



Advocacy for Human Rights in the Americas

**POLICY
BRIEF**



FOCUSED PRESSURE AND SMART ENGAGEMENT:

**How the U.S. Government Can Advance a Negotiated,
Non-Violent Solution to Venezuela's Crisis**

Geoff Ramsey and David Smilde

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KEY RECOMMENDATIONS

A solution to Venezuela's crisis must be based on the reality of the country's political landscape. Today, the only viable path out of the crisis is for actors in both the government and opposition to reach a political accord that restores democratic governance through some kind of credible negotiations process. The United States can and should advance such a solution by taking the following actions:

- The Secretary of State, working through the State Department's Bureau of Conflict and Stabilization Operations, should offer political support and resources for European Union and regional efforts to create a "contact group" that can facilitate communication between stakeholders in Venezuela's government and opposition—with the aim of eventually establishing conditions for credible negotiations.
- The U.S. government should be clear in communicating that the Maduro government does not possess a democratic mandate as of January 10, 2019. But it should maintain its embassy in Caracas and continue diplomatic relations.
- The U.S. government should support the Boston Group and other formal and informal channels to ensure ongoing communication with actors in Venezuela's government.
- The U.S. Mission to the United Nations should use its voice and vote to elevate the political and humanitarian response to Venezuela's crisis within the priorities of the United Nations.
- The Departments of State and Treasury should work jointly with other countries that are imposing sanctions on the Maduro government (the European Union, Canada, Switzerland, and Panama) to develop a clear and coherent set of conditions under which existing or future sanctions—whether sectoral or against individual actors—can be eased or lifted.
- The President should incentivize negotiations between Venezuela's government and the elected National Assembly by issuing an Executive Order that explicitly reaffirms that the National Assembly may authorize the purchase of debt, notwithstanding any existing or future U.S. sanctions.
- The U.S. government should plan and carry out a comprehensive and transparent communications strategy aimed at the Venezuelan public, international financial institutions, and international humanitarian organizations that clarifies the scope of and exceptions to the U.S. financial sanctions imposed in August 2017.
- The U.S. government should refrain from threatening military action and thereby further deepening fissures in the Venezuelan opposition.
- The U.S. government should refrain from imposing any sanction or action that could exacerbate the country's humanitarian emergency.

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Introduction

Venezuela is in the midst of a deep political and economic crisis, fueling a humanitarian emergency that has forced roughly two million people to flee abroad in the last three years. A realistic path towards a non-violent solution to this crisis is urgently needed, one based on a recognition of the complexity of the country's political landscape rather than on abstract, wishful thinking. **The only viable path out of Venezuela's crisis is for actors in both the government and opposition to reach a political accord that restores democratic governance, which will require both sides to enter into some form of credible negotiations.**

While the conditions necessary for meaningful negotiations are not yet in place, the United States and the rest of the international community can and should play a role in contributing to their emergence. Pressure alone is not enough to advance a negotiated solution. In politics, as in hydraulics, pressure is useless—even harmful—unless it is channeled into a productive release. U.S. policymakers responding to Venezuela's crisis should ensure that policies of pressure are accompanied by strategic engagement efforts to help create the conditions needed for negotiations, and to help those negotiations to succeed.

This memo lays out what this combination of pressure and engagement could look like in practice. It considers policy options on Venezuela that hold the most promise, those that may be effective if adopted properly, and those that are clearly counterproductive. Based on this assessment, WOLA recommends that the U.S. government take a series of concrete actions, as well as refrain from certain steps that would aggravate the situation and complicate the emergence a meaningful solution.

Strategic Engagement Options

In international relations, the use of “pressure” as the main metaphor for international engagement is too simple. What is true for hydraulic systems is true for politics as well: pressure is useless (or even harmful) without some mechanism by which it can be channeled to constructive purposes. Promoting a democratic solution to Venezuela’s crisis will require putting in place mechanisms of engagement that could channel pressure into positive change. In this section we describe some mechanisms that should be pursued.

