

Democratization



Year 3, Issue 11

Relations between Venezuela
and the Middle East since 1999

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a challenge for democrats
and democracies

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MARCH 2021

The autocratization of the world order: a challenge for democrats and democracies

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Across a range of international fora, today's authoritarians are using their influence not only to insulate their regimes from criticism, but also to actively reshape international legal standards in ways that advance their interests. No longer content to approach international law from a defensive posture, authoritarians view international law as a means of fostering their own illiberal projects, extending new authoritarian legal norms that exist alongside and compete with democratic principles¹.

For two centuries the influence of liberal ideas was –more than we would like to think– linked to the dominance of Western power. Now the influence of liberalism is fading as the agenda of world politics is increasingly set by great powers that are not part of a traditionally determined West or those that, like Russia, are ambivalent about whether or

1 Thomas Ginsburg, "How Authoritarians Use International Law", *Journal of Democracy* 31, no. 4 (2020): 44-58, available in: <https://muse.jhu.edu/article/766183>.

not they belong to the West. By far the most important state of those is China, already a superpower².

In September 2020, an extensive and documented report on extrajudicial executions, forced disappearances, arbitrary detentions, torture, and other cruel, inhuman or degrading treatment committed in Venezuela since 2014, was released. The Independent International Mission which was assigned to this investigation by majority decision of the United Nations Human Rights Council³ carried out its work meticulously. In response, the Venezuelan regime published its own report, where it tried to disqualify –amid the absence of reliable data, accusations of interference and reasons of sovereignty– not only the document substantiated by the International Mission, but the very legitimacy of international scrutiny⁴.

In February 2021, this time invited by the regime, the Special Rapporteur of the United Nations Human Rights Council on the negative impact of unilateral coercive measures on the enjoyment of human rights visited the country. The preliminary report focused on arguing the need to lift general and individual sanctions, stating these are decisive in the material and human

2 Timothy Garton Ash, “El futuro del liberalismo”, *Letras Libres*, no 267 (marzo 2021), available in: <https://www.letraslibres.com/mexico/revista/el-futuro-del-liberalismo>. This quote, as well as those that follow taken directly from texts in Spanish, are the author’s translation.

3 *Misión Internacional Independiente de determinación de los hechos sobre la República Bolivariana de Venezuela*, available in: <https://www.ohchr.org/SP/HRBodies/HRC/FFMV/Pages/Index.aspx>

4 *La Verdad de Venezuela contra a la infamia. Datos y testimonios de un país bajo asedio*, available in: <https://albaciudad.org/wp-content/uploads/2020/09/La-verdad-de-Venezuela-contra-la-infamia.-Datos-y-testimonios-de-un-pais-bajo-asedio.pdf>

rights devastation in which Venezuela finds itself⁵. There were few references to the crisis prior to the application of sanctions, characterized in detail in its human rights dimension by the reports of the Office of the United Nations High Commissioner since 2017 regarding the responsibilities of the government and by the mentioned Independent Mission.

Here are two illustrations of the complexity of the authoritarian challenge to the international legal-political order in general and, very specifically, to advances in monitoring, scrutiny and international demands on human rights, the rule of law and democracy. No longer is it only an attempt to block and disqualify international scrutiny in matters that reveal abuses of power that ignores institutional, internal and external limitations; it also joins strategies aimed at using legal resources, redefining principles and altering international norms and practices.

Besides the global advances of authoritarianism for almost three lustrum⁶, serious setbacks which under the facade of the 2020 pandemic have registered respectable rates have also taken

5 *Conclusiones preliminares de la visita a la República Bolivariana de Venezuela de la Relatora Especial de las Naciones Unidas sobre el impacto negativo de las medidas coercitivas unilaterales en el disfrute de los derechos humanos*, available in: <https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=26747&LangID=S>

6 "The research strongly supports the hypothesis that the COVID-19 pandemic is exacerbating the 14 years of consecutive decline in freedom. Not only has democracy weakened in 80 countries, but the problem is particularly acute in struggling democracies and highly repressive states -in other words, settings that already had weak safeguards against abuse of power are suffering the most". Freedom House, *Democracy under Lockdown. The Impact of COVID-19 on the Global Struggle for Freedom*, available in: <https://freedomhouse.org/report/special-report/2020/democracy-under-lockdown>

place⁷. It is no exaggeration to say that “the covid-19 pandemic may represent one of the most serious challenges to global democracy since before the “third wave” of democratization began in the mid-1970s”⁸. In this context, it is not incorrect to state that the post-pandemic world has already begun, because we have crossed a crucial threshold, with costs and challenges of all kinds. These include encouraging nationalist impulses and impeding genuine cooperation⁹. Not only is the acceleration and diffusion of the democratic regression critical in this international moment, but also the adaptation and diffusion of policies and practices that either by action or omission favor the maintenance and consolidation of autocratic regimes.

Without overlooking the particularity of each experience and transition in authoritarian adaptation to new times, many common features have developed since the end of the Cold War. This is the case of protection strategies in the face of international monitoring, scrutiny, evaluation and pressure initiatives in matters such as human rights, trade and finance, environmental issues and, of course, security in its traditional and new aspects: from territorial expansion to cyber attacks.

