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# EU foreign policy coherence: the Venezuelan Presidential crisis

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# LIST OF ABBREVIATIONS

- CFSP Common Foreign and Security Policy.
- COREPER Permanent Representatives Committee.
- CSDP Common Security and Defense Policy.
- EP European Parliament.
- EU European Union.
- HR High Representative of the Union for Foreign Affairs and Security Policy.
- IR International Relations.
- ODA Official Development Assistance.
- PCS Political and Security Committee.
- TEU Treaty on European Union.
- TFEU Treaty on the Functioning of the European Union.
- UN United Nations.
- US United States

## INTRODUCTION

Since its creation, the member states of the European Union have faced the dilemma regarding the grant of powers. Being nation-states, their sovereignty is always a concern, and while the joint action through the Union has its benefits, it also has some disadvantages. The area of foreign policy does not constitute an exception.

Through the development of the Lisbon Treaty and the mechanisms established for the European external action, the question may arise as to what extent does the European Union generate a foreign policy of its own. Naturally, the analysis of this issue is the same as the analysis of its parts: the dual mechanism, and the actors that might influence the decisions of European institutions.

Thus, this paper will attempt to provide an answer to that question through a series of ordered sections. After specifying the aims and objectives of the project, the hypothesis will be formulated. This will provide the guide for the whole project, as it establishes its main purpose.

Afterwards, the previous research made in this area will be explained, as well as the instruments that are of use to this paper, including the methodology and the theoretical framework. Once this first main section is completed, the analysis will begin by the contextualization of the European external action mechanisms, as well as of the selected case study – the Venezuelan Presidential crisis.

Then, the paper will study what the European response to the Presidential crisis says about its foreign policy, paying special attention to the interaction of internal and external influences in the process. Finally, the conclusions will identify the main results obtained from the investigation, takin into account what the different sections of the project had to offer, and attempting to provide an answer to the initial hypothesis.

# **CHAPTER I: THE PROJECT**

#### I. Aim and objectives

This paper will attempt to study the extent to which the European Union presents an ability to develop cohesive foreign policy decisions, through the analysis of the response of the EU as an institution to the Venezuelan Presidential crisis.

In the last few years, the European Union has entered into a critical period of its history, especially marked by the United Kingdom's withdrawal from the European Union after the 2016 referendum, or *Brexit*, as it is commonly known. This event is a clear reflection of the rise of Euroscepticism in European society. The EU has witnessed an increase in nationalist and protectionist ideologies in most member states, a trend readily apparent from the rise in the popular support for political parties that could qualify as being close to those ideological sectors.

Stronger signs of this crisis can be observed in countries such as Poland or Hungary, where the elected governments are introducing policies that contradict the fundamental principles of the European Union, gathered in article 2 of the Treaty on European Union (TEU). The response of the EU to this crisis does not appear to be as effective as it should, therefore demonstrating the weakness in the system of the European Union to create cohesive policies, and the difficulty of achieving agreements among member states. In this scenario in which the ability of the EU to function as a joint entity common to all member states is called into question, it is very interesting to analyze how that reality applies to European external relations.

As one of the three pillars of the EU alongside security, foreign policy was an essential part of EU activities from the beginning. After the Treaty of Lisbon, in which this structure was abandoned, the significance of foreign policy became even greater, as the Treaty established an institutional structure specifically for this task. Studying the manner in which the crisis of the EU affects its foreign policy is important because a conclusion on the situation of the EU in relation to its cohesion that does not take into account its external action, is necessarily only a partial conclusion.

Moreover, it is also relevant because of the importance of the EU as an actor in the international system, not only in the economic and political context, but also in the context of the inspiration the EU represents for other integration projects. The EU is considered by politicians and scholars as a model of integration, and thus, the outcome of the foreign policy system has a repercussion that goes beyond its obvious economic and political effects.

The Venezuelan Presidential crisis is an appropriate case study for this subject because it is based on an element that is very peculiar to each state, which is the recognition of a government. Every state, as an actor of international relations, has the ability to recognize other states and other governments, but also to choose not to do so. There are many examples of the cases and implications of this recognition, such as that of Western Sahara. However, the Venezuelan Presidential crisis constitutes a unique situation due to its political environment and the novelty of the European Union being an entity with international legal personality.

Therefore, this case provides very valuable information with regard to the cohesive abilities of the EU, as it demonstrates how the EU functions amidst pressure from the member states, whose interests may not all be the same. Moreover, the importance of time in these matters also adds value to the investigation, as it is another difficulty in the task of finding a consensual approach.

Finally, it is also relevant for studying the aforementioned cohesive ability in relation to the pressure that other international actors, mainly other allies such as the United States, may exert. The European Union is usually understood to develop a foreign policy strategy that differs from that of the United States, one that is seen as being less "aggressive". This case constitutes an opportunity to identify how that understanding adheres to practice.

The aim of this paper is, therefore, to analyze the response of the European Union to the Venezuelan Presidential crisis which took place in 2019, with the objective of examining the extent to which the EU has the capability of developing a cohesive foreign policy in a context in which European consensus seems very difficult to achieve.

#### II. State of the art

This paper's main and most general subject is the ability of the European Union (EU) to develop a cohesive foreign policy. Naturally, EU foreign policy is a subject that has been studied in depth from different perspectives. Although such a general topic is always a current concern, it has gained importance in recent years due to the internal crisis of the European Union, which became clear after events such as *Brexit* or the rise of Eurosceptic political parties. We might argue that EU foreign policy can serve as an indicator of the cohesiveness of the institution as a whole.

#### Perspectives studied

With regard to the perspectives from which this topic has been analyzed, we could make an initial distinction between the International Relations (IR) and legal perspectives. The most recent IR research presents an attempt to explain two main elements: the balance between each member state and its individual interests, mainly those of Germany and France (Helwig *et* Siddi, 2020) and, as a consequence, the effectiveness of the Common Foreign and Security Policy (CFSP), and the effect of Donald Trump's administration on European foreign policy: how – or if – it is addressing the necessity of building a stronger foreign and security policy less dependent on the United States (White, 2001).

The delicate balance between member states is mainly challenged by the rise of populism in the last few years. Academics study the dangers of states acting with less solidarity, as well as the rise of Euroscepticism in member states' internal elections and its impact on common policymaking (Pardo *et* Gordon, 2018). On the other hand, there is also literature covering the role of certain member states at the time of shaping EU foreign policy. There is a special interest for Germany and the consolidation of its role as "leader" – a matter that also contributes to the arguments of Euroscepticism.

The effects of the 2004 enlargement constitute another important element that has been the subject of many studies. For some authors (Epstein, 2013), their early belief that some of these states were not ready to form part of the European Union so quickly has been confirmed by the crises in Poland and Hungary, where fundamental values of the European Union are being challenged. Naturally, this increases the difficulty of

developing cohesive foreign policy decisions. It is also interesting in relation to the fact that, due to the geographical location of these countries, EU foreign policy needs to address problems arising in Eastern Europe with more care than before.

During the Presidency of Donald Trump, the EU has confronted the idea that security dependence on the United States is something that may end. Although the way in which recently elected President Biden will act is uncertain, the European Union must address a less cooperative global order (Steinberg, 2018) where it must develop an individual security strategy. This idea was established by the 2016 European Global Strategy and its approach based on European strategic autonomy: the EU must work toward a strategy built on the geopolitical interests of the region and not on the position of the United States.

Finally, although it is still early, there are some studies that refer to the effects of the COVID-19 pandemic. Most of them are economic analyses (foreign direct investment and other matters), but there are some that refer to the effects on European foreign policy, and how it is interfering with the development of the European strategic autonomy (Arteaga *et* Simón, 2020).

In addition to this, scholars also analyze the variations of the approach of the EU to its foreign policy. As Arteaga and Simón (2020) explain, there is a clear tendency to realism when it comes to making decisions on foreign affairs. The best example of this is the previously mentioned autonomy of EU foreign policy: different events (the Trump administration, Brexit, etc.) have led to the adoption of a more pragmatic understanding of the functioning of EU foreign policy. This includes the realist conception of the international system as an anarchic system, divided in structures (national and international) which serve as a cause for the behavior of states, as their actions are determined by the distribution of power and capabilities between the units of the structure.

