

# Analyzing Obstacles to Venezuela's Future

By Moises Rendon, Mark Schneider, & Jaime Vazquez

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## THE ISSUE

*Despite stiff sanctions, diplomatic isolation, and internal civil protests, Nicolas Maduro and his inner circle have resisted the pressures to negotiate an exit. Three internationally-sponsored dialogue processes and two efforts at mediated negotiations within the last five years have failed, with Maduro using the time to intensify his hold on power. Different factors are impeding a transition in Venezuela. This brief investigates challenges and opportunities to help support a transition toward democracy. It describes the possible role of a Track II diplomacy initiative to produce a feasible exit ramp for Maduro—essentially the achievement of significant progress outside of the formal negotiation process. The brief also discusses potential roles for chavistas in today's struggle and for 'day after' challenges, the required elements for a transitional justice process, and the basic conditions necessary for holding free and fair elections to elect a new president.*

## BACKGROUND

Amid numerous [blackouts](#), [fuel shortages](#) impacting agriculture and food production, and inflation on pace to reach over [10 million percent](#) by the end of 2019, Venezuela's humanitarian, economic, and political crisis has forced more than [4 million](#) citizens to flee their homeland. That number could surge past [5 million](#) by the end of 2019.

Exacerbating the severity of the crisis is the presence of armed non-state actors within Venezuela. Many decisionmakers within the Maduro regime have partaken in criminal operations with these armed groups, thus creating another obstacle to any negotiated political accord<sup>1</sup>. Those ongoing [criminal activities](#) in Venezuela include money laundering, corruption, narco trafficking, illegal mining, contraband smuggling, and providing sanctuary to multiple illegal armed groups that threaten regional stability. The breadth of these criminal activities, along with

undiminished support from Russia, China, and Cuba, have complicated efforts to achieve a political accord leading to a democratic transition.

## QUICK FACTS

- According to the United Nations, Venezuela will have over [5.3 million refugees](#) by the end of 2019.
- UN High Commissioner for Human Rights Michelle Bachelet released a detailed [report](#) of massive human rights violations, including innumerable extrajudicial executions, particularly the killing of protestors, political figures, and civil society activists. From January 2018 to May 2019, estimates of the killings range between 6,856, according to the Maduro government, to 9,647, according to a credible human rights NGO. Bachelet [just confirmed](#) to the UN Human Rights Council that those extrajudicial killings have continued.

- According to the NGO, [Observatorio Venezolano de Conflictividad Social](#), over 10,477 protests have taken place in Venezuela since the start of 2019. Over 4,000 protests have been related to the provision of basic services. Altogether, there have been dozens of deaths related to the repression of protestors by the Maduro regime, as well as many others detained and later disappeared. The protests are not highly coordinated, and with the exception of major demonstrations, most protests in opposition to Maduro are spontaneous.

by the Democratic Unity Roundtable (MUD), have demanded that the Maduro regime: participate in free and fair elections with international oversight and monitoring; allow for unimpeded humanitarian aid; release hundreds of jailed political leaders and activists; dismantle the paramilitary *colectivos*; dissolve the Constituent National Assembly; and respect the National Assembly. By contrast, the Maduro regime reasserted its desire for its authority to be accepted, argued against any early election, and requested that the opposition leverage their international connections to eliminate the sanctions administered by the United States and a few other countries. The U.S. position has been that sanctions will not be removed until Maduro is removed from power and an agreement for the restoration of democracy in Venezuela is in place.

Four of those international mediated dialogues are of critical importance to understanding the progress, or lack of progress, in Venezuelan dialogues.

