

## International peace-making in Venezuela's intractable conflict

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### Abstract

Efforts at international peace-making commonly present a dilemma. On the one hand, they are worthwhile because they have the power to reorganize a conflict and change its trajectory. But on the other hand, there is no guarantee that this “added value” works in a positive direction. We argue that peace-making efforts need to build upon past efforts to prevent actors from manipulating them. 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, progress has been made in the mediators’ ability to generate concrete articulation and discussion of the conflicting parties’ demands. However, further progress will require agreement among the international “sponsors” that in 2019 undermined negotiations by providing each side with a better alternative to a negotiated agreement. *Keywords:* Peacemaking, mediation, Venezuela, *chavismo*, negotiation, diplomacy.

### Resumen: Esfuerzos internacionales de resolución del conflicto en Venezuela

Los esfuerzos internacionales de forjar la paz presentan un dilema. Por un lado, valen la pena porque tienen la capacidad de reorganizar conflictos y cambiar sus trayectorias. Por el otro lado, no existe garantía de que ese “valor agregado” apunta en una dirección positiva. Argumentamos que los esfuerzos de forjamiento de paz deben construirse en base a los intentos anteriores, para evitar que los actores los manipulen. Analizamos los cuatro procesos de diálogo y negociación que han ocurrido durante el gobierno de Nicolás Maduro. Nuestro análisis muestra que si bien está claro que el gobierno de Maduro usa los procesos de diálogo como una táctica dilatoria, se ha avanzado en la capacidad de los mediadores para generar una articulación y discusión concreta de las demandas de las partes. No obstante, un mayor avance requerirá un acuerdo entre los “patrocinadores” internacionales de los dos lados. En 2019 estos aliados socavaron las negociaciones al proporcionar a cada parte una mejor alternativa a un acuerdo negociado. *Palabras clave:* resolución de conflicto, mediación, Venezuela, *chavismo*, negociación, diplomacia.

## 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 peace-making 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 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.<sup>1</sup> 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, Ecuador, Costa Rica, Sweden, The Netherlands, France, Italy, Portugal, Germany 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, on 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 what they needed to engage in 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, ideally with both sides compromising and conceding. This would lead to an accord, and the final phase, which would be 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.

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 from each of eight European Union members (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 had 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, and ending restrictions on all political parties and politicians in the electoral process. While these quite differing perspectives of what peace-making in Venezuela should look like were emerging, the United States lumped together and opposed both efforts from the start. United States' 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 United States 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 generate a transition to democracy.

These three initiatives represent the three basic positions of international stakeholders in 2019: open dialogue, engaged diplomacy and coercion. In this article we try to infuse this discussion with theory and history. While the supporters of the Montevideo Mechanism were either sincerely or strategically unaware of the history of dialogue during the Maduro regime, the United States and others opposing any form of negotiation, misrepresent it. Here we provide a close review of efforts at dialogue and negotiation showing that while the Maduro government uses dialogue as a stalling tactic, there has been a clear progression in international peace-making efforts and their results. 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 peace-making efforts must be knowledgeable of the contours and history of the conflict, avoid partiality, and set realistic expectations. We also underline the ability of negotiation processes to reframe a conflict and argue the goals should not be a "solution" but a sustainable political process.

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 years, and closely followed the Venezuela case for longer. 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 is aimed at advancing the rights of Venezuelans vis-a-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 & Bradbury 2008; Clawson, Zussman, Misra, Gerstel, Stokes & Anderton 2007; Lowenthal & Bertucci 2014). Scholarly articles such as this one serve not only as a means to make public the perspective we work with but as an opportunity to reflect on it, develop it, and

open it up for debate. It will be easier to write an analysis such as this in ten or twenty years when these conflicts have cooled. Most of the individuals and groups described below are still part of the conflict; as such they often keep their cards close to their chest or actively use personal communication or media to try to project an image of the conflict that facilitates their goals. We have interpreted events as they have happened on WOLA's *Venezuelan Politics and Human Rights* blog and those analyses are the source of much of the empirical portrait that follows.

