Human Rights Diplomacy: Case Study of Brazil

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Abstract

Human rights diplomacy is considered as a consequence of globalization. While many norms and issues are extensively globalized, nonetheless they can be implemented based on cost and benefit analysis (i.e. maximization of benefits and minimization of costs). States have to take their responsibility of human rights by demonstrating their responsiveness towards their people, international organizations, human rights entities, civil societies and NGOs. This accountability would improve their position in international public opinion and would prove their legitimacy in the globalized world. Human rights diplomacy could be defined at strategic and tactical levels. The main question treated in this article is how Brazil has planned its strategies and tactics on human rights diplomacy? The importance of scrutinizing on Brazilian human rights diplomacy is that Brazil, as an emerging power, has been playing an effective role in the transitional international system. In fact, Brazil, as a first step, has defined its proper and suitable strategies and tactics, and as a second step, it has been highlighting its role in international organizations *inter allia* the United Nations, and finally it has increased its credit and prestige among south counties in the framework of BRICS and south-south dialogue. Analysis of Brazilian human rights strategy indicates that this country tries to stratify its human rights diplomacy firstly at regional level and secondly at international level; to implement this multilayered diplomacy, it seeks to involve interested stakeholders including NGO's and civil society actors.

Keywords: Brazil's strategies, Brazil's tactics, human rights diplomacy, multilayered diplomacy and discourse theory.

1. Introduction

Human rights diplomacy was born in the context of globalization. While many norms and issues are extensively globalized, nonetheless they can be implemented based on cost and benefit analysis. Human rights diplomacy includes rational attempts to realize certain aims and to use specified instruments for upholding and promoting human rights in the international circumstances. Based on this, the following question could be raised: countries that did not adopt a human rights diplomacy, did not experiment globalization? In other words, what is the relation between Globalization and Human Rights diplomacy?

On the one hand, human rights norms have been globalized; on other hand, respecting such rules and regulations, which have been accepted by the international society is the footstone for playing an effective and proactive role on the international stage. Accordingly, if one state intends to play an effective role on the international stage, it needs to determine its position on globalized norms and Globalization. In fact, two types of states could be considered a player of human rights diplomacy: first, states which have created globalized norms or at least accepted them; second, states which have tried to manage an ongoing situation, although they have not completely agreed with those rules. Obviously if a state intends to defy Globalization, there would be no need to take human rights diplomacy unless it tolerates its cost.

In traditional diplomacy, the states are the most significant actors that seek national interests such as self-reliance and power extension, whereas in human rights diplomacy the stakeholders are multiplied, so that various actors such as governmental, Non-governmental Organizations (NGOs), Regional or International organizations and even individuals are involved. In Human Rights diplomacy, states intend to take measures for advancing human rights values or using human

rights norms as an advantage to increase their high political interests (O'Flaherty et al., 2011: 1).

It should be noted that agencies and actors in human rights diplomacy are different from the classic form of diplomacy, which means that actors should not be limited to governmental representatives or international organizations' agents. In particular, since the Human Rights Universal Conference, which was held in Vienna in 1993, actors have been outspreading, nonetheless the world is now facing a wide-range of influential actors such as NGOs, civil societies, national human rights institutions, academies, associations, experts and researchers. Since 1990s, states have used bilateral and multilateral negotiations by involving High Commissioner for Human Rights, and in the third millennium, by establishing Human Rights Council.

The main question of this article is how Brazil has planned its strategies and tactics on human rights diplomacy? To answer this question, we focused on two key words: strategy in foreign affairs and multilayered diplomacy. Strategy should be determined by decision-makers and should be based on national interests. It seems that multilayered diplomacy is a significant part of Brazilian strategy. Multilayered diplomacy refers to handling diplomacy at both regional and international levels based on national capabilities that are consistent with strategies. Hence, to examine our hypothesis, we have to investigate the Brazilian treatment at regional and international levels, and understand how it has dealt with the various actors involved. In fact, as a first step, Brazil has defined its proper and suitable strategies and tactics, and as a second step, it has highlighted its role in international organizations *inter allia* the United Nations; it has also increased its credit and prestige among south counties in the framework of BRICS and South-south dialogue. Analysis of the Brazilian human rights strategy indicates that this country

attempts to stratify its human rights diplomacy firstly at regional level and secondly at international level; to implement this multilayered diplomacy, it seeks to involve interested stakeholders including NGO's and civil society actors.

The research methodology of the present article is descriptive-analytical, based on sources such as documents, articles, books, press, and websites. In addition, for more clarification we will include several charts and statistical results in the analysis section of the article. This article aims to make certain contributions to the current field of national and international human rights diplomacy: firstly, based on particular framework, we will elaborate human rights diplomacy as our key concept in the framework of "discourse theory". Secondly, we will introduce the model of multilayered diplomacy and apply it to a South Middle Power, such as Brazil. Thirdly, we will illustrate the levels and specifications of successful human rights diplomacy and explore the most important characteristics of human rights diplomat, in this way connecting theory and practice.

2. Section I: Conceptual Framework

2.1. Principal Approaches towards Human Rights

According to Jack Donnelly (1984), three main approaches could be elaborated on human rights: Universalism, Cultural Relativism and Relative Universalism (Moderate Relativism). The first approach is a Universalistic approach, which considers human rights as part of international relations and treats it as an aggregation of universal, integrated, uniform and stationary values. For example, the Universal Declaration on Human Rights is believed to be a constitution that is meant to be binding for any people regardless of their different cultures and nationalities. The second approach is an extremist branch of cultural relativism, which believes that standards of human

rights are deeply rooted in cultural circumstances and values. The proponents of this approach approve of plural human rights values and grant further prerogatives to governments to violate human rights norms. Finally, the third approach is a moderate branch of cultural relativism, which believes that human rights should be implemented in the context of cultural diversity. The right to culture requires that the communalities of cultural norms of different societies be considered as universal values without imposing western values in a homogenizing manner. These cultural differences should be modified according to common values of societies. In the following section, the three approaches will be explained in more details.

2.1.1. Universal Human Rights

Universalists believe that human rights are beyond any documents and conventions. This approach considers human rights as a set of fundamental and basic values in international relations. As a result, states have to take their responsibility of human rights vis-à-vis their peoples, international organizations, human rights entities, civil societies and Non-Governmental Organizations (NGOs). This accountability and responsiveness of states would improve their position in public opinion and reinforce their legitimacy. This approach could be observed in many principal documents such as the UN charter and the Universal Declaration on Human Rights. The United Nations (UN) charter (1945)[1] highlights human rights as one of the main aims of the UN, for example:

Article 1(3). "To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion"; and

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1. Available at: https://treaties.un.org/doc/publication/ctc/uncharter.pdf.

