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INTERNATIONAL SUPPORT FOR VENEZUELAN DEMOCRACY PROCESS: The role of the European Union*

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Venezuela is undergoing a triple crisis: economic, political and humanitarian. At what stage is the conflict, and how do we draw a roadmap towards a democratic way out?

Venezuela has also become a source of instability for the whole of Latin America and of confrontation for the major international actors.

The European Union is taking a middle way: applying selective sanctions without using general coercive measures, and promoting humanitarian aid.

Spain, for its part, shies away from unilateral measures and advocates negotiation with a broad base.

For the whole of Latin America, Venezuela has become source of an instability that spills across regional borders and affects relations between the leading powers. The Venezuelan crisis entered a new phase when Nicolás Maduro was sworn in for his second presidential term on January 10th 2019 after being declared the winner of the elections held on May 20th of the previous year. Much of the international community disputed the result and refused to recognise it. Days later, Juan Guaidó, appointed president of the National Assembly (the highest parliamentary body, which is controlled by the opposition), proclaimed himself interim president of the republic, invoking article 233 of the constitution, which grants powers to such a president in a power vacuum. Immediately, the United States, the Organization of American States (OAS) and a significant number of continental American countries that make up the Lima Group recognised Guaidó's authority. In the weeks that followed, almost 60 countries around the world took the same path, including most of the European Union.

The broad international support for Guaidó, however, failed to change the de facto situation and, a year and a half after his proclamation, has not achieved the objective of unseating Maduro and initiating a democratic transition. Despite attempts to break the unity

of the groups backing the government, the government bloc has remained undivided and the army remains on Maduro's side. Some have called the impossibility of either party finding a solution and prevailing over the other the "catastrophic tie" – a dead end that can only deepen the tragedy in which most Venezuelans still in the country live, as well as many of those who fled to neighbouring countries. The effects of the COVID-19 pandemic have only worsened this.

The positions taken by some of the regional and extra-regional actors so far seem to be more part of the problem than of the solution and doubts are raised about the effectiveness of the strategies pursued. US President Donald Trump has taken a hard line on the Maduro regime, increasing unilateral sanctions in an

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attempt to stifle it financially. As a strategy for exerting pressure he even put a price on the head of Nicolás Maduro himself, accusing him of drug trafficking: \$15 million for information that leads to his detention. Days later, in March 2020, the State Department's Special Representative for Venezuela, Elliot Abrams, proposed a transitional government composed of Chavistas and non-Chavistas, from which both Nicolás Maduro and Juan Guaidó would be excluded in order to organise free elections. This position was confirmed by Secretary of State Mike Pompeo, who declared Washington's willingness to withdraw the sanctions they had just finished tightening if the transition plan was accepted.

On the other side, Vladimir Putin's Russia continues to support Maduro and has become a strategic partner for his government by helping him bypass the US oil blockade. However, Putin is also seeking to protect the interests of Rosneft, a Russian oil company threatened by US sanctions, and has acquired the company's assets in Venezuela through a Russian state oil company. China, meanwhile, maintains ties with the Maduro government, albeit with a lower political profile. It aims to ensure that the loans granted to Venezuela during the years of high crude oil prices are paid back – likely to take decades given the collapse of the market and the fall in production. Iran has also become a strong ally. Shipping millions of barrels of petrol both helps ease Venezuela's shortage and gives Iranian President Hasan Rouhani a way to further escalate the confron-

tation with Washington, which also imposes sanctions on his country.

The European Union takes a middle road: on the one hand, it recognises Guaidó as president in charge of leading a democratic transition but at the same time promotes negotiations via the multilateral diplomacy of the International Contact Group (ICG). Although the European Union has imposed selective sanctions against specific figures in the Maduro government, Brussels has refrained from tightening the coercive multilateral measures and gave support to the mediation process sponsored by Norway in 2019. Once this stalled, it became necessary to start discussing the best route for international accompaniment to find a democratic way out of the conflict, and how to react to the unilateral actions of the Trump administration and the escalation of the confrontation with Maduro's defenders. The COVID-19 crisis has increased the urgency of addressing the situation of millions of displaced persons and its effects on the people still in the country, where the health system has collapsed. Spain supports the concerted action of the ICG, but at the same time distances itself from unilateral measures and advocates broad-based negotiation. Alongside the European

Union, Spain also co-organised the May 2020 donors conference, which sought to respond to the humanitarian crisis. This *Nota Internacional* seeks to analyse where we are and what factors should be taken into consideration to draw a roadmap capable of finding a democratic way out of a conflict that has divided the region.

