# TOC Venezuela NEG

## Strategy

## Contention: Venezuela

#### Joel Rubin explains in 2019 that:

Joel Rubin, Axios, 1-24-2019, "A multilateral approach could smooth transition in Venezuela," https://www.axios.com/multilateral-approach-could-smooth-transition-venezuela-1ba05902-66be-492c-8d76-d42620e5cfbe.html, Date Accessed 4-14-2019 // JM

President Trump has taken a firm position on Venezuela by officially recognizing opposition leader and National Assembly head Juan Guaidó as the country's president. This declaration could mark a moment either to draw a red line and walk away or to further amplify the U.S.' voice through a multilateral approach in opposing Nicolás Maduro. The big picture: Maduro is already claiming the anti-gringo mantle, despite the rise of a domestic opposition leader legally empowered to demand his removal. To ensure long-term stability, the U.S.' most promising approach is to work with regional allies who together will bolster Guaidó's efforts to legally succeed Maduro. Between the lines: Because Maduro's anti-gringo card is his key to survival, Trump would have to take actions that maintain the legitimacy of Guaidó’s position without adding risk by raising the American profile. There could be several dimensions to such a strategy: Economic and political incentives: A robust economic aid package dependent on a new leader being installed could make it clear to Venezuelans that their economic pain will subside once Maduro is gone. Amnesty to those willing to switch sides against Maduro could also be offered. Humanitarian assistance: The U.S. could signal that it stands with Venezuelans by increasing humanitarian assistance to refugees and expediting its asylum process. Non-militarism: A call for non-violence is critical. Maduro and his cronies should know that they will be held accountable for any violence on their part. Any hint of U.S. military activity could play into Maduro’s hands. Multilateralism has been effective and remains the clearest path to resolving the crisis. It will ensure that those who can actually achieve the goal of displacing Maduro — the Venezuelan people, armed forces and politicians — are viewed as legitimate both inside the country and abroad. What to watch: The next step for the U.S. is to build a robust package activities backed by regional partners — and potentially the UN — that further incentivize Venezuelans to push out Maduro. There's a real sense of urgency, as Venezuelans themselves will face greater risks without support from the international community.

#### This action is happening for two reasons. First, Venezuela is blocking humanitarian aid. Kurt Volker argues in 2019 that:

Kurt Volker, 2-21-2019, "“Protect the people, not their abuser”," McCain Institute, https://www.mccaininstitute.org/news/protect-the-people-not-their-abuser/, Date Accessed 4-23-2019 // JM

Once again, UN Security Council members are divided over how to protect millions of people facing an imminent humanitarian catastrophe. As usual, the division falls between authoritarian governments supporting an authoritarian leader, regardless of the human toll, and democratic governments seeking to protect the people. This is a familiar scenario. In his Millennium Report of 2000, then-UN Secretary-General Kofi Annan championed humanitarian intervention. This followed on the heels of the international community’s failure to stop the genocide in Rwanda, and its belated and divided response to ethnic cleansing in Kosovo. In Kosovo, with no UN Security Council consensus to authorize “all necessary means” under Chapter 7 of the UN Charter, NATO nations decided to take action anyway, saving lives and putting the Balkans on a long road toward peaceful development. Looking back at Kosovo and Rwanda in hindsight, the international community knew it needed a new doctrine to establish an authority to protect lives on a mass scale. By 2001, this doctrine was labeled the “Responsibility to Protect” – and it cut two ways. Governments have a responsibility to protect the lives of their citizens; if they will not or cannot, the international community has a responsibility to step in to protect them. Although it gained support in theory, its application in practice has been a failure. In Libya, the UN indeed authorized an operation to protect people. But once Muammar el-Qaddafi was overthrown, the international community lacked the will to help stabilize Libya, leading to exactly the kind of humanitarian disaster the intervention was meant to prevent. In Syria, the failure to intervene early was driven by lack of will in the West and implicit objections by Russia. This led to a civil war that has killed over a half million people, driven over 11 million from their homes, and given rise to the Islamic State, prompting an intervention that was too little, and too late. Enter Venezuela. This nation should be one of the richest in Latin America. Instead, Nicolás Maduro has created an economic crisis of massive proportions, leaving the population desperate for humanitarian aid, which Maduro is blocking at the Colombia-Venezuela border. Inflation reached over 1,300,000 percent in 2018. GDP has fallen by over 15 percent per year for the past three years. Over 3 million people have fled the country since 2014. Of those who remain, 90 percent are facing food insecurity. All this has occurred while Maduro and his military leadership have enriched themselves by stealing billions of dollars in oil revenue and trafficking in drugs. If there is anywhere in the world today where a government is failing in its Responsibility to Protect, it is Venezuela. This time, however, with a divided UN Security Council, the United States is leading an international effort to support National Assembly President Juan Guaidó (now Acting President) in his efforts to oust Maduro. One hopes Maduro will be removed without outside military intervention. The more democracies in the world that support Guaidó, the faster change will come. But once Guaidó succeeds, those democracies must lean in even harder to provide relief and to help restore governance, security, and a viable economy. If all this plays out, we may finally have a success for the Responsibility to Protect doctrine. And we may finally see democracies gain the confidence they need to look beyond the objections of authoritarians, including on the UN Security Council, when it comes to saving millions of lives.

