

Caracas Connect Venezuela Update

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A Slide Toward Authoritarianism?

As street protests and violence have intensified, on May 1 President Nicolás Maduro doubled down on the loyalty of the security forces and the risk of alienating even his Chavista supporters by calling for a constituent assembly to rewrite the [1999 constitution](#). Acting under Article 348 of the charter, Maduro asked the National Electoral Council (CNE) to set a date for elections to a constituent assembly [without conducting](#) in advance a consultative referendum. The CNE has announced plans to hold the balloting on July 30. The new constitution [would be submitted](#) to the general electorate in a referendum.

Maduro says his call for a constituent assembly [seeks to resolve Venezuela's political crisis](#). It might not surprise anyone that the opposition sees this merely as a maneuver to avoid facing the electorate in 2018, when the next presidential election is supposed to take place. However, significant criticism is also coming from dissident Chavistas, such as the Marea Socialista (Socialist Tide) group. Marea's [Nicmer Evans accused Maduro](#) of trying to cover up the government's economic failings by calling the assembly.

Article 348 gives the president the authority to initiate the call for a national constituent assembly and does not explicitly require a consultative referendum. However, other articles in the constitution strongly imply that a consultative referendum should be held. In the constitutional section devoted to referendums, Article 71 "Matters of special national transcendence may be referred to a consultative referendum, on the initiative of the President of the Republic." Article 347 specifies that the Venezuelan people (as opposed to the president) "can convoke a National Constituent Assembly with the goal of transforming the state, creating a new judicial system, or drafting a new constitution."

Maduro also ignored the precedent set by then-President Hugo Chávez in 1999 when he called for a national referendum to ratify popular support for a new constitution. Only then were members of a constituent assembly elected by popular vote. The upshot is that the 1999 constitution is ambiguous enough to allow Maduro's call for a constituent assembly without a consultative referendum to fit within the letter of the law, but whether it conforms to the spirit is another question.

Were the rules used to choose delegates in 1999 to be employed again, it is quite likely that the opposition Democratic United Roundtable (MUD) would repeat its decisive victory from [the 2015 National Assembly election](#). However, Maduro's plan is to split delegates between 181 "sectoral" and 364 "territorial" representatives. The sectoral assembly delegates will be chosen by members of communal councils, labor and peasant organizations, and other groups. The crucial matter of which sectors and which organizations will be credentialed for the election will be decided by the CNE, which is dominated by Maduro's United Socialist Party of Venezuela (PSUV).

The CNE faces the challenge of organizing the July 30 election even though the Council has pleaded over the past eight months that the political crisis has made it impossible to hold other elections in a timely manner. The CNE dragged its feet and ultimately failed to validate the opposition's petition for a recall election, claiming many irregularities in the signatures. Then it failed to set a date for state and municipal elections that should have taken place in 2016. It changed rules for party registration, making it more difficult for smaller parties to participate in elections. All of this sowed increased doubt about whether presidential elections would take place in 2018 as constitutionally required.

Institutional Breakdown and Signs of a Restive Military

President Maduro's call for a constituent assembly was the latest in a series of clashes with the opposition over the fundamental rules of political game in Venezuela. In late March, the Supreme Court stripped the National Assembly, the only opposition-led government body, of its authority to legislate, temporarily taking that power for itself. The Court subsequently backed off assuming legislative power, but repeated decisions rejecting Assembly-passed measures as unconstitutional have left the Assembly virtually powerless to carry out its normal legislative functions.

This provoked the country's [attorney general, Louisa Ortega Díaz, to speak out](#), claiming that the move "constitutes a rupture of the constitutional order." This phrasing is especially significant because it echoes provisions in [the Charter of the Americas](#) that can trigger steps by the Organization of American States (OAS) to investigate the situation and ultimately to expel Venezuela and implement sanctions. On May 3, the gap between Ortega Díaz and the government widened further when she [harshly criticized government security forces](#) after riot-control vehicles injured opposition protestors in Caracas. On June 8, [Ortega Díaz denounced](#) Maduro's constituent assembly plans and asked the Supreme Court's electoral chamber to annul the CNE's plans to hold elections to choose delegates.

An indication that the ground is shifting under Maduro's feet is the emergence of serious division and debate among Bolivarian activists and intellectuals. This has been visible on Aporrea.org, a news site and forum whose participants have usually strongly supported the Chavista government in moments of crisis. While some posts show staunch support for the president, many have been harshly critical, with some even calling for Maduro's resignation. One [essay-post](#) complained that Maduro's ruling out a consultative referendum to approve calling for a constituent assembly to rewrite the constitution means, "The government has exhausted its last opportunity to do the right thing." A podcast on Aporrea Radio was [headlined](#), "If Chávez were to return, he'd lead a coup against Maduro and convene a new Constituent Assembly."

