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Policy Memo

DATE: March 13, 2018

Re: Second Regional Workshop

Regional Responses to the Crisis in Venezuela: Safeguarding the Human Rights of Refugees and Migrants

Introduction

Jointly organized by the Coordinadora Regional de Investigaciones Económicas y Sociales (CRIES), the Stanley Foundation, the Universidad Javeriana, and the Instituto Pensar, this second regional workshop took place from February 27–28, 2018, in Bogotá, Colombia. The workshop was conducted to analyze the key characteristics of the Venezuelan migration crisis, the latest trends in Venezuelan migration to Brazil and Colombia, and the role of regional and international actors in this crisis. The workshop also sought to develop relevant guidance for public and private decision makers in the Americas and formulate a series of recommendations for local and national governments, multilateral agencies, and civil society organizations in the region. Approximately thirty participants from Argentina, Brazil, Colombia, Ecuador, the United States, and Venezuela were involved in the meeting, including representatives from civil society organizations, universities and research centers throughout the region, and regional and international organizations.

Characteristics of the Venezuelan Migration Crisis

The current crisis in Venezuela can be more comprehensively understood through a four-dimensional analysis (“Venezuela in 4D”):

1. **The Economic Crisis:** Venezuela has suffered from such a severe economic depression for the past five years that the country has the least stable economy in the Americas. Its gross national product has consistently decreased, falling 10 percent in 2016 and 15 percent in 2017. By the same token, Venezuela is experiencing a period of hyperinflation, with rates reaching 550 percent in 2016 and 2,616 percent in 2017. The economic crisis is now the primary driving force behind emigration: although the minimum wage has risen to 750,000

Bolívar, this is only enough to purchase 1 kg of cheese and ten eggs.¹ The outlook for 2018 is even more discouraging, with estimates from the International Monetary Fund indicating that the inflation rate has reached 9,000 percent.

2. **The Institutional and Legal Crisis:** Venezuela lacks a true division of powers. In practice, all the powers of the state have been aligned to serve the executive branch. Additionally, a widespread lack of protections for citizens is evident: the country does not have an ombudsman's office that effectively guarantees the protection of citizen rights, nor are any district attorneys helping in these efforts. Along with the creation of the Constituent National Assembly and the permanent state of emergency that has been declared in the country, these factors have resulted in highly volatile legal dynamics and extreme uncertainty, which in turn undermine confidence when trying to attract domestic and international investment.
3. **The Social Crisis:** In Venezuela, poverty rates are severe and worsen with each passing day, according to data on poverty last published by the Instituto Nacional de Estadísticas (the Venezuelan National Statistics Institute) in 2015. The institute estimated that the poverty rate in 2015 was 33.1 percent, meaning more than 2.43 million homes lived in poverty. Since then, three Venezuelan universities (Universidad Central de Venezuela, Universidad Católica, and Universidad Simón Bolívar) joined their efforts to estimate and publish statistics on poverty in the country. The 2017 figures are truly alarming: Venezuela has a poverty rate of 87 percent, while its extreme poverty rate is greater than 50 percent. In addition to this poverty crisis, there is also a health crisis. The maternal mortality rate has risen dramatically (increasing 65 percent from 2015 to 2016), as has the infant mortality rate (increasing 29.5 percent over the same period); moreover, there is a severe shortage of most basic medications.
4. **The Security Crisis:** The United Nations recently ranked Caracas the second-most-dangerous city in the world. According to the Venezuelan public prosecutor, 21,752 violent deaths were recorded in the country in 2016, the equivalent of 70.1 deaths for every 100,000 inhabitants.

As a result of these factors, Venezuela has gone from being a net receiver of migrants to a sending country. In broad terms, the mass exodus of Venezuelans can be categorized into two distinct waves.

The first wave of emigration, from 2001 to 2014, consisted primarily of middle- and upper-class professionals, especially oil industry employees. Their main destinations were developed countries such as the United States, Canada, and Spain. With a total of 1.5 million Venezuelans moving abroad, the vast majority of whom were professionals, this wave meant a significant process of professional and intellectual decapitalization in Venezuela.