7 “The average global score in the 2020 Democracy Index fell from 5.44 in 2019 to 5.37. This is by far the worst global score since the index was first produced in 2006. The 2020 result represents a significant deterioration and came about largely –but not solely– because of government-imposed restrictions on individual freedoms and civil liberties that occurred across the globe in response to the coronavirus pandemic”, p. 4. The Economist Intelligence Unit, *Democracy Index 2020: In sickness and in health?*, available in: <https://www.eiu.com/n/campaigns/democracy-index-2020-download-success>

8 Editorial note, *Journal of Democracy* 31, no. 4 (October 2020): 74-75, available in: <https://doi.org/10.1353/jod.2020.0056>

9 Fareed Zakaria, *Ten lessons for a post-pandemic world* (sl: W.W.Norton & Company, 2020).

Authoritarian resilience, its use of mutual support strategies and of sharp power resources, as well as spreading and disseminating knowledge for its advance and stabilization, are part of the approaches which the authoritarian challenge and its international support have been characterized for¹⁰. This has turned autocratic advances into a major challenge for democracies, nationally and internationally. As summarized by the initial references by Thomas Ginsburg and Timothy Garton Ash, the principles, norms and procedures that have shaped the international system as we know it are being strongly challenged. Authoritarianism no longer only seeks to isolate itself from and evade them, but also promotes the transformation of global systems. This impulse has become especially intense and notable with the Covid-19 pandemic, amid the exacerbation of geopolitical competition and advances in policies of internal repression, territorial expansion and disavowal of international obligations.

Cooperation initiatives are not excluded from this, as reflected in mask-wearing diplomacy, the vaccine war or the controversies around autonomy, contributions and efficiency in the World Health Organization. In this and other areas, it should be noted that, democracies, some fragile and others institutionalized, have contributed both by action and omission to weaken the capacity and legitimacy of multilateral agreements and their institutional framework. This has been happening under the banners of national-populism in Europe and Latin America, Brexit or the

10 Introduced in three previous articles published by the author in this journal: "Democratización y resiliencia autoritaria: oportunidades del desafío y riesgos de la permisividad", *Democratización* 1, no. 3 (2019): 87-115; "Authoritarian resilience and the Venezuelan democratic cause: resources and asymmetries", *Democratización* 2, no. 5 (2020): 4-30, and "Venezuela: Between authoritarian and democratic learning", *Democratización* 2, no. 8, (2020) : 4-30; available in: <https://redformaweb.com/ediciones/>

abandonment of agreements and unilateralism of the foreign policy of the United States especially –but not only– under the mandate of Donald Trump¹¹.

All the tensions and inconsistencies of the so-called liberal world order, fundamentally transatlantic, institutionalized after the Second World War, have become more and more visible. Since then, international orders or regimes have been defined as sets of agreements around principles, rules and procedures¹² sustained on different proportions of power and legitimacy. On a world scale, the objective is the “the practical application of these concepts [power and legitimacy] to a substantial part of the globe – large enough to affect the global balance of power”, while in regional regimes or issue-specific regimes, it is to apply “the same principles to a defined geographic area”. In both cases they are recognized as “a set of commonly accepted rules that define the limits of permissible action and a balance of power that enforces restraint where rules break down, preventing one political unit from subjugating all others”¹³.

In the broadest geographic domain and thematic scope, the development of international law accelerated since the 1940s, which gave legal and political support to the world order in dimensions that have multiplied over time: conflict management

11 Among the studies on the fragility of democracies in the face of national populist challenges considered from different angles, those of Yascha Mounk, *El pueblo contra la democracia. Por qué nuestra libertad está en peligro y cómo salvarla* (trad. A.F. Mosquera, Barcelona, Paidós, 2018), and Anne Appelbaum, *The Twilight of Democracy* (New York, Doubleday, 2020), are of special interest –the first being more conceptual and the second hinging on specific experiences.

12 Robert Keohane, “The Demand for International Regimes”, *International Organization* 36, no.2 (Spring, 1982): 325-355.

13 Henry Kissinger, *The World Order* (Nueva York, Penguin Books, 2015).

and security, economic, social and cultural issues, extended to unavoidable matters of a global nature, for instance and among many others terrorism, communications, control of epidemics, climate change.

In essential matters to a liberal conception of world order, development was slower and more rugged: the effective enforcement of the legal framework for the protection of human rights, the protection of democracy and the rule of law encountered recurring obstructions in authoritarian regimes. It cannot be ignored that these were also found in the democratic powers that, in the context of the Cold War, considered that autocratic stability was preferable to the risks of democracy. Similarly, suspicions were maintained in other democratic States, not powers, about agreements that implied concessions of sovereignty and acceptance of supranationality, as has been the historical case of Latin America.

The increasing necessity, or at least convenience, to have international credentials of democratic legitimacy after the Cold War has been lost. Simultaneously, there has been a lack of knowledge and resignification of international principles, norms and procedures that hinder authoritarian purposes and performance.

What follows is just an exploration of the subject. The argument is developed in three parts. First, an introductory overview at the state of world order, from challenges to its institutionality and liberal dimension in various fields. Then, the central argument based on the exploration of international affairs and relations where the authoritarian incidence on international institutions has been outlined in two aspects: on the one hand,

the initiatives of the Russian and Chinese regimes as “gravity centres of authoritarian rule”¹⁴, particularly in the area of human rights, and, on the other hand, its significance for the resilience of the Venezuelan regime. Finally, brief reflections on fundamental challenges for democracies and for the construction of Venezuela’s transition to its recovery from the perspective of the authoritarian impulse to change the world order.

