphasize rhetorical commitments over the practical responses to the protection of civilians”. Yet from the beginnings of the Responsibility to Protect, the role of regional organizations has been “argued to convey greater international legitimacy to global initiatives on the protection of civilians from mass atrocities” (Bellamy, 2011; Barqueiro, Seaman, & Towey, 2016, p. 38). As Kabau (2012, p. 57) points out, “although the responsibility to protect concept provides a conceptual basis through which political and legal dilemmas of forceful intervention may be addressed, including by regional organizations, such organizations are also expected to provide mechanisms through which the concept is to be implemented” and as such they can “provide the mechanisms for the implementation of the concept through various approaches, including peaceful negotiations and consensual interventions”.

However there remains a marked gap between the new normative and conceptual frameworks and their implementation and operationalization, particularly due to their potential political use or their use to promote “regime changes” by the international community based on the interests of its most powerful actors, resorting to the use of force (Serbin, 2012). In this context, there are a number of reasons that seem to justify the intended progressive displacement of global level actors and the growing delegation by the international community of conflict prevention and resolution issues in regional organizations: 1) this displacement allows the states of a region to overcome the habitual suspicion of the possibility of external intervention; 2) that it is these states that are most concerned and committed to regional stability and peace; 3) that they are generally better equipped and have a better understanding of the political, regulatory and cultural context

of their regions; 4) who could, depending on their own interests, be more committed to long-term prevention, and who are crucial actors in the creation of a culture of prevention that, in turn, serve as a regional basis to help articulate a culture of global prevention (Serbin, 2012). In this sense, regional and subregional organizations could potentially have a fundamental role in conflict and mass atrocity prevention, insofar as they may have more political will, more capacity and more interest in prevention in their own neighborhood (Serbin, 2012).

From its early days, the Responsibility to Protect has outlined the role of regional organizations in providing early warning on emerging human rights crises (Barqueiro, Seaman, & Towey, 2016) as argued in the International Commission on Intervention and State Sovereignty report from 2001. The ICISS report also advocated for the evocation of Chapter VIII of the UN Charter, in which regional organizations can support the enforcement capacity of the UNSC (ICISS, 2001, p. 64). Most controversially, as pointed out by Barqueiro, Seaman, & Towey (2016), “the ICISS report argued that if the UNSC could not act in a timely manner to protect civilians from mass atrocities, the UNGA under the “Unifying for Peace” clause, or regional and/or sub-regional organizations, should take up the charge” (ICISS, 2001, p. xiii). Kabau (2012, p. 58) argues that such a link can be traced further back, as “the roots to the emergence of the concept can be traced to declarations by the Economic Community of the West African States and the spirit of non-indifference espoused in the African Union”.

In 2008 Argentina and Switzerland organized, in the framework of the 60th anniversary of the Genocide Convention and the Universal Declaration of Human Rights, the First Regional Forum on the Prevention of Genocide in Buenos Aires, Argentina. President Cristina Fernández de Kirchner participated in the opening of the forum via video where she stated that “it is time to recognize the link that must exist between an effective system for the prevention of genocide and the system for the protection and promotion of human rights”. In his closing remarks at that forum, then Foreign Affairs Minister Jorge Taiana expressed in the presence representatives of governments, international organizations, non-governmental organizations and academic institutions that participated in the debates, that “the most important challenge facing the international community” is to “ensure an effective system for the prevention of genocides and other

massive crimes against the civilian population.” He further elaborated that “genocides do not occur by spontaneous generation”, noting that “the causes that feed them are deep and can come from a long time and the processes that generate them are gradual. This gives time to prevention on condition of being alert to recognize the risks, having the appropriate national, regional and international instruments to carry out appropriate analyzes and diagnoses and, fundamentally, having the firm commitment to act at the right time”.

A diverse set of activities and processes contribute to prevention, including but not limited to prediction and response to developing atrocity situations. The 2005 World Summit Outcome Document specifies that the UN Security Council must authorize any use of force in the framework of the application of the Responsibility to Protect yet a regional approach to RtoP implementation offers many potential advantages. As pointed out by Coe (2017, p. 299) “regional organizations are more proximate to atrocity situations, they possess greater familiarity with the context, and their members have a greater stake in the resolution of atrocity situations”. Additionally, in the instances of intervention and less coercive interference practices like state monitoring that are carried out by “regional organizations may boast greater legitimacy than the same activities carried out by extra regional actors” (Coe, 2017, p. 299). This is particularly clear in the case of Latin America and the Caribbean.

