

Juan Miguel Matheus: “Political change in Venezuela points to two tasks that must move forward in parallel: achieving democracy and rebuilding the state's capacities”

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Currently, some Political Science scholars agree that a potential democratic transition in Venezuela would resemble more the case studies of African countries than the well-known democratization episodes of the final two decades of 20th-century Latin America. The main reason for this lies –besides the sophistication of autocracies in today's times– in the state's ability or inability to sustain democracy. A state stripped of capacities is not capable of maintaining democracy. With this context in mind, we spoke with Juan Miguel Matheus about the Venezuelan state's situation and its democratic prospects.

–In two words: how would you describe the current situation of the Venezuelan state?

Much more than two words are needed to address this question, the answer of which is central to Venezuela's democratic future. I sense that you are prompting me to say that Venezuela is a failed state. Well, yes, it is. I believe that no sensible person could deny it. But those two words –failed state– need to be given meaning through the reality of the situation to reinforce the idea that this problem is not just a theoretical issue, but an eminently practical one: Venezuelans must rebuild our state to achieve one of the ethical preconditions that make possible both the realization of the common good and the relevancy of democracy. Without a robust state that serves the citizens, there is no principle of authority that can order social relations according to justice and guide them toward peace; and without a robust state, it is not possible to provide institutional support for constitutional democracy.

Why do we say it is a failed state? Because it has lost all (or almost all) of its capabilities. This seems somewhat contradictory to the Maduro regime's rigid and harsh autocratic nature. It is incapable of exercising the competencies granted by the Constitution and the rest of the legal system, and public powers are in a state of autocratic subjection. It is unable to fully exercise territorial sovereignty or control the vast national territory, which is constantly threatened by common crime, organized crime, and elements linked to international terrorism. It is incapable of representing the Republic in the concert of free nations, limiting itself to strengthening autocratic solidarity with the world's dictatorial powers: Russia, China, Iran, North Korea, Cuba, Nicaragua, etc. It is incapable of responding to the structural

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demands of a destroyed economy, collapsed public services, and social rights that are non-existent to citizens. Finally, it is incapable of safeguarding human dignity as a radical and ultimate limit to all state powers, having instead become a machine for human rights violations, as fully demonstrated by the United Nations Independent Fact-Finding Mission, the Inter-American Commission on Human Rights, non-governmental organizations, and human rights defenders.

We have, then, a failed state characterized –one could say– by an institutional deficit, a territorial sovereignty deficit, an international representation deficit, a service deficit, and a deficit in the protection of human rights.

Venezuelans have ahead of us the task of political change, which must begin with the presidential elections on July 28, 2024, in which Edmundo González Urrutia has emerged victorious. This political change points to two tasks that must move forward in parallel: achieving democracy and, at the same time, rebuilding the state's capacities. Or, put another way: we must immediately begin what is known in social sciences as State Building to pave the way for an institutional consolidation of democracy. Otherwise, if we do not start state rebuilding and do not materialize it as quickly as possible, we run the risk of an autocratic regression. And we would have to sadly say that we did not learn the lessons of all these years of Chavismo-Madurismo.

–For years, the term 'failed state' has become popular as a concept to describe the institutional situation of countries like Venezuela and Mexico, for example. In articles for Democratización, Paola Bautista de Alemán has used the term 'gangster state.' Do you think these terms accurately

describe the Venezuelan context? Do they add anything to the diagnosis of the Venezuelan state?

Yes, it adds. In the magical realism that we Venezuelans live in –and I ask that the term be understood in a good way– we not only have a failed state but also a gangster state. Or, to be more precise, we are witnessing an autocratic regime of a *sui generis* nature, framed within a state circumstance that is both failed and gangster-like.

