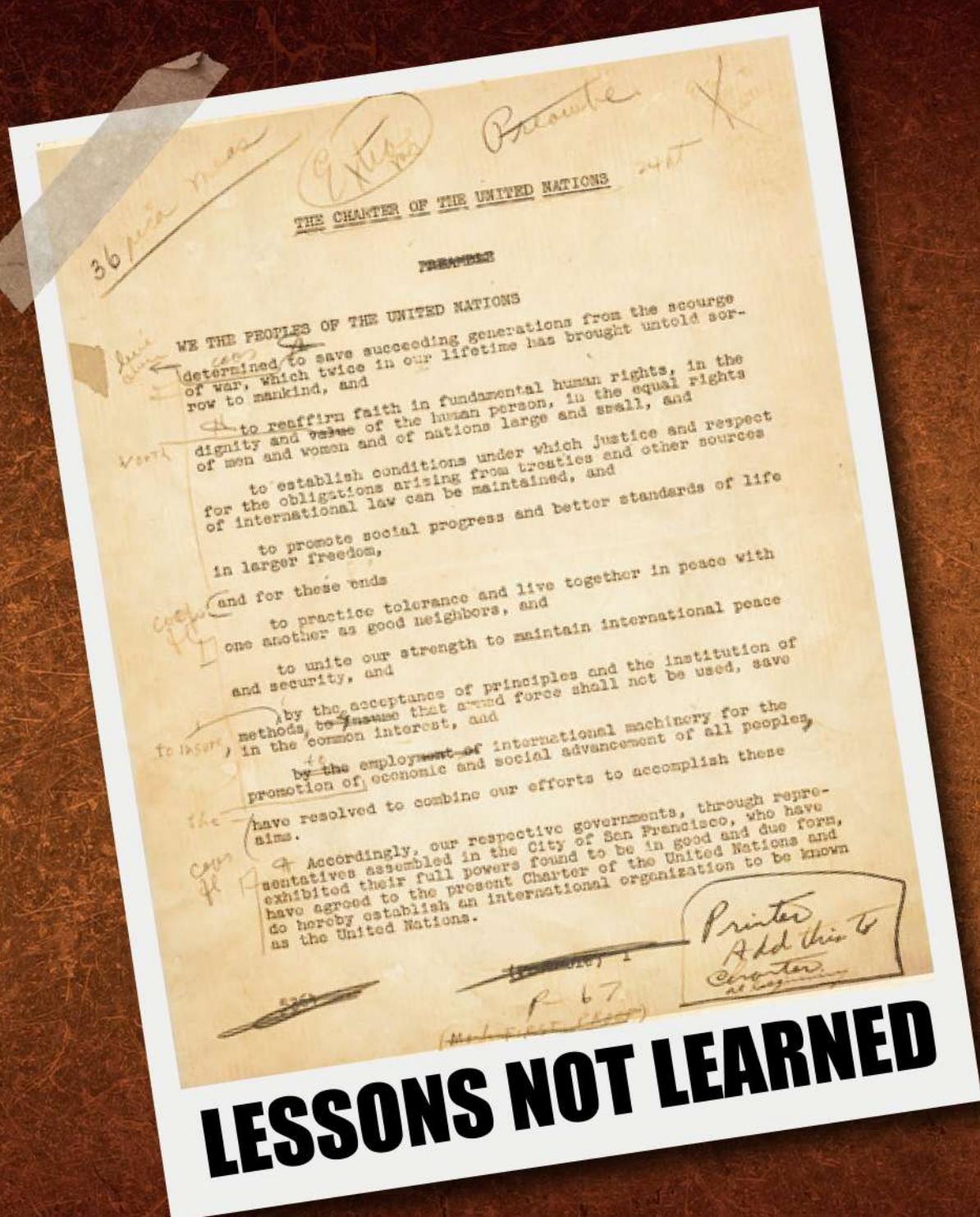




Response of the United Nations System to the Political, Humanitarian and Human Rights Situation in Venezuela

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EXECUTIVE SUMMARY

INTRODUCTION

There is no doubt that the presence and decisive intervention of the UN in different crises has meant a difference for many people around the world, by acting as a mechanism of containment or dissuasion, depending on the case. This study acknowledges the full half of the glass but raises the need to point out the empty half as it also has consequences for people's lives.

