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UNASUR's Role as a Mediator: the Venezuelan case

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BRICS Policy Center Centro de Estudos e Pesquisas - BRICS



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UNASUR's Role as a Mediator: the Venezuelan case¹

Camila dos Santos

1. Introduction

This policy brief (PB) offers an analysis of UNASUR's mediation² role in light of Venezuela's crisis, following the death of President Hugo Chávez in March 2013. The aim of this PB is to assess how and to what extent UNASUR's mediation practices in this specific context a) contribute to the resolution of the recent crisis in Venezuela; and b) utilize electoral democracy as a principle upon which the crisis needs to be resolved. The first section describes UNASUR's mandate and the importance of its democratic clause as a constitutive part of its identity. The second part describes the main elements of the Venezuelan crisis, considering the crucial negotiation topics (the escalation of violence, the economic and the governability crises) and the actors involved in the conflict. The third part analyses UNASUR's conflict resolution dilemma surrounding the defense of democracy and human rights, showing how this tensions plays a role in Venezuela. The PB argues that UNASUR's mediation in Venezuela is characterized by a lack of consensus between the member states due to an ambiguous and sometimes contradictory defense of non-intervention

(1) This Policy Brief was concluded on 09/15/2015. The author is grateful to professors Claudia Fuentes and Maira Siman, for their valuable advices and support during this research, and Isa Mendes and Annabelle Timsit, for their detailed and extremely useful revision.

(2) Although I have opted to use the term "mediation" in the course of the text, I understand that UNASUR and its members constantly classified themselves as actors of dialogue facilitation. Thus, if the role played by UNASUR is one of mediation, the mediation process per se is not formalized or documented by the bloc, and there is no expertise at disposal. Once it turns into a mediation process (and not just facilitation), a negotiation agenda and goals to be achieved is defined and should be formally published and open to the public.

versus the protection of universal human rights. The conclusion evaluates the opportunities and challenges faced by UNASUR in its conflict mediation.

2. UNASUR: constitution, democracy and conflict resolution

2.1 Constitution

Established in Brasilia in 2008, the Union of South American Nations (UNASUR)³ is the product of the South American Presidential Summits that occurred in the regional agenda from 2000 to 2008. Its Constitutive Treaty was articulated around the perception that the region refers to an interconnected geographical space that must be constantly improved and guaranteed. Its regional project aims to assure that South America be recognized as a Zone of Peace, and articulates a region-building discourse composed of citizen security and development narratives⁴. UNASUR's project is not restricted to commercial and infrastructure integration; instead, its "union" is intended to be a kind of political unification – where a cultural, social, civic and political space of association can be shared. Hereupon, the bodies of UNASUR are: the Council of Heads of State and Government; the Council of Ministers of Foreign Affairs; the Council of Delegates; and the General Secretariat. Beside those, UNASUR also has several other councils on special issues such as health; social development; infrastructure and planning; education; culture; science; technology and information; drugs; economy and finances; energy; electoral questions; and defense⁵.

UNASUR is part of a movement of regionalist initiatives that came from the 1990's. Due to the growing resistance of many South American States to the attempts at instituting a regional project that would put the entire continent under the US umbrella, the Free Trade Agreement for the Americas (FTAA) project failed in 2004. The parallel project of the *Bolivarian Alternative for the Americas (ALBA)*, created in 2004, exposes the differences between the twelve South American countries⁷. To Harris & Azzi (2006), ALBA represents the first attempt of regional integration that "is not based primarily on trade liberalization but on a new vision of social welfare and equity", through an activist discourse to engage Latin America countries in the realization of deep social and

(3) UNASUR unites other regional blocs, and is formed by: the Andean Community (Bolivia, Colombia, Ecuador, Peru); MERCOSUR (Argentina, Brazil, Paraguay, Uruguay, Venezuela); besides Chile, Guyana and Suriname. Panamá and México are also part as observer members. Its duties are: a) to establish policy guidelines, action plans, programs and projects for the integration process and decide its implementation priorities; b) to summon Sectorial Ministerial Meetings and create Councils at Ministerial level; and c) to adopt the policy guidelines for relations with third parts. Its Constitutive Treaty from 2008 setting out its scope as a regional multilateral institution, is inspired by the Cuzco Declaration, 2004; Brasilia Declaration, 2005; and Cochabamba Declaration, 2006.

(4) The characterization of the region as a unique bloc is reinforced and justified by the discourses and narratives that identify an environment of peace, friendship and cooperation predominating among South American countries in the Summit statements of the *Communiqué of Brasilia* (2000). The *Communiqué* elaborated on the idea of constructing a *Community of South American Nations* (UNASUR's original name); and the *Consensus of Guayaquil on integration, security and infrastructure for development* (2002) – which aims to regulate intra-regional relationships, inducing the harmonization of the institutional and the normative frameworks.

(5) UNASUR SOUTH CONSTITUTIVE TREATY. Signed in the city of Brasilia, Brazil, on May 23rd, 2008. See <<http://studentorgs.law.smu.edu/getattachment/International-Law-Review-Association/Resources/LBRA-Archive/15-2/SMB213.pdf.aspx>>. Accessed in July, 2015.

political reforms⁷. UNASUR, on the other hand, represents a more conciliatory discourse inserted in the framework of “open regionalism” and free trade markets, articulating a perspective of non-alignment with the US proposals.

As Iver Neumann (2003) highlights, regionalism is defined by a *clash of definitions* of a region that is politically constituted and promoted⁸. It permits the interaction and the co-existence of different interpretations of the Latin American region and sub-regions, as in the case of ALBA and UNASUR. However, UNASUR can represent a “building block for the future”, if constructed with the aim of widely rejecting conditions of underdevelopment, social inequality and poverty. Furthermore, the inherent ambiguity in the absence of a solid definition to regionalism can be understood as a way that South American countries live together despite their differences⁹. Despite the common desire of a union between its members, UNASUR is not an homogeneous bloc in respect to material and ideological interests. As highlighted by Flandes, Nolte & Wehner (2011), individual national agendas also express the diversity of the bloc, such as Brazil's aim to exert a prominent global role; or the ideological opposition of Venezuela and Bolivia to the neoliberal model in political economy, for example¹⁰.

2.2 Democratic Clause

Since its constitution UNASUR centered its efforts on security realm and defense issues, based principally on the Council of Defense. Hereupon, one should notice that the bloc has no institutional structure specifically dedicated to conflict resolution. During an interview with UNASUR Director of Politics and Defense Issues, Dr. Mauricio Dorfler, I could verify that UNASUR do not base itself on the resolution of regional conflicts, *“but from the vision of the common opportunities that South American countries have in the region”*¹¹. In this sense, this policy brief argues that attempts at mediation seem to be developing through electoral democracy. Perhaps, part of its strategic vision *“is equip itself with the means to resolve conflicts, but this is not done explicitly”*¹². In other words, ‘equip itself’ means acting by the Constitutive Treaty and the additional protocol for the maintenance of democracy when it enters into force, especially because *“UNASUR acted and acts in a manner determined to fully comply with the order made in the democratic system of government [of each member country] that is legitimate and legally elected”*¹³.