### **Peace-making and intractability**

Venezuela is suffering what can be 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 & 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) – which 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 Centre began what would become a two-year mediation effort, successfully brokering the recall referendum of August 2004 (McCoy & Díez 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 (Martínez Meucci 2012). Major cycles of protest emerged in 2007 when the government of Hugo Chávez shut down an important 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 peace-making that have not been able to end the conflict. One of the typical sources of intractability among participants is the failure of past peace-making efforts (Crocker, Hampson & Aall 2005), and that is exactly what has happened in Venezuela. Each dialogue and negotiation effort has essentially defused the conflict and ended up with the government holding on to power, leading 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 peace-making 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 peace-making 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 & 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).<sup>2</sup> Applied to this case we argue 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 some cases, negotiation can generate enough trust and common understanding to channel conflict back into democratic institutions.

The importance of third parties in peace-making is, of course, one of the fundamental insights 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 role is 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 (Wallensteen & Wiewiorka 2018: 435).

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. Indeed, as mentioned above, failed negotiation efforts are one important cause of intractability. This is not just because of unsuccessful techniques or practices but because actors can use negotiation processes for their own purposes. 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 for purposes different from those that originated them (Mann 1986: 16). It is not inconsistent, then, to both see peace-making 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. It is also important to remember that negotiation processes do not take place in a vacuum. They exist in a social and political field that contains actors who either have something to gain by the conflict or think their side is on the verge of vanquishing the other

side and should push forward. These other “third parties” are commonly referred to as “spoilers.”

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 & Ahmed 2008: 5). This is the source of our criticism of the Montevideo Mechanism described above. Its call for open-ended dialogue in February 2019 did not take into account the three previous dialogue efforts, nor did it recognize the use Nicolás Maduro’s government strategic misuse of dialogue (Smilde & 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. A final “sin” that is relevant here is to make false promises of a quick resolution. “There is no short-cut to sustainable peace” (Smilde & Ramsey 2019: 10). In the rest of this section we will put forward a reading of the literature on peace-making that is based on the latter’s potential for leading to creative breakthroughs in intractable conflicts.

### *From ideology to interests*

Our most significant source of disagreement with sceptics of negotiation is precisely on the issue of what a 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 & Goldberg 1988; Ury 1991; Fisher & Ury 2011: 42). Your ideological positions tend to be viewed as “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 fuelled 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 & Knobl 2013). Interests and negotiations are themselves immersed in ideas and emotions that are in turn, 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 conflict over political prisoners in Venezuela has to do with very different interpretations of recent political conflict in Venezuela. A thicker social and cultural construction of interests provides both a challenge and an opportunity. It complicates simple metaphors of negotiation as a market-exchange, but underlines how negotiation processes can create new narratives of a conflict and thereby reframe and reorganize it, creating new spaces for resolution (Kriesberg, Northrup & Thorson 1989; Watkins & Rosegrant 2001; Abu-Nimer 1999; Ury 1991). The goal is to modify the existing choices, and it is a process that has more in common with imagination than computation (Fisher, Kopelman, Kupfer & Schneider 1996; Lederach 2005).

### *Instead of a solution, a new process*

A final important point that can be gathered from the literature on peace-making 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 & 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 stepping stones along the way of a continued long-term political process.

### **Dialogue and negotiation in four parts**

From its beginning in 2013, the presidency of Nicolás Maduro has been characterized by conflict in the streets, as well as international efforts at peace-making. In this section we will look at the four efforts that took place from 2014 to 2019, recounting the main events but also seeking to evaluate what advances and setbacks there have been.

*2014: UNASUR and the Vatican*

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”) protest movement 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) and the Vatican’s representative in Venezuela. It was attended by the foreign ministers of Colombia, Ecuador, and Brazil as well as the Vatican *nuncio* in Caracas Msgr. 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).

The process was launched with a televised session in Miraflores with the UNASUR and Vatican sponsors present, but not intervening. Each side was represented by eleven leaders (Smilde April 10, 2014). The session opened with Msgr. 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 April 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 commission 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 renegeing on preliminary agreements. But perhaps the most important cause of the MUD’s announcement was mounting criticism stemming from reports that the opposition had asked the United States State Department not to pursue sanctions at this time. For many opposition radicals, one of the driving motivations of the protest movement was precisely 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 United States sanctions only reinforced radicals’ distrust of opposition leadership (Smilde & Perez Hernaiz, May 2014). Perhaps most notable about this dialogue effort was the relative passivity of the mediators. The UNASUR and Vatican representatives essentially acted as “accompaniment,” encouraging the



process but without substantial intervention. In terms of the concepts provided above, the process of moving from ideology to interests never actually developed and there was not enough actual mediation to rework the interests of the two sides to make them compatible with each other.

