

#MUNENPEsOtraCosa

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MUNENP X

Modelo Internacional de
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UN Security Council

Manual del delegado.



“A veces sentimos que lo que hacemos es tan solo una gota en el mar, pero el mar sería menos si le faltara una gota”-Madre Teresa de Calcuta

Estimados delegados:

Sean bienvenidos al Modelo Internacional de Naciones Unidas de la Escuela Nacional Preparatoria, *MUNENP* 2019, en su décima edición, específicamente al Consejo de Seguridad de Naciones Unidas en su modalidad en inglés (UNSC), es para nosotros un honor poder contar con su presencia dentro de los trabajos de este, su comité.

Retomando los principios de inclusión, respeto y excelencia académica que han destacado este proyecto durante 10 ediciones, creando uno de los modelos formativos más importantes a nivel bachillerato, y después de arduos meses de preparación, se ha creado un espacio para la reflexión y comprensión de las diferentes posturas sobre temas de índole mundial, mismo donde ustedes como agentes de cambio investigarán, escucharán, negociarán y participarán en el desarrollo de soluciones para las diferentes controversias, siempre apegándose a la postura de su representación, respetando el protocolo y diplomacia como herramientas vitales para el correcto desarrollo de cada una de las sesiones.

Esperamos que estos tres días de negociación sean de lo más fructíferos, que lleguen a soluciones innovadoras, desarrollen habilidades, hagan nuevas amistades y sobre todo aprendan y compartan dichos aprendizajes, que este modelo no solo sea uno más, si no que sea motivo de inspiración, trabajo y liderazgo para que por el resto de su vida sean agentes de ejemplo para las nuevas generaciones.

Antes de despedirnos, queremos que sepan que a partir de este momento, el foro siempre estará abierto para ustedes, sin más que agregar, les deseamos el mejor de los éxitos, esperamos que este modelo sea una experiencia que cambie su futuro, su forma de ser, pensar y vivir, así como está cambiando el nuestro, siempre promoviendo la armonía y la paz en sus comunidades y en el mundo.

Priscila Torres De León.
Secretaria General



Juan Pablo Romero Cruz.
Secretario General Adjunto



Dear delegates,

It is a pleasure to give you the warmest welcome to MUNENP 2019. As hosts of this Model of the United Nations we hope that this committee will represent a challenge and a good experience for you.

These topics are important to discuss, nowadays, this type of events are happening close to us, is great to know a little more about the international issues that people around the world are experiencing, they give us the opportunity to become more educated people who have knowledge about a wide variety of issues and be people who are aware of what is happening in our country, continent and planet.

The knowledge that these exercises give us is not only dead prose, during these days you will have the opportunity to develop skills and attitudes that will be of great help, not only for the school, but for life. Either argue better, lose the fear of speaking in public or being able to lead a discussion in a diplomatic way, among others.

Preparation is a priority for the Models of the United Nations, so we hope that everyone can gather a large amount of information to prepare the debate. If you have any question, please reach us and we will try to answer as soon as possible.

Sincerely yours

President – Tania Linares

Moderators – Angela Villafuerte & Mario Hernández

Conference Officer – Ana Paula Flores & David Rangel



Introduction to UN and Security Council

United Nations (UN) is a multipurpose international organization, established on October 24th, 1945. According to its founding document, the famous Charter, the Organization of the United Nations focuses on issues confronting humanity in the 21st century, namely peace and security, sustainable development, human rights, climate change, terrorism, disarmament, gender equality, governance, humanitarian and health emergencies and food production.²The UN functions by providing a forum, where its members can initiate dialogue. By enabling such dialogue between different countries, and by hosting negotiations, the UN has become a mechanism for governments to find areas of agreement and solve problems together in a peaceful manner.

Some of the main organs of the UN, which provide a stimulating environment for the exchange of opinions, are the General Assembly, the Security Council, the Economic and Social Council, the International Court of Justice etc.