I have already referred to the failed aspect. As for the gangster aspect, it is worth clarifying that the Venezuelan autocratic entrenchment far exceeds kleptocracy, which is the category used in Political Science to refer to systems defined by administrative corruption. Such is the case of countries in the former Soviet Union, Africa, and Southeast Asia. In the Venezuelan case, administrative corruption is a terrible affliction, but what is most decisive is that organized crime has become intertwined with the State and key positions of power. A demonstration of this is the so-called ‘narco-nephews,’ convicted in the United States for drug trafficking offenses. And perhaps the most eloquent fact is that Nicolás Maduro (president), Diosdado Cabello (number two of the ruling party), Maikel Moreno (former president of the Supreme Court of Justice), Tarek El Aissami (former vice president of the economy sector), and Vladimir Padrino López (minister of Defense) have received indictments from the U.S. Department of Justice for crimes related to drug trafficking and terrorism. In other words, the ‘high command’ of the revolution is internationally prosecutable due to its links with organized crime. This turns the Venezuelan state into a criminal theater and, at the same time, a refuge for criminal activities. Organized crime governs the Venezuelan state and also serves as its last bastion, a source of real power.

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But more must be said. Organized crime is the most important reason the Venezuelan state suffers from the aforementioned deficit of territorial sovereignty. The monopoly on violence apparatus, including the National Armed Forces, fails to dismantle the organized crime empires that control large portions of the national territory with impunity, especially in rich mining enclaves and along border areas.

This entire situation leads to some practical considerations. First, State Building in the Venezuelan case is, at its core, an aspiration to defeat organized crime. Without achieving this, ungovernability would be the order of the day, even in a scenario of catalyzed political change. The second is that a potential democratic inauguration (the inauguration of Edmundo González on January 10, 2025) must necessarily lead to a strategic alliance with countries in the region (USA, Colombia, Brazil) to pool efforts in defeating organized crime and rescuing Venezuela's territorial sovereignty. And the third, no less important for political stability and the consolidation of democracy, is that prudent mechanisms for negotiation and transitional justice will have to be established to allow for accommodations in accordance with the Constitution and without impunity to ensure democratizing incentives and guarantees for individuals linked to organized crime who currently hold power in Venezuela.

–For you, then, what are the pillars of the reconstruction of the Venezuelan State?

In recent years, I have intellectually focused on, so to speak, an intersection between Law and Political Science: *Constitutional Law of democratization*. This is the study of the legal frameworks that, with constitutional rank, serve as a channel for successful

processes of political change and democratic consolidation. In this sense, what both history and comparative politics teach us about these processes is something we can call the five 'c's: change, Constitution, concord, center, and consensus..

Now, everything mentioned above must be addressed and considered with realism. A necessary precondition for the advent of the constitutional state is the democratizing political change. Only by defeating autocratic regimes do societies, under a kind of civic intuition, organize human coexistence around the Constitution, concord, center, and consensus. It is like a prodigy of the collective psychology of a people who aspire to overcome their autocratic traumas to live in justice under the previously described premises, and which, moreover, should commit generation after generation to make the permanence of democracy possible.

In the Venezuelan case, we can bring up as an example of the five "c" the spirit of the Puntofijo Pact, which allowed forty years of civil and democratic liberties, unfortunately lost with the rise to power of Hugo Chávez Frías. And, I have no doubt, this is what will emerge after the victory of Edmundo González Urrutia on July 28, 2024, and his effective inauguration as President of the Republic on January 10, 2025, at the Federal Legislative Palace.

–Imagine that the democratizing political change occurs and the other four "c" you have referred to appear on the Venezuelan horizon. What are the first concrete tasks for rebuilding the state and ensuring constitutional democracy?

You put me in the not-so-easy position of suddenly grounding the thesis of the 'c's into concrete tasks for the Venezuelan case. And I think that's fine because it gives a more practical direction

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to this interview, as we definitely need to rebuild the state and secure constitutional democracy. This reminds me –drawing a comparison, of course– of the famous Bayeux speech delivered by Charles De Gaulle after the end of World War II, where he referred to the ‘reappearance of the French State’ for national reconstruction.

–Do we need to talk about the reappearance of the Venezuelan State?

Exactly. In our case, it is about the reappearance of the Venezuelan State for national reconstruction. A state that serves the democratic freedom of the people who expressed their will for change in the primary election of October 22, 2023, and that reaffirmed their desire for political change in the presidential elections of July 28, 2024.

In this regard, I will refer to three specific tasks.

