



## Venezuela in Crisis: Continuing Chaos and Prognoses

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### Introduction

Venezuela is in the throes of its worst political conflict, further complicated by an economic and social crisis. In its eighteenth year in power, the Chavista government now led by President Nicolas Maduro has seen its popularity drop under the woes of an economy that has been contracting since 2014. Inflation was 127.8 percent in the first five months of 2017. There are severe shortages of food and essential medicines, creating a humanitarian crisis in the country. The production of oil on which Venezuela's economy largely depends has declined. At the same time, the Maduro government's increased attacks on business investors, intensified state controls and institutional attacks, have generated a strong political opposition that challenges the government. This chaos was the cause of the protests that have swept the country.

The government of President Maduro has faced condemnation and pressure, including Venezuela's suspension from MERCOSUR, a regional free-trade bloc in Latin America, and several rounds of US sanctions. However, President Maduro continues to cling to power. On July 30, 2017, President Maduro declared victory in an election to establish a 545-member constituent assembly—which marked the second time Venezuela had a constituent assembly. In 1999, then President Hugo Chavez called a referendum for creating the first constituent assembly. The difference this time was that the July 30 vote was ordered by a decree, with no referendum indicating that a majority wanted a change. The newly-elected members will re-write the nation's 1999 constitution introduced under former President Chavez. While the idea of the 1999 constituent assembly was to re-formulate the state, the purpose of the 2017 constituent assembly is to reform and protect the state. In a document signed before the National Electoral Council (CNE), President Maduro stated that this call for the constituent

assembly was made “in the context of the current social, political and economic circumstances in which there are severe internal and external threats against democracy and patrimony against the constitutional order.”<sup>i</sup> President Maduro also said that the purpose of the election was to bring “reconciliation and peace” to the country.

It was announced that President Maduro’s call for a new National Constituent Assembly—a controversial new governing body that will have the authority to rewrite the country’s constitution—is an alternative mechanism to holding a general election. This call would also legitimise the effort to restructure public powers in order to address the tussle between the Venezuelan parliament and the attorney general’s office, which in recent months has joined in being critical against the Maduro government. President Maduro called on the opposition to participate in the electoral process under the slogan “Votes yes, bullets no”, but they boycotted the polls.

The opposition had boycotted the July 30 election, because they believe that the purpose of the new assembly is to re-write the constitution and strengthen President Maduro’s power and further delay or cancel elections. The opposition claimed that the new entity’s powers and actions and term are not mentioned. The new assembly also has the power to discard existing institutions, restructure the state and even remove a president from office.<sup>ii</sup> President Maduro has indicated that he wants to change Venezuela’s political system into a state akin to Cuba’s Congress. This would mean dissolving the country’s parliament, known as the National Assembly, made up of 165 deputies, in which the opposition Democratic Unity (MUD) coalition has a majority since 2015.<sup>iii</sup>

Moreover, on March 29, 2017, the Venezuelan Supreme Court seized power from the opposition-led national assembly, a move that could allow it to write laws itself. The court defended the move by saying that the national assembly’s lawmakers were “in a situation of contempt” and “incapacitation” to perform its constitutional duties. Therefore, the judiciary has the authority to take its place as an interim measure. The supreme court alleged that the move was after allegations of electoral irregularities by three opposition lawmakers during the 2015 elections.<sup>iv</sup> The opposition condemned the move saying that the step taken by the court undermined the country’s separation of powers. They also denounced the move as a constitutional coup, perpetrated by the government itself, and the ruling took Venezuela closer to one-man rule under President Maduro.

From March 2017 onwards, violence was spreading like wildfire and Caracas, the capital city, had become one of the world’s most violent places.<sup>v</sup> At least 163 people have been killed and more than 3,500 injured in anti-government protests from March to July 2017. Thousands of Venezuelans have fled to the neighbouring countries of Brazil, Columbia and Panama for protection and refuge.

Why the Referendum?

In an attempt to stop the constituent assembly’s election, the opposition attempted to hold their own democratic exercise to pressure the government. On July 3, 2017, the MUD coalition announced this referendum. Over seven million people out of an electorate of 18 million, voted against the establishment of the new assembly in an informal referendum organised by the opposition on July

16, 2017. About 700,000 Venezuelans who have migrated from the country also took part in the referendum, gathering at voting stations in various countries around the world. The ballots included three questions on whether the voters would reject and do not recognise President Maduro's plan to create a new constituent assembly; whether the voters want Venezuela's armed forces to protect the 1999 constitution and the decisions of the national assembly; and finally, Venezuelans were also asked whether or not they would support fresh elections for a new government. It was asked to vote in "yes or no". About 98 percent voters rejected the proposed July 30, 2017 election and President Maduro's plan to re-write the constitution. However, President Maduro and his supporters claim that the referendum was illegal, because the poll lacked any real enforcement mechanism and was not approved by the National Electoral Council. Thereby, they were pushing forward for their own election of July 30, 2017 to elect members of the constituent assembly.