Group of Friends or Contact Group

In the field of international peacemaking, a “group of friends” is a mechanism composed of governments that are seen by interested parties as credible mediators.¹ Examples of such initiatives include the Middle East Quartet² and the Contact Group on former Yugoslavia.³

Some are already discussing adopting this mechanism to Venezuela’s crisis. On October 15, 2018, EU High Representative Federica Mogherini announced that the EU would explore the potential of “establishing a contact group” for “exploring the possibility of creating conditions for a political process to be started.” Mogherini was clear that the conditions for dialogue and mediation do not currently exist.⁴ The idea of establishing such a contact group was further explored in an EU Foreign Affairs Council meeting on December 10, 2018, in which Mogherini stated: “We Europeans believe that the absence of any political track could be a dangerous approach, and that sanctions should always be combined with a space for dialogue and engagement.”⁵

A contact group is a kind of group of friends’ mechanism. Although it is usually made up of the major powers interested in the outcome of a conflict, there are numerous instances of successful mediation efforts being coordinated by non-major powers, states that have simply identified an interest in resolving a conflict.

The most successful example of this model in Latin America is the Contadora Group launched in the early 1980s, which helped put an end to armed conflicts in Central America.⁶ The Contadora Group was formed by the governments of Mexico, Panama, Colombia, and Venezuela, with the support of the Swedish Prime Minister at the time, Olof Palme. The group’s peace plan was eventually approved by the UN Security Council, and

laid the diplomatic groundwork for the historic 1987 Esquipulas Peace Agreement.⁷ This agreement, in turn, eventually led to the establishment of peace accords in El Salvador, Guatemala, and Nicaragua.

In the current Venezuelan context, both sides—the government and the opposition—seem to have little to gain from entering into meaningful talks. But this could change. A group of friends mechanism, according to the United States Institute of Peace, “is an auxiliary mechanism, engaged in the service of a wider strategy for peace—not a substitute for one. As an auxiliary device, a group of friends cannot create the conditions for peace, but it can contribute to their emergence in a variety of ways.”

Like the Contadora Group, there is much that a regional group of countries could do to lay groundwork for genuine dialogue and an eventual negotiated solution to Venezuela’s crisis. Working with both the opposition and government, they could provide the blueprints for a path out of the current political crisis—one that gets Venezuela back on the path of electoral democracy.

There are a number of countries in the hemisphere that seem well-positioned to join or support such a group. These include the Dominican Republic, Ecuador, Mexico, and Uruguay, all of which have distanced themselves from Venezuela’s government in some form and to some degree, but have refrained from joining international efforts to intensify pressure on the Maduro government. In the case of Uruguay, President Tabaré Vázquez has even offered to “intermediate” in eventual talks.⁸

The United States is not in the position to be an effective participant in such a group. However, it could contribute to such an effort by lending support to shuttle diplomacy initiatives, facilitating discussions between both sides and their mediators.

The talks that took place in the Dominican Republic between the Venezuelan government and opposition in late 2017 and early 2018 were a first attempt at using this model. Both sides selected guarantor countries (the government chose Nicaragua, Bolivia and the Dominican Republic, and the opposition selected Mexico, Chile, and Paraguay) and the foreign ministers of each country carried out some efforts at promoting a deal.⁹

However, the experience lacked important elements that can inform more robust group of friends initiatives in the future. One of these is a lack of commitment to sustained

engagement. Of the three guarantor countries named by the opposition, the Paraguayan government almost immediately announced that it would not actively participate in good offices diplomacy.¹⁰ The other two guarantors for the opposition by all accounts tried to be supportive in advancing negotiations, but scheduling conflicts of the foreign ministers of Chile and Mexico on at least one occasion caused talks to be postponed at the last minute.¹¹

Another essential flaw of the foreign ministers' group was the lack of coordination between the teams of foreign ministers about the ultimate objectives of the process. It was not apparent that the guarantors named by the government had any level of coordination with the guarantors of the opposition, nor was it clear that the foreign ministers of the government's guarantors actively prioritized a restoration of democratic institutions in Venezuela in their work.

While the 2017-2018 round of dialogue and negotiation was ultimately unsuccessful, it did progress further than previous efforts as a result of the more concerted efforts of the contact group. Greater advances will require even more sustained commitment and more coordination.

Diplomacy with Other Powerbrokers

In addition to support for shuttle diplomacy, countries concerned with the restoration of democracy in Venezuela need to reach out to other key stakeholders in Venezuela's crisis, who may have more leverage over the Venezuelan government. While Russia, China, and to an increasing extent Turkey have all demonstrated an apparent interest in propping up the Maduro government, the Chinese are believed by some analysts to have a more long-term perspective of the situation.¹² They have clear incentives for supporting an orderly transition, and for hedging their bets. They have maintained a certain distance from Maduro's government, most recently refraining from clearly backing Venezuelan authorities' claims of receiving a new \$5 billion credit line.¹³

Previously, the Chinese had sent signals that they were unwilling to provide new loans to the Venezuelan government,¹⁴ and even held unofficial meetings with individual members of the opposition.¹⁵ These points of tension merit exploration.