#### Second, blackouts are exacerbating the crisis. The Atrocity Alert explained on April 3 that:

Atrocity Alert, 4-3-2019, "Atrocity Alert: Syria, Venezuela and Israel and the Occupied Palestinian Territories," http://createsend.com/t/j-C8998338A8587A9F2540EF23F30FEDED, Date Accessed 4-23-2019 // JM

Over the weekend of 30-31 March protesters took to the streets of Caracas and other Venezuelan cities to demonstrate against nationwide power outages resulting from years of mismanagement of the country’s electrical infrastructure. The blackouts, which began on 7 March, have exacerbated a humanitarian crisis that, according to the UN, has left a quarter of the population in urgent need of assistance. The outages have resulted in a lack of clean drinking water, prevented hospitals from functioning and led to the shutdown of other basic public services. Meanwhile, the International Committee of the Red Cross announced on 29 March that it had negotiated with the government for the safe delivery of life-saving humanitarian aid from neighboring states in an attempt to deal with ongoing shortages of food and essential medicines. The political crisis in Venezuela escalated when President Nicolas Maduro began his second term in office on 10 January following allegations of fraudulent elections and chronic mismanagement of the economy. More than 50 countries rejected Maduro’s inauguration and have recognized opposition leader Juan Guaidó as interim President of the country instead. The worsening economic and social crisis has led to a renewed crackdown on protests. In addition to official state security forces, the government has also deployed armed paramilitaries, called “colectivos,” to attack its opponents, resulting in arbitrary detentions, torture and extrajudicial killings. During 2018 a panel of independent experts mandated by the Organization of American States (OAS) concluded that these attacks by the government and its armed auxiliaries amounted to potential crimes against humanity. Since the electricity blackouts began in March, Maduro has called on armed colectivos to help police the streets. On 21 March the OAS General Secretary, Luis Almagro, and the Stanley Foundation hosted a historic event on the principle of the responsibility to protect in the Americas. Much of the discussion focused on the crisis in Venezuela, with panelists including Venezuela’s former Ambassador to the UN, Diego Arria, and former Foreign Minister of Costa Rica and Deputy Executive Director of Human Rights Watch, Bruno Stagno Ugarte, as well as Executive Director of the Global Centre for the Responsibility to Protect, Simon Adams, and others. Almagro commented that, “in Venezuela, we have an organized structure that is committing crimes against humanity. We have to find appropriate responses.” Several panelists argued that the Maduro government has created a catastrophic human rights, humanitarian and migratory crisis that the international community can no longer ignore.

