



# Navigating Venezuela's Political Deadlock: The Road to Elections

Latin America Report N°101 | 16 August 2023

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# Principal Findings

**What's new?** Venezuela is heading for presidential and legislative elections in 2024 and 2025, respectively, under conditions that clearly favour President Nicolás Maduro's government. Talks between government and opposition are once again stalled. Meanwhile, an economic crisis that has driven a quarter of Venezuela's population to flee persists.

**Why does it matter?** With certain opposition politicians banned, parties sequestered and no professional electoral observers present, elections on the government's terms would leave Venezuela's crisis unresolved and most U.S. sanctions in place, threatening to worsen the country's economic plight. The impact could continue to be felt throughout the region, especially in neighbouring Colombia.

**What should be done?** Latin American states and foreign powers should press for urgent resumption of negotiations with the aim of striking concrete deals. Washington should intensify bilateral diplomacy with Caracas and offer tangible sanctions relief to seek to persuade Maduro to return to talks, grant electoral concessions and avert further strife.

## *Executive Summary*

Venezuela's long-running political crisis is entering a critical new phase. President Nicolás Maduro, who seeks a third term in 2024 after surviving a U.S.-led campaign of "maximum pressure", controls all the domestic levers of power. While the country experienced a modest economic recovery in 2022, it is once again facing recession and high inflation, exacerbated by staggering corruption and U.S. sanctions. Without hard currency to raise real wages, Maduro is unwilling to loosen his grip. But unless he can show progress toward levelling the electoral playing field, he cannot hope to convince Washington to ease sanctions, which could permit robust economic growth. To avoid prolonging the country's malaise and the risk it poses of resurgent conflict, the Venezuelan government, opposition forces and foreign powers should converge around a plan involving sanctions relief from Washington and matching steps by Caracas toward fairer elections and better-functioning state institutions. Latin American states should play a greatly enhanced role as diplomatic trouble-shooters.

In late 2022, a route out of Venezuela's deadlock was finally in view. As part of talks in Mexico City, facilitated by Norway, the Maduro government and a coalition of opposition parties agreed to partial unfreezing of Venezuelan state assets abroad and their transfer to a humanitarian relief fund run by the UN. Washington, pressed to find alternative oil sources, in part by the Ukraine war, appeared to give its seal of approval to the accord, immediately greenlighting a deal allowing the Chevron Corporation to pump Venezuelan oil for export to the U.S. This arrangement injected dollars into Venezuela's economy, though the licence stipulates that the income generated should not benefit the state.

But instead of building confidence and galvanising further agreements, the accord signed in Mexico City was followed by months of paralysis and deepening mutual distrust. Technical difficulties and U.S. reticence delayed the fund's establishment, and even though the obstacles are now cleared, the Maduro government has refused to resume formal talks until it is operational. Other diplomatic initiatives have promised much but so far yielded little.

Time is now running out for a deal, and early indications are that the 2024 presidential poll may fall well short of being free and fair. Prodded by the government, the heads of the National Electoral Council appointed in 2021 resigned in June, opening the door for the National Assembly – which is stacked with followers of *chavismo*, the political tendency championed by Maduro's predecessor, Hugo Chávez – to appoint new electoral authorities at the risk of exacerbating public distrust in the voting system. The Maduro government's recent move to reaffirm the ban on opposition front runner María Corina Machado from standing for office has confirmed the impression that the election will be skewed in the government's favour. Other well-known candidates, including Henrique Capriles, also face bans.

At the heart of this standoff lies the Maduro government's reluctance to contemplate losing power. The president is calculating that control of the electoral system will enable his government to win a poll that might otherwise be competitive. A number of other factors weigh in Maduro's favour as he seeks victory, including Venezuela's first-past-the-post election rules (which allow the candidate with the most votes to win in a

single round) and chronic divisions in the opposition (which could split the anti-Maduro vote among several candidates). At the same time, Maduro and his allies – some of whom fear that they will face criminal prosecution in international and foreign courts should they leave office – seem averse to running any risk at all of losing the vote. Thus, they have steered away from the measures that would allow for a genuinely free election, which could lead to relief from U.S. sanctions and an economic boost, though possibly not soon enough to enhance Maduro's prospects in an authentically open race.

Political trends abroad are also impeding progress toward resolving Venezuela's impasse. Washington fears showing leniency toward Maduro, in part because of what it could cost President Joe Biden at home, where a vocal minority of Republicans in Congress (and some Democrats) will lambast any concession as weakness vis-à-vis a hostile left-wing regime. The deeper distrust between the U.S. and Russia amid the Ukraine war has buttressed Venezuela's status quo by impeding cooperation between the two, while the efforts of left-leaning Latin American governments to create diplomatic openings have not yet borne fruit.

But if the 2024 presidential election is not preceded by an agreement to improve electoral conditions – including reforms that relax the government's hold on the electoral system – its legitimacy will likely be disputed, as it was in 2018. That discredited poll triggered the most serious political turbulence in Venezuela's recent history, and it is hard to imagine talks prospering if there is a repeat. Under those circumstances, Venezuela's economic misery could fester, exacerbating an already dire humanitarian emergency and pushing more migrants to join the seven million who have already fled, many of them undocumented and mired in poverty.

Given the opposition's weakness and the limited leeway of the Maduro and Biden governments, the role of Venezuela's Latin American neighbours, above all Colombia and Brazil, will be crucial as facilitators of any deal. These states should put their heft behind swift resumption of the Mexico talks. They should urge the parties to those talks to resolve their differences (and those they have with Washington) insofar as possible in the next months. They should press Caracas to take steps toward truly competitive elections, for example by freeing political prisoners, lifting bans on opposition candidates and requesting international observation missions. They will also need to persuade the U.S. to intensify its bilateral diplomacy and present a roadmap for easing sanctions on the basis of corresponding steps by Caracas. Opposition forces could back this course by committing together to seek change exclusively via electoral routes, whatever the result in 2024.

Another sham poll could return Venezuela to the nadir of its political conflict and corresponding economic misery, with devastating repercussions far beyond its borders. Skirting that scenario through concrete progress in return for tangible rewards should be an imperative for Latin America and a priority for Washington. A willingness on all sides to trade sanctions for improved electoral conditions is the best way to mitigate Venezuela's tragedy and begin setting the country on a more promising course.

**Caracas/Bogotá/Brussels, 16 August 2023**

# Navigating Venezuela's Political Deadlock: The Road to Elections

## I. Introduction

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Relations between the Venezuelan government and opposition have long been fraught, but they reached their lowest point in 2019. The 2018 presidential election – which led to another six-year term for Nicolás Maduro, who succeeded Hugo Chávez after his death in 2013 – was widely denounced as rigged. In the aftermath, the U.S. and countries throughout Latin America and Europe opted to recognise the “interim government” led by Juan Guaidó from January 2019. The opposition and its foreign backers undertook several initiatives aimed at toppling Maduro, including sweeping U.S. sanctions and an attempted civil-military uprising; a fraction of the opposition even backed a hapless mercenary incursion. But all this “maximum pressure”, as the U.S. called it, failed. The government survived largely on the strength of its political and military coalition, buttressed by a crackdown on dissent. Emergency measures served to stabilise the economy, as did the support of allies such as Russia and Iran. Millions nevertheless fled the country as rates of extreme poverty soared, peaking at over 76 per cent in 2021.<sup>1</sup>

Even in the midst of this mayhem, international interlocutors have kept trying to hammer out an agreement between the government and opposition. Norway, for example, has been engaged in a concerted effort since late 2018. But the course of talks has been anything but smooth. Negotiations between the two sides stumbled along during the months after the creation of Guaidó’s “interim government”, only to collapse following the imposition of a fresh round of sanctions by Washington in 2019.<sup>2</sup> Two years later, in August 2021, the sides returned to talks, signing a memorandum of understanding in Mexico City that underpins the latest set of negotiations.<sup>3</sup> Within months, however, the government had suspended its participation after a close ally

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<sup>1</sup> See “Condiciones de vida de los venezolanos: entre emergencia humanitaria y pandemia”, Encuesta Nacional Sobre Condiciones de Vidas (ENCOVI), Instituto de Investigaciones Económicas y Sociales, Universidad Católica Andrés Bello, September 2021.

<sup>2</sup> See Crisis Group Latin America Report N°93, *Overcoming the Global Rift on Venezuela*, 17 February 2022; and Crisis Group Latin America Briefing N°41, *Peace in Venezuela: Is There Life after the Barbados Talks?*, 11 December 2019.

<sup>3</sup> “Memorando de Entendimiento”, Mexico City, 13 August 2021. The memorandum specifies that the talks will seek to establish political rights and electoral guarantees for all, along with an election timetable, as well as the lifting of sanctions and the return of Venezuela’s overseas assets, reparations for victims of human rights violations, and economic and social protection measures. Agreements are to be incremental, with partial accords permitted, and consultation mechanisms are to be set up so that the views of “other political and social actors” can be taken into account. While often described as the “Mexico City talks”, the negotiations actually take place mostly in Caracas, with meetings in Mexico reserved for protocol and signing ceremonies.

of Maduro, Colombian businessman Alex Saab, was extradited from Cabo Verde to the U.S. to face money laundering charges.<sup>4</sup>

A breakthrough came over a year later, on 26 November 2022, when the two sides met once again in Mexico City following months of secret talks in Caracas.<sup>5</sup> There they signed an agreement under which sanctioned Venezuelan assets abroad would be unfrozen and transferred to a UN-managed fund for use in infrastructure and other projects aimed at alleviating the humanitarian crisis.<sup>6</sup> Talks were to continue on the core political matters in dispute, above all those revolving around electoral conditions. But instead of progress, another hiatus ensued. The government has refused to schedule a further formal round of talks on the grounds that the money has yet to flow from frozen accounts into the UN fund – due in part to half-hearted U.S. support for the deal (although Washington is no longer standing in the way).<sup>7</sup>

Sporadic, informal contacts between government and opposition negotiators continue, but with no agreement on next steps.<sup>8</sup> Moderate opposition figures who in 2021 were able to negotiate for seats on the National Electoral Council (CNE) continue to press in Caracas for further concessions, coordinating their efforts with the opposition delegation to the talks in Mexico City.<sup>9</sup> Among other things, they are requesting the release of political prisoners, the lifting of bans on some opposition candidates and guarantees that the CNE will invite international experts to observe the presidential election.

At the heart of the stalemate stand Maduro and his allies in *chavismo*, as the movement championing the Chávez agenda is known. Senior *chavistas* recognise that in order to maximise their chances of legitimately wielding power, they will need the U.S. to lift sanctions, since that is the only viable way to spur an economic recovery. They also crave a return to the Latin American diplomatic fold. That said, they are wary of taking the steps needed for staging fair elections, which the U.S. and some European and Latin American governments see as a prerequisite for removing sanctions and normalising relations. It is not just that *chavistas* are loath to assume the risk of losing power. Top officials are fearful of facing judicial proceedings – either as a result of U.S. or other national investigations or due to a probe into crimes against humanity launched by the International Criminal Court (ICC) – should they be removed from office. The option they appear to prefer is an election that is as competitive as possible yet where victory is guaranteed.

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<sup>4</sup> “Colombian businessman charged with money laundering extradited to the United States from Cabo Verde”, press release, U.S. Department of Justice, 18 October 2021. The Maduro government says Saab is a Venezuelan diplomat who was in Cabo Verde on a humanitarian mission. It accuses the U.S. of kidnapping Saab. Enio Melean, “El secuestro de Alex Saab: una agresión contra el pueblo venezolano”, Venezuelan Foreign Ministry, 14 June 2022.

<sup>5</sup> Crisis Group interview, opposition delegation representative, Caracas, 22 September 2022.

<sup>6</sup> While the text of the agreement does not mention an amount, the two sides informally agreed that approximately \$3 billion would be unfrozen. Diego Oré, “Venezuela’s frozen funds to be gradually released for humanitarian aid”, Reuters, 26 November 2022.