In June 2011, the UN Secretary-General presented a detailed report to the UN Security Council and UN General Assembly entitled “The Role of Regional and Subregional Arrangements in Implementing the Responsibility to Protect”. This report served as a precursor to the dialogue that took place in the UN General Assembly on the same subject matter. During the debate the UN Secretary-General Ban Ki-moon (2011) stated:

Everywhere, efforts are underway to improve early warning, to improve normative development, to end impunity and to assist States under stress. Everywhere, global, regional, and subregional organizations are helping States to meet their sovereign responsibilities to their populations (...) Regional and subregional arrangements, along with civil society, have made cardinal contributions to each of the pillars of my implementation strategy (...) It is evidence, for instance, that members of the United Nations Security Council have paid close attention to the views of regional partners in determining how to respond to the acute crises in

Côte d'Ivoire, Libya, and elsewhere (...) My report, therefore, offers a number of ideas for enhancing consultations, planning, early warning, and assessments with our regional and subregional partners (...) Today's dialogue should open a sustained cross-regional conversation on lessons learned and practical experiences. At the United Nations, we are listening and learning.

Also in July 2011 the Government of Mexico organized a meeting for the former Special Advisor on the Responsibility to Protect, Edward Luck, and the Latin American “friends of RtoP,” which was held to discuss the third report by the Secretary-General titled *The role of regional and subregional arrangements in implementing the responsibility to protect* (Arredondo, 2015) and in which Argentine representatives supported Edward Luck's view that in implementing Responsibility to Protect the cultural and institutional differences of each region must be taken into account and respected (Arredondo, 2012). The Argentine representative recalled the development of the Responsibility to Protect of the region where situations of massive and systematic human rights violation had already taken place in the past and highlighted the fact that Latin America has assigned significant value to the principle of non-intervention (Arredondo, 2015).

According to Arredondo (2015, p. 81), in that event many delegations agreed that the Responsibility to Protect principle “does not imply the emergence of a new rule, but rather summarizes existing obligations regarding the obligation of the State to protect its population in light of universal standards and regional protection of human rights and international humanitarian law mechanisms”. As such, “it confirmed the importance of the second and third pillar, and reaffirmed the notion that the third pillar must be considered a last resort in cases of grave and massive violations of human rights which can be categorized as one of the four crimes” (Arredondo, 2015, p. 82). Also relevant, along with the generalized concern over the risk of Responsibility to Protect mandates becoming “regime change” operations was the discussion on the role of regional agencies in implementing the Responsibility to Protect obligations under the scope of specific mechanisms adopted in the Organization of American States framework as well as other sub-regional organizations (Arredondo, 2015). Amongst the pre-existing milestones reached in the region the “democratic clause” adopted at Organization of American States (OAS), Southern Common Market (Mercosur), Union of South American Nations (Unasur), as well as

the precursor role of the Inter-American system for the promotion and protection of human rights and the fight against impunity were all mentioned. (Arredondo, 2015).

As Barqueiro, Seaman & Towey (2016, p 39) point out, “the role of regional organizations within global governance, and specifically in supporting international peace and security, has a long history”. Article 52 of the United Nations Charter states that

“Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations” (United Nations, 1945, art. 52).

In the next article the charter also states that “The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies”, while the UNSC can “utilize such regional arrangements or agencies for enforcement action under its authority” (United Nations, 1945, art. 52 & 53). This positioned the UN Security Council as the ultimate arbiter of international peace and security but also gave a role to regional organizations in supporting global governance efforts to ensure pacific settlement of disputes and security enforcement measures (Haugevik, 2009; Seaman, 2015).

When the UN Secretary-General published the report entitled “The Role of Regional and Subregional Arrangements in Implementing the Responsibility to Protect” the OAS representative, Victor Rico Frontaura, argued that although the OAS had a lot of experience in related areas, yet nonspecific to the mass atrocity prevention mechanisms as it was outside of its area of focus (Frontaura, 2011). Jared Genser (2020) argues that this has changed in recent years in part as a result of the ongoing failure of the OAS and UN to prevent and respond to the ongoing and worsening crimes against humanity in Venezuela. This also helps understand the OAS’ recent interest in designating Jared Genser as Special Adviser on the Responsibility to Protect in the context of dramatically changed circumstances where mass atrocities are being committed in the region, and the need to develop a regional architecture to prevent and respond to them, and

within that framework work in parallel to address the ongoing atrocities in Venezuela.

As argued by Seaman,

much of the literature focuses on the role of sub-contracting from the top-down, but this approach limits the agency of the regional organizations and their member states (...) Regional organizations are increasingly utilized by member states to re-assert their worldview and reinforce their ability to undertake independent actions to secure peace in their zones of influence (2015, p. 61).