#### This is necessitating the UN Security Council to formally use the Responsibility to Protect doctrine. Richard Sindelar indicates in 2019 that:

Richard Sindelar, 3-19-2019, "Venezuela: A Path Under International Law?," LobeLog, https://lobelog.com/venezuela-a-path-under-international-law/, Date Accessed 4-15-2019 // JM

Evolving international law provides, in theory, avenues for a consortium of nations to resolve the combination of leadership and regime crisis in Venezuela, despite Nicolas Maduro’s dogged persistence to hang onto the presidency at any cost. International norms now recognize the relatively fresh concept of an international “responsibility to protect” (R2P). According to R2P, which was enshrined in the 2005 World Summit Document adopted by UN members, outside nations can challenge sovereignty and intervene where a nation’s leadership engages in any one of four grievous harms against their own citizens—genocide, war crimes, ethnic cleansing, and crimes against humanity. In such situations, formal intervention requires a UN Security Council resolution empowering member states to act. R2P has been used formally just once—in Libya during the Arab Spring when Muammar Qaddafi was shelling and bombing his own citizenry in Sirte and elsewhere in his bid to hold power. In this instance, however, R2P became somewhat discredited. R2P does not contemplate regime change, only that intervening nations force the ruling regime to amend its ways. In Libya, however, the intervention to protect civilians morphed into the overthrow of Qaddafi’s government, and his own death. Afterwards, no authoritarian leaders fearful and self-protective about their own violations of accepted humanitarian standards and international legal norms—think Russia’s invasion of Crimea or China’s virtual seizure of the South China Sea)—wanted to legitimize any international interventions. Such countries now always veto any R2P-based resolutions. Another level of international law revolves around the recognition not of countries but of governments. An arguably legitimate government, chosen within Venezuela by a recognized constitutional process, is in place with Juan Guaidó as president. International law permits any nation to recognize and interact with this regime. In the Venezuela case, then, the international recognition of Juan Guaido’s presidency by over 50 countries helps validate his claims of legitimacy. Outside nations are able to recognize those claims, just as nations once split over the competing claims of Mao and Chiang Kai-shek to be the legitimate leaders of China. A recognized president of a given country can solicit support and aid, as Guaidó has done, and other nations may positively respond. Weighed against Guaido’s claim to the presidency are the *actions* of the Maduro regime. The blocking of humanitarian aid, the conditions of oppressive squalor verging on starvation being visited upon those Venezuelans who do not support Maduro’s regime, and the Venezuelan military’s use of live fire to suppress protests instead of crowd-control mechanisms all combine to make a convincing argument that Maduro and the Venezuelan military are engaged in crimes against humanity. As such, R2P comes clearly into play, as does the question of intervention by outside nations in order to protect Venezuela’s citizens from the harsh tactics of their own regime. Thus far, the United States and other nations have been following the R2P playbook if not the letter of the formal process. Although the step-by-step actions implemented so far—to persuade, to sanction—follow in general the increasingly tough steps of the R2P process, no UN resolution has been passed. Another variant is that here R2P would be used to install the more legitimate of the two opposing camps, a version of regime change not contemplated in R2P.

#### And Portilla concludes that a R2P is the solution to Venezeula – he argues that:

Juan Carlos Portilla, 12-17-2018, "Can The Hague Bring Justice to Venezuela?," FLETCHER FORUM OF WORLD AFFAIRS, http://www.fletcherforum.org/home/2018/12/14/can-the-hague-bring-justice-to-venezuela, Date Accessed 4-23-2019 // JM