In the first decade of the 21st century, during the final phase of the war in Sri Lanka, crimes against humanity were committed with the silent complicity of the UN in the country, leading Secretary General (SG) Ban Ki-moon to appoint a panel of experts to review the situation. The tragedy happened again years later in Myanmar, where the UN failed to protect the Rohingya population from genocide and secretary general Antonio Guterres commissioned a new study.

In both cases, the independent studies reached several lessons and recommendations. However, when examining the UN's performance in the case of Venezuela, it is observed that similar mistakes have been repeated.

The study focused on the response of the UN system in three aspects: the humanitarian emergency, the human rights situation, and the political crisis. Regarding the temporal scope, the study focused on the response of the United Nations system to the situation in Venezuela since 2016, moment from which the crisis worsens in the three fields of the project.

THE ROLE OF THE UNITED NATIONS ORGANIZATION

The United Nations has an integrated **humanitarian response** system whose role consists, under the cross-cutting principle of doing no harm, of deploying a coordinated, prompt, and effective response to humanitarian crises in conjunction with different actors, regardless of the origin of the crisis in natural disasters, armed conflicts, or any serious alteration of the institutional public order of a country.

Despite a favorable general perception of OCHA's work, both the report on Sri Lanka and the report on Myanmar raise points of concern regarding the lack of coordination between the different humanitarian components, and between them and the RC. the problems of lack of coordination -and even resistance to it- and concealment or underestimation of information have touched even the most sensitive areas of the UN's work, such as the humanitarian field.

The United Nations has a multiplicity of mechanisms to fulfill its role of promoting and protecting **human rights**, including the institutional capacity to cooperate to diligently prevent the

materialization of possible violations and to establish guarantees of non-repetition to change the state systems that allow these abuses.

Until now, the centrality of human rights in the UN system has failed. Despite great progress in human rights in the 1990s and the beginning of the 21st century as a result of the Vienna Conference, there is no doubt that there have been significant setbacks in more recent years in the way the matter is dealt with, both in New York and Geneva. On the other hand, although human rights are one of the pillars of the UN, there is still resistance to integrating them into the structures related to development.

In the **political** field, the UN has the competence of assisting in political efforts to prevent and resolve conflicts by working on the sustainability of international peace and security from a perspective of negotiation on complex issues such as the rule of law, transitional justice, justice system reform, security and guarantee of the general constitutional order.

Despite the political powers of the UN, the growing pressure from China and Russia, especially since the tenure of SG Ban, has contributed to a less forceful and timely action of the political instances of the UN. With varying intensity, Annan, Ban and Guterres have all raised the flags of prevention and the responsibility to protect to base their approaches on the role of the UN in responding to complex political situations that can trigger conflicts. The results, however, have not always been effective.

INTERACTION BETWEEN THE THREE COMPONENTS

In principle, UN agencies are encouraged to work together in the UNCT under the authority of the Resident Coordinator. In reality, the agencies have different mandates, priorities and interests. Many support the technical assistance of the OHCHR office (in its role as a service provider) but not its substantive work, as they avoid a position of confrontation with the government.

The agencies have mandates that they must fulfill under a human rights perspective, but they do not do so and fail to perceive the negative impact on the fulfillment of their objectives.

It is difficult, although not impossible, to find examples of coordination between the different components of the United Nations system. The most critical of them do not hesitate to affirm that there is an absolute disconnection at all levels, which they attribute to the organizational culture, reputational risk and work overload. The word most frequently used by the interviewees to describe the organizational behavior was “*silos*”, referring to the existence of compartments that do not communicate with each other.

THE UN RESPONSE TO THE SITUATION IN VENEZUELA

BACKGROUND

The presence of the UN in Venezuela dates back a long time and involves several cooperation agencies and offices. The UNDP began operations in Venezuela in 1971 and increased its technical cooperation tasks during the 1980s. The role of UNDP allowed the governments of the country before the advent of *Chavismo* to join the development approach for the improvement of the social, economic and human rights situation. In the late 1980s and during all of the 1990s, UNDP played an important role in the processes of decentralization and modernization of regional governments with the experience of the Presidential Commission for the Reform of the State (COPRE).

In the 2000s, the institutions of the State were still open to accepting technical assistance from the UN system.