The state of the crisis in Venezuela: sharing diagnoses

The country is experiencing a triple crisis: an *economic crisis* that has got worse in the recent years of Maduro's rule; a *political crisis*, the epitome of which is the institutional confrontation between the legislative body led by Juan Guaidó and the executive led by Nicolás Maduro, which de facto controls most of the state apparatus; and a *humanitarian crisis* that overlays all this, has caused the exodus of millions of Venezuelans and can only be worsened by the arrival of the coronavirus to wreak havoc in a country that lacks basic medical supplies. According to the 2018 survey by ENCOVI, 87% of households in Venezuela were already categorised as poor. The 2020 ENCOVI survey finds that 96% of households live in poverty and 79% in extreme poverty, which in the latter case means that the income received is insufficient to cover the food basket. It is thus not difficult to imagine the devastation coronavirus could cause in Venezuela. The Human Rights Watch report of May 26th 2020 warns that the broken health system

cannot handle the pandemic – it even lacks full access to water and disinfectants – and called on the international community to provide emergency assistance just days before the donor conference convened by the European Union and Spain with the sponsorship of several United Nations agencies.

With inflation of 9,500% in 2019, according to the government's own figures (somewhat down on previous years), hardly any foreign exchange reserves, a shortage of basic goods of around 70% and a GDP contraction of over 15% per year since 2016, the chances of recovery are remote – all the more so given the fall in oil prices caused by economic slowdown due to the coronavirus crisis. At the current juncture, the crisis appears to have neither floor nor ceiling. The devaluation of the Venezuelan currency has resulted in effective dollarisation thanks to remittances arriving from abroad. This government-tolerated dollarisation is a way to maintain political power through minor mitigations and to overcome obstacles to accessing the international market for a private sector that barely exists anymore. However, the economic crisis that the pandemic has brought has impacted the employment of expatriates and thus remittance flows. At least half of the population has no access to foreign currency and depends on food from local supply and production committees (CLAPs, in their Spanish initials), which are also unable to cover basic food needs. Hence, new ways have emerged of surviving in Venezuela – informal economic activity and the smuggling of gold, petrol and weapons are feeding some of the elites.

Economic instability combines with a crime rate that is among the world's highest due to the proliferation of weapons, the impunity of criminals, and the state's inability to control either the monopoly on violence or high rates of corruption. According to the **Annual Violence Report 2019** published by the Venezuelan Violence Observatory (OVV) there were at least 16,506 violent deaths in 2019 – a rate of 60.3 violent deaths per 100,000 inhabitants, far higher than other violent countries in Latin America. Added to this, Venezuela's location in a transit zone for drug and arms trafficking between production and consumption markets – towards the United States through Central America and towards Europe via the Caribbean and West Africa – has made Venezuela a black spot for transnational crime.

The effects of the COVID-19 crisis have caused oil prices to fall to historic lows, making the country's financial situation even more difficult – it has no other way of earning the income lost. Oil production remains at

very low levels and some will be used to pay off debts with China and Russia, while another part will go compensate Cuba for medical services. According to July 2020 data from the Organization of the Petroleum Exporting Countries (OPEC), production in Venezuela in June was around 393,000 barrels per day (bpd), lower than the 573,000 bpd of the previous month and 52% below the average of 821,000 bpd in the first quarter, **the lowest since February 1943.**

Lack of liquidity is not helped by the impossibility of seeking help on the financial markets due to the high risk rating prompted by the state's bankruptcy. Having spending decades criticising the IMF, in March 2020 Maduro applied for a \$5 billion loan to the health sector via the Rapid Financing Instrument, but the fact that

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many IMF member states do not recognise his legitimacy meant his application fell on deaf ears. This request may be read as both an attempt to gain breathing space in a desperate situation and as a way to shift responsibility for the effects of the crisis to international institutions and the sanctions in force against his government and the state-owned company *Petróleos de Venezuela, S.A. (PDVSA)*.

The confluence of political, economic and humanitarian crises has spilled over borders and is creating instability, especially in neighbouring countries like Colombia and Brazil, which have been affected by uncontrolled Venezuelan emigration. The worsening living that caused the exodus of up to 5 million Venezuelans may be made even more tragic by the coronavirus crisis. According to the government's statistics, infection numbers are unusually low compared to the surrounding countries, but the lack of effective testing may mean the situation becomes overwhelming. This pressing situation has led some, like the UN High Commissioner for Human Rights, Michelle Bachelet, to raise the need to loosen existing sanctions in light of the pandemic. China has already begun sending emergency aid: the first shipment arrived on March 19th and the second ten days later and contained rapid testing kits, respirators, defibrillators, masks, suits and other protective equipment, as well as antivirals, sedatives and other treatments.

The European Union has been involved. After the COVID-19 crisis broke out, the EU and Spain organ-

ised the May 2020 **Donors Conference** where promises to mobilise resources of over €2.5 billion were made. This aid – some in the form of grants and some loans – is aimed mainly at countries hosting Venezuelan migrants, although it also seeks to alleviate the internal situation through humanitarian aid agencies, which requires a pact with the Venezuelan government. The good news is that Maduro and Guaidó have reached an **agreement** for the Pan American Health Organization (PAHO) to lead the fight against the consequences of COVID-19.

