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**Brazil as a leader in the Latin American Refugees' Regime:  
An analysis of the country's normative example in the region<sup>1</sup>**

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**Abstract:** The article presents an exploratory study of Brazil's role in the consolidation of the Latin American refugees' regime. Our analytical perspective considers that there is a regional refugees' regime in Latin America, one gradually constituted since the conference in Cartagena in 1984, when the countries of this region established principles, norms, rules, and decision-making procedures related to the refugees' issue, including in the existing regime an expanded concept of refugees, more encompassing than the UN Convention's concept (1951). Moreover, and having examined different sources of evidence, including a set of experts' judgments and organizational reports, we argue that the country has been broadly acknowledged as a regional leader in the Latin American refugees' regime, including by the UNHCR. We then propose an explanation for this international recognition of Brazil's leadership in this issue area, which includes not only the country active role in the development of this regional regime, but also its role model due mainly to its advanced national legislation on refugees (being the first country in the region to incorporate in its national law the expanded refugee definition accorded in the Cartagena Declaration), the exemplary experience of the National Committee for Refugees (CONARE), the initiative of a regional solidary resettlement program, the institution of the humanitarian visa for Syrians refugees and the participative role of civil society in this context. With more countries closing their borders to refugees and difficult negotiations in the multilateral arena, we conclude that positive experiences like the Brazilian one deserves more attention from the international community and International Law (IL) and International Relations (IR) scholars.

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## Introduction

Latin America<sup>4</sup> is a region that is receiving more attention from the international community and the media. In 2015, the newspaper BBC recognized that since 2011 Brazil was the country in America that have received more refugees after Canada. In the same year, the newspaper The Guardian recognized that many countries in Latin America were opening their borders to Syrian refugees (Brodzinsky 2015). Currently, the region faces the situation of Venezuelans that arrive especially in Colombia, Peru, and Brazil. According to the United Nations High Commissioner for Refugees (UNHCR), Brazil<sup>5</sup> is the second country after the United States of America that received more asylum claims from Venezuelans (Tokarnia 2017). According to data from the Brazilian National Committee for Refugees (CONARE 2018), 33,866 people claimed asylum in Brazil in 2017, 53 percent of them coming from Venezuela. The country has recognized 10,145 people as refugees and it has other 86,007 asylum seekers waiting for a decision.

In this sense, Latin America is recognized by the United Nations as a region that is committed to the situation of refugees. Latin America has been organizing regional conferences and adopting declarations with important developments for the refugees' cause like the expansion of the refugees' definition and a Regional Solidary Resettlement Program among others. Considering this framework, Brazil has occupied a special role in this regime with the adoption of an innovative legislation on refugees, the proposition of the Regional Solidary Resettlement, and the creation of a special humanitarian visa for people fleeing the conflict in Syria. In this article, we argue that Brazil is a regional leader in the Latin American refugees' regime. In order to do so, we intend to answer mainly the three following questions: What is the Latin American refugees' regime? By whom Brazil is considered a leader in this regime? And what makes Brazil a leader in this regime? Our main objective is to characterize the Latin American refugees' regime and Brazil's role in its consolidation. Our objective is to discuss the Brazil role as a regional leader in this regime and what are the implications of this idea of leadership.

Besides this introduction, the article has five other sections. In the first part, we discuss some recently published ideas of regional leadership with the objective of building an operational definition of leadership. The second section presents the development of the Latin American regime for refugees.

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<sup>4</sup> We understand Latin America as a geographic area comprising the countries of South America, Central America, the Caribbean, and Mexico.

<sup>5</sup> Brazil is considered a developing country by the United Nations High Commissioner for Refugees. Since it receives asylum-seekers as the first asylum-country where each person will have his/her eligibility case analyzed by the Brazilian government. This data refers to this procedures, asylum-seekers that have asked for asylum in the Brazilian territory and refugees that were recognized as such by the Brazilian government after the eligibility process.

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We aim to show that we can consider it a regime in Krasner’s definition of this term. The following section considers the role of the national civil society in the Brazilian adoption of policies/legislation for refugees. We claim that the civil society participation helps to legitimize the Brazilian leadership in this regime. The fourth section presents some evidence that contributes to qualify the idea of Brazil as a regional leader in this regime, recognized by its peers and the international community. The final section presents the main points discussed in the article including its limitations and further research needed on this topic.

### **1. What does it mean to be a leader in a regional regime?**

International Relations (IR) scholarship is a field of studies traditionally inspired by materialist conceptions of power. Consequently, any State’s ability to lead was mainly based on the concentration of productive and, most of all, destructive State capacities. Notwithstanding, there is a growing interest in non-coercive and not necessarily material means of power, especially since the pioneering work on “soft power” developed by Joseph Nye Jr. (2002). For him, it is related to the ability that a State has to reach its interests through cooptation and attraction of other States, instead of violent, coercive power or even some kind of side payment. Soft power involves using ideas, international institutions, and exemplary behavior to attain State interests in the international arena from the fact that other countries want to follow it. According to Nye Jr. (2002), any State interested in exerting soft power has to make its own values and actions legitimate by others. In other words, soft power occurs through international legitimacy of political values and foreign policies adopted by a State that wants to lead.

More recently, theoretical reflection on non-coercive means of powers has been incorporated by a growing literature concerned with Brazil’s aspiration to be a leader in the Latin American region. IR literature on Brazil’s international strategy has accompanied the unforeseen interest and involvement of successive Brazilian administrations in many different regional issues, like regional economic integration, political coordination, democratic commitment, and human rights, among others. Since 2000, when the Brazilian government held the first presidential summit of South America, Brazil’s foreign policy has clearly aspired for a leading role in the constitution of a so-called new regional political and economic order. This foreign policy turn started at the beginning of the 1990s when the previously North-oriented Brazilian foreign policy gave way to a gradually established South-South orientation. The foundation of the Southern Cone Common Market

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(MERCOSUR), in 1991, initially uniting Brazil, Argentina, Paraguay, and Uruguay in a regional economic bloc – later attracting other South American countries as associate members, as Bolivia and Chile, or even as a full member, in the case of Venezuela – was a remarking historical fact. But it was during the former president Luis Inácio Lula da Silva’s administrations (2003-2010) that the country more clearly assigned the region as a strategic priority. Since then, the referred growing literature started to ask questions like what does it mean to be a regional leader, what strategies are available for a second-tier non-nuclear State as Brazil to lead in his region or what are the main constraints for Brazil to construct some sort of regional leadership. In the following paragraphs, we analyze some IR works focused on the international or regional leadership with the objective of developing a sort of operational definition of “regional leadership” apt to guide our subsequent analysis of the Brazilian alleged leadership in the Latin American refugees’ regime.

