



Advocacy for Human Rights in the Americas



POLICY  
MEMO

## **RECALIBRATING U.S. POLICY IN VENEZUELA**

**Learning from Failure and Seizing Opportunities**

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# INTRODUCTION

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It has been nearly two years since January 10, 2019, when Venezuela's Nicolás Maduro claimed a new presidential term based on the result of a May 2018 election that lacked credible democratic guarantees. In response, the United States and over 50 countries recognized National Assembly President Juan Guaidó after January 23, 2019, when he claimed a mandate as the country's interim president, citing the order of succession<sup>1</sup> outlined in the Venezuelan Constitution.

The early months of the Guaidó push appeared to bring new energy to the opposition coalition. After a prolonged period in which the opposition lacked unified leadership, failed to mobilize its followers, or offer a plausible path to change, the emergence of a fresh figure promising a new way forward provided a major boost. In just a few weeks, the opposition exhibited more unity and mobilization than they had in years. The fact that protests in early 2019 drew Venezuelans across class lines<sup>2</sup> revealed widespread dissatisfaction with Maduro's authoritarianism, widespread repression, and economic mismanagement. Venezuelan pollster Datanalisis found that Guaidó had a 61 percent<sup>3</sup> approval rating in February 2019, the highest level of popularity of any Venezuelan politician since the death of Hugo Chávez in 2013.

Over time, however, this support began to diminish. A proposed amnesty law was presented in the opposition-controlled National Assembly, intending to provide incentives to Chavista and military elites to abandon Maduro. But the proposal was shelved after a preliminary debate in early February 2019, and has not been revisited.<sup>4</sup> Later that month, an attempt to push aid across the Colombian border—organized over the objections of human rights and humanitarian organizations<sup>5</sup>—failed spectacularly, ending with a protester's errant molotov

cocktail lighting aid trucks on fire.<sup>6</sup> Guaidó representatives were then accused of mishandling funds meant to help support defectors, an incident which Colombian authorities are still investigating.<sup>7</sup> In April 2019, backdoor outreach to key figures in the Maduro regime failed to result in a planned revolt,<sup>8</sup> and security forces did not join in an attempted military uprising led by Guaidó and newly-freed opposition leader Leopoldo López. In late 2019, López and other figures in the Guaidó coalition oversaw outreach to multiple representatives<sup>9</sup> of private security companies, even signing a contract<sup>10</sup> with one such group, which eventually carried out an ill-fated mercenary raid several months after opposition representatives claimed<sup>11</sup> to have broken off contact.

These failures have combined to erode support for opposition leadership. Today, roughly two-thirds of Venezuelans—62 percent, according to Datanalysis—say they support neither Guaidó nor Maduro. The polling firm found<sup>12</sup> that Guaidó’s approval stood at 27 percent in September 2020, while Maduro’s approval was at 14 percent.

Nevertheless, Maduro appears more firmly entrenched in power than at any point in the last two years. He has even accelerated repression of NGOs and journalists,<sup>13</sup> as well as persecution of members of the Guaidó coalition. 12 out of 15 members<sup>14</sup> of Guaidó’s “center of government” (centro de gobierno, or cabinet) including his mentor Leopoldo López, live in exile.

The Trump administration’s increasingly broad economic sanctions against Venezuela, while perhaps complicating the finances of Maduro’s government, do not appear to have advanced a transition. Instead, they have accelerated the country’s pre-existing economic contraction and contributed to a plummet in imports.<sup>15</sup> Although a

full economic recovery is impossible without investments currently blocked by sanctions, there is no indication that sanctions will produce a change in government.

All of this points to the need for a change in strategy. When President-elect Joe Biden takes office on January 20, 2021, he will face an important opportunity to change course—and to implement a more successful approach to supporting a peaceful return to democracy in Venezuela.

Doing so will not be easy. It will require a mix of political leadership, strategic vision, and an understanding of the reality on the ground. With this in mind, this memo seeks to explain the biggest errors of the Trump administration's Venezuela policy in recent years, and to lay out a series of concrete recommendations for the next administration.

## **LEARNING FROM THE TRUMP ADMINISTRATION'S MISTAKES**

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The Trump administration's approach to Venezuela has been marked by several major mistakes, including: abandoning multilateralism and seeking U.S. primacy in confronting Maduro, misguided pressure including sanctions that have harmed and demobilized Venezuelans, and a failure to engage with relevant international and national stakeholders. In combination with each other and with external factors, these missteps have hindered the search for a peaceful, democratic solution to the crisis. Any successful policy change in Venezuela will depend on the next administration learning from these mistakes and avoiding them in the future.