In this regard, representing at least a minimum agreement, UNASUR's concept of democracy seems to be a ‘common good’ for the South American countries' relationship with democracy in their electoral terms. With the addition of a democracy clause to its Constitutive Treaty right after

(6) Venezuela, Bolivia and Ecuador make part of two blocs. The others ALBA's members are: Cuba, Nicaragua, Dominica, Antigua and Barbuda, and Saint Vincent and the Grenadines.

(7) HARRIS, David; & AZZI, Diego. *ALBA - Venezuela's answer to “free trade”: the Bolivarian alternative for the Americas*. Occasional Paper: 3. São Paulo, Brazil - Bangkok, Thailand. October 2006, p.3.

(8) NEUMANN, Iver B. A Region-Building Approach. In: SÖDERBAUM, Fredrik & SHAW, Timothy (eds). *Theories of New Regionalisms: a Palgrave Reader*. Basingstoke: Palgrave Macmillan, 2003.

(9) GOMES, Maira Siman. *A “Region in the Making”: an analysis of recent South America Regional Discourse*. 93 p. Dissertation submitted to The Graduate Institute of International and Development Studies, in fulfillment of the requirement for the Master in International Studies – MIS. Supervisor: Prof. Thomas Biersteker. Geneva, 2008.

(10) FLEMES, Daniel; NOLTE, Detlef; and WEHNER, Leslie. *“Una comunidad de seguridad regional en formación: la unasur y su Consejo de Defensa”*. Estudios Internacionales 170 (2011) - ISSN 0716-0240 • 105-127, Instituto de Estudios Internacionales - Universidad de Chile, p. 108.

(11) DORFLER OCAMPO, René Mauricio. *GSUM Interviews Dr. Mauricio Dorfler: “If UNASUR has a virtue, it is to work on this [conflict resolution] without constantly stating that it does so”* [ago. 2015]. Interviewer: Santos, Camila dos: UNASUL, Ecuador, 2015. Interview to the project “Global South Unit for Mediation (GSUM)”. Available at <<http://bricspolicycenter.org/homolog/Projetos/Interna/223>>. Accessed in September, 2015. Translated by me.

(12) *Idem*.

(13) *Idem*.

the coup attempt in Ecuador, at the Georgetown Summit in November 2010, UNASUR intended to discourage the threat, rupture or breach of democracy in the region. In cases of violation of the constitutional order or in any situation that threatens the legitimate exercise of power and democratic values and principles, measures are expected to be applied¹⁴. In 2012 the impeachment of the President of Paraguay, Fernando Lugo, was considered the first - and only case until now - of breach of the democratic clause. Paraguayan activities and representation inside the bloc were temporarily suspended until the new elections scheduled for April 2013.

UNASUR's democratic clause stated that the full respect for democratic institutions and the unrestricted respect of human rights are *"essential conditions for building a common future of peace and economic and social prosperity and for the development of integration processes between Member States"*. In the third section of this PB I hope to illustrate how, through a minimum agreement on a concept of regional democracy, UNASUR seems to emphasize the notion of political democracy associated with political citizenship, explaining the tensions surrounding its defense of democracy and human rights in the Venezuelan case. Then, I do a brief overview of the early experiences lived by the bloc in the conflict resolution realm.

2.3 "Mediation" Practices

In its short lifespan, UNASUR has focused on infrastructure, security and technical cooperation through the Council of South American Defense (CDS) and its annual Action Plans. Its role as mediator within intrastate/interstate conflicts developed originally from the institutional crisis in Bolivia in 2008. This was followed by a crisis in the US military bases inside Colombia in 2009; by the rebellion of police and military forces and their attempted coup in Ecuador in 2010; and by the rupture of Colombia-Venezuelan relations in 2010. During 2012, UNASUR gained prominence during the political imbroglio in Paraguay and the attempts at negotiation with the Colombian Revolutionary Armed Forces (FARC)¹⁵. Recently, both the Colombian government and the FARC have requested aid from the presidency of UNASUR – whose mandate is now with Uruguay – and from the UN, for monitoring and verification of the implementation of the ceasefire agreements and de-escalation¹⁶.

This year, on top of its efforts in the Venezuelan internal crisis, UNASUR is also expected to mediate the dispute over the maritime borders between this country and Guyana. The bloc was not formally requested to mediate, but has closely accompanied the centenary dispute over the coast of Essequibo, a Guyanan territory on the seacoast where the company Exxon Mobil recently discovered oil. The dispute dates back to the 19th Century, before Guyana became independent from Great Britain. An attempt at mediation was made by the UN in the 1990's, but no solution was achieved. The recent resumption of the conflict has frozen relations between the countries and a

(14) They are: the suspension of participation in the various organs of UNASUR; the partial or total closure of borders; suspension or limitation of trade, energy, services and supplies; and the adoption of additional political and diplomatic sanctions. See UNASUR. *"Protocolo Adicional al Tratado Constitutivo de UNASUR sobre compromiso con la democracia"*. 11/26/2010.

(15) Both mark the organization's political influence in different circumstances. The first was the controversial impeachment associated with interpretations of the Paraguayan political landscape and its democratic legitimacy. The second, a subject of great complexity involved in multilateral mediation discussions.

(16) MERCOPRESS. *"Colombia y FARC tras apoyo de ONU y Unasur para bajar intensidad del conflicto"*. 07/13/2015. See <<http://es.mercopress.com/2015/07/13/colombia-y-farc-tras-apoyo-de-onu-y-unasur-para-bajar-intensidad-del-conflicto>>. Accessed in July, 2015.

meeting to address the crisis is expected to take place this year¹⁷.

Additionally, territorial border conflicts between Venezuela and Colombia are on UNASUR's agenda. Since August of this year, Venezuelan authorities have imposed a state of emergency in more than 10 municipalities bordering Colombia, as part of a plan to combat paramilitary groups, drug trafficking and smuggling. The measure is part of the Venezuelan government's response to the attack attributed to smugglers and Colombian paramilitaries, that left three soldiers and a civilian wounded on August 19th, in a neighboring village in the state of Táchira. The measure aims to combat fuel smugglers and other products heavily subsidized by the Venezuelan government - such as food, medicines and drinks - amid the country's supply crisis¹⁸. Brazil, Argentina and Uruguay have offered to mediate the conflict, and on September 12th UNASUR announced its support of the beginning of a dialogue to address the situation at the level of foreign ministers from the Venezuelan and Colombian sides.

The role of mediator highlights the maturity of South America countries, since they prefer to solve their crisis on their own. When UNASUR takes this role, it rejects any attempt to establish an external guardianship of the region, rejecting perceptions that might portray these countries as childish or underdeveloped¹⁹. When the bloc presents itself as defender of South American interests, it is trying to reject the presence of foreign military forces, which could threaten the sovereignty and integrity of its members. It defies the role that the OAS had been playing in the region as well as the leverage it holds, since the overlapping of UNASUR practices "impacts not only the possible formation of a joint identity in security, but helps to legitimize and strengthen the need to further institutionalization"²⁰.

UNASUR is the only actor recognized both by the government and by its opposition in the Venezuelan internal crisis, which had made the bloc the only possible and appropriate mediator. On the one hand, the Venezuelan government refuses any external interference of other non-regional institutions. On the other, the Venezuelan opposition expresses its dissatisfaction in every space available, trying to garner additional support to its cause. Thus, once both sides recognize that dialogue is needed, it can only happen where both parties can sit down together. The responsibility rests on UNASUR to face the challenges permeating this case, in order to establish itself as a credible mediator, as well as an effective regional supporter.