En el bloque gubernamental, el control de facto del poder y de los recursos, que aún proporciona el Estado para las élites chavistas y sus socios, tiene un efecto de cohesión que ni la oposición ni las presiones externas han conseguido romper.

The internal political situation

Despite the climate of polarisation in the country, the composition of the two opposing blocs is not homogeneous. Rather, it is a complex framework in which a balance of power is not easy to achieve. In the government bloc, the de facto control of power and resources that the state still provides for the Chavista elites and their partners has a cohesive effect that neither the opposition nor external pressure have managed to break.

In December 2015, when the Chavistas failed to win the legislative elections for the first time and the opposition won an absolute majority of seats in the National Assembly, a phase of institutional breakdown began that led to the country rapidly shifting from the competitive authoritarianism of the Hugo Chávez era to anti-democratic authoritarianism. Already-weakened rule of law was violated by a manifest breach of National Assembly powers by the executive with the complicity of the Supreme Tribunal of Justice (TSJ). First, the court annulled the election of three opposition members before declaring the National Assembly to be in contempt for accepting the swearing-in of the barred members. In response, in early 2016, the opposition began a recall referendum process to remove Maduro and obtained 1.3 million signatures, only for the National Electoral Council (CNE) to block the process.

In March 2017, the TSJ tried to close and supplant the National Assembly, provoking massive opposition protests countered by Chavista demonstrations that caused more than 90 deaths according to official sources (the opposition counts 50 more). In the midst of the conflict, Maduro launched the convening of a Constituent Assembly through a process that the opposition

contested as unconstitutional and which elected 545 co-opted members from social organisations and local bodies affiliated with the regime. Smartic, the company in charge of the electronic voting system, condemned manipulations in the voting figures, something the CNE denied. The Constituent Assembly assumed powers over all other state organs, thereby usurping the legislative powers of the National Assembly.

This Constituent Assembly brought the presidential elections forward from December to May 2018 and, to convince the opposition to participate in the presiden-

tial elections the government began a dialogue via an international support group, sponsored by the president of the Dominican Republic, Danilo Medina, and the former president of the Spanish government, José Luis Rodríguez Zapatero, with the support of observer countries (Chile and Mexico for the opposition, plus Nicaragua, Bolivia and Saint Vincent and the Grenadines for the government), as well as election

observer missions from the Caribbean and the African Union. Just as the talks were reaching an initial agreement, the CNE disqualified the main opposition parties and the dialogue stopped. Most of the opposition called for the elections to be boycotted and the observers from the United Nations, European Union and OAS all stayed away. These elections, and their lack of recognition by much of the international community, are the basis for questioning Maduro's legitimacy and explain Guaidó's recognition as president-elect by almost 60 countries.

The armed forces have been accumulating power throughout this process, and they are not a homogeneous conglomerate either. The civil-military alliance hailed by Maduro consists of a network of interests that control the different forces that make up the government, but the army's importance is fundamental. Between the National Army and the National Guard, it has approximately 250,000 troops. Then there is the National Bolivarian Militia, a non-regular but armed contingent of reservists that, according to the government, has as many as 6 million members. On January 30th 2020, the National Constituent Assembly approved a new Constitutional Law of the Bolivarian Armed Forces that included the militias as a "special component" of the National Bolivarian Armed Forces that would act as a shock force in the event of a national emergency.

Different elements also compete within the army. The two most prominent figures are Diosdado Cabello, president of the National Constituent Assembly since June 2018, and who represents the most radical wing, and the defence minister, Vladimir Padrino. Cabello controls many of the army's mid-ranking officials and, indirectly, also pulls the strings of the National Bolivarian Intelligence Service (SEBIN). This has come to

play a key role in dismantling any sign of internal dissent and intimidating the opposition through arrests, interrogations and disappearances. The United States accuses Cabello of drug trafficking and leading the so-called “Cartel de los Soles” and, as with other Chavista leaders, has offered a reward for his capture. The other strongman, Vladimir Padrino, manages the army’s leadership and has been accumulating power in the Maduro executive, including control of broad economic sectors such as food distribution and industrial and pharmaceutical production. He is also involved in the exploitation of the Orinoco mining arc’s gold, diamond and coltan mines.

However, the armed forces do not control the oil company *Petróleos de Venezuela, S.A. (PDVSA)*, which is currently bankrupt, with production capacity at record lows and squeezed by the US blockade. Nevertheless, PDVSA remains one of the few instruments for obtaining external financing and the fight over its presidency highlights the problematic balances of power. In April 2020 Manuel Quevedo, a Cabello ally, was replaced by Tareck El Aissami, who is closer to Maduro, as minister of energy and president of the oil company, in a rebalancing of power related to the closer ties with Iran. Maduro’s personal security is not in the hands of the armed forces either, but rather of his own security circle, formed of a number of Cuban intelligence agents and growing numbers of Iranian agents.