#### **UNASUR-ADVISED DIALOGUE (MARCH-JULY 2014)**

Protests and civil unrest have proliferated amid Venezuela's collapsing economy and human rights violations. To quell the violence, both Maduro and the opposition—then led by Henrique Capriles—initiated dialogues overseen by UNASUR. The talks yielded little progress, and UNASUR's inability to foster engagement eroded any legitimacy of the organization to affect change in the region. Throughout the attempted peace process, UNASUR was seen as biased

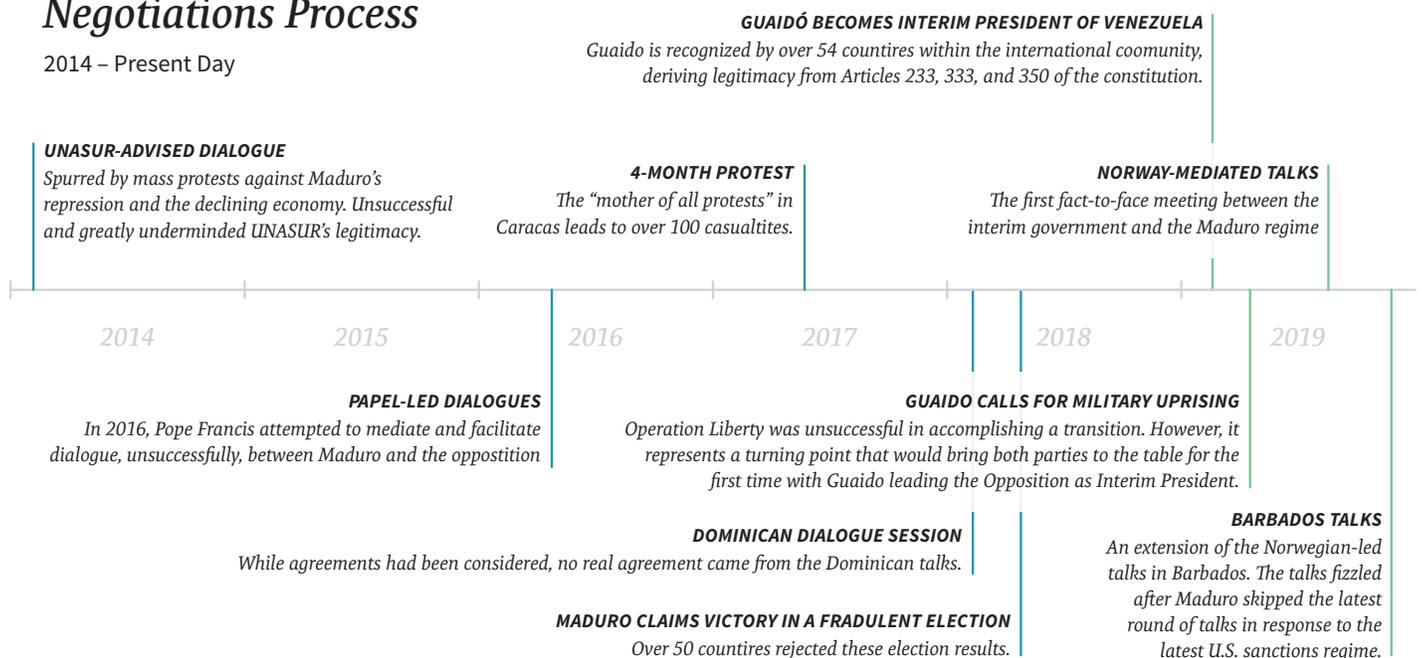
## **NINE DIALOGUES IN VENEZUELA UNDER CHAVISMO (FIVE UNDER NICOLAS MADURO)**

In 20 years of *chavista* rule, 17 years have included national or international discussions to prevent further undermining of democratic norms. Former President Hugo Chávez engaged in talks with the opposition on four different occasions, resulting in little if any results to strengthen Venezuela's democracy. The Maduro regime has engaged in talks with the opposition on five instances, with every effort also falling short. Efforts from multilateral groups such as the Union of South American Nations (UNASUR), symbolic figures such as the Pope, and state actors such as Norway, the Dominican Republic, and Barbados have all yielded little progress so far.

The demands from both the opposition and the Maduro regime have been consistent. The opposition, represented

## *Major Events in Venezuela's Negotiations Process*

2014 – Present Day



toward the Maduro regime. In fact, more than half of UNASUR's member states would [suspend their membership afterwards](#), including host member state Ecuador.