(17) EBC. "Venezuela e Guiana expõem conflito territorial na Cúpula do Mercosul". 07/17/2015. See <<http://www.ebc.com.br/noticias/internacional/2015/07/venezuela-e-guiana-expoem-conflito-territorial-na-cupula-do-mercosul>>. Accessed in July, 2015.

(18) EBC. "Venezuela fecha fronteiras de mais três municípios com a Colômbia". 09/08/2015. See <<http://www.ebc.com.br/noticias/internacional/2015/09/venezuela-fecha-fronteiras-de-mais-tres-municipios-com-colombia>>. Accessed in September, 2015.

(19) The imposition of a genealogical separation between modernity and colonialism made possible the rise of doctrines and theories of social progress and modernization, creating, as identified by Ashis Nandy (1989), a parallel between male/female, primitivism/childhood and development/underdevelopment. Development policies often have some concern to protect the receiver, making sure that they are seen as a 'tabula rasa' - in which those considered male, evolved and developed adults, could enroll their moral codes, making it responsible for the "salvation" of societies considered primitive, which hold a 'failed' State. See more at NANDY, A. *The Intimate Enemy: loss and recovery of Self under colonialism*. India, 1989, p. 15.

(20) FLEMES, Daniel; NOLTE, Detlef; and WEHNER, Leslie. "Una comunidad de seguridad regional en formación: la unasur y su Consejo de Defensa". Estudios Internacionales 170 (2011) - ISSN 0716-0240 • 105-127, Instituto de Estudios Internacionales - Universidad de Chile, p.121.

3. The Venezuelan Case: a role for UNASUR?²¹

After winning the presidential elections with 50.66% of votes in 2013, Nicolás Maduro faced intense and violent civil unrest that questioned his legitimacy. The 2014 protests resulted in forty-three deaths, hundreds of injuries and more than three thousand arrests²². Initiatives seeking dialogue between the government and the opposition began in February 2014, when the US reported that it was working with the OAS and other regional partners to end the violence, and Panama requested a meeting of OAS foreign ministers to analyze the crisis. Nevertheless, the dialogue failed and, on March 05th 2014, President Maduro announced the suspension of economic and political relations with Panama. Because he believed that an international conspiracy, led by the US, was brewing against his country, the Venezuelan President stated that, “the OAS will not come to Venezuela to exercise their politics, not now or ever”²³.

Requesting the annulment of democratic presidential elections, the opposition appealed to the Inter-American Commission on Human Rights (IACHR)²⁴, claiming that the electoral process had been fraudulent. In response, Maduro requested the withdrawal of Venezuela from the IACHR in September of the same year, rejecting all of the OAS' attempts at mediation. The Venezuelan crisis may be considered a favorable setting for a greater role of UNASUR, which has intervened on the situation through its Council of Ministers of Foreign Affairs. The Council issued a resolution allowing for the creation of channels of communication between government and opposition to advise and support the talks between both parties. Its first visit occurred on March 25-26th, 2014. But one year after UNASUR's involvement, and two years after the beginning of the conflict, tensions seem

(21) The roots of the Venezuelan conflict seems to remit to a more in-depth historical context. With the Punto Fijo Era (1958-1998), a regime of alternation of power under a representative democracy was legitimized. Established through the pact sealed between the political parties Acción Democrática (AD), Comité de Organización Política Electoral Independiente (COPEI) and the Unión Revolucionaria Democrática (URD), its political model was centralized and based on presidential decisions. Then, in order to control its social conflicts, the pact has institutionalized the support of politics based on the distribution of the wealth derived from external investments and the oil profit, instead of promote more sustainable politics as the redistributive ones. Clearly, these kind of politics was sustainable only when oil profits went well. With the oil's shocks in the 1970's and 1980's, the regime faced unstable periods, culminating in the emblematic case of the 'Caracazo' - the popular insurgency that took place in 1989, with the rejection of the package of neoliberal economic measures imposed by the government at this time, of President Carlos Andrés Pérez. In meantime, the democratic discussion took the country, dividing its population between those who wanted a democracy with the same political parties which were in control of the power, and those who wanted a renewed democracy without them. Notwithstanding, when in 1992 a military group fail in its attempt of coup and its leader appears on television to ask its companions to drop weapons “por ahora”, many of Venezuelans started to look at a young and charismatic Hugo Chávez. Since then, the fight for two ideals of democracy (representative vs participatory) have been growing, polarizing the Venezuelan society. During 2002-2004, efforts of mediation between Venezuelan society and its government were made by a broad international support, formed by actors as the Carter Center, the OAS, the PNUD and the Group of Friends of Venezuela (constituted by diverse Latin-American leaders). Here I will focus basically on the recent events faced by the government of President Nicolás Maduro, which can possible affect UNASUR's attempts of mediation. To know more about the historical roots of the conflict, see DIEZ, Francisco; MCCOY, Jennifer. *Mediación Internacional en Venezuela*. Editorial Gedisa: Barcelona, 2012.

(22) INTERNATIONAL AMNESTY. “Venezuela: los rostros de la impunidad”. London: Amnesty International Publications, March 2015, p.6. See <<https://anistia.org.br/wp-content/uploads/2015/03/Venezuela-report-2015.pdf>>. Accessed in March, 2015.

(23) DIARIO DE CUBA. “Venezuela suspende relaciones políticas y comerciales con Panamá”. 03/05/2014. Availabe in <http://www.diariodecuba.com/internacional/1394058038_7470.html>. Accessed in February, 2015.

(24) The IACHR is an autonomous judicial institution linked to the OAS.

to have re-escalated, with new crises caused by the low prices of petroleum, the food shortage, the rise of military violence and the lack of recognition of President Maduro.

3.1 A brief background of the conflict

The economic crisis

The current international crisis has aggravated the Venezuelan economy, which relied for decades on oil production for exportation. The commodity reached less than 60% of its price, the lowest price in the last five and a half years²⁵, when its sale reached 96% of the country's reserve²⁶. Consequently, considering the country is a major importer of basic goods, the economic crash led to many shortages that include food, medicines, spare parts for vehicles and machinery, newsprint and other supplies for newspapers²⁶. This caused the decline of national production and the weak currency led to insufficient funds for imports²⁸.

President Maduro went on a globetrotting trip to Russia, China, Qatar, Iran, Saudi Arabia, Algeria, Portugal and Brazil to ask for loans to mitigate the crisis. On June 30th, he successfully got a loan of \$500 million in credit lines in the automotive, technology and health sectors, provided by the Iranian government²⁹. Although China, Russia and Cuba have been the traditional Venezuelan partners since the Cold War, they can no longer provide as much help as they once did. China announced a \$20 billion package of investments, but if they materialize, they would not provide enough cash in time to repay the debt or finance necessary imports as oil prices continue to fall. The same is true for Russian President Vladimir Putin's pledged assistance in heavy-oil projects³⁰. Moreover, Venezuela's relationship with Cuba is cooling. Cuba is more focused now on ensuring its own business, thanks to the resumption of relations with Washington³¹. Cuba has prepared for a future without Venezuelan oil subsidies, and the peace talks between the Colombian government and the FARC are concentrating most of Havana's efforts³².

