



Friendly Fire: Venezuela's Opposition Turmoil

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Headquarters

International Crisis Group

Avenue Louise 149 • 1050 Brussels, Belgium

Tel: +32 2 502 90 38 • Fax: +32 2 502 50 38

brussels@crisisgroup.org

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Principal Findings

What's new? The Venezuelan opposition is split into seemingly irreconcilable factions that cannot settle on a strategy for ending their country's crisis. They disagree over whether, and when, to take part in elections, whether to negotiate with the government, and whether to support the potential military intervention floated implicitly by outside powers.

Why does it matter? Without unity among at least the main opposition factions, prospects are slim for resolving the crisis, which requires genuine negotiations between the opposition and government and probably some form of transitional authority comprising elements of both. Absent that, further violence – whether civil strife or even military action – remains likely.

What should be done? Opposition factions committed to a negotiated solution should set aside their differences and forge a common strategy and leadership. External actors should support opposition unity and avoid stoking divisions by urging negotiations absent adequate conditions or hinting that military intervention – which would be enormously destructive – is a viable option.

Executive Summary

Venezuela's social and economic implosion has provoked unprecedented migration that tops the list of Latin American concerns. The country's neighbours and other outside powers have adopted measures – including sanctions – aimed at achieving some form of negotiated transition, which remains the best path out of the crisis. But external pressure has so far failed to overcome the government's intransigence. Meanwhile, the splintering of the domestic opposition – as well as the neutralisation of key leaders through imprisonment, exile and exclusion from elected office – undermines the strategy of pressure and further reduces prospects for talks. Those in the opposition committed to a peaceful, negotiated transition need to unite behind a coherent strategy that meshes with that of their international allies, or risk being mere spectators to mounting threats of external military action aimed at toppling the government, which would likely have catastrophic consequences if put into effect.

Venezuelans' mass exodus is the consequence of hyperinflation, chronic scarcity of basic goods, dwindling job opportunities and collapsing infrastructure – including a health service that can no longer treat the most common illnesses, let alone curb epidemics. The scale of the country's misrule and the urgency of its people's plight has led some opposition figures and foreign leaders to suggest that only the use of force will secure change. These people regard those in the opposition that oppose military intervention as an obstacle. At the same time, sporadic attempts to spark an armed insurrection have given President Nicolás Maduro a pretext for stepped-up persecution of his critics, threatening to sharpen animosity between the sides and marginalise the remaining supporters of talks with the government in the opposition's ranks.

The ever-more apparent divisions in the opposition are not primarily ideological. Though opposition forces range from the far left to the conservative right, their differences over strategy cut across these categories. Three of the four original members of the steering group of the Democratic Unity (MUD) opposition alliance, the so-called G4, belong to the Socialist International, for example, but that common affinity has not prevented the alliance's break-up.

Indeed, most parties are internally divided over tactics. Disputes often arise from personal and political rivalries. Party leaders generally pick the strategy that seems to offer the best opportunity for personal and/or party advancement, forging alliances for the same reason. Electoral solutions to the crisis are typically backed by those with the best election machinery, for instance. A perceived history of past betrayals often hinders unity talks. Social media provide the ideal means of discrediting those with different views, especially by accusing them of collaborating with the government. The latter encourages such mudslinging, using negotiations and elections as a means of sowing dissension in opposition ranks, as well as manipulating social media through the use of disinformation and "bots".

Disunity not only obstructs a common opposition strategy. It also complicates efforts to end Venezuela's crisis. For now, negotiations about a transition appear unlikely, given the government's own intransigence. Indeed, fresh talks could be counter-productive without a clear commitment from Maduro that genuine reforms are on

the table and confidence-building steps, potentially including the release of political prisoners, relaxation of the persecution of opposition figures and the restoration of the National Assembly's authority. Absent that, talks risk allowing the government to appear conciliatory and calm public anger without making substantive concessions, and thus encourage further division among opposition factions.

But even were the government prepared to negotiate in good faith, without a united opposition it lacks a credible interlocutor. Moreover, opposition disunity would render impossible the formation of a future transitional administration that enjoys broad public and political support, comprises both *chavista* and opposition elements, and is sufficiently stable to turn a page on the crisis. Such a government – likely the only path out of Venezuela's current plight – will face immense tasks, including reviving the economy, rebuilding infrastructure, curbing violent crime and perhaps even quelling armed resistance from hardline *chavistas*.

Overcoming current divisions within the opposition, or at least those factions inside the country that support a negotiated transition, is therefore critical. The priority is to select a new leadership able to forge a new strategy. The opposition could do so either by holding primaries or by convening principal in-country opposition leaders to agree on a transitional leadership team that includes technocrats of evident probity and expertise and is able to inspire domestic and foreign confidence.

For their part, international actors should support efforts to unite the in-country opposition, or at least avoid steps that make it more factious. They should press for the implementation of conditions required for credible negotiations with the government, along the lines outlined above. The European Union (EU) has suggested forming a contact group comprising states in Latin America and other regions that support a peaceful solution to the crisis; for now, this idea offers the best mechanism for increasing international pressure on the Maduro government to negotiate in good faith. International actors should also curtail talk of military intervention, which, by encouraging opposition factions to take a harder line, discourages their unity. Besides, any outside military action would almost certainly prove disastrous, more likely to stoke further chaos and suffering for Venezuelans than help end the crisis. Overall, a workable transition plan requires more than simply ousting Maduro. It requires determining how, by whom and according to which rules the country will be run thereafter.

Caracas/Bogotá/Brussels, 23 November 2018

Friendly Fire: Venezuela's Opposition Turmoil

I. Introduction

In December 2015, following almost sixteen years of government first under the late Hugo Chávez and since 2013 under his successor Nicolás Maduro, a united Venezuelan opposition achieved a stunning victory in legislative elections. The Democratic Unity (MUD) opposition alliance, made up of almost all opposition parties, won two thirds of the seats in the National Assembly. Electoral triumph temporarily reconciled the two competing wings of the opposition, which had split in 2014 over whether or not to mount street demonstrations to force Maduro's resignation.¹ But instead of heralding the end of the *chavista* era, the victory appears in retrospect to have been a false dawn. Today, the MUD is in pieces, and its reconstruction seems unlikely.² And while the opposition continues to dominate parliament, the government has used its control of the other branches of state, especially the Supreme Court, to block all the Assembly's initiatives, strip it of authority and starve it of resources, including salaries and operating costs, rendering it almost entirely impotent.³

Worse still, the opposition is tearing itself apart, with leaders of different factions often appearing to expend more energy denigrating one another than censuring the government or devising a strategy for ending the crisis and stabilising a collapsing economy. Those in power have skilfully exploited existing rifts and the personal ambitions of opposition leaders in a successful strategy of "divide and rule". Foreign governments and multilateral bodies seeking a solution for the country's severe political, economic and social crisis frequently express despair over the state of the opposition. But some, notably the secretary general of the Organization of American States (OAS), Luis Almagro, have themselves helped inflame intra-opposition disputes by taking sides in them.⁴ The opposition's external allies are also in danger of splitting along similar lines.⁵

¹ The so-called Salida ("exit" or "way out") plan was launched in February 2014 by Leopoldo López, leader of Voluntad Popular, former Caracas Mayor Antonio Ledezma and María Corina Machado of Vente Venezuela. It failed to dislodge Maduro and led to the imprisonment of López and Ledezma. (The former remains under house arrest; the latter is now in exile.) Machado is barred from leaving the country. See Crisis Group Latin America Briefing N°30, *Tipping Point*, 24 May 2014. For a diagram of the Venezuelan opposition parties, see Appendix A.

² Alonso Moleiro, "La alianza opositora venezolana certifica su fin", *El País*, 24 October 2018.

³ See Crisis Group Latin America Briefing N°36, *Power without the People: Averting Venezuela's Breakdown*, 19 June 2017.

⁴ Over the past two years Almagro has repeatedly aligned himself with the anti-dialogue wing of the opposition. On 16 October 2017, he said those taking part in regional elections were an "essential instrument of ... fraud". A month later, standing beside Ledezma, he said there were "parts of the MUD that do not represent the Venezuelan opposition". Ledezma, whose party has just one seat in parliament, favours a "humanitarian intervention" by outside forces. "Almagro cree que participación opositora en elecciones avaló el fraude", *El Estímulo*, 16 October 2017; "Almagro dice que hay sectores en la MUD que no representan a la oposición venezolana", EFE, 28 November 2017.