Aside from the realist tendency, since the 1990s liberalist authors have also developed an interest in EU foreign policy. Currently, one of the main areas of study is whether the EU's external policies can be considered as anything more than the sum of its parts (Jørgensen *et al.*, 2015). These studies attempt to explain the relation between

national level policies and EU policies. Liberal theory understands that preferences of internal social groups have a primary role, influencing state conducts. Through globalization the interests of these groups internationalize, and therefore they direct their influence toward foreign affairs (Moravcsik, 1997).

Finally, there is another major theory of International Relations that has received attention in the study of EU foreign policy: neoinstitutionalism. Authors such as Keohane (1986) depart from a conception of the international scenario that is similar to that of the realist perspective but focus more on the role of institutions. This direction has resulted in the development of a set of theories conforming the concept of neoinstitutionalism, with certain key differences among them, but which share base conceptions, and which have been fairly relevant in EU foreign policy studies.

On the other hand, from a legal perspective, the main focus lies on the institutional aspect of EU foreign policy. From this frame of reference, the main concern is whether the institutions of the European Union have the necessary powers to develop a foreign policy that can be understood as common to all the member states. This perspective studies the process of policymaking through the Political Security Committee to the COREPER (Committee of Permanent Representatives) and finally to the Council of the European Union (the Council in the following).

It analyses whether the EU has international legal personality and to what extent, building the arguments from the articles of the treaties (Treaty on European Union or TEU, and the Treaty on the Functioning of the European Union or TFEU). These studies have the purpose of analyzing the legitimacy of EU institutions, which includes determining the range of action that is given to them.

The legal framing is also interested in the peculiarity of the EU itself, as an institution that is neither a state nor an international organization *per se* (Larik, 2017). For this reason, academics have developed an interest for the legality of EU external relations, for its novelty and for its uniqueness. It is also studied through the comparative law perspective, reviewing it alongside the system of the United States, which has traditionally been the main subject of interest for scholars investigating these

topics. Studying the EU and its external action is a key figure of the evolution of the international legal order.

Another perspective than can be differentiated from that of IR and of law is the Political Science perspective. Scholars from this discipline are interested in the nature of the external activities of the EU. Therefore, they discuss whether these activities could be considered as a foreign policy or if they are closer to the concept of external action. It is also necessary to note that there is a discussion within the definition of these two concepts.

Some, such as Chris Patten, European Commissioner for External Relations at the time of the proceedings of Working Group VII, understand external action as a very broad term, which even includes that of foreign policy (Tomic, 2013). Other authors use a concept of foreign policy that is a synonym of external action. Finally, others believe this distinction is of great importance, even if its only purpose is to conceptualize the role of the different actors in international relations. This is the case of Aldecoa (2003), who understands that, while a foreign policy requires a philosophy, some specific objectives and others more general, instruments, a budget and a certain coherence, external action does not: it can consist of a simple answer to a concrete event.

#### Main think tanks on the matter

As a largely explored subject, many think tanks have invested resources to investigate EU foreign policy and its autonomy. Examples of these think tanks with available information for the public are the Trans European Policy Studies Association (TEPSA), the Barcelona Centre for International Affairs (CIDOB), the Elcano Royal Institute, the Institute for European Politics (IEP) and the International Affairs Institute (IAI).

While some of them are more specialized on EU affairs, others also cover other topics. However, all of them share an interest in Europe and its international relations. Moreover, they provide different perspectives of study: some from an international framing, others from the European perspective and others from that of a member state.

TEPSA is a very valuable institution for the topics that will be studied in this paper. It is a network of think tanks all over Europe which presents work specifically devoted to European affairs, including EU external relations. From the research institutes that are part of this network, we may highlight the following:

The CIDOB, focused on international affairs, has contributed to the topic of EU foreign policy through several initiatives and analyses. These include "EU-LISTICO", which investigates EU external action in places that have been characterized as of "limited statehood". Therefore, they analyze, among other aspects, the way in which the EU may prevent or act in cases of government breakdown. Other initiatives such as "Atlantic Future" or the "Study of Latin America, the Caribbean and Eastern and Central Europe", investigate from a more general perspective the external relations of the EU with other areas, offering valuable information with regards to the manner in which those relations are and should be handled.

The Elcano Royal Institute has also conducted valuable research on EU foreign policy. More concretely, it has delved into the concept of strategic autonomy that was mentioned earlier, and analyzed it from different perspectives (international security, Political Science, etc.). It also has reports on EU relations with Latin American countries, including Venezuela, and in general shows great interest in Latin American matters.

The German IEP is a think tank with decades of experience, which has been analyzing EU foreign policy since its creation. It is part of projects such as the "Common Foreign and Security Policy of the European Union" project, which investigates its developments; the "*Möglichkeiten und Grenzen der Integration von Streitkräften in der EU*", which analyses the possibilities and limits of the integration of military forces; or the "Study Group: European Foreign Policy-Making". Therefore, the main contributions of this think tank on EU foreign policy are in the field of integration and security.

The Italian International Affairs Institute (IAI) covers many aspects of EU foreign policy and conducts relatively comprehensive research on EU politics and institutions. Similarly to the IEP, it has decades of experience and it is mostly interested in European integration and contributing to its advancement.

#### Main academic journals

Academic journals that usually delve into investigations of EU foreign policy are the following:

The Journal of European Public Policy offers articles with information regarding different aspects of EU foreign policy. Although the journal covers all kinds of public policy issues, foreign policy is one of the main subjects of work. In their research, JEPP investigators use a variety of perspectives and approaches, with this comprehensive analysis being the Journal's main value.

International Affairs is a leading journal known for its research on European policy, including external action, in spite of being a journal that covers a wide variety of aspects of international relations.

West European Politics, on the other hand, offers a much more specific framing focused on Western Europe. It is also one of the most prominent journals covering politics and public policy. Their research on EU foreign policy is very exhaustive, with over a thousand articles and research papers.

The *European Journal of Political Research* offers a perspective that is closer to the Political Science method, including theoretical and comparative investigations, which apply quantitative and qualitative approaches in order to reflect the implications of the investigation.

The Journal of Contemporary European Studies covers a variety of aspects in relation to European affairs, including foreign policy. This multidisciplinary journal welcomes different authors and perspectives in order to create a forum for debate and exchange of ideas between theory and practice.

#### Authors

In addition to the research institutions and journals, there are many authors dedicated to the investigation of EU foreign policy and the extent to which it is able to present strategies that are common to all member states, as well as those with a deep knowledge of Venezuelan affairs. However, I would like to mention some that have a rich experience and are prolific authors on the subject.

Dr. Susanne Gratius is a Political Science and International Relations teacher at the Autonomous University of Madrid as well as a senior researcher at CIDOB. She has also worked at several European think tanks such as GIGA, SWP IRELA or the EU-LAC Foundation. Throughout her career, she has specialized in EU-Latin American relations, Spanish and European policies towards Latin America, and Latin American foreign policy.

Secondly, I would like to mention Carlos Malamud, senior analyst at the Elcano Royal Institute and Professor of Latin American History. He has worked in several university programs in different countries and was recognized as one of the 50 most influential Iberoamerican intellectuals (Esglobal, 2015). His main research areas include Latin American History and its international relations, mainly with Spain and the EU.

Another author that has investigated the relations between EU and Latin American, as well as European foreign policy and integration, is Francisco Aldecoa. Ph. Doctor in Political Sciences and Sociology, he is a professor of International Relations and holds the Jean Monet Chair at the *Universidad Complutense* of Madrid.

Regarding more specialized subjects that are also useful for the purpose of this paper, Elena McLean and Taehee Whang stand out for their research into sanctions as an instrument of foreign policy, Félix Arteaga for his work in security and strategic autonomy, and Araceli Mangas for her writings in EU law and institutions.

#### III. Research questions

This paper investigates what the response of the European Union to the Venezuelan Presidential crisis shows in relation to its ability to develop a cohesive foreign policy and to what extent it has managed to do so. The main question that it will attempt to answer is the following:

 Does the European Union present a system that allows for the development of strategies that could be referred to as "foreign policy", or are they mere "external action" decisions?