Neither is the use of force the solution. The UN Security Council may authorize collective action to bring Maduro to justice in order to maintain international peace and security in the region. However, the option of military intervention in Venezuela is legally uncertain because it is not clear if Maduro is a real threat to the peace and security of other countries in South America to the extent that it warrants the use of force. The Responsibility to Protect (R2P) might be a potential solution, but there is a caveat: under this doctrine, states can take military action against another state for the purpose of protecting civilians from serious human right abuses committed there. Thus, the international community of states could invoke R2P in Venezuela to stop the abuses. Yet any authorization of force under R2P must be granted by the UN Security Council and it is unclear if member states will unanimously sign off on the use of force in Venezuela under R2P. All roads lead to the International Criminal Court (ICC), operating under the Rome Statute of which Venezuela has been a signatory since July 2002, and under which the depravation of physical liberty in violation of fundamental rules of international law—such as the Prieto case, torture, and forced migration—are all crimes that fall under the ICC’s jurisdiction. The international community enacted the Rome Statute of the ICC with the goal of holding head of states and senior government officers criminally liable for organizing or participating in gross violations of human rights, which is why the ICC can be a proper forum in which to initiate a thorough criminal investigation of Maduro. The ICC Prosecutor launched a preliminary examination under which the ICC is analyzing crimes allegedly committed in Venezuela since April 2017. Yet the ICC Prosecutor has made clear that a preliminary examination is not an investigation, but rather a process of examining the information available in order to reach a fully informed determination on whether there is a reasonable basis to proceed with an official ICC investigation. This means that the ICC Prosecutor is determining if the Venezuela situation satisfies the legal parameter set forth by the ICC to warrant a criminal investigation by her office. What does the ICC Prosecutor need more to move forward? More torture? More refugees? More persecution against members of the Venezuelan political opposition and students? French novelist Honoré de Balzac, has contended that international bureaucracy is a giant mechanism operated by pygmies. The ICC certainly qualifies as “international bureaucracy.” The situation therefore requires a different approach from the ICC Prosecutor. Justice cannot be at risk of erosion by a non-elected Prosecutor who operates under the complex structure of the ICC bureaucracy. There is no doubt that the ICC has the power, the jurisdiction and a historical opportunity at its hands to subpoena Maduro into The Hague and get the ball rolling with a serious criminal investigation that paves the way for justice. Regardless of which legal mechanism comes into play, there is no doubt that the situation in Venezuela requires an urgent and strong response from the international community. The Rome Statute of the ICC authorizes the UN Security Council to refer to the ICC Prosecutor a situation in which one or more crimes that falls under the jurisdiction of the ICC appears to have been committed. Depravation of physical liberty in violation of fundamental rules of international law, torture, and forced migration are crimes that have been committed in Venezuela and are crimes that fall under this jurisdiction. Therefore, the UN Security Council should step in to enact a resolution referring Maduro to the ICC. Although the veto power held by any of the five permanent members (P5) of the UN Security Council may defeat such a referral in this scenario, a resolution referring the Maduro case to the ICC would be more appealing to the P5 than a resolution authorizing the use of force in Venezuela. The hope to bring Maduro to justice seems to be vanishing as time goes on. Abuses keep happening right under the international community’s nose. While some of the international law venues may be inapplicable, insufficient, or even futile in the Maduro case, the UN Security Council and the ICC can mutually play a strong role to ensure Maduro’s prosecution. Actions speak louder than words, and both the ICC and the UN Security Council need to act now, on behalf of humanity, by bringing Maduro to The Hague.

#### The problem is that India will veto any R2P missions. Ian Hall argues that:

Ian Hall, 1-1-2013, “Tilting at Windmills? The Indian Debate over the Responsibility to Protect after UNSC Resolution 1973,” Global Responsibility to Protect, <https://brill.com/view/journals/gr2p/5/1/article-p84_5.xml?lang=en.>, Date Accessed 4-23-2019 // JM

India voted for United Nations Security Council Resolution 1970, but abstained from Resolution 1973 authorizing a no-fly zone over Libya, subsequently criticizing the NATO campaign. This stance provoked much comment within India and among foreign commentators on Indian foreign policy. Some praised it as morally superior to approving military action, which was portrayed by some as Western ‘neo-colonialism’. Others, however, were critical of India’s unwillingness to back intervention in Libya and the principle of the Responsibility to Protect. For the critics, India’s objections to UNSC 1973 merely demonstrated the continued weakness of the foreign policy establishment and its inability to balance power politics and ethical values. This article evaluates these various positions, but argues that while the Libyan episode stimulated an unprecedented amount of comment in India about R2P, it is unlikely that the Indian government or leading Indian commentators will soon shift their positions.