## **FIRST MISTAKE: ABANDONING MULTILATERALISM AND SEEKING U.S. PRIMACY**

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Supporting a multilateral, regional response to Venezuela’s political and humanitarian crisis would be a more productive approach than the U.S. government trying to take ownership of the issue. The historical role of the U.S. government in interventions throughout the Western Hemisphere saps legitimacy from any U.S.-led effort to pressure for political change in Venezuela—meaning playing a more “background” role in supporting efforts headed by regional partners is a more constructive way forward. It provides greater legitimacy to the struggle to return to democracy in Venezuela by complicating the Maduro regime’s attempts to paint itself as a victim of imperialism, and leads to greater buy-in from international partners that makes diplomatic pressure more effective.

In its first two years, the Trump administration’s approach to Venezuela did appear to reflect some understanding that the United States should work collaboratively within a larger multilateral framework, but not dominate the coalition.

In 2017, the White House explicitly encouraged efforts by Latin American countries to assume a lead role in the Venezuela crisis. This initial effort<sup>16</sup> led to some of the most successful coalition-building in the international response to the Venezuela crisis to date. Calculated diplomatic engagement in 2017 saw the U.S. government support the emergence of the 14-member Lima Group despite not being included as a member of the bloc, as well as a series of important diplomatic initiatives<sup>17</sup> denouncing the deterioration of Venezuela’s democracy in the Organization of American States.

The Trump administration continued to signal support for a Latin America-led response to Venezuela's crisis even after announcing financial sanctions in August 2017, a significant unilateral escalation in U.S. policy which was announced after Maduro created a parallel assembly to get around the opposition-controlled legislature. After a September 2017 "working dinner" between President Trump and regional leaders<sup>18</sup> from Colombia, Panama, Brazil, and Argentina on the sidelines of the UN General Assembly, the Latin American presidents in attendance told journalists<sup>19</sup> the Trump administration was receptive to their ideas on addressing the Venezuela crisis—and that Trump had responded well to their objections to any kind of military action.

When a new round of negotiations emerged between opposition leaders and the Maduro government in December 2017,<sup>20</sup> the most visible international backers of the talks were the regional sponsors chosen by each side: Mexico and Chile for the opposition, and Nicaragua and Bolivia for the government. Even as the talks stalled out, the State Department kept a purposefully low profile, with regional governments remaining the public face of the process, rather than risk it being seen as a U.S.-led initiative.

This changed in early 2018, after Mike Pompeo took over as Secretary of State. Pompeo, an open critic of what he has derided as<sup>21</sup> "multilateralism just for the sake of it," adopted a different approach. In May 2018, after just two weeks on the job, Pompeo openly broke from previous efforts to emphasize Latin American autonomy by directly participating in a Lima Group meeting.<sup>22</sup> By November 2018, National Security Advisor John Bolton had coined the term "troika of tyranny" and framed the struggle for democracy in Venezuela as a U.S.-led battle against, in his words,<sup>23</sup> "poisonous ideologies." He also reaffirmed the relevancy of the "Monroe Doctrine,"<sup>24</sup> an idea of U.S. predominance that is widely rejected in the hemisphere.

While Bolton left the administration in September 2019, much of this framing has continued, with the Trump administration still asserting its primacy in generating international pressure against the Maduro regime. This more protagonistic approach of the United States in addressing Venezuela's crisis—rather than keeping a lower profile and ensuring that regional governments are leading the process—has alienated allies and complicated their efforts.

The European Union, whose approach has been openly criticized<sup>25</sup> by U.S. Special Representative for Venezuela Elliot Abrams, grew increasingly distant from the United States' strategy. In early 2019, the EU, alongside several Latin American countries, launched the International Contact Group on Venezuela (ICG) as an attempt to remedy what European diplomats saw as a lack of emphasis on negotiations<sup>26</sup> as the ultimate goal of pressure. Over time, as U.S.-led efforts have failed and Latin American countries are increasingly emphasizing the need for a peaceful political solution, the ICG has gained members in the Americas. Today the group includes Argentina, Bolivia, Costa Rica, the Dominican Republic, Ecuador, Panama, and Uruguay. In addition to the European Union as a whole, the ICG also includes France, Germany, Italy, the Netherlands, Portugal, Spain, Sweden, and the United Kingdom.