### **PAPAL-LED DIALOGUES (SEPTEMBER-NOVEMBER 2016)**

Driven by mass dissatisfaction of Maduro's escalation toward authoritarianism, Venezuelans led by the opposition attempted to oust Maduro via a [popular referendum](#). In response, the Maduro-aligned National Electoral Council claimed fraud. As protests proliferated against Maduro, Pope Francis [summoned](#) both the regime and the various factions of the opposition to participate in dialogue. MUD Secretary-General Jesus Torrealba and Henrí Falcon participated on behalf of the opposition. UNASUR and the Vatican mediated the talks and were joined by three former heads of state—José Luis Rodríguez Zapatero (Spain), Martín Torrijos (Panama), and Leonel Fernández (Dominican Republic).

### **DOMINICAN DIALOGUE SESSIONS (DECEMBER 2017-FEBRUARY 2018)**

The Venezuelan government and the opposition would participate in another series of talks hosted by the Dominican Republic. [The early stages of the talks](#) were unsuccessful, as the opposition, led by President Julio Borges of the opposition-led Congress, saw the talks as a means for Maduro to buy time. The mediations were led by President Medina of the Dominican Republic, Zapatero, and delegates from several Latin American and Caribbean nations. Ultimately, the Dominican dialogues did [not produce any successful outcomes](#), as the Maduro regime blamed the opposition for leveraging external pressures, such as the United States and Colombia, to sabotage the process.

### **NORWAY-MEDIATED TALKS (MAY-JUNE 2019, IN OSLO) AND IN BARBADOS TALKS (JULY 2019-PRESENT)**

On January 23, 2019, Venezuela began a new era in its history as the head of the National Assembly, Juan Guaidó, assumed the role of interim president of Venezuela as authorized by [Articles 233, 333, and 350 of the Venezuelan Constitution](#). Since then, [over 54 countries](#) have recognized the new interim administration. On [April 30, 2019](#), Interim President Guaidó and his supporters launched "Operation Liberty," a nationwide protest that called for members of the military to defect from the regime. "Operation Liberty" was not successful in forcing a transition, despite some high-level officers defecting or fleeing the country; however, these events catalyzed further negotiations between Maduro and the opposition, now under the regvanized leadership of Guaidó.

Guaidó and Maduro sent delegations to [engage formally](#) for the first time in Oslo in late-spring of 2019. With a ramped-up [sanctions regime](#), the stalemate after the attempted uprising, and concerns for unity among Maduro's coalition, both sides saw reasons to participate in mediation. Guaidó's representatives called for restoring democracy via a transition government and subsequent free and fair elections. Yet, no agreements were solidified through the Norwegian mediation process. However, the Norwegian-led talks continued in Barbados in July of 2019. Tensions arose early due to [Maduro arresting members of Guaidó's security detail](#) during the failed April 30 putsch. As of now, the Maduro regime has not been willing to accept the proposals set forth by the Guaidó government, which reflect the positions of the Lima Group and resolutions from the Organization of American States (OAS), nor has it offered a comprehensive proposal of its own. Ultimately, these [talks would fizzle](#) after the Maduro regime skipped the last round of the talks in Barbados. Maduro would further exploit the suspension of talks to negotiate with several smaller factions of the [opposition](#).

## **THE ROLE OF DISSIDENT CHAVISTAS IN VENEZUELA**

Looking beyond the current deadlock between Maduro and the interim administration, a successful transition to democracy must involve efforts to construct a broader coalition of actors, who desire a stable and prosperous Venezuelan epoch beyond Maduro. Those managing the effort to achieve a transition should not hesitate to include other actors, including anti-Maduro (dissident) *chavistas* who are disgusted with the Maduro regime and who wish for a return to political and economic stability.