<sup>7</sup> Crisis Group interviews, members of Unitary Platform delegation, UN officials and U.S. State Department officials, Caracas, New York and Washington, March 2023.

<sup>8</sup> Crisis Group interview, source close to talks, Caracas, 4 May 2023.

<sup>9</sup> Crisis Group interviews, opposition politicians and civil society activists, Caracas, 20 and 22 March 2023.

After a string of setbacks, the opposition is now far more eager to test its strength at the ballot box. The “maximum pressure” strategy – the heightened U.S. economic sanctions, political pressure and occasional threats of military force – failed to bring about regime change. If anything, it strengthened the Maduro government’s grip on power. Meanwhile, the “interim government” was disbanded in January 2023. Guaidó himself, increasingly isolated and unpopular, left Venezuela in April amid threats of imprisonment for what appeared to be exile in the U.S.<sup>10</sup> The opposition now seems reconciled to achieving change through elections. But the leading parties, which are gearing up for primaries to choose a presidential candidate in October, are too weak to wring reforms from the government to ensure that voting for the country’s next leader is free and fair.

What leverage the opposition can lay claim to derives almost exclusively from the fact that foreign allies – particularly the U.S. – can make valuable concessions to Maduro, above all lifting sanctions, contingent on advances in the Mexico talks. Acutely conscious of the failure of previous efforts to negotiate with Maduro, and averse to giving breathing space to an authoritarian government that is close to Cuba, Russia and China, Washington is nevertheless unlikely to take such measures unless it sees a clear shift toward political liberalisation. Since Maduro will not move in that direction without assurances of an economic boost, the result has been a deadlock, with each side awaiting the other’s first step.

This report looks in detail at the impasse and outlines what is required if Venezuela is to be spared another damaging round of political conflict. Building on more than two decades of work in Venezuela, the research was conducted not only in Caracas but also in several other Latin American and European capitals, as well as Washington and New York, through dozens of conversations with politicians, diplomats, civil society activists and other key players, in addition to ordinary citizens.

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<sup>10</sup> On his way to the U.S., Guaidó took a swipe at Colombian President Gustavo Petro’s international conference on Venezuela (see section II.B below). Samantha Schmidt, “Guaidó says he felt U.S. pressure to get on plane to Miami”, *Washington Post*, 3 May 2023. Having crossed the border with Colombia on foot, he announced his intention to seek meetings in Bogotá with delegations to the conference (without having consulted the opposition representatives who had been invited to talks with Petro). But the Colombian government quickly informed him that, due to the conference, he was unwelcome.

## II. Negotiations in Flux

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By accident more than design, negotiations about Venezuela's future have proliferated. Aside from the talks between various opposition representatives and the Maduro government mentioned above, dialogue is now under way between Caracas and Washington; Caracas and other Latin American capitals; and Caracas and the European Union headquartered in Brussels. These efforts have expanded as the once solid international support for diplomatic isolation of the Maduro government disappeared, a process that looked inexorable even before the opposition decided to dissolve the "interim government".<sup>11</sup> The demand that Maduro step down had originally been conceived in the belief that his government would collapse within weeks or months. When that failed to happen, it morphed into a diplomatic straitjacket, one that most governments are glad to be out of.<sup>12</sup>

### A. Channels with the U.S.

Although it has not resumed formal relations with Venezuela, the U.S. has embarked on its own talks with government leaders there after a long diplomatic drought. A U.S. delegation visited Maduro in Caracas in March 2022 – the first top-level trip of its kind for five years – with the stated intention of discussing "energy security" and the release of U.S. citizens whom Washington says are wrongfully detained in Venezuela.<sup>13</sup> A second, similar meeting took place that June. In the aftermath, Venezuela released nine U.S. prisoners, and the U.S. government returned two nephews of first lady Cilia Flores who were in jail in the U.S. for drug trafficking. The U.S. government also removed sanctions on another of Flores' nephews. The special presidential envoy for hostage affairs, Roger Carstens, who took part in both visits, appears to have become an important conduit for communication between the two governments, although his formal role is limited to negotiations over prisoners.<sup>14</sup>

Media outlets have also pointed to recent meetings in Qatar between Juan González, senior director for the Western Hemisphere at the U.S. National Security Council, and Jorge Rodríguez, president of the Venezuelan National Assembly and chief negotiator for the Maduro government.<sup>15</sup> No reports of concrete results have yet emerged.

Venezuelan opposition figures, along with some members of the U.S. Congress, have greeted the contacts between Caracas and Washington with apprehension. Some opposition members say they were not consulted about these discussions. They allege

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<sup>11</sup> Crisis Group Commentary, "Venezuela: The Twilight of Maximum Pressure", 10 October 2022.

<sup>12</sup> Crisis Group interviews, European and other diplomats in Caracas, 2019-2023.

<sup>13</sup> Anatoly Kurmanaev, Natalie Kitroeff and Kenneth P. Vogel. "U.S. officials travel to Venezuela, a Russia ally, as the West isolates Putin", *The New York Times*, 5 March 2022. For more on the visit's significance, see Phil Gunson, "A Twist in Caracas: Is a Venezuela-U.S. Reboot on the Cards?", Crisis Group Commentary, 16 March 2022. Crisis Group, "The Fallout from Ukraine: Iran Talks Stalled, U.S. Woos Caracas?", *Hold Your Fire!* (podcast), 19 March 2022.

<sup>14</sup> Crisis Group interviews, sources close to negotiations, Caracas, 20 and 27 March 2023. In late June, Carstens made another visit to Caracas, officially to visit detainees and discuss their cases. Jennifer Hansler, "US hostage envoy quietly travelled to Venezuela this week", CNN, 21 June 2023.

<sup>15</sup> Juan Diego Quesada, "Estados Unidos y Venezuela mantienen una reunión secreta en Qatar", *EL País*, 30 June 2023.

the talks are aimed at a set of transactions that may give immediate benefit to both parties involved but leave aside the major questions about Venezuela's political future. In particular, they are convinced that the White House is seeking a deal with Caracas to boost oil supplies and end the imprisonment of U.S. citizens in Venezuelan custody.<sup>16</sup> The Biden administration says it will grant major sanctions relief only in exchange for "substantive" progress on political and electoral rights. It also warns that backsliding might lead the U.S. to impose fresh measures.<sup>17</sup> In this vein, the State Department insisted that Chevron, the main U.S. corporation with oilfields in Venezuela, would have problems renewing its licence to pump crude for export if there were no progress. Still, when the renewal came up in May, it went ahead with little fuss.<sup>18</sup>

The ambiguities in the U.S. position were on plain view following a November 2022 deal between the government and the opposition to transfer frozen Venezuelan state assets to a UN-managed fund. Following announcement of the accord, Washington informed the UN that it could not guarantee that money transferred to the new fund, and intended for humanitarian purposes, would be safe from legal action in the U.S. by creditors of the Venezuelan state and state oil firm *Petróleos de Venezuela S.A.* (PDVSA), which owe billions of dollars in commercial loans and international arbitration awards.<sup>19</sup> The U.S. stance virtually paralysed the fund's establishment until May, when the Biden administration sent a supportive letter to the UN encouraging creation of the Fund in the U.S.<sup>20</sup> Even so, the Maduro government has accused the opposition of breaching the agreement, arguing that the delay in effect excuses Caracas from returning to negotiations in Mexico.<sup>21</sup>

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<sup>16</sup> Crisis Group interviews, U.S. congressional staff members, Washington, 16 March 2023; Venezuelan political scientist, Caracas, 28 March 2023.

<sup>17</sup> Michael Wilner and Antonio María Delgado, "As Petro visits, White House threatens new pressure on Maduro without democratic progress", *Miami Herald*, 21 April 2023.

<sup>18</sup> Tim Ahmann and Marianna Párraga, "U.S. renews Chevron's Venezuela license through November under same restrictions", Reuters, 27 May 2023.

<sup>19</sup> A week after the agreement was signed, the U.S. government informed the UN that it was unable to guarantee that money passing through the U.S. financial system would be safe from seizure by Venezuela's creditors. Other obstacles to the fund's creation stemmed from the fact that the assets are located in many different jurisdictions and details are often hard to obtain. The Venezuelan government estimates that a total of \$9 billion in state assets are frozen in foreign bank accounts, of which a reported \$2 billion are held as gold in the Bank of England (other estimates of the gold's value are lower). "The Numbers of the Blockade [2015-2023]", Bolivarian Republic of Venezuela, May 2023.

<sup>20</sup> The White House finally gave the green light for the transfer after a lengthy debate among different sectors of the U.S. government was settled. Crisis Group interview, analyst, Washington, 1 August 2023. On 9 August, a Portuguese court decided in the Venezuelan government's favour in a case Caracas brought to regain control of \$1.5 billion frozen in Lisbon-based Novo Banco. Due to legal procedures, the money will not be transferred immediately, but if the decision stands it could strongly affect the fund's future. "Venezuela says wins ruling to recoup \$1.5 billion in Portugal funds", Reuters, 9 August 2023.

<sup>21</sup> Andreina Itriago Acosta, Eric Martin and Nicolle Yapur, "EE.UU. da luz verde a fondo de Naciones Unidas para Venezuela", Bloomberg En Línea, 18 May 2023. The November agreement explicitly states that delays in transferring funds should not hold up negotiations. Section 5 of the 26 November agreement states that, "The development of the agenda contained in the memorandum of understanding cannot be conditioned, suspended or delayed by any aspect derived from the implementation of the present agreement". Crisis Group translation. "Segundo Acuerdo Social para la Protección del Pueblo", Mexico City, 26 November 2022.

Meanwhile, senior officials in Washington voice concern that allies in Europe are re-establishing normal diplomatic and commercial relations without first insisting on conditions for competitive elections, as the U.S. is doing.<sup>22</sup> European capitals, in turn, point out that the U.S. has taken action on sanctions, changed its approach to international initiatives and exchanged prisoners without consultation. Brussels also worries that the Biden administration is overly influenced by domestic politics and hardliners in the U.S. Congress.<sup>23</sup>

### B. *Latin America Enters the Fray*

Alongside Washington's conversations with the Maduro government, a number of Latin American countries have moved to restore diplomatic ties and press for resolution of Venezuela's internal dispute. This realignment came after the election of several left-wing governments, notably in Venezuela's largest neighbours, Colombia and Brazil. Gustavo Petro, who took Colombia's highest office in August 2022, and Luiz Inácio Lula da Silva, who returned to the Brazilian presidency in January, immediately revived relations with Caracas, which had been suspended under their predecessors.<sup>24</sup> This leftward drift, coupled with former U.S. President Donald Trump's departure from the White House, has let Latin American countries decouple calls for restoration of political rights in Venezuela from the previously prevailing agenda, which was often preoccupied with blunting the perceived socialist threat in Latin America rather than defending democracy in the region.<sup>25</sup> On its own, however, wider recognition of Maduro risks tightening his hold on power and leading to largely unconditional acceptance of the status quo under his rule.

But as some of the region's major players recalibrate their approach to Caracas, others are moving at a different pace (if at all), leading to increased coordination challenges. The lack of international coordination could be discerned in the outcome of an

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<sup>22</sup> Following Gustavo Petro's inauguration as President, Colombia re-established diplomatic ties with Venezuela on 29 August 2022. In late December 2022, Spain, which had recognised Juan Guaidó as "interim president" in 2019 and kept only a chargé d'affaires in Caracas since the following year, appointed a new ambassador to Venezuela. Portugal had already appointed an ambassador that May. After Lula da Silva assumed power in Brasília in early 2023, his government likewise restored its diplomatic relations with Caracas. Even such a fierce critic of Maduro as Uruguayan president Luis Lacalle Pou has now appointed an ambassador to Venezuela. Incoming Paraguayan President Santiago Peña has also announced his intention to re-establish relations and reopen the embassy in Caracas. Ángel Bermúdez, "Cómo Maduro logró reubicarse en la escena internacional después de que 60 países dejaran de reconocer su presidencia", BBC Mundo, 15 February 2023.

