

The Venezuelan Crisis: Maduro's Regime Legitimacy and Potential Outcomes

Written by Italo Beltrão Sposito and Fernando Jose Ludwig

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Increasingly, political science and international relations themes are being discussed by the broad public. Social networks brought such issues to public debate, which is an important step towards consolidation of this field of study and public participation in foreign policy issues. Nevertheless, that also led to shallow debates, mainly based on stereotypes and fake information. The Venezuelan crisis is one of these topics that is generating considerable public debate. The discussion is quite complex and involves Venezuelan domestic politics and a variety of international forces and interests. In this text, we first analyze Maduro's regime legitimacy, then discuss regime stability, closing with possible outcomes for the ongoing crisis.

Is Venezuela Still a Democracy?

The most controversial issue refers to the current political regime. There is a passionate debate on whether Venezuela is still a democracy or has become an autocracy (dictatorship). To avoid further discussion on the several definitions of democracy and their varied degrees of quality, and specialists' judgements regarding this specific case, we opted to follow the minimalist definition of democracy, as proposed by Cheibub, Gandhi and Vreeland. This definition follows objective criteria, diminishing questioning, and allowing replicability (but still leaving room for debate).

According to their definition, to be considered a democracy, a government must meet the following criteria: 1) the executive must be selected either by direct (popular vote) or indirect elections (elected assembly chooses the executive leader); 2) the legislative branch needs to be selected through elections; 3) multiple parties are legally allowed and exist in fact; 4) during his tenure in office, the incumbent cannot unconstitutionally close the lower house of the national legislature and rewrite the rules in his favor (Cheibub, Gandhi and Vreeland, 2010).

Transposing such criteria to Venezuela's current socio-political moment we find that, firstly, Maduro was recently re-elected for a six-year mandate with a 67% share of valid votes, and with 46% of electoral participation, according to the *Consejo Nacional Electoral* (National Electoral Council). Besides low electorate participation, the main oppositional coalition, *Mesa de la Unidad Democrática* (MUD), refused to participate in the elections; also, several institutions raised doubts on the fairness of the electoral process. Still, at least theoretically, the Venezuelan regime fulfills this criterion.

The same would hold for the second criterion: both the National Assembly (NA) and the National Constitutional Assembly (NCA) were elected by popular votes. Again, according to the electoral council, 41.5% of the electorate participated in the elections. Even so, the *Tribunal Superior de Justicia* (TSJ – Superior Justice Court) annulled powers of the National Assembly – in which the opposition had majority – undertaking control of legislative activities; as a result, the TSJ started invalidating decisions of the NA and Maduro started governing by decrees. It is important to remember the TSJ is dominated by Maduro supporters, as the *Chavista* expanded its structure by appointing 13 new members in 2015. Also, Smartmatic co., responsible for the electronic urns, accused the government of votes manipulation; the election was also boycotted by the opposition, which considered it a maneuver to diminish National Assembly's powers.

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Third, multiple parties are legally allowed. Again, the Venezuelan regime appears to fulfill this criterion, but with several gaps, as many political opponents have been persecuted. According to the NGO *Foro Penal*, there are 288 political prisoners in Venezuela. Someone might question these numbers, but it is hard to believe that political liberties are being respected. Also, according to the United Nations High Commissioner for Human Rights, "while no official data is available on the number of detentions, reliable estimates suggest that between April 1 [of 2017], when the mass demonstrations began, and 31 July, more than 5,051 people have been arbitrarily detained. More than 1,000 reportedly remain in detention".

Finally, the fourth criterion. As we have argued, in theory, Maduro's regime fulfills all the above criteria, however there are several gaps. Notwithstanding the fact that, when looking at the big picture, it is hard for the observer not to consider that Maduro has distorted rules in his favor during his tenure. Despite holding elections, it is quite questionable that they were fair, what would annul the observance of the criteria. Even though he did not directly close the NA, the TSJ dominated by his nominees and political partners did, and the NCA, also mostly *Chavista*, assumed its functions.

