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## Normative Power or Futile Efforts?

An analysis of three of the EU's key measures for the protection and promotion of human rights and democracy in Venezuela

Bachelor's thesis in European Studies with French

Supervisor: Carine S. Germond

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# Abstract

For the past two decades, the respect for human rights and democracy in Venezuela has been on a decline, resulting in numerous humanitarian and political crises, subsequently garnering international attention. As a self-defined protector and promoter of human rights and democracy, the European Union has, throughout the years, launched numerous initiatives and taken measures to try and help the situation in the country. This thesis presents three of these measures taken in the last decade, between 2013 and 2023: the awarding of the Sakharov Prize to the Venezuelan opposition in 2017, the imposition of sanctions and implementation of the EU Magnitsky Act, and the 2021 EU election observation mission in Venezuela. Furthermore, it evaluates the extent to which these measures exemplify the EU as a normative power and as its use of conditionality in third countries. Ultimately, it argues that these measures and their results highlight the challenges the Union faces in projecting its normative power and conditionality beyond its immediate neighbourhood and against an authoritarian regime.

# Sammendrag

De siste to tiårene har respekten for menneskerettighetene og demokratiet i Venezuela vært på vikende front, noe som har resultert i en rekke humanitære og politiske kriser som har vekket internasjonal oppmerksomhet. Som en selvdefinert beskytter og forkjemper for menneskerettigheter og demokrati har Den europeiske union gjennom årene lansert en rekke initiativer og tiltak for å forsøke å avhjelpe situasjonen i landet. Denne oppgaven presenterer tre av disse tiltakene som har blitt gjennomført det siste tiåret, mellom 2013 og 2023: tildelingen av Sakharov-prisen til den venezuelanske opposisjonen i 2017, innføringen av sanksjoner og implementeringen av EUs Magnitsky Act, samt EUs valgobservatørroppdrag i Venezuela i 2021. Videre evalueres det i hvilken grad disse tiltakene eksemplifiserer EU som en normativ makt og EUs bruk av kondisjonalitet i tredjeland. Til slutt argumenterer den for at disse tiltakene og resultatene av dem belyser utfordringene EU står overfor når det gjelder å projisere sin normative makt og kondisjonalitet utover sitt umiddelbare nabolag og mot et autoritært regime.



# Preface and acknowledgements

Despite only being born in the country, and never having lived the reality of it, the case of Venezuela has always been one that is close to my heart. Through my parents, my family, and their efforts to keep me connected to Venezuelan culture, I have always felt myself to be as Venezuelan as I feel Spanish or Norwegian. Fortunate to have been raised in Europe, in a safe environment where human rights are protected and honored to a very high degree, it is heartbreaking to see Venezuela suffer. To see the deterioration of democracy, the absolute lack of respect for human rights from the government, and the lack of sufficient international involvement in the nation. As such, I've always known that when the time came, I wanted to dedicate my bachelor's thesis, such an important marker of my academic achievements, to writing about Venezuela. To contribute my little grain of sand to the further investigation this issue, which I find so important and interesting. I can only hope I have done it justice.

Firstly, I would like to thank my supervisor Carine S. Germond for her guidance and support since the beginning of the thesis process in December. Thank you for always being so readily available and for providing me with helpful and constructive feedback.

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- Claudia Isabel Mujica Galván

Trondheim, 09.05.2024





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# List of Abbreviations

CFR	Charter of Fundamental Rights of the European Union
Council	European Council/Council of the European Union
EC	European Commission
ECHR	European Convention on Human Rights
EEAS	European External Action Service
EOM	Election Observation Mission
EP	European Parliament
EU	European Union
EUGHRSR	EU Global Human Rights Sanctions Regime
MEP	Member of the European Parliament
NPE	Normative Power Europe
TEU	Treaty on European Union
CFR	Charter of Fundamental Rights of the European Union
Council	European Council/Council of the European Union
EC	European Commission
ECHR	European Convention on Human Rights
EEAS	European External Action Service
EOM	Election Observation Mission
EP	European Parliament

# 1 Introduction

In Article 2 of the Treaty on European Union (TEU), democracy and the protection of human rights stand as two of the foundational principles of the European Union (EU). In the subsequent article, the Union even outright states it shall promote its values and interests not only within its borders but also on a global scale. From human rights reports to highlight the achievements or shortcomings of different nations, to acting as a mediator in discussions around democracy for governments in which there is a lack thereof, to creating guidelines to follow in talks and negotiations around these topics, the EU has, if nothing else, made considerable efforts in an attempt towards fulfilling their pledge (EUR-Lex, n.d.). One of the cases that has repeatedly emerged over the years as a focal point not only for the EU, but for other international organizations and bodies that oversee human rights, democracy, and/or respect for the rule of law, is that of Venezuela. Particularly since the death of Hugo Chávez in 2013, and the succession of the current president Nicolás Maduro under the same political party, PSUV, the country has suffered a series of crises and systematic human rights violations that have garnered great attention worldwide (Buschschlüter, 2024). Maduro, just like his predecessor, has served two six-year terms and held uninterrupted rule of the Venezuelan government since his accession to power. As measured and reported by Freedom House (2024), Venezuela has scored a shocking 1/40 points in the "Political Rights" criteria for the past three years, mainly due to the illegitimacy and lack of transparency in elections, the lack of a functioning, non-biased checks-and-balances system, and the intimidation, disruption, and recently outright disqualification from political processes of opposition candidates.

