

Controversial legislative elections in Venezuela

SUMMARY

The mandate of the Venezuelan National Assembly, democratically elected in 2015, comes to an end on 5 January 2021; to renew it, the Maduro government called new legislative elections for 6 December 2020. While the government tightened its grip on power to secure a favourable outcome for itself, including through the appointment of a new electoral council, the opposition-led National Assembly presided by Juan Guaidó insisted on holding free and fair presidential and legislative elections with recognised international observers.

The main opposition parties boycotted the 6 December elections – which were also ignored by at least 70 % of eligible voters – and held an alternative public consultation from 7 to 12 December, which resulted in a slightly higher turnout. The opposition described the elections as fraudulent, claiming that they had not met the minimum democratic requirements to qualify as free, fair and transparent. This position was shared by international players such as the European Union, the United States, the Organisation of American States and the Lima Group. Though the outlook of the Venezuelan crisis remains uncertain, there is still hope for a negotiated solution.



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Political context

The [current mandate](#) of the opposition-led Venezuelan National Assembly, democratically elected in 2015, expires on 5 January 2021. To renew the Assembly's membership, the Maduro government held new elections on 6 December 2020. Nevertheless, the main opposition parties and a significant portion of the [international community](#), including the EU, considered the vote not fair or credible, as democratic requirements had not been met. The opposition was initially divided as to whether to participate in or boycott the elections. The main opposition parties¹ (27 in total), aligned with the National Assembly President, Juan Guaidó, (*Voluntad Popular*), finally decided to [boycott](#) the process, as they considered it a fraud. A smaller group led by former presidential candidate, [Henrique Capriles](#), (*Primero Justicia*) was in favour of participating if minimum conditions, such as independent electoral observation, were met. Capriles had negotiated with Maduro the release of over [100 political prisoners](#) and had tried to postpone the elections for six months to get his demands met. Maduro insisted on holding the vote on 6 December 2020, and [Capriles](#) finally reversed his decision to participate. Only [a few opposition parties](#) took part in the [elections](#).

Guaidó's National Assembly is the only institution controlled by the opposition (with around two thirds of MPs), although it had already been effectively deprived of its legislative power by the Maduro government. First, this was done through [Supreme Court rulings](#); then, through the establishment of a [National Constituent Assembly](#) acting as a parallel parliament controlled by the government; and eventually, through a '[parliamentary coup](#)' in January 2020, when security forces prevented the opposition from entering the Assembly building in order to allow the election of pro-Maduro candidate Luis Parra as Assembly president without the required quorum. Guaidó was later re-elected and is recognised as the legitimate president of the Assembly by a [wide majority](#) of MPs.

Maduro tightened his grip on power...

In September 2020, a UN Independent [International Fact-Finding Mission](#) published a [report](#) revealing that there are grounds to believe that Venezuelan authorities had planned and executed 'serious human rights violations' (including enforced disappearances, arbitrary detentions and torture), some of which 'amount to [crimes against humanity](#)'. This was later corroborated in [a report](#) by the Organization of American States (OAS). In the past few months, President Nicolás Maduro had taken advantage of the coronavirus pandemic-related nationwide lockdown he had decreed to tighten his [grip on power](#), increasing his control over key political institutions. He replaced the leaders of main opposition parties *Primero Justicia* and *Acción Democrática* with pro-government figures (though the [ruling](#) affecting the first was later annulled). Moreover, in contravention of the Constitution, the Supreme Court – not the National Assembly – appointed five [new members](#) of the National Electoral Council (CNE). The [lockdown](#) also prevented the opposition from organising demonstrations or even meeting in person at the National Assembly; and contributed to raising Maduro's profile as the person at the helm of the battle on the pandemic.

...the National Assembly continued to call for free and fair elections

The National Assembly reacted to Maduro's call for legislative elections by taking a number of actions. On 4 August 2020, it adopted an [agreement](#) backing the decision of the main opposition parties not to participate in what they considered 'electoral fraud'. On 1 October 2020, it agreed to promote a [public consultation](#) in order to hold 'free, fair and verifiable presidential and parliamentary elections'. In this consultation, held from 7 to 12 December, the Venezuelan people were asked two questions: a) whether they supported all the national and international pressure mechanisms aimed at holding free, fair and verifiable presidential and parliamentary elections; and b) whether they were ready to reject the 6 December 'event' if democratic conditions were not met, and whether they would ask the international community not to recognise the election results. The Assembly also established an [Observatory on Electoral Fraud](#), composed of five MPs and four civil-society representatives. The observatory approved a [first report](#) on 3 November 2020, documenting,

among other things, the increase in the number of MPs favouring Maduro; the exclusion of indigenous peoples from participating in electoral processes; and the manipulation of electoral circuits and transfer of voters to other voting centres.

