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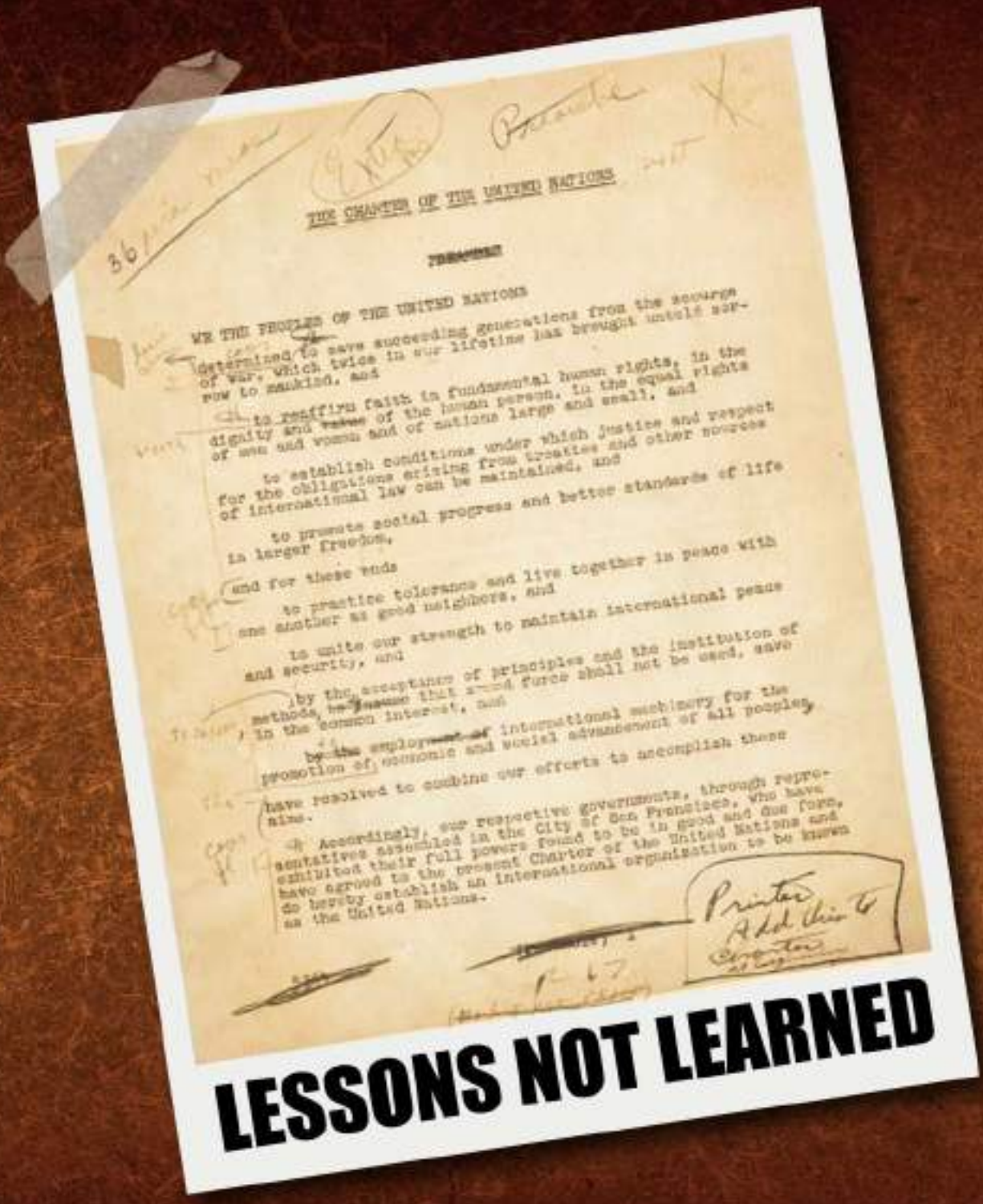

LESSONS NOT LEARNED

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

Bogotá, September, 2022

Produced with support from:

FORD FOUNDATION

JBI The Jacob Blaustein Institute for the Advancement of Human Rights

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Cover: Draft of the Charter of the United Nations, a project that is still under construction

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Dedicated to
Amanda
Amerigo
Anders
Carlos
María Clara
Melanie
Zeid
For leaving a mark in Venezuela

SUMMARY

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, 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.

Keywords: Venezuela, United Nations, humanitarian emergency, human rights humanos, political crisis

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.

INTRODUCTION

The work of the United Nations (UN) is based on three pillars: peace and security, development and human rights. Resolution 60/1 was adopted at the World Summit held in September 2005, reaffirming the three pillars as the foundation of the United Nations system and adding that they are interlinked and mutually reinforcing [1].

However, the recent history of the organization shows a different reality. In the first decade of the 21st century, during the final phase of the war in Sri Lanka (2007 – 2009), 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 panel, chaired by Charles Petrie, presented a report in April 2011, in which it stated that

> [D]uring the final stages of the conflict, some agencies and individuals had failed in their mandates to protect people, had under-reported Government violations, and suppressed reporting efforts by their field staff. The memorandum said that the UN "did not adequately invoke principles of human rights that are the foundation of the UN but

[1]United Nations. General Assembly. Resolution 60/1. In: https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_60_1.pdf

> appeared instead to do what was necessary to avoid confrontation with the government"[2].

The panel formulated a set of recommendations that included the incorporation of a human rights perspective into the organization's strategies, the need to establish accountability mechanisms for officials, including the obligation of senior staff to report in detail to Member States and the public about situations of ongoing human rights violations, among others.

In order to follow up on the recommendations by the panel of experts, SG Ban developed the Human Rights up Front (HRuF) initiative, which sought to prevent serious violations of rights under a three-pronged approach

> First, it called for changes in the UN's working culture to facilitate a more unified approach by UN staff across all three pillars of the UN (development, peace and security, and human rights). Second, it urged the UN to strengthen its capacity to identify risks of oncoming crises, and to adjust its strategy and decision-making accordingly. Third, it encouraged more proactive engagement by the UN with member States at the multilateral level, as well as by UN actors in the field with national authorities, so as to lay the groundwork for prevention.[3]

Although the panel's report concluded that "*[t]he UN's failure to adequately respond to events like those that occurred in Sri Lanka should not happen again. When confronted by similar situations, the UN must be able to meet a much higher standard in fulfilling its protection and humanitarian responsibilities*"[4], the truth is that the tragedy happened again in Myanmar between 2010 to 2018, where the UN failed to protect the Rohingya population from genocide.

The demands for accountability in the UN by the international human rights movement led SG Antonio Guterres to commission another independent inquiry, which culminated in the document known as the Rosenthal report. The report noted that:

> [T]he structural and systemic factors that, notwithstanding the lessons learned in previous cases – notably, in Sri Lanka – appear to have been repeated in Myanmar, despite the adoption in 2014 of the "Human Rights Up Front" initiative, designed

[2]Petrie, Ch. Report of the Secretary-General's Internal Review Panel on United Nations Action in Sri Lanka. November 2012. Paragraph 1. Available: https://digitallibrary.un.org/record/737299
[3]Universal Rights Group: Policy or aspiration: shedding light on the current status of the UN's Human Rights Up Front initiative. Available: https://www.universal-rights.org/wp-content/uploads/2019/10/URG_NYC_HRuf_report_final_web_spread-1.pdf
[4] Petrie. Op cit. Paragraph 88.

> precisely to avoid the repetition of the Sri Lankan experience. These factors include the overriding issue of accountability, in terms of the United Nations actions – or inactions – regarding the nature and scope of violations of international humanitarian and human rights law that occurred (and continue to occur) in Myanmar [5].

Once again, the report makes recommendations that, in this case, include accountability, the need for clear lines of communication, transparent information management, and the centrality of human rights.

It is possible to affirm that the absence of clear messages from the UN leadership, the lack of coordination on the ground and between the United Nations Country Teams (UNCTs) and the headquarters, and the concealment of sensitive information to avoid conflicts with the authorities, as well as the predominance of quiet diplomacy in the face of scandalous violations of rights, are common factors. In the words of the organization Fieldview Solutions [6], we are facing a "*cycle of passive complicity*" characterized by "*(...)years of secrecy, self-censorship and silent compliance with government policies of abuse*". [7]

Much closer -from a geographical point of view- to those who have in their hands making decisions on conflict prevention and peacekeeping, Russia's invasion of Ukraine is taking place in 2022 with devastating consequences in terms of human rights, humanitarian law and the refugee crisis.

That same year, a visit by the United Nations High Commissioner for Human Rights, Michele Bachelet, to China caused outrage from the international human rights movement and 47 democratic countries before the Human Rights Council, and even calls for resignation from the academic community that follows the situation in that country for having whitewashed the Chinese regime by adopting its repressive language and stalling without justification the release of a report warning about the commission of crimes against humanity in Xinjiang[8].

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[5] Rosenthal, G. A Brief and Independent Inquiry into the Involvement of the United Nations in Myanmar from 2010 to 2018. Page 3. Available: https://www.un.org/sg/sites/www.un.org.sg/files/atoms/files/Myanmar%20Report%20-%20May%202019.pdf

[6] A description of the work of Fieldview Solutions can be found on its website: https://fieldviewsolutions.org/

[7] Fieldview solutions. Time to Break Old Habits: Groundbreaking new study on the Rohingya Crisis in Myanmar. Available: https://www.fieldviewsolutions.org/fv-publications/Time_to_break_old_habits.pdf

[8] The report was published literally minutes before the end of Bachelet's term.

The role that humanitarian actors are playing in these last two cases must be valued and they are not situations comparable to those of Sri Lanka and Myanmar. Also noteworthy is the rapid reaction of the Human Rights Council to expel Russia from that body. However, beyond the role of these actors, there are some signs that should raise alarm bells in other components of the United Nations system.

JUSTIFICATION

In Venezuela, the concealment of information by UN officials in the country, especially in the period from 2010 to 2018, led to the denial of the humanitarian emergency, which in turn gave rise to a belated and inadequate response. This lack of timely response is also observed in the case of the increasing number of attacks against humanitarian workers and human rights defenders, which has generated a feeling of orphanhood among members of civil society organizations (CSOs) in the country who wonder whether they can expect a different reaction from the UN after it failed in Sri Lanka, Myanmar, Ukraine and China.

The answer to this question may be a resounding "*no*", but it can also be approached from a different perspective, by identifying and pointing out the flaws of the UN system in the Venezuelan case, in order to warn the organizations, domestic and international CSOs, and the States interested in the country's situation, about the need to take measures to finally learn and implement the lessons of the cases under analysis.

There is no doubt that the presence and decisive intervention of the UN in different crises have 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. The approach of the United Nations system to the crisis in Venezuela bears similarities to the aforementioned cases, but it also has singularities, as will be seen below.

Undeniably, the interest of the international community in the human rights situation in Venezuela has increased in comparison to the years before 2016. The three reports prepared at the initiative of the Office of the United Nations High Commissioner for Human Rights (OHCHR) during the tenure of Zeid Ra'ad Al Hussein served to draw attention to the seriousness of the situation and prompted a reaction that led to other follow-up initiatives.

Between September 2018 and September 2021, five Human Rights Council resolutions on Venezuela were agreed upon, the High Commissioner and a technical mission from her Office visited the country, six reports were requested, and oral updates and interactive dialogues were held to discuss the reports in at least three sessions of the Council each year. In addition, a Fact-Finding Mission was established with a one-year mandate, later extended for another two; the Mission also presented annual reports to the Council with their respective interactive dialogues. This way, Venezuela has been on the agenda of the Human Rights Council without interruption for the last 5 years.

Added to these initiatives is the establishment of an OHCHR presence in the country. This presence, which began with two officers, already consists of 13 positions, and a further expansion to 16 was announced in mid-2022. However, human rights organizations consider that the cost of such a presence is high. Although the current presence in Venezuela has contributed in certain areas, such as improving the conditions of detention and the release of some political prisoners, the government makes use of this presence for propaganda and evasion in the face of the recommendations by the OHCHR and other international protection mechanisms, such as the mandate holders of the special procedures of the Human Rights Council. The government pretends that the country is genuinely cooperating with the UN human rights system, which is not true.

In different meetings, the independent organizations of Venezuelan civil society have expressed their concern over the High Commissioner's decision to soften the tone and rigor in her latest reports on the human rights situation in the country; she has also remained silent or failed to react in a timely manner in the face of serious incidents. Similarly, the Office of the High Commissioner has deemed positive a number of situations that are not substantiated by facts and has described some announcements by the government as compliant with recommendations, without the existence of clear signs of their implementation.

Added to this panorama, is the fact that Venezuelan CSOs suffer from considerable levels of burnout and exhaustion due to the enormous challenges they must face in carrying out their work and the effects of the Complex Humanitarian Emergency afflicting the country – coupled with the more recent impact of the pandemic since 2020 – on the one hand, and the systematic and deliberate restriction of civic space on the other, which makes carrying out their activities in safe conditions increasingly

difficult. There are also considerable logistical, financial, and practical barriers to communicating, providing information, and acting within the international systems [9].

This adverse environment forces CSOs to focus only on the most immediate and urgent issues, which reduces their capacity for reflection and strategic action and severely limits their ability to participate in and contribute to the debates in international politics and the decision-making process in matters related to Venezuela. As a result, the international discussions and negotiations that are taking place in a context of rapidly changing circumstances and in response to the deepening of the Venezuelan conflict, are doing so without the participation of the CSOs and even without the crucial information that they could provide.

Therefore, it is essential to consider measures to strengthen and reinforce the steps that are being taken in the UN system and that are contributing to a broader discussion among States on the most effective ways to respond to the crisis in Venezuela. In particular, it is important to improve the capacity of the relevant mechanisms to understand and analyze the developments in real time so that they can generate informed and well-grounded advocacy strategies at the international level.

To this end, it is necessary to develop a deeper understanding of the current functioning of the relevant parts of the United Nations system, including its dynamics and channels of communication at the highest political level, both to inform and to promote effective actions in Venezuela.

RESEARCH OBJECTIVES

Starting from the weaknesses and/or difficulties that the actions of international actors have shown, both at their headquarters and on the field, the research aims to contribute to the achievement of the following objectives:

1. To collaborate with the main international decision-making centers in order to develop advocacy strategies that allow international actors on the ground to promote

[9] To learn more about the context in which independent civil society organizations carry out their work in Venezuela, see the following study by Dejusticia: Defender los derechos humanos en Venezuela. Available: https://www.dejusticia.org/publication/defender-los- Derechos-humanos-en-venezuela/#:~:text=Esta%20investigaci%C3%B3n%20presenta%20un%20diagn%C3%B3stico, the%20which%20advance%20their%20work .

changes in the country's situation, under their mandates and respect for their independence, by also identifying the main obstacles and challenges they face.

2. To propose mechanisms to improve the clarity and effectiveness of information flows from Venezuela to the international human rights systems and, at the same time, create opportunities for advocacy in international decision-making centers by actors until now sidelined.

3. To propose strategies and mechanisms that assist national organizations in improving their advocacy work before the relevant international actors, with the support of allies and human rights defenders abroad and other actors interested in the Venezuelan situation who can dedicate themselves to advocacy work and support the organizations from outside.

METHODOLOGY

The study focused on the response of the UN system in three aspects: the humanitarian emergency, the human rights situation, and the political crisis. Although these aspects are related to the pillars of the UN, they are not intended to coincide or cover all their scope. The three thematic areas mentioned above have been selected due to their special relevance in the context of the Venezuelan crisis, in the knowledge that they are associated only with two of the three pillars of the UN, leaving the pillar of development outside the object of study. This does not mean that the latter is less important, but it is not relevant in the approach established for this research.

Regarding the temporal scope, although the presence of the UN in Venezuela dates back a long time, the study focused on the response of the United Nations system to the situation in Venezuela since 2016, the moment when the humanitarian, human rights and political crises exacerbated. The year 2016 marks a dramatic drop in health, food, and economic indicators in Venezuela. It is also the moment when a massive and unprecedented exodus of the Venezuelan population is observed for the first time across the Simón Bolívar bridge connecting the state of Táchira in Venezuela with the department of Norte de Santander in Colombia. The images of the crowded bridge became known around the world, expressing in a graphic and unquestionable way the dimensions that the Venezuelan crisis had reached. The CSOs of Venezuela had been warning about the configuration of a Complex Humanitarian Emergency, a claim consistently denied and rejected by the government on different international stages.

Finally, as a result of strong advocacy work by Venezuelan CSOs, the UN Secretary-General referred for the first time that year to the existence of a humanitarian crisis and a timid and slow response began to be activated. Thus, 2016 constitutes a milestone that was taken as a reference for this study.

This exploratory research combines the review of documentary sources and interviews with different actors, including Venezuelan and international human rights and humanitarian organizations, representatives of the diplomatic corps, academics, and current and former UN officials in Venezuela and at the New York and Geneva headquarters. A total of 34 interviews were conducted under confidentiality in order to facilitate greater frankness.

To collect the information, the researchers developed a questionnaire of 41 interrogations divided into four sections: the role of the United Nations Organization; the UN response to the situation in Venezuela; the role of Venezuelan CSOs before the UN system, and the identification and maximization of opportunities for advocacy by CSOs. Each of these sections covered the three aspects of research. Not every question was made to all the interviewees; the questionnaire provided a guideline that was used at the discretion of the research team to obtain information according to the role played by each actor.

RESEARCHERS AND ACKNOWLEDGMENTS

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THE ROLE OF THE UNITED NATIONS ORGANIZATION

Before examining the UN response to the situation in Venezuela, it is pertinent to formulate a few brief considerations on the role of the institution in the humanitarian, political, and human rights fields, the three areas covered by this study. These areas are presented below from a descriptive approach and by incorporating a series of reflections on the recent history of the organization on the topics.

THE HUMANITARIAN RESPONSE

As stated in its charter, one of the fundamental purposes of the UN is "*[t]o achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character*." Likewise, General Assembly Resolution 46/182 on the strengthening of the coordination of emergency humanitarian assistance of the United Nations[10] constitutes one of the essential documents of international humanitarian assistance.

[10] United Nations. General Assembly Resolution 46/182: Strengthening of the coordination of humanitarian emergency assistance of the United Nations. Available: https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F46%2F182&Language=E&DeviceType=Desktop&LangRequested=False It is worth noting that the Spanish language version of the resolution does not distinguish between the use of the verbs *must* and *should* of the original text in English. Thus, the second sentence of paragraph 3 of the Guiding Principles was translated into Spanish as "humanitarian

The aforementioned resolution mentions the principles of humanity, neutrality and impartiality, along with other principles specific to humanitarian assistance, indicating that: i) each State has the responsibility to take care of the victims of natural disasters and other emergencies in its territory; ii) regarding the principle of sovereignty, humanitarian assistance should be provided with the consent of the affected country; iii) affected states are called upon to facilitate the work of humanitarian organizations.

It is worth noting that several agencies, funds and programs of the United Nations are dedicated to different fields of humanitarian assistance, including the World Food Program (WFP), the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the World Health Organization (WHO) and the United Nations Development Program (UNDP), while several others are directly or indirectly involved in the response to emergencies.[11]

On the other hand, the presence of the UN in a country does not materialize in a single organization but in a number of programs, funds and organizations that were mentioned above, which report to their respective headquarters. These agents form the United Nations Country Team (UNCT). The UNCT is led by a Resident Coordinator (RC), the designated representative of the UN Secretary-General, and the highest representative of the Organization in the country. The RC represents the UN before the national government which coordinates and defends the matters and mandates related to development along with the UNCT. The RC is the link with the global level and reports to the General Secretariat through the UNDP. The administrator of the UNDP also chairs the United Nations Sustainable Development Group (UNSDG), which brings together the UN agencies working on development at the global level [12].

Likewise, the UN Office for the Coordination of Humanitarian Affairs[13] (OCHA) is the section of the United Nations Secretariat responsible for engaging humanitarian actors to ensure a coherent response to emergencies. The OCHA, whose mandate

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assistance *must* be provided with the consent of the affected country", instead of using the modal verb *should* of the original text. This difference is relevant to the extent that the original text in English does not condition assistance to the consent of the affected country. This conditional interpretation in the Spanish version of the text has had consequences in the handling of the issue by the UNCT in Venezuela.

[11] United Nations. Deliver humanitarian aid. Available at: https://www.un.org/en/our-work/deliver-humanitarian-aid (Accessed 7 August.2022).

[12] United Nations. United Nations Humanitarian Civil-Military Coordination (UN-CMCoord). Guide for the military (1.0). 101 Series 101, July 2014. Available: https://docs.google.com/file/d/0B5N9hwXc04gnQUpNMHduZnE2RWs/edit?resourcekey=0-Pu1udRfnMMVUuEVrGl6sLQ (Accessed 7 August 2022).

