

## RESEARCH FINGERPRINT

## IDENTIFIER

LJRHSS-227143

## PEER REVIEW

Double Blind

## SIMILARITY CHECK

Perplexity AI and iThenticate

## ACCESS

Open Access

## LANGUAGE

English

## PRINT ISSN

2515-5784

## ONLINE ISSN

2515-5792

## EDITION

## ABBREVIATION

LJRHSS

## VOLUME

26

## ISSUE

6

## YEAR

2026

## KEY DATES

## RECEIVED

2026-04-15

## ACCEPTED

2026-04-28

## CATALOGING

## CROSSMARK DOI

10.34257/LJRHSS227143UK

## LCC CLASS

K3240

## DDC CLASS

341.48

## ANZSRC CLASS

480302

## UDC CLASS

341.231.14

## Article Record

# Deglobalization, Multilateralism, and the Limits of Global Human Rights Governance: The Brazilian Case

CORRESPONDENCE →



## AUTHORS &amp; AFFILIATIONS

**Angela Limongi Alvarenga Alves** \* Universidade Católica de Santos, Brazil

## ABSTRACT

This article examines the crisis of multilateralism and its implications for the effectiveness of international human rights regimes in the context of contemporary processes of deglobalization. It argues that this crisis should not be understood merely as a conjunctural weakening of multilateral institutions or as a problem of state non-compliance, but as a revealing moment that exposes the structural limits of a model of global governance grounded in liberal juridification and the universalisation of normative standards. The central research question addresses the extent to which the crisis of multilateralism undermines the effectiveness of international human rights regimes, taking into account not only their institutional design but also their political and democratic foundations. The article advances the hypothesis that the current crisis operates less as a cause of...

Full abstract continues on the metadata continuation sheet.

Index Terms: Multilateralism • Human rights • Global governance • Deglobalization • Brazil

## FUNDING

No external funding was declared for this work.

## CONFLICTS

The authors declare no conflict of interest.

## AI USAGE

No generative AI was used for analysis or results.

## HOW TO CITE

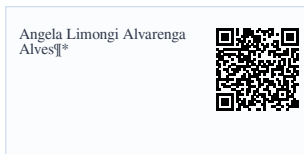
Alves (2026). Deglobalization, Multilateralism, and the Limits of Global Human Rights Governance: The Brazilian Case. London Journal of Humanities and Social Science, 26(6), 23-30. DOI: 10.34257/LJRHSS227143UK

ACCESS  
ONLINE

## METADATA CONTINUATION

---

### AUTHOR CONTACT QR LEDGER



### FULL ABSTRACT

This article examines the crisis of multilateralism and its implications for the effectiveness of international human rights regimes in the context of contemporary processes of deglobalization. It argues that this crisis should not be understood merely as a conjunctural weakening of multilateral institutions or as a problem of state non-compliance, but as a revealing moment that exposes the structural limits of a model of global governance grounded in liberal juridification and the universalisation of normative standards. The central research question addresses the extent to which the crisis of multilateralism undermines the effectiveness of international human rights regimes, taking into account not only their institutional design but also their political and democratic foundations. The article advances the hypothesis that the current crisis operates less as a cause of ineffectiveness and more as a condition that reveals the fragility of global constitutionalism, whose normative authority depends on political conditions it cannot itself guarantee. Methodologically, the study adopts a qualitative and theoretically informed critical approach, based on an interdisciplinary review of the literature in international law and global governance, combined with an in-depth analysis of the Brazilian case. Brazil is examined not as an exceptional or deviant case, but as a paradigmatic instance that illustrates the structural tensions underlying global human rights governance. The findings indicate that, despite a high level of formal adherence to international human rights treaties, Brazil exhibits selective, fragmented, and politically contingent patterns of implementation. This dynamic highlights the centrality of domestic mediation in shaping normative effectiveness and demonstrates the limitations of approaches that equate effectiveness with formal compliance or institutional sophistication. The article concludes that the persistence of international human rights norms coexists with a form of effectiveness that is structurally conditioned by political factors and increasingly subject to contestation. In a post-liberal context marked by deglobalization, the effectiveness of human rights regimes cannot be secured through juridification alone, but depends on political legitimacy that remains unevenly distributed within the international system.

---

### ARCHIVAL RECORD

LJRHSS · Vol 26 · Issue 6 · 2026

Article ID LJRHSS-227143 · DOI 10.34257/LJRHSS227143UK

Print ISSN 2515-5784 · Online ISSN 2515-5792

## RESEARCH ARTICLE

# Deglobalization, Multilateralism, and the Limits of Global Human Rights Governance: The Brazilian Case

Angela Limongi Alvarenga Alves<sup>¶\*</sup>

## AFFILIATIONS

<sup>¶</sup> Universidade Católica de Santos, Brazil

## Abstract

This article examines the crisis of multilateralism and its implications for the effectiveness of international human rights regimes in the context of contemporary processes of deglobalization. It argues that this crisis should not be understood merely as a conjunctural weakening of multilateral institutions or as a problem of state non-compliance, but as a revealing moment that exposes the structural limits of a model of global governance grounded in liberal juridification and the universalisation of normative standards. The central research question addresses the extent to which the crisis of multilateralism undermines the effectiveness of international human rights regimes, taking into account not only their institutional design but also their political and democratic foundations. The article advances the hypothesis that the current crisis operates less as a cause of ineffectiveness and more as a condition that reveals the fragility of global constitutionalism, whose normative authority depends on political conditions it cannot itself guarantee. Methodologically, the study adopts a qualitative and theoretically informed critical approach, based on an interdisciplinary review of the literature in international law and global governance, combined with an in-depth analysis of the Brazilian case. Brazil is examined not as an exceptional or deviant case, but as a paradigmatic instance that illustrates the structural tensions underlying global human rights governance. The findings indicate that, despite a high level of formal adherence to international human rights treaties, Brazil exhibits selective, fragmented, and politically contingent patterns of implementation. This dynamic highlights the centrality of domestic mediation in shaping normative effectiveness and demonstrates the limitations of approaches that equate effectiveness with formal compliance or institutional sophistication. The article concludes that the persistence of international human rights norms coexists with a form of effectiveness that is structurally conditioned by political factors and increasingly subject to contestation. In a post-liberal context marked by deglobalization, the effectiveness of human rights regimes cannot be secured through juridification alone, but depends on political legitimacy that remains unevenly distributed within the international system.