Against this backdrop, this bachelor's thesis aims to explore three of the EU's institutions' different endeavours in promoting and/or protecting human rights and democracy in Venezuela over the past decade; from 2013-2023. Specifically, it will focus on three measures: the awarding of the Sakharov Prize to the Venezuelan opposition in 2017, the imposition of sanctions and implementation of the EU Magnitsky Act, and the 2021 EU election observation mission in Venezuela.

The investigation will be guided by two research questions: 1) how, or by which measures, has the EU promoted and protected human rights and democracy in Venezuela? and 2) to what extent do these three measures exemplify the EU's normative power and its use of conditionality?

## 1.1 Current context

In January 2024, the Venezuelan Supreme Court announced that the leading opposition candidate, Maria Corina Machado, who won the primary vote only months prior, as well as her fellow prominent opposition leader Henrique Capriles, would be disqualified from the 2024 Venezuelan presidential elections (Le Monde, 2024). Such an arbitrary disqualification comes despite the two parties, the Venezuelan government and its opposition, reaching the Partial Agreement on the Promotion of Political Rights and Electoral Guarantees for All, more simply known as the Barbados Agreement, in November 2023 (Regjeringen, 2023). This agreement, mediated by Norway, set down that Maduro's government would authorize and promote all political parties (and thereby

the opposition candidates) to participate in the 2024 elections (Regjeringen, 2023). With the Barbados agreement as a reference point, the European Parliament (EP) reacted in late January to early February by discussing the issue and passing a resolution in which it, among other things, condemns the disqualification and persecution of Machado and Capriles, urges EU Member States to maintain and step up sanctions against the Venezuelan government, and finally stresses it will not recognize any election results if the conditions outlined in the resolution are not met (European Parliament, 2024b). And this is not the first resolution the EP has voted on and passed, as notably, resolutions from preceding years condemn Venezuela's electoral malpractices, advocate for the safeguarding of human rights, the liberation of political prisoners, and denounce corruption in the country (European Parliament, 2020, 2023a). Even so, there's only so much an EP resolution can do, not being legally binding, and especially in the face of a government which has acted in defiance of international law and pressure for decades.

Although the literature on EU democracy and human rights promotion strategies in general is extensive, analyses of such work in Latin America (and Venezuela particularly) are more sparse (Engstrom, 2018; Gratius, 2011). Although EU institutions, mainly the EP, publish their work as it happens, not much is done to take this information and investigate the case further. For this reason, a majority of sources regarding EU involvement in Venezuela are primary. The amount of peer-reviewed literature on the subject is not satisfactory, nor is it comparable to the amount of literature that has – very rightfully – been written about other nations facing democratic deficits and human rights crises in the past decades.

## 1.2 Essential principles: Human rights and democracy in the EU framework

Human rights and democracy are at the very foundation of the European Union, more often than not at the centre of its foreign and security policy and enshrined in its treaties (European Union, n.d.-b). With roots in the dark aftermath of World War II and as an initiative to unify the continent, these two principles have been major directional pointers for the shaping of what we today know as the EU and the treaties that define it. In the Treaty on European Union (also referred to as the Maastricht Treaty), Article 1 establishes the new European Union itself, followed by Articles 2 and 3, which respectively declare that “the Union is founded on the values of human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities” (EUR-Lex, 2016) and that it shall “promote its values and interests” to the wider world. The prioritization of these statements before anything else showcases the importance they hold for the Union and underscores its commitment to its global aspirations from the outset of its establishment. Additionally, Article 6 of the TEU solidifies the Union’s (and consequently its member states’) acceding to the Council of Europe’s European Convention on Human Rights (ECHR).

Furthermore, the Charter of Fundamental Rights of the European Union (CFR) entered into force and became legally binding after the signing of the Treaty of Lisbon in 2009, as a means to further strengthen “the protection of fundamental rights by making those rights more visible and more explicit for citizens” (European Commission, n.d.-b).

Not only in its internal treaties and affairs does the Union hold human rights and democracy in such high regard, but it maintains that it also does so internationally through tools such as “public diplomacy, statements and resolutions in multilateral fora,

statements and démarches, sanctions, projects and programmes, trial observations and human rights and political dialogue” (EEAS, 2021).

All in all, human rights and democracy stand at the centre of EU intentions. Whether or not it actually effectively tackles providing aid in the way it claims to is a contentious topic, with concerns that the EU’s rhetoric and its actual performance do not always align and that it may not have significant enough influence in practice (Balfour, 2012; Eckes, 2022; Scheiper & Sicurelli, 2007).

### 1.3 Methodology

Due to the complexity and wide range of possible discussion points of the case of the EU and Venezuela alone, this thesis will be contained to Venezuela as a single case study of the EU’s efforts in the promotion and protection of human rights and democracy in third countries. By focusing exclusively on the Venezuelan context, the specific measures the EU has implemented in this case can be explored and discussed in greater detail than if it were to be a multiple case analysis.

Venezuela serves as a pertinent case study due to its continuous lack of democratic practices and blatant violation of human rights. Exploring some of the measures the EU has taken for and in Venezuela can provide insight into the role it fulfils beyond the Union itself, beyond what we typically consider to be the EU’s direct sphere of influence. This, in turn, can extend our understanding of EU foreign policy surrounding human rights and democracy, of its function as a global actor.

The sources used in this thesis are a mixture of primary and secondary sources. EP resolutions, reports, policy papers, and information from EU institutions’ websites will serve as primary sources, providing direct information on what the EU’s stance and goals are, what action has been taken towards the promotion and protection of human rights and democracy, and what the perceived outcome of said action has been. Secondary sources have also been collected, ranging from academic articles surrounding the conceptual frameworks and previous analyses of EU involvement in Venezuela, to newspaper articles reporting on developments as they occurred, among others.