In addition, and as secondary matters, the investigation will provide an answer to the following questions, given that they are important elements in the analysis of the first question:

In relation to the case studied:

- To what extent is the European Union able to cope with differences among member states at the time of developing a foreign policy?
- To what extent is the European Union able to develop a foreign policy that is autonomous from international pressure, mainly from that of the United States?

# IV. Objectives

The objectives of this investigation are the following.

In relation to the selected case study:

- Core Objective: determining the effectiveness of the Treaty of Lisbon system of external action in developing cohesive and autonomous foreign policy decisions.
- Secondary Objective (I): examining the influence of member states on EU foreign policy.
- Secondary Objective (II): examining the importance of external pressures on the development of the foreign policy, with especial attention to the influence of the United States.

# V. Hypothesis

This investigation derives from the following hypothesis:

The European Union's strategy toward the Venezuelan Presidential crisis demonstrates the ability of the EU to develop a foreign policy as an autonomous institution.

#### VI. Geographical and time framework

This investigation is focused on two different geographical areas. First of all, the European Union and the territories it contained in the period 2019 to January 2021; and secondly, Venezuela in the same period.

#### VII. Theoretical framework

#### Foreign Policy vs External Action

First of all, it is necessary to reserve a space for explaining the differentiation of the two concepts, foreign policy and external action, given that they are central parts of the investigation. As mentioned in the State of the Art, there is no consensus on the matter, to the point that some authors use a concept of foreign policy that is so vague that no distinction with external action can be found. Conversely, others find this distinction fundamental when studying matters related to international politics.

However, excessive specificity can also be problematic. As Smith, Hadfield and Dunne (2016) explain, some might argue that foreign policy is a concept that cannot be applied to the action of institutions such as the European Union. This argument is based on the belief that foreign policy can only be developed by states. This understanding is closely related to the Realist theory of International Relations and has been overcome by an academic sector that applies arguments based on the dual processes of globalization and interdependence. In their opinion, the characteristics of the international society mean that the state-centric theory is no longer able to fully explain foreign policy.

The other understanding of foreign policy argues that "foreign policy, although traditionally linked to the behavior of states, can apply equally to explaining the behavior of a range of actors" (Smith *et al.*, 2016). This alternative, if stretched, would even consider certain strategies developed by multinational corporations as foreign policy. This interpretation is useful for the purpose of this paper because it allows for the possibility of including the European Union as an institution capable of making true foreign policy decisions.

Thus, in relation to this element of the discussion, we must state that our understanding of foreign policy is general enough to comprehend the action of international institutions such as the EU. Furthermore, with regards to the concrete content of the concept, the perspective of this paper follows that of Aldecoa (2003), as mentioned in the State of the Art: a foreign policy implies a certain philosophy, general and specific objectives, the necessary instruments, a budgetary fund, as well as a certain unity, coherence (an element which is crucial to the investigation) and programming.

Consequently, the present understanding of external action is, in institutional terms, a less developed or even less "bureaucratized" initiative. It can be a mere response to a certain event that has an international impact, without the elements that are mentioned above. The easiest manner of defining what external action is, consists in explaining what it is not. External action is not derived from a sequence of decisions, nor is it driven by certain predetermined objectives. It does not present an autonomous decision-making capability (Calduch, 1993). Therefore, this investigation is based on a firm differentiation between the two concepts.

#### Theories of International Relations

The main theory of International Relations and Political Science that will be of use for this investigation is neoinstitutionalism or new institutionalism. Before entering into an explanation of this, however, it is convenient to dedicate a few lines to the importance of this element for the study: applying theories to an investigation allows the author to understand certain behaviors and other types of elements due to the possibility of including them in a logic that explains their connection.

Thus, not only in International Relations but in social sciences in general, establishing a theoretical framework is important for several reasons (Pauselli, 2013): first of all, it provides order and meaning to an aggregate of phenomena that would otherwise lack them; secondly, it allows an understanding not only of regularities, but also of elements that are unusual or rare; and finally, it is necessary for creating and later testing a hypothesis.

In the case of this paper, the theoretical framework that will be now explained will contribute to provide an understanding of matters as important as the creation of institutions, the role of individual actors that are part of an institution, or the purpose of institutions themselves.

#### New Institutionalism

New institutionalism or neoinstitutionalism could be defined as a group of theories that have the purpose of analyzing the role of institutions in sociopolitical outcomes (Hall *et* Taylor, 1996). Therefore, new institutionalism is not a single theory, but a set of them. The fact that institutionalism is not a unified theoretical frame necessarily means that, behind the differences among the theories that comprise it, there are distinct conceptions of International Relations, politics and society. This leads to the fact that all these theories are built on the basis of other classical theories, such as realism or liberalism, with the distinction of paying special attention to institutions.

Following the usual distinctions, two main understandings of institutionalism will be explained: historical institutionalism and rational institutionalism.

#### Historical institutionalism

Historical institutionalism follows a conception of politics that is drawn from structural functionalism and group theory, in the sense that actors take their decisions based on the conflict among rival groups for scarce resources. However, it differs from these perspectives in that there is a much stronger interest in the importance of institutions and the reasons for this importance.

In relation to the structural framing of politics and society, historical institutionalism departs from classical functionalism at the time of selecting the elements that drive the structures: instead of societal actors as the ones that finally determine the outcomes of the system (an element that could also be linked to Neoliberalism), historical institutionalists see institutional organization as the structuring element of collective behavior, although not as the only driving force of politics (they have a more complex understanding). For historical institutionalists, the concept of institution is conceived as an organization and the set of rules, procedures and conventions that this organization promulgates (Hall *et* Taylor, 1996).

Moreover, historical institutionalism is, as its own name suggests, a theory that recognizes that social processes, behaviors and institutions are something that must be analyzed and understood under the perspective of time (Pierson, 1996). Historical evolution is key for understanding institutions, and its analysis cannot be based solely on synchronic factors, but also on "patterns unfolding over time" (Skocpol, 1992). From this approach, the main concern are the reasons for different outcomes in similar institutions over time: why some resist and others fail, why some show continuity while others engage in profound changes, etc.

As a broad summary of what this theory entails, we could state that historical institutionalism has a structural perception of politics and society in which institutions play a central role, but it is more focused on the effect of institutions on collective behavior than *vice versa*. Regarding the analysis of institutions themselves, this perspective is specially interested in their relevance and their embedding in concrete temporal processes (Thelen, 1999).

#### Rational choice institutionalism

This theory, under which we could include certain studies from authors such as Robert Keohane, presents the following main features (Hall *et* Taylor, 1996): first of all, there is an understanding that relevant actors have certain preferences which are fixed, and towards which they develop their strategies. Secondly, politics is seen as a group of dilemmas caused by the fact that political actors attempt to maximize the obtention of their preferences, which leads to a worse result than what could have been obtained if the participant actors cooperated (similarly to the prisoner's dilemma). For rational choice institutionalists, the fundamental role of institutions consists in the fact that they guarantee certain behaviors from the actors that are part of them. Therefore, they are the solution to these dilemmas in the sense that, having the security of corresponding actions, every actor would seek the cooperation that leads to a better result.

In relation to this, rational choice institutionalism takes a rather realist approach when determining the drivers of an actor's behavior, stating that they are strategically calculated (and thus opposed to the argument of impersonal historical influences). Finally, with regards to the creation of institutions, this theory understands that it obeys a dynamic of pondering the value of the functions of an institution to its members, and this pondering is what will determine its life expectancy.

Although this theory, as all the others, is too large to fully explain in a single section, Kathleen Thelen (1999) summarizes its main analytical framing rather well, when she states that rational choice institutionalism presents an "emphasis on institutions as coordination mechanisms that generate or sustain equilibria".

