

## **DANGEROUS UNCERTAINTY AHEAD OF VENEZUELA'S ELECTIONS**

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## DANGEROUS UNCERTAINTY AHEAD OF VENEZUELA'S ELECTIONS

### EXECUTIVE SUMMARY AND RECOMMENDATIONS

Uncertainty over President Hugo Chávez's health adds to Venezuela's fragility in the run-up to October's presidential election. Amid deep polarisation, his illness overshadows the campaign, while the personalised nature of his rule, weakened institutions, and high levels of criminal violence bode ill for stability even beyond the polls. Brazen violation of the constitution would probably require army support, which not even the president can bank on; regional powers, too, would eye such action warily. But with much at stake, upheaval, even a violent political crisis, remain dangerous possibilities. Political leaders should condemn violence and pledge publicly to respect the constitution – whatever lies ahead. Venezuela's partners in the region should press for international observation and signal clearly they will not condone unconstitutional acts.

The coming months could prove to be Hugo Chávez's toughest yet. The opposition is united behind a presidential candidate. Its youthful contender, Henrique Capriles – like Chávez – has never lost an election. His moderation, a far cry from opposition tactics of the past, should resonate with swing voters. Moreover, elections in Venezuela, despite Chávez's narrowing of political space, are not easy to rig. The opposition has won before and in the most recent, the 2010 parliamentary elections, its share of the popular vote matched that of the ruling party.

But a presidential contest against Chávez is a different matter. Under normal conditions, he would likely win. He is a formidable campaigner and still enjoys strong emotional ties to many Venezuelans, especially his poor base. He also has loyal institutions and a powerful state media machine, and openly uses the public purse for campaign purposes, notably by dispensing largesse through social welfare programs. Even opposition loyalists admit a healthy Chávez in full campaign swing would be almost unbeatable.

However, the president faces not only Capriles, but also cancer, which could pose a graver threat to his reign. Only his doctors and close family know the prognosis, but the illness has already required extended absences for treatments in Cuba and has thus far kept him off the campaign trail. The ruling party, with no clear succession mecha-

nism or obvious heir – certainly none that could easily defeat Capriles – is jittery: Chavismo would be in trouble without Chávez. Many around him have much to lose, and while the party maintains public unity, speculation about infighting and jostling for influence behind the scenes is rife. The recently-appointed Council of State, a body of top presidential advisers, could possibly become a mechanism through which to negotiate succession if Chávez's health fails, but its creation does not appear to have calmed nerves.

The president's sickness threatens not only his party but also October's vote and even the country's stability. His rule is highly personalised, with power concentrated in his office and checks and balances steadily eroded. Institutions are ill-equipped to manage a transition or contain conflict. Politics are polarised, society divided. The proliferation of weapons and of pro-government armed groups offers opportunities for stoking violence. Indeed, sparks have already hit the campaign; shots were fired at an opposition rally in Cotiza, a Caracas suburb in early March. The president's fiery rhetoric does little to discourage such incidents.

Many in Venezuela, including in the Capriles camp, stress a major breakdown of order is unlikely. Chávez has always rooted his legitimacy in the ballot box and promises to accept the result in October. The electoral authorities are, perhaps, more resistant to his meddling than other institutions. The opposition swears there will be no witch hunts if it wins; if it loses, it appears to have little stomach for a fight, particularly if the vote is clean. Many citizens are tired of confrontation. While senior generals are loyal to the president, with the defence minister suspected of ties to drug-trafficking, the armed forces' middle and lower ranks would not necessarily follow them into blatant violations of the constitution. Nor would regional powers condone a power grab or welcome Venezuela's slide from flawed democracy into turmoil or dictatorship.

But Chávez's illness takes Venezuela onto unknown – and unpredictable – terrain. At stake is not only his rule but also a model of governance that many Venezuelans per-

ceive to serve their interests. One scenario, were the president or a late stand-in defeated, would see the ruling party seek to force the electoral authorities to suppress results or itself stir up violence as a pretext to retain power by extraordinary means. A second, especially if the president's health should decline rapidly, would have it delay the vote – perhaps through a decision by the partisan judiciary – in order to buy time to select and drum up support for a replacement. Either scenario could stimulate opposition protests and escalating confrontation with government loyalists.

The prospect of upheaval thus cannot be discounted. Political leaders, especially the president, should tone down their rhetoric and condemn any violence. Venezuela's constitution, passed by Chávez himself, provides for all contingencies, and all political leaders, authorities and the armed forces should pledge publicly to adhere to it.

## RECOMMENDATIONS

*To reduce the dangerous levels of uncertainty in advance of the presidential election*

### **To the Government of President Chávez, the ruling United Socialist Party of Venezuela and the Armed Forces:**

1. Pledge publicly to respect the constitution, including its provisions governing how Venezuela would be ruled were the president's illness to force him to stand down, the electoral calendar and the electoral results.
2. Provide details on the president's health and prognosis.
3. Clarify internal procedures for determining a new party leader and presidential candidate should the president's health so require.
4. Maintain affiliation to the Inter-American Human Rights system, including recognition of the competence of the Inter-American Commission and Court on Human Rights, and publicly commit to the standards of the Inter-American Democratic Charter.

### **To the Electoral Authorities (the Consejo Nacional Electoral, CNE):**

5. Disseminate widely the provisions in the electoral law that govern how political parties substitute candidates (notably Articles 62-64) and commit to holding elections on 7 October 2012.

### **To Venezuela's Regional Partners, in particular the Governments of Brazil and Colombia and of the Bolivarian Alliance for Peoples of Our America (ALBA) and Regional Bodies, notably the Union of South American Nations (UNASUR):**

6. Commit, publicly and privately, to constitutional order in Venezuela and press President Chávez and Henrique Capriles to respect the constitution and electoral results.

*To diminish polarisation and the risk of violence*

### **To Venezuelan Political Leaders including President Chávez and Henrique Capriles:**

7. Avoid divisive and inflammatory language, in particular degrading portrayals of political opponents; pledge publicly, forcefully and frequently to renounce electoral violence around elections; call upon supporters to abstain from violence; and insist that candidates be permitted to campaign throughout the country without personal risk.

### **To the Electoral Authorities:**

8. Enforce the electoral law and their own regulations that prohibit divisive and inflammatory language by politicians, including by fining violators.

### **To the Venezuelan Government and Law Enforcement Institutions:**

9. Hold perpetrators accountable for any violent acts they commit.

*To level the playing field and increase the likelihood of free and fair elections in October*

### **To President Chávez, the Venezuelan Government and State Governors:**

10. De-link current social welfare programs from the campaign, including by avoiding any inauguration of them by candidates or senior government officials; cease mandatory broadcasts and refrain from inaugurating public works during the campaign.

### **To the Electoral Authorities:**

11. Comply with the requirements in the electoral law to check the use of state resources for campaigning, including sanctioning those violating the law.
12. Invite quickly international observers, ideally from organisations like the European Union, the Carter Center and, the Organisation of American States, to observe all aspects of the October election, including the campaign and dispute resolution. An invitation should be

also extended to the Inter-American Union of Electoral Organisms (UNIORE) through its technical support unit, the Centre for Electoral Assistance and Promotion (CAPEL).

13. Accredit opposition agents promptly; facilitate their access to all parts of the electoral process; and remove restrictions on the number of civil society observers from any single organisation.
14. Disseminate rules regulating the electoral security plan (Plan República) and develop, together with the armed forces, a code of conduct for signature by those involved in it.

**To the Armed Forces:**

15. Ensure all responsible for securing polling stations are properly trained and understand the code of conduct and their mandate; and protect all voters equally during the election.

**Caracas/Bogotá/Brussels, 26 June 2012**

## DANGEROUS UNCERTAINTY AHEAD OF VENEZUELA'S ELECTIONS

### I. INTRODUCTION

Venezuelans are scheduled to go to the polls on 7 October to elect a president, with the winner of a single round of voting to assume office in January 2013.<sup>1</sup> The contest is expected to pit incumbent President Hugo Chávez Frías against Henrique Capriles Radonski, the candidate of a united opposition ticket. The campaign officially starts on 1 July. Uncertainty, however, clouds preparations. Over the past year, Chávez has been battling cancer and forced to spend protracted periods abroad, fuelling intense speculation about what his potential absence could mean for both October's vote and the country's stability. During his time in office, power and decision-making have been steadily accumulated in the executive branch and key institutions filled with loyalists, leaving the country ill-prepared for a transition. Many Venezuelans express apprehension about what would happen if the president's health deteriorated.

This report examines the contenders' camps and the electoral playing field. It explores the risks of a potentially violent crisis, although the lack of reliable information about the president's health, as well as the opacity of the inner workings of both his government and the military, complicates making predictions for the months ahead. It is based on interviews with interlocutors across the political and social spectrum in Caracas, including 23 de Enero and other poor neighbourhoods, and abroad. Most, and especially the few ruling party members and sympathisers with whom it was possible to meet, spoke on condition of anonymity. Requests to meet senior government officials were declined.

### II. THE CONTENDERS

On 11 June President Chávez registered his candidacy with the electoral authorities. He seeks another term, as constitutional reforms approved by a 2009 referendum permit, despite his struggle against a cancer diagnosed almost a year ago. His illness has unsettled the ruling party and also looks likely to limit his campaign and force him to rely heavily on the disciplined mobilisation of party activists and massive, oil revenue-funded social spending. His principle challenger, Henrique Capriles, registered the day before Chávez. He has the backing of a united opposition, served the last four years as governor of Miranda state, represents a moderate strand of opposition thinking and has been travelling extensively around the country, publicising policies that include retention of Chávez's social welfare programs. Thus far, however, much media attention has focused on the president's health.<sup>2</sup>

#### A. CHÁVEZ AND CHAVISMO

##### 1. The president's illness

Chávez first announced his cancer in June 2011, after an operation in Cuba to remove a "baseball-size" abscess in his pelvic area.<sup>3</sup> He spent several weeks between June and September undergoing treatment on the island, largely absent from public view. In February 2012, having initially proclaimed the cancer beaten, he revealed the discovery of another "lesion" – later acknowledged as a cancerous tumour – and returned to Cuba for further surgery and treatment.<sup>4</sup> His most recent treatment, in May, took him out of the country for eleven days.