#### The impact is two fold. First, Venzeulan civil war. Sindelar concludes that:

Richard Sindelar, 3-19-2019, "Venezuela: A Path Under International Law?," LobeLog, https://lobelog.com/venezuela-a-path-under-international-law/, Date Accessed 4-15-2019 // JM

If nations don’t find a way to apply these new humanitarian international standards, Venezuela may slide into a civil war. Better if the OAS, the world’s oldest regional organization, could somehow find the political will to pursue this newer R2P intervention process and force Maduro to resign rather than risk much greater violence in future. If the OAS itself will not police its region, then a coalition of nations should act under the R2P doctrine.

#### Alex Ward argues in 2019 that:

Alex Ward, 1-25-2019, "Venezuela is in a major political crisis. Here are 5 scenarios for what could happen next.," Vox, https://www.vox.com/world/2019/1/25/18195894/venezuela-guaido-maduro-trump-war-future, Date Accessed 4-25-2019 // WS

The question now is what happens next. After speaking with US officials and experts, the unsettling answer is that no one truly knows. But Ronal Rodriguez, an expert at the University of Rosario’s Venezuelan Observatory in Colombia, laid out five possible scenarios. The most probable one at the moment is that the push to depose Maduro fails, and he maintains power while plunging Venezuela into a greater [economic and health crisis](https://www.nytimes.com/2019/01/23/world/americas/venezuela-news-noticias.html). The least likely outcome is that a foreign military invasion to remove Maduro sparks a civil war that could kill thousands and turn the already struggling nation into a failed state.

#### Second, without a solution, Trump will use executive military action by the end of the year – Lara Seligman indicated on April 8 that:

Lara Seligman, 4-8-2019, "U.S. Military Wary of China’s Foothold in Venezuela," Foreign Policy, https://foreignpolicy.com/2019/04/08/us-military-wary-of-chinas-foothold-in-venezuela-maduro-faller-guaido-trump-pentagon/, Date Accessed 4-22-2019 // JM

As U.S. President Donald Trump’s national security team mulls a military intervention to oust Venezuela’s strongman president, Nicolás Maduro, the Pentagon is watching China’s commercial and financial creep in the crisis-gripped nation with growing alarm. In an interview with Foreign Policy, Adm. Craig Faller, the four-star military officer who heads U.S. Southern Command, pointed to a Chinese disinformation campaign designed to blame the United States for the blackouts that devastated Venezuela in recent weeks.Maduro, whose government is backed by China, Russia, and Cuba, has himself publicly accused the U.S. Defense Department of causing the blackouts. Following the power failures, Beijing offered to help the Venezuelan government restore its grid. “China came out publicly, a state spokesman, implying the blackouts were attributable to U.S. cyberattacks,” Faller said during a recent trip to Washington, D.C. “That is just such a blatant lie. The blackouts are attributed to Maduro’s inept leadership, corruption, inattention to his people, and lack of concern for any humanity.” The Pentagon is worried about China in other arenas as well. In the Pacific, China is building up its military capability, intimidating its smaller neighbors, and threatening Taiwan. In Africa, Beijing is using debt diplomacy to gain control of crucial ports and other infrastructure. And in Europe, the Trump administration is pushing NATO to address potential Chinese cyberthreats and commercial threats. “I think the biggest threat to democracy and the way of life around the world is the trend that we see in China,” Faller said. He said China was trying to assert economic control in Venezuela by investing in infrastructure and providing hefty loans that Caracas would have difficulty paying back. Much of Beijing’s financial interest in Venezuela is tied to loans-for-oil deals struck between the two countries in 2007. By 2014, the China Development Bank had provided Venezuela with more than $30 billion in loans tied to oil production. These loans have served to prop up the Venezuelan government over the past two decades, “far beyond the point at which its bad policies would have historically caused a change,” said Evan Ellis, an analyst with the Center for Strategic and International Studies. “There is no other actor in Latin America, with the possible exception of the Cubans, who as much controls the fate of Nicolás Maduro and his henchman as China does,” Ellis said. China also has a major information technology footprint in the country. The Chinese telecommunications giant ZTE is creating a new ID card that can be used to monitor citizens’ behavior, Faller said. Using information from these cards, the government can trace a person’s finances, medical history, and voting record, Reuters reported last fall.Meanwhile, Beijing has sold more than $615 million in weapons to Venezuela over the last 10 years, according to information provided by U.S. Southern Command. “China is hedging its bets and being unhelpful” in Venezuela, Faller said. “For a nation who wishes to stake their claim amongst the great nations, they are certainly not respecting human rights, sovereignty, democracy—any of the things that this neighborhood values.” Last week, one news site reported that the Chinese army sent 120 troops to the country. But a spokesman for China’s Foreign Ministry dismissed it as inaccurate. U.S. Southern Command declined to comment. Faller would not discuss specific U.S. plans for a military intervention to oust Maduro in favor of opposition leader Juan Guaidó. He said the military is “looking at a range” of options and “will be ready” for whatever decision the president makes. “We are on the balls of our feet,” Faller said. He compared Maduro to the authoritarian leader Bashar al-Assad of Syria. “The crisis in Venezuela could approach that degree by the end of this year if Maduro still remains in power. It’s that bad,” said Faller, who served previously as the director of operations at U.S. Central Command.