I. A fragile and challenged world order

Autocratic impulses and democratic actions or omissions that favor an order in which power prevails over legitimacy is not new. By changing what is changing, it has manifested itself in cycles in which one or the other has prevailed¹⁵.

In perspective, the progress made in the second half of the 20th century in fundamental areas of the international legal-political order and its institutional framework cannot be denied. In the mid-1990s, this was celebrated by one of its most ardent defenders: “Fifty years after its founding, the Western liberal democratic world is robust, and its principles and policies remain the core of

14 Marianne Kneuer & Thomas Demmelhuber, “Gravity centres of authoritarian rule: a conceptual approach”, *Democratization* 23, nro. 5 (May 2015): 775-796, available in: <http://dx.doi.org/10.1080/13510347.2015.1018898>

15 Richard H. Steinberg & Jonathan M. Zasloff, “Power and International Law”, *The American Journal of International Law* 100, no. 1 (January 2006): 64-87, available in: <https://www.jstor.org/stable/3518831>; Joseph S. Nye Jr., “Will the Liberal Order Survive? The History of an Idea”, *Foreign Affairs* (January-February 2017), available in: January/February 2017 <https://www.foreignaffairs.com/articles/2016-12-12/will-liberal-order-survive>

world order. The challenges to liberal multilateralism both from within and from outside the West have mainly disappeared”¹⁶.

Many advances contributed to that order which, even demystifying it¹⁷, accumulated a favorable balance of institutionalization that at different scales and spheres cultivated liberal political norms and practices.

Now, at the close of the first twenty years of the 21st century, both the de-globalizing impulses that selectively feed on negative aspects and effects of globalization, as well as the weaknesses of a liberal international order whose most essential legal support has been less and less disguisedly object of non-compliance by democratic governments and of instrumentalization or resignification by authoritarian governments, are evident.

In a nutshell, this fading is not easily identifiable on a cursory reading of the very frequent statements that often praise and defend international law, multilateralism and the United Nations. An example of this is the Declaration of the Russian Federation and the People’s Republic of China¹⁸ on the Promotion of International Law. Then, the discursive nuances and the undeniable abyss between rhetoric and actions: there is a step back towards notions of sovereignty and the limitation of the international responsibility

16 G. John Ikenberry, “The Myth of a Post-Cold War Chaos”, *Foreign Affairs* (May-June 1996), available in: <https://www.foreignaffairs.com/articles/1996-05-01/myth-post-cold-war-chaos>;

17 Joseph S. Nye Jr., “Will the Liberal Order Survive? The History of an Idea”, *Foreign Affairs* (January-February 2017) , available in: <https://www.foreignaffairs.com/articles/2016-12-12/will-liberal-order-survive>

18 *The Declaration of the Russian Federation and the People’s Republic of China on the Promotion of International Law*, 25.06.2016, available in: https://www.mid.ru/en/foreign_policy/position_word_order/-/asset_publisher/6S4RuXfeYlKr/content/id/2331698

of States that weaken essential aspects of the liberal international order, its institutions and practices developed since 1945 on many fundamental issues, both institutional and thematic.

Institutionally, multilateralism –as an international legal and political formalization of the coordination of interests– is undoubtedly a central piece for global governance. It is so in different scopes, global and regional, and international, transnational and supranational matters. Its liberal institutionalism continues to be globally fundamental as a system of rules and procedures in economics (i.e., commercial, monetary and financial), in politics (with international security as the central issue), in matters of transnational nature (e.g. health, climate change) and supranational nature (especially in human rights). This institutionality in each of its dimensions is no longer only under pressure to strengthen its capacities and protect the legitimacy of liberal principles based on human rights, it is also challenged by initiatives aimed at limiting or changing its scope.

II. International autocratization and Venezuela

The essence of Venezuelan foreign policy since 1999 has been, visibly, the effort to protect itself from democratic international influence. It began with debates around the approval of the Inter-American Democratic Charter and continued with the initiatives to disqualify it, distort it, limit its scope, and promote the regional adoption of other clauses¹⁹. It continued with the disqualification

19 A text and an interpretation focused on the unconditional defense of democratically elected governments, relegating autocratization in their performance, was accepted in the democratic clause of the South American Union of Nations. This view has thus prevailed in the regional interpretation in situations such as those in Honduras in the face of complaints about the unconstitutional initiatives of President Manuel

of the reports and the non-authorization of missions of the Inter-American Commission on Human Rights, the non-compliance with judgments of the Inter-American Court of Human Rights, the withdrawal from that instance with the denunciation of the American Convention on Human Rights in 2013 and the departure from the Organization of American States effective in 2019. The disqualification of independent international electoral observation which the regime has rebuffed since 2006 was accompanied by the adoption of the figure of accompaniment, with minimal competencies and independence, while still trying to manipulate the observation systems of the European Union and the United Nations for its own purposes.

