



Venezuela: What Lies Ahead after Election Clinches Maduro's Clean Sweep

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Principal Findings

What's new? After years of political turmoil, elections for Venezuela's National Assembly ended in a predictable victory for President Nicolás Maduro. Mainstream opposition parties boycotted the poll and, alongside the U.S. and Latin American and European countries, accuse the government of rigging the elections.

Why does it matter? Elimination of the opposition majority in parliament will greatly complicate efforts to resolve the standoff with the government. The boycott split the opposition, and dwindling support for its leader Juan Guaidó raises questions about who might face the government in future negotiations.

What should be done? The opposition should affirm that it backs a negotiated settlement, disavowing the government's violent overthrow. To usher in talks, Maduro should release political prisoners and rein in the secret police, while the incoming U.S. administration should reconsider sanctions that cause humanitarian harm and seek multilateral solutions to the crisis.

Executive Summary

The 6 December parliamentary elections marked yet another setback in efforts to forge a peaceful settlement to the country's political conflict. The mainstream opposition led by outgoing parliamentary head Juan Guaidó boycotted the poll on the grounds that it was neither free nor fair. After the victory of President Nicolás Maduro's ruling party, the opposition's legislative mandate will expire on 5 January. From that moment on, it will be absent from parliament and every other Venezuelan elected institution, barring a few local and regional governments where its position is tenuous. Many of the nearly 60 countries that support Guaidó, including the U.S., as well as most of the EU and Venezuela's neighbours, have indicated they do not accept the electoral results. Although the two sides are deadlocked and full-scale negotiations premature, partial agreements between them – especially on humanitarian issues – more flexibility by foreign powers, and clear guarantees for both sides might still point to a way out of Venezuela's crisis.

Coming after Guaidó's two-year campaign to overthrow Maduro, the standoff looks set to hinder resolution of the country's protracted political crisis, which is the root cause of its economic collapse and the humanitarian emergency that has forced over five million Venezuelans to emigrate. Maduro has completed a clean sweep of the country's institutions, following five years in which the opposition-controlled parliament – although prevented from exercising its functions – provided space to contest the government. In the new, expanded National Assembly, legislators aligned with the government will hold 257 of the 277 seats.

In response, the opposition leadership has mostly backed Guaidó's decision to insist on the existing parliament's legitimacy until free elections are held. But this attempt to extend the assembly's lease on life will be vulnerable to state intimidation. Guaidó himself could be forced to choose between being prosecuted and joining most of his close collaborators outside the country, potentially giving rise to some form of government in exile.

At the same time, the opposition is once again splitting into factions: a handful of smaller opposition parties (including some that are mere government appendages) participated in the elections and will have a few seats in the new parliament. Other elements favour further negotiations with the Maduro government to improve conditions for future elections, including regional polls in 2021, a possible recall referendum in 2022 and the presidential vote set for 2024. Yet other elements hope for foreign military intervention. An exiled political leadership will inevitably find itself increasingly divorced from, and probably at odds with, those left behind. As a result of these internal divisions, the question of who represents the opposition in any potential negotiation will be harder to answer.

Even so, the proven failure of the "maximum pressure" policy, applied by the Trump administration and the Guaidó-led opposition in a bid to oust Maduro, coupled with the arrival of a new U.S. administration, offers an opportunity to overhaul the strategy and restructure Venezuela's opposition. The incoming Biden administration could opt for a more flexible policy with multilateral backing and might consider lifting the sanctions that cause the greatest humanitarian harm. Indeed, and despite

winning the elections, the Maduro government faces a deepening socio-economic disaster made worse by COVID-19; is in dire need of economic and financial relief; and has strong incentives to negotiate a relaxation of U.S. sanctions. Whether it will be willing to consider any concession that loosens its hold on power will be the key question.

Government and opposition are leagues apart at present, and any attempt to return immediately to full-scale negotiations would likely flounder. But the seeming intractability of the main dispute should not preclude the two sides from reaching partial agreements in the interim. Steps to alleviate human suffering, under UN auspices, are an obvious place to start, including lifting U.S. sanctions that can be proven to cause humanitarian harm. The government for its part should immediately release all political prisoners and disband the repressive FAES secret police. Outside actors who support Guaidó can help by seizing the opportunity of a new U.S. administration to coordinate their positions, dropping the demand that Maduro must step down before initial elements of a transition can proceed.

Most important, government and opposition should adjust their zero-sum thinking in line with political reality: the government needs to accept that the crisis will not end without a free and fair election, while the opposition needs to accept that this contest will be possible only when both sides have received credible guarantees that the loser will be protected from majoritarian abuses. It would be best to hammer out these guarantees as part of a process of comprehensive, internationally backed negotiations. If such negotiations are to take place, the opposition will have to reunite around a policy that commands popular support, and the government will have to recognise it as a valid interlocutor.

Venezuela's prospects after the 6 December elections may appear dim, but the country's beleaguered citizenry deserves much better than inaction born of despair.

Caracas/Bogotá/Brussels, 21 December 2020

Venezuela: What Lies Ahead after Election Clinches Maduro's Clean Sweep

I. Introduction

The triumph of Nicolás Maduro's ruling party in the 6 December elections for Venezuela's National Assembly completes the president's step-by-step takeover of the country's major political institutions. Faced with a sweeping opposition victory in the 2015 legislative elections that threatened his hold on power, he had the outgoing parliament pack the Supreme Court with unconditional loyalists, then used it to declare null and void all decisions taken by the new National Assembly. As a substitute, in 2017 he convened a National Constituent Assembly through an election that the opposition boycotted; this rival assembly never produced a new constitution and is now to be wound up.¹ Earlier in 2020, the Supreme Court appointed a new board for the National Electoral Council, the body in charge of running the nation's elections, arguing that parliament had failed to fulfil its duty to do so.² The majority of members on the electoral board are close to the government.

This report surveys the political and diplomatic landscape following the latest electoral exercise in Venezuela. It is based on dozens of interviews over the course of 2020 with Maduro government figures, dissident members of the *chavista* movement that the president inherited from the late Hugo Chávez, opposition politicians, diplomats, aid workers and independent experts, as well as Crisis Group's years of engagement with all the actors in Venezuela's tragic story. Building on past Crisis Group work, it concludes with some recommendations for how the government and opposition can get back to the comprehensive negotiations that are the only peaceful path forward for the country.

¹ "Herman Escarrá confirma que funciones de la ANC terminan el 30 de diciembre", *Tal Cual*, 7 December 2020.

² "Relato de cómo en 9 días cambió el plano electoral", *Provea*, 15 June 2020.

II. One-sided Elections

In light of the circumstances, the results of the 6 December elections were hardly surprising. The main government party and its allies won 257 of the 277 seats. Non-government parties, which failed to unite around a single ticket, obtained around 30 per cent of the vote, and a non-proportional voting system left them with just 20 seats, 7 per cent of the total, and a largely symbolic presence in the new parliament.³ The election authority put turnout at 31.5 per cent, although opposition observers claimed it was much lower.⁴ The mainstream opposition led by Juan Guaidó, president of the current National Assembly, whose five-year mandate ends on 5 January 2021, refused to take part, calling the elections a sham. The U.S., EU member states and many other nations – nearly 60 of which recognise Guaidó as Venezuela's legitimate president – share the view that the poll was neither free nor fair.⁵ Among the most important reported flaws in the process are:

- ❑ The National Electoral Council was appointed by the government-controlled Supreme Court, not by parliament as the constitution stipulates. It is not an autonomous body.⁶
- ❑ The council had already denied most opposition parties registration and the Supreme Court handed control of some parties to minority factions willing to play by government-imposed rules.⁷
- ❑ The election regulations (changed less than six months prior to the elections, in violation of the constitution) guaranteed the over-representation of the largest party, the ruling United Socialist Part of Venezuela (PSUV).⁸
- ❑ In defiance of the constitution, the government increased the number of legislators from 167 to 277; forty-eight “national” deputies were not directly elected but chosen from party lists based on the aggregate of votes cast at state level; indigenous deputies were not chosen by universal secret ballot.⁹

³ See electoral results on the website of Venezuela's electoral authority, the Consejo Nacional Electoral.

⁴ “Observatorio contra el Fraude: ‘80% de los venezolanos le dijo no al fraude’”, *El Estímulo*, 6 December 2020.

⁵ For a breakdown of how Venezuela's foreign allies classify Guaidó, see David Smilde, “Degrees of Diplomatic Recognition”, Washington Office on Latin America, 15 October 2020.

