

Journal of Dispute Resolution

Volume 2018 | Issue 1

Article 15

2018

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Emma Altheide

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Recommended Citation

Emma Altheide, *Vatican Mediation and the Venezuelan Crisis*, 2018 J. Disp. Resol. (2018)
Available at: <https://scholarship.law.missouri.edu/jdr/vol2018/iss1/15>

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Vatican Mediation and the Venezuelan Crisis

*Emma Altheide**

I. INTRODUCTION

“For there is one God and one mediator between God and mankind—the man Christ Jesus.” The Bible offers this description of Jesus at 1 Timothy 2:5. While, according to Christian beliefs, Jesus left Earth more than 2,000 years ago, mediation remains a major function of the Church. Before leaving Earth, Jesus designated his disciple Saint Peter as head of the church, and the papal office was born. The papacy has had enormous influence in Western civilization, and took part in international disputes throughout the Middle Ages. This Comment will explore examples of Vatican mediation in modern history, and use them to assess the Vatican’s role as mediator in Venezuela’s political crisis. Part II will discuss the dispute between Argentina and Chile in the 1970s concerning property rights in the Beagle Channel, as well as the restoration of diplomatic relations between the United States and Cuba in 2015. Part III will outline the events leading to the crisis in Venezuela, where President Nicolás Maduro has brought the government to the brink of authoritarian rule. This section will assess the Vatican’s offer to mediate in Venezuela in light of the country’s current climate and previous instances of Vatican mediation. Part IV will examine the Vatican as a mediator, analyzing the attributes that may either benefit or hinder its role in the Venezuelan conflict.

As an editorial note, this Comment is in large part concerned with the political crisis in Venezuela, which is ongoing and will continue to develop as this piece is published. Every effort has been made to include the most recent developments, but this analysis will not include events occurring after October 2017.

II. HISTORY

A. The Beagle Channel Dispute

While it is not unusual for the Vatican to weigh in on political issues,¹ formal offers to mediate disputes have been infrequent. The most notable previous example of Vatican mediation is the Beagle Channel dispute. Relatively little scholarship has been dedicated to the specific role of the Vatican as mediator in the Beagle

* B.S. Iowa State University 2015, J.D. University of Missouri 2018. I would like to thank the Editorial Board of the *Journal of Dispute Resolution* and my advisor Professor Frank Bowman for their time and effort assisting with this Comment. I would also like to thank my parents, Steve and Erin, for their endless love and support.

1. Philip Pullella, *Pope Appears to Back Native Tribes in Dakota Pipeline Conflict*, REUTERS (Feb. 15, 2017, 8:53 AM), http://www.reuters.com/article/us-north-dakota-pipeline-pope-idUSKBN15U1VA?utm_source=Facebook&utm_medium=Social&utm_medium=Social&utm_source=twitter.

Channel conflict,² so this section will use the Beagle Channel mediation to provide a historical background, in order to assess how the Vatican might aid in the resolution of the Venezuelan crisis.

The Beagle Channel connects the Atlantic and Pacific Oceans at the southernmost tip of South America.³ Throughout the channel are several islands, the ownership of which, until the 1970s, was not of particular concern to the surrounding countries of Argentina and Chile.⁴ The countries had a general understanding grounded in the Boundary Treaty of 1881, which gave to Chile “all islands to the south of Beagle Channel up to Cape Horn, and those there may be to the west of Tierra del Fuego.”⁵ The countries considered Argentina to have an exclusive presence in the Atlantic Ocean, and Chile an exclusive presence in the Pacific Ocean—an agreement known as “biooceanismo.”⁶ By the 1970s, factors including the islands’ oil and mineral deposits,⁷ fishing rights, and increased global focus on the Antarctic region led both Argentina and Chile to seek a more explicit understanding of ownership.⁸ The countries agreed to arbitration after several unsuccessful attempts at negotiation.⁹ Under a 1902 treaty between Chile and Argentina, arbitration over territory and maritime rights was to be conducted by a panel headed by the Queen of England.¹⁰ In 1977 this panel issued its decision, awarding Argentina navigational rights to its naval base in the channel, and Chile the three islands.¹¹ Increased concern in Argentina about the decision’s effect on its sovereignty led Argentina to oppose the decision and mobilize troops to the area.¹² As further attempts at negotiation deteriorated, military actions escalated, as did economic sanctions, trade obstacles, and expulsion of immigrants.¹³

Mediation by a neutral third party appeared to be the last possible means for resolution short of war. Chilean Foreign Minister Hernan Cubillos described the necessary attributes of a mediator for the crisis: “influence, moral power, political power, economic power.”¹⁴ At the same time, Argentina assessed possible candidates including, “the King of Spain, the United Nations, the Queen of England, UN Secretary General Kurt Waldheim, Henry Kissinger, and the Pope.”¹⁵ Cubillos and the Argentinian foreign minister met about the possible mediators, with a result that surprised both parties. After the Argentinian foreign minister made an initial offer of the Pope or nothing, Cubillos decided to call his bluff.¹⁶ Cubillos recalls the realization that Argentina may have poorly predicted Chile’s hand:

2. M.C. Mirow, *International Law and Religion in Latin America The Beagle Channel Dispute*, 28 SUFFOLK TRANSNAT’L L. REV. 1, 2 (2004).

3. *Beagle Channel, Argentina & Chile*, WORLD ATLAS, <http://www.worldatlas.com/twitter/sa-trip/beaglechannel/beaglephotopage.htm> (last visited Apr. 10, 2017).

4. Mirow, *supra* note 2, at 3.

5. *Id.*

6. *Id.* at 4.

7. Juan De Onis, *Argentina Accepts Mediation for Southern Islands*, N.Y. TIMES (Nov. 9, 1978), <http://www.nytimes.com/1978/11/09/archives/argentina-accepts-mediation-for-southern-islands-vi-dela-met-chilean.html>.