⁵ Following Almagro's refusal to rule out military intervention, the Lima Group – a fourteen-member body of Western Hemisphere states formed in August 2017 to seek a solution to the Vene-

This report examines the beleaguered state of the Venezuelan opposition amid the Maduro government's power plays and persistent murmurs about outside intervention to depose the government and stop the country's socio-economic meltdown. It also assesses the initiatives – thus far embryonic – for bringing the opposition back together behind a program for peaceful change. It is based on interviews in Venezuela with opposition politicians, independent analysts, Caracas-based diplomats and others.

zuela crisis – issued a statement expressing its “rejection of any course of action or declaration that implies a military intervention or the ... threat or use of force”. Four of the fourteen members of the group declined to sign the communiqué, however, ostensibly on procedural grounds. “Declaración del Grupo de Lima: Comunicado Conjunto 016-18”, 15 September 2018. And while President Iván Duque of Colombia has consistently ruled out military intervention, his ambassador to Washington said on 18 September that “all options should be on the table”. Rodrigo Palau, “Iván Duque and Colombian ambassadors clash over intervention in Venezuela”, *Caracas Chronicles*, 27 September 2018.

II. Things Fall Apart

It is a commonplace to say Venezuelan society is polarised. The crisis that has consumed the country for the better part of two decades has featured two seemingly irreconcilable political forces, government and opposition, locked in perpetual struggle. But to refer to “the opposition” nowadays is to beg the question: which opposition?

A. *The Disintegrating MUD*

The break-up of the MUD, once an alliance of over two dozen parties, is a consequence of the failure of its four-month campaign of street demonstrations (April-July 2017) aimed at forcing the government to negotiate the restoration of democracy. Over 160 people died as police and National Guard riot squads, sometimes accompanied by civilian gunmen acting on the government's behalf, violently repressed the demonstrations in cities across the country.⁶

In a bid to regain the initiative the government announced it would hold elections for a National Constituent Assembly (ANC), ostensibly to rewrite the constitution, but the opposition boycotted these polls on the grounds they were rigged and unconstitutional. On 16 July 2017 – two weeks before the ANC polls – the opposition held its own nationwide referendum, backed by the National Assembly but dismissed by the government, in which voters were invited to reject the ANC, call on the armed forces and public officials to defend the 1999 constitution and support parliament's decisions, and finally to approve the establishment of an ill-defined “government of national unity” to “restore constitutional order”. According to the MUD, around 7.5 million people (almost 40 per cent of the electorate) took part, with over 99 per cent voting in favour of each proposition. While precise numbers are difficult to ascertain, the turnout was clearly enormous, especially given the unofficial nature of the vote.

The success of the plebiscite was short-lived, however. The government proceeded with the ANC election on 30 July. Afterward, and despite the fact that turnout for the opposition's 16 July vote was seemingly larger than that for the ANC election, street protests fizzled out, with the opposition unable to agree on how to build on its mass support. On 18 September, the MUD's most radical wing formed a new movement, calling itself Soy Venezuela, which demanded that the opposition refuse to recognise the Maduro government and called for the immediate formation of a national unity government. The movement's principal members were Vente Venezuela, led by former MP María Corina Machado, and Alianza Bravo Pueblo, led by the exiled former mayor of Caracas, Antonio Ledezma. Five members of parliament aligned with Soy Venezuela formed a “16 July” caucus to pursue the referendum's objectives.

But it was the issue of whether or not to participate in future elections that most deeply divided the MUD and its constituent parties. The government-controlled electoral authority had held an election for the Constituent Assembly that violated

⁶ See Crisis Group Briefing, *Power without the People: Averting Venezuela's Breakdown*, op. cit.; “Venezuela: 6,729 protestas y 163 fallecidos desde el 1 de abril de 2017”, Observatorio Venezolano de la Conflictividad Social, 2 August 2017. Official government figures refer to 129 fatalities.

the principles of one person, one vote and proportional representation.⁷ It also appeared to have inflated the turnout, reportedly by as much as 100 per cent.⁸

When the government announced long-delayed elections for state governor, to be held on 15 October, the majority of the MUD parties decided to take part. But opposition voters stayed away in large numbers and only five MUD candidates were declared winners. Four were from Acción Democrática, but their party subsequently expelled them for acceding to the government's demand that they be sworn in before the ANC.⁹ For the first time since the current electronic voting system was introduced in 2004, physical evidence emerged (in the south-eastern state of Bolívar) that the government had tampered with voting tallies to alter the result.¹⁰

The government's announcement of early presidential elections – bringing forward a vote scheduled for December 2018 to May – led to another debilitating split. The announcement torpedoed talks between government and opposition in the Dominican Republic, at which the future election date had been a matter of hot dispute.¹¹ Henri Falcón, leader of Avanzada Progresista, nonetheless decided to run, in defiance of the MUD's boycott, and though he ultimately refused to recognise Maduro's victory, the damage was done.¹² On 5 July, Henry Ramos, leader of Acción Democrática, announced the party's withdrawal from what was left of the MUD, leaving its central steering group of four parties (the G4) with just three members. Ramos cited the group's inability to agree on who would lead the coalition or on how to implement the 16 July referendum result.

⁷ The electoral authority gave members of certain groups, including pensioners, communal councilors and the disabled, an additional vote, and the ANC's composition vastly over-represented rural areas. Crisis Group Briefing, *Power without the People: Averting Venezuela's Breakdown*, op. cit.

⁸ The Maduro government claimed that over eight million people voted in its subsequent ANC election, but independent sources suggest that the total was considerably lower. See Crisis Group Latin America Report N°65, *Containing the Shock Waves from Venezuela*, 21 March 2018; "Statement on the recent Constituent Assembly election in Venezuela", Smartmatic, 2 August 2017; Girish Gupta, "Venezuelan vote data casts doubt on turnout at Sunday poll", Reuters, 2 August 2017.

⁹ Juan Pablo Guanipa of Primero Justicia, who was elected governor of Zulia state, was alone in refusing to be sworn in by the CNE. The *chavista*-controlled state assembly declared the election null and void; the CNE reran it and declared a *chavista* candidate the winner. Isaac Urrutia and Eyanir China, "Venezuelan anti-Maduro governor sacked, opposition in chaos", Reuters, 26 October 2017. Crisis Group interview, Juan Pablo Guanipa, Caracas, 19 September 2018.

¹⁰ Francisco Toro, "PSUV steals Bolívar state governor's race", *Caracas Chronicles*, 19 October 2017.

¹¹ A MUD delegation held talks in Santo Domingo between December 2017 and February 2018, mainly over conditions for the 2018 presidential election. The foreign ministers of Lima Group members Chile and Mexico, as well as those of Nicaragua and Bolivia, acted as facilitators, with the former Spanish prime minister, José Luis Rodríguez Zapatero, seeking to mediate. When the government announced an April election, Chile and Mexico pulled out, and the talks collapsed soon afterward. Alexandra Ulmer and Corina Pons, "Venezuela sets presidential vote for April 22 after talks crumble", Reuters, 7 February 2018.

¹² The official result gave Maduro 68 per cent of votes cast to 21 per cent for Falcón and 11 per cent for third-placed Javier Bertucci, an evangelical preacher. Turnout was the lowest since the democracy was established in 1958: officially, 46 per cent of the electorate took part, but independent estimates suggested that it was less than 30 per cent. Falcón accused the Maduro campaign of violating electoral law with vote buying and coercion. He demanded a fresh election. Alonso Moleiro, "Falcón rechaza el resultado que proclama a Maduro y llama a organizar nuevas elecciones", *El País*, 21 May 2018.

B. *Government Persecution*

Under Maduro, as under his predecessor Chávez, the government has worked diligently to undermine and divide the opposition, to intimidate or co-opt its leaders, and to ward off any initiatives that might threaten its hold on power. These efforts have become noticeably more zealous since Maduro took office. The two most consistently popular opposition figures – twice presidential candidate Henrique Capriles and Leopoldo López, leader of Voluntad Popular – are both banned from standing for office, and López, currently under house arrest, is serving a sentence of almost fourteen years for allegedly inciting violence.

All four main opposition parties are barred from taking part in elections, and of the parties that were members of the MUD at the time of its 2015 parliamentary victory, just one – Avanzada Progresista – is currently recognised by the electoral authority.¹³ Three newly formed opposition parties, however, have been allowed to register. Another technique the authorities employ is to have the Supreme Court “intervene” in parties and grant control of them to internal factions that then generally align with the government.¹⁴

The violent persecution of politicians crossed a new threshold on 8 October with the death of a Caracas city councillor, Fernando Albán of Primero Justicia, at the headquarters of state security (Sebin). According to the official version of events, Albán – who had been arrested days earlier on his return from attending meetings at the UN General Assembly with his party's leader Julio Borges – committed suicide by jumping from a tenth-floor window. There are many inconsistencies in the government story, however, and the opposition has claimed that Sebin personnel threw his body from the window after he had died under torture.¹⁵ The government accused Albán of involvement in an alleged assassination attempt on Maduro using a drone packed with explosives, as it did opposition legislator Juan Requesens, who remains the Sebin's prisoner and has also allegedly been tortured (see below, and section III).¹⁶

It is not only opposition politicians who have reason to fear persecution. Unlike the Latin American military dictatorships of the last century, Venezuela's government has not resorted to mass killings or disappearances. But one reason why it is so hard to exert pressure on the government through street demonstrations since the mass rallies of 2017 is the serious risk of injury, imprisonment or death. “I used to go to the marches, but now I'm afraid”, said one opposition activist. “My four children used to go, but they are afraid, too, after seeing what happened to so many people they

¹³ Eugenio Martínez, “Only one party from 2015's MUD survives the government's purge”, *Caracas Chronicles*, 18 September 2018.