This effort was increasingly visibly accompanied by disqualifications and isolation from agreements and institutions of liberal essence, both commercially and financially as well as politically. In terms of integration, the Venezuelan government quickly manifested itself in opposition against the Free Trade Agreement of the Americas (FTAA) and stated an express antiliberal sense with the joint creation of the Bolivarian Alternative for the Americas with Cuba –signed in 2004 but proposed to the Caribbean by Hugo Chávez in 2001–, later renamed the Bolivarian Alliance for the Peoples of Our America. The abandonment of the Andean Community and the Group of Three in 2006, the forced entry into Mercosur effective in 2012 with the intention of modifying it, as well as the promotion of bilateral energy agreements with Petrocaribe in 2005 have since followed. The latter were geopolitically fundamental to foster affinities, support and votes for Venezuelan positions and proposals in international forums.

Zelaya prior to the 2009 coup, and Ecuador in 2010 with President Rafael Correa's denouncement of an alleged coup attempt by the police.

With an express interest in displacing the influence of the Organization of American States, and taking advantage of the regional political approaches of the “pink tide”, the creation of the Union of South American Nations was encouraged in 2008 and the Community of Latin American and Caribbean States between 2010 and 2011.

The search for extra continental references and alliances was privileging coincidences with authoritarianism that challenged the advances of liberal principles, rules and procedures within the global picture of autocratization and recession of democracy that was emerging. Among them, China and Russia are of particular interest. They are so because of their willingness and resources to instrumentalize legal-political principles, rules and procedures for their own benefits and, not least, because of the impact of their international initiatives on the resilience of the Venezuelan regime.

Among others, Russia and China

It is convenient to reinforce that the global illiberal impulse is not only caused by the Russian and Chinese regimes: it is encouraged by other authoritarian regimes, as well as, on its own scale, fragile democracies, and strategic weaknesses and inconsistencies in democracies with better institutional support. Whichever it may be, in times of populist nationalism –and more recently of pandemic emergency and economic recession–, it is difficult for them to escape the defensive temptation of isolation, geopolitical competition and the postponement, if not abandonment, of international responsibilities. The list of bilateral and multilateral commitments abandoned to varying degrees by the United States government under the presidency of

Donald Trump is a fundamental piece of information, not just a mere example²⁰. So are, in the opposite direction, both the express geopolitical reorientation of the European Union Commission and its Common Foreign and Security policy, as well as the shift towards concerted and multilateral action by the new US government.

Among the regimes related to Venezuela, Cuba is, without a doubt, an extremely influential actor in foreign and domestic policy of all areas. But China and Russia are the two authoritarian actors whose drive to abandon, reorient or redefine principles, rules and procedures has the greatest influence, means and willingness to use them worldwide. While recognizing the difference in their capacities and motivations, the two regimes have in common their dissatisfaction with the world order and their willingness to move within it in what is convenient for them: to reorient or stop initiatives from others, to gain support and legitimacy for their own, and to influence the definition or reinterpretation of rules²¹. The right to veto in the United Nations Security Council gives them a fundamental advantage. Furthermore, creating their

20 Oona Hathaway, *Reengaging on Treaties and Other International Agreements (Part I): President Trump Rejection of International Law*, Just Security (s.f.), available in: <https://www.justsecurity.org/72656/reengaging-on-treaties-and-other-international-agreements-part-i-president-donald-trumps-rejection-of-international-law/>. Regardless of the success of the 2017-2021 period in finance, trade, security, health, climate change and human rights, there had already been notable ambivalences before, such as in the procedure for the invasion of Iraq or, like China and Russia, in the non-acceptance of the jurisdiction of the International Criminal Court.

21 The most significant references of this common orientation are drawn by Thomas Ginsburg, op. cit. and Thomas Ambrosio, "Authoritarian Norms in a Changing International System", *Politics and Governance* (ISSN: 2183-2463). (vol. 6, no. 2, 2018), pp. 120-123, available in: DOI: 10.17645/p.v6i2.1474.

institutional spaces, they have also set aside some principles and rules and given a central role to others.

Among the agreements that both have promoted in their areas of influence and that contribute to the creation of their own references in the fields in which they act –economy and security–, the Shanghai Cooperation Organization (2001) applies to both and other Central Asian states. Russia has promoted the Collective Security Treaty Organization (since 1994, renewed in 2002) and the Eurasian Economic Union (2015). As for China, with a broader scope and including democratic actors, the most relevant agreements are the Belt and Road Initiative (since 2013), the Asian Infrastructure Investment Bank (2014), the Comprehensive Regional Economic Association signed in mid-November 2020 together with other fourteen Asia Pacific countries –the world’s largest trade pact with almost a third of the world’s economic production–, and the Investment Agreement signed with the European Union at the end of December 2020, negotiated since 2013.

Russia and China have violated principles and agreements in matters as diverse and important as respect for territorial integrity (e.g. Ukraine and the “Asian Mediterranean”, and the Pacific respectively) as well as self-determination (as is the case of Russian interference in elections and consultations of other countries or Chinese disrespect for the transfer agreement of Hong Kong and the principle of one country two systems). The challenge is also manifested in the areas of trade and investment, with little or no transparency and with the imposition of conditions that violate or are alien to international regimes and agreements on these matters. This is complemented by the agreements between the two powers, as reflected in their energy

alliance for the construction of the world's longest gas pipeline for supplying China, amid tensions with the United States and the sanctions imposed by them together with the European Union to Russia. In fact, the Sino-Russian rapprochement amounts to more than five years and has resulted in a succession of statements and a range of agreements in which, with a high dose of pragmatism and caution, the mutual interest in protecting and projecting their power is present.