⁶ A council rector, Rafael Simón Jiménez, admitted in a press interview that its decisions were “pre-cooked” in talks between the government and the small minority parties it deals with in lieu of the mainstream opposition. Víctor Amaya, “Rafael Simón Jiménez dice que el CNE recibe el mandato hecho desde la ‘mesita’”, *Tal Cual*, 13 July 2020. On the understanding between the government and minority parties, see Phil Gunson, “Maduro Finds a ‘New Opposition’ to Negotiate With”, Crisis Group Commentary, 19 September 2019.

⁷ “Misión de Estudio IDEA-UCAB sobre las condiciones del proceso electoral parlamentario 2020 en Venezuela”, International IDEA, 6 November 2020.

⁸ Article 298 of the constitution forbids changes to electoral law within six months of an election. Héctor Antolínez, “CNE volvió a violar la Constitución y cambió el acompañamiento electoral por una ‘veeduría’”, *Crónica Uno*, 4 November 2020.

⁹ “El CNE continúa violando la Constitución”, Observatorio Electoral Venezolano, 1 August 2020. In his 13 July interview with *Tal Cual*, Jiménez acknowledged that the criteria for increasing the number of assembly members were “not mathematical [but] political”. Amaya, *op. cit.*

The mainstream opposition's refusal to take part deprived Guaidó's "interim government" of the chance to renew its slender constitutional claim to legitimacy, which now hinges primarily on international recognition.¹⁰ The net effect is to further complicate efforts to achieve a peaceful settlement between the sides, restore legitimate state rule and address the humanitarian emergency that has led more than one in six Venezuelans to leave the country.¹¹

Maduro can fairly be said to have won – for now – the political feud that began in January 2019, when Guaidó first challenged his claim to the presidency. This, despite the fact that the parties that support the opposition leader say they will continue to recognise the "interim government", pending genuinely free elections.¹² In a bid to obtain some form of renewed mandate, they held a consultative referendum, conducted largely online from 7-12 December, although the process was fraught with difficulties.¹³ Claiming that almost 6.5 million people took part, at home and abroad, Guaidó called it a "fundamental step" toward the reorganisation of the opposition movement and called for mass, nationwide demonstrations on 5 January to support the current parliament's continuity, in defiance of the Maduro government.¹⁴

Within the mainstream opposition coalition, whose nucleus is the G4 group of parties that held most seats in the outgoing parliament, there are rumblings of discontent with Guaidó's leadership and strategy. A splinter movement led by former presidential candidate Henrique Capriles of Primero Justicia (who came close to beating Maduro in the 2013 election) and Stalin González of Un Nuevo Tiempo sought and failed to win better election conditions, and ultimately pulled out.¹⁵ But the split

¹⁰ The claim is based on Article 233 of the constitution as well as the argument that Maduro's May 2018 re-election was fraudulent. The mainstream opposition thus asserts that the presidency became vacant when Maduro's first term expired on 10 January 2019. The article states that the National Assembly president takes temporary charge of the government, pending a fresh election, in the event that the president is absent on the day he or she is to be sworn in.

¹¹ "Venezuelan Humanitarian and Refugee Crisis", Center for Disaster Philanthropy, 9 November 2020.

¹² "27 partidos políticos reafirmaron ratificación de Guaidó como presidente de la AN y encargado de Venezuela", statement, National Assembly, 9 December 2020. On 7 September, 37 parties had signed up to a unity pact (Pacto Unitario por la Libertad y las Elecciones Libres) in support of Guaidó's strategy.

¹³ The "consultation", which the opposition says is binding, asked voters (both at home and abroad) whether they 1) demand an end to Maduro's "usurpation" of the presidency, followed by free, fair and verifiable elections; 2) reject the 6 December elections and call on the international community not to recognise them; and 3) enjoin the opposition leadership to ask the international community to help restore democracy, attend to the humanitarian crisis and protect Venezuelans from crimes against humanity. Voters cast physical ballots only on the last day of voting. Héctor Antolínez, "Asamblea Nacional aprobó en sesión ordinaria las nuevas preguntas para la Consulta Popular", *Crónica Uno*, 19 November 2020.

¹⁴ "Juan Guaidó convocó a una movilización popular el 5 de enero en apoyo a la Asamblea Nacional", *Infobae*, 13 December 2020.

¹⁵ Talks between the Capriles-González group and the Maduro government led to a pardon for 110 opposition activists, including some prominent political prisoners. Alonso Moleiro, "Los indultos de Maduro agitan el debate de la oposición de cara a las elecciones en Venezuela", *El País*, 2 September 2020. EU High Representative Josep Borrell added his weight to the talks, holding out the possibility of an EU election observation mission if the parties agreed to postpone the poll for several months and hold it under better conditions. Following a late September visit by a high-level EU dele-

put further strain on a movement that has lost much of the impetus it gained in 2019. Primero Justicia proposed a rotating leadership, without success.¹⁶

gation, however, Borrell abandoned the effort and Capriles confirmed that he would not be presenting candidates. "UE descarta enviar observadores a votación en Venezuela el 6 de diciembre", Reuters, 7 October 2020.

¹⁶ Crisis Group virtual interview, opposition legislators, Caracas, 17 October 2020. Juan Carlos Caldera, a party leader, confirmed the Primero Justicia proposal in a 29 October interview with journalist Vladimir Villegas, who broke the story. "Vladimir a la Carta con Juan Carlos Caldera, de Primero Justicia", video, YouTube, 29 October 2020.

III. The Road Ahead for Government and Opposition

A. *A Survival Strategy under Sanctions and COVID-19*

Even before the December elections assured him total control over almost all the country's institutions, the coronavirus pandemic had been relatively kind to Maduro. As soon as the government publicly acknowledged the first Venezuelan case of COVID-19, on 13 March, the president put lockdown measures in place, clearing the streets just as Guaidó was beginning a fresh protest campaign.¹⁷

The increasingly authoritarian government restricted movement to contain contagion, but it also clamped down further on press freedom and centralised power to a greater extent.¹⁸ The repressive nature of Maduro's rule is documented in reports from the UN high commissioner for human rights and a UN Human Rights Council fact-finding mission.¹⁹ In December, the International Criminal Court's prosecutor reported that she saw a "reasonable basis" to believe Venezuelan civilian authorities, members of the armed forces and pro-government individuals had committed crimes against humanity. The prosecutor's office is completing its "preliminary examination" into allegations and will likely decide in 2021 whether to pursue a full investigation.²⁰ Particularly notable among these accusations is the use of uniformed and non-uniformed security forces and para-police units for the persecution of dissidents, with methods such as forced disappearances, torture and extrajudicial executions. For certain officers, the pandemic has brought more opportunities to extract bribes and hide misdeeds.²¹

It is true that the government has faced an unprecedented socio-economic collapse, made worse by U.S. sanctions and the pandemic. By 2018, prior to the sectoral sanctions imposed by Washington, GDP had already fallen from over \$200 billion in 2013 to around \$80 billion.²² By 2019's end, the economy was already more than two thirds smaller than it was when Maduro came to power in 2013.²³ Sanctions, coming on top of a sustained decline in production of oil and derivatives, have particularly exacerbated the acute shortage of fuel, curtailing even essential travel and crippling the

¹⁷ Andrés Cañizález, "La pandemia no debilitó a Maduro", *El Estímulo*, 14 October 2020.

¹⁸ Journalists and health workers who have questioned the government's account of the pandemic's spread in Venezuela have been harassed and even prosecuted. "Venezuela: A Police State Lashes Out Amid Covid-19", Human Rights Watch, 28 August 2020; "La disciplina del miedo: Detenciones arbitrarias y asesinatos en protestas en los 6 primeros meses del estado de alarma en Venezuela", *Provea*, 11 November 2020.

¹⁹ "Report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela", UN Human Rights Council, 45th Session, 14 September-2 October 2020.

²⁰ "Informe sobre las actividades de examen preliminar 2020: Venezuela I", International Criminal Court, 14 December 2020; "ICC prosecutor sees 'reasonable basis' to believe Venezuela committed crimes against humanity", Reuters, 14 December 2020.

²¹ Reynaldo Mozo Zambrano, "Harina, antibacterial, dinero y gasolina, lo que exigen algunos policías en alcabalas", *Efecto Cocuyo*, 6 April 2020.

²² Santiago Pérez, "Venezuela's economic collapse explained in nine charts", *The Wall Street Journal*, 25 March 2019. Estimates of the value of Venezuela's GDP vary considerably due to the difficulties in establishing a reliable figure for the exchange rate between the bolívar and the U.S. dollar.

²³ "Perspectivas económicas para 2020: el análisis de Asdrúbal Oliveros, Luis Oliveros y Henkel García", *Sumarium*, 13 December 2019.

transport system.²⁴ Meanwhile, oil exports have plummeted, from a high of over three million barrels per day in the early 2000s to around 0.5 million barrels per day in recent months, and for the first time in 100 years a non-oil product – gold – is earning more export dollars than petroleum.²⁵ The sanctions also compel the government to operate largely in cash, and many foreign companies will not trade with Venezuela for fear of incurring secondary U.S. sanctions.