8. *Id.*

9. *Id.*

10. *Id.* at 5.

11. Mirow, *supra* note 2, at 5.

12. *Id.*

13. *Id.* at 7.

14. *Id.*

15. *Id.*

16. *Id.* at 9.

Now, looking back (because we have analyzed this many times), the Argentines played that card sure that we would not accept the Vatican as mediator. But I think that they made a great mistake there. Why did they think that we would not accept the Vatican? Because relations between the government in Chile and the local church were lousy. But what they didn't understand ... we had the [local] church on this matter on our side. And obviously, we would accept the Vatican if it is number one on my list. But it was incredible, I will never forget that minute, he was so taken back that he couldn't continue the conversation . . .¹⁷

Nevertheless, after further mobilization of military forces, the newly inaugurated Pope John Paul II sent a personal representative to the area, and military action halted.¹⁸ The papal representative was Cardinal Antonio Samoré, who had been closely associated with Latin America.¹⁹ His initial meetings with the countries' representatives consisted of offering the Church's *bons offices*, or "good offices," to facilitate communication between the two sides.²⁰ In a process called "shuttle diplomacy,"²¹ Samoré traveled between the two countries, pressing each side to articulate their positions on key issues.²² By January 1979, Samoré had a peace agreement signed by the two nations—the Act of Montevideo.²³ The Act committed the countries to submission of the dispute to the Holy See (the Vatican's governmental body), but contained language vague enough not to contradict stated positions.²⁴

The agreement to mediate was only the first step. The mediation itself began on March 4, 1979, in a solemn ceremony at the Vatican, with the pope present.²⁵ The pope called on Samoré again to oversee the mediation.²⁶ For the first few months, the mediation consisted of gathering more information on the parties' positions.²⁷ After this, the pope made suggestions as to the procedure of reaching an agreement.²⁸ A year passed and Samoré suggested that the countries submit proposed solutions, but these were still too far apart.²⁹ As the countries failed to make significant movement forward, it was clear that more direct involvement by the pope was necessary.³⁰ In December 1980, the pope gave the parties his proposal—*La Propuesta*.³¹ While Chile publicly accepted the *Propuesta*, Argentina never did.³²

17. Mirow, *supra* note 2, at 9.

18. *Id.* at 10.

19. "Despite being already in his early seventies, Samoré was the ideal person to represent the Pope's intervention. He had a long-standing interest in Latin America and spoke Spanish fluently. He had accompanied Paul VI on his trip to Medellín, Colombia, and had been a papal nuncio in Bogota. He had been involved with regional conferences of the Latin American episcopate, and even his religious devotion was closely tied to Latin America." *Id.* at 11.

20. *Id.*

21. THOMAS PRINCEN, *INTERMEDIARIES IN INTERNATIONAL CONFLICT 170-71* (1992).

22. *Id.*

23. *Id.* at 148-49.

24. *Id.* at 149.

25. *Id.* at 150.

26. Mirow, *supra* note 2, at 12.

27. PRINCEN, *supra* note 21, at 150-51.

28. *Id.* at 151.

29. *Id.* at 153.

30. *Id.* at 154.

31. *Id.*

32. *Id.* at 155.

For several more years the countries negotiated further over the terms of an agreement, with an assassination attempt on the pope (unrelated to the Beagle Channel dispute), the death of Cardinal Samoré, and Malvinas/Falklands war intervening.³³ In June 1984, the cardinal who had replaced Samoré offered the countries a proposed solution from the Holy See, and made it clear that it would be the final assistance effort by the Vatican.³⁴ After a few months of deliberation, the final treaty was signed in Reggia Hall, next to the Sistine Chapel.³⁵ The treaty awarded sovereignty over the three islands to Chile, but limited the maritime boundary so that Argentina could maintain its “biooceanismo” principle.³⁶

B. Restoration of U.S.-Cuba Relations

While not rising to the level of formal mediation, papal intervention played a role in one of the most significant foreign policy milestones in recent U.S. history. On December 17, 2014, the U.S. announced it would restore diplomatic relations with Cuba.³⁷ It was later revealed that in the months leading up to this landmark agreement, Pope Francis wrote to Presidents Barack Obama and Raúl Castro, expressing his desire for the countries to normalize relations.³⁸ Pope Francis has an interest in Latin America beyond his role as head of the Catholic Church, as he is from Buenos Aires, Argentina.³⁹ According to one report, delegations from the U.S. and Cuba met at the Vatican in October 2013 to discuss terms of restoring relations.⁴⁰ Ben Rhodes, former Deputy National Security Advisor for Strategic Communications to President Obama, recounted that over Obama’s March 2014 trip to the Vatican, Pope Francis discussed U.S.-Cuba relations with him more than any other issue.⁴¹ One particularly important matter was the imprisonment of Alan Gross, a government contractor who was arrested in Cuba in December 2009.⁴² Gross was released on December 17, 2014, as part of the movement towards a new U.S. foreign policy approach in Cuba.⁴³ Rhodes stated that by October of 2014 the countries had effectively reached an agreement on restoring relations, which Obama

33. PRINCEN, *supra* note 21, at 155-58.

34. *Id.* at 160.

35. *Id.* at 161,

36. *Id.*

37. Peter Baker, *U.S. to Restore Full Relations with Cuba, Erasing a Last Trace of Cold War Hostility*, N.Y. TIMES (Dec. 17, 2014), <https://www.nytimes.com/2014/12/18/world/americas/us-cuba-relations.html>.

38. Isabela Cocoli, *Obama Moved Aggressively to Restore Relations with Cuba*, VOA NEWS (Nov. 26, 2016, 9:18 AM), <http://www.voanews.com/a/obama-restored-relations-with-cuba/3612438.html>.