One of the most important documents is the Vienna Declaration and Program of Action, which was adopted by the World Conference on Human Rights in Vienna on June 25, 1993[1]. Many experts consider this document a foundation of the UN Human Rights Council. The following articles come from this document:

Article 1. "The World Conference on Human Rights reaffirms the solemn commitment of all States to fulfill their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law. The universal nature of these rights and freedoms is beyond question".

Article 2. "All peoples have the right of self-determination. By virtue of that right they freely determine their political status, and freely pursue their economic, social and cultural development".

Articles 4 and 5 are both based on a universal human rights approach.

Article 4. "The promotion and protection of all human rights and fundamental freedoms must be considered as a priority objective of the United Nations in accordance with its purposes and principles, in particular the purpose of international cooperation. In the framework of these purposes and principles, the promotion and protection of all human rights is a legitimate concern of the international community. The organs and specialized agencies related to human rights should therefore further enhance the coordination of their activities based on the consistent and objective application of international human rights instruments".

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1. Available at: http://www.ohchr.org/Documents/ProfessionalInterest/vienna.pdf.

Article 5. "All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms".

As observed in article 5, human rights are prevailed over nations' history, cultures and religions.

2.1.2. Human Rights and Cultural Relativism

In contrary to a universalistic approach, relativists reject sharing similar universal values all throughout the world/cultures. According to this approach, Universal values could not be imposed on different cultures. "This heterogonous approach regarded as the more extreme strong relativist view believes that there is no such thing as universal human rights, as all beliefs and values are culturally relative and therefore apply only within certain cultures" (Good, 2010: 28). Therefore, the proponents of this approach believe that human rights is subordinated by different cultures and indigenous norms.

2.1.3. Human Rights and Cultural Diversity

The third approach, regarded as a less extreme relativist view, states that, "while ethical systems do come out of particular cultural settings, this does not mean that these ethical systems do not share some overlap therefore a comprehensive human rights doctrine may be possible" (Good, 2010:28). This moderate approach believes that albeit different cultures sway on human rights but there are many similarities that could all reach a comprehensive agreement. In this regard, "Tehran Declaration

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and Program of Action on Human Rights and Cultural Diversity[1]" adopted in 2007 at UNESCO, stipulates that:

Article 1. "Renewing their commitment to promote and protect all human rights and fundamental freedoms including the right to preserve cultural identity which is a defining characteristic of humanity and forms a common heritage of humanity".

Article 2 emphasizes "that tolerance, due respect for others and their rights to freely determine their own approach towards progressive development are fundamental values essential to international relations".

Article 17 declares that "any doctrine based on racial, or cultural superiority is scientifically false, morally condemnable, socially unjust and dangerous, and must be strongly rejected as a ground and manifestation of apartheid and expressing deep concern on the cultural uprooting which is continuously unfolding in the Palestinian occupied territory and the occupied Syrian Golan on the basis of such doctrines by the occupying power".

This article rejects cultural superiority (nonetheless rejects universal liberal norms of human rights and emphasizes on cultural similarities and approves of differences and diversities); it seems that this declaration fallows a moderate relativism perspective.

2.2. Conceptual Framework: Discourse Theory in the Field of Human Rights

In "Hegemony and Socialist Strategy", Laclau and Mouffe offer a unique account of discourse. "[W]e will call articulation any practice establishing a relation among elements such that their identity is modified as a result of the articulatory practice. The structured totality resulting from the articulatory practice, we

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1. Available at: http://namiran.org/Files/Tehran2007/(NAM+2007-TEHRAN-DOC.3). pdf.

will call discourse. The differential positions, insofar as they appear articulated within a discourse, we will call moments. By contrast, we will call element any difference that is not discursively articulated" (Laclau & Mouffe, 1985: 105). Laclau and Mouffe (1985: 112) define the following four important concepts: "A discourse is formed by the partial fixation of meaning around certain nodal points." "A discourse is understood as the fixation of meaning within a particular domain. All signs in a discourse are moments. They are the knots in the fishing-net, their meaning being fixed through their differences from one another" (Jørgensen & Phillips, 2002: 26).

"A nodal point is a privileged sign around which the other signs are ordered; the other signs acquire their meaning from their relationship to the nodal point. It is an attempt to stop the sliding of the signs in relation to one another and hence to create a unified system of meaning. All the possibilities that the discourse excludes Laclau and Mouffe call the field of discursivity" (Laclau & Mouffe, 1985: 111).

Discourse attempts to transform elements into moments by reducing their polysemy to a fully fixed meaning. In terms of Laclau and Mouffe's discourse theory, "the discourse establishes a closure, a temporary stop to the fluctuations in the meaning of the signs. But the closure is never definitive: "The transition from the 'elements' to the 'moments' is never entirely fulfilled" (Laclau & Mouffe, 1985: 110). In discourse theory, reality is defined in the framework of specific discourse. Hence, in human rights diplomacy, diplomats should recognize different discourses in order to be able to announce and define their positions in true, acceptable and impressive ways.

2.3. Approaches in Human Rights Discourse

In his book "Some Reflection on the Foundation of human rights – are human rights an alternative to moral values?"

Romuald Haule (2006) believes that there are three main streams in human rights discourse: a pragmatic approach, a semantic approach and a normative approach:

1. Pragmatic Approach. "in contemporary society, the human rights discourse is used whenever there is oppression, slavery, conflict, war and genocide to name but a few. The call for action in such situations has been always pragmatic, that is, the presentation of a need for an urgent humanitarian, political or juridical response. It is sufficient to recall the practice of slavery, the atrocities of World War II and the apartheid regime, which all called for political response. Thus, the human rights discourse has become the most preferred idiom in which to press for almost every imaginable kind of social, political and legal reform or development. This approach is connected with utilitarianism" (Haule, 2006: 380). Some scholars consider pragmatism as the end of ideology and utopia; they believe that pragmatism in human rights could get human rights to an end (Douzinas, 2000:376). It seems that many countries, after their revolutionary era, follow the pragmatic theme for their human rights diplomacy. A good contemporary example of this change is the South African human rights diplomacy after the democratic elections of 1994.

2. Semantic approach. "At a semantic level, a look at the evolution and the use of the term, human rights, reveals the nuances and resonances with which the term has become charged. The addition of the adjective human to the term of rights firmly places the concerns of all human beings at the center or rights discourses" (Haule, 2006: 381). In fact, a semantic point of view seeks to uphold human right because of human rights and not because of personal profit, power or money.