To begin, it seems valuable the Detlef Nolte’s definition of international leadership as “the political influence in diplomatic forums” (2010, 890), once leaders need followers and, consequently, it is necessary to create alliances and models in some institutionalized context. For that reason, exerting leadership involves a normative dimension in which the leader has to present its worldview as compatible with the worldviews of its followers. In this sense, leadership may be seen as a “discursive hegemony” (2010, 899). In sum, leading involves a capacity to advance some political interests into a specific institutional context and in the name of some normative foundation.

In a similar vein, but discussing the Brazilian case specifically, Andrés Malamud (2011) argues that leadership in international relations involves the capacity that a State has to engage other States in adopting the goals of the leading State as if they were their own goals. However, differently, from Nolte’s and also from Nye’s concept of soft power, Malamud sustains that leadership is based on social power. He advances a conceptual refinement in which this kind of power may be coercive (or political), material (or economic) or persuasive (or ideological-normative). In his view, since Brazil lacks the first two kinds of social power, it has invested in the third one (persuasive or ideological-normative) as a way to promote what the authors call “consensual hegemony” (2011, 3-5).

Thiago Gehre (2009), in a study on the incorporation of the South American region as a strategic priority in Brazil’s foreign policy agenda in the beginning of the current century, considers the concept of leadership as being “the disposition of a power to represent other nations’ interests, to guide a group of countries according to great objectives of foreign policy, to identify and to act facing challenges and opportunities in the international arena and to mediate conflicts and disagreements

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among agents of the international society” (2009, 73)<sup>6</sup>. For him, leadership is also directly related to the legitimacy dimension and this depends on corresponding ideas as “acquiescence”, “mutual interest”, and [other agents’] “consent”.

Sean Burges argues that historically Brazil has put itself as a “bridge builder” between developed countries (the North) and developing ones (the South) (2013, 578). Normally, the exercise of leadership has costs involved in sustaining the leaders’ relation with those who follow him but also costs in avoiding the emergence of possible rivals. To understand how Brazil deals with these costs, Burges’ approach to “consensual hegemony” is as an interesting conceptual tool. For him, the central point is related to building consensus, once Brazil rarely applies its power directly or explicitly. Instead, Brazil exerts influence over other countries disseminating its ideas or trying to create innovative situations in which it would be too costly for other countries to deviate from the Brazilian preference (Burges 2008, 65-66). He argues that this normative underpinning is crucial for the Brazilian exercise of regional leadership, once the country is interested in getting other countries to share a common vision without having to assume relevant costs. In first stages, the consensual hegemon needs to adopt innovative actions to create and maintain order. However, if the followers internalize and embrace the leader’s priority and goals, the order will reproduce by itself without any need for hegemon’s action. Therefore, the leader project has to be able to aggregate a multiplicity of actors and to advance the interests of other participant actors (Burges 2008, 73-4). He asserts that, in Latin America, multilateralism attached with a development discourse was the most common tool to guarantee that followers would incorporate the hegemon’s goals and actively participate in the proposed project (2008, 77).

Notice that all the precedent conceptual and theoretical works deal with exclusively interstate relations, which is the most traditional way of thinking about leadership in IR. However, it is reasonable to argue that for any State lead in the international realm, it is also important to have legitimacy not only *vis-à-vis* other States but also in relation to international organizations and civil society. In this sense, Rossana Reis argues that “a government legitimacy is based on the extent of its respect and defense of human rights of its own citizens” (2006, 36). For Andrew Hurrell, State legitimacy depends on the capacity to satisfy the needs, demands, and exigencies of people, what is at the root of the emergence of a moral consciousness which supports individual and collective human rights (1999, 60). Considering the refugees’ situation, we could add that a State legitimacy is also

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<sup>6</sup> Translated by the authors.

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based on the extent of its respect and defense of any person who needs protection, especially people perceived as vulnerable like refugees.

In this context, a positive relationship with the civil society is a relevant aspect of State legitimacy. That is, the acknowledgment of the civil society importance and the existence of real and active mechanisms for society's engagement in decision-making processes are important evidence of State legitimacy. This is even more important with the advent of national and transnational human rights movements and advocacy networks. In our liberal era, in which the existence of the rule of law is essential for measuring legitimacy, an active national civil society participant in governmental instances may improve the positive international image of a country, what by its turn may improve its capacity to exert regional leadership. As we will see below, Brazil has shown the capacity to maintain an engaged diplomacy in terms of international protection of human rights. If the country wants to sustain its conditions to lead in the regional arena, it is important for the State to keep a positive relationship with the civil society (national and transnational) and international agencies (as the UNHCR, among others).

In sum, an operational definition of leadership in international relations could aggregate three related building blocks. Firstly, leadership involves a normative, intersubjective dimension, which may be attained through the articulation of ideas and the use of international institutions and exemplary behavior to build the legitimacy needed to lead. Secondly, leadership is characterized by the ability to be followed by other States, as long as the idea of leadership has no sense if the candidate to lead does not have any follower behind. Finally, once not only States matter in the international arena, a working leadership should also include some level of recognition by other actors, as international organizations and/or national and international civil society. Keeping these three elements in mind, we advance in the remaining sections an analysis of the Latin American refugees' regime, the role of civil society into the experience of Brazil's National Committee for Refugees (CONARE) and the role exerted by the Brazilian State in the context of the aforementioned regional regime.

## 2. The development of the Latin American Refugees' Regime

The first international initiatives to protect refugees were adopted at the end of the World War I, especially due to the impact of the Russian Revolution in 1917. Within the framework of the League of Nations, after a conference held in Geneva on July 5, 1922, the organization granted Certificates of

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identity to Russian Refugees. The League of Nations also appointed the Norwegian delegate Fridtjof Nansen as the High Commissioner for Refugees, who sought international cooperation to assist the more than 500,000 Russians outside the Soviet Union. This was the first legal instrument and organization to assist refugees. Later other nationalities started to receive protection through the so-called "Refugee Agreements": Armenians (1924), other groups in analogous conditions of Russians and Armenians – such as Assyrians, Jews, Turks (1928) and people coming from Germany (1936, 1938 and 1939) (Hathaway 1984).

The World War II left more than 40 million displaced people from Europe, (13 million of them with German roots) and raised the need to create an organization for the immediate relief of this population (Moreira 2005). The International Organization for Refugees (OIR) was created in 1943, and it resettled more than one million people until its end in 1952. From 1947 to 1952, Latin American countries received 100,000 European refugees (Moreira 2005, 59). With the advent of the Cold War and many countries under communist administrations, some refugees argued "valid objections to their repatriations." These people refused to return to their countries of origin, objecting to the current political regime, especially in Eastern Europe and the Soviet Union. This meant that displaced people would need solutions that did not involve necessarily a voluntary repatriation. In 1948, the Universal Declaration of Human Rights stated in its article 14 that "every person has the right to seek and enjoy asylum in other countries if persecuted".