Another strong nucleus of power is the United Socialist Party of Venezuela (PSUV) created by Hugo Chávez to merge different leftist movements under his leadership. The political arm of Chavism, it is unwilling to drop Maduro, who after all is Chávez’s heir. The PSUV’s mandate is to lead the transition from capitalism to socialism and for this purpose it has a structure of cells that extend throughout the country, particularly in working-class neighbourhoods and communities, and it manages the entire apparatus of clientelism and social control through the basic food packages provided by the CLAPs and the Homeland Card (*Carnet de la Patria*).

The power control network is complemented by the communes created in 2010 by the Organic Law of Communes. While they are not elected bodies, they have priority over state governments and municipalities in the transfer of resources and are attributed with the mission of building a socialist state. Members of these communes make up the majority of seats in the National Constituent Assembly. Decisions within them are made through direct democracy mechanisms that in practice work to ensure tight control of allegiance to the regime, with most of the leaders being PSUV activists.

The government’s absolute institutional control includes the Supreme Tribunal, the National Electoral Council and the state prosecutor’s office, through which Maduro blocks the powers of the National Assembly. This is how he was able to dismantle the attempted recall referendum and block the participation of the main opposition leaders through disqualification or imprisonment. As well as the best-known cases such as that of Leopoldo López, the report published by the United Nations High Commissioner for Human Rights on July 4th 2019 denounced the existence of hundreds of political prisoners in Venezuela. The report states

El informe del Alto Comisionado de las Naciones Unidas para los Derechos Humanos, publicado el 4 de julio de 2019, denunció la existencia de centenares de presos políticos en Venezuela.

that in recent years the system of institutional control of executive power has been dismantled and serious human rights violations have repeatedly been permitted. It says that “civil and military forces have allegedly been responsible for arbitrary detentions; ill-treatment and torture of people critical of the Government and their relatives; sexual and gender-based violence in detention and during visits; and excessive use of force during demonstrations”.

On January 5th 2020, the next assault began on the only opposition stronghold, the National Assembly chaired by Juan Guaidó. The Chavista minority, along with factions of the opposition co-opted using perks, attempted to name a new president without the minimum quorum. Meanwhile, in parallel, the majority of opposition members re-elected Juan Guaidó as president of the chamber in an act outside the parliament building. Global support for Guaidó was decisive, and he embarked on an international tour on which he received the backing of the European Union, Canada and the United States. But as we approach the end of the National Assembly’s mandate and the parliamentary elections scheduled for December 2020, the predicament of a cornered opposition becomes increasingly unsustainable.

For decades, the Chavista government has managed to divide the opposition, confronting it with the dilemma of whether or not to stand for election in conditions of inequality. If they do not stand, all the space is left for the Chavistas; if they agree to fight the electoral battle, they legitimise the fraud. This is what happened in the last presidential elections, which a small section of the opposition participated in, while the majority opted for a boycott that most of the electorate supported. The opposition struggles to maintain unity, being a very heterogeneous amalgam that ranges from a dis-

sident Chavism of the left all the way to the far right, via social democrats and liberals. The Chavistas know these differences well and exploit them to fragment the dialogue. So, while the negotiations sponsored by Norway, which proposed a new presidential election, were breaking down, parallel negotiations began with a minority of the opposition to hold parliamentary elections in December 2020. Maduro intends to use them to legitimise his presidency and remove the base of Guaidó's support. COVID-19's emergence has altered the calendar and worsened the humanitarian crisis, but it has not changed Maduro's plans to stay

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in power. The TSJ's penultimate manoeuvre is a sign of this: the leaders of the main opposition parties were suspended, with figures close to the regime appointed in their place. In June 2020, Acción Democrática and Primero Justicia were decapitated and on July 7th it was the turn of Voluntad Popular, to which Juan Guaidó belongs. According to the TSJ, the new leadership was permitted to use the Voluntad Popular name and logo in the next parliamentary elections, ensuring their participation in the December elections and that the new composition of the National Assembly would be totally submissive to the executive, as it was in Chávez's time.

Sanctions as an instrument of international response

The global community's response to the institutional deterioration described has been uneven and has been divided between those who continue to support Maduro's Chavista regime and those backing Guaidó to lead a transition back towards democracy. The United States, the European Union and Canada have all chosen to apply sanctions of diverse scope against the Maduro government. These were increased in January 2019 when Juan Guaidó proclaimed himself president-elect, questioning Maduro's legitimacy. US sanctions were imposed as early as 2006 but were intensified after the repression of opposition protests that led President Barack Obama to sign the Venezuela Defense of Human Rights and Civil Society Act in 2014. This brought sanctions against Chavista officials accused of human rights violations. After Trump entered the White House in 2017, the US Treasury Department increased sanctions on figures close to Maduro, such as the then

vice-president of Venezuela, Tareck El Aissami, linking him to drug trafficking. On February 28th 2018 the US Senate passed a resolution urging Maduro to immediately release political prisoners and offering humanitarian aid in the form of food and medicine. In May, the Treasury Department announced sanctions against the president and other members of the TSJ, accusing them of trying to supersede the authority of the National Assembly.