All sources have been carefully selected from a wide pool to present and discuss the issue at hand as comprehensively and accurately as possible, within the confines of a paper of this scope.

This paper is divided into six distinct parts, the second of which is an introduction to the conceptual frameworks of Normative Power Europe and conditionality. Sections 3, 4, and 5 each tackle one of the three chosen EU measures for analysis in this paper – the Sakharov Prize, EU sanctions, and the EU election observation mission in Venezuela, respectively. Each of these three sections is divided into parts: an explanation of each measure and its implementation in Venezuela first, and an assessment of them through the lens of the relevant conceptual framework. Lastly, section 6 acts as the conclusion, in which both research questions are addressed and answered. In short, this thesis’ findings indicate that none of the three measures discussed have been particularly apt in exemplifying the EU’s normative power or its use of conditionality. It argues that the Union lacks influence in the complicated landscape of Venezuela and that its involvement, despite stemming from a good place, is not significant enough to stand up against such a long-standing and oppressive regime.

## 2 Conceptual frameworks

This section will delve into the conceptual frameworks that will be used for the analysis: Normative Power Europe (NPE) and conditionality. Both of these are concepts that are often used in the field of European studies, their main use being within the context of EU enlargement. However, they can also be extended to become useful tools in the examination of EU initiatives in and for human rights and democracy in Venezuela.

### 2.1 Normative Power Europe (NPE)

The European Union has, since its conception, "gone further towards making its external relations informed by, and conditional on [the ECHR] than most other actors in world politics" (Manners, 2002, p. 241), and thus is largely considered to be a normative power today, particularly when it comes to human rights and democracy. As introduced by Ian Manners in the context of the EU and its foreign policy, normative power is described as "a power that is neither military nor purely economic, but one that works through ideas and opinions" (Diez, 2005, p. 615), affecting what is perceived as the norm on a larger scale. Manners exemplifies the EU's role as a normative power by referring to its work towards abolishing the death penalty globally, as well as "the large budget now available within EU member states for the promotion of human rights" (Diez, 2005, p. 618). For instance, the Global Europe Human Rights and Democracy programme, approved in 2021 and spanning until 2027, "is the EU's flagship tool for action to advance human rights and democracy" (European Commission, 2021), and is aimed at supporting and promoting these values domestically in Europe, but also – as stated in its name – on a global scale. Although there is a financial component to the programme, the mere fact that it exists supports the idea that the EU considers itself to be a relevant, or even important, actor in the export of and work towards human rights and democracy worldwide. It is able and seeking to spread what it considers to be core, desirable European norms and values, whether that is through a natural process of what Manners describes as "contagion" or the more structured "transference" (Manners, 2002, p. 245). Humanitarian aid, financial investment in human rights and democracy promotion movements are all means of diffusing EU norms through transference, along with more overt diffusion tactics (Manners, 2002, p. 245). Manners suggests that the EU cannot only be conceptualized as a normative power, but also that it does and should "act to extend its norms into the international system" (Manners, 2001, p. 9) because of its unique nature as an "entity which transcends notions of state and international" (Manners, 2001, p. 9).

### 2.2 Conditionality

The concept of conditionality is mainly brought up in literature and discussions surrounding EU enlargement and European integration, and cannot be summed up as one single concept due to the existence of several types of conditionality, ranging from enlargement conditionality to political conditionality (Gateva, 2015, p. 22). The main and most obvious form of conditionality the EU uses is when considering the accession of candidate countries to the Union. Particularly relevant for this investigation is the first of the three 1993 Copenhagen criteria, in which it was outlined that in order to be eligible for membership, candidate countries must have achieved "stability of institutions

guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities” (European Commission, n.d.-a). By including such a clause as a prerequisite, the EU can directly influence policy changes outside of the Union, which is of paramount importance in democracy promotion (Schimmelfennig & Scholtz, 2010, p. 443). For political conditionality to be effective, there need to be certain stakes in place, such as financial or military aid from the Union to the relevant state, and the conditionality must be credible and followed up on (Schimmelfennig & Scholtz, 2010, p. 445). In the case of accession, this would happen by granting support or guidance in fulfilling the accession criteria, financial incentives, or ultimately the actual approval to become an EU member state.

In the case of Venezuela or other non-European states, however, the incentives to comply with conditions need to hold more weight to be effective and may take a negative rather than positive form, meaning consequences to non-compliance rather than rewards for compliance (Schimmelfennig & Scholtz, 2010, p. 445). Political conditionality of this form has been outlined in agreements with Mercosur, for instance, a trading bloc Venezuela was a part of until 2014, when it was suspended due to long-standing human rights violations (BBC News, 2016). This followed a breach of the “democratic clauses” set in place through EU-Mercosur negotiations, and exemplifies how EU conditionality can have a direct and significant impact on nations outside of its immediate neighbouring circle or sphere of potential member states (Hoffmann, 2007, p. 173).

### 2.3 Shortcomings of NPE and conditionality

Although NPE and conditionality are largely used in the field of European studies as solid concepts, not all scholars agree on their accuracy, validity, or use. One of the main criticisms of NPE surrounds the concept of normative power itself. In his 2007 article *Everything Is Dangerous: A Critique of 'Normative Power Europe'*, Michael Merlingen points out that there is a certain paradox between the two words – normative and power – where the first implies a diffusion of norms and the second a certain kind of imposing from an entity that believes itself to be superior to its subordinates, who in this case would be Venezuela. Merlingen (2007) also critiques the Eurocentrism of NPE, stating that “the values NPE projects abroad do limit the degradation and humiliation of individuals, but they also subject local orders to Europe’s normativizing universalist pretensions,” all under the presumption that this is preferable to any other alternative.