Considering this last requirement, and how it is closely related to the above-discussed, it is hard not to evaluate that Maduro has broken the democratic rules. The fact is that, together with a longstanding period of his party, the *Partido Socialista Unido de Venezuela* (PSUV) in office since 1999 (it is worth remembering that the democratic system also requires government alternation), Maduro's actions over the last three or four years have raised doubts on his intention to leave office, and led the opposition to distrust his fidelity to democratic rules. That resulted in higher political polarization, worsening political and economic conditions. It has also led to major powers and international institutions to raise pressure over Venezuela, imposing economic embargoes and sanctions. Even giving Maduro the benefit of the doubt, considering the big picture, our argument is that Venezuela has gradually, since 2015, become an autocratic government.

It is important to bear in mind that a significant part of autocracies is born out of actions taken by democratically elected leaders. As the international community usually faces significant political and economic pressure to no longer recognize autocracies, leaders tend to mask authoritarian rules. That was not the case during Cold War, when military regimes were openly backed-up and financed by the United States. Also, regardless of any domestic or international pressure, one condition for a democracy to stand is to follow the "rules of the game". As stated before, one cannot use its incumbent advantage to change rules to one's favor.

Democracies and Autocracies Stability

What does explain democratic rupture in Venezuela? Important achievements of the *Chavista* policies have guaranteed a long-lasting popularity to Hugo Chávez. Based on the idea of a 21st century socialism, Chávez revolutionized the role of the state in Venezuela, which became the central economic force and an important source of income redistribution. This opened channels for popular participation and raised socio-economic conditions for the poorer sectors of the population, achieving high levels of popularity.

These changes brought better economic and social indicators, but they were undermined by the fall of oil revenues and productivity. Since mid-2014, a fall in the international prices of the barrel of crude oil hampered conditions for Maduro. Then, a barrel was worth over US\$ 115 but prices reached rock bottom in 2016, when it was traded for below US\$ 30, and despite some recovery, currently, a barrel is barely worth over US\$ 60. Government revenues are not low only due to low oil prices, but also on account of a drastic fall in productivity. According to the 2017 OPEC annual report, in 2013, Venezuela produced 2,786 barrels, dropping to 2,373 in 2016, and 2,072 in 2017. The resulting poverty, according to the United Nations Refugee Agency, has created over 3 million Venezuelan refugees by November 2018. Inflation has reached 12,615% in 2018, while GDP fell over 15% every year since 2016, with the economy shrinking 70% since 2011. Currently, 87% of the population is living in poverty.

Despite these conditions, strong international pressure, and domestic opposition questioning his recently renewed mandate, Maduro has not compromised to the demands from both international and domestic audiences. To remain in office after this economic downfall, he had to increase repression, which boosted political polarization regarding

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opposition groups.

An important feature to explain both recent autocratic trends in Venezuela and Maduro's continuity in office is the military's participation. When analyzing democracies, Cheibub (2007) explains that presidential democracies' life expectancy is 24 years, against 58 in parliamentary. He points out how Latin America influences data, showing that chances of rupture in democratic governments are 1 in 19 in the region, against 1 in 70 in the rest of the world. He attributes this instability not to the presidential system, but to the history of military autocracies in the region, a variable responsible for undermining civil political regimes (democracies). Thus, when succeeding a civil autocracy, democracies have a life expectancy of 89 years, against 20 years when succeeding a military autocracy.

Therefore, the role of the military needs to be considered when discussing Maduro's regime, as we will discuss at the end. According to Cheibub, Gandhi and Vreeland (2010), between 1948 and 1958, Venezuela was a military autocracy. With the ascension of Hugo Chávez, the military came back to the political arena. The democratic persistence between 1958 and the 2010s may be considered *sui generis*, but Maduro's recent steps towards authoritarianism were, and somehow still are, only sustained due to military support for the regime.