Their insistence on a multipolar world order based on equal rules for all must be interpreted considering their efforts in adjusting those rules to their own interest, for which they not only promote and influence agreements and forums but also participate very actively in the multilateral system. They do it in the Security Council with the exercise of the veto –which stops scrutiny and sanctions–, in the Human Rights Council, and also in the General Assembly with an authoritarian majority, as well as in spaces and specialized agencies on issues such as health and climate change, corruption and telecommunications. As for China's case, the amount of contributions the nation makes renders it the second largest contributor to the UN budget and it has increased its participation and competition for the direction of specialized agencies, including those dealing with telecommunications, corruption or intellectual property.

Liberal and authoritarian multilateralism

In its most general sense, the definition of multilateralism as a system of world governance rules is valid for any state, but only until clarifications are made. The structure, relationships and procedures of multilateral governance always combine power and law. In its authoritarian conception, power prevails

centered on the State as a support and limit to institutionality. In its liberal form, international legal institutions prioritize norms and regulate force based on principles of democratic self-determination and international responsibility. With the advances of the authoritarian conception, there is an expanding gray area in which the multilateral is reduced to the exercise of the power of influence (and veto) in the midst of the criticism of unilateralism while it is practiced and while it calls for the democratization of international organizations.

The praise for multilateralism and the expressions on the need to democratize and strengthen it, as well as expressions of appreciation and interest in strengthening international law, are expressly present in the aforementioned June 2016 declaration signed by Presidents Xi Jinping and Vladimir Putin in support of the promotion of international law. A specially interesting precedent is the 1997 Joint Declaration on the Multipolar World and the Establishment of a New International Order²², and the 2005 Joint Declaration of China and Russia on International Order in the 21st Century²³.

Since 2014, after the Russian annexation of Crimea and Sevastopol, in the midst of the Chinese geopolitical turn under the presidency of Xi Jinping and in the face of the growing unilateralism of the United States under the presidency of Donald Trump, there have been a succession of meetings, declarations and

22 *International Legal Materials* (vol. 36, nro. 4, Cambridge University Press, julio 1997), pp. 986-989, available in: https://www.jstor.org/stable/20698707?read-now=1&refreqid=excelsior%3Aa7d0b16d5ba795592354da6a92dee260&seq=3#page_scan_tab_contents

23 Joint Declaration of China and Russia on International Order in the 21st Century (February 2005), available in: <https://www.fmprc.gov.cn/esp/zjt/hjtfwelshsk/t202164.htm>

agreements in which, from different trajectories, strategies and interests, the aspirations to recover the recognition of Russia as a power with its areas of influence and the deployment of China as a geopolitical power have converged. This approach has been described as the pragmatic conjunction of the Primakov doctrine –in its dimension of recovery of spaces and geopolitical projection of Russia– and the principles of Peaceful Coexistence proclaimed by China: respect for sovereignty and integrity, no mutual aggression, no interference in internal affairs, relationships of equal and mutual benefit, and peaceful coexistence.

The aforementioned distancing of the United States from multilateral agreements and forums during the Trump administration encouraged the vindication of international law and multilateralism by China, Russia and other autocratic regimes on their own terms. Before the United Nations General Assembly in the commemorative sessions of the 75th anniversary of the World Forum and the end of the Second World War, Xi Jinping²⁴ spoke of the persistence on the path of multilateralism and defending the international system centered on the UN and the need to sustain global governance on the principle of consultation, cooperation and benefits for all, and to promote equal rights, opportunities and rules among all countries so that this system would respond to world politics and economy which were already different from those of 1945.

During the same forum, the President of Russia established as principles, “in the clearest and most unambiguous terms by the founding fathers of our universal Organization”, equality of

24 Xi Jinping Pronuncia Importante Discurso en el Debate General del Septuagésimo Quinto Período de Sesiones de la Asamblea General de las Naciones Unidas (22 de septiembre 2020), available in: <http://cl.china-embassy.org/esp/zldt/t1817749.htm>

sovereign States, non-intervention in their internal affairs, the right of the people to self-determination, the condemnation of threats or use of force, and the political settlement of disputes. Regarding the Security Council, after defining it as a fundamental piece of global governance, he reiterated that it cannot dispense with the veto power of the five permanent members, victorious powers of the Second World War, which he still considered representative “of the current balance of political and military power”²⁵.

On international law, the starting point of the Sino-Russian declarations of 2005 and 2016 is the centrality of the principle of sovereign equality for the stability of international relations. This sounds very good until, returning to its classic notion, it’s found that the principle of non-intervention is insisted on every issue, be it political, conflict resolution, economic or security, referencing UN Charter and some resolutions of the world forum²⁶. This principle becomes a clear limit to the scope of international law. Hence the separation that was already so expressly included in the joint declaration of 2005: “The affairs of countries must be decided independently by their own peoples, and the affairs of the world must be determined on a multilateral and collective basis and through dialogues and consultations”²⁷. It is also the case that the violation of well-established principles and norms (e.g., respect for territorial integrity) are considered matters of sovereign national decision.