<sup>1</sup> President Chávez's term ends on 10 January 2013. Regional elections to fill 23 state governorships are scheduled to be held on 16 December 2012 and municipal elections for 335 mayoralties on 14 April 2013. For previous reporting on Venezuela, see Crisis Group Latin America Report N°38, *Violence and Politics in Venezuela*, 17 August 2011; and Latin America Briefing N°22, *Venezuela: Accelerating the Bolivarian Revolution*, 5 November 2009.

<sup>2</sup> Candidates for the presidential election were required to register with the Consejo Nacional Electoral (CNE) between 1 June and 13 June 2012. See "Cronograma Elección Presidencial – Domingo 7 de Octubre 2012", at [www.cne.gob.ve](http://www.cne.gob.ve). In addition to Chávez and Capriles, additional six candidates registered.

<sup>3</sup> See, for example, "Chávez podría recibir quimioterapia para tratar el cáncer", *El Nuevo Herald*, 14 July 2011; and "Hugo Chávez deja su lema de guerra por uno más apegado a la vida", CNN México, 15 July 2011.

<sup>4</sup> "Chavez: no more cancer", *Correo del Orinoco International*, 21 October 2011; "Raúl Castro recibió a Chávez a su vuelta a Cuba para seguir tratamiento", EFE news agency, 8 April 2012.

The president has provided no details on the type of his cancer, his prognosis or the duration or nature of treatment. Since returning from his latest treatment, he has been mostly out of public view, fuelling speculation the illness is worse than acknowledged, and uncertainty about what that might mean.<sup>5</sup> Reportedly not even close advisers are informed, which some say has caused resentment in his immediate circle.<sup>6</sup> According to the constitution, the vice president temporarily assumes power if the president is unable to govern.<sup>7</sup> But Chávez has delegated none of his presidential powers, other than some administrative and budgetary competencies to the vice president and the finance and planning minister while he was in Cuba. He and senior officials repeatedly assert his capacity to govern and intention to seek a third term in October.

The sickness and absences accentuate both the highly personalised nature of his rule and the lack of an obvious successor. Even loyalists admit that Chavismo<sup>8</sup> will struggle without Chávez, unless the president establishes a clear succession plan and perhaps even anoints an heir. The removal of presidential term limits in the 2009 referendum led many members of the ruling United Socialist Party of Venezuela (PSUV) to assume he would serve at least another term, stifling discussion within the party on a post-Chávez era and leaving it ill-prepared for the future.

The president's frailty only months before the election thus generates deep uneasiness within the PSUV. Members are careful to maintain a public display of unity behind his candidacy, and the hierarchy reportedly mutes discussion on succession. Some members claim that the party is preparing for a scenario in which the president cannot compete in October;<sup>9</sup> indeed a PSUV state governor recently speculated in front of journalists about an election without him.<sup>10</sup> Rumours of factionalism and jockeying for influence behind the scenes are endemic.

Chávez's recent appointment of members of the Council of State (Consejo de Estado),<sup>11</sup> defined in the constitution as the highest body of advisers to the president but never formed until now, has done little to calm nerves. It is initially tasked with examining Venezuela's potential withdrawal from the Inter-American Commission on Human Rights.<sup>12</sup> Though its members have not yet met, many tout it as part of a plan for transitioning to a post-Chávez era, with the council perhaps mediating between factions or broadening the political base of a potential successor in order to ensure the survival of Chavismo. The government insists its appointment of the council members simply fulfils a constitutional requirement.

## 2. Hints of succession struggles

Chávez understandably avoids public discussion about who might inherit his mantle, since it would throw his

<sup>5</sup> On 30 May, U.S. journalist Dan Rather, following talks with a "highly respected source close to Chávez", reported that the president was suffering from an "aggressive cancer" that had "entered the end stage". According to the source, Chávez could not expect to live "more than a couple of months at most". Rather said that he has not been able to confirm this with any other source. "The Health of Venezuelan President Hugo Chávez is 'Dire'", "Dan Rather Reports", HDNet, 30 May 2012.

<sup>6</sup> A day before Chávez announced the new "lesion", on 20 February, Communications Minister Andrés Izarra denied rumours about a possible relapse of the president, showing that close allies either were misinformed or deliberately mislead the public. "El ministro Izarra desmiente rumores sobre salud de Chávez", Notitarde.com, 20 February 2012. The fact that Chávez chose Cuba for treatment is widely interpreted as a move to protect the secrecy of information concerning his health.

<sup>7</sup> According to the constitution, if the president is unable to govern due to death or physical incapacity ("absolute absence") in the last two years of his mandate, the vice president assumes office until the end of the term (Article 233). The vice president can also take over for up to 90 days in the case of temporary absence. This period can be prolonged for another 90 days by the National Assembly (Article 234). If the temporary absence is extended for over 90 consecutive days, the National Assembly must decide by majority vote if it should be considered in effect permanent.

<sup>8</sup> Chavismo refers to a set of ideas and policies and a governing style that are closely associated with President Chávez. Chavistas are supporters of Chávez.

<sup>9</sup> A PSUV official said, "Of course the illness is difficult for the party. And of course we are preparing for a scenario in which the president cannot run. This is not so difficult. If it's not Chávez, if the president is too sick, then another candidate in his place will represent Chavismo. In that sense, there is no uncertainty .... for the moment Chávez is our candidate, and no one in the party is speculating in public even on the possibility of another candidate". The same official admitted "a change of candidate could of course impact turnout and lead to greater abstention", Crisis Group interview, March 2012.

<sup>10</sup> At a recent campaign meeting, the governor of Portuguesa state, Wilmer Castro Soteldo, reportedly speculated about a scenario in which Chávez could not contest the election; see, "Preparan escenarios con Chávez, sin él o suspensión de elecciones", El Nacional, 25 April 2012.

<sup>11</sup> According to Article 252 of the constitution, the Council is headed by the vice president and includes five members appointed by the president, one by the National Assembly, one by the Supreme Court and one by the governors. Presidentially-appointed members are former vice president José Vicente Rangel, former foreign minister and OAS Ambassador Roy Chaderton, former ombudsman Germán Mundarín, Admiral Carlos Giacoppini Martínez and writer Luis Britto García. Its president, Luisa Estella Morales, represents the Supreme Court (TSJ), member Earle Herrera the National Assembly and Jorge Luis García Carneiro, governor of Vargas, the state governors.

<sup>12</sup> See, for example, "Diego Ore, new Venezuelan council not post-Chavez kingmaker", Reuters, 11 May 2012.

candidacy into question. Indeed, his actions often appear designed to sow confusion. He took Foreign Minister Nicolás Maduro – touted by many in Caracas and abroad as a likely heir given his profile and close ties to the president and the Cubans – down a notch by appointing him in December 2011 as the PSUV candidate for governor in Carabobo, an opposition bastion he has little hope of winning. In the same month, he appointed Vice President Elías Jaua, whose position and the administrative powers he delegated to him from Havana, made him another favourite, as the candidate for governor in Miranda, another opposition-controlled state. Both Maduro and Jaua, however, remain likely contenders.

The appointment of a close confidante and former military man, Diosdado Cabello, as president of the National Assembly and PSUV vice president in January 2011 was broadly interpreted as a move to tighten Chávez's grip over the armed forces and the party.<sup>13</sup> Cabello is not widely seen as a viable successor, given his lack of popular support and backing within the party, as well as alleged wealth that dampens his appeal to poor voters, the core Chavista constituency.<sup>14</sup> He also lost the 2008 Miranda gubernatorial contest to Capriles as an incumbent.<sup>15</sup> But he enjoys close ties to the armed forces and controls an important faction in the legislature, so cannot be discounted, particularly if further empowered by the president. At the least, his accumulation of power makes him influential behind the scenes.<sup>16</sup>

Chávez's elder brother, Adán, current governor of Barinas state, is among other names floated in public and private. Though he has strong revolutionary credentials, his charisma and popularity are a far cry from those of the president.<sup>17</sup> There are reportedly dark horse candidates, including potentially even a Chávez daughter, though none

<sup>13</sup> Ties between Chávez and Cabello stretch back at least two decades to their joint participation in the coup attempt against President Carlos Andrés Perez in 1992.

<sup>14</sup> Cabello is widely perceived to have become rich during Chávez's rule. Crisis Group interviews, international and local journalists, NGO representative, Caracas, 19-23 March 2011, telephone interview, 27 March 2011.

<sup>15</sup> After losing the Miranda election, Cabello was appointed by Chávez as public works and housing minister. He also heads the National Telecommunications Commission (CONATEL).

<sup>16</sup> Crisis Group interview, foreign correspondent, Caracas, 21 March 2012.

<sup>17</sup> Ibid; Crisis Group interview, NGO representative, Caracas, 20 March 2012. Adán Chávez was quoted in June 2011 declaring that "it would be inexcusable to limit ourselves to only the electoral and not see other forms of struggle, including the armed struggle". See "Chavez brother raises possibility of armed struggle as Venezuela ponders president's health", InterAmerican Security Watch, 27 June 2011; also "Hugo Chavez's brother talks of armed struggle", Associated Press, 27 June 2011.

would have much claim beyond their connection to the president.