After the attempted coup of 2002, all public institutions experienced a process of withdrawal from international cooperation, removing the country from the radar of multilateral organizations as an objective of the socialist government plans. This policy implied reducing the activities of the agencies in the country. In 2007, the Chávez government announced the withdrawal of the World Bank and the International Monetary Fund. From that moment on, the opacity of the figures on Venezuela did not allow an analysis of the country or its classification in global indices, hiding from the eyes of the international community the economic, social and human rights situation of the Venezuelan population.

The relationship of the agencies with the government changed as they accepted conditions and agendas aligned with the official political ideology in order to ensure their permanence in the country. In general, the agencies adopted a strategy of relaxing their mandates, while the government reduced its contributions to cooperation, limiting their operation to a minimum, with the consequent reduction of staff and activities in almost all dependencies. The conditioning of the activities of the United Nations also led the agencies to distance themselves from national actors who were disqualified by the government.

This process of reducing the work of the agencies and accepting the conditions and impositions of the government coincided with the change in the heads of the agencies, which meant less resistance to government pressure and more propensity to give in to coercion. This is how the pressures caused UNDAF to adapt to the government plan and led to the correction of the agency reports to avoid conflicts with the government. This way the agencies began to become mere executors and multipliers of the guidelines imposed by the government.

In this environment of docility of the UN in Venezuela toward the government, and even though 2016 had marked a milestone in the Venezuelan crisis, it is in 2018 that the first initiative for a humanitarian response finally begins to be activated, not without resistance from the UNCT.

THE COMPLEX HUMANITARIAN EMERGENCY

The complex humanitarian emergency in Venezuela was admitted only in 2018 by the United Nations agencies with a presence on the ground, due to resistance presented by the government and consented to by the UNCT, despite multiple warnings made by organizations of civil society (CSO).

In 2016, 82 Venezuelan civil society organizations rejected the silence of the UN agencies by not informing the international community about the accelerated increase in poverty, the political and institutional instability, the massive and severe shortage of food and medicine, and the absence of national capacities to solve the situation in the medium term. Few months later, Ban Ki-moon described the situation in Venezuela as a humanitarian crisis created by political instability. Still, it took at least another three years for help to arrive.

Another attempt to reduce the possible political consequences of the events documented at that time from Geneva came when the OHCHR published the report *“Human rights violations and abuses in the context of protests in the Bolivarian Republic of Venezuela”*. Interviewed sources recall that the initiative was not well received by the system, to the point that there was an exchange of communications between New York and Geneva. The RC in Venezuela reacted against the report and traveled to Geneva in an attempt to reduce its impact. Although this first Zeid report established a clear relationship between the violation of social rights -as a consequence of the humanitarian emergency- and the repression against those protesting this situation, the UNCT and the humanitarian actors in the country not only ignored these warnings, but tried to cover them, in the same way that they had done on the occasion of the first UPR of Venezuela.

In March 2019, the United Nations humanitarian response architecture was finally installed in Venezuela with the formation of the first Cooperation and Assistance Coordination Team (ECCA for its acronym in Spanish), named that way due to the reluctance of the Venezuelan government to recognize the humanitarian crisis in the country. Although the humanitarian response had already begun, the word was absent from the structure and institutional language of the UN in the country. In workshops and meetings with civil society, it was openly recognized that the organizations had to choose between working on human rights and humanitarian action because it was not possible to work on both.

Following the international program cycle of response activities under a humanitarian architecture, the HCT prepared a first diagnosis of the humanitarian needs in the country, called the Humanitarian Needs Overview (HNO). The 2019 HNO was vetoed by the government and was never published.

A study carried out by the WFP in December 2019 showing that 9.3 million people were in need of humanitarian food assistance in food was also vetoed by the Venezuelan government. Due to the veto, this figure could not be used in the re-estimation of the number of people in need of humanitarian assistance for the second HRP for the year 2020, which made use of the initial estimate of 7 million people to increase the assistance goal to 4.5 million (64.3%) but ceased to

speak of "needs" to start referring to "*demonstrated operational capacity*", in opposition to the humanitarian standards.

In a context of stagnation in the humanitarian response, acts of criminalization and harassment by the government intensified by the end of 2020, this time against local humanitarian organizations, partners of the United Nations in the implementation of the HRP. The attacks manifested through the raiding of offices and the theft of equipment, supplies and documents, until reaching arrests in early 2021. The UNCT's reaction was tardy and timid and, worse still, it passively accepted the suspension of cash transfer programs requested information from implementing partners and other humanitarian organizations involved in the execution of cash transfer programs as part of the response coordinated by the United Nations, at the request of the Ministry of Foreign Affairs of Venezuela.