25 Address to the 75th United Nations General Assembly (September, 2020), available in: <https://spain.mid.ru/de/noticias/-/a>

26 Especially Resolution 2625 (XXV). *Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations* (24.10.1970), available in: <http://www.un-documents.net/a25r2625.htm>.

27 See note 23.

This vision of international law and multilateralism, which insists on its instrumental aspects but also on the global weight of China and Russia –with their right to veto– in the definition of political guidelines, norms and procedures, has also been assumed by other authoritarian regimes. This has been manifested in coincidences in international forums on international law and multilateralism, in general, and on human rights and democracy, trade and investment, and security. This last concept is extremely plastic for authoritarian regimes, and not only serves to repress freedoms within borders but also to disqualify external scrutiny and weaken its legal-political support: as hegemonic, undemocratic, and violating sovereignty.

Multilateral spaces are diverse, not only because of the aforementioned distinction between those promoted by authoritarianism and those linked to the liberal order. They are especially so because multilateralism with a global scope, which brings together democracies and autocracies, also includes diverse issues: international issues (e.g., security and conflict resolution, which manifest national interests and geopolitical competition more explicitly and with greater force); transnational issues, in which interdependence makes coordination especially necessary, although geopolitical constraints limit it in practice (e.g., trade and finance, health and climate change); and finally, those that are conceived and have been slowly institutionalized as supranational, which is the case of human rights²⁸.

Although generally authoritarian regimes are constitutionally compliant proclaiming their adherence to the defense of

28 Thorsen Benner: “What is left of Multilateralism” (Global Public Policy Institute- Bertelsmann Stiftung, 2019), available in: <https://www.gppi.net/2019/11/04/whats-left-of-multilateralism-putting-six-hypotheses-to-the-test>, and “Competitive Cooperation: How to

human rights, they do so in a way always subjected to the test of facts. Consider the vast catalog of rights contained in the 1999 Venezuelan Constitution²⁹. In practice, these rights are not promoted or protected effectively; instead, duties are imposed and the guarantees of all rights are dismantled in the name of defending the regime. In authoritarianism, national law prevails over international treaties and tribunals: be it contrary to what is constitutionally stipulated, as in the case of Venezuela, or in line with the national legal framework –such as the one in the Russian constitutional reform of 2020– or as implied by the fundamental law of China. The most important thing is that the rhetoric is not only accompanied by arguments that justify the ignorance of the universality and interdependence of all rights, but by open violations and elaborate proposals to reorient the institutions that watch over them and to modify the way of serving them. An example is the responses of the Russian and Chinese regimes to the criticism they received during the Universal Periodic Assessments for 2009, 2013 and 2018³⁰. China's 2018 response included an initial section which expresses interest in promoting the healthy development of the international cause of human rights on the basis of equality and mutual respect, but giving increasing importance to economic, social and cultural rights and

Think About Strengthening Multilateralism", (Global Public Policy Institute-Bertelsmann Stiftung, 2020), available in: <https://www.gppi.net/2020/10/28/competitive-cooperation-how-to-think-about-strengthening-multilateralism>

29 Title II contains 109 articles that cover the broad spectrum of civil, political, socioeconomic, cultural and environmental rights, with express reference in articles 19 and 23 to the supranationality of the international regime that protects them.

30 For the Popular Republic of China, available in: <https://www.ohchr.org/SP/HRBodies/UPR/Pages/CNindex.aspx>; for the Russian Federation, available in: <https://www.ohchr.org/SP/HRBodies/UPR/Pages/RUindex.aspx>

the right to development, which focus the interest of developing countries and promote the comprehensive development of human rights of all kinds³¹.

In the case of Russia's response that same year, there is no explicit conceptual differentiation on the human rights protection regime, but the distance between rhetoric and practice is abysmal. Among the statements about specific agreements to which the Federation is a party or has decided not to be, and the detailed responses to the comments received, there is a gap between the discourse and the reality on civil and political rights. The gap between what has been reported and the increase in the centralization of power and political control is also notable. This is reflected in the statement about its follow-up to a systematic policy of strengthening a constructive and depoliticized dialogue on current issues on the international human rights agenda and its position contrary to the use of the issue of human rights as a pretext to interfere in the internal affairs of sovereign States³².

However, criticism of the scrutiny criteria has not resulted in the abandonment of the Human Rights Council, but in participation from the very selection of its 47 members in the General Assembly, the promotion of Resolutions and Special Rapporteurships on matters of interest and convenience as well as participation in the Universal Periodic Evaluations.

31 China, National report submitted pursuant to paragraph 5 of the annex to Human Rights Council resolution 16/21 (August 20, 2018): 3-4, available in: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/254/65/PDF/G1825465.pdf?OpenElement>

32 Russian Federation, National report submitted pursuant to paragraph 5 of the annex to Human Rights Council resolution 16/21 (March 1, 2018): 5, available in: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/254/65/PDF/G1825465.pdf?OpenElement>

Venezuela and the unavoidable scrutiny

The disqualification and rupture of hemispheric and regional agreements and forums have prevailed throughout the current Venezuelan regime, as well as the encouragement of those promoted by it, although increasingly limited by their ineffectiveness and loss of legitimacy. In the multilateral system of the United Nations, it has cultivated in all its instances the proximity and support of related regimes –more so in the midst of its loss of regional support. They have not stopped competing to have a presence as a non-permanent member in the Security Council, achieved in 2015, where on the eleven occasions the Venezuelan case has been dealt with –formally and informally– since 2017 Russia and China have provided their decisive support to the regime. Venezuela was voted into the Human Rights Council between 2020 and 2022, in an election that revealed 105 votes in favor from all 193 member states, which proportionally corresponds to the undemocratic regimes of the world³³.

