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MORE THAN JUST WORDS?: THE RELATIONS BETWEEN VENEZUELA AND COLOMBIA AND UNASUR INTERVENTION IN LIGHT OF THE DEFENSE COOPERATION AGREEMENT BETWEEN THE UNITED STATES AND COLOMBIA

Katherine M. Tullos*

I. INTRODUCTION

"IT is going to happen... We are going to prepare for this, because the Colombian bourgeoisie hates us. And now, it just isn't possible to make up. No, it is impossible. The agreement of the seven bases is a declaration of war against the Bolivarian Revolution."¹ This statement by Venezuelan President Hugo Chavez is just one example of the highly verbal combat currently occurring between Venezuela and Colombia. In light of a defense cooperation agreement between the United States and Colombia for the occupation of seven military bases signed in October 2009, there has been a firestorm of aggressive statements made between Colombia and Venezuela, neighboring countries that already have a tenuous relationship.

The agreement, its origins, and the publicized and unpublicized justifications for the defense cooperation agreement will be analyzed to predict what the deal truly holds for Colombia, Venezuela, and the entire South American region. Further, the volatile history between Colombia and Venezuela will be examined to determine how those events affect the current relationship between the two countries. The recent events between Colombia and Venezuela, including the previous verbal clashes between Colombian President Alvaro Uribe and Venezuelan President Hugo Chavez, will be examined to determine if the belligerent rhetoric between the two popular leaders will actually escalate into a war. The current situation will be compared to past quarrels between the two countries to de-

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terminate how recent events are similar and yet different from events in the past.

In addition, Colombia's relationship with the Union of South American Nations (UNASUR) will be analyzed to determine the purpose and role of UNASUR in this conflict. Colombia's continued membership in the organization in comparison to Colombia's close relationship with the United States will also be analyzed to explore Colombia's current diplomatic isolation in the South American region. It should be noted that while this analysis unavoidably must examine the relationship between the United States and Colombia and Venezuela, the focus of this analysis will be on the relations between Colombia and Venezuela.

II. THE BILATERAL DEFENSE COOPERATION AGREEMENT: COLOMBIA'S CONTROVERSIAL AGREEMENT WITH THE UNITED STATES

On July 12, 2009, Colombian President Uribe informally announced that an agreement was almost concluded "on the terms of a decade-long lease to allow U.S. military personnel to use Colombian military bases to conduct anti-drug trafficking and anti-terrorism operations." The unfinished, and originally unreleased, agreement was quickly opposed by numerous countries within the South American region. Numerous politicians within Colombia also criticized the agreement arguing that only the Senate, not President Uribe, had the authority to permit U.S. troops in Colombia.

Despite initial concerns regarding this agreement, the United States and Colombia formally announced on August 14, 2009 that a provisional agreement had been reached between the United States and Colombia on a Defense Cooperation Agreement (DCA). The announced agreement was again criticized by other South American countries, especially by Venezuelan President Hugo Chavez and Ecuadorian President Rafael Correa, both of whom saw the military bases as a security threat and were concerned that the U.S. military bases in Colombia would be used to target their respective countries. Even Chile and Brazil, which are considered to be "moderate Colombian allies," were concerned about the use of the Colombian military bases and the possibility of U.S. forces extending beyond Colombia.

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4. Planas, supra note 2.
7. Id.
During remarks with Colombian Foreign Minister Jaime Bermudez on August 18, 2009, U.S. Secretary of State Hillary Rodham Clinton stated that Colombia was an important ally of the United States and noted three important points to offset concerns regarding the DCA. First, Clinton stressed that the DCA did not create U.S. bases in Colombia, but rather created only access to seven bases, which are reported to include five military and two naval bases. Second, Clinton noted that there would not be a “significant permanent increase” of U.S. military in Colombia. Perhaps in response to extreme concerns by Venezuela that “the United States is planning a war on South America,” Clinton lastly stressed that the DCA “does not pertain to other countries” and only pertains to “the bilateral cooperation between the United States and Colombia regarding security matters within Colombia.” In response to a question addressing concerns by both Venezuela and Brazil, Clinton reiterated this point stating that the DCA had “very clear recognition of territorial integrity and sovereignty.” In what likely could be considered a response to the criticisms by Chavez, Clinton noted that people should first understand the agreement if they were speaking out against it, and that other countries within the region should help the United States in the fight against drugs which “threat[ens]... the whole region.”

Even after the announcement, the United States was on the defensive regarding the agreement, sending the U.S. State Department’s Deputy Assistant Security for Western Hemisphere Affairs Christopher McMullen to meet with his counterparts in Argentina, Brazil, and Uruguay to counter any misunderstandings about the agreement. A 100-page Pentagon document that was posted on the Internet entitled, “The Budget Estimate Justification Data for the Military Construction Program of the U.S. Air Force,” (The Air Force Document) has become very controversial as critics of the agreement claim that the document demonstrates the United States’ true intentions for the bases in Colombia. The Air Force

9. Id.
11. Clinton, supra note 8.
13. Clinton, supra note 8.
14. Id.
15. Id.
Document states the “possibility of using Colombia as a staging post” with the example of using the base to respond to a natural disaster. While the example illustrates that the base will be used to respond to a natural disaster, critics of the base fear that the bases would be used as a staging post for other situations to counter against “anti-U.S. governments.” For example, the document stated the possibility of using the bases to counter possible attacks from neighboring countries, which is suspected to refer to Venezuela. Therefore, “the [Air Force] document appears to validate the persistent reservations expressed by Colombia’s neighbors, particularly Venezuela, in regards to the real motivation and potential scope of the DCA.” The Air Force Document has been taken off the Internet since its initial publication. Thus, this lack of transparency only further suggests to Venezuela and other critics of the DCA that the United States is covering up its true intentions regarding the DCA.

On October 30, 2009, the DCA, which was titled a Supplemental Agreement for Cooperation and Technical Assistance and Security (SACTA) and renamed the Defense Cooperation Agreement (DCA), was signed by the United States and Colombia and subsequently entered into force. Although the United States has issued a fact sheet, press releases, and numerous public statements regarding the DCA, the text of the document was only released to the public on November 3, 2010, which was months after its initial announcement. The thirteen page DCA is organized into twenty-five articles that touch on issues such as “Access, Use, and Ownership of Agreed Facilities and Locations,” “Payment of Fees,” “Respect for Domestic Law,” “Tax Treatment,” and “Facilitation of Aircraft Riders.” The DCA states that it “shall remain in force for an initial period of ten (10) years” and will be renewable for additional periods of ten years through review and agreement by both

25. Clinton, supra note 8.
27. DCA, supra note 23, at 1.
Colombia and the United States. Overall, the text of the DCA is vague, which was perhaps the intention of the United States so they would be able to broaden the scope of authority of the DCA if necessary, and may demonstrate why Venezuela may be reading more into the DCA.

