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In the name of the people

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Negotiations in Mexico: a first balance and outlook

Miguel Ángel Martínez Meucci

Introduction

The issue of dialogues and negotiations between Chavismo and the political forces of the opposition has occupied a good part of the analysis of the Venezuelan reality in the last two decades. It cannot be otherwise, when to date at least six processes of this type have been held with the support of foreign actors, most of them during Nicolás Maduro's government. At this point, there is no doubt that the impact of these dialogue and negotiation processes on the course of events has been remarkable; therefore, they constitute a reality that needs to be studied and analyzed in detail. This article aims to make a new one-off contribution in this regard.

Before getting into the matter, I should call attention to an element of great concern, at least for me personally. I am referring to the reactions and attitudes that these processes of dialogue and negotiation have been arousing in national public opinion. Particularly, I am struck by the way in which this topic tends to become a matter of faith rather than a subject of analysis. On the one hand, clearly the Venezuelan political reality, marked as it is by a debacle as deep as it is constant during the 21st century, generates all kinds of passions and overwhelms. On the other hand, it is striking how people called to adopt a more analytical position on

the matter ordinarily assume very vehement attitudes, almost as a result of a process of action and reaction, and apparently not of examination and reflection.

It is probable that the reiteration with which these dialogue and negotiation mechanisms have been used, as well as the curious nature of their implementation in a case that is certainly conflictive but not marked by an armed confrontation, have contributed to trivialize the way in which it is understood in Venezuela. If, on the one hand, the reiteration in the use of said mechanisms shows their little effectiveness (so far) –which must necessarily arouse doubts and discouragement from a large part of the citizenry–, on the other hand, the application of methodologies generally employed in armed conflicts (relatively symmetrical at least in terms of a certain capacity of the opposing sides to inflict physical and material damage to their opponents) is still strange in a case in which what exists is rather progressive (political, economic, social) suffocation of all dissent by an increasingly authoritarian regime.

This may help to understand why most of Venezuelan citizens, despite being in favor of a negotiated solution to the serious debacle in the country, are also clearly skeptical of this possibility. At the same time, the public debate conducted by the main protagonists and commentators has leaned, rather than towards examining the conditions that characterize successful processes or the relevance of the mechanisms used, towards the goodness of conducting some type of dialogue and negotiation between Chavismo and the opposition. The eventuality that, in a situation that is so asymmetrical, the weaker side feels forced to defend by tooth and nail any attempt at coming to terms with its opponent/perpetrator should not be ruled out.

Given the need to examine said processes of dialogue and negotiation, and especially the one that has been taking place more recently in Mexico City, this article offers a brief summary of the previous processes, examines the context and background of the latter, identifies its elements and main actors, and offers some considerations about the perspectives that are glimpsed in this new attempt to reach a compromise between Chavismo and the opposition.

1. The previous dialogues

Background and evolution of the dialogues
and negotiations up to the Mexican process

In an article co-authored with Francisco Alfaro Pareja¹, we characterized the five dialogue and negotiation processes that took place in Venezuela between 2002 and 2019 with the support of foreign facilitators or mediators. The undergoing dialogue in Mexico should be added to the ones reviewed there. The name we used in said article to refer to this type of initiative (MADN, a Spanish acronym for Alternative Mechanisms for Dialogue and Negotiation) is due to the need to specify that these dialogues did not normally take place within the institutional framework of the State and civil society. Rather, for various reasons, the need emerged to conceive them as ad hoc parallel instances, thus fostering communication between the parties, which had been very deteriorated, while peacefully channeling the growing conflict. The six MADN that have taken place between 2002 and 2021 are: 1. the “Negotiation and Agreements Table” (2002-2004); 2. the “National Conference for Peace” (2014); 3. the

1 Miguel Ángel Martínez Meucci & Francisco Alfaro Pareja, “Asimetría del conflicto y mecanismos alternos de diálogo y negociación en Venezuela (2002-2019),” *América Latina Hoy* 85 (2020): 9-29. <https://doi.org/10.14201/alh.21885> (2020).

“National Dialogue Table” (2016-2017); 4. the “Dialogue Table in the Dominican Republic” (2017-2018); 5. the “Oslo Mechanism” (2019); and 6. the “Negotiation and Dialogue Process in Mexico” (2021). All have been set up as bodies parallel to the institutional framework of the country and have had some type of foreign facilitation.

Now, why haven't the institutional bodies that, in democracy, allow channeling political disputes not functioned during all these years? Why was it considered necessary to use these MADNs? Precisely because, as a consequence of the advance of a growing authoritarianism –based in turn on a revolutionary vision of power–, what has been disappearing is democracy, and with it the possibilities that the institutions are really at the service of the citizenry. The term “revolutionary” is not meant here as something essentially innovative and positive (as a more colloquial use of the term might suggest), instead I use it to refer to the idea that political and social reality can be radically reformed according to an emerging *ex novo* project as something alien to the institutional tradition and the country's mode of social organization. With the facade of implementing a new reality, in theory different and genuinely popular, what already existed ended up completely displaced, with the result of an increasing concentration of power in the hands of those who have controlled the State for the last two decades.

Said control of the State implies, in general terms, the effective management of security and armed forces, i.e., the control of the main means of violence. As the exercise of state power by the ruling coalition became more and more extensive and arbitrary, and less subject to the rule of law², the greater the asymmetry with

2 According to World Justice Project's *Rule of Law Index 2021*, Venezuela has the worst performance in rule of law within 139 countries evaluated

the political opposition has become. This growing asymmetry, logically, has been increasingly reflected in the way in which the dialogue and negotiation processes implemented over the last 20 years have developed.

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Now, if the ruling coalition (namely, Chavismo) has progressively advanced in control of the State and society, and if its purpose is precisely that, why does it participate in so many dialogues and negotiations with the opposition, accepting the presence of a foreign intermediation when there is no armed opponent in control of a part of the territory? First of all, it should be noted that, when the first of these processes was implemented between 2002 and 2003, the asymmetries were not even remotely as pronounced as they are today. In other words, it was not clear that Chavismo was capable of imposing its revolutionary project without facing political, social and institutional forces that could dislodge it from the State. The events of April 11, 2002 demonstrated that at that time there was no clear consensus among the armed forces regarding the advisability of following Hugo Chávez's guidelines, who at that time was absolutely dedicated to promoting social polarization for political purposes.

for the second consecutive year. Available in <https://worldjusticeproject.org/our-work/research-and-data/wjp-rule-law-index-2021>

Likewise, the massive mobilizations of the opposition revealed an important sector of society that did not agree at all with the changes that Chávez was trying to introduce. The climate of anxiety and confrontation reached such extremes that some type of internal armed confrontation between the opposing sides was even feared.

Hence, applying the recently approved Inter-American Democratic Charter, the member countries of the Organization of American States decided to support their secretary general in the implementation of an understanding process in Venezuela as of mid-2002. The Carter Center was also a key actor that produced mixed feelings in Chávez's government. On the one hand, there was fear regarding the potential results of allowing this type of foreign participation, which might limit the advance of the revolutionary process; while on the other, there was also awareness that this mechanism could help stabilize a situation that Chávez had let out of hand.

Finally, the opposition pressure that took place during the PDVSA strike (December 2002-January 2003) faded, and the Chavismo negotiators (which by the way included Nicolás Maduro) found a way to defer a solution held via elections as long as they did not have an ostensible control of the electoral mechanisms and processes. Thus, for example, the insistence on changing the leadership of the National Electoral Council (CNE), in which finally a Chavista majority prevailed, and on automating the electoral process with a newly created firm, Smartmatic. Simultaneously, between the signing of the May 2003 agreements (in which the parties committed to seeking an electoral solution) and the holding of the recall referendum in August 2004, oil prices

practically doubled, and with them state spending in the form of new (highly discretionary) social programs called *Misiones*³.

Such maneuvers, together with the role played by kindred foreign policies such as that of Lula da Silva's Brazil, were essential for Chávez to be endorsed in 2004 as president of the republic, under conditions that a good part of the external observers themselves might not have accepted in their countries of origin. Although the Negotiation and Agreement Table process did not address the causes and reasons for the undemocratic drift and subsequent humanitarian collapse that ensued, it certainly did allow for the political situation in the country to stabilize until Chávez's death in early 2013. The Table created channels and mechanisms of understanding between Chavismo and the opposition that since then have played an important role in the development of our political situation. In addition, during the period between 2004 and 2012, the price of oil remained very high, favoring the enormous growth of public spending and the channeling of political tirades through relatively institutional mechanisms. This was the context in which, after the dissolution of the "Democratic Coordinator" (in force between July 2002 and October 2004), the opposition reorganized itself into the "Democratic Unity Table" (MUD for its Spanish acronym) to take up the electoral route as the only available stage for political struggle. In short, a *modus vivendi* was established that, without being fully or genuinely democratic, was quite stable and made implementing new MADNs seem unnecessary.

However, a new period of prolonged anxiety would begin after the death of Chávez and the arrival of Maduro to power, at

3 Further details can be found in Miguel Ángel Martínez Meucci's *Apaciguamiento. El referéndum revocatorio y la consolidación de la Revolución Bolivariana*. (Caracas: Editorial Alfa, 2012).

which time the two great assets of the balance achieved until then came into crisis. On the one hand, the absence of the charismatic Chávez, the undisputed leader of the heterogeneous ruling and revolutionary coalition, unavoidably impacted on its cohesion and stability. Struggles and misgivings about the succession of the totem of the Chavista movement have influenced it since 2012, from every vantage point. On the other hand, precisely around 2012 there was a drastic fall in crude oil prices, which could only negatively impact the stability of an economic model absolutely based on the concentration of economic powers in the State and on an accelerated and growing rate of public spending accompanied by high levels of discretion, patronage and corruption. The true consequences of the unstable and wasteful economic model that Chávez implemented began to be seen during the presidency of his designated successor, and were reflected in rising inflation –finally converted today, since November 2017, into the second most hyperinflationary cycle throughout history⁴ and in the world's highest inflation in recent years– and in the widespread collapse of the national economy, leading to a complex humanitarian crisis and the largest refugee crisis on the planet, second only to that suffered by the Syrian population⁵.

In this context, after the end of the economic mirage experienced during Chávez's period, it was almost natural for the population to rebel, at least if we pay attention to what the theoretical family of *relative deprivation* points out⁶. Two major

4 Nicaragua holds the record for 58 months of hyperinflation (1986-1991), while at the time of this writing, Venezuela is about to break that record.

5 Permanently updated data in the *Plataforma de Coordinación para Refugiados y Migrantes de Venezuela*. <https://data2.unhcr.org/es/situations/platform>

6 See Ted Gurr, *Why Men Rebel* (New Jersey: Princeton University Press; Goldstone, Jack A. -ed- (2003): *Revolutions. Theoretical, Comparative and Historical Studies*. Belmont, California: Wadsworth/ Thompson; Goldstone, Jack A. et al: "A Global Model for Forecasting Political

cycles of protest took place during the first half of 2014 and 2017, both with a significant death toll, as well as wounded, detained and tortured people⁷. The protests aroused significant international attention and contributed to uncovering the profound authoritarian character of the regime chaired by Maduro, which after years of being described as competitive authoritarianism was recognized as hegemonic in nature after it disregarded the National Assembly elected in December 2015, when the opposition, by obtaining 2/3 of the chamber, could have promoted changes in the composition of the National Electoral Council (CNE) and the Supreme Court of Justice (TSJ). These changes, in turn, would have opened the doors to a change of government. From that moment on, Chavismo would assume all the political costs of implanting a starkly authoritarian regime with which the options for institutional action of the political opposition have been annulled. And although it has certainly become increasingly inoperative as a result of the economic crisis, state repression and its own internal disagreements, it is also true that its initiatives, together with internal conflicts within Chavismo and the colossal loss of media, have contributed to putting the Chavista regime in trouble.

All of the above helps to understand why, already during Maduro's presidential term –and perhaps also as a consequence of

Instability”, *American Journal of Political Science* 52, n° 1 (January 2010): pp. 190-208..

7 See “Informe de la misión internacional independiente de determinación de los hechos sobre la República Bolivariana de Venezuela”, UNHRC, September 15th 2020, https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFMV/A_HRC_45_33_UnofficialSpanishVersion.pdf and the “Informe de la Misión internacional independiente de determinación de los hechos sobre la República Bolivariana de Venezuela”, UNHCR, September 16th 2021, <https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFMV/A.HRC.48.69%20ES.pdf>

his own personal experience as a Chavismo negotiator at the 2002-2003 Negotiation and Accords Table, as a member of the Boston Group⁸, and as foreign minister in 2006-2012, among many other functions he performed–, Chávez's successor has allowed himself to resort to new MADN as a way of managing the storm through which he has had to navigate. In other words: the revolutionary will and total control that has characterized the advancement of the political project of Chavismo has not stopped facing important obstacles as Venezuelan society and some foreign actors continue to resist, while their project has progressively violated national democracy. Likewise, the experience acquired during the first of these MADN (the 2002-2003 Negotiation and Agreements Table) has allowed Chavismo to understand that such mechanisms do not necessarily force it to return to a fully democratic system, but may even be useful (as long as Chavismo only recognizes the status of foreign entities as facilitators, and not as mediators)⁹ to regain the stability lost in moments of particular resistance to its political project.

Some trends recorded throughout previous MADN

The attempt of social sciences to find patterns and regularities is always at odds, to some extent, with human free will. It should always be noted that no trend that we can register should be assumed as a scientific law, but simply guides us with respect to the probabilities (rather than the possibilities) of something happening, and above all calls us to think about the causes or reasons for such trends. In this sense, and on the basis of what has already been pointed out previously, we mark down three more

8 The Boston Group was created in 2002 as a relatively informal body to promote communication between Chavismo, the opposition, and various US parliamentary representatives.