The migration process underwent a transition beginning in 2014, when there was a noticeable increase in requests for political asylum as protests against the government of Nicolás Maduro intensified in Venezuela. While migration previously had been an option for well-off professionals, at this time it became a necessity for many. Moreover, the destination countries for

¹ Data from the Venezuelan National Assembly's Finance Commission; the Venezuelan Central Bank has ceased publishing official figures.

emigrants changed and now included the Caribbean islands, especially Aruba, Bonaire, and Curacao (the ABC islands); the Dominican Republic; neighboring countries like Colombia and Brazil; and other Latin American countries such as Argentina, Chile, Peru, and Ecuador. Recent Venezuelan migration cuts across all socioeconomic strata, and includes a significant proportion of lower-income migrants who view migration as the only option for escaping the economic crisis.

An estimated four million Venezuelans now live abroad, the equivalent of 12 percent of the country's total population. However, the real figure is higher when taking into account migrants with dual nationality and undocumented migrants. Even more importantly, most of these individuals emigrated from 2016 to 2017, which points to a significant deterioration of the widespread situation in Venezuela. There is no noticeable gender gap in the groups that migrate, but a larger percentage of migrants are 18 to 40. This exodus of working-age individuals means a major loss of intellectual capital and labor for Venezuela, which exacerbates the process of brain drain that began in the previous stage.

Migratory Trends in Colombia

Colombia is now the main destination of Venezuelan migrants because of factors such as the long border between the two countries, the high number of Colombians who immigrated to Venezuela in the past, and a common language. This shared use of Spanish sets Colombia apart from Brazil, where Portuguese is the official language and which has a similar border with Venezuela. Additionally, a large number of Venezuelans migrate to Colombia as a temporary destination before heading to other Latin American countries. It is estimated that 70,000 to 80,000 Venezuelans cross the Colombian border every day.

We can identify five distinct profiles of individuals who migrate to Colombia:

- (1) Colombians who previously resided in Venezuela, some of whom even did so as refugees
- (2) Mixed families, referring to the Venezuelan children of Colombians who established family ties in Venezuela (and who therefore can obtain Colombian citizenship but face serious bureaucratic obstacles in doing so),
- (3) Venezuelans without any ties to Colombia, who face more difficulties when migrating to Colombia (including extremely vulnerable individuals such as pregnant and nursing women who choose to migrate because of a lack of access to health care and medicine),
- (4) Venezuelans who are requesting asylum or refugee status, and
- (5) Venezuelans who are in transit to other Latin American countries and who have no intention of staying in Colombia but plan to establish roots in countries like Argentina, Chile, or Peru.

In Colombia, the institutional response to Venezuelan migrants is slow and falls on local governments. Furthermore, since most migrants arrive in regions in Colombia with high unemployment rates (such as Cucuta), this can exacerbate tensions between Colombians and Venezuelans and trigger xenophobia and discrimination.

The series of actions taken by the Colombian national government—including the creation of the Unified Command Post in Cucuta and issuing residence authorizations (which are issued for 90

days but can be extended)—are more in line with understanding Colombia as a transit nation, not a migrant-receiving country.

Additionally, it is worth noting the high vulnerability of Colombia's border regions due to the presence of armed groups such as the National Liberation Army (ELN), informal economies, coyotes, and criminal gangs. Likewise, since the peace agreement with the Revolutionary Armed Forces of Colombia (FARC) was signed, there has been evidence of an increase in illegal crops, particularly in the Colombian Pacific, and many newly arrived Venezuelans have become involved in this illicit activity.

The Colombian state lacks a clear migration policy, which in practice has led to legislation that promotes securitization and limited access to the country. Furthermore, the chancellor's office in Colombia does not have a unit that specializes in migration. Venezuelan migration to Colombia should be systematically regulated and targeted, but it should not be categorized as illegal or placed in the framework of the security agenda. Historically, Colombia has not been a migrant-receiving country; instead it has been a migrant-sending country, which has caused the nation to develop a more restrictive migratory policy. Colombia has sought to develop a comprehensive migratory policy since 2009, but it has yet to succeed. However, significant progress was made in 2017, when the country went from having 21 types of visas to three.

