



International Peacemaking in Venezuela's Intractable Conflict

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Abstract

Can international peacemaking efforts succeed in an intractable conflict such as the one in Venezuela? In this paper we put forward a conceptualization of peacemaking processes that underlines their ability to creatively change the terms of a conflict. Then we look at the four dialogue and negotiation processes that have occurred during the government of Nicolás Maduro. Our review shows that, while it is clear that the Maduro government uses dialogue processes as a delay tactic through which it can divide and demobilize the opposition, clear progress has been made in the mediators' ability to generate concrete articulation and discussion of the conflicting parties' demands. However, international allies on each side of the conflict are affecting the calculations of the two sides, working against an agreement.

Key words

Venezuela; peace process; peacemaking; Nicolás Maduro; Juan Guaidó; international mediation; International Contact Group; Norway.

Resumen

¿Pueden los esfuerzos internacionales de pacificación tener éxito en un conflicto tan inextricable como el de Venezuela? En este texto se presenta una conceptualización de los procesos de paz que subraya su capacidad para cambiar creativamente los términos de un conflicto. Luego, se echa un vistazo a los cuatro procesos de diálogo y negociación que han tenido lugar durante el gobierno de Nicolás Maduro. Esta revisión muestra que, si bien es claro que el gobierno de Maduro utiliza los procesos de diálogo como una táctica dilatoria por medio de la cual puede dividir y desmovilizar a la oposición, se han producido avances claros en la capacidad de los mediadores para generar una articulación y una negociación concretas de las demandas de las partes en conflicto. Sin embargo, los aliados internacionales de cada lado del conflicto están afectando los cálculos de ambas partes, lo cual va en contra de lograr un acuerdo.

Palabras clave

Venezuela; proceso de paz; pacificación; Nicolás Maduro; Juan Guaidó; mediación internacional; Grupo de Contacto Internacional; Noruega.

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1. Introduction*

While the question of how to address Venezuela's conflict has polarized international opinion for the better part of the last two decades, the first week in February 2019 represented a milestone. Within twenty-four hours, in the same city, two efforts at peacemaking were created, with host country Uruguay joining both. The previous week, in response to a call for dialogue in the Venezuelan conflict by United Nations Secretary General António Guterres, Uruguay and Mexico had announced a meeting in the Uruguayan capital of Montevideo, called the "International Conference on the Situation in Venezuela." This came after Venezuela's National Assembly President Juan Guaidó had assumed the interim presidency of Venezuela and had been recognized by the United States and the members of the Lima Group.¹ The European Union had not recognized the presidency of Juan Guaidó but stated that it would if the government of Nicolás Maduro did not concede to elections. In addition to Uruguay and Mexico, Bolivia, Costa Rica, Ecuador, France, Germany, Italy, the Netherlands, Portugal, Sweden and the United Kingdom would attend the meeting.

It was clear from the beginning that there would be serious differences of opinion at the February 7 meeting, but participants hoped they could be reconciled into a common approach. However, the evening before the meeting, the Uruguayan and Mexican Foreign Ministers, alongside countries of the Caribbean Community, held their own meeting and drafted a proposal for what they called the "Montevideo Mechanism,"—a four-phase plan for dialogue with no preconditions. The first phase would be for the parties to identify the conditions needed for direct contact. The second phase, negotiation, would be about "flexibilization of positions and identification of potential agreements." The third phase would be about making commitments, with both sides ideally compromising and conceding, which would lead to an accord. The final phase would be for implementation with international accompaniment. This proposal was largely symbolic as opposition leader Juan Guaidó had previously announced that they would not participate in this type of open dialogue, given the lack of progress in three previous efforts.

* We would like to dedicate this article to the memory of Pedro Nikken, who passed away shortly before it was completed. Pedro's tireless advocacy for a negotiated transition to democracy has been an inspiration to all and he will be sorely missed. In a recent private event hosted by WOLA he said: "Negotiation is the only way to resolve a crisis. The only question is whether it will happen before or after more deaths occur." And we would like to thank participants in forums at the Institute for Politics and the Environment at University of Oslo, the Kellogg Institute for International Studies at the University of Notre Dame, the Center for Inter-American Policy Research at Tulane University and the Getulio Vargas Foundation in São Paulo, for comments on presentations of this article. We would like to thank Benedicte Bull, Antulio Rosales, José Antonio Sanahuja and Leiv Marsteintredet for their comments on this draft.

¹ The Lima Group was formed in August 2017 by countries in the region seeking to pressure Venezuela for a return to democracy. Argentina, Brazil, Canada, Chile, Colombia, Costa Rica, Guatemala, Honduras, Mexico, Panama, Paraguay and Peru were the original members. Guyana and Saint Lucia joined later.

The next day, however, the original invitees had a meeting in Montevideo and created a very different mechanism: The International Contact Group (ICG). The ICG brought together countries from Latin America (Costa Rica, Ecuador, and Uruguay –in addition to Panama, which joined in September 2019) as well as a representative of the European Union and one each from eight of its Member States (France, Germany, Italy, the Netherlands, Portugal, Spain, Sweden, and the United Kingdom). The ICG’s focus on elections and recognition of the fact that Maduro has not acted in good faith in previous rounds of talks made this proposal different. According to its Terms of Reference, the objective of the ICG was “not to be a mediator,” but instead to “build trust and create the necessary conditions for a credible process to emerge, in line with the relevant provisions of the Venezuelan Constitution” (Council of the European Union, 2019). The document listed a series of conditions and minimum confidence-building measures to get to this solution, including releasing political prisoners, renaming members of the National Electoral Council (CNE, by its acronym in Spanish), and ending restrictions on all political parties and politicians in the electoral process.

