



Peace in Venezuela: Is There Life after the Barbados Talks?

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What's new? At least for now, Norwegian-facilitated negotiations to end Venezuela's presidential showdown have collapsed. Meanwhile, President Nicolás Maduro's government has forged an agreement with minority opposition parties. Together with regional powers' decision to define Venezuela as a threat to hemispheric security, these developments could complicate a resolution of the crisis.

Why does it matter? Failure to restore political stability and socio-economic well-being in Venezuela fuels South America's worst-ever refugee crisis, risks a low-intensity internal conflict, propagates tensions across the region and threatens to trigger military clashes with neighbouring Colombia.

What should be done? Allies of the two sides should press them to overcome their reluctance and return to the negotiating table, possibly under a new format, where they should show the necessary flexibility to reach a workable agreement.

I. Overview

After seven rounds of formal talks in Oslo and Barbados, facilitated by the Norwegian government, negotiations between representatives of President Nicolás Maduro and the opposition led by Juan Guaidó – now recognised as the legitimate acting president by 58 countries, including the U.S. – broke down in mid-September. The talks had centred on a six-point agenda, agreed upon in April, to which the Maduro government had contributed just one point – the lifting of U.S. sanctions. The remaining five were the restoration of constitutional checks and balances; conditions for the holding of elections (understood by the opposition to mean a presidential election, though that was not made explicit); the terms of a transition away from Maduro; peace and reconciliation; and post-electoral guarantees for both sides. Both sides had reportedly accepted, at least in principle, close to 80 per cent of the action points based on this agenda. Though the talks have been suspended, their resumption remains the best hope for averting a worsening humanitarian emergency and the risk of violence in and around Venezuela.

While both sides have left open the possibility of returning to talks, each has proceeded to activate alternative strategies that undercut the Norwegian initiative. As soon as the opposition made public its conclusion that the negotiations' current phase was at an end, the Maduro government and a group of smaller opposition par-

ties unveiled an agreement of their own, which contemplates the release of some political prisoners, fresh faces on the electoral authority board and the return of government legislators to the opposition-controlled National Assembly. A week later, on 23 September, sixteen governments from across the Americas that recognise opposition leader Guaidó as acting president agreed to activate a regional defence pact known as the Rio Treaty (formally, the Inter-American Treaty of Reciprocal Assistance, or TIAR in Spanish) and announced their intention to impose sanctions as well as pursue, capture and extradite Venezuelan officials involved in human rights abuses and other international crimes. They defined the Venezuelan crisis as a threat to the security of the region as a whole.

On both sides there are those who reject the idea of resuming substantive negotiations. For some in the opposition there can be no dialogue with a government that has repeatedly failed to keep its word and that is, in their view, running not only a dictatorship but what amounts to a “mafia state”. On Maduro’s side, some argue that the forces arrayed against them seek to destroy the government and the *chavista* movement – named after the late president Hugo Chávez – as a whole. For them, the only adequate response is to resist as, for example, Cuba has done over the past six decades in the face of U.S. efforts to topple communist rule on the island.

Prospects for a swift return to the table now seem poor. Still, a Norway-type process, albeit with certain modifications – such as more concerted international support and the inclusion of more voices at the negotiating table, above all those of the Venezuelan military – continues to offer the best framework for a deal that would lead to a peaceful, sustainable transition. This briefing looks at the current state of hostilities between the sides and what conditions would be required for talks to resume. A forthcoming companion piece explores what the substance of an agreement between government and opposition in Venezuela could look like.

II. The “Bedside Table” vs. the Rio Treaty

On 6 August, as Venezuelan opposition negotiators were unpacking their bags in Barbados for the start of the eighth round of direct talks between the two sides, Norwegian facilitators informed them that their counterparts on the government side were still in Caracas and would not be attending.¹ President Maduro had pulled the plug on the talks, officially in response to fresh U.S. sanctions announced on 5 August and a hardline speech at a conference in Lima the next day by John Bolton, then the U.S. national security adviser.²

Left hanging was a detailed opposition proposal for resolving the thorniest issues on the agenda, to which the government had promised a response. The opposition had offered a modicum of flexibility on its key demand that Maduro leave office im-

¹ Crisis Group interview, opposition negotiator, Caracas, 15 October 2019.

² Crisis Group interview, high-level government official, Caracas, 25 November 2019. Anatoly Kurmanaev and Lara Jakes, “With tougher U.S. sanctions on Venezuela, Bolton says, ‘Now is the time to act’”, *The New York Times*, 6 August 2019. The sanctions included a freeze on Venezuelan government assets under U.S. jurisdiction and measures against U.S. and foreign companies doing business with the government.

mediately, before any election could take place. It was proposing that both he and Guaidó step aside while preparations for fresh presidential elections took place. Executive power would pass to an interim, seven-member Council of Government, with three representatives each from both sides and a chair to be chosen by mutual agreement. Two of the members would be from the armed forces.³ In addition, the proposal included no explicit restriction on Maduro standing in future polls should he choose to do so.

