

Jesús María Casal: “People want to vote, and we must never lose sight of that”

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October 22, 2023. Primary election of the Venezuelan opposition. The people went out and voted. At the end of the day, there were 2,440,415 participants, and María Corina Machado was elected with 92.35% of the votes cast. It was a citizen event that brought together all democratic sectors of Venezuela. And, against all odds, it was a milestone that allowed for the integration of the impulses of freedom that abound in our country and to have an undisputed leadership for this year's (2024) presidential elections.

Jesús María Casal played a fundamental role in this process. He chaired the National Primary Commission and led it to a successful conclusion. He is from Caracas. He is 58 years old and holds a doctorate in Constitutional Law. He is the dean of the Faculty of Law at the Andrés Bello Catholic University and has completed academic courses at world-renowned institutions such as the Max Planck Institute for Comparative Public Law and International Law.

His tone of voice is low. He speaks slowly, and his analyses are moderate. His conversations are grounded in reality and lack any exaggerated gestures or expressions. In this interview, we delve into his work leading the National Primary Commission and reflect on its achievements. Jesús María Casal recalls the recent past with calmness and looks to the future with caution. He is not one for triumphalism, and his testimony reminds us that the real challenge is to persevere.

–For decades, Venezuelans have been living in a hostile environment. Undoubtedly, leading democratization initiatives can be challenging. How did you come to preside over the National Primary Commission?

In 2022, *Plataforma Unitaria* was preparing regulations for the presidential primary election the following year and was looking for people to work on that. They were seeking individuals with a different profile: representatives of civil society. I participated in some initial meetings, but no proposal was made to me. Some time later, they did make me a proposal. I thought about it and accepted. I had recently returned to Venezuela after spending three years on an academic course in Germany, and when one is abroad, the desire to help grows. Furthermore, I am convinced of the importance of positioning ourselves in the electoral path. That is why I accepted the challenge and moved forward with this work.

–How was the process of creating the National Primary Commission?

The process of creating the Commission was led by *Plataforma Unitaria*. They issued a public call to civil society organizations

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to submit their names for consideration. After the nomination period, consultations were conducted, and members were subsequently selected. Thus, a Commission of individuals who were not affiliated with political parties was formed. The National Primary Commission was installed on November 15, 2022.

–In Venezuela, the relationship between political parties and civil society is wary. How did the National Primary Commission manage to gain the trust of a broad and fragmented opposition political spectrum?

From the beginning, we understood that our mandate was to earn everyone's trust. That's what *Plataforma Unitaria* expected. Those who appointed us insisted that our task was to transcend political parties and place the process in the hands of civil society. Therefore, we saw clearly that this had to be a different process.

The first thing we did was initiate a period of consultations. This action was not originally part of the roadmap. However, we did it to gain legitimacy with the country. We met with all civil and political organizations in the country, both within and outside *Plataforma Unitaria*. In fact, we prioritized those who were not part of it. It was a process that enriched our work and helped us build trust with everyone, without distinction.

–You even met with individuals and organizations of dubious opposition credentials...

Yes, we were contacted and met with individuals whose opposition affiliation we couldn't really determine. Nonetheless, it was only logical to engage with them. We consistently upheld that the consultation phase remained open, and deviating from that principle was not an option.

–Why was there such an insistence on that commitment to openness from the Commission?

We stated that this process had to be different. And the consultations provided the space to understand and clarify what ‘being different’ meant. We were obliged to listen to every group, even those that were very small and had little representation capacity. That sign of openness was necessary, and I believe it benefited the process. During those days, we gained identity, allowing us to present our first assessment to the country on December 12, 2022, where we presented the roadmap we followed in the following months.

–In contexts like ours, there is a tendency to sacrifice pluralism due to the risks it may bring. Faced with this dilemma, you decided to be open: At this moment, what lesson can that stance offer the country?

In our case, openness was very positive. We welcomed everyone, and overall, everyone was loyal to the process. It wasn’t an easy decision, but I believe it was the most appropriate one.

–How was your relationship with the National Electoral Council?

I couldn’t describe it as bad. The meetings were institutional and within a framework of respect. We were close to reaching an agreement, but it wasn’t achieved.

–Why was no agreement reached?

The main obstacle was disqualifications. That was the point that halted the negotiation. Our stance, which arose from the

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consultation period I mentioned earlier, was that all candidacies had to be respected. The National Electoral Council held a different opinion. And, considering what has happened since then, that was the main barrier to reaching an agreement. That's why the primaries were self-managed.

–You are a man of laws brought into the realm of politics: Where is the boundary between the legal and the political?