(25) EL PAÍS BRASIL. "A queda do preço do petróleo aciona o alarme". 01/07/2015. See <http://brasil.elpais.com/brasil/2015/01/06/economia/1420576088_389011.html>. Accessed in February, 2015.

(26) EL PAÍS BRASIL. "Maduro apela a Deus pela economia venezuelana e anuncia medidas". 01/22/2015. See <http://brasil.elpais.com/brasil/2015/01/22/internacional/1421900635_743365.html>. Accessed in February, 2015.

(27) Venezuela's oldest newspaper, El Impulso, had to interrupt its printed version due to the paper and other materials shortages. According to the Press and Society Institute of Venezuela (IPYS), during the first half of 2014 at least 21 newspapers in nine Venezuelan states reported difficulties in acquiring newsprint and other supplies. Activities of at least seven newspapers were closed, what was massively claimed for the press as an explicit restriction of freedom of expression. EL PAÍS BRASIL. "A falta de papel-jornal na Venezuela". 01/18/2014. See <http://brasil.elpais.com/brasil/2014/01/18/internacional/1390006222_445614.html>. Accessed in February, 2015.

(28) CRISIS GROUP REPORT. "Venezuela: Dangerous Inertia". Caracas/Bogotá/Brussels: Policy Brief. Latin America Briefing N°31, September, 2014. P.4.

(29) EL PAÍS BRASIL. "Irã oferece ajuda de 500 milhões de dólares à Venezuela". 06/30/2015. See <http://brasil.elpais.com/brasil/2015/06/28/internacional/1435516686_125876.html> Accessed in July, 2015.

(30) AMERICAS QUARTELY. "Paralyzed on Economic Reforms, Venezuela Will Mortgage Citgo". 02/03/2015. See <<http://www.americasquarterly.org/content/paralyzed-economic-reforms-venezuela-will-mortgage-citgo>>. Accessed in March, 2015.

(31) To know more about the resumption of relations between Cuba and US, please see MENDES, Isa L. *Mending bridges: the Unfinished Business of the US and Cuba*. Global South Unit for Mediation (GSUM). BPC Policy Brief V.5. N.06 - April-May/2015. Rio de Janeiro. PUC. BRICS Policy Center. ISSN: 2318-1818.

(32) EL PAÍS BRASIL. "Uma 'tempestade perfeita' põe à prova o Governo da Venezuela". 01/18/2015. See <http://brasil.elpais.com/brasil/2015/01/17/internacional/1421529259_562259.html>. Accessed in February, 2015.

The Escalation of Violence

Right after the beginning of violent confrontations, in April 2014, President Maduro created the '*Human Rights Council of Venezuela*' to, amongst others, investigate allegations of human rights abuses during protests. Critics complained that the council included the same government officials responsible for the abuses of security forces, namely, the defense and the interior ministers³³. Human Rights Watch has denounced systematic violation of human rights, saying that more than 3.300 people were abused with severe beatings, electric shocks or burns³⁴. Amnesty International also affirms that the Venezuelan justice system has not only been ineffective in ensuring the right to justice of victims of human rights violations, but is also subject to frequent interference by the executive office³⁵.

Promising 'drastic measures', Maduro's government approved on January 28th, 2015 a resolution permitting Venezuela's army to use fire guns to control public demonstrations and meetings. This resolution goes against Article 68 of the Venezuelan Constitution, which forbids the use of firearms and toxic substances to control peaceful demonstrations. In Article 329, only the National Guard can be responsible for maintaining public order if the police are not in a position to do so³⁶. In this case, the direct use of army forces in their entirety is not allowed, as the resolution expressly provides for. A month after the resolution, a 14 year-old teenager, Kluiver Roa, was shot during violent clashes between opposition protesters and security forces in San Cristobal, in the state of Táchira. His was the first death since the use of firearms by the National Guard was made legal. In May 2015, the police officer that fired the shot, Javier Mora Ortiz, 23 years old, was condemned to 18 years in prison³⁷. However, the resolution remains and Maduro's reshuffling of the cabinet in favor of military consolidation within his regime was pointed to as an "uncompromising and hard-handed style of governance"³⁸.

The Governability Crisis

The institutionalization of the United Socialist Party of Venezuela (PSUV) presented the party as an electoral vehicle to respond to a popular desire to substitute representative with participatory democracy, diminishing the role of professional politicians and favoring popular participation³⁹. The party used oil wealth revenues to encourage and promote cooperatives and small businesses,

(33) LA VERDAD. "*Consejo de Derechos Humanos en Venezuela es 'ilusorio'*". 04/07/2014. See <<http://www.laverdad.com/politica/49813-consejo-de-derechos-humanos-en-venezuela-es-ilusorio.html>>. Accessed in February, 2015.

(34) EL PAÍS BRASIL. "*ONG alerta para o retrocesso dos direitos humanos na América*". 01/29/2015. See <http://brasil.elpais.com/brasil/2015/01/29/internacional/1422495414_063216.html>. Accessed in February, 2015.

(35) INTERNATIONAL AMNESTY. *Idem*.

(36) EL PAÍS BRASIL. "*Maduro permite ao exército o uso de armas para reprimir manifestações*". 01/30/2015. See <http://brasil.elpais.com/brasil/2015/01/30/internacional/1422575487_568029.html>. Accessed in February, 2015.

(37) NOTICIAS24. "Condenan a 18 años de prisión al PNB que asesinó a Kluivert Roa en Táchira". 05/08/2015. See <<http://www.noticias24.com/venezuela/noticia/282732/condenan-a-18-anos-de-prision-al-funcionario-que-asesino-a-kluivert-roa-en-tachira/>>. Accessed in August, 2015.

(38) EL PAÍS BRASIL. "*Adolescente é morto por um tiro em protesto da oposição na Venezuela*". 02/24/2014. Available at <http://brasil.elpais.com/brasil/2015/02/24/internacional/1424808352_978294.html>. Accessed in February, 2015; and INTER-AMERICAN DIALOGUE. "*Beyond Venezuela's Simmering Crisis*". 11/12/2014. Available at <<http://www.thedialogue.org/page.cfm?pagelD=32&publD=3706&s=venezuela>>. Accessed in March, 2015.

(39) According to Daniel Hellinger, the 'Caracazo' inspired Chávez's to engage its political project with the idea of a participatory democracy, once since the eighties Venezuelans claim for the decentralization of administrative bodies, engaging themselves in the formation of neighborhood and residents associations, aiming at the direct involvement of individuals in decision-making. See HELLINGER, Daniel. "*A Future Without Chávez?*", Lasa Forum. 2011: volume xlii: issue 4, p.17.

land reform, among other initiatives that would bring about deep social changes⁴⁰. A concrete example of these aims is the institutionalization of the demands of various Venezuelan social movements through the Communes and Communal Councils (CCs)⁴¹. As observed by Mayra Goulart (2014), the CCs are a successful strategy because they increased the access to decision-making procedures, organizing communities even smaller than the municipalities on the board⁴². For Darío Azzellini (2012), their greatest challenge will be maintaining the process of participation open and developing a *modus operandi* “from above”, supporting and reinforcing the CCs “from below”, without limiting or co-opting them⁴³.