The EU and the ICG have maintained significant engagement in Venezuela. In September 2020, a coalition of opposition figures tried to pressure Maduro to hold a clean legislative election, and negotiations succeeded in getting the regime to pardon over 100 dissidents, many of whom were imprisoned. They also succeeded in pressuring Maduro to request international observation<sup>27</sup> from the European Union and United Nations. The EU even sent a mission to Caracas to encourage this deal, after first getting support from members of the ICG.



But the Trump administration attacked<sup>28</sup> the European diplomats and accused<sup>29</sup> the EU of engaging in “cowboy diplomacy.” With the U.S. government actively undermining the negotiations, Maduro took advantage of the opportunity to walk away from them.

Ultimately, the Trump administration’s aversion to multilateralism proved counterproductive in dealing with Venezuela’s political and humanitarian crisis, doing little to change the status quo. To better foster and build upon opportunities to peacefully address Venezuela’s ongoing crises, the United States will need to support a multilateral approach to advancing future negotiations.

## **SECOND MISTAKE: RELYING ON UNFOCUSED, INDISCRIMINATE PRESSURE**

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A hallmark of the U.S. strategy under the Trump administration has been an overreliance on sectoral sanctions, with a decreasing interest in carving out humanitarian exceptions to minimize their impact on the Venezuelan population. The U.S. pressure strategy has also included repeated threats of military intervention, as well as unsealing a series of indictments against top members of Maduro’s inner circle. Ultimately, the combined effect of these tactics has been to dramatically raise exit costs for political and military elites who may have once considered supporting a transition, as well as to accelerate Venezuela’s already deep economic crisis and, by extension, reduce the population’s capacity to mobilize against the regime. The one exception to this trend has been the evolution in U.S. strategy in announcing individual sanctions.

## Individual Sanctions

In the late Obama administration and early days of the Trump administration, U.S. officials privately acknowledged that adding an individual to the Treasury's list of Specially Designated Nationals could provide them with perverse incentives. Rather than encouraging defection, being sanctioned with no clear way off the list could instead bind individuals closer to Maduro as they could see their fate (and perhaps the possibility of a life outside prison) as essentially tied to the regime's continued survival. Maduro has understood this dynamic well. When the U.S. kicked off its pressure campaign by sanctioning seven individuals in early 2015, for instance, each were awarded influential positions<sup>30</sup> in Venezuelan state industries or in the state security apparatus—in some cases even being given ceremonial swords as a symbol of their loyalty.

For the most part, the U.S. government has understood this effect in Venezuela, even as they have sanctioned 164 political, economic, and military elites to date.<sup>31</sup> This explains conspicuous absences on the U.S. sanctions from 2017 to 2018. For instance, United Socialist Party (PSUV) Vice President Diosdado Cabello was sanctioned<sup>32</sup> by Canada and the European Union several months before being sanctioned by the U.S. Treasury in May 2018. The United States also delayed sanctioning First Lady Cilia Flores, Vice President Delcy Rodríguez, Information Minister Jorge Rodríguez, and Defense Minister Vladimir Padrino López, each of whom were designated<sup>33</sup> to the SDN list in September 2018. The logic of this appears to have been to leave important decision-makers with an interest in negotiation.

## GRAPH 1

# NUMBER OF VENEZUELAN INDIVIDUALS SANCTIONED BY COUNTRY (2016-2020)



	2012	2013	2014	2015	2016	2017	2018	2019	2020
U.S.	13	14	14	21	21	63	84	136	164
Canada	0	0	0	0	0	56	70	113	113
EU	0	0	0	0	0	0	18	25	36
UK	0	0	0	0	0	0	18	25	39
Switzerland	0	0	0	0	0	0	18	25	25
Panama	0	0	0	0	0	0	55	55	55

Source: "WOLA Targeted Sanctions Database." Washington Office on Latin America. Updated December 15, 2020.