**Keywords:** *Multilateralism, Human rights, Global governance, Deglobalization, Brazil*

**Correspondence:** Angela Limongi Alvarenga Alves

## 1 Introduction

Global governance of human rights has historically been constructed within the framework of multilateralism, an institutional model that, in the post-Second World War period, sought to stabilise the international order through interstate cooperation, the centrality of international organisations, and the progressive juridification of global political relations (Amaral Júnior, 2016). Within this context, international human rights regimes have assumed a central role, being conceived simultaneously as instruments for limiting state power and as normative foundations for the legitimacy of the contemporary international order.

In recent decades, however, this arrangement has been increasingly challenged by structural transformations that call into question its underlying premises. The crisis of multilateralism—manifested in the contestation of international institutional authority, normative fragmentation, and the growing selectivity in compliance with international obligations—coincides with broader processes of deglobalization, characterised by

the reconfiguration of economic interdependencies, the reassertion of state sovereignty (Alves, 2024), and the securitisation of economic, technological, and migratory flows (Milani; Alves, forthcoming).

This scenario has direct implications for international human rights regimes. State resistance to decisions of international organisations, the weakening of monitoring mechanisms, and the intensification of sovereigntist discourses raise fundamental questions regarding the effectiveness of these regimes in an international environment marked by the erosion of the liberal consensus that historically underpinned them (Held, 2016). Nevertheless, explanations that attribute this crisis solely to state non-compliance or institutional deficits remain insufficient to capture the depth of the problem.

It is precisely at this point that the incorporation of specific national contexts becomes analytically decisive. The Brazilian case is particularly relevant, given that the country has historically played an active role in the international institutionalisation of human rights, adhering to treaties, participating in multilateral regimes, and recognising the

authority of international monitoring mechanisms. At the same time, however, it exhibits selective and asymmetric patterns of internalisation and compliance, revealing tensions between formal normative commitment and practical effectiveness at the domestic level.

Against this backdrop, this article proposes to shift the analytical focus from a purely institutional dimension to the structural foundations of global human rights governance, articulating this reflection through the Brazilian case. The central research question examines the extent to which the crisis of multilateralism undermines the effectiveness of international human rights regimes, taking into account not only its conjunctural manifestations but also the political and democratic limits of the model of global constitutionalisation within which these regimes are embedded.

The article advances the hypothesis that the contemporary crisis of multilateralism affects the effectiveness of international human rights regimes not merely by weakening institutional mechanisms of cooperation, but by exposing the structural limits of a model of global governance grounded in the attempt to juridically stabilise an international order marked by profound political and democratic asymmetries (Keohane; Nye, 1977). In this context, the Brazilian experience does not constitute an exception or deviation, but rather a paradigmatic example of this dynamic, revealing the coexistence of high levels of normative adherence and selective, contingent effectiveness. This selective pattern of compliance is not a unique national pathology; rather, it reflects a broader trend among middle powers and other BRICS nations, which increasingly navigate the tensions between formal international commitments and domestic sovereignty during the post-liberal transition.

It is thus argued that the crisis of multilateralism operates less as a cause and more as a revealing element of the fragility of a form of global constitutionalism that sought to replace real political conflicts with abstract normative consensus, without the corresponding construction of global democratic foundations. In the Brazilian case, this fragility is manifested in the dependence of the effectiveness of international human rights regimes on unstable domestic mediations, shaped by internal political dynamics and fluctuating degrees of openness to international normativity.

Methodologically, the article adopts a qualitative, theoretically informed critical approach, based on an interdisciplinary literature review within the fields of international law and global governance, combined with an analysis of the Brazilian case as empirical evidence of ongoing transformations. The theoretical framework draws upon critical global constitutionalism in order to interpret the crisis of liberal multilateralism as a structural phenomenon intensified by processes of deglobalization.

The article is structured as follows: first, it examines the crisis of multilateralism in the context of deglobalization; second, it develops the theoretical framework of global constitutionalism from a post-liberal perspective; third, it analyses the effectiveness of international human rights regimes in light of the Brazilian case; and finally, it presents concluding remarks addressing the theoretical implications of these findings for the understanding of contemporary global governance.

## 2 Crisis of multilateralism

### 2.1 Multilateralism: foundations and institutional rationality

Multilateralism may be defined as the coordinated articulation of national policies among three or more states, developed either through ad hoc arrangements or within formally established institutional frameworks. In this sense, it constitutes a form of interstate collective action—whether institutionalised or not—grounded in a set of rules, norms, and procedures, both formal and informal, that orient actors' behaviour,

constrain their discretion, and structure expectations regarding reciprocal conduct in international relations (Keohane, 1990, p. 731-733).

Beyond this procedural definition, multilateralism should be understood not merely as interaction among multiple states, but as a specific institutional form for organising international relations. Its distinctive feature lies in the structuring of interstate interactions according to generalised principles of conduct, applied uniformly to participants, as opposed to case-by-case or particularistic arrangements. From this perspective, multilateralism entails the internalisation of abstract norms, the predictability of interactions, and the emergence of diffuse reciprocity, whereby the benefits of cooperation extend beyond immediate exchanges and unfold over time, sustaining shared expectations of compliance and normative stability within the international system. Accordingly, multilateralism is associated with the resolution of coordination problems among three or more states, operating through a logic that stands in contrast to bilateralism (Ruggie, 1992, p. 565-571).