[13] For more information about the UN Office for the Coordination of Humanitarian Affairs, see https://www.unocha.org (Accessed 7 August 2022).

derives from the aforementioned General Assembly Resolution 46/182, supports governments with the mobilization of international aid when the scale of a disaster exceeds national capacities. The Office leads the coordination of humanitarian action, even though other specialized agencies may take on this role in response to specific disasters, as is the case of the UNHCR during refugee crises. [14]

Most of the instruments for humanitarian coordination are developed at the global level through the Inter-Agency Standing Committee (IASC), which comprises 18 major humanitarian organizations along with the International Organization for Migration (IOM), the International Committee of the Red Cross (ICRC), the International Federation of the Red Cross and Red Crescent Societies (IFRC), the ICVA network in representation of NGOs, and the World Bank as standing invitees. The IASC is chaired by the Emergency Relief Coordinator (ERC), who is also the Under-Secretary-General for Humanitarian Affairs and the head of OCHA[15]. There are no command-and-control structures, humanitarian coordination rests on consensus.

For his part, the ERC, in consultation with IASC, appoints a Humanitarian Coordinator (HC) for a country. HCs are accountable to the ERC for all humanitarian affairs. They are the link between the operational and the global level and chair the Humanitarian Country Team (HCT)[16]. The function of the HC can be a separate one or be assumed by the Resident Coordinator (RC), who then becomes a RC/HC. The RC/CH is responsible for ensuring that the HCT and UNCT complement each other and do not overlap. An RC/HC chairs both and is the highest representative of the UN and the representative of the humanitarian community at the same time [17].

In short, 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

[14] United Nations Organization. Humanitarian assistance. Available: https://www.un.org/ruleoflaw/thematic-areas/international-law-courts-tribunals/humanitarian-assistance/ (Accessed 7 August 2022).
[15]Idem.
[16]Idem.
[17]Idem.

the RC. Furthermore, as a relatively recent agency (1991), OCHA has faced resistance from older agencies such as UNICEF, especially regarding its coordination role.

In the case of Sri Lanka, the favorable perception of the NGO community operating in the country about the role of OCHA in the mapping of their activities stands out (under the Office's approach of "*Who does what, where and when*"); however, the community expressed frustration at what they considered the exclusion of NGOs from the planning and decision-making process due to pressure from the government [18].

In Myanmar, a series of situations led the consultant appointed by the SG to analyze the performance of the UN system in the country to state that *"[t]here appear to have been instances of deliberately de-dramatizing events in reports prepared by the Resident Coordinator, as well as instances of various UN entities, including OCHA, of not sharing their analysis with other entities of the UN System*". [19]. This shows that 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.

HUMAN RIGHTS

Article 1 of the UN Charter establishes that one of the purposes of the organization is the achievement of "*(...)international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion*". Article 55 reiterates that, as part of its international cooperation objectives, the UN will promote *"(..) universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion"*.

In compliance with the obligations derived from the Charter, the United Nations has adopted comprehensive international regulations based on the Universal Declaration of Human Rights, complemented by nine international covenants and eight optional protocols, the main ones being the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The rest

[18] United Nations Organization. Report of the Secretary-General's Internal Review Panel on United Nations Action in Sri Lanka. November 2012.
[19] Rosenthal. Op. Cit. Page 23

of the treaties focus on serious human rights violations, such as torture and enforced disappearance, and on the protection of historically discriminated groups, such as children, women and people with disabilities.

Similarly, the UN Charter, together with its comprehensive international regulations, has set the foundations for the creation of two types of human rights monitoring mechanisms within the United Nations system: the bodies created by virtue of treaties and the bodies created under the Charter. The 10 bodies created by virtue of human rights treaties are made up of committees of independent experts that supervise the implementation of international human rights treaties. The bodies created under the Charter include the Human Rights Council (HRC), the special procedures, the Universal Periodic Review (UPR), and the Independent Inquiries[20]. Although each of these mechanisms holds a mandate, the UN works from the interaction of the principles of interdependence, indivisibility and universality of rights, "*regardless of their political, economic, and cultural systems*", as established in the 1993 Vienna Declaration and Program of Action.[21]

The HRC has the ability to discuss all thematic and/or country-specific human rights issues that require its attention throughout the year and make recommendations on them; This also includes the response to human rights emergencies.[22] The HRC creates and/or makes use of different mechanisms such as the UPR, the interstate review of the human rights situation in all Member States in cycles of 4 to 5 years; the 58 Special Procedures, independent experts with mandates to report and advise from a thematic (45 ongoing mandates) or country-specific perspective (13 ongoing mandates); and the Independent Investigations known as Commissions of Inquiry or Fact-Finding Missions, which, despite not having been created solely by the HRC, have been used by the body to respond to situations of serious violations of international humanitarian law and international human rights law and promote accountability and justice.[23]

The Office of the High Commissioner for Human Rights (OHCHR) is also part of the United Nations. OHCHR is at the core of United Nations activities related to human

[20] United Nations. Global challenges: Human Rights. Available: https://www.un.org/en/global-issues/human-rights (Accessed 7 August 2022).
[21] United Nations. 1993 Vienna Declaration and Program of Action. Available: https://www.ohchr.org/sites/default/files/Documents/Events/OHCHR20/VDPA_booklet_English.pdf
[22] United Nations. United Nations Human Rights Council. Available: https://www.ohchr.org/en/hr-bodies/hrc/home (Accessed 7 August 2022).
[23] Idem.

rights, and its mandate is defined in the 1993 General Assembly resolution 48/141.[24] The OHCHR serves as the Secretariat of the Human Rights Council, the treaty bodies, and other UN bodies in the field of human rights. It also carries out human rights activities on the ground. Among other functions, the High Commissioner for Human Rights is mandated to respond to serious human rights violations, provide technical assistance to States, and take preventive action to promote and protect human rights.

Additionally, the Third Committee of the General Assembly is tasked with the discussion of social, humanitarian and human rights issues. In the field of human rights, the Third Committee examines general human rights issues, including reports of the special procedures established by the HRC. On the other hand, the Security Council has given a human rights mandate to peacekeeping operations[25] since it was unthinkable that they did not have a human rights component.[26]

In summary, 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.

In addition to providing a description of the general functioning and performance of the human rights system, this investigation aims to show its advances and shortcomings, as will be seen below. In recent times, the efforts of former Secretary-General Kofi Annan to incorporate human rights throughout the United Nations system stand out. Annan approached prevention from a human rights perspective by stating that today's violations will be the causes of tomorrow's conflicts and urged countries to "*fully absorb the implications of the link between democracy, development and human rights*". [27]

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[24] United Nations. Resolution A/RES/48/141. High Commissioner for the promotion and protection of all human rights. December 20, 1993. Available: https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F48%2F141&Language=E&DeviceType=Desktop&LangRequested=False (Accessed 7 August 2022).

[25] United Nations. United Nations Peace-keeping. Available: https://peacekeeping.un.org/en

[26] "Today's multidimensional peacekeeping operations are called upon not only to maintain peace and security, but also to facilitate the political process, protect civilians, assist in the disarmament, demobilization and reintegration of former combatants; support the organization of elections, protect and promote human rights and assist in restoring the rule of law. " United Nations. What is Peacekeeping. Available: https://peacekeeping.un.org/en/what-is-peacekeeping

[27] United Nations. Statement by Mr. Kofi Annan, Secretary-General of the United Nations to the opening of the fifty-fourth session of the Commission on Human Rights. Available: https://www.ohchr.org/en/statements/2009/10/statement-mr-kofi-annan-secretary-general-united-nations-opening-fifty-fourth

For his part, former Secretary-General Ban Ki-moon launched the HRuF initiative in response to an independent report on the actions of the UN system in Sri Lanka. Although the announcement was welcomed by the international governmental and non-governmental community, *"[i]n the face of considerable internal and external challenges, however, the HRuF initiative did not fully take root in the UN system. This was revealed particularly starkly in Myanmar, where the UN, confronted with a years-long crisis that culminated in a violent campaign by armed forces against Rohingya communities in 2017, engaged in the same mistakes that the Petrie report had documented in Sri Lanka only a few years earlier".* [28]

The HRuF initiative was created in good faith but has been languishing under Antonio Guterres. Several interviewees recalled that, although Norway was funding a presence of the HRuF in the Office of the SG to ensure the continuity of the initiative, with the expectation that the position would later move to the regular budget, the proposal did not have Guterres' approval.

Instead of deepening the HRuF initiative, Guterres decided to launch in February 2020 a new proposal under the name "*Call to Action for Human Rights*", which aimed at bringing the human rights pillar of the United Nations mandate to the forefront of its agenda. Although it was warmly welcomed, *"it largely did not live up to high expectations. While the Call was successful in pinpointing the principle human rights challenges of today, it was largely unable to propose the structural changes that would allow the UN to effectively respond to such critical issues."* [29]

In summary, Guterres' performance in the field of human rights has been described as "*disappointing*" by the interviewed experts. Kenneth Roth, executive director of Human Rights Watch, harshly criticized Guterres in an article published in the Washington Post - which infuriated the SG - when he was halfway through his first term.

[28] Universal Rights Group. Policy or Aspiration: Shedding light on the current status of the UN's Human Rights pp Front Initiative. Available: https://www.universal-rights.org/nyc/urg-policy-reports/policy-or-aspiration-shedding-light-on-the-current-status-of-the-uns-human-rights-up-front-initiative/

[29] Universal Rights Group. On it's one-year anniversary, the Call to Action for Human Rights remains a relevant tool for tackling human rights challenges. Available: https://www.universal-rights.org/universal-rights-group-nyc-2/on-its-one-year-anniversary-the-call-to-action-for-human-rights-remains-a-relevant-tool-for-tackling-human-rights-challenges/#:~:text=Guterres%20reiterated%20that%20the%20Call,where%20imperative%20action%20is%20greatest

Roth claimed that Guterres was "(...)*becoming defined by his silence on human rights — even as serious rights abuses proliferate*".[30]

Until now, the centrality of human rights in the UN system has failed. An official from the Secretariat interviewed for this study stated: "*Every year we must prepare a report explaining what we have done in gender policies, and policies for people with disabilities, as well as to integrate multilingualism in the activities. No one asks what we have done in the field of human rights*." Although the issues of gender and disability have to do with human rights, they are assumed only from an inclusion-based approach, which is necessary but insufficient compared to the broader human rights-based approach, which provides inclusion with a legal basis and a foundation for justiciability.

At a structural level, not only was the incorporation of a permanent position of HRuF in the office of the SG never agreed upon, but the function of the position of Assistant Secretary-General for Human Rights and head of the New York Office of the High Commissioner for Human Rights (OHCHR) also failed to play a key role despite being granted a higher status, to the point that an interviewee described it as the "*New York stepchild of the OHCHR*". For its part, the human rights component has disappeared from peacekeeping operations due to budgetary pressure from China and Russia. Also, there is greater resistance to the informational updates on the situation of human rights that used to be presented at the Security Council. The fact that the human rights component is the only pillar of the UN that is not based in New York also hinders the efforts to give the matter greater prominence in the organization as a whole.

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. Thus, the most recent UN development operations have downplayed human rights, leading Louise Arbour, former High Commissioner for Human Rights, to speak of a "*pillar of glass*" in a study that focuses on the role of human rights in the development operations of the United Nations [31].

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

[30]The Washington Post. Why the UN chief's silence on human rights is deeply troubling. Available: https://www.washingtonpost.com/opinions/2019/04/24/why-un-chiefs-silence-human-rights-is-deeply-troubling/

[31]Mac Darrow and Louise Arbour. The Pillar of Glass: Human Rights in the Development Operations of the United Nations. Available: https://www.jstor.org/stable/40283652?read-now=1&seq=1

York and Geneva. The appointment of Michele Bachelet as High Commissioner gave the position a shift towards politics, with calculations that none of her predecessors had made. Those political calculations were present throughout Bachelet's term, not only in relation to Venezuela. The most embarrassing example was her visit to China in June 2022, already mentioned in the introduction to this study.

The messages from the UN Secretary-General also weigh in defining the course and focus of the OHCHR. Kofi Annan stressed the centrality of human rights for the mission of the organization and acted accordingly by appointing Mary Robinson as High Commissioner, calling it "*one of the most important appointments I will probably have the opportunity to make during my term, [one that] is very important for the entire international community.*" [32]

Indeed, Robinson's leadership and commitment to human rights led her to make decisions that require courage not to sacrifice principles in favor of alleged diplomatic successes. Robinson never accepted that a State only requested technical assistance. In consequence, after months of rapprochement with the Rwandan government, the High Commissioner rejected the possibility of expanding the OHCHR presence in the country, dedicated only to technical assistance, as the Rwandan government wanted. In a flawless statement, the Office under Robinson stated:

> The Office of the High Commissioner for Human Rights regrets that no agreement was reached during discussions on the establishment of a new United Nations human rights presence in Rwanda. Such a new operation could have built upon the work of the Human Rights Field Operation in Rwanda (HRFOR) on the basis of a joint strategy with the Government of Rwanda designed to protect human rights by strengthening the rule of law.
>
> In the field operation discussed with the Government of Rwanda, the United Nations must retain the mandate and the means to monitor the human rights situation of the country, in addition to helping build and strengthen national institutions. Monitoring is an effective tool to identify problems, while technical cooperation for institution-building helps ensure that these concerns are addressed by the appropriate institutions. Monitoring provides feedback on the effectiveness of technical cooperation projects to improve the promotion and protection of human rights. As the parties were not able to

[32]United Nations. Annan asserts primacy of human rights. Available: https://www.un.org/africarenewal/magazine/july-1997/annan-asserts-primacy-human-rights#:~:text=In%20a%20series%20of%20decisive,of%20democracy%20and%20sustainable%20development

agree to the inclusion of monitoring in the mandate, no follow-on presence to HRFOR, which concludes its work at the end of July, is envisaged at this time.[33]

Unfortunately, Guterres' leadership has not delivered the same message. Many interviewees agreed that there were major differences between Guterres and Zeid Ra'ad Al Hussein, which would have influenced the latter's decision not to run for a second term. In contrast, Bachelet received a different message, more in keeping with Guterres' position. In fact, after only six months of having assumed the position of secretary general, the renowned UN correspondent Colum Lynch already warned: "[The UN] *Secretary-General holds his tongue on human rights violations*"[34].

Some of the interviewees consider that Bachelet's Office has presented the issue of human rights in such a light that they are not perceived as finger-pointing against the Member States and has ceased to be the watchdog of the international system, to the point that "*it no longer bites*".

POLITICAL AFFAIRS

The Department of Political and Peacebuilding Affairs (DPPA) focuses on conflict prevention and resolution. The DPPA is usually described as "*the foreign office of the UN*", to the extent that it provides support to the SG in what would be his "*foreign policy*", through its work in the following five areas:

- Ensuring sound analysis and early warning
- Preventing conflict and engaging in peacemaking
- Managing political crises and violent conflicts
- Sustaining peace
- Enhancing partnerships[35]

The DPPA monitors and assesses global political developments with an eye to detecting potential crises before they erupt and devising effective responses[36]. This department provides support to the UN Secretary-General and his envoys to UN political

[33]United Nations. Office of High Commissioner for human rights regrets lack of agreement on new United Nations presence in Rwanda. Available: https://reliefweb.int/report/rwanda/office-high-commissioner-human-rights-regrets-lack-agreement-new-united-nations
[34]ForeignPolicy. UN Secretary-General Holds His Tongue on Human Rights Violations. Available: https://foreignpolicy.com/2017/06/12/u-n-secretary-general-holds-his-tongue-on-human-rights-violations/
[35]United Nations. Department of Political Affairs and Peacebuilding. Available: https://dppa.un.org/en/what-we-do (Accessed 7 August 2022).
[36]Idem.

missions deployed around the world, to help mitigate a crisis or promote lasting solutions to conflicts. Many missions have complex mandates, particularly in areas such as the strengthening of national systems of justice, police and prison; human rights, and transitional justice, which often have implications on the rule of law, both directly and indirectly [37].

The Department is also active in countries in conflict and uses mediation through a network of political liaison offices, the Special Representatives and Envoys of the Secretary-General.[38] Peacemaking initiatives may include peace negotiations, which, in most cases, concern issues relevant to the rule of law such as transitional justice, constitutional provisions, and the reform of the justice system and the security sector.

Together with the UNDP, the DPPA develops the Joint Program on Building National Capacities for Conflict Prevention. Much of the support provided by the program has gone toward deploying "*peace and development advisers*" (PDAs) to UN Country Teams in the field to help national authorities address the root causes of conflict. The Joint Program also provides funding to prevention initiatives. [39]

In summary, the DPPA 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.

On the other hand, both the UN General Assembly and the Security Council have competence in the political field. In the case of the General Assembly, its powers in political matters, peaceful resolution of conflicts and peacekeeping, are found in articles 10 to 15 of the UN Charter. [40] The text also defines the functions of the Security Council in articles 24 to 26. [41]

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

[37]United Nations. Department of Political Affairs. Available: https://www.un.org/ruleoflaw/un-and-the-rule-of-law/department-of-political-affairs/ (Accessed 7 August 2022).
[38]Idem.
[39]United Nations. DPPA around the world. Available: https://dppa.un.org/en/dppa-around-world (Accessed 7 August 2022).
[40]Charter of the United Nations Organization. Chapter IV. Available: https://www.un.org/en/about-us/un-charter/chapter-4
[41]Charter of the United Nations Organization. Chapter V. Available: https://www.un.org/es/about-us/un-charter/chapter-5

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.

Added to the disaster in Sri Lanka during the Ban period was a new fiasco in Myanmar, followed by the more recent criminal invasion of Ukraine by Russia. In 2019, a letter sent to Guterres by 16 international NGOs with a request to advance in the implementation of the recommendations of the Rosenthal report, warned that "*many of the issues raised regarding the failings of 'quiet diplomacy' are ongoing*."[42] Three years later, analyst Lynch called Guterres "*the reluctant peacemaker*" for his lack of timely and determined action in the Ukraine case. Lynch made a startling revelation:

> In the weeks leading up to the Russian invasion of Ukraine in February, United Nations Secretary-General António Guterres dismissed warnings from the United States and the United Kingdom that Russia intended to march into Kyiv and topple the government. And as Russian tanks rolled across Ukrainian territory, Guterres swatted down suggestions that he pay a visit to Kyiv to show solidarity with Ukraine and lead a diplomatic effort to end the conflict.[43]

In fact, Guterres only decided to travel to Kyiv after pressure from Western democratic countries and a public letter[44] signed by more than 200 former UN officials *imploring* the SG to "*intensify your personal efforts, deploying all capabilities at your disposal and acting upon lessons learned from previous conflicts, for the cessation of hostilities and conflict resolution through peaceful means*". The signatories of the letter were "*horrified*" by the existential challenge posed by the conflict in Ukraine and by the possibility that the lack of categorical action will make the UN "*increasingly irrelevant*".

At the beginning of his first term and like his predecessors, Guterres vindicated the value of a preventive approach:

> By prevention, I mean doing everything we can to help countries to avert the outbreak of crises that take a high toll in human lives and undermine the institutions and capacities needed to achieve peace and development. I mean rededicating ourselves to the UN Charter and ensuring that UN activities and assistance go to those who need it most.

[42]Human Rights Watch. Joint Letter to UN Secretary-General on Rosenthal Report. Available: https://www.hrw.org/news/2019/09/05/joint-letter-un-secretary-general-rosenthal-report
[43]ForeignPolicy. The Reluctant Peacemaker. Available: https://foreignpolicy.com/2022/04/28/un-guterres-putin-russia-ukraine-peacemaker/
[44]A copy of the letter can be found at https://www.passblue.com/wp-content/uploads/2022/04/Letter-to-UNSG-on-Ukraine-Final-15-April-2022.pdf

> Prevention should permeate everything we do. It should cut across all pillars of the UN's work and unite us for more effective delivery.[45]

The individuals interviewed view this type of statement with skepticism. One of them stated: "*everyone says that we have to focus on prevention because it is cheaper and saves lives, but these are just words. Myanmar is a clear case. The information about the Rohingyas was there for decades, but it was not used in a timely manner*". As in the other two components, if resistance or pressure is exerted by States, or if such resistance comes from the international bureaucracy, determined leadership can make the difference in ensuring the integrity of the United Nations mandate and advancing the fulfillment of its objectives.

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. [46]

Due to the common points between the UNHCR and OHCHR mandates, the relationship between these two agencies is usually good, as well as with the International Labor Organization (ILO). Some OHCHR country offices have also developed good relations with OCHA on the subject of data analysis and information processing. On the other hand, other agencies ignore the political aspects or evade immersing themselves into a space of broader political analysis and dedicate themselves to their mandate in the areas of health, children, food, etc., without analyzing the political context; nor do they deal with getting to know the whole of the UN system besides the General Assembly and, occasionally, the Human Rights Council. [47]

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. As early as 2000, Clapham and Florence warned that UN agencies often distance themselves from human rights issues "*for fear of upsetting their*

[45]United Nations. Meeting the challenge of prevention. Available: https://www.un.org/en/chronicle/article/meeting-prevention-challenge
[46]Alerta Venezuela. Protecting human rights on the ground. September 2020. Available at: https://www.dejusticia.org/en/publication/protecting-human-rights-on-the-ground/ (Accessed 7 August 2022).
[47]Idem.

own partners in government". They also added that "*much of the UN family is generally badly educated about the meaning and scope of the international human rights instruments that the host government is obliged to respect and promote*".[48]

The HRuF initiative sought, among other things, to overcome this limited vision to develop an early response to serious situations of human rights violations that involves all the agencies of the UN system. One of the components of the initiative sought to bring about changes in the UN working culture so that the staff had a unified approach across all three pillars of the organization: development, peace and security, and human rights.[49]This initiative sought an improvement in the relationship between OHCHR and the UN agencies and that they would begin to work from a shared approach. Unfortunately, this has only happened partially.