### **DEFINING CHAVISMO**

*Chavismo* comes from Hugo Chávez, a former military officer who won Venezuela's presidential elections in [1998](#). Chávez first came to the political scene when attempting an unsuccessful *coups d'état* in 1992, with more than [85 deaths](#) and [50 wounded](#) as a result. Chávez was convicted for treason and served two years in jail awaiting trial before President Rafael Caldera pardoned him. Despite his failed coup, Chávez's popularity continued to rise, in part due to social discontent generated by Venezuela's poor economic performance and corruption and an intense populist campaign of incendiary and divisive rhetoric. He was elected initially in [December 6, 1998](#) and succeeded in having his Bolivarian constitution adopted on [December](#)

5, 1999. Following a failed coup against him in 2002, widely seen as supported by the United States, Chávez progressively dismantled democratic institutions and moved decisively toward an authoritarian regime, one which was dominated by active and retired military officers, avowedly socialist, and persistently corrupt.

**Social reforms** like Plan Bolívar 2000 and the Bolivarian Missions provided health, food, job training, and recreation services that are widely popular and represent the core of what *chavismo* means to the most ardent *chavistas*. A recent Venezuelan National Public Opinion **survey** shows around 30 percent of the population identifies with *chavismo*. Without including *chavistas*, restoring democracy to Venezuela will be that much more difficult and so will the task of sustaining and consolidating that democracy. That being said, Venezuela's rebuilding process will require sound economic policies that enable private enterprise, embrace free markets, and protect individual rights—policies that *chavismo* still contests.

*Chavismo* enjoyed a prosperity boom between 2007 to 2012. With the price of oil averaging \$100/barrel and borrowing about \$70 billion from international markets, the Chávez regime was able to expand public expenditure, creating a consumption boom that was increasingly satisfied by imports. As analysts **explain** the good times did not last long. By 2012-2013, the signs of a crumbling model had become apparent. A prolonged economic depression has ensued since then.

Chávez died in early 2013, before the negative economic impact was apparent. Nicolás Maduro, named by Chávez as his successor, won a contested presidential election months later. Despite the change of leader, *chavismo* and the Maduro regime share the same economic and political policy roots.

Although Maduro is former president Hugo Chávez's hand-picked successor in Venezuela, a growing number of *chavistas* are growing dissatisfied with his leadership. Even in the contested 2018 election, where major opposition leaders were blocked from participating and the state tilted the playing field in Maduro's direction, the United Socialist Party of Venezuela (PSUV)—Maduro's party—lost 6 percent of its votes, partially to a growing anti-Maduro *chavista* movement called **Somos Venezuela** ("We are Venezuela"). Among the groups who could help restore Venezuela's democracy, some are *chavista*, including ex-*chavistas* and

democratically-leaning *chavistas* (democratic *chavistas*). A challenge, given historical transitions around the world is finding ways that Guaidó and other democratic forces will be able to convince victims of the Maduro regime and Venezuelans suffering from the effects of the current crisis to accept any elements or adherents of *chavismo*, official or unofficial, as part of a transition.

Some *chavistas* can be critical in facilitating and executing the steps needed for the "day after" in Venezuela. The inclusion of *chavistas* can help a transitional government achieve governability, including with the establishment of a **disarmament, demobilization, and reintegration process** of all armed militias to promote peace and stability. *Colectivos*, most of which today are groups of armed pro-government supporters who are tolerated or supported by the authorities, need to be disarmed if any are to continue to operate in a post-Maduro scenario. Some of the *colectivos* pre-dated Chavez but have been expanded and armed over the past two decades. These groups thrive most under fragile states, as seen in Venezuela, and it is in their interest to maintain a rickety situation hostile to stability.<sup>2</sup> The role of *chavistas* who understand and have influence over *colectivos* could be critical to achieve stabilization peacefully, helping to ensure disarmament of those forces. Neither the opposition nor the U.S. government can agree to the continued existence of armed militias, so engaging *chavistas* in the dismantling of these groups is crucial for stability during reconstruction.