When the U.S. government eventually added these latter individuals to the list, officials took care to note in public communications that such sanctions did not have to be permanent. Beginning in September 2018, both the State Department<sup>34</sup> and Treasury<sup>35</sup> began includ-

ing the following language in their announcements of new individuals added to the sanctions list (emphasis added):

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“U.S. sanctions need not be permanent; they are intended to change behavior. The United States would consider lifting sanctions for persons sanctioned under E.O. 13692 that **take concrete and meaningful actions to restore democratic order, refuse to take part in human rights abuses and speak out against abuses committed by the government, and combat corruption in Venezuela.**”

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Starting in February 2019, this language shifted.<sup>36</sup> It was changed to:

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“U.S. sanctions need not be permanent; sanctions are intended to bring about a positive change of behavior. The United States has made clear that **the removal of sanctions is available for persons designated under E.O. 13692 or E.O. 13850 who...**”

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However, neither wording provides a strong guarantee of sanctions relief, and clearer language is needed. So far this language is only applied to those sanctioned under Executive Order 13692<sup>37</sup> (which was signed under the Obama administration) and Executive Order 13850,<sup>38</sup> which was signed by President Trump in November 2018. Those sanctioned for alleged links to terrorism or to drug trafficking have not been publicly offered any off-ramps from allegiance to Maduro.

## Indictments

The U.S. government seems to have abandoned a targeted approach to building leverage in early 2020. On March 26, the Justice Department unsealed indictments<sup>39</sup> against Maduro and 14 other current and former Venezuelan officials, mostly on charges linked to drug trafficking. As a result of this decision, the heads of every institution controlled by Chavismo, including the executive (Maduro), the judiciary

(Supreme Court Chief Justice Maikel Moreno), the National Constituent Assembly (headed by Diosdado Cabello), and the military (Defense Minister Vladimir Padrino Lopez), all face arrest and potential jail time in the United States.

Now, even in the event that some of these individuals consider supporting a transition, the permanence of the indictment could dissuade them from doing so. This is not a mere hypothetical question. In January 2019, U.S. intelligence officials told<sup>40</sup> the *Washington Post* that Padrino Lopez had privately asked Maduro to step down, and was becoming increasingly critical of the authoritarian leader. Nearly two years later, whatever incentives Padrino may have had to turn on Maduro appear to pale in comparison with the threat of spending the rest of his life in U.S. prison.

This dynamic has been noted by certain opposition political actors. This includes National Assembly lawmaker and negotiating team member Stalin Gonzalez, who remarked<sup>41</sup> to the *Washington Post* on December 4: “There is a part of the opposition that still believes in pressuring the government until it breaks. But this would mean someone in the government is going to open, and how are they going to do that when you put a price over the head of every single strong member?”

## **Increasingly Broad Sectoral Sanctions**

Since 2017, Venezuelans have had to bear the brunt of broad U.S. sanctions—on top of an authoritarian government that has plunged the economy into record decline. In addition to the August 2017 financial sanctions, the U.S. imposed broad oil sanctions in January 2019 and began implementing secondary sanctions in August 2019 in an attempt to limit Venezuelan state oil company PDVSA’s access to non-U.S. oil and fuel markets.

To be sure, plummeting oil production in Venezuela has its roots in years of mismanagement and corruption, worsening under Maduro. But since August 2017, the average monthly production of Venezuelan oil has fallen nearly five times faster than during the pre-sanctions period. According to Venezuelan economist Luis Oliveros,<sup>42</sup> in the 18 months prior to the imposition of the 2017 sanctions, the average monthly decline in oil production was roughly one percent. Even if the average monthly decline in production were two percent, Oliveros suggests that PDVSA would have received an additional \$17.57 billion in revenue to date were it not for U.S. sanctions. He concludes that U.S. sanctions have caused the Venezuelan state to lose between \$17 billion to \$31 billion in revenue. This sanctions-related decline in oil revenue is roughly in line with the estimates<sup>43</sup> of former U.S. National Security Advisor John Bolton, who in 2019 claimed that U.S. sanctions would cause the Venezuelan state to lose over \$11 billion annually.

This has had an impact on the Venezuelan population. While U.S. sanctions don't explicitly restrict food and medicine imports, Venezuela's economy is heavily dependent on oil revenue as a source of hard currency so that private and public businesses can import needed goods. According to Oliveros, U.S. sanctions have contributed to a steep drop in Venezuelan imports, with the value of average monthly public imports dropping by 46 percent (to \$500 million) in 2019 and another 50 percent (to \$250 million) in 2020.