Within the broader framework of the liberal international order, multilateralism has been conceptualised as a mechanism through which power, particularly hegemonic power, is both constrained and legitimised institutionally. Multilateral institutions function as structures of restraint and predictability by binding states, including the most powerful, to shared rules, structured decision-making procedures, and long-term commitments. In this sense, multilateralism does not merely facilitate cooperation, but plays a central role in stabilising international order by reducing uncertainty, fostering trust among actors, and transforming asymmetries of power into institutionalised relationships grounded in common rules and normative expectations (Ikenberry, 2001).

As an organising principle of international relations, multilateralism rests upon three core properties: generalised conduct, indivisibility, and diffuse reciprocity. Generalised conduct refers to the formulation of abstract normative principles that guide state behaviour across a wide range of situations, independently of particular interests or specific strategic contingencies. Indivisibility, in turn, relates to the notion of a political collectivity, insofar as the benefits and obligations arising from multilateral cooperation are socially constructed as shared, thereby constituting a common basis for belonging and collective action. Finally, diffuse reciprocity concerns the expectation among actors that multilateral arrangements generate equivalent benefits in the aggregate and over time, even if not immediately or symmetrically distributed. It is precisely this logic of diffuse reciprocity that enables multilateralism to mitigate coordination problems among states and to sustain relatively stable patterns of international cooperation (Caporaso, 1993, p. 53).

Multilateralism consolidated itself, particularly in the post-Second World War period, as the primary institutional arrangement of the international order, structured around interstate cooperation, the centrality of international organisations, and the production of legal norms aimed at stabilising relations among states. Moreover, it incorporates the notion of plurality in the resolution of international disputes, insofar as it presupposes the reciprocal consideration of demands between core and peripheral states, thereby enabling the incorporation, albeit asymmetrically, of diverse interests into international decision-making processes. From this perspective, multilateralism underpins the creation of a significant portion of post-war international institutions (Amaral Júnior, 2020), relying on general principles of conduct, expectations of reciprocity, and the institutionalisation of common rules capable of limiting unilateral exercises of state power (Ruggie, 1992).

In contemporary contexts, multilateralism extends beyond mere interstate coordination, incorporating key dimensions of political interaction, the institutionalisation of deliberative arenas, and the reduction of transaction costs, thereby enhancing transparency and predictability

in international relations. Furthermore, such arrangements tend to promote pluralism in perspectives and identities, while conferring legitimacy upon the processes through which norms and values deemed fundamental to international society are formulated, consolidated, and diffused. In this regard, the emphasis on participation and reciprocity transcends a purely instrumental understanding of cooperation, instead orienting itself towards the gradual, albeit uneven and contested, democratisation of interstate relations (Lima; Albuquerque, 2020, p. 7).

Within the field of human rights, this model found one of its most ambitious expressions. The international codification of fundamental rights, the creation of global and regional protection systems, and the expansion of monitoring mechanisms reflect the liberal expectation that international law could discipline political power and promote universal normative standards. Such expectations, however, have always been embedded in a specific historical context, shaped by the political, economic, and normative hegemony of Western liberal democracies.

## 2.2 Deglobalization and the crisis of multilateralism: delegitimation, fragmentation, and contestation

From the early twenty-first century onwards, diagnoses of a crisis of multilateralism have become increasingly prominent. This crisis manifests itself in multiple and interconnected forms: the retrenchment of state commitment to multilateral institutions, decision-making deadlocks within international organisations, the proliferation of parallel and competing forums, and the growing contestation of the normative authority of established international regimes.

Such developments should not be interpreted merely as functional deficiencies or episodic disruptions, but rather as expressions of a broader transformation in the political foundations of global governance. The crisis of multilateralism reflects an intensification of contestation directed at global authority itself, driven both by state actors and by domestic social forces (Zürn, 2018). In this context, the legitimacy of multilateral institutions is no longer questioned solely on the basis of inefficiency, but increasingly in relation to their claims to authority within a system marked by structural power asymmetries and limited democratic accountability.

At the legal level, this crisis is reflected in the fragmentation of international law (Held, 2016; Alves, 2024), the selective compliance with international obligations, and the strategic instrumentalisation of legal norms by states and other actors (Alves, 2024). The proliferation of specialised regimes and the coexistence of competing normative rationalities undermine the notion of a coherent and hierarchically structured international legal order (Koskeniemi, 2011). Rather than a unified normative system, international law increasingly operates as a fragmented and contested field, in which authority is negotiated rather than presumed.

The crisis of multilateralism is significantly intensified by contemporary processes of deglobalization. These processes should not be understood as a simple reversal of global interconnectedness, but as its selective, asymmetric, and politically driven reconfiguration. In contrast to linear narratives of progressive globalisation, deglobalization is characterised by the reorganisation of global value chains, the resurgence of national industrial policies, strategic protectionism, and the increasing securitisation of economic, technological, and migratory flows (Milani; Alves, forthcoming). More fundamentally, it entails the re-nationalisation and re-territorialisation of political authority, with sovereignty being reasserted as a central organising principle of state action (Alves, 2024).

This transformation directly disrupts the underlying logic of multilateralism. Institutions designed to operate within a context of deepening economic interdependence encounter growing constraints as states

prioritise unilateral strategies or restrict cooperation to narrower regional or strategic arrangements (Alves, 2024, p. 154). At the normative level, deglobalization weakens incentives for legal cooperation and for the internalisation of international obligations through two distinct pathways: a material pathway and a discursive pathway. Materially, the reconfiguration of global value chains and the rise of protectionist industrial policies reduce the economic and geopolitical costs of non-compliance, as states become less dependent on integrated multilateral regimes for economic survival. Discursively, deglobalization shifts domestic political dynamics toward sovereigntist reassertion, populist movements, and national security priorities, which delegitimise external oversight as an infringement on national self-determination.

In the field of human rights, these dynamics produce particularly ambivalent effects. On the one hand, the discursive pathway reinforces sovereigntist narratives that challenge the legitimacy of international monitoring and accountability mechanisms (Alves, 2024, p. 190–196). On the other hand, the material pathway fosters selective patterns of normative engagement, whereby states formally adhere to international regimes to maintain symbolic standing while constraining their practical implementation or strategically mobilising legal norms in accordance with contingent political interests, especially in areas such as migration protection (Milani; Alves, forthcoming).