¹⁴ Griselda Colina, “El Nuevo Ecosistema de Partidos Políticos en Venezuela”, Observatorio Global de Comunicación y Democracia, September 2018.

¹⁵ Ronny Rodríguez Rosas, “Las interrogantes sobre la muerte del concejal Fernando Albán”, *Efecto Cocuyo*, 9 October 2018.

¹⁶ “Jorge Rodríguez: Borges es el autor intelectual del atentado contra Maduro”, *Primicias* 24, 19 October 2018. The government denies violating Requesens' human rights, and Attorney General Tarek William Saab has said those questioning the official version of Albán's death are committing a “crime” for which there will be “consequences”. “Gobierno muestra fotos de Requesens en la CIDH pero impide que familiares lo vean”, *Tal Cual*, 4 October 2018; Dengrismar Gutiérrez, “A quienes insistan que Albán fue asesinado, estarán cometiendo un delito”, *Diario La Verdad*, 18 October 2018.

knew". In some cases, this fear has also led Venezuelans to lose faith in politicians still committed to a negotiated solution. The same activist said: "I used to belong to the moderate opposition, but now I agree with many of the things María Corina [Machado of Soy Venezuela] says".¹⁷

C. *The Legislature That Cannot Legislate*

More than thirteen million Venezuelans (a turnout of over 70 per cent) voted in the parliamentary elections of 2015, and the legislators they elected have more than two years left of their mandates. But the government has strangled the opposition-controlled parliament, stopping just short of closing it down altogether. The Supreme Court has struck down every law the parliament has passed as either unconstitutional or financially unworkable (the legal basis for the latter judgments is flimsy). Ministers refuse to attend parliamentary hearings and the executive has bypassed the constitutional requirement that the National Assembly approve the budget or sign off on the president's emergency decrees.¹⁸ The legislature's feebleness has brought it into public disrepute. A recent poll showed just 21.6 per cent confidence in the National Assembly, while the MUD registered 19.9 per cent. Confidence in the ruling United Socialist Party of Venezuela (PSUV) and the Constituent Assembly stands at 22.3 and 24.9 per cent, respectively.¹⁹

A visitor to central Caracas will see members of a National Guard riot squad lounging under shade trees at the entrance to the parliament building. In theory, they are there to protect MPs, but the Guard has on three occasions allowed government supporters to invade the building, beating and robbing legislators.²⁰ "If they throw stones at us as we enter", says one MP, "the most the Guard will do is hold up their riot shields to protect us, but they never detain the stone throwers".²¹ The soldiers have also on occasion hindered press access to the National Assembly, which is forced to share the building with the *chavista* ANC. A few yards away, the government has turned an expropriated building into a very permanent-looking office block for ANC members. Nearby a stencilled message on a wall reads: "They have the [National] Assembly, but we have the streets".

The executive now administers the funds assigned under the budget to the constitutionally autonomous parliament, which gets no money for maintenance or supplies. MPs must pay for office supplies, drinking water and coffee out of their own

¹⁷ Crisis Group interview, university teacher, Mérida, 11 October 2018.

¹⁸ Maduro has been ruling by decree since January 2016 under a 60-day state of emergency that was imposed immediately after the opposition took control of the National Assembly. It has been renewed sixteen times, in violation of Article 338 of the 1999 constitution, which requires parliament to approve such measures. On 10 September 2018, the terms of emergency rule were broadened still further, allowing the president, for example, to obtain foreign financing without Assembly approval. "Maduro asume más poderes supremos con su decreto de 'emergencia económica'", *El Estímulo*, 12 September 2018.

¹⁹ Delphos poll for the Centro de Estudios Políticos of the Catholic University, October-November 2018. The figures represent the sum of respondents with "some" or "much" confidence.

²⁰ "Pro-government supporters' attack on parliament worsens Venezuela's crisis", EFE, 6 July 2017.

²¹ Crisis Group interview, opposition MP, Caracas, 1 October 2018.

pockets.²² The canteen has closed. Legislators receive neither salaries nor expenses and neither they nor the 3,500 parliamentary staff (plus around 6,000 retirees) have health insurance.²³ Many ANC members, in contrast, receive lodging and travel at government expense, with some of them housed in the main military installation in Caracas and transported in military aircraft.²⁴

The constitutional role of the National Assembly has been usurped, first by the Supreme Court and – since August 2017 – by the National Constituent Assembly, which has acted in effect as a parallel legislature.²⁵ Threats of imprisonment have forced a dozen MPs to abandon their seats; so far, six have gone into exile. One of them, Freddy Guevara of Voluntad Popular, has spent the last year in the Chilean embassy. Several have been jailed, in violation of their parliamentary immunity, half a dozen have had their passports annulled and two are banned from standing for elected office.²⁶ The case of Juan Requesens is one of the gravest. He was arbitrarily arrested on 7 August, supposedly in connection with the drone attack three days earlier on Maduro, and forced to make a video “confession” apparently after being drugged. Another video (presumably leaked by the security services) showed him in soiled underwear in a bathroom at Sebin headquarters.²⁷

MPs from constituencies far from Caracas must not only pay their own travel expenses but often make lengthy journeys overland due to the lack of internal flights. Some opposition legislators report that civil aviation authorities and the Sebin have forced airlines to cancel their reservations or held up flights to compel them to disembark.²⁸ Some parties assist their MPs financially, but on a case-by-case basis. The constitution prohibits public financing of political parties. “Sometimes there’s no quorum”, said one, “not because [MPs] don’t want to attend but because they can’t”.²⁹

²² Crisis Group interviews, opposition MPs, Caracas, 19 September and 1 October 2018.

²³ A 35-year old journalist working for the National Assembly, Roberto Barraza, died on 16 September 2018 after being unable to obtain medical treatment due to lack of insurance. Crisis Group interview, opposition MP, Caracas, 1 October 2018.

²⁴ Thiany Rodríguez, “ANC perdió al menos 40 de sus constituyentes”, *Panorama*, 22 January 2018.

²⁵ The ANC is discussing the new constitution largely behind closed doors, and though some purported drafts have circulated, it remains unclear what will be in the text, when it will be finished and whether it will be submitted to a referendum. The first lady, Cilia Flores, is among those involved in the charter’s drafting, while the press has also recently revealed the identities of a further twenty people engaged in the process. Ibis León, “Estos son los 20 constituyentes que redactarán la nueva Constitución de Venezuela”, *Efecto Cocuyo*, 19 September 2018.

²⁶ Rafael León, “Arrecia persecución del gobierno: un diputado está preso y 5 en el exilio”, *El Nacional*, 19 August 2018. State security seized Requesens on 6 August, accusing him of involvement in the alleged assassination attempt against Maduro. He has been held incommunicado ever since, in violation of due process and parliamentary immunity. The government broadcast a videotaped “confession”.

²⁷ Ibis León, “Diputado Juan Requesens cumple un mes preso y aislado en el Sebin”, *Efecto Cocuyo*, 7 September 2018; Shari Avendaño, “Video de Requesens semidesnudo fue de un chequeo médico ‘privado’, según Maduro”, *Efecto Cocuyo*, 11 August 2018.

²⁸ Crisis Group interviews, opposition MPs, Caracas, 19 September and 1 October 2018.

²⁹ Crisis Group interview, MP from a provincial constituency, Caracas, 1 October 2018.

D. *Opposition Infighting*

Not all the threats to the National Assembly, or to the internal opposition leadership in general, come from the government. Harder-line opposition factions regard the moderates as a “sham” opposition, interested only in negotiating the terms of their own survival and willing to “collaborate” with the government.³⁰ Those factions have a key ally in a body calling itself the Supreme Court in Exile, whose members were chosen by parliament on 21 July 2017. The aim on that occasion was to replace thirteen justices and twenty stand-ins whose “express” appointment in December 2015 by the outgoing, government-dominated National Assembly they deem unconstitutional.³¹ Forced to flee the country under threat of imprisonment, those justices named themselves a Supreme Court in Exile and began to hand down sentences.³² On 15 August 2018, they “convicted” Nicolás Maduro of corruption and “sentenced” him to eighteen years in a military prison.

Despite its dubious constitutional standing, the “court” has demanded that its sentence be carried out.³³ On 21 August, the National Assembly bowed to pressure from hardliners and the secretary general of the OAS and ratified the decision, despite not having received a formal request to do so.³⁴ On 5 September, the judges followed up by agreeing to consider a request to name an “emergency ruling junta”, which in effect would be a government in exile. Several of the judges, however, have dissociated themselves from the actions of the “court in exile”, which appear to be coordinated with those of opposition hardliners who want to replace the internal leadership with figures more to their liking.³⁵

³⁰ “Muchacho destacó que existen ‘dos oposiciones’: la colaboracionista y la resistencia”, *Caraota Digital*, 21 November 2017.