The late and inadequate reaction in the face of persecution against humanitarian workers and human rights defenders stirred a feeling of lack of protection in many humanitarian and human rights organizations who not only did not feel accompanied or supported, but also felt exposed.

With the arrival of a new RC in 2021, a change of approach was expected where human rights and humanitarian response are no longer presented as separate and irreconcilable issues.

HUMAN RIGHTS

Undoubtedly, the initial cycle of the UPR in 2011 meant the first CSO's significant approach to the UN system.

The year 2017 marked a milestone, in terms of the attention paid by the UN human rights protection system to the situation in Venezuela, with the publication of the report "*Human rights violations and abuses in the context of protests in the Bolivarian Republic of Venezuela*", prepared based on the High Commissioner's mandate under United Nations General Assembly Resolution 48/141. This way, the High Commissioner exercised his powers based on a non-restrictive interpretation of the mandate.

By 2020, Venezuela was positioned on the UN human rights agenda with important achievements that included three reports prepared at the initiative of the OHCHR during the term of Zeid Ra'ad Al Hussein; three resolutions between September 2018 and September 2019; a visit by a technical mission and a visit by the High Commissioner; the presentation of four reports and four oral updates before the Council, with three interactive dialogues to discuss them; the creation of the Fact-Finding Mission, with its respective report and interactive dialogue, and the establishment of a presence of the OHCHR in the country.

However, the process has not been exempted from pressure and resistance. Added to the trip of the RC to Geneva in 2017, the secrecy over the negotiations between the OHCHR and the government for the establishment of a presence in the country, and Bachelet's objections to the creation of the FFM, a series of events since late 2019 marked an inflection point in the response of the United Nations system to the human rights situation in Venezuela.

Although it is recognized that the current presence in Venezuela has contributed to several aspects, such as improving the conditions of detention and the release of some political prisoners, it is also true that the government makes self-serving use of this presence for propaganda and to evade the recommendations of the OHCHR and other international protection mechanisms, including the special procedures of the Human Rights Council, simulating genuine cooperation of the country with the UN human rights system, which is not true.

Three years have passed since the installation of the OHCHR presence in the country, and the feeling among the majority of the representatives of Venezuelan CSOs interviewed for this study is that Bachelet preferred to sacrifice the critical tone of the reports and updates requested by the Council of Human Rights in her pursue of establishing a country office in Venezuela, while the government insists on diverting time, resources and efforts from the presence in technical assistance initiatives of questionable effectiveness.

POLÍTICAL SITUATION

Since 2012, when the country's political landscape began to shake due to the evident absence of President Chávez, the system failed to respond, neither from the headquarters nor the ground. In both spaces, priority was given to preserving the channels of communication with the government, where influence was limited, without exploring the opening of channels with the opposition or CSOs. Even in important moments of attempts at dialogue and rapprochement between the two political blocs, the UN remained on the sidelines and communicated through other actors.

Some people try to justify the lack of political initiative from the SG in the case of Venezuela by alleging that his intervention should be seen as the "*last resort*". However, considering that Venezuela has gone through several attempts at overcoming the political crisis including the facilitation of Mercosur, Caricom, Unasur, Rodríguez Zapatero in 2014 and 2017 (Dominican Republic), Barbados/Norway, the Vatican, the OAS, the Lima Group, the Contact Group and Mexico/Norway, it is pertinent to wonder what else must happen for the SG to consider that the time for that last resort has come. Guterres has not acted in Venezuela for fear of failing and, paradoxically, that has been his biggest failure in the country.

For some, the country may be entering a phase of transformation of the conflict into a new State order founded on an economic transition and the shift toward a one-party system. In this scenario, they estimate, it would be possible to advance and reach substantive agreements and changes from a human rights-based perspective. Those who think this way consider that the country may be moving towards a point where it could again be valuable to consider the figure of a special envoy.

COORDINATION AND PREVENTION MECHANISMS

The UN system does not seem to understand the need to bridge the gap between New York and Geneva. This situation is also evident in the case of Venezuela, where the reports of the OHCHR are not disseminated, much less debated in the political and humanitarian instances of New York, despite the fact that Venezuelan CSOs have tried to advocate a rapprochement between the political, humanitarian and human rights components since 2016. The persistence of this gap reveals the limitations in terms of coordination.