III. VENEZUELA'S LONG HISTORY OF CONFLICT WITH COLOMBIA

Colombia and Venezuela share not only a 1,375 mile border, but also a common, volatile history. The history of the two neighboring countries is important because it demonstrates that the countries, while they experience a history of disputes, are interdependent. Thus, it is crucial for the two countries to cooperate. Further, it shows the trend of having "a strong centralist authority" in the region, which can be seen today through Venezuelan President Chavez, whose rhetoric can be partially blamed for the escalating tension and conflict.

Both countries were first colonized by the Spanish in the sixteenth century. In the 19th century, Simon Bolivar, a revolutionary from Venezuela, liberated the two countries from Spanish imperialism. Bolivar organized a country that lasted ten years called Gran Colombia, which was made up of four liberated states: Venezuela, Colombia, Ecuador, and Panama. In 1830, the country was split, resulting in the formation of the Republic of New Grenada (which is now Colombia) and the Republic of Venezuela. Border disputes between the two countries existed beginning in 1833, which required international negotiation from the King of Spain in 1891 and the Swiss in 1916. More recently, the two countries were close to going to war in 1987 regarding a "dispute over a maritime border in the Caribbean Gulf." Colombia has been involved in a decade long diplomatic dispute with Venezuela that has been dubbed the "‘Cold War' of the Andes." While the threatening nature of the relationship between Colombia and Venezuela should be taken seriously, the history of the dispute between the

28. Id. at art. xxv.
32. E.g., FACTBOX, supra note 30; SIMONS, supra note 31, at 18-22.
33. E.g., FACTBOX, supra note 30; SIMONS, supra note 31, at 22.
35. Birken, supra note 34.
36. Id. at 53-54.
two countries demonstrates that war is unlikely in this situation. In 2005, the “most serious diplomatic crisis between neighbors who are ideological opposites” occurred when Colombia arrested a Revolutionary Armed Forces of Colombia (FARC) guerilla army leader, Rodrigo Granda, who had been able to hide out in Venezuela for years despite being wanted by the Colombian government. In response, Chavez “pulled his ambassador from Bogota, [Colombia], cancelled bilateral accords and demanded an unreserved apology” from Uribe. Like in the current situation, the United States was at the center of the dispute because the Bush administration verbally supported Colombia and even stated that Venezuela was a “‘negative’ force” and “governs in an illiberal way.” This event, which threatened to become a serious incident, was resolved within a month with a mere agreement and press release that didn’t explain how the resolution actually occurred.

In November 2007, after “Colombia’s government abruptly halted Chavez’s mediation efforts to release hostages held by rebels in the Colombian jungle,” Chavez said that reconciliation was “impossible” with Uribe and that their relations were in the “most serious crisis.” Chavez also stated that Uribe’s action in stopping the negotiations was a spit in Chavez’s face. At the time, international news media stated that the dialogue was a “sharp break” for two leaders who had just one month earlier in October appeared together smiling, hugging each other, speaking of their “sister nations,” and opening a natural gas pipeline between the two countries. Within one month, Chavez’s and Uribe’s relationship plummeted from “the most favorable moment for relations between the two countries since they separated in 1830” to the “most serious crisis.”

In March 2008, Colombia bombed a suspected FARC guerilla camp and killed a top FARC leader in Ecuador, which prompted Venezuela to move troops to the border.

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41. Id.
42. Forero, supra note 39.
45. Id.
national Criminal Court (ICC) claiming that Venezuela was “abetting genocide” because of an allegation that Venezuela was assisting the FARC.49 Again, what initially seemed to be a serious incident was quickly resolved within a week and with only a handshake.50 Then, Uribe visited Venezuela to meet with Chavez in July 2008.51 Subsequently, all three countries reopened their embassies, which had been previously closed during the dispute.52 However, the relationship between Colombia and Ecuador is still considered tense even though the event is considered resolved.53

As the recent history between Colombia and Venezuela demonstrates, there is a constant ebb and flow of diplomatic relations with increasingly negative and then positive rhetoric used by the leaders themselves and the news media to describe the current situation.

IV. VENEZUELA’S RECENT CONFLICT WITH COLOMBIA OVER THE DCA

Immediately following the informal announcement of the DCA in July 2009, Chavez cancelled a summit with Uribe stating that he would need to “reassess” Venezuela’s relations with Colombia.54 Chavez also stated that he considered the agreement as an “aggression” against Venezuela.55 Colombia verbally combated Chavez’s allegations by arguing that Venezuela should not interfere with Colombia’s relationship with the United States considering Colombia has never interfered with trying to halt Venezuela’s relationship with foreign countries, especially Venezuela’s relationship with China and Russia.56

The prevailing dispute between the two countries involves an allegation by both the United States and Colombia that Chavez and Venezuela are supporting the FARC through both arms and logistical help.57 Colombia has been involved in a “four-decade-old guerilla conflict” between the Colombian government and the FARC,58 which was formed “in 1964 as a communist-inspired peasant army.”59 The United States alleges that the

50. Markey, supra note 38.
52. Isacson, supra note 49.
53. Planas, supra note 2.
55. Romero, supra note 3.
57. FACTBOX, supra note 30.
58. Id.
FARC is able to continue their operations in Colombia through safe havens in the jungle terrain along the borders with Ecuador, Panama, and Venezuela. In response to these allegations of support, Chavez repeatedly denies helping the FARC. As noted above, recent events in 2005 with the capture of Rodrigo Granda, and the halting of negotiations in 2007, are a part of this continuing conflict.

This dispute has only been furthered by the recent confirmation by Uribe on July 26, 2009 that the Colombian military had seized from the FARC AT4 antitank weapons, which had serial numbers from the manufacturer that were registered to the Venezuelan government. Under a final-destination agreement between Venezuela and the manufacturer, these weapons were forbidden from being exported to another country without notification. The Venezuelan government, through Interior Minister Tarek El Aissami, denied allegations that Venezuela had given the weapons, which had been sold to Venezuela, to the FARC. Chavez denied the allegations stating that "anyone can take a rifle and put a Venezuelan seal and serial number on it." Some have noted that the serial numbers do not confirm that the Venezuelan government initially sold the weapons to the FARC considering corrupt Venezuelan military officers often resell arms. Regardless of whether Venezuela did intentionally sell the weapons to the FARC, this event further complicated the fragile relationship between Colombia and Venezuela.

On July 28, 2009, Venezuela suspended all diplomatic relations with Colombia. While this event is significant and represents the two countries’ unstable relationship, it must be looked at in the context that Chavez has recalled his diplomats from Colombia three times since 2005.

Subsequently, Chavez froze all imports from Colombia into Venezuela. Then in early November 2009, Chavez declared on television to the Venezuelan people: “let’s not waste a day on our main aim: to prepare for war and to help the people prepare for war.” Chavez subsequently ordered over 15,000 national guard troops to Venezuela’s border, some to the border with Colombia. Even though Chavez ordered the troop movement, Venezuela lacks the resources, such as trucks and air-

60. Kaufman, supra note 16.
61. FACTBOX, supra note 30.
63. Id.
64. Id.
65. Planas, supra note 2.
66. Kaul, supra note 54.
68. FACTBOX, supra note 30.
69. Colombia and the United States: Off Base, supra note 17.
71. Venezuela and Colombia: Jaw-Jaw War, supra note 56.
planes, to actually relocate the large number of troops. Therefore, it is not clear how many troops actually arrived.