[Marea Socialista](#), whose application for status as a political party was rejected by the CNE, asserted in a public statement, "Each day it becomes clearer what the PSUV's top leadership intends to build--namely, a totalitarian political system that, even though it is not yet a classic dictatorship, is certainly taking on some of these characteristics as limitations on civil rights become tighter over time."

The government has long accused the opposition of being "golpista," and not entirely without reason considering that many MUD leaders supported or participated in the 2002 coup that briefly deposed President Chávez. However, by closing off constitutional avenues for opposition, the government has played into the hands of the more radical sectors of the MUD and reduced the influence of those who had hoped to use the recall and the electoral process to end the Bolivarian era.

Opposition appeals for action from the military have become less and less thinly disguised. Julio Borges, president of the National Assembly, made an explicit [appeal to the military](#) on May 15. "I am appealing to Defense Minister Vladimir Padrino López to open the doors to a sincere debate in the armed forces," said Julio Borges, the speaker of the National Assembly, the only opposition-led government body.

It is difficult to read how the military is reacting to the opposition's call for it to intervene. Maduro, who does not have a military background, comes from the ranks of the labor movement and cannot demand the same degree of personal loyalty from the armed forces as Chávez, who was a career military officer. He has copied his mentor, Chávez, in privileging the military, trying to protect soldiers from the worst consequences of the country's deteriorating social and economic situation.

However, maintaining military loyalty depends not only on the [soldiers' own situation but also that of their neighbors and friends](#). Venezuela's officer corps, to a greater extent than in most other Latin American countries, is recruited from the popular sectors, the barrio-dwellers, and the soldiers who were deployed on missions to underserved areas to lift the socioeconomic conditions of the poor during the Chávez presidency are likely well-acquainted with their daily struggles.

The Bolivarian Movement in the Armed Forces emerged in the late 1980s in response to social deterioration and political corruption. In particular, its support within the ranks grew after

President Carlos Andrés Pérez unleashed violent repression against the [Caracazo riots](#) that erupted on February 27, 1989. This experience undoubtedly influenced General Vladimir Padrino Lopez, President Maduro's defense minister, when on June 7 he warned [soldiers not to commit "atrocities"](#) against protesters. However, at the same time Padrino López expressed support for the National Guard, which is on the front lines of dealing with political violence. The minister expressed criticism of the opposition, [charging that those claiming repression](#) by the government are the same people who behind the scenes "encourage violence, death and hate."

There have been several recent signs of unrest in the military. On February 22 of this year, [nine officers were arrested](#), accused of collaborating with General Raúl Isaías Baduel, a former close associate of Chávez who played a key role in rescuing the president from the 2002 coup attempt. Baduel, who publicly broke with Chávez in 2007 and was jailed from 2009 until 2015 after being convicted on corruption charges, was [rearrested](#) earlier this year for supposedly plotting against the government. If nothing else, the incident shows that support for President Maduro within the ranks is not unanimous.

A [Reuters news report](#), citing leaked internal military reports, says that 14 more military officers were arrested in early April. The same report cited opposition claims that a purge of officers uncomfortable with the handling of protests is under way. Opposition leader Henrique Capriles claims that over 100 military personnel are presently under arrest, although it was unclear from the report whether, if true, the soldiers are being held for alleged abuses of citizens or suspicions of disloyalty to the government.

Protests and Political Violence

The media coverage in the U.S. has a black-and-white read of the situation on the ground that belies the complexity of the violence, and fails to report the levels of violence committed on both sides, as well as the underlying dynamics at its root.

Each move by the government has provoked large anti-Maduro protests and counter-demonstrations by government supporters. As in the early years of the Hugo Chávez presidency, the former tended to erupt in the wealthier parts of town, the latter in the poor barrios, mostly on the west side of the Caracas valley. However, there have been several incidents of anti-Maduro protest in poor areas and indications that violence may be setting off factional conflict in the barrios.

On April 19, the opposition began what it called the "Mother of All Protests," which drew tens of thousands of marchers each in several cities across the country. The [government and its supporters claimed](#) the opposition was attempting to replicate the scenario that led to the short-lived coup against then-President Hugo Chávez in April 2002. The U.S., said Maduro, had given the green light for a new coup.