On 15 September, having waited in vain for Maduro to respond to the proposal, the opposition issued a statement saying the “Barbados mechanism” was “exhausted”.⁴ The following day, a group of minority opposition parties signed its own deal with the government, negotiated in private over several months.⁵ Under the agreement (similar to a government proposal previously rejected by the mainstream opposition at the Barbados talks), some political prisoners would go free, pro-government legislators would return to the opposition-dominated National Assembly and the government would make changes to the National Electoral Council (CNE), which it now controls.⁶

These parallel talks with the minority parties had been taking place at least since June. The government’s chief negotiator, Jorge Rodríguez, had admitted as much to Guaidó’s negotiators when challenged, when he referred to these conversations sarcastically as the “bedside table” (“*mesita de noche*”, literally “little night table”).⁷ Presenting the parallel initiative as complementary to the Barbados process, he proposed that the mainstream opposition sign on to what was on offer, a suggestion they turned down on the grounds that it did not address what they saw as the central issue, ie, the restoration of competitive presidential elections.⁸ Within hours of the opposition’s announcement that Barbados was “exhausted”, the minority parties attended a public ceremony in the Casa Amarilla, seat of the Venezuelan foreign ministry, at which they formally put their signatures to the agreement alongside senior government officials.

³ Crisis Group interview, opposition negotiator, Caracas, 2 October 2019. Juan Guaidó revealed the Council of Government proposal in a public speech on 16 September 2019.

⁴ “Mensaje del Gobierno Legítimo de Venezuela al Pueblo, la Fuerza Armada Nacional y la Comunidad Internacional”, signed by Juan Guaidó, 15 September 2019.

⁵ The parties that signed the agreement were Avanzada Progresista, Cambiemos, Movimiento al Socialismo, Bandera Roja and Soluciones para Venezuela, along with the ruling Partido Socialista Unido de Venezuela. Esperanza por el Cambio, on the opposition side, and Patria Para Todos on the government side joined the pact later. The opposition parties involved all took part in the May 2018 presidential election, which the mainstream opposition and its foreign allies regard as illegitimate. See Phil Gunson, “Maduro Finds a ‘New Opposition’ to Negotiate With”, Crisis Group Commentary, 19 September 2019.

⁶ The agreement also included a restatement of Venezuela’s claim to the Essequibo region it disputes with Guyana and a proposal for an “oil-for-food” program similar to that applied to Iraq during Saddam Hussein’s rule. In exchange for these concessions from *chavismo*, a minority opposition party leader said, the parties had offered the government “a chance to survive politically and form a coalition government”. Crisis Group interview, minority party leader, 10 October 2019.

⁷ Crisis Group interview, opposition negotiator, 15 October 2019.

⁸ The rules agreed to by the parties in the Oslo and Barbados negotiations did not preclude the establishment of parallel talks on specific issues, though it was understood that these would not cover those items already mentioned in the formal agenda. Crisis Group interview, opposition negotiator, 15 October 2019.

The signing ceremony took place just two days before the start of the 2019 UN General Assembly, a venue both sides hoped to use to score diplomatic victories. For Maduro, the agreement represented proof it could present to the international community of both its commitment to a negotiated solution and the existence of an opposition willing to deal with it, despite the Barbados talks' collapse. In practice, however, it has not improved his credibility with those governments that recognise Guaidó as acting president or call for a return to democracy in Venezuela; nor has it brought sanctions relief any closer.⁹ That said, numerous states still recognise Maduro as president, as shown by Venezuela's election to a seat on the UN Human Rights Council in a vote held on 17 October.¹⁰ Most importantly for the government, the agreement may strengthen its hand domestically by cementing opposition divisions and plunging its adversaries once more into disillusionment and apathy.

Alternatively, as government sympathisers contend and certain diplomats in the region hope, the deal may begin to break Venezuela's political logjam by forging fairer electoral conditions and normalising the country's democratic institutions, thereby enabling the government and mainstream opposition to resume talks on the other issues that divide them.¹¹ At present, however, this latter scenario does not appear likely.

The opposition, meanwhile, was preparing for the activation by its main regional allies, at a meeting to be held in New York on 23 September, of the 1947 Rio Treaty, a mutual defence pact it argued would put additional pressure on the Maduro government to agree to the terms of its proposal.¹² With Colombia pushing for the pact's

⁹ The U.S. diplomat in charge of the Venezuelan Affairs Unit at the embassy in Bogotá, James Story, said Washington supported dialogue, but only if it focused on the need for early, fresh presidential elections and was representative of the views of the Venezuelan people. "EE.UU. apoyaría un diálogo en Venezuela que lleve a comicios presidenciales", EFE, 19 September 2019. The EU-led International Contact Group, comprising the EU plus member states France, Germany, Italy, Britain, Sweden, Spain, Portugal and the Netherlands, as well as Uruguay, Costa Rica, Panama, Bolivia and Ecuador, said in a statement: "Alternative routes such as the 'national table' including some minority political forces, or the recourse to non-political means either to stay in power or achieve a change of power, will not deliver the sustainable solutions needed to overcome the national divide". "Statement by the International Contact Group on Venezuela", 1 November 2019.