<sup>23</sup> Crisis Group interviews, senior U.S. and EU officials, Washington, Caracas and Bogotá, March-April 2023.

<sup>24</sup> Crisis Group Latin America Report N°97, *Ties without Strings? Rebuilding Relations between Colombia and Venezuela*, 1 December 2022.

<sup>25</sup> Trump himself explicitly linked his Venezuela strategy to a policy of eliminating "socialism" from the hemisphere. Chris Mills Rodrigo, "Trump on Venezuela: 'The days of socialism are numbered'", *The Hill*, 18 February 2019. A similar ideological bent was evident in the Lima Group, a collection of Latin American and Caribbean nations that made several statements about the Venezuelan crisis. The Group stopped short of applying sanctions or seeking a military solution, and the U.S. was not formally a member, but Washington played a major role behind the scenes in crafting its communiqués. Anabella Busso, "El Grupo de Lima: entre las fallas de origen y la salida de Argentina", *Nueva Sociedad*, April 2021. Crisis Group interview, Lima Group member state ambassador, Bogotá, August 2019.

international conference about Venezuela in April. With great fanfare, Petro played host to delegates from nineteen countries – including the U.S., Brazil, Mexico and Norway – as well as EU High Representative Josep Borrell.<sup>26</sup> The conference's aim was to push for resumption of formal talks and to broker, in Petro's words, a "twin-rail" process: Maduro would make political and electoral concessions, in exchange for phased sanctions relief, particularly from Washington.<sup>27</sup>

But things did not work out that way. Back in Caracas, Maduro's chief negotiator, Rodríguez, said the U.S. must make the first move, ruling out further negotiations with the opposition unless all sanctions are lifted and the ICC desists from its probe into government officials' actions.<sup>28</sup> U.S. Deputy National Security Advisor Jon Finer said the Biden administration was "more than ready to reduce and ultimately end our sanctions pressures", but he added that it would first have to see "concrete, meaningful steps and, ultimately, free and fair elections".<sup>29</sup> Instead of a joint declaration confirming support for Petro's approach, the Bogotá conference wrapped up with a short statement in support of continuing negotiations from the Colombian foreign minister, reportedly because the U.S. representatives were reluctant to sign on to a more extensive text.<sup>30</sup>

A month later, in May, Maduro's participation in a summit convening leaders from all of South America's countries in Brasília generated fresh controversy. Opponents of Maduro, including María Corina Machado, were quick to criticise the speed of the Venezuelan government's readmission to the diplomatic fold. They also chided Lula for failing to demand greater respect for democratic guarantees and human rights.<sup>31</sup> These criticisms appeared to overlook that Lula used the summit to call publicly for a

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<sup>26</sup> Neither the Venezuelan government nor the opposition was invited to the meeting, which took place with Washington's blessing, according to a source close to the organisers. Crisis Group interview, Bogotá, 21 April 2023. The conference also put divisions within the Venezuelan opposition on display, with some groups highly critical of Colombia's involvement due to Petro's historical relationship with *chavismo*.

<sup>27</sup> Crisis Group interview, source close to the event organisers, Bogotá, 30 March 2023.

<sup>28</sup> "El régimen de Maduro condiciona el diálogo a la suspensión de la investigación en la Corte Penal Internacional", Infobae, 24 April 2023.

<sup>29</sup> Patricia Laya, "US to lift sanctions only if Venezuela returns to democracy", Bloomberg, 25 April 2023.

<sup>30</sup> After almost six hours of discussion, Colombian Foreign Minister Álvaro Leyva read a brief statement summarising the consensus among the participating governments, which included a call to agree on an electoral calendar and guarantees for fair elections and the lifting of sanctions following progress in those negotiations. Manuel Rueda, "Colombia hosts conference on Venezuela's political crisis", AP, 26 April 2023. Crisis Group interviews, European diplomats, Bogotá, 30 April 2023. "Declaración final de la Conferencia Internacional sobre el Proceso Político en Venezuela", Colombian Foreign Ministry, 25 April 2023.

<sup>31</sup> Lula received Maduro warmly in Brasília on 29 May, ahead of the summit. He particularly irked other participants (including the Chilean and Uruguayan presidents) by saying the Venezuelan leader was the victim of a "narrative" about alleged human rights abuses. Naiara Galarraga Gortázar, "Lula recibe a Maduro: 'Sobre Venezuela hay muchos prejuicios'", *El País*, 29 May 2023; and "No es una construcción presidente, es la realidad: las críticas de los presidentes de Chile y Uruguay a Lula por sus palabras sobre Venezuela", BBC Mundo, 31 May 2023. Even so, the criticism did not extend to Maduro's participation in the meeting. Uruguayan President Lacalle Pou noted that his government had appointed an ambassador to Caracas, and Chilean President Gabriel Boric acclaimed the fact that "Venezuela is returning to multilateral bodies".

“free vote” in Venezuela and that he reportedly used his private meeting with Maduro to press firmly for electoral and political reforms.<sup>32</sup>

Schisms among Latin American governments regarding what approach to take to Venezuela are becoming more pronounced. Chile and Uruguay are both demanding a more vocal stance on restoring democracy and respecting human rights. The natural leaders of any Latin America diplomatic effort regarding Venezuela are Colombia and Brazil, however, and they appear to be advocating dialogue with Caracas as a means to those ends, while remaining distinctly hostile both to U.S. sanctions and to international efforts to oust Maduro.<sup>33</sup> But the latter two countries are inhibited in certain ways from assuming a more prominent role. President Petro has certainly been at the vanguard of seeking a way out of Venezuela's deadlock, but is also dependent on the good-will of Caracas in supporting peace negotiations with the guerrilla National Liberation Army (ELN) and boosting cross-border trade and security.<sup>34</sup> Brazil, meanwhile, continues to be very concerned about the Venezuelan crisis, but so far appears reluctant to take a leading role in brokering a resolution.<sup>35</sup>

### C. *Deepening Ties and New Channels of Dialogue*

A similar split on Venezuela is emerging in Europe. Despite a common European Union (EU) position that member states should keep diplomatic ties at the chargé d'affaires level, Portugal and Spain have both named ambassadors to Caracas and others are likely to follow suit.<sup>36</sup> As mentioned above, U.S. officials privately allege a lack of coordination on the EU's part regarding Venezuela policy, while similar grumbles are heard about the U.S. in Brussels and other European capitals.<sup>37</sup> In general, governments with major interests in Venezuela – including Spain, Portugal and Italy, whose citizens migrated there in large numbers in the late twentieth century – are prone to adopt more pragmatic approaches, while Eastern European and Baltic EU members – which have few historical ties to Latin America and bad memories of communist rule (with which they associate *chavismo*) – are less keen on rapprochement.

Europe has nevertheless embraced a more prominent role in pushing for negotiations in Venezuela. Although the International Contact Group established by the EU in 2019 to press for a peaceful settlement has lost its impetus, a meeting on the margins of the July summit between the EU and the Community of Latin American and Caribbean States underscored the high-level political commitment to a negotiated outcome. Organised by the French government and concluding with a call to return to the Mexico City talks, the meeting brought together Delcy Rodríguez, vice president of

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<sup>32</sup> Crisis Group interview, source close to the Brazilian government, Rio de Janeiro, 27 June 2023.

<sup>33</sup> Brazil's Lula has been particularly outspoken in his criticism of sanctions. Speaking alongside Argentine President Alberto Fernández in Buenos Aires in January, he declared that “Venezuela needs dialogue, not blockades”. “Lula dice que el problema de Venezuela se resuelve con diálogo, espera retomar lazos diplomáticos”, *Voz de América*, 23 January 2023.

<sup>34</sup> Crisis Group Report, “Ties without Strings? Rebuilding Relations between Colombia and Venezuela”, op. cit.; and Juan Diego Quesada, “Petro pone tierra de por medio con Venezuela”, *El País*, 2 July 2023.

<sup>35</sup> Crisis Group interview, senior Brazilian official, Brasília, 29 June 2023.

<sup>36</sup> Crisis Group interview, European diplomat, Caracas, 4 May 2023.

<sup>37</sup> Crisis Group interviews, senior U.S. and EU officials, Washington, Caracas and Bogotá, March and April 2023.

Venezuela, Gerardo Blyde, chief negotiator for the opposition, alongside French President Emmanuel Macron, Petro, Lula, Argentine President Alberto Fernández and EU High Representative Borrell.<sup>38</sup>

Other national and international organisations are also re-engaging with Venezuelan authorities. The Venezuelan private sector, primarily through the main employers' organisation Fedecámaras, is seeking economic reforms and also participating in tripartite meetings under the aegis of the International Labour Organization aimed at returning Venezuela to compliance with ILO treaties.<sup>39</sup> On the human rights front, new UN High Commissioner for Human Rights Volker Türk visited Caracas in late January and came away with a two-year agreement under which the number of staff in the organisation's Caracas office will rise from twelve to 30.<sup>40</sup>

The ICC is also trying to keep channels open to the Maduro government, even as it investigates alleged crimes against humanity in Venezuela and despite the poor track record of progress to date. The Office of the Prosecutor launched a formal investigation on 3 November 2021. The same day, Maduro and the ICC's chief prosecutor, Karim Khan, signed an agreement under which Caracas could take its own shot at holding perpetrators of human rights violations accountable, with the Office's support.<sup>41</sup> A year later, the government sought to suspend the ICC probe, arguing that it was doing the job itself.<sup>42</sup> Khan, in turn, asked the court to authorise resumption of his office's enquiry, saying the government's efforts "remain either insufficient in scope or have not had any concrete impact".<sup>43</sup> The court approved the prosecutor's request in late June.<sup>44</sup> Khan does not appear to have given up hope of cooperation, however. Weeks before the court ordered his investigation renewed, he visited Caracas to conclude another deal to set up an office in the Venezuelan capital with the intention of working more closely with the authorities.<sup>45</sup>

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<sup>38</sup> The French presidency issued a joint statement which "encouraged the Venezuelan government and the opposition Unitary Platform to resume dialogue and negotiation within the framework of the Mexico process". They also called for a "political negotiation leading to the organisation of fair, transparent and inclusive elections for all, allowing the participation of all those who so wish in accordance with the law and international treaties, and with international support". In turn, they highlighted that such a process "must be accompanied by the lifting of sanctions of all kinds, with a view to their complete lifting". "Déclaration conjointe relative à la situation au Venezuela", Élysée Palace, 18 July 2023.

<sup>39</sup> "OIT permanecerá en Venezuela para acelerar acuerdo salarial tripartito", *Actualidad Laboral*, 23 March 2023. Despite the presence of an ILO adviser and the resumption of "tripartite" talks between government, unions and employers, there has been little progress.

<sup>40</sup> Crisis Group interview, official working for UN High Commissioner for Human Rights, Caracas, 3 May 2023.

<sup>41</sup> Mariano de Alba, "Venezuela: International Criminal Court Probe Puts Maduro in a Quandary", Crisis Group Commentary, 12 November 2021.

<sup>42</sup> "Notification of the Bolivarian Republic of Venezuela's deferral request under article 18(2) of the Rome Statute", International Criminal Court, 21 April 2022.

<sup>43</sup> "Statement of the Prosecutor of the International Criminal Court, Karim A.A. Khan, KC, following the application for an order under article 18(2) seeking authorisation to resume investigations in the Situation in Venezuela I", International Criminal Court, 1 November 2022.

<sup>44</sup> "Situation in Venezuela: ICC Pre-Trial Chamber I authorizes the resumption of the investigation", press release, International Criminal Court, 27 June 2023.