Since 2014, the acceleration in the loss of democracy and the rule of law in Venezuela has not only been accompanied by initiatives to entrench itself with the banners of offended sovereignty and threatened national security. With the decline in the legitimacy and effectiveness of the regime and those of the regional forums and agreements promoted by the government of Hugo Chávez, the need to join the initiatives of other authoritarian governments increased, bilaterally and in multilateral forums.

It is remarkable that despite the initiatives of the Venezuelan regime to disqualify and obstruct the scrutiny of human rights, it has not been able to stop it. The reports of the Office of the High

³³ Thus registered in the aforementioned Democracy Index of the Intelligence Unit of *The Economist*. See *supra*, note 7.

Commissioner for Human Rights since 2017, and particularly since July 2019³⁴, gave rise to steps to allow the establishment of an Office in Venezuela. Although the latter is dependent on strict official control of its efforts, it has managed to keep the High Commissioner informed.

It has also not been possible to reduce attention to the Venezuelan crisis in the Human Rights Council. A recent example worth remembering is that two draft resolutions on Venezuela were approved in the September 2019 session of the Human Rights Council: one to strengthen cooperation and technical assistance in human rights, whose list of promoters anticipated the intention to limit the scope of the scrutiny³⁵; and another of more precise purpose on the human rights situation in Venezuela³⁶ that gave rise to the Independent Fact-Finding Mission mentioned at the beginning of these pages.

This last mission, after a year of complex and meticulous work from abroad since it did not obtain government permission to enter the country despite repeated requests, produced an extensive and documented report³⁷. This was officially answered with three sets of arguments: the illegitimacy of the mission

34 Available in: <https://www.ohchr.org/SP/Countries/LACRegion/Pages/VEReportsOHCHR.aspx>

35 Promoted with the support of Algeria, North Korea, Nicaragua, Syria, Turkey and Palestine- Available in: <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G19/285/63/PDF/G1928563.pdf?OpenElement>

36 Supported by Albany, Argentina, Australia, Austria, Belgium, Brazil, Bulgari, Canada, Chile, Colombia, Costa Rica, Croatia, Chequia, Denmark, Georgia, Guatemala, Guyana, Honduras, Iceland, Israel, Liechtenstein, Lithuania, Monaco, Germany, New Zealand, Paraguay, Peru, Slovenia, and the UK. Available in: <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G19/284/21/PDF/G1928421.pdf?OpenElement>

37 Detailed Findings of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela (September 15th, 2020), available in:

“which demonstrated and evidenced its deep connection with a group of international actors that have carried out a series of programmed attacks aimed at undermining its sovereignty and denying its right to self-determination”; the vindication of Venezuela’s right “to defend its sovereign rights and prevent such acts, acting in accordance with international human rights law”, and, finally, the exaltation of the virtues of the legal framework and the national practice of protection of the human rights, always from the complaint of “a multiform aggression that threatens their right to development, peace and self-determination”³⁸. It is the defense of the regime that justifies all the means, while the statement on rights related to development, peace and self-determination reveal the recurrent deviation of human rights in authoritarian regimes. Considering the Latin American context, it recalls the old national security doctrines of the military regimes of the southern cone and Brazil: the thesis of external siege and internal-external enemies that justify internal repression.

Thus, the attempt to limit the scope of the supranational regime for the protection of human rights and to promote the divisibility and non-universality of these rights does not cease: prioritizing socio-economic rights conceptually –not in practice–, and disregarding the obligation of accountability. This is how it reads in the reports with which the Venezuelan regime has responded to the Universal Periodic Evaluations in 2011 and 2016³⁹. So, it joins the attempts to delegitimize the regulations and weaken the procedures for scrutinizing civil and political rights.

https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFMV/A_HRC_45_CRP.11_SP.pdf

³⁸ See *supra*, note 4

³⁹ Available in: <https://www.ohchr.org/SP/HRBodies/UPR/Pages/VEindex.aspx>

The ineffectiveness and growing internal and external illegitimacy of the Venezuelan regime have limited its ability to maneuver abroad, and joining the strategies of other countries in challenging international institutions has its costs and consequences. To the willingness to vote and support all the positions and proposals of these countries, the terms of commercial and financial agreements signed with them are added. Clauses and secret agreements, guarantees and extreme conditionalities, opacity and corruption in the execution of agreements, are some of the characteristics of bilateral deals with autocratic allies, particularly with China⁴⁰ and Russia⁴¹, but also, on their own scales, with Cuba, Iran, Turkey, among others. Meanwhile, the links and the destination of the resources related to the evasion of sanctions remain in total opacity, opacities to which will be added those anticipating the application of the misnamed and unconstitutionally formulated and approved Constitutional Anti-Blockade Law for National Development and the Guarantee of Human Rights⁴². All this makes Venezuela part of extremely unequal relations that weaken the international norms and procedures of transparency, trade and investment, while complicating the solution of the national crisis in all its dimensions.