39. Uki Goni, *Pope Francis: The Quiet Man of Buenos Aires Known for his Humble Tastes*, THE GUARDIAN (Mar. 13, 2013, 8:20 PM), <https://www.theguardian.com/world/2013/mar/14/pope-francis-quiet-buenos-aires>.

40. Cocoli, *supra* note 38.

41. *8 Years in the Situation with Ben Rhodes*, POD SAVE THE WORLD (Feb. 15, 2017) (downloaded using iTunes).

42. Glenn Thrush, *Cuba’s Prisoner, Alan Gross: Not Impressed with Bernie’s Fidel-ity*, POLITICO (Mar. 30, 2016, 5:22 AM), <http://www.politico.com/story/2016/03/alan-gross-off-message-cuba-221367>.

43. Elise Labott, *Cuba Releases American Alan Gross, Paves way for Historic Easing of American Sanctions*, CNN POLITICS (Dec. 17, 2014, 1:13 PM), <http://www.cnn.com/2014/12/17/politics/cuba-alan-gross-deal>.

shared with Pope Francis on another visit to the Vatican.⁴⁴ Rhodes described the role of Pope Francis over months of negotiations as an idiosyncratic one, saying:

That was the role they [the Vatican] played that was indispensable, because we can't trust each other. How could they [Cuba] trust that we were going to do what we said; how could we trust that they were going to do what they said? So, if we deposited those commitments at the Vatican, they were essentially a guarantor. Nobody could go back on something that they told the Pope. The Vatican could have come out and said, 'well wait a second, these guys said they were going to do X and they didn't.' And only they could play that role, because they have a degree of respect and neutrality—in both countries and around the world. And so it was really emotional; they were overwhelmed. I remember there was one Vatican official who was in tears, because he had lived and worked in Cuba. And it gave me an initial impression as to how big a deal this was going to be around the world.⁴⁵

Pope Francis has no qualms about weighing in on international and political affairs.⁴⁶ Some were concerned after his election that Francis lacked experience with international affairs, and has had limited exposure beyond his native Argentina.⁴⁷ Francis has proven, however, that he is willing to play a role in critical, and often controversial, issues.⁴⁸ He expressed support of immigration in the wake of President Donald Trump's executive orders restricting immigration to the U.S. from certain countries.⁴⁹ He has embraced the idea of "big politics," in which diversity is embraced and the less fortunate are integrated into society.⁵⁰ He denounced the border wall that was central to Trump's presidential campaign, saying, "[a] person who thinks only about building walls, wherever they may be, and not building bridges, is not Christian. This is not the gospel."⁵¹ Francis expressed support for Native Americans opposed to construction of the Dakota Access Pipeline,⁵² which President Trump cleared for completion in the first few weeks of his administration.⁵³ Throughout Francis's Argentinian upbringing, "he was shaped by a movement of Catholic continental nationalism that saw social justice and economic sovereignty as key to a better future for Latin America."⁵⁴

44. POD SAVE THE WORLD, *supra* note 41.

45. *Id.*

46. Camila Dmonoske, *Pope Francis Meets with Venezuelan President to Discuss Country's Crisis*, NPR (Oct. 25, 2016, 11:07 AM), <http://www.npr.org/sections/thetwo-way/2016/10/25/499279732/pope-francis-meets-with-venezuelan-president-to-discuss-countrys-crisis>.

47. *Id.*

48. *Id.*

49. Austin Ivereigh, *Is the Pope the Anti-Trump?*, N.Y. TIMES (Mar. 4, 2017), https://www.nytimes.com/2017/03/04/opinion/sunday/is-the-pope-the-anti-trump.html?smid=tw-ny-times&smtyp=cur&_r=1.

50. *Id.*

51. Daniel Burke, *Pope Suggests Trump 'is not Christian'*, CNN POLITICS (Feb. 18, 2016, 10:47 PM), <http://www.cnn.com/2016/02/18/politics/pope-francis-trump-christian-wall/>.

52. Pulella, *supra* note 1.

53. Juliet Eilperin & Brady Dennis, *Trump Administration to Approve Final Permit for Dakota Access Pipeline*, THE WASHINGTON POST (Feb. 7, 2017), https://www.washingtonpost.com/news/energy-environment/wp/2017/02/07/trump-administration-to-approve-final-permit-for-dakota-access-pipeline/?utm_term=.ed88d0d1465f.

54. Ivereigh, *supra* note 49.

Given his inclination for political commentary, it is perhaps not surprising that Pope Francis made a formal offer to intervene in a crisis threatening the existence of a major Latin American nation.⁵⁵ The rest of this Comment will discuss the situation in Venezuela; explore the likelihood of the Vatican fostering a workable solution to this crisis; and the possible ramifications for U.S. foreign policy.

III. VENEZUELA

A. Country in Crisis

The next stage for Vatican mediation has been set, in the South American republic of Venezuela. A country thoroughly devastated by political corruption,⁵⁶ Venezuela sits now at the brink of descent into authoritarian rule. Economic crisis has plagued the country in the wake of the “Bolivarian Revolution” launched by late president Hugo Chávez in 2000.⁵⁷ Redistribution of wealth under Chávez led wealthy and middle-class Venezuelans to flee for more hospitable countries—a flight some refer to as the “Bolivarian diaspora.”⁵⁸ The petroleum industry, once thriving in the oil-rich nation, has seen plummeting production since Chávez policies poured oil revenues into social programs.⁵⁹ This decline in production is largely a result of poor management by Petróleos de Venezuela (PDVSA), Venezuela’s state-owned oil company.⁶⁰ The contracted petroleum industry has led to shortages of food and medicine, which have primarily been imported to Venezuela.⁶¹ The murder rate is among the highest in the world.⁶² Inflation has drastically devalued wages.⁶³

After the death of Chávez in 2013, Nicolás Maduro was elected as his successor, winning 50.66% of the popular vote as the candidate of the United Socialist Party of Venezuela (PSUV).⁶⁴ A former bus driver, Maduro became a trade union

55. Ana Vanessa Herrero & Elisabeth Malkin, *Vatican to Act as Mediator Between Venezuela’s Dueling Sides*, N.Y. TIMES (Oct. 24, 2016), <https://www.nytimes.com/2016/10/25/world/americas/venezuela-nicolas-maduro-pope-francis.html>.