The [2002 coup](#) was precipitated by violence that broke out after a large opposition demonstration deviated from its planned route and marched on the presidential palace, where a massive crowd of Chávez supporters waited. Sniper fire broke out, killing 19 on both sides of the conflict. In the aftermath of the coup, and before it fell apart, several civilian and military opposition leaders

[admitted on national television](#) that their plan all along had been to provoke a coup. Their success proved short-lived as mass demonstrations and troops loyal to Chávez restored the president to office.

The two-day protests that began on April 19 did not result in a coup, but did result in the deaths of [12 people](#). On May 16, the state prosecutor's office [estimated](#) that at least 42 people had died due to political violence during April and the first half of May, while a week later [Telesur](#) put the total near 70. Over the last seven months, hundreds have been injured and an estimated 2,000 have been detained. President Maduro himself [came under physical assault](#) by youths who forced his motorcade to a halt on Margarita Island, where he was struck in the head by a hard object thrown at him as his bodyguards ushered him from the scene.

Mainstream media outlets' coverage of protests have emphasized [excessive force](#) by security forces against peaceful protestors and threats against opposition by armed *colectivos* ("collectives" of grassroots Chavista activists), especially bands of Chavista motorcyclists who harass protestors. Reports of escalating violence include [reports of attacks](#) on public buildings, clinics, and schools, by factions within the opposition tend to get much less sustained and pointed coverage. Most MUD protests and violent incidents take place in opposition controlled parts of the capital. According to an [Alternet report](#), three Afro-Venezuelans have been lynched by right-wing activists—two burned alive.

Reporters unflinching use the term *colectivos* indiscriminately, suggesting that all are violent. The coverage elides the fact that most *colectivos* are mainly [dedicated](#) to government-supported projects in poor communities. Many of these activists are women, while the motorcyclists more often are young men. They certainly have been partisan, working to support the Chavista cause in elections, but most are not involved in paramilitary organizations.

With hundreds of thousands of protestors in streets, it would be a calumny to regard most of them as violent. However, the highly sympathetic tenor of coverage in the U.S. media has not given sufficient attention to violence by the opposition. Repressive actions by security forces receive wide coverage, while the U.S. media rarely covers opposition attacks on police and other security forces, or police attempts to defend protestors. For example, a recent opposition march in Candelaria, until now a Chavista stronghold, was [escorted by the Bolivarian National Police](#) who protected them from attacks by violent *colectivo* members. The security forces often find themselves under attack or simply [caught between the opposing sides](#) while using rubber bullets and tear gas to prevent opposition protestors from shutting down highways or sacking government buildings.

While opposition protests usually originate in the more prosperous east side of the Caracas valley, unrest in less affluent neighborhoods appears to be growing. An April "[cacerolazo](#)" (pot-banging protest) in the popular barrio of Antímano indicates unrest growing in former Chavista strongholds on the west side of the metropolitan area. An episode of rioting 12 dead occurred in the El Valle district of Caracas, a working class area. Media reports offered conflicting accounts of who provoked the sacking and looting (for contrast: [Telesur](#) and [The Guardian](#)), but regardless the incident was unsettling to the government.

[Gustavo Borges](#), a community organizer in the sprawling *23 de enero* housing complex, which is home to 200,000 poor and working-class households, maintains that most of the residents have continued to carry on relatively normal lives. Borges says he and other activists support Maduro's call for a constituent assembly to rewrite the constitution. In contrast to the relatively affluent east, where protests have disrupted daily life, in *23 de enero*, Borges says, "Children go to school, kindergartens, youngsters in blue flannels and beige take the streets to get to their high schools ... small and medium-size businesses start to open their doors. Queues begin to form in the hundreds of popular medical practices where people get free basic health care attention ... Fruit and vegetable trucks offer their fresh merchandise through their speakers."

A different view of the situation in *23 de enero* was expressed by Alirio Maldonado, leader of a small opposition party in the sprawling barrio. "More and more people in *El 23* are turning against Maduro," [Maldonado told a Vice News reporter](#). "Of course it's changing. How are you not going to change when you don't have access to food, when you don't have access to medicine?"

It is possible that in *23 de enero*, things are better than in other urban working- and lower-class sectors, but mounting reports of discontent in the popular sectors suggest that barrio residents are less sanguine about conditions than Borges perceives them to be. However, readers of U.S. coverage of Venezuela should keep in mind that the U.S. media already has a narrative in mind about humanitarian conditions and political upheaval in Venezuela. Borges' experience and perceptions do not fit that narrative, and Maldonado's do.

