

## Venezuela

Coordinated by JOHN POLGA-HECIMOVICH, IÑAKI SAGARZAZU, and RAÚL SÁNCHEZ URRIBARRÍ

### Venezuelan Overview

by JOHN POLGA-HECIMOVICH | U.S. Naval Academy | polgahec@usna.edu,  
IÑAKI SAGARZAZU | Texas Tech University | inaki.sagarzazu@ttu.edu, and  
RAÚL SÁNCHEZ URRIBARRÍ | La Trobe University | r.sanchezu@latrobe.edu.au

The year 2016 was remarkable for Latin America, marked by the impeachment of President Dilma Rousseff in Brazil, the forging, rejection, and reforging of peace in Colombia, and the passing of Fidel Castro in Cuba. No less noteworthy was the deepening of the economic, political, and humanitarian crisis in Venezuela. Perhaps the most salient political event was the October suspension of the political opposition's recall referendum against President Nicolás Maduro and the postponement of regional elections. By removing this last bastion of government accountability, these actions marked the end of democracy in its most minimal definition, hence transforming what until recently was considered a competitive authoritarian regime into a dictatorship. Nonetheless, the international reaction—including governments, supranational organizations, and even our own professional forums—has been relatively subdued. Furthermore, despite substantial media attention, there has been little discussion of the implications for Venezuela and the region of the government's decision to suspend the referendum and, more important, whether the country's liberal democratic institutions will be minimally respected in the coming future.

To rectify this perceived shortcoming, we have convened an interdisciplinary panel of distinguished Venezuelanists to analyze the country's current situation. We asked these scholars to speak about the recent social, political, and economic crisis unfolding in the country from their different areas of academic specialization and perspectives. We hope that these rigorous, yet accessible accounts of the situation in Venezuela will help to enhance our collective

understanding of the importance of the current crisis and provide us with the tools to follow developments and engage in the debate.

#### Political-Economic Crisis and the Recall Referendum

Venezuela's deteriorating social and economic situation is well documented (PROVEA 2011, 2012; Amnesty International 2016). The country faces the world's highest inflation rate (Werner 2016), calamitous shortages of basic goods (García Mora 2011; Caselli 2013; Sánchez and Goodman 2016), frequent and lengthy power outages (Bakke 2016), and political deadlock (Alarcón, Álvarez, and Hidalgo 2016). A majority of Venezuelans—as shown in most public opinion polls—want President Nicolás Maduro of the ruling United Socialist Party of Venezuela (Partido Socialista Unido de Venezuela, PSUV) to step down, and the opposition Democratic Unity Roundtable (Mesa de la Unidad Democrática, MUD) pushed for a constitutionally sanctioned recall referendum to cut short the president's term. Far from yielding to the circumstances, the government has tightened its grip by engaging in growing repression and blocking or impairing legal avenues for dissent and prospective political change. It has jailed members of the political opposition, fired some state employees who favored the referendum, doubled down on economic controls, and militarized large parts of the public security apparatus. Most important, supposedly independent branches of power (especially the judiciary and the national electoral authority) have reliably gone out of their

way to support the government, often at clear odds with obvious interpretations of the constitutional and legal framework.

Despite winning a legislative majority, and possibly a supermajority, in the December 2015 elections, the MUD has been largely unable to legislate. Through a combination of presidential vetoes and favorable rulings from government-stacked courts, President Maduro has rendered the National Assembly nearly powerless. This has included giving the Supreme Court (Tribunal Supremo de Justicia, TSJ) the power to approve the budget law in October 2016 (a prerogative that belongs to the legislature) (China and Ellsworth 2016; Ellsworth 2016), perpetuating Maduro's recurring state of emergency, and even declaring the National Assembly in contempt of court.

In response to the ongoing crisis, the opposition is trying to remove the president from office. Venezuela's 1999 Political Constitution does not provide for presidential impeachment but does allow for a recall referendum, the functional equivalent of a popular vote of no confidence. A minimum of 7,587,532 votes is required to remove the president—one more vote than Maduro received when he was elected in 2013. According to the Constitution, if a valid recall vote takes place before January 10, 2017, the president is removed from office and fresh elections take place. However, if elections occur later and the president is voted down, the vice president takes the president's place and serves out the remaining two years of the term. Adding to the stakes (and confusion), the Constitution allows the president to freely appoint and remove the vice president as well as cabinet ministers, meaning Maduro also has the ability to appoint his successor.