<sup>45</sup> Khan held talks with Venezuelan authorities on 8 June. "ICC Prosecutor Karim A.A. Khan concludes official visit to Venezuela, signing MoU on establishment of in-country office", press release, International Criminal Court, 13 June 2023.

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### III. What is Hinderling a Breakthrough?

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That Caracas is participating in so many talks would seem to signal willingness to strike a bargain. Yet it has shown little openness to making meaningful concessions, apparently reluctant to take a step that might threaten its hold on power.

Before the present impasse, there were signs that the Venezuelan government might be willing to relax its iron grip. The first of these came in the run-up to local and regional elections in 2021, which featured improvements over previous polls the mainstream opposition had boycotted since 2016. Not only did highly qualified opposition representatives have seats on the CNE, but the government also allowed respected international observers into the country for the ballot.<sup>46</sup> Mainly thanks to opposition splits, the government won control of nineteen of Venezuela's 23 states and more than 200 of its 335 municipalities. But it suffered a shock in its former stronghold of Barinas state, birthplace of the late President Chávez, where an opposition figure pulled out an extremely narrow victory over Chávez's brother Argenis. The Supreme Court annulled the result, retroactively ruling the winner ineligible for office, only for the opposition to win a rerun by a much bigger margin with a different candidate.<sup>47</sup>

That limited progress toward fairer political competition has since come to a halt. Indeed, it seems to have gone into reverse. In late June, the government forced the CNE's board to resign and immediately began taking steps to replace it.<sup>48</sup> In other domains – such as press freedom – state control is clearly intensifying.<sup>49</sup> As yet, there is no indication that Maduro – wishing neither to give up power nor to face the prospect of accountability – is seriously contemplating holding an entirely fair election, one he might not win. The word among government supporters is that conditions in the 2021 polls are the best that can be hoped for in 2024.<sup>50</sup> In the words of a former high-ranking opposition politician, the Maduro government “has not [yet] learned to conjugate the verb ‘to lose’”.<sup>51</sup>

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<sup>46</sup> “Final Report – European Union Election Observation Mission Venezuela 2021”, EU Election Observation Mission, February 2022.

<sup>47</sup> The Barinas episode showed opposition sceptics that victory was possible even in the face of a concerted government effort to prevent it. The new CNE, with its two non-government board members, prevented a fraud. For the government, however, the outcome was evidence of the risks inherent in allowing similar conditions for the 2024 presidential election. Seeing that only the Supreme Court ruling had forced a rerun, some in government concluded that reforming the CNE had been a mistake. Crisis Group interview, senior CNE source, Caracas, 22 March 2023. “Repetición de elecciones en Barinas: un proceso que no puede evaluarse sólo por su resultado”, *Acceso a la Justicia*, 18 January 2022.

<sup>48</sup> Alonso Moleiro, “La renuncia de la directiva del Consejo Nacional Electoral en Venezuela deja en el aire las primarias de la oposición”, *El País*, 15 June 2023.

<sup>49</sup> National and international civil rights bodies have documented government harassment of journalists, NGO staff and public-sector workers. “Crece la arremetida contra periodistas y trabajadores públicos”, Centro de Justicia y Paz (Cepaz), 9 May 2023.

<sup>50</sup> Crisis Group interview, pro-government analyst, Caracas, 24 March 2023. EU officials say conditions like those in 2021 would be insufficient to allow the bloc to send another observer mission, since it would mean the last mission's recommendations on electoral conditions reforms had been wholly ignored.

<sup>51</sup> Crisis Group interview, former leading opposition figure, Caracas, 21 March 2023.

### A. *Electoral Prospects*

At the forefront of Maduro's thinking must be that a credible election could go either way. To be sure, a win is possible even if polls indicate that only 25 to 30 per cent of the electorate backs the government; its actual support is unlikely to exceed that figure, which is hardly convincing public acclamation.<sup>52</sup> Venezuelan elections have only one round, however, which means that if the opposition is sufficiently divided, just 30 per cent of the vote could allow the incumbent to prevail.<sup>53</sup> While, in theory, the Venezuelan opposition could coalesce around a single candidate, it very well might not. Primary elections in October are supposed to establish who the standard bearer will be, once and for all. But infighting in the Unitary Platform – the main opposition coalition – may frustrate that goal. Several candidates from outside the Platform have also announced their intent to stand. Some of them are genuine Maduro adversaries, but others are not, including several whose parties were created by judicial manoeuvres to confuse the electorate.<sup>54</sup> But if the opposition is vulnerable, its weaknesses have not reassured Maduro to the point of levelling the playing field.

Moreover, if Maduro wants to rig the election in his favour, he has several tools at his disposal. By compelling the National Electoral Council board to step down, the government could have already started to use one. The opposition will have to run its primaries without access to official polling centres or electronic voting machines. Voters in peripheral parts of the country may be worst affected given that the opposition does not seem to have resources and logistical wherewithal to operate as many polling stations as the official electoral authorities. If the turnout is low, the primaries' credibility may suffer as well.<sup>55</sup>

The government and its allies can also use legal and regulatory tactics. On 30 May, Luis Ratti, a little-known politician who claims to want to take part in the primary but has a history of supporting the government, asked the Supreme Court to order the Unitary Platform's primary commission replaced, citing alleged irregularities in the process of selecting an opposition candidate and inequitable treatment of candidates. A week later, he petitioned the comptroller general to exclude from the primary any candidate subject to one of the many arbitrary bans on standing for elected office.<sup>56</sup> Separately, one of the front runners in the opposition primaries, Machado, has seen her prohibition on running for office reaffirmed by the Comptroller's Office, which is controlled by the government.<sup>57</sup>

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<sup>52</sup> Crisis Group interview, pollster, Caracas, 22 March 2023.

<sup>53</sup> Rafael Caldera won the presidency in 1993 with just over 30 per cent of the vote.

<sup>54</sup> Tony Frangie Mawad and Luis González Morales, "How 'third way' parties may look to erode the opposition vote in 2024", *Caracas Chronicles*, 7 June 2023.

<sup>55</sup> Ivan Reyes, "Oposición decide ir a una primaria 'autogestionada' y manual el 22 de octubre", *Efecto Cocuyo*, 16 June 2023.

<sup>56</sup> "Impugnan en Venezuela las elecciones primarias de oposición", *Deutsche Welle*, 31 May 2023; and Ronny Rodríguez Rosales, "Luis Ratti acude a la Contraloría para pedir que se pronuncie sobre candidatos inhabilitados", *Efecto Cocuyo*, 7 June 2023.

<sup>57</sup> Machado's twelve-month ban, imposed after she participated in the Organization of American States as a representative of Panama so that she might address its Permanent Council, ran out almost seven years ago, but CNE sources said they got no notice of the expiration and so were unable to register her candidacy. José Brito, a 2020 National Assembly member who portrays himself as an opposition figure, but in fact is co-opted by the government, asked the comptroller general to clarify

Outright fraud is rare in Venezuela, because the country uses an electronic voting system that can accurately record the vote.<sup>58</sup> The occasional stolen election, such as that for governor of Bolívar state in 2017 or of Barinas in 2021, has involved the alteration of manual ballots (required in some remote areas or when voting machines fail to work) or direct judicial interference.<sup>59</sup> But the electoral playing field remains heavily tilted in the government's favour thanks to its control of all relevant state institutions, from the National Electoral Council and the Supreme Court to the armed forces, which are charged with maintaining security on election day under a scheme called Plan República.

The EU observer mission report following the 2021 lists a number of other factors that incline the scales toward the government candidate and that the authorities are reluctant to relinquish.<sup>60</sup> The Maduro government can ban opposition candidates arbitrarily. It controls the electoral register, which currently excludes millions of Venezuelans who have moved house, left the country or simply been unable to register, and has not been fully audited since 2005. The government has near-complete control of mass media and exercises censorship of non-government outlets. The administration can also deploy government resources in support of the official candidate. In the 2012 election, for example, Chávez spent liberally on public works and gave away everything from houses to washing machines.<sup>61</sup>

### B. *Opposition Weaknesses and Prospects of Unity*

The government's hesitation around a political opening also stems from the state of its domestic opposition, which as noted above is far from strong. Dissolution of the "interim government" left the internationally recognised opposition coalition, known as the Unitary Platform, leaderless and without a consensus on strategy.<sup>62</sup> Its adoption in 2019 of what was essentially a plan for regime change, predicated on backing from the U.S. and dozens of its allies, had shifted its focus outward, at the expense of efforts to develop a powerful social base at home. It maintained a largely fictional "govern-

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the situation. In June, that office handed Brito a letter stating that Machado is disqualified from running for office for an additional fifteen years. It said the previous ban had been extended after Machado supported U.S. sanctions on Caracas and backed Guaidó's "interim government". Crisis Group interview, CNE official, Caracas, 21 March 2023. Mayela Armas and Vivian Sequera, "Venezuela bars leading opposition candidate Machado from holding office", Reuters, 1 July 2023; and "Venezuela confirma la inhabilitación de la precandidata opositora María Corina Machado", EFE, 30 June 2023.

<sup>58</sup> Crisis Group interview, independent CNE member, 21 March 2023. Many in the opposition nevertheless remain distrustful of voting tallies.

<sup>59</sup> "Andrés Velásquez muestra pruebas de fraude en Bolívar y llama a refundar la Unidad", *Prodavinci*, 20 October 2017; and "Elección Regional y Municipal 2021 Reporte de Garantías y Condiciones", Observatorio Electoral Venezolano, December 2021.

<sup>60</sup> Crisis Group interview, former senior government official, Caracas, 22 March 2023.

<sup>61</sup> Estimates suggest that public spending rose 30 per cent in the year leading up to the October 2012 president election. Robert Plummer, "Hugo Chavez leaves Venezuela in economic muddle", BBC News, 5 March 2013.

<sup>62</sup> The faction associated with Popular Will continues to pursue the former "interim government's" course, albeit without publicly acknowledging the rift with moderates. "The strategy remains the same – it's the other parties that have no strategy". Crisis Group interview, civil society activist, Caracas, 8 May 2023.

ment” financed by Venezuelan state funds seized by Washington. After its plan failed, its support among the Venezuelan electorate declined precipitously, exacerbated by a rift between party leaders – based mainly in Caracas and abroad – and local activists, for whom an electoral boycott in place since 2017 was an existential threat since it amounted to giving up on trying to claw back some political space from *chavismo*.<sup>63</sup>

The Platform’s members agreed at the last minute to drop the boycott for the 2021 local and regional polls. But hardliners associated with Guaidó and his Voluntad Popular (Popular Will) party mostly declined to campaign. While the opposition coalition has committed to taking part in the 2024 presidential election, doubts persist as to whether or not the more intransigent factions will go along. Unable to resolve its issues of unity, the coalition opted to leave the choice of candidate – and in effect, its leadership – in the hands of supporters. In November 2022, Unitary Platform members appointed an independent commission to oversee a primary election scheduled for 22 October 2023. There were significant differences as to how the primary should be run, in particular over whether to seek the CNE’s support in holding it.<sup>64</sup> Among the main dangers are that the process will descend into partisan bickering, that turnout will be poor, and that the candidacy may go to an outsider with no commitment to maintaining a united coalition or seeking consensus.<sup>65</sup>

The 2021 local and regional elections demonstrated that the Unitary Platform’s constituent parties represent only half the opposition forces in the country. As noted above, the other half consists of both authentic splinters from the mainstream opposition and parties created or co-opted by the government. As a result – and setting aside ways in which the government could interfere to tilt the playing field, including through disqualification of candidates – the Platform’s chances of defeating Maduro hinge on selecting a popular unity candidate who will make the election a simple choice between the government and its opponents.