### *2016: The Vatican*

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 Vatican involvement from both sides (Smilde & Pérez Hernáiz October 6, 2019). 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 Vatican squarely involved its name and reputation. On November 12 a joint declaration was released which included four main points: regularizing and recognition of the National Assembly and the naming of new rectors to the National Electoral Council, defence of the Esequibo region from territorial claims of neighbouring Guyana, mutual recognition and coexistence, and the inclusion of governors and civil society in continued dialogue. The wording of the statement, using many of the government's terms such as "economic sabotage" lead to an uproar in the opposition (Smilde November 2016).

Over the following months, the process deteriorated as a lack of clarity over what had to happen for a normalization of the status of the National Assembly allowed the Maduro government to repeatedly change its demands (Pérez Hernáiz January 2017). On December 1, Vatican Secretary of state Pietro Parolín sent a letter to both sides as well as the other mediators saying the Vatican "fulfilling its role as guarantor of the seriousness and sincerity of the negotiations" would only continue if four demands were met. However, the four demands he listed included two that were part of the November agreement – addressing the economic crisis and restoring the constitutional role of the National Assembly – and two more that were not: setting an electoral calendar and releasing political prisoners (Runrunes 2016). The letter angered the government, especially strongman Diosdado Cabello (Ramos 2016). On January 20, 2017, mediators met Maduro at Miraflores and presented a document in an attempt to restart dialogue, with little success (Infobae January 2017; Becerra 2017). Vatican representative Claudio María Celli returned to Rome in January signalling the symbolic end of the Vatican's involvement.

This dialogue amounted to a significantly more robust engagement on the part of the Vatican and actually produced an agreement. The Vatican also acted as a guarantor of the agreement. 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 there had not been “concrete gestures to fulfil what was agreed upon” (D’Emilio February 13, 2019). However, there was a certain level of inexperience in the Vatican approach as the agreement was vague in details which effectively allowed the Maduro government to repeatedly move the goal posts on regularization of the National Assembly. The Vatican then unilaterally imposed new demands as conditions to continue its involvement, understandably irritating the Maduro government.

### *2017-18: 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 central 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. They started with a pre-agreement on the six points that would be discussed (Talcual April 15, 2018). In mid-December, after two rounds of talks, mediators announced there had been advances but more meetings were necessary. Dominican president Medina even mentioned that an agreement might be signed in January (EiTB 2017; Ramsey December 2017).

However, the Maduro government took several actions that muddied the waters. On December 20, the National Constituent Assembly decreed a new law to limit the ability of opposition parties that had previously participated in boycotts to participate in future elections (Ramsey January 9, 2018). A January 23 call by the National Constituent Assembly for advanced presidential elections to be held in April made matters worse. On February 6 the government unilaterally presented a document entitled the “Accord of Democratic Coexistence for Venezuela” (Talcual 2018). Jorge Rodríguez said the opposition had agreed to signing this proposal in principal, 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 United States’ orders not to sign.

The opposition presented its counterproposal to the public the next day (Talcual February 7, 2018). 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 mis-

sion 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 National Electoral Committee (CNE) by consensus, the opposition document committed the government (through the Supreme Court) to doing so in no more than 48 hours. The government was not willing to sign the opposition's version and did not attend the February 7 sessions.

Compared to the two previous efforts this negotiation was distinguished by the degree of international involvement, as well as the detailed discussion of a well-developed proposal. However, the very public nature of the participation – while the sessions themselves were behind closed doors all of the participants made continual declarations before and after – created a media spectacle and did not provide a confidential space for interests to be reorganized and a common narrative to be developed. As well, several obnoxious moves by the Maduro government regarding elections suggested a lack of seriousness on their part.

#### *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 Venezuela's political actors. Multiple technical missions organized by the Contact Group visited Caracas and met with both sides, trying to broker new elections. However, by late April it was becoming clear that there needed to be a more concrete effort to mediate between the two sides. In mid-May, international media reports leaked information that both the Maduro government and opposition had sent representatives to Oslo, Norway for negotiations facilitated by Norwegian diplomats. The Norwegian government subsequently confirmed the meetings (Norwegian Ministry of Foreign Affairs May 2019). Norway had been asked to join the ICG but declined because they felt they could be more effective on their own. While the ICG depends on the political winds within the European Parliament and Commission, the Norwegian Foreign Ministry sees conflict resolution and peace-making as central to its mission and this focus enjoys widespread support across the Norwegian political spectrum. Norway also 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 February 2019). However they have not recognized the presidency of Juan Guaidó. Thus the Norwegian diplomats do not assume a position of neutrality, but aim to be impartial, and this allowed them to achieve significant access and buy-in from both the government and opposition (Rosales & 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

and that this does not impede fairness (Mayer 2004; Watkins & Rosegrant 2001).