Another example is the Cuban government. As a recipient of subsidized Venezuelan oil, it is undeniable that it has a clear stake in Maduro's continuation in power. Yet it is also true that the Cubans are seeking normalization of U.S. relations and an end to the U.S. embargo. Whether there is room to square these interests with Venezuela's crisis is also worth exploring.

Backchannel Communication

Difficult political situations often require the development of "social capital" networks of trust and personal empathy that can be of fundamental importance in moments of crisis. The revival of the "Boston Group," spearheaded by Senator Bob Corker and his foreign policy aide Caleb McCarry, holds promise in this regard. Originally developed in 2002 during the first crisis of the Chávez government, the Boston Group seeks to maintain high-level contacts among U.S. and Venezuelan politicians. The group's revival over the past year bore its first fruit with the release of U.S. citizen Josh Holt from Venezuelan prison in May 2018.¹⁶ During 2018, Senator Corker visited Caracas a number of times and met with government officials, journalists and some opposition politicians. It is not clear whether Corker will continue this role with his term in the Senate having ended, but it is important that the Boston Group remain functioning even in his absence. Further development of this mechanism should also include better communication with opposition figures in Venezuela, who have sent mixed signals regarding the group and their willingness to participate in its initiatives.¹⁷

International humanitarian aid also holds potential for developing social capital. Some progress has recently been made with the UN Office for the Coordination of Humanitarian Affairs, which announced in late November 2018 that it would provide \$9.2 million in health and nutrition aid to UN agencies working in Venezuela.¹⁸ This development came just as the Pan-American Health Organization (PAHO) has been given important leeway to operate by the government.¹⁹ In addition to providing medicine to the public health system through the Strategic Fund, PAHO has received support from the EU and the Canadian government to bring in medicine and distribute it with the partial participation of a network of civil society organizations.

Such mechanisms can create or consolidate networks of trust and information exchange that could prevent suboptimal outcomes if there is a significant breakdown, or could even develop into initiatives that could lead to an agreed solution.

Smart Pressure Mechanisms

The main mechanisms of U.S. pressure on Venezuela's government have been a combination of targeted and financial sanctions, and non-recognition of the Maduro government's efforts to persuade the international community that it enjoys and should be accorded democratic legitimacy. It is important that these initiatives are continued, but in such a manner that maximizes their effectiveness.

Improving Sanctions

A growing body of academic research on the use of sanctions has been clear: most of the time sanctions are not effective in achieving their desired outcomes.²⁰ In most cases they do little other than allow governments to express their displeasure with one another. In other cases they arguably exacerbate the situations they are supposed to be addressing. Witness the case of Cuba where, over fifty years, U.S. sanctions have damaged the economy and hurt the Cuban people, but the government has endured and adapted, and nationalist opposition to sanctions seems to have become an essential part of the Cuban government's strength.

Sanctions can also run the real risk of exacerbating the already severe humanitarian crisis in the country. It is therefore important to refrain from imposing more extreme sanctions that would have an unavoidable negative impact on the general public, such as an embargo on U.S. purchases of Venezuelan oil or a ban on U.S. sales of refined oil to Venezuela.

Research also suggests that certain characteristics can boost the chances that sanctions can actually achieve their objectives.²¹ In particular, sanctions can be more effective in changing affected states' behaviors when they: 1) are multilateral; 2) can be eased or lifted in response to specific changes in behavior; and 3) clearly establish and communicate the steps that those affected by sanctions can take in order to have sanctions eased or removed.

Targeted Sanctions

With regard to the targeted sanctions that the U.S. government has imposed on roughly 70 individuals in Venezuela, there have been noteworthy advances in incorporating such characteristics. Over the course of the last year, Canada, the European Union, Switzerland, and Panama have all adopted variations of targeted sanctions. In other words, the sanctions have become multilateral. If additional countries adopt sanctions against individuals, especially in coordination with those governments that have already imposed such sanctions, the multilateral nature of the effort would be enhanced, and the chances for effectiveness could improve.

On the other hand, there has been mixed progress in establishing a clear communications strategy around the targeted sanctions, and the conditions under which they can be eased or lifted. The European Union, for instance, has taken pains to specify that sanctions are not designed not to harm the Venezuelan people, and that they can be lifted if there are credible and meaningful negotiations with the opposition, respect for democratic institutions and an electoral calendar, or the release of political prisoners.²²

This contrasts with U.S. government communications around targeted sanctions. In private, U.S. officials maintain that Venezuelan targets can be removed from sanctions lists by breaking from the Maduro government in some fashion—and there is evidence of efforts to communicate this to targets.²³ But such communication has not been public, leading to a lack of clarity.