3. Normative approach: "it is clear that many of the issues which have emerged in other perspectives have their roots at this

normative level. It is the question of the moral foundation of human rights. There have been variety of declarations and conventions of human rights at an international and regional level, but the Universal Declaration of Human Rights remains the cornerstone of human rights discourse. The form of the normative point of view remains ambiguous and vague. The central question, which concerns normative ethics, is the manner in which one knows what is good and how this knowledge can be used in formulation of moral precepts for the guidance of human behavior" (Haule, 2006: 382-383). Normative and semantic views have been neglected because the pragmatic view is the preferred approach or in higher word prevailed one, especially amongst policy makers and politicians.

2.4. Human Rights Diplomacy

Mullerson (2014: 2) believes that "Human rights diplomacy can be defined as the use of foreign policy instruments in order to promote human rights, as well as the use of human rights issues for the sake of other foreign policy aims." Human rights' role on the international stage is rather complicated and paradoxical. Human rights norms could simultaneously be subject and goal of diplomacy or an instrument to get another privilege.

Archer (2011: 4) believes that Elements of Human Rights Diplomacy in its 'Classical' form are as follow:

1. Two or more parties, usually States, meet to exchange views or negotiate about human rights.
2. The parties attend voluntarily: the talks normally avoid explicit conditionality and displace use of force (or may be its precursor in case of absolute failure).
3. A t least one party is normally an advocate of human rights, and at least one party is presumed to be less comprehensively committed to (certain) human rights norms.

4. Outcomes are often open-ended; a specific outcome is not necessarily expected. Human rights diplomacy is often part of a larger process, involving larger state interests.

In diplomacy, states have to clarify their position at once; in other words, they must decide whether a certain bill, program or convention is suitable for their interests. Politicians and decision makers must know what would happen in their country after the acceptance or rejection of a specific draft in order to decide whether they must play in favor or against the bill. George Ulrich (2011: 30) calls this bad faith and good faith: "Bad faith contestation, by contrast, raises questions about human rights for the simple purpose of maintaining power and privilege or out of unwillingness to confront prejudice and bigotry. To confuse matters, this is sometimes articulated in the idiom of good faith contestation, and sometimes is manifested in an inarticulate manner by simply ignoring or blankly refusing to give any consideration to human rights."

2.5. Human Rights Strategies

Successful diplomacy comes after precise strategies. Without proper strategies, any action in politics is a wild goose chase. Implementing strategies could change into tactics. In another word, in different cases, strategies and tactics could be substituted; nonetheless, tactical level for state A can be on strategic level for state B and vice versa.

2.5.1. Active Participation in Human Rights Norm Setter Institutions

Organizations and institutions are an important part of diplomatic processes; they are in fact, the production of diplomacy and diplomacy performs on their context as well. In another word, organizations and institutions were born by diplomacy and diplomacy was born in them. Countries come

together in organizations to negotiate and reach out their national interests. Yet, nowadays there are more functions to consider for countries and organizations. Nowadays, the rules, conventions and regimes that legislated in international organizations are shaping the world of future. For example, in the field of human rights, the burden of International cooperation, capacity building and technical assistance have been led on high commissioner of human rights; in the area of monitoring and enforcement, Human Rights Council is at the helm. Especially, through Universal Periodic Review invitation, has strengthen its position more. Generally, beside international organizations, there are many regional organizations in the field of human rights, such as the Asian Human Rights Commission. In addition, there are several organizations, such as the UNESCO, which indirectly influence human rights norms and rules. As a result, countries need to send expert diplomats to take part in the process of normalization.

UN human rights organs and treaty bodies placed on top of the significance that no one could neglect it. Regarding the issue of human rights, the treaty bodies of the UN could not be neglected: the UN charter, the universal declaration of human rights 1948[1], the International Convention on the Elimination of All Forms of Racial Discrimination in 1965[2] , the International Covenant on Civil and Political Rights[3] and the International Covenant on Economic, Social and Cultural Rights,[4] both adopted in 1966, the UN Convention on the Rights of the Child 1989[5], the International Convention for the Protection of All Persons from Enforced and Disappearance[6] and the Convention

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1. Available at: www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/ eng.pdf.
2. Available at: www.ohchr.org/Documents/ProfessionalInterest/cerd.pdf.
3. Available at: www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf.
4. Available at: www.ohchr.org/Documents/ProfessionalInterest/cescr.pdf.
5. Available at: www.ohchr.org/Documents/ProfessionalInterest/crc.pdf.
6. Available at: www.ohchr.org/Documents/ProfessionalInterest/ disappearance-convention.pdf.

on the Rights of Persons with Disabilities and Optional Protocol (CRPD),[1] both adopted in 2006.According to O'Flaherty (2011: 166-165), "It is suggested that the reporting procedures of the treaty bodies can be understood as tools for human rights diplomacy. The actors certainly are appropriate to the designation: states, treaty bodies and civil society. The activity they engage in—the exchange of views, what the Committee on the Elimination of Discrimination against Women terms, 'constructive dialogue' on implementation of treaties has an inherently persuasive and negotiation-related quality."

2.5.2. The Reinforcement of NGOs' Role in Human Rights Diplomacy

"Non-governmental organization (NGO) is a broad term that is used somewhat loosely to refer to all organizations that are neither an official part of government (at any level) nor a private, for-profit enterprise. Within the category, however, there are many different types, characteristics and purposes of NGOs. Vakil suggests that: [The] lack of consensus on how to define and classify nongovernmental organizations has inhibited progress on both the theoretical and empirical fronts in the effort to better understand and facilitate the functioning of the NGO sector" (Yaziji & Doh, 2009: 3). The U.N. website[2] describes NGO as "any non-profit, voluntary citizens' group which is organized on a local, national or international level. Task-oriented and driven by people with a common interest, NGOs perform a variety of services and humanitarian functions, bring citizens' concerns to Governments, monitor policies and encourage political participation at the community level. They provide analysis and expertise, serve as early warning mechanisms and help monitor and implement international

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1. www.un.org/disabilities/documents/convention/convoptprot-e.pdf.
2. About Us. (n.d.). Available at: https://outreach.un.org/ngorelations/content/about-us-0.

agreements. Some are organized around specific issues, such as human rights, the environment or health".

The number of NGOs in the United States is estimated at 1.5 million, India is estimated to have had around 2 million NGOs in 2009, that is, one NGO per six hundred Indians, and many times the number of primary schools and primary health centers in India[1]. NGOs have an influential role in human rights diplomacy. Generally. NGOs have three functions in this issue: first to monitor the situation of human rights in their country, and second, to teach human rights norms and rules to people and in case of violation of human rights rules support victims to benefit from their rights. The third function of the NGOs is to collaborate with regional and international organization and to report on their governments' situation of human rights and present these reports in the appropriate organizations. Certain sates could use NGOs for actions that they themselves cannot do; in other cases, the actions of NGOs are far more acceptable than the actions of governments. This is due to the fact that NGOs face fewer problems since governments' actions seem far more suspicious than NGOs actions. According to Hicks: "When governments engage in human rights diplomacy, progress can often hinge on agreeing to reciprocal treatment, promising benefits or threatening sanctions. Of course, NGOs are unable to employ those tools in our efforts to weigh in on how governments conduct their human rights diplomacy. Instead, there are four key ingredients to getting our voices heard: (1) information; (2) expertise; (3) media; and (4) public support. Different NGOs rely on each of these elements to different degrees" (Hicks, 2011:218).