Conditionality, despite being effective in theory, is not always as effective in practice, and the lack of consistency in results is something for which this concept receives some criticism. In the case of expansion to more Central and Eastern European Countries (CEECs), the EU “has required current prospective members to establish free and fair elections, to guarantee political, economic, and social rights to their citizens, and to adopt democratic laws and policies” (Dudley, 2020, p. 539), but it hasn’t been capable of following through on making sure these changes are implemented properly, leading to only superficial levels of democracy. Considering how tricky conditionality can be just within the European continent and with nations that have higher incentives to follow EU guidelines, it is no wonder the EU encounters similar and larger issues when bringing this idea to more global affairs, such as negotiations with Venezuela.

### 2.4 Operationalizing the concepts

To operationalize the conceptual frameworks of NPE and conditionality in the analysis of the three measures as an answer to the second research question, the paper will employ

a multi-faceted approach. Firstly, the analysis will explore how the EU's measures in Venezuela align with its normative power aspirations. It will do so by assessing the impact of the initiatives and their capacity to promote and diffuse EU norms in Venezuela. This is particularly relevant for section 3, and partly section 5.

Secondly, the analysis will evaluate the EU's use of conditionality as a tool for promoting human rights and democracy in Venezuela and further diffusion of norms. Particularly, this applies to section 4, and again partly to section 5. This will shed light on the extent to which conditionality tactics may or may not have incentivized compliance with the expected democratic principles and human rights standards of the Union.



## 3 Acknowledging and giving a platform to the Venezuelan opposition: The European Parliament's Sakharov Prize

### 3.1 The prize, its recipients, and their relevance

A beacon of honour in the field of human rights activism, the Sakharov Prize for Freedom of Thought is awarded annually in Strasbourg by the EP to "individuals, groups and organisations that have made an outstanding contribution to protecting freedom of thought" (European Parliament, n.d.-e). From Nelson Mandela and Anatoli Marchenko as the first laureates in 1988 to Malala Yousafzai, the people of Ukraine, and most recently Jina Mahsa Amini, each of the over 40 recipients embodies the spirit of resilience and determination found in challenging authoritarianism, defending civil liberties, and promoting the principles of democracy (European Parliament, n.d.-c, n.d.-d).

In 2017, the Sakharov Prize was awarded to the democratic opposition in Venezuela "for their continuing bravery in the pursuit of freedom and prosperity" (European Parliament, n.d.-a) in the country. The award was given, more specifically, "to the National Assembly (represented by Julio Borges), and to all political prisoners listed by Foro Penal Venezolano (Venezuelan Penal Forum) and represented by Leopoldo López, Antonio Ledezma, Daniel Ceballos, Yon Goicoechea, Lorent Saleh, Alfredo Ramos and Andrea González" (European Parliament, n.d.-a), all of whom stood out as prominent opposition leaders and were consequently arbitrarily imprisoned by the Venezuelan government. Following their detainment, these and hundreds of other political prisoners and their families faced varying degrees of harassment, inhumane treatment, assault, and even torture at the hands of Venezuelan authorities, all of which have been thoroughly reported on by the victims themselves (Castro, 2017; El Nacional, 2022; Pinell, 2021). According to Human Rights Watch (2023), between 2014 and 2023 "more than 15,800 people have been subjected to politically motivated arrests", and although there has been a decline in the frequency and quantity of arbitrary arrests over time, they still do happen under Maduro's government, which "continues to have the capacity to resort to the "hardline" tools of repression, such a torture and killings, "to stifle dissent"" among the population.

One of the most outspoken political prisoners to come out of Venezuela is Lorent Saleh, an activist who was illegally detained and deported from Colombia and handed to Venezuelan authorities in September 2014 (Semana, 2024). Persecuted by the state for his political activism and his leadership of the NGO Operación Libertad, Saleh spent four years imprisoned, two of them in *La Tumba*, a torture centre located five floors underground at the very heart of Caracas, the Venezuelan capital (de Toledo, 2018). In his interview with de Toledo (2018), he describes in detail the horrifying white torture methods used by the jail officials to try to extort him into, among other things, denouncing other opposition leaders, something that he staunchly refused to do. Following his release to Spain in 2018, Saleh has worked on shedding light on white torture and the often invisible yet harrowing atrocities used against prisoners not only by

Venezuela but also by other oppressive governments. His performance piece *White Torture: Underground Poetry* has particularly made an impact in the European human rights scene, presented not only at the EP headquarters in Brussels, but also in Venice, Strasbourg, and Madrid (Rico, 2021). The piece “show[s] artistically the suffering of his imprisonment and re-create[s] the atmosphere of a torture centre, thanks to lighting effects, special sounds and several volunteers playing the part of policemen or prisoners” (European Parliament, n.d.-g). What is more, “the European Parliament and Lorent Saleh organized jointly an event comprising the screening of his Torture26 documentary film and a debate with several MEPs [or Members of the European Parliament]” (European Parliament, n.d.-b) in June 2020, followed by a tour around schools and universities in Spain to promote this documentary and engage students in dialogue surrounding torture and human rights.