The constitution permits political parties to switch presidential candidates up to the last minute.<sup>18</sup> However, what the likely response from the disparate political and economic interests within the PSUV would be to a sharp deterioration in the president's health is unclear, as would be its capability to select a new leader without fracturing. Opinion polls suggest that none of those touted to take over would defeat Capriles.<sup>19</sup> Few currently enjoy broad support even within party ranks, let alone with swing voters. Government loyalists would be unlikely to vote for Capriles, but they might abstain. Again, however, much would depend on whether Chávez would be able or willing to throw his own weight behind a successor, and perhaps, too, on the opposition's ability to reach out to disgruntled Chavistas.

### 3. Unease in the PSUV

The president's illness also clouds the futures of other PSUV figures. Sources within the opposition camp claim that some are reaching out to secure their careers in the event of a Capriles win; the opposition itself reportedly is wooing potential allies.<sup>20</sup> The most recent prominent defection was that of José Gregorio "el Gato" Briceño, the popular Monagas state governor. The water scandal that officially caused the rupture is seen as the excuse he sought to jump ship, taking three state deputies with him.<sup>21</sup> Already in 2010, another popular governor, Henri Falcón of Lara state, left the PSUV, alleging too much interference from Caracas and that the absolute loyalty Chávez demanded stifled debate in the party.<sup>22</sup> Falcón and El Gato may swing support in their respective states toward Ca-

<sup>18</sup> See section IV.B. below.

<sup>19</sup> A poll published by Consultores 21 in March 2012, and notwithstanding the difficulties of projecting voter intentions in a contest without Chávez, projected Capriles to win with 49 per cent of the vote against Jaua (40 per cent), Adán Chávez (40 per cent), Nicolas Maduro (39 per cent) and Diosdado Cabello (38 per cent). See, "Sondeo ubica a Jaua como buen sustituto de Chávez", *Ultimas Noticias*, 28 March 2012. A Chavista said, "we don't like any of the other names. But even so no Chavistas will ever vote for the opposition". Crisis Group interview, Caracas, 21 March 2012.

<sup>20</sup> Crisis Group interviews, diplomat, foreign correspondent, Caracas, 23 March 2012.

<sup>21</sup> Ibid. Moreover, Briceño had not yet been designated by Chávez as the PSUV candidate for re-election in Monagas state in the December elections, so did not know whether he would be on the party ticket.

<sup>22</sup> Falcón laid out his difference with Chávez in an open letter when he split. "La carta que Henri Falcón le escribió a Chávez para anunciar su salida del PSUV", *Noticias24*, 22 February 2010.

priles. Falcón identified a further three governors who he said were in talks with the opposition, something all three immediately denied.<sup>23</sup>

The decision not to hold PSUV primaries for the December 2012 regional elections reportedly caused resentment at state and local level, with complaints that it prevents the emergence of fresh blood in the party.<sup>24</sup> Whether wary of competition or of the potential for factionalism, Chávez has reportedly checked the rise of leaders with strong local backing. PSUV governors, who control fifteen of 23 states, should in principle be useful vehicles for mobilising support for the president, but they are often less popular than Chávez. His appointment of campaign coordinators outside the governor's office in many states reflects his distrust both of them and of their ability to contribute to his re-election.<sup>25</sup>

#### 4. Popular perceptions

The president's illness does not appear to have dented his popularity, however. It may even garner him sympathy votes: a bounce in his ratings followed the announcement of his cancer in 2011.<sup>26</sup> Moreover, the topic dominates even the independent media, reducing coverage for the opposition. Opinion polls in deeply polarised Venezuela should be treated cautiously, but most suggest Chávez has a double-digit lead, even after successful primaries that many expected to boost opposition numbers.<sup>27</sup> Only two

<sup>23</sup> See "En respuesta a Pérez y Falcón, gobernadores oficialistas desmienten acercamiento con la MUD", *Noticias24*, 28 March 2012. According to an analyst: "Another Gato Briceño would be fatal to the Chávez campaign". Crisis Group interview, Caracas, 28 March 2012.

<sup>24</sup> President Chávez reportedly did without PSUV primaries in 2012 due to the experience in 2010, when some candidates he favoured lost to those with local ties. Loyalists who were defeated were then given prominent positions on the party lists for the proportional contests, which further upset some in the party. Crisis Group interview, diplomat, Caracas, March 2012. Also see "Exigen a Chávez primarias para esconder candidatos regionales", *El Universal*, 13 March 2012 and "Viene una desbandada", *TalCualDigital*, 16 April 2012.

<sup>25</sup> Crisis Group interview, journalist, 21 March 2012.

<sup>26</sup> Datanálisis poll quoted in <http://caracaschronicles.com/2012/03/29/the-datanalisis-poll-in-full>.

<sup>27</sup> Almost all recent polls have given the incumbent a significant lead. One, published on 3 June by the Instituto Venezolano de Análisis de Datos (IVAD), showed Chávez with an estimated 54.8 per cent, compared to 23.6 per cent for Capriles. "Chávez ganaría con 54,8% si elecciones presidenciales fueran hoy", *Correo del Orinoco*, 3 June 2012. Others were similar: 42.9 per cent for Chávez, 25.7 per cent for Capriles, Datanálisis, "Consulta la encuesta completa de Datanálisis mostrada por Pérez Pirela", *Informe 21*, 16 May 2012; 59.4 per cent for Chávez, 29.1 per cent for Capriles, International Consulting Services (ICS), "Encuestadora ICS: Intención de voto a favor de Chávez

polls have projected narrower margins, though most characterise between 10 and 35 per cent of voters as undecided, or potential abstainers.<sup>28</sup>

Whether poor government performance and chronic insecurity will affect the president's support is unclear. Paradoxically, many citizens remain pro-Chávez even as their support for the government wanes – due partly to the president's charisma and ability to connect emotionally with Venezuelans and partly to his knack for distancing himself from governance problems.<sup>29</sup>

#### 5. The Chavista campaign

The official campaign starts in July, but both camps have been active for months. Chávez's recent absence from public view suggests he may have difficulty meeting the demands of the campaign, especially as his electioneering style usually features many grassroots meetings and long, impromptu speeches. Disciplined mobilisation by his party and supporters, tied to increased state spending and complemented by extensive media coverage look set to compensate.

His illness has not, however, dampened his vigorous rhetoric. When he does speak, he combines lofty appeals for "love" and "solidarity" with strong attacks on the opposition – Capriles in particular – attacks that his detractors

es de 59.4%", *Correo del Orinoco*, 8 June 2012; 57 per cent for Chávez, 21 per cent for Capriles, Grupo de Investigación social Siglo XXI (GIS XXI), "Presidente Chávez aventaja en 36 puntos al candidato de la derecha", *Correo del Orinoco*, 9 May 2012; 57.3 per cent for Chávez, 25.8 per cent for Capriles, Centro de Medición e Interpretación de Datos Estadísticos (Cemide), "Nueva encuesta revela que Chávez ganaría las elecciones presidenciales con 66% de los votos", *Correo del Orinoco*, 29 April 2012; 53 per cent for Chávez, 34 per cent for Capriles, Hinterlaces, "Hinterlaces: 53% votaría por Chávez y 34% lo haría por Capriles", *Noticiero Digital*, 23 April 2012

<sup>28</sup> Consultores 21 on 22 March showed 46 per cent for Chávez, 45 per cent for Capriles, "Chavez, rival tied ahead in Venezuela elections, polls show", Bloomberg, 22 March 2012; a more recent poll published by the JDP put Capriles in the lead for the first time, with 46.1 per cent to 44.87 per cent, "Encuesta presidencial JDP Consultores: Henrique Capriles 46,13% y Hugo Chavez 44,87%", Elecciones Venezuela 2012, 15 May 2012. The percentage of voters either undecided or not planning to vote for either is estimated between 21.6 per cent (IVAD, op. cit.) and 11.5 per cent (ICS, op. cit.). Other surveys put this figure at 31.4 per cent (Datanálisis, op. cit.), 22 per cent (GIS XXI, op. cit.), 16.9 per cent (Cemide, op. cit.) and 13 per cent (Hinterlaces, op. cit.). The calculations of undecided voters are based on the number of voters expressing intention to vote for either Chávez or Capriles subtracted from total voters.

<sup>29</sup> On his television program "Alo Presidente", the president often blames his ministers for problems, thus disassociating himself from them.

portray as inflammatory and his supporters as either endearing candour or unavoidable reaction to equally personal attacks against him in the private media.<sup>30</sup> Even some Chávez sympathisers, however, recognise that his abrasiveness may prove counterproductive, especially when contrasted with the moderate tone adopted by the Capriles campaign.<sup>31</sup> A second feature of the president's rhetoric is depiction of the opposition as violent, or a tool of imperialism, prepared to make a grab for power if they lose the election.<sup>32</sup> Constant references to the failed coup in 2002 complement this line.

In September 2011, immediately after the National Electoral Council (CNE) announced the date, the PSUV launched Misión 7 de Octubre, including an array of new social programs, with the explicit goal of mustering ten million votes through the deployment of thousands of volunteers across the country.<sup>33</sup> The Misión includes an array of new social programs. Some estimates put public spending in the first three months of 2012 at almost 20 per cent above that of the same period a year earlier.<sup>34</sup> Volunteers are explicitly mandated not only to mobilise voters but also to identify those whose loyalty qualifies them for the government's social programs.<sup>35</sup>

As early as March, the president established the campaign headquarters, the "Carabobo Battle Campaign Command" run by Jorge Rodriguez, a regime stalwart, former election commissioner and now mayor of Libertador municipi-

pality in the Caracas metropolitan district<sup>36</sup> Units within the headquarters include an "anti-coup" command, whose membership and activities are murky but that appears to aim at portraying the opposition as destabilising and a threat to rig or reject the election result.<sup>37</sup>

Chávez has also revived the Gran Polo Patriótico (GPP) – an alliance of leftist parties, social movements and other groups that backed his previous campaigns – although with fewer political parties as members.<sup>38</sup> Reportedly all organisations that receive government funds – estimated at some 30,000 – are required to join. The GPP organises national and regional events and marches in support of the president and the Bolivarian Revolution.<sup>39</sup>

## B. CAPRILES AND THE UNITED OPPOSITION

### 1. The learning curve

The opposition has advanced considerably since its attempt to oust Chávez by coup in 2002 and its boycott of the 2005 polls, moves its dominant strand now recognises as strategic disasters.<sup>40</sup> Today's Mesa de Unidad Democrática (MUD) is a far cry from what Chávez faced in his early years in power. Its unity, moderation and focus on constitutional means of contesting power – notably participating in elections despite an uneven playing field – appear to be paying dividends, reflected in its improved performance in numerous elections and referendums over recent years.