This scenario exposes a fundamental fragility of the liberal multilateral order: its dependence on the convergence between global economic rationality and a shared normative consensus. As Koskeniemi (1990) has long argued, international law operates within a structural tension between normativity and power. Deglobalization disrupts the conditions under which this tension could be stabilised, revealing that the effectiveness of international human rights regimes is not grounded in normativity alone, but in historically contingent political alignments (Alves, 2024).

Accordingly, the current crisis should not be reduced to a problem of compliance or institutional design. Rather, it signals a deeper crisis of normative authority, intensified by deglobalization (Alves, 2024). The erosion of consensus surrounding liberal values transforms international law from a framework of coordination into a terrain of explicit contestation, in which norms are no longer broadly internalised but are instead selectively appropriated, resisted, or reinterpreted.

In this sense, deglobalization does not merely exacerbate the crisis of multilateralism; it renders visible the structural limits of a model of global constitutionalism that presupposed the continuity of economic integration and normative convergence. Once these underlying conditions are destabilised, the universalist aspirations of international human rights regimes are exposed as politically contingent rather than structurally secured.

Within the specific domain of human rights, the crisis of liberal multilateralism acquires particularly acute contours. The increasing resistance of states to the decisions of international courts, the weakening of monitoring mechanisms, and the proliferation of sovereigntist rhetoric underscore the fragility of the normative authority of these regimes. However, as David Held (2008) argues, the central issue lies not merely in state resistance, but in the structural mismatch between the scope of global decision-making and the absence of corresponding democratic accountability.

From this perspective, the crisis of multilateralism undermines global human rights governance by exposing its dependence on a liberal political consensus that no longer holds uniformly across the international system. To avoid analytical circularity, we must distinguish between conjunctural weakening and structural exposure. A conjunctural weakening refers to temporary compliance deficits or institutional deadlocks that assume the system's foundational legitimacy

and normative authority remain intact. In contrast, a structural exposure reveals how the effectiveness of human rights regimes is intrinsically limited by the very architecture of global constitutionalism, specifically, its dependency on historically contingent power relations and its lack of autonomous democratic foundations. The contemporary crisis operates not as the primary cause of ineffectiveness, but as a structural exposure that brings these pre-existing limits to light.

### 3 Multilateralism and the legal construction of global human rights governance

Multilateralism consolidated itself, particularly in the post-Second World War period, as the primary institutional framework of global governance. Grounded in interstate cooperation, the centrality of international organisations, and the universalisation of certain normative values, this model found in human rights and democracy its principal vectors (Amaral Júnior, 2016). The international codification of human rights came to fulfil a dual function: on the one hand, the legal limitation of state power; on the other, the moral legitimisation of the liberal international order (Piovesan, 2013).

Legal scholarship has frequently interpreted this process through the lens of normative progress, according to which the expansion of treaties, monitoring mechanisms, and regional protection systems would indicate a continuous strengthening of the effectiveness of human rights (Ramos, 2018). Such interpretations, however, tend to rest on an implicit assumption: that international normativity is capable of producing effects independently of the political conditions that sustain it.

It is precisely this assumption that the present article seeks to challenge. By examining the extent to which the crisis of multilateralism undermines the effectiveness of international human rights regimes, the analysis departs from the premise that these regimes do not operate within an institutional vacuum. Rather, they are intrinsically linked to the legitimacy of the broader model of global governance within which they are embedded.

#### 3.1 Global constitutionalism: normative promises and structural assumptions

Global constitutionalism emerges as one of the principal theoretical frameworks for interpreting the normative expansion of contemporary international law. Its development is closely associated with processes of globalisation, which have significantly transformed the locus of political authority, displacing decision-making beyond the confines of the nation-state and into transnational and international arenas (Dunoff; Trachtman, 2009, p. 7).

From this perspective, scholars have identified an ongoing process of constitutionalisation of the international order, characterised by the emergence of hierarchically superior norms, the centrality of human rights, and the progressive legal limitation of sovereignty (Dunoff; Trachtman, 2009; Alves, 2024, p. 22). In broad terms, this process entails a dual movement: the constitutionalisation of international law and the internationalisation of constitutional law (Ranieri, 2019, p. 174).

Importantly, this model does not presuppose the existence of a world state, but rather a plurality of interconnected legal orders structured around shared constitutional principles (Walker, 2002). Within the field of human rights, this framework enables the interpretation of international treaties as quasi-constitutional instruments, endowed with universalist aspirations and a normative vocation to constrain political power.

However, this model rests upon specific structural assumptions that are often left unexamined: the existence of a minimal normative consensus around liberal values; the acceptance of the authority of

multilateral institutions; and the belief in the capacity of law to stabilise global political conflicts. The crisis of multilateralism places these assumptions under strain, revealing their contingent and historically situated character.

#### 3.2 Critical global constitutionalism and the politicisation of human rights effectiveness

Critical approaches to global constitutionalism challenge the notion of international law as a neutral or autonomous normative order (Koskeniemi, 1990). Rather than eliminating political conflict, the juridification of international relations rearticulates such conflict in legal language, often obscuring the underlying power structures that shape both norm production and interpretation.

From this perspective, the effectiveness of international human rights regimes cannot be adequately assessed solely in terms of formal adherence to treaties or the institutional sophistication of monitoring mechanisms. Instead, it must be understood as fundamentally dependent on the political legitimacy of the system that produces and applies these norms. When such legitimacy is eroded, the structural limits of international law become visible.

Constitutionalisation, whether at the domestic or international level, cannot be dissociated from the material and political conditions that sustain it (Fernandes, 2025). Applied to the global sphere, this insight allows the crisis of liberal multilateralism to be interpreted not as a contingent disruption, but as the manifestation of a structural democratic deficit within global governance.

#### 3.3 Post-liberal constitutionalism and the erosion of international normative consensus

Post-liberal approaches to global constitutionalism begin from the recognition that the post-Cold War international order was deeply shaped by liberal Western hegemony. The universalisation of human rights was, to a significant extent, grounded in the assumption that certain values, such as liberal democracy, market economy, and legal individualism, possessed universal validity (Zürn, 2018).