While these quite differing perspectives of what peacemaking in Venezuela should look like were emerging, the U.S. lumped together and opposed both efforts from the start. On February 7, 2019, U.S. Envoy for Venezuela Elliot Abrams criticized the efforts saying, “Maduro has proven he will manipulate any calls for negotiations to his advantage and has often used so-called dialogues as a way to play for time” (Agence France Presse, 2019). The U.S. instead pushed for a maximum pressure strategy applying not only oil sanctions, but continually suggesting that “all options are on the table.” Through pressure it sought to generate a fracture in the regime that could initiate a transition to democracy.

These three stances broadly represent the leading positions with reference to efforts to reach a negotiated settlement in Venezuela: dialogue without preconditions, engaged diplomacy, and coercive diplomacy. In this paper we try to infuse this discussion with theory and history. While the supporters of the Montevideo Mechanism are either sincerely or strategically unaware of the history of dialogue during the Maduro regime, the U.S. and others opposing any negotiation process misrepresent it. Here we provide a close review of efforts at dialogue and negotiation showing that, even though the Maduro government uses dialogue as a stalling tactic, there has been a clear progression in international peacemaking efforts and their results. Before proceeding to describe the four efforts at dialogue and negotiation, we will put forward the conceptual framework we are working with. We suggest that, while third party engagement is widely recognized as an essential tool for overcoming conflict, there are many ways it can go wrong. We emphasize that international peacemaking efforts must be knowledgeable of the contours and history of the conflict, avoid partiality, and have some power to encourage an agreement and later fulfillment. We also underline the ability of negotiation processes to reframe a conflict and argue the goal should not be a “solution” but a sustained political process.

2. Peacemaking and Intractability

Venezuela is what has been called an “intractable” conflict, a conflict that has “persisted over time and refused to yield to efforts –through either direct negotiations by the parties or mediation with third-party assistance– to arrive at a political settlement” (Crocker, Hampson and Aall, 2005: 1). Venezuela first reached acute conflict during the Chávez presidency in 2002, when a strike by executives and workers of the national oil company –Petróleos de Venezuela (PDVSA)– eventually led to a short-level coup, removing Chávez from power for 36 hours (López Maya, 2005) In the aftermath of the coup and Chávez’s quick restoration of power, the Organization of American States and the Carter Center began what would become a two-year mediation effort, successfully brokering the recall referendum of August 2004 (McCoy and Diez, 2011). Chávez defeated the recall effort by a landslide; however, the

results were not seen as legitimate by large segments of the opposition and it only temporarily reduced conflict. Major cycles of protest emerged in 2007 when the government of Hugo Chávez shut down a major media outlet, and then again in 2008 and 2009, when he pushed through major structural reforms, including to higher education. Nicolás Maduro's government was born in conflict as his narrow April 2013 election was protested in the streets. Since then, there have been four efforts at international peacemaking that have not been able to end the conflict. One of the typical sources of intractability among participants is the failure of past peacemaking efforts (Crocker, Hampson and Aall, 2005), and that is exactly what has happened in Venezuela. Each dialogue and negotiation effort have essentially defused the conflict and ended up with the government holding on to power, leaving many in the opposition to think it is negotiation that is the problem. *Chavismo*, on the other hand, tends to think the opposition cannot recognize their own strategic errors and cry foul every time they lose a political battle.

Can international peacemaking be effective in Venezuela's intractable conflict? We find the conclusion that guides the United States government and Venezuela's radical opposition, that efforts at peacemaking are futile, to be unfounded and uninformed by historical precedent. Sergio Bitar and Abraham Lowenthal (2016) have argued that democratic transitions never look inevitable before they happen and have occurred in situations that, at the time, were thought to be hopeless, such as communist Poland, Chile under Pinochet, and South Africa under apartheid. With strategic leadership, entirely unexpected breakthroughs can occur (see their framework applied to Venezuela in Lowenthal and Smilde, 2019). Our view is undergirded by one of the most basic tenets of sociological research: the idea that social interaction is itself creative and causal. After all, "social interaction is a process that *forms* human conduct instead of being merely a means or a setting of the expression or release of human conduct" (Blumer, 1994: 309; italics in the original).² Applied to this case we think it is essential to look at a negotiation process not as a meeting in which the interests and powers of the conflicting sides are laid on the table and an optimal solution is tabulated. Rather, negotiating processes have a capacity for reframing and reorganizing a conflict in such a way that a tenable political process can be developed.

The importance of third parties in peacemaking is, of course, one of the fundamental findings of the scholarly literature on violence (Cooney, 1998; Collins, 2008), and one of the building blocks of the literature on conflict resolution (Cronin, 2009; Ury, 1999). William Ury (1999) argues that it is precisely because human conflict takes place within a larger community that peace is actually the normal human state, not the Hobbesian "war of all-against-all" that so much of social science takes as its starting point. Conflicting parties exist within a larger context that usually has something at stake and has an interest in seeking a solution to conflict rather than being collateral damage. Ury calls this larger community the "third side" and argues that its historic roles are to contain conflict and reorient the parties back towards cooperation and cohabitation. Indeed, since the end of the Cold War, mediation has become an ever more important means for ending conflicts. There were more mediation efforts in the decade of the 1990s than in the previous four decades combined, and the proportion of conflicts ending in negotiated settlements surpassed the number ending in military victory (Wallensteen and Wiewiorka, 2018: 435). Indeed, the success and popularity of international peacemaking efforts has created something of a cottage industry of institutions and experts dedicated to the task.