The opposition stated that the result of the referendum has provided them a mandate for change and demanded a general election. The opposition intensified protests, general strikes, etc. They also appointed 13 new alternative judges and 20 assistant judges to the country's supreme court, whose current pro-government judges have been a bedrock of support for President Maduro. In addition, the move was also part of the opposition to pressure the Maduro administration to conduct a presidential election and halt the new assembly, which they fear would strengthen dictatorship.<sup>vi</sup>

The referendum was against President Maduro's plan to establish a new constituent assembly. The new assembly will have 545 members unlike the existing one, which had 167 members. The new assembly will also have the power to dissolve the state institutions, including the national assembly, where opposition parties were in majority since December 2015 election. The referendum was also to pressure President Maduro to hold elections before his term expires in 2019. The opposition also believed that the Maduro government's plan of re-writing the constitution would certainly delay the regional elections of 2017 and presidential election in 2018; whereas constituent assemblies, unlike legislative assemblies, are established for the specific purpose of drafting or adopting a constitution. The constituent assembly has the authority to change the fundamental laws on how Venezuela is run.<sup>vii</sup> It is worth mentioning here that President Maduro's call for the constituent assembly was according to Articles 347 and 348 of the current Bolivarian constitution, which clearly gives the president the power to make such a call. The argument used by the opposition that President Maduro should have called a referendum first, as happened in 1999, is a political one.<sup>viii</sup> However, President Maduro has reiterated that the new constitution framed by the new constituent assembly will be approved by the electorate through a referendum.

### **Roots of the Crisis**

Venezuela's economy is going through a deep crisis, the worst in decades, as oil production, which accounts for 95 percent of its export revenue, has fallen since its peak in June 2014. According to OPEC's data, Venezuela's oil production has been continuously declining in recent years, with an average of 2,375 bpd in 2015, and falling to 2,159 bpd in 2016. Venezuela's oil production in 2017 has declined even further. The average production was 2,057 bpd in the first quarter of 2017 and it came down to average of 1,918 bpd in August 2017.<sup>ix</sup> It has been reported that the global oil price will have to

increase from about US\$15 a barrel — to US\$70 — for the economic situation to recover.<sup>x</sup> One-third of Venezuela's gross domestic product (GDP) comes from oil and its economy is significantly determined by the stability of global oil prices.

The drop in oil prices, price control and shortages are reflected in annual hyperinflation that exceeds 1,600 percent. The collapse of oil prices has significantly affected Venezuela's economic and social policies. It has caused a humanitarian crisis where basic food, medicines and essential goods are not available. According to an independent survey conducted in January 2017, most Venezuelans are not able to eat three times a day, and poverty rates are about 70 percent.<sup>xi</sup>

Besides the fall in oil prices, widespread corruption among government officials has aggravated the situation. Over the years, strengthening power in the hands of the President, supported by the judiciary and the military, has ensured that the system of checks and balances is undermined. The “Bolivarian Revolution” in 1999, under President Chavez, converted the legislative assembly from bicameral to unicameral and substantially increased the powers of the executive branch.<sup>xii</sup> President Chavez's eventual establishment of the United Socialist Party of Venezuela (*Partido Socialista Unificado de Venezuela*—PSUV), which aimed at establishing a “21<sup>st</sup> Century Socialism,” has polarised the government and the opposition.<sup>xiii</sup> Further, the intensified crack down on the opposition widened political rifts.

In April 2013, President Nicolas Maduro won the presidential elections that were held after the death of President Chavez. President Maduro was Chavez's handpicked successor and had been promoted by the latter to lead the PSUV. According to Venezuela's National Electoral Council (CNE), President Maduro won the elections with less than 2 percentage points. The opposition's contesting of the result was disregarded by the state and other regional organisations. When inflation was running at more than 50 percent a year, the national assembly, then controlled by the ruling party, gave President Maduro emergency powers for a year. This move had evoked protests among the opposition forces.<sup>xiv</sup> Demonstrations, which had started against the government's economic disarray, also continued. In 2014, protests over violence and crime in the western states of Tachira and Merida reached out to Caracas, where they got the support of opposition parties and converted it into anti-government unrests. The government accused the opposition forces of attempting a coup and cracked down on the protestors. It led to the death of about 43 protestors. The Maduro government also announced cuts in social policies as oil prices dropped to a four-year low. The government also arrested the mayor of Caracas, Mr. Antonio Ledezma on charges of conspiracy and plotting an American-backed coup.<sup>xv</sup>