¹⁰ Despite a last-minute bid by those opposed to Venezuela's candidacy for a seat on the Council to back the candidacy of Costa Rica, the Maduro government obtained 105 votes from UN member states, compared to 96 for Costa Rica. The government presented its win as proof of abundant international support. Foreign Minister Jorge Arreaza described it on Twitter as a "heroic victory". Florantonia Singer, "Maduro logra un puesto en el Consejo de Derechos Humanos de la ONU", *El País*, 18 October 2019. In a statement, the spokesperson for the EU High Representative, Federica Mogherini, expressed "concern" at Venezuela's election to the Council. "Statement by the Spokesperson on the recent election of new Member States to the Human Rights Council", 22 October 2019.

¹¹ Crisis Group interviews, senior European diplomat, 17 September 2019; high-level *chavista* politicians, Caracas, 26 November 2019; senior diplomat, Caracas, 27 November 2019. For an analysis of the dilemmas facing the opposition and its internal divisions, see Crisis Group Latin America Report N°71, *Friendly Fire: Venezuela's Opposition Turmoil*, 23 November 2018. Before Guaidó's election to the presidency of the National Assembly, the opposition was split into seemingly irreconcilable factions and unable to mobilise its supporters.

¹² The Rio Treaty provides for a collective response to external aggression against one or more signatories. Though frequently associated – not least by more radical members of the opposition, who had been pushing for its activation for months before the Colombian government sided with their cause – with military intervention, it explicitly prioritises other forms of persuasion, such as diplo-

activation as a response to the threat posed by guerrilla groups operating along the border with Venezuela with the alleged connivance of Caracas, sixteen of the nineteen members of the pact (including the U.S.) voted in favour of applying the treaty to Venezuela.¹³ Cuba ignored the meeting, Trinidad and Tobago abstained and Uruguay voted against.¹⁴ The resolution declares that signatories will “investigate, pursue, capture, extradite and punish” those persons and entities associated with the Maduro government alleged to be involved in organised crime, terrorism and human rights violations, setting up a “joint operational network” to investigate such crimes. The signatories agreed to monitor the situation in Venezuela and meet again periodically; at the next meeting, which took place in Bogotá on 3 December, they agreed to establish travel bans on 29 senior officials and allies of the government and advance toward asset freezes against them.¹⁵

These two very different reactions to the breakdown of talks reflect the reality of unrelenting political hostility between government and mainstream opposition in Venezuela, which has in turn fuelled polarisation and claims of foreign meddling across Latin America during the region’s recent wave of unrest. The opposition, unable to translate its claim to be a legitimate government into real power or any concrete plan of action to alleviate the crisis, focused once more on the external front, where it perceived its strength to be greater.¹⁶ Its principal backer has been Washington, which has contributed tens of millions of dollars in aid.¹⁷ In contrast, the

matic isolation and trade sanctions, leaving authorisation of the use of force to the UN Security Council. “Inter-American Treaty of Reciprocal Assistance”, Rio de Janeiro, 2 September 1947.

¹³ See Crisis Group Latin America Briefing N°40, *Containing the Border Fallout of Colombia’s New Guerrilla Schism*, 20 September 2019.

¹⁴ Uruguay’s foreign minister, Rodolfo Nin Novoa, later announced that Uruguay would withdraw altogether from the Rio Treaty, which he said was being used to “open the door to military intervention” in Venezuela. “Uruguay se retira del TIAR, anunció Nin Novoa”, *El Observador*, 24 September 2019. Uruguay has been seeking to revive a dormant initiative, known as the Montevideo Mechanism, which it jointly launched with Mexico earlier this year as a means of encouraging dialogue between the two sides in Venezuela, before joining the EU-backed International Contact Group. The incoming Argentine government, under Alberto Fernández, has been invited to join and sent an observer to its most recent meeting in mid-November. The future of Uruguay’s diplomatic efforts, however, will depend on the incoming government of conservative Luis Lacalle Pou, elected in the presidential election’s second round on 24 November. “Mecanismo de Uruguay propone una ‘hoja de ruta’ para Venezuela”, *France 24*, 18 November 2019.

¹⁵ “La crisis en La República Bolivariana de Venezuela y sus impactos destabilizadores para el hemisferio”, Consultation Meeting of Foreign Ministers communiqué, 3 December 2019. “Países miembros del Tiar sancionaron a 29 aliados de Maduro”, *El Tiempo*, 4 December 2019.

¹⁶ According to polls, Guaidó’s personal popularity has fallen from a high of over 60 per cent in the first half of 2019 to around 40 per cent in September. The opposition is no longer able to call significant numbers into the streets and, in focus groups, opposition supporters portray Guaidó as trustworthy but ineffectual. Crisis Group interviews, pollster, Caracas, 16 October 2019; political analyst, Caracas, 25 November 2019.