The new RC was given the mandate of articulating the humanitarian, human rights and political components, in addition to the development component, and since then there has been a greater willingness to address both the political crisis and the situation of human rights and the components that must be addressed holistically in order to overcome the humanitarian emergency.

Not only is there a lack of coordination between the components of the UN system, both at the headquarters and in the country team, but sometimes they even point in opposite directions. The fact that there are no unequivocal messages either from the political opposition or the CSOs is an obstacle to ensuring coherent action by the UN toward Venezuela.

EARLY WARNING CAPABILITIES

Current and former UN officials acknowledge that the organization's response came late. It was clear that the transition period after Chavez's death was going to be turbulent, but it was not anticipated. In 2015 there was a sharp drop in oil prices, so that by 2016 an action to prevent the crisis no longer made sense; there was only room to manage it.

Early warning systems exist within the UN, in line with the prevention-based approach preached by the Secretary-General since 2017. However, in the case of Venezuela, the mistakes identified in Sri Lanka, Myanmar and, more recently, Ukraine are being repeated.

Critical situations have not been anticipated, as a result of either deliberate decisions or evasion. The consequence has been the same: the failure of the preventive action of the United Nations system in Venezuela.

EVALUATION OF THE IMPACT OF THE RESPONSE

Undoubtedly, despite the limitations and criticism, the response of the UN system has had positive impacts, both from the work carried out at the headquarters and on the ground. However, it is necessary to point out the gaps and limitations in order to move toward a more effective response.

The artificial separation of the humanitarian response and the human rights component continues to cause damage to the extent that reactive work is being done on the consequences of the crisis without weighing up its causes to aim for structural changes.

Regarding the field of human rights, the reports published under the mandate of High Commissioner Zeid Ra'ad Al Hussein had a powerful impact as they succeeded in bringing Venezuela into the agenda of the Human Rights Council.

In addition, the presence of the OHCHR in the country has been positive in terms of dealing with individual cases. The reports submitted under resolutions 42/4 and 42/25 of 2019 have also had a positive impact given that, in addition to keeping Venezuela on the agenda of the Human Rights Council. However, as time goes on, the political cost of the OHCHR presence in Venezuela is beginning to rise to the detriment of the protection function.

Finally, in the political sphere, the impact has been minimal, if not null, because the bodies with responsibilities in this field deliberately chose not to intervene and leave the management of the political crisis in the hands of entities outside the UN.

Although some interviewees view favorably the relationship established with the DPPA on electoral matters as a good example of the result of advocacy work, others consider that approaching political matters from the electoral sphere may be more comfortable for the UN since elections are perceived as something “technical”, detached from the substantive component of democracy and the rule of law.

The presence of the UN in a country can have a dissuasive nature in the face of State abuses, in addition to contributing to the empowerment of CSOs and the strengthening of civic space, as well as to setting agendas that allow progress toward the achievement of structural changes. Until now, this has not been the case in Venezuela, where the concealment of information in the humanitarian field, the political negotiation of the issue of human rights and the hesitation to act in the political crisis have prevented the United Nations system from making a difference in the country, both from the headquarters and in the field.

THE ROLE OF VENEZUELAN CSOs BEFORE THE UN SYSTEM

The picture among CSOs that work in the field of human rights is favorable, as there are efforts to deliver a unified message to the OHCHR. Some organizations are well prepared and do valuable advocacy work.

Two great achievements of CSOs in the field of human rights are identified: their work of advocacy during the different cycles of the UPR and the approval of the resolution that created the FFM. To this can be added the work carried out before the treaty bodies with alternative reports, beginning with the Committee against Torture in 2014.

Regarding the incidence of CSOs in the political arena, the human rights movement has not been a natural interlocutor in this scenario; some CSOs have started trying to fill political spaces, although not with much success.

In their international advocacy work, the organizations face barriers associated with the country's situation, as well as obstacles derived from the very functioning of the United Nations system.

CONCLUSIONS

Since its creation, the UN has played an important role in ensuring world peace, advancing the defense of human rights, promoting the development of nations and protecting those with humanitarian needs. Even in the current circumstances, when Russia's invasion of Ukraine has shaken the foundations of the multilateral system as we know it, there are still people within the organization willing to work to ensure compliance with its mandate. Also, and thanks to committed officials, there continue to be UN initiatives that make a difference in people's lives, with dissuasive presences against attempts to abuse power, spaces for the protection of the most vulnerable and bridges for dialogue in contexts of polarization.