Because of separated benefits from states, in many cases, NGOs could balance or permute the extreme situation of a state

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1. India: More NGOs, than schools and health centers". OneWorld.net. July 7, 2010. Retrieved 2011-10-07

or in many cases, NGOs can play a state's role instead (especially since public minds seem to be optimistic toward NGOs than governments). "A good example of an environment in which NGOs have become partners with governments in policy-making is found in negotiations over treaties, such as recent campaigns to adopt the Convention on Cluster Munitions 2008 (CCM), the Mine Ban Treaty 1997 and the Convention on the Rights of Persons with Disabilities 2006 (CRPD)" (Hicks, 2011:220).

The last function of NGOs is surveillance and monitoring. This serious task could put states under pressure in a way that they would be enforced to implement what they have been proclaiming. In such case, NGOs offer precedencies that are more acceptable. Paul emphasizes on NGOs' applications on the UN Security Council and its procedural reforms. For example, although NGOs have limited success in swaying on Security Council decisions in the legal and political domains, in soft policy (low politics) areas, they have been more successful. Examples of this fact may be seen in the Resolution 1209 (November 19, 1998) on "Illicit Arms Flows in Africa," the Resolution 1296 (April 19, 2000) on "The Protection of Civilians in Armed Conflict" and the Resolution 1325 (October 31, 2000) on Women and Peace and Security (Paul, 2004: 12).

2.5.3. Utilization of National Human Rights Institutions in Human Rights Diplomacy

"Since the decision of the United Nations (UN) to formally call for the creation of national human rights institutions (NHRIs) in 1993, and the subsequent work of the UN to actively promote their role as independent actors in the international human rights framework, the position of NHRIs has been developing" (Roberts, 2011: 223). According to Paris indexes of NHRIs that were adopted in 1993 by the UN General assembly, two main indexes would be counted for NHRIs, pluralism and

independence. "several key elements set out in the Paris Principles which are considered essential to all NHRIs: a foundation in national law (by way of legislation or the national constitution), independence from government, a mandate to promote and protect a broad range of international human rights standards, pluralism in membership, an independent appointment procedure of the institution's board, and responsibility to work with all actors in the field, including government and civil society" (Roberts, 2011: 226).

The Paris Principles list a number of responsibilities for national institutions, which are categorized by Kjærum (2003) under five headings. First, the institution should monitor any situation of violation of human rights. Second, the institution should be able to advise the Government, the Parliament and any other competent body on specific violations. Third, the institution should relate to regional and international organizations. Fourth, the institution should have a mandate to educate and inform in the field of human rights. Fifth, some institutions are given a quasi-judicial competence. Whereas an institution can hardly be recognized as fulfilling the Paris Principles if one of the first four elements is left out of its mandate, it is facultative to give the mandate to hear and consider individual complaints and petitions (Kjærum, 2003: 6-7).

In 1995, a special advisor was appointed by the High Commissioner for Human Rights Office, which could be considered as a gate for NHRIs to enter a new level.

Taking into account the discourse theory, institutionalism constitutes the central signifier of the Brazilian human rights diplomacy and there are four floating signifiers, 1 & 2. Active participation in human rights norms setter institutions (international and regional). 3. The reinforcement of NGOs' role in human rights diplomacy. 4. Utilization of national human rights institutions in human rights diplomacy.
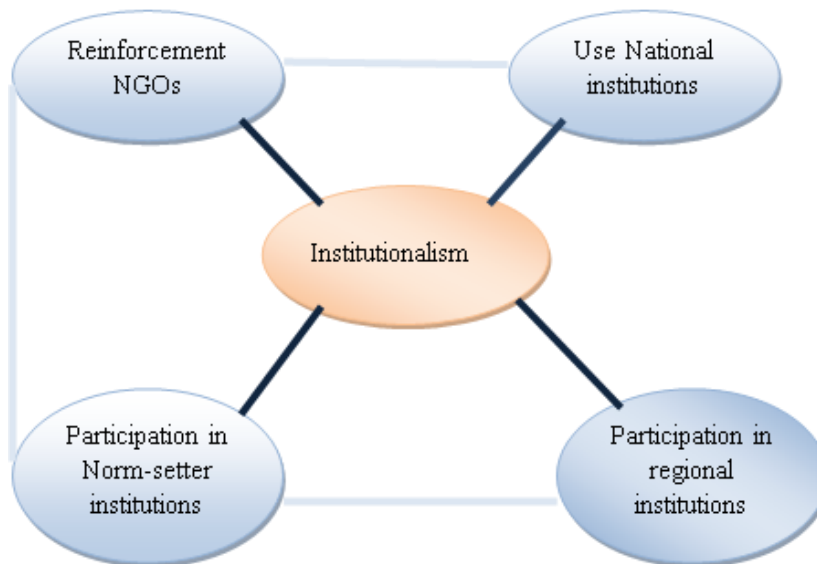
Fig. 1. Central signifier and floating signifiers of Institutionalism

Source: Authors

2.5.4. Demonstrating Countries' Commitment to Human Rights for Enhancing Its International Prestige

Nowadays, international prestige is one of the most significant national interests. It is not important in which country one lives or what is the country's level of power and wealth. All counties seek to improve their influence, attraction and soft power. Countries that need to improve their soft power, find human rights to be one of the best ground to play in. However, the ground is not restricted to human rights; one county could invest on environmental issues such as climate changes, another country could invest of international crimes or social welfare and other important issues. Many votes and decisions could be affected by Sponsored County's prestige. A good example of prestige in human rights is Canada: many countries supported Canada's bill in the field of human rights because of Canada's international prestige.

2.6. Human Rights Tactics

After the discussion on strategies, in the following section, tactics, especially those that are most widely used in human rights diplomacy will be discussed.

2.6.1. Tergiversation Policy

"Another characteristic way of contesting human rights is to express support for human rights in principle, and indeed acknowledge that they embody noble aspirations, but nevertheless stipulate that they are not fully realistic in the given situation" (Ulrich, 2011: 33). This tactic is usually used when diplomats' respective states do not completely oppose a proposition. "Emerging economies may in this way seek to justify sub-standard labor protection in order to ensure competitiveness; coercive policing and prison guard practices may be regarded as necessary to uphold social order and protect the safety of citizens; and the freedom of expression may be suppressed along with a range of other political freedoms on the pretext of safeguarding social cohesion and stability" (Ulrich, 2011: 33).