On top of this, a tendency towards risk aversion has led banks and financial institutions operating in Venezuela or with Venezuelan institutions to over-comply with U.S. sanctions. This has had an impact across Venezuelan society. As a result, human rights groups, humanitarian organizations, and private companies have had their bank ac-

counts closed, and seen legitimate transactions denied or frozen for long periods of time.

The impacts of sanctions have not gone unnoticed among Venezuelan civil society. Leading Venezuelan human rights NGOs such as the Venezuelan Education-Action Program (PROVEA), Accion Solidaria, and the Center for Human Rights of the Andres Bello Catholic University have routinely criticized<sup>44</sup> the impact of these measures. In response to the U.S. decision to announce an end to exceptions on diesel swaps, 115 organizations and individuals in Venezuela issued a letter<sup>45</sup> to the U.S. Secretary of State Mike Pompeo and Treasury Secretary Steven Mnuchin, noting that the decision would have “devastating consequences for a population already suffering from a deep humanitarian emergency,” and could “worsen living conditions for millions of Venezuelans dependent on a crumbling supply chain.”

## **‘Military Option’ Threats**

When pressed about the prospect of a military intervention in early to mid-2019, Maduro officials<sup>1</sup> appeared unconcerned. One Chavista official told WOLA: “We know how your institutions work, we know how your politics operate, and understand any kind of invasion is off the table.” In contrast, during that same period, opposition activists in the United States privately floated a completely implausible U.S.-supported “extraction” operation.<sup>2</sup> Months later, opposition representatives would secretly meet with representatives of multiple security firms to price out<sup>46</sup> possible armed actions in Venezuelan territory. One of these was Silvercorp USA, the firm that organized the May 2020 failed mercenary raid into Venezuela after opposition representatives claimed<sup>47</sup> to have broken off contact. While it is unclear whether the

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1 WOLA interview with senior Venezuelan official in Ministry of Foreign Affairs, Caracas. April 10, 2019.

2 WOLA interview with representative of Guaidó embassy in Washington, Washington DC. May 31, 2019.

U.S. government supported this outreach, press reports have indicated that Colombian and U.S. intelligence services were aware<sup>48</sup> of Silvercorp's activities at the time.

Rather than pressuring Maduro, this incident sparked massive backlash in Venezuela. Following the failed operation, hundreds of civil society groups (including WOLA) signed a letter<sup>49</sup> to the interim government demanding that Guaidó take a military option off the table and commit to a peaceful and democratic solution out of Venezuela's crisis. There was also backlash within the opposition, with the Primero Justicia party issuing a statement<sup>50</sup> condemning the use of mercenaries and calling for a change in internal decision-making.

## **THIRD MISTAKE: LACK OF CLEAR SUPPORT FOR A NEGOTIATED SOLUTION**

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The U.S. approach to Venezuela in the last two years has also been dominated by a deep skepticism of negotiations as well as a failure to engage with all relevant stakeholders in Venezuela. In 2019, when the Norwegian Ministry of Foreign Affairs successfully brought the two sides to the negotiating table, the United States expressed some support behind the scenes, but remained publicly skeptical of the process. As opposition leaders confirmed in private<sup>1</sup> and later expressed to journalists, they succeeded in hammering out an initial framework with Maduro negotiators that would lead to new presidential elections in exchange for the prior lifting of sanctions. While there was justifiable skepticism over the sincerity of Maduro's commitment to the offer, this was in fact never tested, as the White House didn't support the deal.<sup>51</sup> "The government officially accepted going to elections, but in exchange for lifting of sanctions and Maduro staying," one opposition official close to the negotiations told<sup>52</sup> the *Washington Post* at the

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1 WOLA interview with opposition advisor to the National Assembly, Caracas. July 23, 2019.



time. “The U.S. doesn’t want that.” The Trump administration refused to lift sanctions until after Maduro stepped down, and remained solely interested in Maduro’s immediate resignation. This too gave Maduro an excuse to step away from the table and negotiations have remained on ice since August 2019.

The Trump administration slightly shifted its public posture on negotiations by announcing a Democratic Transition Framework<sup>53</sup> in March 2020, but even then it made clear that its red lines remain the same. Both the Transition Framework and Treasury regulations<sup>54</sup> state there can be no relief from oil and other sectoral sanctions until Maduro resigns and there is a new executive authority in place.

