

The Biden White House and the Venezuela Crisis: Time for a Policy Change

by Rafael Ramírez

The incoming Biden-Harris administration has been welcomed by great expectations of impending changes in US policy after four years of the Trump presidency. Out of a wide range of issues, US foreign policy towards Latin America and the Caribbean is one domain where a shift in approach may be expected from the new administration.

A halt to the construction of the border wall with Mexico,¹ the promise to regularise 11 million illegal migrants² and the possibility of resuming the “Cuban thaw” policy pursued by former

President Obama,³ provide some hints as to potential policy changes pursued by the Biden administration.

Regarding Venezuela, the Biden White House is expected to adopt a new approach after the failure of the Trump policy. Change will not happen quickly, however. The Biden administration is unlikely to revisit its policy of pressure unless the government of Nicolás Maduro is willing to make important and verifiable concessions, including a concrete political roadmap to re-establish the rule of law with full political guarantees to overcome the terrible crisis that overwhelms the country.

¹ Elliot Spagat, “Biden Halts Border Wall Building After Trump’s Final Surge”, in *AP News*, 22 January 2021, <https://apnews.com/article/bc664278ac096e6ff878116034ec06bb>.

² Cindy Carcamo, Andrea Castillo and Molly O’Toole, “Biden Plans Early Legislation to Offer Legal Status to 11 Million Immigrants Without It”, in *Los Angeles Times*, 15 January 2021, <https://www.latimes.com/california/story/2021-01-15/biden-to-send-congress-bill-to-legalize-11-million-immigrants-who-lack-documentation>.

³ Nandita Bose and Doina Chiacu, “Biden Administration to Review Trump Policy on Cuba: White House”, in *Reuters*, 28 January 2021, <https://reut.rs/3t2rx6G>; Nelson Acosta and Sarah Marsh, “Cuba Hopes Biden Will Quickly Resume Obama-Era Detente”, in *Reuters*, 21 December 2020, <https://reut.rs/3p7p20q>.

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Clearly, no concrete policy shift has been adopted since the inauguration on 20 January. Yet, we can start considering certain elements of US policy towards Venezuela that may be susceptible to change under the new Democratic administration.

A first element is likely to be a “de-ideologization” of the confrontation between the US and Venezuela.⁴ During Trump’s term in office, there was both a hardening and a radicalisation of US policy towards the region, accompanied by strong rhetoric reminiscent of the “cold war” era.⁵

The outgoing Trump administration had set itself the objective favouring the departure of President Maduro, noting that “all options are on the table”, including the military one.⁶ It placed well-known “hawks” within the US foreign policy establishment at the forefront of this task, many of which have a long history of interference in the region.⁷

⁴ Andrés Oppenheimer, “Biden’s Speech Proves that Trump’s ‘Joe’s a Socialist’ Smear Won’t Stick”, in *Miami Herald*, 21 August 2020, <https://www.miamiherald.com/news/local/news-columns-blogs/andres-oppenheimer/article245150830.html>.

⁵ Patrick Oppmann, “Fearing Socialism at Home, Trump Takes a Cold War Stance Abroad”, in *CNN*, 9 February 2019, <https://edition.cnn.com/2019/02/09/americas/trump-venezuela-socialism-oppman-intl>.

⁶ White House, *Press Briefing by Press Secretary Sarah Sanders*, 28 January 2019, <https://trumpwhitehouse.archives.gov/briefings-statements/press-briefing-press-secretary-sarah-sanders-012819>.

⁷ See for instance: Militarist Monitor, “Elliot Abrams”, in *Profiles*, last updated 5 February 2019, <https://militarist-monitor.org/?p=10196>; and “John Bolton”, last updated 3 January 2020, <https://militarist-monitor.org/?p=10209>.

Overall, the Trump administration considered Venezuela with the same confrontational strategy it adopted towards Cuba, without acknowledging the significant differences between the two cases. This strategy responded to the interests and priorities of Florida’s Cuban and Venezuelan exiles, represented in the US Congress by Cuban-American politicians Marco Rubio, Ted Cruz and Mario Díaz-Baralt, among others. They supported Trump in Congress in exchange for the tightening of US policy toward Cuba and Venezuela.