As a result, when considering a treaty, a diplomat must see whether the treaty has international utility. This does not mean that the treaty would be acceptable in his country as well; it might even be severely criticized by civil societies, clerics, and counter parties and in many cases powerful stakeholders as well as Interest and pressure groups. On the other hand, there is no treaty that is completely harmful. A diplomat and policy makers shall be able to balance costs and profits. The most famous example for this case is South Africa when Nelson Mandela, the president of South Africa, condemned Sany Abacha, the president of Nigeria, for the execution of several human rights activists and adopted a resolution against Nigeria. This political position, mainly in favor of western powers, had great costs for South Africa at regional levels. After that experience, South

African officials never repeated such harsh positions against African countries.

2.6.2. Projection Policy

Even countries that strongly claim to maintain human rights have ignored certain violations of human rights in some cases. For example, the Scientologist church count as a sect in France, and missionaries have not let to promote their idea. If they violate this rule, they will be fined. Another example may be seen in the United States of America where a Branch Davidians with David Koresh and eighty-two others were burned in Waco siege. Racist approaches toward African Americans in the USA could also result in significant human rights violations. In general, this method includes an accusation of other countries as a pretext for violation.

2.6.3. Double Standards Approach

We will discuss the double standards perspective at the end of this section in order to announce that human rights is not always logical, but has deep political aspects, and is based, in many cases, on economic and national interests or interests of specific groups and stakeholders. In another word, we can say that in many cases, political aspects prevails on the other aspects. Double standard means a specific and clear standard or norm could be applicable on one country but not on another. One rule becomes bounding for enemies: should they violate it, they will be punished, but the same rule is not binding for friends: should they violate that rule, they will be an exception (Turner, 2003). The obvious example of this approach is the positions of the USA against the Islamic Republic of Iran: the USA obviously mistreated the prisoners (some of them innocent) in Abu Ghraib and Guantánamo (Kaleck, 2015: 112). In other words, states need to secure their interests in the diplomatic arena, and if that does not happen, in pacific ways, they could enforce other

parties to use the pretext of "Human rights" as a good advantage to put enemies and rivals under pressure. In general, it is not "appropriate" for states to be condemned of violating human rights because human rights and legitimacy of states are deeply tied together. As result, states have to make a deal: they have to preserve their legitimacy and give political or economic privileges instead. This situation can specially happen for weaker governments. As a result, regardless of what is right or wrong in human rights, and regardless of a country's records on human rights, since every country, regardless of whether they are powerful or weak, has one vote at the UN General Assembly, powerful countries can use coalition with others and vote in favor of their claims.

According to discourse theory, tactics in human rights diplomacy are a central signifier and there are three floating signifiers; Tergiversation policy, Projection policy and Double Standards approach.
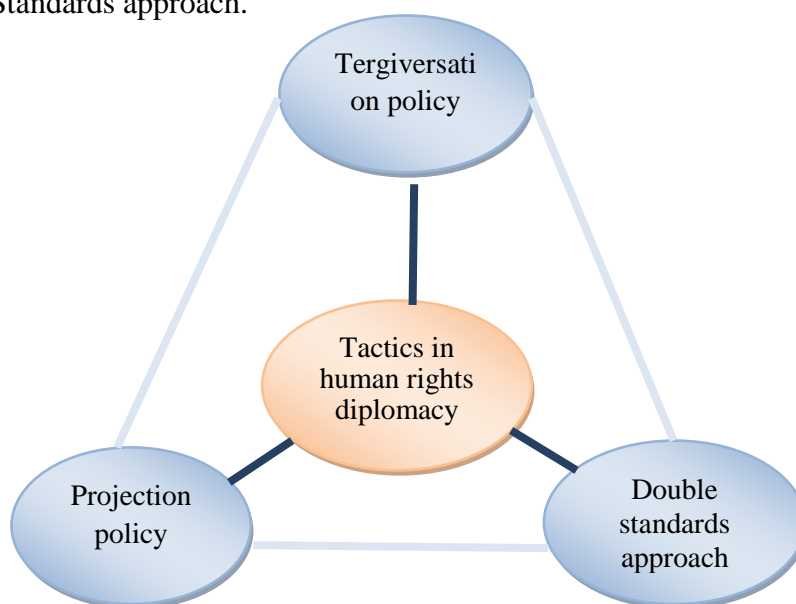

Fig. 2. Central signifier and floating signifiers of Tactics in Human Rights diplomacy
Source: Authors

3. Section II. Brazil and Human Rights Diplomacy

Federative Republic of Brazil is the largest and most populous country in Latin America. Brazil is the ninth largest economy in the world according to reports of the International Monetary Fund (IMF) and the World Bank, and eleventh largest economy according to Gross Domestic Product[1]. The country's industrial cities and manufactures are located in south and south east of the country while the Northeast Region of Brazil is its poorest region.

3.1. Brazilian Approach to Human Rights

In the recent history of Brazil, the so-called Developments pendulum seems to be important. Pendulum movements refer to a case where first, politicians try to solve the problems but they cannot do so, armies enter the game and seize the power by a coup; yet, afterward the army cannot resolve the problems either, especially economic ones, as a result, politicians seize the power again. This defective cycle has made South America to deserve the name of "continent of coups". In the mid-eighties, although moving towards democracy seemed rather impossible, negotiation were began by conservatives and army. With the onset of the era of democracy, what was the Brazilian legitimate government to do with human rights violations in recent periods? This question divided Brazilian elites to two groups at the country's highest sociopolitical levels: an appropriate answer to this question could be important to either one of these two groups. The question is the following: Is Brazil part of the west (especially in its human rights approach) or part of the south countries, since it has been seeking interests of developing countries? A short answer to this question is as follows: this will be a dilemma to Brazil but it seems that Brazil leans towards emerging powers and tries to strength itself by strengthening its

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1. Available at: http://databank.worldbank.org/data/download/GDP.pdf.

relations with south countries. For this purpose, Brazil seriously engages in south-south negotiations, and emphasizes the role of cooperation with international organizations especially the BRICS. However, Brazil plays with western rules, and does not try to change the system; it only seeks to reach a higher position in the hierarchy of international powers.