Crucial to the opposition's gains has been its effort to unify and contest elections on a single ticket with a common platform. Attempts in the first half of the last decade to form broad coalitions floundered over divisions between factions, but before the 2006 presidential election, potential contenders fell in behind Manuel Rosales, whom opinion polls indicated would be the strongest challenger. Over

<sup>30</sup> In a speech shortly after the primaries, Chávez called Capriles a "majunche" (low life) and added "you have the tail of a pig, the ears of a pig, you snore like a pig, you are a pig", [www.youtube.com/watch?v=E-Z0PlrD2HM](http://www.youtube.com/watch?v=E-Z0PlrD2HM). Crisis Group interviews, Caracas, 19-28 March 2012. See also Section III.D.1 below.

<sup>31</sup> Crisis Group interview, analyst sympathetic to the government, Caracas, 23 March 2012.

<sup>32</sup> For example, campaign chief Jorge Rodríguez stated that "we are prepared to confront any destabilisation attempt by the right". "Estamos preparados para enfrentar cualquier intento de desestabilización de la derecha", *Informe21.com*, 15 April 2012.

<sup>33</sup> "Misión 7 de Octubre busca 10 millones de votos, Chávez no acepta menos", *Noticias24*, 15 September 2011.

<sup>34</sup> "Campaña presidencial de Hugo Chávez seguirá aumentando el gasto público venezolano", *La República* (Colombia), 14 March 2012.

<sup>35</sup> The ruling party website states: "La primera etapa del despliegue del PSUV consiste en el abordaje social de los Patrulleros de Vanguardia mediante la aplicación de un instrumento que permitirá tener un mapa de aquellas personas susceptibles de ser beneficiadas por las Grandes Misiones de la Revolución Bolivariana", which roughly translated, means "the first stage of the PSUV deployment is social mapping, by the Vanguard Patrol, which includes identifying those people who are susceptible to benefitting from the major missions of the Bolivarian Revolution". See "Voluntarios para la misión 7 de Octubre podrán registrarse en el número 489", PSUV, 7 February 2012.

<sup>36</sup> The campaign consists of seven working commissions at national level as well as seven regional, 23 state, 300 municipal, 1,067 district and 11,038 local campaign centres. "Presidente Chávez designó a integrantes de Comando Campaña Carabobo", AlbaTV, 23 February 2012.

<sup>37</sup> "Preparan escenarios con Chávez, sin él o suspensión de elecciones", op. cit.

<sup>38</sup> A number of parties have left the GPP over recent years, including PPT and Podemos. See also "El presidente Chávez anuncia 'el Gran Polo Patriótico' en busca de su tercera reelección", *Informe 21*, 29 September 2011.

<sup>39</sup> "Cronograma de encuentros y asambleas patrióticas populares del Gran Polo Patriótico", Gran Polo Patriótico, without date; see also <http://albatv.org/El-Gran-Polo-Patriotico-debe-ser.html>.

<sup>40</sup> Crisis Group interviews, opposition allies and members of the Capriles team, Caracas, 19-28 March 2012.

40 opposition groups jointly endorsed his candidacy,<sup>41</sup> but his campaign was still hampered by elements that saw their interests best served by another boycott or even continued street protests and civil disobedience, and Chávez won handily.<sup>42</sup>

The following year the government narrowly lost at the ballot box for the first time, in a referendum on constitutional reform (Chávez's first attempt to remove presidential term limits).<sup>43</sup> In 2008, the ruling party won the popular vote in regional elections, though by a smaller margin – 52 per cent to 43 per cent<sup>44</sup> – and the opposition picked up three states, raising its governorships to five including in Venezuela's three most populous states.<sup>45</sup> Importantly it contested most gubernatorial and mayoral races on a unified ticket.<sup>46</sup>

The MUD was founded in 2009 and developed a broad platform for the following year's parliamentary elections.<sup>47</sup> The PSUV won 98 of 165 seats, a solid majority but less

than the two-thirds required to change organic laws (*leyes orgánicas*) or the three-fifths required for enabling laws (*leyes habilitantes*).<sup>48</sup> The MUD captured 65 and Patria Para Todos (Fatherland for all, PPT) the remaining two.<sup>49</sup> The party list vote, however, told a different story. The PSUV won 48 per cent, the MUD 47 per cent and the PPT, which has since joined the MUD, 3 per cent. Thus, although Chavistas took more seats, the opposition received more votes.<sup>50</sup> It also out-polled the ruling party in seven states, as well as the capital, even defeating PSUV candidates in some traditionally pro-Chávez lower-income areas of Caracas.<sup>51</sup> Again it contested most seats on a single ticket; all candidates also signed up to its platform ahead of the polls.<sup>52</sup>

Today's MUD is composed of 26 parties across a broad ideological spectrum, including the two traditional *puntofijista* parties, the social-democratic Acción Democrática (Democratic Action) and Christian-democrat Copei,<sup>53</sup>

<sup>41</sup> Manuel Rosales' Unidad Nacional – an umbrella group composed, inter alia, of Un Nuevo Tiempo, Primero Justicia, and Copei (Committee for the Independent Electoral Political Organisation, Comité de Organización Política Electoral Independiente) – was the main challenger, but twelve other minority candidates also stood. For more on the 2006 presidential election, see Crisis Group Latin America Report N°19, *Venezuela: Hugo Chávez's Revolution*, 22 February 2007.

<sup>42</sup> Crisis Group interviews, opposition allies, Caracas, 19-28 March 2012. See, for example, Javier Corrales and Michael Penfold, "Dragon in the Tropics: Hugo Chávez and the Political Economy of Revolution in Venezuela", Brookings Institution Press, 2011. Chávez received 62.84 per cent, Rosales 36.9 per cent. "Elección Presidencial – 3 de Diciembre de 2006", CNE, 29 January 2007.

<sup>43</sup> Chávez's proposal to amend 69 articles of the 1999 Constitution was defeated in the referendum by a margin of 1 per cent. See "Referendo de la Reforma Constitucional", CNE, 2 December 2007. Afterwards, Chávez passed many of his proposed reforms through an enabling law. Two years later, he won a new constitutional referendum on removal of term limits for all elected officials, rather than just the president, which received considerably more backing from local officials.

<sup>44</sup> Crisis Group email correspondence, MUD official, 14 June 2012.

<sup>45</sup> Among the states now controlled by the opposition are Zulia, Miranda and Carabobo.

<sup>46</sup> According to a MUD activist: "In most places we were united. Where we didn't unite, it often cost us". Crisis Group interview, 27 March 2012.

<sup>47</sup> "Cien soluciones para la gente", Unidad Nacional, 22 April 2010. While the MUD in its present form was created in June 2009, its origins go back to January 2008, when opposition parties declared their intention to unite following the December 2007 constitutional referendum. "Candidatos unitarios ya tienen acuerdo de país para campaña", *El Universal*, 24 January 2008; "Partidos de oposición conforman Mesa de la Unidad Democrática", *NoticiasVe*, 8 June 2009.

<sup>48</sup> According to Article 203 of the constitution, enabling laws allow the president to legislate on some matters without the National Assembly.

<sup>49</sup> See [www.cne.gob.ve/divulgacion\\_parlamentarias\\_2010](http://www.cne.gob.ve/divulgacion_parlamentarias_2010).

<sup>50</sup> The new electoral law, the Ley Orgánica de Procesos Electorales (LOPE), passed in 2009 ahead of parliamentary polls the following year, revised the system used to elect the National Assembly. As a result, in 2010, 110 members were chosen according to first-past-the-post (FPTP) contests in single-member districts; 52 won their seats on party lists at state level; three seats were reserved for the indigenous. The law's most important reform was "disconnecting" the list elections from the FPTP elections, in that list seats were no longer used to compensate for disproportionality in the FPTP contests. Critics of the new law argue that it skews representation and is unconstitutional, in that Venezuela's constitution twice mentions explicitly the principle of proportionality for elections. Overall, the change benefited the ruling party, which won 98 seats (almost 60 per cent) with just under half the votes; it also benefited the opposition in some of its strongholds (for example in Zulia state, where it won 80 per cent of seats with 55 per cent of the votes). Edgardo Lander, "Quién ganó las elecciones parlamentarios en Venezuela?", Centro Tricontinental, 6 October 2010. Opposition politicians present the list results as a defeat for the president personally, given his active campaigning for PSUV candidates. Many portray all recent elections as plebiscites on his rule. However, a presidential vote is very different from parliamentary elections, or even earlier referenda, so earlier contests should not be interpreted as precedents for 2012.

<sup>51</sup> In each election (excluding the two referendums) since 2006, the opposition has gained, in both total vote and number of states in which it has defeated the ruling party.

<sup>52</sup> Crisis Group email correspondence, MUD official, 14 June 2012.

<sup>53</sup> Puntofijismo refers to the Punto Fijo Pact, which divided power between the two main parties for decades after 1958. For Venezuelans it came to symbolise a corrupt political system.