In general, the initiative focused on producing regional OHCHR reports in order to ensure that other parts of the Secretariat were aware of the human rights situation in the country concerned. According to some interviewees, the role of the initiative has been more important in peacekeeping missions than in OHCHR country offices, although others consider that it has been essential in improving the relationship between the agencies and the field office. As a result of the initiative, the human rights offices carry out monthly assessments of the alerts that could be anticipated in the field of human rights and share them with the agencies. Before the initiative, this work was done at UNDP headquarters in New York and OHCHR headquarters in Geneva. Transferring the responsibility to the country offices is an advancement as they are in more direct and immediate contact with reality.

More recently, in February 2020, Secretary-General Antonio Guterres launched what he called "*A call to action*" with the hope of revitalizing the centrality of human rights through a seven-point plan that reaffirms support for the HRuF initiative; however, since Guterres' appointment as Secretary-General, the initiative has gradually faded.

The consulted experts agree that 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,

[48]Clapham, A. and Martin, F. (2000). Smaller missions bigger problems. In A. Henkin (Ed.), Honoring human rights, (pp.289-317). The Aspen Institute: Kluwer Law International.
[49]Damplo, D. and Saad, R. Policy or aspiration: Shedding light on the current status of the UN's Human Rights Up Front initiative. Universal Rights Group. 2019. Available: https://www.universal-rights.org/wp-content/uploads/2019/10/URG_NYC_HRuf_report_final_web_page.pdf (Accessed 7 August 2022).

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.

This lack of coordination is explained in part by the resistance of some components of the United Nations system to incorporate the human rights-based approach in their work. Interviewees identified such resistance in RCs, humanitarian agencies and officials in charge of development issues. Some seek to defend this organizational behavior on the grounds that the UN is a complex system and expecting greater coordination is unrealistic and based on a limited understanding of the complexities of the organization.

Although some agencies such as UNICEF and WFP incorporate the connection between human rights and development, most agencies prefer to keep their distance from an issue that they consider "*political*" and that can contaminate their relationship with governments. In this way, one of the pillars of the UN is sacrificed under its alleged political nature, when the decision is a political calculation per se that contravenes the principles of the organization.

In this sense, the Rosenthal report describes the difficulties faced by the UN in the creation of vessels that allow fluid communication.

> Successive Secretaries-General have sought to put in place internal coordination mechanisms with varying degrees of success, usually gravitating around the Executive Office of the Secretary-General. These included in the past the Senior Action Group (SAG), which brought together principals of Departments and Agencies as well as subsidiary working groups, added to the Regional Monthly Review. When the SAG met on Myanmar, it usually brought together the Deputy Secretary-General, the Chief of Staff/Special Adviser, the USG of DPA, the Administrator of UNDP, the Head of OCHA and other heads of specialized agencies. After reviewing selectively some of the minutes of the meetings of the Senior Action Group, the consultant was left with the impression that the tensions between different points of view did not lead to some type of consensus that could become the basis of a common system-wide strategy; rather, it seems to have led instead to stalemates, contributing to each of the entities involved to continue with their prior policy trajectories.[50]

[50]Rosenthal. Op. Cit. Page 21

It was this kind of organizational behavior that prevented coordinated action inside and outside Myanmar to prevent and stop ethnic cleansing against the Rohingya, and this is the behavior that prevails to this day.

THE UN RESPONSE TO THE SITUATION IN VENEZUELA

This chapter mainly discusses the response of the UN system to the situation in Venezuela since 2016, the year that was already identified as a milestone in terms of increased international attention to the country.

The activities of the United Nations are established under multilateral agreements and, regarding the operations in the country, through the United Nations Development Assistance Framework (UNDAF) and the more recent Memoranda of Understanding and ad hoc plans that seek to ensure a greater number of United Nations personnel on the ground. However, to understand how and why the current response was reached, it is pertinent to know some immediate background on the UN presence in Venezuela.

BACKGROUND

The presence of the UN in Venezuela dates back a long time and involves several cooperation agencies and offices. The UNCT grew over the years, beginning with UNDP, the Pan American Health Organization (PAHO), the Joint United Nations Program on HIV/AIDS (UNAIDS), the United Nations Organization for Agriculture and Food (FAO), the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA), and the World Bank. However, in the second half of the 20th century, the level

of activity was not significant because the country had the highest per capita income or gross domestic product (GDP) per inhabitant in the region[51], and very few assistance programs were implemented.

The UNDP began operations in Venezuela in 1971 and increased its technical cooperation tasks during the 1980s, with activities in the areas of management and planning, institutional strengthening, initiatives in the field of development, and equipment in the areas of health care and education. 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. Thus, with regard to the social field, there was a significant transfer of knowledge from the UN bodies to the country's public institutions tasked with social policies, on issues such as poverty, employment and vulnerable sectors, and the national statistical system. 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).[52]

The participation of the World Bank was also important in the 1980s, in the context of the structural adjustment program of the economy, which involved the conduction of several studies and projects in the fields of poverty, social security, health care and rural development. The mid-1990s saw the first project for a reform of the justice system promoted by the World Bank on a global level emerging in Venezuela.[53] It was a time of great diversity of projects in different areas, which was made possible by the convergence of three factors. First, a very proactive UNDP Resident Representative; second, a strong presence of the World Bank in technical assistance programs for institutional strengthening, and third, permeable governments willing to accept international assistance without major conditions or resistance.

It should be noted that the strong presence of the World Bank was marked by resistance from the national and international representatives of the institution to a human rights-based approach; in consequence, initiatives in this field were very scarce.

In the 2000s, the institutions of the State were still open to accepting technical assistance from the UN system. Until 2002, there were relations of cooperation that

[51]Currently, the opacity of figures impedes classifying the country according to the income level of the population. The country's income level is labeled "Not classified" in the World Bank records. See https://data.worldbank.org/country/venezuela-rb (Accessed 25 May 2022).
[52] https://www.urbe.edu/UDWLibrary/InfoBook.do?id=4412
[53]Lawyers Committee for Human Rights, Provea. HALFWAY TO REFORM. The World Bank and the Venezuelan Justice System. Caracas, 1996.

responded to international programs and agreements with the government and the nascent institutions originated in the 1999 Constitution, such as the Ombudsman's Office, to which the UNDP provided important support in the fields of institutional strengthening and staff training. At that time, an active presence of UNICEF can also be identified, with a dual role as an agency of cooperation and protection, in the assistance for the drafting of the first Organic Law on the Protection of Children and Adolescents (LOPNA for its acronym in Spanish). This rights-based approach, however, did not reflect in other agencies with a presence in the country such as PAHO[54] and FAO.

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.[55] 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 [56], 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 work of assessing and analyzing the country's situation to provide technical assistance was one of the first affected, due to the limitation of access to public information and data related to social and economic indicators by different State institutions, including the objections to the conduction of independent studies. For example, the human development reports of UNDP in Venezuela, prepared each year since 1995 with independent national experts, began to unsettle the relations with the government. The last report was published in 2002, and the attempt to prepare a new

[54]For example, a pioneering investigation by Provea under the title *La salud como derecho. Marco nacional e internacional de protección al derecho humano a la salud* (Health as a right. The national and international framework for the protection of the human right to health, 1998), was based on sources from PAHO in Washington and WHO in Geneva, due to the unavailability of bibliography or staff with training on the subject at PAHO headquarters in Venezuela.

[55] https://elpais.com/economia/2007/05/01/actualidad/1178004773_850215.html

[56]Currently, the opacity of figures prevents classifying the country according to the income level of its population, in such a way that in the World Bank records it appears as "not classified". See https://datos.bancomundial.org/pais/venezuela Date of consultation: 05.25.2022.

one on Equity and Human Development in 2004 ended up being vetoed by the government.

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. Most of the agencies stopped meeting or carrying out projects with independent social and economic organizations. Most of the interaction of the RC and the UNCT with social organizations focused on groups related to the government and articulated around the project of the ruling party, to the point that an interviewee did not hesitate to affirm that "*UNDP was full of government agents*". Contact with independent organizations was almost non-existent.

The use of the UNCT for political gatherings of the government was frequent, to the point that, at the beginning of 2019, the presence of the agencies and the RC in the questioned inauguration of Nicolás Maduro as president was rejected by 120 organizations that demanded the RC and the UNCT "*a coherent and human rights observant action in the response to the humanitarian emergency in Venezuela*".[57]

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.

Later on, other expressions of this kneeling attitude by the UNCT toward the Venezuelan government were observed in episodes such as the first cycle of the Universal Periodic Review of Venezuela in 2011, where a weak contribution by the UNCT prompted the independent human rights NGOs in the country to meet with the Resident Representative (RR) to express their concern and rejection of the report presented from Caracas. Similarly, in 2013, the FAO recognized Venezuela "*for halving the percentage and number of people with hunger or undernourishment in the country before 2015*"[58] based on manipulated figures, to the point that the same agency had to issue a long document

[57] ONG exigen a la ONU una actuación coherente y apegada a los derechos humanos en la respuesta a la emergencia humanitaria en Venezuela. Available: http://w2.ucab.edu.ve/tl_files/CDH/recursos/Pronunciamiento%20Papel%20ONU.pdf

[58] FAO. Reconocimiento de la FAO a Venezuela. June 13, 2013. Available: https://www.fao.org/americas/noticias/ver/en/c/230150/

with questions and answers in an attempt to justify "*in a didactic manner*" the unfounded recognition.[59] On the other hand, UNICEF went seven years without interacting with the Network for the Rights of Children and Adolescents, the main referent of civil society on children's issues.

Also at that time, the UNDP hired a number of consultants to prepare the reports that Venezuela had overdue before different treaty bodies, as one person interviewed recalled. In other words, the UN paid people to do the reports that the government owed to the UN. It was not a matter of providing technical assistance but of assuming the responsibilities of the State, which was in the interest of the government because, at that time, it wanted to give the impression of fulfilling its obligations in order to present its candidacy to a seat in the Human Rights Council.

The degree of subordination to the government by the UNCT reached the point of adapting the 2015-2019 UNDAF to the socialist government plan. The UNCT did not hesitate to state that the UNDAF "*is based on the national priorities outlined in the 'Plan de la Patria. Program of the Bolivarian Government 2013 – 2019', as well as the institutional strategic lines of the National Public Power…*" [60]. This UNDAF was the last one signed with the Venezuelan State, when it changes its name to the United Nations Cooperation Framework for Sustainable Development, in line with the 2030 Agenda[61], and it has not been updated as of the date of production of this study, in 2022.

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 MANAGEMENT OF THE COMPLEX HUMANITARIAN EMERGENCY

As a result of the policy of separating the country from the international community and reducing its presence on the ground to a minimum, the humanitarian

[59]FAO. Op. Cit.
[60]Naciones Unidas Venezuela. Marco de Asistencia de las Naciones Unidas para el Desarrollo (MANUD) 2015 - 2019. Available: https://venezuela.un.org/es/123205-marco-de-asistencia-de-las-naciones-unidas-para-el-desarrollo-manud-2015-2019
[61] Marco de Cooperación de las Naciones Unidas para el Desarrollo Sostenible. En: https://unsdg.un.org/sites/default/files/2019-10/ES_UN%20Sustainable%20Development%20Cooperation%20Framework%20Guidance.pdf

response reached Venezuela when the emergency had already spilled over the borders and the drop in capabilities was devastating, wreaking havoc and irreversible damage due to the widespread deprivation of rights of the Venezuelan population.

Thus, the complex humanitarian emergency in Venezuela was admitted only in 2018 by the United Nations agencies with a presence on the ground, due to the resistance posed by the government and consented to by the UNCT, despite multiple warnings as will be described in the background below.

In May 2016, the Secretary-General of the Organization of American States (OAS) presented the first report on Venezuela in which the simultaneous occurrence of multiple crises (political, economic, social and humanitarian) was pointed out[62]. In a hearing before the Inter-American Commission on Human Rights (IACHR) held in Washington in April 2016, in which the petitioning civil society organizations referred to the humanitarian crisis, the Venezuelan ambassador to the OAS at the moment deemed "*irresponsible*" [63] to speak of a humanitarian crisis in Venezuela and assured that, in political contexts similar to Venezuela's, qualifying the situation as such was an excuse to justify foreign intervention.

In a letter to Secretary-General Ban Ki-moon dated 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. The letter recalls a couple of episodes that caused the reaction of the organizations:

> On Tuesday, July 19, 2016, during the press conference held by the United Nations Information Service, its Director, Ms. Alessandra Vellucci, reported that the briefing on Venezuela scheduled for Friday 15th had been suspended because "colleagues from the different agencies did not have enough information for a comprehensive session." Faced with what seemed to be a question about the silence of the OHCHR regarding the human rights situation in Venezuela, the representative of the Office, Ravina Shamdasani, expressed that it was "an unfair characterization" and that the "problem is that we do not have enough people in the ground". According to a press release after the conference, Ms. Fadela Chaib of the World Health Organization (WHO) stated that "she

[62] OAS. Secretary General invoked Democratic Charter and convened Permanent Council on Venezuela. 31.05.16. Available at: https://www.oas.org/en/media_center/press_release.asp?sCodigo=E-068/16
[63]El Nacional. Bernardo Álvarez ante CIDH: "Es irresponsable hablar de crisis humanitaria en Venezuela".Available: https://www.elnacional.com/mundo/bernardo-alvarez-ante-cidh-quotes-irresponsable-hablar-crisis-humanitaria-venezuelaquot_29916/amp/

> would double check with PAHO (Pan American Health Organization) the actions that are being taken, as well as the information that is reaching them from the country. As soon as there is more information, it is possible that the WHO will inform the press about it". [64]

Months later, SG Ban Ki-moon described the situation in Venezuela as a humanitarian crisis created by political instability,[65] a statement that was rejected by the Venezuelan ambassador to the UN, Rafael Ramírez, in denial of the existence of a humanitarian crisis in the country.[66] In Ban's words:

> I am very concerned about the current situation, in which basic needs cannot be met, such as food, water, sanitation, clothing, are not available. That creates a humanitarian crisis in Venezuela (…) This whole situation is created by political instability. And first of all, there has to be political stability. The UN is ready to help, but the world powers and regional bodies are already engaged. [67]

The OHCHR also expressed serious concern about the erosion of civil and political rights, increasingly widespread hunger, and the serious deterioration of healthcare in Venezuela [68]. Other United Nations agencies such as the WFP[69] and special procedures such as the Rapporteur on the Right to Health; global humanitarian analysis organizations such as the Assessment Capacities Project (ACAPS),[70] and the European Union, through the Directorate-General for European Civil Protection and Humanitarian Aid Operations, (ECHO) warned of an accelerated aggravation of the emergency that

[64]Letter from 80 Venezuelan CSOs to UN Secretary-General Ban Ki-moon. July 21, 2016.
[65]Diario La Nación. Ban Ki-moon: "En Venezuela hay una crisis humanitaria". August 10, 2016. Available: https://www.lanacion.com.ar/el-mundo/ban-ki-moon-en-venezuela-hay-una-crisis-humanitaria-nid1926563/
[66]Agencia EFE. El embajador de Venezuela ante la ONU dice que no hay crisis humanitaria en su país. August 14, 2016. Available: https://www.efe.com/efe/america/politica/el-embajador-de-venezuela-ante-la-onu-dice-que-no-hay-crisis-humanitaria-en-su-pais/20000035-3012788
[67]Diario La Nación. Ban Ki-moon: "En Venezuela hay una crisis humanitaria". August 10, 2016. Available: https://www.lanacion.com.ar/el-mundo/ban-ki-moon-en-venezuela-hay-una-crisis-humanitaria-nid1926563/
[68]Opening Statement by Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights, at the 33rd session of the Human Rights Council. September 13, 2016. Available: https://www.ohchr.org/en/statements/2016/09/opening-statement-zeid-raad-al-hussein-united-nations-high-commissioner-human?LangID=S&NewsID=20474
[69]See https://documents.wfp.org/stellent/groups/public/documents/ena/wfp291271.pdf?_ga=2.27905148.1567610139.1593840942-1791144853.1571938084
[70]ACAPS. CRISIS OVERVIEW 2016 humanitarian trends and risks for 2017. Venezuela. November 30, 2016. Available: https://www.acaps.org/sites/acaps/files/products/files/acaps_crisis_overview_2016_humanitarian_trends_and_risks_for_2017_0.pdf

had to be addressed. However, as Feliciano Reyna recalls, "*several UN agencies in the country either did not report what was already evident or drew on official information that did not show the reality*".[71]

At the end of 2016, the second cycle of the UPR of Venezuela took place, for which some 150 organizations presented data that revealed the seriousness of the situation, while the government and UN agencies in the country continued without reporting, despite the documentation transmitted regularly by the organizations over the years.

Despite the omission to report by the agencies and the RC in the country, the sustained work of the CSOs managed to make the country's situation known and registered by some organs of the UN and Inter-American systems. In this way, 18 reports and statements on the humanitarian crisis in Venezuela involving 22 experts from 12 international organizations were issued between July 2016 and August 2018.[72] None of these reports and statements come from or feed on inputs provided by the UNCT, which shows the lack of interest and commitment of the UNCT in the face of the alarming indicators and reports produced by the OHCHR and other actors in the international system.

The UNCT did not take into account the data produced by other bodies and tried to hide it, consequently, it did not perform properly to respond to the crisis.

An adequate response to the overwhelming amount of information that identified the existence of a humanitarian emergency could have included actions such as disseminating existing reports, having private or public approaches to the government to express their concerns, seeking allies in the diplomatic corps to transmit messages on the importance of opening the channels to humanitarian action and establishing a close and proactive relationship with CSOs to demand that the humanitarian response be authorized. On the contrary, the CR's attitude focused on adapting its relationship with the government by using language that did not generate rejection, including the total exclusion of the expression "*humanitarian emergency*".

[71]Reyna, Feliciano.HumVenezuela: Venezuelan civil society and the right of access to public information. Available: https://odihpn.org/publication/humvenezuela-venezuelan-civil-society-and-the-right-of-access-to-public-information/

[72]Centro de Derechos Humanos de la Universidad Católica Andrés Bello, Civilis Derechos Humanos. Información publicada por organizaciones internacionales sobre la crisis humanitaria en Venezuela Julio 2016 – agosto 2018. Available: http://w2.ucab.edu.ve/tl_files/CDH/imagenes/Asistencia%20a%20detenidos/Informacion%20publicada%20por%20organizaciones%20internacionales%20sobre%20la%20crisis%20humanitaria%20en%20Venezuela.pdf

Although OCHA had been present in Venezuela since 2016, this presence and its ability to influence were limited. Given that it had scarce information, OCHA sent a regional disaster response adviser in 2017 to work with the United Nations Emergency Technical Team (UNETT) with the purpose of strengthening the management of information and the analysis and understanding of the growing vulnerabilities of Venezuela in the context of a political and economic crisis that brings serious concerns in terms of health, nutrition and security, which affect the majority of the population. [73]

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 2018, UNHCR and the IOM declared that the number of refugees and migrants from Venezuela had reached 3 million people. [74] That year saw the creation, at the request of the UN Secretary-General, of the Regional Inter-agency Coordination Platform (R4V) to direct and coordinate the response to refugees and migrants from Venezuela in the receiving countries of Latin America and the Caribbean[75] and, together with 95 organizations from 16 countries, the launch of the regional Refugee and Migrant Response Plan (RMRP).[76] More than 60% of the emergency resources approved by The Central Emergency Response Fund (CERF) were allocated to countries along Venezuela's border to address the refugee and migrant crisis[77], and the country entered the OCHA

[73]OCHA. Year in Review 2017: Regional Office for Latin America and the Caribbean (OCHA ROLAC). Available: https://reliefweb.int/attachments/e2d17771-ef79-3404-a338-2dc98cf93493/201804027-%20PA-%20RESUMEN%20OCHA%202017%20-%20ENG-ilovepdf-compressed.pdf
[74]IOM/UNHCR. Number of Refugees, Migrants from Venezuela Reaches 3 Million. November 9, 2018. Available at: https://www.iom.int/news/number-refugees-migrants-venezuela-reaches-3-million
[75]Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela(R4V). Available: https://www.r4v.info/en
[76]UNHCR/IOM. Emergency plan for refugees and migrants from Venezuela launched. December 14, 2018. Available: https://www.unhcr.org/news/press/2018/12/5c136d834/emergency-plan-refugees-migrants-venezuela-launched.html#_ga=2.125260554.1410065400.1661052216-114201971.1661052216
[77]https://cerf.un.org/what-we-do/allocation-by-country

2019 Global Humanitarian Plan for the first time, where it appears as the country with "*the largest exodus experienced in Latin America and the Caribbean in modern history*".[78]

At the internal level, a "*UN led scale-up strategy*" was initiated in 2019,[79] given that "*the humanitarian situation in [the] country has worsened, due to continued economic challenges, political instability, power outages and a subsequent deterioration in the provision of essential services*", as explained in a report by OCHA[80]. This way, OCHA begins to move for the first time toward a humanitarian architecture, defined as the multisectoral response that conceives the reception of humanitarian assistance as a right[81].