In the parliamentary elections on December 6, 2015, the opposition (represented by the MUD coalition) got a majority in the national assembly. Differences between the president and the national assembly were evident when the president asked for emergency powers to address the economic problems. This proposal was rejected by the assembly by 107 members, however, 53 members accepted the proposal. The lawmaker rejected the proposal because they denied the existence of what President Maduro has called an “economic war” waged by internal and external economic and political actors. Instead, the opposition went on blaming the economic crisis on the Maduro government's “failed

model.” This rejection contested the unlimited powers to control the budget, companies and currency, enjoyed by the president. Under the 1999 constitution, the president is the head of the executive branch of the country and entrusted with the protection of the national state interests. He has the power to comply and enforce the constitution and the law. He also has the power to declare a state of emergency and suspend liberties, and to convene extraordinary sessions of the national assembly. The president also has the power to issue decrees on specific topics.<sup>xvi</sup> While the national assembly, made up of 165 deputies, is the legislative branch of government, it has the power to block any of the president’s legislative proposals.<sup>xvii</sup> The national assembly has exclusive powers vis-à-vis levying taxes, approving budget, initiating impeachment motions against most government officials (including ministers and the vice-president, but not the president, who can only be removed through a recall referendum) sending troops, and to authorise the president to leave the country for more than five days. Given the facets of constitutional structure, President Maduro has refused to recognise the power of the national assembly, which the opposition termed as undermining the democratic institutions of the country in order to retain power. President Maduro’s refusal to recognise the national assembly became a source of the crisis and the opposition parties escalated the protests against his regime.

The shortage of food, medicine, inflation and security were a big concern in 2016. According to the Venezuelan health ministry, more than 750 women died during or shortly after their childbirth in 2016, a 66 percent increase from 2015. About 11,500 infants died, which was a 30 percent jump from 2015. Malaria cases rose to 240,000, a staggering 76 percent increase from 2015.<sup>xviii</sup> In February 2016, while President Maduro was trying for economic reforms, the opposition decided to call a referendum to recall the mandate of President Maduro, according to the constitution. In response, the electoral authority applied a series of problems and restrictions on the collection of the necessary signatures. Once the signatures were collected, several judges simultaneously issued precautionary measures suspending the referendum in their states. The National Electoral Council immediately grabbed the opportunity to suspend the recall referendum at the national level. In May 2016, President Maduro declared a state of economic emergency to protect the country from foreign and domestic “threats,” without providing details.<sup>xix</sup>

In December 2016, according to the constitution, state elections had to be conducted for governors and state deputies, but the National Electoral Council did not call these elections. Nor have municipal elections been called in December 2017 which, according to the constitution, should also be held this year to elect mayors and city councillors.

With democratic institutions of the country under attack, the opposition and the international community started demanding that the Maduro government immediately hold elections, release political prisoners, respect the powers of the National Assembly, and open a humanitarian aid channel to supply food and medicine. But the crack down on public protests intensified the chaos. Over 430 of his opponents have been arrested on the charges of crimes including “rebellion” and “insulting authorities,” 251 of them were being tried in military courts.<sup>xx</sup> The imprisonment of two top opposition leaders (Leopoldo Lopez and Antonio Ledezma) on August 1, 2017, prompted widespread condemnation in Venezuela and abroad. Even judges Beatriz Ruiz and Jose Fernando Nunez, appointed

by the Venezuelan opposition are taking asylum in Chilean embassy in Venezuela since July 29, 2017. It is reported that Maduro's government was going after the newly appointed judges because it viewed them as a threat to present set-up of the government which the opposition parties were trying to establish through an illegal referendum.