It was the beginning of a new phase of the International Protection of Refugees, this time-based on a universal approach. In December 1949 the General Assembly of the United Nations created the United Nations High Commissioner for Refugees (UNHCR) to start its work on January 1, 1951 (Moreira 2005). The organization had the central responsibilities of providing international protection and finding durable solutions to refugees. In that same year (1951), the Geneva Convention on the Status of Refugees was signed. This legally binding treaty is a cornerstone of the international refugee law. Its Article 1 defines a refugee as someone who has left her country of origin or habitual residence because of a well-founded fear of persecution because of race, nationality, religion, membership of a social group or political opinion.

Nonetheless, in the beginning, the concept of refugee had a geographic and temporal limitation that made it possible for States to recognize as refugees only those who had left European countries because of events that happened before 1 January 1951. Humanitarian crises and civil wars that occurred after this period showed the international community that the situation of refugees was not a

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passing phenomenon. There was an increasing number of people in need of protection that were not covered by the 1951 definition of refugee. Thus, in 1967, the Protocol Relating to the Status of Refugees was adopted, which eliminated the temporal and geographical clauses. The 1951 Convention and its 1967 Protocol are the basis for the solidification of the international refugee regime.

Latin American countries have played an important role in the reception of European refugees, especially after the Second World War, and have joined the international refugee regime (Moreira 2006). They have also created a set of regional mechanisms to deal with forced displaced people in Latin America. We may argue that these countries have created a regional regime for refugees, a regime that has developed in the light of the realities experienced by some countries of the region. The Latin American refugees' regime is based on principles stated in the regional declarations, such as solidarity, humanism, integral protection of the human person, responsibility sharing, and regional cooperation. The countries of the region have internalized their obligations under international law agreements, binding, or even non-binding declarations, such as the Cartagena Declaration on Refugees of 1984, in their national legislation. These legal bases constitute mutual expectations of behavior settled by the norms and rules of the regime developed in the region, especially in the last three decades. It is possible to argue that the organization of major regional conferences every ten years is a way to constitute a proper decision-making procedure. Finally, it is important to emphasize that, although the States gather and decide on these conferences, civil society organizations and UNHCR have a fundamental role of influence in the position of States, in the construction of the text of the Conferences, and in the internalization of principles and rules of the regime.

The Latin American refugees' regime has developed since 1984, with the adoption of the Cartagena Declaration on Refugees<sup>7</sup>. It was designed to solve the situation of the more than 2 million displaced people in the region, mainly in Central America, because of the dictatorial governments that were in power in the 1970s and 1980s and civil wars, which gave rise to refugees (Moreira, 2008). The Cartagena Declaration expands the traditional concept of refugee. The Latin American expanded concept of refugee includes not only people who have left their homes because of a well-founded fear of persecution because of race, nationality, religion, membership of a social group or political opinion (as stated in the 1951 UN Convention), but also people "threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order". This is a meaningful expansion of the concept. The document also

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<sup>7</sup> The Declaration was adopted by the Colloquium on the International Protection of Refugees in Central America, Mexico and Panama held in Cartagena de Indias, Colombia, on November 22, 1984.

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encourages States to ratify international treaties and to adopt national legislation on the issue of refugees. It reinforces the importance of the involuntary nature of asylum, the voluntary nature of repatriation and the issue of family reunification.

Even though only Belize, Colombia, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama, and Venezuela signed the Cartagena Declaration (see Table 1), it is important to stress that most Latin American states, including some that have not signed it, use the definition of Cartagena to recognize refugee status in their territories, with fourteen Latin American states already adopting national legislation with the expanded concept (ACNUR 2014). In this sense, the expert José Henrique Fischel de Andrade recalls, “the Cartagena Declaration has become customary law because it has been systematically invoked by Latin American countries<sup>8</sup>” (1998, 402). The UNHCR describes the Declaration as “a flexible, pragmatic, an innovative approach to providing answers to situations of asylum and other humanitarian crisis” – also known as “the Spirit of Cartagena” (ACNUR 2014, 1).

In 1994, to celebrate the 10th anniversary of the Cartagena Declaration, seventeen Latin American countries signed the San José Declaration on Refugees and Displaced Persons. It recognizes the Colombian reality of massive expulsion of nationals; it urges States to eradicate the causes of forced displacement and to treat migrants (including economic ones) as human rights holders who must be respected; it mentions vulnerable groups such as children, women and indigenous people and their specific needs; it poses the problem of the internally displaced people (IDP) as a concern of the international community, and it recognizes the role of religious organizations and civil society in their work with refugees, returnees, and displaced people in the region. On the San José Declaration, Luiz Paulo Barreto, and Renato Zerbini Ribeiro Leão emphasize that it promotes an innovative understanding of the specific protection for IDP because the document shows that human rights violations are the main cause of displacement in the region (2010, 44).

On the 20th anniversary of the Cartagena Declaration, the Mexico Declaration, and Plan of Action to Strengthen the International Protection of Refugees in Latin America was adopted by twenty countries in Mexico City (2004). The Regional Solidarity Resettlement Program was created (based on the principle of responsibility sharing) as a suggestion from the Brazilian delegation. The Program aims to protect Colombian refugees who fled to Costa Rica, Venezuela and Ecuador (countries most affected by these large flows) by providing a long-term resettlement solution for those who had no possibility of local integration or continued to suffer persecution (Moreira 2008, 10; Nogueira;

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Marques 2008, 58). Besides that, the Plan of Action to Strengthen the International Protection of Refugees in Latin America designs the Program for Self-Sufficiency and Local Integration “Solidary Cities”. This is a pilot study that aims to achieve a more effective local integration for refugees in the region, most of them in urban centers. This Plan of Action also creates the “Borders of Solidarity” Integrated Program that benefits local communities and those in need of protection through the promotion of local socio-economic development, especially in border areas.

The most recent regional initiatives include the adoption of the Brasilia Declaration on the Protection of Refugees and Stateless Persons in the Americas in 2010 (signed by eighteen countries) and the Brasilia Declaration and Plan of Action in 2014 (signed by thirty-one countries). The 2010 document recommends the implementation of the Mexico Plan of Action, addresses statelessness in the region by encouraging countries to sign the Conventions on the topic. It also focuses on the protection of refugees in the situation of “mixed flows”, an important concept composed of economic migrants and those in need of international protection.