This short-sighted and erroneous approach in dealing with the Maduro government has effectively boomeranged, providing a convenient cover to mask Maduro’s resounding failures. These errors allowed the government to champion the flag of “resistance” to US interference, standing firm in the face of Washington’s sanctions. This, in turn, allowed the government to gain internal and external support, even from progressive sectors in Europe.⁸

The reality, however, is that the Maduro government is far from being a leftist, revolutionary, or “Chavista” government. Rather we can classify it

⁸ Violeta Alcara, “A New Twist in the Spanish Approach to Politics in Venezuela: Podemos in the Spanish Government”, in *RIAC Columns*, 27 March 2020, [https://www.argusmedia.com/en/news/2183300-latin-america-swings-toward-eu-camp-on-venezuela](https://russiancouncil.ru/en/analytics-and-comments/columns/european-policy/a-new-twist-in-the-spanish-approach-to-politics-in-venezuela-podemos-in-the-spanish-government-; Patricia Garip, “Latin America Swings toward EU Camp on Venezuela”, in <i>Argus Media</i>, 2 February 2021, <a href=).

as an authoritarian and dysfunctional government, with a failing and chaotic economic policy.

A more diplomatic and political relationship with Venezuela from the new administration would imply avoiding direct threats of “military intervention”, helping to create a new atmosphere for talks and compromises by both sides. Indeed, Trump’s aggressive approaches have so far provided much-needed *oxygen* to the Maduro government, pushing the country’s armed forces to unite around him.

A second element susceptible to change under the Biden administration relates to the failed political strategy centred around the “parallel government” headed by Juan Guaidó, former President of the National Assembly elected in 2019. For much of the past years, the Trump administration had backed the establishment of this parallel government, seeking to employ it to topple Maduro.

This political manoeuvre was based on an erroneous and very convenient interpretation of Article 233 of the Venezuelan Constitution in relation to the absolute fault of the President of the Republic.⁹ This happened after the opposition refused to recognise the 2018 presidential elections boycotted by them.

This action has no constitutional or legal basis. In fact, neither the army

⁹ Constitution of the Bolivarian Republic of Venezuela (1999), <http://hrlibrary.umn.edu/research/venezuela-constitution.html>.

nor other power centres in the country recognised Guaidó’s legitimacy as president.

From 2019, therefore, two “Presidents” coexist in Venezuela: Nicolás Maduro and Juan Guaidó. Maduro has real control over the country, territory and institutions, particularly within the armed forces. Guaidó, on the contrary, lacks any authority or control inside the country but has the recognition of more than 50 other countries, including the US, Canada and the members of the Lima Group.¹⁰

Based on this strategy, in January 2019, the US government confiscated and handed over Citgo, Venezuela’s US refining subsidiary located in Houston, Texas, to the Guaidó administration. The Venezuelan embassy and consulate in the US were also transferred to Guaidó’s control. US allies in the region followed a similar policy.

The government of Nicolás Maduro has denounced these actions but has not exerted pressure or imprisoned Guaidó. The government decided to wait for his popularity to fall, as indeed is happening.

¹⁰ Jeremy Diamond and Boris Sanchez, “Trump Recognizes Venezuelan Opposition Leader as Nation’s President”, in *CNN*, 24 January 2019, <https://edition.cnn.com/2019/01/23/politics/trump-juan-guaido-venezuela>; Global Affairs Canada, *Canada Recognizes the Interim President of Venezuela*, Ottawa, 23 January 2019, <https://www.canada.ca/en/global-affairs/news/2019/01/canada-recognizes-the-interim-president-of-venezuela.html>; “Venezuela Crisis: Juan Guaidó Backed by Lima Group”, in *BBC News*, 5 February 2019, <https://www.bbc.com/news/world-latin-america-47126434>.

His failure to bring about rapid political change after proclaiming himself interim president, as well as a succession of other mistakes, such as the attempted coup of 30 April 2019,¹¹ a scandal with the handling of humanitarian aid,¹² his links with Colombian paramilitaries¹³ and with the failed “Operation Gideon”,¹⁴ have caused a drop in Guaidó’s popularity across the country.