9 While the mediator is empowered to make proposals, the facilitator is limited to promoting their search by the parties in conflict.

or less recurring trends and patterns in the development of the five MADN that took place until the end of 2019 (and that perhaps, for this reason, are useful for the evaluation of the new attempt that is being developed in Mexico, about which we already know several things but that, at the time of writing, has not yet led to definitive results).

In the first place, a recurring cycle is worth highlighting, which is made up of the following phases: *institutional blockade/escalation of tensions/application of MADN/discussion of electoral exit without consistent agreements/de-escalation/suppression of the conflict*¹⁰. In general, it has been verified that the interest and commitment of the Chavista government in negotiations with the opposition declines to the same extent that internal conflict also does. However, the beginning and partial development of the process does seem to have a real effect on the de-escalation of tensions, and thus Chavismo has advantaged on these events on several occasions.

A second significant trend points towards the *increasingly careful and complex technical preparation* of the MADN that have taken place during the presidency of Nicolás Maduro, to the point that the level of detail used to prepare the negotiation, as well as the incorporation of relevant actors in the last of these processes (the one underway in Mexico), are only partially comparable with the 2002-2003 process, with the active presence of the OAS Secretary General, César Gaviria.

This second trend is combined with a third one: *the increasingly relevant and direct role played by foreign actors* in successive MADN, not only in the role of dialogue facilitators, but as proper actors of the Venezuelan political conflict. This last trend is so clear that

¹⁰ See Martínez Meucci & Alfaro Pareja, op.cit.

at this point, for instance, the opposition's negotiating assets are not in its own hands, but rather they rely on the United States (namely, the sanctions imposed on the Chavista government and several of its officials). Meanwhile few things happen in Maduro's regime without Cuban consent.

This internationalization of the Venezuelan question is largely the result of the strong ties and commitments that the so-called Bolivarian Revolution established, from a very early date, with a large number of political actors who in various parts of the world have had as a common denominator their questioning of the international demoliberal order. It is also a consequence of the Venezuelan opposition's attempt to obtain external support in its objective of promoting regime change, with Washington always as a crucial actor. And it is also the result of the internal wear and tear that the country has been experiencing, a wear that has weakened it to the point of losing important quotas of sovereignty. This all takes place in a context in which, for various reasons, the capacities of the Venezuelan State have been severely reduced in certain areas in which the government's disinterest in the situation of the population is beyond evident and manifest.

I believe it is possible to come to the following conjectures based on those three trends, which together can close in a preliminary conclusion: up to now, the MADNs implemented in Venezuela have managed to reduce tensions and tried to prolong a certain *modus vivendi*, reached particularly between 2008 and 2012 from the patterns of compromise that developed since 2003, but they have not been able to channel political conflict towards an essentially democratic and sustainable situation over time, largely as a consequence of the weight exerted by the complex network of links and commitments assumed by Chavismo with non-democratic foreign actors or those opposed to liberal

democracy. That *modus vivendi* was finally broken at the moment of the economic collapse and the political opposition reached, through peaceful, democratic, constitutional and electoral routes, real options of becoming a government. Since then, the influence exerted by foreign actors on the internal situation of Venezuela has only increased, making it virtually impossible to reach internal agreements without tacitly or explicitly reaching agreements with external actors with very specific interests in this country.

2. The process in Mexico

Together with the Negotiation and Agreements Table that took place between 2002 and 2003, the Mexican Negotiation and Dialogue Process constitutes the most technically sophisticated and best-designed MADN that has taken place regarding the Venezuelan situation during the last two decades. This is evidenced in the rigorous monitoring of a general methodology widely applied in this type of process, as well as in the number of actors who, in fulfilling various roles, have been involved during its implementation. In the specific modality that has been used in the Mexico Process, in addition, there are notable similarities with the methodology deployed during the most recent process of negotiations between the Colombian government and the Revolutionary Armed Forces of Colombia (FARC)¹¹, as will be explained below.

The general methodology

In general terms, the base methodology I refer to comes through various stages. Firstly, considering the relations between

¹¹ My analysis of the first half of the Colombian process is available at Miguel Ángel Martínez Meucci, "*Proceso de paz en Colombia: posibles implicaciones para Venezuela*", (Caracas: Friedrich Ebert Stiftung-ILDIS 2013), DOI: 10.13140/RG.2.2.28989.28640

conflicting forces are marked by hostility and distrust and that the confrontation has also reached a relative “dead end” that prolongs instability, it is opportune or even necessary to establish preliminary contacts that will overcome initial impediments. It is at that moment that the possibility for a third or a group of actors to facilitate or mediate the process becomes available. Obviously, whoever aspires to playing that role will have the consent of conflicting parties, which will only be possible if a certain level of impartiality can be recognized or if the mediating organ is made up of forces that together create a balanced influence.

Once elected out of the agreement between parties, the facilitating actor or mediator will have to procure discrete contacts among the legitimate representatives of the conflicting forces. It is understood that these contacts are meant to be discrete and barely visible before the local public forum since they generally are found to be profoundly sensitive and polarized, given they surely are victims of the conflict. Frequently, these first communication channels will warrant a mediator that communicated separately with each party, pendulating demands and requests of each party to their rival.

By means of these first encounters, it is sought to generate a minimum of trust in the possibility of reaching a negotiated solution and a more or less direct relationship between the negotiators, a relationship meant to be isolated from the conflict itself. The big goal of this first and decisive stage, usually called pre-negotiation, is to build an agenda for negotiations *per se*. The relevance of this agenda is huge, so much that it usually determines results because whatever remains out of the agenda will surely also be excluded from agreed solutions. Together with the agenda, the rules and parameters for the negotiation are also established thus setting the place where the dialogues will take

place (typically, in an area removed from the conflict to reduce potential tensions and leaks), the dynamic of each meeting, the way to establish agreements, the regimen for press declarations, etc.

Obviously, for this to be feasible, there must be previously clearly constituted instances of political leadership between the groups in conflict, which are endowed with the necessary organization and legitimacy to give “traction” to the decisions and agreements they may reach. Only a political actor truly capable of representing an important sector of the society in conflict has the capacity to seal agreements that effectively lead to a modification of the conflictive situation. Similarly, and in accordance with what is established in the pre-negotiation phase, third parties may be incorporated to help generate the conditions for a negotiated solution, a role that they can only play fully to the extent that they have a significant influence on the conflict as such. This can be seen reflected in the “McGrath Diagram” (see Figure 1 below, applied to the current Mexican Process), which indicates the forces in conflict (A and B) and the so-called “reference forces” (C), which exert a depolarizing influence that reinforces the action of the facilitating or mediating actors.

Once the negotiating actors have been determined, together with the agenda and the rules, the negotiating phase is started at the place that has been expressly selected. In general, the idea is to move forward in progressive agreements in each of the points previously stipulated in the agenda, and following the set order. Depending on what has been agreed during the pre-negotiation, the treatment of certain specific matters may be delegated to committees and subcommittees. In general, the treatment of the thorniest issues is reserved for the later stages of the negotiation. The idea in this sense is that the progressive agreement on the

first points of the agenda will raise the cost, for all the actors involved, of going backwards or breaking down the negotiations.

Finally, once agreements are reached, it's habitual to establish guarantees, monitoring and checking mechanisms. Many agreements fail throughout this post-negotiation phase, since by this final stage an important part of the pressures that led the parties to negotiate usually have already disappeared, while several of the actors who performed negotiating functions facilitation or mediation have been moving away from these functions. Hence the importance of careful planning and execution of these mechanisms for monitoring, guarantees and verification of the agreements reached.

On the other hand, and in view of the results offered by multiple processes of this type, it is increasingly assumed that conflict *resolution* is often an objective that is outside the scope of this type of mechanism, instead the bet is made on conflict *management* and *transformation*. While management concentrates on handling the conflict until it deactivates some of its worst potential consequences, transformation aims to identify and take advantage of the constructive potential of the forces that cause and lead the conflict, in the understanding that they respond to values and deep interests of the competing actors.

Negotiation phases

1. Pre-negotiation: points agreed to in the *Memorando de Entendimiento*

The pre-negotiation phase of the so-called Process of Negotiation and Dialogue in Mexico started many months prior to the negotiation rounds in the Mexican capital. With the Kingdom of Norway tasked with facilitating the previous

MADN (the Oslo Process, mid-2019), its position to persist in designing a more comprehensive attempt was unbeatable. Given the persistence of the delicate political situation in Venezuela, Norwegians dedicated themselves to conducting “pendular” communications between Chavismo and the opposition during 2020, with a view to establishing the bases for a new negotiation process. Hence, a good part of 2020 and the entire first half of 2021 can be considered as the pre-negotiation phase of the Mexico Process. As previously stated, it is within this phase that the key actors participating in the process are established, as well as the negotiators or representatives in the dialogues, the specific aspects of the methodology to be followed and, perhaps most importantly, the agenda. In this case, all these aspects have been recorded in the *Memorando de Entendimiento*¹².

Facilitating actors in the Mexico Process

Essentially, the Kingdom of Norway is the main designated actor in the facilitation of this new MADN. There are plenty of reasons that allow understanding the role of the Scandinavian country. It is a country internationally renowned for its commitment to world peace, which for the past few years have propelled the search for peace in over 20 different conflicts. Norwegians stand out for their neutrality, discretion, and know-how in these processes. It's in its territory, peacefully separated from Sweden at the beginning of the 20th century, that the Nobel Peace Prize continues to be awarded, and there are also some of the oldest and most prestigious think tanks in the field of study regarding peace and conflict management. Their neutrality owes much to their history and geographic location: they don't have too

12 The complete document is available in: <https://www.regjeringen.no/contentassets/d62443bc624041238af2902d356f949c/memorando-de-entendimiento.pdf>

many borders, they are relatively isolated, and they were never a colonial power. Although they are part of NATO, they are not members of the European Union.

The fact that Norway has been involved as a dialogue facilitator in Venezuela reveals, on the one hand, the severity of the national crisis in 2019 (year during which the Venezuelan case was considered several times in UN Security Council sessions), and on the other, the links that exist with the Colombian case. Hugo Chávez and Nicolás Maduro's Venezuela played an important role in the most recent peace process in Colombia, a role that began to take shape when President Juan Manuel Santos, who as Minister of the Interior and later of Defense of Colombia had proven a hard antagonist of Chavismo, suddenly turned his position once elected president and approached Hugo Chávez, who he started calling his "new best friend" from then on¹³. From the beginning, Santos was clear that the conflict in Colombia could hardly be the subject of a viable negotiation without the participation of Chavista Venezuela, whose ties to the FARC were undeniable.

In this way, in the framework of a process led by Norway's mediation, Venezuela was crucial for many members of the FARC secretariat not only to give some credibility to the dialogues with the Colombian government, but also so that they could travel to La Havana, headquarters of the negotiations. Likewise, while Chile acted as the "companion country" of the Santos government, Venezuela did the same with the FARC. After Chávez's death, Maduro as president would inherit the contacts previously developed during said process, during which, from

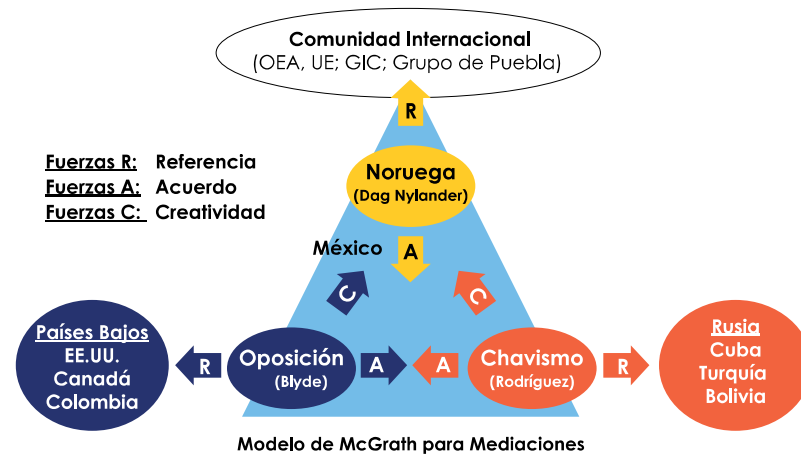
13 AP, "Santos dice que Chávez es «su nuevo mejor amigo»", *Semana Magazine*, November 8th 2010, <https://www.semana.com/mundo/articulo/santos-dice-chavez-su-nuevo-mejor-amigo/124284-3/>

the prominent position of Foreign Minister of Venezuela, he continued to familiarize himself with this type of mechanism (remember his previously held role as negotiator in the 2002-2003 MADN) and, more personally, with the figure of Dag Halvor Nylander.

Nylander, who was the main Norwegian envoy throughout the peace process in Colombia, now fills a similar function in the case of the Venezuelan process in Mexico. Born in 1969, this lawyer from the University of Oslo is not only known for his experience in the Colombian conflict (he was special envoy of the Norwegian Ministry of Foreign Affairs and Head of Mission of the Norwegian Embassy in Bogotá in the period 2006-2008) but also for having been his country's delegate to the United Nations (2001-2004) and to the Norwegian Embassy in Buenos Aires (1999-2001). In addition, Nylander served as personal representative of the UN Secretary General, António Guterres, in the efforts carried out by that body to facilitate understanding between Venezuela and Guyana in 2017 due to the border litigation they have maintained since 1966.

This explains why Norway is the actor that facilitates the dialogues in Mexico, and why the current format of the negotiations is essentially similar to that used in Colombia. In the Venezuelan case, the accompanying countries are Russia on the side of Chavismo and the Netherlands on that of the opposition. Additionally, other instances in which different states can participate could also act as “reference forces” (see Figure 1). As stated in the *Memorando de Entendimiento*, Norway also has the power to invite and announce the member states of a Group of Friendly Countries that can accompany the process.

Figure 1: McGrath diagram, applied to the Mexico Process (2021)



Own elaboration.

Negotiating actors in the Mexico Process

The formal negotiating actors are Chavismo –who currently control the entire State apparatus– and its political opposition, made up mainly of a large number of atomized partisan organizations that today are harshly harassed by State organs. The first thing that should be noted in this regard is the great asymmetry that exists between both forces, a circumstance that, as we will see, has a decisive impact on the development of these negotiations.

