

The new venezuelan parliament: solving or perpetuating the crisis?

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By: María Eugenia Fréitez¹ y Lorena Fréitez²

From the moment the Venezuelan National Assembly came under the control of the opposition, after the election of 2015, the country has experienced a period of intense political confrontation that has aggravated an economic and institutional crisis in which more than 50 countries have taken sides. The country's political actors have attempted to reduce the level of the conflict and resolve the crisis on three occasions by means of three electoral processes, but success has been elusive. The most recent attempt took place on December the 6th, when constitutionally mandated parliamentary elections were held for the 2021-2026 period. However, the principal opposition block, supported by international pressure from both the United States and Europe, (which did not recognize the

elections) decided not to participate, citing unfair conditions and calling on its supporters to abstain from the ballot and delegitimize the process.

The results of the disputed ballot are that the United Socialist Party of Venezuela (PSUV), the party of President Maduro, and its allies, now have an absolute majority in Congress, giving it broad ranging powers. However, to put the results in context, with only 31% of voters participating, the party received two million fewer votes than in the presidential election of 2018, where it obtained 6,245,862 votes. The party even polled a million votes less than the 5,625,248 it obtained in the 2015 parliamentary elections, in which it was defeated by the opposition. In proportional terms, however, it performed better (27% of registered voters) than it did in 2005 (14.3%) when it also participated in elections without any opposition; showing a sign of its ability to recover over time.

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Leaving aside the number of votes and seats obtained, an analysis of the elections raises some important questions: what purpose did the elections serve?; will they resolve the political-institutional conflict?; what will the governing Chavismo do with an absolute majority in the National Assembly?; with the loss of the only institutional space held by the opposition, will we see the end of the strategy of the 'interim government' of Juan Guaidó?; is a new political cycle under way in Venezuela?; and if so, will it be a cycle of authoritarianism or of negotiation?

The controversy surrounding the elections

In the run up to the elections, the Maduro Government pardoned political prisoners and repealed Constituent Assembly³ decrees in order to facilitate the participation of micro-parties. Even so, the elections still took place in an environment of national and international controversy over their legitimacy. The main points of contention were the judicial decisions that changed the makeup of the electoral authorities, and intervened in the boards of directors of nine opposition political parties. Both actions were considered illegitimate for being imposed and consequently violating the principle of party autonomy. The creation of new electoral

norms that increased the number of seats by 66%, from 167 to 277, plus the modification of the representation criteria and the calculation of population bases, also aroused suspicion. The changes favored the large parties to the detriment of the smaller, and according to the political scientist Michael Penfold⁴, violated constitutional norms.

Penfold added that the lack of international verification mechanisms also affected the credibility of the vote. The official electoral body did however guarantee oversight by 1,500 electoral observation experts and 300 political, social or institutional representatives from 34 countries.

In the circumstances, the opposition led by Juan Guaidó claimed fraud and called for abstention, while proposing a 'Popular Consultation' that began on December 7th and ended on December 12. By means of three consultation questions, Guaidó continues to ask for what he was not able to achieve in two years: the resignation of Maduro and the holding of elections with the cooperation and support of the international community.

A pre-electoral climate marked by fragmentation

In the words of sociologist Maryclen Stelling⁵, the pre-election period spelled the reconfiguration of the political poles. Firstly, Chavismo

3 Time limited plenipotentiary Parliament summoned to transform the State and write a new Constitution (according to art. 347 of the Venezuelan Constitution). Nicolás Maduro called elections for a National Constituent Assembly (ANC) in the midst of the political crisis of 2017. The opposition did not participate, although the participation of 41.53% of eligible voters was significant. In practice, the ANC mitigated violent opposition protest, functioned as a pro-government counterpart, and did not draft a new constitution. It is planned to dissolve the Assembly when the new parliament meets.

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no longer appeared as a single unified bloc, being represented by two different alliances: the Simon Bolívar Great Patriotic Pole, led by the United Socialist Party of Venezuela (PSUV), and the Popular Revolutionary Alliance (APR), a left-wing opposition group critical of the Maduro Government and headed by the Communist Party of Venezuela (PCV).