¹⁷ On 24 September, the U.S. government announced that it was granting \$52 million in support to the Venezuelan opposition. This money would go only in part to the National Assembly, with the remainder devoted to independent media, civil society and the health sector. The Assembly declared, via its Twitter account, that the opposition would directly administer none of the money, and that only entities authorised by the U.S. government would be so empowered. More recent U.S. government estimates point to a total of \$98 million in capacity building assistance to the Guaidó administration. Crisis Group interview, U.S. official, Washington, 30 October 2019. “EE.UU. aprueba

Maduro government, which believes that it has won the current political round, plans to consolidate its hold on the country by overturning the opposition's majority in parliament – the only state institution that *chavismo* does not control – in next year's legislative elections, while refusing to negotiate an early presidential election or a handover of executive power.¹⁸

Neither approach offers a viable roadmap for resolving the underlying conflict. To do so in a sustainable manner would require a mutually agreed settlement that contemplates the eventual restoration of constitutional rule and competitive elections with guarantees of fair treatment for all sides. Importantly, the International Contact Group, assembled by ex-EU High Representative Federica Mogherini to create the conditions for a negotiated settlement in Venezuela, and comprising the EU plus several European and Latin American states, has taken this position. In both its ministerial statement of 23 September and in more recent declarations, this body has emphasised the need for “a negotiated transition leading to credible, transparent and internationally monitored presidential elections”. In its 1 November statement, it declared that the “status quo is not an option”.¹⁹

Failure to make headway in resolving this conflict peacefully has also stoked tensions across Latin America. Figures such as the Ecuadorean president and the secretary-general of the Organization of American States accuse Caracas of sowing unrest and destabilising various countries in revenge for the region's efforts to unseat the Maduro government.²⁰ Conversely, critics of U.S. foreign policy and left-wing Latin American governments have denounced an alleged campaign to overturn elected socialist rulers across the region, pointing in particular to regional support for Guaidó and the “coup” that forced Evo Morales to resign from the presidency in Bolivia.²¹

III. Why Did the Barbados Talks Fail?

The Norwegian initiative suffered from certain flaws and vulnerabilities that may have contributed to the talks' collapse. Foremost among them are the exclusion of important constituencies from the talks; the decision to rule out incremental agreements in favour of a comprehensive one; intra-opposition divisions; and the role of U.S. sanctions.

Certain key players – notably the Venezuelan military, but also the Trump administration – are not at the table, yet they exercise effective veto power from outside. Tellingly, the Maduro government has refused an opposition suggestion that repre-

\$52m para financiar a la oposición de Venezuela”, Voice of America, 24 September 2019. “Trump administration plans to divert \$40m in aid to Venezuela's opposition”, Reuters, 17 July 2019.

¹⁸ Crisis Group interviews, senior *chavista* politicians, Caracas, 25 and 26 November 2019.

¹⁹ “International Contact Group on Venezuela: ministerial declaration”, New York, 23 September 2019. “Statement by the International Contact Group on Venezuela”, Brussels, 1 November 2019.

²⁰ Alexandra Valencia and Daniel Tapia, “Indigenous protests convulse Ecuador as president decries ‘coup attempt’”, Reuters, 7 October 2019. “Almagro denuncia patrón desestabilizador de Venezuela y Cuba en la región”, AFP, 25 October 2019.

²¹ Leonardo Flores, “US and OAS help overthrow another government: Behind the coup against Bolivia's Evo Morales”, The Gray Zone, 14 November 2019. “Presidente Daniel Ortega reconoce liderazgo de Evo Morales y denuncia maniobra del imperio”, El 19 Digital, 14 November 2019.

sentatives of the armed forces be incorporated, probably because the *chavistas* perceive it as a means of driving a wedge between the government's civilian and military wings.²² Though the U.S. State Department appears to hold a relatively favourable view of the talks, the White House is perceived by the Venezuelan opposition to be more hostile.²³ Optimally, the U.S. would give more formal backing to negotiations, potentially as part of an outer ring of foreign powers that are not directly engaged in the talks but are either neutral or supportive of one or other of the sides in dispute, and willing to act as guarantors of any eventual accord. These countries could also include Cuba, Russia, Colombia, Mexico, Argentina and Brazil, acting under the auspices of the EU's International Contact Group.

Some Venezuelan commentators and politicians have also criticised the talks' methodology, particularly the principle that "nothing is agreed until everything is agreed" – in other words, that neither side will commit to any course of action until a complete agreement is reached. In their view, partial accords and confidence-building measures might help consolidate the process by demonstrating its beneficial effects on security, civic rights, public services and economic conditions, and hence boosting support among the Venezuelan public while blunting the criticism of hardliners on both sides. The two sides could, for example, work to restore the National Assembly's constitutional powers in a fashion acceptable to both, or help alleviate the humanitarian crisis by allowing the allocation of multilateral funds to particular economic sectors by mutual agreement, or by persuading foreign powers to unfreeze Venezuelan government assets so as to fund purchases of food and medicine.²⁴

Nothing in the rules precludes partial initiatives of that sort, but thus far the opposition has shown little appetite for them. Ever since the start of President Maduro's second term in office on 10 January, which followed an election on 20 May 2018 that critics and numerous governments across the region decried as rigged, the opposition has been reluctant to promote any step that smacks of normalisation and that risks consolidating the government's grip on power. They fear that by enhancing the return to normal institutional procedures, or by remedying the country's collapsing public services, such moves would strengthen the government without it having to loosen its control or move toward a meaningful transition.

For its part, the government appears rather less wary of partial agreements of this sort. While the government is evidently reluctant to lift the Supreme Court's contempt ruling and restore the National Assembly's formal powers to audit and check the executive, especially while the opposition has a clear majority, it would need to do so

²² Crisis Group interview, opposition negotiator, Caracas, October 2019.