On the 30<sup>th</sup> Anniversary of the Cartagena Declaration, Brasília (Brazil’s capital) was chosen as the city for the Commemorative Conference. The two resulting documents of this Conference are: the Brazil Declaration “A Framework for Cooperation and Regional Solidarity to Strengthen the International Protection of Refugees, Displaced and Stateless Persons in Latin America and the Caribbean” and the Brazil Plan Of Action “A Common Roadmap to Strengthen Protection and Promote Sustainable Solutions for Refugees, Displaced and Stateless Persons in Latin America and the Caribbean within a Framework of Cooperation and Solidarity”. The Brazil Declaration (2014) recognizes the participative process involving governments, civil society organizations and youth and refugee women that made the adoption of this document possible. The Declaration recognizes the forced displacement of people in El Salvador, Honduras, and Guatemala as a new displacement situation in the region and the displacement caused by natural disasters and the situation of victims of human trafficking. The document recognizes the need for more international support to continue the regional resettlement programs that are achieving a durable solution for people in the region. The document brings attention to the situation of accompanied and unaccompanied children and the need to guarantee their rights, best interest and family unity avoiding their arbitrary detention. Other issues include the importance of access to documentation, to naturalization processes to achieve local integration and labor mobility for refugees in third countries.

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The Brazil Plan of Action has a plan to strength and consolidate the national refugee status’ determination system. It creates the “Borders of Solidarity and Safety” Program. This program aims to guarantee protection to people in need in the border areas. The plan also discusses Comprehensive, Complementary and Sustainable Solutions: the “Voluntary Repatriation” Program, the “Local Integration” Program, the “Solidarity Resettlement” Program and the “Labor Mobility” Program (to facilitate refugees to achieve labor mobility in third countries in the region). Considering the situation in the Northern Triangle Countries, some programs were proposed: the “Human Rights Observatory on Displacement” Program, the “Prevention” Program and the “Dignified and Safe Transit” Program. They have the objective to map and create alternatives to deal with people fleeing transnationally organized violence in the region. There were some solutions to Caribbean countries deal with mixed migration fluxes and the compromise to eradicate statelessness.

Table 1 below summarizes the main documents<sup>9</sup> that are part of the Latin American refugees’ regime. It also presents information on where and when the Conferences were held and the countries that participated in those Conferences. It is interesting to notice that more countries started to participate in the Conferences. This may reflect the fact that they started to perceive the regional level as an important arena to deal with the issue of refugees and that they recognize the Cartagena Declaration as an important jurisprudence to decide about asylum in the region. Brazil not only participated in all the meetings after Cartagena but also hosted the 30<sup>th</sup> Anniversary Commemorative Conference in 2014.

**Table 1 – Regional Documents on Refugees and Participant Countries**

<b>Name of the Document</b>	<b>Place and Date</b>	<b>Participant Countries</b>
<i>Cartagena Declaration on Refugees</i>	Cartagena de Indias, Colombia – November 22, 1984	Belize, Colombia, Costa Rica, El Salvador, Guatemala, Honduras, México, Nicaragua, Panamá, Venezuela.
<i>San José Declaration on Refugees and Displaced Persons</i>	San José, Costa Rica - December 7, 1994	Argentina, Bahamas, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Nicaragua, Panamá, Peru, Dominican Republic, Uruguay
<i>Mexico Declaration and Plan of Action to Strengthen</i>	Mexico City, Mexico – November 16, 2004	Argentina, Bolivia, Brazil, Colombia, Costa Rica, Cuba, Chile, Ecuador, El

<sup>9</sup> Even though those documents are not binding, they show the will and commitment of the countries in the region to put the issue of refugees in the agenda, to discuss this thematic, and to comply themselves with the positions that they have presented in those Declarations. The countries in Latin America have internalized their obligations in their national laws. We can also understand that UNHCR and the international community will present comments and suggestions to see how the countries in the region are complying with the voluntary commitments that they have negotiated in the conferences presented in this section.

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<i>the International Protection of Refugees in Latin America</i>		Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, Venezuela. Observers from Latin America: Belize, Haiti, Dominican Republic
<i>Brasilia Declaration on the Protection of Refugees and Stateless Persons in the Americas</i>	Brasília, Brazil – November 11, 2010	Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, Venezuela.
<i>Brazil Declaration and Plan of Action “A Framework for Cooperation and Regional Solidarity to Strengthen the International Protection of Refugees, Displaced and Stateless Persons in Latin America and the Caribbean”</i>	Brasília, Brazil – December 3, 2014	Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Cayman Islands, Chile, Colombia, Costa Rica, Cuba, Curacao, El Salvador, Ecuador, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Lucia, Suriname, Trinidad and Tobago, Turks and Caicos, Uruguay, and Venezuela

Source: Elaborated by the Authors

We notice that the countries of the region have shown commitment to solving the problems of forced displacement and opted for regional cooperation to deal with these challenges (Moreira 2005, 70-71). The regional solidarity and the perception that there are situations and problems shared by all Latin American countries that demand common responses can bring positive contributions to the international refugee’s regime, such as the expanded concept of refugees in the Cartagena Declaration and the Solidary Resettlement Program in the Mexico Plan of Action. Thus, for a growing number of experts, regionalist approaches appear as a strategic option that promotes an open dialogue between states and non-state actors and stimulates cooperation to create more coherent legal policies and norms by considering the specificities of phenomena at the regional level, ensuring more effective protection for the people who are there (Jubilut; Ramos 2014, 66-67).

In this sense, the Latin American refugees’ regime has been acknowledged, by a growing number of scholars as well as international leaders, as a model for an advanced international protection system for refugees. For example, the former United Nations High Commissioner for Refugees (and now UN Secretary-General), António Guterres, argued that "Latin America must raise its voice as a model for other parts of the world". At the same time, the director of the UNHCR Office for the Americas, Marta Juarez, believed that "Cartagena + 30 was a unique opportunity to project Latin America as a relevant humanitarian actor who continues to contribute to the development of the

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international agenda through a renewed commitment to the protection and pursuit of durable solutions for Refugees". For the UNHCR Regional Protection Officer on Statelessness in the Americas Juan Ignacio Mondelli<sup>10</sup>, the fact that UNHCR chose Brazil as the host country for the meeting that celebrated the 30 years of the Cartagena Declaration in December 2014 shows the international recognition of the Brazilian protagonist role in the topic of refugees in the region.

The next section starts to explain the Brazilian role in the Latin American Regime considering its national procedures and the historical partnership between UNHCR and civil society organizations.