The socio-economic meltdown has had mixed political effects. It has made the government dependent on a few countries that are also sanctioned (like Iran) or the few countries that are willing to risk secondary U.S. sanctions (China and Russia). That said, it has also arguably helped the government crush organised opposition by forcing millions to emigrate and leaving most of the remainder dependent on state welfare.

Attributing the country's economic misery almost exclusively to the impact of the sanctions – or what he calls “the blockade” – Maduro has given clear signs as to how he intends to proceed in 2021.²⁶ One clue is provided by the Anti-Blockade Law, approved by the National Constituent Assembly on 8 October.²⁷ In essence, the law allows the government to waive any legal or regulatory restrictions it deems necessary to circumvent sanctions, as well as declaring any pertinent documents confidential. It empowers the authorities to modify the composition of joint ventures in which the state is a participant – bypassing laws introduced by Maduro's predecessor and mentor Hugo Chávez requiring it to maintain majority control – and waive restrictions on the export of minerals and other strategic goods, in order to stimulate investment.²⁸ All proceeds from these investments will go into a special fund operating outside the normal budgetary process and exempt from the supervision of parliament, even one dominated by the ruling PSUV party.²⁹

Approved without debate by the Constituent Assembly (itself elected amid great controversy, in 2017, and wholly occupied by pro-government loyalists), the law was condemned by a number of leading *chavistas*, including at least four assembly members.³⁰ Using the pretext of sanctions, the government's intent is to manage the

²⁴ Luis Oliveros, “Impacto de las Sanciones Financieras y Petroleras sobre la Economía Venezolana”, Washington Office on Latin America, October 2020.

²⁵ “Venezuela's oil exports fall to new low in October as clients walk away”, Reuters, 2 November 2020. Crisis Group interview, economist, Caracas, 14 October 2020.

²⁶ “Maduro desnuda la crisis económica: Venezuela perdió 99% de sus ingresos en divisas ‘por el bloqueo’”, *Banca y Negocios*, 29 September 2020.

²⁷ “Ley Constitucional Antibloqueo para el Desarrollo Nacional y la Garantía de los Derechos Humanos”, *Gaceta Oficial Extraordinaria*, 12 October 2020. The Constituent Assembly is to be wound up, without ever producing a new constitution, following the elections for the National Assembly. See fn 1.

²⁸ Maduro has called on China to take advantage of opportunities provided by the law in the energy sector (including petrochemicals), mining and tourism. “Maduro pide ayuda a China y le ofrece liderar nuevas inversiones en Venezuela”, EFE, 7 November 2020. And on 13 November, Vice President Delcy Rodríguez met in Moscow with Russian business leaders, apparently mainly from the energy sector, with the same aim. Nelson Bocaranda, “¿La antibloqueo?”, *Runrunes*, 18 November 2020.

²⁹ Juan Manuel Rafalli, “El insólito proyecto de Ley Antibloqueo”, *Provinci*, 7 October 2020.

³⁰ Luis Britto García, “Proyecto de Ley Antibloqueo”, *Aporrea*, 3 October 2020; Ronny Rodríguez Rosas, “Conozca lo que piensan corrientes del chavismo sobre la Ley Antibloqueo de Maduro”, *Efecto Cocuyo*, 7 October 2020. The undemocratic origin and practice of the Constituent Assembly

country's economy and finances at its own discretion and without oversight.³¹ While government's off-the-books spending practices go back to the Chávez era, the law appears destined to encourage greater corruption in both the public and private sectors. The only foreign investors or traders likely to be attracted by a regulatory framework of this nature are those already operating outside the bounds of international law or those protected by governments prepared to ignore sanctions. As the Maduro government loses its ability to obtain hard currency and sustain the level of imports the country requires, it is relying ever more heavily on allies that find themselves in similar circumstances or are willing to challenge the sanctions regime.

B. *Tensions in the Government Bloc*

On 20 October, Maduro announced his intention to have the new legislature approve a Communal Parliament Law, obliging it to seek the approval of the communes – a network of local committees set up by Chávez – for any measure it wants to pass.³² The communes, which Chávez envisaged as an eventual substitute for the “bourgeois state”, are dominated by the ruling party and operate outside the framework established in the 1999 constitution, eschewing secret ballots and overlapping with local government's conventional structures.³³ As some analysts point out, Maduro has frequently promised at election time to introduce the communal state, but never followed through.³⁴ Many communes languish forgotten or have simply disappeared, and the law – if eventually passed – may become a dead letter. Even so, by demanding that the new National Assembly subordinate itself to the communes' writ, the president is signalling that he will keep parliament in check.

A bigger question is whether – now that the immediate challenge from the opposition has faded – the strains within *chavismo* will resurface. Several of the minor parties that previously made up the pro-government coalition Gran Polo Patriótico broke with the PSUV ahead of the 6 December elections to form the Alianza Popular Revolucionaria. The government responded with Supreme Court rulings that snatched control of two of them – Patria para Todos and the Partido Tupamaro – and handed it to government loyalists. A third, the Partido Comunista de Venezuela, reported a visit by the secret police, or SEBIN, to one of its regional headquarters. Juan Barreto, a former pro-government mayor of greater Caracas, took his leftist movement REDES – which has not been allowed to register as a party – into an alliance with a former opposition presidential candidate, Claudio Fermín, and his party Soluciones.

These dissident organisations regard themselves as representing the legacy of the late President Chávez, in contrast to what they see as its betrayal by the Maduro gov-

is described in Crisis Group Latin America Briefing N°36, *Power without the People: Averting Venezuela's Breakdown*, 19 June 2017.

³¹ The pressure group Acceso a la Justicia calls the law “the greatest blow so far to the rule of law”. “‘Ley Antibloqueo’ de la irrita Constituyente en seis preguntas”, Acceso a la Justicia, 16 October 2020.

³² Pascal Fletcher, “Chávez ‘communes’ stoke Venezuela democracy debate”, Reuters, 15 July 2010.

³³ Margarita López Maya, “Socialismo y comunas en Venezuela”, *Nueva Sociedad*, no. 274 (March-April 2018). The principles of the communal state were included in Chávez's 2007 constitutional reform proposal, which the electorate narrowly rejected at referendum.

³⁴ “Sistema comunal: el comodín repetido de Maduro en las campañas electorales”, La Gran Aldea, 28 October 2020.

ernment, which in turn increasingly treats them as counter-revolutionaries. The Cuadrantes de Paz (or Cupaz), a recently formed para-police group, attacked an Alianza Popular Revolucionaria protest in central Caracas on 15 October, for instance.³⁵ In addition to complaints about corruption and the increasing privatisation and dollarisation of the economy, these left-wing critics of the government stress the breakdown of public services, hunger and disease – issues that lie behind an increasing number of demonstrations across the country. In the lead-up to the 6 December elections, such protests increased noticeably in areas formerly considered bastions of *chavismo*.³⁶

Fractures in the *chavista* ranks may become increasingly visible. Around 20 per cent of the electorate reportedly comprises Chávez supporters who are now disaffected, some because of the sharp drop in their standard of living, others because they regard the Maduro government as having betrayed core principles of *chavismo*, primarily through an increasingly brazen free-market economic policy but also through a lack of internal democracy and human rights violations.³⁷ At present, however, there is no national political figure capable of leading the dissidents, and without such a leader the discontent may remain largely latent.³⁸ Nor would dissenters necessarily behave as a coherent bloc.

C. *A Divided Opposition*

Following his assumption of the “interim presidency” in January 2019, Juan Guaidó succeeded in uniting most of the disparate currents that make up the Venezuelan opposition. The notable exception was the group of small parties that favour electoral participation whatever the conditions, and whose principal figure is former *chavista* state governor Henri Falcón of Avanzada Progresista.³⁹ But the successive failures associated with the “maximum pressure” strategy of Guaidó and the U.S., as well as the breakdown of the Norwegian-facilitated negotiating process (which the opposi-

³⁵ The aggressors wore the black uniforms and bulletproof vests of the Cupaz and carried pistols. They passed through police lines to attack the dissident group, though the police did eventually disperse them. Some on the left attribute the formation of the Cupaz to the government's loss of control over armed *colectivos* it previously relied on to enforce discipline in the *barrios*. Four *colectivos* were among those who convened the 15 October protest. Crisis Group interviews, dissident *chavistas*, Caracas, October 2020; “Red Autónoma de Comuneros denuncia hostigamiento de las CUPAZ y UTC (PSUV) contra militantes de izquierda”, *Aporrea*, 17 October 2020. See also Crisis Group Latin America Report N°78, *A Glut of Arms: Curbing the Threat to Venezuela from Violent Groups*, 20 February 2020.