²³ Crisis Group interview, opposition negotiators, Caracas, September 2019. In his 6 August Lima speech, Bolton said: "The time for dialogue is over. Now is the time for action". Tom Phillips, "It will not work' – experts question Venezuela sanctions as Bolton touts them", *The Guardian*, 6 August 2019.

²⁴ Crisis Group interview, *chavista* sympathiser, 28 August 2019. Civil society groups have proposed a pilot project that would focus on alleviating the electricity supply crisis in Zulia and other states, using a \$350 million loan from the Corporación Andina de Fomento (CAF), a multilateral lender, which neither the government nor the opposition would administer directly. Instead, it would be administered by the UN Development Program. The opposition leadership has reacted coolly. Crisis Group interviews, civil society leaders, 9 November 2019. "U.N., lender CAF seek \$350 million loan deal for government of Venezuela's Maduro", Reuters, 4 December 2019.

in order for the parliament to approve a foreign loan.²⁵ Furthermore, its agreement with minority parties provides it with a model for such partial accords.

That said, the results of the deals struck with these parties have been modest so far, suggesting that the government sees little reason to make genuine concessions. It has released around half of the 58 political prisoners initially promised, while the deal with minority parties did not affect existing judicial charges against political opponents. The government also continues to extend the persecution of opposition leaders. On 22 October, Juan Pablo Guanipa became the 20th opposition MP this year to have his parliamentary immunity lifted by the Constituent Assembly. Another MP, Juan Requesens, remains in jail, along with Guaidó's chief of staff Roberto Marrero; though the Assembly's vice president Edgar Zambrano was released, his case is pending in the courts. Pro-government deputies have joined the cross-party parliamentary committee that will launch the process of choosing a new CNE board, in what appears to be a conciliatory move. But most opposition members are convinced the government will eventually refer the appointment of new CNE board members to the Supreme Court, rather than seeking an agreement in the National Assembly.²⁶

As noted, a development that seriously undermined the Barbados process has been the fragmentation of the opposition, marked by the signing of parallel agreements between the government and smaller parties that felt snubbed by the majority opposition bloc (the G4, consisting of the four largest parties in parliament). These smaller parties, led by the losing presidential candidate in 2018, Henri Falcón, resented their exclusion from the Norwegian-sponsored negotiations by that bloc.²⁷ Opposition negotiators, therefore, were doubly vulnerable. Under fire from the more conciliatory elements of the opposition for keeping them away from the talks, they were also criticised by those of the more hardline wing (represented in parliament mainly by a handful of legislators calling themselves the Bloque Parlamentario 16 de Julio) for holding any talks at all, and the latter have engaged in ever more vocal sniping from the sidelines.²⁸ Divisions within the opposition were exploited and exacerbated by the government through these parallel agreements.

²⁵ Crisis Group interviews, opposition deputy, Caracas, 25 November 2019; National Constituent Assembly member, Caracas, 26 November 2019. The biggest danger for the government in restoring the rights of parliament derives from the 112-seat "super-majority" the opposition won in 2015, which would allow it, for example, to appoint a new CNE without a deal with the government. But even if three Amazonas state MPs whose election was questioned by the Supreme Court were reinstated, the opposition might no longer have an effective 112 seats, since many MPs have been forced into hiding or exile.

²⁶ Crisis Group interviews, opposition MPs, Caracas, November 2019. "El país avanza hacia la conformación de un nuevo CNE", Ciudad Ccs/VTV, 14 November 2019.

²⁷ Falcón is a former *chavista* governor of the state of Lara who split with Chávez in 2007. He leads a party called Avanzada Progresista, which is allied with several other small parties in the *Concertación por el Cambio*. Between them they have seven MPs. See Crisis Group Report, *Friendly Fire: Venezuela's Opposition Turmoil*, op. cit. Falcón and his party were excluded from the mainstream opposition after defying its policy of boycotting the May 2018 presidential election. According to a report in pro-government daily *Últimas Noticias*, Falcón wrote that "four parties can't decide for a country. Nor can the parties speak for [all sectors of society]. All political and social sectors must be included in the dialogue". "Henri Falcón: Dimos un paso con absoluta coherencia", *Últimas Noticias*, 17 September 2019.

²⁸ The position of the 16 de Julio bloc, as expressed in their Twitter feed (@fraccionAN16J), is that there should be no deviation from the route outlined by Guaidó in January, which begins with end-

Then there is the question of U.S. sanctions. Those that Washington announced in early August, in terms of their nature, timing and accompanying narratives (including Bolton's explicit dismissal of the negotiations) almost seemed calculated to torpedo the Barbados talks.²⁹ Certainly, that was the view expressed by several opposition members, who acknowledged that their dependence on Washington made it hard for its leaders to distance themselves from the Trump administration's actions or views, even as senior opposition figures insist that they had no prior knowledge of the new measures.³⁰ As a result, the Maduro government was inclined to both blame the opposition for sabotaging the talks and insinuate that its negotiators were irrelevant to a peaceful resolution of the conflict since they could not effect a lifting of sanctions, a key government demand. On 7 August, the government announced its withdrawal from the talks even though *chavista* representatives had previously insisted that they would remain at the table under all circumstances.³¹

The sanctions announcement was all the more damaging as it came at a crucial phase for negotiations. Washington's criteria for an acceptable agreement, especially its demand for Maduro's early, unconditional departure and its insistence that no sanctions would be lifted beforehand, had hung over the talks from the outset. Even so, and given the stalemated talks, the opposition had been softening its initial position toward Maduro's immediate exit, distancing itself somewhat from the official U.S. stance.