In December 2009, Chavez alleged that a spy plane entered into Venezuelan territory when it flew near a military base in Zuñia, which is on the Venezuela-Colombia border. Chavez indirectly accused the United States as the origin of the spy plane, stating that the type of plane was a "technology of the empire" of the United States. Therefore, Chavez ordered that the army shoot down any other plane if it entered Venezuela. In response, the Colombian Defense Minister Gabriel Silva joked that "Venezuelan soldiers mistook Father Christmas's sleigh for a spy plane" because the alleged invasion occurred in the week before the Christmas holiday. More seriously, Silva dismissed Chavez's claims stating that Colombia does not have the capability to fly the alleged espionage mission that Chavez alleges. In response, Colombia formally protested the allegations made by Chavez. The United States also denied Chavez's allegations, noting that the last time the United States accidentally entered into Venezuelan controlled airspace occurred in 1988.

In April 2010, Venezuela arrested eight Colombians on charges of "spying." Venezuela claims that the Colombians were taking photographs of restricted electricity areas as part of an effort to impair the country's electricity grid. Uribe has argued that Venezuela has violated these individual's human rights, stating: "Colombia cannot permit violations of human rights against its citizens, whether they live in Colombia or elsewhere."

Thus, the recent events between Colombia and Venezuela have brought concerns that a violent war may erupt between the two countries. The international community, especially the countries in the Latin American region, has increasingly focused its attention on this escalating situation to determine what, if anything, can be done to alleviate some of the tension between Colombia and Venezuela.

72. Id.
73. Id.
75. Id.
76. Id.
78. Id.
82. Id.
V. INVOLVEMENT OF THE UNASUR IN THE CONFLICT BETWEEN COLOMBIA AND VENEZUELA

The Union of South American Nations (UNASUR), "a regional body aimed at boosting economic and political integration in the region" formed in 2008, has been very focused on the DCA and the resulting issues between its two member countries. In addition to Colombia and Venezuela, the members of UNASUR are Argentina, Bolivia, Brazil, Chile, Ecuador, Guyana, Paraguay, Peru, Suriname, and Uruguay. Some of the goals of UNASUR listed in the preamble to the UNASUR constitution are to "build a South American identity and citizenship," "promote the sustainable development and wellbeing of our peoples," and to strengthen "multilateralism and the rule of law in international relations." UNASUR was created during a time when Chavez and Uribe were bitterly disputing Colombia's claims that Venezuela was assisting the FARC rebels in Colombia. Therefore, the lofty goals of UNASUR were from the start considered unattainable because of the tensions between some of the UNASUR members.

On September 15, 2009, a UNASUR meeting was held in Quito, Ecuador to review and question the details of the DCA. Although Uribe had previously promised to show the actual contents of the DCA to the UNASUR Defense Council, Uribe later retracted this statement. Further, Uribe stressed that the UNASUR could not revise the DCA. Most importantly for the relations between the Colombia and UNASUR, Colombia reportedly threatened to leave UNASUR, which has been supported by some in Colombia. Supposedly, this UNASUR meeting and another previous meeting, held in August 2009, were aimed at pressuring Chavez and Uribe to diplomatically "negotiate and debate instead of the increasingly common practice [between the two countries] of uttering threats and moving troops to the border." As discussed later, UNASUR foresaw the downward spiral of diplomatic relations between the

85. Id.
87. South America Nations Found Union, supra note 84.
88. Id.
90. Id.
91. Id.
92. Id.
94. Osorio-Ramirez, supra note 89.
two countries and these negotiations may have been able to somewhat halt the diminishing relations.

Colombia refused to send its senior officials to another UNASUR meeting on November 27, 2009.\(^95\) Colombian Foreign Minister Jaime Bermudez defended his country's deliberate decision to only send a technical delegation of junior officers\(^96\) because "the recent escalation in threats against the Colombian government' had made it 'impossible to hold respectful discussions during the meeting.'"\(^97\) In response, Venezuela argued that Colombia's lack of attendance at the meeting was a "huge mistake and an act of contempt towards [UNASUR]."\(^98\) Uribe's overall lack of communication with UNASUR seems to only be further hindering Colombia's relations with the region and is "providing arguments for Venezuela to accelerate its arms race."\(^99\) Uribe's lack of communication has prompted Chavez to reason "what could we do if the Yanquis [referring to the United States] are establishing seven military bases?"\(^100\) Clinton also sent a letter to UNASUR to calm the concerns of the UNASUR member countries stating that the DCA is being conducted "with total respect for the sovereignty and territorial integrity of the other countries."\(^101\) While Venezuela and other countries in the region still seemed unconvinced about the scope of the DCA, the Brazilian minister Celso Amorin described it as "a text that plainly guarantees no extraterritorial intervention."\(^102\) Despite these statements from Clinton, Venezuela stated that it didn't want this guarantee to turn into a joke.\(^103\) Therefore, the agreement between the United States and Colombia has large scale implications for the entire region, especially for the relations between UNASUR member states.


Considering the argument between Colombia and Venezuela that has occurred as the result of this DCA, it is important to analyze the potential consequences which may arise. The spectrum of these consequences can range from short-term conflict and trade implications, to mass conflict

\(^95\) Colombia and the United States: Off Base, supra note 17.
\(^96\) Id.
\(^97\) UNASUR Meeting Tackles Colombian-Venezuela Spat, supra note 67.
\(^98\) Id.
\(^99\) Osorio-Ramirez, supra note 89.
\(^100\) Equivel & Serna, supra note 17.
\(^102\) Id.
\(^103\) Id.
with major implications for the United States and the entire Latin American region. Thus, the first consideration should be whether this alliance was even necessary for continued U.S.-Colombian relations. Second, there must be an analysis of whether a war is likely to erupt between Colombia and Venezuela from this conflict, or if this just another conflict in a series of threats and conflicts that are resolved quickly. Third, there must be an analysis of the potential for massive trade and economic consequences of the conflict. Fourth, there must be a determination of what actions, if any, Colombia should take to address this conflict with its neighbors in the Latin American region through UNASUR.

A. WAS THE UNITED STATES' ALLIANCE WITH COLOMBIA NECESSARY?: THE JUSTIFICATIONS FOR THE DCA BETWEEN THE UNITED STATES AND COLOMBIA

Instead of making the DCA with Colombia, the United States should have continued the relations with Colombia under Plan Colombia and the 1952 military assistance agreement with Colombia, without an additional bilateral agreement between the two countries. Plan Colombia is a decade long relationship between the United States and Colombia "in which the United States has assisted the country in fighting drug trafficking, ending civil conflict, fostering economic growth[, and strengthening the rule of law." Even the United States Defense Assistant Secretary McMullen has admitted that the agreement merely "formalizes access that we've had on an ad hoc basis the whole time of Plan Colombia." McMullen stated that the DCA was initiated because of the extensive time and effort required to negotiate the daily terms of the American use of the Colombian bases. But, considering the even more extensive time and effort necessary to form, revise, publicize, and defend a formal bilateral agreement, this argument does not hold. The preamble of the DCA specifically notes former agreements and memorandum of understandings made from 1952 to 2007. President Barack Obama even stated: "[w]e have had a security agreement with Colombia for many years now. We have updated that agreement." Therefore, it does not seem like a necessary agreement if the two countries were already cooperatively and successfully working to achieve the goals of the DCA.