It should be noted that, in addition to official reluctance to admit the existence of a humanitarian emergency, donors are reluctant to commit funds in a country without transparency in resource management. It is understood that financial management is a particularly sensitive issue in the case of Venezuela because the restrictions imposed by sanctions and the possibility that the aid will be used politically by the government generate suspicions that lead donors to act in a cautious manner, not only in the way, but in the amount of aid. Allegations of government corruption and operational inability lead donors to be very prudent, limiting humanitarian response plans. However, these resources do not go directly to the government, but are dedicated to investment in structures that go directly to the people who require help, so the risks of fueling government corruption are not so high. The excess of control, designed to combat corruption, frequently becomes a brake on the execution of projects.

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

[78] Humanitarian Overview 2019. Available: https://gho.unocha.org/es Global
[79]OCHA. Venezuela: Respuesta Humanitaria - Informe de Situación No. 02 (hasta julio 2019). Available: https://www.humanitarianresponse.info/en/operations/venezuela/document/venezuela-respuesta-humanitaria-informe-de-situaci%C3%B3n-no-02-hasta-julio and United Nations Resident Coordinator Office. Venezuela - Un Humanitarian Scale-Up - Situation Report - January April 2019. Available: https://www.humanitarianresponse.info/en/operations/latin-america-and-caribbean/document/venezuela-un-humanitarian-scale-situation-report
[80]United Nations Resident Coordinator Office. Venezuela - Un Humanitarian Scale-Up - Situation Report - January April 2019. Available: https://www.humanitarianresponse.info/en/operations/latin-america-and-caribbean/document/venezuela-un-humanitarian-scale-situation-report
[81]For details on the concept of humanitarian architecture see: Civilis Derechos Humanos. Manual sobre el Derecho a la Protección Internacional en Crisis Mayores. p. 21-23. Available: https://www.civilisac.org/civilis/wp-content/uploads/Manual-Derecho-a-la-Protecci%C3%B3n-Internacional-en-Crisis-Mayores-20191.pdf

country. Although the humanitarian response had already begun, the word was absent from the structure and institutional language of the UN in the country. [82] The ECCA was set up under the leadership of the RC, headed by Peter Grohmann (former UNDP representative), despite the lack of adequate experience or knowledge in the agencies to deal with the demands of a large-scale emergency with complex characteristics, which was partially remedied by the support of OCHA. When the government allowed the designation of the RC as Humanitarian Coordinator, the ECCA adopted the name of the Humanitarian Country Team (HTC), as it is called in the United Nations system, and activated seven clusters of the architecture in the sectors of food security and livelihoods, health, nutrition, water, sanitation and hygiene, protection (including child protection and gender-based violence), shelter, energy and non-food items, and education.

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 diagnosis, based on available verifiable secondary information, determined that by 2019 at least seven million people had humanitarian needs in the sectors of food and nutrition, health, shelter and protection. This diagnosis was expected to be completed with a food security study to be carried out by the WFP, an agency that at that time did not have the authorization to enter the country, despite leading the food cluster in humanitarian responses.

The 2019 HNO was vetoed by the government and was never published. However, the figures without the document reached the Security Council on April 10, 2019, through a note by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock,[83] prompting the UN Secretary-General, António Guterres, to finally break the silence on Venezuela, by posting a message on Twitter in which he wrote that seven million people in the country were in need of humanitarian assistance.[84] From these figures, the first Humanitarian Response Plan (HRP) for the period June-December 2019 was prepared and accepted by the government, with a goal

[82]Agencia EFE. El embajador de Venezuela ante la ONU dice que no hay crisis humanitaria en su país. August 14, 2016. Available: https://www.efe.com/efe/america/politica/el-embajador-de-venezuela-ante-la-onu-dice-que-no-hay-crisis-humanitaria-en-su-pais/20000035-3012788

[83]OCHA. Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock: Briefing to the Security Council on the humanitarian situation in Venezuela, 10 April 2019. Available: https://reliefweb.int/report/venezuela-bolivarian-republic/under-secretary-general-humanitarian-affairs-and-emergency

[84]Antonio Guterres, Twitter post, April 10, 2019, https://twitter.com/antonioguterres/status/1116027861801029638

of reaching 2.6 million people with humanitarian needs, which corresponded to only 37% of the estimated total.[85]

A study carried out by the WFP in December 2019[86] 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. [87]

The WFP estimate was only considered in the HNO of that year, which was not published either. This veto extended into the third HNO and HRP for 2021[88], in which the estimates and goals of the previous plan were repeated, reflecting a major underestimation of the magnitude of the humanitarian emergency in Venezuela, further aggravated by the effects of the COVID-19 pandemic, and limiting the possibility of increasing the allocation of resources for the response, which has not exceeded 30% of the financial requirements set out in international calls. The WFP was only authorized to operate in Venezuela in April 2021 following a bilateral agreement with the government, which stipulated the food assistance of 185,000 children that year, and a total of 1.5 million between 2022 and 2023.[89]

Faced with the government's policy of restricted access to the humanitarian architecture and the refusal to formalize the presence of the HCT in the country, the

[85]OCHA. Plan de Respuesta Humanitaria para Venezuela, 2019. Available: https://reliefweb.int/report/venezuela-bolivarian-republic/plan-de-respuesta-humanitaria-venezuela-julio-2019-diciembre

[86]WFP Venezuela. Evaluación de seguridad alimentaria: Principales hallazgos | Datos recolectados de julio a septiembre de 2019. Available: https://reliefweb.int/report/venezuela-bolivarian-republic/wfp-venezuela-evaluaci-n-de-seguridad-alimentaria-principales

[87] OCHA. Plan de Respuesta Humanitaria para Venezuela, 2020. Available: https://reliefweb.int/report/venezuela-bolivarian-republic/venezuela-plan-de-respuesta-humanitaria-con-panorama-de#:~:text=El%20Plan%20se%20basa%20en,protecci%C3%B3n%20de%20los%20m%C3%A1s%20vulnerables and Humanitarian Response Plan Update 2021 Venezuela. Available: https://www.humanitarianresponse.info/en/operations/venezuela/document/venezuela-plan-de-respuesta-humanitaria-2021

[88]OCHA. Humanitarian Response Plan Update 2021 Venezuela. Available: https://www.humanitarianresponse.info/en/operations/venezuela/document/venezuela-plan-de-respuesta-humanitaria-2021

[89] https://www.swissinfo.ch/spa/venezuela-alimentaci%C3%B3n_programa-mundial-de-alimentos-celebra-primer-a%C3%B1o-del-acuerdo-con-venezuela/47528740

UNCT and the RC continued to accept the conditions, limitations and arbitrary vetoes of the action of the United Nations in the humanitarian response. This meant, among other things, the adoption of a neutral approach in the shaping of a humanitarian space that privileged the operations before the protection of the rights of people with humanitarian needs. Similarly, it was decided to separate humanitarian action from the defense of human rights, considering it "*inconvenient*" for the relations with the government.

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. This message of sidelined human rights was and continues to be replicated by some OCHA officials, both in Caracas and elsewhere in the country, while the organizations that hold a comprehensive approach are perceived as uncomfortable.

Grohmann left Venezuela in early 2021, leaving a limited HCT with little influence on the humanitarian response and a situation of increasing criminalization and threats against humanitarian workers and human rights defenders.

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.

January 2021 saw the arrest of five humanitarian workers from the Azul Positivo organization, which had been carrying out humanitarian work in the state of Zulia since 2004 with the support of UNAIDS and UNHCR[90], who were implementing a cash transfer program contemplated among the routine actions of humanitarian responses to support people with needs associated with the loss of livelihoods. A truck that at the time of the seizure was owned by UNHCR was taken by military intelligence officials as part of the alleged evidence against the organization for the purported crime of money laundering. The work of Azul Positivo as an implementing partner of UNHCR has been documented since at least 2018.[91]

[90]For details on the case of Azul Positivo see: Acceso a la Justicia. Cronología del caso de la ONG Azul Positivo. Available: https://accesoalajusticia.org/cronologia-del-caso-de-la-ong-azul-positivo/
[91]UNHCR. Venezuela Fact sheet. October 2018. Available: https://www.acnur.org/op/op_fs/5c083f004/venezuela-fact-sheet-october-2018.html

Before the attack on Azul Positivo, at least four other aggressions against humanitarian organizations had been recorded.[92] The presence of the RC and the UNCT failed to stop any of these acts. UNAIDS was the sole UN agency in Venezuela that had a timely and determined response to the arrest of the five Azul Positivo workers.[93] In contrast, UNHCR did not speak out, despite the fact that one of the pieces of evidence against the workers was a vehicle donated by the agency, whose ownership documentation had not yet been transferred to Azul Positivo. The Office of the RC limited itself to uploading to the website of the Venezuela UNCT a translation of a declaration by the Spokesperson for the Secretary-General. It should be noted that the statement by the Spokesperson came eight days after the arrest and only after a question posed by a journalist.[94] For its part, the OHCHR released a shy statement that will be outlined later. The members of Azul Positivo were released on parole after 29 days of arbitrary detention, but the judicial process remained open until the end of June 2022, when the court agreed to dismiss it. As a result of this case, the government ordered the suspension of cash transfer programs, which have not been resumed ever since.

Also, as a consequence of this case, on January 21, 2021, OCHA Venezuela 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, and with the purpose of elevating it to this government agency. The request for information included data on the sources of financing, the implementing organization and its members, the beneficiaries and the place of implementation. Most of the organizations refused to provide the information requested by OCHA under such circumstances, for considering unacceptable the sharing of sensitive information about partners and recipients of humanitarian aid with the Venezuelan Ministry of Foreign Affairs.

The late and inadequate reaction of the UNCT to the case of Azul Positivo stirred a feeling of lack of protection in many humanitarian and human rights organizations.

[92]The organizations Acción Solidaria, Alimenta la Solidaridad, Convite and Prepara Familia were also subject to raids of their offices, detentions, and/or confiscation of materials and equipment.
[93]UNAIDS. UNAIDS calls for the release of five humanitarian workers detained in the Bolivarian Republic of Venezuela. Available: https://www.unaids.org/en/resources/presscentre/pressreleaseandstatementarchive/2021/january/20210129_venezuela
[94]UNITED NATIONS. Highlights of the Noon Briefing by Stephane Dujarric. Spokesperson for Secretary-General António Guterres. January 29, 2021. Available: https://www.un.org/sg/en/content/noon-briefing-highlight?date%5Bvalue%5D%5Bdate%5D=29%20January%202021

More than a year after the incident, the defenders interviewed in Venezuela for the preparation of this study still remember the episode with distress and the feeling of abandonment, lack of support and exposure.

As a result of the arbitrary detention of the Azul Positivo workers, the need for a formal agreement or understanding between the Venezuelan government and the HCT became more evident, which until now is based exclusively on the ad hoc acceptance of the Humanitarian Response Plan (HRP), which, in the absence of a new UNDAF leaves the HCT in a position of uncertainty and unsafety. Added to this precarious situation is the government's refusal to authorize organizations that are part of the international humanitarian system to work in Venezuela, despite the efforts of the RC and the HCT and the existence of a registration system for these organizations. This system created for the occasion in 2021, may entail possible arbitrariness as it is based on the State's framework against the financing of terrorism and other crimes.

The government's attempts at having access to sensitive information from humanitarian organizations through the UNCT have not faded. In late 2021, a report by the Assessment Capacities Project (ACAPS) described the situation in the following terms:

> There are also new bureaucratic restrictions on humanitarian actors' access to the country. Since May 2021, the Special Automated Registry of Non-Domiciled Non-Governmental Organizations has been in force in Venezuela. The introduction of this regulation, which can deny access on the grounds of public order or sovereignty, was supposed to be a positive development for a formalization of the presence of INGOs in the country; to date, its only partial implementation has turned out to be an impediment.[95]

The silence or timid and late reaction to the criminalization of humanitarian actors and human rights defenders and the approval of unacceptable conditions for the continuation of assistance programs for the most vulnerable populations show a submission by the UNCT to the claims of the government of handle humanitarian assistance for political purposes. In fact, at the 48th session of the Human Rights Council, the High Commissioner presented information according to which her office "*continued to receive reports of some people who were allegedly denied food assistance for political*

[95]ACAPS. Venezuela Complex crisis. Available: https://www.acaps.org/sites/acaps/files/slides/files/acaps_humanitarian_access_overview_december_2021.pdf

reasons, for criticizing the Government"[96]. The same report indicates that vaccination against COVID had been restricted to those who had the "*fatherland card*", an identification document imposed by the Maduro government, used to exercise social and political control of the population[97].

After Grohmann left Venezuela, an interim RC was commissioned; From then on, the deputy humanitarian coordinator of OCHA begins to have more freedom of action and a change in approach begins to take place, with human rights and the humanitarian response no longer presented as separate and irreconcilable affairs, even though resistance to a comprehensive approach persists among some officials. This change has continued since the arrival of the new RC, Gianluca Rampolla, who took over in August 2021. The general perception of the new RC is that he is a more approachable person. In fact, several people interviewed for this study in Venezuela stated that they had met with the new RC during his visits to different cities less than a year after taking office; something that had never happened with the previous RC in more than 4 years of presence in the country.

There is no doubt a RC must establish relations with the government since his main interactions take place with the authorities or whoever holds power. In this space for negotiation with the government, the new RC has shown greater independence than its predecessor, trying to reach a middle ground between the identified humanitarian needs and the government's demand to emphasize cooperation for development. This way, a hybrid mechanism would have been devised in which the HCT would address the emergency in the humanitarian field while developing initiatives to strengthen institutional capacities aimed at the field of development. The disadvantage of this approach is that the HRP will become a multi-year plan, which means that the budgetary base of 2021 will remain for 2022 and possibly 2023, which in practice implies a decrease in the budget for the humanitarian response.

It is much more difficult to advocate for an adequate budget when the HRP depends on figures that are not transparent or are questioned by the government for reasons of a more political than technical nature, and in the presence of resistance to contextualize and characterize the humanitarian crisis. As ACAPS observes, *"(...)the*

[96] Human Rights Council Forty-eighth session 13 September–1 October 2021. Situation of human rights and technical assistance in the Bolivarian Republic of Venezuela. A/HRC/48/19. Available: https://www.undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F48%2F19&Language=E&DeviceType=Desktop&LangRequested=False

[97] A description of the carnet de la patria can be found at: https://wiki.salahumanitaria.co/wiki/Carnet_de_la_Patria (Spanish only)

Government has historically placed access restrictions for international organizations"[98]. In the second half of 2021, ACAPS classified the level of humanitarian access constraints in Venezuela as "*extreme*", due to additional impediments to the work of humanitarian workers and added:

> Despite the humanitarian crisis, the Government denies the severity of the crisis and the existence of needs. Shortages of food and drinking water, as well as limited access to health and education, are some of the sectorial needs of those affected that the Government does not recognise to their full extent. Political opposition is often persecuted by police forces, making the reporting and publishing of data on the conditions in Venezuela difficult and risky and limiting access to information essential for humanitarian responders.[99]

Both in private meetings and at public events, the deputy humanitarian coordinator has warned about the different restrictions faced by the humanitarian response in Venezuela. During the Grohmann tenure, these calls were not only ignored but even denied and disavowed by the RC in front of people interviewed for this study. In consequence, a challenge for the new RC, with the support of the highest level of the United Nations, including the head of the OHCHR and the UN Secretary-General himself, in coordination with the OHCHR and its team in Venezuela, will be to enforce his mandate of assistance and humanitarian protection as a right of the Venezuelan population over government conditions. The incoming RC must also give formal character to the relations with other actors, in a way that facilitates a safe work environment and the protection of the humanitarian space and the local organizations that contribute to the response, without any exclusion or separation from the work of defending human rights.

In this sense, the RC must act with the understanding that the defense of rights is also an essential part of his mandate under the humanitarian principle of the centrality of protection. This is especially critical at a time when the attention of the world is focused on the conflict in Ukraine, which increases the risk of relocation of resources, not because the crisis in Venezuela does not need to be addressed, but because inaccurate and decontextualized diagnoses do not favor greater attention from the international community.

It is worth noting that the International Committee of the Red Cross (ICRC), whose mandate is much more limited in terms of interpretations given the principle of

[98]ACAPS, Op.cit.
[99]ACAPS. Op. Cit.

neutrality, has been able to discern contextual situations more clearly than the UNCT. In February 2022, the head of the ICRC delegation in Venezuela stated:

> The most vulnerable communities in Venezuela will very likely continue suffering the effects of violence that at times seems unstoppable. The situation could undoubtedly get even more complex, and that's where the challenge lies: in adapting and redirecting our activities and programmes in step with the situation so we can continue addressing people's needs and fulfilling our mission.[100]

This is not the approach of the UNCT and the HCT, where a perspective based on capacities rather than needs prevails and a rights-based approach is absent, which is reflected in situation reports[101] focused on a management narrative, with few references to the current needs of the population and their projection. Under this approach, the humanitarian emergency in Venezuela not only risks continuing and worsening over time but becoming a forgotten, normalized and expelling crisis, with a greater impact in the region due to the constant flow of migrants and refugees.

It is worth mentioning that, on August 2, 2022, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Martin Griffiths, ended a three-day visit to Venezuela. The trip took place without a public agenda, which raised concerns among civil society organizations, considering the worsening of the Complex Humanitarian Emergency and the sustained denial by the Venezuelan State of its dimension and severity.

In a press statement released on August 2, Griffiths noted that *"(...)the economy is showing signs of recovery*" while adding that "*[i]mportant humanitarian needs remain*" in the country. He also commented that "*in my meetings with authorities, we agreed to publish the Humanitarian Response Plan (HRP) for 2022-2023, which will help to unlock critical resources for the well-being of the Venezuelan people*," as well as "*to work together to address access conditions for humanitarian partners"*[102].

[100]International Committee of the Red Cross. Venezuela, 2021-2022: The challenges of humanitarian work amidst armed violence and pandemic. Available: https://www.icrc.org/en/document/venezuela-2021%E2%80%932022-the-challenges-of-humanitarian-work-amidst-armed-violence-and-pandemic

[101]See, for example, OCHA. Venezuela. Informe de situación, marzo – abril 2022. Available: https://reports.unocha.org/en/country/venezuela-bolivarian-republic-of/

[102] Noticias ONU. El responsable de asuntos humanitarios de la ONU pide solidaridad y aumentar el apoyo al pueblo venezolano. At: https://news.un.org/es/story/2022/08/1512482

Indeed, the new Humanitarian Response Plan[103] was finally published on August 11, 2022. The Plan's goal is to reach 5.2 million people, based on "*demonstrated operational capacity*"; that is, once again the figures in the plan refer to the bureaucratic response capacity and not to the number of people in need of humanitarian assistance, thereby minimizing the true scope of the emergency affecting Venezuela.

Although the meetings with the different actors offered good signs, the humanitarian response in the country continues to face structural problems. As Griffiths stated, the humanitarian emergency in Venezuela requires further solidarity and support, but he failed to mention that it requires, above all, the responsibility of the actors involved, including the critical role of the United Nations and the international community. The discourse of solidarity and support cannot elude the fulfillment of the obligations of the Venezuelan State to accept a humanitarian response from the United Nations, without undue restrictions that may hinder or violate the rights of the population to receive the assistance and protection required, according to the scale and severity of their needs.

THE RESPONSE TO THE HUMAN RIGHTS SITUATION

Undoubtedly, the positioning of Venezuela in the agenda of the United Nations human rights system was the product of the push of the country's CSOs, starting in the second decade of the 21st century, with the support of several international NGOs. For many Venezuelan CSOs, the initial cycle of the UPR in 2011 meant the first significant approach to the UN system.

For this cycle of the UPR, the CSOs had the support of the OHCHR regional office in Santiago de Chile, as well as the country official of the OHCHR in Geneva, but not of the UNDP in Venezuela. On the contrary, the organizations interviewed recalled that the UNDP presented a contribution to the UPR of Venezuela that was full of weaknesses, with unsupported assertions and important omissions, and which had been prepared without any interaction with the country's CSOs. The CSOs reacted by requesting a meeting with the Resident Representative to express their concern about the low profile of human rights in the UNDP agenda in the country and the poor role of UNDP in the UPR of Venezuela. The organizations not only expressed their willingness to share information and data with the UNDP but also to work to ensure the success of the visit of the High Commissioner, who had been invited by the Venezuelan government months

[103] OCHA. Humanitarian Response Plan 2022-2023. Available at: https://reliefweb.int/report/venezuela-bolivarian-republic/venezuela-humanitarian-response-plan-2022-2023-august-2022

before the UPR. There was never any follow-up to these proposals by the UNDP representative.

It is important to emphasize that, at the time, it was evident that the Venezuelan government was trying to improve its international image in terms of human rights in different ways; among them, the invitation to the then High Commissioner Navi Pillay to visit the country, the organization of a lavish concert in Geneva during the days of the UPR of Venezuela, and the updating of reports to treaty bodies -with resources from the UNDP- that had been delayed for up to seven years. The purpose of these image enhancement actions was to gain support for its candidacy for a seat at the Human Rights Council.