Either way, the attempts at empowering people by incorporating mechanisms of direct democracy had to coexist “with the predominance of the president’s figure, recurrent in most of these experiments as a structuring symbol of argumentative processes undertaken in them”⁴⁴. When the government bypassed popular participation with a reform of its juridical order, incorporating the “Ley Habilitante” from the Venezuelan Chart of 1961 into the Chart of 1999, it reinforced the presidentialism by establishing the delegation of legislative powers to the executive. Through the habilitante, the deputies grant the president the possibility of, for extraordinary reasons, issuing decrees with status of law⁴⁵. Thanks to these privileges, in October 2013, President Maduro used the legislative power to emit economic decrees with the justification that it was necessary for combatting corruption and the ‘saboteurs’ of the national economy⁴⁶. This is the Venezuelan dilemma: the clash between *Original and Constituted Power*, and the attempt to redefine the contours of democracy despite personalist practices institutionalized in its own constitution.

Moreover, the government and its allies currently control institutions such as the Supreme Court, the Venezuelan National Electoral Council (NEC) and the comptroller general office. The lack of trust in these offices “would seriously affect the viability of any future government-opposition agreement, as they would supervise its implementation; failure to appoint independent, broadly trustworthy persons would be a continuing threat to national stability”⁴⁷. The crisis also created internal divisions inside the PSUV, causing disputes for legitimacy, because no one was sure that Maduro’s leadership would be successful in containing and harmonizing the political field. When the government chooses to radicalize its policies through unilateral decisions, it also chooses to limit participation and consequently lose some of its credibility.

(40) Such as the reduction of poverty, starvation and illiteracy, reaching some of the UN goals for the millennium. See OPERA MUNDI. “Venezuela reduz pela metade índice de pobreza e cumpre meta da ONU”. 09/11/2012. See <<http://operamundi.uol.com.br/conteudo/noticias/25334/venezuela+reduz+pela+metade+indice+de+pobreza+e+cumpre+meta+da+onu.shtml>>. Accessed in February, 2015.

(41) The CC’s are responsible to collect information about its participants, election processes, decision, implementation, financing and control. Their voceros or voceras are chosen in electoral process in order to coordinate the operation of working committees, being responsible for the implementation of some public policies as the *Misión “Barrio Adentro”*, which promoted basic and preventive health, through the support of Cuban doctors offering home care in poor communities. Their committees are divided into so many areas, as health, culture, education, urban and rural land, media, popular economy, etc. ASAMBLEA NACIONAL. “*Ley Orgánica de los Consejos Comunales*”. Gaceta Oficial N° 39.335, 12/28/2009. See <<http://www.ucla.edu.ve/viacadem/comunitario/leyes/LeyOrganicaConsejosComunales.pdf>>. Accessed in February, 2015.

(42) See GOULART, Mayra. “*Notas sobre o experimento comunal na Venezuela: entre a autogestão solidária e o clientelismo*”. Observador On-Line, ISSN 1809-7588, v.9, n.08, 2014, p.4-5;11.

(43) As Azzellini emphasizes, “if the existence of institutions are assured, if the CCs remains dependent of the same institutions, then the interest that they become independent will be minimum”. See AZZELLINI, Darío. “Participación y Poder Popular – Consejos Comunales y Comunas”. In: VALERO, Jorge (org.). *Democracias Nuevas o Restauradas: el caso Venezuela*. Caracas: Fundación Editorial El perro y la rana, 2012, p.118-120.

(44) GOULART, Mayra. *Ibid.*, p.2.

(45) GOULART, Mayra. *Ibid.*, p.12.

(46) ASAMBLEA NACIONAL. “*Ley Habilitante 2013-2014*”. 10/08/2013. See <http://www.asambleanacional.gob.ve/uploads/documentos/doc_bc4c506d760363356d39ca767363429d7b7579f9.pdf>. Accessed in February, 2015.

(47) CRISIS GROUP REPORT. *Ibid.* p.10.

Box 1: Main actors and events

The Ministers of Foreign Affairs from Brazil, Luiz Alberto Figueiredo, nowadays replaced by Mauro Vieira; Maria Angela Holguin, of Colombia; and Ricardo Patiño of Ecuador, accompanied UNASUR's meetings on the Venezuelan crisis. The former Colombian President, Ernesto Samper, became general secretary of UNASUR in September 2014, expressing his intention to build bridges and achieve a resumption of political dialogue in Venezuela. Here I briefly expose the involvement of other actors that have had an important role, including the Venezuelan opposition, the US, and the Holy See.

The Venezuelan Opposition

United recently, rallying around a "National Transitional Agreement", the opposition urged Venezuelans to come together to prepare a political transition that 'leaves Chavism behind'. According to the Venezuelan government, the document proves the existence and the management of a coup influenced by the US⁴⁸. The Front of National Unity Table (MUD) – a more radical right-wing party in Venezuelan, represented by the leaders Leopoldo López, María Corina Machado and Antonio Ledezma – originally signed it, receiving the support of the COPEI and other personalities from the opposition. Henrique Capriles, the defeated candidate in the last election and governor of Miranda, also signed and started a dialogue with MUD.

MUD's prominent leader, Leopoldo López, was arrested by the National Guard under accusations of organizing the violent protests in February 2014. He was condemned to 13 years in prison⁴⁹. Ledezma, who was also mayor of Caracas, was arrested a year later by the Bolivarian National Intelligence Service (Sebin), and is currently awaiting trial in prison. Despite his democratic election, Ledezma's mandate was interrupted by the accusation of committing crimes against the country, while collaborating with a coup plan⁵⁰. Out of the 50 opposition mayors of Venezuela, 33 are facing lawsuits related to anti-government protests⁵¹. The only MUD's central-head that is still free, Machado, had her mandate as deputy revoked in March 2014, after attending the OAS meeting at the request of Panama, to talk about the country's situation amid the intensification of protests. However, her appearance at the OAS was prohibited by the Constitution and non-authorized by the government.

With the entrance of Capriles and Copei, MUD's union has turned into a stronger alliance of political parties responsible for forging the next electoral scenario. The main demands made by the Venezuelan right-wing are the ceasing of the repression of protests; the creation of an Amnesty Law for political prisoners; the disarming of paramilitary groups; and improvements in economic productivity. Nevertheless, the lack of a clear internal dynamic to guide the opposition's decision-making process is affecting its political strategy. Their insistence on maintaining a "total fight"⁵² with the government, putting themselves in the position of ultimate challenger, accepting only the resignation or withdrawal of the president, seems to reinforce the governmental system's presidentialism – since its actions are centered on the presidency while other sectors of society are neglected.

The United States

Despite their tight commercial relations, both Venezuela and the US have not sent ambassadors to each other's territories since 2010. Relations between Secretary of State John Kerry and President Nicolás Maduro have

(48) EL PAÍS BRASIL. "Oposição venezuelana se une em apoio a prefeito de Caracas preso". 02/24/2015. See <http://brasil.elpais.com/brasil/2015/02/23/internacional/1424722082_893171.html>. Accessed in February, 2015.

(49) BBC Brasil. "Leopoldo López, o 'líder rebelde' e 'divisivo' da oposição venezuelana". 09/11/2015. See <http://www.bbc.com/portuguese/noticias/2015/09/150911_perfil_leopoldo_lopez_venezuela_lgb/>. Accessed in September, 2015.

(50) BBC BRASIL. "Maduro cita golpe, confirma prisão de prefeito e pede 'punho de ferro contra conspiradores'". 02/20/2015. See <http://www.bbc.co.uk/portuguese/noticias/2015/02/150219_prefeito_venezuela_preso_rm?ocid=socialflow_facebook>. Accessed in February, 2015.