In Colombia, the processes for responding to applications for refugee status are slow. Although such processes should take only three months, in practice they take much longer. In the meantime, Venezuelans do not have official documents that grant them access to formal employment, health care, or other opportunities and needs. To date, responses to the crisis have been predominantly humanitarian in nature. Social organizations based in Colombia have had an active role in these humanitarian efforts, with initiatives such as creating soup kitchens for Venezuelans and providing migrants with information about migrant routes and the Venezuelan community in Colombia, among other activities. Much of the work focuses on providing an immediate response to alleviate the migrants' current situation. However, there is a need to delve into structural issues by stepping up actions to support migrants, such as accompanying them to legal proceedings; bringing a human rights framework approach to Venezuelan migration; and providing psychosocial care to Venezuelan migrants.

The policy of building shelters sends a message to migrants about how they will be treated in terms of accessing rights and basic living conditions. Shelters should be seen as temporary solutions and be accompanied by extensive efforts to ensure long-term access to employment, education, resources, and the protection of Venezuelan migrants' rights. Colombia seems to be approaching this crisis as if it were a natural disaster, setting up shelters with tents, food, and access to potable water. However, in treating the crisis in this manner, the focus on the protection of migrant rights is lost, and so is the long-term perspective on a migration crisis that is far from a temporary issue.

It is important to highlight three points in the Colombian case:

1. The Venezuelan-Colombian border is the longest border in South America. At 1,379 miles (2,219 km), it has minimal migration checkpoints thanks to a historically healthy relationship

between the two countries, first shaped by the Andean Pact and later the Andean Community (CAN), which has even become a model of integration for the region.

2. Colombia does not have a history of dealing with immigration processes. Venezuelans in Colombia are identified with border mobility cards, or Tarjetas de Movilidad Fronteriza (TMF). To date, Colombia has issued 1.6 million such cards, which are primarily intended for Venezuelans who crossed the border to obtain food and medication in Colombia temporarily but many never returned to Venezuela and instead congregated in major Colombian cities. In addition, there is a significant yet difficult-to-quantify number of undocumented border crossings. Both cases indicate the Colombian state's lack of a focus on migrant protection.
3. A sizable percentage of Venezuelans require international protection, as they have migrated due to feeling unsafe in their country of origin. By addressing this issue with a migration approach instead of an international protection approach, Colombia hides this problem. This makes displaced individuals even more vulnerable and exposes them to new risks. This is the case, for example, when their passports are requested at border crossings or when return tickets are required to enter Colombian territory.

Today, Colombia's main challenge is adopting a human rights approach to the problem of Venezuelan migration in the country. To do so, Colombia should take into account the Cartagena Declaration (1984) and related, subsequent declarations, which establish the regulatory framework for refugees in Latin America. It is important to design public policies for receiving refugees in Latin American countries, especially in cases such as Colombia, in order to legalize the entry and status of Venezuelan migrants and refugees.

Migratory Trends in Brazil

Like Colombia, Brazil shares a long border with Venezuela. Unlike Colombia, however, Brazil has historically been open to migration, which is a distinguishing factor in its approach to receiving migrants from Venezuela.

In Brazil, Venezuelan migrants are concentrated in the border state of Roraima, one of the country's poorest and least developed states. With a population of 350,000, Roraima lacks the necessary capacity and infrastructure for receiving the 30,000 to 40,000 Venezuelans who have recently migrated to the area.

In terms of the sociodemographic profile of Venezuelan migrants in Brazil, it is important to point out that like Venezuelan migrants in Colombia, it is a young, working-age population: 72 percent are 20 to 39 years old, and the majority are single men. Furthermore, the migrant population is highly skilled: 32 percent hold university degrees, and 78 percent have completed high school. In Brazil, integrating migrants into society is difficult because most do not speak Portuguese. Therefore, it is necessary to establish policies for teaching Portuguese to foreigners as part of the package of public policies designed to integrate and welcome migrants.

Prior to 2015, there was no record of a significant presence of Venezuelans in Brazil. Venezuelan migration to Brazil is a recent phenomenon, with the majority of migrants arriving in 2017. Furthermore, in the first two months of 2018, the recorded number of Venezuelans who

arrived in Brazil is comparable to the number of Venezuelans who migrated in all of 2017, indicating an intensification of Venezuelan migration to Brazil.