Of course, saying social interaction is creative and causal is not the same as saying it is "functional," for it is just as possible that a negotiation process could worsen a conflict. Put differently, it is important

² One could also point to Emile Durkheim who saw "collective effervescence" as one of the fundamental creative aspects of human social life and attributed to it the breakthrough that led the French National Constituent Assembly to abolish feudalism on August 4, 1789. In his view the "assembly was suddenly led to an act of sacrifice and abnegation which each of its members had refused the day before, and at which they were all surprised the day after" (Durkheim, 1965 [1915]: 240.)

to avoid the naïve assumption that any and all efforts at peacemaking are positive simply because they are based on good intentions. It is the nature of human social life that no salient and effective social practice is stable. Human beings are always thinking several steps ahead, taking into account existing structures and practices and strategically using and misusing them (Mann, 1986: 16). It is not inconsistent, then, to see peacemaking efforts as generally the best way to resolve conflict, and to be fully aware that political actors can use them for purposes at odds with these goals.

Lakhdar Brahimi and Salman Ahmed (2008) have written about the “seven deadly sins of mediation.” The most important of these, which they call “the original sin of mediation” is ignorance of the history and contours of the conflict. Mediators “need to be aware of the different explanations for why the violence erupted in the first place, why the conflict has persisted for as long as it has, and what solutions have already been tried and discussed” (Brahimi and Ahmed, 2008: 5). This is our criticism of the “Montevideo Mechanism” described above. Its call for open-ended dialogue did not take into account the three previous dialogue efforts nor did it recognize the use Nicolás Maduro’s government has made of dialogue to appear democratic at the same time that it shuts down institutional democratic spaces nor the way it has used dialogue to demobilize the opposition and relieve pressure (Smilde and Ramsey, 2019).

Another “sin” of mediation is partiality. For mediators to seriously engage the contending parties they not only have to be knowledgeable about the conflict but seen by the conflicting parties as honest and impartial brokers. All mediators come from a perspective and will be accused of partiality by some. So, developing an appreciation by the parties as impartial requires painstaking work. The authors also mention the idea of “impotence.” Even if mediators are successful and professional in mediating a conflict, if they do not have the power to enforce it, there is no guarantee the parties will follow it through. A final “sin” that is relevant here is to make false promises of a quick resolution.

[Mediators should] constantly reinforce a few basic messages: progress will be slow; mistakes will be made; setbacks will occur; periodic review and course correction will be required; technical problems can be resolved through technical solutions but political problems need political solutions; painful compromises and concessions will be expected of everyone; there is no short-cut to sustainable peace... (Brahimi y Ahmed, 2008: 10).

Thus, not only can international peacemaking efforts not be dismissed out-of-hand; it is important to realize that ineffective or poorly conceived negotiations can be counterproductive. When peacemaking efforts are poorly formulated or poorly carried-out, they can worsen a conflict or push it towards an outcome that does not promote the rights and well-being of the people of the conflicted context. Peacemaking efforts must be soberly and continually interrogated to make sure they are proceeding in a constructive way that could improve the situation. In the rest of this section we will put forward a reading of the literature on peacemaking that is based on the latter’s potential for leading those involved to creative breakthroughs in intractable conflicts.

From Ideology to Interests

Our most significant source of disagreement with skeptics of negotiation is precisely on the issue of what negotiation amounts to. We suggest that negotiation can succeed even in the context of an intractable conflict, because of its capacity to reframe that conflict. Ury argues there are three basic ways to resolve disputes: by deciding who is right, through power, or through interest-based approaches. The natural tendency is to focus on the first two, but the third is generally most effective, i.e. focusing on interests rather than ideological positions (Ury, Brett and Goldberg, 1988; Ury, 1991; Fisher and Ury, 2011). Fisher and Ury (2011: 42) suggest “your position is something you have decided upon. Your interests are what caused you to so decide.” Focusing on positions means someone will

lose, and “losing face” can be one of the most important impediments to reaching an agreement (Ury, 1991; Lindner, 2006). Focusing on interests, in contrast, can lead to agreements that satisfy both sides because interests can be viewed as background conditions not decided upon, and recognizing the interests of a counterpart seems magnanimous whereas figuring out who is right has a winner and a loser. This is especially relevant in Venezuela, given that the conflict is fueled as much by ideological factors as by simple substantive issues (Lederach, 1997).

Reconstructing Interests

Breaking down a conflict into interests rather than ideological positions is important for allowing parties to negotiate without appearing to give up on their political ideology and all of the narratives and networks it entails. However, drawing a clear line between interests and positions can be misleading if interests are interpreted using a minimalist understanding as referring to material gain and power (Joas and Knobl, 2013). Interests and negotiations are themselves immersed in ideas and emotions that, in turn, are immersed in narratives and identities. The conflict in Palestine, for example, is not just about land, but about land that is considered holy by two conflicting sides. The thick social and cultural construction of interests provides both a challenge and an opportunity. It prevents seeing negotiation as a simple market exchange and provides the opportunity to reframe and reorganize the structure of the conflict through the negotiation itself. Numerous scholars of conflict resolution suggest that a key element of successful mediation is the transformation of a conflict (Fitzduff, 2002; Kriesberg, 1989), a reframing of the conflict (Watkins and Rosegrant, 2001), or a process of re-educating the participants in the conflict (Abu-Nimer, 1999). Intransigence does not just happen; it has a history and it is necessary to try to understand its source (Ury, 1991). Successful conflict resolution requires reaching into the past to understand previous stages of the conflict (Watkins and Rosegrant, 2001; Abu-Nimer, 1999). Successful mediation can create new narratives regarding the conflict and the interests that motivate it, and thereby create new spaces for resolution (Winslade and Monk, 2000). The goal is to modify the existing choices, and it is a process that has more in common with imagination than computation (Fisher, Kopelman and Kupfer Schneider, 1996; Lederach, 2005; Pearce and Littlejohn, 1997). Successful conflict resolution requires looking at the conflict and trying to map out the base problems and seek to modify the perceived choices of the parties (Fitzduff, 2002).