The theories that have been exposed are the main theoretical approaches used by scholars when analyzing an institution. The European Union is not an exception to this, and authors such as Pierson (1996) have studied the EU from a historical institutionalist perspective, while others, such as George Tsebelis (2004) have done so from a rational choice perspective. The advantage of this theoretical framing is that it offers a more particular approach to the study of an institution, but at the same time presents certain characteristics from the classical theories of International Relations; examples of this are the clear relations to structuralism (as mentioned in the section on historical institutionalism), or neoliberalism (in the role given to societal actors) in the historical institutionalism theory; or the connections between rational choice institutionalism and realism (in the anarchic scenario and the interest ruling of the international system).

This theoretical framework will be useful to understand different approaches towards the possibility of an international institution, such as the European Union, to develop a level of autonomy that is sufficient to create an authentic foreign policy, bearing in mind the individual actors – the member states – and their interests. Despite their differences, I believe a combination of both will be the best possible approach for this subject. Therefore, historical institutionalism will be of use mainly for understanding the evolution of the EU foreign policy system, while the rational choice approach will provide an easier understanding of the response towards the Venezuelan crisis.

#### VIII. Methodology

This investigation will apply the case study method. This method consists in demonstrating the value of a hypothesis through the analysis of a case with a wide impact. It is therefore a qualitative evaluation method. The selected case is the response

of the European Union, as an institution with international personality, to the Venezuelan Presidential crisis of 2019.

For the analysis, information will be obtained from several sources. First of all, resolutions and other documents published by official organisms of the European Union, the United States and the Venezuelan government. Secondly, academic papers and books that refer to EU foreign policy, from different perspectives, mainly international relations, political science and law. Newspapers and other related materials will also be a valuable source of information.

# CHAPTER II: CONTEXTUALIZATION

I. Institutional background

#### The Community method and the intergovernmental method

When delving into the explanation of the EU process for making foreign policy decisions, the first element that needs to be considered is the fact that there are two differentiated methods. Each of these methods implies the participation of different institutions and, as will be demonstrated, has great significance in the sense that they provide an idea of the importance given by member states to certain aspects of their external affairs, as well as of the difficulties of developing a unified foreign policy mechanism.

The first and most general method is the Community method, which is conceived for matters related to external commercial action, international cooperation, humanitarian aid and for the external dimension of internal policies (European Commission, 2002). The reason for considering it as "general" lies in the fact that it was developed earlier, in the Treaty of Rome of 1957. Although at the time the international legal personality of the European Union was not even considered (and therefore many of the current external action competences of the EU were not recognized), with the Treaty of Amsterdam (1997) two articles were incorporated. These articles allowed the EU to engage in treaties and other international agreements with third parties in matters of foreign policy, security and judicial and criminal cooperation; introducing the idea of reconsidering the legal personality of the Union.

With the Treaty of Lisbon (2007), the international legal personality of the EU was explicitly recognized, and with it a system of external representation under the figure of the High Representative of the Union for Foreign Affairs and Security Policy (HR). However, at the time of introducing a mechanism for foreign policy decision making, two major elements of the external action were considered differently from the rest: The Common Foreign and Security Policy (CFSP) and the Common Security and Defense Policy (CSDP). The method considered for these two elements is the intergovernmental method, regulated in the Treaty on European Union.

The separate consideration of the latter justifies the understanding of the Community method as general and, for some authors such as Liñán (Mangas *et* Liñán, 2016), constitutes a failed attempt at creating a unitary foreign policy mechanism from the start. Indeed, the Treaty of Lisbon aimed to establish a more cohesive system, primarily through the introduction of Articles 21 and 22 of the TEU, which include a series of principles and general objectives that provide an orientation for the general external action of the EU, regardless of the method. Evidently, the specialized regimen of the CFSP and the CSDP neutralizes the effect of said principles, but this is better understood when explaining each method.

The Community method is based on the involvement of three institutions of the EU (European Commission, 2002): the European Commission, the European Parliament (EP) and the Council (formed by government ministers from each EU country, and different from the European Council). Through this method, the Commission has the monopoly of introducing initiatives, which are then overviewed and discussed in the Council (usually by a qualified majority). This proposal is co-legislated by the European Parliament at the same level, except in some cases in which it is only consulted.

The philosophy behind the Community method is that, due to the role of the Commission, the decisions that are made through this process will have an EU character, in the sense that they are a response to a necessity of the European Union as an entity. This responds to the character of the European Commission as the institution in charge of the centralized management of EU common affairs (Mangas *et* Liñán, 2016). As stated in Article 17.1 of the TEU, the Commission promotes the general interest of the EU and therefore is independent from member states. The most relevant proof of this is given by the inability of the Council to amend Commission proposals unless the decision is unanimous.

On the other hand, the intergovernmental method offers a rather different approach. As has been stated, matters that can be included in the subgroups of CFSP and CSDP are given a specialized treatment. For these decisions, the ability to propose corresponds to either a Member State, the High Representative, or the Commission (Pavy, 2021). Therefore, the previously seen monopoly of the Commission is no longer the case. Moreover, the Parliament's role is almost anecdotic, as it consists of being informed on a regular basis and providing its opinions on certain matters, among which the financing of the CFSP is the most important.

Certainly, the main institutions in this process are the European Council (formed by the heads of state or government of EU countries) and the Council. While the first defines objectives and priorities, the latter takes decisions or actions, and Member States or the HR are the ones that put these decisions into effect (Pavy, 2021). The general rule for the decision making of both institutions is unanimity. Although there are certain exceptions to the rule in which a qualified majority would suffice, the reality is that these exceptions only take place at times in which there is a previous consensus, and even in those cases, there is a possibility for a state to oppose the agreement (Mangas *et* Liñán, 2016).

The intergovernmental method is, as the name itself suggests, a process that is closer to a sum of the policies of Member States than to a European foreign policy. The CFSP and the CSDP are matters that affect the sovereignty of states very deeply, which explains their reluctance to lose control of them.

#### The case of the Venezuelan Presidential crisis

The recognition of states and governments is a matter that is considered as part of the CFSP. The material scope of the CFSP is difficult to determine due to its lax definition in Article 24 of the TEU: *The Union's competence in matters of common foreign and security policy shall cover all areas of foreign policy and all questions relating to the Union's security, including the progressive framing of a common defense policy that might lead to a common defense.*  However, it is easier to see that government and state recognition are part of the CFSP when considering its negative material scope, that is, what is not included as CFSP. These excluded elements are those policy areas which have been attributed to the EU. The recognition of states is not a competence given to the EU, as the European Parliament stated in the Parliamentary Question No. E-0006540/2014. In spite of their differences, I believe this could be applied through analogy to the recognition of governments and, evidently, if recognition must be regarded as CFSP, non-recognition should follow the same path.

Thus, the selected case study and the recognition of Juan Guaidó as interim President were also part of the CFSP, and therefore they were also developed through the intergovernmental method, which is the one with the least institutional autonomy.

#### Special mention to sanctions

The EU policy toward international sanctions presents a rather unique mechanism, due to its triple character as an element with a political motivation, a juridical foundation and an economic instrumentalization (Mangas *et* Liñán, 2016). The method, regulated by Article 215 of the TFEU, is initiated by the Council, which adopts the political decision. However, the High Representative and the Commission are the entities that must execute the sanction, after informing the Parliament. This method is therefore a mixture of both, given that it comprises a part of CFSP and another that resembles the process established for the Community method.

#### II. Historical Background – before the Presidential crisis

#### Venezuela

In the 1980s, the social and economic crisis that affected Latin America gave birth to a series of social movements with different characteristics. According to Pedro Pérez (Pereira *et al.*, 2015), the middle and lower social classes started to remember that, in the populist period of the mid-twentieth century, the labor and economic situations were far better. This led to the rise of several charismatic leaders in different Latin American countries.

Although during the Cold War, the United States looked at these political discourses with suspicion and concern, after the disintegration of the Soviet Union the potential menace of communism no longer worried Washington. Moreover, some of these leaderships were even considered beneficial for "assuring in the short term a certain margin of internal social order, which could help prevent possible uncontrolled revolutionary outbreaks" (Pereira *et al.*, 2015).

