

# Democratization



Year 4, Issue 20

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of the nation at the end of the century

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# From representative democracy to communal power: political fragmentation as a strategy for the deconstruction of the democratic State in Venezuela

María Isabel Puerta

## **Political-normative bases of participatory democracy**

With the Constitution of the Bolivarian Republic of Venezuela (CRBV), the concept of participatory democracy was introduced to replace the representativeness that until then characterized the political model in Venezuela. Its incorporation reflected the aspiration of Hugo Chávez's political project to "refound a democratic, participatory and leading society", as stated in the preamble of the 1999 Constitution. This incorporation represents a change in the conception of democracy, as it considers other forms of direct expression of sovereignty that also needed a set of laws for its development, anticipating the transformations of a political, economic, social, educational and cultural nature that

would come, with the transversalization of the constitution by the principle of participation<sup>1</sup>.

The transition of the 1961 Constitution, which in article 3 stated that *"the government of the Republic of Venezuela is and will always be democratic, representative, responsible and alternative"*, gave way to the 1999 Constitution, which states in its 5th article that *"sovereignty resides non-transferably in the people, who exercise it directly in the manner provided for in this Constitution and the law, and indirectly, through suffrage, by the bodies that exercise Public Power"*.

The aspiration to deepen democracy was justified by incorporating the participation and leading role of society in political leadership in the evolution of a model of democracy that, as a transition from the authoritarian model of the early twentieth century in Venezuela, assumed the right to vote as its expansion, seeking to reduce the gap between the leaders and the people as sovereign<sup>2</sup> but that with time and not only institutional but also social development, it became insufficient.

The 1999 Constitution incorporated the notion of participation, extending the idea traditionally associated with democracy without eluding representativeness by retaining legislative bodies. This constitution provides an account of instruments that not only give the people a more significant role in public decision-making but also provide them with tools with which they can

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- 1 Combellas, Ricardo. "Representación versus participación en la constitución de la República Bolivariana de Venezuela. Análisis de un falso dilema". Chapter of the book: *El Sistema Político en la constitución Bolivariana de Venezuela*, 67-81. Valencia, España: Tirant Lo Blanch, 2006..
  - 2 Rojas, Reinaldo. "De la democracia representativa a la democracia participativa y protagónica" (*Seminario Venezuela and the Caribbean: Crisis and Integration*. Centre for Latin America and the Caribbean, West Indies University, 2002).

control parliamentary management, such as accountability, a control mechanism for decision-making for the protection of the popular will of which they are leaders.

The political model developed from this leading and participatory conception of democracy rests on a set of laws implemented over the last two decades. From the Constitution of 1999, the preparation of a complex legal framework on which popular power would be built began. This is, thus, the case of an incremental model of institutional change that was not present in the initial proposal of the then-candidate Hugo Chávez in 1998<sup>3</sup>.

### **From participatory and protagonist democracy to the Socialist Revolution of the XXI Century and the communal State: a characterization of the revolutionary political project**

The notion of participatory and protagonist democracy has accompanied the discourse and political actions of Chavismo since it came to power in Venezuela. However, that aspiration would take a turn with the so-called revolution by adopting the banner of Socialism of the 21st Century, which, as López Maya points out<sup>4</sup>, altered *“the direction of the country towards a political project different from the one conceived by the CRBV 1999”*, even though the dissident currents of Chavismo itself argue that *“popular power was the cornerstone of the Bolivarian revolution”*<sup>5</sup>. Now, despite the efforts to consolidate it, towards the end of his

3 López Maya, Margarita, “Socialismo y comunas en Venezuela”, *Nueva Sociedad* (Nueva Sociedad, April 16, 2018), <https://nuso.org/articulo/socialismo-y-comunas-en-venezuela/>, 59.

4 López Maya, Margarita, *El Ocaso Del Chavismo*, vol. 124 (Caracas, Venezuela: Editorial Alfa, 2016), 105.

5 García-Guadilla, María Pilar, and Castro, Ulises, “¿Logrará Sobrevivir El Poder Popular?”, *NACLA* (NACLA, March 11, 2022), <https://nacla.org/comunas-poder-popular-venezuela>, 1.

third term, Chávez's concern was the lack of deepening of the revolution given the failures in consolidating the *communal State*<sup>6</sup>.

With the argument of the representation of the people, in Venezuela, there has been a process of institutional transformation from the convening of a Constituent National Assembly (1999) producing a new constitution that later, through a constitutional amendment (2009), which introduced greater changes that would end up modifying the conditions for the exercise of power in Venezuela. Both the horizontal and vertical exercise of power have been distorted, with the control exercised by the National Executive over the rest of the public powers<sup>7</sup>, as well as a progressive weakening of participation, more recently in the framework of the promotion of the *communal State*<sup>8</sup>.