Symbolically, the Sakharov Prize holds significant weight, but the additional support from the EP to laureates and their causes is arguably more important. As outlined in a briefing by Ionel Zamfir (2020) for the EP, Sakharov Prize laureates often find themselves imprisoned or under persecution at the time of being awarded, as was the case with the majority of the representatives from Venezuela in 2017 (pp. 1-2). Once awarded, the Parliament pays special attention to these cases by advocating for them, calling for their release and protection despite the non-compliance of states (pp. 8-9). It also “uses parliamentary diplomacy tools to advocate the release of Sakharov laureates, such as statements or letters by its president” (p. 8) as well as discussing and passing resolutions on relevant matters. Throughout the years, articles and reports on the developing situation in Venezuela have been written and published by the EP. This is done through the EP’s official Multimedia Centre, for instance, in which they compile all articles, videos, or other sources on EU-Venezuelan relations and activities, particularly highlighting moments in which the case of Venezuela is discussed in Parliament (European Parliament, 2024a).

Moreover, the EP oversees the Sakharov Prize Community, which is comprised of Sakharov Prize winners and MEPs (European Parliament, n.d.-f). The community keeps laureates connected to and in communication with the EP and civil society with the aim “to increase cooperation on human rights action in Brussels and internationally” and “address human rights violations and issues” as they occur (European Parliament, n.d.-f). Through the Sakharov Prize Community newsletters, the community and any interested and subscribed parties are regularly updated on human rights breaches and international or European efforts in Venezuela, along with highlighting projects created by the Venezuelan Laureates, such as Saleh’s Torture26 documentary and the debate on combatting torture in the modern day that was held around it at the Global Campus of Human Rights (Sakharov Prize Community, 2020, 2021, 2023).

### 3.2 A promotional tool for EU norms?

Although the Sakharov Prize exists for the sake of recognizing human rights activists itself, it also serves in the Union’s self-interest, putting EU norms and values under the spotlight, or perhaps up on a pedestal. By annually recognizing and highlighting those who fight for human rights, the EP (and by extension the EU) is able to align itself with them, to present itself as an activist for positive change in the world. As concluded by Feliu and Serra (2015), “with the defence of human rights, Europe can gain a social value which could explain its own existence and its function to its own citizens”, all the while using this human rights focus as a “‘cleansing of the conscience’ of the European

institutions" in general, regardless of how much of an effect its promotional efforts have (p. 30). In this sense, it can be argued that the Sakharov Prize and its award to the Venezuelan opposition is indeed a showcase of the EU's normative power, but on an EU level and not necessarily on a global level.

Another point of view, as discussed by Diez (2005) is that an actor can only truly be considered to hold normative power if it is able "to shape the values of others", to make them do something they otherwise would not have done had it not been for the influence cast upon them by the actor at hand, in this case the EP (p. 616). Following this logic, the offering of the Sakharov Prize itself cannot by any means be considered a display of EU normative power. No action made by the EU or any of its institutions stood behind the Venezuelan opposition and their efforts at the time of their activism prior to the awarding. However, what *can* be argued is that said awarding is a valuable form of norm diffusion post facto. By openly validating the Venezuelan civil society's struggles under Maduro's oppressive regime, by supporting the laureates and their various endeavours, and by giving them a platform through which they can stay connected not only to the EP itself but to other laureates too, the EP has the potential to further amplify its normative influence. Lorent Saleh points out, in an interview with the Global Campus of Human Rights (2019), that "luckily, from the European Union and the European Parliament [the opposition] received good gestures of support [and] although they may seem little ones, they are enough" (6:48) to inspire people to keep fighting, to not give up or lose hope. Inspiring this type of gratitude and resilience can be considered a win for the EU's normative goals.

Lastly, and again following Diez's (2005) reasoning, it can be concluded that the Sakharov Prize does not have any particular normative influence on the government of Venezuela itself, as it did not cause any notable changes in its management. However, it could be argued that it did play a part in the release of political prisoners post-2017, as it put pressure on the authorities by bringing international attention to the human rights violations occurring. This, however, does not necessarily have much to do with normative power, but rather with concentrated international political pressure being applied.

## 4 Negative consequences to human rights breaches and undemocratic procedures: Sanctions and the EU Magnitsky Act

### 4.1 EU sanctions and their imposition in Venezuela

When considering measures by any organization or state in promoting and protecting human rights and democracy, perhaps the most evident of all are financial ones. Whether this is investment through humanitarian aid or support for civil society, activism, and opposition forces or divestment in the form of embargos and sanctions, the EU has consistently leveraged its power “to respond to global challenges and developments that go against its objectives and values” (European Council, n.d.). As the executive body that “sets the EU's common foreign & security policy” (European Union, n.d.-a), the European Council (hereby referred to as simply the Council) is in charge of making decisions on and implementing sanctions against “those responsible for the policies or actions the EU wants to influence” (European Council, n.d.). EU sanctions apply to all member states, and their implementation is left up to them, with guidelines and best practices provided (European Council, 2018, 2022).

Generally, EU sanctions come in the form of transpositions of broader United Nations (UN) sanctions into EU law, of furthering UN sanctions, or of “fully autonomous sanctions regimes” (EEAS, 2023) implemented by the EU. The case of Venezuelan sanctions falls under the latter, seeing as they were implemented through EU initiative (EUR-Lex, 2017). Although there are currently no UN sanction regimes against Venezuela, the EU is not alone in their sanctioning, the United States also having implemented comprehensive restrictive measures against Venezuela since 2005 (Seelke, 2024). The Council has, since October 2017, imposed restrictive measures on natural and legal persons who have been deemed responsible for or associated with repressing civil society, breaching human rights, and/or “undermine[d] democracy or the rule of law in Venezuela” (EUR-Lex, 2017).