#### Gregory Weeks indicates that this military intervention would be catastrophic – he argues that there is a:

Gregory Weeks, 3-25-2019, “The U.S. is thinking of invading Venezuela. That’s unlikely to lead to democracy.,” Washington Post, <https://www.washingtonpost.com/politics/2019/03/25/us-is-thinking-invading-venezuela-thats-unlikely-lead-democracy/?noredirect=on&utm_term=.4577208c577d>, 4-14-2019 // JM

3. U.S. armed intervention has been bad for Latin Americans Research on U.S.-Latin American relations point to the historical use of [force](https://books.google.com/books?hl=en&lr=&id=6FivSpNY2fkC&oi=fnd&pg=PR7&dq=invasion+latin+america+democracy&ots=F2hkvRF6ys&sig=hdds2qI4_Tl_IT-CzlnOxGYp510#v=onepage&q&f=false) in bilateral relations and how it consistently [undermined](https://journals.sagepub.com/doi/abs/10.1177/1065912911417831) Latin American democracy. It contributed to militarization and violence (even to the point of fostering a “[killing zone](https://books.google.com/books/about/The_Killing_Zone.html?id=0qeecQAACAAJ)”), increased state repression, privileged the [military over civilians](https://revistas.uniandes.edu.co/doi/pdf/10.7440/res15.2003.05) and strengthened [economic elites](http://www.scielo.org.co/pdf/anpol/n22n65/v22n65a06.pdf). What would this mean in Venezuela? There’s a high risk that U.S. military intervention would [involve long-term occupation](https://www.washingtonpost.com/news/monkey-cage/wp/2019/01/24/trumps-challenge-to-venezuelas-president-could-lead-to-a-military-occupation-heres-why-and-why-thats-dangerous/?utm_term=.927370cde415), and undermine democracy and [increase violence](https://www.bbc.com/news/world-latin-america-47118139) in the long term. Latin American political leaders long ago advocated multilateralism and nonintervention as core elements of foreign policy, [simply for self-protection](https://www.tandfonline.com/doi/pdf/10.1080/13533312.2010.516938?needAccess=true). Military action against Venezuela would therefore sour regional relations — particularly since even [allies](https://thehill.com/latino/431473-brazil-vp-says-us-will-not-be-allowed-to-use-territory-to-invade-venezuela) have [spoken out](https://www.elespectador.com/noticias/el-mundo/colombia-no-alienta-ninguna-provocacion-venezuela-cancilleria-articulo-841132) against this approach.