Under the UN Charter, the Security Council has the primary responsibility to maintain international peace and security. It initiates the process of determining the existence of a possible threat to peace or act of aggression and concurrently calls upon the parties to a dispute to settle it peacefully, recommends methods of adjustment and helps in the process of negotiations. In dire cases, it can also resort to imposing sanctions or authorize the use of force to maintain or restore international peace and security. Different to other UN committees, the Security Council has the power to make decisions that Member States are then obliged to implement under the Charter.

Security Council consists of 15 members

- 5 permanent
- 10 non-permanent members,



each holding one vote. The 5 permanent members (PR China, France, Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America) also have the power of veto. The 10 remaining non-permanent states are elected for two-year terms by the General Assembly. Current non-permanent members are Germany, Belgium, Cote D'Ivoire, Equatorial Guinea, Indonesia, Kuwait, Peru, Poland and Dominican Republic and South Africa.

To resolve international conflicts, the Security Council sometimes imposes sanctions. GPF considers the debate on **Sanctions** and includes proposals on ways to make sanctions more effective, better "targeted," and more humane and lawful. The Council also frequently deploys Peacekeeping missions that bring soldiers and police directly into conflict zones. Peacekeeping is the UN's largest and most expensive activity and it can also be controversial, especially when "robust" operations apply lethal force. GPF looks at Peacekeeping Data, including the number of peacekeepers, the country of origin and the cost of these operations. We look at the lessons from past UN peacekeeping experiences as well as current operations. We also look at Peacekeeping Reform and consider the role and future of peacekeeping operations.



Topic A: Reform to the V chapter, article 27 of the Charter of the United Nations and the Statute of the International Court of Justice.

The Security Council is one of the principle organs in the United Nations, and also an Organ that is present in the multiple chapters and articles of the Charter of the United Nations, because of this, the nature of its determinations varies significantly. It is worth to mention that it is in chapter X regarding to the Economic and Social Council of the United Nations Charter, that the Security Council does not have a primary function.

The Security Council can accomplish various activities, such as the acts condition, being these: the admission of a state or the appointment of a judge to the International Court of Justice; the appointment of General Secretary of the Organization or the security analysis of the reports of the fiduciary board of directors, or serve as public prosecutor in the new International Criminal Court under the Rome Statute.¹

The natural vocation of the Security Council is resolute², these resolutions can become recommendations, determinations, decisions and authorizations. Depending on the chapter in which it is located and in accordance with article 103 of the United Nations Charter (principle of supremacy), all the resolutions of the Security Council have a dynamic inferiority with respect to the express obligations made in accordance with the letter.³

¹ Article 13, paragraph b; 16; 54, numbers 3, subsection a; 86 numeral 7 of the draft statute of the International Criminal Court.

² Regarding the security functions of the Security Council.

³ Kolb, Robert, "Does article 103 of the Charter of the United Nations apply only to Decisions it also to authorizations adopted by the security council?", *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht*, Verlag W. Kohlhammer, 64/1, 2004, pp. 34-35.



Article 103

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

The action and mobility of the Security Council necessarily begins with a determination of its own, these being the existence of a threat to peace or the breach of the peace, the act of aggression; or induced by the General Secretary and the General Assembly⁴, presenting in this way the well-known *fact-finding*⁵. The aforementioned determination in fact triggers the first veto of the non-permanent members.⁶

Despite being the body with the primary responsibility for maintaining international peace and security, there has always been less theoretical concern to discern and codify the factological criteria that lead it to confirm the existence of an international threat or breach of peace, and with this, the evocation of chapter VII of the Charter that gives it an omnipotent investiture.

⁴ Articles 99 and 11 numeral 3 of the Charter, respectively.

⁵ A definition on: declaration of fact-finding by the United Nations in the field of the maintenance of international peace and security. 9 December 1991. "For the purposes of the present Declaration fact-finding means any activity designed to obtain detailed knowledge of the relevant facts of any dispute or situation which the competent United Nations organs need in order to exercise effectively their functions in relation to the maintenance of international peace and security."