As of April 2024, there are currently 54 sanctioned Venezuelan individuals, with the latest group of 19 added to the sanctions list in early 2021 following the presidential elections held in December 2020 (European Council, 2021). The sanctions “consist of an asset freeze, a prohibition to make funds and economic resources available and a ban on entry into the EU” (EU Sanctions Map, 2024). Along with the sanctions on individual natural persons, the EU’s restrictive measures on Venezuela also include an “embargo on arms and on equipment for internal repression” (European Council, 2023). Although these sanctions were set to be reviewed and potentially renewed in November 2024, the Council made, in November 2023, the decision to only extend the restrictive measures by six months rather than a year (European Council, 2023). This came as a direct result of the perceived progress towards diplomatic dialogue and the restoration of Venezuelan democracy made with the signing of the 2023 Barbados agreement (see section 1.1). However, considering the negative evolution of the situation – the recent disqualification of opposition leaders and the resurgence of anti-democratic practices – that has taken

place since, the Council will need to take careful consideration on whether it will ease or extend its current sanctions (European Council, 2023).

## 4.2 The EU Magnitsky Act: Horizontally targeting human rights violations

The EU Global Human Rights Sanctions Regime (EUGHRSR), also dubbed the EU Magnitsky Act after the 2016 US Global Magnitsky Act, was adopted through an EP resolution in July 2021 in an aim to strengthen “the EU’s role as a global human rights actor by allowing it to take restrictive measures against legal and natural persons involved in serious human rights violations everywhere in the world” (EUR-Lex, 2021), meaning without the need for existing specific geographical sanctions regimes.

In its definition, the EUGHRSR identifies, among others “torture[,] other cruel, inhuman or degrading treatment or punishment [and] arbitrary arrests or detentions” (EEAS, 2020) as serious human rights violations, all of which, as discussed in section 2, have taken place in Venezuela. With horizontal sanctions regimes such as the EU Magnitsky Act, the EU can more effectively address and target human rights violations, which in the case of Venezuela could come in handy should the specific sanctions regime on Venezuela be lifted or eased this year, for instance.

## 4.3 Sanctions as a form of conditionality

With a strategic aim of influencing the behaviour of the persons and entities it targets, sanctions operate as a roundabout way of conditionality by giving negative consequences to the perpetrators of human rights violations. Economic sanctions and their negative consequences are generally regarded to be the most effective, but they run into issues when dealing with autocracies, which Venezuela is largely considered to be today (Blauberger & van Hüllen, 2021, p. 6; Corrales, 2023).

Two of the main determinants of the effectiveness of sanctions as a way of norm diffusion are the likelihood of the application and the perceived legitimacy of the sanctions (Blauberger & van Hüllen, 2021). The EU has consistently upheld its sanctions against Venezuelan human rights violators since 2017, but the implementation of these sanctions has not always been upheld to a proper standard, weakening their reliability and causing great controversy. In January 2020, the Venezuelan Vice President Delcy Rodríguez was reported by Spanish authorities to have landed at the airport in Madrid, subsequently having talks with “José Luis Ábalos, Spain’s Transportation Minister and a key figure in Spain’s ruling Socialist party” (Parra, 2020). This occurred even though Rodríguez was (and still is) on the sanctions list, which should have prevented her from entering any EU member state. Although the meeting only lasted an hour and a half and was hosted in the plane in which she arrived and left, it caused great commotion, with speculations as to what was discussed and indignation by MEPs at the lack of an appropriate EU-level response to the infringement (European Parliament, 2020; Parra, 2020).

In response to Renew MEP Jordi Cañas’ question on whether a warning or any consequence to the Spanish Government for the situation, the High Representative of the Union for Foreign Affairs and Security Policy Josep Borrell stated that “as the travel ban is not contained in Council Regulation (EU) 2017/20632, the Commission [could not] launch an infringement procedure against Spain” (Borrell, 2020). This lack of consequences from a higher EU level to member states who are supposed to “support the Union’s external

and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity” (Borrell, 2020) does not bode well for the notion that EU conditionality is strong enough to make a difference when it comes down to breaches and member state non-compliance.

Following the recent 2024 statements by the EU condemning the disqualification of opposition candidates in elections and the posed threat of extra sanctions being applied to Venezuela, Nicolas Maduro showed his dismissal and lack of concern by stating that “the European Union does not exist for us” (Globovisión, 2024).

Despite these challenges, it is important to note that the existence of the sanctions themselves is of importance, seeing as they can serve as a mechanism for incentivizing positive change if they are properly upheld, especially where no UN sanctions on Venezuela are in place today. Nevertheless, the EU itself reports that these sanctions have been ineffective and classes them as a failure, as they “have not persuaded the government in Venezuela to make political concessions” (EPRS, 2024). Although conditionality through sanctions may be considered a successful tactic towards human rights and democracy protection elsewhere, the obstacles posed by the unyielding Venezuelan authorities, unfortunately, make it ineffective in practice.