The discourse from the ruling party promoted instances and instruments for strengthening participation. While parallel to its deployment of public policies, these evidenced the deepening of control by the central power. It is enough to inquire about the institutional framework that promotes this parallel State, constituted by the system of missions, in which D'Elia identifies four impacts<sup>9</sup>:

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- 6 Puerta Riera, María Isabel, "Indicadores de democratización en los Consejos Comunes. Caso de estudio: estado Carabobo," in *Indicadores de democratización en los Consejos Comunes. Caso de estudio: estado Carabobo*. (Universidad Central de Venezuela, 2013).
  - 7 Human Rights Watch, ed., "Una década de Chávez," Human Rights Watch (Human Rights Watch, September 12, 2017), <https://www.hrw.org/es/report/2008/09/18/una-decada-de-chavez/intolerancia-politica-y-oportunidades-perdidas-para-el>.
  - 8 Puerta Riera, María Isabel, "Democracia en transición: caracterización de la democracia venezolana en el período 1999-2013," in *Democracia en transición: caracterización de la democracia venezolana en el período 1999-2013*, 2013.
  - 9 Yolanda D'Elia, *Las misiones sociales en Venezuela: una aproximación a su comprensión y análisis*, 1ra ed. (Caracas, Venezuela: ILDIS, 2006), 212.

- a) Social impact: inclusion and social equality
- b) Political impact: participatory and leading democracy
- c) Institutional impact: changes in the vision of the State and the role of institutions.
- d) Cultural impact: changes in values, identities and behaviors.

The purpose was to underpin an ideological platform with *political* and *institutional* impacts, to later strengthen the revolutionary political project through *social* and *cultural* effects. This strategy responded to the need to replace the Bureaucratic State and prepare the ground for the consolidation of the *Revolutionary State*, all supported by PDVSA, whose contributions contributed to financing the implementation of the system, promoting the creation of organizations and financing entities characterized by opacity on their operation, as they are not subject to legal-institutional control<sup>10</sup>. This strategy led to the loss of its initial momentum, going from being a mechanism of attention and inclusion, which would close the political and economic gap, to being an instrument of political, social and institutional control for the deepening of the revolution<sup>11</sup>.

The development of the *revolutionary* proposal has continued its aspiration to consolidate *People's Power*, the name by which the package of organic laws passed in December 2010 is known. After the loss of the ruling party majority in the legislative elections,

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10 Cabezas, Luis Francisco, and D'Elia, Yolanda, "*La Política Social en Venezuela*" (ILDIS, July 2008), <https://library.fes.de/opus4/frontdoor/index/index/docId/11681>, 10.

11 Cabezas, Luis Francisco, and D'Elia, Yolanda, "*La Política Social en Venezuela*" (ILDIS, July 2008), <https://library.fes.de/opus4/frontdoor/index/index/docId/11681>, 14.

the assembly sanctioned the following legal instruments: Law of People's Power, Law of Communes, Law of the Communal Economic System, Law of Public and Communal Planning and Social Comptrollership. Within the so-called *communal State* built on the notion of People's Power, the reform of the Organic Law of Municipal Public Power was included, as well as the Laws of the State Councils for Planning and Coordination of Public Policies and of the Local Councils of Public Planning<sup>12</sup>.

The progressive dismantling of democratic institutions had resisted the authoritarian advance with the opposition's victory in the 2015 legislative elections, while the Attorney General's Office, the National Electoral Council and the Supreme Court of Justice continued to fuel the erosion of the institutionality of the country. The Supreme Court continues to be one of the most discredited institutions in the country, as it is a tool that the regime has not hesitated to use to advance in the consolidation of an authoritarian system where the dominant faction eliminates any challenge to its power. The convocation of the Constituent National Assembly in 2017 reminded society that the regime not only controls the narrative but also has no limits to the authoritarian exercise of power.

The approval -under questionable circumstances- of the Constituent National Assembly in 2017 renewed the expectations of People's Power, approving in April 2019 the Constituent Law of the Homeland Plan (Plan de la Patria) as a legislative framework

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12 Brewer-Carías Allan R., "La inconstitucional creación de un «estado comunal del poder popular» en Venezuela y la desconstitucionalización del Estado de derecho," [allanbrewercarias.com](https://allanbrewercarias.com) (Allan Brewer-Carías, September 14, 2011), <https://allanbrewercarias.com/wp-content/uploads/2011/09/1088-1035..-Brewer.-LA-CREACI%C3%93N-DEL-ESTADO-COMUNAL-Y-LA-DESCONSTITUCIONALIZACI%C3%93N-DEL-ESTADO-DE-DERECHO-EN-VENE.pdf>.



to advance its implementation. However, it was not until 2021 that the National Assembly, with an official majority, approved the Organic Law of Communal Cities and the Organic Law of the Communal Parliament in their first discussion, reintroducing the debate on the communal State. Although the objectives of consolidating the communal State have not been fully achieved, it remains a threat that is used strategically and that has also managed to advance in the institutional erosion as an instrument of the parallel State<sup>13</sup>, making traditional political decision-making and representation structures increasingly irrelevant, both because of financial suffocation and the ability to allocate the very scarce resources that the central government grants to them.

This behavior of progressive deinstitutionalization has been vital for the national government to consolidate a system free of institutional controls, fundamental in the arbitrary exercise of power to achieve higher political objectives such as its preservation. Alternation has been replaced by persistence thanks to institutions moved by the same interests as the Executive, which publicly declare their adherence to the Bolivarian political project<sup>14</sup>, thereby limiting plural representation and collective participation as they are subject to the political control of the ruling party.