### **3- Understanding the refugees' discussion in the national level: The role of the Civil Society and the experience of the National Committee for Refugees (CONARE)**

The international recognition of Brazil as a regional leader in the asylum issue is fundamentally explained by the historically positive relationship between the government, civil society organizations, and UNHCR in defining and implementing national refugee policies. The end of the Cold War, the process of globalization, economic and personal interconnections, and the emergence of a dense and increasingly active civil society transnational network in the political arena make it virtually impossible for states to ignore the demands and positions of non-governmental organizations (NGOs). The emergence of the human rights movement, that recognizes the individual as a rights' holder whose rights do not depend on the states, has strengthened the articulation of a transnational network of individuals, social movements and civil society organizations that act and advocate on matters of common interest (Hurrell 1999, 59-60; Reis 2006, 35). The civil society is a key player in advocating for the inclusion of asylum seekers and refugees in public policies and programs around the world and in making positive legislation changes, guaranteeing the rights of vulnerable groups such as children, the elderly, survivors of torture and sexual gender-based violence and other groups (Jubilut; Apolinário 2009, 37).

In the last decades of the twentieth century, there was a series of changes in world politics, among them the recognition of the agency of collective subjects that used to be silenced. Among these agents, non-governmental organizations (NGOs), currently considered important bases of civil society, especially in countries such as Brazil, deserve mention. These have multiplied, built inter and transnational networks, established stable partnerships with the United Nations (UN) and have given

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<sup>10</sup> Conference entitled "Eradicating Statelessness in the Americas: The Role of Leadership in Brazil", given by the lawyer and expert on Human Rights, Juan Ignacio Mondelli, UNHCR Regional Protection Officer for the topic of statelessness in the Americas, held at the Tancredo Neves Auditorium, at the Palace of Justice in Brasília, DF, on August 13, 2014.

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strong support from the global public opinion (Reis 2006, 39). They contribute to strength democracy inside and outside their states (*Ibidem*, 40). In this sense, it is also attributed "to the civil society the important role of 'democratic surveillance' of the Westphalian world of national states"<sup>11</sup> (Villa; Tostes 2006, 96). As Liliana Lyra Jubilut points out:

NGOs have existed for a long time, but recently, with the globalization process and the advent of global and/or transnational problems, they have gained strength and have come to operate in a wide range of areas, defending the most diverse topics [...]. They are particularly important in the area of human rights, especially in the international sphere, since the international system for the protection of human rights is complementary to the aforementioned primary protection that must be guaranteed by the states. [...] [These organizations] end up bringing the realities, peculiarities and local problems to the international scene, aiding respect for and coping with them. NGOs are thus one of the driving forces behind the guarantee of human rights<sup>12</sup> (Jubilut 2014, 60).

On the issues of asylum and migration, Catholic Church organizations such as the *Caritas Internationalis* have a tradition of aiding this population, either with the governmental support or without it. The organization is a traditional partner of UNHCR that seeks civil society partnerships (as implementing partners) to improve the effectiveness of human rights and increase the legitimacy of its action. This partnership with local organizations prevents the agency from infringing the sovereignty of the state in question (Jubilut 2014, 62). These implementing partners carry out UNHCR's projects of protection, assistance and local integration for refugees and asylum seekers (*Ibidem*).

There is also a tendency to stimulate the partnership between NGOs and national authorities since there is the recognition of the failure of the State as the sole promoter of social development policies and to meet the needs of excluded populations (Fischer; Falconer 1998, 6). This shared solidarity between States and civil society organizations is essential for the refugee population. In this model, states are responsible for protecting the fundamental rights of these people and for recognizing their refugee status and the civil society is their main guide to integrating into the local societies (Jubilut 2014, 58).

The Brazilian case is emblematic for understanding the construction of the partnership between the State, civil society, and UNHCR. Brazil is a country that received refugees since the end of the World War II. Brazil participated in the International Conference that discussed the preparatory text of the 1951 Convention. The country signed it in 1952 and ratified it in 1960. Brazil was elected a

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<sup>11</sup> Translated by the authors.

<sup>12</sup> Translated by the authors.

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member of the UNHCR Advisory Committee (now replaced by the Executive Committee, of which the country is still a member), and received around 40,000 European citizens in 1954 (Moreira 2010, 115). Brazil was the country in Latin America that received more refugees at that time. Brazil opted to adhere to the clause of geographical restriction because the reception of European refugees was part of a national project to make the Brazilian population whiter and “more European”. These refugees also supplied the national industry with skilled labor. At the same time, in the logic of the ideological conflict that permeated the Cold War, receiving refugees from Eastern Europe was a way of showing the advantages of the capitalist model, as these people were fleeing from "socialism" (Moreira 2008, 7). To non-European political persecuted people, Brazil granted the status of asylum (*asilo*), a customary legal institute in the Latin American context.

With the advent of the military coup in the country, the authoritarian government did not want to have in its territory Latin American citizens who were fleeing similar authoritarian and repressive political situations, since this could delegitimize the Brazilian government. Moreover, at that time, Brazil, like other South American countries under military dictatorships, became a place of refugees’ origin. As a result, the Brazilian government opted for an agreement with UNHCR to resettle Latin American citizens who arrived in the country in third countries. These people upon entering the country received a 90-day tourist visa (Andrade; Marcolini 2002, 168-169; Moreira 2008, 7). The military regime was one of the reasons to explain why Brazil did not participate in the meeting in Cartagena de Indias in 1984. The second one was that the Conference was more focused on the displacement in Central American countries, a situation that was not affecting Brazil at that time.

Even before UNHCR opened an office in Rio de Janeiro in 1977, NGOs linked to the Catholic Church such as Caritas Arquidiocesana de São Paulo and Rio de Janeiro were already assisting people fleeing from other Latin American countries because of political reasons. These organizations, with the support of UNHCR, were able to resettle more than 20,000 Uruguayans, Argentines, Chileans, Paraguayans, and Bolivians, and other nationals in Europe, Canada, New Zealand, and Australia (Andrade; Marcolini 2002, 168-169). At that time, neither the UNHCR nor these organizations had the support of the Brazilian State. Many of these people even took risks by assisting investigated citizens. At the same time, this state vacuum led to a strong connection between UNHCR and the Brazilian civil society in developing expertise on refugee protection, which was later recognized by the international community (Jubilut; Apolinário 2009, 30).

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This cooperation between UNHCR and the civil society allowed 150 Vietnamese refugees and some Cuban refugees to enter the country between 1975 and 1980, as foreign residents and political asylees respectively (Jubilut; Apolinário 2008, 11; Amorim 2012, 66). However, the Brazilian government only recognized UNHCR as a UN agency in 1982. In 1986, with the civil society's support, the agency was able to grant residence to 50 Iranian families of the faith *Baha'i* (Amorim 2012, 66). In the post-re-democratization moment, in 1992, 1200 Angolans came to Brazil fleeing the civil war in their country. They were recognized as refugees by the government, which shows that the country adopted the guidelines contained in the 1984 Cartagena Declaration, even though it was not present at that Conference (Amorim 2012).