Venezuela was part of the same process as its regional counterparts. In 1999, Hugo Chávez came to power, amidst a crisis in which Venezuela's GDP rates of variation between 1990 and 1999 were at around 2.4%, and that of GDP *per capita* for the same period was 0.1%, some of the lowest rates in the whole Latin American region at the time<sup>1</sup> (Pereira *et al.*, 2015). Chávez presented himself as the opposite of the political model that, since the 1960s, was established in Venezuela: the *Puntofijismo*. The name was given due to the agreement with which the model was born, the *Puntofijo* covenant, in which three of the most important Venezuelan political parties agreed to a series of reforms that supposedly aimed at democratic consolidation and economic recovery and growth, with the exclusion of the Venezuelan Communist Party.

However, it is interesting to note that the policies that followed were the precursors of some of those introduced by Chávez, as, for example, the leaning towards the nationalization of the oil industry, limiting the concessions made to multinational companies, and the excessive dependence on its price fluctuations, which led to volatility in Venezuelan economic growth. Following the analysis of M. Shifter, (Shifter *et* Binetti, 2019), with the presidency of Hugo Chávez, Venezuelan social matters were given a fundamental role in the political agenda, which built a strong popular support

<sup>&</sup>lt;sup>1</sup> However, these figures should be taken with care, given that fluctuations in the global prices of oil also affect these rates.

for *Chavismo*. At the same time, Chávez worked in progressively nationalizing the Venezuelan economy (continuing and exponentially increasing the protectionist measures that were taken since the 1960s), as well as in eliminating democratic guarantees and taking control of institutions, mainly the Judicial Power.

A key element for Hugo Chávez was the politicization of the Armed Forces. Naturally, every leader aspiring to seize greater control than he is entitled to understands the importance of the military. However, Chávez had already suffered the consequences of having the opposition of the Armed Forces, as he was almost deposed by a coup in 2002. Therefore, he put into action different strategies to ensure loyalty and the military eventually became a "principal pillar of support" (Shifter *et* Binetti, 2019).

Finally, with regards to foreign policy, Chávez assumed a role of leadership among the other Latin American left-wing governments in their opposition to the United States. This granted him not only the support of these regional allies (mainly, Cuba, Bolivia and Nicaragua), but also that of other states that were also interested in diminishing the influence of the U.S., such as Iran, China, Turkey and Russia.

The death of Hugo Chávez did not mean the disappearance of his legacy. Quite the contrary, since Nicolás Maduro probably owes most of his success (in the sense that he is still the leader of Venezuela) to the preceding structure. The remaining popular support, now very diminished, the control of the military, and the international alliances constitute the key elements that explain the strength of his resilience; even after leading the country to an "economic collapse" (Malamud *et* Núñez, 2019).

The persistence of Maduro's position should not portray the image of a peaceful and completely subjugated Venezuela. The political polarization that began with Chávez continued and intensified with the transition to Maduro's rule, alongside social violence and economic decline (Gratius *et* Rodríguez, 2021). An example of this is the reaction of the government towards the opposition victory in the legislative elections of 2015,

increasing repression and strategically using a Constituent Assembly to ensure the reelection of Maduro in the 2018 elections as the uncontested leader of the country.

#### EU – Venezuelan relations

Interest in the European Union (or the European Communities) for Latin America started to slowly develop at the end of the 1960s and the beginning of the 1970s. However, it was not until the creation of the Southern Common Market (MERCOSUR) and the accession of Spain and Portugal that the relation between both regions began to gather pace (Sotillo, 2009). The most important expression of this development was the celebration of the first European-Latin American Summit in 1999.

From this starting point, the EU eventually became Latin America's "principal donor and political partner" (Gratius, 2007), becoming a crucial figure for states such as Bolivia, for which the EU's Official Development Assistance (ODA) is fundamental. However, the reality of Venezuela is quite different. The European Union has minimal influence on the country, and traditionally, it has given little or no response to the threats of the Bolivarian regime. An example of this can be found in the fact that Mr. Durâo's (ex-president of the Commission) words in the IV European-Latin American Summit of 2006, where he criticized populism and accused some Latin American countries of undemocratic stances (Gratius, 2007), were considered as odd and out of the ordinary.

The little concern (or, at the very least, the relatively little articulation of the concern) shown by the EU for the erosion of democratic liberties in Venezuela found its highest manifestation in the Declaration of the Council of the EU on 29<sup>th</sup> May, 2007 (Gratius, 2007). In a declaration "on behalf of the non-renewal of the broadcasting license of the Venezuelan channel RCTV", the Council merely recalls the importance of freedom of expression and "expects" that Venezuela will uphold said freedom.

Aside from demonstrating the EU's weak response to this violation of the rule of law, this episode is interesting because of the different attitudes of the EU and the member states, particularly in the case of Spain. The Spanish response through the Minister of Foreign Affairs was much more direct. This recalls one of the elements of analysis of this paper, that is, the difficulty of finding a common ground amidst the different interests of member states.

The position or the approach of the EU towards Venezuela changed completely, although progressively, since the succession of Hugo Chávez by Nicolás Maduro in 2013. Before explaining the most important events, it is necessary to mention that the European Parliament is the European institution that has followed the most coherent discourse; meanwhile, other institutions have shown much more ambiguity in their declarations.

It has been precisely the European Parliament that, since 2013, has passed eleven resolutions condemning the humanitarian circumstances of the Venezuelan population. In 2017, it even granted the Sakharov Prize for Freedom of Thought to the Venezuelan opposition, which shows a much stronger stance of the institution than in the previous years, as demonstrated by the words of the President of the European Parliament, Mr. Tajani: "We want the country to return to democracy, to dignity, and freedom" (European Parliament, 2017).

The position of the Council shows more fluctuation. Until 2017, its approach was based on attempting to promote dialogue through different projects that involved the mediation of other leaders (e.g., José Luis Rodríguez Zapatero). This policy failed to offer results, and the Council finally resorted to the imposition of sanctions in November of 2017. These sanctions are selective on members of the Venezuelan government and consist of an arms embargo and financial and visa restrictions (Ayuso, 2020).

It may be useful to reflect on the change of attitude of the Council, in relation to phenomena that could be linked to it. Another relevant event that could be observed in 2017, the time when the Council began its alternative approach, was that of massive migration. Although, since 1990, migration from Venezuela to other countries has constantly been increasing, the data shows an abrupt variation in the number of migrants. If in 2010, around 558,491 people migrated, and in 2015 there were 690,683 migrants, in 2019 the figure was of 2,519,780, which meant a rise by 283.27% (Expansión, 2020). This affects Europe because Spain, Italy and Portugal are among the 8 main countries of destination of these migrants.

Even though the length of this paper does not allow for a very detailed discussion of the migratory issue, the usual drivers for massive migration are normally related to the economic or political situation of a country, or maybe a mixture of both (Buxton, 2019). Thus, both migration and the change in the Council's attitude point towards a more accentuated instability situation in the political and economic sphere since 2017, which might be an explanatory reason for these events.

From this point onward, relations between the EU and Venezuela have been characterized by condemnation of different actions of Maduro's regime, including Council recognition after the 2018 elections of existing pressing humanitarian needs of the population (Gratius *et* Rodríguez, 2021), as well as the non-recognition of said elections by Federica Mogherini (HR at the time).

To summarize, the character of the European approach towards Venezuela has evolved from a low political and economic profile to a much more robust exteriorization, resulting in the censorship of the social and political situation, as well as in the imposition of sanctions, an even lower ODA rate, and a collapse of European exports to Venezuela.

### III. The Presidential crisis

#### Internal Development

The starting point of the Presidential crisis was the 2018 presidential elections. As mentioned earlier, these elections were the instrument used by Maduro to retain power and avoid change after the "dramatic turn" (Sánchez Urribarrí, 2016) of the 2015

legislative elections, in which the opposition emerged victorious. The 2018 elections were considered by most actors as illegitimate, for two main reasons (Boersner, 2020): first, due to the exclusion of the main opposition leaders, who were unable to participate in the elections for different reasons (exile, jail, etc.); and secondly, due to the repression of the Venezuelan government. This repression was embodied by different elements, such as changing the election date from December to May, or the composition of the National Electoral Council and the previously mentioned National Constituent Assembly.