Some of this rejection of a suboptimal negotiated outcome may also be related to U.S. domestic concerns. Since Bolton’s “Troika of Tyranny” speech in 2018, it became clear that the Trump campaign sought to use its Venezuela policy for electoral gain in the key swing state of Florida. In the words of one former senior U.S. official,<sup>55</sup> “Trump saw Venezuela 110 percent through the prism of Florida’s electoral votes.” Rather than prioritizing effective foreign policy, the White House may have been drawn to polls such as a September 2020 University of North Florida survey<sup>56</sup> show that 64 percent of Venezuelan adults in Florida support sanctions “that affect the Venezuelan population economically,” and 97 percent say they support “the United States leading an international coalition that intervenes militarily in Venezuela to remove Nicolás Maduro from power.”

However, this rhetoric may have had counterproductive effects inside Venezuela. Polls demonstrate that the components of Trump’s “maximum pressure” strategy are unpopular in the country. An August 2020 Datincorp survey,<sup>57</sup> for instance, showed just 21 percent of Venezuelans believed military intervention would bring “a real solu-

tion to the crisis,” compared with 52 percent in favor of an “electoral route.” And a July Datanalisis poll<sup>58</sup> found that 64 percent of Venezuelans in Venezuela oppose U.S. oil sanctions.

This polling suggests that a different approach, one which emphasizes pragmatism and progress towards a peaceful, political solution to the crisis, would be widely popular inside Venezuela. It is also more likely to show results in the medium term, which could in turn help to gain the support of domestic U.S. constituencies.

## **STRATEGIC ASSESSMENT**

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Today, the Maduro government appears more consolidated than at any point since January 2019. The prospects of some kind of Venezuelan military-led transition appear dim, as the regime has successfully earned its loyalty by incorporating it into its vast patronage networks. The Venezuelan armed forces now oversee everything from Venezuela’s borders and ports to its oil industry, and credible reports suggest Maduro has facilitated or turned a blind eye<sup>59</sup> to certain high-level cases of military involvement in illicit activity. A series of recent raids on the offices of local NGOs<sup>60</sup> suggest that, having bested the opposition’s political apparatus, Maduro feels he can turn against independent civil society.

Meanwhile, the political opposition is increasingly in exile or in hiding, and lacks effective control of any of the country’s institutions. While the Guaidó coalition is likely to claim a renewed mandate to act as interim government in January 2021, support for this strategy may be slipping among the international community. Already, most of the 57 countries that recognize Guaidó as interim president retain diplomatic relations<sup>61</sup> with the de facto Maduro government in Caracas, and the

lack of an unambiguous constitutional mandate for Guaidó in January 2021 will complicate this further.

## GRAPH 2

### MONTHLY PROTESTS IN VENEZUELA (2016-PRESENT)



Source: Observatorio Venezolano de Conflictividad Social

While Maduro appears stronger, the Venezuelan population has endured even greater suffering in recent years. The UN World Food Programme includes the country among its list of the ten worst food crises in the world,<sup>62</sup> and finds that one out of every three<sup>63</sup> Venezuelans is food insecure and in need of assistance. Shortages of medicine and other basic goods have continued, and the scarcity of fuel is exacerbating the country's humanitarian emergency. These condi-

tions, in addition to heightened repression amidst the global pandemic, have reduced the mobilizing capacity of the population relative to the strength of the government. The Venezuelan Observatory of Social Conflict (OVCS) registered just 7,004 protests across the country from January to September of 2020, compared to 12,591 during that period the year before.<sup>64</sup> Most of these mobilizations, according to the OVCS, were small-scale protests in response to deteriorating living standards and basic services.

All of the above are indications that Venezuela's crisis is approaching a long-term catastrophic stalemate, which will pose serious challenges for the incoming Biden administration.

## **CHARTING A NEW PATH FORWARD**

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The Trump administration leaves a dismal legacy on Venezuela: a Maduro government that is strengthened as a result of U.S. policies, a population that is suffering and weakened, an opposition coalition that is divided and disempowered, and an international coalition that has lost a great deal of momentum. All indications are that Venezuela's political situation is heading toward a long-term deadlock. When Joe Biden becomes the 46th U.S. President on January 20, he will find himself confronting a host of competing priorities. Rather than assume political risk by advancing a policy shift, it may be tempting to keep much of the status quo in place.