Capriles's centrist Primero Justicia (Justice First),<sup>54</sup> as well as the Marxist-Leninist Bandera Roja (Red Flag) and the rightist Movimiento Republicano (Republican Movement).<sup>55</sup> It also includes former members of Chávez's GPP: Podemos (We can), whose leaders split with him over the attempted constitutional revisions in 2007, and PPT, which officially joined only in May. The MUD's 175-page six-year plan of governance, approved in January 2012 by all but one of the presidential aspirants in its primaries, aims to demonstrate that its unity would last beyond the election and into government, should it win.<sup>56</sup>

Beyond unity, the MUD now stresses its adherence to constitutional rules and competing for power through the ballot box, convictions drawn from the bitter experiences of the 2002 coup and 2005 boycott, which only entrenched the Chávez government.<sup>57</sup> Its platforms in both 2010 and 2012 have started with an explicit commitment to the constitution. Opposition leaders have significantly moderated their discourse, again in contrast to earlier tactics that, by focusing almost exclusively on crippling the government and portraying it and its supporters negatively, aggravated polarisation.<sup>58</sup> The current platform calls for reconciliation, with a strong focus on social inclusion. It commits to "maintain the levels of social protection attained by the current government", while criticising the "clientelism" and "ideological exclusion" of its programs.<sup>59</sup>

Whether these trends will last to October or beyond remains to be seen. Despite its development since 2006, some within the MUD argue that the imperative of beating Chávez is the glue binding the coalition together, and the president's withdrawal would place it under considerable strain.<sup>60</sup> Even opposition strategists recognise that

<sup>54</sup> Primero Justicia emerged in 2000 from an NGO of the same name advocating for justice reform. Its current leader is not Capriles but the 2006 presidential candidate, Julio Borges, who eventually backed Manuel Rosales.

<sup>55</sup> See "Opposition plans return to Venezuela Congress", Inter Press Service, 27 April 2010.

<sup>56</sup> The plan was drafted in cooperation with 400 technicians and in coordination with the politicians, under the leadership of a technical MUD unit, led by MUD spokesperson and Executive Secretary Ramón Aveledo. "Lineamientos para el Programa de Gobierno de Unidad Nacional, 2013-2019", MUD, 23 January 2012. Crisis Group interview, MUD representative, Caracas, 23 March 2012.

<sup>57</sup> Crisis Group interview, MUD governance team member, Caracas, 26 March 2012.

<sup>58</sup> María del Pilar García Guadilla, "Politización y polarización de la sociedad civil venezolana: las dos caras frente a la democracia", Espacio Abierto, vol. 12, no.1, Jan-Mar 2003, pp. 31-62.

<sup>59</sup> "Lineamientos", op. cit., p. 14.

<sup>60</sup> A staff member of a local opposition politician said, "The primaries were very early for the mayoral elections – almost fourteen months beforehand. This makes governance in the meantime very difficult. It also means that it may be difficult to

defeat in October would be hugely demoralising and pose an even graver threat to its unity.<sup>61</sup>

## 2. The primaries

Successful primaries in February gave the opposition momentum, reinforcing both its unity and its moderate wing.<sup>62</sup> More than three million participated (17 per cent of all registered voters), a higher number than anticipated,<sup>63</sup> and an impressive turnout given the government's record of harassing opposition supporters.<sup>64</sup> Crisis Group heard reports that public employees were told not to participate if they wanted to keep their jobs.<sup>65</sup> The president himself, reportedly stung by the high participation rate, did not publicly refer to the primaries until three days later.<sup>66</sup>

Capriles, with almost two-thirds of the votes, was a clear winner. All losers of the presidential primary, and almost all from the gubernatorial and mayoral primaries, quickly conceded defeat. Many now actively support the Capriles campaign, with Pablo Pérez, governor of Zulia state and his closest challenger in the primary, prominent among

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keep the alliance together". Crisis Group interview, Caracas, 28 March 2012.

<sup>61</sup> Crisis Group interviews, opposition allies and the MUD campaign team, Caracas, 19-28 March 2012.

<sup>62</sup> In addition to the presidential contest, MUD ran primaries for gubernatorial candidates in seventeen of 24 states and mayoral candidates in 249 of 335 municipalities (in the remaining states and municipalities the parties agreed on a single candidate). In total 1,108 candidates were elected in some 12,000 voting centres, including in Chávez bastions like the 23 de Enero, Caracas neighbourhood. Crisis Group interviews, MUD activists and organisers of opposition primaries, Caracas, 18-29 March 2012.

<sup>63</sup> In his talkshow, La Hojilla, María Silva had said that the opposition would not be able to mobilise half a million voters. "María Silva: 'Se lo anunciamos: antes del 23 habrá consenso'", video, youtube, [www.youtube.com/watch?v=rp5nqBzTOUY](http://www.youtube.com/watch?v=rp5nqBzTOUY). MUD announced that it needed at least one and a half million votes to deem the primaries a success. Crisis Group interview, diplomat, Caracas, 22 March 2012.

<sup>64</sup> After the 2004 recall referendum – run by the previous CNE – the names of all who had signed the call for the referendum were published on the website of a Chavista deputy, Luis Tascón. The list was widely reported to have been used by authorities to discriminate against the signers. Despite its subsequent removal from the website – reportedly following pressure from Chávez himself – the database soon re-emerged as the Lista Maisanta, named after its user-friendly and widely available software application. Chang-Tai Hsieh, Edward Miguel, Daniel Ortega and Francisco Rodriguez, "The Price of Opposition: Evidence from Venezuela's Maisanta", *American Economic Journal: Applied Economics*, Vol. 3 (April 2011), pp. 196-214.

<sup>65</sup> Crisis Group telephone interviews, analyst, former senior military official, Caracas, 13, 20 March 2012.

<sup>66</sup> See "Lo que dijo Chávez sobre las Primarias", *Ultimas Noticias*, video, 15 February 2012.

them.<sup>67</sup> The presidential primary confirmed the lack of electoral appeal of more radical opposition elements, which picked up fewer than 5 per cent of the votes.<sup>68</sup>

The primaries buoyed the MUD in other ways too. They were well run by a panel of independent but opposition-affiliated officials.<sup>69</sup> That the opposition held an internal vote at all contrasted with the lack of ruling-party primaries and lent additional legitimacy to its candidates. Organisers guaranteed that the names of those who voted were kept out of government hands by making use of indelible ink voluntary, not using fingerprint scanners in polling stations and destroying election materials afterwards.<sup>70</sup> Perhaps most importantly, the MUD resisted a ruling by the Supreme Court (Tribunal Supremo de Justicia) immediately after the vote to halt the destruction of materials.<sup>71</sup>

<sup>67</sup> Acknowledging defeat after the primaries, Perez said, "This is a historic moment because we are proving there is a Venezuela in which all the candidates, our organisations and movements are uniting together for the 7 October elections. Henrique Capriles will be the new President of the Republic". See "Pablo Pérez y MCM en el acto de Radonski: 'La unidad es lo importante para Venezuela'", *Noticias24*, 15 Feb 2012. "Pablo Pérez buscará votos para Capriles en cualquier rincón", *El Venezolano*, 10 June 2012.

<sup>68</sup> Capriles won 64.2 per cent; Perez (El Nuevo Tiempo party) 30.3 per cent; independent Corina Machado, who with her former organisation, Sumate, had led the call for the recall referendum, 3.7 per cent; and Diego Arria, another independent, 1.3 per cent. Leopoldo López, former mayor of Chacao municipality, withdrew on 24 January due to uncertainty whether the authorities would permit him to stand against Chávez and supported Capriles. Capriles and Perez are considered more moderate than the others.

<sup>69</sup> The primaries were run by a committee headed by Teresa Albanes, former UN official and minister under President Carlos Andrés Perez. The CNE assisted by providing machines and other materials. "MUD constituye la Comisión Electoral para las Primarias en febrero", *Noticias24*, 25 May 2011. Crisis Group interview, MUD representative, Caracas, 22 March 2012.

<sup>70</sup> Crisis Group was given a copy of the agreement, signed by the CNE board members, allowing for the destruction of material. The rules established that if no challenges were received from candidates within 48 hours, organisers could burn the materials. They could do so earlier for specific contests if all candidates agreed. Crisis Group interview, Caracas, 22 March 2012.

<sup>71</sup> The vast majority had already been burned. Crisis Group interview, MUD representative, Caracas, 22 March 2012. The Supreme Court ordered the destruction to cease in response to a complaint from a losing candidate for a local office. That the case went straight to the top without passing through the lower courts, as would be normal, and the speed with which the ruling was made suggests it was politically motivated, as does Chávez's criticism of the destruction in his first mention of the primaries. "Lo que dijo Chávez sobre las primarias", op.cit. Albanes was fined some \$3,500 and faces a law suit.

### 3. The Capriles campaign

Capriles, like Chávez, has never lost an election.<sup>72</sup> He entered parliament as Venezuela's youngest legislator and president of the Chamber of Representatives on the Copei ticket, before breaking with the party, co-founding Primero Justicia and in 2000 running successfully for the mayoralty of Baruta, a municipality in the capital. In 2008, after two terms as mayor, he wrested the governorship of Miranda – generally seen as the most important state outside Caracas – from the incumbent Chavista strongman, Diosdado Cabello.<sup>73</sup> On 5 June he resigned as governor to contest the presidency.

Capriles typifies a new generation of opposition politicians, who insist they have put unconstitutional tactics behind them. His campaign, centred on inclusion, social welfare – notably education – and sound economic management, is deliberately moderate, aiming, in the words of his strategists, to "turn a page on the polarisation and exclusion of the past".<sup>74</sup> He promises to keep Chávez's social programs, but improve them and make them more accountable. He avoids attacking the president personally; his discourse thus contrasts not only with that of hardliners in the opposition camp and private media, some of whom have been accused of cheering the president's cancer.<sup>75</sup>

The campaign seeks to capitalise on his youth and health. His packed schedule of rallies and face-to-face meetings across the country resembles more than anything a typical Chávez campaign: so much so that Chavistas complain he

<sup>72</sup> Although the ruling party has lost elections, Chávez has never been defeated when running for office himself.