The contemporary crisis of multilateralism, intensified by processes of deglobalization (Alves, 2024, p. 140-150), the rise of non-liberal powers, and the growing contestation of international institutional authority, exposes the fragility of this normative consensus. As Casella (2012) observes, international law increasingly operates within a context of contestation in which normative authority can no longer be taken for granted. This erosion has direct implications for the effectiveness of international human rights regimes. The issue is no longer limited to sporadic non-compliance, but extends to a more profound questioning of the legitimacy of the norms and institutions that constitute the system itself.

In this regard, Paulo Borba Casella's (2008) critique of international society is particularly instructive. Rejecting the notion of international society as a normatively cohesive or harmonious space, Casella conceptualises it instead as a field structurally marked by power asymmetries, material inequalities, and historically constituted hierarchies. These factors condition both the production and the application of international law.

From this perspective, the institutionalisation of norms does not eliminate relations of domination, but frequently obscures them, reinforcing patterns of selective decision-making and political exclusion. Consequently, international society cannot be understood as organised around a consensual rationality, but rather as a configuration of unstable compromises shaped by the interests of dominant states. This dynamic undermines the universalist aspirations of international law and places increasing strain on the legitimacy of its regimes, particularly in contexts marked by deglobalization and the reconfiguration of global governance.

### 3.4 Global democratic deficit and the structural limits of normative effectiveness

A central axis of critical global constitutionalism lies in the identification of a structural democratic deficit within global governance. Despite their normative density, international human rights regimes lack robust mechanisms of political participation and democratic deliberation at the global level (Koskeniemi, 2011).

Brazilian scholars such as Piovesan (2013) acknowledge the importance of international protection systems, while also highlighting the challenges of their effectiveness in contexts characterised by state resistance and institutional fragility, as well as democratic erosion intensified by processes of deglobalization (Alves, 2024). These challenges are not merely conjunctural, but structural, deriving from the historical formation of global constitutionalism itself. In this sense, the crisis of multilateralism operates as a revealing moment. By weakening the political foundations that sustain the system, it renders visible the limits of a model that sought to replace real political conflicts with abstract normative consensus. From the perspective advanced in this article, the crisis of liberal multilateralism should not be interpreted as an external factor that contingently undermines the effectiveness of international human rights regimes. Rather, international law has always operated within a structural tension between normativity and power, with its effectiveness conditioned by historically situated political equilibria (Koskeniemi, 1990; 2011).

Accordingly, the current crisis functions less as a cause and more as a revealing element of the structural limits of liberal global constitutionalism. The universalist aspirations of human rights, supported by a sophisticated legal architecture, have long obscured the fact that their authority depended upon a specific liberal political consensus and a particular configuration of power within the international system. As this consensus erodes, the contingent and politically conditioned nature of international normativity becomes increasingly apparent.

Just as processes of constitutionalisation within domestic contexts cannot be understood as neutral instruments of rationalising power, but rather as expressions of political conflict and struggles for hegemony (Fernandes, 2025), global human rights Governance, and liberal global constitutionalism more broadly, has remained functional only insofar as it has been capable of translating political hegemony into legal legitimacy.

When this translation weakens, the effectiveness of international human rights regimes is not simply diminished; it is selectively reconfigured. Norms continue to exist, and decisions continue to be issued, but their capacity to generate concrete effects becomes uneven, fragmented, and politically contested. The crisis, therefore, does not dismantle global constitutionalism, but exposes it as an incomplete project structurally dependent on political conditions beyond its control.

The incorporation of David Held's (2008) reflections on global governance reinforces this conclusion. Held argues that global governance mechanisms lack a democratic foundation commensurate with the scope of the decisions they produce, generating a disjunction between normative authority and political accountability. While his proposal for cosmopolitan democracy remains anchored in liberal values, his critique of the democratic deficit provides important insights into why human rights regimes face increasing resistance and limitations in effectiveness.

This critique is further expanded by recent decolonial and Global South perspectives on international law, which challenge the very foundations of global constitutionalism. As Antony Anghie (2023) argues from a Third World Approaches to International Law (TWAIL) perspective, the universalist claims of international law and global governance often obscure enduring colonial continuities, material asymmetries, and epistemic hierarchies. From this viewpoint, the global

democratic deficit is not an accidental administrative failure that can be resolved through institutional reforms; rather, it is a structural feature of an international legal order designed to translate Western political and economic hegemony into legal legitimacy. Engaging with these decolonial critiques bridges the gap between general theoretical challenges and the specificities of the Brazilian case, where the domestic mediation of human rights reflects these broader historical and structural hierarchies.

In contrast to normativist approaches, this article does not assume that the solution to the current crisis lies in the mere expansion or reform of institutional arrangements. Instead, it argues that the crisis of multilateralism reveals a structural limit inherent to the very project of global constitutionalisation: the attempt to juridically stabilise an international order that remains deeply unequal and politically fragmented. The growing ineffectiveness of international human rights regimes should thus be understood as a symptom of a mismatch between global legal normativity and effective political legitimacy, particularly within a post-liberal context marked by deglobalization.

## 4 Effectiveness of international human rights regimes and the crisis of multilateralism in Brazil

The analysis of the effectiveness of international human rights regimes constitutes a critical point of entry for understanding the contemporary crisis of multilateralism, particularly when examined through specific national contexts. In the Brazilian case, this issue acquires particularly revealing contours, insofar as the country has historically positioned itself as an engaged actor in the international institutionalisation of human rights (Amaral Júnior, 2016), while simultaneously exhibiting selective and asymmetrical patterns of internalisation and compliance with these norms.

Within the fields of international law and international relations, effectiveness must be understood as a multidimensional concept. In the Brazilian case, this multidimensionality becomes evident when one observes, at the formal level, the high rate of ratification of human rights treaties and their incorporation into the domestic legal order, including, in some cases, a differentiated normative status with constitutional force. This represents a robust dimension of legal-formal effectiveness, positioning Brazil as a state formally committed to the international human rights protection order.