Although it may seem obvious, the first is that political actors must determine which constitutional text should guide Venezuelan democratization. In my opinion, it should be the Constitution of 1999, without reforms or amendments, and we should avoid the temptation of thinking about a Constituent Assembly to draft a new fundamental pact. Constitutional reforms or amendments should be postponed until democracy is fully consolidated, for future generations. And why the Constitution of 1999? For several reasons: (i) it has sufficient democratizing resources, (ii) entering into processes of constitutional mutation would waste the civic energy of the Venezuelan people on discussions and divisions that could move us away from the main goal of implementing a transitional government and consolidating democracy, (iii) this

Constitution is, at the same time, a pedagogical and historical memory that reminds us of what we Venezuelans have been capable of and what mistakes we must never repeat, and finally, because (iv) this fundamental text is a symbol that may better allow the integration or democratic purification of remnants of the chavista-madurista elites.

The second task is the constitutional integration of the National Armed Forces into the process of state reconstruction and democratic assurance. Notice that I use the adjective 'constitutional,' meaning that the functioning of the National Armed Forces must be in line with Article 328 of the Constitution. As I mentioned earlier, the Venezuelan state has a deficit of territorial sovereignty. This is due to the convergence of three factors in the territory of the Republic: organized crime, international terrorism, and interventionist figures from the world's autocracies (Russians, Iranians, Cubans, etc.). To rebuild the state and ensure democracy, these three factors must be removed from the national territory, which is only possible with the actions of a National Armed Forces that adhere to the Constitution and have the strategic and geopolitical cooperation –as I also mentioned before– of the United States of America, Brazil, and Colombia.

–Forgive me for interrupting you, but it seems to me that such a role for the National Armed Forces could entail militaristic risks...

You are right. That's why at this point, one more word must be said on the matter. The integration of the National Armed Forces into the democratization of Venezuela is a delicate intricacy, which will require a perfect balance: on one hand, the military must be part of sustaining the new order of freedoms; but on the

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other hand, they must be prevented from having new autocratic appetites that could compromise democracy. For this, the renewal of our military culture and education will be key.

–Continue, please. What is the third task in that State Building task?

The third task I want to refer to is the reinstitutionalization of the public powers that make up the State, that is, the re-legitimization of the national powers after January 10, 2025. For this, the role of the next Legislature of the National Assembly will be central. Once the constitutional assumption of office by Edmundo González Urrutia becomes possible, it will be crucial to promote early parliamentary elections, as soon as possible in 2025, so that the National Assembly genuinely represents the democratizing aspirations of the Venezuelan people and appoints the new magistrates of the Supreme Court of Justice, the rectors of the National Electoral Council, and the heads of the Citizen Power organs. This is about implementing once and for all the institutional arsenal of the 1999 Constitution, with the system of separation of powers it contains and under the logic of checks and balances, which has been absent in Venezuela since 1999.

–No other tasks to mention?

Of course. There will be other tasks to undertake that I will not dwell on at this moment, such as renewing the organs of state and municipal public power, strengthening the party system, implementing a social market economy model that reduces poverty and inequalities, and developing a so-called transformative justice system for managing historical memory

and national reconciliation, among others. I am optimistic about all of this.

–Finally, what guarantees can we Venezuelans give ourselves to ensure that the future institutions of the State and constitutional democracy endure over time?

Virtue. Civic virtue. Beyond norms and constitutional designs, the key lies in the firm determination of the elites and the citizenry to live in a democracy under a functional and capable State that respects human rights. This is what the German doctrine of Constitutional Law calls the ‘immanent guarantee,’ that is, the will and commitment of a people to live democratically within the limits established by the Constitution itself.

–But we are not German... what is realistic for Venezuela?

That is true. We are not Germans, nor do we want to be. But we will have to achieve our own local ‘immanent guarantee.’ In our case, the huge task of rebuilding the state is looming. And that has been the focus of this interview. However, there are also tasks ahead regarding the renewal of political culture and the healing of the anthropological damage caused by twenty-five years of autocracy in the soul of the Venezuelans. I am sure that the suffering accumulated over all these years will not be in vain and will transform into democratic capital projected throughout the coming decades...