In the phase of the democratic transition, the recognition of the refugee status was regulated by the Interministerial Ordinance 394. UNHCR interviewed asylum-seekers received by civil society organizations and prepared their opinion recommending recognition of the refugee status. This document was sent to the Ministry of Foreign Affairs that elaborated on its opinion and sent it to the Ministry of Justice. This was the body responsible for the final decision that was published in the Federal Official Gazette (*Diário Oficial da União – DOU*) (Jubilut 2014, 66).

The process of institutionalization of the issue of refugees in the Brazilian scenario occurred during the government of Fernando Henrique Cardoso, who intended to project an international image of Brazil as a democratic country and committed to humanitarian issues and the defense of human rights (Moreira 2011, 4). The issue of refugees was included in the national human rights policy agenda through UNHCR advocacy (which transferred its office to Brasilia in 1989) and the religious institutions of civil society working with refugees since the 1970s (Moreira 2011, 4).

The most important chapter of this trajectory process was the quick approval of Law no. 9,474, on July 22, 1997. It happened due to the pressure of these organizations and other actors such as the Ordem dos Advogados do Brasil (OAB), the Confederação Nacional dos Bispos do Brasil (CNBB), the Centro Scalabriniano de Estudos Migratórios (CSEM) and the Pastoral do Migrante. Besides that, the Instituto Migrações e Direitos Humanos (IMDH) with the UNHCR defended the inclusion in the law of the expanded definition of refugees agreed in the Cartagena Declaration (Moreira 2011, 7). The current federal law is a legal advance in the international and regional refugees' regime, making Brazil the first country in the region to adopt an expanded definition of refugee in its national legislation as shown in Table 2. In addition, it creates the National Committee for Refugees (CONARE) as a tripartite structure with representatives of the Brazilian State, civil society organizations, and UNHCR

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(with voice but no vote) and it guarantees the right to family reunification of refugees (Article 2) (Moreira 2010, 118-119).

Table 02 shows the countries in Latin America that have adopted legislation on refugees and when they approved it. We have also highlighted if the legislation includes the expanded concept of refugees. As you may see, Brazil was the first country to internalize the Cartagena Declaration definition of refugees. After that, other countries started doing the same.

**Table 2 – National Legislations on Refugees in Latin America (and their adoption of the expanded concept of refugees)**

Country	Name of Legislation	Date	Expanded concept of refugees
Argentina	Ley General De Reconocimiento Y Protección Al Refugiado	November 08, 2006	Yes. Article 4 (b)
Belize <sup>13</sup>	Ley de Refugiados de Belice	2000	No.
Bolivia	Ley N° 251 Ley de Protección a Personas Refugiadas	June 20, 2012	Yes. Article 15 (b)
Brazil	Law Number 9,474 of July 22, 1997	July 22, 1997	Yes. Article 1 (III)
Chile	Ley Núm. 20.430. Establece Disposiciones Sobre Protección De Refugiados.	April 15, 2010	Yes. Article 2 (2)
Colombia	Decreto Número 2840 de 6 de dezembro de 2013.	December 06, 2013	Yes. Article 1 (b)
Costa Rica	Decreto N° 36831-G	November 01, 2011	No. There is possibility to recognize gender-based violence.
Dominican Republic	Decreto 2330, del 10 de septiembre de 1984	September 10, 1984	No.
Ecuador	Ley Orgánica De Movilidad Humana.	February 06, 2017.	Yes. Article 98 (2)
El Salvador	Decreto N° 918	August 14, 2002	Yes. Article 4 (c)
Guatemala	Acuerdo Gubernativo No. 383-2001	September 14, 2001	Yes. Article 11 (c). Including persecution based in sexual violence and gender.
Honduras	Decreto N° 208-2003 Ley de Migración y Extranjería	March 03, 2004	Yes. Article 42 (3). Including persecution based in sexual violence and gender.
Mexico	Ley Sobre Refugiados, Protección Complementaria Y Asilo Político	November 27, 2011	Yes. Article 13 (II)
Nicaragua	Ley No. 655	June 26, 2008	Article 1 (c)

<sup>13</sup> Information available at: <http://www.migracionoea.org/index.php/es/sicremi-es/17-sicremi/publicacion-2011/paises-es/70-belice-2-5-refugiados.html>

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Panama	Decreto Ejecutivo No. 23	February 10, 1998	No.
Paraguay	Ley N° 1938 General Sobre Refugiados.	July 09, 2002	Yes. Article 1 (b)
Peru	Ley Del Refugiado Ley N° 27891.	December 20, 2002	Yes. Article 3 (b)
Uruguay	Ley N° 18.076. Derecho Al Refugio Y A Los Refugiados.	January 05, 2007	Yes. Article 2 (b)
Venezuela	Ley orgánica sobre refugiados o refugiadas asilados o asiladas	September 03, 2001	No.

Source: Elaborated by the authors.

The Brazilian Law recognizes as a refugee any person that: “due to well-founded fears of persecution for reasons of race, religion, nationality, social group or political opinions, he or she is out of his or her country of nationality and cannot or does not wish to rely on the protection of such country” or “due to severe and generalized violation of human rights, he or she is compelled to leave his or her country of nationality to seek refuge in a different country” (Article 1). The CONARE is the body responsible for recognizing refugee status (after interviews by an eligibility officer and a country of origin research) and for defining public policies for this group. The Ministry of Justice chairs the Committee; its vice-chair is a member of the Ministry of Foreign Affairs. It has one member from the Ministry of Education and Sports, one from the Ministry of Labor, one from the Ministry of Health, one from the Federal Police Department and one member of non-governmental organizations (Caritas Arquidiocesana do Rio de Janeiro and Caritas Arquidiocesana de São Paulo take turns in that position). Each of these representatives has one vote. The UNHCR is part of CONARE with a voice, but no vote, and the IMDH, due to its fight for the cause, was called to compose the Committee as an observer member. UNHCR considered CONARE plural and democratic because it guarantees the active participation of civil society in the decision-making process (Nogueira; Marques 2008).

Although the civil society has only one vote and the government is the most powerful actor in the process, it is interesting to note that non-governmental organizations became part of every moment of the asylum seeking process. That is, they work in their initial reception providing services to asylum-seekers, in the discussions to recognize the refugee status, providing assistance in their local integration and in the creation and implementation of public policies aimed at them. This shows the government’s recognition of the work of these organizations in the areas of reception, social assistance, counseling to asylum seekers and advocacy for the cause of refugees. This involvement of the civil society is also an inheritance of its role in protecting refugees in Brazil when there were

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neither clear refugee procedures in the country nor governmental support. This tripartite characteristic and the real participation of the civil society are great advances in the determination of the refugee status in Brazil since they guarantee a more democratic procedure and involve all the actors for the integral protection and local integration of the refugees (Jubilut; Apolinário, 2009, 29).