Figure 1: Chronology of events



Low voter turnout

[Abstention](#) was massive on 6 December. According to official data provided by the CNE, only 31 % of Venezuelans on the electoral roll cast their vote. The official results may have been inflated, as the Maduro government resorted to [social coercion](#) mechanisms, including knocking on people's doors to [convince them to vote](#) before the polling stations closed. Election experts lowered participation estimates to 25-30 %, and the Observatory on Electoral Fraud to just [around 20 %](#). The observatory also reported that until 3 pm [73.3 % of polling stations](#) were empty. By comparison, participation in the 2015 legislative elections reached 74 % (over 14 million voters). The [Government block](#) (PSUV-led Great Patriotic Pole) got **67.6 %** of the votes and 253 seats (of the 274 disputed, the remaining three were for indigenous representatives), and the small part of the opposition that opted to participate obtained **17.9 %** and 21 seats. Meanwhile, over 6.4 million citizens ([31.2 % of those on the electoral roll](#)) participated in the [public consultation](#) and, according to the organisers, rejected the elections.

International reaction

USA: On 7 December 2020, the [US Secretary of State](#), Mike Pompeo, condemned the Venezuelan legislative elections as fraudulent. In September 2020, the [US Treasury](#) had imposed [sanctions](#) on the new CNE President, Indira Alfonzo, and on three other officials, over electoral interference.

Lima Group and International Contact Group (ICG): On 7 December, the [Lima Group](#) reiterated that the elections organised by Maduro lacked legality and legitimacy. In a statement of 8 December 2020, the EU-led [International Contact Group](#) said that it did not recognise the results as legitimate.

OAS: On 22 October 2020, the Organization of American States adopted a [resolution](#) stating that its [recognition](#) of the elections would depend on the existence of the necessary democratic conditions. In another [resolution](#) of 9 December, the OAS rejected the fraudulent elections (Argentina, Bolivia and Mexico [abstained](#)).

Countries with leaders closer to Maduro, such as [Russia](#), [China](#) and [Cuba](#), recognised the [elections](#).

The EU continues to call for credible elections

On 7 December 2020, HR/VP Josep Borrell issued a [declaration](#), regretting that 'the elections went ahead without a national agreement on electoral conditions and failed to comply with the minimum international standards' to be credible. He stated that the EU could not recognise the electoral process; encouraged the Venezuelan authorities to 'come together to start a Venezuelan-led transition process' to solve the crisis 'through credible, inclusive and transparent presidential and

legislative elections'; and underlined the EU's readiness to support it. [Borrell](#) had sent a diplomatic mission to Caracas to explore the possibility of postponing the elections so that democratic conditions could be met and the EU could send an [observation mission](#) on [Maduro's invitation](#).

The EU is helping to [address the humanitarian crisis](#) in Venezuela. Since 2018, it has allocated €156 million in emergency humanitarian aid to help Venezuelans in need and organised a [donors conference](#) to mobilise funds in the context of the coronavirus pandemic.

On [7 October 2020](#), HR/VP Borrell visited the European Parliament to explain the mission of his special envoys to Caracas. The EP has adopted two resolutions on Venezuela in the present legislature: on [16 January 2020](#), condemning the attempted parliamentary coup and recalling the EU's commitment to support a 'genuine process towards a peaceful and democratic solution'; and on [18 July 2019](#), insisting on the need for dialogue to create 'conditions leading to free, transparent and credible presidential elections'. In December 2019, the EP held a [debate](#) on the humanitarian situation and the migration crisis (94 % of Venezuelans live below the poverty line and over 5 million have emigrated).

Outlook

Some consider that the opposition has made a [big mistake](#) by boycotting the elections and thus granting Maduro total control of the newly elected Assembly. However, [Juan Guaidó](#) believed in mobilising the abstentionist electorate in the public consultation as an effective way to preserve the democratic legitimacy of his Assembly by [exposing](#) the Maduro regime through an alternative popular vote. On 5 January 2021, there will still be two parliaments in Venezuela: a new [National Assembly](#) controlled by Maduro but not recognised by the opposition and a wide sector of the international community; and the Assembly presided by Guaidó, which, while enjoying the support of most of the international community, will remain effectively deprived of its legislative power. It also has to be seen if, as a result, Guaidó's leadership of the opposition will be weakened or challenged by figures like [Henrique Capriles](#). On a different note, [Joe Biden's](#) arrival in the US Presidency and the [commitment](#) of the incoming US administration to keep on coordinating views and positions on Venezuela with the EU could favour a negotiated solution to the democratic crisis in the country.

ENDNOTE

¹ The following parties decided to boycott the elections: Un Nuevo Tiempo, Primero Justicia, Voluntad Popular, Acción Democrática, Encuentro Ciudadano, La Causa R, Proyecto Venezuela, Nuvipa, Cuentas Claras, Copei, Bandera Roja, Alianza del Lápiz, Parlinve, Camina, UPP89, Unidos para Venezuela, Vanguardia Popular, Fuerza Liberal, Movimiento Republicano, P.D.U.P.L, Unidad Noe, Moverse, Movimiento por Venezuela, Guajiravni, Aprisal, Sociedad and Izquierda Democrática.

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