³⁶ In September, protests reached a peak, with an average of 40 per day across the country. The Observatorio Venezolano de la Conflictividad Social noted in its monthly report that “[p]rotests in rural areas where *chavismo* was formerly the majority [political tendency]” stood out.

³⁷ Crisis Group interview, Venezuelan pollster, 11 November 2020.

³⁸ Unpublished qualitative study carried out by dissident *chavistas*, shared October 2020. Some potential leaders, such as Generals Raúl Baduel and Miguel Rodríguez Torres, remain in jail. Others, such as former Vice President Elías Jaua, have been careful not to confront the government openly.

³⁹ This group is often referred to as the “*mesita*” because it emerged as a “side table” to the Norwegian-sponsored talks of 2019. For an account of its origins, see Crisis Group Latin America Briefing N°41, *Peace in Venezuela: Is There Life after the Barbados Talks?*, 11 December 2019.

tion leadership declared “exhausted” in September 2019), prompted declining popularity and a reassertion of rival leaderships.⁴⁰ The challenge to Guaidó came to a head over the question of how to approach the end of the 2016-2021 parliamentary mandate and the December elections, particularly whether or not to insist on continuation of the current National Assembly and preservation of his own position as “interim president”.

Part of this challenge comes from hardline opposition factions intent on removing Maduro at any cost. María Corina Machado, whose faction (Soy Venezuela) favours foreign military intervention, rejected Guaidó's 19 August invitation to opposition leaders to sign a unity pact. She outlined her rejection of the idea of negotiations of any kind with the government and insistence on the use of force in an open letter shortly afterward.⁴¹ Guaidó's message in September to the UN General Assembly (which does not recognise his presidency) appeared aimed at placating her, by calling on member states and UN Secretary-General António Guterres to consider the application of the Responsibility to Protect (R2P) doctrine in Venezuela in view of the government's crimes against humanity that the UN fact-finding mission reported in September.⁴² But although Machado allies welcomed this call as long overdue, it falls short of what they demand.⁴³ Machado considers Guaidó erratic and insufficiently committed to a military solution.⁴⁴

On the opposition's other wing, the rift with moderates who favour negotiations to improve electoral conditions even if Maduro remains in power also shows no sign of healing. This tendency coalesced before the legislative elections around the figure of Henrique Capriles, the former presidential candidate who remains a member of the G4 party Primero Justicia.⁴⁵ Unlike the parties that eventually took part in the 6 December poll, this group is not prepared to participate regardless of electoral conditions, but its leaders argue that even a rigged election could be an opportunity to advance their cause.⁴⁶

There has been fierce internal debate over how, or even whether, to keep alive the current parliament in order to sustain the argument that its leader, Guaidó, is the

⁴⁰ Despite the decline, Guaidó remains the politician with the highest positive ratings, according to recent polls. Eugenio Martínez, “42% de los venezolanos valora positivamente a Guaidó”, *Efecto Cocuyo*, 24 November 2020.

⁴¹ “Carta pública de María Corina Machado al presidente interino Juan Guaidó”, *Vente Venezuela*, 29 August 2020.

⁴² “Guaidó reclamó a la ONU que restaure la soberanía y proteja al pueblo”, *El Mundo*, 24 September 2020.

⁴³ The Machado alliance's preferred option is what they call a “peace and stabilisation operation”. “María Corina propone el despliegue urgente de una Operación de Paz y Estabilización en Venezuela”, *Vente Venezuela*, 8 June 2020.

⁴⁴ As evidence, she cites his failure to have the assembly activate Article 187.11 of the constitution, which hardliners insist would allow him to invite in foreign troops. But this claim is controversial. The article in question grants parliament only the power to authorise the presence of foreign “military missions” in the country.

⁴⁵ Capriles' main ally, Stalin González, who occupied the second vice presidency of the outgoing National Assembly, resigned on 2 September from his party, *Un Nuevo Tiempo*, saying he respected but did not share their decision to boycott the poll.

⁴⁶ Félix Seijas Rodríguez, “What Venezuela's Henrique Capriles Really Wants”, *Americas Quarterly*, 2 October 2020.

legitimate president. Some in the leadership maintained that it should remain in session on the basis of “administrative continuity”, but this legal principle applies to the bureaucracy rather than to elected bodies or individuals.⁴⁷ Many opposition legislators also fear that they could be rounded up and jailed for impersonating a congressional deputy after 5 January.⁴⁸ The majority favours leaving in charge a skeleton assembly, known as a legislative commission, comprising just a score of members, perhaps separated in some way from the “interim government”.⁴⁹ Whatever the decision, there is a clear risk that those defying Maduro in this way may be jailed or driven abroad, leading to the establishment of a government in exile.

As for Guaidó himself, the future is likewise hedged with uncertainty. On 20 November, Maduro announced that he would ask the incoming National Assembly to set up a commission to investigate alleged corruption on Guaidó's part and prepare the ground for a “public trial”. It is a move that may be intended to force Guaidó to flee the country, although he himself and other opposition leaders insist that he means to remain in Venezuela.⁵⁰

⁴⁷ Claudia Nikken, “Reflexiones sobre la eventual continuidad institucional de la Asamblea Nacional”, Washington Office on Latin America, 18 August 2020.

⁴⁸ Article 213 of the Venezuelan penal code establishes a jail sentence of two to six months for anyone who performs the duties of a public official without the authority to do so. (“*Cualquiera que indebidamente asuma o ejerza funciones públicas civiles o militares, será castigado con prisión de dos a seis meses, y en la misma pena incurrirá todo funcionario público que siga ejerciéndolas después de ...*”.)

⁴⁹ Crisis Group telephone interview, opposition MP, 14 December 2020. The National Assembly has confirmed that it is moving toward the creation of such a commission. “Parlamento venezolano instaló Comisión Delegada y convoca a Sesión Extraordinaria para este #17D”, National Assembly, 16 December 2020.

⁵⁰ “Maduro propone un juicio público contra Juan Guaidó y diputados de la AN”, Analítica, 21 November 2020.

IV. Economic and Social Collapse

Even before the COVID-19 pandemic, Venezuela was suffering the most severe economic contraction in Latin American history, and one of the most catastrophic ever seen in a country not at war. The economy shrank by 65 per cent from 2013 to 2019, and by the end of 2020 will be just one fifth of the size it was when Maduro took power.⁵¹ Since late 2017 this depression has been combined with hyperinflation. The National Assembly puts accumulated inflation in January to October 2020 at over 1,799 per cent and the inter-annual rate at 3,332 per cent.⁵²

This decline has caused an alarming collapse of Venezuelans' living standards. The World Food Programme estimated in early 2020 that "one out of every three Venezuelans (32.3 per cent) is food-insecure and in need of assistance".⁵³ Three quarters of families surveyed had adopted "coping strategies", reducing the amount and variety of food they were consuming because of inadequate income. The Catholic charity Caritas reports that of every 100 children it is aiding, 59 show evidence of stunting as a result of malnutrition. "People have lost their resilience", says a senior NGO worker. "Many people are dying of hunger in their homes".⁵⁴

The government ceased providing reliable economic statistics several years ago. But a regular survey by the country's top universities found that at the beginning of 2020, over 96 per cent of Venezuelans were poor, with almost 80 per cent suffering extreme poverty.⁵⁵ Poverty in Venezuela, however, is not merely a function of income or the decline in GDP. It is multi-dimensional. In virtually every area of activity, the state has lost its ability to provide decent services. Before the pandemic hit, 50 per cent of homes were suffering daily power cuts and one quarter lacked cooking gas, forcing many people to cook with firewood. Water supplies were intermittent and of poor quality. In a country that has seen epidemics of everything from malaria and measles to diphtheria and dengue, 80 per cent of the primary health-care network was closed or inoperative by 2019, along with 70 per cent of hospital facilities. A weekly survey of public hospitals by the NGO Médicos por la Salud found that in 2019, 70 per cent had running water only once or twice per week, and around 50 per cent suffered frequent electricity outages. Only about half the country's operating theatres were functioning.⁵⁶

Although this dire and worsening situation has undoubtedly cost the government much public support, and sparked numerous protests, it has also provided authori-

⁵¹ Ibis León, "Qué esperar de la economía venezolana a final de año, según Asdrúbal Oliveros", *Efecto Cocuyo*, 31 July 2020.

⁵² "Índice Nacional de Precios al Consumidor de la Asamblea Nacional", Observatorio Venezolano de las Finanzas, October 2020.

⁵³ "Venezuela Food Security Assessment", World Food Programme, February 2020 (based on data collected between July and September 2019).