In June 2017, citing human rights violations and serious attacks on democracy, the US ambassador to the UN, Nikki Haley, called for multilateral "actions" against Venezuela, but no Security Council resolution was achieved. In July, the Treasury Department announced sanctions against 13 more officials and ordered the families of its diplomatic staff to leave Venezuela. As early as 2018, an executive order prohibited US and foreign citizens from making transactions using any digital currency issued by or for the Venezuelan government within US territory. The Specially Designated Nationals and Blocked Persons List was then extended, and a new round of personal sanctions was implemented that included Maduro's wife.

On January 25th 2019, following Juan Guaidó's self-proclamation as interim president of Venezuela, Executive Order 13857 increased the pressure and, on January 28th the US State and Treasury Departments cancelled all oil purchase orders from PDVSA and transferred control of its US subsidiary CITGO and Venezuelan state bank accounts in its territory to the Guaidó government. In August 2019, a new presidential order froze the property and assets of the Maduro regime and prohibited any individual or company from assisting government officials. These sanctions, approved in August 2019, have extraterritorial effects that could affect companies and governments that do business with the Venezuelan regime, including those of China and Russia. The sanctions' approval gave Maduro an excuse to abandon the negotiations with the opposition that began with Norwegian mediation.

Washington has remained unresponsive to international attempts at mediation and negotiation. It has prioritised bilateral meetings with Russia and China and even made a failed attempt to hold secret negotiations with the Maduro government in March 2019. Paradoxically, in that same period, Trump was not ruling out military intervention, although he never had the backing of the Pentagon, neighbouring countries or the European Union, much less the Security Council, where Russian and Chinese vetoes stymie any decision against Maduro. With direct armed intervention unviable and the hawkish John Bolton removed as National Security Adviser a shift has occurred in Washington's

discourse. On March 31st 2020, the State Department presented the aforementioned **Democratic Transition Framework for Venezuela**, which includes some forms of incentive for the Venezuelan government, such as the lifting of sanctions.

The European Union's sanctions against the Nicolás Maduro government consist of an arms embargo and financial and visa restrictions against certain members of the government. On November 13th 2013, the EU Council unanimously approved the first selective sanctions against seven individuals from the Maduro government and an arms embargo in response to the massive wave of repression against opposition demonstrations that ended with more than 140 deaths. The list of sanctioned individuals was expanded over the following two years and in November 2019 included 25 members of the regime. On June 29th 2020 the Council of the European Union added 11 members of the Nicolás Maduro regime to its sanctioned list, bringing the total number of people subject to sanctions to 36. In their **communiqué** they were directly linked to the attacks on the powers of the National Assembly and in particular "stripping the parliamentary immunity of several members of its members, not least its president, Juan Guaidó". Maduro reacted by threatening to expel the EU's representative in Venezuela, but ultimately he did not.

The European Union uses the arms embargo and selective sanctions to condemn the regime's repression, but does not contemplate implementing other generic sanctioning measures. From 2016 to 2019, the Council of the EU issued eight statements on Venezuela, all of them included a call for dialogue, the peaceful resolution of the conflict and an electoral solution; first they supported mediation by three former presidents and, later, Norway.

Brussels does not demand Maduro's resignation, but it does not recognise him. It asks for a process of negotiation to find a peaceful way for the government and the opposition to call free and democratic elections. Recourse to sanctions is seen as an instrument of pressure and their lifting is subject to the establishment of "**the holding of credible and meaningful negotiations, the respect for democratic institutions, the adoption of a full electoral calendar and the liberation of all political prisoners**". Following the recognition of Juan Guaidó as interim president, the EU created a diplomatic initiative, the International Contact Group (ICG), to explore the possibility of a negotiated solution to the conflict while supporting Norway's attempts at mediation through the Oslo process, and established a dialogue with the Lima Group.

In January 2020, the new commission's High Representative for Foreign Affairs, Josep Borrell, hosted Juan Guaidó in Brussels and offered his support for a peaceful transition. On April 3rd, on behalf of the European Union, Borrell reiterated that "**sustainable way out of the Venezuelan crisis can only be achieved through a genuine and inclusive political process that leads to free and fair presidential elections**". At the same time, he welcomed the proposed transition framework formulated by the United States to work towards a peaceful solution and urged the parties to the conflict to participate in a mediation process to which the EU was

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willing to contribute through the ICG. The last council resolution of June 30th 2020 also said that the European Union "**will continue working to foster a peaceful democratic solution in Venezuela, through inclusive and credible legislative elections**". However, by referring to legislative but not presidential election, it seems to have tacitly given up on the Trump administration's transition plan, which proposed an interim government to convene presidential and legislative elections.

The dilemmas of the negotiation processes

Since the riots broke out after the controversial elections that brought Maduro his first term, none of the various negotiation attempts have paid off. In the summer of 2017, the immobility of the parties frustrated an attempt at mediation through a dialogue sponsored by three Latin American presidents and the Holy See. The Pope did not mediate directly, but expressed his discontent with the lack of progress and, since then, the Vatican has avoided participating in further mediation processes in Venezuela.