³¹ These pro-government justices have played a crucial role in producing sentences that restrict the powers of parliament. Their attempt to assume parliamentary powers in March 2017 was the trigger for the mass protests that ensued. Not only were their appointments rushed through in violation of the legal procedures, but at least ten of the thirteen failed to meet the requirements for the post. Additionally, the attorney general – whose signature is required – did not sign to indicate her approval. “¿Qué dice la sentencia no. 454 de la Sala Constitucional del TSJ?”, *Acceso a la Justicia*, 29 June 2017.

³² The swearing-in took place at the OAS headquarters in Washington on 13 October 2017. Some hearings have been held in Bogotá, courtesy of the Colombian Senate.

³³ The justices were not appointed by the National Assembly as a substitute Supreme Court and their assumption of that role, especially outside the country, has no constitutional basis. *Acceso a la Justicia*, “Seis preguntas claves sobre la actuación del TSJ en el exilio”, *Tal Cual*, 16 April 2018. In an unprecedented move, OAS Secretary General Almagro backed the judges by sending a letter to National Assembly President Omar Barboza stating that ratification of the sentence was an “essential step toward a transition to democracy” and that failure to ratify would “turn you into an accomplice of the dictatorship that has destroyed the country”.

³⁴ Controversy arose when it emerged that a version of the ruling called for former MUD presidential candidate (and leading moderate) Henrique Capriles to be investigated for alleged ties to a major bribery scandal involving Brazilian construction giant Odebrecht. Ibis León, “TSJ en el exilio aclara que Capriles no fue señalado en juicio contra Maduro por corrupción”, *Efecto Cocuyo*, 27 August 2018.

³⁵ Sofía Torres, “Se desmoronó el llamado Tribunal Supremo de Justicia en el exilio”, *El Universal*, 1 October 2018.

E. *The Frente Amplio: Toward a Broader Opposition Alliance*

On 8 March 2018, the mainstream opposition launched a “broad front” with the aim not of replacing the MUD but of incorporating civil society into the struggle for free and fair elections. This front – the Frente Amplio Venezuela Libre – brings together trade unionists, NGO workers and university, religious and business leaders, as well as opposition parties from inside and outside the MUD, including dissident *chavistas*. Its first campaign was to reject the 20 May presidential election and the ANC and to demand a fresh presidential vote, under agreed-upon rules, in January 2019. The front operates not only at the national but also the regional – and even municipal – level.

In practice, however, the Frente Amplio has been unable to revive the fortunes of the opposition and now appears almost as moribund as the MUD itself. Polls show that up to now it has been perceived as merely an expanded version of the MUD, and some in the leadership admit that the relationship within it between civil society representatives and the opposition parties has been difficult.³⁶ Neither wholly trusts the other. On 24 September, the Frente held a mass meeting to debate strategy in a bid to relaunch the movement. Delegates agreed to a three-pronged approach: the creation of a committee to organise a general strike; the drafting of a program to be adopted by a transitional government; and a congress in October to choose a political leadership. But the relaunch failed to end the paralysis.³⁷

The division between politicians and civil society leaders remains a key obstacle. Among the latter, there is a widely held view that the politicians see joining forces with civil society organisations as an unfortunate, and temporary, necessity at best. “Most [political] parties regard the transition as virtually a ‘moment’ in time, and unity as a requirement for removing Maduro but not in the medium term”, noted one Frente Amplio participant. “But getting rid of Maduro [in itself] is not a strategic objective”.³⁸ While some in civil society complain that the parties want to dominate the opposition movement, to the exclusion of other organisations, there are also complaints when politicians take a back seat.³⁹ Overall, the Frente Amplio reflects the inability of even the moderate opposition to come together around a single strategy and leadership.

F. *“Sub-optimal” Unity*

Since the MUD’s de facto break-up, those opposition leaders still committed to a non-violent solution to the crisis have “sporadically” met with each other to hold talks aimed at what one close observer describes as achieving “sub-optimal” unity.⁴⁰ The main figures involved are Henri Falcón, Henrique Capriles, Henry Ramos Allup and the leaders of Un Nuevo Tiempo. Capriles, however, does not speak for his party, Primero Justicia, whose exiled leader Julio Borges is now increasingly seen in the

³⁶ Crisis Group interview, Frente Amplio leaders, Caracas, 29 June 2018.

³⁷ As this report went to publication, the Frente Amplio was preparing another congress, scheduled for 23 November, in a bid to determine a course of action.

³⁸ Crisis Group interview, civil society leader, Mérida, 11 October 2018.

³⁹ Crisis Group interview, former MUD leader, Caracas, 10 October 2018.

⁴⁰ Crisis Group interview, former MUD adviser, Caracas, 31 August 2018.

company of more radical figures like Antonio Ledezma. Voluntad Popular is also divided over strategy, even though its leader Leopoldo López does not favour military intervention.⁴¹ Voluntad Popular, Borges' Primero Justicia and a smaller party called La Causa R, are also attempting to develop a unified strategy of their own, and recently issued a joint statement rejecting the government's attempts to restart dialogue.⁴²

Reunification is further complicated by the increasingly difficult relationship between opposition leaders in Venezuela and those in exile. The latter tend toward more radical postures and are prone to dismiss those left behind as "collaborators" seeking some form of cohabitation with the ruling system. Matters are made worse by a chorus of uncompromising voices on social media, where insult often outweighs reasoned argument. Politicians in Venezuela question whether those in exile genuinely represent public demands and grasp the reality on the ground. The external leadership in some cases appears to be actively undermining what remains of democratic representation inside the country, in particular the National Assembly.⁴³

⁴¹ Crisis Group interview, Voluntad Popular leader, Caracas, 1 August 2018.

⁴² "Carta abierta de los partidos Primero Justicia, Voluntad Popular y la Causa R al pueblo de Venezuela", 28 October 2018.

⁴³ Crisis Group interview, Venezuelan political analyst, Caracas, 23 September 2018. "Patricia Poleo: quienes participan en las elecciones son colaboracionistas del régimen", Venepress, 22 February 2018. "Muchacho: a la oposición en resistencia solo le espera cárcel y exilio", *El Nacional*, 21 November 2017. See also Section II.D above.

III. Peaceful vs. Violent Resistance

The mainstream opposition has always insisted that its strategy is “peaceful, democratic and electoral”, and though a minority has dismissed this approach as naïve, armed resistance has been limited to isolated incidents. But as the government has moved more determinedly to close off peaceful routes to a political transition, the frequency of such incidents has increased. Police pilot Oscar Pérez stole a helicopter in June 2017 and dropped what may have been stun grenades on the Supreme Court before going underground and forming a small rebel outfit. The next January, government forces tracked him down and executed him, along with six comrades, after he offered to surrender via a series of videos posted on social media.⁴⁴ In August 2017, a group led by former soldier Juan Carlos Caguaripano assaulted an army barracks in the city of Valencia and stole weapons from the armoury. Two were killed and seven captured. The authorities later picked up Caguaripano himself in Caracas and released a video showing him apparently suffering the effects of torture.⁴⁵

In March 2018, the government reportedly foiled, with the help of Cuban intelligence, a coup plot aimed at frustrating the May presidential election.⁴⁶ And on 4 August 2018, two drones exploded near a military parade in what appears to have been an assassination attempt against Maduro. Seven soldiers were reported hurt. The government made several dozen arrests, blaming the attack on opposition leaders.⁴⁷ As of October, the human rights organisation Foro Penal put the number of military officers under arrest for alleged conspiracies at 77.⁴⁸

Since August 2017, however, when U.S. President Donald Trump said he was considering a “military option” in Venezuela, most speculation has focused on the possibility of an external military intervention or a coup d'état supported by Washington. In a speech in early 2018, then Secretary of State Rex Tillerson noted that the military “oftentimes” brings about political change in Latin America. He also said the Monroe Doctrine was “as valid today as the day it was written”, bringing back bitter memories of U.S. interventionism in Latin America.⁴⁹ Then in late August, Marco Rubio, a Republican senator from Florida with considerable influence over

⁴⁴ Nicholas Casey, “Venezuela’s most-wanted rebel shared his story, just before death”, *The New York Times*, 21 January 2018.

⁴⁵ “Quién es Juan Caguaripano, el capitán que se rebeló contra Maduro?”, *El País*, 7 August 2017; Eukaris Pérez, “Sebin sometió a fuertes torturas al capitán Caguaripano”, *Tal Cual*, 5 February 2018.

⁴⁶ Ethan Bronner, Andrew Rosati and Fabiola Zerpa, “Inside the failed plot to overthrow Venezuelan President Nicolás Maduro”, Bloomberg, 27 June 2018; Ernesto Londoño and Nicholas Casey, “Trump administration discussed coup plans with rebel Venezuelan officers”, *The New York Times*, 8 September 2018.