Instead of a Solution, a New Process

A final important point that can be gathered from the literature on peacemaking is that it is important to see conflict resolution as the creation of a process rather than “solving” a problem once and for all (Fisher, Kopelman and Schneider, 1996). Even a successful agreement does not necessarily mean the resolution of a conflict, as it may leave in play many of the underlying causes of that conflict (Abu-Nimer, 1999). This means it is essential to set up the correct expectations among the conflicting parties and their supporters. Agreements can be signed, and ceremonies held when they are, but it should always be emphasized that such agreements are just steppingstones along the way of a continued long-term political process. This is not easy, especially in a context such as Venezuela where people are suffering and desperate for a solution.

3. Methodological Perspective

We come to the task of this paper as analysts and activists working for the Washington Office on Latin America (WOLA), an independent, non-governmental organization dedicated to human rights in the Americas. The first author has done research on Venezuela for over twenty-five years and worked in

human rights advocacy in Venezuela for over ten. The second author has worked with WOLA for five, and closely followed the Venezuela case for longer. Each have observed, analyzed and advocated regarding the processes described in this paper as they have happened and much of the empirical analysis comes from posts written on WOLA's *Venezuelan Politics and Human Rights* blog. We have also engaged political actors on all sides of the conflict, as well as partner human rights organizations in Venezuela and the region. All of our work on Venezuela is aimed at advancing the rights of Venezuelans vis-à-vis the local, national and global powers that affect them. While this level of engagement does not conform to classic notions of academic objectivity, it taps into a long tradition of public social science (Reason and Bradbury, 2008; Clawson, Zussman, Misra, Gerstel, Stokes and Anderton, 2007; Lowenthal and Bertucci, 2014). Scholarly articles –such as this one– serve not only as a means to express the perspective we work with, but also as an opportunity to reflect on it, develop it, and open it up for debate.

4. Dialogue and Negotiation in Four Parts

The presidency of Nicolás Maduro has been characterized not only by conflict in the streets, but also by international efforts at peacemaking. In this section we will look at the four efforts that took place from 2014 to 2019 as a way of addressing the question of whether such peacemaking efforts have any promise, and what can be learned from the actual sequence of events.

a. 2014: UNASUR and The Holy See

The first experience with dialogue during the Maduro period came in the midst of an extended wave of protests from February to April of 2014. The “la salida” (which translates as both “the solution” and “the exit”) protests responded to frustration at the consolidation of the government of Nicolás Maduro, continued economic deterioration, and the government’s violence against protestors. After more than forty deaths, an effort at dialogue was sponsored by the Union of Southern Nations (UNASUR), still active at that time, and the Holy See’s representative in Venezuela. It was attended by the foreign ministers of Colombia, María Ángela Holguín; Ecuador, Ricardo Patiño; and Brazil, Luiz Alberto Figueredo, all from UNASUR countries, and the Holy See’s Nuncio, Monsignor Aldo Giordani. The initiative began after a visit to Venezuela by the foreign ministers of UNASUR countries which led to a statement that noted “a willingness to dialogue from all sectors” (Gill, 2014). While there was willingness on both sides, it was not uniform on the opposition’s side and Maduro himself said it would be a “debate,” not a negotiation (Smilde, 2014).

The process was launched with a televised session in Miraflores with the UNASUR and the Holy See sponsors present, but not intervening. Each side was represented by eleven leaders (Smilde, 2014). The session opened with Monsignor Giordani reading a letter sent by Pope Francis urging respect and tolerance and calling for political leaders to become “builders of peace” (Infobae, 2014). The meeting turned into a six-hour televised, surprisingly candid and direct but very unfocused debate that finished at 2:00 am (BBC, 2014; Smilde, 2014). This eventually led to the designation of three work groups, including a “truth commission” to clarify the violence that occurred in 2014, a commission to look at the issue of amnesty for political prisoners, and another one to look at the relationship between regional and national political authorities.

However, the dialogue broke down after a month with no concrete results. On May 13, the Secretary General of the Democratic Unity Table (MUD) –as the opposition coalition was then called–, Ramón Guillermo Avelledo, gave a press conference saying that “dialogue is in crisis” and that the opposition would not meet again until the government gave “concrete demonstration” of willingness to make progress. This was a reaction to continued government repression against student protesters as well

as apparent government reneging on preliminary agreements. But perhaps the most important cause of the MUD's announcement was mounting criticism stemming from Assistant Secretary of State Roberta Jacobson's suggestion in questioning in a U.S. Senate subcommittee, that led her to say that sectors of the opposition had asked the State Department not to pursue sanctions at this time. For many opposition radicals one of the driving motivations of the protest movement has been to push foreign governments to take action against what they saw as a repressive dictatorship. Thus, the possibility that the MUD might have negotiated behind the scenes to prevent U.S. sanctions only reinforced radicals' distrust of opposition leadership (Smilde and Pérez Hernáiz, 2014b).

Perhaps most notable about this dialogue effort was the relative passivity of the mediators. The UNASUR and Holy See representatives essentially acted as "accompaniment," encouraging the process but without any substantial intervention.

b. 2016: The Holy See

2016 was marked by the opposition's push to organize a presidential recall referendum and the Maduro-controlled National Electoral Council's efforts to impede it. During the entire year there were suggestions of dialogue and calls for the Holy See's involvement from both sides (Smilde and Pérez Hernáiz, 2016). After state tribunals in mid-October invalidated the signature gathering for a recall referendum against Maduro and the CNE suspended the procedure, there were protests and calls for a massive march on the presidential palace, with a high likelihood of violence (WOLA, 2016). The sides met on October 23 and then again on November 11-12 in a dialogue and negotiation in which the Holy See squarely involved its name and reputation. After meetings and dialogue roundtables were agreed upon to work on, according to a joint declaration that included the regularization of the situation of the National Assembly as well as the naming of new CNE members. The wording of the statement, especially the first point and the talk of "sabotage", left opposition leaders participating exposed to criticism from the opposition itself, adding to the fact that the march upon Miraflores on November 3 had been called off (Smilde, 2016).