3.2. Brazilian Human Rights Diplomacy at Strategic Level

The Brazilian international strategy has been described as "soft balancing" (Flemes, 2009) and "the quintessential soft power" (Sotero & Armijo, 2007); the country has engaged itself in multilateralism and the peaceful settlement of conflicts. The Constitution of the Federative Republic of Brazil[1] is counted as the country's main policy of international relations, in article 4 we are able to observe ten of them:

Article 4. "The international relations of the Federative Republic of Brazil are governed by the following principles: I) national independence; II) prevalence of human rights; III) self-determination of the peoples; IV) non-intervention; V) equality among the states; VI) defense of peace; VII) peaceful settlement of conflicts; VIII) repudiation of terrorism and racism; IX) cooperation among peoples for the progress of mankind; X) granting of political asylum.

"*Sole paragraph.* The Federative Republic of Brazil shall seek the economic, political, social and cultural integration of the people of Latin America, viewing the formation of a Latin-American community of nations" (Rosenn, 2017).

In accordance to this article, we are going to keep on in two divisions, regional and international.

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1. Available at: https://www.constituteproject.org/constitution/Brazil_2014.pdf.

3.3. Brazilian Human Rights Diplomacy at Regional Levels

After the Brazilian movement towards democracy during the presidency of Fernando Henrique Cardoso (1995-2003), Luiz Inácio Lula da Silva (2003-2009) and Dilma Rousseff, Brazil thrived more and poverty and inequality decreased. In 1980s on the one hand, the Brazilian government faced financial crisis and debts and on the other hand, a distrustful atmosphere toward the Argentinian government. Because of these circumstances, Brasília and Buenos Aires decided to resolve this dilemma and Brazil and Argentina attempted to rebuild the lost trust between the two countries.

The first step for bilateral cooperation was transparency. To achieve this goal, the two countries established ABBAC for clarification of their nuclear power, and afterward solved their military sector problem. In the second step, Brazil and Argentina established PICE (In Portuguese: Programa de Integração e Cooperação Econômica). PICE is base of Mercosur, which, was later joined by Paraguay and Uruguay in 1991 and Venezuela in 2012. These collaborations were one of the most influential factors in preventing military coup in South America. "The regionalization of Brazilian foreign policy has been reflected in the creation of the Union of South American Nations (Unasur), and in efforts to broaden Mercosur to include Venezuela, as well as deepen it beyond purely economic relations and towards political cooperation, including on human rights matters. Brazil has also been more assertive in the wider Latin American region by becoming involved in politically contested issues, such as its own leadership role in the UN peacekeeping mission in Haiti" (Engstrom, 2014: 19). However, a few countries in South America, such as Mexico and Argentina challenged the superiority of Brazil, especially concerning human rights.

3.4. Brazilian Human Rights Diplomacy at International Levels

Whether Brazil has been seeking to gain a permanent membership of the UN Security Council or take part at the core of the "Doha Commercial Negotiating Group, the country has sought to enhance its power and authority at international levels. In this regard, Brazil strengthened its third global negotiations and furthermore established the IBSA (India, Brazil and South Africa) with emerging powers, which was succeeded by BRICS. Third world negotiations or south-south negotiations have two aspects. On the one hand, in general assembly and any other third world organizations can reach high-level protection of south countries. On the other hand, Brazil will have to choose between two options: save its positive visage among south countries (especially by neglecting their human rights record), after having reached its goals, (for example permanent membership at the UN Security Council), leave all of them or at least the weak ones.

"Since 2007, when the EU upgraded its relation with Brazil by establishing a Strategic Partnership under the Portuguese presidency, relations changed from political neglect to global dialogue. The result of seven bilateral summits and more than thirty sector dialogues is a closer and less asymmetric relationship. Although trade interests (with a share of 20% total exports and imports, the EU is Brazil's main partner) and investment (mainly from Spanish and German companies) clearly prevail over common political interests, global issues like climate change, human rights, peace, and development dominate the bilateral agenda" (Gratius, 2014: 49).

While parties pass up the zero-sum games, these dialogues between the EU and Mercosur continued. At the seventh meeting of February in 2014 between Brazil and the EU in Brussels reiterated that "the promotion and protection of all

human rights of all persons lie at the core of our Strategic Partnership[1]". Although the EU, its members and Brazil are supporters of human rights at the UN, the Security Council and the Council of Human Rights, their approaches towards universal human rights values and sovereignty are different. Human rights values are considered beyond sovereignty; as a result, the EU and its members could uphold the right of interference under Chapter VII in case of human rights violations. However, Brazil and the members of BRICS put the sovereignty of states in priority. This different point of view between the EU and its members versus. BRICS and its members, particularly Brazil, will be discussed in form of "R2P" and "RWP" (Stuenkel & Vargas, 2014).

3.4.1. Active Participation at the United Nations

In this section, the notions of RWP (Responsibility while protecting) and is internet governance will be discussed. "Responsibility to protect" or R2P was the result of the World Summit in 2005. Paragraphs 138 and 139 of the declaration of the summit recognized protecting (military action) oppressed people with international society as last resort.

Following the humanitarian crisis in Libya after the Arab Spring in 2011, president Rousseff delivered a speech at the 66th session of the UN General Assembly. In her speech, she indicated: much is said about the responsibility to protect; yet we hear little about responsibility while protecting.

RWP underscores the material, temporal and formal restrictions of the applicability of R2P, articulated in 2005. These limits are material, regarding the four crimes established in paragraphs 138 and 139 Declarations of the World Summit. They are temporal, on the need to establish the manifest failure

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1. Available at: https://www.consilium.europa.eu/media/23829/141145.pdf.

of a State to exercise its individual duty to protect its citizens. And they are formal, since they require a previous approval of the UNSC, according to Chapters VI and VII of the UN Charter" (Arantes & Tarso, 2014: 44).

There are some questions first of all paragraphs 138 and 139 of the 2005 World Summit contained undefined and general terms (to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity). These four terms need to be precisely defined. The second question concerns the way in which the UN Security Council would adjust humanitarian intervention in article 39? In which situation would it be determined? The existence of any threat to the peace, breach of the peace or act of aggression?

Brazil's vote to R2P was abstained, which indicated that the Brazilian government faced a dilemma: on the one hand, it did not want to confront with the EU and the USA and on the other hand, it did not intend to do anything against developing countries' interests. Because R2P could be used as an advantage in the hands of powers against weaker ones, whilst super powers are seriously accused of abuse of their power. The notion of Internet governance was introduced after RWP. President Rousseff delivered a speech at the 68th session of the UN and accused the USA of spying on Brazilian citizens and officials: "…Confronting a situation of grave violations of human rights and civil liberties of invasion and capture of confidential information concerning corporate activities and especially of disrespect for the national sovereignty …[1]".

"In September 2013, President Dilma Rousseff spoke to the United Nations General Assembly, where she laid down two very important principles of Internet freedom, security and governance: 1. In the absence of the right to privacy, there can

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1. Available at: https://gadebate.un.org/sites/default/files/gastatements/68/BR_en.pdf.

be no true freedom of expression and opinion, and therefore no effective democracy; 2. The right to safety and security of citizens in one country can never be guaranteed by violating the fundamental human rights of citizens of another country" (Canineu & Donahoe, 2014: 35).