⁴⁷ Brian Ellsworth and Vivian Sequera, “Venezuela arrests six over drone explosions during Maduro’s speech”, Reuters, 5 August 2018; Kejal Vyas, “Venezuela’s president pushes crackdown in wake of drone attack”, *Wall Street Journal*, 9 August 2018.

⁴⁸ “Foro Penal Cifró en 234 el número de ‘presos políticos’ en el país”, Foro Penal, 26 October 2018.

⁴⁹ “US Engagement in the Western Hemisphere: Remarks by Rex W. Tillerson, U.S. Secretary of State, at the University of Texas at Austin”, U.S. State Department, 1 February 2018.

Washington's Latin America policy, raised the possibility of U.S. intervention, saying Venezuela had become "a threat to the region and even to the United States".⁵⁰

OAS Secretary General Luis Almagro followed Rubio's comments with even more explicit remarks. Speaking in the Colombian border town of Cúcuta, alongside Colombian Foreign Minister Carlos Holmes, Almagro said: "As regards a military intervention to oust Maduro, I believe no option should be ruled out".⁵¹ Although he later declared that he was referring to actions "within the framework of international law", his position appeared essentially identical to that of Soy Venezuela leader Antonio Ledezma. For months, Ledezma has insisted that the only solution to the crisis is a "humanitarian intervention", based on the UN's "responsibility to protect" (R2P) doctrine. Without the UN Security Council's approval, however, such an intervention would be illegal and likely regarded by most governments – including those of Latin America – as illegitimate. At a minimum, permanent members of the Council and Maduro allies Russia and China would certainly veto any such proposal; indeed, little suggests other Council members would support it even were the U.S. to propose it – which itself seems unlikely.⁵²

Aside from issues of legality and legitimacy, an external military intervention would be far more likely to further destabilise the country and aggravate the crisis than help end it. The only opposition leadership with a clear claim to lead a transition is in the National Assembly. But most of those who propose a military intervention reject this leadership. They prefer the prior appointment of a "government in exile", but this body would be equally controversial, and if imposed by external military action would raise serious issues as regards its representativeness and legitimacy, with implications for its capacity to govern the country effectively.

It is widely assumed that the Venezuelan armed forces would be incapable of mounting much resistance. But that assumption overlooks the vast quantities of military hardware purchased under both the Chávez and Maduro governments.⁵³ Parts of the armed forces, including the civilian militias, might activate plans for "prolonged popular war", as called for in official military doctrine.⁵⁴ No intervening power is likely to be willing to occupy Venezuela in order to restore order, which would also be severely tested by a wide range of non-state armed actors, many with a clear vested interest in maintaining the status quo or in fomenting chaos.⁵⁵ These include guerrillas from Colombia's Ejército de Liberación Nacional (ELN), who are explicitly

⁵⁰ Ramsey Touchberry, "Marco Rubio: U.S. military intervention could solve Venezuela crisis", *Newsweek*, 1 September 2018.

⁵¹ "OAS chief says should not rule out Venezuela 'military intervention'", Agence France Presse, 15 September 2018.

⁵² "China rejects new U.S. sanctions against Venezuela, calls for internal solutions", Telesur, 28 August 2017; "Russia condemns U.S. interference in Venezuela as 'self-centered'", Telesur, 30 September 2018.

⁵³ "Venezuela: Informe sobre Adquisiciones de Sistemas de Armas y Material Militar, Período 2013-2016", Control Ciudadano, 4 January 2017; "Venezuela: Adquisiciones de Sistemas de Armas y Material Militar 2005-2012. Un proceso completamente opaco para el país", Control Ciudadano, 15 April 2013.

⁵⁴ Rubén Castillo (Misión Verdad), "Escenarios de intervención militar: las capacidades de Venezuela para defenderse", *Resumen Latinoamericano*, 28 September 2018.

⁵⁵ Crisis Group Latin America Report N°38, *Violence and Politics in Venezuela*, 17 August 2011.

committed to defending the Maduro government.⁵⁶ Under these circumstances the foreign direct investment and multilateral aid the country will badly need in order to stabilise its economy is unlikely to be forthcoming. Military intervention, in other words, is a recipe for even worse chaos and suffering for Venezuelans.

⁵⁶ At its V Congress in December 2014, the ELN passed a resolution ratifying its determination to “defend Venezuela’s Bolivarian revolution in the event of a violent imperialist aggression”.

IV. Opposition Divisions and the Prospect of Negotiations

Growing calls for foreign intervention in Venezuela, and the widening divisions in opposition ranks, place major obstacles in the path of a resumption of talks with the government in Caracas on a political transition. After the acrimonious collapse in early 2018 of negotiations in Santo Domingo, which followed failed talks in 2014 and 2016, most of the opposition is in any case inclined to treat any fresh attempt with circumspection. MUD leaders paid a high political price for their participation last time.

Maduro has repeatedly stressed his willingness to resume “dialogue” with the opposition. The government’s preferred “mediator” – former Spanish Premier José Luis Rodríguez Zapatero – makes occasional visits to Caracas but is dismissed by opposition leaders as an accomplice of the government.⁵⁷ In mid-October, at an informal lunch for European Union foreign ministers, the Spanish and Portuguese governments offered to facilitate a new round of talks. But the EU High Representative for Foreign Affairs and Security Policy, Federica Mogherini, said neither mediation nor dialogue was possible under present conditions.

She added that “only a democratic, political solution” would resolve the crisis, and that the EU would “explore the possibility of establishing a contact group” of states willing to work on behalf of future negotiations.⁵⁸ The absence of “conditions” she cited seems to refer not only to the lack of an opposition interlocutor but also to the government’s refusal thus far to commit to major reforms. In a later speech, Mogherini said the EU had called on the government to engage in “confidence-building measures”, including the release of political prisoners, the restoration of the rights of parliament and the guarantee of human rights. She also called for an impartial inquiry into the death in custody of Councillor Fernando Albán.

Opposition factions would most likely gain little in fresh talks with the government unless three conditions are met: first, a clear commitment from Maduro that genuine reforms are on the table; second, confidence-building steps, potentially including the release of political prisoners, relaxation of the persecution of opposition figures and the restoration of the National Assembly’s authority; and third, the government’s agreement on an agenda for talks based on the restoration of checks and balances, the return of representative politics, and a plan of economic stabilisation and reconstruction. Talks without those steps (along with international facilitation, a structured procedure and firm rules of engagement) would risk repeating the mistakes of previous rounds of dialogue by giving the government an opportunity to appear conciliatory and assuage public anger while neither making substantive concessions nor providing any guarantees that it would fulfil its promises. For opposition factions to enter talks absent those conditions would also exacerbate divisions and create further disillusionment.

⁵⁷ Xabier Coscojuela, “Borges a Zapatero: Usted es cómplice de Maduro y un enemigo de Venezuela”, *Tal Cual*, 18 May 2018. On 6 November, the National Assembly passed a motion of censure against Zapatero which sparked a bitter debate among opposition factions. Alonso Moleiro, “Zapatero divide a la oposición venezolana”, *El País*, 9 November 2018.

⁵⁸ European External Action Service, statement by Federica Mogherini, 15 October 2018.

Right now, however, even were the government prepared to enter genuine negotiations, the opposition's divisions make it unclear who would sit on the other side of the table. No clear interlocutor for the government exists, and on their own none of the opposition's component parts has enough to offer the government in terms of ensuring support for and compliance with any agreement. One significant exception might be the National Assembly, which could offer its stamp of approval on international borrowing, as required by the constitution.⁵⁹ With international financial sanctions in place, however, parliament alone cannot relieve the government's severe cash shortage, while ad hoc transactions between it and opposition leaders in the Assembly in order to mitigate the state's financial emergency are unlikely to prove sustainable and would sow more internal discord in the opposition. Should more structured and substantive negotiations get underway along the lines mentioned above, however, representatives of the National Assembly could argue in Washington for lifting financial sanctions.

Opinions on how to reconstruct a viable opposition leadership vary widely. Some believe that, with no imminent presidential campaign requiring opposition primaries and the selection of a candidate, the only way to resolve the issue is by agreeing on a collective leadership.⁶⁰ Others want the National Assembly to approve the appointment of a "government in exile".⁶¹ A third suggestion is to assemble a group of respected citizens with no ulterior political ambition whose prestige and perceived neutrality (among different opposition factions) might serve to unite the opposition around a coherent strategy.⁶² Still another plan proposes holding open primaries for the leadership without waiting for a presidential election.⁶³

⁵⁹ Article 312 of the 1999 constitution requires the executive to seek approval from the National Assembly before issuing debt.

⁶⁰ Crisis Group interview, Voluntad Popular leader, Caracas, 1 August 2018.

⁶¹ Antonio María Delgado, "Fiscal y magistrados de Venezuela en el exilio podrían ser la puerta a un eventual gobierno paralelo", *El Nuevo Herald*, 20 April 2018.

⁶² Margarita López Maya, "Urge una conducción política de las fuerzas democráticas", *Proavinci*, 20 August 2018.

⁶³ Benigno Alarcón Daza, "Cómo producir una transición democrática en Venezuela", *Proavinci*, 23 September 2018.