Financial Sanctions

The U.S. has also implemented financial sanctions that restrict U.S. citizens from dealing in new debt and equity issued by the government of Venezuela and by the state oil company PDVSA, as well as some existing bonds. There are important exceptions to these sanctions that reduce their impact on the broader public.²⁴ They do not, for instance, apply to the importation of food or medicine, or to new debt if it were to be approved by the democratically-elected National Assembly.

These exceptions are vital, but must be communicated more clearly in Venezuela. A survey commissioned by the Atlantic Council and published in April 2018 found that 43 percent

of Venezuelans believed they had been affected by U.S. sanctions.²⁵ Everyone in Venezuela should know what the financial sanctions do and do not allow, so as to minimize the Maduro government's ability to blame the country's economic crisis on the U.S. government.

Communication is also important in order to prevent sanctions from having a broader impact on the general public. Since the sanctions were announced, there has been evidence of banks denying legitimate transactions that should be exempt from sanctions, and several non-governmental partners of WOLA in Venezuela have conveyed that they have had banking difficulties. This should not be seen by U.S. officials as an "added bonus" to the financial sanctions, but rather as a negative side effect that ultimately weakens their impact. Over-compliance complicates licit economic actions pursued by the government, weakens private actors that should be strengthened, and bolsters the Maduro government's claims of a U.S.-backed "economic war." For all of these reasons, it is especially important to communicate directly with financial institutions to convey the limited and targeted nature of sanctions in order to minimize the potential damage due to over-compliance.

Like the targeted sanctions, the financial sanctions have been paired with somewhat vague messaging from U.S. officials regarding their link to clear outcomes. The U.S. Mission to the Organization of American States (OAS) has said that the government "stands prepared to amend [the U.S.] sanctions posture in response to positive, significant, and sustained behavior changes by the government," but it is not clear what specific actions would meet these criteria.²⁶ As with sanctions against individuals, clarifying this could improve these measures' effectiveness.

Rejecting Maduro's Claim of Democratic Legitimacy

Immediately after the unconstitutional election of Venezuela's National Constituent Assembly (ANC) in July 2017, over 40 countries around the globe rejected the legitimacy of the process and its outcome. Importantly, these same countries did so once more following the May 20, 2018, electoral process in which Maduro claimed re-election. When Maduro's previous mandate expires on January 10, 2019, the United States and other international stakeholders will have an opportunity to once again showcase a broad multilateral rejection of Venezuela's authoritarian slide. They can do so by communicating loudly and clearly that Maduro no longer possesses a democratic mandate.

Such actions may seem symbolic, but they matter to Venezuela's government. Central to the political identity of Chavismo is a national identity as a gregarious regional leader. Widespread regional and international repudiation have complicated this narrative within Venezuela.

Military Options: Potentially Disastrous and Ineffective as Threats

The desperate situation inside Venezuela and the blockage of democratic avenues such as voting and street protest have generated frustration and despair, leading some to discuss the prospect of some sort of military action, including calls to consider foreign intervention in Venezuela.²⁷ Recent polling, however, makes clear that a majority of Venezuelans reject the idea of foreign military intervention.²⁸ They are not mistaken. A military intervention would almost certainly prove disastrous for all involved—and especially for Venezuelan citizens. Moreover, keeping the so-called “military option” on the table as a possible policy alternative is unlikely to be an effective strategy to increase pressure on the Maduro government.

First, international law recognizes only extreme cases where foreign military intervention is legitimate. Any form of military intervention that falls short of the standards and procedures required under international law would lack legitimacy and legality, and would undermine the intention of restoring democratically legitimate governance in Venezuela.

Second, any external military intervention is likely to be costly, bloody, and could devolve into a prolonged civil war or crisis of governance much more extreme than what Venezuela is currently experiencing. This would exacerbate the regional migration crisis. For a foreign military intervention to not simply create a worse crisis of governability, it would need to be followed by years if not decades of occupation with all of the violence and human rights violations that occupations generally entail. Perhaps worse, a lack of appetite to assume costs of a foreign occupation would likely lead to a half-hearted effort resulting in years or decades of instability—witness the cases of Somalia, Afghanistan, and Libya.