Civil society organizations in partnership with UNHCR also continue to play a key role in the local integration of the asylum-seeking and refugee population in Brazil, promoting their insertion in the labor market, their access to education and public healthcare and seeking other partners to meet the specific needs of the various vulnerable groups (Moreira 2011, 3; Amorim 2012, 70). They also help asylum-seekers to navigate the asylum-seeking process and refugees to claim family reunification. In addition, the country has a refugee and migrant protection network that has more than 100 organizations involved in all states of the territory with IMDH as its focal point (Haydu 2011, 140). This helps refugees to achieve local integration in places where there are no UNHCR implementing partners.

In its articles 45 and 46, the Brazilian law also recognizes the resettlement as a durable solution, in addition to voluntary repatriation and local integration. In August 1999, inspired by humanitarian issues, Brazil signed an agreement with UNHCR to implement a Solidarity Resettlement Program<sup>14</sup> (Moreira 2008, 9; Andrade; Marcolini 2002, 173). Through this, Afghans, Palestinians, and Colombians who had no other possibility of a durable solution in their first-asylum countries were resettled in Brazil. In addition to the traditional resettlement model that is aimed at assisting Colombian refugees in other Latin American countries, there is also a “*fast track*” resettlement procedure for refugees in need of urgent resettlement whose cases are presented by UNHCR to the Brazilian government. The government decides to accept them according to their capacities to integrate into the Brazilian society (Barreto; Leão 2010, 45). In addition, in 2009, the Decree no. 6,975/2009 regulated the residence agreement for nationals of MERCOSUR, Bolivia, and Chile (Moreira 2010, 119). At that time, UNHCR considered this initiative as a fourth durable solution (in addition to voluntary repatriation, local integration, and resettlement) and a positive model to be replicated in other contexts.

Although the Brazilian performance in the Latin American Refugee’s regime was and still is based on its interests and external relations, the Law no. 9474/1997 is a modern mechanism consistent

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<sup>14</sup> Resettlement is considered a durable solution for developed countries that sing pre-agreed quotas of refugees that they will receive with UNHCR. Since Brazil is considered a developing country, its resettlement program is considered voluntary and solidary with no pre-agreed quotas. The main durable solution for refugees in Brazil is local integration of asylum-seekers and refugees that have arrived in Brazil as the first-country of asylum.

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with the international refugee protection standards. It is considered by the UNHCR as a model to be followed by other countries. The legislative construction of the national system for refugee's protection at the time of the re-democratization process shows its compromise with the international protection of human rights, using this lens and not a national security approach toward this population (Jubilut; Apolinário 2008, 24).

#### **4- Contextualizing the Brazilian leadership in the Latin American refugee's regime**

In the refugees' thematic, Brazil has low costs to be recognized as a regional leader. Even though the country was not present in the 1984 Cartagena Conference, it could be argued that the eventual acceptance of the expanded definition of refugee probably would not have raised considerably the number of refugees claiming asylum there. Brazil was distant from the Central American conflicts which were the main context of that pioneering declaration and, in the case of the Colombian refugees, the bilateral border is in the midst of the Amazonian rainforest and Colombians tended to go to other Spanish speaking countries. During the 1990s, signing agreements with the UNHCR was an interesting strategy for the Brazilian State to develop a foreign positive image of human rights defender in the context of democratization of the Brazilian political regime which happened in those years. It is valid to remember, as we saw before, that Brazil had been a refugees' exporter country during the 1960s and 1970s, due to the political persecutions of the "enemies of the (dictatorial) regime". Signing international human rights instruments, as the 1967 Protocol Relating to the Status of Refugees, among others, was part of a national strategy of constructing an international positive image.

Through the adoption of a new and modern legislation on refugees, in 1997, Brazil started to be seen as a model to follow, increasing the costs for other Latin American countries that had not established a similar legislation or had not been as committed as Brazil with the refugees' thematic. As we saw in Table 2, most Latin American countries adopted legislation on refugees only after 1997, as well as most of them also adopted the expanded concept of refugees pioneered by the 1984 Cartagena Declaration. In this regional normative change, Brazil exerted considerable influence not only through its new legislation but also through the resettlement agreements with UNHCR and the exemplary civil society involvement in the refugees' protection. The periodic conferences held every ten years in Latin America were an opportunity for Brazil to advance its image of a model to be followed in the regional refugees' regime, being its example gradually internalized by other States as common values and

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interests. It is possible to argue that Brazil's leadership in this issue area could be maintained without any great effort from its part – in a kind of self-reproducing logic, as stated by Burges (2008).

Brazil's capacity to build bridges between the developed and the developing worlds has been shown, for example, in the resettlement agreement with UNHCR of 1999. Resettlement is seen as a durable solution of developed countries (which often establish annual pre-agreed quotas with the UNHCR), once it involves high costs. However, Brazil was able to persuade other Latin American countries to adopt this durable solution, both to regional and extra-regional refugees, especially since the Mexico Declaration and Plan of Action of 2004, which consolidated the Regional Solidarity Resettlement Program in the region. In this context, Brazil was also recognized as a potential source of political, technical, and assistance support in this topic. According to the most recent data published by CONARE (2018), there are 719 resettled refugees in the country. Among them, 504 are Colombians, 116 Palestinians, and 45 Ecuadorians. The year that the country resettled more refugees was in 2007 when 162 refugees that were granted asylum in other countries arrived in Brazil. This is a small number if we consider that 1,2 million refugees were in need of resettlement according to UNHCR<sup>15</sup> in the year of 2018. But we have to understand that the resettlement programs in Latin America need funding, they are adopted by developing countries with their own problems including poor, education, health, access to services and housing and that many refugees want to be resettled in developed countries like the United States of America (Espinoza 2017). Besides that, the countries in the region receive asylum-seekers from Latin America and extra-continent. For the IR scholar Shiguenoli Miyamoto, Brazil (with this small resettlement program) has shown a disposition to appear as an adult and responsible nation, having engaged internationally in the human rights thematic and searching for solutions of problems of all humanity, problems that are not currently priorities in other regional powers' foreign agendas (2011, 126).