In the following month, the process derailed (Pérez Hernáiz, 2017). On December 1, the Holy See's Secretary of State Pietro Parolin sent a letter to both sides as well as the other mediators saying the Holy See would only continue if four demands included in the previous agreements were met, including recognition of the National Assembly and agreement on an electoral calendar (Runrunes, 2016). The letter angered the government, especially strongman Diosdado Cabello (Ramos, 2016). On January 20, 2017, mediators (including Spain's former President José Luis Rodríguez Zapatero and Monsignor Aldo Giordani) met Maduro at Miraflores and presented him with a document in an attempt to restart dialogue, with little consequences (Infobae, 2017a; Becerra, 2017). The Holy See's representative Claudio María Celli returned to Rome in January signaling the symbolic end of the Holy See's involvement.

This dialogue amounted to a significantly more robust engagement on the part of the Holy See. While they manifested that they were "facilitators" and not "mediators", they actively made suggestions, pushed for agreements and actually brokered a deal. When the stipulations of that deal were not fulfilled, they refused to participate further. Indeed, when Nicolás Maduro reached out to Pope Francis to ask him to get involved in 2019, he responded by pointing out that they had not yet fulfilled the 2016 agreement (D'Emilio, 2019).

c. 2017-18: The Dominican Republic

In December 2017, with the government announcing elections for the first half of 2018 and the opposition already announcing they would not participate, there was another effort at brokering an

agreement. This time international actors played a more robust role, proposing an initial agreement that served as a guide to the discussion. The talks were hosted in the Dominican Republic (under President Danilo Medina), and Spain's ex-President Rodríguez Zapatero played an important role as facilitator. On November 16, the Dominican Republic's Foreign Minister Miguel Vargas announced that opposition and government had reached a pre-agreement of 6 points which should be the agenda for the dialogue sessions to be discussed during the first round of talks to be held on December 1-2 (Infobae, 2017b). The first meetings in December seemed relatively cordial and productive and, by the end of the second round of talks in mid-December, mediators announced there had been advances but more meetings were necessary, therefore the two parts would meet again on January 12, 2018 (EITB, 2017). Dominican President Medina even mentioned that a possible agreement document would be signed (Ramsey, 2017c).

On December 23, the government released a number of political prisoners in what was considered a goodwill gesture for dialogue, but this was not enough to offset a December 20 decision by the National Constituent Assembly to limit the ability of opposition parties that had previously participated in boycotts to participate in future elections, which further deteriorated opposition faith in the talks (Ramsey, 2018a). A January 23 call by the National Constituent Assembly for advanced presidential elections to be held in April made matters worse, further shaking opposition confidence in the talks. On February 6 the government unilaterally presented a document entitled the "Accord of Democratic Coexistence for Venezuela" (Tal Cual, 2018). Jorge Rodríguez said the opposition had agreed to signing this proposal in principle and, after a meeting that lasted several hours, he publicly and unilaterally signed the document around midnight on February 6. Rodríguez then accused the opposition of following U.S. orders not to sign.

The opposition presented its counterproposal to the public the next day. There were significant differences between the opposition proposal and the government's proposal, especially on electoral conditions and institutions. Whereas the government offered generalities about electoral guarantees, the opposition document required electoral authorities to ensure that all of the constitutionally mandated checks would be in place for the presidential election. The government document contained some vagueness around a UN electoral mission. But the opposition document obliged the government to send a letter of invitation for a robust UN electoral observation mission in no more than 48 hours after signing and specified that the electoral campaign would not start until this mission were in place. It also contained clearer language related to lifting bans on participation against opposition leaders. While both documents agreed on naming two new rectors to the CNE by consensus, the opposition document committed the government (through the Supreme Court) to doing so in no more than 48 hours. The government document also gave no assurances that it would dissolve the unconstitutional Constituent Assembly, instead mentioning a commission by both parties to facilitate in the "institutional coexistence" of the Constituent Assembly with the National Assembly. However, the government was not willing to sign the opposition's version and did not attend the February 7 sessions.

This effort was notable for its well-developed proposal provided by the mediators and the concrete discussion of the issues. The two sides at least agreed on what the issues were, even if they remained far apart in how to address them.

d. 2019: The International Contact Group and Norwegian Mediation

In February 2019, the ICG, described above, quickly gained steam, gathering broad support from the international community, and achieving important access to the actors. Indeed, during 2019 it became perhaps the most important initiative of Federica Mogherini, the High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the European Commission. Multiple

technical missions organized by the Contact Group visited Caracas and met with both parties, trying to broker new elections. However, by late April it was becoming clear that there needed to be a more hands-on negotiation in detail. In mid-May, international media reported that both the Maduro government and opposition had sent representatives to Oslo, Norway, for negotiations facilitated by the Norwegian government. The Norwegian government subsequently confirmed this in a brief statement noting only that it “had preliminary contacts with representatives of the main political actors of Venezuela, as part of an exploratory phase, with the aim of contributing to finding a solution to the situation in the country” (Norwegian Ministry of Foreign Affairs, 2019b)

Norway did not join the ICG because their timeframe is less dependent on political winds. While the ICG could be abandoned if the conformation of the European Parliament and Commission were to change, the Norwegian Foreign Ministry sees conflict resolution and peacemaking as central to its mission and enjoys widespread support across the political Norwegian political spectrum. Norway has a unique profile insofar as they have clearly stated that they saw Maduro’s election as neither free nor fair (Norwegian Ministry of Foreign Affairs, 2019a). However, they have not recognized the presidency of Juan Guaidó. Thus, the Norwegian diplomats not assume a position of neutrality, but aim to be impartial, and this allowed them to achieve significant access and buy-in from both government and opposition (Rosales and Bull, 2019). This is consistent with literature that suggests there are times when it is necessary for a mediator to take a stand in accordance with basic values (Mayer, 2004). Instead of neutrality, fairness is a standard that can make agreements possible (Watkins and Rosegrant, 2001).