⁵⁴ Crisis Group interview, senior NGO worker, Caracas, 11 November 2020. In October 2020, two people in their seventies, a brother and sister, were found dead of malnutrition in their Caracas apartment. Daisy Galaviz, "Dos adultos mayores mueren por desnutrición en San Agustín", *El Pita-zo*, 29 October 2020.

⁵⁵ "Encuesta Nacional de Condiciones de Vida (Encovi) 2019", Universidad Católica Andrés Bello, 2020.

⁵⁶ "Encuesta Nacional de Hospitales 2019 – Balance Final", Médicos por la Salud, December 2019.

ties with an opportunity to extend dramatically the population's dependence on the few remaining elements of social provision. Among these, the CLAP system of food parcels, controlled by ruling-party offshoots, uniformed security forces or armed civilian *colectivos*, stands out.⁵⁷ The intersection of social provision and political control is also exemplified by the Patria welfare system, which requires beneficiaries to be in good standing with the authorities in order to obtain services.⁵⁸ Applicants must express support for government initiatives via questionnaires that invite the user's opinion, for example, on U.S. sanctions.⁵⁹

⁵⁷ The proportion of Venezuelans receiving food via the CLAP system rose from 88 per cent in 2018 to 92 per cent in 2019, according to the Encovi survey carried out by universities. The food is often poor in quality, however, and it arrives irregularly. "Encovi 2020: Venezuela es el país más pobre de América Latina y el perfil nutricional se asemeja a países de África", Provea, 8 July 2020.

⁵⁸ Described by a former *chavista* minister as a system of "blackmail", the Patria card employs Chinese technology to combine access to welfare benefits with social control. Angus Berwick, "How ZTE helps Venezuela create China-style social control", Reuters, 14 November 2018. Occupants of government housing are also required from time to time to take part in surveys that include questions about their political sympathies. They can lose their homes if the government suspects them of disloyalty. Roberto Lobo, "El régimen chavista mide su apoyo en una encuesta que pregunta si Nicolás Maduro es un 'salvador', un 'predestinado' o un 'estratega'", Infobae, 16 November 2020.

⁵⁹ "Más de 93% de los venezolanos apoya que la ANC apruebe Ley Antibloqueo", VTV, 4 October 2020.

V. The New International Landscape

Weariness with the Venezuelan crisis is palpable not only at the domestic level but also among foreign governments. The Organization of American States, whose secretary-general, Luis Almagro, is prone to declarations similar to those of the hardline opposition, has lost much of its relevance, particularly since the Maduro government formally withdrew from the regional body in April 2019. The Lima Group of Western Hemisphere nations, which follows Washington's lead in supporting Guaidó, continues to issue communiqués on the crisis it was founded to resolve, but its members are preoccupied with domestic politics and the coronavirus.⁶⁰ Venezuela figured in the U.S. elections – reflecting its importance to emigrés in the crucial swing state of Florida – but President Donald Trump's personal interest in the subject had waned when he sensed that quick victory over Maduro was not in the cards.⁶¹ The EU, however, and its International Contact Group – to which several Latin American and Caribbean nations belong – remain engaged, and there is no sign that Maduro's main external partners – Russia, China, Cuba and Iran – are thinking of withdrawing support.

A. *How Could Biden Change U.S. Venezuela Policy?*

Joe Biden's victory in the 3 November U.S. presidential election is set to lead to a significant shift in Washington's view of international relations. But the implications for Venezuela are as yet unclear. The campaign produced few specific commitments, while asserting that the core policy of restoring democracy to Venezuela would endure. That said, the Biden administration is likely to take a more multilateral tack and to abandon the "maximum pressure" doctrine; it certainly will not dabble with the idea of military intervention. "The U.S. should not be in the business of regime change", Biden has said.⁶² That could, among other things, open up the possibility of greater collaboration on Venezuela with the EU, which – along with the International Contact Group it set up in February 2019 – has opted for a less confrontational approach and eschewed both military action and economic sanctions.⁶³

Biden's position on Maduro is likely to be more flexible than the Trump team's. The latter insisted that the Venezuelan president step down as a condition for any genuine democratic transition. Biden may not regard Maduro's departure as a prerequisite for seriously engaging with Venezuela and taking steps regarding the bilateral relationship (such as alleviating sanctions).⁶⁴

⁶⁰ The original host nation, and the driving force behind the group, Peru, is experiencing extreme political turbulence, as well as one of the world's most severe outbreaks of COVID-19. On 9 November, parliament ousted President Martín Vizcarra; his successor was then forced to resign within days following mass protests. Franklin Briceño and Christine Armario, "Peru swears in new leader as political turmoil hits nation", Associated Press, 10 November 2020.

⁶¹ Karen DeYoung and Josh Dawsey, "With Maduro entrenched in Venezuela, Trump loses patience and interest in issue, officials say", *The Washington Post*, 19 June 2019.

⁶² "Joe Biden Answers 10 Questions on Latin America", *Americas Quarterly*, 4 March 2020.

⁶³ The Contact Group is co-chaired by the EU and Costa Rica and has members from both Europe and the Latin America and Caribbean region.

⁶⁴ Juan S. González, "Joe Biden and the Future of the Americas", *Americas Quarterly*, 28 July 2020. Those concerned about the impact of sectoral sanctions on ordinary Venezuelans often advocate

Among the most significant developments might be a renewed U.S. attempt to engage with Maduro's closest ally, Cuba, whose personnel are reportedly involved in various key areas of the administration, including intelligence services, ports, public notaries, and immigration and citizen identification systems.⁶⁵ Under Trump, Cuba was led to believe that regime change in Venezuela would be a stepping stone toward ousting the communist government in Havana.⁶⁶ It has had every incentive to help Maduro survive for as long as possible. If Cuba can be given credible assurances that its government is not under U.S. threat, and offered an alternative to its heavy dependence on Venezuela (particularly for fuel) or promises by the opposition to continue oil supplies, it might be persuaded at least not to hinder a transition.⁶⁷ It could be far more difficult to convince Moscow and Beijing to get on board.⁶⁸

B. *Maduro's Allies*

Efforts to forge an international consensus to resolve the Venezuelan crisis have foundered so far, not only because of policy differences between Washington and its European allies, but also because of the support provided for the Maduro government by both Russia and China, its two biggest bilateral creditors. This dispute has been most apparent on the handful of occasions on which the issue of Venezuela has reached the UN Security Council, on which both countries sit as permanent (and hence veto-wielding) members.⁶⁹

Experts on Chinese foreign policy tend to attribute Beijing's approach to Venezuela primarily to commercial and economic interests (particularly relating to extractive

"smart" or targeted sanctions that can be lifted or eased in return for clearly specified moves on the part of the sanctioned government. Dany Bahar, "US sanctions must be precise in order to spare innocent Venezuelans", Brookings Institute, 29 May 2018.

⁶⁵ Biden has said he will "promptly reverse" the Trump administration's confrontational policies toward Cuba, indicating that engagement rather than isolation is the best way to advance the cause of democracy on the island. "Joe Biden Answers 10 Questions on Latin America", op. cit.; Angus Berwick, "Imported repression: how Cuba taught Venezuela to quash military dissent", Reuters, 22 August 2019; Paulo A. Paranagua, "Their men in Caracas: the Cuban expats shoring up Maduro's government", *The Guardian*, 27 May 2014.

⁶⁶ Crisis Group telephone interview, Latin American diplomat, 24 November 2020. John Bolton, who was Trump's national security advisor from April 2018 to September 2019, lumped Cuba, Nicaragua and Venezuela together as the "troika of tyranny". "Remarks by National Security Advisor John R. Bolton on the administration's policies in Latin America", *Foreign Policy*, 2 November 2018.

⁶⁷ Crisis Group interview, Cuban diplomat, October 2020.

⁶⁸ See González, "Joe Biden and the future of the Americas", op. cit.; Ernesto Londoño, "Biden's plans for Latin America: 'end bully dictating policy'", *The New York Times*, 27 October 2020.