Empirical analyses have shown that autocracies last longer than democracies. On one hand, Alvarez *et al.* (1996) analyzed regimes from 1950 to 1990, finding 105 democracies and 133 dictatorships, in a total of 4,730 years, with 1,723 years of countries living in democratic regimes (or 36%) and 3,007 under autocracies (64%). Besides being the majority, autocracies are also more stable: the 36 autocracies existent in 1950 lasted, on average, 43.8 years, against an average of 25.8 years for democracies. Another important piece of information is that only 41 of the 141 regimes faced regime transitions, and of the 100 stable regimes, 67 were autocracies.

On the other hand, Przeworski *et al.* (2000) show that per capita income might also play an important role in regime survival: dictatorships, almost without exception, survive when per capita income is below US\$ 1,000 (only 1.9% chance of falling), against a 52% chance when above US\$ 5,000; this might be a good reason to pressure Maduro, as per capita income in above US\$ 10,000. Alternatively, dictatorships are more stable when facing economic crises: when the economy is declining, democracies face a 5% chance of falling, against a 2% in autocracies.

While autocracies are more stable, high income per capita might facilitate a democratic transition in Venezuela. This highlights the importance of high income for a transition to democracy and also justifies international pressure over Maduro – there is considerable possibility of success in promoting a political transition.

What to Expect?

A way out of this crisis will not be simple, as Maduro will probably refuse to step out of office so his regime might still endure for some time. The outcomes are quite uncertain; however, we might stress some issues regarding the socio-political conjuncture of Venezuela's crisis to the regional and international system. The concept of succession crisis proposed by Pastor might help with our puzzle. He argues that succession crises occur when a declining dictator – that the US previously supported – faces national movements to overthrow him (Pastor, 2001). This is not the case for Venezuela per se, but his concept will help us.

Analyzing seven succession crises, Pastor shows that the results varied from anti-US revolutions, to military coups, and democratic regimes. When the middle class initiated the opposition movement and aligned to revolutionary forces, the US was unable to isolate the revolutionary forces, which rose to power leading to an anti-US government. When the middle class did not support revolutionary forces (maybe the case of Venezuela), democracies rose, and where the middle class did not have political power, the military occupied this political vacuum. Considering the role of the military, when they maintained support for the dictator until the end, the military collapsed after his escape/death; when the military defected, non-revolutionary regimes emerged. Finally, the upholding of elections was necessary for the outcome to be a democracy. Where the opposition negotiated conditions that made fraud difficult, efforts to manipulate results were not enough, and elections denied legitimacy to stay in office.

Venezuela has already an organized opposition, with middle class support. The outcome will depend mainly on

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military support for Maduro. In our view, if it continues supporting Maduro, there are three probable scenarios: a continuity of Maduro until the end of his mandate (or beyond); Maduro's assassination by opposition forces with international support leading to the collapse of the *Chavista* regime; and, a long shot, in a post-Cold War situation, Russian and Chinese interests in Venezuela and their responses to US menaces, shall restrain a military intervention.

Nevertheless, if the military starts withdrawing support from Maduro, the leader will have to either comply and begin a political opening process (and even a political transition) yielding to domestic and international pressure, or harden repression against opposition groups (including dissident military). In our opinion, the chances of a foreign intervention will be high only in this last scenario of growing instability and repression.

The most prominent issue is that actors involved in this political crisis need to understand that a political transition will depend on a complicated and sensitive process of political negotiation, involving the *Chavistas*, opposition leaders, international organizations, South American countries (specially the Group of Lima[1]), and major powers. US actions regarding Venezuela need to be followed by neighbors – Trump's administration is working backstage – as US-American interests in Venezuelan oil and the intention to get rid once and for all of one leftist regime (and regional leader of leftist regimes) in its backyard might overlay other priorities, such as promoting a democratic transition without violent escalation. It is very unlikely that Maduro will accept to negotiate measures of political opening with Trump. Also, the US military does not have as much influence over Venezuelan military officials as it has in several other Latin American countries; other neighbors might be more successful co-opting colleagues to pressure Maduro to compromise.