Before the 2018 presidential elections, another attempt at negotiation began in the Dominican Republic. With international criticism growing and sanctions tightening against members of the government as a result of the convening and establishment of the National Constituent Assembly, Maduro agreed to negotiations; the opposition attended in a weakened state due to their marginalisation in the previous municipal and gubernatorial elections. The aims of the negotiations were: the opening of a humanitarian channel to alleviate the crisis affecting the population; respect for the powers of the National Assembly; the release of political prisoners and the enabling of opposition leaders to participate in political activities; the restitution of the independence

of the judiciary and the National Electoral Council. While the talks were taking place, Maduro brought the presidential elections forward by almost eight months and disqualified the main parties from standing. He managed to get the majority of opponents to boycott the elections and convinced a minority group to stand in order to construct a competitive electoral facade.

Since Juan Guaidó's proclamation and his recognition by almost 60 countries, numerous calls for dialogue have been made. On January 30th 2019, Mexico and Uruguay, countries that did not recognise Guaidó, an-

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nounced an international conference on Venezuela to lay the foundations for a new dialogue mechanism with the inclusion of all Venezuelan forces. A day later, the then High Representative of the European Union, Federica Mogherini, announced the creation of the ICG, initially formed of eight European and four Latin American countries: Uruguay, France, Germany, Italy, the Netherlands, Portugal, the United Kingdom, Sweden, Spain, Ecuador, Costa Rica and Bolivia, which held its first meeting in Uruguay on February 7th 2019.

In spring 2019, it emerged that secret talks had begun in Oslo to lay the groundwork for a new dialogue. On July 9th 2019 negotiations began in Barbados and included representatives of both Nicolás Maduro and Juan Guaidó. The demands were basically the same as in the previous negotiations, except for Maduro calling for US sanctions to be lifted. However, in August Washington toughened the sanctions and Maduro left the table in Barbados table in favour of a *mesita* ("small table") with a minority section of the opposition with whom he began to negotiate not a presidential election, but a parliamentary vote to replace the current National Assembly led by Guaidó. That would again leave most of the opposition facing the dilemma of agreeing to stand in a parliamentary election without guarantees, or of boycotting them and losing the only body in which they retained a presence. As on other occasions, the opposition was divided: a more radical sector refused to participate and asked the United States and the international community to put more pressure on the Maduro government, while another group considered it better to negotiate minimum conditions, believing that discrediting Maduro works in their favour, as was the case in the previous parliamentary elections. The question is knowing what those minimum conditions are.

The 13-point **Democratic Transition Framework for Venezuela**, which the United States proposed on March 31st 2019, contains some of the conditions negotiated in Barbados. A transitional government is proposed that excludes Nicolás Maduro and Juan Guaidó but includes representatives of all political forces to establish the conditions for holding free and fair elections. Introducing the project, Mike Pompeo said that, if all conditions were met, the sanctions could be lifted. The clauses include the restoration of all powers to the National Assembly and immunity for all its members; the release of political prisoners; the departure of the foreign security forces; the election of new members of the National Electoral Council and the TSJ being accepted by all parties holding 25% or more of the members of the National Assembly; the creation of a Council of State, which would be selected by the members of the National Assembly and include representatives of all parties, to become the executive power and assume all presidential powers. Thereafter, sanctions would be lifted and the international community would provide humanitarian, electoral, governance, development, security and economic support, with a particular focus on the healthcare system, and the water and electricity supply. The establishment of a Truth and Reconciliation Commission was proposed in order to investigate the serious acts of violence that have occurred since 1999 and, at the same time, approve an amnesty law consistent with Venezuela's international obligations, which would cover politically motivated crimes since 1999 but not crimes against humanity.

The Council of State would establish a date for presidential and National Assembly elections within six or 12 months with international observation. Meanwhile, during the transitional government, the military high command (defence minister, deputy defence minister, Commander of the Operational Strategic Command of the National Bolivarian Armed Forces [CEOFANB] and heads of service) and state and local authorities would remain in post. The OAS General Secretariat considered that the plan presented constituted a "**valid proposal for a path to end the usurping dictatorship and restore democracy in the country**". This plan, as we have noted, was initially well received by the European Union, although Brussels calls for negotiation and urges that measures be taken to alleviate the humanitarian crisis that has worsened with COVID-19. The disqualification of opposition leaders and the dismantling of their parties suggest Maduro is unlikely to make concessions soon. He seems more likely to continue his plan to dismantle the only pockets of political action that remain.