⁶⁹ The Security Council first held an open meeting to consider Venezuela on 26 January 2019, at Washington's request, although it had been the subject of previous informal meetings. The council debated the matter again on 27 February 2019, when the U.S. made a motion demanding a fresh presidential election. Russia advanced another condemning "outside interference", adding that Venezuela was no threat to international peace and security and thus outside the council's purview. Russia and China vetoed the U.S. motion, while Russia's failed to obtain enough votes. On 10 April 2019, again at U.S. urging, the council heard testimony on the humanitarian crisis, and on 20 May 2020 it was convened at Russia's behest after the failure of Operation Gideon (see fn 94). See "Country and Regional Issues (Venezuela)", Security Council Report, n.d.

industries), whereas Moscow's involvement is more explicitly geopolitical.⁷⁰ China, the world's largest oil importer, was granted privileged access to oil from Venezuela (possessor of the world's largest reserves) in exchange for hefty loans on which Venezuela is now in arrears. Despite U.S. sanctions on the Venezuelan state oil corporation PDVSA, which obliged China to use intermediaries, bilateral trade once again appears to be increasing. But along with Chinese direct investment in Venezuela's oil industry, the trade has been hard hit by the political and economic crisis. In the first half of 2019, China was importing an average of 350,000 barrels per day from Venezuela, but sanctions obliged it to use intermediaries and the volume dropped by more than two thirds. Direct imports resumed, however, in late 2020.⁷¹

Chinese officials have privately expressed openness to the idea of a political transition, but Beijing is opposed to what it regards as outside interference in a sovereign state's affairs, even though it appears to apply that principle less rigorously than in the past.⁷²

As for Russia, as one former senior U.S. official sees it, "it is in Venezuela largely as leverage against the U.S."⁷³ But Maduro's inability to stabilise Venezuela either politically or economically has led Moscow to re-evaluate the relationship, according to Russia analysts.⁷⁴ Russia is also involved in Venezuela's oil and gas sector, helping the country skirt sanctions, which led the U.S. to impose penalties on the Russian company involved, along with its president.⁷⁵ Now that Maduro controls parliament, he can "legalise" whatever trade and investment deal he strikes with Moscow, but Russia is aware that international rejection of the elections limits any contract's validity. Venezuela's debt to Russia, incurred in part due to massive arms purchases under Chávez, is also a significant bilateral issue, and here Moscow is unwilling to back off. In effect, Venezuela cannot hope to rely on Russia as Cuba did on the Soviet Union prior to its collapse.⁷⁶ But the primacy of geopolitics in Moscow's Venezuela strategy suggests that Russia may demur at supporting a transition unless Washington is ready to make concessions elsewhere.⁷⁷

⁷⁰ Kristen Martínez-Gugerli, "Taking Stock of Chinese and Russian Relations with Venezuela", Washington Office on Latin America, 10 August 2020.

⁷¹ Luc Cohen and Marianna Parraga, "Venezuela resumes direct oil shipments to China despite U.S. sanctions", Reuters, 27 November 2020; "How China got shipments of Venezuelan oil despite U.S. sanctions", Reuters, 12 June 2020.

⁷² Crisis Group telephone interview, expert on China-Venezuela relations, 11 December 2020. Courtney J. Fung, *China and Intervention at the UN Security Council: Reconciling Status* (Oxford, 2019).

⁷³ Comment made in online discussion forum, 12 November 2020.

⁷⁴ Online forum with Russia experts, November 2020.

⁷⁵ "The United States Sanctions Rosneft Trading S.A. to Secure Venezuela's Natural Resources", press release, U.S. Virtual Embassy, Venezuela, 18 February 2020.

⁷⁶ Russia restructured Venezuela's \$3.15 billion bilateral debt in October 2017. Details of the repayment scheme were revealed in mid-2020 when it was submitted for approval to the Duma. "Russia says Venezuela will increase debt repayment five-fold from 2023", Reuters, 30 June 2020. Russian assets in Venezuela were transferred to a state-owned corporation on 28 March 2020, when Rosneft faced secondary sanctions. In effect, they are now frozen.

⁷⁷ During the 2019 Trump impeachment hearings, former top White House Russia expert Fiona Hill testified that Moscow had offered to reduce its support for Maduro in exchange for U.S. concessions on Ukraine. "The Russians [...] were signalling very strongly that they wanted to somehow make some very strange swap arrangement between Venezuela and Ukraine: [...] You want us out of your

C. *The View from Brussels*

With election day approaching, EU High Representative Josep Borrell mounted a last-ditch effort to persuade Maduro to postpone voting, allowing time to negotiate improved conditions and permit EU election observers to carry out a monitoring mission. Assuring a fair election, Borrell hoped, would build enough confidence between the sides to enable further negotiations to take place. Yet a visit by a high-level delegation from Borrell's office in late September failed to convince Maduro to budge, and Borrell faced criticism from some in the European Parliament for allegedly going behind member states' backs with a "clandestine" mission – claims he firmly rebuffed.⁷⁸ In a 30 September press release, Borrell declared that "conditions for a free, fair and democratic electoral process" did not exist, and that without significant improvements there could be no EU election mission.⁷⁹

The effort to promote opposition participation in the elections, which also had the support of the International Contact Group, encountered considerable resistance, above all in Washington and in the Guaidó camp. Both insisted that so long as Maduro remained in power there was no point in taking part, since elections would by definition be rigged. In a newspaper interview, U.S. Special Representative for Venezuela Elliott Abrams said it was "not useful to have Borrell's office working on its own," adding: "It's fair to call it cowboy diplomacy".⁸⁰ The Biden administration's advent is likely to end this trans-Atlantic sniping over Venezuela.

D. *Anxious Neighbours*

Venezuela's neighbours in Latin America and the Caribbean have borne the brunt of a refugee crisis second only to that provoked by the war in Syria. More than five million people have fled the country, most of them since 2014.⁸¹ While the mass influx could contribute positively to economic growth in host countries, it also creates substantial short-term challenges in terms of public spending and welfare services, as well as disruptions to the labour market.⁸² The cost to Colombia of dealing with the influx over 2020-2022 has been put at 0.5 per cent of GDP, and the recession caused

backyard [...] We have our own version of this. You're in our backyard in Ukraine. And we were getting that sent to us, kind of informally through channels. It was in the Russian press". "Transcript: Fiona Hill and David Holmes testimony in front of the House Intelligence Committee", *The Washington Post*, 22 November 2019.

⁷⁸ In an appearance before parliament on 7 October, Borrell pointed out European foreign ministers backed his initiative to seek improved election conditions. Bernardo de Miguel, "Borrell mantendrá el diálogo con Maduro a pesar de las críticas en el Parlamento Europeo", *El País*, 7 October 2020.

⁷⁹ "Venezuela: Press release on EU dialogue with stakeholders in Caracas", European External Action Service, 30 September 2020.

⁸⁰ Anthony Faiola, "U.S. criticism of European mission to Venezuela shows growing divide over Maduro", *The Washington Post*, 28 September 2020. Abrams' use of the term "cowboy diplomacy" was apparent retaliation for Borrell's having said, in May 2019, that the U.S. was "acting like the cowboys in the Wild West".

⁸¹ For the latest information on the migrant and refugee crisis, see the R4V Coordination Platform for Refugees and Migrants from Venezuela.

⁸² Emilio Fernández Corugedo and Jaime Guajardo, "For Venezuela's neighbours, mass migration brings economic costs and benefits", IMF Blog, 21 November 2019.

by the pandemic will bring pressure for cuts.⁸³ In 2019, the UN received just over half the \$738 million it had requested from donors to mitigate the migration crisis.⁸⁴ The amount received in 2020 has been “derisory”, said a leading member of one Venezuelan humanitarian organisation, with under 20 per cent of the target funding covered.⁸⁵ Opportunistic politicians often whip up xenophobic reactions among populations receiving migrants.⁸⁶ The impact has been particularly severe in Colombia, which now hosts some 1.7 million Venezuelans.⁸⁷

The challenges of coping with this exodus have reinforced the uncompromising stance taken by various Latin American governments toward the Venezuelan crisis. Eleven of them, together with Canada, founded the Lima Group in August 2017, with the explicit intent to “contribute to the restoration of democracy [in Venezuela] through a peaceful and negotiated solution”. In practice, although the U.S. is not a member, the group has adhered very closely to Washington’s approach to the Venezuela crisis (albeit ruling out military intervention). Lima Group members have pressed the International Criminal Court to prosecute Maduro and other government leaders for crimes against humanity, leading to the possibility that a full investigation may be opened in 2021, and called for probes into their alleged links with terrorism, drug trafficking and other forms of organised crime.⁸⁸ The group’s most recent declaration rejected the 6 December polls and called for a Venezuelan-led transition leading to free and fair elections.⁸⁹

Political changes in the region, however, mean that some countries are now less inclined to toe this line. Argentina, which does not recognise the “interim presidency”, declined to sign the latest declaration, signalling concern that the group was advocating “extra-regional intervention”.⁹⁰ Other governments in the region, most importantly Mexico, share Argentina’s more cautious stance. Anticipated U.S. policy

⁸³ “Presupuesto para atender a venezolanos migrantes sería de cerca de 0,5% del PIB”, *La República*, 25 October 2019.

⁸⁴ Michael Stott and Gideon Long, “Venezuela: refugee crisis tests Colombia’s stability”, *Financial Times*, 19 February 2020.