For a long time, the problems that were identified in the cases of Sri Lanka and Myanmar were reproduced in Venezuela, including the deliberate concealment of information, the minimization of human rights violations not to harm political relations and the omission of early warning signs, among others.

Despite being defined in OCHA's mandate, coordination has been the most important weakness of the humanitarian field, due to the vices of a UN organizational culture where agencies tend to operate as "*silos*", and the resistance to associate humanitarian affairs with a human rights-based approach.

Regarding the situation of human rights within the system, in perspective, there has been important progress; however, a regression is being experienced at the international level, to which Venezuela is no stranger. The centrality of human rights in the system sought by SGs Annan and Ban has not been achieved and, conversely, pressure has been exerted from certain non-democratic countries that raise the flag of sovereignty, non-interference, and self-determination as a retaining wall against the attempts at international monitoring. These pressures have not found counterweights among a UN leadership that does not know how or does not want to give the pillar of human rights the place it deserves.

For its part, conflict prevention, preventive diplomacy, and mediation as tools for the handling of political matters have played a valuable role in some crises, especially in the 20th century. Today, a hesitant SG, distrustful and fearful of failure, has underestimated the importance of these tools, making the much-heralded purpose of prevention stay in the realm of words.

Quiet diplomacy has been privileged without having drawn a line from which to change the tone and speak out on the non-compliance of the States' obligations under the UN Charter, point out

their flaws and demand corrective measures, once the quiet tone has proven useless. Nor is there a mechanism of incremental pressure that allows moving from quiet interaction to mechanisms of greater exposure and impact. As a consequence, non-democratic countries make use of quiet diplomacy to their advantage, avoiding international scrutiny.

RECOMMENDATIONS

Before delving into the details of specific recommendations for the case of Venezuela, the first general recommendation is to demand the nearest instance of dialogue, the UNCT, the implementation of the suggestions presented in both the general reports and the reports on Venezuela. There will certainly be resistance, but also many people willing to do their job in the best way.

The second general recommendation is to insist from CSOs on the need to bring the discussions in New York and Geneva closer together, both to favor spaces for coordination and to ensure the effective implementation of the agreements reached in existing coordination spaces.

The third general recommendation for CSOs is to compile and share a map of civil society actors and their allies in the United Nations system, in order to diversify advocacy spaces.

The fourth general recommendation is to foster rapprochement with political, government and civil society actors in a broader sense to advance the recognition of the need for an integrated approach to the humanitarian, political and human rights agendas.

The report presents specific recommendations for the case of Venezuela in relation to the three blocks analyzed, namely, the humanitarian response, the protection of human rights and the management of political affairs. The recommendations are grouped according to the different recipients.

On a closing note, it is possible to affirm that advocacy does work. The experience of Venezuelan CSOs in the last decade attests to it. This study also shows how other shortcomings of the United Nations system have been addressed by international non-governmental organizations and concerned countries in a critical but constructive spirit, achieving in some cases the required rectifications. The key to attaining these corrections is learning to navigate the complex world of multilateralism. With this study, AlertaVenezuela hopes to provide initial clues to move in that direction and prevent Venezuela from becoming another failed case, but rather an opportunity to apply the lessons already identified.

There is no doubt that the presence and decisive intervention of the UN in different crises has meant a difference for many people around the world, by acting as a mechanism of containment or dissuasion, depending on the case. This study acknowledges the full half of the glass but raises the need to point out the empty half as it also has consequences for people's lives.

In the first decade of the 21st century, during the final phase of the war in Sri Lanka, crimes against humanity were committed with the silent complicity of the UN in the country, leading Secretary General Ban Ki-moon to appoint a panel of experts to review the situation. The tragedy happened again years later in Myanmar, where the UN failed to protect the Rohingya population from genocide and secretary general Antonio Guterres commissioned a new study.

In both cases, the independent studies reached several lessons and recommendations. However, when examining the UN's performance in the case of Venezuela, it is observed that similar mistakes have been repeated, which shows that the recommendations were not fully implemented and that the lessons have not been learned.

The approach of the United Nations system to the crisis in Venezuela bears similarities to the aforementioned cases, but it also has particularities, which are analyzed in this study.