### **Reaction of Regional and International Powers**

Rejection of the new government and calls for action are heard almost daily from the Secretary General of the Organization of American States (OAS), the UN High Commissioner for Human Rights, the European Union, and the Inter-American Commission on Human Rights, among others. Tellingly, most of the bigger countries in the Americas and European Union and its member-states, are expressing their democratic solidarity. They had also said that they won't recognise the outcome of July 30 vote. The OAS so far has failed to take substantive action. Venezuela's close Latin American allies—namely Ecuador, Bolivia and Nicaragua, as well as Caribbean states that get subsidised Venezuelan oil—have blocked any initiative against the Maduro government. In response to the July 30 election, the Trump Administration has imposed targeted sanctions on President Maduro (calling him a “dictator”) and frozen the assets “subject to US jurisdiction” of 13 other figures involved in the constituent assembly. Considering the crackdown against the opposition and the installation of a supposed “dictatorship” in Venezuela, the US has justified sanctioning the Venezuelan officials and economic sanctions against the country.<sup>xxi</sup>

Argentina, Brazil, Colombia, Costa Rica, Guatemala, Honduras, Mexico and Paraguay condemned the situation in Venezuela and criticised the Venezuelan authorities' “excessive use of force” against civilian protestors. They called upon Venezuela to respect the human rights of its citizens, as envisaged in its Constitution. Peru took the hardest line and termed Venezuela's actions a “flagrant breach of democracy.” Peru has called back its ambassador to Caracas in March 2017. On August 8, 2017, twelve foreign ministers from the Americas (Argentina, Brazil, Canada, Chile, Colombia, Costa Rica, Guatemala, Honduras, Mexico, Panama, Paraguay, and Peru) met in Lima to discuss Venezuela's political crisis. The Lima Group, so called hereafter, signed a declaration which denounced President Maduro's constituent assembly as illegal and illegitimate.<sup>xxii</sup> On August 11, 2017, Peru also expelled Venezuela's ambassador to Lima to protest the country's recently created constituent assembly. Mexico could unite 14 countries to make a declaration calling for the “re-establishment of democracy.” Mexico has joined other countries in the region, including Peru, and Brazil, in speaking out more forcefully.<sup>xxiii</sup>

Mexico's Foreign Minister, Mr. Luis Videgaray Caso, stated that the situation in Venezuela is extremely serious, its regime has authoritarian characteristics and poses threats to the Latin American region. He further added that Mexico won't stop using all diplomatic means, including the OAS, to bring a peaceful solution to the restoration of democracy.<sup>xxiv</sup>

China said the Venezuelan crisis is a domestic matter. Amidst this crisis, China has agreed to invest US\$50 billion dollars in over 650 of Venezuela's strategic projects. This investment is aimed in

areas such as housing, minerals, petrochemical, gas, pharmaceutical, agriculture and food sectors.<sup>xxv</sup> Following the Trump administration's recent sanctions against the Venezuelan regime, President Maduro has increased the ratio of shares of state-run firms owned by all Chinese, Russian, Indian, and Malaysian investors. Venezuela also stores a portion of its gold reserves in China. In addition, China is a "major source of credit" for Venezuela, at US\$62.2 billion since 2005. It is reported that Venezuela has borrowed nearly US\$60 billion from China in exchange for selling oil at a discount—the details of which are not in the public domain. And the US\$60 billion that Venezuela owes to China is supposed to be paid back in oil.<sup>xxvi</sup> According to Maduro, increasing the role of countries such as Russia and China aims to "liberate" Venezuela from the "imperialist bonds," namely the reliance on US markets.<sup>xxvii</sup>

On August 17, 2017, Russian Foreign Minister Sergei Lavrov denounced the idea of any intervention, including military, in Venezuela's crisis. He stressed the need to resolve the crisis peacefully. In a meeting with Russian President Vladimir Putin in Moscow on October 3, 2017, President Maduro reiterated the importance of Russia during difficult times. Venezuela has started viewing Russia as an elder cousin who is always ready to help. Russia's demonstrates its support more when Venezuela is undergoing worst economic crisis, including economic sanctions.<sup>xxviii</sup>

The Maduro government's biggest problem is its economic and financial crisis, particularly its troubling foreign debt. About US\$5 billion in debt service payments must be made before the end of 2017. A default would complicate the country's economic position and further weaken Venezuela's international and domestic position. Much would depend on the stance taken by Venezuela's key allies, Russia and China. As a major oil-producing country, Russia could step in to weaken the US sanctions, while China could increase its economic support for Venezuela by extending the debt repayment time.