While the talks were first made public in May, the announcement was preceded by three months of back channel, shuttle diplomacy by Norwegian diplomats with 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 not to disclose details in order to maximize the potential for a deal. Eventually, talks advanced to face-to-face meetings, which were moved from Oslo to the Caribbean island nation of Barbados in order to facilitate travel and communication with principals in Caracas. The Norwegian negotiation emerged parallel to the ICG effort. However, the ICG collaborated closely, diplomatically engaging the various political actors and acting as a support network defending the plausibility of negotiations in the face of the scepticism of the United States' government and the 12 member Lima Group.

The substance of what was discussed 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 (Vivoplay September 17, 2019). 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 were open to a scenario under which Maduro would not resign, but instead would agree 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.

Negotiations reached a stalemate after August 6, 2019, when the United States' government announced "secondary sanctions" – financial sanctions that threatened to sanction foreign companies for doing business with the Venezuelan government. Citing this as proof that the opposition was not able to deliver sanctions relief, Maduro ordered his representatives not to travel to Barbados where the Norwegian diplomats and opposition negotiators were already waiting for the next round of negotiations. In September Maduro again refused to return to the negotiation table, citing statements by Juan Guaidó's ambassador in the United Kingdom suggesting they not push Venezuela's claim to the Essequibo territory in dispute between Venezuela and Guyana (Talcual 2019). Critics suggested that Maduro was looking for excuses to not continue with a negotiation that was getting to the point at which commitments needed to be made. Reports are that Maduro government officials were interested in sanc-

tions relief, and were open to naming a new electoral authority and perhaps naming new judges to the Supreme Court, but that there was significant resistance within *chavismo* to the idea of new presidential elections.

Maduro's refusal to participate over the course of six weeks made it difficult for Guaidó to keep radicals at bay. On September 15 Guaidó issued a statement saying the "Oslo mechanism" undertaken in Barbados had been "exhausted" (Asamblea Nacional September 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. One reason for pulling out when they did was that the opposition coalition believed it would help them engage the international community in and around the United Nations General Assembly at the end of September. However, reaction from international supporters to this move was underwhelming. 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).

The Oslo/Barbados process had a couple of features that previous rounds of dialogue and negotiation did not have. First, it had expert diplomats that studiously positioned themselves to be able to mediate between the two sides. They developed reputations for fairness among key stakeholders on both sides, in part because of a commitment to discretion and confidentiality. With a light touch they were able to generate a process that arrived at specifics and made the two sides clarify and define their demands. It also had a broad swath of countries involved in the ICG supporting it and providing it with plausibility. However, as we describe in the next section, international sponsors on both sides of the conflict reduced the parties need to reach an agreement.

### **Spoilers and sponsors in 2019**

The above description has largely focused on internal aspects of the negotiation processes facilitated by international peace-making efforts. However, like all negotiation efforts, they occurred in contexts that contain centrifugal forces pulling the actors away from an agreement. These forces can be thought of in two basic ways: as spoilers and sponsors (Cronin 2009). The former are those actors who oppose and actively seek to undermine the negotiation process. The latter are forces that, through their support for one side or the other, provide them with a better alternative to a negotiated agreement – what is often referred to as a BATNA (Fisher & Ury 2011).

Juan Guaidó's biggest achievement during the first four months of 2019 was to unify a politically diverse opposition through the three-step plan: cessation of usurpation, transitional government, and free elections. The charge for Maduro to resign appealed to radicals, the plan for a transitional government appealed to moderates, and the call for democratic elections appealed to every-

one. However, with the emergence of the negotiation process in May, this coalition began to fray. The most vocal opponents were María Corina Machado, Antonio Ledezma and Diego Arria. In a public letter to Guaidó they suggested “the new dialogue in Norway, endorsed by the criminal corporation headed by Nicolás Maduro and his partners, is inexplicable to the country because it places them in moral parity with the legitimate government that you represent.” However, even within Guaidó’s “interim government” there were significant differences between those who genuinely sought to forge a deal and those who thought it was a hoop to jump through on the road to more sanctions or threats of force.