The presence of a hegemonic party such as the United Socialist Party of Venezuela (PSUV) contributes greatly to unifying criteria on the side of Chavismo. From our point of view, the idea that the Chavista regime is military or militaristic is rather incorrect. It would be more precise to point out that, in effect, Chavismo is a political project of which the military is an essential part, but not as

subjects that express the political and corporate will of disciplined and autonomous Armed Forces, but after prior denaturalization of its organizational principles and through the progressive incorporation of its cadres into the political project led by a civil leadership, follow terms very similar to those that have been taking place for decades in Castro's Cuba. Hence, the PSUV is, in effect, a mechanism for channeling demands and disputes within the Chavista coalition, beyond its intricate internal conflicts. The foregoing is reflected, in the context of the Mexico Process, through the designation of those who have been announced as the main negotiating figures of the Chavista government (all of them members of the PSUV and close to Nicolás Maduro): Jorge Rodríguez, president of the National Assembly that emerged after the controversial elections of December 2020; Héctor Rodríguez (governor of Miranda state) and “Nicolásito” Maduro (deputy). These three main negotiators are joined, in more secondary roles, by various deputies, ministers and vice ministers (see Table 1).

Meanwhile, on the opposition side there are significant coordination and representation difficulties, which have necessarily been reflected in the composition of the negotiating delegation in Mexico. The existing diatribes around the leadership of the “interim government” chaired by Juan Guaidó, not only in the opposition in general but within the so-called “G4” in particular –conglomerate made up of Voluntad Popular (VP), Primero Justicia (PJ), Un Nuevo Tiempo (UNT) and Acción Democrática (AD)–, are just one of the factors that have a negative impact in this regard. More important, surely, are the consequences (often largely unnoticed by national and international public opinion) that have accumulated from the continuous harassment and persecution of the opposition that, for years, have been exercised by the State organs that controls Chavismo. Exile, captivity, torture, economic precariousness, absence of the rule of law and even

murder are difficulties that have been marking the opposition's behavior in recent years. Hence, the traditional diatribes about the convenience of one or other means of political struggle have only increased in recent years, deteriorating the possibilities of maintaining a unified body of coordination and political representation of the opposition. As a consequence, the MUD had virtually disappeared by the time the pre-negotiations began, in 2020.

Faced with the need (implicit in the face of a MADN) to present itself as a political instance that, despite its inherent plurality, is well coordinated and relatively unified, the opposition adopted the denomination of *Plataforma Unitaria de Venezuela*. Thus, and from the outset, the opposition was forced to renounce the name of Interim Government of the Bolivarian Republic of Venezuela, which is still a bitter recognition that said status exceeds its real powers. Its negotiators in Mexico (indicated in Table 1) are members of or come from the main opposition parties, thus opting to sacrifice, perhaps, a certain degree of coordination in exchange for greater representation. It is also notable that several of its members, such as Roberto Enríquez, Tomás Guanipa, Carlos Vecchio or Freddy Guevara, have been weighing arrest warrants, arbitrary detentions or many months of refuge in other countries (or in their Embassies in Caracas). From the outset, this reveals a great vulnerability in the position of the opposition negotiators, while allowing us to understand that this new MADN is, among other things, a protection mechanism for an important part of the opposition political leadership.

Table 1. People designated as negotiators for Chavismo and the opposition

| Chavismo-appointed negotiators | Opposition-appointed negotiators |
|---------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> Jorge Rodríguez (PSUV, President of the National Assembly 2021) | <ul style="list-style-type: none"> Gerardo Blyde (ex PJ and ex UNT, currently independent) |
| <ul style="list-style-type: none"> Héctor Rodríguez (PSUV, governor of the state Miranda) | <ul style="list-style-type: none"> Carlos Vecchio (VP, later withdrawn due to pressure from Chavismo) |
| <ul style="list-style-type: none"> “Nicolásito” Maduro (PSUV, senator) | <ul style="list-style-type: none"> Tomás Guanipa (PJ) |
| <ul style="list-style-type: none"> Francisco Torrealba (PSUV, Boston Group) | <ul style="list-style-type: none"> Stalin González (ex UNT, close to Henrique Capriles) |
| <ul style="list-style-type: none"> Larry Davoe (Agent of the State before the International Human Rights System) | <ul style="list-style-type: none"> Mariela Magallanes (Causa R) |
| <ul style="list-style-type: none"> William Castillo (Vice Minister of Políticas Antibloqueo) | <ul style="list-style-type: none"> Roberto Enríquez (COPEI) |
| <ul style="list-style-type: none"> Diva Guzmán (PSUV deputy) | <ul style="list-style-type: none"> Luis Emilio Rondón (UNT) |
| <ul style="list-style-type: none"> Genifer Garvett (PSUV deputy) | <ul style="list-style-type: none"> Luis Aquiles Moreno (AD) |
| <ul style="list-style-type: none"> Gabriela Jiménez (Minister of Science and Technology) | <ul style="list-style-type: none"> Claudia Nikken (academic) |
| <ul style="list-style-type: none"> Render Peña (Vice Minister for Latin America) | <ul style="list-style-type: none"> Freddy Guevara (VP, later incorporated after being detained for several days at the Helicoide) |
| <ul style="list-style-type: none"> Margot Godoy (Minister of Women and Gender Equality) | |

Own elaboration.

The agenda of the negotiations

The *Memorando de Entendimiento* states that the agenda for the negotiations will revolve around 7 points, namely:

1. Political rights for all;
2. Electoral guarantees and electoral schedule;
3. Lifting sanctions and return of assets held abroad;
4. Respect for the Constitutional State of Law;
5. Political coexistence, renunciation of violence and reparation for victims of violence;
6. Protection of the national economy and social protection measures;
7. Guarantees of implementation, monitoring and verification of what has been agreed.

The generic nature of several of these items is obvious, to the point that a more detailed analysis allows us to verify that this agenda is presented as an exchange of “sanctions for elections”. While the basic interest of Chavismo in this process is that the sanctions imposed by the United States and the European Union on several of its officials (as well as on various organizations of the Venezuelan State under their direction and government) be lifted, while on the opposition side, the objective is focused on being able to operate politically in the country under conditions of relative normality. Additionally, in a very broad and imprecise way, it is assumed that all this must take place within the framework of a constitutional order and the rule of law, repairing the “victims of violence” and “protecting” the population and the national economy. Finally, emphasis is placed on the need for eventual agreements to have sufficient guarantees of compliance.

On the one hand, the fact that negotiations are circumscribed to a series of specific aspects tends to favor the follow-up of agreements. On the other hand, the risk of excluding a series of crucial elements in the conflict can set the stage for remissions, despite the compromises that might be achieved. In this case, as a consequence of the structural weakness of the Interim Government, an agenda seems to have been imposed in which the opposition significantly reduces its fundamental objectives.

Some methodological aspects agreed upon
in the pre-negotiation

Mexico City was chosen as the venue for the negotiations. At first glance, it is the capital of a State culturally related to Venezuela, recognized for its traditional foreign policy of non-intervention, as well as for its active promotion of peace in Central America and the Caribbean. But also a country whose political leadership is today, ideologically and programmatically, quite akin to Chavismo. It could hardly have been otherwise, considering the position of relative strength with which Chavismo arrives at these negotiations.

As indicated in the *Memorando de Entendimiento*, the negotiations will take place in Mexico according to the principle that “nothing is agreed upon until everything is agreed upon”. Already used in the recent peace process in Colombia, this formula encourages the parties to assume agreements that do not entail a definitive commitment, but which, after progress in the negotiations, are often politically more difficult to sacrifice. The foregoing does not, however, exclude the possibility of reaching parallel agreements on specific matters throughout the main negotiation.

As the Mexican government commented in statements to the press, the negotiation process initially started with the hope of reaching agreements within about 6 months¹⁴, although without setting a deadline. In the meantime, reality has shown that the process will take much longer if substantial agreements are to be reached, as will be seen below.

2. The negotiation itself

At the time of completing this analysis, the first three rounds of negotiation have been held in Mexico. While the first two took place within what was stipulated and managed to generate some space for hope, the third took place in the midst of great controversy, without new rounds since then. The following is a summary of the Mexico Process log from its installation on August 13 to November 15, 2021.

First round (August 13-15): On this occasion, the negotiating table was held at the Anthropological Museum of Mexico, with the outstanding participation of Dag Nylander and the heads of the delegations from both parties, Jorge Rodríguez and Gerardo Blyde. They announced and signed the *Memorando de Entendimiento*, a document that contains all the relevant aspects that were agreed upon during the pre-negotiation phase (detailed in previous paragraphs) and that establishes the general parameters of the negotiation. Mexican Foreign Minister Marcelo Ebrard welcomed both the Venezuelan negotiators and the members of the Norwegian delegation.

Despite everything, the installation of the act was delayed due to the protests of Chavismo by the presence of Carlos Vecchio (designated by Juan Guaidó as ambassador of the Interim

¹⁴ “Diálogo entre chavismo y oposición se inicia con la firma de un memorando de entendimiento”, *El Mercurio*, A4, August 14 2021.

Government to the United States), whom the Maduro delegation does not recognize as a legitimate negotiator. This, together with the fact that the very name of “interim government” was left out of the *Memorando de Entendimiento*, suggested that Chavismo only agreed to start negotiations in Mexico once every trace of said aspiration on the part of the opposition (that the legitimate presidency of the country was not in the hands of Maduro) would have been at least symbolically withdrawn from the dialogues.

Second round (September 3-6): At the end of the second round of proper negotiations, in which recently released Freddy Guevara (who had been detained by Venezuelan security forces since July 11) replaced Carlos Vecchio as a member of the opposition delegation¹⁵, the parties notified that they had reached “two partial agreements”. One of them had to do with the ratification and defense of Venezuela's sovereignty over Guayana Esequiba, while in the second, according to Jorge Rodríguez, the parties agreed on the need to rescue and recover the assets belonging to Venezuela as well as the money and wealth found abroad, necessary for economic recovery in the post-pandemic. In theory, the resources thus “rescued” would be used to equip hospitals and buy Covid-19 vaccines.

Usually in this type of process, the first sessions are dedicated to raising some broader topics, which might be easier to agree upon. This was no exception. However, Maduro's delegation was clear in ordering the US government to lift the sanctions, and despite the photo published on Twitter by the Norwegian

15 Europa Press, “Freddy Guevara sustituye a Carlos Vecchio en la delegación de la oposición que negocia en México”, September 4, 2021. <https://www.europapress.es/internacional/noticia-freddy-guevara-sustituye-carlos-vecchio-delegacion-oposicion-venezolana-negocia-mexico-20210904225635.html>

Ministry of Foreign Affairs, which suggested formality and understanding between the parties¹⁶, the Venezuelan president himself affirmed that the United States looked for “a wimp, a trained idiot, to act as a puppet” in their aim to overthrow the government, to “destroy the Bolivarian revolution”, and to achieve the “political colonization of Venezuela”¹⁷.

Third round (September 25-28): This round was much more rugged than the previous ones, basically because the ruling party came with great misgivings after the growing possibility that two key characters within the fabric of Chavista power –Hugo “El Pollo” Carvajal and Álex Saab– could be shortly extradited to the US. Carvajal, who was Hugo Chávez's chief of espionage and intelligence services and accused by the Americans of participating in drug trafficking, laundering and cooperation with the FARC, was arrested in Madrid on the 9th of September¹⁸. And although the extradition process is currently suspended due to legal technicalities, it should be noted that the asylum request that Carvajal introduced in Spain has already been rejected by the Spanish National Court.

By that time, it was also highly probable that Álex Saab would be extradited by the government of Cape Verde, the country where he had been detained since June 13, 2020. Saab, a Colombian citizen suddenly appointed as a Venezuelan diplomat, would not be just

16 @NorwayMFA, September 5, 2021. <https://twitter.com/NorwayMFA/status/1434288729531822082>

17 “La oposición y el Gobierno de Venezuela alcanzan dos acuerdos preliminares”, *France 24*, September 7, 2021. <https://www.france24.com/es/am%C3%A9rica-latina/20210906-venezuela-termina-segunda-ronda-negociaciones>

18 “Detenido en Madrid Hugo Carvajal, exjefe de la inteligencia venezolana reclamado por EE UU”, *El País*, September 9, 2021. <https://elpais.com/internacional/2021-09-09/detenido-en-madrid-el-pollo-carvajal-exjefe-de-la-inteligencia-venezolana.html>

a front man for Nicolás Maduro himself, but also the architect of the complex scheme of financial operations through which the government of Caracas has tried to evade foreign sanctions. Given the possibility of his imminent deportation to the United States, and given the discomfort of Chavismo generated by the words of the Prime Minister of Norway, Erna Solberg, used during the UN General Assembly (referring to the deterioration of democracy and the violation of human rights in Venezuela¹⁹), the official delegation in Mexico refused to begin the third round of negotiations for several hours²⁰.

After the apologies and clarifications of the Norwegian team, which reiterated its “impartiality”²¹, a new dialogue session was finally developed that was to deal with a possible judicial reform, but which ultimately culminated without proper agreements and without setting a date for a fourth round of negotiations. Instead, both delegations expressed their rejection of the massive aggression suffered in Iquique (northern Chile) by Venezuelan migrants²² and promised to initiate consultation sessions with various political and social actors –both national and international– so that a mechanism for consultation and

19 “Comienza la tercera ronda de negociaciones entre el Gobierno venezolano y la oposición”, *Europa Press*, September 27, 2021. <https://www.europapress.es/internacional/noticia-comienza-tercera-ronda-negociaciones-gobierno-venezolano-oposicion-20210927002739.html>

20 “La tercera ronda del diálogo venezolano se aplaza entre reproches”, *EFE*, September 25, 2021. <https://www.efc.com/efe/america/mexico/la-tercera-ronda-del-dialogo-venezolano-se-aplaza-entre-reproches/50000545-4637945>

21 “El «mea culpa» de Noruega desencalla la negociación de Venezuela”, *EFE*, September 25, 2021. <https://www.efc.com/efe/america/mexico/el-mea-culpa-de-noruega-desencalla-la-negociacion-venezuela/50000545-4638241>

22 “Diálogo venezolano condena la «xenofobia y violencia» en Iquique”, *El Mercurio*, A5, September 29, 2021.

participation with civil society could be constituted as soon as possible²³.