V. International Engagement

Recent foreign engagement on the Venezuelan crisis has taken myriad forms, including sanctions, threats of military intervention, referring Venezuela to the International Criminal Court as well as nascent initiatives aimed at bringing the parties back to the table.

On 25 September, Washington announced fresh sanctions on high-ranking Venezuelan officials, including the first lady, Cilia Flores, the defence minister, General Vladimir Padrino López, and an alleged front man for Diosdado Cabello, chairman of the ANC.⁶⁴ The move left no one in Maduro's inner circle unaffected by U.S. sanctions, suggesting that the Trump administration no longer envisages negotiations arising from a "vertical" split in the ruling faction but rather wishes to send a clear message to those lower down the chain of command that they still have time to dissociate themselves from the government.⁶⁵

Several international actors have evoked the possibility of military action. They include not only the OAS secretary general and U.S. Senator Marco Rubio but also Colombia's ambassador to Washington, Francisco Santos.⁶⁶ But as noted above, the majority of the fourteen-nation Lima Group insists on a peaceful, negotiated solution. True, four of its members did not sign on to the latest communiqué to that effect and three of these abstainers – Colombia, Guyana and Panama – might be termed "front-line states" as regards the Venezuelan crisis (the fourth is Canada). But all have said explicitly that they do not favour a military option. Their unwillingness to sign the communiqué appears to signal a loss of faith in talks, at least in the short term, and it is clear both from public comments and private conversations that their frustration with the opposition's inability to present a united front is a large part of the problem.⁶⁷

The Venezuelan government has responded to talk of intervention with bellicose statements of its own and by moving troops and equipment to the Colombian border. On 28 September, the head of the Joint Operational Command, Admiral Remigio Ceballos, said Russia, China and Cuba were taking part in military exercises and that Venezuela "is not alone" in the face of threats of intervention. Though the three

⁶⁴ Carol Morello and Anthony Faiola, "U.S. sanctions target Venezuela's first lady and president's inner circle", *Washington Post*, 25 September 2018.

⁶⁵ "Además de llevar a los responsables ante la CPI, la comunidad internacional ha emprendido una estrategia para provocar una ruptura entre mandos medios (civiles y militares) y la cúpula que gobierna Venezuela y sería juzgada ante la CPI", Rocío San Miguel, Venezuelan security and defence expert, via Twitter, 29 September 2018.

⁶⁶ Newly appointed Ambassador Santos said at a forum in Washington in mid-September that "all options should be considered". "Las polémicas declaraciones de Pacho Santos en Washington sobre Venezuela", *El Espectador*, 18 September 2018. Colombian President Iván Duque has ruled out the possibility of military action on several occasions, however, including at an event hosted by Crisis Group in Brussels on 23 October. The Colombian foreign minister, Carlos Holmes, has also denied that Bogotá is considering military action. But he was forced to threaten diplomats with dismissal for suggesting it after an anonymous foreign ministry source was quoted in a Brazilian newspaper contradicting him. "Francisco Santos niega ser la fuente de artículo sobre supuesto plan de derrocar a Maduro", *Semana*, 31 October 2018.

⁶⁷ Antonio María Delgado, "Comunidad Internacional busca renovación de liderazgo opositor para salir de Maduro, dice embajador", *El Nuevo Herald*, 1 November 2018.

countries named were tight-lipped on the matter, and no images were published, troops from all three were apparently present.⁶⁸ Colombia's President Iván Duque has said his government will "not be provoked".⁶⁹

On 26 September, in an unprecedented move, six Lima Group heads of state and government (including Canada) referred the case of Venezuela to the International Criminal Court.⁷⁰ The French government later expressed its support for the move, which could speed up the process of bringing to trial alleged cases of crimes against humanity by Maduro and others.⁷¹ ICC Prosecutor Fatou Bensouda had already, in February this year, opened a preliminary investigation into whether crimes falling under the Court's jurisdiction had been committed in the context of political unrest since "at least" April 2017. The decision to proceed with the ICC case could complicate any negotiated solution by increasing the likelihood that government leaders – once out of power – will face some form of justice. But the government's rejection of genuine talks and the collapse of opposition unity, among other factors, has led some governments to conclude that there is little to lose.⁷²

Simultaneously, the UN Human Rights Council approved a resolution expressing concern at human rights abuses in Venezuela, calling on the Venezuelan government to permit humanitarian aid to address hunger and disease in the country and asking the UN High Commissioner for Human Rights to prepare a comprehensive report.⁷³ High Commissioner Michelle Bachelet declared that in order to do so she must be able to visit the country, and Maduro responded to journalists' questions on the subject saying she could visit, "whenever she wants".⁷⁴

A number of incipient initiatives seek to revive prospects for negotiations. One is the proposed "contact group" mentioned by the EU's Federica Mogherini, which although it offers no quick fix, is the best approach in that it seeks to use inter-

⁶⁸ Crisis Group interview, Venezuelan security and defence expert, Caracas, 29 October 2018. Carlos E. Hernández, "Venezuela, China, Rusia y Cuba se despliegan en un ejercicio en la frontera con Colombia", Infodefensa.com, 2 October 2018.

⁶⁹ "Duque asegura que no caerá en provocaciones de Venezuela", RCN Radio, 26 September 2018.

⁷⁰ Venezuela is a State Party to the Rome Statute, which means the ICC can investigate crimes committed on its territory without a referral from the UN Security Council. This move marks the first time in the ICC's history that a referral has come from other States Parties. It also signals a departure from Latin American countries' traditional stance of "non-interference" in their neighbours' affairs, indicating the gravity of the regional crisis concerning Venezuela.

⁷¹ The countries are: Argentina, Canada, Chile, Colombia, Paraguay and Peru (later joined by Costa Rica). Their action gives the ICC prosecutor (who opened a preliminary investigation in February 2018) the option of proceeding with the case without first referring it to the Pre-Trial Chamber of the ICC. "Statement by the Prosecutor of the International Criminal Court, Mrs Fatou Bensouda, on the referral by a group of six States Parties regarding the situation in Venezuela", 27 September 2018.

⁷² Crisis Group email interview, expert in transitional justice, 3 October 2018.

⁷³ "Promotion and Protection of Human Rights in the Bolivarian Republic of Venezuela", UN Human Rights Council 39th session, 10-28 September 2018.

⁷⁴ "Venezuela president says U.N. human rights chief welcome to visit", Reuters, 27 September 2018. With the exception of one UN "independent expert", who produced a controversial report favourable to the government, the government has allowed no human rights mission to visit Venezuela since 2002.

national pressure to encourage the resumption of talks while establishing clear conditions to guarantee that future negotiations will be meaningful.⁷⁵

Another involves the revival of the bipartisan Boston Group, originally an initiative by members of the U.S. Congress which, in the period following the 2002 coup attempt against Hugo Chávez, sought to foster dialogue between Venezuela's government and opposition.⁷⁶ The group's reappearance, at Maduro's behest, indicates less his government's willingness to contemplate a transition than its need to reach a deal with Washington.⁷⁷ A third track, proposed by the new Spanish government of Pedro Sánchez and apparently aborted – for now – by the EU's refusal to entertain it, would involve “internal dialogue” without “interference” by foreign powers. This proposal would likely allow Maduro to continue playing for time and repeat the fruitless experiences of the last four years.⁷⁸

⁷⁵ See fn 58 above. Mogherini elaborated upon the idea a week later. See Speech by High Representative/Vice President Federica Mogherini at the European Parliament plenary session on the situation in Venezuela, 23 October 2018. She stressed, however, that she did not want to “raise expectations” and reiterated that conditions “are not ripe, are not there”.

⁷⁶ Maduro and his wife Cilia Flores, both then members of the National Assembly, belonged to the Boston Group. Its coordinator, then legislator Pedro Díaz Blum, and the current governor of Carabobo state, Maduro ally Rafael Lacava, have revived the group to promote talks between Venezuela and Washington. Also involved are the retiring chair of the U.S. Senate foreign affairs committee, Senator Bob Corker, Republican of Tennessee, and his staffer Caleb McCarry.

⁷⁷ Crisis Group interview, leading member of Boston Group, Caracas, 14 September 2018.

⁷⁸ Pedro R. Suanzes, “España plantea una discusión en la Unión Europea sobre la crisis en Venezuela”, *El Mundo*, 14 October 2018.