## Extra Cards

Adrian Gallagher, 3-11-2019, "We need to understand the Responsibility to Protect before we (mis)apply it in Venezuela," LSE Latin America and Caribbean, https://blogs.lse.ac.uk/latamcaribbean/2019/03/11/we-need-to-understand-the-responsibility-to-protect-before-we-misapply-it-in-venezuela/, Date Accessed 4-23-2019 // JM

All of this begs the question of whether or not it is even right to talk about the RtoP in relation to Venezuela. As already noted, the UN Security Council can discuss coercive and non-coercive measures under Chapters VI, VII, and VIII of the UN Charter, and this allows us to clarify what the RtoP does and does not say. For example, the RtoP does not say anything about democracy promotion and should not be used as a vehicle to promote any action along these lines. Essentially, the RtoP is about human protection from the most heinous crimes in international relations, and this should not be forgotten. Accordingly, the international community should use diplomatic channels to urge Maduro’s government to fulfil its domestic RtoP. If, as has already happened once, efforts are made to move humanitarian aid into Venezuela despite government roadblocks, it is also vital that Maduro prevent the armed forces from perpetrating mass violence against non-combatants. Meanwhile, the UN Security Council could authorise the UN to establish a Commission of Inquiry to establish whether crimes against humanity are taking place. Any such fact-finding mission would help the Security Council to establish whether the government in question is “manifestly failing”. On this note, it is important that those who champion the RtoP do not overstate the scale of the crimes being committed. OAS Secretary General Luis Almagro has invoked the Rwandan genocide as a pretext to justify RtoP action in Venezuela, but clearly any such analogy is deeply flawed, as there is no pending threat of mass genocide.

Kurt Volker, 2-21-2019, "“Protect the people, not their abuser”," McCain Institute, https://www.mccaininstitute.org/news/protect-the-people-not-their-abuser/, Date Accessed 4-23-2019 // JM

Once again, UN Security Council members are divided over how to protect millions of people facing an imminent humanitarian catastrophe. As usual, the division falls between authoritarian governments supporting an authoritarian leader, regardless of the human toll, and democratic governments seeking to protect the people. This is a familiar scenario. In his Millennium Report of 2000, then-UN Secretary-General Kofi Annan championed humanitarian intervention. This followed on the heels of the international community’s failure to stop the genocide in Rwanda, and its belated and divided response to ethnic cleansing in Kosovo. In Kosovo, with no UN Security Council consensus to authorize “all necessary means” under Chapter 7 of the UN Charter, NATO nations decided to take action anyway, saving lives and putting the Balkans on a long road toward peaceful development. Looking back at Kosovo and Rwanda in hindsight, the international community knew it needed a new doctrine to establish an authority to protect lives on a mass scale. By 2001, this doctrine was labeled the “Responsibility to Protect” – and it cut two ways. Governments have a responsibility to protect the lives of their citizens; if they will not or cannot, the international community has a responsibility to step in to protect them. Although it gained support in theory, its application in practice has been a failure. In Libya, the UN indeed authorized an operation to protect people. But once Muammar el-Qaddafi was overthrown, the international community lacked the will to help stabilize Libya, leading to exactly the kind of humanitarian disaster the intervention was meant to prevent. In Syria, the failure to intervene early was driven by lack of will in the West and implicit objections by Russia. This led to a civil war that has killed over a half million people, driven over 11 million from their homes, and given rise to the Islamic State, prompting an intervention that was too little, and too late. Enter Venezuela. This nation should be one of the richest in Latin America. Instead, Nicolás Maduro has created an economic crisis of massive proportions, leaving the population desperate for humanitarian aid, which Maduro is blocking at the Colombia-Venezuela border. Inflation reached over 1,300,000 percent in 2018. GDP has fallen by over 15 percent per year for the past three years. Over 3 million people have fled the country since 2014. Of those who remain, 90 percent are facing food insecurity. All this has occurred while Maduro and his military leadership have enriched themselves by stealing billions of dollars in oil revenue and trafficking in drugs. If there is anywhere in the world today where a government is failing in its Responsibility to Protect, it is Venezuela. This time, however, with a divided UN Security Council, the United States is leading an international effort to support National Assembly President Juan Guaidó (now Acting President) in his efforts to oust Maduro. One hopes Maduro will be removed without outside military intervention. The more democracies in the world that support Guaidó, the faster change will come. But once Guaidó succeeds, those democracies must lean in even harder to provide relief and to help restore governance, security, and a viable economy. If all this plays out, we may finally have a success for the Responsibility to Protect doctrine. And we may finally see democracies gain the confidence they need to look beyond the objections of authoritarians, including on the UN Security Council, when it comes to saving millions of lives.