On 5<sup>th</sup> January 2019, the National Assembly appointed Juan Guaidó as President of the institution. Neither recognizing the 2018 elections nor the work of the National Constituent Assembly, and applying the 1999 Constitution, the National Assembly assumeD executive power on January 22<sup>nd</sup>, and appointed Juan Guaidó as interim President a day later. This process followed Article 233 of the Venezuelan Constitution, which establishes a mechanism for the case in which the President is permanently unavailable. Through this mechanism, the president of the legislative power, the National Assembly, takes the responsibilities of the executive until elections are held again.

Naturally, this was not recognized by Maduro nor his supporters (the military and the Judicial Power), and he continued to hold power in practice, in spite of the different efforts, international recognitions and protests held by Guaidó's supporters. This situation left Venezuela with a difficult situation *de iure*, in which two Presidents claimed to have power; but an easier situation *de facto*, in which real control was still exercised by Maduro's regime. This led to an aggravation of the humanitarian and economic crisis, and an increasing exodus towards neighboring countries (Gratius *et* Rodríguez, 2021).

#### International Reaction

The Presidential crisis has led to a polarization of the international scenario, dividing those who support Mr. Guaidó and those who support Mr. Maduro. It is interesting to note that those supporting Maduro correspond to the countries that, as

mentioned in the historical background, had built partnerships with Venezuela during the presidency of Hugo Chávez.

The most significant support for Maduro has come from Russia and China, although exercised in quite different ways. While both condemn what they understand as foreign interference in Venezuelan affairs, the Russian approach was much stronger *ab initio*, as demonstrated by the Russian ambassador to the UN during the extraordinary meeting of the Security Council of January 2019, where he states that the intention of the United States and its allies was to depose the legitimate President of Venezuela (Elías, 2019). As observed by Malamud (Malamud *et* Núñez, 2019), the interests of Russia are more related to creating opposition to the United States, and the Venezuelan situation generates instability in its sphere of influence.

However, the Russian disruption policy also has its limits (Palacio, 2019). Too much instability is also prejudicial to Russian economic interests (Malamud *et* Núñez, 2019), due to the investments made by Rosneft (a Russian state company) in Citgo (a Venezuelan oil company operating in the U.S.). Following the rational institutionalist discourse, the Russian approach softened with time precisely to promote a more peaceful solution to the Presidential crisis, given that a more stable institution leads to safer investments.

As for China, its large investments in Venezuela – \$62.1 million in bank loans between 2007 and 2016 (Boersner, 2020) – explain its initial support for the Regime. However, similarly to Russia, its approach developed a more mediatory character, and it has maintained close contact with both parties involved. The interpretation made by Boersner (2020) is that this shows that the character of Chinese interests in the region are aimed at the long term.

The other non-Latin American states that, continuing their alliance with Chávez, supported the Presidency of Maduro, were Iran and Turkey. Both countries maintain their stable relations with Venezuela, the former based on economic and geopolitical interests, through the OPEC and rivalry with the U.S., and the latter through

commercialization of food and gold (Malamud *et* Núñez, 2019). Inside the region, the most relevant supporters of Maduro are still Cuba, Bolivia, and Nicaragua, as the rest of Chávez's partners abandoned the "cause" in the years following his death.

International support for Guaidó, without considering the European Union as it will be studied later on, is headed by the United States (Donald Trump was the first to announce its position). After the decision, almost all the member states of the Lima Group (Canada, Costa Rica, Guatemala, Honduras, Panama, Brazil, Peru, Colombia, Chile, Argentina and Paraguay) joined Mr. Trump. The importance of the Lima Group (created with the intention of solving the Venezuelan problem) was crucial for prompt support for Guaidó, as they had previously agreed not to recognize the elections (Malamud *et* Núñez, 2019). However, it also served as an argument for Maduro in denouncing the interference of the United States and its attempt to overthrow him through the collaboration of other Latin American associates. Apart from the Lima Group, it was interesting to witness the positioning of El Salvador, breaking with the traditional support for Maduro held by the previous government.

#### European Union Reaction

As mentioned earlier when discussing the evolution of EU-Venezuelan relations, the attitude of the EU institutions became more accusing as the presidency of Nicolás Maduro advanced. The coherence of the European Parliament as opposed to a more ambiguous Council, as outlined above, are fundamental in the reaction of both institutions to the Presidential crisis.

In line with this attitude, the European Parliament was the first EU institution to directly recognize Juan Guaidó as interim president, through a resolution published on January 31<sup>st</sup> (2019/2543). However, this was not the first institution to comment on the Presidential crisis. Surprisingly, it was the HR at the time, Federica Mogherini, who declared in a press release of January 26<sup>th</sup> that the EU did not recognize the 2018 elections, that the powers of the National Assembly should be restored, and that Venezuela should hold "free, transparent and credible elections".

This declaration had been preceded by a meeting of the Political and Security Committee (PCS, a committee of the Council) in which the matter was discussed, and all member states agreed to call for presidential elections. Malamud (Malamud *et* Núñez, 2019) discusses the role of the Spanish stance, arguing that President Pedro Sánchez established the roadmap when he proposed an 8-day deadline for holding elections in Venezuela. Mr. Sánchez had previously met other Latin American leaders, some of which had already recognized Mr. Guaidó.

After the Declaration of the HR, the European Parliament communicated its recognition of Juan Guaidó. This resolution presents a series of arguments that, leading to the recognition of Guaidó, correspond to the previous resolutions made by the Parliament on the Venezuelan situation. Among them are the non-recognition of the 2018 elections, the calling for elections made by the HR, the usurpation of presidential power, the repeated calling for the restoration of the rule of law and democracy, the social and migratory crisis, and even the fact that the Venezuelan opposition was awarded the Sakharov Prize.

At the same time, the intergovernmental method started functioning. As explained, this method requires the proposal of a member state, the HR, the Council of the EU or the European Council, and in order to approve a resolution, it generally requires unanimity. The opposition of some member states, such as Greece, Italy and Austria (although Austria eventually recognized Guaidó), made the Council unable to resolve on the matter. The only achievement was the establishment of an International Contact Group led by the EU, with the objective of solving the Venezuelan situation.

However, the 19 member states that supported Guaidó were not satisfied with this result, and they issued a joint declaration, exactly after the expiration of the 8-day deadline from January 23<sup>rd</sup>, recognizing Juan Guaidó as President *ad interim* of Venezuela.

The relations with Venezuela since the Presidential crisis maintained the initial position until January of 2021. In December 2020, legislative elections were held with

the purpose of electing the new members of the National Assembly. Although the current HR, Josep Borrell, attempted to promote more transparent elections by sending a diplomatic mission with the aim of delaying the election date, this initiative failed, and Mr. Guaidó was defeated (April 2021). The EU then faced another dilemma, given that the institutional argument provided by Article 233 of the Constitution was no longer valid, since the head of the National Assembly had changed.

Although the EU finally decided to end the recognition of Juan Guaidó as interim president, the relations with the Venezuelan Government have not improved: in February 2021, after the Union imposed sanctions to 16 Venezuelan officials, the EU Ambassador was expelled (Singer *et* Manetto, 2021).

# CHAPTER III: ANALYSIS OF THE EUROPEAN UNION REACTION

The objective here in the most important section of this study is to discover what the case study examined in some detail above demonstrates with regards to the ability of the EU to develop a foreign policy. For the purpose of doing so in an orderly manner, this section will be divided in several parts, corresponding to those elements of the concept of foreign policy, as understood in the theoretical background and following Aldecoa, that are fundamental for the consideration of a strategy as foreign policy, and not as mere external action.

#### The philosophy and objectives of European action in the international sphere

The philosophy of the EU in this scenario is directly recognized and established by Article 21 of the TEU, when it reiterates that the guiding principles of the EU in all its stances are the same as the ones that inspired its creation. The first mentioned in the list of principles are democracy and the rule of law, which correspond to those the EU attempted to preserve when responding to the Venezuelan Presidential crisis. This was demonstrated by the calling for a "democratic solution" through the HR declaration.

It is therefore evident that the EU presents a clear philosophy, easily distinguishable and established by the TEU itself. Something similar occurs regarding the objectives of the EU. Aside from the obvious objective of achieving the aforementioned principles, the foreign policy of the Union also attempts to increase its international presence.