Facing the COVID-19 crisis

The outbreak of the coronavirus crisis has upturned priorities and today the main aim must be to alleviate the humanitarian crisis. But for the government and the opposition, the clock has not stopped and the political crisis remains in effect both domestically and internationally. Two episodes have contributed to raising the tension. On May 3rd Operation Gideon came to light: a maritime raid on the coast of La Guaira state by a group of armed Venezuelan dissidents in collusion with a US private security organisation aiming to infiltrate Venezuela from Colombia and kidnap Maduro, supposedly to take him to the United States. The attempt, which was quickly neutralised, resulted in several deaths, and Maduro was able to demonstrate his control of the territory while sowing doubts about the possible involvement of the United States and Guaidó himself, who claimed to have nothing to do with the failed operation, but admitted that someone involved had contacted him. This episode encouraged Maduro to condemn US interference, weakened the image of Guaidó and left new cracks in the opposition's unity of action, raising questions about the strategy of the most radical subgroup led by Leopoldo López of Voluntad Popular and María Corina Machado of the Vente Venezuela political movement. Those who prefer to engage in dialogue are looking to return to the negotiating table with international mediation.

The second episode is related to Venezuela's stronger relations with Iran. After the Russian oil company Rosneft halted its activities in Venezuela to avoid US sanctions, Iran seems to have become a new lifeline. As well as providing technicians to repair some refineries, Tehran has sent **five shiploads of petrol** to Venezuela to ease the fuel shortage the country is suffering due to the US embargo. The episode has been accompanied by escalating tensions between the United States and Iran, which has openly challenged US Fourth Fleet ships patrolling the Caribbean from their Florida base. Washington has threatened to increase sanctions on Iran. This confrontation and Maduro's belligerent attitude reduce the chances of a negotiated exit in line with the US plan.

On the other hand, the net around Guaidó has tightened. Venezuela's attorney general, Tarek William Saab, announced on April 2nd that **Juan Guaidó had been subpoenaed** to appear again before the public prosecutor in the context of the investigation into the ex-Venezuelan military officer Clíver Alcalá, accused by the United States Justice of complicity with drug trafficking. Alcalá fled to Colombia and surrendered to US authorities in order to testify against the Maduro government and its connections with drug trafficking. The Venezuelan

authorities, for their part, accuse Alcalá of plotting an alleged coup attempt against Nicolás Maduro that was hatched in Colombia. For the time being Juan Guaidó has not been arrested, but the request for his immunity to be lifted has been made and, if he is eventually taken into custody, the international community will be face with the dilemma of how to respond.

At a time when the pandemic has led voices that are usually critical of Maduro and his handling of human rights in the country, such as Michelle Bachelet and Josep Borrell, to support the granting of a humanitarian

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exception to the sanctions, an act like this would raise a moral dilemma about how to meet the needs of the people without being complicit with the regime. The new report by the United Nations High Commissioner for Human Rights in July 2020 again describes a situation of structural violence. This time it specifically denounces the inhumane conditions suffered by workers in the Orinoco mining arc, the subject of degrading treatment due to the passivity of the security forces and the inaction of the judicial apparatus.

The European Union roadmap: has it come too late?

The proclamation and recognition of Juan Guaidó – clearly coordinated between the Venezuelan opposition and the United States – took the European Union by surprise, as it was attempting to find a path towards rapprochement between the parties. Brussels felt obliged to recognise the interim president, which in practice meant severing diplomatic relations with the Maduro government. The ICG was therefore hobbled from the start in diplomatic terms. The ICG and the European Union supported the attempted mediation by the Norwegian government technical team between May and August 2019. On June 3rd 2019 a meeting was also held a meeting with the Lima Group at the United Nations headquarters, although nothing concrete emerged. The traditional path of interregional negotiation has been hampered by the fragmentation occurring in the region due to the Venezuelan conflict. The Community of Latin American and Caribbean States (CELAC), currently under a Mexican presidency *pro tempore*, has not been able to come up with a minimum agreement and, with the Union of South American Nations (UNASUR) defunct and the OAS more a battlefield than a forum for negotiation no other interregional negotiation body exists that brings together all the parties. In these circumstances, the most feasible route seems to be to encour-

age renewed technical mediation by Norway, with the support of the region's most neutral countries.

But these initiatives are unlikely to prosper if the parties are not offered incentives, and the situation of escalating sanctions involving external actors does not help. Pushing Maduro towards the radicalisation of his alliances may lead to a dead end. It will, therefore, be necessary to open up a channel for dialogue with these external allies. Russia is one, but so too is China, which, albeit more quietly, continues to support Maduro and is his largest creditor. And, of course, greater dialogue with the United States is necessary. Without it, the rapprochement that has taken place over the transition proposal will be unable to be turned into support for consistent negotiation in which lifting of sanctions accompanies the transition process. It seems unlikely that Donald Trump will moderate his discourse in the thick of a re-election campaign, but there is room to move forward with less radical diplomatic sectors, as the transition plan proposal shows.