Juan Carlos Portilla, 12-17-2018, "Can The Hague Bring Justice to Venezuela?," FLETCHER FORUM OF WORLD AFFAIRS, http://www.fletcherforum.org/home/2018/12/14/can-the-hague-bring-justice-to-venezuela, Date Accessed 4-23-2019 // JM

Neither is the use of force the solution. The UN Security Council may authorize collective action to bring Maduro to justice in order to maintain international peace and security in the region. However, the option of military intervention in Venezuela is legally uncertain because it is not clear if Maduro is a real threat to the peace and security of other countries in South America to the extent that it warrants the use of force. The Responsibility to Protect (R2P) might be a potential solution, but there is a caveat: under this doctrine, states can take military action against another state for the purpose of protecting civilians from serious human right abuses committed there. Thus, the international community of states could invoke R2P in Venezuela to stop the abuses. Yet any authorization of force under R2P must be granted by the UN Security Council and it is unclear if member states will unanimously sign off on the use of force in Venezuela under R2P. All roads lead to the International Criminal Court (ICC), operating under the Rome Statute of which Venezuela has been a signatory since July 2002, and under which the depravation of physical liberty in violation of fundamental rules of international law—such as the Prieto case, torture, and forced migration—are all crimes that fall under the ICC’s jurisdiction. The international community enacted the Rome Statute of the ICC with the goal of holding head of states and senior government officers criminally liable for organizing or participating in gross violations of human rights, which is why the ICC can be a proper forum in which to initiate a thorough criminal investigation of Maduro. The ICC Prosecutor launched a preliminary examination under which the ICC is analyzing crimes allegedly committed in Venezuela since April 2017. Yet the ICC Prosecutor has made clear that a preliminary examination is not an investigation, but rather a process of examining the information available in order to reach a fully informed determination on whether there is a reasonable basis to proceed with an official ICC investigation. This means that the ICC Prosecutor is determining if the Venezuela situation satisfies the legal parameter set forth by the ICC to warrant a criminal investigation by her office. What does the ICC Prosecutor need more to move forward? More torture? More refugees? More persecution against members of the Venezuelan political opposition and students? French novelist Honoré de Balzac, has contended that international bureaucracy is a giant mechanism operated by pygmies. The ICC certainly qualifies as “international bureaucracy.” The situation therefore requires a different approach from the ICC Prosecutor. Justice cannot be at risk of erosion by a non-elected Prosecutor who operates under the complex structure of the ICC bureaucracy. There is no doubt that the ICC has the power, the jurisdiction and a historical opportunity at its hands to subpoena Maduro into The Hague and get the ball rolling with a serious criminal investigation that paves the way for justice. Regardless of which legal mechanism comes into play, there is no doubt that the situation in Venezuela requires an urgent and strong response from the international community. The Rome Statute of the ICC authorizes the UN Security Council to refer to the ICC Prosecutor a situation in which one or more crimes that falls under the jurisdiction of the ICC appears to have been committed. Depravation of physical liberty in violation of fundamental rules of international law, torture, and forced migration are crimes that have been committed in Venezuela and are crimes that fall under this jurisdiction. Therefore, the UN Security Council should step in to enact a resolution referring Maduro to the ICC. Although the veto power held by any of the five permanent members (P5) of the UN Security Council may defeat such a referral in this scenario, a resolution referring the Maduro case to the ICC would be more appealing to the P5 than a resolution authorizing the use of force in Venezuela. The hope to bring Maduro to justice seems to be vanishing as time goes on. Abuses keep happening right under the international community’s nose. While some of the international law venues may be inapplicable, insufficient, or even futile in the Maduro case, the UN Security Council and the ICC can mutually play a strong role to ensure Maduro’s prosecution. Actions speak louder than words, and both the ICC and the UN Security Council need to act now, on behalf of humanity, by bringing Maduro to The Hague.