A book by former FBI director Andrew McCabe contains a passage reporting that Trump would be interested in Venezuelan oil, and questioned advisers why the US was not at war with Venezuela. This brings considerable concern about Trump's real intentions regarding the overthrow of Maduro's regime. Trump does not completely control the US government. The recent shutdown and his loss of the majority in Congress show that domestic conditions might not favor him. Therefore, despite his interest, he will need to convince other domestic actors, not to mention international partners. We need to understand why several other large oil producers which are autocracies – actually, almost all members of the Organization of the Petroleum Exporting Countries (OPEC) are autocracies – do not suffer similar pressures.

A key factor in pressuring Maduro is that Venezuela has a long democratic history – it was a relatively stable democracy since 1959. Also, there is considerable domestic opposition to Maduro. That is not the case in other autocracies, where international pressure is not likely to promote regime change as there is no political opposition or these countries were never a democracy. Therefore, there is no democratic political culture, which means that even with foreign actors implementing a democracy, it would probably not last long. International actors usually do not undermine autocracies that have no democratic history fearing widespread chaos due to the absence of the strong authoritarian rules, and because very likely another dictator would rise.

Geopolitical issues, and rivalry among the US, Russia, and China might be a more important variable, and how these countries will negotiate with Maduro is determining in the outcome of the crisis. US escalation, and Trump's behavior will hamper chances of negotiations.

A Preferable Path

A pacific solution would need the neighbors' participation. With the emptying of UNASUR[2] and the allying of Maduro's adversary with the Group of Lima, tension rose in the region. To avoid escalation, the coalition needs to arrange an agreement diminishing US participation. During the 2000s and early 2010s, South American countries successfully managed to solve independently regional affairs. Military officials in Brazil seem to have understood this complicated puzzle: after the publication of the Group of Lima's note in January 4th, which included the suspension of military cooperation with the Maduro Regime, military staff intervened trying to reverse the course, as they considered military cooperation as the main channel for obtaining inside information about Maduro's regime. On February 21st, president Bolsonaro sent vice-president Mourão, retired general and former military attaché in Caracas, to attend the Group of Lima meeting, signaling the importance of military cooperation to build confidence

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with Maduro, but also to appeal to his peers in Venezuela.

Therefore, a preferable outcome depends on the combination of international pressure through economic embargoes, along with efficient diplomacy. Neighbors have transitioned from compliance, when most countries in South America were politically close and grouped around UNASUR, to strong political pressure, now represented by the Group of Lima. The same may be said regarding major powers, but with a more extreme posture: US menaces of intervention met with Russian threats in case of US military action.

Recent events regarding humanitarian aid and border closure have raised tension, with Venezuela positioning missiles along the Brazilian border. To avoid further violence, first, engaged actors need to consider that any humanitarian aid should be neutral, or else it will be used as political means, enhancing polarization. Diplomacy and multilateral approaches are the only paths to find a pacific way out of the crisis, and any proposal including Trump will not be an acceptable alternative for Maduro. If polarization grows and an intervention occurs, the recently-united and coordinated South American subcontinent will be torn apart, and back to being the US' backyard – it would be the 4th US military intervention in South America since 1946 (Pearson and Baumann, 1993; Kisangi and Pickering, 2008). A negotiation excluding the US and including other countries more ideologically close to Venezuela – such as Bolivia, Ecuador, and even Russia – seems to be an interesting way to prevent more social chaos and political instability.

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Notes

[1] Created in 2017 with the objective of dealing with the Venezuelan crisis, the group is formed by 14 countries from the Americas, and counts with US informal participation. Besides having members from Central and North America and the Caribbean, six of its members are from South America and have recently abandoned UNASUR, representing the subcontinent division among leftist and rightist governments.

[2] In 2018, Brazil, Argentina, Paraguay, Colombia, Chile and Peru jointly suspended their participation in UNASUR,

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motivated by a deadlock in the organization regarding the selection of its Secretary-General, after Venezuela, Bolivia, Suriname, and Ecuador vetoed the Argentinian candidate.

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