# 5 Monitoring democratic processes in Venezuela: The 2021 election observation mission

## 5.1 The mission, its recommendations, and their reception

As an effort to oversee and facilitate the preservation and development of democracy in places where it is not fully consolidated, the EU consistently deploys election observation missions (EOMs) across the globe. Spearheaded by the European Commission (EC) and the European External Action Service (EEAS), these EOMs aim to “strengthen public trust in the elections, encourage civic participation, deter fraud, and provide an informed, impartial and factual assessment of an election process” (EEAS, 2023a), as well as aid in the overall maintenance and stability of state institutions and strengthen their electoral frameworks. EOMs assess not only the elections themselves but also election-adjacent and significant elements such as voter education, the prior training of election staff, and the media coverage surrounding the election, making it a long-term and thorough process which starts before and continues after the election days themselves (EEAS, 2023a). To do this, a group composed of a Chief Observer (an MEP), a Core Team (composed of specialists on different questions such as law, human rights, election administration, etc.), and short- and long-term observers are deployed to oversee the whole process (EEAS, 2023a). After the EOM is completed, a report written by the Chief Observer is published, relaying what observations have been made and offering “recommendations to improve the integrity and effectiveness of future electoral processes and the wider process of democratization” (EEAS, 2023a) in the country at hand.

At the invitation from the National Electoral Council of the Bolivarian Republic of Venezuela, the EU sent an EOM to oversee the regional and municipal elections held on the 21st of December 2021 (EEAS, 2021, p. 12). These elections were of particular importance, as they were “viewed as a return of the opposition parties to the electoral route since the 2015 National Assembly elections”, the opposition having refused to participate in elections for years prior due to the lack of proper democratic conditions in the nation. MEP Isabel Santos served as Chief Observer, and a total of 132 observers “from 22 EU Member States, Norway, and Switzerland” (EEAS, 2021, p. 12) participated in the mission.

The final report refers to the EU EOMs held in 2005 and 2006 in Venezuela, pointing out that out of the total 35 recommendations given between the two years, only two were actually fully implemented at the time of the 2021 EOM, with most others not being considered nor implemented at all (EEAS, 2021, p. 13). In turn, 23 new recommendations were presented in 2021. The seven priority suggestions address “key structural deficiencies highlighted by the mission's findings” (EEAS, 2021, p. 11), which include the need to fortify the separation of powers and uphold the independence of the judiciary bodies, abolish measures impeding citizens' right to stand for election, and conduct comprehensive voter education campaigns to ensure confidence in electronic

voting among the population. Additionally, recommendations focus on strengthening election commission powers, balancing media coverage during campaigns, repealing laws that restrict freedom of expression, and improving information dissemination to enhance the presence of qualified polling staff (EEAS, 2021, p. 11).

The EOM report and its recommendations were not met positively by Venezuelan President Maduro, as he stated shortly after their publication that the observers were “a delegation of spies – they were not observers – wandered freely around the country, spying on the country’s social, economic and political life” (Aljazeera, 2021). He also described the elections as “impeccable” and “beautiful”, countering the concerns presented by the EOM that, among other things, “the lack of judicial independence and non-adherence to the rule of law, unfavourably affected the level playing field and the fairness and transparency of the elections” (Aljazeera, 2021; EEAS, 2021, p. 14). Maduro’s enthusiasm about the election and its results were unsurprising, given the fact that 19 of the 23 governorships (regional elections) and 212 of the 335 mayors (municipal elections) were won by his party, PSUV (EEAS, 2021, p. 39).

The opposition got more than four times as many mayors as in the previous municipal elections, with “123 mayors, compared to 29 in the previous [election of] 2017” (EEAS, 2021, p. 39). Despite the seeming massive increase, which could be considered a partial victory in light of the repression of any opposition that had been even more rampant in years prior, several Venezuelan opposition leaders spoke out after the results. Antonio Ledezma, opposition leader, ex-senator, ex-mayor of Caracas, and Sakharov Prize laureate, shared his thoughts on X (or Twitter at the time of posting), stating the following:

No one has won. Democracy has lost. Narco-dictatorship imposes its scheme on a country with its people cornered and orphaned of wise leadership. Infiltrators and collaborators have played their dishonourable role. Now it is time to get rid of all that ballast in order to recover Venezuela (Ledezma, 2021).

More optimistic, Juan Guaidó, the internationally recognized Venezuelan interim president from 2019 to 2023, and a main leader of the Venezuelan opposition at the time of the 2021 elections, stated in an interview with *El País* that even in an unjust election, with improper and unequal processes, without resources or guarantees, “Maduro had his worst result in 22 years. [The Chavistas] are very discredited at a global level, singled out by the International Criminal Court” (Santaaulalia & Singer, 2021). He finished by suggesting that in his eyes, Maduro and his Chavist government were at their worst moment at the time of the 2021 elections.

Regardless of the many opinions surrounding whether or not the elections were fair, it is important to note that, as underlined by High Representative of the Union for Foreign Affairs and Security Policy Josep Borrell, the EU EOMs are not meant to be “election cops” or police the elections they observe, nor to “legitimise or de-legitimise an election and to declare whether it was free and fair”, but rather they are meant to report on objective findings and provide recommendations for better democratic practices in future elections (Borrell, 2021).

## 5.2 Normative power meets conditionality

The nature of the EOM and its recommendations can be regarded through the lenses of both normative power and conditionality. Although, as clarified by Borrell, the missions are purely observational in nature and do not interfere with the course of the elections as



they happen, the mere presence of EU representatives in Venezuela could be regarded as a tactic for the diffusion of norms. The EU observers, wearing their dark blue vests adorned with the EU's emblematic twelve golden stars, stand as obvious representatives of the Union and its democratic aspirations. On the other hand, the recommendations made in the final report are based on EU expectations, values, and norms, making them a clear example of the EU diffusing its norms through diplomatic means. This, however, does not support the idea that the Union holds any sort of normative power or influence over the Venezuelan general population, and much less so over its government.