At the same time, high-level *chavistas* say the government’s willingness to yield some of its advantages in the electoral system will depend to a large degree on the field of opposition candidates that it faces.<sup>66</sup> The main opposition candidate will, in theory, emerge from the primary election. A strong contender, capable of waging an effective campaign and committed to a coordinated strategy, could galvanise the opposition

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<sup>63</sup> Crisis Group interviews, local party activists, Miranda state, 23 March 2023. For an account of opposition infighting, see Maryhen Jiménez, Juan Manuel Trak, Stefania Vitale and Guillermo Tell Aveledo, “La oscilante (in)capacidad de la oposición venezolana en la disputa por el poder subnacional (2008-2022)”, *Revista Elecciones*, vol. 21, no. 23 (2022).

<sup>64</sup> Hardliners, led by Machado, Vente Venezuela’s candidate in the primary, rejected the CNE’s involvement, arguing that voters doubted its impartiality and that it might reveal voters’ identities to the authorities. Machado’s main rival, Henrique Capriles of the Justice First party, said the process would lack credibility without CNE help. Alonso Moleiro, “Fricciones en la oposición venezolana ante el proceso de primarias de las que debe salir un candidato contra Maduro”, *El País*, 9 May 2023. The government’s June decision to replace the CNE board, however, put an end to this debate.

<sup>65</sup> As a decision-making body, the Unitary Platform has almost broken down. As one opposition politician put it, “We take weeks to decide even the simplest things”. Another said Platform leaders “don’t meet. They just exchange messages”. Crisis Group interviews, opposition politicians, Caracas, 22 March and 8 May 2023.

<sup>66</sup> Crisis Group interviews, senior *chavista* official, Caracas, 20 March 2023; former senior *chavista* official, Caracas, 22 March 2023.

once more. The stiffer the opposition challenge, however, the less likely Maduro is to grant significant electoral concessions.<sup>67</sup> Given that the two leading contenders for the opposition candidacy, Machado and Henrique Capriles, are both presently banned from standing for elected office, it is not clear who, if anyone, might emerge to pose a significant threat.<sup>68</sup>

### C. *Economic Considerations*

Venezuela's economic turmoil also shapes Maduro's calculations. Aside from the levers the Maduro government can use to shape the outcome of the 2024 poll, the biggest boon to its electoral prospects would be an economic upswing. Maduro's record on this front, however, is dismal. In dollar terms, the Venezuelan economy is barely a quarter the size it was when he took office in 2013. Its foreign debt, a mosaic of obligations to bondholders, commercial creditors, bilateral lenders, expropriated foreign corporations and others, is around \$160 billion, roughly twice the nation's GDP.<sup>69</sup> U.S. financial sanctions, which make it a federal offence under U.S. law to trade in Venezuelan debt or even hold talks with the Maduro government on the subject, stand in the way of comprehensive restructuring, as does the lack of a credible economic reform program.

There are other problems as well. A dramatic drop in oil production, the economy's mainstay for a century, has reduced output to around 700,000 barrels per day, compared to almost 2.4 million in 2013. The government has repeatedly failed to meet its interim target of a million or more barrels per day.<sup>70</sup>

The economy did show signs of partial recovery in 2021 and 2022, thanks to a ferocious adjustment plan carried out with no external financial support. The government ceased to apply its strict price and exchange controls, albeit without repealing them, and allowed the U.S. dollar to circulate without penalty. It drastically curbed spending and increased taxes. Inflation fell from a high of over 130,000 per cent in 2018 to 234 per cent in 2022.<sup>71</sup> But the recovery was patchy, and most Venezuelans, particularly those working in the public sector, saw little if any benefit.<sup>72</sup> Year-on-year inflation is again running at almost 500 per cent, and while the IMF projects growth of around 5 per cent in 2023 (the highest in Latin America and the Caribbean), this rate would be a marked slowdown from 2022.<sup>73</sup> Other sources suggest the growth rate will be even lower.<sup>74</sup>

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<sup>67</sup> Ibid.

<sup>68</sup> The primary commission is allowing all potential candidates – even those formally disqualified from seeking elected office – to stand for the primary. Nevertheless, the government currently appears unlikely to lift those bans for the actual presidential election.

<sup>69</sup> The Venezuelan government produces no reliable economic statistics, but independent economists put the foreign debt to GDP ratio at somewhere between 180 and 240 per cent. Crisis Group interview, independent Venezuelan economist, 11 May 2023.

<sup>70</sup> In April, production rose to 724,000 barrels per day, according to OPEC and secondary sources. But it continues to hover at around a third of what it was when Maduro came to power.

<sup>71</sup> According to official figures.

<sup>72</sup> Dimitris Pantoulas, "Venezuela: An Unstable Equilibrium", *Revista de Ciencia Política* (Santiago), vol. 39, no. 2 (2019).

<sup>73</sup> "World Economic Outlook", International Monetary Fund, April 2023.

<sup>74</sup> Reynaldo Mozo Zambrano, "Estudio académico de la UCAB estima que economía venezolana crecerá 3.6 por ciento en 2023", *Efecto Cocuyo*, 29 April 2023.

Venezuela is now among the most unequal countries in Latin America, according to one estimate, with around 20 million of its 29 million people thought to be in need of humanitarian assistance.<sup>75</sup> While a super-rich sliver of the population engages in ostentatious consumption, mostly in the wealthier parts of Caracas, private-sector figures show a sharp drop in consumer spending in January as wages fell far behind prices.<sup>76</sup> As of May, the minimum wage of around \$75 a month yields much less than what is needed just to feed a family.<sup>77</sup> Without the hard currency that would enable it to raise real wages and create more jobs, the government has been unable to tamp down public-sector labour unrest, especially in the education and health care fields.<sup>78</sup>

One obvious way for the government to strengthen Venezuela's economy would be to make concessions sufficient to induce the U.S. government to lift sanctions, but it would need to act quickly if it wants to improve Venezuelans' livelihoods noticeably before they cast ballots. Even if the election were held at the last possible moment, in December 2024, sanctions relief would need to take effect very soon in order to make a difference. Timid government concessions between now and the end of 2023 would at best bring modest relief in return, possibly including more oil production licences for foreign firms, but these would fall far short of what would be required to produce even an incipient pre-election economic boom.

Another electoral liability for Maduro and his circle is that the government was recently forced to admit that high-ranking officials had engaged in a massive scheme to siphon oil export earnings into their own pockets. According to official sources, the losses amount to at least \$5 billion, but independent accounts put the figure much higher.<sup>79</sup> The list of those charged – 80 people, according to the government in late March – reads like a who's who of senior civilian and even military figures.<sup>80</sup> They include a general who ran the trading division of the state oil corporation PDVSA, the head of the national crypto-currency authority, the head of the Corporación Venezolana de Guayana (the state basic industries conglomerate), judges, mayors and a former state governor and minister of the presidency.<sup>81</sup>

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<sup>75</sup> "Encuesta Nacional de Condiciones de Vida 2022", Instituto de Investigaciones Económicas y Sociales, Universidad Católica Andrés Bello, ENCOVI, 2022; and "Venezuela Factsheet", European Civil Protection and Humanitarian Aid Operations (European Commission), 17 March 2023. ENCOVI, an independent social and economy survey, estimates Venezuela's Gini coefficient at 0.603 (where 1 represents the greatest inequality possible and 0 perfect equality), higher than that of Brazil, which has been rated as Latin America's most unequal country in recent years. Neither the UN nor the World Bank has confirmed these figures.

<sup>76</sup> Margaret López. "Asdrúbal Oliveros: 'El gran desafío de 2023 es el consumo'", *Efecto Cocuyo*, 1 March 2023.

<sup>77</sup> "Salario mínimo venezolano: una panorámica de 1999 a 2023", *Poderopedia*, 1 May 2023. In February, the union-linked research body Centro de Documentación y Análisis para los Trabajadores (Cenda) calculated the daily cost of feeding a family of five at \$13.

<sup>78</sup> "Conflictividad durante el primer trimestre de 2023", Observatorio Venezolano de la Conflictividad Social, 20 October 2022.

<sup>79</sup> Marianna Párraga, "Middlemen have left Venezuela's PDVSA with \$21.2 billion in unpaid bills", Reuters, 21 March 2023.

<sup>80</sup> "22 altos gerentes entre los 80 detenidos por corrupción en Pdvsa", *El Estímulo*, 20 March 2023.

<sup>81</sup> The Office of the Prosecutor General has issued 81 arrest warrants for people allegedly involved in corruption in the state oil company PDVSA, the judiciary, municipalities and other state companies. So far, the authorities have detained 61 people. Of the 61 arrested, the Office of the Prosecutor General

The key players in this racket were all close to Oil Minister Tareck el Aissami, a key Maduro ally, who – though forced to resign – has yet to be charged or arrested.<sup>82</sup> While the scandal has enabled Maduro to pose as an anti-corruption crusader, it also sent shock waves through his administration. Observers suspect that Aissami may have intended to mount a political challenge to Maduro. They think his removal has led to shifts in the *chavista* coalition that are constraining the president in making bold moves.<sup>83</sup> Hardliners opposed to concessions are stronger than before, while bureaucrats and private-sector allies are paralysed by nervousness about where the axe might fall next.<sup>84</sup>

#### D. *The Washington Angle*

The Maduro government's calculus about the 2024 presidential poll is also shaped by uncertainty about the attitude of outside powers, particularly but not exclusively the U.S.

The Biden administration inherited a Venezuela policy centred on crippling sanctions, primarily affecting finance and oil, most of which were imposed by former U.S. President Donald Trump. Despite their failure to dislodge Maduro or the *chavista* government, these sanctions remain in place as leverage intended to induce gradual concessions, aimed in particular at making the election free and fair. With the departure in May of Ambassador James Story – who was closely associated with support for the “interim government” – and his replacement with Francisco “Paco” Palmieri as head of the Venezuela Affairs Unit in Bogotá, the U.S. has offered greater clarity on the concessions Washington needs to see in order to engage in phased sanctions relief.<sup>85</sup> They include an electoral calendar, election observation, an end to bans on candidates and interference with parties, an updated electoral register and prisoner releases. But the onset of the 2024 U.S. presidential election campaign is likely to toughen the admin-

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has requested that trials commence for 22: thirteen businesspeople and nine public officials. In the indictment, the Prosecutor General says these 22 people participated in “a network of corruption made up of public officials, who, using their position and authority, proceeded to carry out parallel oil operations, through the assignment of cargoes of crude oil (vessels) by PDVSA to the National Superintendence of Crypto-currency (SUNACRIP) and to individuals, without any kind of control”. The Prosecutor General has not disclosed how the people arrested or charged have pleaded regarding to the charges against them. Nor has anyone arrested given a statement to the media. Eligio Rojas, “FGR pidió juicio para 22 de operación antiguais”, *Últimas Noticias*, 25 July 2023.

<sup>82</sup> Alonso Moleiro, “Cae Tareck El Aissami, ministro de Petróleo de Venezuela, por la corrupción de PDVSA”, *El País*, 20 March 2023. *Chavista* legislator Jesús Faría told an interviewer on 4 May that Aissami was “under investigation” for corruption, but no senior official has confirmed it. “Vladimir a la Carta con Jesús Faría, dirigente del PSUV”, video, YouTube, 8 May 2023. Among the notables arrested was General Jorge Luis Gómez Pimentel, the logistics chief for the Corporación Venezolana de Guayana who was also head of military counter-intelligence in the key south-eastern state of Bolívar.

<sup>83</sup> Crisis Group interviews, Venezuelan political analyst and academics linked to *chavismo*, Caracas, 27 April and 3-4 June 2023. This turmoil may partly account for the government's hardline public response to the Petro initiative. For the first time, it demanded that the ICC cease investigating alleged crimes against humanity in Venezuela.

<sup>84</sup> Crisis Group interview, Venezuelan private-sector source, Caracas, 15 April 2023.