⁶ Under the charter, as it now stands, any permanent member may stop the action of the security council under chapter VII simply by refusing to find that a threat to peace exists, even if recommendations under chapter VI have been adopted and not complied with by one of the parties." Eduardo Jimenez de Aréchaga, voting and the handling of disputes in the Security Council, Carnegie Endowment for international peace, New York 1950, p. 41.



It is important to take into account the Resolution 377 of the General Assembly, which is considered illegal by breaking with the principles of equality, balance and division of labor by the Security Council and the General Assembly, since the solution given by the International Court of Justice which mentions that the responsibility of the Security Council is in accordance with article 24, numeral 1 of the Charter and there is no way for the General Assembly to get into Chapter VII of the Charter and activate other articles such as the Security Council. Likewise, the Resolution Union for Peace must be taken into account, on the existence of a "(...) duty of the permanent members of the Security Council to ensure that there is unanimity among them and to exercise restraint in exercising the right of veto, (...) ", as it is understood, it goes against a principle related to the freedom of the States to vote in the strict sense of their convictions.⁷

THE VETO

One of the main issues to discuss is the veto in the Security Council, which supposes a partial exclusion to the actions that could be undertaken against any of the five holders of this privilege.

In terms of security, the immunity granted by the Charter to the permanent members of the Security Council is absolute, allowing the consolidation of the constitutional alliance of five States, respecting any eventuality in international relations. Therefore, the veto is an institutional privilege of international law whose exercise has always been under the permanent surveillance of all other members of the international community. It is an intraorganic control of the Security Council that is directed mainly to the permanent members.

⁷ Admission of a State to the United Nations (Charter, art. 4), Advisory Opinion: I.C.J. Reports 1948, p.60.



VOLUNTARY ABSTENTION

The abstention of a State at the time of voting represents a legal problem that is not foreseen in the United Nations Charter and that has only been solved with the intervention of the jurisprudence of the International Court of Justice. On June 27, 1950, in the so-called case of Korea, the problem of abstention led to a first crisis of voting for the Security Council.⁸ As a result of the Soviet non-recognition of the representation of nationalist China, the delegation of the USSR refused to participate in the debates of the Security Council, so that the latter would be paralyzed indefinitely. The resolution was taken despite the absence of the USSR and the flag of the United Nations presided over the armed contingents in the operations in Korea. Subsequently, the International Court of Justice would recognize the legality of the Council's manner of proceeding, arguing that the voluntary abstention of a permanent member does not constitute an obstacle to the adoption of resolutions, stating that by abstaining it is not manifesting an objection to the approval of the proposed resolution, but in accordance with the provisions of Article 27 of the Charter, the only existing means to stop the adoption of a resolution that requires the unanimity of votes of the permanent members, is the express manifestation of a negative vote.⁹

⁸ Paul Tavernier, "Commentaire a l'article 27", La Charte des Nations Unies, Economica, París, 1985, p. 505.

⁹ However the proceedings of the Security Council extending over a long period supply abundant evidence that presidential rulings and the positions taken by members of the Council, in particular its permanent members, have consistently and uniformly interpreted the practice of voluntary abstention by a permanent member as not constituting a bar to the adoption of resolutions.



OBLIGATORY ABSTENTION

The Charter of the United Nations provides the abstention of its members when the Security Council is deliberating on material for peaceful settlement of international disputes. The obligation to abstain from voting does not operate if the Security Council is acting under the regime of Chapter VII of the Charter, in which case nothing prevents members from voting freely.

THE DOUBLE VETO

The institution of the double veto is enunciated in article 27 of the Charter of the United Nations and whose existence goes back to the Pact of the League of Nations.¹⁰

For the valid adoption of a *procedural* resolution, the affirmative vote of any nine members of the Security Council is required (permanent or not), in exchange for the adoption of a resolution of *substance*, it is necessary that it be given among the nine members that grant the affirmative vote, with the five permanent members of the Security Council. If the resolution is affected by the veto of any of the permanent members and if it qualifies the problem in question as a substantive matter, the permanent members may enforce a second veto.