Both sides knew that sanctions relief was not in the opposition's power to offer, but its negotiators had pointed out that the only route to the lifting of sanctions was via an agreement with them. Indeed, they had presented a detailed plan which outlined the sequence of sanctions relief in response to stages of implementation of any agreement.³² The original, six-point agenda had been expanded, at the government's insistence, into over 50 sub-headings, of which 44 had already been agreed upon. The government even entertained the possibility of modifications to the electoral

ing Maduro's "usurpation" of power. In a tweet on 19 October by their leading spokesman, Biagio Pilieri, the bloc rejected the opposition plan presented in Barbados for a Council of Government, saying the restoration of democracy "will never be achieved by cohabiting with the usurpers in a Council of Government".

²⁹ Executive Order No. 13884, which came into force on 5 August 2019, freezes all Venezuelan government assets under U.S. jurisdiction, as well as the property of all those who "provide material support" to the Maduro government. For a complete list of U.S. sanctions, including this order, see "Venezuela-related Sanctions", U.S. Department of the Treasury, undated.

³⁰ Crisis Group interview, opposition negotiator, Caracas, 11 October 2019. Opposition sources say it is "often convenient" for Washington to say and do things the opposition cannot, but that some aspects of U.S. policy (such as the insistence that the ultimate target is Cuba) are prejudicial to the opposition cause. Nonetheless, "we can't go against our main ally". Ibid.

³¹ Just three days earlier, chief government negotiator (and information minister) Jorge Rodríguez had declared: "whatever happens, and regardless of the obstacles and attacks against the talks, the delegation that represents Nicolás Maduro will stay at the table seeking a peaceful solution". Cristófer García, "Las contradicciones del chavismo – de 'No más Trump' a negociaciones con EEUU", *Efecto Cocuyo*, 22 August 2019. Other "external" events – including a failed military uprising on 30 April – had not led to the collapse of talks, though at that time face-to-face negotiations had yet to begin. Following the 30 April events, opposition negotiators admit they were surprised that the government was still willing to attend face-to-face talks in Oslo on 17 May. Crisis Group interview, opposition negotiator, Caracas, 2 October 2019.

³² Crisis Group interviews, opposition negotiators, Caracas, 9 and 11 October 2019.

calendar, or inviting the opposition to seek a recall referendum against Maduro in two to three years' time.³³ But government negotiators stipulated that they would not hold an early presidential election unless sanctions were lifted at least a year before polling day.³⁴

Among the key points agreed to in principle by the two sides are a more balanced electoral authority, Supreme Court and public prosecutor; an audit of the electoral register; the participation of voters living abroad; and the abolition or winding-up of the Constituent Assembly. The opposition had presented its proposal for bridging the gap between the two sides on the remaining points, and while the government side had not indicated acceptance, it had told the opposition that a further round of talks was worthwhile. It was at this point that the imposition of fresh sanctions provided the government with grounds for suspending the talks.

IV. Could Additional Pressure Help the Opposition?

There is little reason to expect that the tightening of sanctions will cause the government to collapse or force it to return to negotiations in a more conciliatory mood. These scenarios seem especially improbable if the U.S. refuses to budge from its position calling for Maduro's immediate ouster and tying any lifting of sanctions to his departure.³⁵ Despite public confidence expressed by U.S. officials, from President Donald Trump down, that it is only a matter of time before Maduro is brought to his knees, privately some admit that external pressure is failing to produce the desired effect, for instance by prompting an opposition groundswell within Venezuela.³⁶ In recent months the opposition has been unable to rally large numbers of its supporters on the streets; Guaidó's popularity has declined; and opposition parties are ill prepared and short of funds for parliamentary elections in 2020, should they decide

³³ Crisis Group interview, *chavista* sympathiser, 28 August 2019. A recall referendum is a possibility laid out in the constitution. Article 72 stipulates that all elected officials are subject to a mid-term recall referendum if it is requested by no less than 20 per cent of the electorate. In the case of Maduro, this option would become available from January 2022. If Maduro were to lose a referendum held before 2023, he would have to call a presidential election within 30 days. From 2023 onward, a referendum defeat would lead to him being replaced by the vice president.

³⁴ Crisis Group interview, senior official, Caracas, 25 November 2019. In a speech on 2 December, U.S. Secretary of State Mike Pompeo downplayed the possibility of military intervention in Venezuela, and accepted that the fall of Maduro might not be imminent, but insisted on the need to continue sanctions against his government. He described the policy he was advocating as "unending pressure and sensible restraint". "Diplomatic Realism, Restraint and Respect in Latin America", speech by Mike Pompeo, 2 December 2019.