The date for the fourth round of negotiations was announced by Norway on October 7th and set for the 17-20th of that same month²⁴. However, and regardless of the notable diplomatic efforts made by chavismo, Saab was finally extradited to the USA on October 16th²⁵, which led Maduro to take the decision of indefinitely suspending the participation of the Chavista delegation in the rounds in Mexico²⁶ and to exert an immediate reprisal by placing six former CITGO directives under custody, and whose liberation was immediately solicited by the Washington government²⁷. Meanwhile, Norwegian facilitators left Mexico on the first of November since they believed the

23 “Nueva ronda de negociación entre Maduro y la oposición finaliza sin acuerdos”, *El Mundo*, September 28, 2021. <https://www.elmundo.es/internacional/2021/09/27/61520d3d21efa0703d8b461c.html>

24 “Gobierno y oposición volverán a verse las caras el próximo 17 de octubre en México”, *Voz de América*, October 7, 2021. <https://www.vozdeamerica.com/a/noruega-confirma-nueva-fecha-de-dialogo-entre-las-partes-venezolanas-/6263419.html>

25 “Alex Saab, presunto testaferro de Maduro, extraditado a Estados Unidos tras 16 meses en Cabo Verde”, *El País*, October 16, 2021. <https://elpais.com/internacional/2021-10-16/alex-saab-presunto-testaferro-de-maduro-extraditado-a-estados-unidos-tras-16-meses-en-cabo-verde.html>

26 “Maduro se retira de las negociaciones con la oposición tras la extradición de Saab a EEUU”, *El Periódico*, October 17, 2021. <https://www.elperiodico.com/es/internacional/20211017/gobierno-maduro-retira-negociaciones-mexico-12277157>

27 “EEUU instó a la dictadura de Maduro a liberar a los ex ejecutivos de Citgo de forma inmediata”, *Infobae*, October 18, 2021. <https://www.infobae.com/america/venezuela/2021/10/18/eeuu-insto-a-la-dictadura-de-maduro-a-liberar-a-los-ex-ejecutivos-de-citgo-de-forma-inmediata/>
The six former CITGO directives are José Pereira Ruimwyk, Tomeu Vadell, Jorge Toledo, Gustavo Cárdenas, José Luis Zambrano and Alirio Zambrano

process would not be reactivated before the elections called for November 21st in Venezuela²⁸. Besides the impact that the results of the highly controversial regional elections of 21-N may have on the negotiations, it is also worth wondering about the influence that the opening, by the International Criminal Court²⁹, of an investigation into the government of Nicolás Maduro for alleged crimes against humanity during the repression of citizen protests in 2017 could have. Such is the situation at the time of writing this text.

3. Analytical Considerations and Outlook for the Future

After the fundamentally descriptive analysis presented, there is a final comment of an evaluative and prospective nature. From the outset, it should be noted that it is not easy to envision favorable prospects regarding the possibility that through this negotiation a substantial change may occur in the causes of the serious situation that Venezuela is experiencing. The foregoing is not solely or mainly due to the fact that the previous processes have failed in this regard (although this also needs to be considered in the evaluation, since said recurrence is not fortuitous), but mainly because the Mexico Process itself shows characteristics that make it difficult to operate in that sense.

In the first place, the current asymmetry of power between Chavismo and the opposition implies an imbalance in the negotiation whereby the former finds it less and less necessary to

28 "Equipo negociador de Noruega abandonó México tras suspensión de diálogo venezolano", *Al Navío*, November 1, 2021. <https://alnavio.es/equipo-negociador-de-noruega-abandono-mexico-tras-suspension-de-dialogo/>

29 "Qué significa que Venezuela sea el primer país de América Latina en el que la Corte Penal Internacional abrió una investigación formal", *BBC News Mundo*, November 4, 2021. <https://www.bbc.com/mundo/noticias-america-latina-59109361>

negotiate, except for the external support that the opposition has. In this sense, the implicit approach of “sanctions for elections” that was reflected in the *Memorando de Entendimiento* reveals a basic weakness in the opposition's negotiating position: its main negotiating tool is sanctions against Chavismo, but these are not in its scope, but rather in those of the foreign governments that apply them. This means that the negotiation actually proposed incorporates the European, American, and Canadian governments as negotiators, although this is not formally registered, and that ultimately the terms of a negotiated agreement will be those that said foreign governments are willing to accept. But this, in turn, depends largely on what countries like Russia or Cuba –with well-established interests and positions on the Venezuelan question– are also willing to concede from their position of open defense of Chavismo.

The second factor that complicates achieving stable results in this negotiation is the absence of an authentic and well-structured “unitary platform” in the opposition, whose political forces today suffer the weight of intimidation, judicial harassment and infiltration more than ever, as well as the more or less forced co-option on behalf of Chavismo, not to mention the weight of its own internal diatribes. This prevents the opposition from operating as a relatively unitary actor at the negotiating table. Likewise, the absence of elections worthy of the name in recent years severely complicates the ability of opposition political parties to effectively represent and mobilize broad sectors of the Venezuelan population. As a consequence, this situation often leads them to operate in disconnection with the main popular demands, a situation that surely affects the appreciated tacit or explicit absence –in the *Memorando de Entendimiento*– of some issues that are of vital importance to Venezuelan citizens.

As a consequence, while Chavismo concentrates all its forces on lifting foreign sanctions and on obtaining its full recognition as the only legitimate government in Venezuela, the opposition no longer aspires to a change of regime (such as advocated by the formula “cessation of usurpation, transitional government, free elections”), but rather a normalization of political life under somewhat more democratic standards that allow, first of all, a certain coexistence in adherence to the law, and second, an eventual –and apparently distant in time– change of government by peaceful and electoral means. The more abundant and varied the mechanisms used by Chavismo to pressure the opposition, the more likely it is that it will settle for poor results in the negotiations. However, the final line of concessions that the opposition can make depends directly on what foreign governments, and especially the United States, are willing to accept in a negotiated settlement. But if North Americans and Europeans significantly relax the sanctions, paradoxically the incentives for Chavismo to comply with the agreements will be reduced.

Everything indicates that, at most, and as long as there is no previous collapse or fracture of the Chavista coalition, the eventual agreements that could be reached in Mexico are minimum agreements, where certain sanctions are relaxed, in exchange for Chavismo offering some guarantees of political coexistence to the opposition. Meanwhile, the deep dynamics that have led to Venezuela's notable deterioration in recent decades are most likely to remain essentially intact and outside the terms of a negotiated agreement.

Rebellion in the Regional and Municipal elections of 2021

Héctor Briceño¹

"On December 3, 1989, the first elections of the 20th century for Governors and Mayors took place; elections had also been held in the 19th century. It was a decisive step for the strengthening of Federal Democracy. Many more are to be taken".

Rafael Arraiz Lucca².

Introduction

On Thursday, May 13, 2021, the Venezuelan electoral administration body, the National Electoral Council (CNE), made a public call for Regional and Municipal elections, which were to take place on November 21, 2021³. This was in accordance

1 I would like to thank the kind comments and suggestions that Jesús Castellanos and Eugenio Martínez made on this text.

2 Rafael Arraiz Lucca, historian and member of the *Número de la Academia Venezolana de la Lengua*, on Twitter: <https://twitter.com/rafaelarraiz/status/1466751403225927685?s=21>.

3 Although the call was made by the ruling president of the CNE, Pedro Calzadilla, on May 13, 2021, (<https://www.youtube.com/watch?v=xqoZ2pdpKso>) and days later the electoral schedule was published on the website of the electoral body, the official call was not published in the Electoral Gazette until June 28 of the same year (Electoral Gazette 979). See analysis of the electoral schedule in: https://sumate.org/documentos/Informe_Cronograma_Elecciones21Junio2021_210721.pdf.

with the national legal mandate that stipulates the election⁴ of 23 governors, 253 regional legislators, 335 mayors, and 2,471 municipal councilors every four years. However, this was the first time in more than 20 years that they were to be held simultaneously.

The electoral process was to take place in a complex social, economic and political context, characterized by the ever-growing humanitarian crisis, and framed within a new attempt to hold discussions between the government of Nicolás Maduro and the opposition.

The following analysis will review the political context in which such local and regional elections took place, examine its results, and outline the main consequences and implications that these have for the future of Venezuela. However, we must point out that at the present time of writing this essay the electoral process has not yet concluded: after learning of the defeat of Argenis Chávez, candidate of the Partido Socialista Unido de Venezuela (PSUV)⁵, and ally parties for their reelection in Barinas State, against Freddy Superlano, opposition candidate member of Voluntad Popular (VP), the Electoral Chamber of the Supreme Court of Justice (TSJ) proclaimed two sentences⁶ that prevented the totalization of votes (official summation) and proclamation of the winning candidate of that entity, alleging the political

4 Constitution of the Bolivarian Republic of Venezuela (1999):

Article 160. (...) *The Governor shall be elected for a period of four years by a majority of the people who vote. The Governor may be reelected.*

Article 162. (...) *State legislators shall be elected for a period of four years and may be reelected. National law shall regulate the organization and functioning of the Legislative Council.*

Article 174. (...) *The Mayor will be elected for a period of four years by the majority of people who vote, and may be reelected.*

5 Governor and candidate for reelection, Argenis Chávez.

6 See Sentences 78 and 79, of 11/29/2021: <http://www.tsj.gob.ve/decisiones#>

disqualification of the opposition candidate by the Comptroller General of the Republic, and ordering the complete repetition of the electoral process, which will be carried out, according to the schedule presented, on January 9, 2022.

Political context

The precarious political conditions in Venezuela abruptly deteriorated after the opposition's electoral victory in the 2015 parliamentary elections. Since then, the government of Nicolás Maduro intensified the measures of repression and persecution against opposition political parties, its supporters, leaders, and the general population.

Opposition parties were outlawed and arbitrated, starting with the inclusive platform Mesa de la Unidad (MUD), as well as the parties Acción Democrática (AD), Primero Justicia (PJ), Voluntad Popular (VP), among others. Many of its leaders have been jailed while others were driven into exile. Political parties allied with the ruling PSUV until 2020, such as Patria Para Todos (PPT), Tupamaro, and Partido Comunista de Venezuela (PCV), were also threatened and/or intervened after breaking with PSUV and trying to present an independent alliance for the parliamentary elections of 2020⁷.

The pressing human rights situation also deteriorated, as reiterated by the United Nations High Commissioner for Human Rights, Michelle Bachelet, in her report for the period June 2020-April 2021, in which she reiterated the persistence of serious violations to Human Rights committed by State agencies and

7 For an exhaustive analysis of the intervention patterns of Venezuelan political parties see: <https://www.observademocracia.org/wp-content/uploads/2018/09/InformeEspecialOGCD-PartidosPoliticosVenezuelaSeptiembre2018-1.pdf>

institutions, repeatedly denounced at least since 2017⁸. Upon hearing the complaints of these violations and after conducting a preliminary examination, the International Criminal Court (ICC) decided to formally open an investigation process against Venezuela for “alleged torture, extrajudicial executions or forced disappearances that have occurred against citizens detained by the State” since at least the year 2017⁹. The announcement was made at a press conference in Caracas and together with Nicolás Maduro by the prosecutor Karim A. A. Khan QC of the International Criminal Court.

The complex human rights situation is complemented by the aggravation of the economic crisis that has plunged more than 94% of the population into poverty in 2021 (ENCOVI, 2021)¹⁰, and forced 6 million Venezuelans to leave the country in search of better opportunities (UN, 2021)¹¹. And if all this were not enough, the global health crisis resulting from the Covid-19 pandemic has affected the poorest countries most deeply, including Venezuela, which has the second worst vaccination rate in Latin America, surpassing only Haiti¹².

8 Report of the United Nations Office for Human Rights on Venezuela 2019: <https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=24788&LangID=S>, Report of the United Nations Office for

Human Rights on Venezuela 2021: <https://venezuela.un.org/es/134630-informe-sobre-la-situacion-de-los-derechos-humanos-en-venezuela>

9 <https://news.un.org/es/story/2021/11/1499562>, <https://www.bbc.com/mundo/noticias-america-latina-59109361>

10 ENCOVI 2021: https://assets.website-files.com/5d14c6a5c4ad42a4e794d0f7/6153ad6fb92e4428cada4fb7_Presentacion%20ENCOVI%202021%20V1.pdf

11 <https://www.r4v.info/es/refugiadosymigrantes>.

12 <https://es.statista.com/estadisticas/1258801/porcentaje-y-numero-vacunados-contra-covid-19-en-latinoamerica-por-pais/>

The deterioration of the country's humanitarian and political conditions since 2015 did not prevent the continued holding of elections. Between 2016 and 2020, there were six electoral days: Election of a National Constituent Assembly (2017), Regional elections (2017), Municipal (2017), Presidential (2018)¹³, Municipal (2018) and Parliamentary (2020). The opposition alliance MUD and its main parties (the G4, a group of the four main parties: AD, PJ, VP and Un Nuevo Tiempo-UNT) only participated in the 2017 Regionals. After the year 2017, which was characterized by political protests and violent repression by the government through State agencies, growing conflict, a general climate of hopelessness and an intense campaign of discredit against the elections as a mechanism for political change led the opposition to leave the electoral arena. During this period, mistrust in the discredited electoral institution and its authorities further deteriorated, increasing from 68% in 2015 to 81% in 2018. Likewise, despair among Venezuelans spread even more in a population characterized by its resilient optimism. Thus, while 30% had a pessimistic view of the future in 2015, three years later, in 2018, despair reached 51% of Venezuelans, according to data from the Latinobarómetro Corporation¹⁴.