Accordingly, American officials "ruefully agree that they should have thought about the regional response to an agreement they now say was not necessary." Rather than needing the bilateral agreement to continue having military bases in Colombia, it seemed like the Colombian

104. See Colombia and the United States: Off Base, supra note 17.
105. Kaufman, supra note 16.
106. Id.
107. Id.
108. DCA, supra note 23.
110. Colombia and the United States: Off Base, supra note 17.
government insisted on having a formal agreement in order to ensure their own safety in Latin America. The agreement was likely advocated by the Colombian government in order to deter Chavez "from launching the war he has seemed rhetorically to threaten against Colombia" considering the agreement "was far cheaper [for Colombia] than trying to match Mr. Chavez's arms build-up, which has included orders for 24 Sukhoi ground attack jets, 55 military helicopters, 92 tanks and air defense missiles." Further, Colombia lacked the capital to even hope to compete with the arms that have been amassed by its neighbors. Thus, this agreement allowed Colombia to avoid worrying about how to accumulate more and more arms. Therefore, this may demonstrate Colombia's true intentions to initiating the DCA.

However, if America did not need the agreement to continue its military presence in Colombia, it seems unlikely that America would step out so far and expose itself to diplomatic liability by making a highly publicized bilateral agreement with an unstable country in a volatile region. Rather, America seems like it wanted to make the agreement with Colombia to legally guarantee its own military presence in the Latin American region after Ecuador decided not to renew its ten-year old agreement with the United States for access to an air base in Manta, Ecuador that was used for counter-narcotics surveillance. Ecuadorian President Rafael Correa supposedly wanted to end the agreement because he did not like U.S. military presence within the country. Correa's close relationship with and influence from Chavez likely played a role in Correa ending the agreement with the United States.

Even though American officials claim that the new base at Palanquero, Colombia is "not a direct replacement" for the base in Ecuador, the actions in Latin America demonstrate otherwise. First, the base in Ecuador was closed only a month before the DCA with Colombia was formed. Second, the planes that had previously been based in Manta, Ecuador are now at Colombian bases, along with other bases in Panama and El Salvador, for surveillance. Third, Obama's defense budget for 2010 allocated $46 million to upgrade Palanquero, begging the question of whether this large sum of money is needed to outfit the new base.
for these planes from Ecuador. Therefore, it seems like America directly made the agreement with Colombia because it needed another key military alliance in Latin America after it was ousted from Ecuador.\textsuperscript{122} Rather than announcing this smart and justified decision to maintain presence in the region, the United States is couching this intention by arguing that the DCA only formalizes relationships between the two countries.

Regardless of the reasoning for the agreement, the United States likely should have avoided making this agreement if it was not absolutely necessary, in spite of Colombia's insistence, to avoid being the catalyst to a situation that could erupt into war.

B. \textbf{Merely Words or Will Violence and Escalating Problems Emerge?: The Likelihood of Actual War Emerging between Colombia and Venezuela}

While this event is serious and should be handled with diplomatic care, this event is unlikely to erupt into a major war and will likely be resolved like the other disputes without a violent war occurring. Like in the past, Chavez "may be ramping up the rhetoric over an external threat to distract [Venezuelan citizens] from domestic problems, such as high inflation and water and power shortages, and to project his international presence."\textsuperscript{123} For example, recent events demonstrate Chavez's mounting problems:

Since November 2, [2009] water has been rationed in Venezuela; the same day on which the government introduced a plan to save electricity. In Caracas, Venezuela] each of the city's neighborhoods is without running water for at least two days every week. Chávez has urged the public to take 'lightening showers' of just three minutes, and to become accustomed to bathing in the early hours of the morning, armed with a flashlight. Even before these recent austerity measures, in early October, Datanalysis found 66 percent of Venezuelans dissatisfied with the government's moves to resolve the electricity crisis. Moreover, the same survey found '70 percent critical of Chávez's policies to create employment' and that 87 percent thought the government had done little to ensure the personal security of its citizens.\textsuperscript{124}

Further, Chavez seems to be attempting to place blame on the electricity crisis on Colombia by stating that the problem is partly due to sabotage by Colombia.\textsuperscript{125} Therefore, Chavez seems to have a loud bark, but does not seem willing or able to back that up with any action. For exam-

\begin{itemize}
  \item \textsuperscript{122} Interview with Julia E. Sweig, \textit{supra} note 20.
  \item \textsuperscript{123} Markey, \textit{supra} note 38.
  \item \textsuperscript{124} Guy Hurthouse, \textit{Déjà vu in Venezuelan-Colombian Relations, as War of Words Reignites: What Next for Chavez?}, \textsc{Council on Hemispheric Affairs, Nov. 20, 2009}, \url{http://www.coha.org/deja-vu-in-venezuelan-colombian-relations-as-war-of-words-reignites-what-next-for-chavez/}.
  \item \textsuperscript{125} Grant, \textit{supra} note 81.
\end{itemize}
ple, as described above, Chavez threatened war against Colombia in the past if forces struck inside Venezuela, called Uribe a pawn of the United States, and then just a week later resolved the dispute with a hand-shake. But, it has been argued that this situation is "far more dangerous" than the situations in the past.

Chavez likely would not follow up his threats because if an actual war were to break out, Colombia would likely win considering its experience in fighting the FARC and its aid from America, not to mention the presence of American military forces in the country. Venezuela's only advantage "would be a quick air strike, using recently acquired Russian Sukhoi jets." Considering that Venezuela does not even have the resources to get thousands of Venezuelan troops to the border areas, it is unlikely that Venezuela would have the resources to move troops and supplies to the border for a full out war. Further, as discussed below, Venezuela, especially Chavez, does not have the political and popular support to successfully launch a coordinated attack against Colombia.

Because Chavez realizes his slim chances in an actual war, Chavez is using hyped-up rhetoric to create a verbal war to garner public opinion. But, Chavez is losing this "war" as a survey in Venezuela determined that eighty-percent of Venezuelans opposed a war with Colombia and most also opposed trade sanctions with Colombia. Another problem is that the international community does not seem to take Chavez or his threats seriously. For example, U.S. President Barack Obama dismissed Chavez's concerns stating that some within the region are merely "trying to play this up as part of a traditional anti-Yankee rhetoric." Therefore, the international community, including Venezuela, may not be readily preparing for the possibility of war especially considering that the "constant talk of war sometimes trigger[s] it, accidentally or on purpose." If Venezuela were to launch an attack, Colombia thus would be highly dependent on U.S. assistance in the terms of military supplies and resources, troops, and equipment such as tanks.