The critical situation post-Chavismo Venezuela is going through represents an enormous setback, not only politically

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13 Casal, Jesús María, “¿Qué Implica El Relanzamiento Del Estado Comunal?”, Prodavinci (Prodavinci, August 9, 2021), <https://prodavinci.com/que-implica-el-relanzamiento-del-estado-comunal/>.

14 “General aclara postura pro-gobierno de la Fuerza Armada,” *Voz de América* (Voz de América, July 15, 2014), <https://www.vozdeamerica.com/a/venezuela-rumores-golpe-militares-politica-wilmer-padrino-nicolas-maduro/1957129.html>.

and economically but, above all, socially. A country that, having been one of the primary oil producers in the world and that for decades had one of the most stable democracies in Latin America, is plunged into a deep crisis that continues to threaten the region's stability. The United Nations has recognized that there are "remains" of democracy to save. Meanwhile, the country continues to be a victim of the disregard of the constitutional order (with the creation of parallel organizations, such as the Constituent National Assembly and the communal State), as our democratic institutions and procedures are undermined, taking away autonomy from political subjects, its citizens, preventing the democratic exercise of the election of their government.

### **Final reflections: popular power and authoritarian consolidation**

The *Socialist Revolution of the 21st Century* proposed to bring participatory democracy to sectors that had historically remained excluded during more than forty years of democracy. Hugo Chávez's rise to power meant the abandonment of bipartisanship after a long crisis that dragged down not only the political parties and the status quo but also the political system itself, to the point that it was within his elite that Chávez found political and financial support for his electoral candidacy in 1998. The dismantling of representative democracy was necessary to allow participatory democracy to replace it. However, Chavismo chose to build its political structure on the existing institutional foundations, thus feeding a *hyperbureaucratized* system that would inevitably lead to the creation of a parallel state. This alternative institutionality exacerbated the clientelism, cronyism and corruption that already existed but which were necessary to undermine democratic institutions and force dependency towards a new institutionality

to redistribute income, only with new political, economic and social actors who would become the new elites.

This process of institutional change began with the *Plan Bolívar 2000*<sup>15</sup>, a social intervention program carried out by the military that would inaugurate the close link with civilians, extending throughout the state bureaucracy. With broad participation in key political decision-making, the military institution assumed responsibilities for its implementation with the justification of providing relief to the country's crisis<sup>16</sup>. This has been a recurrent argument throughout the construction of the new revolutionary institutions, a constant allusion to the emergency, to the temporary or transitory, to introduce authoritarian mechanisms of a permanent nature.

The road to an authoritarian regime, following the definition of Mainwaring and Pérez Liñán<sup>17</sup> would have been impossible without the participation of the Armed Forces. Their role has been central to the advancement of the Chavista authoritarian model. However, the dismantling of the institutional framework for democracy has been the responsibility of both Hugo Chávez, who built his political project taking advantage of the weaknesses of the system that he tried to overthrow with the 1992 coup, and Nicolás Maduro, executor of his political will. In any case, military institutions have served as support by getting involved in dismantling democratic institutions first, to later serve as support in the imposition of the new institutions as a repressive

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15 Trinkunas, Harold, "The Military. From Marginalization to Center Stage," in *The Unraveling of Representative Democracy in Venezuela* (Baltimore: Johns Hopkins University Press, 2008), 51.

16 [http://www.poderopedia.org/ve/organizaciones/Plan\\_Bolivar\\_2000](http://www.poderopedia.org/ve/organizaciones/Plan_Bolivar_2000)

17 Mainwaring, Scott and Pérez-Liñán Anibal, *Democracies and Dictatorships in Latin America: Emergence, Survival, and Fall* (Cambridge: Cambridge University Press, 2014), 114.

apparatus. Finding himself with a set of weakened institutions that showed clear signs of exhaustion, in addition to the pressure of a frustrated middle class that cut ties with the political elite and the system in charge of consolidating democracy, Chávez set out to dismantle not only said system but the very idea of the republic. The new communal institutionality aspires to get rid of the representative institutions and political control, disregarding the separation of powers and the system of checks and balances, through an assembly system controlled by the National Executive without the mediation or control of other autonomous bodies. The danger of political-institutional fragmentation is that it can easily become a vehicle towards anarchy, facilitating the inevitable consolidation of an autocratic regime.

Finally, and recognizing the authoritarian nature of this political dynamic, preserving the spaces of democratic representation indicated by the 1999 Constitution itself is a permanent task. Political disaffection must be combated with the determined demand for a plural and democratic representation in the face of the advancement of a political model that ignores the mechanisms of representation and participation (individual and collective). However, this defense cannot rest exclusively on political parties or civil society. Coordination between both actors is necessary to face the (final?) onslaught of the communal State, which has become an instrument of punishment when political power feels threatened by the capacity for articulation between the population (the repetition of the election in Barinas can be an indicator). The task of organizing and growing in the search for greater associativity is possibly the scenario most feared by authoritarian regimes, hence their effort to break and fragment democratic actors and their agenda.