The strategy to abstain from voting, coupled with the deterioration of political and electoral conditions, made it possible

13 Simultaneously to the 2018 presidential elections, the deputies of the State Legislative Councils were elected.

14 The question used to measure trust in the electoral body is the following: How much confidence do you have in the country's electoral institution? The percentage groups the sum of the responses "little" + "none". The question to measure hopelessness about the future is: And in the next twelve months, do you believe that your economic situation and that of your family will be much better, a little better, the same, a little worse, or much worse than today? The percentage groups the sum of the responses: "A little worse" + "Much worse". <https://www.latinobarometro.org/>

for a large part of the international democratic community to ignore the 2018 presidential election. Nicolás Maduro won with 68% of votes, in an election marked by an abstention rate of 54%, and where only a group of four minority opposition political parties (Copei, Avanzada Progresista, Movimiento al Socialismo-MAS, and the Ecological Movement of Venezuela) decided to participate together under the candidacy of the leader Henry Falcón, concentrating 21% of the votes. A third candidate, evangelical pastor Javier Bertucci, obtained 11% through the Esperanza por el Cambio party. Both candidates would open a first crack in the monopoly of the opposition leadership that the MUD had claimed with the help of the G4, and starting from the 2020 parliamentary elections they joined forces on the Democratic Alliance platform.

The electoral boycott as a strategy of the MUD leaders was maintained until 2020, a period during which opposition differences increased after each electoral process, not without the active and interested promotion of the government, which did not skimp on using the money or public institutions to divide and confront the opposition leadership.

During this period, the MUD and the G4 attempted to increase pressure on the government, both internally and internationally. In January 2019, and as a consequence of the ignorance of the 2018 presidential election, the leader of Voluntad Popular (VP) and president of the National Assembly for the 2019-2020 legislative period, Juan Guaidó, was proclaimed interim president and traced a route to "redemocratize" the country. The strategy was summarized in three steps: 1. Cessation of the usurpation, which implied the deposition of the government of Nicolás Maduro; 2. Transitional government, aimed at establishing an administration that would build political-electoral conditions, to finally hold

3. Democratic elections that would allow the country to be progressively re-institutionalized.

However, and despite the efforts aimed at dividing the political-military alliance that supports the government led by Nicolás Maduro, Chavismo resisted. It suffered only only minor fractures that, far from weakening them, have allowed them to purge solidarities¹⁵.

The passage of time, the boycott of the parliamentary election of December 2020, together with the impossibility of displacing the Chavista government, eroded the national and international credibility of the Interim Government (IG) led by Juan Guaidó and the opposition identified with the MUD, promoting the appearance of new opposition fractures. Thus, in June 2021, and given the indecision of the G4 parties regarding participation in the Regional and Municipal elections called for November, a group of local opposition leaders created a new political party that fed the diversity among the opposition¹⁶.

A final element that should be noted within the general electoral political context is the beginning of a new process of dialogue between the government and the opposition in Mexico¹⁷, that has had the mediation of Norway and the support of several countries, including the United States, China and Russia, where some agreements were reached, including some of the conditions

15 On the fractures within the government, see: <https://www.posmonicionpolitica.com/2021/09/crisis-ruptura-y-colapso-el-fin-de-la.html>

16 The Fuerza Vecinal Party: <https://fuerzavecinal.com/conocenos-2/>

17 Currently suspended.

for the holding of the Regional and Local elections of November 2021¹⁸.

Electoral conditions

During the years when the MUD and its allied parties decided to boycott the elections, the precarious electoral conditions in Venezuela further deteriorated. Violations of the most elementary political rights worsened. Such is the case of the illegal disqualifications which extended from the opposition parties to also incorporate former allies of the government such as the PCV. The practice of illegal disqualifications imposed by the government through the Comptroller General of the Republic (CGR) began as early as 2002 and have progressively increased since then¹⁹. For these elections, the list of disqualified people was not even made public (published), nor was it notified to those affected, even less communicated to the rest of the public powers, not even to the Electoral Power, as denounced by its authorities²⁰. Additionally, and as the election of the Governor of Barinas showed, the disqualifications have also been announced “ex post”, after the election, to prevent the proclamation of a winning candidate.

Regarding the participation of opposition political parties, although it is true that the government allowed the return of the

¹⁸ The most important of the agreements reached in the dialogue process in Mexico so far is the establishment of regulations for it, an agreement accepted by both parties called a “memorandum of understanding.” See: <https://www.elmundo.es/internacional/2021/08/13/6116bd52fdddff66448b4699.html>

¹⁹ See Acceso a la Justicia: <https://accesoalajusticia.org/13-anos-de-inhabilitaciones-politicas-en-una-imagen/>

²⁰ See <https://accesoalajusticia.org/el-chavismo-no-renuncia-a-las-inhabilitaciones-politicas-para-asegurar-su-hegemonia/> and <https://twitter.com/rpiconh/status/1437540835340558337?s=20>

MUD electoral alliance card, it did not lift the intervention of the opposition parties Acción Democrática and Voluntad Popular, while the Primero Justicia party decided not to participate²¹, even though some of its leaders were candidates in different circuits. Thus, the opposition had the participation of at least 4 alliances: 1. The MUD alliance, made up of the G4 parties (AD, PJ, UNT and VP), plus the parties Convergencia and Movimiento Progresista Venezolano, 2. The Fuerza Vecinal party, 3. Alianza Democrática made up of the Avanzada Progresista, Copei, Esperanza por el Cambio (Cambiemos) parties, plus the factions intervened by the Supreme Court of Acción Democrática (AD) and Voluntad Popular (VP) parties, and, 4. The Independent National Coalition, made up of minority parties that built alliances with all opposition coalitions within the different circuits²².

The conditions for electoral competition continue to be characterized by official advantage and the use of public resources, being especially grotesque in the most significant circuits. Thus, according to the monitoring report of the Election Observation Mission of the European Union, coverage of the PSUV candidates on public television (VTV) “was disproportionate, representing more than half of all mentions and appearances of candidates in that channel while the candidates of the Democratic Alliance corresponded to 28% of the news and editorial content (...) The candidates of the MUD party were almost absent from State television, and their minimal coverage was negative”²³. According to the same report, “the constant presence of the PSUV vice president in State media (from where) he directed fiery attacks

21 <https://www.youtube.com/watch?v=n4amEpubeqk>

22 See: <https://talcualdigital.com/cuales-son-las-alianzas-entre-partidos-para-los-comicios-del-12n/>

23 https://eeas.europa.eu/sites/default/files/declaracion_preliminar_venezuela_2021_final_es.pdf, p. 11.

against political opponents, and even against a CNE rector, goes against international standards of impartial coverage of the State media during election periods”²⁴. The electoral regulations, especially for the election of collegiate bodies through parallel systems of election of nominal and list positions, is characterized by its disproportionate result that privileges the governing party. Thus, in the state of Barinas, despite the victory (intervened by the CGR and the TSJ) of the opposition, the regional legislative power (Consejo Legislativo Estatal) remained in control of the governing party PSUV in a ratio of 6 to 5, thanks to the electoral system and the design of electoral circuits.

In March 2020, a fire in the CNE warehouses destroyed almost all of the machines that made up the automated voting system, forcing the electoral body to buy new machines²⁵. However, the procurement process for the new machines was handled with little transparency. It is known that the machines were purchased from the Argentine company ExClé²⁶, but it is unknown if the negotiation and contract conditions complied with the elementary legal regulations. More importantly, it is unknown who developed the software that runs them²⁷. However, we must point out that, despite the latter, the voting system was subjected to a comprehensive audit which, according to the civil organization “Venezuelan Electoral Observatory” demonstrated to guarantee “the secrecy of the vote, the transparency of the vote, the reliability of the vote, the accounts that are made and the security of the vote, which includes the non-communication

²⁴ *Ibíd.* p. 2.

²⁵ <https://www.efe.com/efe/america/politica/se-queman-casi-todas-las-maquinas-de-votacion-sistema-electoral-venezolano/20000035-4191131>

²⁶ <https://ex-cle.com>

²⁷ <https://efectocucuyo.com/politica/nuevas-maquinas-de-votacion-casi-60-millones-invertidos-en-una-compra-misteriosa/>

of the voting machines with an external entity during the voting process and before the counting, and the non-communication, neither by internet nor by other means, of the device fingerprint catchers and with machines”²⁸.

However, the most significant change in electoral guarantees was the creation of a less biased electoral body, based on the appointment of new authorities. The process began in January 2021 and culminated in May with the appointment of 15 new rectors, 5 principals, and 10 alternates, among whom are 5 independent personalities (2 principals and 3 alternates)²⁹.

These new electoral authorities have begun their management clearly oriented to rebuilding trust in the vote as a mechanism for change, including the rectors linked to Chavismo, who have shown a much more balanced and impartial performance than that carried out by the previous authorities, especially during the period of rector Tibisay Lucena.

Another significant advance in electoral conditions is the return of international electoral observation, with the missions of the United Nations, the European Union, and the Carter Center, who were able to deploy throughout the country to observe the electoral process and issue their evaluations, a mechanism that, together with the national electoral observation organizations, generates trust both in voters and in parties and candidates.

Three last comments finalize the general panorama of the electoral conditions. The first is the birth of an initial, timid attempt to regulate the electoral campaign in social media through two articles in the “Specific Regulations on Electoral

28 <https://oevenezolano.org/2021/07/boletin-68-diez-certezas-tras-la-auditoria-al-sistema-de-votacion/>

29 See: <https://www.observademocracia.org/monitor-electoral-3/>

Campaign and Propaganda for Regional and Municipal Elections 2021”³⁰. The second is the institutional promotion from the CNE of gender parity in the party’s candidacies, although the results were wholly disappointing.

Third, we must point out that the special regulation to control the election of indigenous representation in the elections of Legislators of the States and Councilors of the Municipal Councils 2021 consolidates the violation of the most elementary political rights against the Venezuelan indigenous communities. This regulation establishes the holding of second-degree elections in community assemblies, violating the right to direct and secret voting. Likewise, the requirements for candidacies violate the most elementary political equality, by restricting candidacies to those who have “held a position of traditional authority in their respective community”³¹.

In summary, the electoral conditions in which the 2021 Regional and Municipal elections were held do not meet the minimum requirements to be recognized as a democratic process. However, we must recognize the existence of advances that could be decisive for the holding of higher-quality electoral processes in the future. In particular, the positive changes experienced in such a short time show the impact that a change has on institutional political will.

30 <https://efectococuyo.com/politica/cne-campana-electoral-las-regionales/>

31 See Special Regulations for the election of indigenous representation in the elections of Legislators or Legislators to the Legislative Councils of the States and Councilors and Councilors of the Municipal Councils 2021: http://www.cne.gob.ve/web/normativa_electoral/elecciones/2021/elecciones_regionales_y_municipales_2021/documentos/resolucion/resolucion_reglamento_indigena_2021.pdf

21N: Election day

On November 21, starting from 5 am, the electoral event began to elect all the Governors, Mayors, regional legislators and councilors of the country, as it was proposed. The event was characterized by a series of irregularities that were difficult to evaluate, which may have had different impacts, since it was not a single election process, but rather 3,082 simultaneous ones held in a great diversity of circuits. For this reason, while some irregularities may have been irrelevant in some circuits, in others they may have been decisive.

Among the most recurrent irregularities denounced both by the media and by different initiatives of national electoral observation are:

1. Late opening of polling stations. According to the platform Venezuela Documenta³², by 9:30 in the morning, 10.9% of the polling stations reported a delay of between 1 and 3 hours³³.
2. Arbitrary migrations. According to the same initiative, 36% of the polling stations registered arbitrary migrations, that is, changes not requested by voting center voters, some of which implied a change in the voting circuit, such as from one State to another³⁴.

³² Venezuela Documenta is an interactive and collaborative database, designed by human rights defender groups, ready to support citizens in registering incidents and patterns linked to the weakening of democracy, human rights, political participation and electoral processes in Venezuela.

³³ <https://venezueladocumenta.org/index.php/2021/11/16/apertura-y-funcionamiento-del-centro/>

³⁴ <https://venezueladocumenta.org/index.php/2021/11/21/irregularidades-observadas/>

3. Presence of partisan points. The presence of partisan points in the vicinity of the electoral centers was also recorded in 62.8% of the points observed: 55.5% belonging to the PSUV and 7.3% to other political parties, including opposition parties.
4. Electoral propaganda. Electoral propaganda was identified in 30.8% of the centers, according to the observation report of the Venezuelan Electoral Observatory (OEV)³⁵.
5. Voter hauling. In 54.2% of the points observed by the same organization, various mechanisms of hauling voters with public resources were also found³⁶, mostly by institutions of the national, regional and local government of the ruling party, but also to a lesser extent, by regional and local governments in the hands of opposition parties.
6. Assisted voting. Likewise, the electoral observation organization registered unsolicited accompaniment, a violation of political freedoms and voting secrecy in 11.9% of the voting centers during the morning, a practice that increased to 12.3% in the afternoon.
7. Late closing of voting centers. According to the OEV report, in just over half of the centers analyzed in their study, “the tables closed after 7:00 at night. The rest did the same before, between 6:00 pm and 7:00 pm”, all this when the electoral regulations establish that the centers must close at 6:00 pm, as long as there are no voters queuing to vote.

All these irregularities and violations of the free exercise of political rights have been present in the electoral processes during

³⁵ <https://oevenezolano.org/wp-content/uploads/2021/11/Avance-de-resultados-OEV-Observacion-de-la-jornada-electoral-del-21-N.pdf>

³⁶ Ibid.

the Chavista era, raising the costs of electoral participation, especially for voters, leaders and opposition parties, who must fight against a system structurally designed to intimidate and discourage them from participating in or supporting political alternatives other than the PSUV and its alliance Gran Polo Patriótico Simón Bolívar (GPPSB), a system that has the active participation of the entire State institutional, including the public powers.