However, this formal dimension does not translate uniformly into practical effectiveness. At the institutional level, although Brazil actively participates in international and regional protection systems, such as the Inter-American human rights system, its relationship with international supervisory mechanisms is marked by ambivalence, characterised by moments of cooperation as well as episodes of resistance or partial compliance with international decisions (Inter-American Court of Human Rights, 2010). Cases involving structural human rights violations, frequently recognised by international bodies, reveal persistent difficulties in implementing reparatory measures and institutional reforms at the domestic level.

Academic debates often adopt a restrictive conception of effectiveness, associating it with the capacity of international regimes to produce immediate compliance by states. Such an understanding, however, proves insufficient when confronted with the Brazilian experience, in which formal adherence to human rights treaties coexists with structural difficulties in domestic implementation (Inter-American Court of Human Rights, 2010).

In order to more precisely understand the dynamics of such effectiveness, it becomes necessary to introduce a temporal distinction capable of identifying structural transformations in the functioning of global governance. In this regard, a differentiation is proposed between the periods preceding and following the events of September 11, 2001. Rather than

a complete historical rupture, this geopolitical milestone is understood as an acceleration and intensification of pre-existing tensions within global constitutionalism. Indeed, structural failures in the human rights regime were already manifest in earlier periods, such as the persistence of Cold War era exemptions and the selective humanitarian intervention crises of the 1990s. Nevertheless, the post-2001 era marks a decisive turning point in the relationship between politics, security, sovereignty, and international law.

In the period prior to 2001, the consolidation of international human rights regimes was closely associated with the expansion of liberal multilateralism and the relative stability of the normative consensus that sustained it. This context favoured the expansion of state adherence to treaties, the strengthening of monitoring mechanisms, and the increasing internalisation of international norms at the domestic level. In the Brazilian case, this period corresponds to the intensification of the incorporation of human rights norms, the opening to the Inter-American system, and the construction of a discourse aligned with international standards of protection.

From 2001 onwards, however, this scenario undergoes a significant inflection. As argued by David Held (2016), the wars that followed the September 11 attacks, marked by unilateral interventions, the flexibilisation of international legal norms, and the erosion of multilateral standards, contributed to the fragmentation of the international order and to the weakening of the authority of international law. This process not only undermined the legitimacy of multilateral institutions, but also reconfigured state incentives regarding compliance with international obligations.

In this new context, characterised by the increasing securitisation of international relations, the revalorisation of state sovereignty, and the emergence of selective patterns of normative engagement, the effectiveness of international human rights regimes assumes distinct contours (Alves, 2024). In the Brazilian case, this transformation does not take the form of a formal abandonment of international commitments, but rather a reconfiguration of their implementation, marked by greater political contingency, selectivity, and fragmentation.

The introduction of this temporal framework makes it possible to observe that the effectiveness of international human rights regimes, in the Brazilian case, is not evenly distributed over time, but assumes distinct patterns according to transformations in the international order.

In the period prior to 2001, although marked by structural limitations, the behaviour of the Brazilian state in relation to international human rights regimes displayed a greater degree of convergence with the expectations of liberal multilateralism. This period was characterised by the expansion of treaty adherence, the progressive opening to international supervisory bodies, and the construction of an external posture oriented towards legitimisation through international law. Normative internalisation, while not devoid of tensions, tended to occur within an environment of greater alignment between formal commitments and political willingness to implement them (Alves, 2024).

From 2001 onwards, however, a qualitative shift in this pattern can be observed. The reconfiguration of the international order, marked by the centrality of security, the flexibilisation of international legal parameters, and the increasing instrumentalisation of law by major powers, as analysed by David Held (2016), indirectly but significantly altered the incentives guiding state behaviour. In the Brazilian case, this transformation is not expressed in a rupture with the international human rights system, but rather in the adoption of more selective, contingent, and politically conditioned strategies of compliance.

This shift becomes particularly visible when examining patterns of implementation of decisions issued by the Inter-American Court of Human Rights. In the cases of *Ximenes Lopes*, *Gomes Lund et al.* (known

as “*Guerrilha do Araguaia*”), and *Favela Nova Brasília*, an important shift can be observed in the manner in which the Brazilian state responds to international determinations.

In the *Ximenes Lopes* case (2006), one can still identify a pattern of greater institutional openness towards compliance with international decisions, particularly with regard to individual reparatory measures and the recognition of responsibility. Although not complete, the level of compliance reflects a context in which engagement with the Inter-American system operated on relatively cooperative grounds, with a lower degree of explicit contestation (Inter-American Court of Human Rights, 2006).

By contrast, in the cases of *Gomes Lund et al.* (2010) and *Favela Nova Brasília* (2017), both involving structural violations and politically sensitive issues such as memory, truth, state accountability, and police violence, the pattern of state behaviour reveals more pronounced inflections. In these cases, the measures ordered by the Court extend beyond individual reparations and require profound institutional transformations, including structural investigations, the revision of state practices, and the confrontation of historical legacies of violence (Inter-American Court of Human Rights, 2010; 2017).

It is precisely at this point that the shift in compliance patterns becomes evident. While obligations of a more punctual nature tend to be partially implemented, structural measures face significant resistance, prolonged delays, and, in some cases, indirect forms of non-compliance. This behaviour reveals an increasing selectivity in the internalisation of international norms, driven not only by institutional limitations, but also by political calculations related to the sensitivity of the issues involved.

This shift cannot be understood solely as an expression of domestic difficulties. At a deeper level, it reflects a reconfiguration of the parameters of legitimacy and authority of international law in the post-2001 context. The flexibilisation of norms by central powers, the prioritisation of security agendas, and the fragmentation of the international legal order contribute to the erosion of generalised expectations of compliance, opening space for more pragmatic and selective state strategies at the domestic level (Alves, 2024).