<sup>73</sup> Capriles aborted his legislative career when Congress was dissolved in 1999 with the election of the Constitutional Assembly.

<sup>74</sup> Crisis Group interview, MUD technician and campaign adviser, 27 March 2012.

<sup>75</sup> On 7 March 2012, Globovision's chatshow "Aló Ciudadano", aired a listener's message saying "I will pray for Chávez so that he can die and leave us alone" ("voy a rezar por Chávez para que se muera y nos deje tranquilos"). See, "Globovisión difunde mensaje que llama a la muerte del Presidente", LaHojilla EnTV.com, 8 March 2012; "Más unidos que nunca", *Tal-CualDigital*, 12 March 2012. Diosdado Cabello denounced "violent messages" posted on Twitter by the right-wing Movimiento de la Resistencia Zuliana (@resistenciaZ) – which he alleges is a MUD member – reportedly calling for attacks against government employees. A further message purportedly read: "[it is] everyone's wish that this business will end with the tyrant's death" ("los deseos de todos porque esta guarandanga se termine con la muerte del tirano"). See, "PSUV denuncia mensajes violentos en Twitter vinculados a organización política opositora", *Correo del Orinoco*, 7 May 2012.

mimics their leader.<sup>76</sup> His campaign, like that of the incumbent, is largely non-programmatic, instead focusing on slogans appealing to voters' emotions. His "Comando Venezuela" campaign headquarters, under the leadership of Leopoldo López and Armando Briquet, the latter president of the Miranda state legislative council, aims to reach eight million voters.<sup>77</sup> He has campaigned even in Chávez bastions. With the exception of a shooting incident at Co-tiza,<sup>78</sup> he has not encountered problems, though inhabitants of the 23 de Enero district warn he should avoid entering such areas in Caracas.<sup>79</sup>

Notwithstanding opposition gains in some poorer parts of the capital during recent elections, Capriles's main challenge is to convince the country's poor that he can protect their interests. Opinion polls thus far give weight to sceptics' claims that, with his wealthy background and appearance, he will struggle to deepen his appeal beyond the middle and upper classes. Over the past month, a number of commentators, including opposition sympathisers, have criticised the Capriles campaign for failing to pick up steam after the primaries.<sup>80</sup> Many poor voters, who perceive their lives as having improved under Chávez's government, still view the opposition as protectors of its traditional constituency's privileges.<sup>81</sup> Many consider that their gains are at stake; some even express terror about what would happen were the opposition to win or their president to succumb to his illness.<sup>82</sup>

Chavistas play on these fears. They tend to present Capriles as a wolf in sheep's clothing, his moderation an electoral tactic and a veer to the right as inevitable should he win.<sup>83</sup> They refer often to him as a *golpista*, referencing his role during the coup, when as Baruta mayor, they allege, he made insufficient efforts to protect the Cuban embassy

in which Chavistas took refuge.<sup>84</sup> More importantly, they warn continually that he plans to dismantle social programs. In fact, in Miranda he has retained some welfare programs, and he says that he seeks – like many Latin American leaders – to emulate former President Luiz Ignácio "Lula" da Silva's social spending in Brazil. Nonetheless, he faces an uphill battle to convince many poor voters.

<sup>76</sup> Crisis Group interview, analyst, Caracas, 23 March 2012. He added: "Even the opposition think that they need another Chávez – look at Capriles's campaign".

<sup>77</sup> "8 millones por el triunfo", *TalCualDigital*, 7 May 2012; "Comando Venezuela completó 30% de equipos de defensa del voto", *LaVoz*, 5 May 2012. The original name of the headquarters was "Comando Tricolor".

<sup>78</sup> See Section IV.A.2 below.

<sup>79</sup> Crisis Group interviews, colectivo members and inhabitants of 23 de Enero, also with ruling party official, Caracas, 19-28 March 2012.

<sup>80</sup> Crisis Group telephone interview, analyst, Caracas, 5 June 2012.

<sup>81</sup> The appointment as campaign manager of Leopoldo López, a popular politician but one whose appearance is very much like that of Capriles, has done little to dispel perceptions of elitism.

<sup>82</sup> Crisis Group interviews, community activists, 23 de Enero, Caracas, 22, 24 January 2012.

<sup>83</sup> Crisis Group interviews, community activist, academic, Caracas, 22-23 March 2012.

<sup>84</sup> During the failed 2002 coup against President Chávez, a group of anti-Chávez protesters laid siege to the Cuban embassy in Baruta, where they suspected senior Chavistas, including Vice President Diosdado Cabello, had sought refuge. Capriles was jailed for four months, accused of leading the siege but was cleared of all charges. See, "Venezuela poll: opposition candidate Henrique Capriles", BBC, 13 February 2012; "How will Venezuela's vote affect ties with Cuba?", Al Jazeera, 28 March 2012.

### III. FREE AND UNFAIR ELECTIONS?

Chávez's health and the challenge from Capriles sharpen focus on the playing field for October's vote and particularly the electoral authorities' role as umpire. Past elections have been competitive and reasonably free. The CNE is partisan, though not as tainted as other institutions and generally regarded as competent. Participation rates are above average for the continent.<sup>85</sup> Most eligible citizens can cast their ballots in secret and be confident they count. Voting machines arouse suspicion in some quarters but have been hailed by observers – and by the Capriles team – as effective. Perhaps most significantly, the opposition has won recent polls.

But elections are far from fair. The advantages of incumbency (*ventajismo*) are significant. The CNE tends to enforce rules unevenly, which skews the playing field in favour of the government. It rarely enforces regulations on the media, which are flaunted by both state and independent outlets, or, graver still, those governing the use of state resources for campaigning, which the ruling party in particular violates brazenly. The government does not plan to invite credible international observer groups.<sup>86</sup> Moreover, the vote takes place in an environment in which checks and balances and the autonomy of state institutions have been steadily eroded. Any attempt by the ruling party to delay the election or reject results would put the CNE centre-stage and likely subject it to more severe executive pressure than previously. The judiciary has a role in resolving electoral disputes, is more overtly pro-government and offers another potential avenue for interference.<sup>87</sup>

#### A. THE ELECTORAL AUTHORITIES

The constitution mandates the CNE to run elections independent of the executive.<sup>88</sup> It is, however, widely acknowl-

<sup>85</sup> For example, the 2010 parliamentary elections had a turnout of 66 per cent of registered voters, the 2006 presidential elections 73 per cent. In Colombia, turnouts for the three most recent presidential elections were 44–45 per cent. Turnouts for recent Guatemalan general elections hover between 45 and 60 per cent.

<sup>86</sup> Crisis Group interview, CNE staff, Caracas, 27 March 2012.

<sup>87</sup> The Supreme Court's electoral chamber resolves disputes related to the CNE; the CNE itself resolves complaints about other electoral violations. See the LOPE, Articles 213–214, and the Ley Orgánica del Tribunal Supremo de Justicia, Article 5.45–46.

<sup>88</sup> The Constitution defines five branches of government: in addition to the executive, legislative and judicial, the "electoral power" (Poder Electoral) is the fourth and "citizen power" (Poder Ciudadano), comprising the ombudsman, public prosecutor and comptroller offices, the fifth. The CNE, as the governing body of the Poder Electoral, has comparatively wide

edged as pro-Chávez, even by its supporters; four of its five board members (*rectores*) are recognised as having government sympathies.<sup>89</sup> Former board members have received powerful government positions on leaving the CNE.<sup>90</sup>

Despite its bias, the CNE appears less prone to executive meddling than some other state institutions. International observers in 2006 hailed the current board's efforts to mend relations with opposition politicians and secure their buy-in to new voting technology, which may have contributed to their decision to participate in those elections. They also praised the CNE's technical competence and transparency, conclusions echoed by national observers in 2010.<sup>91</sup> Organisers of the opposition primaries, which the CNE assisted, recognised its role as "correct" and concluded "... the CNE is not lost, like some other institutions – there is good within it".<sup>92</sup> Nor does its every decision

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powers compared with similar electoral bodies on the continent and contains three subordinate national bodies, each headed by a board member. The Junta Nacional Electoral (National Electoral Junta), is responsible for administering elections and directing CNE local branches during elections. The Comisión de Registro Civil y Electoral (Civil and Electoral Register Commission) manages the civil and voter registries. The Comisión de Participación Política y Financiamiento (Political Participation and Financing Commission) oversees registration and finances of parties and candidates. In addition to permanent regional offices, the CNE recruits a large number of temporary staff for each election.

<sup>89</sup> Crisis Group interviews, Caracas, 18–29 March 2012. Current board members include the chair, Tibisay Lucena Ramírez; Vicente José Gregorio Díaz Silva, with a private-sector background and the only opposition ally; Socorro Elizabeth Hernández, a former minister who also ran the state-owned telecommunications company, CANTV; Tania D' Amelio Cardiet, a former PSUV National Assembly deputy; and Sandra Oblitas Ruzza, who has held various CNE positions; see "Autoridades", [www.cne.gob.ve/web/la\\_institucion/autoridades.php](http://www.cne.gob.ve/web/la_institucion/autoridades.php). The seven-year terms of Tibisay Lucena, Sandra Oblitas and Vicente Diaz end in 2013; those of the other two in 2016. Board members are approved by a two-thirds majority of the National Assembly from a list prepared by an election nomination committee, whose members are similarly approved by the National Assembly; the committee shortlists candidates based on submissions from universities and civil society groups, among others. The opposition boycott of parliamentary elections in 2005 left the legislature in Chavista hands, facilitating appointment of loyalists.

<sup>90</sup> Jorge Rodriguez went from the CNE to vice president, to a mayor's office in Caracas and now runs the Chávez campaign.

<sup>91</sup> See, "Final Report. Presidential Elections in Venezuela 2006", European Union Election Observation Mission, 1 February 2007. The opposition's decision to participate in the 2006 presidential election was, however, mostly driven by its recognition that the boycott the previous year was a tactical disaster.