While the talks were first made public, the announcement was preceded by months of careful diplomatic back channeling by the Norwegian foreign ministry, which reached out to domestic and international stakeholders. Little has been made public about the specific structure of the negotiations facilitated by the Norwegian government, as the parties agreed to not disclose specifics regarding the negotiations in order to maximize the potential for a deal. It is known, however, that initial talks were conducted through shuttle diplomacy, with Norwegian mediators shuttling between opposition and government negotiators. Eventually, talks advanced to where the teams could meet face-to-face. In early July, the negotiations were moved from Oslo to the Caribbean country of Barbados in order to facilitate travel and communication with principals in Caracas. The opposition negotiators have said that the Norwegian peacemaking experts insisted on a process structured in five phases: exploratory talks, agenda-setting, negotiation, agreements, and monitoring of agreements. By most accounts, the parties advanced into the third phase over nearly three months, without major setbacks to the rhythm of negotiations. Despite ongoing repression in Venezuela, the talks continued (Morales, 2019).

The Norwegian negotiation effort did not supplant the ICG but rather worked in tandem with it. The ICG has played a fundamental role in serving as a backstop for talks. In international forums the group has acted as a support network that defends the idea of meaningful negotiations, even as it has not shown an interest in being a direct mediator. In doing so, the ICG has also attempted to deepen coordination and communication with the 12-member Lima Group. In an initial meeting in New York in June 2019 and a follow-up meeting in September on the sidelines of the High-Level Session of the UN General Assembly, representatives of ICG members have created a mechanism for communication on Venezuela strategy with key members of the Lima Group: Argentina, Chile, Colombia and Peru. As a member of both groups, the government of Costa Rica has played a fundamental facilitating role in such meetings and were joined in September by the Panamanian government—a Lima Group country that joined the ICG that month. In joint statements, the countries have emphasized the need for a transition in Venezuela through a “political, peaceful and democratic solution,” serving as an important counterweight to calls for the use of force (European External Action Service, 2019).

While the ICG and Norwegian effort made progress, as the parties entered into late July it became clear that spoilers in both camps were growing increasingly uneasy at the prospect of what they perceived to be an unacceptable deal. The substance of this emerging deal has been difficult to confirm. In public, the opposition says its offer was for both Maduro and Guaidó to renounce their positions and to create a transitional “state council” to be overseen by a neutral Vice-President and made up of both opposition and *Chavista* figures. This council would take over day to day governing duties while overseeing the organization of transparent, free, and fair elections. In exchange, the opposition claimed it would work with the United States government to push for phased sanctions relief in the form of general licenses allowing certain sectors to be exempt and to minimize the humanitarian toll of economic sanctions. Among insiders, it was an open secret that opposition negotiators were also open to compromise on aspects of this offer. In fact, insiders suggest that more moderate factions of Guaidó’s coalition are open to a scenario under which Maduro did not resign, but instead agreed to hold new presidential elections overseen by a new electoral authority, with observation of the international community, an audit of the voting registry, and the authorization of voting abroad.

The Maduro government did not accept the opposition’s offer and at the time of writing still had not publicly presented a counteroffer. Instead, the government opted to use public remarks on the negotiations in order to frame them on its own terms. Rather than talk about new elections or other concessions, Maduro has preferred to speak about the process as a kind of dialogue to resolve internal differences. Insiders suggest that Maduro government officials are interested in sanctions relief and could be open to naming a new electoral authority and perhaps naming new judges to the Supreme Court, but that there is significant resistance within *Chavismo* to the idea of new presidential elections.

Despite the advance of these Norway-facilitated negotiations, they reached an apparent stalemate after August 6, 2019, when the U.S. government announced new financial measures that threatened to sanction foreign companies for doing business with the Venezuelan government, in what are known as “secondary sanctions.” This threat provided a means for Maduro to reject the opposition’s offer without appearing unreasonable. Citing the sanctions as proof that the opposition was not negotiating in good faith and claiming it had no intention of lobbying for sanctions relief, Maduro protested by withholding representatives from a planned round of talks in Barbados.

Guaidó, also under internal pressure from opposition hardliners who opposed negotiations, responded to this announcement by issuing a statement on September 15 that claimed that the negotiations mechanism undertaken in Barbados had been “exhausted” (Asamblea Nacional, 2019). While the statement was carefully worded and did not overtly reject the entire mediation process, it was a clear concession to hardliners within his coalition. These actors appear to have believed they could get the international community to exercise more pressure on Maduro by removing dialogue as an “excuse” not to apply greater pressure on the regime. The immediate reaction from international supporters to this move was underwhelming, however. The European Union responded by adding seven figures to its list of individual sanctions (Emmott, 2019), and the member countries of the Rio Treaty issued a resolution that expressed interest in applying more pressure but that was light on specifics (Voz de América, 2019).

e. Discussion

While none of these four efforts at peacemaking have achieved a sustainable solution, we can see a progression in these efforts towards a more hands-on involvement that has obliged a more concrete and precise discussion of the issues. This precision has forced the participants to make sacrifices and exposed them when they do not. It is very clear that the Maduro government uses the idea of dialogue

as a political tool to demobilize and divide the opposition all while appearing to be democratic. Since 2014, the Maduro government has continually made calls for dialogue—recently claiming that that it had it had done so hundreds of times [Venezuelan digital news portal Efectococuyo.com fact-checked this affirmation, finding it to be false, but it did reveal that Maduro and his leading officials had each made 80-90 calls for dialogue since 2014 (Efecto Cocuyo, 2019)]. But it has done this at the same time that it shut down institutional democratic spaces such as the National Assembly, coopted others such as the National Electoral Council, and created still others, such as the supra-governmental authority, the National Constituent Assembly. It has also repressed protestors, jailed journalists and actively sought to control social media, revealing its scarce commitment to democracy as an institutionalized dialogue governed by the rule of law. However, it is important to note that the opposition’s divisions regarding negotiations leads to a tenuous commitment to negotiations with the Maduro government. It was the opposition that pulled out in 2014 largely because of revelations that they had discouraged the U.S. from levying sanctions. And they pulled out in September 2019, in large part because they thought that would strengthen their hand in pushing for action from the Rio Treaty countries. Through the end of 2019 they have resisted going back to the table.