There are also limitations to the humanitarian route. At the beginning of the political crisis, Brussels offered a humanitarian aid package that was rejected by Maduro as an act of interference, just as it was in the case of the United States after USAID trucks attempted to enter Venezuela from Colombia at Cúcuta. In 2019 the EU, together with the UN Refugee Agency (UNHCR) and the International Organization for Migration (IOM), convened an International Donors Conference in solidarity with the more than 4 million Venezuelan migrants in neighbouring countries. Subsequently, in May 2020, the European Union and Spain held the abovementioned donor summit from which the promise emerged of mobilising resources of over €2.5 billion. At this conference, which brought together 40 countries and international organisations, Washington promised to contribute \$200 million to the emergency plan. Although it is a joint commitment, each state will decide how and to whom its aid will be directed. The donations will be channelled through the neighbouring states' governments, which will be in charge of negotiating with the different donors. In this process, the important thing is to respect transparency and international coordination. The presence of the United States at the donor conference is a positive step towards the multilateralisation of the response to the conflict.

One of the greatest difficulties is getting aid into Venezuela without it being politicised or diverted. Initially, the initiative was not well received by Maduro, who used a statement from the foreign ministry to describe it as a "fraudulent spectacle organized by a group of governments, self-proclaimed donors, led by the European Union, which aims to deceive the international community in order to legitimise their continued interventionist actions". The politicisation of humanitarian aid was an initial error that humanitarian agencies condemned at

the time. However, the announcement by the Maduro government and Guaidó that they would trust the PAHO to distribute the humanitarian aid makes it possible to hope that the pandemic crisis may become an opportunity to use multilateral means to depoliticise humanitarian assistance. To do this, Maduro will need to be convinced that it will not be used for other purposes and that equitable access for those most in need will be guaranteed.

Despite arriving late to a long-standing crisis, the European Union must draw up a road map with clear principles to stick to in order to respond to forthcoming events.

First, worsening the division between the parties should be avoided, and efforts must be made to convince them that there can be no winner if there are losers and that negotiation and respect for plurality are essential ingredients. That is not easy on either side, but especially on Maduro's, which has the strength of the army behind it.

Secondly, it should be clear that the sanctions policy alone is not effective if it is not accompanied by a framework of incentives to bring the parties to the table. That will mean preparing a plan to support the country's reconstruction that has domestic capacity and international support.

Third, alongside these positive incentives and aside from the sanctions, some negative incentives must be created to combat the crime that some elements of the regime benefit from, which means establishing a mechanism for monitoring illegal financial operations. This would be more effective than the embargoes and less damaging to the population.

Fourth, to be credible, the negotiations must include all relevant actors with no exceptions. Lessons should be learned from the negotiations of the Colombian peace accord. The two cases are very different but one component in particular should be carried over: looking to the future. The Colombian negotiations featured not only conversations about peace but also how to rebuild the country in order to move from confrontation to living life together. An abyss exists between the two sides in Venezuela that the most radicalised elements take advantage of. It is necessary to work with civil society to restore dialogue and include it in the debate on the democratic reconstruction process. Including more actors would make it harder for Maduro to habitually get up and leave the negotiating table once his objectives of dividing the opposition have been achieved. This involves difficult work at all levels, meaning rapprochement must be achieved by means that have been greatly damaged by the Chavista system of social control. But the demonstrations that the opposition has held show that space does indeed exist outside the control of the state's apparatus.

Fifth, another central aspect is human rights. Political prisoners must not become currency to be exchanged. Their release should be a non-negotiable prerequisite. Impunity in the exercise of violence has left Venezuela with some of the highest levels of crime in the world. A possible political amnesty must be decoupled from that of ordinary prisoners. A plan for controlling the weapons currently in the hands of criminal gangs should also be considered.

Sixth, it is not necessary to start from scratch. The Oslo process has already outlined the necessary requirements for producing the conditions for regular elections. What is needed now is to negotiate how to convince those who now hold de facto power to share it, and to generate a clear image of what the day after will look like for the population as a whole.

Finally, given the precedents, Brussels must consider how it will react to any actions by Maduro that exacerbate the situation, such as the arrest and imprisonment of Guaidó or the calling – already mooted – of National Assembly elections without guarantees, and excluding the opposition. The European Union must have predictive capacity, monitoring events daily using reliable and plural sources in order to have an adequate response ready that is based on the evolution of the conflict rather than having to react to *faits accomplis* as has been the case in the past.

Recent events show that Maduro is prepared to use the army's support to remain in power. His priority is to end internal opposition. The international can be dealt with when the mess at home has been cleared up and when the unknown factor of the US presidential elections is resolved. At the moment he relies on loyal allies who enable him to weather the situation and, barring armed intervention, no external pressure will make him change his mind. This does not mean that it does not affect him, but it will not be decisive unless there is a credible alternative within the country. Re-establishing regional dialogue rather than digging trenches is also important, bridges must be built to establish minimum consensus on democracy and human rights at a critical time due to the multidimensional crisis that has only just begun. CELAC must again become an instrument of interregional dialogue that allows everyone to sit around one table: today it is not. Meanwhile, a new International Contact Group should be convened that includes representatives of regional organisations and all countries that declare themselves willing to support a negotiated transition process.