Even though war is unlikely there likely will be more violence along the Venezuelan-Colombian border. Already since the DCA was initi-
ated there has been “the kidnap and murder of 11 men, eight of them Colombian, the murder of two Venezuelan national guardsmen; deportations of undocumented migrants and the arrest on both sides of alleged spies.” 137 The two Venezuelan national guardsmen were shot in the back while doing routine tasks for their job during the day on November 4, 2009. 138 The economic tensions described below will continue to escalate the border region, where troops have already been called.

Venezuela may be attempting to escalate the tension with Colombia because of its overlapping tension with the United States. Chavez crudely stated that the reason for the DCA was because “with the election of Obama and the Democrats in Congress, Uribe began to fear he’d lose the support that he had from Bush, and he dropped his pants due to the fear of losing the backing of the United States.” 139 While Uribe was undoubtedly looking for security of support from the new U.S. administration, this statement demonstrates not only the shocking rhetoric of Chavez but also demonstrates the long-term tension between the United States and Chavez.

While Venezuela has been quick to blame the DCA and the United States for the “regional instability,” Congressman Eliot Engel, the Chairman of the House Foreign Affairs Subcommittee on the Western Hemisphere, has aptly noted that the regional instability has really been caused by Chavez’s “increasingly bellicose words” and “negative rhetoric against the U.S. and our allies in Latin America and around the world [which] continues almost unabated every day.” 140 Congressman Engel further argued that the “real challenge for regional stability lies in President Chavez’s increasingly cozy relationship with Iranian President Mahmoud Ahmadinejad,” who is aiming to use Venezuela “as a bridge to help Iran build relations with other Latin American countries.” 141 Chavez has supposedly wanted to ease Venezuela’s tension with the United States, yet at the same time criticized the United States’ efforts in the Haiti earthquake relief and accused the United States of spying. 142

This situation between Colombia and Venezuela is just a “war of

137. Venezuela and Colombia: Jaw-Jaw War, supra note 56.
141. Id.
words," rather than an actual violent war. Uribe and Chavez are political opposites because they come from two sides of the political spectrum with Uribe being a conservative lawyer and Chavez being a “fiery leftist revolutionary.” As noted above, Chavez has recalled his diplomats from Colombia three times since 2005, which demonstrates that Chavez quickly resends his diplomats after a conflict occurs and diplomats are recalled. Chavez even expelled the United Ambassador to Venezuela giving him a mere seventy-two hours to leave Venezuela in September 2008 only to restore the ambassador in April 2009 after he shook hands with President Barack Obama. Just as Chavez has called Colombia’s actions an “aggression” against Venezuela, he also accused the Netherlands in December 2009 of aggression for permitting the United States to have access to airports in the Dutch Antilles and Aruba. Even further, Colombia claimed that it was freezing relations with Spain in 2007 after the Spanish King, Juan Carlos, supposedly told him to “shut up” during a meeting.

Thus, Chavez seems to be making increasingly erratic behavior to garner international attention in the short-term without credibility to his claims or statements, which he singularly reverses. Considering war has not emerged from these verbal threats with the Netherlands and Spain, it demonstrates the unlikelihood of war in this situation. However, it should be noted that the relationship between Colombia and Venezuela is historically more tenuous and recent violence shifts this situation into more of a possibility than the situation with Spain or the Netherlands.

In what could not be a better analogy, the Council on Hemispheric Affairs noted that “Chavez may have cried wolf one too many times” for anyone to believe that he is actually threatening war. Remarkably, Uribe has been noticeably calm in response these continuous verbal threats by Chavez. He and the rest of the Colombian government undoubtedly recognize the threats are unsupported and thus are unwilling to escalate the conflict even more with retaliatory responses. In the past,

143. Hursthouse, supra note 124.
144. Markey, supra note 38.
146. FACTBOX, supra note 30.
149. Markey, supra note 37; see also U.S. Denies Its Warplanes Violated Venezuelan Airspace, supra note 80 (in response to allegations by Chavez that a plane entered into Venezuelan airspace in December 2009, “the Netherlands also rejected accusations that the United States was using the islands to mount military operations against Venezuela, calling the allegations ‘unfair, baseless[,] and fanatical’”).
150. Sturcke, supra note 43.
151. See FACTBOX, supra note 30.
152. Hursthouse, supra note 124.
153. Id.
Uribe has been less willing to stand back idly while Chavez makes bullying statements. However, this time he may have remained quiet in order to gain “domestic political mileage out of the verbal sparring.” Uribe’s supporters had been attempting to pass a constitutional amendment that would permit him to run for a third term when his second term ends in August 2010.

Some of Chavez’s bullying threats during the past few months include: “if you hurt Venezuela you’ll regret it. We are not unarmed. We do not have our arms crossed;” stating that the DCA is an “open aggression;” declaring that any “attack” would trigger “a 100-year war;” and calling Uribe “a mafioso” and a “little Yankee.” His statements have been increasingly threatening; so much so that The Economist stated: “Hugo Chavez’s belligerent rhetoric trades at a substantial discount.”

Chavez’s threatening language is discounted not only because it is extreme, but also because it is unsupported by any concrete evidence. For example, Chavez cannot point to any specific language in the DCA to prove that the DCA is threatening his country because the DCA does not address attacking Venezuela. Furthermore, one of Chavez’s biggest stated concerns is an increase in the number of American troops in Colombia and the Latin American region. His concern, however, has been blown out of proportion considering the evidence and statements made by the United States:

The American military presence in Colombia has recently declined, partly because the Democrats in Congress have cut annual military aid by 70 [million], to around 320 [million]. The number of American troops is now around 250, down from a peak of 570 in early 2007.

154. In 2007, Uribe told Chavez “If you are spreading an expansionist project on the continent, in Colombia this project will make no headway. . . .You can’t bully the continent and set it on fire as you do, speaking against Spain one day, against the United States the next, being rude to Mexico another day, Peru the next[,] and Bolivia the following morning.” Humberto Marquez, Colombia-Venezuela: Possibly the Bitterest Conflict in a Century, IPS News, Nov. 26, 2007, http://ipsnews.net/news.asp?idnews=40220.


156. Uribe’s Third Term, WALL ST. J., Nov. 20, 2009, http://online.wsj.com/article/SB100 01424052748704204304574543904038401172.html. However, Uribe is not running for a third term after all. It is unclear who will be elected to be the next President of Colombia when Uribe’s term ends in August and the effect this would have on the relations between the two countries. If the next President is former defense minister Manuel Santos, the relations between the two countries may only further deteriorate. Chavez has stated: “Santos could cause a war in this part of the world.” Toothaker, supra note 142; see also Grant, supra note 81 (noting that claims of spying and arrest continue, the prospect of having better relations between the two countries is unlikely even with a change in the Administration).


158. Venezuela and Colombia: Jaw-Jaw War, supra note 56.

159. Colombia and the United States: Off Base, supra note 17.

160. Venezuela and Colombia: Jaw-Jaw War, supra note 56.

161. See DCA, supra note 23.

[T]his number will continue to fall, in line with aid and as Colombia takes over the maintenance of American-supplied helicopters and pilot training.\textsuperscript{163}

Therefore, Chavez’s language seems vague and exaggerated in order to garner as much attention without having to make specific statements that would require him to substantiate his claims with concrete proof.