But maintaining the current stalemate will not benefit the Venezuelan people. The next four years will present important opportunities for change, and the president-elect's foreign policy and national security teams should be prepared to take advantage of them. In order to bet-

ter shape the challenges of Venezuela policy and signal that the issue remains a priority, the Biden team would be best served by implementing new policies early in the administration. To that end, the next president should prioritize the following upon taking office:

**Work with European and Latin American partners to convene an international summit of stakeholders, including Maduro sponsors such as China, Cuba, and Russia.** Since 2019, the Swedish government has hosted two attempts to get all relevant geopolitical actors to participate in direct conversations regarding the future of Venezuela. These summits have been encouraging opportunities to deepen multilateral coordination, but they have suffered from a lack of commitment from the outgoing Trump administration. Diplomats in a Biden administration will have a new chance to explore coordination. One clear opportunity lies in establishing a new approach to Cuba policy, which does not frame a transition in Venezuela as the first step in an existential threat to the island's government. This may enable discussions about potential roles that Cuba might play in facilitating negotiations processes.

**Develop a new diplomatic strategy to improve communication with rivals such as China and Russia, with the goal of exploring areas of mutual interest in Venezuela.** Venezuela's protracted stalemate is reinforced by wider geopolitical interests, especially regarding Venezuela's abundant oil resources. Establishing clear lines of mutual interests among all the large powers involved could be the key forward. Maduro's backers in Moscow and Beijing, as well as the opposition's supporters in the United States, may be able to provide each other with necessary assurances. In return, each could alter the available incentives of Venezuelan political actors so that direct, credible negotiations as their best alternative.

**Direct senior Western Hemisphere policy officials in the National Security Council and State Department to closely coordinate with the Norwegian Ministry of Foreign Affairs in order to re-establish credible negotiations.** The 2019 Oslo/Barbados process, facilitated by Norwegian diplomats, were the most credible negotiations to date. Opposition negotiators claim they succeeded in getting Maduro to agree to new presidential elections in exchange for the prior lifting of sanctions, and while the Trump administration was uninterested in pursuing this deal, the Biden administration should rehabilitate it. The Norwegian Section for Peace and Reconciliation remains closely engaged on the issue and is in touch with all relevant parties, and retains legitimacy among Venezuelan and international actors. Forging a negotiated path forward will require regular engagement with their team. It should be remembered that the VERDAD Act passed with bipartisan support in December 2019, and establishes<sup>65</sup> that “it is the policy of the United States to support diplomatic engagement in order to advance a negotiated and peaceful solution to Venezuela’s political, economic, and humanitarian crisis.” It should also be remembered that the goal of negotiation is a return to democratic institutions,<sup>66</sup> not installing U.S. allies or vanquishing Chavismo. Who governs Venezuela should be decided by Venezuelans at the ballot box.

**Support progress towards initial, partial agreements as a way of building social capital needed to advance a comprehensive political solution.** Sectoral or partial agreements can help mobilize the use of funds frozen abroad to address the crisis, with necessary transparency. A June 2020 agreement to implement a response to the pandemic between Maduro’s Ministry of Health and the Humanitarian Aid Commission of the National Assembly, coordinated by the Pan American Health Organization (PAHO), was a tremendous achievement and shows that such agreements are possible. As the COVID-19 pandem-

ic worsens and the humanitarian emergency deepens, these sectoral agreements can be a way to mitigate human suffering while at the same time fostering negotiation towards a broader political solution.

**Clearly and unequivocally state that the U.S. does not support military intervention, and instead back multilateral diplomacy which emphasizes the need for free and fair elections as the only solution to the crisis.** From the first U.S. threats of a “military option” over two years ago, the wrong audience has taken this saber-rattling seriously. Maduro understands the threat is not credible, while some in the opposition believe it may be leveraged in the future. Maintaining any kind of military intervention on the table has only served to divide international allies while keeping the opposition trapped in a debate that disincentivizes domestic organizing.