But these irregularities become more significant in elections held in municipal or even parochial circuits. As an example, Table 1 shows a sample of 12 mayors whose victory is reduced to between 5 and 201 votes, a situation that is exacerbated in the circuits for the election of nominal councilors that present the smallest electoral districts of the entire electoral system Venezuelan³⁷. In each of these electoral districts, irregularities, which tend to be diluted in the sum of national results, become decisive in terms of the quality and integrity of the electoral process and respect for popular sovereignty and results.

We must point out, however, that not all irregularities can be attributed to the intentionality of political actors and, therefore, be considered electoral fraud³⁸, but rather to problems of electoral management and administration. To mention an example, a good part of the problems of the late opening of polling stations were caused by the absence and lack of training of the members of polling stations selected by lot to perform the electoral service, a task for which the electoral institution is responsible. The institution must update and adapt its procedures to current

³⁷ Elections of the Communal State are not taken into account.

³⁸ Electoral fraud is defined as all "clandestine actions to alter the electoral results", Fabrice Lehoucq, "What is electoral fraud? Its nature, its causes and consequences", in *Revista Mexicana de Sociología* 69, no. 1 (January-March, 2007): 01-37, p. 2.

society, but also in parties, social organizations and the media that do not sufficiently disseminate the call of the electoral body, as well as in citizens who do not heed the call.

Table 1. Votes, selection of mayors according to political alliance, 2021

| State | Municipality | GPPSB Votes | Oposición ^a Votes | Difference |
|----------|----------------|----------------|---------------------------------|-------------------|
| Amazonas | Atabapo | 918 | 834 | 84 |
| Amazonas | Autana | 890 | 731 | 159 |
| Amazonas | Maroa | 434 | 274 | 160 |
| Aragua | O. de la Costa | 2.849 | 2.661 | 188 |
| Mérida | Rivas Dávila | 2.660 | 2.494 | 166 ^c |
| Miranda | Carrizal | 7.774 | 7.881 | 107 ^b |
| Miranda | Zamora | 28.543 | 28.744 | 201 ^b |
| Táchira | Capacho Viejo | 3.796 | 3.801 | 5 ^{bc} |
| Táchira | J.M. Vargas | 1.941 | 1.798 | 143 ^{bc} |
| Trujillo | Candelaria | 4.251 | 4.132 | 119 |
| Trujillo | La Ceiba | 4.003 | 3.915 | 88 |
| Trujillo | Rafael Rangel | 2.793 | 2.679 | 114 |

Source: Consejo Nacional Electoral (CNE), own calculations.

Nota: **a-** Votes from the opposition alliance that has obtained the most votes in the municipality. **b-** Opposition advantage. **c-** Government under opposition rule between 2017-2021 with candidates for reelection.

In any case, even with the multiple irregularities witnessed on election day, the Venezuelan electoral system continues to be characterized more by the preceding structural advantage, which severely conditions the competitiveness of the system, than by the alterations that occurred on voting day. To these, we must also add the post-electoral alterations, such as the disqualification of the winning opposition candidate for the Barinas State Government,

Freddy Superlano, or the suppression of powers and resources to the Government of Zulia after the victory of the opposition candidate Manuel Rosales, such as the threats to several winning mayoral candidates from the various opposition alliances.

Results

Although the ruling party managed to win over 19 of the 23 governorates, including 3 of the 4 governorates in opposition hands since at least 2017 and whose candidates aspired to be reelected (Anzoátegui, Mérida and Táchira), and with 211 of the 335 mayoralties (see table 2), the results represent one of the worst electoral performances of the PSUV and its allies (only surpassed by the results at the beginning of Chavismo when the number of voters was just over half of the current number), deepening the loss of support and capacity for mobilization during an election in which Chavismo aspired to legitimize itself before the international community (see figure 1).

Table 2. Governorships and Mayorships won by alliance

| Alliance | Governorships |
|---------------------|-----------------------|
| GPPSB | 19 |
| MUD | 2 |
| Fuerza Vecinal | 1 |
| Alliance | Municipalities |
| GPPSB | 211 |
| MUD | 63 |
| Alianza Democrática | 38 |
| Fuerza Vecinal | 8 |
| Otros | 15 |

Source: own calculations.

See detail in: <https://www.elnacional.com/venezuela/lista-de-las-alcaldias-y-sus-alcaldes-segun-el-cne-ultima-actualizacion/>

An element that should be part of the analysis is that no party of the Chavista dissidence had successful turn up. PPT parties³⁹ and Tupamaro⁴⁰ were intervened appointing new directives loyal to the PSUV through the Supreme Court of Justice in August 2020 when they tried to break with the government, while the Communist Party of Venezuela (PCV) for its part, also a former ally of Chavismo, did not win any mayor's office. It obtained just over 154 votes at the national level, corresponding to 1.8% of the total votes⁴¹. Such results ratify the Chavista hegemony of the PSUV and that the government does not allow internal divisions. To avoid this, it has all the State institutions at its service at its disposal. But additionally, those who manage to escape the institutional cage have not managed to capitalize on support within the Chavista sympathizers.

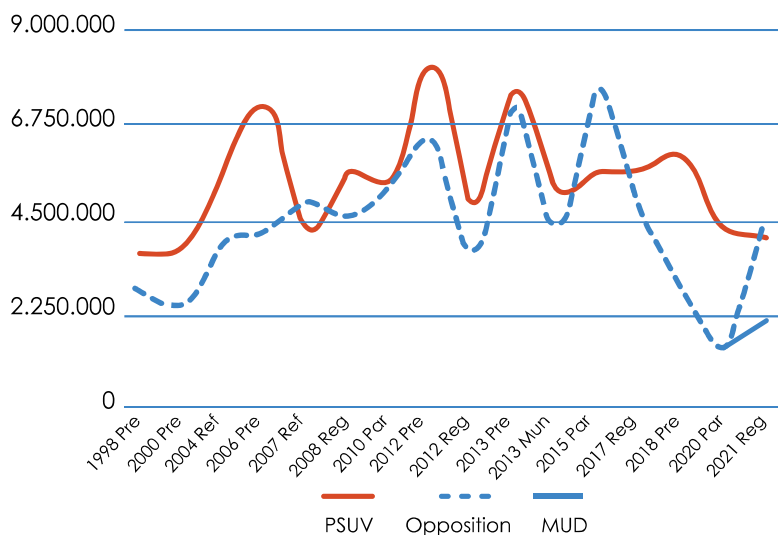
While maintaining the Chavista hegemony, the PSUV and its GPPSB allies lost a significant number of votes, a large majority in their traditional strongholds, rural, sparsely populated, and economically depressed areas, where the mechanisms of political and social control tend to be much more powerful and the population more dependent on the regional and local state and political structures such as the PSUV, the Communal Councils and social programs. All this suggests the exhaustion of the party machinery and that the crisis has also hit the government, deteriorating both its loyalty and its coercive capacity.

39 Sentence 0122, of August 21, 2020: <http://www.tsj.gob.ve/es/web/tsj/decisiones#>.

40 Sentence 0119, of August 18, 2020: <http://www.tsj.gob.ve/es/web/tsj/decisiones#>.

41 Corresponds to votes for mayoral candidates.

Graph 1. PSUV absolute votes and Opposition, 1998 - 2021



Source: 1998 - 2015, CNE; 2017 - 2021, Eugenio Martínez on Twitter (<https://twitter.com/puzkas/status/1465457906577547274?s=20>).

Note: The results group the votes of the PSUV and its allies, and the MUD and its allies. The votes plotted on the dotted line correspond in 2018 to the sum of the candidates Henry Falcón and Javier Bertucci, while in 2020 they correspond to the votes of the Democratic Alliance coalition. In the year 2021, the data on the dotted line correspond to the sum of the votes of the three opposition coalitions: MUD, Alianza Democrática and Fuerza Vecinal.

But the loss of votes for Chavismo in these areas has other additional causes. In the first place, the votes represent a clear protest against the government since, in these areas, the collapse of the capacity of the State and public services has had a more profound impact on the quality of life of the population.

Simultaneously, the participation rates also show a protest against the opposition that called during several continuous elections to boycott the elections. Even though participation at the national level is relatively low, even for an electoral event of

this nature, around 42%, it is not distributed evenly throughout the national territory. The rural-urban division is the primary explanatory variable for abstention/participation.

Thus, when observing the first part of graph 2, the relationship between population size⁴² and participation rate can be identified. The smallest parishes (less than 2,500 voters) have an average participation rate of over 50% of the voters. However, as we move on the population scale towards parishes with a greater number of voters, the participation rate progressively decreases until reaching the largest corresponding to large cities in the country (those parishes that contain 100,000 voters or more), which have an average participation rate of less than 40%.

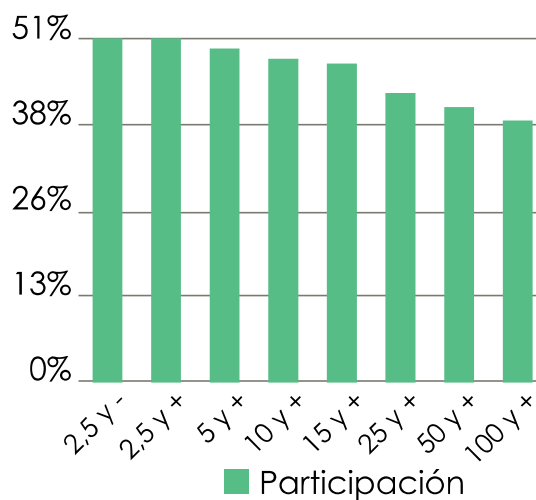
The differentiated behavior between large and small populations shows us a double rebellion in rural areas: they participate more, which goes against the abstentionist discourse that the large opposition parties (MUD and G4) maintained for at least 3 consecutive years, and, in parallel, they punish the government more.

The PSUV and its allies in the GPPSB decreased the flow of votes in places where they previously dominated with almost no competition, but they also increased their vote in former opposition strongholds: large cities, where oppositional division and abstention was decisive. Thus, the great Chavista strength, its disproportionate vote in small towns, whose sum gave them an important advantage in national elections, was clearly diminished in this election, while ironically they grew in circuits of traditional opposition dominance. There they voted more to punish Chavismo, here they voted less to punish the opposition.

⁴² The unit of analysis of the study is parishes, grouped according to the number of voters.

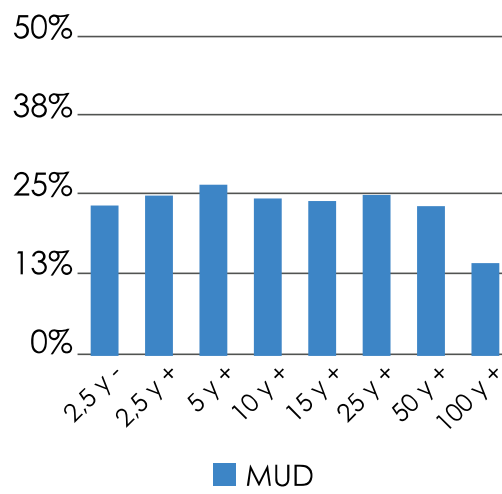
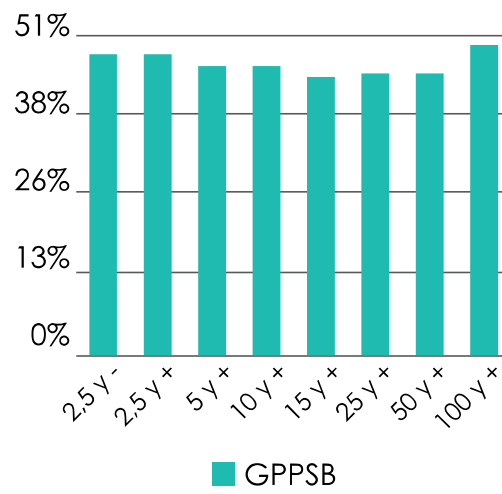
As a consequence of the double rebellion, the opposition in general, but especially the MUD, increased its voting like never before in the smaller circuits where it performed above its average (see graph 2), although it lost arena in its traditional strongholds, large cities (parishes with 100 or more voters), not only against Chavismo but also against the new opposition coalitions, Fuerza Vecinal and Alianza Democrática. These alliances follow the traditional pattern of distribution of opposition votes, concentrating in the big cities and dissolving in the towns and rural areas of the country (see graph 2).

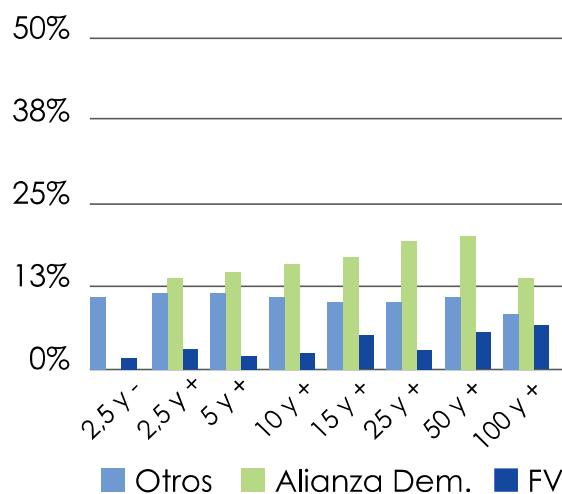
Graph 2. Participation and votes, GPPSB, MUD, FV, Democratic Alliance, and others, according to number of voters by parishes, 2021



+

Rebellion in the Regional and Municipal elections of 2021





Source: National Electoral Council, own calculations.

Note: The graphs are calculated on the results of the vote for mayors and with the data of the 2nd Official Bulletin of the CNE that contains 98% of the voters.