5. Geopolitical Context and the Best Alternative to a Negotiated Agreement

There are important internal reasons that both the Maduro government and the opposition have shown a shallow commitment to negotiations. *Chavismo* has a non-pluralistic, revolutionary discourse with no clear valuation of the alternation of power. The opposition is diverse but has a significant hardline wing that does not see Maduro as a valid interlocutor and does not believe in negotiation. Of course, “spoilers” are almost always a part of peacemaking processes. While much of the conflict resolution literature looks at political dynamics within national contexts, some of it focuses on the role of international sponsors in facilitating spoilers (Cronin, 2009). In this section we will suggest that international actors have provided each side with support that affects their perceptions of their “BATNA,” their best alternative to a negotiated agreement (Fisher and Ury, 2011).

While an oil-producing nation like Venezuela is always of geopolitical significance, perhaps the biggest change in 2019 came from the geopolitical significance the Venezuela conflict took on (Velasco, 2019). This started in 2018 when U.S. National Security Advisor stated that Venezuela formed part of a “troika of tyranny” in the region, along with Cuba and Nicaragua, and that liberating Venezuela would be the first step in liberating the region from tyranny (see Smilde, 2020). Cuba has long been essential to Maduro’s permanence, and has advised the Venezuelan government on surveillance, intelligence and how to detect and act against military dissent since at least 2008 (Berwick, 2019). But the US government’s decision to tie Cuba to Venezuela in this way runs the risk of making the Cuban government see Venezuela’s fate as synonymous with its own. In the course of 2019, the Cuban government has maintained public support for a negotiated solution, and there have been reports that the Norway-brokered talks first began in Havana (Castedo, 2019). Nevertheless, the Cubans have signaled no interest in actively moving to end Maduro’s hold on power, and the U.S. government has increasingly leveled sanctions against Cuban government actors and state companies for alleged activities ranging from facilitating sanctions evasion to directly overseeing counterintelligence efforts (Bronner, Vázquez and Wainer, 2019).

Russia has invested \$17 billion in oil and gas investments (Lissardy, 2019). While its capacity to continue financing the Maduro government is limited (Ramsey, 2017a), the high priority the U.S. has given it has reinforced its political motivations (Rouvinski, 2019). During the course of 2019 Russia’s state oil company Rosneft has increasingly bought out the stakes of other Russian oil companies and in-

creased its exposure (Zerpa and Millard, 2019). Rosneft has helped Venezuela skirt sanctions by becoming the main trader of Venezuelan oil, taking care of shipping and marketing operations to get it to buyers in India and China (Yagova, Aizhu and Parraga, 2019). Russia's statements of support and help for Venezuela covers over a significant reduction of economic cooperation and investment. Much of the Russian cooperation is low-cost although of geopolitical significance (Kurmanaev, 2019).

It was symbolic that Nicolás Maduro visited Russia during the high-level segment of the United Nations General Assembly in September 2019 as the member countries of the Rio Treaty convened to discuss the Venezuela case (Sahuquillo, 2019). During Maduro's trip in September, Putin manifested support for "all legitimate authorities in Venezuela, including the presidency and the parliament" thereby recognizing the legitimacy of Juan Guaidó (Sahuquillo, 2019).

China, of course, has been the biggest lender to Venezuela, giving it eighteen loans for a total of more than \$67 billion, including \$5 billion in 2018. But during 2019, China has been a more neutral actor than Russia, pursuing a primarily economic agenda rather than one based more on defending a geopolitical foothold (Ramsey, 2017a). While there were reports in 2019 that China stopped directly buying Venezuelan oil (Aizhu and Parraga, 2019), at the time of this writing the Chinese are importing an increased number of crude blends from Malaysia—much of which can be sourced to Venezuela (Aizhu and Xu, 2019).

Neither Cuba nor Russia nor China are principled opponents of negotiations. Cuba played an important role in the Colombian peace process, seeming to prefer to facilitate a soft landing for the Revolutionary Armed Forces of Colombia (FARC, by its acronym in Spanish) over their annihilation or decadence. And China has showed a pragmatic side during 2019. When Maduro's hold on power appeared less certain, there were credible reports that the Chinese government engaged in serious negotiations with the opposition in order to safeguard its interests (Vyas, 2019). Russia clearly has political interests in having a foothold in the Western hemisphere, but it repeatedly voiced support for the efforts of the European Union and Norway to mediate negotiations (Arostegui, 2019). Nevertheless, seen in terms of incentives to negotiate, as long as Maduro can count on China and Russia for financial support—even if it is less than it was in previous years—and as long as Cuba provides support in intelligence and security, his BATNA is a plausible plan to wait out the moment until the opposition collapses and the international community tires of exercising diplomatic pressure.

Likewise, it is international support that seems to provide Venezuela's opposition coalition with a BATNA that reduces their willingness to negotiate. From the beginning, the Guaidó-led opposition has had the U.S. as its principal source of strength. This is understandable given its lack of institutional and military power within Venezuela. The U.S. has become the Venezuelan opposition's most important ally as the Trump administration has grabbed onto Venezuela as a key foreign policy issue. At first, for most of 2017 and early 2018, the U.S. strategy was based on cooperating with an international coalition with partners, which saw their tolerance of the emergence of the Lima Group, and their approval of several European countries join in issuing sanctions. However, with the departure of Tom Shannon from the State Department and the rise of John Bolton as the key foreign policy voice on Venezuela, this approach was decidedly set aside. With Bolton, the idea of the "Monroe Doctrine" came to the fore again, and Venezuela's crisis became an issue that appeals to the neoconservative wing of the Trump coalition (Smilde, 2020).