Germany, alongside Brazil, supported the resolution of "Privacy in the digital age" and members approved to uphold this aspect of human rights, which was largely neglected. On April 2014, Brazil introduced NETmundial as a forum for gathering states, non-governmental entities, private sectors under the subject of Internet governance.

Brazil's embrace of the multi-stakeholder approach to Internet governance has very significant impact on the geopolitical dynamics within the UN. "Last year, Pakistan, speaking on behalf of Ecuador, Venezuela, Cuba, Zimbabwe, Uganda, Russia, Indonesia, Bolivia, Iran and China at the 24th Session of the UN Human Rights Council, questioned the efficacy of existing UN mechanisms like the Internet Governance Forum, and instead proposed the creation of an intergovernmental or 'multilateral' mechanism for Internet governance" (Canineu & Donahoe, 2014: 37).

3.4.2. Demonstrating Brazilian Commitment to Human Rights for Enhancing its International Prestige

As an emerging power, Brazil is seeking the leadership of Latin America. Furthermore, beyond its region, it is seeking to make an impact on international policies by increasing its prestige in south countries through south-south dialogue, in emerging powers through BRICS and in north countries through economy and human rights. This increasing prestige has resulted in two outcomes: upgrading Brazil's authority, helping improve the country's image in public opinion and prevailing on other south rivals such as China. The most efficient instrument for Brazil to

make south countries closer is economy. In the following table we will show the economic output of Brazil.
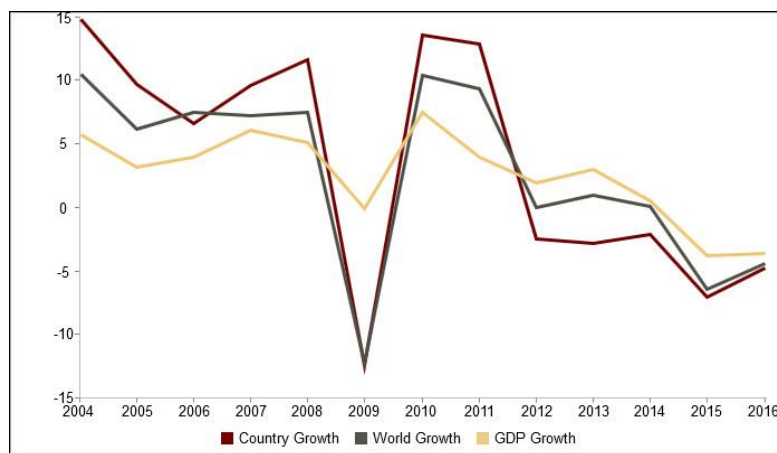

**Fig. 3. Economic growth of Brazil, GDP and world growth (2004-2016)
Source: World Bank [1]**

As Figure 3 indicates, there are three great declines in Brazil's GDP, 2009, 2012 and 2014, which means that Brazil has dealt with unsustainability in economy after 2014.

Table 1. Imports and exports of Brazil

Countries	Import 2012	Export 2012	Import 2014	Export 2014	Import 2016	Export 2016
China	34,251,273	41,227,540	37,340,607	40,616,108	23,363,995	35,133,590
Chile	4,166,379	4,602,203	4,024,133	4,984,191	2,882,017	4,080,628
Mexico	6,074,917	4,003,013	5,362,995	3,669,957	3,528,088	3,813,344
India	5,042,828	5,576,930	6,635,259	4,788,735	2,482,604	3,161,434
I.R. Iran	23,720	2,183,928	5,138	1,439,185	78,517	2,232,512
Saudi Arabia	3,196,829	3,000,113	3,299,255	2,542,086	1,300,622	2,487,253
turkey	964,113	1,207,133	882,221	1,308,387	397,198	1,446,146
Total	223,183,475	242,578,014	229,060,056	225,098,405	137,552,002	185,235,399

Source: (trademap, n.d.)

1. Available at: https://wits.worldbank.org/CountryProfile/en/BRA#.

According to Table 1, we will draw the chart of the rate of Brazil's economic exchanges (Fig. 4).
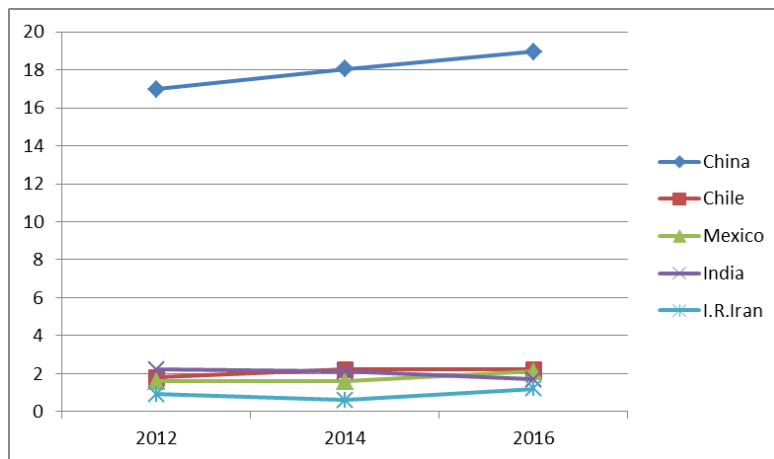

Fig. 4. Exports rate of Brazil (ratio of country export value to total annual export value)
Source: Authors

According to these tables and figures, it seems that Brazil have been trying to extend its economic partners among south countries. Although Brazil has faced negative economic growth, it has always tried to keep its economic ties with south countries and even boom it in some aspects.

4. Brazilian Human Rights Diplomacy at Tactical Level

The role of NGOs and civil societies for Brazil would be defined in tactical level. As mentioned, strategic and tactical levels are not rigid and can be changed case by case.

4.1. Reinforcement of Civil Society

In democracy era in Brazil, the impact of civil societies has increasingly improved in the field of health, food security and poverty reduction.

Bolsa Família (Family Allowance). The Bolsa Familia program

is the most important outcome of the civil society plan in Brazil. "The program targets the extremely poor families, that receive allowance from the federal government in exchange of fulfilling some conditions, like keeping their children in school and taking them to vaccination campaigns and other preventive health measures. It became one of the most important social policies in Brazil and a symbol of the country's development model, which aims for economic growth by the creation of a mass consumer market and uses state action to end extreme poverty and to reduce social inequalities" (Santoro, 2014: 74).