<sup>92</sup> Crisis Group interview, organiser of opposition primaries, Caracas, 22 March 2012.

appear dependent on a green light from the executive. Acceptance of the opposition's plan to destroy materials from its primaries reportedly angered Chávez, for example.<sup>93</sup>

The chair, Tibisay Lucena Ramírez, in particular is perceived to be a less ardent government loyalist – notwithstanding the limited political space in which she works – than some of her colleagues.<sup>94</sup> Her reported concern for her reputation outside Venezuela may also reduce her susceptibility to pressure. In the event of Chavismo losing, her and her colleagues' willingness to stick by the result and announce it publicly – despite potential government coercion or judicial meddling – could prove decisive in persuading the ruling party to stand down. Likewise, were the president's illness to prevent him contesting the election, CNE adherence to the constitution and its electoral calendar, even in the face of pressure to delay or suspend the vote, could be crucial in preventing instability.<sup>95</sup>

Assessing the precise impact of the CNE's partisanship on electoral outcomes is difficult. On the one hand, its pro-government reputation makes its every decision contentious;<sup>96</sup> on the other, the Capriles campaign is wary of denouncing the CNE's flaws too forcefully, at least before the election, for fear of dissuading supporters from participating. Concerns raised in private, however, create the sense that while the CNE – at least under the current leadership – has never itself manipulated results, it does not enforce rules evenly and may even deploy pressures and obstacles that disadvantage Chávez opponents.

For example, it rarely punishes the blatant use of state resources, mostly by the ruling party. Nor does it enforce

campaign finance or media rules.<sup>97</sup> Its drawing of constituency boundaries for parliamentary seats ahead of the 2010 polls appears to have mostly benefited the PSUV.<sup>98</sup> Opposition-allied civil society groups complained that its recent updating of the voter rolls resulted in an allocation of registration centres that favoured pro-Chávez areas.<sup>99</sup> Opposition campaign staff claim that new polling centres, too, are concentrated in Chavista areas, thereby facilitating the access of the president's supporters.<sup>100</sup> They also argue that, together with the government, the CNE obstructs voting by citizens living abroad, most of whom oppose Chávez.<sup>101</sup>

The current CNE has, nonetheless, run polls that the government has lost: the 2007 referendum, as well as important gubernatorial races, including that won by Capriles in Miranda in 2008 against a close Chávez ally and others in key populous states like Zulia and Carabobo. Moreover, as noted, opposition candidates won more votes, if fewer seats, than the Chavistas in the 2010 parliamentary elections. True, the stakes in the presidential election are far higher, especially with Chávez's ill-health, but elections in Venezuela's constricted political space – even if not fully fair – are competitive, and precedent exists for the CNE to proclaim a ruling-party defeat.

<sup>93</sup> See above; Crisis Group interviews, Caracas, 19-28 March 2012.

<sup>94</sup> Crisis Group interviews, members of Capriles's campaign team and other opposition figures, Caracas, 19-23 March 2012.

<sup>95</sup> See Section IV below.

<sup>96</sup> The rescheduling of the vote, for example, from December, when previous presidential polls were held, to October was interpreted by some as a tactic to cut the time an ailing Chávez would need to campaign, by others as a means of allowing the Chavista elite, if defeated, additional time before Capriles assumed office in January to strip the presidency of its power and the state of its assets; still others said those months would give thousands of Cuban advisers opportunity to leave the country. According to the opposition's representatives in the CNE, the new date was driven mostly by reluctance to hold presidential and local polls together, which would have been more complex for the electoral authorities and voters alike. In 2000, the last year in which presidential and regional elections were in the same year, technical problems just ahead of the vote led to postponement and separation of the elections. Crisis Group interview, opposition representative, Caracas, 28 March 2012. For the 2000 elections see Rubén M. Perina, "The Future of Electoral Observation", *Americas Quarterly*, 25 April 2012.

<sup>97</sup> See section III.D below.

<sup>98</sup> See footnote 50 above.

<sup>99</sup> Crisis Group interview, Voto Joven (a civil society organization focused on mobilising young voters) representatives, Caracas, 19 March 2012. They also asserted that centres in opposition strongholds, like private or autonomous universities, were reportedly open shorter hours, making it more difficult for opposition supporters to register. Some opposition representatives also note that the Voto Joven campaign would have been more effective were it less confrontational (Crisis Group interview, Caracas, 28 March 2012).

<sup>100</sup> Crisis Group interviews, Capriles campaign staff, other opposition allies, Caracas, 19-28 March 2012. They also said that while polling staff are chosen by lottery, the CNE tries harder to inform government than opposition supporters of selection.

<sup>101</sup> According to some estimates, about a million Venezuelans live outside the country; according to the CNE only 34,216 out of some 57,000 registered voters in this category voted in the 2006 presidential elections. "Elección presidencial – 3 de Diciembre 2006", [www.cne.gob.ve/divulgacionPresidencial/resultado\\_nacional.php?color=&c2=0&e=99](http://www.cne.gob.ve/divulgacionPresidencial/resultado_nacional.php?color=&c2=0&e=99); "Oposición venezolana busca votos fuera del país para vencer a Chávez", Agence France-Presse, 19 October 2011. Like many countries that allow voting abroad, it must be done in an embassy. Opposition complaints focus on short opening hours of embassies for registration and obstruction by staff. Press reports recently quoted Vicente Diaz, the only opposition-allied board member, as calling such voting a "disaster". "Calificó como 'un desastre' el proceso de inscripción en el RE de venezolanos en el exterior", *Noticias24*, 13 April 2012.

## B. FEARS OF FRAUD

### 1. Automated voting ...

Venezuela's voting system is among the world's most technologically advanced. Voting machines were adopted in the early 2000s, and their use has advanced throughout the past decade. The combination of electronic voting with a manual audit is often regarded as proficient, even innovative.<sup>102</sup> The EU observation mission in 2006, which deployed two electronic voting experts, called the system "effective, secure and auditable".<sup>103</sup> It still generates suspicion, however, especially in some opposition quarters. Misgivings stem from their deep distrust of the government, scepticism over the 2004 recall referendum, which Chávez won against both expectations and polling projections, and flaws identified ahead of the 2005 parliamentary polls which partly sparked the boycott.<sup>104</sup> Since then the CNE has done much to allay fears, introducing an array of audits and checks and involving opposition technicians in key technology decisions.

But concerns persist. A common fear is that the machines alter candidates' vote totals.<sup>105</sup> Extensive audits of them over recent elections have proved this unfounded. Moreover, manual audits after polls close of some 54 per cent of polling stations and more than half the stations in each centre allow opposition agents to verify results. A second relates to the vote's secrecy. For the first time, the CNE will place fingerprint scanners in all polling booths, with a voter's fingerprints and national ID card number activating the machine.<sup>106</sup> Some fear that that the connection between scanner and voting machine links the identity of voters to their voting preference, undermining secrecy.<sup>107</sup> Again, however, checks by opposition and independent auditors reveal that the preference of a voter cannot be traced back to the identification in the fingerprint scanner.<sup>108</sup>

A more justified fear pertains to the optics. The vote may be secret, opposition technicians argue, but many citizens do not fully understand or believe that, especially given the government's history of using their personal data to discriminate against opposition supporters.<sup>109</sup> Voters' perceptions that the authorities will know how they vote risk influencing their choice of candidate. Civil servants, often already subject to pressure to vote for Chávez, are especially vulnerable. The opposition decided against using the fingerprint scanners for its primaries for this very reason. The president himself often mentions the importance of the scanners, which the opposition campaign team argues is a "psychological game", a subtle implication they serve government purposes.<sup>110</sup> Considering the misuse of

<sup>102</sup> On election day, voters "activate" the voting machine by scanning prints and entering ID card numbers in the scanner. They then select their candidate on the machine and receive a printout slip with the name, allowing them to confirm their choice. This is put into the ballot box. At day's end, results are transmitted directly from the voting machines by land or mobile telephone connection to a central tabulation centre in Caracas. Some 54 per cent of polling stations are randomly audited, which involves counting in the presence of agents the votes for each candidate on the slips in the ballot box and verifying those totals against the results sent to Caracas by the machine. At least one polling station is audited in each polling centre (a centre – often a school or other large building – usually includes multiple stations or booths). The combination of electronic voting and random manual audit makes the system difficult to manipulate, provided opposition agents are in polling stations throughout the day.

<sup>103</sup> The report noted: "Although the existence of some inadvertent errors cannot be totally excluded, this electronic system is effective, secure and auditable". "Final Report", EU Observation Mission 2006, op. cit., p. 20.

<sup>104</sup> The results of the 2004 recall referendum still generate controversy. For a summary of the main arguments of those who allege widespread fraud, see "¿Qué esconde el Consejo Nacional Electoral? Y ¿Por Qué?", Esdata, Venezolanos por la Transparencia Electoral, Caracas, September 2007, [http://esdata.info/pdf/que-esconde\\_es.pdf](http://esdata.info/pdf/que-esconde_es.pdf); "Revisiting the 2004 Venezuelan Referendum", *Statistical Science*, Vol. 26, No. 4 (2011). Those around Capriles, disagree. One said, "those who accuse the government of fraud with the technology can't accept that we were a minority. So they believe instead that elections were fraudulent. But we accept we were a minority. The majority, especially the poor, were with Chávez. We need to win them over". Crisis Group interview, Caracas, 27 March 2012.

<sup>105</sup> Crisis Group interviews, Caracas, 19-28 March 2012. A more fanciful theory holds that a fibre optic cable to Havana allows Chávez's Cuban allies to manufacture parallel results.

<sup>106</sup> Voters' fingerprints and national ID numbers must match those on the voter rolls for the polling station in which they will vote for the fingerprint machine to activate the voting machine.