This can be seen in the evolution of the approach towards Venezuela that has been outlined earlier. While at the beginning the external relations of the Union in the Latin American region were almost non-existent, it eventually (especially after the accession of the Iberian countries) recognized the cultural bonds that existed between them and increased its presence in the region through initiatives such as development cooperation or the EU-MERCOSUR agreement. At the same time, other objectives of European foreign policy were achieved, or at least progress was made in relation to them. Here I am referring to the increase of effectiveness and coherence (which is also an element of foreign policy that will be analyzed later on). Action towards these objectives was embodied through the instauration and application of the CFSP and the High Representative, whose role in the Presidential crisis will be now be analyzed more deeply.

#### Regarding foreign policy instruments

There are three elements of EU foreign policy that, having a role in the Presidential crisis, could be categorized as instruments. The first involves the sanctions imposed by the EU from 2017 onward. These sanctions, from the perspective of International Relations, are usually conceptualized as precisely that, instruments of foreign policy, used with the intention of gaining certain concessions from those states affected by them (McLean *et* Whang, 2014). It is undeniable that the EU has this instrument and makes use of it in its external relations.

Another instrument, key in the Presidential crisis, is the HR. As seen in the development of the European response, its role is fundamental to achieve a more agile process that is able to offer a rapid response before the foreign policy machinery is activated. This was exactly what happened with Ms. Mogherini. In her declaration of January 26<sup>th</sup>, she announced the joint opinion of the member states. This is clear from the words themselves used in the declaration, as she spoke not in her name, but in the name of the EU in general: "The EU strongly calls for the urgent holding of free, transparent and credible presidential elections".

It is also true that, as Lamoso (2019) argues, the value of the HR does not depend on the powers granted to the institutional role itself, but on the character of the person holding the title. This is demonstrated by the increasing influence of the HR through the years, changing greatly from one person to another. Therefore, we could argue that this instrument has the potential to become a crucial element of EU foreign policy, but it may also be the case that it does not contribute to it at all. However, with regards to the case study, the reality was that the HR played a fundamental role, giving a fairly rapid response to the crisis (three days after Guaidó was declared interim President), and making clear the position of the EU.

Finally, the last instrument involved in the Presidential crisis was the intergovernmental method for issuing foreign policy decisions that are under the consideration of CFSP. This instrument is more controversial than the others due to the belief of some authors that the system established by the Lisbon Treaty is more of a movement backwards than real progress. The reality is that the system established in the Treaty of Amsterdam was somewhat more cohesive. However, in the opinion of this paper and as demonstrated by the case study, the Lisbon Treaty included a fundamental element: the international legal personality of the Union. The ability to recognize a state or a government is reserved only for actors with international personality. This also constitutes a sign of the role of the EU in the international sphere, recalling the objective of increasing international presence.

Returning to the intergovernmental method *per se*, the case study is a clear demonstration of its main flaw: the unanimity requirement. It is easy to argue that, in a context in which it is already difficult to find a common ground among 28 members, establishing a unanimity rule inevitably leads to the blocking of almost every initiative. However, other elements should be taken into account.

First of all, the question may arise as to how convenient it is to establish a process in which elements that are "particularly delicate" (Lamoso, 2019) to member states, can be easily decided upon through majorities that include the possibility of having a member state that disagrees with the decision; or even through an EU institution that does not necessarily need to consult member states' governments. On the other hand, something that can be easily forgotten is the fact that the EU does not aspire to become a "united states of Europe". The European project's aim is directed, from the beginning, in another direction. Although delving into this matter would lead us too far from the current discussion, it is convenient to bear it in mind.

The opinion of this paper regarding these arguments is that, even if it is true that certain affairs are perhaps too imbedded in state sovereignty to be left to another entity, there are mechanisms that could assure that these matters have the support of the aims and interests of member states. Firstly, if something characterizes the foreign policy of a state it is that it differs from the foreign policy of a government. The former is more static, and the latter fluctuates with the change of government. The foreign policy decisions that can be of interest to the EU, such as the Presidential crisis, are closer to those imbedded in the foreign policy of the state, because they are related to the philosophy and main objectives of foreign policy itself. The Venezuelan Presidential crisis, and the support of one or other party, is directly related to the support of democracy and rule of law, and every member state agreed upon it, even if for other reasons they eventually decided to support a less confrontational approach.

Secondly, the European institutions such as the Commission or the Parliament have, overall, enough representation of the different standpoints of all member states to adopt decisions that are in the interest of their general foreign policy concerns. I therefore believe that, although the Lisbon Treaty established fundamental elements for European foreign policy decision-making, the separation of the CFSP from the rest of the policies stood in the way of faster foreign policy evolution.

In spite of this debate, taking a broader perspective, the reality is that, in this case specifically, although the Presidential crisis sent a message of a certain lack of cohesion, it was eventually saved by the impeccable actions of the Parliament, the HR, and the joint declaration. Overall, the reality is that, even if the system for CFSP matters does not allow for much decision-making due to the difficulty of approving any proposal, foreign policy is much more than CFSP.

## Unity and coherence

These elements that characterize foreign policy are the ones that were contested the most during the Presidential crisis. Since the creation of the Union, the institutionalization of foreign policy has been particularly challenging. As already

mentioned, certain elements, such as the recognition of governments, are deeply rooted in a state's sovereignty. This explains many of the problems related to unity and coherence.

Analyzing the coherence of EU foreign policy from the standpoint of its independence from member states or rather of the ability to develop a cohesive foreign policy in spite of the internal differences, the main focus for many authors was in the notorious Eastern enlargement. However, as is apparent from our study of the Presidential crisis, these are not the states that pose a threat to EU cohesiveness in international affairs. In fact, it was Italy, Greece, Ireland and initially Austria that were the main member states that did not agree with expressing full support for Mr. Guaidó.

Naturally, the study of internal influences is the study of their interests, as their policies depend on them. As Malamud (Malamud *et* Núñez, 2019) explains, in this case the results were driven by the good relationship between Italy and Vladimir Putin, and the ideological affinity between Greece and Venezuela. We could argue that these respond to government foreign policy, and not state foreign policy, which also explains the fact that, although these states did not agree to recognize Guaidó, they did express their calling for democratic elections (following the guiding principles of their state foreign policy).

Notwithstanding possible ideological affinities between member states and supporters of Mr. Maduro, the migratory issue must also be understood as a possible driver of the stance of some states, mainly Italy. As mentioned before, this is one of the main destinations for Venezuelan migrants in Europe and increasing the instability in Venezuela is bound to prompt even more migration. Therefore, following the rational institutionalist approach, Italy may have based part of its decision on this issue.

On the other hand, as Conceição and Meunier (2014) argue, the effectiveness of international governance is directly proportional to internal cohesiveness. It is clear that in this case, the EU is experiencing what might be the worst internal crisis since its creation, led by the rise of Euroscepticism, and demonstrated by Brexit and the rule of law crises of Poland and Hungary. This crisis can also be witnessed in our case study, as some states abandoned their foreign policy principles in favor of current government interests. Bearing this in mind, I believe the EU response to the Presidential crisis demonstrated more internal cohesiveness than what could have been expected in those circumstances, while still demonstrating the flaws of the unanimity system.

Finally, in relation to the most recent events mentioned in the past section, the fact that the EU ceased to recognize Mr. Guaidó as interim President could be seen as a lack of coherence in their viewpoints. However, this can also offer a distinct explanation. It is clear that the Union is interested in the celebration of fair elections in Venezuela. However, when it comes to the concrete arguments that sustain the support for Mr. Guaidó, the EU might be more coherent if it maintains the rationality of its discourse: the 2018 elections were not recognized, and therefore the Venezuelan Constitution provides that the head of the Assembly shall be the interim President. Thus, if new legislative elections are held and the President changes, so should the recognition.