### **A Way Out of the Crisis**

In the run up to the July 30 election, President Maduro tried to diffuse tensions by making some concessions. He relaxed the incarceration terms of popular jailed opposition leader, Leopoldo Lopez, and agreed to hold an election based on the new constitution once it has been redrafted. The National Electoral Council of Venezuela has announced that regional elections will be held on December 10, 2017. The opposition parties agreed to participate in this election, as an act of defiance. The opposition said that boycotting the December elections would help the government to contest all by itselfs and they won't give that space to the government.<sup>xxix</sup>

On September 6, 2017, President Maduro announced a new measure to end the nation's economic crisis. The measure is known as Plan 50, which is a new mechanism of supervision and control to ensure the prices of goods and services. He said there would be a justice mechanism that looks after the pricing system and those who flout the agreed prices would be punished including with imprisonment. President Maduro also announced that transactions can be done in currencies other than the dollar for debt payments – this step being taken in order to free Venezuela from the dollar and US sanctions. He announced a 40 percent pay hike for workers and pensions in the public sector. He

announced a five percent reduction in the value added tax for purchases made by using bank cards or transfer.<sup>xxx</sup> This would combat tax evasion in the country.

Meanwhile, President Trump's statement that the US would consider a "military option" against Venezuela brought certain respite for the Maduro government. The opposition was caught between backing the option for a foreign invasion of crisis-hit nation or supporting a president they call a dictator. The Democratic Unity Coalition rejects the use of force by any country against Venezuela. Instead, the opposition called for an early presidential election, which they think President Maduro would lose as his popularity would further drop on account of the country's economic crisis.

Most Latin American nations such as Mexico, Brazil, Argentina, Peru, Chile, Cuba, Bolivia, Ecuador, El Salvador and Nicaragua condemned the US threats of military action against Venezuela, and called instead for a peaceful solution to the country's crisis. Despite its complicated relations with Caracas, MERCOSUR also said that it rejects the use of force against Venezuela. While the the 34-nation Organisation of American States (OAS) has not commented on President's Trump's threats, it condemned the rupture of democratic order in Venezuela. It also declared it will not recognise the national assembly, or any of its decisions, due to its illegitimacy. Meanwhile, Venezuela submitted a formal letter in April 2017 signalling its intent to withdraw from the OAS, a process which will take two years. UNASUR, the 12-member South American bloc has criticised the actions by the US as amounting to "an interventionist threat" against the internal affairs of other countries. In addition, anti-government parties had participated in regional elections held on October 15, 2017. They had named the candidates and had followed regular procedures and electoral paths but the PSUV won this election. All these developments have stopped demonstrations against the Maduro government and there seems to be a de-escalation at this moment.

Venezuela urgently needs a solution to the political deadlock that has intensified political polarisation and hurt the livelihood and well-being of its citizens. While the country's deep-seated economic crisis has worsened the health of the population due to shortages of food, medicines and basic health care, the Maduro government was unable to take the middle ground after the opposition's victory in the parliamentary elections in 2015. It decided to reject the result by creating an institutional mechanism, the national assembly, which has angered the opposition.

The opposition reacted by seeking a recall referendum against President Maduro and an early election. However, President Maduro exercised his power, delayed, blocked and finally suspended the referendum campaign, despite the evidence that it represented the will of the majority. The recall referendum was not an ideal solution, but an early presidential election could have avoided the chaos. The Maduro government had the apprehension that the change of government would have undermined Chavismo's control of the oil industry, state structure, economy and armed forces. But it was constitutional, democratic and probably the safest option to end the economic woes.

Many now look to the December 2018 presidential election. With a little more than a year of his term remaining, President Maduro would attempt to prevent an economic collapse and end the



humanitarian crisis. Given the situation, there is a strong possibility that the military would assert its control over the country's affairs. To avoid violence and crime, an agreement with the opposition is important and involvement of the neighbouring countries in negotiations will facilitate a rapprochement. Both the government and the opposition are determined not to cede ground, creating political and social tensions that have taken Venezuela to the brink. It is essential to have an agreement on the basis of some basic principles, such as respect for the 1999 constitution, and some support (or at least tacit support) from Venezuela's most important international allies—Cuba, Russia and China—as well as regional powers. The best solution over the political deadlock would be on a transitional agreement, including a clear electoral calendar overseen by strict international observers, along with creating a genuinely independent electoral council so as to ensure a free and fair election in 2018. Ideally, an interim government representing both sides would address the need for economic reforms and restore the independence of the judiciary. A new dialogue mediated by President Danilo Medina of the Dominican Republic is going on for a “definitive negotiation of the crisis.” This initiative is also recognised by major neighbouring countries like Argentina, Brazil, Canada, Chile, Colombia Costa Rica, Guatemala, Honduras, Mexico, Panama, Paraguay, and Peru which have demanded the overthrow of President Maduro.<sup>xxxix</sup> The attempt by the Vatican and UNASUR to bring about a solution is a start, but for a successful agreement, incorporating voices from civil society and external technical expertise would be needed.

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*Disclaimer: The views expressed are that of the Researcher and not of the Council.*

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