

The Venezuelan Crisis: What Role for Intergovernmental Actors?

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Given the current crisis in Venezuela, international intergovernmental organizations such as the United Nations along with its various agencies and the Organization of American States (OAS) can be key actors in influencing the outcome of the crisis by providing incentives and avenues for conflict resolution. Coordination of strategies, focal points, information, and convening the various stakeholders together are the main roles and services that international organizations can provide to ameliorate and find solutions to the Venezuelan situation.

1. Context

The Venezuelan economy [contracted](#) 59 percent in the past five years. Inflation is out of control: it takes just 19 days for prices to double in the country. More than [four million](#) Venezuelans (14 percent of the country's population) have left the country since 2014, most of them relocating within the region in Colombia, Peru and Ecuador. Per year, there are more than 300,000 [malaria cases](#) in the country. Between 2015 and 2017, [more than 500 people](#) have been killed by the Bolivarian National Guard. The UN High Commissioner on Human Rights documented 66 deaths between January and May 2019, and in many cases of arbitrarily detention, women and men were subjected to one or more forms of torture or cruel, inhumane or degrading treatment or punishment. The political, economic, and social crisis escalates year after year and the risk of the conflict increasing further is rising. As the situation worsens on the ground, it appears that the international community is running out of options: economic sanctions are likely to be ineffective given that the country's economy is already broken; bilateral talks have proven unsuccessful without an enforcement mechanism; and naming and shaming and peer-pressure have had a poor record so far. The Maduro administration has been isolated from the community of liberal democracies and remains supported mainly by China, Cuba, and Russia. In the region, while Bolivia is still an ally, Mexico and Uruguay have decided to opt for a more conciliatory position where it is unclear whether it will produce tangible results, while the Lima Group has not been able to provide positive change in Caracas. Although Maduro's position has weakened over the years, he and his

governing coalition have strong incentives to remain in power at all costs given that alternatives could include incarceration or death for him and his closest supporters in Miraflores. The anti-Maduro movement currently organized around Guaidó, has gained momentum but has been unable to transform it to real power to force Maduro to make concessions. Given their inability to change the status quo, the likelihood of violence increasing is real.

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The impact of the Venezuelan crisis has had a multidimensional impact in the region. Part of this has been attributed to the inability of hemispheric, regional and sub-regional multilateral organizations to provide adequate solutions and conditions for negotiation that foster a peaceful transition in Venezuela. Also, pressures to solve the economic and political crisis are sometimes entangled with strategic moves lead by external powers to advance their own interests. Consequently, many countries in the region believe

that taking a position in favor of a transition in Venezuela makes them instrumental to the US administration's position, while at the same time most countries in the region have fought for a long time to diminish the US influence in the region. But regional actors do not necessarily have to respond bilaterally to the challenge the Venezuelan crisis poses. Multilateral organizations have the potential to assist governments and non-governmental organizations and coordinate their efforts to avoid further deterioration of the situation in the South American country. How can international and regional organizations contribute to dialogue and conflict resolution in Venezuela?

2. Role of International Organizations

International organizations (IOs) may play a part and be well-equipped to contribute to crisis de-escalation and to coordinate efforts to manage the impact of the crisis in the rest of the region. This is because IOs allow for unifying collective activities through a concrete and stable organizational structure and a supportive administrative apparatus. Thus, coordinated coherence and synergy increases the efficiency of collective activities. IOs also have independence that allows them to act with a degree of autonomy from that of member states. The level of autonomy is a function of different constraints that member states impose on IOs. Three of the most important functions of the UN and the OAS are to facilitate the negotiation and implementation of agreements, resolve disputes, and manage conflicts.

For regional and multilateral organizations to be able to influence the Venezuelan crisis and coordinate strategies of affected countries, they should provide evidence that their behavior is not a function of certain member states' preferences. They should demonstrate their independence. This is a specific challenge for the OAS been by many as reflecting the preferences of the US government rather than the collective regional interest, primarily because the OAS has been used in the past as an instrument to justify US interventions.¹ It is also torn by competing ideals of national sovereignty and protecting and defending democracy. Latin American countries are protective of their sovereignty and any step towards influencing the domestic affairs of a country because historically this type of intervention has been followed by interventions in sovereign nations' domestic affairs. To address this, it is necessary to have clear and agreed rules of engagement beforehand outlining the circumstances under which a regional organization may legally intervene in domestic affairs. It is not enough to have a overly generalized and sometimes unclear goals for democracy promotion. The circumstances under which an intervention by an outside actor is acceptable, should be linked with situations that generate concrete and explicit risks for regional stability. For all its shortcomings and multiple burdens, the OAS remains the most important forum for hemispheric affairs, as well as for discussion and defense of democracy and human rights. What is necessary from institutions like the OAS is to implement confidence-building actions with the Venezuelan government.

Governments often lack the incentive to address violations bilaterally because for the organization enforcing the sanctions, they are costly. If there is no coordination among other respected organizations or countries, results from bilateral sanctions could easily exceed benefits from expected compliance. In this situation, multilateral institutions could fill the void. For example, resolutions passed in multilateral organizations can provide substantive information about the existence of violence and rights abuses and give multilateral institutions the credibility and support needed to more successfully sanction condemned governments. The main issue with the current situation in Venezuela is that the country does not depend on investment or financial flows from liberal countries, but from Russia and China that might be less likely to have incentives to hold Maduro accountable and open the door for a new government which may not be aligned with their interests.