Concerned about a possible attempt to instrumentalize the visit of the High Commissioner to Venezuela, which, as announced, would include the signing of technical cooperation agreements, the CSOs addressed a letter to Pillay reminding her of the negative performance of the country in the field of human rights, the breach of its international obligations, and the reprisals against those who collaborated with the UN system. The letter outlined a list of five essential topics[104] that should be included in the agenda of her conversations with the Chávez government, and a series of preconditions that would ensure that the visit would not turn into a blank check in favor of the government's pretension of improving its image. In the end, the High Commissioner did not visit Venezuela.

Two other factors contributed to the further interaction of the CSOs with the UN human rights protection system. One of them was the entry into force of the denunciation of the American Convention on Human Rights by Venezuela, in force since September 10, 2013, which made CSOs pay more attention to the universal system as a space to channel complaints and seek protection for the victims. The other factor was the decision of the Venezuelan State to start updating its reports to treaty bodies, which led a large number of organizations to present their reports before different bodies, attend sessions in Geneva, and develop information strategies to position the topics in the country's media. Throughout the process, there was accompaniment by the official in charge of Venezuela at the OHCHR in Geneva.

It should be said that the situation in Venezuela at the time was also being monitored by the regional office in Santiago de Chile. The critical attitude of the regional team was not to the liking of the Venezuelan Foreign Ministry, which closed its doors to

[104]The topics were citizen security; violence and police forces; prisons and the penitentiary system; independence of the judiciary; human rights defenders; and freedom of expression.

the OHCHR representative, leading the Geneva team to begin to play a more relevant role.

In this context, 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"*. For the preparation of the report, the OHCHR *"established a team to document and report on human rights violations in the context of mass protests in the Bolivarian Republic of Venezuela between 1 April and 31 July 2017."* [105] The report was prepared through remote monitoring due to the government's reluctance to allow access to the OHCHR team and followed 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, at a time when no other mechanism was addressing the situation in Venezuela.

The proposal to create a team to compile the report came from the office of the Director for the Americas. The result was a novel report since it was not a usual practice in the Americas to report on a country under the general mandate of the OHCHR

2018 saw the release of the report *"Human rights violations in the Bolivarian Republic of Venezuela: a downward spiral with no end in sight,"* [106] once again under the general mandate of the OHCHR and compiled from outside the country. Both reports were published during the term of High Commissioner Zeid Ra'ad Al Hussein.

On the occasion of his second report, Zeid Ra'ad Al Hussein described the situation of human rights in Venezuela as "*dismal*", recommended to the Human Rights Council the creation of a Commission of Inquiry (COI) into the situation in Venezuela, and even warned that *"[g]iven that the State appears neither able nor willing to prosecute serious human rights violations, there is also a strong case to be made for deeper involvement by the International Criminal Court"*. [107]

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[105]OHCHR. Human rights violations and abuses in the context of protests in the Bolivarian Republic of Venezuela from 1 April to 31 July 2017. Available: https://www.ohchr.org/sites/default/files/Documents/Countries/VE/HCReportVenezuela_1April-31July2017_EN.pdf

[106]OHCHR. Human rights violations in the Bolivarian Republic of Venezuela: a downward spiral with no end in sight. Available: https://www.ohchr.org/sites/default/files/Documents/Countries/VE/VenezuelaReport2018_EN.pdf

[107]OHCHR. Venezuela: Continued impunity amid dismal human rights situation - UN report. Available: https://www.ohchr.org/en/press-releases/2018/06/venezuela-continued-impunity-amid-dismal-human-rights-situation-un-report

The warnings of Zeid Ra'ad Al Hussein and the Venezuela team were echoed in the Human Rights Council, which approved the first resolution on Venezuela during the 39th session held in September 2018. This resolution requested the High Commissioner Michelle Bachelet to prepare a report and present it at the 41st session, *"(...)followed by an enhanced interactive dialogue, and to present an oral update on the human rights situation to the Council at its fortieth and forty-second sessions."* [108] This way, Venezuela entered the agenda of the Human Rights Council.

This third report was published in July 2019,[109] with the same rigorous parameters as the two previous documents, thanks to the impeccable work of the Venezuela team at the OHCHR. A few weeks before, the High Commissioner had been in Venezuela, where she announced an agreement with the Venezuelan government for the establishment of a "*presence*" in the country, through a memorandum of understanding whose content has been kept secret.[110]

After three strong reports and the calls for attention from Zeid Ra'ad Al Hussein, it was expected that Bachelet would take up her predecessor's proposal to promote the creation of a COI. Far from it, the day after the presentation of the third report, Bachelet began a worrying shift towards a position that privileged good relations with the Maduro government over the protection mandate. In a press conference held the day after the presentation of the report, Bachelet referred to "*some measures recently taken by the Government of that country that seem to show signs of a new positive engagement on the part of the country's authorities*." [111] Among the measures, she cited the alleged release of Judge María Lourdes Afiuni, something that has not materialized as of the date of preparation of this study. Bachelet not only failed to advance the proposal of the

[108]Human Rights Council. Promotion and protection of human rights in the Bolivarian Republic of Venezuela. Available: https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F39%2FL.1%2FRev.1&Language=E&DeviceType=Desktop&LangRequested=False

[109]OHCHR. Human rights in the Bolivarian Republic of Venezuela. Report of the United Nations High Commissioner for Human Rights. Available: https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F41%2F18&Language=E&DeviceType=Desktop&LangRequested=False

[110]Although the text of the memorandum has not been released to the public, OHCHR officials reported orally that it would cover the fundamental areas of the OHCHR mandate, including (i) the presence of officers in the territory, which implies the possibility of monitoring of the human rights situation, including visits to detention centers and the preparation of reports; (ii) technical assistance to State institutions; (iii) work with other agencies; (iv) the strengthening of CSOs.

[111]UN News. UN human rights chief 'hopeful' Venezuelan authorities are ready to address violations, calls for dialogue. Available: https://news.un.org/en/story/2019/07/1041902

establishment of a COI, but also did not suggest anything about the possible role of the ICC, nor did she make any proposal to guide the Council on the next steps.

As AlertaVenezuela has already highlighted in a previous report [112], when school vacations arrived, the OHCHR officials in Venezuela left the country to join their families; due to tensions with the government caused by the report, the team was not able to return until September.

On September 24, the OHCHR announced that it had signed a memorandum of understanding with the Venezuelan government on the 20th of that same month. The press release indicates that the document committed the parties to draw up a work plan that must be agreed upon within a period of 30 days. The one-year commitment included *"allow[ing] UN human rights officers access to detention centres, and freedom of movement across the country."* [113] This way, the presence of the OHCHR in Venezuela was finally formalized.

In September 2019, the Human Rights Council passed two resolutions on Venezuela. Resolution 42/4[114] was promoted by seven States, none of them members of the Human Rights Council, with the aim of emphasizing technical assistance issues, in an attempt to avoid the approval of a second resolution on the investigation of human rights violations. This first resolution refers to *"[s]trengthening cooperation and technical assistance in the field of human rights in the Bolivarian Republic of Venezuela*."

Through the initiative promoted by the countries of the Lima Group, the Human Rights Council also approved resolution 42/25[115] establishing an Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela (FFM) with a one-year mandate to review situations of arbitrary detentions, torture, disappearances

[112] AlertaVenezuela. "Protecting Human Rights on the Ground". A report on OHCHR country offices. Available: https://en.alertavenezuela.org/protecting-human-rights-on-the-ground-a-report-on-unhcr-country-offices/

[113]OHCHR. UN Human Rights Office and Venezuelan Government sign Memorandum of Understanding. Available: https://www.ohchr.org/en/press-releases/2019/09/un-human-rights-office-and-venezuelan-government-sign-memorandum

[114]Human Rights Council. Resolution 42/4. Strengthening cooperation and technical assistance in the field of
human rights in the Bolivarian Republic of Venezuela. Available:
https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2FRES%2F42%2F4&Language=E&DeviceType=Desktop&LangRequested=False

[115]Human Rights Council. Resolution 42/25. Situation of human rights in the Bolivarian Republic of Venezuela. Available:
https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2FRES%2F42%2F25&Language=E&DeviceType=Desktop&LangRequested=False

and extrajudicial executions since 2014. Without a doubt, the establishment of the FFM was the product of the reports produced during the term of High Commissioner Zeid Ra'ad Al Hussein, the coordinated action of domestic and international NGOs, and the efforts of the Lima Group.

A part of the OHCHR team that arrived in Venezuela held several exploratory meetings with independent CSOs to suggest that efforts be concentrated on the establishment of the country office rather than insisting on the creation of a FFM, a recommendation that was rejected by the organizations on the understanding that these were not exclusive proposals. In addition, people interviewed for this investigation, as well as for a previous work by AlertaVenezuela[116], assured the High Commissioner lobbied to prevent the approval of the resolution that created the FFM, perhaps in an attempt to avoid an unfavorable reaction from Venezuela that would have repercussions on the fragile relationship she was building to ensure access to the country.

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.

These are important advances, achieved largely by the mobilization of Venezuelan CSOs, supported by international NGOs, who based their work on high-quality reports, some of them prepared by the OHCHR team that was working on Venezuela at the time and others by the FFM. 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.

The team that had produced the three reports from 2017 to 2019 and was more familiar with the situation in the country was dismantled and replaced by a less

[116]Alert Venezuela. Op. Cit. Page 108

knowledgeable staff with a lower profile. Added to these changes was a higher turnover rate, with the consequent difficulties in reaching an adequate learning curve in terms of understanding the dynamics of the country. Without questioning its talent, the truth is that it was not only a change of staff but strategy, which was reflected in a shift in the tone of the OHCHR regarding Venezuela.

On the other hand, perhaps because of the lower-ranking profile of several of the officers stationed in Caracas, the CSOs perceived that the team had arrived in the country with a certain arrogance to "*teach a lesson*" to the defenders, without taking the time to learn about the enormous experience accumulated over the last decade. Thus, for example, more than providing support for the UPR, the presence of the OHCHR in Venezuela focused on providing training on basic subjects, without taking into account the experience of CSOs in the matter, which has even been recognized and taken as a model by UPR Info[117]. This arrogant stance was noted by people from other countries who commented that it is not unusual for officers to come "*and teach lessons from outside, through impositions*"; therefore, this does not seem to be a problem exclusive to the Venezuelan case.

Although many interviewees 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, they also pointed out 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. On the contrary, in July 2021, the Venezuelan Foreign Ministry even threatened the OHCHR with reconsidering the relationship between the Office and the government after it disagreed with and criticized the reports presented by the High Commissioner to the Human Rights Council.[118]

Although the High Commissioner had announced in her oral update on Venezuela in September 2020 that the renewal of the agreement that authorizes the presence of the OHCHR in Venezuela *"includes tripling of the number of human rights officers in the*

[117]UPR Info is an NGO that provides tools for the work of CSOs before the Human Rights Council under the framework of the UPRs.

[118] Infobae. El régimen de Maduro rechazó el último informe de la ONU sobre violaciones de DDHH en Venezuela y arremetió contra Michelle Bachelet. Available: https://www.infobae.com/america/venezuela/2021/03/11/el-regimen-de-maduro-rechazo-el-ultimo-informe-de-la-onu-sobre-violaciones-de-ddhh-en-venezuela-y-arremetio-contra-michelle-bachelet/

country, with greater legal autonomy,"[119] the presence temporarily suspended technical assistance to the Executive branch and the visits to detention centers after the warning made by the Foreign Ministry in July 2021. The technical assistance and the visits were resumed months later.

The independent organizations of Venezuelan civil society expressed their concern over the fact that the High Commissioner chose to soften the tone and rigor of her latest reports on the human rights situation in the country. An example of this has been the weak reactions to serious events such as the arrest of five humanitarian workers from the Azul Positivo organization[120]- described as an "*incident*" - and three human rights activists from the Fundaredes organization, with the High Commissioner limiting herself to requesting *"that they be guaranteed urgent access to an attorney of their choosing".*[121] It has also been questioned that the OHCHR remained silent or reacted with delay in the case of the armed clashes with the execution of civilians in Alto Apure, the providence that forces all non-profit organizations to be certified and monitored in their activities through their enrollment in the Unified Register of Obliged Subjects before the National Office Against Organized Crime and Terrorism Financing (Providence 002, April 2021), the reopening of the debate on the draft International Cooperation Law that would put an end to the work of both national and international independent CSOs that operate in Venezuela, and in the face of the most recent wave of arbitrary detentions of political leaders, among other human rights violations.

In the case of Providence 002, the CSOs did not perceive the necessary support from the OHCHR, neither in Geneva nor Caracas. The Caracas team informed the CSOs that it had suggested changes to the provision. The position of the Caracas team did not change even though it was explained to it that the norm was not suitable for reform because its very essence was under question, as it subjected the organizations to register before the National Office Against Organized Crime and Terrorism Financing. Because of this, several CSOs sent a letter to the High Commissioner requesting her to address the government demanding that the order be revoked. The response, signed by the Director for the Americas, was limited to giving an account of the concerns

[119] OHCHR. Oral update on the human rights situation in the Bolivarian Republic of Venezuela. Available: https://www.ohchr.org/en/status-and-update-reports/2020/09/oral-update-human-rights-situation-bolivarian-republic-venezuela

[120]OHCHR. Comment by UN Rights Office Spokesperson Marta Hurtado on Venezuela. Available: https://www.ohchr.org/en/press-releases/2021/01/comment-un-rights-office-spokesperson-marta-hurtado-venezuela

[121]OHCHR. Report on the Situation of human rights in the Bolivarian Republic of Venezuela. Available: https://www.ohchr.org/en/press-releases/2021/07/report-situation-human-rights-bolivarian-republic-venezuela?LangID=E&NewsID=27265

expressed by the OHCHR, stating that, in her July 2021 speech, the High Commissioner had asked "*to continue revising the legal framework*"[122]; This way, the High Commissioner kept on with the line of revising unacceptable regulations.

The interviewed representatives of CSOs were clear in pointing out that they do not expect a public statement by the OHCHR on every issue, but some critical events merit a position. In this sense, a comparison of the reaction by the OHCHR and the IACHR can be made; Although the latter does not have a presence in the country or authorization of access, the IACHR has reacted more quickly than the OHCHR in some critical situations, even though the OHCHR already has 12 people on the ground.

Since 2020, the Office of the High Commissioner has deemed positive a number of situations that are not substantiated by facts, such as the recounts according to which political prisoners have access to video calls to speak with their families, COVID-19 is under control in prisons -despite the fact that detention centers lack water service-, and the people returning to Venezuela during the pandemic were well received when in reality they were described as "*bioterrorists*".[123] The most alarming is that these claims are made despite the fact that CSOs had sent information on these issues, both to the team in Caracas and Geneva and even in Panama. Similarly, the High Commissioner has described some government announcements as compliant with recommendations, without clear signs of their implementation and with evidence of non-compliance and even action contrary to them.

In its July 2021 oral update, the Office of the High Commissioner expressed hope that progress would soon be made toward establishing a country office.[124] However, in September 2021, the Venezuelan State renewed the memorandum of understanding with the Office under the same secrecy of the previous two years and without any signs of progress in complying with the recommendations of the Office, or progress in advancing from a small presence subordinated to the UNCT to a full-fledged office in Venezuela.

On several occasions, CSOs, including AlertaVenezuela, have questioned the confidential nature of the memorandum of understanding on the presence of the OHCHR in Venezuela. The OHCHR has never provided a convincing explanation as to the

[122]OHCHR. Report on the Situation of human rights in the Bolivarian Republic of Venezuela. Available: https://www.ohchr.org/en/press-releases/2021/07/report-situation-human-rights-bolivarian-republic-venezuela

[123] OAS. OAS Report Highights Difficulties for Venezuelans Returning or Trying to Return Home. Available: https://www.oas.org/en/media_center/press_release.asp?sCodigo=E-091/20

[124] https://www.youtube.com/watch?v=afudlDph-44

reasons for accepting a confidential agreement that clearly violates the principle of transparency that should govern the work of the Office. The answers have been evasive and even disrespectful.[125] The truth is that no explanation has sustained that this is a policy of the OHCHR; it is clear that it is an imposition from the government that has been quietly accepted.

Curiously, several representatives of Venezuelan CSOs interviewed for this study pointed out that the OHCHR team in Venezuela frequently invokes the memorandum of understanding as a basis to try to explain why certain actions are carried out or not. It does not seem acceptable for CSOs, victims and their families, and the international community to take for granted a framework for action whose content has been deliberately concealed by the government with the consent of the OHCHR. This fact is even more difficult to explain when the memorandum of understanding signed with the ICC is publicly available.

Since the arrival of Bachelet, the relations of the CSOs with the OHCHR have not been fluid. Besides her 2019 visit, when, by protocol, she had to meet with all sectors, the High Commissioner has only held one meeting with a representative of an independent CSO in the country. Several communications requesting a meeting have been ignored, in contrast to frequent meetings with Maduro, the foreign minister and representatives of the Permanent Mission of Venezuela in Geneva.

In mid-2020, AlertaVenezuela sent the draft of its report on country offices to the High Commissioner for comments, with the purpose of establishing dialogue before the renewal of the memorandum of understanding on the presence of the OHCHR in Venezuela. Contact with Bachelet was sought for six weeks, to no avail. Eventually, two days before the public presentation of the report, the director of the Field Operations and Technical Cooperation Division sent a communication to AlertaVenezuela requesting a meeting to make comments on the document before its presentation. AlertaVenezuela explained that it had waited for a response for six weeks and that it would not be possible to receive comments 48 hours before the presentation of the report. A couple of options were offered after the presentation of the report, and the situation was explained on said occasion, triggering a remark from the Director for the Americas that suggested that AlertaVenezuela had not provided space for comments from the OHCHR. Two senior OHCHR officials at the presentation responded by rejecting the official's insinuations as "*disrespectful*" toward a Venezuelan CSO. It was clear that the last-

[125]Including replies along the lines of "the agreements are not always public", "we have commented on the content, you do not need to see the text", and "why do you want to read such a boring document?".

minute rush had to do with something in the report that they did not like and hoped to see changed.

Indeed, in a meeting with the director of the Field Operations and Technical Cooperation Division held the following week, the official requested that the reference to Bachelet's attempts to prevent the establishment of the FFM be removed. AlertaVenezuela declined this request by explaining that the assertion was supported by information provided in interviews by several people inside and outside Venezuela. The director's reaction was threatening, pointing out that the matter was in the hands of the legal office of the OHCHR as if any unit of the Office had the power to analyze reports from civil society organizations. A detailed account of these incidents has been presented because they reflect a worrying change in the OHCHR's relationship with Venezuelan CSOs since the arrival of Bachelet. It only remains to hope that a new leadership, both in Geneva and in Caracas, recovers spaces of trust and exchange with CSOs.

The truth is that, throughout eleven oral interventions made by Bachelet before the Human Rights Council between July 2019 and June 2022, she has not made a single mention of the possible establishment of an FFM or the result of its investigations once it was created and started reporting. With an artificial argument about the independence that the FFM should have, the OHCHR has refrained from sharing information with it or taking the Mission into account in its activities; It is as if it never existed. Surprisingly, despite his low profile regarding the situation in Venezuela, it was the Secretary-General who issued a statement on the occasion of the presentation of the first report of the FFM in September 2020, calling on the Venezuelan government to take the report of the Mission "*very seriously*".[126]

On the other hand, the incipient presence also consulted CSOs about their willingness to participate in some technical assistance initiatives, such as the second National Human Rights Plan (NHRP). Initially, there was no rejection of this idea by the CSOs, but there were no clear proposals for possible participation, neither by the OHCHR nor the organizations. Concerning the participation of independent CSOs in the debates for the creation of a National Mechanism for Reporting and Follow-Up, no call was made by the OHCHR.

[126]EFE: Guterres pide a Venezuela que se tome en serio el informe sobre graves crímenes de lesa humanidad. Available: https://www.efe.com/efe/america/politica/guterres-pide-a-venezuela-que-se-tome-en-serio-el-informe-sobre-graves-crimenes-de-lesa-humanidad/20000035-4344561

In this regard, AlertaVenezuela considers that the CSOs should have proposed minimum conditions that would make it possible to assess whether the government has the political will to open a participatory process, in such a way that the CSOs did not appear as reluctant to debate but rather willing to participate under certain conditions. These conditions could have included carrying out a genuinely participatory evaluation[127] of the first NHRP and opening consultations for the design of the National Mechanism for Reporting and Follow-Up based on already existing models and with open access to information. AlertaVenezuela also considers that technical assistance cannot be carried out behind the backs of the CSOs or other entities that can provide valuable contributions and that the OHCHR has the role of building the necessary bridges to ensure participatory and transparent processes.

On a different note, once established in Caracas, the OHCHR team asked the CSOs about the role of the humanitarian team. The CSOs made use of this space to warn about the instructions imposed by the RC regarding the separation of the human rights and humanitarian response components, as well as to request the mediation of the OHCHR to persuade the RC about the importance of a human rights-based approach in the humanitarian response. However, the solution -more tacit than explicit- that the OHCHR presence in Venezuela gave to this problem was to assume a kind of division of functions, where the humanitarian response team focused on activities on that component without references to human rights, on the understanding that this would be a role that the OHCHR presence would assume. As far as the CSOs have been able to observe, the presence of the OHCHR in Venezuela does not have a visible role in humanitarian work, limiting itself to attending meetings on this component, without much influence.