Moreover, floating a military option is not an effective pressure tactic by itself. Not only does it give the Maduro government a rallying cry, it actively discourages the opposition

from working for unity and strategy. Many in the opposition, from politicians to everyday activists, consider efforts at mobilization to be at best naïve and at worst as collaboration with the regime insofar as they put off what they perceive as a quicker and more effective solution: military intervention. What is more, expectations of a military intervention create disincentives to unity and organization, leading opposition parties and politicians to think it is better to jockey for position for a post-intervention transition than to make the compromises needed for agreement on a broad political platform.

Given the complications of a foreign intervention, many analysts have seemed enamored by the idea of support for a coup by the Venezuelan military.²⁹ In doing so, they easily glide over a highly controversial moral question: whether it is the role of the military to address democratic deficits in Latin America or anywhere else. We reject this notion, as we have seen how giving the military an outsized role in internal affairs can lead to corruption, human rights violations and a lack of transparency for military abuses.³⁰ What proponents of a coup also tend to forget is that the Venezuelan armed forces are so compromised by corruption and organized crime that a coup would more likely lead to even more far reaching authoritarianism among military officers who want to ensure impunity for their actions. They also overstate the ease and viability of such a coup, seemingly ignoring the fact that Maduro withstood coup attempts meant to take place in March and May 2018, in addition to his attempted assassination in August.³¹

Policy Recommendations

Ultimately, no combination of external factors alone can guarantee a democratic transition in Venezuela. As Venezuelan political scientist Benigno Alarcon argues, international pressure alone is “insufficient to produce a change.”³² Alarcon has suggested that the odds of a democratic transition in Venezuela are increased when international pressure is accompanied by a series of domestic factors, including: 1) internal pressure in the form of mobilization, 2) some kind of political pact that reduces the “exit costs” of many of those in power, 3) plans for a transition government, and 4) the unification of the democratic opposition that will allow it to prepare to participate in eventual free and fair elections. Thus, it is important for the United States to recognize the limits of its own influence.

Nevertheless, external factors remain an important part of the equation and should not be overlooked. In pursuing a negotiated, non-violent solution to the crisis in Venezuela, the United States government should take the following steps:

The Secretary of State, working through the State Department's Bureau of Conflict and Stabilization Operations, should offer political support and resources for efforts by the European Union and regional governments to create a "contact group" that can facilitate communication between stakeholders in Venezuela's government and opposition—with the aim of eventually establishing conditions for credible negotiations. The European Union has already begun exploring this proposal, and the State Department should lend support to any shuttle diplomacy initiatives that may come out of them. However, it is clear that the United States government cannot be a member of this contact group. The group's members will need to be made up of governments or individuals that are seen as credible interlocutors by both sides.

- **The White House should not recognize the Maduro government as possessing a democratic mandate as of January 10, but it should support initiatives that seek to develop or maintain informal channels of communication with actors in Venezuela's government.** The United States should be clear that the May 2018 election was neither free nor fair. But communication with the Venezuelan government is important, and diplomatic relations should be maintained. Contact such as that developed by the Boston Group has had beneficial outcomes—like the liberation of U.S. citizen Joshua Holt. Communication with the Venezuelan government should not be seen as a "reward" for good behavior, but rather a necessary component of a larger strategy in pursuit of a peaceful restoration of democratic governance.
- **The U.S. Mission to the United Nations should use its voice and vote to elevate the political and humanitarian response to Venezuela's crisis in the UN.** After two years of successive debates in the OAS Permanent Council, and with Venezuela planning on leaving the bloc in April 2019, the potential for effective OAS role is reduced. Thus it is time to take the crisis to the next level. The new U.S. Ambassador to the UN should consider calling on Secretary General Antonio Guterres to name a Special Representative to the Venezuelan Crisis with a mandate to facilitate solutions to the country's political crisis, and to coordinate the UN response to the

complex humanitarian emergency within Venezuela's borders.