56. In a 2016 report, Venezuela was ranked number 158 out of 168 of the world’s most corrupt countries (where the “most corrupt” countries listed were tied for number 167)—the only country in the Americas on the list. The New York Times, *The World’s Most Corrupt Countries*, N.Y. TIMES (Dec. 9, 2016), https://www.nytimes.com/interactive/2016/12/09/world/most-corrupt-countries-list.html?rref=collection%2Ftimestopic%2FVenezuela&action=click&contentCollection=world®ion=stream&module=stream_unit&version=latest&contentPlacement=12&pgtype=collection.

57. Nicholas Casey, *Hungry Venezuelans Flee in Boats to Escape Economic Collapse*, N.Y. TIMES (Nov. 25, 2016), https://www.nytimes.com/2016/11/25/world/americas/hungry-venezuelans-flee-in-boats-to-escape-economic-collapse.html?_r=0.

58. *Id.*

59. Nicholas Casey & Clifford Krauss, *How Bad Off Is Oil-Rich Venezuela? It’s Buying U.S. Oil*, N.Y. TIMES (Sept. 20, 2016), <https://www.nytimes.com/2016/09/21/world/americas/venezuela-oil-economy.html>.

60. Steve Hanke, *Venezuela’s PDVSA: The World’s Worst Oil Company*, FORBES (Mar. 6, 2017, 10:00 AM), <https://www.forbes.com/sites/stevehanke/2017/03/06/venezuelas-pdvsas-the-worlds-worst-oil-company/#44b4a0e44105>.

61. Casey & Krauss, *supra* note 59.

62. *The World’s Most Corrupt Countries*, *supra* note 56.

63. Casey & Krauss, *supra* note 59.

64. Virginia Lopez & Jonathan Watts, *Nicolás Maduro Declared Venezuela Election Winner by Thin Margin*, THE GUARDIAN (Apr. 15, 2013, 1:09 AM), <https://www.theguardian.com/world/2013/apr/15/nicolas-maduro-wins-venezuela-election>.

leader, and was elected to the General Assembly in 2000.⁶⁵ Among other things, Maduro's lack of "academic qualifications, charisma, or crucial connection to Venezuela's armed forces" was seen as a cause of PSUV's overwhelming defeat in Venezuela's 2015 parliamentary elections.⁶⁶ The opposition party won a majority of seats in the National Assembly, in the worst-ever defeat for Chávez's socialists.⁶⁷ Following the election, the opposition focused its efforts on meeting the constitutional requirements for a recall referendum to end Maduro's term early.⁶⁸ The Maduro administration erected barriers to a referendum at every opportunity. Opposition leaders were jailed and members of the media prevented from entering the country.⁶⁹

In September 2016, a march called "the taking of Caracas" drew thousands to the Venezuelan capital in support of the opposition's referendum.⁷⁰ Protestors facing rising prices and longer lines for food took to Caracas to express their desperation, and discontent with Maduro.⁷¹ Despite promises from the opposition that the referendum would move forward, nothing came to pass, and Maduro remained in power.⁷² As the two sides became more entrenched, it became increasingly difficult for Venezuelans to access food, medicine, and other basic necessities.⁷³ Maduro and the opposition seemed to be at an impasse, with no recourse but military action—not unlike the situation that faced the foreign ministers of Argentina and Chile in 1978.⁷⁴ In late March 2017, the Venezuelan Supreme Court handed down a decision that would allow it to assume the functions of the opposition-led Congress, sparking major protests.⁷⁵ The court swiftly overturned "the most controversial parts of this decision," but it nonetheless led to condemnation from Venezuelan and international parties.⁷⁶ In July 2017, a vote was held on a new governing body called the National Constituent Assembly, which would have the authority to rewrite the country's constitution.⁷⁷ President Maduro decreed the existence of the Assembly, and the vote to elect its members was held July 30, 2017.⁷⁸ Following the vote, Maduro declared victory and clashes between police and members of the

65. Virginia Lopez & Jonathan Watts, *Who is Nicolás Maduro? Profile of Venezuela's New President*, THE GUARDIAN (Apr. 15, 2013, 3:35 AM), <https://www.theguardian.com/world/2013/apr/15/nicolas-maduro-profile-venezuela-president>.

66. Wyre Davies, *Venezuela Elections: Why did Maduro's Socialists Lose?*, BBC NEWS (Dec. 7, 2015), <http://www.bbc.com/news/world-latin-america-35025941>.

67. Wyre Davies, *Venezuela Elections: Maduro's Socialists Trounced*, BBC NEWS (Dec. 7, 2015), <http://www.bbc.com/news/world-latin-america-35019111>.

68. *Id.*

69. Nicholas Casey & Patricia Torres, *Thousands March in Venezuela to Demand President's Ouster*, N.Y. TIMES (Sept. 1, 2016), <https://www.nytimes.com/2016/09/02/world/americas/caracas-venezuela-nicolas-maduro-protests.html?action=click&contentCollection=Americas&module=RelatedCoverage®ion=EndOfArticle&pgtype=article>.

70. *Id.*

71. *Id.*

72. *Id.*

73. *Id.*

74. Mirow, *supra* note 2, at 10.

75. Eyanir China & Alexandra Ulmer, *Venezuelans Mount Another Wave of Anti-Government Protests*, REUTERS (Apr. 10, 2017, 11:41 AM), <http://www.reuters.com/article/us-venezuela-politics-idUSKBN17C1Y4>.