Among the projects listed in the Agency for Brazilian Cooperation's (ABC) project database, none uses democracy in its titles, and only one explicitly refers to the notion of human rights: "a partnership between the Brazilian Human Rights Secretariat (SDH) and the ABC to collaborate in the fight against child and teenage exploitation in Togo. However, democracy and human rights sometimes appear as components of broader cooperation programs, often through the involvement of human rights-related institutions in Brazil, especially SDH. For instance, SDH and the Ministry of Justice joined efforts to strengthen human rights-related institutions such as civil registries in Guinea-Bissau. There are also broader programs related to democracy and human rights that involve agreements with countries in disparate areas of the world through South-South multilateral arrangements" (Abdenur & Souza Neto, 2013: 23). These attempts have been happening at sub-national levels, especially in cities. Cities have also been the site of important democratic experiments, including the Participatory Budget Model, implemented in Porto Alegre, which was adapted by 1,500 municipal governments around the world (Ganuza & Baiocchi, 2012).

4.1.1. Reinforcement of Non-governmental Organizations (NGOs)

Developing democracy has increased the role of NGOs and the participation of individuals in Brazil's foreign policy. NGOs and social movements that work on human rights seek to influence Brazil's human rights policy at domestic levels as well as international levels For example, "Brazilian NGOs played an active role in lobbying efforts that shaped the creation of the UN Human Rights Council. They have also worked with 'key countries' to produce international norms in relation to, for example, discrimination based on sexual orientation. And Brazilian human rights groups, such as Conectas and Justiça Global, are increasingly lobbying Brazilian policymakers on human rights and foreign policy matters. There are of course significant domestic challenges in terms of Brazil's own deeply problematic human rights record, and domestic NGOs are likely to continue to devote much of their limited resources on domestic advocacy" (Engstrom,2014: 22). Part of the US Department of State report on human rights in Brazil is as follows:

In October, the Federal Government announced the creation of the Ministry of Women, Racial Equality, and Human Rights, resulting from the merging of three ministry-level secretariats covering these issues. "The ministry has jurisdiction over issues regarding persons with disabilities, LGBTI persons, the elderly, women's issues, children, policies to combat racism and ethnic discrimination, and government representation in international and regional human rights forums in conjunction with the Ministry of External Relations. A National Council for Human Rights, composed of 22 members-11 from various government agencies and 11 from civil society--met regularly. Other councils using this mixed government and civil society model include the National LGBT Council, National Council for Religious Freedom, National Council for Racial Equality

Policies, and National Council for Rights of Children and Adolescents" (Brazil human rights report[1],2015:12). Accordingly, NGOs and civil societies play an important role in Brazilian human rights diplomacy although the Brazilian government has been seeking to improve the role of NGOs as a pivotal player in international relations. As a result, NGOs would have positive and negative effects on Brazilian human rights diplomacy; nonetheless, the Brazilian government should sponsor Brazilian and Friend NGOs to increase the positive aspects of its diplomacy. Figure 5 sums up the arguments stated in this paper in form of Discourse Theory.
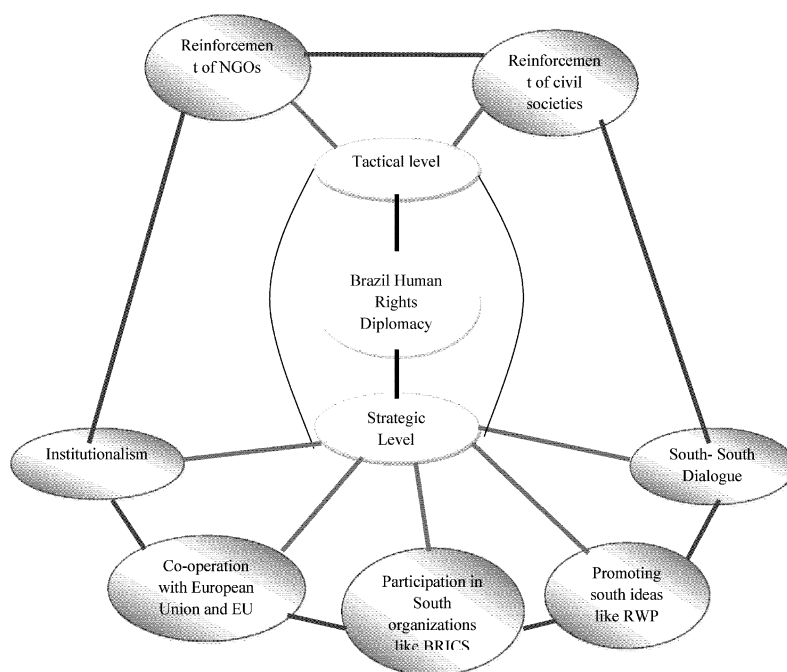

Fig. 5. Article achievements in form of Discourse Theory
Source: Authors

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1 Available at: https://www.state.gov/documents/organization/253207.pdf.

5. Conclusion

The Brazilian approach to human rights diplomacy is based on cultural diversity. Therefore, the study of Brazilian human rights requires a contextual approach based on discourse analysis. In fact, Brazilian policy makers and politicians, after the age of democratization, had to reorder their priorities in order to put international norms such as human rights in priority. In this paper, the Brazilian Human Rights Diplomacy was categorized at three levels: national, regional and international; this schema is called the "Multilayered diplomacy of Brazil". Subsequently, the Brazilian Multilayered diplomacy was scrutinized in two categories: Strategic level and tactical level. Brazilian policy makers at national levels have tried to empower NGOs and civil societies, furthermore by promoting the NGOs and civil societies has treated intelligently at international level. As a matter of example, Brazilian NGOs played a significant role in the establishment of United Nations Human Rights Council as the substitute of Human Rights Commission. In addition, Brazil has a unique place in the field of human rights at international levels because on the one hand, it can be a good sample for south countries which follow the human rights norms, and on the other hand, it can represent south countries in order to present their approaches to human rights and to defend the position of developing countries on the implementation of human rights in their own countries, which can be interpreted as a taint to human rights based on western values. The new particular circumstances of the world order in transition make Brazil solve its problems with the EU and major powers, especially through UN bodies. On the other hand, Brazil continues its south- south negotiations and participates in organizations like BRICS in order to represent them in human rights cases. At regional levels, Brazil is pursuing cooperation and peaceful relations with its neighbors: a peaceful coexistence to preserve its human rights' leadership. At regional levels,

Brazil has been seeking stability through institutionalism (engaging in regional institutions such as Mercosur) and changeover the problems (especially with neighbors) from those related to the country's security to those related to its economic situation. At the end, it seems rather vital for the south countries to promote the idea of "Human Rights and Cultural Diversity," which could be sponsored by other UN members, as it was the case in Brazilian Human Rights diplomacy, which disseminates the RWP or internet governance to upgrade its prestige and authority in the international community.

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