40 Transparencia Venezuela, *Negocios Chinos. Acuerdos que socavaron la democracia en Venezuela* (September 2020), available in: <https://transparencia.org.ve/project/informe-negocios-chinos/>

41 Transparencia Venezuela, *Pese a acuerdos mil millones con Rusia en materia petrolera, la producción venezolana está en mínimos históricos*, available in: <https://transparencia.org.ve/pese-a-acuerdos-mil-millonarios-con-rusia-en-materia-petrolera-la-produccion-venezolana-esta-en-minimos-historicos/>

42 Approved by the Constituent Assembly in October 2020, *Gaceta Oficial* N° 6583 Extraordinario (12.10.2020), available in: <https://es.scribd.com/document/480258214/GOE-6-583>

III. Finally: democracy and democrats also count

There is insistence from within and outside of Venezuela on how national effort is essential to recover democracy, without underestimating the great relevance of the role international actors play, although it may be complementary. Likewise, emphasis must be placed on how essential it is to coordinate international liberal agendas in all groups, forums, organizations and initiatives to contribute to this indispensable complementary effort.

Both from within and outside, it is essential to attend and expand the democratic agreement in the international, transnational and, especially, in the supranational. The contents of these agreements are many and very diverse, and the task begins by recognizing it, even in the limited sense of these pages. This is the case in each of the aforementioned topics and, crucially, in the one here highlighted: human rights in the integral conception that reports such as those of the Office of the United Nations High Commissioner for Human Rights have reflected.

Based on the general aspiration of recovering the validity of the effective guarantees of all human rights, the strategy both for the immediate protection of those who present themselves with critical humanitarian urgency and for their deeper institutional recovery requires an agenda drawn up nationally with international advice and cooperation. The democratic challenge is to cultivate support and prevent the priorities set by authoritarian-socio-economic regimes from hindering comprehensive liberal actions.

It is not in the benefit of Venezuelan democrats, in the socio-political sphere –specially the media–, to disqualify and become

isolated from multilateral international initiatives, judging them to be sub-optimal or limited in scope. The proactive attitude from the democratic agenda, on the other hand, should provide a way to take advantage of and contribute to reorienting international initiatives. This seems an opportune moment, despite the complexity of national and global circumstances.

From abroad, the return of the United States to various international agreements and multilateral action –including the United Nations Human Rights Council– adds to the provision and proposal of a multilateral⁴³ and transatlantic⁴⁴ agenda by the European Union. This conjunction of efforts has been expressly linked to the multilateral attention to the Venezuelan crisis –from the Council of the European Union and by various spokespersons for the government chaired by Joe Biden– in what is emerging as an international effort of pressure and persuasion, which is more efficient and less counterproductive.

Finally, moderating or managing the incidence of China, Russia and other authoritarian actors on international institutions and their willingness to challenge it is a major issue for powers such as the United States and Europe. It is up to the Venezuelan democrats to study in detail their incidence in Venezuela, to identify what needs to be countered, which can be reoriented in the interests of democratic recovery and, especially, to cultivate and expand related international support that counterbalances democracy in multilateral spaces.

43 A renewed multilateralism fit for the 21st century: the EU's agenda (February 17, 2021), available in: https://ec.europa.eu/commission/presscorner/detail/en/ip_21_622

44 EU-US: A new transatlantic agenda for global change (December 2nd, 2020), available in: https://ec.europa.eu/commission/presscorner/detail/en/ip_20_2279

Conclusions

The 11th issue of *Democratización* was dedicated to analyzing Venezuela and autocracies at the international level. This edition had three articles by three women who analyze the same phenomenon from different points of view: Adriana Boesner Herrera, Elsa Cardozo and Rosa María Pérez. The conclusions that bring together their main ideas will be shared below:

- 1. Inherited alliances:** In the article *Relations between Venezuela and the Middle East since 1999*, Adriana Boesner Herrera concludes that most of the alliances that Hugo Chávez made through personalism and the programmatic apparatus that characterized his government endure and serve for Maduro to continue in power. In addition, most of these alliances have something in common: an anti-imperialist ideology and the economic interests of Venezuela's mineral resources. For Maduro, relations with the Middle East are an escape route to circumvent economic sanctions and maintain his hold to power.
- 2. Autocracies take care of each other:** In an increasingly unipolar world, Elsa Cardozo reflects that powers such as China and Russia, with ever larger spaces of power within multilateral international organizations, promote their own versions of human rights and sovereignty, which does not imply the improvement of the freedoms of the peoples, but does protect the actions of other autocracies within each of its borders. In conclusion, it is the duty of the democrats and democracies of the 21st century to counterbalance these ambiguous versions of freedom and

alliances of autocracies that have been taking more and more spaces in the world.

3. **Venezuela as a player:** Venezuela is a matter of importance internationally. The US, China, Russia and Latin America are in conflict over the role it plays in the game of the greater scheme of the world. For Latin American nations, Venezuela is a migratory and organized crime risk. For the other three powers, Venezuela has a privileged geopolitical position. Everyone agrees that, today, Venezuela is the protagonist of an international conflict. Rosa María Pérez concludes that this will continue to be the case. In other terms, the change in the administration of the US government and other governments in Latin America will have an impact on the relations of the continent and on the conflict with other powers. However, it is a developing phenomenon that must be closely followed in order to understand the Venezuelan situation from an international point of view.

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