Although war may be unlikely without a subsequent catalytic event occurring, the perpetual tensions between Colombia and Venezuela, as demonstrated by the verbal sparring, are unlikely to be calmed in the long term considering the fact that the “two presidents rarely back down from a fight.”\textsuperscript{164}

C. IMPLICATIONS OF THE TRADE RESTRICTIONS IMPOSED BY VENEZUELA ON THE FUTURE RELATIONS BETWEEN COLOMBIA AND VENEZUELA

The trade between the two countries may be something that may not be resolved quickly, even though a war will likely not erupt over this dispute. Unlike the disputes between the two countries in 2005 and 2008 that were quickly resolved, commentators have stated that Chavez is more “serious about curtailing trade” with Colombia.\textsuperscript{165} Although “many experts believe the proximity of Colombia and the long history of trade and contacts mean two-way commerce will keep flowing,”\textsuperscript{166} recent events demonstrate otherwise.

Colombia and Venezuela have a six to seven billion dollar annual bilateral trade.\textsuperscript{167} Colombia exports food, leather, and textiles to Venezuela.\textsuperscript{168} In return, Venezuela, an OPEC country,\textsuperscript{169} exports fuel and agrochemical products to Colombia.\textsuperscript{170} At the same time, Venezuela has been increasingly reliant on imports of natural gas from Colombia.\textsuperscript{171} In July 2009, Chavez said that he would halt all imports from Colombia.\textsuperscript{172} Then in October 2009, Chavez ordered a “freeze” on all imports from Colombia.\textsuperscript{173} To offset this loss of goods, including milk and meat,\textsuperscript{174} into

\begin{itemize}
  \item \textsuperscript{163} Colombia and the United States: Off Base, supra note 17.
  \item \textsuperscript{164} Forero, supra note 39.
  \item \textsuperscript{165} Markey, supra note 38.
  \item \textsuperscript{166} FACTBOX, supra note 30.
  \item \textsuperscript{167} Markey, supra note 38; Colombia and the United States: Off Base, supra note 17.
  \item \textsuperscript{168} Marquez, supra note 154.
  \item \textsuperscript{170} Marquez, supra note 154.
  \item \textsuperscript{173} Colombia and the United States: Off Base, supra note 17.
\end{itemize}
Venezuela, Chavez plans on increasing imports from Brazil and Argentina.\(^\text{175}\) That same month, exports from Colombia to Venezuela fell seventy-one percent compared to the trade in October 2008, the same month the year before, as a result of the diplomatic dispute.\(^\text{176}\)

Not only has Chavez ordered that trade be halted, he has ensured that trade will not occur by destroying two pedestrian bridges along the border on November 19, 2010, claiming that “drugs and paramilitaries entered Venezuela across the bridges, while smugglers carried food and fuel through the area.”\(^\text{177}\) Chavez has also ordered the expropriation of six Exito stores in Venezuela, a French-Colombian owned retailer that was operating stores in Venezuela.\(^\text{178}\) Chavez began the expropriation on January 6, 2010, claiming that the store illegally raised prices in response to Chavez’s currency devaluation.\(^\text{179}\) Furthermore, he has rejected offers from Colombia to sell electricity, despite the fact that Venezuela is currently suffering a severe shortage of energy.\(^\text{180}\) Therefore, Chavez’s recent actions will only deteriorate the tense relationship between Venezuela and Colombia.

Unlike other disputes, this one has gained the attention of the Colombian government and people, which may signify that it may have larger consequences than prior disputes, especially considering that the trade embargo has already lasted over six months. This may be especially true because the Colombian central bank estimates that the sanctions from Venezuelan may cost Colombia one-percent of its GDP.\(^\text{181}\) Furthermore, the Colombian Finance Minister Oscar Ivan Zuluaga predicts that economic growth in 2010 will be hampered by the trade embargo with Venezuela, “which accounts for about fifteen percent of Colombia’s sales abroad.”\(^\text{182}\) In reaction, Uribe has rightly contested the trade restrictions by filing a formal complaint with the World Trade Organization’s Committee on Sanitary and Phytosanitary Measures claiming that the embargo is a “flagrant violation” of WTO norms.\(^\text{183}\) Uribe has tried to solve this issue diplomatically, unlike Chavez, by planning on denouncing the acts before the Organization of American States (OAS) and the United Nations Security Council.\(^\text{184}\)

\(^{175}\) Venezuelan-Colombia Dispute Reaches WTO, Border Closed After 2 Venezuelan Troops Shot Dead, supra note 138.

\(^{176}\) Colombia and the United States: Off Base, supra note 17. This downward slide has continued: “[t]rade between the two countries has dropped 70 percent in April [2010] as compared to the same period last year.” Drost, supra note 174.

\(^{177}\) Murphy & Cuadros, supra note 172.


\(^{179}\) Id.


\(^{181}\) Colombia and the United States: Off Base, supra note 17.

\(^{182}\) Venezuela Begins Expropriation of Six Exito Stores, supra note 178.

\(^{183}\) Venezuela-Colombia Dispute Reaches WTO, Border Closed After 2 Venezuelan Troops Shot Dead, supra note 138.

\(^{184}\) Murphy & Cuadros, supra note 172.
Although Chavez will be able to maintain the trade embargo against Colombia, by doing so he will only hurt Venezuela’s economy and further lose the respect of the international community, who sees his behavior as increasingly irrational. It is likely that these trade restrictions imposed by Chavez will also continue to significantly and negatively impact the Colombian economy, unless there is an international intervention. But, the WTO does not seem to be interfering with the trade embargo except for noting in its meeting that Venezuela asked for the complaint in writing and Venezuela also suggested bilateral discussions would be more useful.185 Venezuela also devalued its currency in January 2010, which will further complicate its trade relationship with Colombia because doing so makes imports from Colombia more expensive.186

The WTO should intervene with this dispute sooner rather than later because trade restrictions can have lasting and irreversible consequences for the economic and diplomatic relations between Colombia and Venezuela. If trade between the two countries is disrupted long-term, and the countries begin trade agreements with other countries, there may not be an economic incentive to promote diplomatic peace along the border. As discussed above, a full out war is unlikely to erupt; however, more and more smaller, yet still violent, clashes have occurred, likely as a result of the growing economic tension due to the decreasing trade between the two countries.

In the past, the “robust bilateral trade... acted as a deterrent” for both organized violence between the two countries and smaller violent skirmishes along the border.187 If there is no bilateral trade to encourage peaceful diplomatic relations, violence along the border may increase. So far, there have been “frequent protests by truckers, local merchants, shop workers, and people who depend on petty contraband for a living” along the border protesting Chavez’s restriction of trade.188 With increased tension and lack of economic stability, violence will escalate. Already, the trade embargo “has thrown many people out of work in Venezuela’s border state of Táchira, aggravating a climate of lawlessness there.”189 Since many Colombians cross the Táchira River border by bridge either by foot, bicycle, or motorcycle to get to work in Venezuela,190 there will likely be an increased number of unemployed people if people are unable to cross the border. Unemployed workers with no prospect for employ-

189. Venezuela and Colombia: Jaw-Jaw War, supra note 56.
ment in the future and without necessary resources and food from across the border because of the trade embargo may be forced to resort to violence for survival. Already, “paramilitaries working in the border area whom, since greater restrictions were placed on the border crossing by Chavez . . . have stepped up their threats, in particular against the National Guard.” 191 As discussed above, there has also been the murder of eleven civilians and two murders of national guardsmen along the border.192 Therefore, Venezuela’s trade restrictions have likely furthered violence along the region.