76. *Id.*

77. Zeeshan Aleem, *Venezuela Just Moved One Step Closer to Authoritarianism*, VOX (July 31, 2017), <https://www.vox.com/world/2017/7/31/16058998/venezuela-election-maduro-constitution>.

78. *Id.*

opposition—who claimed the election was a fraud—became violent.⁷⁹ After several delays by Maduro, gubernatorial elections for Venezuela’s 23 states were held on October 15, 2017, and Maduro’s socialist party won 17 governorships.⁸⁰ The Democratic Unity coalition, a collection of opposition parties, had claimed the gubernatorial ballots would be confusing for voters since every parties’ candidate would be listed despite primaries that narrowed the field to a single candidate per state.⁸¹

B. Vatican’s Offer to Mediate

In October 2016, as tensions between the Maduro administration and the opposition escalated, representatives of both sides flew to the Vatican and agreed to allow for mediation of a dialogue between the parties.⁸² Just one day previously, the Venezuelan Congress had accused Maduro of staging a coup in order to stall the referendum.⁸³ Protestors in red shirts interrupted the meeting of Congress, where legislators had been delivering speeches in a state of “open rebellion.”⁸⁴ The Vatican had begun attempts to intercede in May 2016,⁸⁵ but it was not until October that this first meeting occurred.⁸⁶ While Jesús Torrealba, the secretary general of the coalition of opposition parties, attended the meeting and agreed to mediation, jailed opposition leader Leopoldo López expressed his objection, saying, “the people’s right to express themselves was robbed.”⁸⁷ The first formal meeting was scheduled to take place in October 2016, on Margarita Island, with the pope’s envoy, Archbishop Emil Paul Tscherrig, presiding.⁸⁸ After initial meetings, the opposition expressed frustration with Maduro’s failure to follow through on promises to release jailed opposition leaders.⁸⁹ Critics went as far as to argue that Pope Francis wrongly legitimized Maduro by intervening, and urged Francis to back out of the conflict.⁹⁰ At this point, the future role of the Vatican in the conflict is uncertain. What is certain is that the resolution of this dispute between Venezuela’s major parties will

79. Aleem, *supra* note 77.

80. Scott Neuman, *Venezuela’s Ruling Party Wins Surprise Victory In Regional Elections*, NPR (Oct. 16, 2017), <http://www.npr.org/sections/thetwo-way/2017/10/16/557977291/venezuelas-ruling-party-wins-surprise-victory-in-regional-elections>.

81. *Venezuela opposition says ballot sheet unfair for Oct. 15 vote*, REUTERS (Oct. 6, 2017), <https://www.reuters.com/article/us-venezuela-election/venezuela-opposition-says-ballot-sheet-unfair-for-oct-15-vote-idUSKBN1CB2FG>.

82. Herrero & Malkin, *supra* note 55.

83. The Associated Press, *Venezuelan Congress Accuses Maduro Government of Staging Coup*, N.Y. TIMES (Oct. 23, 2016), <https://www.nytimes.com/2016/10/24/world/americas/venezuela-congress-nicolas-maduro.html?action=click&contentCollection=Americas&module=RelatedCoverage®ion=EndOfArticle&pgtype=article>.

84. *Id.*

85. Herrero & Malkin, *supra* note 55.

86. Domonoske, *supra* note 46.

87. Herrero & Malkin, *supra* note 55.

88. *Id.*

89. Reuters in Caracas, *Venezuela’s Opposition says Vatican-Brokered Talks are ‘Frozen’*, THE GUARDIAN (Nov. 23, 2016, 3:17 PM), <https://www.theguardian.com/world/2016/nov/23/venezuela-nicolas-maduro-opposition-vatican-talks-frozen>.

90. Orlando Avendaño, *Vatican Role in Venezuela’s Crisis Sparks Backlash, Columnist Asks Pope Francis to Back Out*, PANAM POST (Feb. 9, 2017, 7:25 AM), <https://panampost.com/orlando-avendano/2017/02/09/vatican-role-in-venezuelas-crisis-sparks-backlash-columnist-asks-pope-francis-to-back-out/>.

be critical to U.S. foreign policy, oil prices, the world economy, and the Venezuelan people deprived of basic human rights.⁹¹ Initial frustrations may not yet spell failure for the Vatican. The mediation in the Beagle Channel dispute was only resolved after years of deliberation, uncertainty, and tension between the parties, with varying levels of Vatican involvement.

C. Comparison to Previous Vatican Mediations

In order to better understand the likelihood of the Vatican assisting in a successful negotiation with the Venezuelans, it is helpful to draw comparisons between the present crisis and the Vatican interventions described earlier. First, like Argentina, Chile, and Cuba, Venezuela is a Latin American country. Latin America is home to more than 425 million Catholics—roughly 69 percent of the region’s population,⁹² and almost 40 percent of the world’s Catholic population.⁹³ Pope Francis is the first pope from Latin America, and he has demonstrated his concern for Latin American issues in meetings with world leaders.⁹⁴ While the region is undeniably tied to Catholicism, there is evidence that Latin America’s identification with Catholicism has declined in recent years.⁹⁵ This gap is prominent in Venezuela, where Chávez sparred with bishops before his death.⁹⁶ Venezuelan church leaders even refused an order of Pope John Paul II to desist from supporting a coup d’état attempt against Chávez in 2002.⁹⁷

Like in the Beagle Channel dispute, tensions between the opposing parties in Venezuela have reached a boiling point. In the 1970s, Argentina and Chile had reached a point so antagonistic that the suggestion of papal mediation was nothing more than rhetoric designed to be rejected.⁹⁸ The climate of Venezuela is similarly fraught—its citizens are in desperate need of food and medicine, and the government is in a state of constitutional crisis. Might the Vatican have the same effect between Venezuela’s dueling parties as it did between the Argentines and Chileans?