³⁵ It is difficult for the opposition to take a position at odds with the U.S., even though its final proposal to the government before the breakdown of talks represented a significant watering-down of its and Washington's initial demands in January, by envisaging a cross-party transitional administration, accepting that Guaidó should also resign, and in principle allowing Maduro to stand in future polls. In the words of one opposition member, the pragmatic opposition had to fight on "three fronts" – against the government, against radicals on its own side who saw negotiations as a betrayal and against "the White House". Crisis Group interviews, opposition members close to the Norwegian talks, Caracas, 2 and 10 October 2019.

³⁶ Crisis Group interview, senior U.S. official, Washington, 31 October 2019.

to compete. The government could even bring forward these parliamentary elections, catching the opposition off balance and likely further exacerbating its divisions.

A second key goal of U.S. policy – to pry the military or *chavista* elements away from Maduro – is also to date unrealised. If anything, growing tensions on the Venezuelan-Colombian border, coupled with the leading role played by Bogotá in activating the Rio Treaty, could prompt greater cohesion in the Venezuelan armed forces, who have historically viewed their neighbour to the west as their principal foreign adversary.³⁷ Not surprisingly, the Maduro government has played on fears of Colombia in order to rally its supporters, both civilian and military.

Finally, the regional political balance appears less clearly weighted against the Maduro government than it was at the beginning of the year. True, its close ally Evo Morales was ousted in Bolivia in early November, El Salvador recognised Guaidó as president days before that, and Uruguay elected a right-wing president on 24 November.³⁸ But other events – the election of a centre-left president in Argentina in late October, the civil strife that has engulfed Chile, Ecuador and, to a lesser degree, Colombia, and the political fight pitting president against parliament in Peru – are all likely to weaken the resolve and capacity of core Lima Group countries and signatories of the Rio Treaty to exert more pressure on Venezuela.³⁹ At the same time, the confrontational approach adopted by Morales' foes in the caretaker government in Bolivia has given Venezuela and its allies further reason to concede no more ground to the opposition.⁴⁰

V. Will the Government Plan Work?

If the opposition's hope beyond Barbados lies in increased pressure on the regime, the government's lies in nurturing a more accommodating opposition with which it can negotiate. It seeks to replace the current opposition, with its control of parliament and its powerful external allies, with a less hostile and intransigent set of parties that are willing to recognise and strike deals with the government and accept their minority status.⁴¹

To that end, the government may be willing to offer guarantees of a relatively fair parliamentary election, under reformed electoral authorities and possibly with an

³⁷ See Crisis Group Latin America Briefing N°39, *Venezuela's Military Enigma*, 16 September 2019; and Crisis Group Briefing, *Containing the Border Fallout of Colombia's New Guerrilla Schism*, op. cit.

³⁸ Crisis Group Statement, "Keeping Violence in Check after Bolivia's Political Rupture", 13 November 2019. The caretaker Bolivian president, Jeanine Áñez, severed ties with the Maduro government and recognised Guaidó as legitimate president on 15 November. "Bolivia rompe relaciones con Nicolás Maduro y echa a sus representantes diplomáticos", *Clarín*, 15 November 2019.

³⁹ Rafael Osío Cabrices, "Trouble in the Lima Group", *Caracas Chronicles*, 22 October 2019.

⁴⁰ The confrontational approach adopted by the transitional government of President Áñez in Bolivia is widely seen in *chavista* circles as emblematic of the treatment meted out to left-wing politicians in Latin America, and as a further reason not to cede power to the opposition. According to one top government official: "extreme right-wing politicians seek to clean out all progressive attitudes, and all this does is lead the left to entrench itself". Crisis Group interview, high-level government official, Caracas, 25 November 2019. See also "Bolivia's ouster of Morales stirs tensions in left-leaning Nicaragua", Reuters, 20 November 2019.

⁴¹ Crisis Group interview, senior *chavista* politician, Caracas, 26 November 2019.

international observation mission in attendance.⁴² But it likely will only do so if it is confident that it will regain control of the legislature next year, or at least manage to divide the opposition sufficiently to ensure that the National Assembly does not threaten its authority – something it could achieve if a large part of the opposition boycotts the polls, as appears possible. Even if the bulk of the opposition participates, voter apathy and lack of confidence in the electoral system could ensure low turnout among opposition supporters.⁴³ In a scenario in which the mainstream opposition loses majority control of the National Assembly, it would be deprived of its claim to the presidency, as well as of its centre of operations, significantly weakening it and making its leadership more vulnerable to persecution. As a result, *chavistas* foresee that Guaidó would probably have to go into exile.⁴⁴

The minority parties represented at the “bedside table” take a different view. They argue that the opposition should take the government at its word and, by achieving more favourable electoral conditions, seek to regain the political initiative. They believe that, united, the opposition parties could even corner the government, whose popularity is at rock bottom, and they want the mainstream opposition to participate in their negotiations.⁴⁵ That is, of course, a highly uncertain scenario, and one that it will be hard to persuade the mainstream opposition, which adamantly refused to recognise Maduro as president, to pursue. Indeed, the leading opposition parties fear that – even if the opposition retained control of the Assembly – Maduro’s hold on executive authority and the pro-Maduro make-up of the Supreme Court and National Constituent Assembly would still afford him outsized power.⁴⁶ Should their fears prove warranted, nothing in theory would prevent the government from reusing its formula from the past few years, taking advantage of its control of the courts and other institutions to bypass a hostile legislature.⁴⁷