Following the recent parliamentary elections on 6 December 2020, the Maduro government has effectively retaken control of the National Assembly. The opposition decided to not participate, boycotting the vote. As a result, Guaidó’s power base and veneer of legitimacy, always weak and debatable from the start, has now effectively vanished.

Indeed, following the vote, the European Union issued a statement on 6 January 2021, in which it questioned the legitimacy of the parliamentary election but did not refer to Guaidó as

“president in charge” of Venezuela.¹⁵ This is a logical consequence of the end of the period of the National Assembly of 2015, which is renewed every five years.

A new National Assembly with a new president was just elected, meaning that Guaidó has no legal basis to support his interpretation of Article 233 of the Constitution and proclaim himself as “interim president” of Venezuela.

The incoming US administration should now revisit this approach towards Venezuela as such a strategy has isolated the Maduro government internationally, but not weakened it internally.

A third element that may change in the Biden administration’s policy could be a broadening of the spectrum of political actors with whom the US engages on Venezuela.

The Trump administration has relied exclusively on the most intolerant right-wing sectors of the country. These sectors represent a minority, even within the spectrum of the Venezuelan opposition. They have participated in various coup attempts and political violence between 2002–2004 and then between 2014–2016. This has generated strong rejection from left-wing political actors in Venezuela and within the armed forces.

One must hope that the Democratic administration opens the spectrum

¹¹ Nick Paton Walsh, Natalie Gallón and Tara John, “Juan Guaidó Declares ‘Final Phase’ of Operation to Topple Venezuela’s Maduro”, in *CNN*, 30 April 2019, <https://edition.cnn.com/2019/04/30/americas/venezuela-juan-guaido-leopoldo-lopez-intl>.

¹² Ricardo Vaz, “Guaidó Staffers Accused of Embezzling Venezuela Humanitarian Aid Funds”, in *Venezuelanalysis.com*, 17 June 2019, <https://venezuelanalysis.com/news/14545>.

¹³ Tom Phillips and Joe Parkin Daniels, “Venezuela’s Guaidó Pictured with Members of Colombian Gang”, in *The Guardian*, 14 September 2019, <https://gu.com/p/cb3ft>.

¹⁴ Anthony Faiola, Karen DeYoung and Ana Vanessa Herrero, “From a Miami Condo to the Venezuelan Coast, How a Plan to ‘Capture’ Maduro Went Rogue”, in *The Washington Post*, 7 May 2020, <https://wapo.st/35F8X9C>.

¹⁵ Council of the European Union, *Venezuela: Declaration by the High Representative on behalf of the European Union*, 6 January 2021, <https://europa.eu/!ct78UV>.

of political actors and looks for other interlocutors. This could happen in the sphere of the opposition and should also include a number of Chavistas who have express their rejection of the Maduro government.¹⁶ This would subtract the preponderance and exclusivity that the “hard right-wing” has had in Washington, possibly leading to a change in strategy.

The handling of the Juan Guaidó case will be a challenge for the Biden administration. Yet, Biden would be wrong to carry on with Trump’s mistakes, including an over-reliance on sanctions and coercive measures which have thus far failed to achieve results.

The policy of economic sanctions against Venezuela is illegal and ineffective. They have provided the Maduro government with excuses and arguments to justify its profound failure in governing the country, particularly the economy and oil industry, which now lay in tatters.

The paradox is that US sanctions on Venezuela are definitely not the origin

¹⁶ See for instance: Rafael Ramírez, “El derrocamiento de la V República, el paquetazo de Maduro y el colapso del país”, in *RafaelRamirez.net*, 5 August 2018, <https://www.rafaelramirez.net/?p=1010>; Jorge Giordani, “Testimonio y responsabilidad ante la historia”, in *Aporrea*, 18 June 2014, <https://www.aporrea.org/ideologia/a190011.html>; Rodrigo Cabezas Morales, “¡Que el pueblo decida en sufragio!”, in *Aporrea*, 13 January 2019, <https://www.aporrea.org/actualidad/a274205.html>; Communist Party of Venezuela (PCV), *Letter from the PCV to the Communist and Workers Parties of the World*, 7 September 2020, <https://www.solidnet.org/galleries/documents/Letter-from-the-PCV-to-the-Communist-and-Workers-Parties.pdf>.

of the country’s problems. They are not the cause of the collapse of the economy or the oil industry. However, the government is using them to deflect criticism for their handling of these sectors, masking its own failings as well as serving as an excuse to pursue the political purge within the country’s state-owned oil and natural gas company, *Petróleos de Venezuela, S.A. (PDVSA)*.