The most salient difference between the Venezuelan conflict and the Beagle Channel dispute is that the conflict in Venezuela is between domestic parties. While the crisis has ramifications internationally, the parties that must ultimately come to

91. Casey, *supra* note 57.

92. Michael Paulson, *Latin America is Losing its Catholic Identity*, N.Y. TIMES (Nov. 13, 2014), <https://www.nytimes.com/2014/11/13/upshot/latin-america-is-losing-its-catholic-identity.html>.

93. *Religion in Latin America: Widespread Change in a Historically Catholic Region*, PEW RESEARCH CENTER (Nov. 13, 2014), <http://www.pewforum.org/2014/11/13/religion-in-latin-america/>.

94. *Id.*

95. *Id.*; Paulson, *supra* note 92.

96. Hugh O’Shaughnessy, *Priests, Plots . . . and Hugo Chávez*, THE GUARDIAN (June 30, 2011, 10:32 AM), <https://www.theguardian.com/commentisfree/belief/2011/jun/30/venezuela-chavez-catholic-bishops>.

97. *Id.*

98. Mirow, *supra* note 2, at 9.

an agreement are both Venezuelan. In contrast, many of the reasons that Argentina⁹⁹ and Chile¹⁰⁰ chose the Vatican to mediate were grounded in the countries' fear of unfair treatment due to their poor standing in the international community.

D. Ramifications for U.S. Relations with Venezuela

The resolution of the political crisis in Venezuela will inevitably be felt in the United States. The U.S.-Venezuela relationship has been tense in recent years.¹⁰¹ Presidents Chávez and Maduro both expressed opposition to the United States, criticizing U.S. government, policy, and relations with Latin America.¹⁰² Two of the biggest influences on the nations' bilateral relationship are the oil industry and human rights issues.¹⁰³ Although the United States has previously been a major market for Venezuelan oil, the decline of PDVSA actually forced Venezuela to import U.S. oil in 2016.¹⁰⁴ In 2011, the U.S. imposed sanctions on PDVSA under the Iran Sanctions Act of 1996, after Venezuela's state-owned oil company delivered a blending component for gasoline to Iran.¹⁰⁵ The U.S. also imposed sanctions in 2013 under the Iran, North Korea, and Syria Nonproliferation Act, and in 2015, President Obama signed an Executive Order titled "Blocking Property and Suspending Entry of Certain Persons Contributing to the Situation in Venezuela."¹⁰⁶ Venezuela and the U.S. are members of many of the same international organizations, although in 2013, Venezuela formally withdrew from the American Convention on Human Rights.¹⁰⁷ Deterioration of the situation in Venezuela would mean a less stable Latin America, and, in an extreme scenario, possibly mass migration to the United States.¹⁰⁸

IV. THE VATICAN AS MEDIATOR

The Vatican is a unique player on the world stage—it wields influence and power disproportionate to its physical domain of just half a square kilometer in

99. "Given Argentina's poor standing in the international community at the time and the likelihood that any mutually acceptable intervenor would represent the community to some degree, the Argentine leaders could not expect a sympathetic, let alone neutral, outsider . . . Chile was likewise an international pariah but, on this matter, it had done everything right—legally, anyway—which, of course, was the crux of its strategy." PRINCEN, *supra* note 21 at 165-66.

100. "Chile's process interests related more to its relatively weak international position. In terms of economic and military power, geography, and population, Chile was the smaller and more vulnerable party. Since Pinochet's coup of 1973 and his well-known human rights abuses, Chile had little support in the international community." *Id.* at 163.

101. *U.S. Relations with Venezuela*, U.S. DEPT. OF STATE (Aug. 31, 2016), <https://www.state.gov/r/pa/ei/bgn/35766.htm>.

102. *Id.*

103. *Id.*

104. Casey & Krauss, *supra* note 59.

105. *U.S. Relations with Venezuela*, *supra* note 101.

106. *Id.*

107. *Id.*

108. Dan Restrepo, a former top Latin America advisor to President Obama: "If Venezuela were to full-on collapse, and they could no longer support Cuba, then you get into the one thing that used to keep me up at night at my old job . . . for me the nightmare scenario was mass migration." *Half the World with Dan Restrepo*, POD SAVE THE WORLD (Feb. 8, 2017) (downloaded using iTunes).

Rome.¹⁰⁹ Its figurative doors are “open to all,” but its physical doors admit only a select, powerful few.¹¹⁰ This section will explore characteristics of the Vatican that shape its effectiveness as a mediator, and assess how these might impact its capacity in the Venezuelan crisis.

A. Bureaucracy

The Holy See is the Vatican’s government, organized as a monarchy with the pope at the top.¹¹¹ The Roman Curia is the administrative body, and acts as papal secretariat.¹¹² The Curia consists of the Secretary of State, the Council for the Public Affairs of the Church, ‘congregations,’ the Sacred College of Cardinals, and various tribunals and institutes.¹¹³ In the past, the Vatican bureaucracy has certainly been equipped to handle complicated and even volatile disputes.¹¹⁴

Reports of financial mismanagement, however, have garnered significant attention in the press and several books.¹¹⁵ Pope Francis established a commission to study financial operations of the Holy See following leaks that precipitated the publication of “Sua Santità,” or “His Holiness,” by Gianluigi Nuzzi in 2012.¹¹⁶ In 2015, two members of this commission were arrested on suspicion of leaking confidential documents.¹¹⁷ While many of the claims about financial mismanagement are impossible to verify,¹¹⁸ the leaking suggests a certain level of turmoil within the Holy See’s hierarchy.