Several interviewees stated that the limited role of the Office in the entire humanitarian architecture is due to a division of functions skilfully structured by Grohmann at the beginning of the OHCHR presence in Venezuela, a presence that served the RC to avoid referring to the inconvenient topic of human rights that he did not want to talk about, but also drew a red line with regard to the approach to humanitarian response. The consequence of this artificial separation has been the invisibility of the situation of economic, social and cultural rights (ESCRs) since the establishment of the OHCHR presence in the country given that the limited diagnoses of the HRP lack a human rights-based approach and most of the work of the presence of the OHCHR focuses on civil and political rights. To date, the only exercise by the OHCHR on ESCRs was a report

[127]The government has claimed that it carried out a participatory evaluation, but no known independent organization was consulted.

presented by the High Commissioner in September 2020[128] at the request of the Human Rights Council, on the independence of the justice system and access to justice, reparation for violations of economic and social rights, and the situation of human rights in the Orinoco Mining Arc region. The report dedicated only 3 paragraphs to the ESCRs. This way, the humanitarian emergency, which has already lost vigor in the HRP as it shifts toward development issues, has also lost visibility from a human rights-based perspective by the OHCHR. A person was recently added to the Caracas team who will focus specifically on ESCR, which should be reflected in how violations to these rights are made visible.

The constant mention by the High Commissioner of the unilateral coercive measures imposed on Venezuela has also contributed to the invisibility of the situation in terms of ESCRs. Although in some of her oral interventions, High Commissioner Bachelet has pointed out that the sanctions have aggravated a pre-existing situation, it is worth noting that the issue has been mentioned in 9 of her 10 speeches before the Council, in a kind of permanent nod to the government of Maduro, thus endorsing the victimization of the ruling party that seeks to justify the breach of international obligations with respect to ESCRs.

The most alarming case occurred in Bachelet's last intervention on Venezuela before the Human Rights Council in June 2022 regarding the government's claims of an inadequate reference given to the topic of international sanctions; Bachelet chose to please the government again in the second part of the session on Venezuela by mentioning the death of children who had been waiting for a transplant, allegedly as a consequence of the unilateral coercive measures, citing unsubstantiated figures from an organization whose pro-government bias is widely known and that can be described as a GONGO.[129]

On the other hand, although there are good relations between Venezuelan organizations and the presence in Venezuela, they focus mainly on individual cases and, on occasions, from a utilitarian perspective; that is, an interaction based on the

[128]Human Rights Council. Independence of the justice system and access to justice in the Bolivarian Republic of Venezuela, including for violations of economic and social rights, and the situation of human rights in the Arco Minero del Orinoco region. Report of the United Nations High Commissioner for Human Rights
Available:
https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F44%2F54&Language=E&DeviceType=Desktop&LangRequested=False

[129]GONGO is the acronym for a "government-organized non-governmental organization", and applies to organizations that are created or financed by governments to echo official political agendas.

expectation of obtaining a response to the cases, without further reflection on the structural roots of human rights violations and their consequences.

There is not much room among CSOs and OHCHR officials in Venezuela for a more strategic reflection on the role of the presence. Other contacts have been attempted with the team in Geneva, with the expectation of working out in detail certain issues beyond the day-to-day and specific cases. However, the team in Geneva insists on channeling everything through Caracas, so there is a lack of communication mechanisms for more strategic exchange. In fact, since October 2021, the AlertaVenezuela team has tried in different ways to hold a meeting with the new head of the Field Operations and Technical Cooperation Division, without having obtained a favorable response. These attitudes contrast with a history of exchange with all the previous heads of the OHCHR.

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.

Until now, technical assistance has focused on the training of officials, support for the design of a National Mechanism for Reporting and Follow-Up, and accompaniment in the preparation of the second NHRP. Assessing the effectiveness of the objectives in the last two areas is difficult given the government's lack of transparency.

However, there is no evidence of the existence of a National Mechanism for Reporting and Follow-Up because, other than a 2019 press release published on the website of the Ministry of Foreign Affairs[130], there is no access to the system in question or information on its operation. Nor is there information on how the second NHRP has been developed. Although the government claims that this second plan is based on the participatory evaluation of the first plan, there is no evidence of a broad consultation that included independent civil society organizations.

[130]Ministerio del Poder Popular para Relaciones Exteriores. Proyecto del Sistema Nacional de Seguimiento a los Instrumentos Internacionales sobre DDHH es presentado en Casa Amarilla. Available: https://mppre.gob.ve/2019/12/19/proyecto-sistema-nacional-seguimiento-instrumentos-internacionales-ddhh/

Although it cannot be affirmed that the OHCHR has endorsed this type of opacity and the exclusion of non-governmental organizations, it has not expressed concern or warned of the irregular development of the initiatives. Furthermore, attempts to build bridges between the government and CSOs in the field of technical assistance have been timid and even naive. In the words of one person interviewed, "*they do not understand that the actors with whom they work in technical assistance are the same ones who attack the CSOs*", which is why, under these circumstances, the rapprochement is difficult.

Another area in which the presence in Venezuela hopes to work is the integration of the human rights-based approach in the agencies. This would undoubtedly be an important contribution to overcoming the artificial divisions between the humanitarian, political and human rights components. However, a year after Grohmann's departure, some officials of the HCT insist on imposing the distinction in the work with Venezuelan CSOs. The integration of the rights-based perspective will not depend only on workshops and manuals, but -and very especially- on the leadership of the UNCT to advance in that direction.

On the other hand, several special procedures have expressed interest and concern about the human rights situation in Venezuela in the areas of their mandate. Several of them have requested to visit the country, some for more than 10 years. When announcing the establishment of a presence in Venezuela in July 2019, Bachelet reported that the government had agreed to *"accept ten visits from the Council's Special Procedures experts over the next two years."*[131] Although the pandemic indeed prevented progress in this objective, the lack of a proactive attitude on the part of the Office also hindered progress in meeting this goal. At the next session of the Council (September 2019), Bachelet stated that *"progress is being made by the Government, regarding its invitation to grant ten Special Procedures access to the country within the next two years"*[132]. No new references to the subject were made in her next nine interventions on Venezuela before the Council.

In March 2022, the government announced that it would send an invitation to four special procedures without the knowledge of the OHCHR, as was the case with two bills in the field of human rights that were discussed on December 14th, 2021 and

[131]OHCHR. Enhanced interactive dialogue on the situation of human rights in the Bolivarian Republic of Venezuela. Available: https://www.ohchr.org/en/statements-and-speeches/2019/07/enhanced-interactive-dialogue-situation-human-rights-bolivarian?LangID=E&NewsID=24795

[132]OHCHR. Oral Update on the Human Rights Situation in the Bolivarian Republic of Venezuela. Available: https://www.ohchr.org/en/statements/2019/09/oral-update-human-rights-situation-bolivarian-republic-venezuela?LangID=S&NewsID=24958

approved the next day without the knowledge or consultation of the Office. The lack of adequate communication or coordination is evident, even in the areas where the government expressed willingness to collaborate. Added to this is the perception by the people interviewed of a lack of coordination between special procedures, the OHCHR presence in Venezuela and the Geneva headquarters.

For its part, the SG not only transferred the role of political operator in the Venezuela crisis to Bachelet but has also failed to pay attention to the serious situation of human rights, except for the comment following the first report of the FFM.

With limited resources, without punitive power or coercive capacity, the only asset of the OHCHR is its auctoritas, the moral power based on prestige and recognition. Bachelet put that asset at risk in a way that none of her predecessors had done.

Bachelet sacrificed in vain the protection of human rights in Venezuela in exchange for unfulfilled promises by the government, without having achieved her alternative objective of creating an office and detracting value -and support- from the work of the FFM. From every point of view, her country strategy has been a failure. A precarious presence, not fully established but depending on a secret agreement amid a process that did not include the CSOs or the international community, now faces a high risk of discontinuation with the end of the mandate of the current High Commissioner.

DEALING WITH THE POLITICAL CRISIS

After the death of Chávez, important milestones have marked the political crisis in Venezuela, in the face of which the UN has not played a relevant role. However, this is perhaps the area in which opinions are most divided, especially regarding the term of Guterres, between those who claim that the UN Secretary-General has done a lot behind the scenes, and those who resent his lack of action. It is difficult to know whether there have been attempts by the SG to respond to the political situation in Venezuela behind the scenes, due to the characteristics of *quiet diplomacy*. Beyond those alleged efforts, his impact has not been felt, and judging by the SG's performance in other crises, this does not seem to be a problem with Venezuela only.

Several interviewees agreed that the general lack of leadership of the UN in political matters is evident, and Venezuela is no exception, both with Guterres and his predecessor. 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.

In 2014, a series of protests[133] led to the imprisonment of one of the main leaders of the opposition, together with the arbitrary detention of more than 3,000 people, most of whom were subjected to different types of torture and judicial proceedings without due process. The SG restricted himself to expressing *"his sadness at continuing reports of violence and loss of life amid protests in Venezuela and urged that all efforts be urgently made to lower the tensions and prevent further violence",* as well as to take note of *"the calls for dialogue made by President Nicolas Maduro and other Venezuelans."* [134] At no time did he make the UN available to the parties.

At that time, fluid communication between the DPPA and several people in Venezuela was trying to obtain information that would allow them to provide guidance to the SG on the path of possible responses. Also in this context, the DPPA tried to meet with several heads of mission in New York. However, according to people interviewed, the Cuban representation presented a letter of protest before the office of the SG and the efforts were suspended, to the point that the DPPA did not even respond to communications from Venezuelan CSOs. One person interviewed stated that, at that time, still during Ban's term, *"there were instructions in the office of the SG not to talk about Venezuela"*.

There is no way of knowing if the instruction came from Ban himself but, in any case, his entourage caused enormous damage, which partly explains - but does not justify - the silence of the agencies until 2016, when the CSOs protested in a letter to the SG, to which he reacted through a statement to the press from Argentina.

In the context of the 2014 protests, the position of the OAS was also weak, which became evident, on the one hand, in statements by Secretary-General José Miguel Insulza hours before a meeting of the Permanent Council of the organization to discuss

[133] Observatorio Venezolano de Conflictividad Social. Conflictividad social en Venezuela en 2014. Available: https://www.observatoriodeconflictos.org.ve/oc/wp-content/uploads/2015/01/Conflictividad-en-Venezuela-2014.pdf

[134] UN News. Ban urges dialogue to defuse tensions, prevent further violence in Venezuela. Available: https://news.un.org/en/story/2014/02/462722-ban-urges-dialogue-defuse-tensions-prevent-further-violence-venezuela

the situation in Venezuela, according to which Venezuelan democracy was not endangered; and, on the other, in the selection of the least firm of the three options available to the OAS at that time. Between sending a mediation mission, calling a consultation meeting of foreign ministers, and a declaration of support for dialogue, the Permanent Council opted for the latter[135], with the support of Insulza. It should be remembered that, by then, Maduro had already manifested a hostile attitude towards the OAS, which would deepen during the term of Almagro, until the denunciation of the OAS Charter in 2017.

In March 2014, the then Venezuelan foreign minister rejected the idea of possible international mediation, arguing that Venezuela's problems could be resolved by Venezuelans and that the government had the support of UNASUR, Caricom and Mercosur. However, later that year, the former prime minister of Spain, José Luis Rodríguez Zapatero, began to mediate between the government and the opposition, under the auspices of UNASUR. The mediation proposed to establish dialogue in three areas: elections, institutions, and social issues. The mediation team was made up of Rodríguez Zapatero, along with former presidents Leonel Fernández (Dominican Republic) and Martín Torrijos (Panama). The UN was absent from this initiative and did nothing to rescue it after the first signs of failure became apparent.

By the end of 2015, the role of the OAS had diminished and was perceived as biased, thanks to belligerent stances on the part of Almagro as Secretary-General, who openly sided with the Venezuelan opposition, abandoning his role as primus inter pares. Even under these circumstances, Rodríguez Zapatero asked for "*an opportunity for dialogue*" during a special session of the OAS Permanent Council in June 2016.[136]

In 2017, Antonio Guterres assumed the Office of Secretary-General of the UN. The presence of Rodríguez Zapatero in the Venezuela political scene was functional for Guterres, who shares with the former an ideological affinity and a political background. People interviewed assured that Guterres' public endorsement[137] of Rodríguez Zapatero in the process of negotiation between the government and the opposition in the Dominican Republic in 2017 occurred at the request of Rodríguez Zapatero himself. Given

[135]OAS. OAS Permanent Council Approved Declaration on the Situation in Venezuela. Available: https://www.oas.org/en/media_center/press_release.asp?sCodigo=E-084/14
[136]El País. Zapatero pide "una oportunidad para el diálogo" en Venezuela. Available: https://elpais.com/internacional/2016/06/21/america/1466530198_112220.html
[137]UN News. Ahead of talks on Venezuela, UN chief voices support for political solution. Available: https://news.un.org/en/story/2017/09/564802-ahead-talks-venezuela-un-chief-voices-support-political-solution

that Guterres had only been in office for a few months, it was comfortable for him to let his friend and colleague take care of the Venezuela issue.

Other people interviewed agreed that whenever someone from Venezuela had the opportunity to speak with Guterres about the political situation in the country, the SG would call Rodríguez Zapatero -who used to underestimate any alarm- instead of following the recommendations of his advisers, to end up rejecting any action proposed by his team.

However, everything seems to indicate that the Guterres-Rodríguez Zapatero dynamic was not only a matter of friendship or political affinity. One person interviewed affirmed that "*Guterres does not trust his advisers, he thinks he knows everything and seeks advice from the outside*". While another person assured that "*the most serious part is adding that to an incapable bureaucracy. He feels that the secretariat is of no use because it is a bureaucracy, and that is why he turns to outsiders and contacts*". When the SG is not provided with adequate information, his decisions will be based on the vision of third parties. In the case of Venezuela, it has been established how, for several years, Grohman was in charge of keeping the Secretariat uninformed by omitting to send the data from the ground, while the early initiatives of the DPPA found an obstacle in the countries friends with chavismo. It was a kind of "*perfect storm*", in the worst sense. This explains, although does not justify, the lack of action.

Beyond the bureaucratic dynamics within the UN, there are substantive considerations that have not been taken into account, especially in the panorama that opens in March 2017. At that time, the Constitutional Chamber of the Supreme Court of Justice issued rulings 155 and 156 that, among other things, declared the National Assembly in contempt, suppressed parliamentary immunity and ordered the same chamber to exercise parliamentary powers, "*as long as the situation of contempt persists*." The rulings were interpreted inside and outside the country as a judicial coup or a self-coup. This context called for an association of the political dimension of the dialogue processes with the very essence of democracy and the rule of law. To the extent that the processes of dialogue have been framed in a binary logic of government and opposition, the DPPA or other bodies have failed to provide a space to broaden the spectrum of actors. The CSOs have been penetrating these spaces, but in a limited way due to resistance and attempts at manipulation or co-optation, both by the government and the opposition.

In 2017, the Lima Group emerged as a response by thirteen countries in the region to what they considered a "*breakdown of the constitutional order and the rule of law in*

Venezuela" and the lack of legitimacy of the presidential elections of May 2018. Between 2017 and 2021, the Lima Group kept Venezuela on the international agenda and promoted important advances in human rights, such as the creation of the FFM. However, the bloc failed to play a role as a facilitator in the solution of the political crisis, due to its unrecognition of Maduro as president. In its third meeting, the Lima Group called for the intervention of Guterres to "*address this crisis and the continuous violations of Human Rights*",[138] without a public reaction from the SG to the request. In any case, Guterres chose to bet on the process led by Rodríguez Zapatero.

In an article published in 2017, Colum Lynch quoted a UN expert:

> "In the early days, Ban absolutely prioritized quiet diplomacy," said Richard Gowan, a U.N. expert with the European Council on Foreign Relations. After the Arab Spring, he added, Ban started talking about human rights constantly. "I think that many U.N. observers thought Ban overbalanced. By the end of his time, he was much more outspoken about human rights but to no discernible effect," Gowan said.
>
> "I am inclined to think that if Guterres is to have any chance of achieving anything in places like South Sudan and Venezuela, it is going to be through quiet diplomacy."[139]

But one thing is quiet diplomacy, and another is the open distancing that Guterres has shown regarding Venezuela. In 2019, Guterres stated: "*The UN has decided not to participate in any of the international initiatives to mediate the crisis in Venezuela*", claiming that he preferred "*not to be part of any of these groups in order to give credibility*" to his offer of good offices, with a view to "*be able (...) to help find a political solution to the crisis*", if the parties required it.[140]

Added to this announcement is the publication of the OHCHR report on Venezuela, in July 2019. From that moment on, the DPPA stepped aside and Guterres left the role of political interlocutor in the hands of Bachelet. One person interviewed stated that "*Bachelet likes that political role*". In fact, it is worth noting that political dialogue was the only topic present in all of Bachelet's speeches before the Human Rights Council, above any other. One negative effect of this shifting of political responsibilities to

[138]Europapress. El Grupo de Lima pide a Guterres que intervenga para resolver la crisis venezolana. Available: https://www.europapress.es/internacional/noticia-grupo-lima-pide-guterres-intervenga-resolver-crisis-venezolana-20171026221700.html

[139]Lynch, C. U.N. Secretary-General Holds His Tongue on Human Rights Violations. Available: https://foreignpolicy.com/2017/06/12/u-n-secretary-general-holds-his-tongue-on-human-rights-violations/

[140]Noticias ONU. La ONU mantiene su oferta de buenos oficios para mediar en la crisis de Venezuela. Available: https://news.un.org/es/story/2019/02/1450501

Bachelet was that she ended up making concessions that weakened her human rights response.

Two initiatives promoted by Norway in Barbados (2019) and Mexico (2021), were supported from a distance by Guterres, who, in February 2020, presented arguments for not getting involved different from those of 2019, by expressing that the UN has a limited capacity to deal with the political crisis in Venezuela[141]. Curiously, the Secretary-General trusts more in the negotiating capacities of a country than in the structure of the largest multilateral organization in the world, whose mandate is precisely oriented towards peace and security, development, and human rights. That is to say, he not only ceased to offer good offices but rather admits an alleged inability to face the situation.

It is important to mention that several interviewees agreed that this was the right time for Guterres to appoint a special envoy, but he did not. It was alleged that the appointment of a special envoy had to be accepted by the government and the opposition and that Norway did not request it at that time either. However, when asking several interviewees whether they observed a proactive attitude from the Secretariat to try to encourage both parties to accept the proposal of a special envoy, the answer was no. Some interviewees believe that Guterres sent clear messages in private meetings to discuss the situation in Venezuela, but these were rare, and more initiative has been lacking. The active leadership of the SG continues to be a pending task.

For its part, the opposition preferred to keep the issue in regional spaces due to its affinity with Almagro and the absence of resistance from China and Russia. Furthermore, some attempts by the DPPA not only met with resistance from Cuba; the then president of Brazil, Dilma Rousseff, insisted that the solution should be worked out in the region. In the end, the Secretary-General, the countries friends of Maduro, and the opposition unintentionally opted for the same thing: keeping the topic of Venezuela outside the UN and seeking closer spaces in the region, although these yielded few tangible results other than resolutions by the OAS Permanent Council without practical effects.

The truth is that no one was believing in a negotiated solution in 2019 due to the previous experiences of Barbados and the Dominican Republic. Many interviewees agree that, under this scenario, it was not attractive for the SG to get involved in Venezuela, and they attribute the distancing to reputational risk. Not having a clear path for a possible solution, it was chosen to avoid getting directly involved and to hand over the

[141]VOA. Guterres: Capacidad de la ONU es limitada para encarar crisis política en Venezuela. Available: https://www.vozdeamerica.com/a/onu-antonio-guterres-sobre-venezuela-bolivia/5274624.html

task to other actors for whom public support was expressed, as happened with Rodríguez Zapatero and Norway. The terms "*reluctant*", "*cautious*", "*not proactive*", and "*hesitant*" were frequently mentioned by the interviewees when describing Guterres' position.

The most benevolent tried to justify this 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. The interviewees most inclined to justify the stance of the SG affirm that "*he is keeping an eye on the situation*", but he should be careful in the face of the polarization generated by Trump, on the one hand, and by the Cubans, the Chinese and the Russians on the other. With Trump now out of the picture, the new justification is that Ukraine has dominated the agenda, therefore, "we *have to wait*".

However, the most critical interviewees affirm that "*Venezuela is a friend of Russia and China, and Guterres will not do anything that the Russians and Chinese do not like*," which would keep Venezuela off the political radar of the UN. In fact, the only mandate in the political field that the Secretariat has received, through the DPPA, has been the establishment of a panel of electoral experts for the November 2021 regional and local elections. The panel prepares a confidential report that, due to its nature, has a very limited impact as an element of pressure to improve electoral conditions.

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 who would be proposed by Norway.