The oil industry was already in a production freefall when sanctions were first imposed against PDVSA in January 2019. At that time, only 1,151 million barrels per day were produced, a drop of 51,1 per cent compared to its 2013 levels of 2,356 million barrels per day.¹⁷ This was a product not of US sanctions but of the internal political persecution that sent ministers, executives and managers into prison or exile and the militarisation of the company in December 2017.¹⁸

¹⁷ OPEC, *Monthly Oil Market Report April 2019*, p. 53, https://www.opec.org/opec_web/static_files_project/media/downloads/publications/MOMR%20April%202019.pdf; and *Monthly Oil Market Report February 2014*, p. 66, https://www.opec.org/opec_web/static_files_project/media/downloads/publications/MOMR_February_2014.pdf.

¹⁸ Andrew Rosati and Fabiola Zerpa, “Venezuela Arrests Former Oil Heads as Maduro Widens Purge”, in *Bloomberg*, 30 November 2017, <https://www.bloomberg.com/news/articles/2017-11-30/venezuela-arrests-former-oil-heads-as-pdvsa-graft-purge-deepens>; “PDVSA: Maduro Names General to Head Venezuela Oil Firm”, in *BBC News*, 26 November 2017, <https://www.bbc.com/news/world-latin-america-42132694>; Rafael Ramírez, “La Alta Comisionada Michel Bachelet y los derechos humanos en Venezuela”, in *RafaelRamirez.net*, 24 March 2019, <https://www.rafaelramirez.net/?p=1518>.

Looking forward, it will not be easy for Biden to shed this policy applied by President Trump. This is because this policy of pressure has its origin in a decree signed by the Obama administration in 2015, declaring recent events in Venezuela an “extraordinary threat to the national security and foreign policy of the United States”.¹⁹

The new Biden administration should pay urgent attention to the current humanitarian crisis, authoritarianism, political repression and massive human rights violations by the government of Venezuela as part of its own political programme.

The new administration should therefore develop its own strategy towards Venezuela, learning from past mistakes and implementing carefully planned changes to existing US policy.

In this, the Democratic administration will be less influenced by internal pressures and political lobbyists from Florida and/or Cuban-Venezuelan exile communities in the US, potentially providing Biden more freedom to exercise policy changes. After all, Biden will not require support from Florida’s congressmen since the Democratic party won a majority in both chambers of Congress.²⁰

¹⁹ White House, *Executive Order 13692 of March 8, 2015: Blocking Property and Suspending Entry of Certain Persons Contributing to the Situation in Venezuela*, <https://www.govinfo.gov/content/pkg/FR-2015-03-11/pdf/2015-05677.pdf>.

²⁰ Éric Grenier, Alexander Panetta and Benjamin Blum, “U.S. Election Results”, in *CBC News*, 3 November 2020, <https://newsinteractives.cbc.ca/elections/us/2020/results>.

It is also important to remember that the oil supply from Venezuela to the US, which in 2007 averaged 1.1 million barrels per day, has been reduced to zero since March 2019.²¹ This means that the US does not depend on Venezuelan crude oil as it did in the past.

While the United States will always be an important factor for the economic development and political stability of Latin America, the new US administration has an opportunity to revisit elements of Trump’s failed strategy towards Venezuela.

Under the present circumstances, the best contribution that the new US administration can make to help resolve the unprecedented crisis in Venezuela is to end the Trump administration’s aggressiveness and interference that in the end helps more than damages the Maduro government.

Political change in Venezuela cannot be postponed any longer. We need to return to the rule of law, to the full respect for political, economic and social guarantees, without the interference of the external factors and powers, giving the Venezuelan people the possibility to decide their future. Only after this happens, can the country finally start the process of healing and reconstruction that Venezuela truly needs.

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²¹ US Energy Information Administration (EIA), *Country Analysis: Venezuela*, last updated 30 November 2020, <https://www.eia.gov/international/analysis/country/VEN>.

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