Despite bureaucratic issues that may work to hinder effective mediation, the Vatican administration maintains strong ties to Latin America. The Holy See’s Secretary of State, Pietro Parolin, recently served as papal envoy to Caracas.¹¹⁹ The Jesuits, a Catholic fraternity to which Pope Francis belongs, recently elected a Venezuelan to its highest office.¹²⁰ The Vatican’s strong ties to Latin America, and Venezuela in particular, may counteract shortcomings in administrative proficiency.

109. Thomas Princen, *Mediation by a Transnational Organization: The Case of the Vatican*, in *MEDIATION IN INTERNATIONAL RELATIONS: MULTIPLE APPROACHES TO CONFLICT MANAGEMENT* 149 (Jacob Bercovitch & Jeffrey Z. Rubin ed., 1992).

110. *Id.*

111. PRINCEN, *supra* note 21, at 174.

112. *Mediation by a Transnational Organization: the Case of the Vatican*, *supra* note 109, at 151.

113. “The very structure of the church hierarchy and the organizational routines of the Holy See lent themselves to the exercise of tight control over the mediation process.” PRINCEN, *supra* note 21, at 174.

115. Gaia Pianigiani, *Vatican’s Financial Troubles Run Deep, According to New Book*, N.Y. TIMES (Nov. 3, 2015) <https://www.nytimes.com/2015/11/04/world/europe/vaticans-financial-troubles-run-deep-according-to-new-book.html>.

116. Elisabetta Povoledo, *Vatican Arrests 2 in Connection with Leaked Documents*, N.Y. TIMES (Nov. 2, 2015), <https://www.nytimes.com/2015/11/03/world/europe/vatican-arrests-leaked-documents.html>.

117. *Id.*

118. Pianigiani, *supra* note 115.

119. Erasmus & S.G., *Why some are skeptical about the pope’s chance of bringing social peace to Venezuela*, THE ECONOMIST (Oct. 30, 2016), <http://www.economist.com/blogs/erasmus/2016/10/venezuela-and-vatican>.

120. *Id.*

B. Moral Authority

Parties in dispute often seek out mediators with specific types of authority. In the absence of an authoritative third party, it can be difficult for entrenched parties to move forward. But what is the authority of the Vatican? It cannot impose sanctions on states, or provide economic rewards.¹²¹ It has no military force, and is the smallest state in the world by both area and population.¹²² Its authority is a moral one.¹²³ The Vatican is one of the oldest religious institutions in the world, and the seat of a church that claims more than 1.2 billion members.¹²⁴ It is founded on the teachings of Jesus Christ, who lived more than 2,000 years ago and established the papal office by designating St. Peter to lead the church.¹²⁵ Catholics believe in the doctrine of infallibility, by which certain decisions concerning faith or morals—made by ecumenical councils and approved by the Pope—are considered to be guided by the Holy Spirit, and therefore infallible.¹²⁶ The doctrine of papal infallibility holds that ex cathedra teachings of the pope are also infallible.¹²⁷ The Vatican's authority, therefore, comes from a belief in its moral superiority.

Of course, this is the moral authority of an institution marked by a pervasive pedophilia scandal, the depth of which continues to be understood. Pope Francis promised to restructure the Church's approach toward sexual abuse—including creating a tribunal to try accused bishops¹²⁸—but some critics see recent actions as undercutting this pledge.¹²⁹ In June 2017, Francis granted a leave of absence to Cardinal George Pell, one of his top advisors, after Pell was charged with sexual offenses in Australia.¹³⁰ The tribunal that Francis had initially approved was shuttered after reported resistance within the Vatican.¹³¹

In Venezuela, this moral authority is further complicated by complaints among devout Catholics that the Vatican has not adequately addressed human rights violations by the government.¹³² Catholics have complained that the government is blocking the efforts of Catholic charities to aid in the humanitarian crisis, straining the church-state relationship.¹³³ There was also unrest among Venezuelan Catholics after Pope Francis met with President Maduro in October 2016, and did not take the

121. *Mediation by a Transnational Organization: The Case of the Vatican*, *supra* note 109, at 149.

122. *Id.*

123. *Id.*

124. *How Many Roman Catholics are There in the World?*, BBC NEWS (Mar. 14, 2013), <http://www.bbc.com/news/world-21443313>.

125. Sr. Mary Elizabeth, *Saint Peter—The First Pope*, CATHOLICISM.ORG (Sept. 30, 2004), <http://catholicism.org/peter-first-pope.html>.

126. *Papal Infallibility*, CATHOLIC ANSWERS, <https://www.catholic.com/tract/papal-infallibility> (last visited Apr. 2, 2017).

127. *Id.*

128. Elisabetta Povoledo & Laurie Goodstein, *Pope Creates Tribunal for Bishop Negligence*, N.Y. TIMES (June 10, 2015), <https://www.nytimes.com/2015/06/11/world/europe/pope-creates-tribunal-for-bishop-negligence-in-child-sexual-abuse-cases.html>.

129. *The Vatican's Failure in the Abuse Scandal*, N.Y. TIMES (July 7, 2017), <https://www.nytimes.com/2017/07/07/opinion/pope-francis-catholic-church-sexual-abuse.html>.

130. Jacqueline Williams, *Australian Cardinal and Aide to Pope Is Charged With Sexual Assault*, N.Y. TIMES (June 28, 2017), <https://www.nytimes.com/2017/06/28/world/australia/cardinal-george-pell-charged-sexual-abuse.html?hp&action=click&pgtype=Homepage&clickSource=story-heading&module=first-column-region®ion=top-news&WT.nav=top-news>.

131. *The Vatican's Failure in the Abuse Scandal*, *supra* note 129.