(51) FOLHA DE SP. "Maduro tenta cobrir caos econômico na Venezuela com repressão política". 02/23/2015. See <<http://www1.folha.uol.com.br/mundo/2015/02/1593512-maduro-tenta-cobrir-caos-economico-na-venezuela-com-repressao-politica.shtml?cmpid=%22facefolha%22>>. Accessed in February, 2015.

(52) This term was designed by Diez and McCoy, as one of three of the main characteristics of the Venezuelan conflict, in the period of 2002-2004. The other two are: the personification of the Chavist presidentialism; and the strong emotional and symbolic content of the Venezuelan political scenario. See DIEZ; MCCOY. Ibid. p.60.

worsened in December 2014, when Kerry insinuated that Venezuela is suffering from mismanagement, signaling that the US Congress could move into sanctions⁵³.

Following a request from President Maduro, Ernesto Samper promised to support the Venezuelan-US dialogues through UNASUR. The request was extended to the Community of Latin American and Caribbean States (CELAC) and its responsibility directed to its pro-tempore president, also president of Ecuador, Rafael Correa, in order to (in Maduro's words) "also accompany [the mediation] as a shield of peace and democracy in Venezuela". The Venezuelan President asked President Obama to "rectify" and "stop the madness of the US Government"⁵⁴. But on the same day of the announcement of the request for mediation, a spokesman from the US State Department said that the Department, "has not received any contacts" from UNASUR about a possible role as mediator, urging for a direct communication from the Venezuelan government⁵⁵. In February 2015 President Obama ordered the imposition of visa restrictions against current and old Venezuelan officials and authorities involved in human rights violations as well as persons allegedly responsible for public corruption⁵⁶.

In response, Ernesto Samper affirmed that the Venezuelan government did not request the direct interaction of UNASUR. The claim was for "protection, a statement of UNASUR defending the right of Venezuela to establish its rules, to no intervention or interference in their internal affairs". He reinforced that the issue of dialogue in Venezuela will come through the Council⁵⁷. The White House declared that "it is unfortunate that when we open ourselves to interact with all the nations of the Americas, Venezuela has chosen to go in the opposite direction", classifying the country as an "unusual and extraordinary threat to the [US] national security and foreign policy"⁵⁸.

The Holy See

Given its turbulent relationship with the government, especially since the Venezuelan Catholic Church openly declared that Maduro's government wanted to put in place a "totalitarian" regime, the Vatican has closely observed the attempts at mediation. In 2013, Pope Francis received in the Holy See both Maduro and Capriles. The Pope said that he closely followed the events in Venezuela and named one of his best men to be in charge of this issue: the apostolic nuncio in Caracas, Monsignor Aldo Giordano. After the meeting, President Maduro assumed that Francis was more left-leaning at the Vatican, which made Giordano well accepted by both parts in conflict. Giordano has accompanied the meetings promoted by UNASUR since their beginnings, acting through his work at the Vatican as a 'casual witness' in the dialogues with the opposition.

(53) EL PAÍS INTERNACIONAL. "EE UU se reserva la posibilidad de imponer sanciones a Venezuela". 03/12/2014. See <http://internacional.elpais.com/internacional/2014/03/12/actualidad/1394648759_847310.html>. Accessed in February, 2015.

(54) INFOLATAM. "Maduro pide a Obama que detenga plan de golpe de Estado contra su Gobierno". 02/04/2015. See <<http://www.infolatam.com/2015/02/05/maduro-pide-obama-que-detenga-plan-de-golpe-de-estado-contra-su-gobierno/>>. Accessed in February, 2015.

(55) INFOLATAM. "Samper respalda a Maduro contra supuestos planes de desestabilización". 02/05/2015. See <<http://www.infolatam.com/2015/02/05/samper-respalda-maduro-contra-supuestos-planes-de-desestabilizacion/>>. Accessed in 2015.

(56) REUTERS. "EUA impõem restrições de visto a autoridades da Venezuela". 02/02/2015. See <<http://br.reuters.com/article/worldNews/idBRKBN0L621920150202>>. Accessed in February, 2015.

(57) EL CARABOBEÑO. "Samper: Falta de visa no me impide buscar acercamiento EEUU-Venezuela". 02/05/2014. See <<http://www.el-carabobenno.com/portada/articulo/98273/samper-falta-de-visa-no-me-impide-buscar-acercamiento-eeuu-venezuela>>. Accessed in February, 2015.

(58) The US sanctions also involve the freezing of assets that militaries and authorities may have hit on US territory and the prohibition of economic transactions with them. Those measures are based on the "Venezuela Defense of Human Rights and Civil Society Act of 2014", an act which imposes a list of targeted sanctions on persons responsible for violations of human rights of antigovernment protesters in Venezuela. The act was signed by Obama just one day after announcing the normalization of relations with Cuba. See EL PAÍS. "Obama decreta novas sanções contra altos funcionários da Venezuela". 03/09/2015. See <http://brasil.elpais.com/brasil/2015/03/09/internacional/1425919831_255459.html>. Accessed in March, 2015.

4. UNASUR in Venezuela

4.1 The Council of Foreign Ministers: Brazil, Colombia and Ecuador

On March 6th UNASUR's Council visit discussed the situation of political prisoners, with explanations about the ongoing legal procedures related to the detainees being provided by Venezuelan judicial authorities. The Ministry of Foreign Relations of Brazil released a statement, emphasizing that President Maduro and the NEC assured that the parliament elections scheduled for this year would be convened soon. It also emphasized that "solutions representing institutional rupture are not acceptable"⁵⁹. The bloc's mediation efforts resulted in the accomplishment of an electoral calendar with exact dates for the primaries, which select the candidates within the different parties. The campaign officially starts on November 13th and the elections are expected to take place on December 6th, under UNASUR observation.

Therefore, although the statement highlights that there is a consensus on the fact that the electoral option is the way out; this choice does not imply any discussion on the division of powers. As we saw, more work is needed in order to make institutions such as the Supreme Court, the NEC and the comptroller general office autonomous. However, what is being done by UNASUR *"is taking care of these electoral standards under the legislation determined by the country accompanied"*, since *"the Constitutive Treaty already provides, among all its principles, an unlimited respect for sovereignty, the national law, the national legislation"*⁶⁰.

Right after the agreement, President Maduro declared the return of the "Ley Habilitante" until next December, this time because of national security and public order issues in order to 'answer the US threats'. This means that, even with the new parliamentary elections, Maduro will have the power to ensure decrees with the strength of law. Moreover, on July 18th, a former governor of Zulia state, Pablo Perez, was barred from holding public office for 10 years. María Corina Machado, Daniel Ceballos, Enzo Scarano and Nidia de Atencio, were also banned for one to five years⁶¹. All the opposition politicians were candidates for the parliament elections, which compromised the course of the peace talks. Hereafter, we will briefly see how the Foreign Ministers Council of each member country have been supporting the negotiations.

Brazil

Despite traditionally claiming the role of regional leader, the Brazilian initiatives have been constantly paralyzed by their commitment to the principle of non-interference, by the increasing concerns about their own internal problems, and by the interest of Brazilian companies in the neighbor country.