**Convene an inter-agency task force to review Venezuela sanctions and related indictments, with the goal of reforming policy in ways that alleviate the humanitarian crisis and more effectively contribute to a return to democracy.** International pressure is an important tool in responding to Venezuela’s descent into authoritarianism. However, the sectoral sanctions imposed on Venezuela since 2017 have had more of an impact on the general public than on political and economic elites. And the inflexible nature of U.S. indictments have contributed to dramatically-escalated exit costs in Venezuela, complicating efforts to incentivize a transition. In 2021, the Biden administration should convene policymakers from the State Department, Treasury, Department of Justice, and other relevant agencies in a task force that meets with leading Venezuela analysts and NGOs and is charged with evaluating successes and failures of current policy. Ultimately, the goal should be to place effective pressure on Maduro while avoiding deepening the suffering of the Venezuelan people. To be

effective, sanctions should be multilateral, coordinated with European and Latin American allies, and explicitly tied to concrete outcomes under which they can be eased or lifted. This task force should recommend ways to advance a more internationally coordinated strategy of sanctions which target individuals, as well as to ensure that any indictments of key regime figures do not pose an obstacle to a transition.

**Instruct the Treasury Department’s Office of Foreign Assets Control (OFAC) to immediately re-establish humanitarian exemptions which permit Venezuela to trade crude oil in exchange for diesel.**

Importantly, reinstating these exemptions for diesel swaps will not require any kind of public announcement or general license, as these transactions were approved on an individual basis by OFAC. While current inventories are flush with diesel (because it has become a main form of compensation that Venezuela has received in exchange for its crude oil), and Maduro has sent significant quantities of the fuel on to its allies in Havana, economists suggest<sup>67</sup> these inventories will run out by mid-2021 even if Maduro stops exporting diesel to Cuba. This would have profound consequences<sup>68</sup> for the poorest sectors of society that are already in an extremely vulnerable situation, as well as for the humanitarian organizations that provide them assistance. To cut access to diesel is to devastate an already crumbling supply chain in the midst of a humanitarian crisis and the additional restrictions associated with the pandemic.

**Commit to a fully-funded humanitarian response inside Venezuela, while also pushing for better access for humanitarian actors.** While the United Nations’ 2020 Humanitarian Response Plan requests \$762.5 million, only 19 percent of this (\$147.6 million) had been funded as of October 30, 2020. The United States and the European Union, the main donors, have contributed to assistance outside the



plan, but this aid amounts to only \$74.2 million. More commitments are urgently needed. The Biden administration should communicate its willingness to provide more support for the UN response inside Venezuela, as well as for independent humanitarian organizations on the ground. However, U.S. officials must make clear that greater aid can only be provided if national and international humanitarian actors are given greater access to distribute assistance apolitically. Allowing greater control and oversight of aid distribution by impartial actors such as the World Food Programme (WFP) and Pan American Health Organization (PAHO) should be at the top of the agenda.

**Commit to fully-funding the UN appeal to support for fleeing Venezuelans across the hemisphere.** The Biden administration should commit to increasing funds for the joint United Nations High Commissioner for Refugees (UNHCR) and International Organization for Migration (IOM) regional response to fleeing Venezuelans. Less than half (46 percent) of the \$1.4 billion Regional Inter-Agency Coordination Platform appeal was funded in 2020, pointing to the need for greater assistance. The Biden administration must make clear that increased aid is not a blank check. Countries receiving refugees from Venezuela must take steps to allow Venezuelan migrants and refugees to access education, healthcare, and formal employment. A new administration should ensure that regional partners that receive U.S. assistance adjust their migration policies to provide greater access to regular status and essential services, as many countries agreed to in principle in the Quito Declaration of 2018.

**Immediately instruct the Department of Homeland Security to designate Venezuela for Temporary Protected Status (TPS).** Given the Department of Homeland Security's failure to offer temporary protection to fleeing Venezuelans, bipartisan legislation was intro-

duced in the House of Representatives in June 2019 to extend TPS to an estimated 200,000 eligible Venezuelan nationals in the United States. A companion bill was also taken up in the Senate with bipartisan support, but has been stalled since late 2019. In the context of the global COVID-19 pandemic and Venezuela's severely under-resourced health system, Venezuelans deported from the United States have been sent back to face an even more dire humanitarian crisis. The next administration can send a clear message of support for fleeing Venezuelans by granting TPS to prevent this process of returning Venezuelans to risk.

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## **ABOUT WOLA**

The Washington Office on Latin America (WOLA) is a leading research and advocacy organization advancing human rights in the Americas. We envision a future where public policies protect human rights and recognize human dignity, and where justice overcomes violence.

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## **ABOUT THE COVER PHOTO**

Photo of a group of people spelling out “Elections Now” during a protest in Caracas, Venezuela, on Monday, January 23, 2017. Source: AP Photo/Ariana Cubillos

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