The future of the veto goes from the disappearance of the suspension mechanism, to its rationalization by various formulas that would involve the General Assembly, the requirement of three negative votes from the permanent members, the

¹⁰ The double veto is a logical and, in a sense, inevitable consequence of the voting rule embodied in Article 27 of the Charter just as it was the logical and inevitable consequence of Article 5 of the Covenant of the League of Nations". Leo Gross, "The Double Veto and the Four-Power Statement on Voting in the Security Council", Harvard Law Review, vol. 67, number 2, December 1953, p. 277.



restatement of the old formula of the United Nations Society of semi-permanent members, the abolition of permanent and non-permanent members.

Conclusion

The activation of Article 27 of the Charter of the United Nations has been a questionable issue at international level, generating different interpretations and questions. Is the figure of the permanent members correct and equitable? Should we consider the weighted vote? where it is voted according to the size of the territory of each Nation, its economy, number of population? Among many others.

Maybe the increase of the permanent countries within the Security Council, can change or not things, it will generate that this problem is not reduced only to legal categories, but also to political issues within the international community.

The veto is a regulated procedure that binds all states. If any permanent member votes against, the resolution is stopped. It is mentioned in an advisory opinion of Namibia that the veto in the Security Council is an intra-organic mechanism, where the founding fathers of the Charter of the United Nations preferred not to act on certain issues of Chapter VII for the benefit of international peace. We can mention that democracy is probably not present within the Charter of the United Nations, to the States at the time, it did not affect them if this (democracy) was present or not; that is why the figure of the veto and the permanent members of the Security Council currently remain.

With the aforementioned information, we hope to reach a solution, taking into account that States can not interfere in the internal or domestic affairs of others, other than the Security Council, activating Chapter VII.



Guide Questions

- What says article 27 of the Chapter of the United Nations?
- What is the Veto?
- Which are the five permanent members that can activate the Veto?
- How does the Veto benefit or harm the resolutions of the Security Council?
- What consequences would be there for countries within the Security Council if the right of veto is removed?
- Why it is viable to remove or not the right to veto?
- What was the purpose for which the right of veto was established?
- What is your country's position on this problem?

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Topic B: Action plan for Venezuela's crisis.

Venezuela was barely 60 years ago one of the most stable and wealthy countries in Latin America. It has the largest oil reserves in the world and for a long period of time, it was the main source of income for the country. But today, Venezuela imports petroleum and its government and economy are facing a profound crisis due to the country's dependence on oil, which reached its lowest price around 2014. Due to Chávez' and Maduro's administrations, the country has the highest inflation rate across the globe, and access to food and health services are almost inaccessible for most Venezuelans. Its GDP has diminished by 35% percent, which makes it higher than the diminishment that the United States of America faced during the Great Depression. Murder rates have surpassed those of the rest of the world, raising the level of criminality of the country to the first place in the globe. These conditions have risen the whole country in a series of violent protests against the government of president Nicolás Maduro, and they have not stopped ever since, leaving hundreds of deceased and thousands of injured.

The country's GDP has reached its lowest level since president Nicolás Maduro's election in 2013, after the death of his predecessor and mentor Hugo Chávez, who positioned the current president in the government, and who tried to reduce the inequities between the inhabitants to achieve a better distribution of goods. Nonetheless, Chávez' strategy failed to achieve its purposes, leaving most of the population with barely the necessary to live. Chávez did invest the country's profit with oil in a strategy that consisted in reducing poverty by more than a half. He implemented social welfare programs, improved the level of education and raised health care in general. If oil prices fell, those programs would be impossible to sustain, which is the result that came out in the present day. Also, Venezuela has failed to eradicate its dependence on oil.