### Strategic Delaying Tactics

Based on the existing legal framework (*Normas para regular los referendos revocatorios* 2007), two steps need to happen to call a recall referendum. First, in order to initiate the recall process, the National Electoral Council (Consejo Nacional Electoral, CNE) must receive a petition signed by 1 percent of the voting-age population (about 195,721 signatures). After initial hesitation, the opposition finally cleared this hurdle on August 1, 2016 (for a detailed account of the process, including the two-week delay in even making the announcement, see Martínez 2016b, 2016c).

Second, once the 1 percent of signatures have been validated, an official petition must be made to collect the signatures of at least 20 percent of the voting-age population (roughly four million people), which is the only requirement established by the Constitution. The rules established by the CNE limit the collection of these signatures to three days and in the locations and with the machines established by the electoral body (*Normas para regular los referendos revocatorios* 2007). Further rules new to this year's process were created by the CNE. Principally, following the collection of the 1 percent in each state, the body required the collection of 20 percent of voters in *each* state, contravening the constitutional norm that establishes that the signatures must be collected in the circuit under recall (i.e., the national circuit for a national presidential election). Other smaller roadblocks were also created to make it difficult for the opposition to collect the necessary signatures (Martínez 2016a).

The CNE has slowed down the process by creating unnecessary steps and taking excessive amounts of time in the different

stages, as has been well documented by journalists following the electoral beat (Martínez 2016c, 2016a). However, the opposition remained committed to the recall process and appeared to have the signatures needed for a referendum—after all, it collected 1.8 million for the initial petition in only three days in late June 2016.

### A Turning Point for Democracy? Postponement of the Recall Referendum

The turning point came when the government postponed regional elections and suspended the recall referendum, effectively removing the last remaining check on governmental power. These events occurred in rapid succession. First, on October 19, the CNE issued a ruling postponing the December 2016 regional elections for governors and mayors (the head of the CNE, Tibisay Lucena, did not elaborate why). That same day, the constitutional chamber of the TSJ ruled that the MUD would be obliged to collect the signatures of 20 percent of the registered electorate in each of the country's states in order for the second signature collection of the recall referendum to be valid. Impartial observers as well as the opposition immediately questioned the legitimacy of both decisions (Prodavinci 2016a, 2016c, 2016b, 2016d).

Next, on October 20, the CNE issued a statement suspending the second signature round altogether, after lower courts with jurisdiction in criminal matters in five states governed by PSUV (Apure, Aragua, Bolívar, Carabobo, and Monagas) ruled that there had been voter fraud in the initial signature round. Notably, these “courts of first instance” cannot decide electoral matters, nor are they hierarchically superior to the CNE. In other words, government-

backed institutions used unconstitutional means to effectively block a democratic election from taking place. This, of course, all but guaranteed that any referendum would only take place, if it took place at all, after January 10, 2017, thus ensuring the continuity of Chavismo in office until 2019.

The domestic public outcry at suspension of the recall process was swift. In addition to public demonstrations, the Catholic Church, local human rights NGOs such as PROVEA, and others expressed concern. In an extraordinary legislative session, the MUD-controlled assembly approved an “accord for the restitution of constitutional order and democracy” (*Acuerdo para la restitución del orden constitucional*). Declaring the executive, the TSJ, and the CNE in breach of the 1999 Constitution, the accord outlined ten actions, including debate on the constitutionality of Maduro's presidency; a move to replace TSJ and CNE magistrates; submission of a complaint before the International Court of Justice (ICJ) against the TSJ and CNE; and a request to the military not to follow government orders. Governments and regional organizations were also critical. Secretary General Luis Almagro of the Organization of American States (OAS) condemned the suspension of the referendum and equated it to a rupture of democracy, while Argentina, Brazil, Canada, Chile, Colombia, Costa Rica, Honduras, Guatemala, Mexico, Peru, Uruguay, and the United States issued a joint document denouncing the Venezuelan government's actions and calling for national dialogue.