Dismantling the *colectivos* could be even more difficult if the Revolutionary Armed Forces (FARC) dissidents respond to a recent **call to arms, join up with the National Liberation Army (ELN) and other groups**. Maduro's offering of sanctuary in Venezuela to these groups further complicates efforts to move toward a political accord in Venezuela. In response to these recent developments, Colombia has already successfully **obtained a vote to invoke the Rio Treaty** (also known as TIAR, Spanish acronym for Inter-American Treaty of Reciprocal Assistance). Initially, the countries have agreed upon sanctions against Venezuela.

#### **16 OF THE 19 STATES PARTY TO THE RIO TREATY**

Sixteen Western Hemisphere nations voted on September 23 to employ the Inter-American Treaty of Reciprocal Assistance (a 1947 pact known as the Rio Treaty) to impose sanctions against Maduro, accusing his regime of criminal activity including drug trafficking and money laundering.



**NICOLÁS MADURO**

*Decisionmakers*



**JUAN GUIDÓ**  
*Interim President*



**CILIA FLORES**  
*Maduro's First Lady*



**TAREK WILLIAM SAAB**  
*Prosecutor General of Venezuela*



**DIOSDADO CABELLO**  
*Maduro's Armed Forces*



**CARLOS VECCHIO**  
*U.S. Ambassador*



**GUSTAVO TARRE**  
*OAS Ambassador*



**DELCY RODRÍGUEZ**  
*Maduro's Vice President*



**JORGE RODRÍGUEZ**  
*Vice President under Chávez*



**VLADIMIR PADRINO LÓPEZ**  
*Maduro's Minister of Defense*



**LEOPOLDO LOPEZ**  
*General Commissioner for the Interim Government*



**JULIO BORGES**  
*Presidential Commissioner for Foreign Relations*



**HÉCTOR RODRÍGUEZ**  
*Governor of Miranda*



**TARECK EL AISSAMI**  
*Former Vice President; Minister of Industries & National Production*



**MAIKEL MORENO**  
*Maduro's Chief Justice*



**HENRY RAMOS ALLUP**  
*Acción Democrática*



**STALIN GONZÁLEZ**  
*Un Nuevo Tiempo*

**RAFAEL LACAVA**  
*Governor of Carabobo*

*Non-aligned & Independent Opposition Groups in Venezuela*

**CHAVISTAS**

- Chavez Family*
- Ex-Chavistas*
- Democratic Chavistas*

**ORGANIZED GROUPS**

- Boston Group*
- Movimiento 4F*

**PRIVATE SECTOR  
CATHOLIC CHURCH**

- NGOS**
- DIASPORA**
- ACADEMIA**
- THINK TANKS**
- ADVISORS**

*Other Political Opposition Groups*



**MARIA CORINA MACHADO**  
*Vente Venezuela*



**DIEGO ARRIA**  
*Former UN Ambassador*

**ANTONIO LEDEZMA**  
*Allianza Bravo Pueblo*

**HENRI FALCON**  
*Avanzada Progresista*

**ANDRÉS VELÁSQUEZ**  
*Primero Justicia*

**HENRIQUE CAPRILES**  
*Primero Justicia*

## TRANSITIONAL JUSTICE AND RECONCILIATION

Accountability must be present in a transition from Venezuela's current regime—which has a [documented](#) history of massive human rights violations—and past crimes within Venezuela must be dealt with fairly. To mitigate the politicization of justice, [international assistance and credibility](#) will be crucial to ensure that reconciliation accompanies the transition and that Venezuelans feel confident the country is establishing the rule of law. Re-establishing the social contract in Venezuela means that the transitional justice process will disallow absolute impunity or broad amnesty. To fall short on these objectives will jeopardize the trust and belief in a constructive transition.