Until February 2017, applying for refugee status was the only option for Venezuelan migrants in Brazil. Since then, the Brazilian National Immigration Council has facilitated temporary residency, marking a significant change in migration to the country. In fact, while a total of 17,000 refugee applications were recorded in 2017, 18,000 refugee applications from Venezuelan citizens in Brazil were recorded in January and February 2018 alone.

Despite this progress, the Brazilian government has done little to respond to matters of migration and welcoming migrants. The municipal government of Boa Vista, the capital of Roraima, typically has a hostile attitude toward migrants. Likewise, the relationship between the local government and social organizations that work with migrants is problematic. In fact, because migration is the responsibility of the federal government, federal actors should be leading policy development on this matter, which should be informed but not subverted by local governments.

A hostile attitude toward migrants can also be observed at the level of the Roraima state government. Even so, the migration issue is set forth as an argument to obtain resources from the federal government, especially considering Roraima is one of the poorest, least-developed states in Brazil. Moreover, although Brazil has historically been a migrant-receiving country, the state of Roraima—because of its distance from major Brazilian cities and its relatively low level of development—does not have experience receiving migrants.

Civil society in the area has mobilized, and religious groups, human rights and migration centers, migrant welcome services, and diverse organizations are taking action to help welcome migrants and ease their integration into Brazilian society. The area has four migrant shelters managed by *Fraternidad sin Fronteras* with the support of the United Nations High Commissioner for Refugees (UNHCR).

Moreover, two of these shelters cater to indigenous communities. The most vulnerable of these indigenous groups is the Warao, whose 49,000 members live in Brazil and Venezuela. The Warao tribe originally hails from the Orinoco Delta, and its first presence in Brazil was recorded in 2014. Today, the Warao are concentrated in the states of Roraima, Amazonas, and Para. Thus, the Venezuelan crisis sheds light on a new problem: transborder indigenous peoples. Making things worse, indigenous issues are addressed on the basis of territory in Brazil, which excludes the Warao since the group no longer inhabits its ancestral lands. The federal government also ignores this problem because it concerns a tribe that is not native to Brazil. Considering this issue related to the needs of transborder indigenous peoples, new standards for guaranteeing the fundamental rights of these groups must be developed.

In addition to the situation faced by indigenous communities, there are also problems regarding gender issues. Most women who migrate to Roraima are single, and 42 percent migrate with minor children. Many of these women are driven by the lack of health care in Venezuela. To make matters worse, the Roraima state has the highest rate of violence against women in Brazil, with a femicide rate of 15.3 per 100,000 inhabitants, compared to a national average of 4.8. A not-yet -implemented federal project known as the Brazilian Women's Home has proposed to

unify social assistance services, health care services, and police-report processing in one location in order to protect and support women who are victims of gender violence. This project can be used to support Venezuelan women who migrate to Brazil in highly vulnerable conditions. Added to this is the unique set of problems facing transgender migrants, who are also victims of violence and discrimination and often end up living on the streets and falling prey to prostitution networks in order to survive.

In Brazil, the main challenge lies in coordinating action groups formed by civil society, nongovernmental organizations, local and state governments, and international organizations. These actors must create alternative forms of shelter with better conditions than the temporary shelters and adopt a humanitarian approach to the migrant crisis.

Another challenge lies in countering erroneous assumptions or misconceptions about migrants. It is important to avoid spreading the idea that mass immigration makes cities dangerous. The dominant media discourse, especially in cities like Pacaraima and Boa Vista, points to an increase in crime rates due to immigration, but official statistics do not show any increase of crime in Roraima.

Fortunately, Brazil now has a new migration law. The previous foreigner statute, which dated back to the era of the military dictatorship, perceived migration as a matter of national security. Now, the new migratory framework has adopted a human rights approach. Additionally, the application for temporary residence has been free of charge since July 2017. It is worth noting there is also a major precedent for the Brazilian response to a migration crisis: after the 2010 earthquake in Haiti, Brazil issued emergency humanitarian visas to Haitian citizens.