Secondly, the opposition was divided between those who decided to participate in the elections, and those who called for abstention. One block of parties, distanced from Juan Guaidó's insurrectionary strategy, decided to participate, forming two electoral alliances: the Democratic Alliance (Alianza Democrática) and United Venezuela (Venezuela Unida), as well as a group of independent parties. The second, the G4 abstentionist bloc consisting of the four majority opposition parties which have supported Guaidó's leadership since 2019 - Democratic Action, A New Time, Justice First and Popular Resolve (Acción Democrática, Un Nuevo Tiempo, Primero Justicia, Voluntad Popular) - split during the pre-electoral period.

As a result of the break, this block now consists of three separate currents: that of Juan Guaidó, Leopoldo López, and the 27 parties that called for abstention and support the 'popular consultation'; that of María Corina Machado, who insists on foreign military intervention; and that of twice presidential candidate Henrique Capriles Radonski, who supported participation, secretly negotiated the release of 110 political prisoners with the Government, but finally withdrew due to alleged diplomatic and economic pressure, and because the Government did not accept

his proposal to postpone the election date in order to improve conditions.

The political map after the election: results that fail to solve the crisis

In parliamentary elections participation has been markedly influenced by the general political situation, and evidences a high level of variability. For example, in 2005, when the major opposition block also decided not to compete, voter participation was 25%; while in 2010 it was 66%; and in 2015, when the opposition gained control, it reached more than 70%. In all thirty one percent of a possible 20,733,941 voters actually cast their ballots, however the registered voters include an approximately five million Venezuelans who have emigrated and are not eligible vote in this type of election from outside the country.

Abstention this time around was both explicit, i.e. those following the political line of the G-4, and endemic, arising from the disenchantment and even despair of the population, as described by Víctor Álvarez⁶. The Jesuit researcher Alfredo Infante⁷ describes this as a matter of "political depression", the result of a growing "depoliticization of society".

The results reflect the projections of the national pollsters and a scenario prepared by the opposition in order to claim a political victor a strategy supported by the international community Washington, the Latin American 'Lima Group', and the European

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7 Researcher. President of the Gumilla Center, a Jesuit research and social action center.

Union, all confirming their initial positions regarding the illegitimacy of the vote. But for Álvarez, rather than a victory for the opposition, abstentionism has in fact benefitted the ruling party: reducing the political capital the opposition needs in order to present itself as a real alternative.

What did the elections achieve?

In general terms, given that the Government has defeated the opposition the elections have resolved the immediate conflict, without, however, resolving the national crisis. Researcher and activist Andrés Antillano⁸ explains that the resolution of the immediate political conflict “does not translate into resolution of the crisis of legitimacy, governability or the economy. On the contrary, the result could imply a kind of fossilization, of perpetuation of the crisis.”

According to Antillano, these elections have neither the capacity to guarantee external legitimacy, but even more importantly, do not provide internal legitimacy “given that the results of the elections are not a reflection of the correlation of real forces in society. In other words, the Government has an overwhelming majority in the National Assembly, but the majority of society no longer supports the Government.”

For his part, Michel Penfold points out that “this latest electoral process, with its very low levels of electoral participation and dire results for those opposition parties that decided

to participate, poses a huge representational crisis that will in no way permit the underlying problems in Venezuela to be resolved”.

Antillano adds that the structural problem lies in the fact that beginning with the 2018 presidential elections: “Elections no longer resolve political crises in Venezuela” (...) “A decision has been made that the elections should function as a means to perpetuate those in power rather than solving the political crisis. For elections to resolve political crises, they must be legitimate, i.e., where permanence in power is at stake and where the will of the majority is expressed.”

For the PSUV: a strategic victory against the United States, and the annihilation of the opposition

With 98.65% of the votes counted, the Great Patriotic Pole, led by the PSUV, has obtained 4,276,926 votes out of a total of 6,251,080 valid ballots. The effects of the previously mentioned modifications to the electoral system can be seen in the fact that the Great Patriotic Pole will take more than 90% of the seats (253 of 277) with only 69% of the votes, according to the latest official bulletin.

For its part, the Popular Revolutionary Alliance, APR, the wing of chavismo headed by the Communist Party of Venezuela, obtained only 168,743 votes or 2.7% of the total, sufficient to elect only one member of the Assembly. The fact that the APR dissociated itself from government policies did not help it crack the dominance of the PSUV, its gambit of being a voting option

⁸ Social psychologist, criminologist. Researcher and professor at the Central University of Venezuela. Popular left activist in Venezuela.

fordiscontented Chavistas yielding little in the way of electoral results.