Instead of hastening a resolution between the two countries, the trade restrictions may actually entrench the two countries into a longer conflict. Therefore, the international community, such as UNASUR, should focus on the trade restrictions between Colombia and Venezuela as a pathway to addressing the larger dispute between the two countries.

D. Potential of UNASUR Involvement in the Conflict Between Colombia and Venezuela and Colombia’s Future Relations with UNASUR

Because of Colombia’s continued alliance with the United States, Colombia is becoming increasingly “isolated diplomatically as Mr. Chavez presses ahead with his efforts to expand Venezuela’s oil diplomacy while eroding American influence in the hemisphere.”193 Venezuela, Ecuador, and Nicaragua are already part of a leftist political alliance headed by Chavez.194 This alliance between the three countries, who are “wary of American influence in the region,” likely prompted Ecuador’s decision to end a ten year agreement between Ecuador and the United States which had previously allowed “E-3 AWACs and P-3 Orion surveillance plans to operate from the Manta Air Base on Ecuador’s Pacific Coast.”195 Currently, Colombia has become increasingly diplomatically distanced from both Brazil and Chile because of the DCA and the lack of consultation or information to Colombia’s neighbors in South America before the agreement was announced.196

Because Colombia is already diplomatically isolated within the region, some within the country have argued that it should leave UNASUR.197 Arguing that the UNSAUR is a “useless, biased bureaucracy,” one Colombian commentator noted that the region is a “hostile territory for Colombia’s alliance with the United States.”198 But, this hostile relationship

191. Hursthouse, supra note 124.
192. Venezuela and Colombia: Jaw-Jaw War, supra note 56.
194. Id.
195. Id.
196. Colombia and the United States: Off Base, supra note 17.
198. Cano, supra note 93.
only furthers the argument that Colombia must remain in the UNASUR, if only to hope for better relations in the future. It would be reckless for Colombia to hastily leave UNASUR due to the DCA with the United States because of the negative implications it could have for the future of the region. Even though Colombia should not leave UNASUR, Colombia is justified in continuing to resist UNASUR attempts to control and oversee Colombian bilateral agreements.

Even though the United States has repeatedly stated what the DCA is intended to do during negotiations and through press releases, the vagueness of public announcements and the lack of transparency regarding the DCA, especially in light of the Air Force Document that was taken off the internet after criticism, has justifiably concerned Venezuela and other UNASUR countries. As discussed above, the Air Force Document stated the possibility of using the newly formed bases in Colombia to defend against attacks from neighboring countries. Instead of shrouding the Document in secrecy, the United States should have been more transparent about the agreement.

Initially, the United States should have allowed all of the UNASUR countries the ability to view the agreement before it was signed. If the United States was hesitant about open communication, Colombia should have persuaded the United States to be more open to safeguarding Colombia's political security in the region. Thus, the initial concerns the UNASUR countries had would at least be based on the actual text of the DCA, rather than on mere speculations about what the DCA may or may not agree to. In addition, Colombia should have attempted to cooperate more with the United States and UNASUR, rather than turning their backs to UNASUR, by complying with the request from UNASUR countries for the text of the agreement after initial announcement of the report. As fully discussed below, this was not required under the UNASUR constitution, but disclosure to UNASUR members would have benefited Colombia. Instead, by continuing to refuse to communicate openly, Colombia is only isolating itself more in Latin America and then attempting to hide behind the military shield of the United States. But, at the same time, the United States has been criticized for also “abandoning” Colombia during this conflict:

199. See Clinton, supra note 8.
200. Interview with Julia E. Sweig, supra note 20.
201. See Clarity About the DCA Could Reduce Tensions, THE CENTER FOR INT’L POL’Y’S COLOM. PROGRAM, NOV. 24, 2009, http://www.cipcol.org/?p=1218 (arguing that “(1) [t]he United States must be clearer with Colombia’s neighbors that its presence in Colombia will never support any operations beyond Colombian soil; (2) [t]he United States must be clearer about the commitment that this agreement implies for Colombia’s national defense,” and “(3) [t]he United States must be clearer about its desire to see the Colombia-Venezuela tensions resolved peacef ully”).
203. See UNASUR Treaty, supra note 86.
If the mute behavior of a bloc [UNASUR] to which Colombia belongs is surprising in the face of President Chavez’s wild insults, war-like threats and provocative acts, the attitude of our great ally to the north [referring to the United States] is nothing less than outrageous. Washington not only seeks to distance itself, but has sought to place both governments’ conduct on a sort of equal footing.\textsuperscript{204}

Colombia, consequently, would be ill advised to rely on their relationship with the United States to pull them out of this diplomatic mess. Therefore, even though Colombia “leaving UNASUR would be an act of political bravery,”\textsuperscript{205} it would also be political suicide at a time that Colombia cannot afford to have declining diplomatic relations.

While the agreement formation process was not transparent, the United States may be stepping up to Colombia’s defense when the United States agreed in January 2010 to discuss the DCA with UNASUR.\textsuperscript{206} Clinton stated that there is an “interest in getting close to this organization” to the Ecuadorian President and UNSUAR pro tempore President Rafael Correa,\textsuperscript{207} who had previously requested an urgent meeting with U.S. President Barack Obama in August 2009.\textsuperscript{208} Thus, if UNASUR and the United States are able to communicate and effectively cooperate with each other, Colombia may be able to better their relations with UNASUR. If there is better communication between the United States, Colombia, and UNASUR about what the DCA actually does authorize, UNASUR, and its member countries, may be less apprehensive about the agreement.

Although the United States and Colombia are not innocent in this escalating tension, UNASUR should also be held accountable for its role in this conflict. Rather than trying to negotiate between the countries to reach a settlement, UNASUR is only intensifying the verbal conflict between Colombia, Venezuela, and the United States by requesting more and more information and attempting to put restrictions on countries’ bilateral agreements.\textsuperscript{209} Rather than the UNASUR urging open talks and negotiations to calm the two countries, only the Organization of American States (OAS) seems to be “urging talks,” with Brazil and the Dominican Republic offering to serve as negotiators.\textsuperscript{210} Even though the OAS seems willing to facilitate negotiations between Colombia and Venezuela, Venezuela has been arguing that it will only accept mediation through UNASUR because the DCA is threatening the regional integra-

\textsuperscript{204} What Have You Done for Me Lately?, supra note 29.

\textsuperscript{205} Cano, supra note 93.


\textsuperscript{207} Id.


\textsuperscript{209} See e.g., id.; US Agrees to Hold Dialogue with UNASUR, supra note 206.