Beyond those squarely aligned with the opposition, the interim administration must find ways to reconcile and unify all Venezuelans, including *chavistas*.<sup>3</sup> Constructing an effective transitional justice system will require that truth is assured to the victims. The most effective systems have been those where international involvement has been present. Venezuela's transitional justice would be uniquely challenging but can benefit from the lessons of other international truth commissions, as in El Salvador, and national truth commissions, as in Chile, Argentina, Uruguay, and Guatemala, as well as others in Africa and elsewhere. Truth commissions themselves are important to victims and to educating the society at large. However they are only one part of a transitional justice process where the objectives are both justice and reconciliation. And those processes are acceptable only when they are part of a political accord that the population trusts will achieve new or reformed democratic institutions that guarantee no repetition of the violations of human rights.

[Objective facilitators](#) are needed for successful transitional justice. Venezuela can look to its neighbor Colombia for lessons-learned, including on implementing a victim-centered transitional justice mechanism. With the [Declaration of Principles signed in 2014](#), the Colombian process prioritized victims' participation in designing justice and implementing transparency. The process in Colombia, despite criticism, is aimed at assuring an end to a conflict that produced 200,000 deaths. It offers incentives for offenders to cooperate by telling the truth, confessing to their crimes, relinquishing illicit assets, and supporting reparations to heal victims in exchange for reduced sentences. All of these tenets of transitional justice, paralleled by reforming and guaranteeing an independent judicial system, can bring forth genuine reconciliation within Venezuela.

## ELECTIONS: LAYING OUT CONDITIONS

A political accord that achieves an end to the repression of an illegitimate Maduro regime inevitably means that Venezuela will have to confront the challenge of hosting free and fair elections as a key element of that transition. It also will have to incorporate international norms and guarantees to be accepted by the citizens of Venezuela and recognized as legitimate by the international community. As previously noted, Guaidó's administration has already outlined in its negotiating stance the conditions needed for hosting subsequent presidential elections in Venezuela. Such demands include the replacement of the National Electoral Council (CNE) with an objective and independent electoral authority. The current council has been plagued with a [history of voter suppression](#) in Venezuela and is complicit in [legitimizing the fraudulent 2018 presidential results](#) that granted Maduro victory. Guaidó's [proposed election authority](#) will require the support and oversight of international and regional organizations, such as the United Nations and the Organization of American States (OAS), and will be charged with organizing the necessary logistics and infrastructure to hold elections for a new, legitimate president.

An impartial supreme court, and an electoral chamber that has oversight responsibilities over the CNE, will be needed, given the [rigging](#) of the current judicial structure by Maduro loyalists. The interim administration will be tasked with creating a new voter registry that replaces the [CNE-controlled list](#) and is inclusive of new voters and members of the Venezuelan diaspora. To ensure accountability, the registration process for voting should be audited by the international community. Additionally, Venezuela will need to accept international humanitarian aid, nullifying the political manipulation that derives from Maduro's weaponization of food resources through the [CLAP program](#).

Hosting free and fair elections will be a major challenge for Venezuela and the international community. Even if Maduro leaves power and the conditions mentioned previously are met, the military, police, and judicial institutions would have to have agreed to recognize and abide by the provisions of the transition. Media also would have to be guaranteed the freedom to operate without interference and guarantees incorporated to assure equal access to competing parties. Maduro's alliance with Russia merits concern for [potential Russian interference](#), and, as noted earlier, armed *colectivos* would need to be dismantled to ensure voter security. Upon overcoming these obstacles, an interim administration and the new government following fair and free elections then will have before it the essential and monumental work of

[reconstruction](#), including stabilization efforts, rebuilding institutions, diversification for long-term economic development, providing transitional justice, and facilitating the return of the Venezuelan diaspora.

## TRACK II DIPLOMACY AND ITS APPLICABILITY IN VENEZUELA

### WHAT IS TRACK II DIPLOMACY?

It's an unofficial informal interaction between members of adversary groups or nations that aims to develop strategies, influence public opinion, and organize human and material resources in ways that might help resolve their conflict.

### TRACK II DIPLOMACY IN NORTHERN IRELAND

The Northern Ireland conflict is a useful case study in the effectiveness of Track II diplomacy. Funded by the European Union, the [Glencree Centre for Peace and Reconciliation](#) was founded to provide a space for parties to meet and resource solutions to the violent conflict in Northern Ireland. Through reducing threat perception amongst the various parties, and translating solutions proposed during dialogue sessions at Glencree, the [Good Friday Agreement](#) was made possible.