According to Antillano, this is a strategic victory for the PSUV given the geopolitical dimension of the Venezuelan conflict. That the opposition gambled everything on the intervention of the international community, hoping that the US sanctions would overthrow Maduro, shows that with these results the PSUV “has not only defeated the G4 opposition but also the United States.”

With its percentage of votes, the PSUV will easily attain three fifths (166) of the 277 parliamentary seats, and with its overwhelming majority, will be able to pass the National Budget and approve external debt, enabling laws, convene a National Constituent Assembly, draft Constitutional Reform and Organic Laws, and elect and remove members of the Judicial, Citizen and Electoral bodies, amongst others.

Beyond the PSUV’s campaign promises, the backdrop is the economic changes that could result from the decisions of its parliamentary majority. According to Víctor Álvarez, the National Assembly could legally open up the economy, offering foreign investors a higher percentage of equity participation in the joint ventures created to exploit oil, gas, gold, diamonds, coltan and other strategic minerals, as well as in the management of public services.

For the sociologist Maryclen Stelling, on the other hand, in the longer term the election results could be a stabilizing factor in Venezuelan politics. The immediate challenge for the PSUV being political in nature: going

beyond thrill of victory; not giving in to the temptation for “revenge”; building a democratic, plural and transparent political environment; and promoting dialogue, agreements, and negotiations between the various political factions.

For the opposition: a major crisis of representation

As far as the opposition that did participate in the elections goes, the results were not in line with their expectations. The group’s leaders had hoped to break the hold of the PSUV by winning around 112 seats, but the combined percentage of votes of its two coalitions (“Alianza Democrática” and “Venezuela Unida”) together with a handful of independent parties, was only 29.7 % of votes, clearly insufficient to achieve the objective. The result is a loss of almost the entire opposition’s negotiating capacity, given that the PSUV will have no need of their votes in order to pass any of its initiatives.

Outside the parliamentary scenario, the situation of the opposition bloc also appears complicated. Michael Penfold explains that “the opposition is going to face a major crisis of representation, as without votes, none of the relevant actors will be able to demonstrate the origin of their representativeness, and the basis of their political presence will consequently suffer.”

For both Víctor Álvarez and the historian Margarita López Maya⁹, this crisis of

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representation is the result of a disconnection between the population and the principal G4 opposition leaders. For López Maya it was “the strategy of exile” that caused them to be seen as removed from the hardship of the majority. While on his part, Álvarez points out that abstentionism immobilized the opposition leadership, disconnecting it from national sentiment and leaving it with no territorial structure or capacity for mobilization.

For López Maya, the “Popular Consultation” promoted by Guaidó is precisely an expression of this social disconnection: “I can’t see what the benefit will be for the Venezuelan population (...) if the only apparent objective is to legitimize to an opposition whose popularity has declined sufficiently that it will have difficulty in continuing to act and develop an adequate strategy.

In Maya’s opinion, despite the crisis of representation, the opposition parties may have a rearguard in civil society: “What we are seeing is a greater visibility of social actors: collecting information, denouncing human rights violations, substantiating complaints in the international arena, and talking about negotiations and agreements that would increase humanitarian aid to Venezuela. This visibility is related to the crisis of representation that we are experiencing at this moment between political actors and the population.”

The Perspectives: between the crisis of political representation, authoritarianism and a grand national pact

With a PSUV unopposed, “every decision will be taken without little or no political

debate; this will depoliticize the government’s management, depoliticize Chavismo and depoliticize the country,” explains Antillano. In the post-electoral scenario, we could therefore see a disaffected society or one submerged in “political depression”, a fragmented opposition, and a Chavismo closed in on itself.

The PSUV, he considers, will deliberate between its democratic and its authoritarian tendencies: “It could choose an opposition with which to negotiate, with which to open a political forum, but on the other hand it could also become bogged down in an environment of hegemony, of domination: uncontested, unopposed. And that implies the danger of an increase in the authoritarian dynamics present in the PSUV, because it is also the result of victory.”