One positive aspect gleaned from the Brazilian case is the potential of providing solutions at the state and/or local level. Local governments are the actors that can most effectively respond to the needs of these migrant populations. Nevertheless, it continues to be a challenge to get the federal government to provide the necessary resources for local governments to act. One option would be to create investment funds so these states can improve and expand infrastructure, such as hospitals, schools, and transportation, thereby creating long-term solutions that seek to integrate the Venezuelan migrant population.

Regional and International Actors in the Venezuelan Crisis

It is important to point out that regional and international organizations are still adapting to recent changes in the contemporary international order. Furthermore, regional and subregional organizations in Latin America have low governance capacity. Their limited capacity fundamentally derives from domestic factors, since the governments of several of the region's most important countries are immersed in internal political crises, which results in a lack of leadership and ideas in regional multilateral organizations. In their place, informal spaces for interaction and dialogue have been created with the goal of addressing specific matters.

There is an evident lack of capacity among hemispheric, regional, and subregional agencies to deal with the Venezuelan crisis. The Union of South American Nations (UNASUR) has been completely inactive because of a changing regional political map and an underestimation of the

value of this forum as a place to take action by a significant number of regional governments. Likewise, conversations at the Organization of American States (OAS) have stalled, though the US government has been proactive in engaging countries of the Commonwealth Caribbean, offering energy cooperation agreements in exchange for changing their patterns of voting on Venezuelan issues.

Nevertheless, Latin America has a positive history that can be built on in the so-called groups of friends, which refer to groups that have been established on the margins of hemispheric and regional organizations with the goal of responding to specific crises, such as the Contadora Group and the Rio Group. The Lima Group has begun taking certain steps to address the Venezuelan crisis. In particular, over the past year, several actors at the regional and national levels have begun to use a common language to discuss the Venezuelan crisis, for example, in referencing “systematic human rights violations.”

The regional community plays an important role in finding pressure points within the Venezuelan government that can be used to promote respect for democratic institutions. The value of regional and hemispheric meetings and networks, such as the groups of friends or this very workshop, lies in formulating a common language, establishing working agendas, engaging regional actors, and strengthening the regional capacity for responding to humanitarian crises in the region.

At this point in the debate, it must be asked: Would an international military intervention in Venezuela be possible or even desirable? In Venezuela, there appears to be a widespread belief that intervention is the main route for bringing an end to the crisis and returning to democracy. However, a military intervention would not create a long-term solution for the humanitarian crisis in Venezuela, nor would it bring comprehensive solutions to migration issues. Furthermore, a military intervention would only increase the internal violence in the country, making the Venezuelan domestic situation even more serious.

The good news is the current global order practically rules out the possibility of a US military intervention in Venezuela. The bad news is two-fold. First, even if US President Donald Trump declares that a military intervention in Venezuela is possible, there has been no indication that the United States would play a significant role in resolving this crisis. Second, two closely intertwined Latin American traditions enter into conflict in this situation: the tradition of defending and protecting human rights on one hand and the tradition of nonintervention in domestic matters and fiercely defending national sovereignty on the other. When faced with the necessity of a humanitarian intervention in Venezuela, one must ask: Which of these traditions will ultimately prevail?

Likewise, it is important to emphasize that the region has a political and regional framework for refugee issues. As previously referenced, the Cartagena Declaration has become a form of soft law or political commitment that entails legal principles related to regional solidarity in the Americas. It was first established because of the Central American crisis of the 1980s. The declaration broadened the definition of refugee established by the Geneva Convention (1951), defining refugees as “all persons who are victims of massive violations of human rights.”

Since its signing, meetings among regional governments and civil society representatives are held every ten years to revise and update the declaration. In 2004, the Mexico Declaration introduced three innovative instruments:

- (1) Borders of solidarity (which are more borders for welcoming migrants than open borders),
- (2) Solidarity cities (with important models in Argentina, Brazil, Chile, and Ecuador),
- (3) Solidarity resettlement programs (which stipulate that individuals in countries that do not offer protection can be resettled in more-receptive countries).

Latin America already has a solidarity resettlement program, but in quantitative terms, few individuals have been resettled. Although more resources need to be earmarked to finance this program, the initiative does exist. The burden of receiving refugees should be distributed in an equitable way among all countries in the region; the entire burden cannot fall to border countries.