In fact, some interviewees assured that Guterres would have given direct instructions to the new RC to make all efforts to facilitate a negotiated political solution. In that case, we might be facing a new scenario given that there used to be no mandate for political work.

Others believe that, although the figure of the special envoy may be an option in theory, the SG will not intervene if the parties are not interested, which would take us back to the starting point: the reputational risk as an obstacle to a more proactive approach by Guterres in the Venezuela conflict. Guterres has not acted in Venezuela for fear of failing and, paradoxically, that has been his biggest failure in the country.

THE FUNCTIONING OF THE 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.

It is important to consider that, even though High Commissioner Zeid Ra'ad Al Hussein understood the political responsibility on the part of the Venezuelan government in the humanitarian and human rights crisis, he was unsuccessful in conveying the message to the New York instances. For his part, Ban admitted the existence of a humanitarian crisis "*created by political instability*",[142] while his successor Guterres referred to human rights only one time when he exhorted the Venezuelan government to take the findings and recommendations of the first report of the FFM seriously. However, beyond these specific references, there is no evidence of a coordination effort to address the crisis, despite the recognition of its multidimensional nature.

At a more regional level, there have been valuable efforts, such as the initiatives of the Panama-based OHCHR Regional Office for Central America and Dominican Republic and its focal point for Venezuela, from which the special procedures receive inputs for their work in the areas of their mandates. These initiatives are not limited to

[142]La Nación. Ban Ki-moon: "En Venezuela hay una crisis humanitaria". Available: https://www.lanacion.com.ar/el-mundo/ban-ki-moon-en-venezuela-hay-una-crisis-humanitaria-nid1926563/

the procedures of the United Nations system, but also include the thematic rapporteurships of the inter-American system.

Also in the regional sphere, there is the Regional Collaborative Platform for Latin America and the Caribbean, established at the end of 2020, "*in response to the United Nations Secretary-General's recommendations on the repositioning of the United Nations development system at the regional level.*"[143] As a part of the regional platform, the OHCHR can serve as an inter-agency space to channel the visions and concerns of the system from a human rights-based perspective. However, important inputs such as the reports of the FFM have not been brought to the attention of the Platform.

In this sense, some interviewees referred to the existence of quarterly spaces to work on a situation in the region at interagency instances. Venezuela would have been on the agenda of these spaces, which facilitated coordination and favored the possibility of an early warning. However, there are not enough elements to assess the real impact of these spaces. In the words of another person interviewed, "*if there is coordination, it is not noticeable*".

Those who question the lack of coordination also affirm that the humanitarian component in Venezuela made a belated arrival, silent and weak, and has avoided referring to political and human rights aspects and speaking of a humanitarian crisis. By refusing to use the term humanitarian for fear of the closure of spaces in the country by the government, OCHA sacrificed some of them, going as far as not publishing a diagnostic report. In this context, the perception that the UN system was doing nothing was fueled. The feeling among the CSOs was -and still is- of disconnection between the agencies in the country and their headquarters, and between each other.

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. Although there seems to be more coordination after the arrival of the new RC, the signs are still not clear. In 2021, an initiative was being developed by several CSOs with the Ministry of Foreign Affairs, the UN, PAHO and WFP to ensure that humanitarian aid programs had the basics to operate

[143] United Nations Sustainable Development Group. New Regional Collaborative Platform gathers UN entities to support Latin America and the Caribbean as countries respond and recover better from COVID-19. Available: https://unsdg.un.org/latest/announcements/new-regional-collaborative-platform-gathers-un-entities-support-latin-america

from a logistical point of view. This process was put on hold with the appointment of the new Minister of Foreign Affairs in August 2021.

However, it should be noted that the coordination problems of the UN system are added to the lack of coordination and even contradictions among national actors. On the one hand, there is the opposition, which has begun to be referred to in the plural form of "*the oppositions*", in evidence of the lack of a common message. In the absence of consensus on issues such as participation in elections or negotiating tables, it is even more difficult for the UN system to act in a specific direction.

Additionally, there are the actors of civil society. Some organizations disagree with the establishment of logistical mechanisms that facilitate the operation of the humanitarian response because they consider that this would give oxygen to Maduro. In the same way, regarding the questioning of Bachelet's softer tone by the majority of the human rights movement, some organizations maintain that this is a necessary caution, as it is the price of ensuring the presence of OHCHR in the country. In addition, organizations with expectations of participation in spaces for the renewal of the authorities of the Supreme Court of Justice (TSJ), advocated a non-critical approach by the OHCHR to the process of judicial reform. The results of the so-called renewal of the TSJ board are the worst in terms of judicial independence, showing once again that political calculations are incompatible with non-negotiable principles of human rights. The truth is that these contradictory messages from the political opposition and CSOs do little to overcome the discrepancy between sectors and the lack of coordination within the UN.

On the other hand, the countries allied with the Maduro regime do seem to have a unified message. Appealing to an oversized concept of sovereignty and non-intervention, countries such as Cuba, Iran, China and Russia have managed to block several attempts to debate the situation of Venezuela, both in the political and human rights arenas.

In short, 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: "*prevention was cheaper but it was never done*", said one person interviewed, recalling that it was clear that the transition period after Chavez's death was going to be turbulent, but it was not anticipated. The sharp drop in oil prices in 2015 made any prevention action pointless for 2016, calling instead for crisis management: "the situation was only comparable to post-conflict situations", said one person interviewed, which gives an idea of the magnitude of the crisis.

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.

Likewise, according to people interviewed, the Executive Office of the Secretary-General (EOSG) did not consider it necessary to include a discussion on Venezuela on its agenda, to the point that the topic was blocked on three occasions. This reluctance to address the Venezuela situation from a prevention-based approach has led to a belated response: "*they are late in their reaction, and they do not accept the warnings made by CSOs*", said one person interviewed. According to other sources, Venezuela has been more present on the agenda of the EOSG in recent years, although the general feeling remains that the UN has done little to respond to the political crisis in the country.

The analysis of the situation in Venezuela from a human rights-based perspective produced in Geneva should serve as input for prevention in the political and humanitarian agencies in New York; however, these communication vessels do not work, showing, once again, how the lack of coordination has negatively impacted the ability to anticipate critical situations in the country. Intervention is measured by the risk of escalation of the conflict, and it seems that, in the case of Venezuela, the bar to measure when the conflict may break out with major consequences has been set very high.

If the prevention capabilities are not working properly for general issues, they are not working for more specific problems on the ground either. An example of this is the case of the organization Azul Positivo. After the arrest of the five humanitarian workers, local defenders became concerned, as there had been several incidents involving other humanitarian organizations that had been affected by raids, theft of material and equipment and the arrest of their members and turned to the presence of the OHCHR in

Venezuela, as well as to their supposed humanitarian partners in the UNCT. They found an ambiguous response, as well as pressure from the UN humanitarian component aimed at discouraging some local humanitarian NGOs from establishing relations with other organizations in the field that incorporate a human rights-based perspective to humanitarian issues. One person interviewed stated that "*this segregation by UN officials put us in a vulnerable position*". The feeling of not being supported by their supposed allies in the international system led several organizations to consider the possibility of ceasing operations or lowering their profile to a minimum. Far from anticipating and preventing a critical situation, the UNCT evaded it, leaving domestic CSOs in a situation of vulnerability.

Something similar is happening in the face of the international cooperation bill, which seeks to control all actions of CSOs, including in the academic, business and union sectors, as well as the human rights and humanitarian fields, which would lead to the end of the operation of independent civil society as we know it. The well-documented alerts by CSOs, sent to the OHCHR presence in Venezuela, as well as to the Office in Geneva, have received a timid response, in an attempt at justifying the unacceptable.

Thus, there has been a commitment to cosmetic modifications to the bill, without questioning the very existence of the regulations. In addition, far from taking preventive action to stop the progress of the bill, the High Commissioner stated before the Human Rights Council that "*according to official sources, this isn't something in the current legislative agenda; that being the case, I think any norm should be based on an inclusive, transparent and genuine process*".[144] This would suggest that a fait accompli is being awaited, also fueled by the expectation of an inclusive, transparent and genuine process, despite the absence of any indication of this type of attitude on the part of the Venezuelan government in the three years of presence of the OHCHR in Venezuela.

In short, 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.

[144]The High Commissioner's intervention before the Human Rights Council is available at: https://media.un.org/en/asset/k1r/k1royo7pn7

ASSESSMENT 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.

As far as the humanitarian response is concerned, the impact has been well the needs, due, in the first place, to the deliberate concealment of information by the former RC and the heads of the UNCT and, later, to a timid entry that preferred to use ambiguous language not to bother the government and failed to make the information and diagnoses public. By not faithfully reflecting the humanitarian situation in their reports, the possibility of obtaining international support adjusted to the real needs is reduced.

Despite its limitations, the humanitarian response has made a difference for the most vulnerable. For example, the cash transfer programs had a favorable impact on lower-income families who benefited from them; hence his suspension by those responsible for the HCT was questioned by local humanitarian organizations.

On the other hand, 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. The damage is greater because human rights are interpreted as synonymous with the discourse of the political opposition to the government, which leaves the organizations of the field in a situation of vulnerability by opening the way for their work to be perceived as political opposition.

In the tacit division of functions between Guterres, Bachelet and other actors of the system, the OHCHR has not made the situation of economic, social and cultural rights sufficiently visible, having rather transferred the task to the agencies on the ground. However, these agencies lack a rights-based approach and have limited access to information. The result has been a minimal impact in terms of these rights, despite the fact that they are the most affected in the context of the humanitarian emergency. In this way, the alleged depoliticization becomes a political position that has led to the masking of reality and, therefore, to the reduction of the possible positive impacts of the response.

The fact that data from CSOs is being cited in the latest humanitarian report is a step in the right direction, which not only contributes to presenting a more realistic picture of the situation but also dismantles the narrative of the agencies according to which they are unable to publish the information because the government does not release the figures. The planning of the humanitarian response in a country characterized by censorship and information opacity cannot depend on official figures, which makes it imperative to rely on alternative sources that make enormous efforts from civil society to collect reliable information and compile indicators.

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. Although the objective of the Commission of Inquiry proposed by Zeid Ra'ad Al Hussein in 2018 was not achieved, at least progress was made on a third report that paved the way for greater attention by the international community to the situation in Venezuela.

The major achievement of 2019 was to have a space in the country to ensure greater access to the victims, which in turn would facilitate the preparation of more robust reports. Through this mechanism, it was possible to collect information in the framework of the technical mission of March 2019, in preparation for Bachelet's visit in June of the same year. Both missions made it possible to collect more data to support the report published in July. Bachelet's visit was, in itself, an achievement that laid the foundations for the beginning of a permanent presence in the country.

In addition, all the representatives of CSOs interviewed in Venezuela agree that the presence of the OHCHR in the country has been positive in terms of dealing with individual cases, especially with regard to detained persons, where both the full or conditional release of detainees and the improvement of the conditions of detention for some of those who remain in prison have been achieved.

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, they have brought attention to some elements of concern regarding the situation of different rights and have contributed valuable recommendations that allow establishing an agenda for verifying the political will of the government in terms of compliance with its international obligations.

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. Bachelet wanted to be

in the country, for which her Office established a framework with conditions aimed at the possibility of identifying concrete results. The problems regarding the relevance of the presence of the Office in the country began with the repeated breach of commitments by the government. This situation has begun to question the relevance of the presence because, if it was conditioned to results and these do not materialize, one does not understand why it continues in the country. It is evident that results cannot be expected overnight, but measurable goals could have been set. That was not done, and, in consequence, the recommendations lack deadlines, becoming a list of good intentions to which the government does not feel obligated.

As has already been mentioned, Bachelet opposed the establishment of the FFM and ignored it throughout her mandate in order to avoid friction, with the expectation of ensuring the presence of her office in Venezuela. Although the presence remains, the strategy has failed to set limits for the government, which continues to act against human rights, except for specific concessions that do not entail substantive changes. The presence of the OHCHR in Venezuela has not succeeded in being decisive in terms of human rights protection policies and, on the contrary, the price of continuing in the country has involved softening the tone, repeating narratives in tune with government demands (as in the case of the unilateral coercive measures), avoid sensitive issues and show progress where there is none.

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. In consequence, its positions and those of the CSOs on the matter are not perceived as a threat to the government because the interaction does not confront the root of the conflict but adapts to it.

In addition, the confidential nature of the report of the UN electoral panel of experts prevents society from having elements to exert pressure toward an agenda of substantive reforms in the electoral system. Unlike other mechanisms, such as the inter-American human rights system, there is no procedure in this case for gradual and incremental pressure that begins with a confidential report that can be made public in

the event that its recommendations are not complied with. This reduces the possibilities of advocacy for CSOs and the international community, greatly limiting the possibilities of having an impact.

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

Regarding the capabilities and mechanisms for dialogue in the CSOs, many interviewees deemed positive the fact that some CSOs hold a vision that integrates the humanitarian, human rights, and political components and, especially, the existence of good communication channels between the humanitarian issue and the human rights issue, despite pressure from the UNCT to separate them.

In this sense, it is considered that the organizations have gone through a learning stage that has allowed them to mature, and their work in coalition has been strengthened by important achievements that will be mentioned later.

The existence of efforts to unify and channel their voices was also highlighted, although dispersion is considered to prevail, at least in dialogue with humanitarian agencies. This is because the type of organizations that participate have a very diverse origin and fewer common articulating axes than those in the human rights movement, in terms of shared principles and philosophy. This difficulty in articulating may be related to several factors, including a more recent and shorter trajectory, competition for resources, fear of reprisals and the belief that the spaces for interaction with the UNCT are a concession that should be thanked without raising critical views. Some consider that the cluster does not contribute to the generation of shared and trustworthy spaces due to the presence of government officials, which inhibits the exchange of information.

The picture among CSOs that work in the field of human rights is more favorable, as there are efforts to deliver a unified message to the OHCHR. Some organizations are well prepared and do valuable advocacy work. In addition, the crisis has stimulated the emergence of new organizations, as well as the upgrading of old organizations that have incorporated advocacy work into their activities. However, the same organizations consider that the efforts to make their concerns and demands visible on the political agenda are still insufficient.

Concerning the advocacy capabilities of CSOs in the political sphere, the human rights movement has not been a natural interlocutor in this scenario, to which is added the fact that "*politicians have failed to do their job because the opposition did not confer importance to the UN spaces*", as one person interviewed stated. In this scenario, some CSOs have begun to try to fill the political spaces, although not very successfully. Political advocacy is indeed difficult for CSOs, not only because it is not their natural space, but also because it takes going beyond the descriptive to advance into the propositional. In this sense, some sectors consider that the UN should function as the technical secretariat of the mechanism for consultation with social actors established in the framework of the Mexico negotiations, in order to ensure greater capabilities for dialogue between CSOs and political actors.

Entering the political scene from civil society is an exercise that is not exempt from risks given that the topic of elections can be raised as a mechanism of response to the crisis, leaving aside other elements of a structural nature that influence shortcomings in the system of checks and balances. This was noted by some interviewees who consider that understanding the electoral issue as a first step in the right direction is not great progress, but it is portrayed as such, to which is added the existence of a climate of mistrust that prevents coordinated action between CSOs and the political sector toward a common agenda in the international arena.

ACHIEVEMENTS

All the people consulted on this topic agreed on identifying two great achievements of CSOs in the field of human rights, their work of advocacy during the different cycles of the UPR and the approval of the resolution that created the FFM. Regarding the UPR, not only was a large amount of information contributed but the way in which it was presented, and the advocacy strategies followed have been recognized

as a model by organizations that work on the subject at an international level, such as UPR Info.

Likewise, the system of alliances weaved between Venezuelan organizations and their international counterparts for the establishment of the FFM and the renewal of its mandate has been recognized. It is worth noting that the FFM emerged as a proposal to give centrality to the issue of human rights within the framework of a widespread crisis in the country. In this context, the humanitarian organizations and the organizations that work in the field of ESCRs joined efforts for advocacy, even though the issues on their agenda were not incorporated due to resistance from the Lima Group as promoters of the resolution.

To this can be added the work carried out before the treaty bodies through alternative reports, beginning with the Committee against Torture in 2014. The presence of CSOs in these spaces in Geneva has made a difference in terms of making the situation of Venezuela visible and raising awareness among the international community and the experts themselves about the main problems of the country with respect to the different mandates.

There is no doubt that the letter sent to the SG Ban in 2016 rejecting inaction and the concealment of information by the UNCT, constituted a turning point in the handling of the humanitarian emergency, constituting another important achievement in terms of advocacy. Albeit belated, the arrival of humanitarian agencies in the country is mainly a consequence of the advocacy work of national organizations.

Advances in advocacy have been possible thanks to the strengthening of the documentation capacities of the organizations, which allows them better quality in the presentation of reports.

With regard to advocacy work in the political area, the achievements have been more limited. The interaction with the DPPA made it possible to open some spaces in 2014. On the other hand, the observation of the regional elections through the panel of experts is also recognized as progress in advocacy by the CSOs.

In most cases, especially in the field of human rights, there has been a coordinated action under a vision of process, in such a way that the work of advocacy has not been limited to the moment of presentation of a report or approval of a draft resolution and has extended to follow up activities that provide the mechanisms with

additional information and support the victims in generating elements of interest for each of these spaces.

MAIN BARRIERS

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.

Internal barriers

From the institutional point of view, the narrowing of the civic space constitutes the main barrier faced by CSOs in the development of their activities before international organizations. There is constant discrediting and criminalization of those who turn to international bodies. In fact, since its first edition in 2010, the SG's Annual report on reprisals for cooperation with the UN has recorded cases in Venezuela every year, beginning with the arrest and trial of Judge María Lourdes Afiuni for complying with a recommendation of the Working Group on Arbitrary Detention. On the other hand, the weak and belated reaction of the UN human rights system to cases such as Azul Positivo and Fundaredes has generated fear, bewilderment and a feeling of defenselessness among the organizations, which has sometimes led to withdrawal or paralysis.

NGOs survive despite an adverse context, not only in terms of the narrowing of civic space and growing repression but also in terms of the wear and tear of day-to-day life in the context of a Complex Humanitarian Emergency. The crisis becomes an obstacle in itself, to the extent that people must spend a lot of time and energy solving everyday problems such as access to food, medicine, services, fuel and cash, which prevents them from focusing on strategic issues. This adverse environment worsened with the COVID-19 pandemic which, as many people have pointed out, has meant an emergency within an emergency in Venezuela. Several people interviewed in Venezuela stated that they need more support from their experienced colleagues abroad to address issues with a strategic vision beyond the conjunctural. [145]

Thus, the emergency has brought fatigue, exhaustion, and mental health deterioration due to depression and difficulties in aligning the message with the

[145] In this regard, see the aforementioned report by Dejusticia.

objectives, establishing priorities and advancing mechanisms that favor accountability by those who hold power. Another consequence of the crisis is the loss of human resources and the reduction of teams, both due to migration and financial limitations. In this way, educated people are lost because they prefer to look for more attractive options from a financial point of view inside or outside the country. On the other hand, those who remain in the organizations must find complementary jobs to make ends meet, which reduces their level of attention and dedication. In addition, the friends and relatives of the defenders are leaving the country, which makes them feel more isolated: "*we are left alone*", claimed an interviewed defender.

More recently, competition within the country is being generated by international actors, whether from the UN system or from other humanitarian organizations against which local organizations cannot compete in terms of wages. Amid this adverse scenario, many defenders who have left the country maintain links of collaboration or work with their reference organizations in Venezuela, which implies a commitment and a contribution to these organizations but is not always a practice well regarded or accepted by some donors.

On the other hand, the emergence of a considerable number of new organizations, as well as the incorporation of new people into older ones, is creating significant challenges in terms of training. In this sense, there is concern about the lack of understanding of the functioning of the international system for the protection of human rights and the false expectations that may exist in the organizations or among the victims. Sometimes the work is assumed mechanically, without understanding that, as one person interviewed warned, "*the work of protection and advocacy in human rights does not end with the filling out of a form; it needs a political strategy, coordination and follow-up*". Although, as stated before, the success of the advocacy efforts rests in the presence of these three ingredients, there is concern about the weakening of these capabilities due to the crisis and its effects.

It is necessary to add that the capacity for documentation and advocacy is also being affected by the absence of the rule of law and an independent justice system. Victims are discouraged from denouncing abuses due to skepticism or mistrust of institutions, and many organizations have ceased to litigate because they do not have cases with victims or because they consider that it makes no sense to turn to the institutions. The lack of domestic litigation reduces the possibilities of elevating the cases to international instances, to the detriment of the work of advocacy and protection. Some special procedures have observed a reduction in complaints from Venezuela, even though the number of human rights violations continues to increase.

In short, the same political and humanitarian crisis that is denounced and expected to be tackled is the main source of barriers to the development of documentation and advocacy activities of the human rights movement before the international system. Thus, the need to establish priorities has led organizations to assume the work of advocacy in a coordinated manner, in order to maximize their chances of impact.

Lastly, advocacy in the political sphere has been limited, especially since it is not the natural space of interaction for CSOs. Also, the dispersion of the messages from the opposition parties and their scant interest in incorporating the United Nations system into the set of actors to explore solutions to the crisis, make dialogue in the political sphere more difficult. Added to the foregoing is the mistrust among many CSOs toward political parties due to the fear - often justified - of seeing their work instrumentalized in favor of political and partisan agendas, which makes the relationship between these two national sectors complex and tense.