### Dialogue to . . . Nowhere?

On October 24, 2016, the Vatican announced it would oversee a (new) round

of dialogue in Venezuela with the help of the Union of South American Nations (UNASUR) and three political mediators: former prime minister of Spain José Luis Rodríguez Zapatero, former president of the Dominican Republic Leonel Fernández, and former president of Panama Martín Torrijos. Yet, as of this writing, the two rounds of dialogue between the PSUV and the MUD accomplished very little, at least for the opposition. In the wake of this failed process, the government and opposition remain at loggerheads and have become (if possible) even more polarized. To wit, in early January 2017, Maduro replaced the moderate Aristóbulo Isturiz as vice president with Chavista hardliner Tareck El Aissami, while the opposition voted in the National Assembly for Maduro's ouster via a vote of "abandonment of office."

### Regime Change Writ Slow

Barring any unexpected results from this dialogue, the suspension of the presidential recall process marks a dark moment in Venezuela's democratic trajectory. It has been a long time in coming. The election of Hugo Chávez in 1998 marked the end of a long period of stable representative democracy in Venezuela and ushered in a new era in Venezuelan politics (Ellner and Tinker Salas 2007; Ellner 2008). Through a series of deliberate moves, such as replacing the 1961 constitution via a government-controlled Constituent Assembly, dissolving Congress, dismissing judges, and ostensibly pursuing direct forms of democracy, the country fell from a representative democracy to a competitive authoritarian regime (McCoy 2006; Corrales and Penfold-Becerra 2011; Mainwaring 2012). While the opposition initially resorted to questionable tactics—including the 2002 coup—in response

to the government's own heavy-handed practices, it has for the most part followed and embraced democratic means for over a decade. For as long as Chávez dominated the state, the government was able to count on electoral legitimacy and his charismatic, populist leadership. However, after Chávez's death and the ascension of Maduro to the presidency, the regime has slid further toward authoritarianism. After an unexpected defeat at the polls in the December 2015 elections, Chavismo proceeded to further erode any vestige of democracy. It has neutralized the MUD-controlled National Assembly, nullified a 2016 presidential recall referendum, further integrated military generals into national leadership roles, and escalated the imprisonment of political dissidents. These steps mark the collapse of what had been the third-oldest democracy outside of the advanced industrial states and the passage from a hybrid regime into full-blown authoritarianism. In short, Venezuela represents a case of a successful "slow motion coup" whereby a consolidated democracy slowly descends into a hybrid regime and from there into authoritarianism, through the creation and implementation of conscious decisions made by its ruling elite.

The articles that follow examine the state of Venezuelan democracy and ways out of the present crisis, and speculate as to Venezuela's future. The consensual opinion from our contributors is that the status quo is untenable and that the crisis merits international attention. However, not all agree on a way out—or even if there is a best way out for the country.

### Note

The views expressed in this report are solely those of the authors and do not represent the views of or endorsement by the United States Naval Academy, the Department of the Navy, the Department of Defense, or the United States government.

Authors' names are listed alphabetically.

### References

Alarcón, Benigno, Ángel E. Álvarez, and Manuel Hidalgo

2016 "Can Democracy Win in Venezuela?" *Journal of Democracy* 27 (2): 20–34.

#### Amnesty International

2016 "Venezuela: Stubborn Politics Accelerate Catastrophic Humanitarian Crisis," June 10, 2016. <https://http://www.amnesty.org/en/latest/news/2016/06/venezuela-stubborn-politics-accelerate-catastrophic-humanitarian-crisis/>.

#### Bakke, Gretchen

2016 "The Electricity Crisis in Venezuela: A Cautionary Tale." *New Yorker*, May 17.

#### Caselli, Irene

2013 "How Food Shortages Are Dividing Venezuela." *BBC News*, May 15.

#### Chinae, Eyanir, and Brian Ellsworth

2016 "Venezuela Parliament Approves Amnesty Law, Maduro Vows to Veto." *Reuters*, March 30.