<sup>85</sup> “Los Estados Unidos Apoyan a Todos los Venezolanos en Busca de un Mejor Futuro”, statement by Francisco Palmieri, 8 June 2023.

istration's stance, as it will fear that being perceived as "soft on Maduro", an image that Biden may wish to avoid with the White House at stake.<sup>86</sup>

That is not the only obstacle, however. Neither side really trusts the other to deliver on its promises.<sup>87</sup> The U.S. suspects that the Maduro government will manoeuvre to stay in power no matter what. Caracas sees bad faith on Washington's part, pointing to the delay in fulfilling the November 2022 agreement to set up the UN-administered fund to alleviate the humanitarian crisis, as explained above.

### E. *Changing Regional Politics*

While the region's swing back to the left has opened up fresh opportunities for a negotiated solution, it has also buoyed and emboldened the Maduro government. The latter not only celebrates having survived "maximum pressure" but also feels vindicated in its ideological stance and more at home with its neighbours, most of whom now believe it should not be excluded from regional forums.<sup>88</sup>

The contrast to several years ago is striking. Latin America was overwhelmingly hostile to the Maduro government from 2019 to 2020, with a dozen governments joining almost 60 other countries worldwide, in recognising Guaidó, not Maduro, as Venezuela's legitimate head of state. The Lima Group, founded in 2017 – which at its height had seventeen members drawn from the Americas – also maintained pressure on the Maduro government. In particular, it backed the application of the Inter-American Democratic Charter, by which Venezuela could have been expelled from the Organization of American States (OAS) if the government did not restore democracy.<sup>89</sup> (Maduro pre-empted that move by withdrawing Venezuela from the OAS in 2017.)

But now the region is overwhelmingly leaving behind the non-recognition policy. Left-wing governments that are more prone to strengthen their relations with Venezuela, as well as countries that have been openly critical of Maduro, such as Uruguay and Paraguay, are reopening their embassies in Caracas. Latin American governments

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<sup>86</sup> Crisis Group interview, Venezuelan political scientist, Washington, 13 March 2023. An example of the pressure facing Biden is the legislation introduced by Senator Bob Menendez, a Democrat from New Jersey who chairs the Foreign Relations Committee, on 31 July. "Chairman Menendez to Introduce Legislation Supporting Restoration of Democracy in Venezuela", press release, U.S. Senate Foreign Relations Committee, 31 July 2023. The senator proposes to update the VERDAD Act to state that sanctions will be reinstated if a "negotiated solution to restore democracy in Venezuela isn't achieved in six months". The bill would also require the U.S. to ask Interpol to issue a red notice for Maduro if there is no solution. "Chairman Menendez Remarks at Full Committee: 'Assessing U.S. Policy toward Venezuela'", press release, Office of Senator Bob Menendez, 15 September 2022.

<sup>87</sup> Crisis Group interview, source close to Mexico talks, Caracas, 27 June 2023.

<sup>88</sup> Several Latin American governments condemned the Biden administration's decision to exclude Venezuela (as well as Cuba and Nicaragua) from the June 2022 Summit of the Americas in Los Angeles. The discord contributed to the summit's perceived failure. Kevin Liptak, "Snubs from key leaders at Summit of the Americas reveal Biden's struggle to assert US leadership in its neighbourhood", CNN, 8 June 2022.

<sup>89</sup> Carlos Alberto Chaves García, "The Political Crisis in Venezuela and the Role of the Lima Group", *Revista de Relaciones Internacionales, Estrategia y Seguridad*, vol. 15, no. 1 (2020). The Inter-American Democratic Charter, adopted by the OAS in 2001, commits signatories to take (primarily diplomatic) measures to restore democratic governance in other member states in the event of interruption. It provides for suspending states that do not restore democracy.

now have a direct channel to the Venezuelan authorities, which they can use to try persuading Maduro to adopt more flexible positions that can help resolve the Venezuelan crisis. The new reality in the neighbourhood makes it evident that Maduro survived the policy of isolation and maximum pressure. The newly refreshed diplomatic relations with Latin America also mean that, even if the 2024 presidential election is not competitive, Venezuelan is better placed to spare itself the degree of political and economic isolation it experienced in recent years, although new governments in the region may view Caracas with disapproval.

#### F. *Russia-U.S. Tensions*

Russia-U.S. relations in the wake of the war in Ukraine are also shaping Maduro's calculations. While the Venezuelan government can no longer rely on Russia to evade sanctions and trade oil on international markets, ties between the two nations remain strong. Moscow's interest in promoting a negotiated settlement in Venezuela, meanwhile, appears to have dwindled as its hostility to the U.S. intensifies and divisions within multilateral institutions deepen.

As a close Russian ally in Latin America, the Maduro government has naturally sided with Moscow and been drawn further into its orbit, even as its global influence has weakened. The fact is, though, that the war has been detrimental to Venezuela's economy. Maduro's largely successful efforts to evade sanctions on Venezuelan oil exports primarily involved selling oil in Asia and channelling part of the profits through Russian financial institutions. But with Russian banks denied access to the SWIFT international transfer system, this route was blocked.<sup>90</sup> Moreover, Moscow was obliged to sell in Asia – and at a discount – oil that it would otherwise have sold in the West, thereby undercutting market opportunities for Venezuela's lower-quality oil, which also has further to travel.

As a result, Venezuela has been unable to capitalise on higher world energy prices resulting from the war. The new market forces mean that it is reaping fewer dollars per barrel now than before the onset of hostilities.<sup>91</sup> Moreover, the clandestine trading networks it was forced to establish in order to continue selling oil facilitated the corruption schemes that have ended up costing it billions of dollars.

The global energy crunch nevertheless generated political benefits for Maduro by reviving interest in restoring ties with Venezuela, which claims the world's largest reserves of oil, along with massive and largely untapped gas deposits. When Washington unexpectedly re-established direct contact with Maduro in March 2022, energy issues were high on the agenda, as they are for the EU, whose decision to halt imports from Russia in response to the Ukraine invasion left it scrambling to find alternative supplies. The EU, which fears a harsh winter in 2023-2024 might expose its vulnerability, is particularly keen on the gas that Venezuela already produces while pumping

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<sup>90</sup> "Venezuela da pasos sólidos en su integración al sistema Mir", *El Universal*, 20 June 2023.

<sup>91</sup> Crisis Group covered the impact of Russia's invasion of Ukraine on Venezuela in "The Fallout from Ukraine: Iran Talks Stalled, U.S. Woos Caracas?", *Hold Your Fire!* (podcast), 19 March 2022.

oil in the eastern state of Monagas, but that – for lack of infrastructure – it flares, contributing to climate change.<sup>92</sup>

Meanwhile, the increasingly hostile relationship between the U.S. and its allies, on one hand, and Russia, on the other, has put a dent in hopes that the latter might contribute to a solution in Venezuela. There is a risk that international collaboration to resolve Venezuela's internal crisis will take a back seat to geopolitical competition.<sup>93</sup> Russia, which (along with the Netherlands) had taken on a role as an “accompanying nation” for the Mexico City talks (a nebulous phrase that suggested it would be a facilitator of sorts), has since adopted a more uncompromisingly pro-Maduro stance. On 18 April, visiting Caracas, Russian Foreign Minister Sergei Lavrov described Venezuela as “without a doubt one of our most trustworthy allies”. He promised increased cooperation, aimed at ensuring that the Maduro government could resist U.S. sanctions.<sup>94</sup>

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<sup>92</sup> Venezuela flares an estimated 2 billion cubic feet of gas per day, most of it in Monagas. Patricia Garip, “Venezuela gas flaring in spotlight as nation gradually re-opens”, *Gas Outlook*, 9 February 2022. Gas was an item on the agenda of Enrique Mora, deputy secretary-general for political affairs at the EU's External Action Service, when he visited Caracas in late March. In May, the Maduro government signed an agreement with European energy companies Repsol and Eni to export small amounts of condensate produced by the Cardon IV project, which they jointly run with PDVSA. Fabiola Zerpa, “Venezuela otorga permiso de exportación de gas natural a Repsol y Eni”, Bloomberg, 6 May 2023.

<sup>93</sup> While tensions between Washington and Beijing subsided after U.S. Secretary of State Antony Blinken met with China's President Xi Jinping on 18 June, no evidence suggests a meeting of the minds regarding Venezuela.

<sup>94</sup> “Rusia ofrece apoyo absoluto a Venezuela frente a sanciones”, AP, 18 April 2023.

## IV. The Path Forward

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### A. *Setting a Realistic Goal*

Venezuela's bruising political crisis is more than twenty years old. Efforts to overcome it have included several dialogue initiatives, but none has halted the slide toward economic collapse, social unrest and authoritarian rule. The government's brutal crackdowns on dissent have brought it the ICC investigation. While the opposition has mainly fought via democratic means, on several occasions it has resorted to coup plots and even proposals for foreign military intervention. That, in turn, has redoubled the government's determination to cling to power.

Ideally, whoever takes office as president in January 2025 would commence restoring the rule of law and effective state institutions, while ensuring that those who lose out in the process are treated equitably. That outcome, however, would almost certainly require a negotiated agreement to be reached prior to the election. As Crisis Group has previously argued, a sustainable accord between government and opposition should cover a range of elements. These include conditions for free and fair elections in 2024 and beyond; reforms to avoid further concentration of power; support for the lifting of sanctions; and guarantees for the losing side that its political rights and continued participation in Venezuelan public life will be respected.<sup>95</sup> In addition, measures of transitional justice should be considered, possibly including a truth and justice commission aimed at reaching an impartial accounting of the crimes committed in the past.<sup>96</sup>

At this point, however, neither side seems willing to contemplate initiatives along such lines. All signs are that the government will not give up power willingly, or risk losing it in a fully competitive election, and that Venezuela's fundamental political disputes will not be resolved soon.

This dispiriting tableau is fraught with additional risks. The danger of a return to full-blown political crisis should not be ignored, especially if a lopsided presidential election in 2024 again discredits the ballot box as a way for the opposition to vie for power. Defeat on an uneven electoral playing field could nudge the opposition back toward abstentionism and deepen political divisions throughout the region. A shift in this direction could reinforce the status quo or even herald a period of increased domestic repression and regional isolation for Caracas – the latter a scenario many Venezuelan observers refer to as the “Nicaraguan route”.<sup>97</sup> The humanitarian costs of renewed high political tension would undoubtedly be huge, with hopes of economic recovery dashed and a fresh spiral of violence likely pushing more desperate migrants to flee the country.

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<sup>95</sup> Crisis Group Latin America Report N°79, *Imagining a Resolution of Venezuela's Crisis*, 11 March 2020.

<sup>96</sup> *Ibid.*

<sup>97</sup> Nicaraguan President Daniel Ortega, a close ally of the Maduro government, has gone much further than his Venezuelan counterpart in seeking to “eliminate ... any opposition in the country”. Crisis Group Commentary, “Nicaragua: Dealing with the Dangers of a One-Sided Poll”, 7 October 2021. “Annual report of the United Nations High Commissioner for Human Rights on the situation of human rights in Nicaragua”, UN High Commissioner for Human Rights, 7 March 2022. Ortega's strategy has come to be seen in Venezuela as a possible alternative for Maduro if he cannot hold on to power by less violent means.

Both sides have reason to steer around this outcome, however. While a more severe crackdown on dissent remains an option for Maduro, many inside and outside his circles believe he would prefer to consolidate the trend toward international recognition of his government by holding a more or less presentable election that the opposition loses, in part because of its own failings.<sup>98</sup> Preventing a fresh escalation in tensions, ensuring that the government does not resort to greater repression, and creating the conditions that could give rise to a comprehensive negotiated settlement, sooner or later, would also serve opposition interests.