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Within the United Nations, the most important agency for conflict resolution, the Security Council, is unlikely to be an arena where initial steps will be taken for addressing the crisis. The UN Security Council is in a stalemate between the preferences of Western Per-

¹ Andrew F. Cooper and Thomas F. Legler (2007), *Intervention Without Intervening? The OAS Defense and Promotion of Democracy in the Americas*, Palgrave Macmillan

manent Members (France, the United Kingdom, and the United States) and Maduro's allies (China and Russia). While China and Russia have varying interests as to why they want to ensure that Maduro remains in power, it will be difficult for the international community to propose a resolution that will satisfy those competing interests and address the current situation impacting the citizens of Venezuela and the bordering countries.

The United Nations High Commissioner for Human Rights (UNHCR) has historically been seen as a technical office. This adds credibility to its reports and technical assistance to be viewed as independent and coming from an autonomous actor. How could the UNHCR be more effective in persuading the Venezuelan government to adopt certain policies? States are likely to be persuaded by arguments that draw on international norms on prohibitions against bodily harm, the importance of precedent in decision making, and the link between cooperation and progress. Accordingly, the recent UNHCR report is an important step in providing reliable information to the international community and to serve as a catalyst for talks with Maduro and his fellow supporters.

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The United Nations also has a more politically oriented mechanism that is well-equipped to bring change and prevent the escalation of the crisis in Venezuela. The Universal Periodic Review (UPR), established in 2008, is a mechanism within the UN Human Rights Council that allows for all Member States to make recommendations to peer countries. Recommendations are not binding; however when commitments are made by the state under review based on these recommendations, they make it to the whole international community, and not just the state that submitted those recommendations. This mechanism also provides a space for non-governmental actors to provide their feedback as part of the review process. An important source of the UPR's cooperative capacity is the fact that it is a repeated game among the same countries. As Game Theorists argue, reiterated plays evoke more cooperative behavior because actors will

have an opportunity to reward or punish one another in subsequent rounds of the game, depending on how they behave in this round. But it is difficult to read governments' true intentions just by looking at their posturing on democracy and human rights. Governments could be instrumental or sincere in their preferences regarding conflict resolution; however, which goal each one is seeking is hard to decode. Leaders have incentives to misrepresent their true intentions when the stated goal is to advance more egoistic aims. Leaders usually pay attention to politically-close actors' arguments. This is why countries in the region are better suited to influence future agreements Maduro could commit to. And this can be done via coordination in regional organizations.

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Venezuela participated in the first two cycles of the UPR, in 2011 and 2016. The country received 427 recommendations of which it accepted 68 percent of them. Multilateral and regional organizations such as the OAS and the Organization of Ibero-American States (OIS) can use those accepted recommendations as a leverage to hold Maduro's regime accountable for recent commitments. Members of regional organizations like the OAS, the OIS, or the Association of Caribbean States can coordinate recommendations in the UPR to secure commitments from the Maduro government that otherwise may prove to be more difficult to obtain through negotiation.. Based on data from the first two cycles where Venezuela participated in the UPR, Caracas accepted 73 percent of recommendations forwarded by fellow OIS members compared to 66 percent from non-OIS members. On grave human rights violations, the Venezuelan government accepted 50 percent of recommendations on torture that were issued by an OIS member compared to 25 percent of those issued by a non-OIS member. It is well documented that a country's human rights records and its domestic political stability significantly influence the government's ability to attract foreign investment, receive loans, and promote exports. However, the capacity of these relationships

to affect a government's decisions is determined by the ability of international actors to make these links explicit. The UNHCHR can track the implementation of recommendations that have been accepted and link the absence of compliance with those commitments with tangible material costs. By doing this, it will create further incentives for Venezuela to comply with its commitments.

Finally, IOs can be brokers of potential negotiations. Cooperative strategies are characterized by offers of concessions to a bargaining opponent. The problem in the bargaining process between Maduro and Guaidó is that the potential concessions are unclear. In the absence of potential concessions, the alternative is bargaining via confrontational strategies. But for these to be successful, there must be a worse case-scenario that both parties want to avoid than

the current status quo. It is more likely that one of the parties cares more about changing the status quo than the other. For the opposition, the current status quo is very costly. For Maduro's government, although the status quo has its costs, changing the status quo could imply imprisonment or death, which are much more costly for anyone participating in the Bolivarian revolution. To be able to negotiate a potential outcome that is better than the status quo for both parties, these high-cost options should be convincingly removed from the table. Otherwise, a potential negotiated outcome will be unlikely. IOs are known to reduce transaction costs among parties in negotiation and to provide information when one of the parties do not comply with the agreement. Thus, IOs can also be key in solving these negotiation problems in the case of Venezuela.

3. Recommendations

No single policy option is going to solve the Venezuelan crisis in the short run. However, it is possible to think of a set of options that have a greater probability to induce positive change. International and regional inter-governmental organizations are well equipped to be able to:

- **Coordinate strategies** among steward countries to exert coordinated pressure on the Maduro government and communicate clear costs of continuing with current practices while flagging benefits of committing to a change.
- **Coordinate and provide technical support** to states to make recommendations in the Universal Periodic Review oriented towards providing a basic framework for human rights protection and conflict resolution.
- **Become a focal point** for naming and shaming strategies by non-governmental organizations working on spotlighting rights violations in Venezuela.
- **Provide information** about the level of compliance of Venezuela with previous commitments to the international community, such as commitments in the Universal Periodic Review and report submissions to different international human rights treaty bodies.
- **Persuade other governments** of the importance of becoming a defender and promoter of democracy and human rights, especially taken-for-granted norms like the prohibitions on bodily harm and the importance of precedent in decision making.
- **Provide analysis and assistance** to stakeholders involved in negotiations while highlighting the necessary trade-offs that Maduro will face if his power is diminished.

To be in a better position to foster those plans, IOs need to signal the international community that they are impartial and, even though states have a strong influence on their behavior, they can nonetheless produce objective and independent outputs.