In any case, none of the political prospects that the government envisages would resolve the economic crisis or the complex humanitarian emergency that continues to fuel a mass exodus. The crisis will endure even if the government’s efforts to mitigate the impact of sanctions and stave off financial collapse through dollarisation, third-party facilitation of oil exports and increasing exports of mineral resources, above all gold, prove successful.⁴⁸

⁴² Crisis Group interview, senior official, Caracas, 25 November 2019.

⁴³ Though around 60 per cent of opposition supporters say they would vote if an election contributed to promoting change, half of these would abstain if they felt that was not the case. Most believe it is important to keep the National Assembly in opposition hands, but having been repeatedly told that there can be no free elections with Maduro in power, they are disinclined to turn out unless he steps down. Crisis Group interview, polling expert, Caracas, 2 November 2019.

⁴⁴ Crisis Group interview, member of National Constituent Assembly, Caracas, 26 November 2019.

⁴⁵ Crisis Group interview, minority party leader, Caracas, 30 September 2019.

⁴⁶ The National Constituent Assembly is, according to one *chavista* official, “our insurance policy”. Crisis Group interview, *chavista* official, Caracas, 25 November 2019.

⁴⁷ See Crisis Group Latin America Briefing N°36, *Power without the People: Averting Venezuela’s Breakdown*, 19 June 2017.

⁴⁸ On third-party facilitation of oil exports, see Lucia Kassai, “Venezuela is secretly exporting millions of barrels of oil”, Bloomberg, 14 November 2019. On dollarisation, see “Maduro says ‘thank God’ for dollarization in Venezuela”, Reuters, 17 November 2019. On exports of minerals, especially gold, see Crisis Group Latin America Report N°73, *Gold and Grief in Venezuela’s Violent South*, 28 February 2019.

Without a negotiated, comprehensive settlement that provides both sides with political representation and access to power, restores the rule of law as well as checks and balances on the state, and lifts sanctions, it is hard to imagine a lasting solution to the country's afflictions. Such a settlement could ensure the basis for efforts to repair the health system, spark economic recovery and reverse the territorial fragmentation that has seen armed groups of various kinds assume de facto control of both urban and rural spaces. Venezuela's border with Colombia in particular, whose control is disputed by guerrillas, criminal traffickers and uniformed security forces, will remain a major focus of concern. The various security threats there can only be addressed once hostilities between the two countries diminish, which in turn will hinge upon a negotiated outcome in Venezuela.

VI. Conclusion

Improbable as it seems at present, if the two sides want to reach a sustainable settlement, the best course is to return to more structured negotiations similar to those conducted by Norway. So far neither party has closed off this possibility, and both have even explicitly talked about it. President Maduro expressed willingness to resume the talks in a speech he gave on his return from a visit to Russia, while the opposition made a similar pledge in a National Assembly resolution on 1 October, in which it defined negotiations as a "necessary mechanism" backed both by the international community and by Venezuelans.⁴⁹

Difficulties that led to the talks' suspension, as well as other issues that have arisen since then, would need to be addressed. In particular, the parties should consider reaching partial agreements even as they negotiate a more comprehensive deal, not only as a means of generating public support and bolstering the talks' legitimacy but also in order to address the humanitarian emergency. The inclusion of additional constituencies – notably, delegations representing the Venezuelan armed forces and minority opposition parties – would also strengthen the process. The organiser – optimally still the Norwegian government, which both sides trust for its discretion and integrity – ought to consider including international players that, while physically and formally absent from the negotiations, have enjoyed significant influence from afar. One option might be to create an outer ring of participants, such as the U.S. and Russia, as well as regional players including Colombia, Mexico, Argentina and Brazil. The EU's International Contact Group could play a role in assembling and participating in this circle of diplomatic support.

Lastly, successful talks will require the two sides and their main allies to make further compromises. As our forthcoming companion briefing details, these compro-

⁴⁹ "If they convene us, we will go immediately", said Maduro in late September, referring to a possible resumption of the Norwegian-facilitated negotiations. But he made it clear that he would want the minority opposition parties with whom he has negotiated a separate deal to be represented at the table. Ronny Rodríguez Rosas, "Maduro retomaría diálogo 'inmediatamente' si lo vuelve a convocar Noruega", *Efecto Cocuyo*, 30 September 2019. Regarding the opposition stance on talks, see "Acuerdo para corroborar la ruta política integral planteada al país que permita elecciones libres y transparentes como salida a la crisis que viven los Venezolanos y la reinstitucionalización del país", National Assembly, 1 October 2019.

mises will be easy neither for the government nor for the opposition to strike or sell to their respective constituents. But they are essential if a viable, sustainable agreement that reverses Venezuela's catastrophic course and averts a worsening regional crisis is to be reached.

Caracas/Brussels, 11 December 2019

Appendix A: 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.

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