This can be exemplified in Argentina's early stance on the Responsibility to Protect that "believed that, if possible and when necessary, Member States should be able to initiate proceedings before regional agencies, according to the conditions of Article 53 of the UN Charter, maintaining that they keep the UNSC fully informed" (Arredondo, 2015).

Seaman (2015, p. 62) also points out that "some regional organizations have embraced the norm and have operationalized it in relation to interventions in RtoP situations, whereas others remain reticent about integrating the language of the RtoP into their discourse". Going back to the early stages of the regional mechanism's involvement in the Responsibility to Protect, it is relevant to point out Ed Luck's (first UN Special Advisor on Responsibility to Protect) emphasis on how the responsibility to address Responsibility to Protect situations must begin with individual states, then engage regional organizations, and then, only if those efforts have failed, engage the UN system and potentially the Security Council (Luck, 2011):

And very importantly, the Arab League, the African Union, the Gulf Cooperation Council, all acted before the Security Council did. Even the Human Rights Council in Geneva recommended to the General Assembly that Libya be suspended from its participation in that body. So others acted first. In this case it was really the way the Charter had meant it to be: the parties and then the regional bodies first try to resolve the differences; if they can't, then they refer them to the Security Council, so in some ways it's a bottom up process. It's not the Security Council or the permanent members sitting around and dictating to the world. They were, in many ways, reacting to what the neighbours in Africa, in the Middle East, were saying about al-Qadhafi's behaviour.

This emphasis on the role of regional organizations has been a constant in the positions of other UN Special Advisors on the Responsibility

to Protect, as exemplified in this statement by Jennifer Welsh (2013): “The future implementation of R2P depends upon a spirit of partnership, which is of course rooted in national efforts, but which also involves the work of regional and international organizations and civil society.” And more recently by Karen Smith in August 2020 (Smith, 2020):

It is important to emphasize the vital role that regional responses – including those centered around regional and sub-regional organisations – can play in preventing and responding to atrocity crimes. These [efforts of regional organizations] should not necessarily be seen as supplanting global efforts, but the advantages, including that regional organisations are often better placed to take early action, are well known and should be encouraged. Relatedly, because some (sub-) regional organisations have made significant progress in implementing and operationalising R2P, there is much potential for mutual learning.

Building on this it is relevant to remember these words expressed by Ivan Šimonović (Šimonović, 2017) where he refers to regional and global focal points network:

we have seen the development of regional and global networks of focal points on the responsibility to protect and the prevention of genocide and atrocity crimes over the past decade, which can support the development of the national and regional architecture needed to implement this principle and encourage the sharing of good practices and expertise.

This is in reference to the focal point network that has been built over the last decade with support from civil society organizations across the globe. These Focal Points are a senior officials within governments that facilitate national mechanisms for atrocity prevention and promote international cooperation by participating in the Global Network (launched in September 2010 by a facilitating group of countries, including Denmark, Ghana, Australia and Costa Rica, in collaboration with the Global Centre for the Responsibility to Protect).

As argued discussed in previous chapters, within Latin America persists a “highly static and fundamentally conservative notion of the state and sovereignty” (Kenkel, 2010, p. 650) and therefore “attempts to institutionalize norms of intervention have been resisted, and concepts such as humanitarian intervention and [RtoP], which epitomize the tension between individual rights and empowerment and state sovereignty, are not part of the vocabulary used in regional forums”

(Herz, 2010, p. 610 in Seaman, 2015). Yet as Mares (2012, p. 164) correctly points out, “The one instance in which the Latin American community is united in legitimating sanctions is linked to national sovereignty and constitutes the other focus of the security architecture, democracy.” Mares further reinforces this argument with examples of the role of the Rio Group in Panama after the fraudulent 1988 elections, the adoption of the Santiago Commitment to Democracy, and the Renewal of the Inter-American System in 1991, which set the groundwork for subregional organizations such as SICA and UNASUR to follow suit.

Conclusions

As mentioned previously, Latin America was not only not absent from these debates, many of the countries in the region proactively engaged on the Responsibility to Protect debates. Whether from championing the norm in its varying stages of assimilation, or via contestation, countries in the region built their positions over time and with strong influence of their own national positions of related subject areas, as well as more or less present references to Latin American tradition, history or identity. Yet the research focused on regional approaches or the impact of regional characteristics on national approaches to the Responsibility to Protect continues to be limited. These positions can be key in further understanding the complexities of norm assimilation, localization and implementation processes, and Latin America offers ideal conditions for such analysis: its shared history of normative entrepreneurship nurtured by a particular regional context in which key principles such as non-intervention and strong defense of national sovereignty leads us to questions on how these key shared perceptions and priorities can lead to such diverging position on a single norm such as the Responsibility to Protect. Jepperson, Wendt & Katzenstein (1996, p. 19) argue “that as norms become institutionalized, support for institutions may partly supplant adherence to norms as motivators of government behavior”, a process that not only strengthens the adherence and application of the international norm in questions, but that also contributes to the overall strengthening of the institution in which it is frameworked, in this case mainly the United Nations but also regional multilateral organizations. As Zwolski & Kaunert (2011) also

point out some sort of organizational platform to promote their norm is one of the conditions for entrepreneurs at an international level, which serves as an argument in favor of including the role of international and regional organizations in the analysis of norm diffusion, as well as international non-governmental organizations.