Against this backdrop, perhaps the best that can be hoped for is an election cycle over the next eighteen months that strengthens, rather than frustrates, chances of a peaceful political opening. Should Maduro or a *chavista* alternative retain power in the 2024 polls without such a comprehensive agreement on political coexistence in place – as seems likely at the moment – piecemeal mutual concessions that would increase chances for competitive legislative elections the year after, in 2025, would at least be a step forward. That could conceivably enable the two sides to revisit the opportunity for cohabitation that fleetingly appeared in 2015 with the election of an opposition-dominated parliament and avoid a return to “zero-sum” political competition.<sup>99</sup> In order to enable this prospect, steps need to be taken and conditions met. Most importantly, Washington and Caracas will need to arrive at a deal (or series of deals) that would show progress toward competitive elections in 2024 and set the stage for credible legislative elections in 2025, while also providing meaningful economic benefits for Venezuela.

## B. *Enabling Steps and Conditions*

### 1. International observation and election conditions

Without a reputable international observation mission, the 2024 presidential election will likely prove a missed opportunity in the effort to achieve more legitimate and credible polls. At this point, however, the Maduro administration and the National Electoral Council have not adopted any of the 23 priority recommendations made by the EU observer mission after the 2021 local and regional polls. The government has not even allowed the mission's head, Isabel Santos, a member of the European Parliament, to return to Venezuela to present its conclusions. Without reforms in keeping with those outlined in the report, the EU will find it difficult to justify mounting a similar operation for the 2024 presidential poll.<sup>100</sup>

In theory, both Caracas and Brussels have a compelling interest in striking a deal so that professional international monitors can be present. Maduro wants to prove his legitimacy to foreign governments. The EU, meanwhile, is eager to turn the page on the “maximum pressure” era. Given the convergence of these goals, it would appear that an accommodation could be reached.

But there are still major obstacles. On 14 July, Rodríguez, president of the National Assembly and the government's chief negotiator, dismissed the prospect of EU electoral observation, arguing that the EU violated its agreement with the government

<sup>98</sup> Crisis Group interview, former senior *chavista* official, Caracas, 22 March 2023.

<sup>99</sup> Phil Gunson, “The Light at the End of the Tunnel?”, Crisis Group Commentary, 8 January 2016.

<sup>100</sup> Crisis Group interview, senior EU official, Caracas, 27 March 2023.

when its 2021 observation mission did not meet with high-level officials. The EU says it requested the meetings and got no response.<sup>101</sup> If the Maduro government eventually decides that it would benefit from deployment of an EU mission, however, it could adopt some of the 2021 recommendations it finds less onerous, such as conducting a public education drive to increase confidence in the electronic voting system or enhancing the CNE's ability to apply penalties for violating campaign rules, adding a clear commitment to make progress on others on a defined timetable.<sup>102</sup> Whether or not these steps would prove sufficient for Brussels would need to be tested, but the EU would doubtless welcome the engagement.

Several Latin American governments have also indicated an interest in putting together an observation mission. The OAS – which has abundant experience in election observation – has in effect been ruled out. As mentioned previously, the Venezuelan government renounced its membership in 2017; while the OAS still considers it formally a member, hostility between the two remains undimmed.<sup>103</sup> Other independent, experienced monitoring bodies, such as Colombia's Election Observation Movement, could contribute to a regional mission that would be more palatable for the government while at the same time having sufficient credibility.

Of course, whether or not they are permitted to engage in monitoring, none of these potential electoral missions will be able to vouch for the integrity of the 2024 polls unless the government is willing to lessen egregious restrictions on voter rights. The CNE has made only modest efforts to facilitate registration, especially for the millions of potential voters who live abroad.<sup>104</sup> As noted, the leading contenders for the opposition candidacy – Machado and Capriles – are both banned from standing, as are numerous other foes of the government.<sup>105</sup> Venezuela's jails are estimated to host close to 300 political prisoners.<sup>106</sup> The Supreme Court has also stripped several key opposition parties of their legal registrations and handed them to more compliant factions.<sup>107</sup>

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<sup>101</sup> Alonso Moleiro, "Venezuela anuncia que no aceptará la observación europea en las elecciones presidenciales de 2024", *El País*, 14 July 2023. Crisis Group interview, senior EU official, Caracas, 27 March 2023.

<sup>102</sup> Of the EU report's 23 recommendations, seven are accorded priority status. They include several the government is unlikely to contemplate, such as ensuring the independence of the judiciary, eliminating the comptroller general's right to ban certain candidacies or repealing the Anti-Hate Law, which it employs to punish dissidents.

<sup>103</sup> A member state must give two years' notice of its intent to leave the OAS. That period ended for Venezuela in 2019. At that point, however, the OAS recognised the Guaidó "government", which reaffirmed the country's membership, as Venezuela's representative. "OEA reconoce a representante de Venezuela 'designado' por Guaidó", *Deutsche Welle*, 9 April 2019. Maduro has said Venezuela will never return to the OAS. "Nicolás Maduro afirma que Venezuela no volverá a la OEA", *Deutsche Welle*, 16 May 2023.

<sup>104</sup> "La 'compleja' misión de inscribir a millones de electores en solo 24 oficinas del CNE en Venezuela", *VOA*, 8 June 2023.

<sup>105</sup> Another candidate who presumably remains banned is Freddy Superlano of Popular Will, the party of Guaidó. Superlano's ban was imposed retroactively after he won the Barinas state governorship in the 2021 regional elections. See Section III.B.

<sup>106</sup> Latest estimate from the NGO Foro Penal.

<sup>107</sup> "Three of the MUD parties (AD, VP and COPEI) had their official symbols and names withdrawn by the Supreme Court in 2019 (COPEI) and 2020 (AD and VP). In highly controversial rulings, the Supreme Court handed the control of the party identity and the use of the logos to minority dissenting

But even if the presence of an international electoral mission is no guarantee of an entirely fair election, it would still be worthwhile. An observation mission, ideally from the EU (given its past involvement), could provide a timely assessment of progress made toward meeting previous recommendations; ensure that the spotlight is placed on grave abuses of power; and continue to highlight the reforms that need to be made to ensure that future polls are genuinely competitive.

## 2. Opposition reset

It will be difficult to make meaningful short- or long-term progress in resolving Venezuela's political crisis without a more cohesive opposition. The opposition must bridge its internal divisions and boost its public support if it intends to engage in negotiations with the government on an equal footing. At the same time, it can take crucial steps toward eventual comprehensive negotiations by abandoning non-democratic means of seeking political change, instead exploring the possibility of a future of peaceful political coexistence with democratically minded elements of *chavismo*.

The Venezuelan opposition, which in effect outsourced its decision-making to the U.S. and its allies in 2019, is in urgent need of an overhaul that would allow it to improve internal coordination, reconnect with voters, rebuild faith in elections and shelve boycott calls from certain factions. The primary election due in October was devised less as a means of addressing these needs than as an acknowledgement of the opposition's inability to do so. But by itself, it is unlikely to resolve the absence of leadership and long-term strategy.<sup>108</sup> At some point, the opposition will have to look beyond demands for improved election conditions and competition between rival candidates to focus on voters' chief concerns, above all their living standards and economic future. It should, for example, formulate proposals for returning Venezuela gradually to stability and restoring effective, non-partisan state institutions, a task that only a broad spectrum of political and social forces can carry out.

As for concrete steps, the opposition should firmly reject maximalist positions, such as the stance that sanctions relief should come only after Maduro leaves power, ensuring that its delegation to the Mexico talks is united on this point. It should come together behind a collective leadership with clear rules for decision-making and allow civil society to participate in negotiations, as promised in the memorandum that established the format for talks in 2021. Additionally, it should strengthen its delegation's capacity by forming teams of specialists with knowledge related to certain agenda points, including reparations for victims of violence, social protection measures and restoration of the rule of law.

## 3. The role of the region

Colombia and Brazil have a vital role to play in bringing Caracas, Washington and other capitals together around the need to strike compromises in the run-up to the polls. The window of opportunity created by Latin America's shift to the left, which

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factions who had claimed them". "European Union Election Observation Mission Venezuela 2021 Final Report", February 2022.

<sup>108</sup> Maryhen Jiménez Morales, Juan Manuel Trak and Stefania Vitale, "¿El orden de los factores altera el producto? Las primarias de la oposición venezolana", *Latinoamérica* 21, 16 August 2022.

could provide *chavismo* with the reassurance it needs to pursue a negotiated solution, may close soon. Already, there are signs of a swing back rightward, fuelled by an anti-incumbent trend that shows no sign of abating.<sup>109</sup> That said, the Petro and Lula governments are still fairly young, and both retain potential as intermediaries between Washington and Caracas. These two capitals can work with both Colombia and Brazil. Colombia's ambassador to the U.S., Luis Gilberto Murillo, has privileged access to the White House: a former U.S. citizen, he worked on the U.S. president's 2020 campaign, founding a group called Colombianos con Biden.<sup>110</sup> In Lula's first two presidencies, between 2002 and 2010, he maintained close relations with the Chávez government and simultaneously stayed on good terms with Washington. That history, and the fact that Brazil shares a 2,200km border with Venezuela, makes Lula's government uniquely placed to support a mediation.<sup>111</sup>

One possible format, albeit one that has yet to prove viable, is that Latin American governments could form a "group of friends" offering firm diplomatic backing in support of a negotiated settlement in Venezuela. This prospect was also mooted in the memorandum behind the Mexico talks.<sup>112</sup>

It would not be easy, of course, for regional governments to serve as interlocutors. Maintaining strong relations with the government and opposition in Venezuela, as well as with international allies of both sides, requires diplomatic acrobatics that can easily result in a misstep. Petro's government has reportedly taken a step back from its efforts to promote a negotiated settlement in Venezuela after discerning the obstacles.<sup>113</sup> Lula's potential role in backing an agreement between Venezuela's government and opposition has already aroused concern with at least some sectors of the Venezuelan opposition, due to his perceived affinity for *chavismo*, although Brazil has underlined its support for a democratic resolution to the conflict.<sup>114</sup>

Although Maduro will not take kindly to suggestions, even from friendly governments, regarding electoral conditions, Latin American nations (Colombia and Brazil in particular) should make it clear there will be consequences if the 2024 election is perceived to be a sham. At a minimum, these two countries should insist on a credible international observation mission and lifting of bans on opposition candidates.

While the Colombian government's April conference failed to spark an international effort to bring the parties back to the table, that must remain a primary goal. Latin America has so far struggled to tread a path between confrontation and collaboration with Caracas. But Colombia and Brazil should seek in the coming months to use their fluid ties with the Venezuelan government to narrow the differences that separate Washington and Caracas, first, by minimising suspicions on both sides that the

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<sup>109</sup> Peru's leftist president, Pedro Castillo, was removed from office in December 2022, after attempting to close down Congress. Chile saw a marked swing to the right in elections for a constituent assembly in May. The left is likely to lose power in Argentina when the country goes to the polls in October.

<sup>110</sup> Murillo renounced his U.S. citizenship to take the ambassadorial post.

<sup>111</sup> Crisis Group Commentary, "Brazil is Back: Can Latin America's Divides Be Bridged?", 31 January 2023.

<sup>112</sup> Initial efforts to form a group of friends to support the Mexico City talks proved fruitless when government and opposition failed to agree on its composition. There were also far too many governments jostling to take part. Crisis Group interviews, source close to the talks, Bogotá, 21 July 2022.

<sup>113</sup> Juan Diego Quesada, "Petro pone tierra de por medio con Venezuela", *El País*, 2 July 2023.

<sup>114</sup> Crisis Group interview, senior Brazilian government official, Brasília, 29 June 2023.

other is simply stalling or has no interest in making genuine concessions and, secondly, by using their diplomatic good offices to encourage global support for pre-electoral agreements, as described below.

It is also incumbent on Washington and Brussels (as well as European governments, including the UK) to coordinate more frequently and ensure that pursuit of their individual, legitimate prerogatives (such as access to natural resources and protecting political and economic interests) does not result in contradictory approaches to the Venezuela crisis.