\textsuperscript{210} E.g., Markey, supra note 187; Timeline of the Colombia-Venezuela Conflict, supra note 70.
tion of South America specifically. Considering the membership in OAS includes all thirty-five countries of North and South America, including the United States, Venezuela may be unwilling to engage in negotiations with OAS because of possible involvement by the United States.

Even though Colombia disagrees with some of the current policies of the UNASUR, Colombia should continue being a member of UNASUR and must respect the organization because of the possibility of better relations in the future. It has been argued that Colombia’s decision to ignore the concerns from UNASUR has “weakened faith in multilateralism.” Therefore, it is argued that the result of this conflict “is an overall reduction in the value of such efforts at integration that might have acted as safeguards against war.” Not only has Colombia ignored the concerns from UNASUR, it has decided to bypass UNASUR and file complaints with the Organization of American States (OAS) and the United Nations Security Council. Even though the organization may not seem as effective as expected, Colombia must retain membership in UNASUR because UNASUR still has the potential to achieve its lofty goals. Therefore, Colombia should try to communicate through UNASUR rather than just bypassing the organization by filing complaints with OAS and the UN.

Even though Colombia’s disregard of UNASUR could be considered to weaken the central authority of UNASUR, Colombia was and is under no obligation to comply with every demand of the organization. The preamble to the UNASUR constitution states clearly that there is an “unlimited respect for sovereignty and territorial integrity and inviolability of States.” Thus, the UNASUR must honor the “sovereignty and territorial integrity” of Colombia to make bilateral agreements with another country regardless of consultation or approval of the agreement, because it is a sovereign independent nation. Consequently, Colombia’s refusal

212. The member countries of OAS are Antigua and Barbuda, Argentina, The Bahamas, Barbados, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, the United States of America, Uruguay, and Venezuela. Member States, Organization of American States, http://www.oas.org/en/states/member_states.asp (last visited June 4, 2010).
214. Id.
215. E.g., Murphy & Cuadros, supra note 172; Castaneda, supra note 197.
216. UNASUR Treaty, supra note 86.
217. Colombian commentators have made a persuasive argument: “But what is not clear to me is why the Colombian government is expected to give explanations to South American states about a deal it signed with a third state. Colombia, as a sovereign, free nation, is endowed with the right to sign agreements and deals with whatever states it chooses, so far as they do not contradict international law or
to agree at a UNASUR meeting in September that “military agreements with countries outside the UNASUR bloc should be approved by it” was legally justified.\(^{218}\) An independent nation should have the ability to make contracts with other countries without the supervening nature of approval by an intergovernmental organization. There is nothing in the UNASUR Constitution that provides the member states are legally obligated to consult with UNASUR before making agreements.\(^{219}\) Rather, UNASUR seems to offer “a space for consultation in order to reinforce South American integration and the participation of UNASUR in the international area” if a country wishes to take opportunity of it,\(^{220}\) but the Constitution does not command consultation.

But, Colombia’s second refusal at the September UNASUR meeting to provide “real security guarantees for the region’s countries regarding the U.S.’s agreement with Colombia”\(^{221}\) was less justified if Colombia was committed to transparency and fully cooperating with the UNASUR. Unlike UNASUR’s first request that all agreements should be approved by UNASUR, this request seems to some extent reasonable. An organization that is committed to the “strengthening of multilateralism and the rule of law in international relations in order to achieve a multipolar, balanced[,] and just world” through integration of the countries\(^{222}\) would have a justified interest in maintaining security in the region. There is a heightened interest if this conflict, especially the American involvement in the conflict, truly “constitutes a grave danger for peace in Latin America” according to Ecuadorian President and UNSUAR pro tempore President Rafael Correa.\(^{223}\) It seems like an admirable goal for the UNASUR to want to be consulted about international agreements, but without the expectation of being able to forbid the agreement from being made. Instead, there is a continued lack of transparency and a lack of communication with UNASUR. Thus, Venezuela continues to speculate that Colombia is refusing to provide information to UNASUR and its member countries because of the true reasons for the DCA.\(^{224}\)

Considering that Colombia was not consulted as a member of UNASUR when Chavez initiated bilateral agreements with Russia or

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\(^{219}\) See UNASUR Treaty, supra note 86.

\(^{220}\) Id.

\(^{221}\) [UNASUR Fails to Reach Full Consensus on U.S. Bases in Colombia, supra note 218.]

\(^{222}\) UNASUR Treaty, supra note 86.

\(^{223}\) Cavooris, supra note 213.

\(^{224}\) [UNASUR Fails to Reach Full Consensus on U.S. Bases in Colombia, supra note 218.]
China,\(^\text{225}\) it does not seem just for Chavez to now insist on disclosure or consultation for Colombia’s agreements. Therefore, if Venezuela were arguing for consultation and approval in this situation, it would require Venezuela to go through the same diplomatic procedure for any bilateral agreements it would make in the future. If Venezuela was Colombia’s situation, it would likely also be protesting the demands of other countries and UNASUR. Thus, UNASUR should not be permitted to argue authority over this agreement now when UNASUR failed to exercise this supposed authority in the past.

Although Colombia has the authority to contest UNASUR’s restrictions about its sovereign authority to enter into bilateral agreement, Colombia must continue to communicate and cooperate with UNASUR to hope to maintain collaboration in the region. Although Colombia may think it can suffice with support from the United States, Colombia needs UNASUR involvement in the future for continued peace and stability in the region.

VII. CONCLUSION

The DCA between the United States and Colombia has far-reaching consequences for the relations between the South American countries and the South American region and the United States. While a war is unlikely to occur as a consequence from the Venezuela-Colombia conflict and the DCA, this agreement will continue to tear apart the diplomatic relations between Colombia and Venezuela, the entire South American region, and United States relations with the South American region for at least a decade, which is the length of the DCA. The DCA may not be the catalyst that causes Colombia and Venezuela to erupt into a conventional war from a mere verbal war, but eventually there may be an event that does escalate the situation into more than just Chavez’s ceaseless rhetoric. If and when that event does occur, Colombia will need to rely on its UNASUR membership to attempt to end any conflict diplomatically rather than militarily. Therefore, Colombia needs to maintain its membership in the organization while asserting its sovereignty at the same time. Furthermore, the international community must interfere with Venezuela’s trade embargo in an attempt to continue to have a multibillion dollar deterrent to an actual war. This situation should demonstrate to the United States that it should be more hesitant the next time it enters into a defense cooperation agreement with another country because it may be unnecessary for future relationships and could have long-lasting implications for U.S. relations. Overall, this conflict between Colombia and Venezuela demonstrates how one, perhaps unnecessary, agreement could spark a multitude of consequences: threatened war,

\(^\text{225}\) Colombia’s foreign minister stated: “[w]e never expressed our opinion in what our neighbors do... Not even when the Russian presence became known in Venezuelan waters, or with relations with China.” Romero, supra note 3; see also Venezuela and Colombia: Jaw-Jaw War, supra note 56.
verbal assaults between leaders of neighboring countries, declining diplomatic relations between two countries, a multi-billion dollar trade embargo, and international legal questions regarding membership in an intergovernmental organization.