As we saw in the first section, leadership is a social category and as such, it depends on recognition of other relevant actors (Malamud 2011, 3). Brazil's regional leadership in the issue area of international protection of refugees is recognized by other Latin American countries, by the UNHCR, by international law and IR experts on the topic. The UNHCR considers that the country's procedure for recognizing the status of refugees is one of the fairest and democratic in the world, mainly due to the civil society involvement in the decision-making process (Nogueira and Marques 2008, 57). As mentioned above, the former UN High Commissioner for Refugees (and now UN

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<sup>15</sup> For further discussion on resettlement needs see UNHCR. 2017. UNHCR projected Global resettlement needs for 2018, Geneva, 2017. Accessed on November 14, 2018 <http://www.unhcr.org/uk/protection/resettlement/593a88f27/unhcr-projected-global-resettlement-needs-2018.html>;

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Secretary-General) Antonio Guterres affirmed that “Brazil is today an exemplary country both because it has one of the more advanced refugees’ legislation in the world and because it has a protection practice particularly positive, exactly at this moment when so many countries establish restrictive measures” (Moreira 2008). More recently, the UNHCR also acknowledged the exemplary Brazilian commitment to refugees’ protection, both in terms of legislation and efforts to integrate them (ACNUR 2014). The agency has considered Brazil “a regional leader in this issue, with the capacity to prevent the conflicts intensification in the region that could result in new flows of refugees” (Barreto and Leão 2010, 45). As argued by Julia Bertino Moreira,

It is important to stress, finally, the Brazilian actuation in the regional context. In the refugees’ issue, Brazil has been treated as a regional leader, because it was one of the first countries to adhere to the UN international regime, it participates in the UNHCR organs, it elaborates a national legislation seen as a reference and by the reception of refugees. The initiative of instituting a regional resettlement program and hosting a meeting on the implementation of these programs in Latin America indicates the intention of the country to assume an active role in the region, which is also linked to its foreign policy objective of regional cooperation (Moreira<sup>16</sup> 2008, 13).

Brazil has a coherent and integral system of refugees. The national legislation is modern and consistent with the international standards of protecting refugees, being broadly considered a legislative model for other countries in the region (Jubilut and Apolinário 2009, 33). The Brazilian law is innovative in expanding the concept of refugees, considering both the Cartagena Declaration terms and the institutionalization of the right to family reunification (Moreira 2011, 10). Brazil also performs a leadership role in the resettlement issue, being the first Latin American country to sign a specific agreement with the UNHCR and to export its idea of solidary resettlement to the regional level (Barreto and Leão 2010, 45). In 2002, the country was the twelfth country in the world in terms of settling refugees, and in 2007 it hosted a meeting about resettlement in Latin America which had the presence of countries like Norway, Argentina, Chile, Paraguay, and Uruguay (Moreira 2010, 122). This meeting also represented an international recognition of the Brazilian leadership in issues as receiving and resettling refugees. Besides all these indicators, the CONARE is internationally recognized “by the implementation of the best practices in the reception of resettled refugees” (Barreto and Leão 2010, 45).

Finally, we could perceive the Brazilian leadership in the Latin American Refugee’s regime in three moments that were internationally recognized as exemplary attitudes that show the values of

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<sup>16</sup> Translated by the authors.

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human rights, solidarity, shared responsibilities, and humanitarianism. The first one was the adoption of an innovative law considering the expanded concept of refugees and the participation of the civil society organizations. The second one was the adoption of a voluntary Resettlement agreement with UNHCR and the expansion of this program to the regional level. And the third one was that Brazil created a special humanitarian visa for people affected by the Syrian conflict through the Normative Resolution number 17 on September 20, 2013. Syrians and other nationals (like Palestinians) may apply for the visa in any Brazilian consular representation. The humanitarian visa will be given until 2019. The normative Resolution number 17 was prorogated by the Normative Resolution number 20 on September 21, 2015, and the Normative Resolution number 25 on September 14, 2017. The UNHCR has congratulated Brazil for the creation of this visa for people affected by the Syrian Government (UNHCR, 2013)<sup>17</sup>.

As we mentioned, these developments had a low cost for Brazil that is far away from the main humanitarian emergencies. However, they make Brazil be seen as an example to be followed by other countries in the region that started to replicate Brazil's actions. In this sense, we cannot consider for sure if Brazil has a concrete plan to be a leader in this specific regime, but its actions were perceived by the international community as a regional leadership. In this case, this leadership is based on ideas, values, and example and not on material power.

## 5. Final Remarks

We argued in this paper that Brazil is perceived as a regional leader in the Latin American refugees' regime. First, we showed that there is a regional regime to deal with the issue of refugees in Latin America. It has its own rules, norms, principles (solidarity, human rights, responsibility-sharing) and decision-making procedures (regional conferences every 10 years). Its rules were internalized by Latin American countries in national legislation that adopted the expanded concept present on the Cartagena Declaration and created resettlement agreements with UNHCR.

Among them, Brazil was the first in the region to adopt a legislation that was considered innovative by the international community. Brazil was the first country in the region to adopt the expanded concept of refugees in its law. The other things that make Brazil a leader in this regime are

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<sup>17</sup> The innovation of the humanitarian visa was the possibility of granting Syrians and other nationals living in Syria the possibility to have a facilitated visa to come to ask for asylum in Brazil. Brazil recognized all the Syrians and Palestinians with Syrian roots since the creation of humanitarian visa. The eligibility process for Syrians asylum-seekers are faster because they are recognized as leaving a situation of grave and generalized violation of human rights. However, Syrian refugees face the same difficulties that other refugees face in Brazil such as finding a job, learning Portuguese, accessing housing and other rights such as health and difficulties to revalidate their diplomas.

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the active participation of the civil society in the refugee procedures, the creation of a solidary resettlement refugee Program and the ability to put this in the Mexico Plan of Action for the region in 2004, and the creation of a special humanitarian visa for people fleeing the Syrian conflict. Some can argue that Brazil is not involved in the main refugee situations because it is far away, however, in 2017, Brazil has received more than 30,000 of asylum-claims, number compared to many developed countries. We are not discussing the costs of this leadership. As we mentioned, the regional refugees' regime was an arena that Brazil saw that could reach its interest and be perceived as a solidary country that is worried about human rights and refugees. The costs of adopting a new legislation, involving the civil society, signing a Resettlement agreement with UNHCR, and creating a humanitarian visa were not huge for the country. In this case, Brazil is perceived as a regional leader in this issue not because of its material power or investment, but because of the ideas, exemplary behavior, and values that its actions show to the international community. In this sense, Brazil is perceived as a regional leader by the international community (UNHCR, other countries in the region, experts in International Relations and International Law).

This is a first attempt to analyze the Brazilian leadership in the Latin American refugees' regime. More research is needed in this area, especially considering what happened after the Cartagena+30 Conference. Brazil has a new chance to continue to show its leadership when dealing with the Venezuelans that are arriving through the Northern border. It remains to know if the leadership costs will be too high for Brazil or if the country is willing to continue to be seen as a leader in this specific issue-area.

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