In March, the UNASUR announced the creation of "regional support networks" for the distribution of commodities to Venezuela. One of the plans is to increase exports to the country to alleviate

(59) MINISTÉRIO DAS RELAÇÕES EXTERIORES. "Visita da Comissão de Chanceleres da UNASUL à Venezuela". Note #65. 03/10/2015. See <http://www.itamaraty.gov.br/index.php?option=com_content&view=article&id=8292:chanceleres-unasul&catid=42&Itemid=280&lang=pt-br#Foreign>. Accessed in March, 2015.

(60) DORFLER OCAMPO, René Mauricio. *Ibid*.

(61) MUD. "Inhabilitada Alcadesa Zuliana Nidia de Atencio por Cinco Años". 07/23/2015. See <<http://www.unidadvenezuela.org/2015/07/inhabilitada-alcadesa-zuliana-nidia-de-atencio-por-cinco-anos/>>. Accessed in July, 2015.

the shortage crisis and the devaluation of oil. Moreover, despite the crisis, the commodity exporters consider Venezuela a good market. Responding to a Venezuelan request, the Brazilian government has sought to have its companies help ensure the supply. Despite claiming not to have been influenced by the Brazilian government on the issue of exports to Venezuela, the JBS fridge group recognized the business opportunity in the country in the midst of crisis. According to its staff, despite earlier common delays on payment, those “almost do not exist anymore”⁶². Among the Brazilian companies that were encouraged to invest in Venezuela in recent years are Gerdau, Braskem, Alcicla, Eurofarma and the Ultra Group. There are also a number of construction companies operating in the country, supported by the financing of BNDES.

Recently, when questioned whether Brazil should adopt a more “forceful” posture towards its neighboring country, the President Dilma Rousseff stated that, *“we will not, ever, be a regional power with a stick in the hand. To be a regional power, one does not need to intervene [in Venezuelan internal affairs], one has to be able to understand the societies and fight for changes in a way other than intervention”*⁶³. This statement made clear the fear that the issue had become an uncomfortable subject in its domestic public opinion, especially after the unsuccessful attempt made by the Brazilian opposition to visit Venezuelan political prisoners⁶⁴. Both the government and the Foreign Ministry have always insisted, however, that only the UNASUR's Council should mediate the Venezuelan conflict⁶⁵.

Colombia

Constantly accused by the Venezuelan government of collaborating with the US in engendering a coup against its regime, Colombia is also part of the UNASUR's Council of Foreign Ministers. With its ideological differences clearly exposed in recent years, the country is a key player to ensuring the debate within the bloc. Even the Colombian President, Juan Manuel Santos, participates in UNASUR's efforts, and offered himself as a mediator between the authorities. This can be perceived as a sign that there is no real consensus in terms of how to respond to the Venezuelan crisis. He also declared, *“we [Colombia and UNASUR] can do our part, always respecting the autonomy of Venezuela”*⁶⁶. However, Colombian-Venezuelan relations are not very ‘friendly’, due to the latest border issues involving both countries, and his declarations can therefore be seen as suspicious by the Venezuelan government.

Ecuador

Ecuador's Foreign Minister, Ricardo Patiño, who has been representing UNASUR and the CELAC

(62) FOLHA DE SP. *Brasil procura empresas a fim de garantir bens básicos à Venezuela*. 17/03/2015. See <<http://www1.folha.uol.com.br/mundo/2015/03/1603901-brasil-procura-empresas-a-fim-de-garantir-bens-basicos-a-venezuela.shtml>>. Accessed in June, 2015.

(63) G1. “Brasil não age ‘com porrete na mão’, diz Dilma sobre Venezuela” 06/09/2015. See <<http://g1.globo.com/politica/noticia/2015/06/brasil-nao-sera-poder-com-porrete-na-mao-diz-dilma-sobre-venezuela.html>>. Accessed in August, 2015.

(64) The Brazilian opposition has manifested their support to the families of the Venezuelan political prisoners, with the unsuccessful visit of the defeated candidate in the last presidential elections, Aécio Neves, to Venezuela. CARTA CAPITAL. *“Aécio Neves vai visitar presos políticos venezuelano Aécio e outros senadores são hostilizados na Venezuela”*. 06/18/2015. See <<http://www.cartacapital.com.br/blogs/parlatorio/aecio-e-tucanos-sao-hostilizados-na-venezuela-7559.html>>. Accessed in June, 2015.

(65) MINISTÉRIO DAS RELAÇÕES EXTERIORES. *“Situação na Venezuela”*. Note #51. 02/24/2015. See <http://www.itamaraty.gov.br/index.php?option=com_content&view=article&id=8225:situacao-na-venezuela&catid=42&Itemid=280&lang=pt-br>. Accessed in February, 2015.

(66) EL PAÍS. *“América Latina busca uma saída para a crise política da Venezuela”*. 02/27/2015. See <http://brasil.elpais.com/brasil/2015/02/26/internacional/1424986550_531314.html>. Accessed in March, 2015.

in the negotiations, recently declared his support regarding the Venezuelan crisis. Classifying as unacceptable the US desire to block Venezuela while they start their rapprochement with Cuba, he also affirmed that CELAC and UNASUR will “*continue with the policy of strengthening the institutional position of Venezuela (...) and avoid destabilizing as it is intended for some other places*”. Patiño also classified the decision of the US to impose sanctions against Venezuelan government officials as an “*absolutely illegal decision*”⁶⁷.

4.2 UNASUR's Dilemma: democracy vs. human rights

After the democratic transitions of South American countries, especially during the 90's, civic movements started to argue for, not only the defense of the rights to life and physical integrity, but also the consolidation of a democratic system that ensures the participation of the larger majorities in the public agenda.

It is “through the creation of UNASUR that the question of Human Rights is settled as a central axis for the development of political and social integration in South America”⁶⁸. Article 18 of its Constitutive Treaty guarantees that citizen participation in the process of South American integration will be “promoted by means of dialogue and interaction in a broad, democratic, transparent, pluralistic, diverse and independent manner with the various social actors, establishing effective channels of information, consultation and supervision in the different bodies of UNASUR”⁶⁹.

However, South American countries are too cautious to contest violations of Venezuelan sovereignty. This might happen because they also have cases of excessive violence at home, and fear a negative repercussion on their own issues. UNASUR's option for an interpretation of electoral democracy, choosing to give legitimacy to the elected president, also can emphasize how Latin American countries have no consensus, or at least, clear terms about how to react to this situation. Additionally, the limited interpretation of democracy reflects the concern that these kinds of conflicts can repeat in other countries of the region, increasing the caution in the reaction to these scenarios. In this sense, the UNASUR Council of Ministers of Foreign Affairs tries to avoid an internal dilemma among its member countries, by keeping a certain distance from human rights practitioners during peace talks. They are “concerned that, if they associate with human rights advocates, their neutrality will be compromised”⁷⁰, which seems to make the decision to pursue democracy through electoral basis an agreed strategy.

The common elements to UNASUR conflict resolution missions seem to be the very framework of the Treaty, the respect of its principles, and the creation of conditions for these dialogues, which seek to prevent violence. As highlighted by Monica Herz (2014), if UNASUR wants to establish the bloc as a forum for discussion and resolution of conflicts among its member governments, it is time to “show its potential as a conflict mediator (...) doing a creative and efficient work in Venezuela”⁷¹.