#### 4. Small wins

The objective for all parties should be to encourage a virtuous cycle of reciprocal concessions by the Venezuelan and U.S. governments – involving political and electoral reforms by Caracas in exchange for the progressive lifting of sanctions by Washington – in order to pave the way for a 2024 election that represents progress, even if not to the point of being completely free and fair. That outcome in turn could open space for a broader canvas of negotiations between government and opposition.

To this end, and with the support of major Latin American powers, the Biden administration should pursue as a matter of priority establishing diplomatic channels of communication with the Venezuelan government, even if at the outset these appear to devalue the importance of the Mexico negotiations. Dislodging the most important obstacles to an agreement will depend on direct talks between Washington and Caracas, as well as clear private messaging from the U.S. government as to which sanctions it would lift to match each concession from Caracas.

As Washington considers its approach to negotiations, it should also be clear-eyed about the impact of its sanctions regime, being careful not to attach more significance to the penalties than is merited. Sanctions may have succeeded in bringing Maduro to the negotiating table, but the promises of relief have yet to induce him to make meaningful political reforms. There have been other costs as well. Financial and economic sanctions imposed by Washington have undoubtedly exacerbated the economic and humanitarian crisis in Venezuela, thereby helping fuel the region's unprecedented levels of migration.<sup>115</sup> They have also clearly failed, thus far, to achieve their primary objective of putting an end to the political conflict. This perspective may help the U.S. administration show the flexibility that will be required in order to gain concessions from Caracas.

As for what those concessions might be, there appears room for an agreement (or series of agreements) that involves, on the government's part, the release of political prisoners; the appointment of a new CNE that gives a degree of confidence to a majority of the opposition; an audit and update of the electoral registry; measures allowing the opposition greater use of the media; and steps toward inviting electoral observation missions, ideally one from the EU or a group of Latin American states.<sup>116</sup>

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<sup>115</sup> Crisis Group telephone interview, senior U.S. government official, 22 November 2022. Francisco Rodriguez, "How Sanctions Contributed to Venezuela's Economic Collapse", *Global Americans*, 9 January 2023.

<sup>116</sup> Observers mostly agree that these concessions would not be too onerous for the government and would still leave it at an advantage in the run-up to the 2024 presidential election. Crisis Group interviews, members of the Venezuelan government, opposition and civil society, April-June 2023.

In parallel, the U.S. government should continue to help the UN speed up work setting up the humanitarian fund in the U.S. and transferring the requisite sums, lift the reward it has offered for information leading to the arrest or conviction of senior Venezuelan government officials, including Maduro, and issue additional licences that would allow ramped-up oil production. For example, Washington could permit oil service companies to resume operations on Venezuelan territory and relax persisting limitations on Chevron.

At the same time, it is vital that the U.S. does not impose additional punishments to remedy the failure of sanctions to date, especially in the run-up to the elections. Should Maduro refuse to budge before the elections, the U.S. Congress might be inclined to pass legislation that intensifies the sanctions regime, entrenching positions and making its eventual dismantling even harder.<sup>117</sup> It should resist this temptation, bearing in mind that additional punitive measures are unlikely to succeed to a greater extent than the ones in place have so far and could make it more difficult to deal with Maduro down the road.

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<sup>117</sup> In February 2023, for example, Representatives Michael Waltz, a Republican from Florida, and Debbie Wasserman Schultz, a Democrat from Florida, reintroduced legislation (known as the BOLIVAR Act) in the U.S. House of Representatives that would ban the federal government from contracting with any person or company that has dealings with the Maduro government. Florida, a long-time “swing state” in U.S. presidential races, is home to a large population of Venezuelan origin, many of whom fled the Maduro government’s repression. For background, see Crisis Group Latin America Report N°86, *The Exile Effect: Venezuela’s Overseas Opposition and Social Media*, 24 February 2021. A similar draft passed the Senate in 2022. Senator Menendez, who has a record of hawkishness toward left-identified Latin American governments, is vehemently opposed to sanctions relief without meaningful progress on political reform. His reintroduction of updated VERDAD legislation (see fn 86) is clearly meant to send a signal that the window for negotiations will not be open long.

## V. Conclusion

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The main parties involved in the Venezuelan crisis, and above all the Maduro government, are impeding progress toward a negotiated solution. The likelihood is that no agreement between the government and opposition will be reached ahead of the 2024 presidential election, leaving tens of millions of Venezuelan citizens in the grip of a dispute that has consigned them to poverty and repression. That outcome would have consequences not just for Venezuela, but Latin American as a whole, not least because many more Venezuelans will flee their homeland to establish lives abroad.

The comprehensive failure of the Trump administration's "maximum pressure" approach should serve to demonstrate that there is no silver bullet that will instantly end this protracted crisis. The attempt to isolate or topple the Maduro government through severe economic duress only consolidated its grip on power and deepened its dependency on Russia, China, Iran and other non-Western countries. While the U.S. and its allies have turned the page on this approach, the chances of a fully competitive election in 2024 still appear vanishingly small. At no point has the Maduro government hinted that it might be willing to risk its hold on national power. Regardless of the concessions it manages to negotiate on sanctions – and indeed even if they were fully lifted – the government would likely remain determined to stay in office, especially if the threats of prosecution and the risk of political persecution under a new government were still in place.

The election nonetheless offers an opportunity to move beyond the current impasse. In particular, it will be vital to ensure that the 2024 presidential election does not become a rerun of 2018, when the mainstream opposition pulled out, the results were widely regarded as illegitimate and the conflict worsened. That means maintaining pressure on the government to take steps toward establishing a more (if not fully) level electoral playing field and allow genuine international observation, as well as defending the need for far greater space for civil activism and political dissent in Venezuela.

But there is little chance it will agree to these measures unless it gets something in return in the form of sanctions relief from the United States. To this end, Washington should work with Venezuela's neighbours – especially Colombia and Brazil – to clear a path toward negotiations with Caracas. When it gets there, it should be prepared to reciprocate any substantive reforms Maduro makes with corresponding concessions on sanctions.

The opposition, for its part, should work to reconnect with the electorate, improve its internal coordination and strengthen its campaign for a negotiated, electoral route out of the dispute with *chavismo*. External powers should be wary of those anti-Maduro forces that seek a return to "maximum pressure" and whose ostensible commitment to a negotiation is purely tactical. Abstentionism has done nothing but weaken the opposition and delay efforts to overcome the crisis. The path to a solution in Venezuela is likely to be long and setbacks will be many. But there is still time to navigate the forthcoming election cycle in a way that strengthens governance and sets the stage for broader talks in its aftermath.

**Caracas/Bogotá/Brussels, 16 August 2023**

## Appendix A: About the International Crisis Group

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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.

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**August 2023**

## Appendix B: Reports and Briefings on Latin America and Caribbean since 2020

### Special Reports and Briefings

*COVID-19 and Conflict: Seven Trends to Watch*, Special Briefing N°4, 24 March 2020 (also available in French and Spanish).

*A Course Correction for the Women, Peace and Security Agenda*, Special Briefing N°5, 9 December 2020.

*Ten Challenges for the UN in 2021-2022*, Special Briefing N°6, 13 September 2021.

*7 Priorities for the G7: Managing the Global Fallout of Russia's War on Ukraine*, Special Briefing N°7, 22 June 2022.

*Ten Challenges for the UN in 2022-2023*, Special Briefing N°8, 14 September 2022.

*Seven Priorities for Preserving the OSCE in a Time of War*, Special Briefing N°9, 29 November 2022.

*Seven Priorities for the G7 in 2023*, Special Briefing N°10, 15 May 2023.

*A Glut of Arms: Curbing the Threat to Venezuela from Violent Groups*, Latin America Report N°78, 20 February 2020 (also available in Spanish).

*Imagining a Resolution of Venezuela's Crisis*, Latin America Report N°79, 11 March 2020 (also available in Spanish)

*Broken Ties, Frozen Borders: Colombia and Venezuela Face COVID-19*, Latin America Briefing N°42, 16 April 2020 (also available in Spanish).

*Mexico's Everyday War: Guerrero and the Trials of Peace*, Latin America Report N°80, 4 May 2020 (also available in Spanish).

*Miracle or Mirage? Gangs and Plunging Violence in El Salvador*, Latin America Report N°81, 8 July 2020 (also available in Spanish).

*Bolivia Faces New Polls in Shadow of Fraud Row*, Latin America Briefing N°43, 31 July 2020 (also available in Spanish).

*Leaders under Fire: Defending Colombia's Front Line of Peace*, Latin America Report N°82, 6 October 2020 (also available in Spanish).

*Virus-proof Violence: Crime and COVID-19 in Mexico and the Northern Triangle*, Latin America Report N°83, 13 November 2020 (also available in Spanish).

*Disorder on the Border: Keeping the Peace between Colombia and Venezuela*, Latin America Report N°84, 14 December 2020 (also available in Spanish).

*Venezuela: What Lies Ahead after Election Clinches Maduro's Clean Sweep*, Latin America Report N°85, 21 December 2020 (also available in Spanish).

*The Exile Effect: Venezuela's Overseas Opposition and Social Media*, Latin America Report N°86, 24 February 2021 (also available in Spanish).

*Deeply Rooted: Coca Eradication and Violence in Colombia*, Latin America Report N°87, 26 February 2021 (also available in Spanish).

*The Risks of a Rigged Election in Nicaragua*, Latin America Report N°88, 20 May 2021 (also available in Spanish).

*Electoral Violence and Illicit Influence in Mexico's Hot Land*, Latin America Report N°89, 2 June 2021 (also available in Spanish).

*The Pandemic Strikes: Responding to Colombia's Mass Protests*, Latin America Report N°90, 2 July 2021 (also available in Spanish).

*Haiti: A Path to Stability for a Nation in Shock*, Latin America and Caribbean Briefing N°44, 30 September 2021 (also available in French and Spanish).

*A Broken Canopy: Preventing Deforestation and Conflict in Colombia*, Latin America Report N°91, 4 November 2021 (also available in Spanish).

*Handling the Risks of Honduras' High-stakes Poll*, Latin America Briefing N°45, 23 November 2021 (also available in Spanish).

*A Fight by Other Means: Keeping the Peace with Colombia's FARC*, Latin America Report N°92, 30 November 2021 (also available in Spanish).

*Overcoming the Global Rift on Venezuela*, Latin America Report N°93, 17 February 2022 (also available in Spanish).

*Keeping Oil from the Fire: Tackling Mexico's Fuel Theft Racket*, Latin America Briefing N°46, 25 March 2022 (also available in Spanish).

*Brazil's True Believers: Bolsonaro and the Risks of an Election Year*, Latin America Briefing N°47, 16 June 2022 (also available in Portuguese and Spanish).

*Hard Times in a Safe Haven: Protecting Venezuelan Migrants in Colombia*, Latin America Report N°94, 9 August 2022 (also available in Spanish).

*Trapped in Conflict: Reforming Military Strategy to Save Lives in Colombia*, Latin America Report N°95, 27 September 2022 (also available in Spanish).

*A Remedy for El Salvador's Prison Fever*, Latin America Report N°96, 5 October 2022 (also available in Spanish).

*Ties without Strings? Rebuilding Relations between Colombia and Venezuela*, Latin America Report N°97, 1 December 2022 (also available in Spanish).

*Haiti's Last Resort: Gangs and the Prospect of Foreign Intervention*, Latin America and Caribbean Briefing N°48, 14 December 2022 (also available in Spanish and French).

*Protecting Colombia's Most Vulnerable on the Road to "Total Peace"*, Latin America Report N°98, 24 February 2023 (also available in Spanish).

*Mexico's Forgotten Mayors: The Role of Local Government in Fighting Crime*, Latam Report N°99, 23 June 2023 (also available in Spanish).

*New Dawn or Old Habits? Resolving Honduras' Security Dilemmas*, Latin America Report N°100, 10 July 2023 (also available in Spanish).

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