Venezuela's collapse is unprecedented. In fact, experts have noted that, "Venezuela's fall is the single largest economic collapse outside of war in at least 45 years."<sup>4</sup> Unprecedented solutions will be needed to restore stability and any semblance of prosperity in Venezuela. After the failure of various attempts at Track I diplomacy—formal negotiations and mediations—it becomes appropriate and necessary to look toward Venezuelans working outside formal government structures for innovative solutions aimed at making genuine progress in Venezuela. A Track II diplomatic effort holds potential to bring together marginalized voices within the Venezuelan political context, engaging them to air their own concerns and provide new perspectives on ways out of the crisis. Gathering diverse actors in Venezuela could help generate innovative solutions that otherwise would not be possible in a formal negotiation process.

There are examples of successful Track II diplomacy initiatives. In South Africa, for example, Track II convenings were successful in emphasizing South African national identity over racial identity, lowering threat perception amongst adversaries, and increasing consensus to negotiate.<sup>5</sup> Track II initiatives in South Africa engaged white South Africans who sympathized with the dissidents of apartheid

and racial inequity. The inclusion of white South Africans in the struggle against apartheid was a critical factor in shifting the power against the Afrikaners and achieving a post-apartheid South Africa. In Central America, the Ford Foundation led and funded a Track II initiative called the International Commission for Central American Recovery and Development. Bringing together thought-leaders, scholars, and former officials, the commission put forth a series of recommendations related to demobilization, post-conflict reconstruction, and economic recovery that were incorporated into Track I peace negotiations in the region.<sup>6</sup>

Track II diplomacy efforts are not always successful and have their limitations in the extent that they can influence policy, negotiations, and the decision-making process writ large. The biggest challenge that Track II efforts confront is that they possess [limited political power](#), and without a coherent strategy to link the results of an initiative to the formal process, such efforts can be ineffective. Track II diplomacy initiatives can prove [troublesome to coordinate](#), and their overall process to contribute solutions may prove to be time-consuming in relation to the urgency of the immediate crisis.

However where they can involve a range of views on how to address national issues, including those from former chavistas and anti-regime Chavistas, they can help convey what a post transition Venezuela could look like. Reaching consensus on thematic issues that affect lives; from water, sanitation, electricity to hospitals and schools to environment, food production and refugee resettlement could lay the ground by building trust for the tougher questions. Those issues of political transition, transitional justice, economic reform and democratic institutions could build on agreements reached in less sensitive areas. The key always is to widen participation beyond the formal political leaders to encompass voices not usually heard at the negotiating table; women, students, seniors, labor, campesinos and microentrepreneurs. Once there are agreed upon options they would be shared with formal political leaders.

The human rights abuses committed by the Maduro regime have caused emotional and traumatic suffering to many victims, which makes sitting down with the leaders of that regime hard to swallow. However, a Track II diplomacy initiative could hold the potential to positively address the issues in dispute and identify paths forward that could enable the formal holders of power to see a way toward an internationally overseen transition.

## CONCLUSION

Nicolas Maduro is more isolated diplomatically and economically now than ever before. That being said, the

existing external and internal pressures have not been enough to convince Maduro and his inner circle to negotiate their exit as part of a transition. Despite numerous efforts, especially after imposing various sanctions on Venezuela, there is an urgent need to build a comprehensive strategy that includes an exit ramp for Maduro's illegitimate government. Through the engagement of *chavistas* who oppose Maduro, an independent transitional justice mechanism, and the potential applicability of a Track II diplomacy initiative, the roadmap to transition could be accelerated. However, every one of the steps along that path is fraught with complexity and requires a clear vision of the ultimate goal: a restoration of full democratic constitutional norms and the rule of law within Venezuela. ■

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### **Jorge Rodríguez**

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