These tensions within the Guaidó coalition were facilitated by the actions of their main sponsor: the United States. 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 it about their plans. In fact, despite voicing scepticism about the prospects for success, United States’ special envoy for Venezuela Elliott Abrams and his office made a notable effort to offer public displays of support to the opposition negotiating team while negotiations were underway (United States Department of State 2019). However, Abrams and others in the Trump administration were unable to accept two red lines that handicapped the negotiations. First, the administration expressed reticence to lifting sanctions with Maduro still in the presidential palace. And second, they did not believe there could be free and fair elections with Maduro in the presidential palace – regardless of specific improvements in technical conditions or robust international observation. In both of these stances they clashed with opposition negotiators who needed to be able to deliver sanctions relief and who preferred elections without Maduro in power but were willing to accept it if adequate conditions were secured. But it was National Security advisor John Bolton’s theatrical announcement on August 6, regarding a ramping up of sanctions that undermined the process. He suggested the new sanctions symbolized 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 (New York Times August 2019). As noted above, the Maduro government used this an excuse to step back from the table.

More broadly, given how fundamental the United States’ sponsorship is to the Guaidó-led opposition, signing on to an agreement would probably have meant stepping away from the support and security provided by the United States. Given that the United States has directed at least \$52 million in funds to the opposition (USAID 2019), and that United States’ recognition of Guaidó as president effectively gave him control of Central Bank and Citgo funds abroad, losing United States’ support would be difficult; and given that the Trump ad-

ministration continued to say “all options were on the table” and that arresting Guaidó would be a big mistake for Maduro, it is not surprising the opposition did not want sacrifice this sense of security.

The Maduro government coalition is more opaque, making it more difficult to discern who functioned as spoilers (see Alfaro Pareja 2020). Clearly National Constituent Assembly president Diosdado Cabello, who was sanctioned in May 2018 and was widely accused of ties to drug trafficking even before indictments against him were unsealed in March 2020, had little interest in a transition which could see him end up in a United States' federal prison. While the military is often portrayed as corrupt and shot through with drug trafficking, some reports suggested they were actually in favour of negotiations. It is not clear how committed Maduro himself was to the negotiation process as it was he who announced they would not attend negotiation meetings in August and September. Insiders suggest, however, that there was a small but powerful minority within the Maduro government in favour of an agreement.

The role of international sponsors is clear, however. China has been the biggest lender to Venezuela over the past decade, giving it eighteen loans for a total of more than \$67 billion, including \$5 billion in 2018. But in recent years China has become a much more pragmatic supporter, basically seeking to protect its existing investments (Kaplan & Penfold 2019). Turkey has also become an important commercial partner for the Maduro government, doing over a billion dollars of trade in 2019, including gold for food swaps. Yet analysts suggest Turkey's support is also more pragmatic than geopolitical (Oner 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). Over the course of 2019 the Cuban government has maintained public support for a negotiated solution, but it has signalled no interest in actively moving to end Maduro's hold on power. The United States' government has increasingly levelled sanctions against Cuban government actors and state companies for alleged activities ranging from facilitating sanctions evasion to directly overseeing counter-intelligence efforts (Bronner, Vázquez & Wainer 2019). These moves have only increased the degree to which the Cuban government sees Venezuela's fate as synonymous with its own.

It was Russia that clearly emerged as Maduro's most important ally in 2019 (see Cardozo Uzcátegui & Mijares 2020). Russia has invested \$17 billion in oil and gas investment (Lissardy 2019). While its capacity to continue financing the Maduro government is limited, the high priority the United States has given it has reinforced its political motivations (Rouvinski 2019). During the course of 2019 Rosneft 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 & Parraga 2019). It was symbolic that Nicolás Maduro visited Russia during the United Nations General Assembly in September 2019 as the member countries of the Rio Treaty convened to

discuss the Venezuela case (Sahuquillo September 25, 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 importance of Juan Guaidó, if not his claim to the presidency (Sahuquillo September 25, 2019).