In the Brazilian case, this translates into the coexistence of a high level of formal adherence to international human rights regimes with a practical effectiveness marked by fragmentation, contingency, and dependence on internal political factors. The implementation of international decisions ceases to be guided predominantly by a logic of normative conformity and increasingly reflects a dynamic of political negotiation, in which different state organs, levels of government, and institutional interests dispute the scope and content of compliance, beyond the democratic deficits that such behaviour reveals.

Thus, the distinction between the periods before and after 2001 makes it possible to demonstrate that the effectiveness of international human rights regimes not only varies in intensity, but undergoes a qualitative transformation. What is observed is not merely a reduction in compliance, but the emergence of a distinct pattern characterised by selectivity, fragmentation, and the growing erosion of previously universalised human rights standards (Alves, 2024).

This transformation reinforces the central hypothesis of this article. The so-called “ineffectiveness” of international human rights regimes cannot be reduced to a compliance deficit or isolated institutional failures, but must be understood as a structural manifestation of the limits of a model of global governance whose normative authority depends on political conditions that, in a deglobalised context, have become progressively less receptive to human rights (Alves, 2024).

This pattern demonstrates that, although Brazil maintains a high level of formal adherence to the Inter-American system, the effectiveness of international decisions depends on domestic political and institutional

mediations, reinforcing the hypothesis that the effectiveness of international human rights regimes is structurally conditioned and cannot be ensured exclusively through global juridification.

This tension becomes even more evident when analysing the political and social effectiveness of international regimes in the Brazilian context. On the one hand, such regimes play a relevant role by providing normative and discursive repertoires mobilised by domestic actors, such as the judiciary, the public prosecutor's office, and civil society organisations, contributing to processes of judicialisation, the visibility of violations, and political pressure for institutional change. On the other hand, the effectiveness of these dynamics remains deeply conditioned by domestic political configurations, state capacity, and the priority given to the human rights agenda across different governmental contexts.

The Brazilian experience thus reveals that international human rights regimes operate predominantly through indirect mechanisms, whose effectiveness depends on domestic mediation. While this observation is compatible with liberal-institutionalist approaches (Simmons, 2009), it also exposes their limitations. The literature tends to assume the existence of favourable domestic conditions, such as institutional stability, governmental commitment, and political openness, which, in the Brazilian case, prove unstable and subject to cycles of democratic erosion, institutional contestation, and shifting state priorities (Alves, 2024).

In this sense, the crisis of multilateralism, intensified by processes of deglobalization, directly affects the incentives for the internalisation and implementation of international norms in Brazil, particularly in the field of human rights. The growing revalorisation of state sovereignty, combined with political discourses that question the legitimacy of international institutions, contributes to the adoption of selective strategies of normative engagement (Alves, 2024). Although Brazil formally maintains its commitments to international human rights regimes, it increasingly operates in a pragmatic and instrumental manner, prioritising obligations compatible with contingent political and economic interests, despite the international commitments to which it is a signatory.

This pattern reveals a central characteristic of the contemporary effectiveness of international human rights regimes: its selective, fragmented, and contingent nature. In the Brazilian case, international norms continue to play relevant symbolic and argumentative roles, but their capacity to produce concrete effects is uneven and dependent on domestic political factors. Effectiveness is thus displaced from the international sphere to domestic arenas, in which human rights are continuously renegotiated, reinterpreted, and, at times, hollowed out.

The Brazilian experience demonstrates that the so-called "ineffectiveness" of international human rights regimes cannot be understood as a mere compliance deficit or as an isolated institutional failure. Rather, it constitutes a structural manifestation of the limits of a model of global governance grounded in liberal juridification and the universalisation of normative standards. By depending on contingent domestic mediations, international regimes reveal their inability to autonomously sustain a universalist project of rights protection within an international system marked by power asymmetries and processes of deglobalization.

Thus, far from representing an exception, the Brazilian case operates as a paradigmatic example of the tensions that permeate global human rights governance. By exposing the coexistence between formal normative adherence and limited practical effectiveness, Brazil reveals the structural limits of global constitutionalism and underscores the need for analytical approaches that inseparably articulate law, power, and political context in the understanding of the effectiveness of international human rights regimes.

## 5 Conclusion

The analysis developed throughout this article has demonstrated that the crisis of multilateralism cannot be adequately understood as a merely conjunctural phenomenon of institutional weakening, nor as a simple consequence of increased state non-compliance with international human rights norms. Rather, it has been argued that this crisis operates as a revealing moment, exposing the structural limits of a model of global governance that sought to juridically constitutionalise the international order without adequately addressing its underlying political, democratic, and social asymmetries, particularly within a context increasingly shaped by processes of deglobalization.

The incorporation of the Brazilian case proved essential to deepening this diagnosis. Far from constituting a peripheral exception, Brazil emerges as a paradigmatic case through which the central tensions of global human rights governance can be observed. The coexistence of high levels of formal normative commitment, evidenced by extensive treaty ratification and the incorporation of international norms into the domestic legal order, and selective, contingent patterns of implementation demonstrates that the effectiveness of international regimes cannot be assessed solely in normative or institutional terms.

This analytical shift allows for a more precise formulation of the article's central claim. The so-called "ineffectiveness" of international human rights regimes should not be interpreted as a contingent failure or a mere compliance deficit, but rather as a structural manifestation of the limits inherent in a model of global governance grounded in liberal juridification and the universalisation of normative standards. In this sense, the crisis of multilateralism does not constitute the primary cause of the fragility of these regimes, but rather the historical moment in which their internal contradictions become more visible and politically salient.

The analysis further reinforces the critique of liberal global constitutionalism by demonstrating that its promise of juridical stabilisation of the international order depends upon political conditions that it is itself unable to secure. The absence of democratic foundations at the global level, commensurate with the scope of the decisions produced (Held, 2008), combined with the persistence of structural asymmetries within the international system, undermines both the legitimacy and the effectiveness of human rights regimes. In the Brazilian case, this limitation becomes evident in the dependence of normative effectiveness on domestic political contexts, revealing the fragility of a global normative order that lacks autonomous mechanisms of democratic grounding.