In a region where several countries are experiencing serious institutional crises and escalating human rights abuses, the media have focused overwhelmingly on Venezuela. Much less sustained attention has been placed on Mexico, despite the discoveries of hundreds of unmarked mass [graves](#), the murders of dozens of journalists, and [rising impoverishment](#). According to a [May report](#) by Amnesty International, Brazil is facing a human rights emergency because of police violence. In April a general strike against President Temer turned violent, and in May [video footage indicated](#) the police used live ammunition in repressing a demonstration demanding Temer's resignation. Another report [from the Catholic Church](#) indicated that 36 people were killed by government security forces and paramilitaries in the first five months of this year.

Many of my colleagues in the academic world are being asked to provide briefs to support appeals by asylum seekers in the US. In recent months, I have provided briefs for Hondurans desperate to avoid deportation from the U.S. to their country, where femicide and paramilitary armies await them. (I have also done two briefs for Venezuelans.)

Constitutional Dispute Over Oil Contract Has Consequences Beyond Venezuela's Borders

Venezuela's economic and governance crises are linked. With \$10 billion in reserves in January, and \$7 billion needed to service debt obligations in 2017, the government has been challenged to both fulfill its financial obligations and continue to fund social programs without new loans and foreign investment. It has received loans from various countries, including China and Russia, to help finance joint ventures and to help the county meet obligations from service contracts.

In fact, the controversy over the Supreme Court's attempt to preempt the powers of the National Assembly was triggered by the legislature's attempt to exercise its responsibility and rights in the area of oil policy. The Court ruled that the Assembly had unconstitutionally voted to block an [oil deal with Russia](#) to provide government coffers a much-needed infusion of cash. According to Venezuelan laws predating the Chávez era (i.e., before 1999), joint ventures between PDVSA, the state oil company, and foreign investors require the national legislature's approval.

Had the Assembly successfully vetoed the Russian oil/loan agreement, the result could have been dire for the Maduro government. Russia's state auditing division says that Venezuela had not fully satisfied obligations from an agreement between the two countries in September 2016. That agreement was to restructure a \$2.84 billion debt owed to Russia as of 2011. Rosneft is estimated to have loaned PDVSA between \$4 billion and \$5 billion; in 2016 it loaned PDVSA \$1.49 billion, secured by oil deliveries and CITGO as collateral. The deal involved [new loans from Russia](#) secured by deliveries of 70,000 barrels per day of oil in 2017. If Venezuela cannot meet its obligations to Moscow, it is possible that Rosneft, Russia's state oil company, may assume majority control over CITGO, the Venezuelan owned refinery and network of gas stations in the U.S.

Certainly the fluctuation of oil prices from \$130 per barrel to \$40 back up to \$50 has contributed to the crisis, but that leads to another issue, closely connected to the battle between Maduro and the Assembly over participation by foreign capital in oil: the government's failure, dating back to the Chávez era and continuing through Maduro's tenure, to adequately invest in the productive capacity of PDVSA when it had the means to do so. Consequently, the country is more dependent than ever on foreign investment. Recently a Russian shipping company transporting \$20 million of Venezuelan oil [held the cargo hostage](#) to demand that Venezuela partially pay an overdue \$30 million debt for past services. In late May, [Goldman-Sachs announced](#) that it had bought \$2.8 billion of PDVSA bonds at deeply discounted prices. In early June, the Venezuelan government offered bonds worth [\\$5 billion for just \\$1 billion](#) through a Chinese brokerage.

The Goldman action created a new political headache for a party whose founder, Chávez, was a leader in the region's offensive against neoliberal economic policies. Now it was the opposition's turn to question predatory lending. The securities purchased became known as "[hunger bonds](#)." The purchase was denounced by Borges, the MUD leader, who warned that future governments might not recognize Venezuelan debt obligations in the future. Borges similarly threatened that a future opposition government might [not recognize debts](#), such as that acquired as part of the Russian oil deal that was at the center of the Supreme Court decision suspending the National Assembly.

The rationale (as opposed to the motive) for the Supreme Court's ruling had nothing to do directly with the Assembly's right to review the oil deal but was rather related to the Assembly's membership. It ruled that the Assembly can no longer legislate because the opposition has insisted on swearing in three members whom the Supreme Court had prohibited from taking their seats due to pending investigations into charges of vote-buying during the December 2015 balloting. (One pro-government member has been denied a seat on the same grounds.)

The opposition had originally agreed to wait for resolution of the vote-buying cases, but they dragged on. In late July 2016, seven months after the balloting, Assembly leaders decided to swear in their three excluded deputies, restoring the opposition's supermajority. Article 336.7 of the Bolivarian Constitution gives the Supreme Court the authority to "declare an unconstitutional default in the national, state or municipal legislature ... and establish, if necessary, corrective measures." The Court used this provision to temporarily assume the Assembly's legislative role. The Court then ruled that any subsequent Assembly actions were null and void, and pro-government deputies have boycotted sessions.