Conditionality can also be assessed through the final report recommendations. As outlined by Ronceray (2017), EOMs work partly through a "carrot and stick" approach, in which there are either incentives or withdrawal of benefits for the observed parties, all depending on what is observed (p. 9). Although the "means of punishment and rewards are of a purely immaterial nature", there is a whole international system of norms backing them, which may influence development in either direction (p. 9). This principle is clearly illustrated by the European Council's (2023) consideration of easing sanctions on Venezuela as a reward for good behaviour – namely the signing of the Barbados agreement. However, as soon as this good behaviour turned and opposition leaders were confirmed to be disqualified, the European Union condemned and called out the Venezuelan government, threatening further sanctioning instead (European Parliament, 2024c).

Unfortunately, neither normative power nor conditionality through the 2021 EOM can be regarded as having had any long-lasting impact on the conditions in Venezuela.

## 6 Conclusion

In the past decade, the European Union has taken several measures, through its different institutions and agencies, to try and aid the human rights and democracy crisis in Venezuela. This paper has outlined three of the most notable ones to demonstrate how the Union has gone about its involvement in or for the nation. Firstly, the award of the 2017 Sakharov Prize for Freedom of Thought to the Venezuelan opposition ensured they gained a valuable platform through which their voices could be amplified. Furthermore, it provided the laureates with opportunities for collaboration with the Parliament itself and other previous and future laureates through the Sakharov Prize community. Secondly, the restrictive measures placed against human rights violators through sanctions regimes such as the EUGHRSR served as a way to give concrete consequences to authoritarian and/or inhumane actions. Lastly, the 2021 election observation mission sought to monitor and assess the democratic integrity of Venezuela's electoral process and provided recommendations for improvement in its aftermath.

Turning to the second research question on the extent to which these measures exemplify the EU's normative power and use of conditionality, the findings are more mixed. The Sakharov Prize can be seen as a normative power tactic, amplifying the EU's human rights narrative for itself, though its actual impact on the ground in Venezuela has been limited at best. The sanctions, while leveraging economic and political conditionality, struggled to incentivize meaningful democratic reforms from the Maduro government, which recently even backslid into a worse position than the EU deemed it to have in November 2023. Moreover, breaches and the EU's inability to prosecute these could become a major issue if handled the same way as they were in the case of Delcy Rodríguez. Thus, they can only be regarded as a partial success in terms of conditionality. The EOM and its recommendations, grounded in EU democratic norms and direct in their language, were not received well by the Venezuelan authorities, and have thus failed at enforcing compliance through conditionality and exerting normative power.

Overall, this analysis suggests that the EU has been earnest in its efforts to support human rights and democracy in Venezuela, but the efficacy of its measures has been constrained by the entrenched authoritarianism of the Maduro regime. The Venezuelan government has largely dismissed or defied the EU's initiatives, highlighting the challenges the Union faces in projecting its normative power and conditionality beyond its immediate neighbourhood. Norms cannot be successfully absorbed nor adopted by a government that staunchly rejects them and has done so for over two decades, regardless of how much support is given or how much awareness is built. This is not to say that EU involvement and initiatives for Venezuela aren't important, or that the Union should discard any and all efforts, but rather that these specific measures at this specific time have not had the intended outcomes.

With presidential elections happening this upcoming summer of 2024, it will be interesting to follow the unfolding of events and the EU's reaction to them. Will further restrictive measures be imposed if Maduro's regime maintains its undemocratic practices? Is there any hope for reversing the banning of the opposition candidates from the elections? Could 2024 be a historic year for the start of the re-democratization of Venezuela? Amidst these uncertainties, the unwavering dedication of Venezuelan activists and opposition figures merits continued EU and international support. As long as the world is watching, their fight is not in vain.

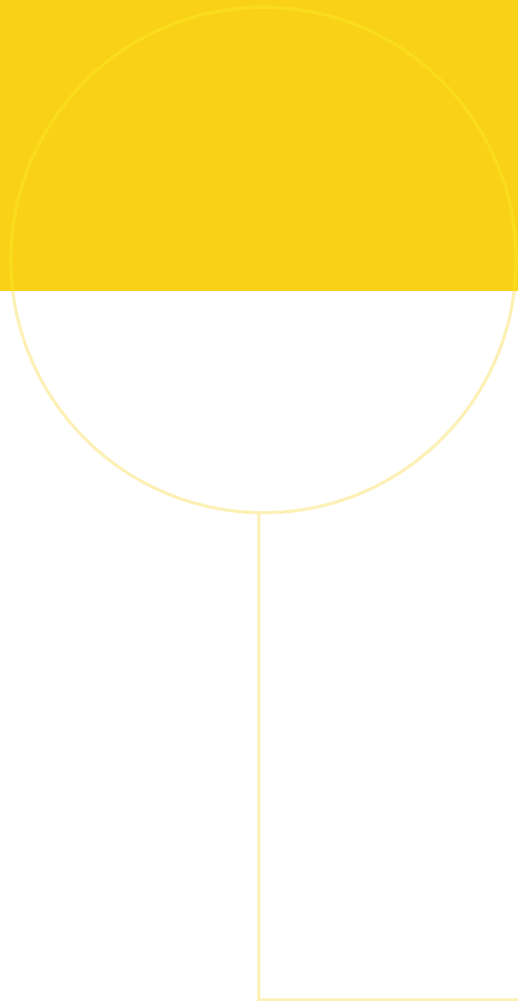
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