In the case of Latin America Sikkink argued,

that Latin American states, regional organizations, and social movements were much more than passive recipients of an international human rights regime imposed from outside” and greater attention should be paid to the “protagonist” role of states and social actors outside the global North “despite important structural inequality in the international system (Sikkink, 2015, p. 351).

Engstrom & Hurrell argue that Latin American states have been at the vanguard of efforts to “export pluralist understandings of European international society to the non-European world”. These authors also point out that in Latin America “norms associated with the principle of sovereignty in the Americas developed in parallel with those of democracy and human rights, often leading to institutional and political tensions” (Engstrom & Hurrell, 2010, p. 31), although we could argue that those tensions have also contributed to the deepening of debates regarding the limitations of norms and principles such as sovereignty and the principal of non-intervention in regards to other normative developments in human rights and protection of democracy. In the framework of the UN the discussions on how to reconcile the foundational principle of member states’ sovereignty with the primary mandate to maintain international peace and security has been essentially normative and it takes the form of norm displacement, from the established norm of non-intervention to a claimed emerging new norm of ‘humanitarian intervention’” (Thakur, 2006).

The motivation for normative entrepreneurship in Latin America, as well as in other parts of the world is linked to different transitions and/or changes in the international system. States in the Global South have, at least in the wake of decolonization, been more enthusiastic in their promotion of strict sovereignty than their Northern counterparts (Coe, 2015). State sovereignty and non-interference were among the most relevant aspects of a global normative order emerging powers had never been able to shape. However, after the Second World War,

Western notions of sovereignty associated with the Westphalian understanding of the role of the State in the international system were gradually embedded in the emerging worldviews from the South, while through the process of decolonization that developed after the Second World War the principle of non-intervention was also closely associated to the notion of national sovereignty (Serbin, 2010). These changes also affected the process of globalization of human rights (Coicaud, Doyle & Gardener, 2003), as understood by Western major powers, raising the question of who sets the global human rights agenda and the norms associated to it in the international system, and how those norms were associated with a diffusion from the North or with its vernacular adaptation on a national and local level by the South (Serbin & Serbin Pont, 2015). The post-Cold War era witnessed not only the globalization of human rights and the related subsequent norms approved and promoted by the UN and by several regional organizations, according to different interpretations and priorities, but also an increasing (and general) concern, particularly after the crises in Bosnia and Rwanda, about the prevention of mass atrocities and how the international community should be dealing with them and the arising humanitarian crises, in a gradual transition from the concept of “humanitarian intervention” to the notion of the “Responsibility to Protect” (RtoP) in the event of mass atrocities against civilians (Evans, 2006). This process, with many particular characteristics, is unique in that it successfully facilitated a normative change concerning the protection of civilians in humanitarian crises differently from other cases of international commissions: it succeeded in developing a normative idea in the security domain, as well as emerging in a situation where the established norms of humanitarianism and human rights collided with state sovereignty, in contrast to the case where a similar normative ideas of humanitarian intervention were not universally accepted (Madokoro, 2018).

Additionally, the regional experience shows that there is a clear preference to accept a role for the hemispheric, regional or sub-regional intergovernmental organizations, or “groups of friends”, in the process of influencing a peaceful outcome of regional conflicts (Serbin and Serbin Pont, 2015). Latin American governments have also been leaders in creating new regional and sub-regional arrangements, such as the Inter-American Democratic Charter (IADC) at the OAS and the

Democratic clauses at regional and sub regional organizations such as UNASUR and MERCOSUR. The role of the Contadora group (later Río Group) in the case of the Central American crisis in the 80's, the role of the "group of friends" in the case of the Peru-Ecuador border conflict in the 90's, and the role of UNASUR in the Pando crisis in Bolivia (and the Colombia vs. Ecuador/Venezuela tensions) (Serbin, 2010) illustrate a trend to avoid external actors' intervention. In the cases of UNASUR, CELAC and ALBA, amongst others, one might also argue that "the creation of alternatives, including informal, multilateral institutions (...) as being in and of themselves a form of contestation" in an attempt to provide a vital space to contest and to renegotiate the terms and conditions of US hegemony (Newman & Zala, 2017).