Unfortunately, in spite of this, the fact that Mr. Borrell, on behalf of the Union as a whole, declared that the 2020 legislative elections "failed to comply with the minimum international standards" (Massrali, 2020) and therefore did not recognize them, makes the past argumentation invalid. From a rational-choice institutionalist point of view, we could argue that if the interest of the Venezuelan Government is to diminish the influence of Mr. Guaidó, it will use the institutional tools available to achieve this objective. Therefore, knowing that the elections did not meet the necessary criteria, the EU could have still maintained a coherent approach even if it continued to recognize Mr. Gaudió. However, we should state that the EU did not entirely break the coherence of its discourse, as it maintained the previous support and sanction policies.

## Autonomy from international influences

Regarding international pressure and to what extent it constitutes an obstacle to the development of EU foreign policy, in the light of the Presidential crisis the EU showed a certain degree of independence from third parties, including the United States. This idea of being safe from international influence is conceptualized by the term "strategic autonomy". As Helwig (2020) explains, this concept departed from the necessity, seen by member states, of acting autonomously from the United States, and later developed into strategic autonomy from other powers such as China or Russia.

I believe the case study demonstrates a process already predicted by some authors: the move towards an EU that is less dependent on the United States due to the attitude of the Trump administration. Partly as a result of his policies, the vulnerabilities of the EU were on full display (Helwig, 2020). This caused European leaders to promote a change of narrative, as seen by Angela Merkel's words: "We Europeans truly have to take our fate into our own hands" (Paravicini, 2017).

The Presidential crisis seems to point certain differences between both responses: while Mr. Trump was quick to announce, following the classic U.S. strategy, his recognition and full support for Juan Guaidó; the EU remained firm to its convictions and to its usual *modus operandi*, which usually involves soft power measures, rather than hard.

This leads us to the final element of this discussion, the autonomy of the policy itself. It is always difficult to analyze this topic, due to the shared principles and views between the EU and the US. However, the case study does show a certain autonomy of the European strategies. While some might see them as inefficient, other authors such as Penfold (2019) saw the response of the HR as an intelligent strategy. He argued that the EU declaration put Maduro at a crossroads, because if he agreed to the celebration of elections, he was implicitly accepting the lack of legitimacy of his position and, if he did not, he risked losing the recognition of the EU. Moreover, the response of the EU was also in accordance with international law, given that the call for elections was not directed at any concrete institution (the EU does not have the legal authority to do so), but only claiming that they should be held.

One element that could be understood as opposed to the autonomy of the EU response is the synchronization between the European and the US reaction, as both took

place in a short period of time. However, it is clear that the EU took a different approach, coherent with the role of the EU as a "soft democracy promoter" (Gratius, 2007), in the sense that its objective is to defend and promote the establishment of democratic regimes. I believe this element is clearly present in the HR declaration, and it constitutes an intelligent balance between the respect of the EU for territorial integrity and its guiding principle of protecting human rights, which provides a distinction from the response of the United States.

Moreover, the most recent events also seem to point in this direction, given that, while the stance of the United States has remained the same with the change of Administration and even after the Venezuelan elections, the EU has ceased its recognition as mentioned earlier. Regardless of the coherence aspects of this decision, it can provide an argument in favor of the autonomy of EU foreign policy, although it could also be argued against, if we were to understand that the EU perceived a softer approach to Venezuela from the Biden Administration.

Regarding the autonomy from other states, the analysis is somewhat easier: the relation between the EU and Colombia and Peru has traditionally been good, to the extent of signing a multilateral trade agreement specifically with those two countries in 2010. Colombia and Peru are the states that receive the most Venezuelan migration, and therefore stability in this country is in their interest. Thus, the stance of the EU is beneficial to these Andean countries, and positive to their mutual relations, which might have had some influence in the final decision. On the other hand, the response of the EU increases the distancing from Russia and China, following the usual policy with these two countries.

Overall, we could argue that, even though it is a difficult subject to analyze, the response of the EU does show signs in favor of its autonomy; in my opinion more than against it. Perhaps it would be useful to understand this case as part of a process of European independence from the US influence.

## CONCLUSIONS

After the completion of the analysis, this section will study the validity of the initial hypothesis: The European Union's strategy toward the Venezuelan Presidential crisis demonstrates the ability of the EU to develop a foreign policy as an autonomous institution.

This research paper has delved into one of the foreign affairs events to gain most media coverage in the last few years, the Venezuelan Presidential crisis. It analyzes the European response from the perspective of neoinstitutionalism in order to determine the role of the institution in planning the external action of its member states, basing the analysis on the capacities of the institution itself.

The foreign policy of the European Union as a whole and the matter of government recognition in particular are elements of the European project that can be influenced by both internal and external pressures. Aside from that, foreign policy faces yet another obstacle: the decision-making procedure established for those matters included in the CFSP. In this paper, the flaws of the intergovernmental method have been exposed, showing how a requirement such as the unanimity rule can result in the failure to deliver a decision, even if all member states agree on the substance of the matter.

However, looking at the Lisbon system from a broader historical perspective and applying the analytical point of view of historical institutionalism, the reality is that, despite its shortcomings, the foreign policy system of the EU does show a degree of evolution. First of all, the TEU clearly establishes a philosophy and its supporting principles. Secondly, it also clarifies the objectives of the external action, and the case study has demonstrated that both the principles and the objectives still guide the decisions of EU institutions.

There is more controversy in relation to the foreign policy instruments. The unanimity rule does not allow for a complete independence from member states' preferences or interests. The most worrying aspect of this element is the fact that not only state interests, but also the interests of a concrete government can prevent EU decisions. Consequently, internal pressures appear to be a factor that can hinder foreign

policy resolutions, especially those related to CFSP. A unification of the CFSP with the rest of the external action elements would solve this problem, as the Community method achieves a balance between EU decisions and the possibility for member states' governments to express their opinion, without requiring a unanimity rule.

In this sense, the rational-choice institutionalist approach is useful as it helps to explain the problematic of leaving CFSP to government foreign policy: if it depends on the decision of changing governments, the security dynamic offered by institutionalization is hindered, and therefore member states lose trust in one another. At the end of the day, security rests in safe expectations of what the other actors will do; naturally, if foreign policy is fully entrusted to governments, these expectations have less value.

On the other hand, the figure of the High Representative has proven to be a very positive evolution of the foreign policy system, as it has the ability to influence European leaders and to issue joint declarations, a crucial instrument in the Presidential crisis due to its agility and value. However, it is also true that the effectiveness of the HR largely depends on the personal character of the person in charge.

The result is also different in relation to external pressures. The EU has proven in the Venezuelan case that it has developed a reasonable level of strategic autonomy regarding the United States. Contrary to what might have been assumed, the decision of the EU does not appear to have been contaminated by the stance of the U.S. Quite the contrary, it faithfully maintained its usual approach towards foreign policy, searching for a soft democracy response. I believe this speaks in favor of the evolution of the European system, even if it still needs improving in internal dispute management.

Summarizing the analysis, we could state that the European Union and, more specifically, the intergovernmental decision-making method for foreign and security policy do allow for the development of decisions that could be understood as foreign policy, given that they are based on a fixed philosophy, follow certain objectives, dispose of valid instruments and have the ability to present unified and coherent strategies. However, this statement must be tempered with the necessary caveat that the process shows a fundamental flaw in the form of the unanimity rule, which leads to increased difficulty in the approval of foreign policy decisions due to the influence of the interests of member states' governments.

The reality, therefore, is that an important sector of EU foreign policy would need to be reinforced in order to achieve its highest efficiency level. The question this poses is the extent to which member states wish to build a more autonomous European Union. The strategic autonomy from international pressure appears to be evolving in this direction, but the internal influence continues to hold a certain amount of control. Yet, once again, as the European Union is an alliance of states that share certain cultural values, the intention is not to become fully separated from the interests of those states, but to create a system in which the core principles and objectives are always met, through the representation of their state foreign policies.

It is at this difficult task at which research, legislation and action should be aimed. This investigation, although valuable due to the importance of government recognition and of the case itself, does not provide a complete overview, and could be improved if compared to other cases. It would be interesting to analyze the responses given by other High Representatives to relevant international issues, and the manner in which their personality affects foreign policy decisions. Finally, I also believe studying the external action of the EU before the Lisbon system, through cases of that time, could also add valuable information in relation to the evolution of the EU in this area.

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