132. Erasmus & S.G., *supra* note 119.

133. *Id.*

opportunity to rebuke him openly for the country's humanitarian crisis.¹³⁴ Human Rights Watch, a secular non-governmental organization based in New York, even wrote an open letter to Pope Francis, urging him to directly address the "authoritarian practices" of the Venezuelan government.¹³⁵ This disquiet spells trouble for the Vatican's moral authority as a mediator. If Catholics do not believe Pope Francis will effectively advocate on behalf of human rights issues, why would they support further Vatican involvement, or acquiesce to an agreement made under Vatican supervision? This legitimacy only exists when others believe that what the pope wants is rightfully his to request.¹³⁶

C. *Neutrality*

This moral authority typically lends itself to another characteristic of effective mediators—neutrality. The neutrality of the Vatican has historically come from both its sense of moral integrity as well as an absence of traditional state interests. It does not have traditional military or political ambitions, and therefore enjoys a high level of 'disinterestedness and objectivity' in disputes between other countries.¹³⁷ What matters most to the Church is preservation of peace—this is central to its religious mission.¹³⁸ Because peace is the primary interest, it should theoretically be easy for countries to trust the neutrality of the Vatican as a mediator.

Peace is undoubtedly a primary objective in the Venezuelan crisis, in addition to reaching an agreement on government control. Pope Francis has a strong interest in maintaining peace in Latin America, given that he is from Argentina, and a significant portion of the World's Catholics live in Latin America. Additionally, Venezuela's role in the oil industry makes its stability critical to the world economy. As has been discussed, however, this perception of neutrality is in jeopardy.¹³⁹ If peace is still the primary interest of the Vatican, why has this not led to the same perception of neutrality of the pope? Pope Francis' failure to rebuke Maduro publicly may be a tactical move—upsetting Maduro could simply lead him to walk away from the mediation effort. However, if the failure to rebuke the government causes the opposition to walk away, the result is just as problematic.

D. *Status*

The concept of status ties into the moral authority of the Vatican, but it is worth considering this characteristic in its own right. It refers simply to the prominence and significance of the Vatican, and the pope himself. This status is especially potent in person, within Vatican City's walls. As Professor Thomas Princen writes, "The aura of the physical surroundings, the magnificent ceremonies, the pomp and circumstance, are unmatched anywhere in the world. In this age of democracy and egalitarianism, the Vatican is one of the few places where kneeling is still the norm."¹⁴⁰ This prestige is a valuable asset, and it drives the way people and entities

134. *Id.*

135. *Id.*

136. *Mediation by a Transnational Organization: The Case of the Vatican*, *supra* note 109, at 159.

137. PRINCEN, *supra* note 21, at 141.

138. Mirow, *supra* note 2 at 27.

139. Erasmus & S.G., *supra* note 119.

140. *Mediation by a Transnational Organization: The Case of the Vatican*, *supra* note 109, at 162.

interact with the Vatican. Aside from the authority that allows a mediator to move disputing parties forward, there is this regard that parties have for the mediator, which is sometimes the only thing keeping them at the table.

For example, the Vatican's authority in the Beagle Channel dispute allowed for careful exploration of possible solutions, but it also gave the countries a healthy sense of shame at the prospect of failing to agree. Walking away from a negotiation table where the pope sat was disgraceful enough that Argentina and Chile were forced to work out the dispute. Professor Princen writes, "to send the envoy home without agreement and then launch an invasion would have been nearly unthinkable . . . whereas an invasion would have rallied public support without papal intervention, it became unthinkable in the presence of a papal envoy."¹⁴¹ Former Deputy National Security Advisor Ben Rhodes also mentioned this as playing a role in the U.S.-Cuba talks. Because neither party felt they could trust the other, the Vatican acted as guarantor—"nobody could go back on something that they told the Pope."¹⁴²

The status of a mediator can achieve the simple goal of keeping the parties at the table. While negotiations may still be protracted and bitter, parties are less likely to walk away from intermediaries who carry as much respect and historical significance as the Vatican.¹⁴³ Of course, for the status of the Vatican to have this desired effect, the disputing parties must buy in; they must believe that this respect is owed.

In Venezuela, it appears that this valuable asset is at risk, and may even backfire. Much of the concern about Pope Francis' meetings with Maduro stems from a perception that merely by meeting with him, the pope legitimizes Maduro's administration and its tainted human rights record. Whereas in the Beagle Channel dispute, the presence of a papal envoy was "a legitimating factor for the leadership,"¹⁴⁴ and therefore facilitated discussions, in the case of Venezuela it may do more harm than good.

V. CONCLUSION

Vatican mediation has come at a critical point in the Venezuelan crisis. Just as in the Beagle Channel dispute, military action seems to be the only alternative to negotiated agreement between the disputing parties. The Vatican maintains the same characteristics that allowed it to facilitate agreements between Argentina and Chile, and the United States and Cuba, but these may not have the same effect in Venezuela. The Church's handling of several scandals, and perceptions about Pope Francis's relationship with Venezuelan leaders, threatens the perception of authority, neutrality, and status that are all vital to effective Vatican mediation. While the prestige of the Vatican has previously been able to keep even some of the most contentious parties at the table, that may not be the case in Venezuela. The Vatican must maintain a careful balance in communication, and be wary of the legitimacy it lends to certain figures, in order to remain the neutral third party that can bring

141. PRINCEN, *supra* note 21, at 172.

142. POD SAVE THE WORLD, *supra* note 41.

143. "The change effort of the papal intervention was directed at the leaders' choices of a settlement procedure and at their domestic support. No leader was converted to the value of communication or peaceful change or judicial process. But the mere presence of a papal envoy in a Catholic country meant the leaders had to talk." PRINCEN, *supra* note 21, at 172.

144. *Id.* at 171.

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about a peaceful resolution, and hopefully bring an end to Venezuela's political, economic, and humanitarian woes.