The emergence of the Norwegian mediation effort in May did not receive immediate opposition from the Trump administration, likely because the Norwegians had communicated with the State Department about their plans. There is also evidence of discord among internal administration figures over

Venezuela policy. Elliott Abrams, who was named U.S. Special Representative for Venezuela in January 2019, has defied expectations linked to his opprobrious role in Ronald Reagan's Central America policy, and emerged as a surprisingly pragmatic actor in the administration. Despite voicing skepticism about the prospects for success, he and his office made a notable effort to offer public displays of support to the opposition negotiating team (U.S. Department of State, 2019).

However, Abrams and the Trump administration as a whole were unable to accept two red lines that handicapped the negotiations from the start. First, the administration expressed reticence to lifting sanctions with Maduro still in the presidential palace—though there was more openness to the idea of facilitating general licenses that eased some aspects of the sanctions' bite. And second, senior administration officials said privately and publicly that there can be no free and fair elections with Maduro in the presidential palace—regardless of specific improvements in technical conditions or robust international observation.

Abrams' relative pragmatism contrasts significantly with actors in the National Security Council, most notably John Bolton. In June Trump publicly criticized John Bolton's militaristic tendencies, which may have led him to say little about Venezuela for around six weeks (Baker and Haberman, 2019). But it was Bolton who reemerged on August 6 with a theatrical announcement regarding a ramping up of sanctions, saying that the measures amounted to Venezuela joining an "exclusive club of rogue states like Cuba, Iran, Syria, North Korea that are subject to that form of sanctions" (Euronews, 2019). In fact, Bolton's office released remarks to reporters accompanying the sanctions announcement that claimed that "the time for dialogue is over," and though he ultimately did not say this in his speech, the messaging gap between Bolton and the Guaidó coalition on negotiations was put on full display (Kurmanayev and Lara, 2019). As noted, the Maduro government used this as an excuse to step back from the table.

6. Conclusion

It is common for intractable conflicts to see a flow of multiple efforts at conflict resolution. Reaching an agreement in Northern Ireland took over eleven years, and the multiple attempts at forging the eventual Colombian peace accords took even longer. What is important is that each effort be informed of previous efforts. Progress has clearly been made as the mediation efforts have become more professional and more hands-on: from the original media spectacle of the 2014 dialogues with the Holy See and UNASUR representatives sitting passively against the wall, to the hands-on expertise of the Norwegian diplomats who were able to get the two sides to focus on a concrete proposal that came close to an agreement. The negotiation process was essentially reconstructing interests and the proposal was to form a transitional government council with representatives from the opposition, the government and the armed forces to lead the country to free and fair presidential elections as soon as possible.

The opposition will need to recognize that the push for a quick transition based on maximum pressure has failed and that they need to carry out a process of normalization. Legislative elections are on the horizon and Juan Guaidó's coalition needs to develop a strategy with respect to them, lest they be pushed out of the one institutional space they still control. Several proposals to bring relief to the population either through recovery of the electrical grid, or through some sort of oil-for-necessities agreement are on the table. All of these proposals would entail an implicit recognition of the Maduro government, as well as a recognition that their 2019 push for a transition has failed. However, engaging in a process of normalization could develop social and political capital that could make a negotiated agreement more likely. The Maduro government needs to understand that even if it has defeated this challenge its future is not positive. Seen as illegitimate by most of the Western world, increasingly

isolated by targeted sanctions, many leaders could be convinced that a negotiated agreement would be better than staying the course.

Of course, the impediments to successful negotiation are not just the nature of the domestic forces, nor the quality of the mediation. The international context is probably the fundamental impediment. The fact that Russia, China and Cuba have continued to support Maduro and are currently helping him skirt U.S. sanctions provides him with a solid alternative to a negotiated settlement. The fact that the U.S. has taken up Venezuela as perhaps its most important issue in the hemisphere and as a key to Donald Trump's 2020 electoral strategy in Florida means it both provides the Venezuelan opposition with its main source of power vis-a-vis the Maduro government and that it has its own agenda that is not necessarily compatible with a negotiated settlement. The suggestion that negotiations between the U.S., Russia, China and Cuba are probably the only way to make progress in Venezuela has been circulating for some time (Stott, 2019). Of course, there have been discussions between the U.S. and Russia during 2019, but reports suggest the two sides are far apart (Lissardy, 2019). Given the Trump Administration's policies towards these countries, including a trade war with China and its existential threats to Cuba, it is difficult to imagine this could happen without a significant change in U.S. policies.

Today the European Union is probably the only geopolitical power with the maneuvering capability to counterbalance the interests of the U.S. on one side and Russia, China and Cuba on the other. The new High Representative of the Union for Foreign Affairs and Security Policy Josep Borrell would seem to be a guarantee that Venezuela will remain a priority for the EU. In doing so the EU should build upon the progress made in previous efforts and ensure that its actions are synchronized with continued engagement by the Norwegian and other governments. While it seems unlikely in the short term, both the opposition and the Maduro government have left the door open to participating in eventual negotiations.

Through the ICG, the EU can also play a role in securing regional buy-in for any new negotiations by deepening outreach to members of the Lima Group. As noted, Lima Group member countries such as Chile, Peru, and Argentina began to coordinate with the ICG in mid-2019. Such coordination will be even more important in the event that the United States is unwilling – or unable, due to internal political dynamics – to endorse realistic negotiations. In such a scenario, Latin American countries would need greater support and engagement from the EU to be able to deviate from Washington and be more vocal in their support for negotiations.

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