Likewise, the Brazil Declaration (2014) made a significant contribution by emphasizing the need to strengthen the National Commissions for Refugees (CONAREs). These agencies are currently very weak. Although there is great demand for them, they are understaffed and their policies lack continuity.

In short, a regional framework does exist, and it has been shaped by the Cartagena Declaration and its subsequent revisions. In this context, it is expected that Latin American governments will use the framework provided by the Cartagena Declaration to conduct informal summits to discuss solutions using instruments that have already been approved. The main problem lies in the lack of a hemispheric, regional, or subregional organization with a clear mandate to assume responsibility for carrying out the necessary coordination to ensure that all countries in the region implement this regulatory framework for refugees. As an example, migratory regulations of UNASUR and Mercosur have not been harmonized and would contribute to facilitating and standardizing migratory procedures in the region.

Recommendations

Civil Society and Academia

- Make headway in developing and defining diverse migrant and refugee profiles in order to identify motivating factors for migrating/requesting refugee status and characteristics of migrants and refugees.
- Encourage regional states not yet party to international refugee conventions (ABC islands) to ratify these conventions.
- Emulate best practices and lessons learned from programs like the solidarity resettlement program.
- Support initiatives for implementing the Cartagena Declaration, the Mexico Declaration, and the Brazil Declaration.
- Create and/or support informed-migrant campaigns geared to potential migrants and refugees to provide them with information about migratory legislation in receiving nations, state responsibilities, international refugee conventions and agreements, human rights, and access to essential public services.

- Strengthen human rights discourse to counter negative narratives about migration, emphasize the benefits of migratory flows for receiving nations, contribute to the desecuritization of migration, and counteract xenophobic discourse.

National and Local Governments

- Strengthen state capacity for receiving migrants, asylum seekers, and refugees in the context of a multidimensional strategy that coordinates national, subnational, and local governments and encompasses health care and public education access, in addition to improving the operations of migrant agencies and asylum-request processing.
- Facilitate access to visas and temporary residency and develop a temporary protected status (TPS).
- Expedite mechanisms for validating postsecondary and university degrees.
- Integrate migrant women into protection and safeguarding systems, and include a gender perspective on the issue of forced migration.
- Update the legal framework with regard to binational and transborder indigenous peoples.
- Develop a multidimensional and multisectoral strategy to supplement the capacity of national, subnational, and local governments, to ensure that all three levels have the required resources and that civil society, academia, international organizations, and multilateral agencies are engaged.

International Organizations and Multilateral Agencies

- Encourage states within the region to ratify international refugee conventions (for example, the ABC islands) and support initiatives for implementing the Cartagena Declaration and the Brazil Declaration.
- Develop policies on the use of sanctions and humanitarian aid in the Venezuelan context. Take advantage of windows of opportunity opened by certain temporary members of the UN Security Council (such as Peru) to introduce the matter into high-level agendas.
- Strengthen discourse on the nonmilitarized role of the international community.
- Increase interaction and dialogue with governmental actors to support initiatives like the Lima Group or other ad hoc initiatives (including advancing the agenda of the OAS Democratic Charter).
- Provide financial initiatives that grant loans to receiving countries so they can build refugee camps, modernize reception systems, and strengthen the capacity of the state, among other actions.

The analysis and recommendations included in this policy memo are based on the main topics of discussion covered during the event and do not necessarily reflect consensus opinions of the Stanley Foundation, CRIES, or workshop participants. The participants have not reviewed or approved this document. Therefore, it should not be assumed that every participant endorses these recommendations, observations, or conclusions.

The Stanley Foundation

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The Coordinadora Regional de Investigaciones Económicas y Sociales (CRIES) is a network of research centers and nongovernmental organizations that acts as a regional think tank, promoting analysis, debate, and policy creation about topics of regional, hemispheric, and global relevance, from the perspective of civil society. CRIES is an independent nonprofit institution that promotes pluralism and citizen participation. It is not affiliated with any political or religious organization. For more information about its activities and its virtual publications, please visit www.cries.org.

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