(67) EL NUEVO SIGLO. “Gobierno de Ecuador rechaza “bloqueo” de EU a Venezuela”. 02/05/2014. See <<http://www.elnuevosiglo.com.co/articulos/2-2015-gobierno-de-ecuador-rechaza-bloqueo-de-eu-venezuela.html>>. Accessed in February, 2015.

(68) SANTOS, R. P. dos. “Os Direitos Humanos na América do Sul: uma análise do Projeto da UNASUL”. FLACSO-ISA Joint International Conference. University of Buenos Aires, School of Economics, Buenos Aires, Argentina. July 23rd – 25th, 2014, p. 6-7.

(69) SOUTH AMERICAN UNION OF NATIONS. Constitutive Treaty. Signed in the city of Brasília, Brazil, on May 23rd 2008.

(70) FUENTES JULIO, C. *Bridging Human Rights and Conflict Resolution: Experiences from Latin America*. Rio de Janeiro: PUC, BRICS Policy Center. BPC Policy Brief V.5. N.04. ISSN: 2318-1818. February - March/2015, p.6.

(71) HERZ, Monica. “Hora de mediação na Venezuela”. 06/29/2014. See <<http://oglobo.globo.com/opiniao/hora-de-mediacao-na-venezuela-13055715#ixzz3Sb2HcaNG>>. Accessed in February, 2015.

The absence of a mediation process, with clear goals, formal meetings and schedules, seems to refrains its effectiveness in this case, albeit the bloc does not demonstrate any desire for such steps. As stated by the UNASUR Director of Political Affairs and Defense Issues, the “*agenda must be more of support and monitoring, rather than the action in the sense to try to assign to the Secretariat of UNASUR the resolution capacity. (...) States have sufficient capacity to solve their problems*”⁷².

Notwithstanding, in an official statement about the Council's meeting in March of this year the Brazilian foreign minister Mauro Vieira emphasized the importance “*of the guarantees received from the Venezuelan authorities that parliamentary elections will be convened soon, and that the monitoring mission of UNASUR will be present from its early stages*”⁷³. This seems to highlight the role of mediation inside UNASUR: a role based on dialogue, specifically within the governments of its members. The government “*is who ultimately has the ability and initiative to establish dialogue. UNASUR helps in those terms*”⁷⁴.

As emphasized by Claudia Fuentes Julio (2015), tensions and conflicts between approaches and methods during the process of mediation “*explain the lack of integration between human rights and conflict resolution*”⁷⁵. While human rights actors use adversarial approaches and prioritize justice, conflict resolution actors use cooperative approaches, prioritizing reconciliation. In this sense, if “*the former see peace as a precondition for democracy, the latter see democracy as a precondition for peace*”⁷⁶.

Despite its electoral apparatus, UNASUR has a great challenge ahead of it: making the Venezuelan opposition fit its political claims into a democratic system it does not seem to believe in. Thus, the lack of internal unity in Venezuela can be a challenge to UNASUR efforts, since the opposition believes that the bloc is biased, acting like an “*insider-partial mediator*” with a stake in the outcome, and therefore not legitimate⁷⁷. María Corina Machado already declared that the resolution of UNASUR is insufficient, since the bloc has not explicitly recognized the violations of human rights by the military forces⁷⁸.

However, being an ‘insider-partial mediator’ is not completely inadequate. It allows the mediator to use its knowledge about regional cultures, traditions, and language in order to identify with the various interests of the parties in conflict. It also helps in the drafting of peace plans and the promotion of dialogue. The challenge for UNASUR is to find the way to solve the conflict without disrupting its relation with Venezuela, and without putting the regional security at risk through the escalation of conflicts.

(72) DORFLER OCAMPO, René Mauricio. *Ibid.*

(73) ITAMARATY. Note 77: *Meeting of the UNASUR Council of Foreign Ministers on the situation in Venezuela*. 03/16/2015. See at <http://www.itamaraty.gov.br/index.php?option=com_content&view=article&id=8329:reuniao-do-conselho-de-chanceleres-da-unasul-sobre-a-venezuela&catid=42&Itemid=280&lang=pt-BR>. Accessed in August, 2015.

(74) DORFLER OCAMPO, René Mauricio. *Ibid.*

(75) FUENTES JULIO, C. *Idem.*

(76) INTERNATIONAL HUMAN RIGHTS COUNCIL, 2006 apud FUENTES JULIO, C. *Ibid.* p.5.b

(77) The ‘insider-partial mediator’ is a mediator from the conflict area, which have a stake in the outcome and will be directly impacted by the consequences of the negotiation. See more at ELGSTRÖM, O.; BERCOVITCH, J.; SKAU, C. in “Regional Organisations and International Mediation: The Effectiveness of Insider Mediators”. African Journal on Conflict Resolution. Volume 3 #1. 2003.

(78) EL UNIVERSAL. “Machado asegura que resolución de Unasur sobre el país es ‘una vergüenza’”. See <<http://www.eluniversal.com/nacional-y-politica/140313/machado-asegura-que-resolucion-de-unasur-sobre-el-pais-es-una-verguenza>>. Accessed in February, 2015.

In turn, assuming that a mediation process is needed is assuming the concrete existence of conflict. This could challenge the traditional perception that South America is a peaceful continent, considering security as a more recurrent and serious problem than was assumed until now. Either way, a possible resolution can only go through the reconstruction of trust in democracy, in the Venezuelan democratic mechanisms, and in the channels of communication available between government and society. The outcome of this conflict will be crucial not only for Venezuela's future, but also for the future of the bloc as a reference of regional authority.

5. Final Remarks

This policy brief analyzed the UNASUR's mediation role in Venezuela's crisis, aiming to highlight how its practices contributed to the attempts at resolution. Electoral democracy is a crucial element used by the bloc to advance the peace talks. The three countries of UNASUR's Council elucidate in their statements their inclination to act in agreement with the electoral democratic limits. Nevertheless, there is a need for deep criticism of violations that goes beyond electoral boundaries. With their own histories of violation of human rights, and with the current focus on their own agendas due to turbulent economic times, Brazil, Colombia and Ecuador are deeply involved in their own interests, and do not seem to know what to do with an elected democracy inside the bloc that commits human rights abuses and seriously curtails civil and political rights. In part, their fear in dealing with the Venezuelan crisis stems from their fear of affecting economic gains and creating national political clashes.

Given the worsening of the Venezuelan scenario, a stronger involvement of UNASUR is needed. If the bloc wants to consolidate itself as the reference for the mediation of conflicts in the region, now is the time. Its actions should not only be directed towards preventing the opposition's attempts to dissolve the regime. Despite its inclination to sit at the negotiating table, the Venezuelan government's unwillingness to release political prisoners, in addition to its violent response to protests, challenges UNASUR to exert more pressure, especially in relation to human rights violations. Notwithstanding the relational partiality inherent to the mediator, since UNASUR is a body of governments, procedural fairness has to be maintained. It means that human rights violations have to be discussed more deeply by the bloc, since the stalemate of the conflict can increase the risk of a diffusion of regional insecurity.

Finally, UNASUR has to not only provide space for the development of dialogue and facilitation, but also to engage in order to develop solutions and alternatives. For this to happen, UNASUR needs to recognize itself as more than a simple facilitator. If South American countries envisage a stronger conflict resolution role for the organization, this would involve recognizing that some regional expertise and support need to be developed on the subject.

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