Now, Maduro's government has acquired a state of totalitarianism, making it clear since March 2016, when the MUD was removed as the one and only political affiliation against him.

Despite the protest and pronouncements against Maduro's administration, elections were held in July 2017 to select the National Constituent Assembly, which had the power to rewrite Venezuela's Constitution and replace the National Assembly, leaving no place for opposition (which is a clear evidence of fraud), due to Maduro's strategy of electing only the members of the Assembly.

However, the National Assembly did not recognize Maduro's fraudulent election, basing their pronouncement on articles 233 and 333 of the Venezuelan Constitution. Their strategy consists in the assignment of the president of the National Assembly, Juan Guaidó, as the one who would call for election. But now, he is taking the name of the new president in charge of the country, which transforms the situation in a revolution that Venezuela is facing and that is bringing the country to a whole new dilemma, dividing the citizens' opinion and bringing the international attention, which has also taken positions in favor and against Juan Guaidó's declaration.

Since Juan Guaidó declared himself interim president on January 23 the world has reacted in different ways.

There are three positions: the ones that recognized Guaidó, the ones that back up Nicolas Maduro and the ones that stay on the fence.

Within the countries that support Juan Guaidó as president we find

- | | | |
|------------------|-------------|---------------|
| ✓ Spain | ✓ France | ✓ Austria |
| ✓ Britain | ✓ Germany | |
| ✓ Czech Republic | ✓ Finland | ✓ Luxembourg |
| ✓ Denmark | ✓ Latvia | ✓ Netherlands |
| ✓ Estonia | ✓ Lithuania | ✓ Poland |



- ✓ Portugal
- ✓ Argentina
- ✓ Sweden
- ✓ Brazil
- ✓ Canada
- ✓ Chile
- ✓ Colombia
- ✓ Costa Rica
- ✓ Guatemala
- ✓ Honduras
- ✓ Panama
- ✓ Paraguay
- ✓ Peru
- ✓ Israel
- ✓ Australia
- ✓ United States
- ✓ Kosovo
- ✓ Iceland
- ✓ Albania
- ✓ Ecuador
- ✓ Georgia
- ✓ Ukraine
- ✓ Belgium
- ✓ Hungary
- ✓ Croatia
- ✓ Malta
- ✓ Macedonia
- ✓ Bulgaria
- ✓ Slovenia
- ✓ Morocco
- ✓ Ireland
- ✓ Haiti
- ✓ Romania

(Mackinnon, 2019).

The government of the United States of America was the first one to accepted Guaidó as the new president of Venezuela. President Trump published on twitter “The citizens of Venezuela have suffered for too long at the hands of the illegitimate Maduro regime. Today, I have officially recognized the President of the Venezuelan National Assembly, Juan Guaidó, as the Interim President of Venezuela”.

Most of the European Union gave Nicolas Maduro eight days to call for a democratic election. Since this didn’t happened, they recognized Guaidó (Mackinnon, 2019).

Some EU countries hoped to go further than a joint statement on Venezuela agreed ten days ago declaring Maduro's re-election illegitimate and warning of "further actions, including on the issue of recognition of the country's leadership" if new elections are not called soon (The Local, 2019).



Foreign policy positions require the unanimous support of all 28 EU countries, so Italy's veto sank efforts to agree on a reinforced version, which would have mentioned the recognition of Guaidó by numerous member states (The Local, 2019).

Rome rejected the stronger position because it regarded it as "interference" in Venezuela's internal affairs (The Local, 2019).

The divisions over Venezuela emerged last week during an informal meeting of EU foreign ministers in Bucharest, where Italy and Greece remained cautious (The Local, 2019).

With Italy internally divided on the issue and Greece calling for dialogue, we can also name countries that are on the sidelines of the situation. Such is the case of Mexico and Uruguay that's taking neutral position and has offered to mediate. Slovakia and Cyprus are resisting to the European calls. Also Belarus has rejected external influence and finally and finally Norway has called for elections (Mackinnon, 2019).