VI. Conclusion

Never has a solution to the Venezuelan crisis been so urgent, and yet never has it seemed so remote. The humanitarian emergency – manifested in hunger, disease and mass migration, among other ways – is rapidly worsening. To date, political tensions have paralysed efforts to attend to Venezuelans' suffering: the Maduro government refuses aid on the grounds that it is a pretext for intervention, while the opposition reinforces this demonisation of aid by using it as lever for achieving political change.⁷⁹ Diplomacy aiming to secure government assent to the entry of humanitarian assistance should be handled separately from negotiations over a democratic transition.⁸⁰

There is no doubt that the main obstacle on both the humanitarian and the political fronts is the government's own intransigence and determination to hold onto power. But the parlous state of the opposition also makes any push toward political negotiations an uphill battle and would complicate those talks were they to take place. A significant part of the opposition, as well as some influential external voices, have lost faith in a negotiated transition any time soon, even though a military option (whether internal, external or a combination of the two) remains improbable and its consequences potentially catastrophic. Meanwhile, the economic and social crisis, with its destabilising regional impact, continues to worsen rapidly, and the Maduro government's measures have only compounded the problem, in particular by exacerbating already existing hyper-inflation.⁸¹

One of the prerequisites – though far from the only one – for ending the crisis is a coherent opposition. Indeed, successful negotiations depend upon organised opposition representation. A reasonable degree of unity would also be critical for the formation of a transitional government, comprising opposition leaders alongside representatives of *chavismo*; while the formation of such a government for now seems remote, it remains the surest path for Venezuela to peacefully exit its crisis. Moreover, a rupture arising from tensions within the government and ruling party – an unlikely but not altogether implausible scenario – would probably also require some form of transitional government involving at least part of the opposition.

Resolving the opposition's leadership vacuum and recovering its credibility are therefore important tasks. The best hope lies with opposition and civil society lead-

⁷⁹ In this regard, OAS Secretary General Almagro's choice of an exiled Venezuelan politician (David Smolansky, a former mayor belonging to Voluntad Popular) to head a refugee unit was unfortunate, whatever Smolansky's personal merits. Jim Wyss, "He slipped out of Venezuela in disguise; now he's the OAS migration czar", *Miami Herald*, 19 September 2018.

⁸⁰ UN High Commissioner for Refugees Filippo Grandi echoed this call in an October 2018 speech to the organisation's executive committee. "A non-political and humanitarian approach is essential to help states receiving [Venezuelan refugees] in growing numbers", Grandi said. "Venezuela: nearly 2m people have fled country since 2015, UN says", Agence France Presse, 1 October 2018. Former Guatemalan Foreign Minister Eduardo Stein, appointed on 19 September as joint special representative of the UN's refugee and migration agencies for the Venezuelan crisis, has spoken in similar terms.

⁸¹ "Pronunciamiento de las Academias Nacionales sobre las medidas económicas anunciadas el viernes 17 de agosto de 2018", 20 August 2018.

ers inside Venezuela, a majority of whom still back a negotiated transition. They have two principal challenges: to defend the National Assembly, as the only remaining pillar of democratic legitimacy in Venezuela; and to construct a leadership, backed by major parties and civil society and capable of agreeing on an effective transition strategy (primarily in the political, economic and security spheres) and building a robust coalition of internal forces and external allies to that end.

With no presidential election campaign in the offing, “primaries” to elect a leader would be a risky strategy given the electorate’s demobilisation and disillusionment. Still, polls show both a demand for leadership and a willingness to vote, particularly were a primary election convened and supervised by civil society, preferably with international accompaniment.⁸² Alternatively, the principal in-country opposition leaders could agree to jointly and temporarily renounce presidential ambitions – to signal the transition involves suspending competitive politics and is a moment for unity, and to recover their own credibility by renouncing personal ambitions – and form a transitional leadership team comprising individuals of evident probity and expertise, capable of inspiring confidence both domestically and internationally.

Whichever way it is selected, this leadership will need to be protected as far as possible from government repression through sustained diplomatic support, especially from Latin American and EU countries, and offers of exile from these same states if conditions become forbidding. That said, its members must be willing to run the risk of remaining in the country. An opposition leadership cannot carry out its tasks from outside.

Properly formed, that leadership almost certainly would immediately boost the opposition’s dismal approval rating. It would also give foreign governments and multilateral bodies a plausible counterpart in efforts to promote negotiations. In the absence of a strong internal counterweight to the government, outside powers risk entertaining more seriously the possibility of military intervention.

Foreign powers involved in Venezuela should thus work toward opposition unity, or at least not take action that militates against it, given the critical part it is likely to play in finding a way out of the crisis. They should continue to press the government toward good faith negotiations by insisting that the government commit to confidence-building measures and a broad agenda for talks. For now, the impetus for such pressure is with the EU’s “contact group” initiative, which should seek to build international support for meaningful negotiations between Venezuela’s government and opposition.

At the same time, outside powers should encourage opposition leaders in the country to agree on new leadership and maintain firm support for a united opposition dedicated to a peaceful transition. Perhaps most importantly, the U.S. in particular should halt its statements suggesting that military intervention is under active consideration. Not only would such an intervention be disastrous, but floating it risks that pro-negotiation leaders abandon their stance in favour of a harder line.

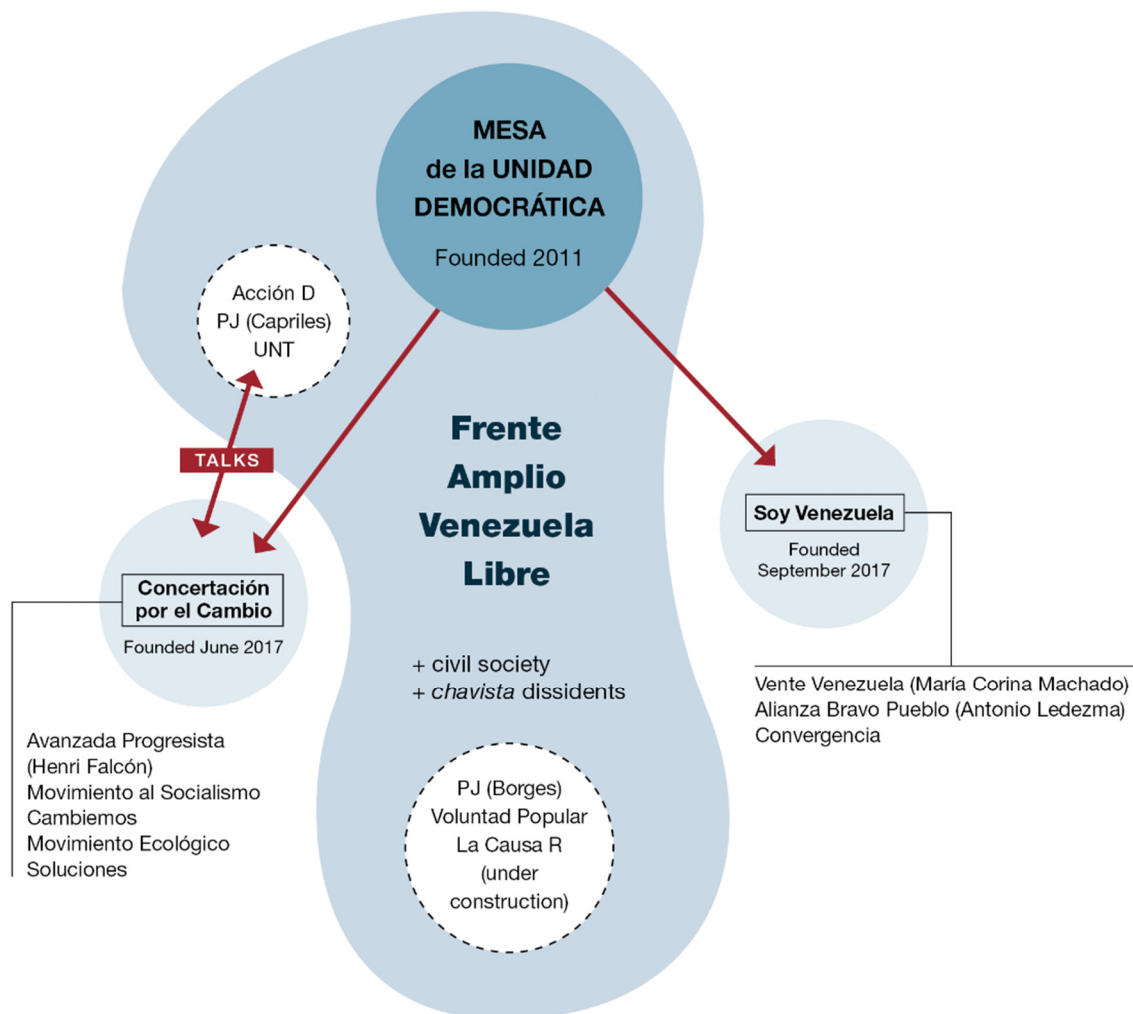
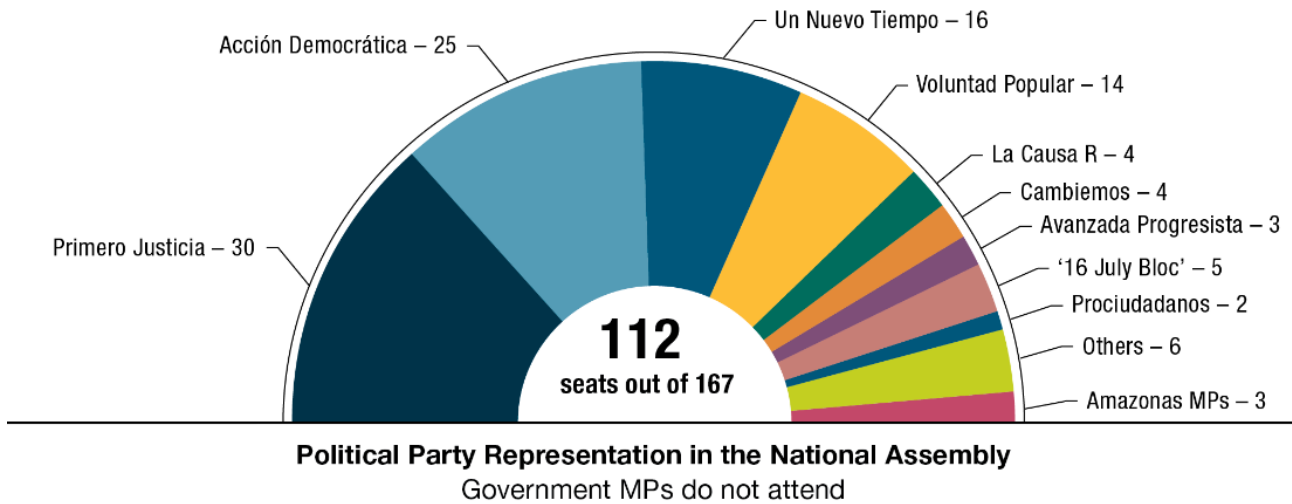
Despite a number of ongoing initiatives to restore at least partial unity and to agree within the opposition on a common strategy to end the crisis, it is hard to be