⁸⁵ Crisis Group interview, NGO representative, Caracas, 12 November 2020. For updates on the funding of the humanitarian assistance program for 2020, see OCHA’s Humanitarian Insight.

⁸⁶ Sergio Guzmán and Juan Camilo Ponce, “Hate against Venezuelans in Colombia is a ticking time bomb”, *Global Americans*, 10 November 2020. Following the 29 October murder of a bus passenger, Bogotá mayor Claudia López blamed Venezuelan immigrants for rising crime rates, in the face of evidence to the contrary (and even though the murder was not committed by a Venezuelan). Her remarks provoked both widespread criticism and a sharp increase in xenophobic comments on social media, the latter according to the Barómetro de la Xenofobia, a survey conducted by Colombian NGOs. “Se incrementó publicaciones xenófobas un 83% por declaraciones de Claudia López”, *La Opinión*, 30 October 2020.

⁸⁷ By late 2019, 69 per cent of Colombians had an unfavourable opinion of Venezuelan immigrants, according to a Gallup/Invaer poll. “Tres claves para entender por qué aumentó el rechazo hacia los venezolanos”, *Semana*, 5 December 2019.

⁸⁸ Lima Group communiqué (Point 4), 13 October 2020. On the International Criminal Court’s progress in its investigation, see “Informe sobre las actividades de examen preliminar 2020: Venezuela I”, op.cit. The investigation’s next phase is to ascertain whether the crimes are sufficiently serious and whether the authorities have taken appropriate measures to punish the perpetrators.

⁸⁹ “Declaración Conjunta sobre Venezuela”, Peruvian Foreign Ministry, 7 December 2020.

⁹⁰ “Argentina no acompañó la declaración del Grupo de Lima sobre Venezuela”, *Página 12*, 14 October 2020.

changes under Biden offer the possibility of a more united regional front if, as is likely, the Lima Group continues to follow Washington's lead. A resumption of meetings between the Lima Group and the International Contact Group, in a bid to coordinate their approach, would be particularly beneficial at this juncture.⁹¹

⁹¹ Members of the two groups met at the UN on at least two occasions in 2019 and released joint communiqués indicating a willingness to coordinate actions, but without succeeding in forging a joint approach. On 14 August 2020, some members of both groups signed a U.S.-inspired Joint Declaration of Support for Democratic Change in Venezuela, which ran counter to efforts by EU High Representative Borrell to negotiate improved conditions for the 6 December elections.

VI. Getting Back to Negotiations

In March 2020, Crisis Group published a report outlining a possible route to a negotiated transition in Venezuela.⁹² The report described the many obstacles to such an agreement, some of which have become even more daunting over the past nine months. Far from helping overcome the difficulties, the 6 December legislative elections and associated events have exacerbated them. While no easy solution is in view, certain aspects of the present situation nevertheless combine to present an opportunity to move forward so long as key players – both domestic and international – adapt their strategies.

A. *The Obstacles*

The root cause of the political crisis is the Maduro government's insistence on closing down what remains of Venezuela's political space, which has in turn reinforced the hawkishness of the domestic and international opposition. Reluctant to cede ground in the first place, the *chavista* government has grown even more averse as the opposition hardens its line. The deterioration of the human rights situation, amply documented in a series of UN reports, as well as the repeated imposition of inequitable election conditions, reflect its reliance on coercion and partisan state and judicial institutions as means of compensating for its waning popularity. Although willing to engage in dialogue, the government has not yet shown itself open to making concessions that would erode its power, let alone threaten its hold on it. Instead, it has sought to use the opportunity provided by negotiations to weaken and divide its opponents.

A new opposition leadership under Juan Guaidó, in alliance with Washington, emerged in January 2019 with the goal of removing these obstacles to a handover of power via "maximum pressure". The Trump administration insisted "all options [were] on the table" (including, at least implicitly, the use of force), and approved severe sanctions aimed at forcing the government to back down or causing splits in its ranks that would permit the installation of an interim authority ahead of fresh elections.

Instead of sowing discord, however, the pressure appeared to enhance the Maduro side's cohesion and refusal to compromise. Facing an outside threat, and the fear of regime change that would call into question their future, members of the military and disgruntled *chavistas* did not break ranks with the president; at the same time, the government managed to find ways of evading sanctions even as they were tightened.⁹³ Furthermore, the imposition of additional sanctions in August 2019 gave the government a pretext to suspend Norwegian-facilitated talks. The opposition re-

⁹² See Crisis Group Latin America and Caribbean Report N°79, *Imagining a Resolution of Venezuela's Crisis*, 11 March 2020.

⁹³ For an account of how sophisticated these evasive measures have become, see Marianna Párraga, Rinat Sagdiev and Parisa Hafezi, "Phantom oil buyers in Russia, advice from Iran, help Venezuela skirt sanctions", Reuters, 10 November 2020.

sponded the following month by declaring the process “exhausted” and began exploring military options.⁹⁴

Despite intermittent talks, both sides have tended to view the struggle as a zero-sum game in which the objective is the elimination of the other. The government has consistently seen remaining in power at all costs as a better option than anything on offer at the negotiating table.⁹⁵ As for the Guaidó-led opposition, while it has declared its readiness to incorporate members of the government side into a transitional regime, it continues to insist that Maduro himself must leave power before any transition can begin. Nor has it done enough to reassure either the military or the *chavista* movement as to its intentions, and its resort, on more than one occasion, to the insurrectional route has merely confirmed the latter's suspicions.⁹⁶ The end result is that the opposition now looks more fragmented and more likely than its foe to undergo a leadership change.

B. *Political and Diplomatic Opportunities*

The expiry of the present National Assembly's mandate in January 2021 coincides almost exactly with the Biden administration's inauguration in Washington. In light of the tremendous suffering endured by the Venezuelan people, the moment is propitious for a thorough strategic review on the part of both internal and external players.

Drafting a new strategy will need to begin with an honest appraisal of the relative strengths of government and opposition. In particular, it is unrealistic to expect Maduro to step down as a condition for formal negotiations to begin and for him to play no part in any transition. Rather, any transition will necessarily be gradual, accompanied by a phased lifting of sanctions and credible guarantees for both sides. These guarantees likely will need to include some modifications to the constitution, including an end to indefinite presidential re-election, reintroduction of an upper chamber of parliament and restoration of proportional representation. All would give the loser in any election a greater stake in the system and prevent majoritarian abuses, if appropriately backed up by external guarantors. Other important elements are a transitional justice system, guarantees to the military regarding its institutional status and officers' career prospects, and agreements on social and economic rights to assuage *chavista* fears of “neoliberal” backlash.⁹⁷

An agreement on fairer conditions for the forthcoming 2021 elections for state governors and mayors would constitute an important stepping stone toward such an

⁹⁴ One result was the abortive, mercenary-led raid of May 2020 known as Operation Gideon, which, although disowned by the opposition leadership, began with a deal signed in Miami in October 2019 by Guaidó's representatives and former Green Beret Jordan Goudreau of the private U.S. security firm Silvercorp. Scott Smith and Joshua Goodman, “Venezuela: 2 US ‘mercenaries’ among those nabbed after raid”, Associated Press, 5 May 2020.

⁹⁵ For analysis of why talks have so far failed, see Crisis Group Briefing, *Peace in Venezuela: Is There Life after the Barbados Talks?*, op. cit.

⁹⁶ Crisis Group Report, *Imagining a Resolution of Venezuela's Crisis*, op. cit. The first of the three questions in the opposition's 7-12 December “consultation” was: “Do you demand an end to the usurpation of the presidency by Nicolás Maduro and the calling of free, fair and verifiable presidential and parliamentary elections?”

⁹⁷ See Crisis Group Report, *Imagining a Resolution of Venezuela's Crisis*, op. cit.

agreement. While a fully free and fair presidential election will also be an essential component of any long-term solution, without a preceding, comprehensive political agreement it will not – in itself – resolve the crisis.

The opposition leadership's belief that pressure would bring a rapid end to Maduro's tenure has proven to be wildly optimistic, and it leaves behind a troublesome legacy that will also need to be resolved. While nearly 60 countries still recognise Guaidó as the legitimate president, it is clear from private conversations with foreign diplomats that once he no longer has a seat in parliament the legal basis for such a claim will be regarded as much weaker.⁹⁸ Within the opposition, a number of leading voices also argue that the current National Assembly can be maintained – if at all – only in skeletal form after 5 January.⁹⁹

Foreign backers of Guaidó will have to tread delicately around these issues in the months ahead. A sudden and ill-considered withdrawal of support for the opposition's interim presidency would divide its external allies, hand a political victory to Maduro and produce a power vacuum. On the other hand, if the opposition leadership is to retain its role as the key interlocutor in any future talks with the government, it will be vital both to avoid becoming a government-in-exile and to broaden its domestic political base. That will mean taking on board constructive criticism from other opposition tendencies, as well as from civil society, and exercising greater transparency and internal democracy. Washington and the EU will also need to determine how to administer Venezuelan overseas assets the Guaidó team controls (at least nominally), pending a political solution. A formula allowing a neutral body to manage these assets would help avoid accusations of corruption and unseemly wrangling among opposition factions.