In contrast China, Russia, Turkey, Cuba, Iran, Syria, Nicaragua, Bolivia, South Africa, Suriname, Dominica, St. Vincent and the Grenadines, Cambodia and North Korea, are the ones that still supports Maduro to stay as the President of Venezuela (Mackinnon, 2019).

The Ministry of Foreign Affairs spokesperson in China, Hua Chunying, exclaims that "China supports the efforts of the Government of Venezuela to maintain its sovereignty, independence and stability" (Mackinnon, 2019).

On the other side, the Ministry of Foreign Affairs declared "The oath of the opposition interim president of Venezuela and its immediate recognition by the United States and other countries (...) seeks to accentuate the division of Venezuelan society, increase confrontation in the streets (...) and continue the escalation of the conflict" (Mackinnon, 2019).



Within the panorama, Guaidó has asked all countries to support him to restore peace and stability for the Venezuelan people. Meanwhile, Maduro has asked Pope Francis "to put their best efforts and willingness to help us on the path of dialogue"

Possible Solutions

The solutions must be efficient for the people of Venezuela. Basic services, security, health services and food, must be insured. Given this, we could list the following solutions:

The United States proposed to the Security Council of the United Nations a draft resolution on Venezuela in which it is asked to facilitate international humanitarian aid and where they commit themselves to a "Political process conducive to free, fair and credible presidential elections" (Infobae, 2019).

Moscow proposed a text where it expresses "an arrangement of the current situation (...) by peaceful means". It also contributes with its support to "all the initiatives aimed at finding a political solution among Venezuelans, including the Montevideo Mechanism", based on a national dialogue (Infobae, 2019).

The Montevideo mechanism was proposed by Uruguay and Mexico, with the support of the Caribbean Community (Caricom) (Trujillo, 2019).

The objective of the strategy, to be developed in four stages - Immediate Dialogue, Negotiation, Commitments and Implementation -, is to find a "peaceful and democratic alternative that privileges dialogue and peace in order to foster the necessary conditions for an integral solution, comprehensive and lasting ", according to a statement from Mexico, Uruguay and Caricom (Trujillo, 2019).

The first phase of the "Montevideo Mechanism", called Immediate Dialogue, corresponds to the generation of conditions for direct contact between the actors involved, "under the protection of a security environment" (Trujillo, 2019).



Next, it would go to the Negotiation stage, "strategic presentation of the results of the dialogue phase to the counterparts", in which common points and areas of opportunity for the "flexibilization of positions and identification of potential agreements would be sought" (Trujillo, 2019).

The third phase, Commitment, would consist of the "construction and subscription of agreements based on the results of the negotiation phase, with previously established characteristics and timeframe (Trujillo, 2019).

Finally, the Implementation would be carried out, corresponding to the "materialization of the assumed commitments", with international support (Trujillo, 2019).

Conclusion

With the information presented, we must once again highlight the problem that Venezuela is going through. A conflict that has claimed lives and led to a deplorable state for citizens. Undoubtedly, it is an unfortunate situation where we must not lose sight of the fact that the only goal is to return to Venezuela the stability necessary for full development in all aspects.

Given this, the deployed solutions can provide a future welfare. However, the parts must be open to dialogue to allow the best result to be established in the nation. Likewise, it should be pointed out that the countries that are supporting must remember that the only interest is to return to the inhabitants a country in which they can live comfortably and not to seek in any way their own interests.

Guide Questions

- What was the reason why the crisis began in Venezuela?
- Who is Juan Guaidó?
- What has the government done to lessen the crisis?
- What is your country's position on this problem?



WEBSITES

- El comercio (2019) Estos son los países que reconocen a Juan Guaidó como presidente (i) de Venezuela y los que apoyan a Maduro. Downloaded from: <https://www.elcomercio.com/actualidad/juan-guaido-venezuela-reconocimiento-diplomacia.html>.
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