Although the Supreme Court backed away from actually taking legislative power into its own hands, the upshot is that anything that the Assembly does that irritates the Maduro government will be struck down by the constitutional chamber of the Supreme Court. The MUD majority in the Assembly has as its main goal ousting Maduro, and the government's main goal is to survive, and this issue, rather than law or legislative responsibility is what is driving the institutional conflict.

To add to the institutional uncertainty, the Venezuelan Supreme Court has specialized chambers assigned to different types of cases. Attorney General Ortega has directed her suit seeking to annul Maduro's plans for a July election of delegates to the constituent assembly to the Court's electoral chamber. Should it rule in her favor, the government will no doubt appeal to the constitutional chamber, where Maduro would likely prevail. In fact, the constitutional chamber has already rendered a [verdict favorable](#) to the government in a suit brought by the opposition.

The Court action set off headlines in mainstream press in the region and in the U.S. depicting the Court action as an "autogolpe" – a "self-coup" (e.g. in this [headline](#) by Peruvian outlet Peru21). This in turn added momentum to OAS Secretary General Luis Almagro's [drive to impose sanctions](#) on Venezuela. Almagro now has support from a majority of OAS members, partly due to the shift rightward in several key South American nations including Brazil and Argentina. Venezuela [denounced Almagro](#), in particular his threat to suspend Venezuela's OAS membership if it fails to hold elections and release Leopoldo López and other prisoners.

On April 26, Venezuela announced its intention to withdraw from the OAS, though Maduro's government probably could have continued to hold off sanctions because of its remaining allies' opposition to Almagro's plans, which would have deprived Almagro of the two-thirds majority he needs to take any action.

Social and Economic Conditions

Social and economic conditions have continued to deteriorate. Services at clinics, mental health facilities and schools have clearly worsened, to the point that some protests against conditions have [broken out in areas](#) that have long been staunchly Chavista.

As usual, things are more complicated than they seem. The Maduro government has resisted adopting the kinds of neoliberal economic reforms – privatization, cutbacks in social services, etc. – that put the burden of structural adjustment on the backs of the poor. The Telesur news agency has [detailed the policies](#) by which Maduro has attempted to address the deterioration.

Still, defense of the government's record has become harder to sustain. Particularly damning was the [release of data by Health Minister](#) Antonieta Corporale which showed alarmingly increased rates of malnutrition, infants and maternal deaths, and malaria during 2016. Corporale was fired the day after releasing the statistics - whose release, like elections, was long overdue. A [university study](#) showed severely decreased purchasing power for families and average weight loss of approximately 19 pounds for those living in extreme poverty.

Wil Riera, a Venezuelan professional photographer whose work largely reflects the opposition view of his country's crisis, published a photo essay in which he [describes](#) the recent intensification of violence that has disturbed most of his fellow Venezuelans across the political spectrum today. "At the end of 2014," says Riera, I began a long-term project to document the Venezuelan people's struggles, frustrations and spirit at a time of crisis. I also wanted to document the theatrical practices of the political forces – those in power and in opposition – in holding regular political rallies and free concerts and disseminating propaganda. These have become like a national sport; a distraction from the daily hardships."

Alejandro Velasco, author of *Barrio Rising: Urban Popular Politics and the Making of Modern Venezuela* (2015), who lived and studied in *23 de enero* to do his research, says that although there is much discontent with Maduro among poor Venezuelans, [few have much confidence](#) in the MUD. He discounts opposition claims that intimidation and threats by security forces and armed *colectivos* explain why there have not been more protests; they have protested many times before in the face of violence, in particular during the decade before Chávez came to power in 1999. Much of the opposition remains identified with that period in the minds of poor urban dwellers. He also maintains that the military sees the armed pro-government forces not as an ally but as a threat to their monopoly of violence.

In my view, Maduro's call for a constituent assembly is at best a diversion, and at worst a distraction from the underlying causes of Venezuela's agony. The need in Venezuela continues to be for mediation, not intervention by the U.S. or another international body. Sanctions, especially against individuals, will only make things worse by (1) inducing corrupt elements in the Maduro government to dig their heels in and (2) inducing the MUD to resist negotiations. Even if Maduro's call for a constituent assembly finds positive reception among a dedicated, grassroots cadre, it has a faint chance of achieving the peace that the vast majority of the population wants.