- **The Departments of State and Treasury should work jointly with other sanctioning countries (the European Union, Canada, Switzerland, and Panama) to develop and communicate a set of clear conditions under which existing sanctions—whether sectoral or against individual actors—can be eased or lifted.** Such conditions may include: freeing political prisoners; facilitating the delivery of humanitarian aid; and establishing conditions for free and fair elections by naming new members of the National Electoral Council (CNE) and permitting robust and credible domestic and international electoral observation. These conditions should be clearly communicated to specific individuals targeted and the Venezuelan population as a whole. Such a strategy would maximize the effectiveness of sanctions by lining up the international community behind a path forward, ensure that the government understood exactly how to obtain sanctions relief, and broaden public understanding of existing sanctions among Venezuelans that could counter government narratives.
- **The President should incentivize negotiations between Venezuela's government and the elected National Assembly by issuing an Executive Order that explicitly reaffirms that Venezuela's elected National Assembly may authorize the purchase of debt, notwithstanding existing or future U.S. sanctions.** Such an executive order would help empower the opposition in Venezuela, helping them position themselves against increased attacks on their authority and integrity by some more extreme opposition figures abroad. It would also allow the democratically-elected National Assembly to enter into negotiations from a place of strength, and create natural incentives for the Maduro government to have to work with and make compromises with the opposition—an initial exercise in democratic governance that could be reinforced.
- **Plan and execute a comprehensive, transparent communication strategy aimed at international financial institutions and international humanitarian organizations that clarifies the scope and exceptions of the U.S. financial sanctions imposed in August 2017 and would apply to any future sanctions.** In particular, such language should ensure that exceptions to sanctions for humanitarian purposes apply regardless of whether or not the associated transactions or actors are based in the United States. This will help ensure that

overcompliance with sanctions is kept to a minimum, which in turn helps limit sanctions' impact on the broader public and helps counter the Venezuelan government's characterization of the sanctions.

- **Refrain from further deepening fissures in the Venezuelan opposition by threatening military action, and from imposing any sanction or action that could exacerbate the country's humanitarian emergency.** As the crisis deepens, Washington has been inundated by increasingly extreme proposals. In recent months there have been calls to add Venezuela to the list of State Sponsors of Terrorism (SST), to impose an embargo on Venezuelan oil sales to the United States, and—most alarming—to support either military insurrection or overt armed intervention. All of these proposals have, for now, been abandoned due to their potential to have negative consequences. Designating Venezuela an SST or imposing an oil embargo would have a clear impact on civil society and humanitarian actors working on the ground, and a “military option” could lead to mass bloodshed and a protracted internal armed conflict. But they should also be rejected for one very strategic reason in particular: they contribute to divisions within the fractured opposition. Each of these proposals has mixed support from opposition parties and individuals, and if implemented would further polarize them. This is counterproductive at a time when the Venezuelan opposition urgently needs to unite under a common banner and present the country with an alternative vision for the future.

Endotes

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³⁰ Maureen Meyer, Ximena Suarez-Enriquez, *By Strengthening Military's Role in Fighting Crime, Mexico's Proposed Security Law Will Worsen Human Rights Abuses and Harm Transparency*, (2017), <https://www.wola.org/analysis/strengthening-militarys-role-fighting-crime-mexicos-proposed-security-law-will-worsen-human-rights-abuses-harm-transparency/>

³¹ Geoff Ramsey, *Trump Administration Met with Venezuelan Military Coup Plotters*, (2018), <https://venezuelablog.org/trump-administration-met-venezuelan-military-coup-plotters/>

³² Politika UCAB, *Cómo producir una transición democrática en Venezuela*, (2018), <https://politikaucab.net/2018/08/28/como-producir-una-transicion-democratica-en-venezuela/>

ABOUT WOLA

WOLA is a leading research and advocacy organization advancing human rights in the Americas. We envision a future where public policies in the Americas protect human rights, recognize human dignity, and where justice overcomes violence.

ABOUT THE AUTHORS

Geoff Ramsey is WOLA's Assistant Director for Venezuela. He is a close observer of the situation in Venezuela and a leading expert in U.S. foreign policy towards the country. Mr. Ramsey works in close coordination with counterparts in Venezuela and around the region to advance nonviolent, multilateral solutions to the country's deep political and economic crisis. He is also a regular contributor to WOLA's Venezuelan Politics and Human Rights blog, a premiere resource for policymakers, journalists, and academics trying to make sense of Venezuela's political reality.

David Smilde is a Senior Fellow at WOLA specializing in Venezuela. He is the Charles A. and Leo M. Favrot Professor of Human Relations at Tulane University and moderates the WOLA Venezuela Politics and Human Rights blog. His research focuses on social movements, human rights and culture in Venezuela. He is currently working on a book manuscript called *Venezuela's Transition to Socialism: Politics and Human Rights under Chávez, 2008-2012*. Professor Smilde has researched Venezuela for the past twenty years. He has taught at the Universidad Central de Venezuela and the Universidad Católica Andrés Bello.

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