#### Corrales, Javier, and Michael Penfold-Becerra

2011 *Dragon in the Tropics: Hugo Chávez and the Political Economy of Revolution in Venezuela*. Washington, DC: Brookings Institution Press.

#### Ellner, Steve

2008 *Rethinking Venezuelan Politics: Class, Conflict, and the Chávez Phenomenon*. Boulder, CO: Lynne Rienner.

**Ellner, Steve, and Miguel Tinker Salas, eds.**

2007 *Venezuela: Hugo Chávez and the Decline of an "Exceptional Democracy."* Lanham, MD: Rowman and Littlefield.

**Ellsworth, Brian**

2016 "Venezuela's Top Court Strikes Down Opposition-Backed Amnesty Law." *Reuters*, April 11.

**García Mora, Ileana**

2011 "Datanálisis: Índice de escasez de alimentos se ha triplicado este año." *El Mundo*, December 1.

**Mainwaring, Scott**

2012 "From Representative Democracy to Participatory Competitive Authoritarianism: Hugo Chávez and Venezuelan Politics." *Perspectives on Politics* 10 (4): 955–967.

**Martínez, Eugenio G.**

2016a "¿Es posible un revocatorio en 2016, luego del anuncio del CNE?" Prodavinci (blog), September 21. <http://prodavinci.com/blogs/es-posible-un-revocatorio-en-2016-luego-del-anuncio-del-cne-por-eugenio-martinez/>.

2016b "Lo que ahora debe saber sobre el proceso de autenticación de firmas." Prodavinci (blog), June 16. <http://prodavinci.com/blogs/lo-que-ahora-debe-saber-sobre-el-proceso-de-autenticacion-de-firmas-por-eugenio-martinez/>.

2016c "¿Qué está pasando con el proceso de referendo revocatorio?" Prodavinci (blog), July 27. <http://prodavinci.com/blogs/que-esta-pasando-con-el-proceso-de-referendo-revocatorio-por-eugenio-martinez/>.

**McCoy, Jennifer L.**

2006 "International Response to Democratic Crisis in the Americas, 1990–2005." *Democratization* 13 (5): 756–775.

Normas para regular los referendos revocatorios

2007 "Resolución N 070327-341." Consejo Nacional Electoral. Caracas: Consejo Nacional Electoral.

**Prodavinci (blog)**

2016a "Comunicado Academias Nacionales." October 24. <http://prodavinci.com/2016/10/24/actualidad/lea-aca-el-comunicado-de-las-academias-nacionales-a-proposito-de-la-suspension-del-revocatorio/>.

2016b "Comunicado Almagro." October 22. <http://prodavinci.com/2016/10/22/actualidad/secretario-general-de-la-oea-se-pronuncia-sobre-situacion-en-venezuela-y-el-revocatorio-monitorprodavinci/>.

2016c "Comunicado miembros OEA." October 22. <http://prodavinci.com/2016/10/22/actualidad/lea-el-comunicado-en-el-que-12-paises-de-la-oea-se-pronuncian-sobre-venezuela-y-el-revocatorio/>.

2016d "Comunicado PROVEA." October 23. Prodavinci 2016d <https://http://www.derechos.org.ve/actualidad/a-partir-del-20-0-gobierno-de-nicolas-maduro-debe-calificarse-como-una-dictadura>.

**PROVEA (Programa Venezolano de Educación-Acción en Derechos Humanos)**

2011 *Situación de los derechos humanos en Venezuela*. Caracas: PROVEA.

2012 "Situación de los derechos humanos en Venezuela." In *Informe Anual*. Caracas: PROVEA.

**Sánchez, Fabiola, and Joshua Goodman**

2016 "Venezuela Turns to Its Military to Combat Food Shortages." *Associated Press*, July 12.

**Werner, Alejandro**

2016 "In Transition: The Outlook for Latin America and the Caribbean." *IMF Direct*, July 20. <https://blog-imfdirect.imf.org/2016/07/20/in-transition-the-outlook-for-latin-america-and-the-caribbean/>. ■