Previous experiences helped me see that boundary: My work at the Fermín Toro Institute, alongside Dr. Ramón Guillermo Aveledo, and my involvement in parliamentary work, as legal consultant to the National Assembly in 2016. That prepared me to take on this challenge. Those years helped me gain trust with the various opposition political organizations. I believe it's crucial to differentiate the role of an advisor from that of a politician. I am cautious and do not rely on legal arguments to impose my political position. All of this helped me gain trust. It was understood that I acted seeking a common good.

–Rafael Arraiz Lucca resigned from the National Primary Commission on June 27, 2023, and a month later, María Carolina Uzcátegui did the same. How were these resignations received?

These resignations affected our work. I respect personal decisions, but these actions coincided with a narrative that said that carrying out the self-managed primary was impossible. It was claimed that overcoming the operational challenges, which were not few, was unfeasible. Undoubtedly, there were many difficulties. However, at that moment, we saw the citizens' enthusiasm, the commitment of the members of the Regional Boards, and the party bases. That commitment was significant and was evident on

many occasions. Even when some organizations publicly stated that the primary wouldn't be possible, their bases reached out to us to assure us of their support.

On the other hand, the technical teams were working very well. There were meetings until late at night to reach agreements on the locations for the polling stations. Sometimes the search engine would get blocked, and we had to unblock it. We found a solution to every problem. We experienced very difficult moments. Perhaps the toughest were the threats against the members of the Regional Boards. All of this was to ensure that we would be ready by October 22 and that Venezuelans could vote.

In the end, we decided to bring in Mildred Camero to fill the vice presidency vacancy. We acted quickly to avoid delaying the process. We had little time, and we decided to move forward.

—I would like to emphasize the positive. You speak of 'the citizen's enthusiasm' After 25 years of Chavismo-Madurismo and all the obstacles you have described: Where does that enthusiasm come from?

I believe that this enthusiasm is sustained by the vast electoral citizenship in our country. Electoral democracy is ingrained in the people. Despite all that we have experienced and the institutional blockades, people want to vote. In 2023, the country was in an electoral drought, and when they saw the opportunity, they went out to exercise their right. That's why I believe we achieved a major objective, one we had set from the beginning: repositioning the electoral path. We managed to place the electoral path at the center of the political debate. I am aware of the difficulties of the context that shape this path; undoubtedly, it is and will be challenging. But people want to vote, and we must never lose sight of that.

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–There are two versions regarding the primaries. One suggests that the primary was held despite the political parties, and the other proposes that it was done thanks to the effort of its members. Which narrative is more in line with what you saw and experienced?

Without a doubt, both things. Political parties were involved. The only way to identify polling stations and employ the proper electoral dynamics was with the support of the political party structures. Similarly, the commitment of the people was irreplaceable. One-third of the polling stations were in family homes. The support of *Plataforma Unitaria* was very important. And the support of the citizens was also crucial.

–Tensions increased as the election day approached. The threat of suspending the process through a ruling from the Supreme Court of Justice was casting a shadow. And amid this uncertainty, the political Barbados agreement was signed. In your opinion, what relationship exists between this agreement and the primary election on October 22nd?

Hubo muchas amenazas y había temores, como la sentencia del Tribunal Supremo de Justicia. When Barbados was signed, the process was well advanced. Including in that agreement the allowance for political organizations to choose their candidacy helped realize the primary election. We perceived it as something positive, and the primary election was carried out.

–The dictatorship had institutional and coercive tools to stop the primary election from taking place. Why didn't it stop it? Why did they allow it to happen?

It's a question I've asked myself. The primary was a civic, peaceful, and constitutional act. It was a process for the country to choose a unitary candidate and to start reclaiming the electoral path. It was a democratic event.

–After the primary, the National Primary Commission faced persecution. The Supreme Court of Justice issued a ruling, and days of tension followed. Did you foresee this?

I didn't expect it. I thought it could happen before holding the primary election, but not afterward. That's where the importance of the Barbados agreement became evident. It served to contain some impulses and overcome the threats.

–When this conversation began, you referred to the importance of the electoral path. In recent weeks, we have seen the institutional blockade reaffirmed, especially concerning the disqualification of the candidate who won the primary. Do you believe an electoral solution is possible? Is it truly achievable?

I believe it is possible, and it requires actions from both sides. The essential thing is for both parties to do their part. The opposition must do everything in its power to keep the electoral path clear. Certainly, the conditions are difficult and will not be ideal. But we must seek acceptable conditions to have minimal competitiveness: international observation, restoration of political rights, etc. We must make every effort to achieve that. I don't think it will be easy. But we must persist and not abandon those efforts.

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–How would you like the country to remember the primary?

Sometimes, I'm with my wife somewhere, and people I don't know come up to me to thank me for the effort of these months and to tell me that they have regained hope in the country. We must ask ourselves how to prevent that hope for change from fading again. Certainly, our despair is not arbitrary and has its reasons. We have suffered a lot. But I believe that reflection on hope is important and transcendent. Hope and the electoral path... I think that was the primary election.