NOTES

1. Former vice-president of Guatemala and current Joint Special Representative of the UN High Commissioner for Refugees and the International Organization for Migration for Venezuelan refugees and migrants.

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ABSTRACT

The rise of the Responsibility to Protect and its establishment within the mainstream discussions of the international community, with emphasis on the United Nations system, has been quite remarkable, although many key questions continue to go unanswered. Latin America has become a source of normative knowledge that contributes to the conceptual development of the Responsibility to Protect, nurtured by the varying experiences and country stances that in many ways reflected the ongoing debate at a global level. The region offers us, amongst many things, three main thematic clusters relevant and impactful on the positions later developed on the Responsibility to Protect: regional integration and the debates surrounding the reach and limitations of sovereignty; the evolution of the international security debate; and the development of hemispheric level mechanisms oriented towards human rights protection. These three thematic clusters not only contribute to understanding the regional and hemispheric initiatives linked to the development of policies and mechanisms for the prevention of mass human rights violations, they also have contributed to shaping country stances of several Latin

American countries. Understanding recent trends regarding regional integration, cooperative security debates, and the development of mechanisms for the safeguarding of human rights and democracy help us shed light not only on existing regional capacities that contribute to implementing the Responsibility to Protect, but also how these experiences have molded and shaped national positions.

RESUMEN

El surgimiento de la Responsabilidad de Proteger y su posicionamiento dentro de las principales discusiones de la comunidad internacional, con énfasis en el sistema de las Naciones Unidas, ha sido bastante notable, aunque muchas preguntas clave continúan sin respuesta. América Latina se ha convertido en una fuente de conocimiento normativo que contribuye al desarrollo conceptual de la Responsabilidad de Proteger, nutrido por las diversas experiencias y posturas de los países que en muchos sentidos reflejan el debate en curso a nivel global. La región nos ofrece, entre muchas cosas, tres grandes ejes temáticos relevantes e impactantes en las posiciones que luego se desarrollaron sobre la Responsabilidad de Proteger: la integración regional y los debates en torno a los alcances y límites de la soberanía; la evolución del debate sobre la seguridad internacional; y el desarrollo de mecanismos a nivel hemisférico orientados a la protección de los derechos humanos. Estos tres grupos temáticos no solo contribuyen a comprender las iniciativas regionales y hemisféricas vinculadas al desarrollo de políticas y mecanismos para la prevención de violaciones masivas a los derechos humanos, sino que también han contribuido a moldear las posiciones país de varios países de América Latina. Comprender las tendencias recientes en torno a la integración regional, los debates de seguridad cooperativa y el desarrollo de mecanismos para la salvaguardia de los derechos humanos y la democracia nos ayudan a arrojar luz no solo sobre las capacidades regionales existentes que contribuyen a implementar la Responsabilidad de Proteger, sino también a cómo estas experiencias han moldeado y dieron forma a las posiciones nacionales.

RESUMO

O surgimento da Responsabilidade de Proteger e seu posicionamento nas principais discussões da comunidade internacional, com destaque para o sistema das Nações Unidas, foi bastante notável, embora muitas questões-chave permaneçam sem resposta. A América Latina tornou-se uma fonte de conhecimento normativo que contribuiu para o desenvolvimento conceitual da Responsabilidade de Proteger, alavancada pelas diversas experiências e posições dos países que, em muitos aspectos, refletem o debate em curso em nível global. A região nos oferece, entre muitas coisas, três grandes eixos temáticos que são relevantes e têm impacto nas posições que posteriormente foram desenvolvidas sobre a Responsabilidade de Proteger: a integração regional e os debates em torno dos escopos e limites da soberania, a evolução do debate sobre a segurança internacional e o desenvolvimento de mecanismos no âmbito hemisférico voltados para a proteção dos direitos humanos. Esses três grupos temáticos não apenas contribuem para a compreensão das iniciativas regionais e hemisféricas ligadas ao desenvolvimento de políticas e mecanismos para a prevenção de violações em massa de direitos humanos, mas também têm contribuído para moldar as posições de vários países latino-americanos. Compreender as tendências recentes em torno da integração regional, dos debates sobre segurança cooperativa e do desenvolvimento de mecanismos para salvaguardar os direitos humanos e a democracia nos ajudam a esclarecer não apenas as capacidades regionais existentes que contribuem para a implementação da Responsabilidade de Proteger, mas também como essas experiências moldaram e formaram as posições nacionais.