System barriers

The United Nations system is known to be complex, and the human rights system, with its diversity of spaces and mechanisms, is no exception. If interaction and follow-up are not easy under normal conditions, they are much more difficult in a country with serious restrictions on access to the Internet and where all its residents, including those in CSOs, are affected by the consequences of the humanitarian emergency. In this sense, it is difficult to follow up on the entire agenda of this complex system, making it necessary to focus on some topics while leaving others behind.

On the other hand, several people interviewed pointed out that some behaviors of the UN officials in the country have contributed to the creation of rifts between CSOs instead of strengthening them and facilitating cohesion. Thus, whenever the threats to civic space are not met by firm positions by the UN officials in the country, the organizations are bewildered and begin to respond to the logic of "*survival of the fittest*" rather than their principles, which risks fueling the government's attempts at division.

Other barriers are associated with formalisms, such as the limitations of the accreditation system to allow participation in the spaces of the system. The majority of organizations rely on the support of NGOs with consultative status in the Economic and Social Council (ECOSOC) and do not have a permanent liaison in New York or Geneva

that facilitates their work, unlike the GONGOs, whose accreditation and spaces of participation are managed and facilitated by the governments through their missions in both cities.

In the case of the OHCHR, its opacity in recent years toward CSOs has become an obstacle to more effective interaction. Several organizations pointed out that the confidential nature of the memorandum of understanding between the government and the Office on a presence in Venezuela has become a wild card that is used at will to try to justify the limited action of human rights officers on the ground. One person interviewed stated that the memorandum of understanding "*is invoked but remains unknown. One confronts them on their weak actions and they shield behind the terms of their relationship with the State outlined in the memorandum that allegedly prohibit the officials from speaking*".

Finally, at the level of the Office of the SG, the political agenda displaces humanitarian and human rights issues and, as it is not the natural space of advocacy for CSOs, it is more difficult -almost impossible- for them to gain access.

PENDING CHALLENGES

The interviews conducted allowed identifying four areas where challenges remain regarding the work of CSOs before the United Nations system, such as interaction with key actors, the establishment of alliances, information and communication strategies, and the ability to detect critical situations.

For the purposes of this study, key actors are defined as the sectors that make decisions that can influence the situation in Venezuela in the areas of human rights, humanitarian emergency and political crisis, mainly made up of other States through their foreign ministries, embassies and missions, as well as by multilateral organizations, donors, international non-governmental organizations, think tanks and large media outlets, among others.

CSOs produce a lot of factual information and reviews of their own activities, but there is little analytical material that would allow a reader unfamiliar with the country to understand the origin and implication of certain events. Most of the pieces of analysis produced are only available in Spanish, which limits their dissemination to broader

audiences. Although with restricted resources, initiatives have recently emerged to overcome this limitation.[146]

Other than the production of written analyses, it is also necessary to pay more attention to other fora and spaces that influence the situation in Venezuela. Bogotá, for example, has become a decision-making center for the country, to the extent that embassies that no longer have a presence in Venezuela operate from there, as well as numerous cooperation organizations. However, Venezuelan CSOs still do not have these actors on their radar, and the interaction of these actors with organizations in Venezuela is also limited. Interaction is even more challenging for organizations outside the capital city, as many actors focus their relationship with organizations based in Caracas, where most funding is also concentrated.

It is worth mentioning that the work of advocacy within Venezuela, in spaces generated by the UNCT, has the challenge of exerting greater pressure to ensure compliance with an agenda not conditioned by the government, including the demand for the presence of CSOs in the spaces of technical assistance, which continue to have an exclusive nature without the UNCT and the presence of the OHCHR calling for greater inclusion and diversity of interlocutors.

Also, it is worth making a brief reference to the perception that these key actors have about the performance of CSOs. Many actors are empathetic towards CSOs, but do not always understand the risks faced by the organizations; they also fail to depoliticize the vision they have of NGOs in Venezuela and take their criticism of the government as a position of political opposition.

Concerning the establishment of alliances, there is a need for greater links with international non-governmental organizations both in New York and in Geneva, as well as with others that do not have a permanent presence in these two cities but carry out important international work in specific rights such as food, health, environment, freedom of expression, association and civic space, among others of special relevance for Venezuela.

The production of pieces of analysis in English, other than information, is also necessary to feed these spaces. Similarly, the development of joint proposals for campaigning on issues of common interest can serve to strengthen the alliances.

[146]See AlertaVenezuela: https://en.alertavenezuela.org/, Hearts on Venezuela: http://www.heartsonvenezuela.com/ and Peace for Venezuela: https://peaceforvenezuela.org/

Regarding the information and communication strategies, the people interviewed agreed that there is a need for a greater reach of the reports and joint statements made from Venezuela, as well as of the reports produced by the different mechanisms of the United Nations human rights system. For example, an extraordinary joint analysis of four special statements on the reduction of civic space in Venezuela went unnoticed both in Venezuela and among the diplomatic community. In the same order of ideas, the reports presented by special procedures before the Third Committee of the UN General Assembly in New York do not have communicational repercussions in Venezuela and are not covered, despite their great value for the work of advocacy.

Regarding the ability of CSOs to warn about critical situations, several examples demonstrate the good analytical skills that allowed the early warning of some situations, such as the growing deterioration of human rights, both in the field of civil and political rights as the field of economic, social and cultural rights, the deterioration of living conditions that would lead to a humanitarian emergency, the reversal of the migration flow that turned Venezuela into a sending country, the disappearance of the rule of law as a result of the seize of institutions and the closure of spaces for democratic participation, or the use of political discrimination as a State policy, among others.

Likewise, CSOs warned early on about the loss of relevance of the OAS to address the situation in Venezuela and the need to open communication channels between Geneva and New York to ensure an adequate flow of information in the three areas considered in this report to aim for coordinated responses.

The challenge in this field is not in the ability to warn of critical situations, but to adequately communicate them to the decision-making centers and get to be heard to trigger timely responses. Taking into account that the bureaucratic resistance analyzed before constitutes an obstacle to achieving these coordinated responses, the challenge in this matter also involves the need to rethink international advocacy strategies beyond the conjunctural, to generate reactions of a structural nature. It is no longer just about Venezuela being mentioned in a report or a Human Rights Council debate, but about being present in decision-making spaces with proactive messages that force the actors to mobilize in generating responses.

The foregoing is also related to the ability to assert the integrity and independence of the mandates on the ground and protect them from interference or arbitrary restrictions, as this is essential to protect the population and avoid aggravating their situation. In short, the agencies on the ground are the ones to implement what is

agreed upon at the headquarters, and they are also subject to the greatest pressure from the government.

Certainly, it is difficult for CSOs to assert the integrity of the mandate if they perceive the presence and actions of the United Nations system in the country as a favor and have not been involved in the spaces of discussion of their implementation. Only a small group understands the importance of this task, and the challenge for that group is to persuade the rest of the organizations of the need to establish mature relationships, rather than relations of subordination, with the agencies in the country.

Overcoming these challenges also implies having financial and human resources that are not easy to obtain, due to a growing trend among donors who demand visibility of short-term actions, which leads to less attention to long-term strategic ones. On the other hand, the same increase in presence of UN agencies in the country, despite the undeniable benefits for the population, also has a perverse side in the existence of a type of interaction with CSOs that have not made enough efforts to build capacities without prompting competition for relations and resources. As one person interviewed warned, "*the entry of UN resources marked an inflection point in the dynamics of CSOs*", so the risk of the role of CSOs being distorted is high, to the extent that they are seen and treated as implementers, without much capacity to influence decision-making and trapped in a logic of access to resources.

CONCLUSIONS AND RECOMMENDATIONS

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.

Recognizing the important full half of the glass, this study does not intend to burn bridges nor engage in a "*name and shame*" approach,[147] but to bring attention to the fact that, in the case of Venezuela, the mistakes warned by independent experts in other

[147]To name and shame is to "publicly say that a person, group or business has done something wrong". It is a form of public shaming used to rally popular opinion against and in turn discourage certain kinds of behavior or enterprises. The practice occurs both at the domestic and international levels, where naming and shaming is often used to denounce unfair business practices or human rights violations. Taken from: https://en.wikipedia.org/wiki/Name_and_shame#:~:text=To%20name%20and%20shame%20is,kinds%20of%20behavior%20or%20enterprises .

countries and at other moments have been repeated, making it the right time to learn the lesson and stop repeating them.

The shortcomings accumulated in recent years endanger the credibility and effectiveness of multilateralism, in a problem that, as has been shown in this study, does not affect the response to the situation in Venezuela exclusively, although the research has focused on the problems and challenges of this country. A prevention-based approach must serve to point out failures in order to generate alerts and propose corrective measures to ensure the effectiveness of the system in the diversity of contexts in which it operates.

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. The study also identified the existence of valuable coordination spaces at different levels of the UN, in the inter-agency sphere and in the highest decision-making bodies of the organization. However, these do not seem to concretize into practical consequences.

To the problems identified in the cases of Sri Lanka and Myanmar, others have been added for the situation in Venezuela, such as the manipulation of statistics in the humanitarian field, the political calculations of the OHCHR in addressing the situation of human rights in the country and the handover of the management of the political crisis to other actors outside the United Nations system.

CSOs played an important role in Venezuela by exerting pressure to break the silence of the international bureaucracy and making especially significant advances in the area of human rights, although several issues in the field of humanitarian response and political matters remain at a standstill or with limited progress.

The work of advocacy of CSOs in Venezuela, in alliance with international NGOs, has generated relevant contributions, but the complexity of the system and its increasing secrecy make it difficult to penetrate the highest decision-making bodies to achieve changes. It seems that only big scandals manage to get the attention of the organization, although bureaucratic resistance eventually prevails. In addition, a lack of access to decision-makers has been observed, to the point that the written communications and requests for meetings from CSOs have been ignored, making the interaction between officials and Venezuelan civil society increasingly difficult.

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.

These problems, which had already been identified in Sri Lanka and Myanmar, have been present in Venezuela. The result has been a belated and inadequate response to the Complex Humanitarian Emergency afflicting Venezuela. Recently, the new RC and the UNCT have made efforts to bridge the gap between humanitarian affairs and human rights, although several UN officials continue to resist this approach and government pressure has not allowed the presentation of reports that reflect the real humanitarian situation. In consequence, the response has remained limited.

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.

The limitations in the handling of human rights matters have been evident in Venezuela through the use of timid language when referring to the violations and the challenges facing the country, the recognition of alleged progress based on unsubstantiated government announcements, the prioritization of technical assistance over protection, and the uncritical acceptance of the official narrative of alleged cooperation with the organs of the international system for the protection of human rights. In this way, the presence of the OHCHR in the country is becoming functional to the propaganda interests of the government.

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.

Thus, the management of political affairs in the country has been transferred to actors outside the UN, without there being clear messages or positions in this regard from the organization. The establishment of a panel of experts for the 2021 regional elections has been the sole concrete initiative in the political field by the UN on Venezuela. Although it is a necessary step, the initiative is insufficient and runs the risk of reducing the handling of the political crisis to an electoral issue, without considering the factors that influence the narrowing of political and democratic spaces, other than the exercise of the vote.

The reports commissioned by SGs Ban and Guterres on the action of the United Nations system in the crises in Sri Lanka and Myanmar present important recommendations regarding the structural aspects of the system, which CSOs must appropriate in order to understand the complexity of the largest bureaucratic structure on the planet and learn to navigate it.

The recommendations of the reports on Sri Lanka and Myanmar focus on the following aspects:

- Centrality of the human rights perspective.
- Strengthening of the system for crisis response management.
- Promotion of responsibility and accountability of senior UN officials.
- Comprehensiveness of the mandate of RCs.
- Adaptability of RCs.
- Coordination instances at the highest level.
- Clear lines of communication.
- Collection, management and distribution of information.
- More proactive action of the SG.
- Establishment of alliances.
- Integration of the three pillars of the UN.

- Interaction with the concerned government without sacrificing any of the three pillars.

These recommendations, which arise from lessons that are yet to be learned or applied, are not only relevant for Venezuela, and their timely implementation would have saved many lives and victims of human rights violations and prevented the weakening of political interlocutors and the United Nations system itself.

GENERAL 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, especially between the regional directors of OCHA, OHCHR and DPPA, and between them and CSOs, 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.

SPECIFIC RECOMMENDATIONS

Below are specific recommendations for the case of Venezuela regarding the three components analyzed in this report, namely the humanitarian response, the protection of human rights, and the management of political affairs. The recommendations are grouped according to each addressee.

Recommendations for the UN system at the central level

- Ratify, in policies and practices, the centrality of protection as a fundamental principle both in the field of human rights and the field of humanitarian assistance.
- Transmit a clear and unequivocal message, from the highest levels of the organization to all presences on the ground, about the compatibility and interdependence of the human rights-based approach and humanitarian work.
- Redouble efforts to strengthen protection measures, as well as training, documentation and information by staff in relation to reprisals against those who cooperate with the UN system, including timely reaction by RCs.
- Facilitate spaces for social dialogue with the participation of external actors such as the Kingdom of Norway and UN bodies, especially the RC and DPPA.
- Convert the currently confidential recommendations of the panel of experts and the recommendations of the EU election observation mission into a roadmap of work in the electoral political field toward the 2024 presidential elections.

Recommendations for the RC and the UNCT in Venezuela

- Assert the mandate of humanitarian assistance and protection as a right of the Venezuelan population, above the conditions of the government.
- Act with the understanding that the defense of rights is also a consubstantial part of your mandate, under the humanitarian principle of the centrality of protection.
- Formalize relations with CSOs, in a way that facilitates safe working conditions by protecting the humanitarian space and the local organizations that contribute to the response, without any exclusion or separation from the work of defending human rights.
- Understand that the protection of people who cooperate with the United Nations system is an integral part of their mandate and act in a timely and unequivocal manner against reprisals.
- Refrain from making requests of CSOs on behalf of the government that would compromise or imperil CSOs that seek to support with delivery of assistance, and their beneficiaries
- Rethink the approach to the financial management of the emergency by expanding the response beyond the United Nations system and

channeling it through organizations, without these being regarded just as executors.

- Redimension the humanitarian response plan based on the actual number of people requiring attention.
- Open spaces for consultation and coordination with donors and CSOs that work in the humanitarian field to agree on more flexible accountability mechanisms that ensure an adequate balance between transparency and the timely flow of resources.
- Open a debate to reach minimum agreements and draw a red line for the interaction with the government, in order to ensure that the protection of human rights is not compromised.
- Ensure greater transparency in the operation of the field missions, in areas such as the keeping of records of meetings in which commitments have been made or agreements involving CSOs have been reached.
- Facilitate the relationship of CSOs with the teams that work on humanitarian response, human rights and political affairs, both in the country and at the headquarters.
- Lead an exploratory consultation on the pertinence of the appointment of a special envoy of the Secretary-General.

Recommendations for the OHCHR

- Establish a respectful relationship with the government, without minimizing or displacing the importance of human rights.

- Recover the centrality of the human rights agenda, leaving political affairs in the hands of the SG and DPPA.
- Reestablish the balance between the technical assistance component and the protection component.
- Take significant steps to formalize the presence in Venezuela through a country office with autonomy of action and a voice of its own, through a memorandum of understanding whose content shall be available to all interested actors beforehand, including CSOs, donors and Member States.
- Strengthen links with the regions and decentralize the operations to ensure a better presence outside of Caracas, including greater efforts to share information with organizations outside the capital city.
- Strengthen ties with the OHCHR office in New York, in such a way that it becomes more involved with political bodies, to transmit the concerns about the country from a rights-based approach.

- Agree, together with the country's human rights NGOs, on a strengthening plan that contributes to overcoming the limitations faced by the organizations as a result of the effects of the humanitarian emergency, in line with the recommendations that follow below.

Recommendations for CSOs

- Explore mechanisms to regain political attention to the humanitarian agenda, by approaching democratic countries and key officials in the United Nations system to advocate the inclusion of the humanitarian agenda in political dialogues.
- Expand and diversify advocacy spaces, with the support of international allies, by participating in other strategic fora to disseminate the findings of the FFM and the reports prepared by the OHCHR since 2017.
- Promote the extension of the FFM or other international accountability mechanisms, in view of the lack of domestic accountability and independence of the judicial system and the office of the prosecutor.
- Generate greater spaces for discussion and debate on the situation in Venezuela before different UN bodies in New York by integrating the presentation of humanitarian, political and human rights issues in order to stimulate the development of comprehensive approaches.
- Strengthen ties with interested countries and qualified actors (national legislative bodies, opinion shapers, etc.) under a comprehensive approach to stimulate pronouncements that draw attention to the situation in the country.
- Inform donor countries about the successes and shortcomings of the coordination of the UN operation in Venezuela, so they can raise their concerns to the organs of the system. This exercise shall not be approached as pressing for a possible withdrawal of resources, but rather guaranteeing the most effective use of them.
- Strengthen the system of alliances with international NGOs and Venezuelan defenders outside the country as a mechanism to ensure advocacy with a greater diversity of actors.
- Look for support from allies outside the country to amplify the communication of key messages in the humanitarian, human rights and political areas.
- Recover spaces for strategic reflection with the support of international facilitators.

Recommendations to other international actors and allies

- Establish relations with the government from the perspective of demanding information that allows the adequate identification of the needs to be covered.
- Maintain an attitude of monitoring and proactive observation of the successes and shortcomings of the coordination of the UN operation in Venezuela, not under the perspective of pressing for a possible withdrawal of resources, but to guarantee the most effective use of them.
- Reconsider the lifting or relaxation of generic sanctions while keeping the sanctions on government officials involved in human rights violations, corruption, drug trafficking and other serious crimes.
- Demand that the negotiation process on the establishment of an OHCHR country office in Venezuela be carried out under the principles of transparency and participation of all stakeholders and an adequate balance of the different components of the OHCHR mandate.
- Appropriate the recommendations of the EU election observation mission to transform them into a roadmap toward the 2024 presidential elections that set the guidelines for work in the electoral political field.

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.

LIST OF ACRONYMS

ACAPS	Assessment Capacities Project
UNHCR	United Nations High Commissioner for Refugees
GA	General Assembly
HRC	Human Rights Council
CERF	Central Emergency Response Fund
HC	Humanitarian Coordinator
ICRC	International Committee of the Red Cross
IACHR	Inter-American Commission on Human Rights
COI	Commission of Enquiry
COPRE	Presidential Commission for State Reform
IASC	Inter-Agency Standing Committee
RC	Resident Coordinator
ERC	Emergency Relief Coordinator
ESCR	Economic, social, and cultural rights
DPPA	Department of Political and Peacebuilding Affairs
ECCA	Cooperation and Assistance Coordination Team
ECHO	European Civil Protection and Humanitarian Aid Operations
ECOSOC	Economic and Social Council
HCT	Humanitarian Country Team
EOSG	Executive Office of the Secretary-General
UPR	Universal Periodic Review
FAO	United Nations Organization for Agriculture and Food
IFRC	International Federation of the Red Cross and Red Crescent
UNSDG	United Nations Sustainable Development Group
HNO	Humanitarian Needs Overview
HRP	Humanitarian Response Plan
HRUF	Human Rights Up Front
LOPNA	Organic Law for the Protection of Children and Adolescents
UNDAF	United Nations Development Assistance Framework
FFM	Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela
OHCHR	United Nations High Commissioner for Human Rights
OCHA	UN Office for the Coordination of Humanitarian Affairs
OAS	Organization of American States
IOM	International Organization for Migration
ILO	International Labor Organization
WHO	World Health Organization

NGO	Non-governmental Organization
UN	United Nations
UNAIDS	Joint United Nations Program on HIV/AIDS
UNICEF	United Nations Children's Fund
PAHO	Pan American Health Organization
SCO	Civil Society Organization
PDA	Peace and development adviser
GDP	Gross domestic product
WFP	World Food Program
NHRP	National Human Rights Plan
UNDP	United Nations Development Program
RMRP	Refugee and Migrant Response Plan
RR	Resident Representative
SG	UN Secretary General
TSJ	Supreme Court
UNCT	United Nations country teams
UNETT	United Nations Emergency Technical Team
UNFPA	United Nations Population Fund

AlertaVenezuela was founded in Venezuela 2019, and it was registered as a non-profit association with the chamber of commerce of Bogotá, Colombia in May 2022

AlertaVenezuela focuses on information and analysis activities that regularly and strategically feed international decision-making bodies, from a rights perspective. The organization also has a research component, to critically evaluate the role of international actors and organizations and their current ability to respond in a timely manner to complex situations, such as the one Venezuela is going through.

AlertaVenezuela carries out practical advocacy work with the UN bodies - and, insofar as it is relevant, with the Inter-American system and other international initiatives - and, at the same time, seeks to extract from that experience some reflections on the potentialities and limitations of these spaces to provide a timely response to the needs and demands for political, humanitarian, and human rights support.

Although the work of AlertaVenezuela focuses on two axes, namely, human rights and humanitarian assistance, its areas of work also include institutional crises, international criminal justice, and violence and organized crime, since these have effects on the situation of the two axes mentioned.

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.