From this perspective, the contribution of this article lies in demonstrating that the analysis of the effectiveness of international human rights regimes requires an approach that integrates, in an inseparable manner, normative, political, and contextual dimensions. By mobilising the Brazilian case as a revealing analytical lens, the study shows that the crisis of multilateralism exposes not only institutional weaknesses, but also the structural limits of the broader project of global constitutionalisation.

Ultimately, it may be concluded that the formal persistence of international human rights regimes coexists with a form of effectiveness that is selective, fragmented, and politically conditioned. Understanding this configuration requires moving beyond abstract normativist perspectives towards analyses grounded in the interaction between global governance and domestic political contexts. In a post-liberal scenario marked by deglobalization, human rights remain a relevant normative horizon; however, their effectiveness increasingly depends on situated political dynamics, thereby posing new theoretical and empirical challenges for the study of contemporary global governance.

## REFERENCES

- [1] ALTER, K. J.; HELFER, L. R. Nature or nurture? Judicial lawmaking in the European Court of Justice and the Andean Tribunal of Justice. **International Organization**, Cambridge, v. 64, n. 4, p. 563–592, 2010.
- [2] ALVES, A. L. **Globalização, desglobalização e impactos na soberania estatal**. Belo Horizonte: Forum-Del Rey, 2024.
- [3] ANGHIE, A. Rethinking international law: a TWAIL retrospective. **European Journal of International Law**, Oxford, v. 34, n. 1, p. 7–42, 2023.
- [4] AMARAL JÚNIOR, A. Multilateralismo internacional enfrenta crise de paralisia das suas instituições. **Rádio USP**, São Paulo, 29 set. 2020.
- [5] AMARAL JÚNIOR, A. **Curso de Direito Internacional**. 5. ed. São Paulo: Atlas, 2016.
- [6] CAPORASO, J. International relations theory and multilateralism: the search for foundations. In: RUGGIE, John Gerard. **Multilateralism matters: the theory and praxis of an institutional form**. New York: Columbia University Press, 1993.
- [7] CASELLA, P. B. **Fundamentos do direito internacional pós-moderno**. São Paulo: Quartier Latin, 2008.
- [8] CORTE INTERAMERICANA DE DIREITOS HUMANOS. **Caso Gomes Lund e outros (“Guerrilha do Araguaia”) vs. Brasil**. Sentença de 24 de novembro de 2010 (Mérito, Reparações e Custas). San José: Corte IDH, 2010.
- [9] CORTE INTERAMERICANA DE DIREITOS HUMANOS. **Caso Favela Nova Brasília vs. Brasil**. Sentença de 16 de fevereiro de 2017 (Mérito, Reparações e Custas). San José: Corte IDH, 2017.
- [10] CORTE INTERAMERICANA DE DIREITOS HUMANOS. **Caso Ximenes Lopes vs. Brasil**. Sentença de 4 de julho de 2006 (Mérito, Reparações e Custas). San José: Corte IDH, 2006.
- [11] DUNOFF, J. L.; TRACHTMAN, J. P. **Ruling the world? Constitutionalism, international law, and global governance**. Cambridge: Cambridge University Press, 2009.
- [12] FERNANDES, B. G. **Curso de Direito Constitucional**. 17. ed. Salvador: Juspodivim, 2025.
- [13] HELD, D. **Global covenant: the social democratic alternative to the Washington consensus**. Cambridge: Polity Press, 2008.
- [14] HELD, D. **Global politics after 9/11: failed wars, political fragmentation and the rise of authoritarianism**. London: Global Policy, 2016.
- [15] IKENBERRY, G. J. **After victory: institutions, strategic restraint, and the rebuilding of order after major wars**. Princeton: Princeton University Press, 2001.
- [16] KEOHANE, R.; NYE, J. **Power and interdependence: world politics in transition**. Boston: Brown and Company, 1977.
- [17] KEOHANE, R. Multilateralism: an agenda for research. **International Journal**, Montreal, v. 45, n. 4, p.731- 764, 1990.
- [18] KOSKENNIEMI, M. The politics of international law. **European Journal of International Law**, v. 1, n. 1, p. 4–32, 1990.
- [19] KOSKENNIEMI, M. **From apology to utopia: the structure of international legal argument**. Cambridge: Cambridge University Press, 2011.
- [20] LIMA, M.; ALBUQUERQUE, M. **Policy Note: reordenamento global, crise do multilateralismo e implicações para o Brasil**. Brasília-Berlim: CEBRI-Konrad Adenauer Stiftung, 2020.
- [21] MORAVCSIK, A. The origins of human rights regimes: democratic delegation in postwar Europe. **International Organization**, Cambridge, v. 54, n. 2, p. 217–252, 2000.
- [22] MOYN, S. **The last utopia: human rights in history**. Cambridge, MA: Harvard University Press, 2010.
- [23] MILANI, H. A.; ALVES, A. L. **Proteção da pessoa refugiada proveniente do Oriente Médio: desglobalização, islamização e paradigma da securitização**. Prelo.
- [24] PIOVESAN, F. **Direitos humanos e o direito constitucional internacional**. 13. ed. São Paulo: Saraiva, 2013.
- [25] RAMOS, A. C. **Curso de direitos humanos**. 5. ed. São Paulo: Saraiva, 2018.
- [26] RANIERI, N. **Teoria do Estado: do Estado de Direito ao Estado Democrático de Direito**. 3. ed. Rio de Janeiro: Almedina, 2019.
- [27] RUGGIE, J. G. Multilateralism: the anatomy of an institution. **International Organization**, Cambridge, v. 46, n. 3, p. 561-598, Summer, 1992.
- [28] SIMMONS, B. A. **Mobilizing for human rights: international law in domestic politics**. Cambridge: Cambridge University Press, 2009.
- [29] WALKER, N. The idea of constitutional pluralism. **Modern Law Review**, London, v. 65, n. 3, p. 317-359, 2002.
- [30] ZÜRN, M. **A theory of global governance: authority, legitimacy, and contestation**. Oxford: Oxford University Press, 2018.