Neither China, nor Cuba, nor Russia 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) over their annihilation or decadence. And China has shown a pragmatic side during 2019. When Maduro's hold on power appeared less certain, there were reports that the Chinese government engaged in consultations with the opposition in order to safeguard their 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, 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 until the opposition collapses and the international community tires of exercising diplomatic pressure.

## **Conclusion**

Efforts at international peace-making present a dilemma. On the one hand, they are only worthwhile because they have the power to reorganize the conflict and change its trajectory. But on the other hand, there is no guarantee that this "added value" works in a positive direction. It is very clear that the Maduro government uses the idea of dialogue as a political tool. A recent journalistic investigation showed that Maduro government officials had each made between 30 and 95 calls for dialogue since 2014 (Efecto Cocuyo 2019). But they have done this at the same time that it: shut down institutional democratic spaces such as the National Assembly, co-opted 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. Thus, at the same time that the government undermines democracy as an institutionalized dialogue governed by the rule of law, it seeks to create ad hoc spaces for discussion, leading to non-binding resolutions that it quickly dismisses afterwards. Put in the terms of this paper, for the Maduro government, the "value added" by negotiation process is to demobilize and divide the opposition all while giving the government a democratic face. This is why it is so important that negotiators know the history of the conflict and build upon previous negotiation efforts. Simply starting from scratch each time around sounds like open-mindedness, but can allow the party that is in the advantageous position of



holding institutional power, to use a negotiation process as a tactic to delay and demobilize.

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; the multiple attempts at forging the eventual Colombian peace accords took even longer. What is important is that each effort be informed by previous efforts. It is difficult to talk about “progress” being made in a series of peace-making efforts until an actual successful agreement is made. But we can see a progression in the various mediation efforts, as they have become more professional and more focused: from the original media spectacle of the 2014 dialogues with the Vatican and UNASUR representatives sitting passively against the wall, to the rigorous confidentiality of the Norwegian process in 2019; from the vague agreement forged in the 2016 negotiation, to the detailed plan debated in 2018.

The best negotiation process is the one that leads to a sustainable agreement. But one function of a process is to get actors to actually engage each other politically and force them to reveal their preferences and what they are and are not willing to do, rather than simply engaging in endless media posturing that allows them to avoid the central issues. The 2019 Oslo/Barbados process effectively brought the discussion to a head in August, forcing the Maduro government to accept the opposition’s proposal or reveal what they had in mind for an agreement and participate in the process of reconstructing interests. The Maduro government clearly sought excuses to not return to the table. When the opposition, in turn, also stepped away from the table, they essentially threw away a good hand with which they could have generated international pressure on the government and focus on the issues. Instead, when they stepped away, they allowed the government to grab the agenda and continue its shell-game, portraying a new negotiation process with a handful of minority parties as a new “national” dialogue effort.

The opposition’s impatience was in part the result of unrealistic expectations regarding negotiations. While it was occurring, the Oslo/Barbados round of negotiations came to be referred to in Venezuelan media and social media as the “Oslo mechanism,” despite the fact that the Norwegian diplomats never used that term. The name suggested a technique that would quickly produce a result rather than an ongoing process that would channel the conflict in a more productive direction. The sense of urgency behind these expectations can certainly be understood. But anticipation of a quick fix can undermine the forward momentum of what is inevitably a complex and bumpy process.

Progress after 2019 will require that future negotiation efforts build upon those that have already taken place to prevent the Maduro government from continuing to misusing them. But they will also require the opposition to address some of their internal divisions. It was the opposition that pulled out in 2014 largely because of revelations that they had discouraged the United States from levying sanctions. It was they who fell into in-fighting after signing on to

a vague agreement in 2016 that did not include all of their issues. And they pulled out in September 2019, in a bow to opposition radicals who thought that would strengthen their hand in pushing for more international pressure. Only by achieving a greater degree of consensus regarding negotiations will a sustained process be possible. Probably the most important requirement is a change in the international context. While an oil-producing nation like Venezuela is always of geopolitical importance, in 2019 its significance took on previously unknown dimensions (Velasco 2019; Smilde 2020). Negotiations between the United States, Russia, China, and Cuba are probably the only way to make progress in Venezuela (Alvarez 2019; Stott 2019). However, given the Trump administration's policies towards these countries, including a trade war with China, rivalry with Russia and its existential threats to Cuba, it is difficult to imagine this happening in the near future.

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## Notes

- 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.
- 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).

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