Meanwhile, the failure of the strategy to unseat Maduro, as well as the concentration of state power in his hands, does not mean that all opportunities to resolve the crisis and extract government concessions are lost. While there is no sign of any softening of the Maduro government's position – if anything, quite the reverse – it badly needs some form of sanctions relief in order to restore a measure of economic stability, and it is eager to escape its diplomatic isolation by restoring ties with the U.S., Colombia and others.¹⁰⁰

Government willingness to make concessions and embark on fresh negotiations will receive a boost from the likely demise of President Trump's strategy. A more nuanced U.S. approach, in alliance with other international players – particularly the EU and its International Contact Group – will not produce an instant solution, but it could open up avenues toward a negotiated settlement with *chavismo*. In response, the government will need to show genuine intention of reaching a settlement by putting a halt to political repression, including releasing political prisoners and

⁹⁸ Crisis Group interviews, European diplomats, 28 October 2020 and 1 December 2020.

⁹⁹ Intense debate continues within the core G4 group of parties over what form the "afterlife" of the present assembly might take and how it would relate to Guaidó's interim presidency. For an analysis of the constitutional arguments, see Nikken, "Reflexiones sobre la eventual continuidad institucional de la Asamblea Nacional", *op. cit.*

¹⁰⁰ Crisis Group telephone interview, senior *chavista*, 25 November 2020.

disbanding the FAES special police force – as recommended by Michelle Bachelet, the UN high commissioner for human rights.¹⁰¹

The restoration of full diplomatic relations between, on the one hand, Venezuela, and, on the other, the U.S., Colombia and others would seem a more distant goal at present. But steps in this direction by Caracas and other nations, such as re-establishing consular offices and creating a channel for communication among the U.S., Lima Group countries and Venezuela, possibly involving a trusted intermediary such as Norway, could alleviate the present distrust. The UN, which thus far has confined its Venezuela efforts to the humanitarian and human rights fronts, should take on a more political role if these efforts gain momentum. A good start would be for Secretary-General Guterres to appoint a special envoy with Security Council backing.

Additional support for future rounds of negotiations could emerge from Venezuelan civil society. The latter, parts of which have for too long either been in thrall to political parties or suspicious of politicians' motives, is beginning to carve out an autonomous space from which it can demand from both sides the fulfilment of partial agreements to alleviate the suffering of ordinary Venezuelans. At the same time, it will be crucial for foreign nations, multilateral bodies and NGOs to push back against the Maduro government's efforts to further limit space for dissent, using various means at their disposal, including withholding sanctions relief.

C. *Humanitarian Relief*

Patching up broken diplomatic ties is likely to take longer than Venezuela's humanitarian emergency will allow. While chronic shortages cannot be resolved without a political solution, nor can they be entirely ignored while one is sought. Both sides are wary of allowing the other to take credit for humanitarian initiatives. The government fears that to allow in large-scale assistance would weaken its political control, while parts of the opposition believe that reducing the suffering would ease the pressure on the government. Partial agreements that alleviate the humanitarian emergency, under UN auspices, would help build public support for the process and establish some measure of trust between government and opposition.

Draconian sectoral sanctions have hurt ordinary Venezuelans without achieving their strategic objectives. Simply to lift them unconditionally would be to reward Maduro's obstinacy and repressive behaviour. But there is a strong case for the incoming U.S. administration to carry out an immediate humanitarian impact assessment, with a view to providing sanctions relief in acknowledgement of the exceptional circumstances created by the COVID-19 pandemic. Some measures – particularly the Trump administration's very damaging elimination of permits that allowed crude-for-diesel swaps, which threatens distribution of food and other essentials – should be reversed immediately.¹⁰² Other measures, such as restrictions on oil exports, have proven ineffective at sparking political change and have even lost some of their power to curb trading activity: oil exports nearly tripled in November, for example, as Chi-

¹⁰¹ "Bachelet denuncia más de 2.000 ejecuciones extrajudiciales en Venezuela en 2020", ABC, 25 September 2020.

¹⁰² "US turns screws on Venezuela as Florida beckons", Argus Media, 29 October 2020.

nese companies resumed making direct purchases.¹⁰³ Over the long term, phased sanctions relief should be tied to gradual political advances and the restoration of civil and political rights.

Some elements of the negotiating position outlined in March 2020 by the U.S. State Department – especially the willingness to contemplate a phased reduction of sanctions in exchange for progress in negotiations and to involve *chavistas* in a transitional government – can be built upon to this end, and may help overcome resistance in Congress to perceived concessions to the Maduro government.¹⁰⁴ The centrepiece of any potential roadmap will have to be an electoral calendar including regional elections in 2021, a potential recall referendum in 2022 and a presidential poll in 2024 (or earlier if possible), with restored political rights for non-government candidates and other assurances of credible polls, meaningful guarantees for the civilian and military wings of the incumbent administration, and sanctions relief. The core challenges will be to persuade the opposition to unite around a proposal that, while restoring political rights, would do so in a piecemeal fashion and convince the government that the end product must be a fully free and fair presidential election.

¹⁰³ Lucia Kassai and Fabiola Zerpa, “Venezuela oil exports almost triple even as U.S. adds sanctions”, Bloomberg News, 1 December 2020.

¹⁰⁴ “Democratic Transition Framework for Venezuela”, U.S. State Department, 31 March 2020.

VII. Conclusion

In many respects, the Venezuelan crisis seems further than ever from resolution. Despite the popular adage, the deepest darkness does not always presage the dawn. There are signs of hope, however. The failure of the strategy launched two years ago under Juan Guaidó's leadership demands a fundamental rethink on the part of the opposition and its foreign allies. Maduro may be tempted to declare victory, but if the political pressure from outside does indeed diminish, demands from his own supporters for a better future could well grow louder. Without the lifting of sanctions, none of Venezuela's underlying economic and financial troubles can begin to be resolved. A new administration in Washington offers the prospect of fresh, and more promising, initiatives on the international front.

A viable solution will be impossible unless the Venezuelan government accedes to pressure for a free and fair presidential election. But it will not do so except as the result of a comprehensive agreement that embodies credible post-electoral guarantees. It is time for the government to recognise that a fair presidential election in which its candidate may lose must be an essential element of any negotiated settlement, and for the opposition to recognise that any transition will necessarily be protracted and involve meaningful compromises with those in power. It is the task of both sides' international allies to convince them of the need to proceed in this way and to build the framework for a set of negotiations that could produce such a result. Failure to do so will not only compromise the future of more than 30 million Venezuelans, but also further undermine regional stability.

Caracas/Bogotá/Brussels, 21 December 2020

Appendix A: Map of Venezuela



Appendix B: About the International Crisis Group

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 120 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries or regions at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international, regional and national decision-takers. Crisis Group also publishes *CrisisWatch*, a monthly early-warning bulletin, providing a succinct regular update on the state of play in up to 80 situations of conflict or potential conflict around the world.

Crisis Group's reports are distributed widely by email and made available simultaneously on its website, www.crisisgroup.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board of Trustees – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policymakers around the world. Crisis Group is co-chaired by President & CEO of the Fiore Group and Founder of the Radcliffe Foundation, Frank Giustra, as well as by former UN Deputy Secretary-General and Administrator of the United Nations Development Programme (UNDP), Lord (Mark) Malloch-Brown.

Crisis Group's President & CEO, Robert Malley, took up the post on 1 January 2018. Malley was formerly Crisis Group's Middle East and North Africa Program Director and most recently was a Special Assistant to former U.S. President Barack Obama as well as Senior Adviser to the President for the Counter-ISIL Campaign, and White House Coordinator for the Middle East, North Africa and the Gulf region. Previously, he served as President Bill Clinton's Special Assistant for Israeli-Palestinian Affairs.

Crisis Group's international headquarters is in Brussels, and the organisation has offices in seven other locations: Bogotá, Dakar, Istanbul, Nairobi, London, New York, and Washington, DC. It has presences in the following locations: Abuja, Addis Ababa, Bahrain, Baku, Bangkok, Beirut, Caracas, Gaza City, Guatemala City, Jerusalem, Johannesburg, Juba, Kabul, Kiev, Manila, Mexico City, Moscow, Seoul, Tbilisi, Toronto, Tripoli, Tunis, and Yangon.

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December 2020

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