When adding the votes of the different opposition alliances at the national level, the balance in favor of the opposition exceeds Chavismo by more than 400 thousand votes or 4.7 percentage points (50.9% to 46.2% respectively - see graph 1). Additionally, and despite the dispersion of the vote generated by the division, the opposition won with a third of the mayoralities (see table 1), their best result in 20 years.

The opposition result also shows an image of internal fragmentation: while the MUD wins half of the mayoralities obtained by the opposition, Fuerza Vecinal and Alianza Democrática add the other half, a result that is reproduced in the national vote, which is divided into almost equal parts between the MUD (46.6% of the opposition votes) and the other opposition alliances (see table 3).

Table 3. Distribution of opposition votes, 2021

| Party | Votes | % |
|---------------------|-----------|------|
| MUD | 2.139.543 | 46,6 |
| Alianza Democrática | 1.129.406 | 24,6 |
| FV | 426.156 | 9,3 |
| Other | 895.907 | 19,5 |

Source: CNE, own calculation.

Note: Results of votes for alliances in mayors.

Unlike what happened in the Chavista bloc, within which the PSUV maintains hegemonic control, opposition votes and leadership consolidated a division that dissolved the monopoly exercised by the MUD and the G4. Nonetheless, it should be noted that the opposition division is a fundamental characteristic of party elites that is not reproduced beyond the large cities where tensions between opposition alliances are strongest. As the journalist Eugenio Martínez has shown⁴³, in a large number of smaller electoral circuits, the various opposition coalitions bridged the gaps to establish alliances between them, turning out to be decisive for winning some important mayoralties. In short, dialogue and negotiation between opposing coalitions actually took place in many small circuits.

Consequences and implications

During the 2021 Regional and Municipal elections, the different political actors put their projects to the test, trying to take advantage of them. The government tried to clean up its tarnished image and gain minimal international legitimacy. For this, it made some concessions in order to demonstrate its willingness

⁴³ See Eugenio Martínez in: <https://twitter.com/puzkas/status/1466852171933171713?s=20>.

to dialogue. It allowed the election of a more balanced CNE. It also allowed the return of some opposition political leaders and parties, as well as the participation of three recognized and independent international electoral observation organizations.

It also slightly eased the political pressure in an election it thought it had fully under control. However, through the small open exhaust valves, it managed to sneak in much more than it had anticipated and what it was willing to tolerate, in a clear sign of exhaustion of its control and mobilization systems, probably weakened by the deep crisis that the country is going through. The electoral results reaffirm to the government that its power depends on the tight control exercised through machinery that has shown the first signs of weakness and fatigue.

To try to reverse this image of weakness, the government used the State institutions under its control (courts, police and military), intimidating the new opposition mayors, confiscating competences from rival governors and forcing second elections in the symbolic state of Barinas.

For their part, the opposition parties grouped into their different alliances tried to defend their political spaces on three simultaneous boards: against Chavismo, against each of the alternative opposition alliances and against abstention. Against the government, the results showed that the united opposition sums more than the government, and not only in national elections (as had happened on several previous occasions), but also in most regions and municipalities. However, the results also recorded the end of the opposition political electoral monopoly of the MUD and the consolidation of new opposition platforms, posing new organizational and strategic dilemmas, facing the

process of dialogue with the government, as well as the next electoral appointments⁴⁴.

If the main opposition weakness is division, voting outside the big cities sent a clear message: in these circuits, pragmatism and the fight for democracy converged with local leaderships to prevail against the government and division. Will the political elite be able to follow the route traced by the leaders and voters of these circuits?

Opposition parties also timidly tried to reverse the hopelessness and distrust towards the vote, a path in which they converged with other actors: civil society organizations, the international community, the media, and especially the new electoral authorities. Mainly and surprisingly, voters from the smallest towns and the most rural areas responded to the effort, who attended the electoral call at rates much higher than in the cities.

The international community, for its part, witnessed the serious violations of the most elementary political rights of parties and candidates, but also of voters. However, they also witnessed small steps in the right direction⁴⁵ and the important role they can play in the country's re-institutionalization process.

Voters rose above political divisions and differences, supporting a plurality of leaderships of different sign alike. They

44 Presidential 2024, Parliamentary 2025 and an eventual Presidential Recall Referendum in 2022.

45 Despite the "democratic deficits, the negotiations between sectors of the opposition and the ruling party have led to three important changes for the environment of the elections: the recomposition of the National Electoral Council (CNE) in a concerted manner by the National Assembly (AN); the presence of international observation; and the cycle of dialogue between the government and the opposition that began in

rewarded and punished leaders and parties. They demonstrated how to handle and dominate political information even in a highly complex electoral process, and more importantly, they demonstrated once again great maturity when choosing.

Far from what had happened in almost all the electoral processes of the last 20 years, in the 2021 Regional and Municipal elections there are no absolute winners or losers. The results leave the door wide open for politics. That is perhaps the most important message that the democratic rebellion of November 21, 2021, leaves us: the future will be in the hands of those leaderships that can weave the widest network of alliances, based on trust and the will to cooperate in order to confront the challenges of democratic reconstruction.

Mexico in August ", Carter Center (2021): <https://www.cartercenter.org/news/pr/2021/venezuela-120321.pdf>

Regional Elections and the advancement of the Communal State

Pedro Méndez Dager

On November 21 of this year, 2021, regional elections were held in Venezuela. These elections were organized by a government that has lost its legitimacy¹ and, moreover, by a National Electoral Council controlled by the group that today usurps power in the country and that, despite the incorporation of new rectors, has been unable to modify most of the conditions² that should ensure the transparency of an election.

Furthermore, since these elections are regional, state governors and deputies to the legislative councils were to be elected, as well as mayors and councilors to the municipal councils. Therefore, any modification to state and/or municipal

1 Statute that governs the transition to democracy to restore the validity of the Constitution of the Bolivarian Republic of Venezuela. Articles 8 and 9.

2 - There is still no audit of the Permanent Electoral Registry.
- There is still no international observation of the whole process.
- The cards of various political parties remain hijacked or disabled.
- Several politicians have been disabled, imprisoned or remain in exile.
- Regional directorates and subordinate electoral bodies are in the hands of the PSUV, the ruling party.
- The government controls the media.
- There is no audit of the inspection process.
- In general, all State institutions, the Judicial System and the Armed Forces act at least partially in order to benefit the results that benefit the ruling party.

powers and budgets, as well as any alteration to the political territorial order of the Republic, is key. Whether leaders and institutions have resources and tools or not will define their impact over problem-solving in each region and the possibilities of influencing the advancement of political change in Venezuela. In any case, the starting point is quite irregular, since most of the decentralization has already been dismantled and, in the days after the November 21 election, the State of Zulia was stripped of its powers to administer tolls and airports.

Therefore, the appearance in the 2021 legislative agenda of the *de facto* National Assembly of a series of laws referring to the Communal State³, and in general to the political territorial order of the country, once again highlights the systematic dismantling of the decentralized Federal State. It is important to reflect on its consequences on the future of municipal and state governments after these elections.

This article is divided into four parts. (a) First, the decentralization experience that began in 1989 and continued during the 1990s will be briefly summarized. (b) Then, the process of recentralization and imposition of the communal model since 1999 will be described. (c) The laws that have been working in the *de facto* National Assembly during 2021 will be analyzed. (d) Finally, some elements to bear in mind in the following months will be specified in order to understand the extent to which

3 Some of the first mentions of the so-called Communal State are found in the transcript of an event directed by Hugo Chávez: High Level Workshop: The New Strategic Map (November, 2004). Then, in 2005 it began to appear in various documents of the government and the governing party until in 2006 and 2007 it appeared as a central element of the definitive turn towards socialism that then-president Hugo Chávez started promoting at that time.

the Communal State is advancing and to be able to respond accordingly.

The 1989-1999 decentralization

One of the clearest demands around which the Commission for the State Reform (COPRE, for its Spanish acronym) worked was the need to transfer more power to each region in a country that had historically been centralist⁴. Thus, in 1989 and thanks to the work of this commission, the *Law for the Election and Removal of State Governors* was approved, which for the first time allowed the direct election of mayors and governors. Since then and until 1993, several important milestones occurred that allowed to rapidly deepen decentralization. Among them, I must mention:

- The Organic Law of Decentralization, 1989;
- Organic Law of Decentralization, Delimitation, and Transfer of Competences of the Public Power, 1989;
- Partial Regulation number 1 of the LOD, 1993;
- The eight additional partial regulations of 1993;
- In 1993, the Intergovernmental Development Fund (FIDES) was created, which would be financed with part of the resources collected by the Value Added Tax (IVA).

These laws allowed the decentralization phenomenon to speedily advance in recent years, allowing progress, at least, in the following three aspects:

⁴ Article 2 of the 1961 Constitution stated that the Republic of Venezuela is a Federal State, in the terms established by this Constitution. However, the rest of the body of that constitution described it as a centralist state.

1. Public spending was democratized. By 1998, almost 30% of the national budget was executed in states and municipalities and a minimum of 20% had to be thus invested.
2. The solution of the problems was brought closer to the people and to the place where those problems occurred through a complex but enriching process in which states and municipalities assumed many of the powers of the national government. The regulations of the LOD came to detail the specific administrative aspects that actually made the idea of decentralization possible. With these tools, models such as health in Carabobo state and education in Mérida are born. Governments were given the opportunity to manage ports, airports and tolls, generating not only the necessary resources for the maintenance of roads and highways, but also enormous resources for the development of the states, such as the Rafael Urdaneta Bridge in Zulia.
3. The country's political universe was enriched as new leaders emerged from the different regions to compete strongly in the national political debate, in a stage that until then had been almost entirely reserved for those who made politics in the capital. Thus, we see how mayors and governors start a healthy competition to better manage, to innovate and to absorb new and complex competences with unusual eagerness. Among them, we could mention Oswaldo Álvarez Paz, Andrés Velázquez and Henrique Salas Römer, who entered the national political scene and shortly after were running in the presidential elections of 1993 and 1998.

It is important to consider these three aspects, and other practical details of decentralization, to weigh the effects of the destruction of this model and the dimension of the challenges ahead⁵.

The process of recentralization since 1999

Although the decentralization process in question began in 1989, the legislator partially constitutionalized some aspects that had been developed in the *Organic Law of Decentralization*,

- 5 We start from the assumption that decentralization can offer advantages for the countries that implement it as an ordering principle. It is convenient to review the literature in this regard. Some references are listed here:

Arikan, Gulsun. *Fiscal Decentralization: a remedy for corruption?* Urbana-Champaign: Department of Economics, University of Illinois. 2004

Arze, Javier; Martínez-Vázquez, Jorge & McNab, Robert. *Fiscal Decentralization and the Functional Composition of Public Expenditures*. Georgia State University. 2005.

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Martinez. Vazquez, Jorge. *The Impact of Fiscal Decentralization. Issues in Theory and Challenges in Practice*. Asian Development Bank. 2011

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Delimitation and Transfer of Competences of Public Power approved in 1989⁶ in the 1999 Constitution. Though this could be considered an advance, immediately after the approval of this Constitution a process of State recentralization begins, which has been maintained for more than 20 years and among whose results we can mention:

- The resources of states and municipalities have been decreasing since 1999. In 1999, 30% of the national budget went to the regions⁷ with a minimum set at 23%. Today the regions manage less than 5%⁸, with only a fixed maximum of the budget that can be allocated to the regions.
- As oil income began to increase, a practice was introduced that consisted of underestimating the price of the oil barrel when setting the budget and therefore the constitutional situation. Complementarily, all surplus was destined to funds⁹ that were executed with absolute discretion by the National Executive to the detriment of the regions.
- The Federal Council of Government was turned into an instance at the service of the interests of the national executive¹⁰.

6 Allan Brewer-Carías. *El "Estado Federal Descentralizado" y la centralización de la federación en Venezuela*. *International Seminar on Federalism and Regionalism*. UNAM, Mexico. 2003.

7 Carlos Mascareño. *La Asfixia Financiera de la Descentralización venezolana*. 2020 www.dialogopolitico.org

8 In the absence of official numbers and a national budget, it is impossible to accurately estimate the exact percentage. There is only data on the constitutional situation.

9 Carlos Mascareño. *La Asfixia Financiera de la Descentralización venezolana*. 2020 www.dialogopolitico.org

10 "El CFG, previsto en el Artículo 185, apenas se instrumentó 11 años después (2010) y siempre ha funcionado como un ente dependiente de los

- The Interterritorial Compensation Fund and the Constitutional Site have also been managed by the national executive¹¹.
- Services, highways, ports, airports and water systems were recentralized, and the possibility of establishing public/private alliances and concessions to improve services in the regions was eliminated.
- In 2006, the Law of Communal Councils was approved and the Chávez government stopped recognizing other instances as mechanisms for legitimate participation and organization.
- In 2007, the Government's proposal to reform the Constitution in order to eliminate the Decentralized Federal State by the so-called New Geometry of Power was defeated by means of a referendum¹².

designios del presidente". Carlos Mascareño. *El Autoritarismo Venezolano y la Destrucción del Federalismo en Venezuela*. www.dialogopolitico.org 2019.

11 Transparencia Venezuela. Presupuesto Venezuela 2017. 2017.

12 According to Allan Brewer Carías, this project intended to carry out a radical transformation of the State and sought to lay the foundations to transform it into a centralized State, with concentrated power under the illusion of Popular Power, which implied the definitive elimination federally, making political participation impossible and degrading representative democracy. All this, through the supposed organization of the population in the Councils of People's Power, such as the communal ones, which are institutions without any political autonomy, whose members were intended to declare in the Constitution itself that they were not elected. These councils, created in 2006, are controlled from the Headquarters of the government and for whose operation, the precise instrument is the single party. (*The Constitutional Reform in Venezuela of 2007 and its Rejection by the Original Constituent Power*. Institute of Legal Research of the UNAM).