⁸² See the Delphos poll cited in fn 19 above. Almost 90 per cent of MUD supporters and 62 per cent of non-MUD opposition supporters said they would take part in primaries.

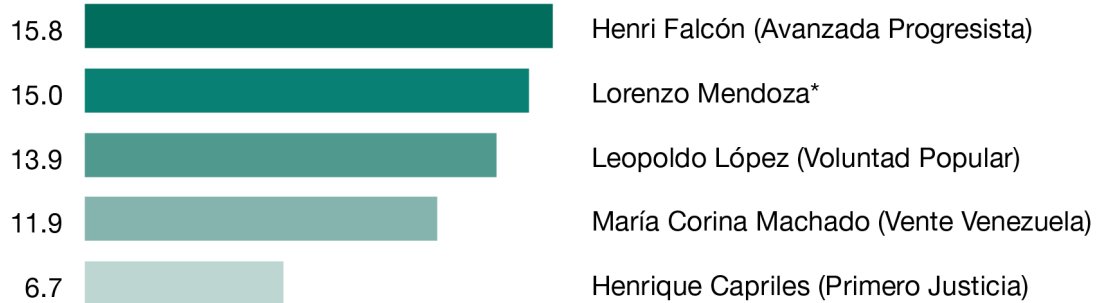
optimistic that a short-term solution can be found to the current disarray. So long as it persists, prospects for ending the crisis will be slim. Outside powers and the opposition diaspora will be tempted to look for shortcuts that – in the best of cases – will fail to ameliorate the situation. External pressure is essential. But a lasting solution to Venezuelan's current plight can only come from inside, and among other things it will require Venezuelans of differing political persuasions to agree on the terms of a transition. The process will begin when those within the opposition that are committed to this approach overcome their personal and political differences. The sooner they do so the better.

Caracas/Bogotá/Brussels, 23 November 2018

Appendix A: Opposition Parties and Alliances



Support for individual leaders (%)



Source: Delphos poll for the Centro de Estudios Políticos of the Catholic University (UCAB), November 2018.

* Outsider. Owner/chairman of Empresas Polar, Venezuela's largest private company. No known political ambitions.

Appendix B: About the International Crisis Group

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

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries or regions at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international, regional and national decision-takers. Crisis Group also publishes *CrisisWatch*, a monthly early-warning bulletin, providing a succinct regular update on the state of play in up to 70 situations of conflict or potential conflict around the world.

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

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

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

Crisis Group's international headquarters is in Brussels, and the organisation has offices in seven other locations: Bogotá, Dakar, Istanbul, Nairobi, London, New York, and Washington, DC. It has presences in the following locations: Abuja, Algiers, Bangkok, Beirut, Caracas, Gaza City, Guatemala City, Hong Kong, Jerusalem, Johannesburg, Juba, Mexico City, New Delhi, Rabat, Tbilisi, Toronto, Tripoli, Tunis, and Yangon.

Crisis Group receives financial support from a wide range of governments, foundations, and private sources. Currently Crisis Group holds relationships with the following governmental departments and agencies: Australian Department of Foreign Affairs and Trade, Austrian Development Agency, Global Affairs Canada, Danish Ministry of Foreign Affairs, European Union Instrument contributing to Stability and Peace, Finnish Ministry for Foreign Affairs, French Development Agency, French Ministry of Europe and Foreign Affairs, Icelandic Ministry for Foreign Affairs, Irish Aid, Japanese International Cooperation Agency, Liechtenstein Ministry of Foreign Affairs, Luxembourg Ministry of Foreign Affairs, New Zealand Ministry of Foreign Affairs and Trade, Norwegian Ministry of Foreign Affairs, Qatari Ministry of Foreign Affairs, Swedish Ministry of Foreign Affairs, Swiss Federal Department of Foreign Affairs and the Emirati Ministry of Foreign Affairs.

Crisis Group also holds relationships with the following foundations: Carnegie Corporation of New York, Elders Foundation, Henry Luce Foundation, John D. and Catherine T. MacArthur Foundation, Korea Foundation, Oak Foundation, Open Society Foundations, Ploughshares Fund, Robert Bosch Stiftung, Rockefeller Brothers Fund, UniKorea Foundation and Wellspring Philanthropic Fund.

November 2018

Appendix C: Reports and Briefings on Latin America since 2015

Special Reports

Exploiting Disorder: al-Qaeda and the Islamic State, Special Report N°1, 14 March 2016 (also available in Arabic and French).

Seizing the Moment: From Early Warning to Early Action, Special Report N°2, 22 June 2016.

Counter-terrorism Pitfalls: What the U.S. Fight against ISIS and al-Qaeda Should Avoid, Special Report N°3, 22 March 2017.

Back from the Brink: Saving Ciudad Juárez, Latin America Report N°54, 25 February 2015 (also available in Spanish).

On Thinner Ice: The Final Phase of Colombia's Peace Talks, Latin America Briefing N°32, 2 July 2015 (also available in Spanish).

Venezuela: Unnatural Disaster, Latin America Briefing N°33, 30 July 2015 (also available in Spanish).

Disappeared: Justice Denied in Mexico's Guerrero State, Latin America Report N°55, 23 October 2015 (also available in Spanish).

The End of Hegemony: What Next for Venezuela?, Latin America Briefing N°34, 21 December 2015 (also available in Spanish).

Crutch to Catalyst? The International Commission Against Impunity in Guatemala, Latin America Report N°56, 29 January 2016 (also available in Spanish).

Venezuela: Edge of the Precipice, Latin America Briefing N°35, 23 June 2016 (also available in Spanish).

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Colombia's Final Steps to the End of War, Latin America Report N°58, 7 September 2016 (also available in Spanish).

Venezuela: Tough Talking, Latin America Report N°59, 16 December 2016 (also available in Spanish).

In the Shadow of "No": Peace after Colombia's Plebiscite, Latin America Report N°60, 31 January 2017 (also available in Spanish).

Veracruz: Fixing Mexico's State of Terror, Latin America Report N°61, 28 February 2017 (also available in Spanish).

Mafia of the Poor: Gang Violence and Extortion in Central America, Latin America Report N°62, 6 April 2017 (also available in Spanish).

Power without the People: Averting Venezuela's Breakdown, Latin America Briefing N°36, 19 June 2017 (also available in Spanish).

Colombia's Armed Groups Battle for the Spoils of Peace, Latin America Report N°63, 19 October 2017 (also available in Spanish).

Venezuela: Hunger by Default, Latin America Briefing N°37, 23 November 2017 (also available in Spanish).

El Salvador's Politics of Perpetual Violence, Latin America Report N°64, 19 December 2017 (also available in Spanish).

Containing the Shock Waves from Venezuela, Latin America Report N°65, 21 March 2018 (also available in Spanish).

Mexico's Southern Border: Security, Violence and Migration in the Trump Era, Latin America Report N°66, 9 May 2018 (also available in Spanish).

Risky Business: The Duque Government's Approach to Peace in Colombia, Latin America Report N°67, 21 June 2018 (also available in Spanish).

The Missing Peace: Colombia's New Government and Last Guerrillas, Latin America Report N°68, 12 July 2018 (also available in Spanish).

Building Peace in Mexico: Dilemmas Facing the López Obrador Government, Latin America Report N°69, 11 October 2018 (also available in Spanish).

Saving Guatemala's Fight Against Crime and Impunity, Latin America Report N°70, 24 October 2018.

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