Another factor to consider, explains Antillano, is that internal struggles could also resurface. The differences were ignored in the context of the friend-enemy logic typical of “a revolution under siege” discourse, but could reappear in a scenario of depoliticization and major social unrest. The conflicts will not only be internal, but could also spread to the popular sectors and even to the armed forces. Under these conditions, he says, Venezuela is likely to move towards a 1990’s Russian model: “Authoritarianism in politics, liberalism in economics, with strong over-tone of gangsterism and corruption”.

For Álvarez, this model might begin with a process of opening up, liberalization, and privatization in a desperate bid to oxygenate the economy and soften the impacts of the blockade. “By opening public companies to

private capital and protecting their investments,” he says, “the Government hopes to persuade oil transnationals and foreign investors to join the international lobby and persuade the US Government to lift the sanctions.”

On the other hand, according to Antillano, without counterweights the PSUV’s democratic impulses, and its openness to dialogue and political negotiation, could only flourish in the presence of pressure from sectors within the highest levels of government. This democratic impulse might however receive support from the political calculations of a party that, in the face of the legitimacy crisis it is experiencing, may conclude that it needs to negotiate and that now is the best time to do so. Having politically defeated the “largest empire in the world” may allow it to be much less hard line in negotiations than it has been so far, “with all aspects, including the military, on the table.”

The international community

In January of next year, 2021, when the Venezuelan parliament is controlled by Chavismo, Juan Guaidó is left with no concrete institutional supports, and Joe Biden assumes command of the White House, the international Atlantic community will likely change its strategy, even though still not formally recognizing the 2020 parliamentary elections.

According to Michael Penfold: “We are going to see an international community – especially Europe and the US – working in a more coordinated manner on a policy that favors institutional solutions rather than the removal of actors in order to promote regime change.”

Along the same lines, Víctor Álvarez suggests that the Biden government will concentrate its efforts on locating a new intermediary, acceptable to the armed forces, that can negotiate credible elections for a new government without having to force Maduro’s resignation or establish a transitional regime. Andrés Antillano, on his part, maintains that “Biden, will address the issue either through the relationship with Cuba, or through multilateralism, a form of Atlanticism, i.e. an alliance with Europe and with progressive Latin America governments such as Mexico and Argentina.”

As for the European Union, even though Portugal (which did not recognize Guaidó as interim president) will assume the Presidency of the block in January, Penfold believes that “this will have little impact, because, regardless of who leads the EU, it will favor a type of policy that seeks an institutional solution, a policy the International Contact Group (ICG) has already been promoting.”

A progressive scenario: gradual negotiations and a governance pact

If these suggestions prove to be right, the most important challenge for Venezuela will be the consolidation of a negotiating agenda for resolving the country’s profound political crisis. In which case, it is worth thinking about the possible terms, designs and the players of a process of political negotiation in Venezuela.

The framework of possible negotiations can be understood by examining three possible scenarios. The first, maximalist and short-term, would be governed by “zero sum”

thinking. The second, another transactional and also short-term round of partial negotiations focused on power quotas without a strategic horizon. Both have dominated the relationship between the government and the opposition up until now.

The third, is a more long-term, incremental governability, (yet to materialize) which rather than a piecemeal approach, would include, as Antillano puts it, “grand agreements” that would be the result of a more global and strategic reading of the situation, and of progressive development.

The chosen or imposed logic will need to transcend the already tried models. According to López Maya, “we have to get away from the zero-sum logic, leave the polarization strategy behind, and move towards short, medium and long-term strategies that imply micro agreements for solving some problems, with a view to rescuing Venezuelan democratic institutions and eventually arriving at an electoral process with good, competitive conditions, where all Venezuelans have the right to be elected or to choose.”

For Antillano, the most effective policy would be to move towards a grand governance agreement or pact, “a kind of Pacto de Punto Fijo” (the 1958 pact on which Venezuelan party democracy is based). “Regardless of who holds power” he says, “there would be untouchable elements, aspects that endure: a mixed economy; social and collective rights; human rights; representative democracy; but also forms of participatory democracy; sovereignty over natural resources; the respect and recognition of

the political forces; and the non-persecution of the political forces.”

In his opinion, this could be an interesting for the PSUV because “losing power would not mean the annihilation of its political force, or the dismantling of what the Chavista years have meant.”

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