- Mayors and governorships, through various schemes, were deprived of their powers; many municipal police stations were intervened¹³.
- Many mayors, governors, regional deputies and councilors have been persecuted, imprisoned and exiled.
- The figure of the protectors of states and municipalities was created¹⁴.
- In December 2010, the “package of laws of the People’s Power” was approved:
 - Organic Law of People’s Power
 - Organic Law of Social Comptroller
 - Organic Law of the Communes
 - Organic Law of the Communal Economic System
 - Organic Law of Popular Public Planning

2021: a new advance of the Communal State

As we have been able to verify, these 20 years of the Chavista government have almost meant the complete dismantling of the Decentralized Federal State. However, an effort has been observed to reorganize and strengthen the institutions that revolve around

13 By 2017, 22 state and municipal police stations had been intervened. After the 2017 gubernatorial elections, the three police stations of the states in which the opposition had won had been intervened.

14 The first antecedents were the creation in 2009 of the Government of the Capital District by Jaqueline Farías and then in December 2012 the figure of the State Protector entrusted to Elías Jaua, after the victory of Henrique Capriles in the elections of December of that year.

the idea of the Communal State with the call for the election of authorities of the communal councils at the end of 2020. Thus, since very early this year (2021) there have been several events that suggest that the ruling party seeks to revitalize the idea of the Communal State and the political organization that is built on it for the socialist political project.

At the beginning of the year 2021, a legislative agenda was proposed for the National Assembly imposed by the Nicolás Maduro regime on December 6, 2020¹⁵. This agenda includes the following laws, all of them referring to the territorial political ordering and administration of the Republic:

- Draft Organic Law of the National Communal Parliament;
- Draft Organic Law of Communal Cities;
- Draft Law of the Federal Council of Government;
- Draft Law on Regional and Municipal Comptrollerships;
- Draft Organic Law of Special Economic Zones;
- Draft Organic Law on Territorial Planning.

Likewise, it will be necessary to observe in the months to come the approval or not and the impact of the following laws:

- Draft Organic Law of Smart, Sustainable and Resilient Cities for Venezuela^{16,17};

¹⁵ Date on which Nicolás Maduro, on radio and television network, for the first time reported the idea of passing a communal cities law to reinforce the creation of more than 200 cities of this type throughout the country.

¹⁶ www.asambleanacional.gob.ve/leyes/proyecto

¹⁷ Some examples of the articles of this bill that call attention are:

- Regarding urban planning and the National and Popular Planning

- Draft Law for the Reform of the Decree with Rank, Value and Force of Organic Law of Borders;
- Draft Organic Law on the Right to the City;
- Draft Organic Law of the Special Regime for Socioeconomic and Productive Development of the Bolivarian State of Nueva Esparta;

Additionally and in chronological order the following events took place:

- On January 11, the minister of the regime, Noris Herrera, claimed to have received more than 400 proposals from the “common people” to create laws for the communal cities and the Communal Parliament.
- That same day the Episcopal Conference in its pastoral exhortation stated that we suffer the mistakes of a

System. Art. 13: Urban Planning is integrated within the National and Popular Planning System and the integral principles of the systemic vision, unity within the diversity and category of totality indicated in Plan Patria. It will maintain an organic vision within the national spatial taxonomy, considering the elements that contain it internally, such as the communities, communes, urban corridors, as well as those that form a functional part in the subregions and regions within the integral vision of the nation.

- Art. 14: The forms of organization of the population and the popular power will be addressed, in accordance with the guiding principles of the Constitutional Law of Plan Patria, making binding decisions in the different scales. In accordance with the Law that regulates the National and Popular Planning System, the specific forms will be assumed in the urban scale for plans, decisions, resources, competences, projects, management and monitoring, according to the spatial forms of aggregation and the system of respective actors, as well as the political organizational forms of the People’s Power and the communal city.

misnamed Homeland Plan that intends to impose laws to create a Communal State.

- On January 23, Nicolás Maduro announced that he was waiting for the National Assembly to approve the Law of the Communal Parliament to elect some 4,000 or 5,000 deputies.
- On January 25, Nicolás Maduro stated that the PSUV was to assume the rectory of the Revolutionary Government.
- On January 28, the Internal Regulations and Debates were modified, creating the Permanent Commission for the Development of the Communes.
- On February 11, the Congress of Communes 2.0 was held and that same day Nicolás Maduro delivered the Law of the Communal State and the Law of the Communal Parliament to Jorge Rodríguez in the National Assembly.
- Exactly one month later, on March 11, the Law of Communal Cities was approved in the National Assembly in the first discussion.

The laws passed in the first discussion, and what is known about laws such as Special Economic Zones, are generally unconstitutional:

- They are in direct contradiction with Article 136 of the Constitution regarding the distribution of public power, and they seek to empty municipalities and states of functionality, opening the possibility of approving or not budgets and of reassigning powers to the instances of the Communal State.

- This assignment of competences to the communal instances threatens the possibility of real execution of any concrete public policy. That is, by replacing the Municipality, the communal cities start to administer issues such as security, infrastructure, public services, which are Municipality¹⁸ competences, but which also require a specialized, professional and well-paid bureaucracy, as well as equipment, machinery and other resources necessary to provide these services. The idea of a certain self-provision of services is one of the unfeasible aspects on which the idea of the Communal State is built.
- This, in itself, constitutes the limit to the regime's vaunted possibility of self-government and the leading government¹⁹.
- In general, all these instances that by aggregation are forming the Communal State seem to indicate that it would seek to impose an assembly regime²⁰ designed so that the leader of the so-called Revolution accumulates more power, and to eliminate all intermediate institutions and organizations and the real participation mechanisms, while strengthening social control mechanisms.

18 Art. 17 of the project of the Organic Law of Communal Cities.

19 Allan Brewer-Carías, when referring to the Communal Cities Bill, affirms that the absence of mechanisms of election through universal, direct and secret suffrage of the communal city's organs spokespersons, obeys the same reason, ultimately seeking, in the name of a supposed "participatory and protagonist democracy," to put representative democracy at the local level at an end in Venezuela, as well as to any vestige of territorial political autonomy that is the essence of political decentralization and of participation (Brewer-Carías, Allan. *Comments on the Unconstitutional Project for the "Law of Communal Cities" or One More Step in the Deconstitutionalization of the State, Through its Demunicipalisation*).

20 As the one proposed for example in Omar Ghadafi's Green Book.

- They eliminate the right to universal, direct and secret vote, since voting is performed by show of hands.
- The Communal Parliament and its legislative powers, by aggregation, create four additional parliaments that finally make up the so-called Communal National Parliament, which is nothing more than a parallel parliament to the National Assembly provided for in the Constitution.
- They assign discretionary spaces of the National Territory.

What to watch out for after November 21, 2021?

Having verified the process of gradual dismantling of the Decentralized Federal State and in the face of this new advance proposed throughout 2021, it is prudent to point that any strategy of the Venezuelan opposition in the midst of a regional election and facing the possibility of governing in States and Municipalities should account for the possible consequences of the advancement of the Communal State. It remains to be seen whether those elections, which did not meet minimum electoral and political conditions, will help empower opposition leaders to occupy positions of power that facilitate a national change of the country. However, that leadership could be lost if the election does not really translate into an effective exercise of that power. This is a very concrete possibility, despite it being camouflaged, with the remodeling of the Communal State.

Regions and municipalities have a life of their own and, beyond the constraints that national dynamics necessarily impose, it always seems opportune to fight to improve government in the instances closest to the people. But, precisely because this is important, the powers and resources that are ultimately

available to exercise these sub-national governments cannot be underestimated.

Therefore, this text proposes to follow up on the next topics to observe the progress or retrogression of the Decentralized Federal State in the months after the election:

Budget: according to data from Professor Carlos Mascareño, and in the absence of official data on the national budget and its execution, the ratio between national and regional has been continuously decreasing from above 20% in 2009 to about 8% in 2018. The collapse of oil income, the fall in the country's GDP, the rebound in the Venezuelan diaspora, and the complex humanitarian emergency lead us to think this trend continued even until now. In the country, more than 65% of the municipalities cannot sustain themselves with their own production. Monitoring this proportion in the midst of official opacity is a priority. It is most likely the key variable. Electoral efforts will be of little use if as long as we lack the necessary resources to exercise political power.

Competences and legal aspects: The laws that are moving forward now in the de facto National Assembly provide, at least in the circulated versions, the transfer of power of governorships and mayors to the instances of the so-called People's Power. So, for example:

1. *Draft Organic Law of the National Communal Parliament:*

The so-called Communal State *Aggregation System* offers competences that would empty the capacities of the legislative bodies provided for in the Constitution and would enter into open competition with them, generating chaos in the assignment of responsibilities, budgets and competences and in the monitoring

that the comptrollers' offices could carry out regarding the execution of public spending, etc.

- The Communal Parliament abrogates powers that are broader than those that correspond to the legislative and municipal councils and even to the National Assembly.
- It provides that the National Communal Parliament may or may not approve the national budget and in some of the revised versions it would have powers in the security and defense policy of the Republic.

2. Draft Organic Law of Communal Cities:

We will need to observe mainly the extent to which the instances of the Communal Power absorb or not the powers of governors and mayors and whether they do so selectively in the states or municipalities governed by the opposition. The possibility of contracting, executing works, implementing programs, generating employment and ensuring citizen security -i.e. to carry out the competencies described in the Constitution- will be closely related to the probability that these subnational governments may contribute in improving citizens' quality of life and in achieving political change. Some items to keep in mind:

- Art. 1²¹: State of Justice, federal and decentralized vs. the Communal, Socialist and Bolivarian State.
- Art. 2: Scope of action in the executive, legislative, judicial, electoral, moral power and in the exercise of its sovereignty that may act in the political, economic, social, cultural, environmental and international spheres.

²¹ Draft Organic Law of Communal Cities

- Art. 3: Contributes to the process of re-founding the Bolivarian Republic of Venezuela as a cause that has the purpose of building a new institutionality based on this Law, where a new territorial political organization will emanate, a new system of administration and government that will result in a new social contract and the organs of a new state at the local level.

While these pages are being written, on November 23 and according to Official Gazette number 42,261, the government of Zulia state, won by Manuel Rosales, was stripped of its powers to administer tolls (including that of the Rafael Urdaneta Bridge) and airports (including La Chinita). Similarly, the next day, according to Official Gazette 42,262, in Cojedes state the governmental powers to administer the Ezequiel Zamora Airport had also been withdrawn²².

Furthermore, on December 2, Nicolás Maduro affirmed in an event in the state of Miranda that institutional power is to be handed over to the communes and communal councils, announcing their decentralization in order to be granted to the people for its direction and management.

These constitute serious antecedents for decentralization in the country, an illustration of the recentralizing trend of Nicolás Maduro's regime, and shows that it was necessary to fight for electoral as well as political conditions that make sub-local government possible.

²² Servicio Autónomo Imprenta Nacional and Gaceta Oficial. <http://spgo.in.imprentanacional.gob.ve/>

3. *Draft Organic Law of Special Economic Zones:*

It is of concern, among other things, that state legislative councils, municipal councils and citizens of areas subject to special economic zone status are not involved in decision-making regarding their creation.

- Art. 7: The creation of Special Economic Zones is an exclusive power of the President of the Republic, who will establish them by Decree.

Moreover, it will be necessary to observe the possible interventions to municipal or state police in the spaces governed by the opposition. In this same sense, it would be advisable to monitor the impact that the *Reform Law of the Decree with Rank, Value and Force of Law of the Statute of the Police Function* may have on the regional police, as well as the eventual approval of the *Organic Law Project of Quadrants of Peace*.

Protectors and political persecution: although in the months prior to the November 21 election Nicolás Maduro affirmed that the figure of state protectors would be eliminated., different regional interests and different factions of the dominant coalition could reverse this at any time.

The persecution of mayors, governors, deputies, councilors and other officials of the sub-local governments will have to be monitored. In the hours in which these lines are written, after November 21, 2021, there are already some elected councilors and mayors who have been harassed or persecuted²³. These events

²³ The elected mayor of the Arzobispo Chacón Municipality, Mérida, Omar Fernández was arrested on November 26 along with 3 members of the Liaison Commission. On November 26, 2021, the rector of the National Electoral Council Roberto Picón rejected the persecution, harassment and arbitrary detention of “some” mayors and councilors. <https://www.>

boosts any sense that the bet around participation might have had.

Everything indicated up to here considers the effects of the advance or retreat of the decentralized federal State. But there is a new variable used by the Nicolás Maduro regime to control the political evolution of the country, which is the promotion of pseudo-opposition groups that seek to divide the opposition vote. This, together with the dismantling of the decentralized federal state, makes it even more difficult for the country's political universe to enrich itself with regional leaders, as happened in the 1990s.

Keeping reconstruction in mind, the flag must be the decentralized federal state and the absolute dismantling of the so-called Communal State and all its instances. We must rethink the Federal Council of Government, so that it is really at the command of decentralization; of the multiplication of the magnitude of the funds earmarked for interterritorial compensation; the reestablishment of a minimum and not a maximum of national budget to be invested in the regions; the promotion of the State Public Finance Law; the advancement towards schemes that allow larger portions of tax revenue to remain in the regions; progress in municipal oil taxation; the construction of mechanisms so that states and municipalities can efficiently request and assume more powers in services, roads, transportation and communications; the exploration of the possibility of decentralizing the justice system; the provision of greater depth to the powers of the legislative councils; the recuperation of parochial boards to attend sub-local problems in each municipality; the recognition of neighborhood associations and other forms of neighborhood organization;

elnacional.com/venezuela/roberto-picon-rechazo-la-persecucion-y-detencion-arbitraria-de-alcaldes-y-concejales-electos-el-21n/

the creation of the possibility of public-private partnerships to improve citizens experience, among many other policies that can help rebuild decentralization and improve the quality of life throughout the territory²⁴.

In future Venezuela, recomposing the idea and functionality of the decentralized Federal State can become one of the elements that speeds the reconstruction of the State apparatus and improves the quality of life of Venezuelans more quickly.

24 Márquez, Trino. *La Descentralización en la Reconstrucción de la Democracia*. CEDICE. 2016

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