<sup>107</sup> This fear has roots in the 2005 elections, when a civil society group discovered that a programming error allowed the sequence of votes to be reconstructed, thus linking each ballot to an individual. The CNE's closure of this gap immediately after it was identified was insufficient to prevent the boycott. Crisis Group interviews, civil society representatives, Caracas, 26 March 2012.

<sup>108</sup> The sequence of voters of each polling station is scrambled in the fingerprint scanner, making it impossible to trace each vote in the machine back to a specific person's ID in the scanner. Crisis Group interview, opposition technicians, Caracas, 27 March 2012. See also "Final Report", EU Observation Mission 2006, op. cit.

<sup>109</sup> See footnote 64 above.

<sup>110</sup> Crisis Group interviews, Caracas, 19-28 March 2012. See, for example, Chávez's mention of the fingerprint scanners in his speech in Ciudad Bolívar commemorating the 193rd anniversary of the Angostura Congress on 15 February 2012, "Presidente Chávez: el 7 de octubre habrá captahuellas y no se quemará cuadernos", video, Dailymotion, 15 February 2012.

data that has marked previous polls, the CNE should step up its public information campaign on voter secrecy.<sup>111</sup>

## 2. ... artisan rigging?

The Capriles team and much of the moderate opposition is less fearful of wholesale theft than of localised, small-scale fraud. Their worries focus on any polling stations to which they are unable to deploy agents (*testigos*), due to either insecurity or remoteness. There, polling staff with PSUV sympathies could augment the Chávez tally by entering votes for citizens who did not show up to vote. This concern, they argue, is compounded by inaccuracies in the voter register, notably the inclusion of deceased citizens in whose names extra votes might also be entered, and the last-minute transfer of voters between centres, which could in effect deprive some citizens of the opportunity to cast their own ballot.<sup>112</sup>

In principle, fingerprint scanners prevent this type of rigging, as the voting machine can only be activated by the voter in person, via a fingerprint. However, the CNE's fingerprint database – a merger of prints from the civil register and those it has collected itself – lacks usable prints from more than one million voters.<sup>113</sup> Moreover, the biometric system, like any of its kind, has a margin of error, which at 1 per cent is comparatively low but still significant.<sup>114</sup> A back-up procedure for voters whose names appear on the rolls but whose prints either are not in the database or are unreadable has not yet been regulated but will

<sup>111</sup> A final concern is that as all polling centres can connect to a central database, the government can verify voting patterns during the day. Continuously monitoring who has voted, when, and where, allows it to concentrate on bringing out supporters who have not yet voted. The machines, however, only connect to the central database once during the day, to transmit results when polls are closed, making central monitoring unworkable, at least by computer. Crisis Group interview, 28 March 2011, Caracas, CNE staff and opposition representatives. Also "Final Report", EU Observation Mission 2006, op. cit., p. 20.

<sup>112</sup> Observers reported inaccuracies in the register in 2005 and 2006, including the names of deceased on the rolls and citizens with more than one ID card. Moreover, the past decade, and particularly the years between the recall referendum and the 2006 presidential elections, have seen a dramatic increase in the number of voters on the rolls, which the CNE says has addressed previous abstentions, but some in the opposition argue reflect foreigners or other ineligible voters. Since 2006, the audits recommended by observers have been partial, not including door-to-door checks to verify a statistical sample of names on the register. Crisis Group interviews, Caracas, 19-28 March 2012.

<sup>113</sup> The CNE recently reported that some 1.2 million fingerprints registered in the Sistema de Autenticación Integrado were "defective". See, "CNE revisará 1 millón 200 mil huellas que están 'defectuosas'", *El Universal*, 18 June 2012.

<sup>114</sup> Crisis Group interview, opposition representative to the CNE, Caracas, 23 March 2012.

probably allow an electoral staff member – rather than the voter – to use his or her fingerprint to activate the machine. This in theory opens the door to manipulation, though only where all polling staff are pro-government and no opposition agents are present.

Fears of manipulation in remote or inaccessible areas are compounded by a dramatic increase over recent years in the number of polling centres, reportedly weighted towards Chávez bastions. New centres tend to be smaller, with only one or two stations servicing between some 100 and 1,000 voters, and in 2010 PSUV candidates performed considerably better in these smaller centres.<sup>115</sup> Some opposition sources argue this indicates fraud, though it could simply mean that the decentralisation has favoured remote, often marginalised areas that tend to support the president.

## C. SCRUTINY

A centrepiece of the opposition's electoral strategy is to "defend the vote", by deploying its agents to every polling station, even those in inaccessible areas, to help prevent fraud. This requires a massive logistical exercise: each of some 38,500 polling booths requires at least one agent, with additional staff for training, transporting, supervising and feeding them. It also requires a degree of mobilisation that in previous polls has proved beyond the opposition.<sup>116</sup> The Capriles campaign office reports that its efforts this year to muster sufficient numbers are on track.<sup>117</sup> It plans to run its own parallel vote count based on the results collected by its agents across the country.

The work of national observers is an important component of civic participation in elections and a useful domestic check, especially in a country with deep polarisation and sensitivity to foreign interference. However, such observers, large numbers of whom usually complement the work of party agents across the continent and beyond,

<sup>115</sup> In 2012 there will be 14,035 polling centres and 38,538 polling stations – including 127 abroad and 27 in prisons – as opposed to 11,118 and 33,001 in 2006; see, "Miembros de Mesa para la presidencial se escogen hoy", *El Universal*, 22 March 2012; "The Electoral Branch of Government. The Venezuelan experience", CNE, October 2011, <http://venezuela-us.org/es/wp-content/uploads/2012/05/Ven-Electoral-Branch-by-Tibisay-Lucena.pdf>. See also the database of Esdata at [www.esdata.info](http://www.esdata.info).

<sup>116</sup> Even for the 2010 parliamentary vote, which saw the opposition more united than previously, many polling stations were without opposition agents. Crisis Group interview, opposition campaign staff, Caracas, 27 March 2012.

<sup>117</sup> Ibid. Also Crisis Group telephone interview, international election expert, Caracas, 5 June 2012. Also see Maru Morales, Álex Vásquez, "Comando Venezuela espera la respuesta del CNE de seis peticiones", *El Nacional*, 7 June 2012.

are absent from most Venezuelan polling stations because the CNE limits the number from any one organisation. This means no independent group can obtain a complete picture of events on election day or make a parallel vote tabulation.<sup>118</sup> The CNE restriction appears unnecessary and counter-productive.

Unlike for previous elections, the CNE does not plan to invite international observers from organisations like the European Union (EU), the Carter Center or the Organisation of American States (OAS), whose experience and methodology would allow for a comprehensive assessment.<sup>119</sup> Its official reasons include that the new electoral law does not envisage observation, but rather “accompaniment” – a much less intrusive concept involving select foreigners visiting for a few days around the election, with itineraries run by the CNE.<sup>120</sup> The Union of South American Nations (UNASUR) has received a slightly more robust mandate, but while it might play a useful role in future, it has limited monitoring experience. Having organised its electoral unit only recently, it will probably not be able to offer a comprehensive and reliable analysis of the October contest.<sup>121</sup> The CNE normally invites some other foreign organisations, including journalists and civil society groups, but they rarely arrive before the last week of polling, so witness little more than the vote and count – the “photo finish”, according to an opposition representative to the CNE.<sup>122</sup>

<sup>118</sup> In 2006, the EU observers noted national observers in only some 4 per cent of polling stations. “Final Report”, EU Observation Mission 2006, op. cit., p. 46. In 2010, each organisation was limited to 624 observers. The CNE has not yet said how many from each group will be accredited in October; “Hasta 2.496 observadores nacionales se podrán desplegar por todo el país”, CNE, 18 August 2010. One of the more credible groups from previous elections, Ojo Electoral, disbanded in 2010, after disagreement between its founding members over how to respond to perceived government pressure. Crisis Group interview, former election observer, Caracas, 21 March 2012.

<sup>119</sup> Crisis Group interview, CNE staff, Caracas, 27 March 2012.

<sup>120</sup> The CNE also says its technical progress has made international observation superfluous and notes a lack of reciprocity: EU governments do not invite Venezuelans to observe their elections. Crisis Group interview, CNE staff, Caracas, 27 March 2012.

<sup>121</sup> Crisis Group telephone interview, international official, Caracas, 5 June 2012. UNASUR’s new general secretary, Ali Rodríguez, is a close ally of Chávez (see Section IV.C.1 below). On the creation of the electoral unit see “Canciller de Venezuela celebró creación de Consejo Electoral de UNASUR”, TelesurTV, 11 June 2012.

<sup>122</sup> See, for example, “NLG Election Delegation to Bolivarian Republic of Venezuela”, National Lawyers Guild International Committee, 2 May 2012. Crisis Group interview, Caracas, 28 March 2012.

Ideally the government and CNE would invite observers from all traditional observer groups, including the EU and the OAS. Given their reasonably positive appraisals in the past, especially of the CNE’s work – appraisals denounced by parts of the opposition – the government and CNE appear to be shooting themselves in the foot by withholding invitations.<sup>123</sup> A non-partisan assessment would be crucial were results contested or the margin of victory narrow. The CNE should also invite the Unión Inter-Americana de Organismos Electorales (UNIORE), a regional union of electoral bodies to which it belongs and as such has committed itself to its monitoring.<sup>124</sup> UNIORE is supported by the Centre for Electoral Assistance and Promotion (CAPEL) at the Inter-American Institute for Human Rights (IIHR) in Costa Rica. Its missions include members of other Latin American election commissions and potentially offer good offices to mediate electoral disputes.<sup>125</sup> Little time remains before the elections, so any invitation must be issued swiftly to allow those receiving them time to prepare.<sup>126</sup>

<sup>123</sup> The EU and OAS have not been invited to observe Venezuelan elections since 2006. The Carter Center observed the 2007 referendum and more recently was invited by the MUD to observe its primaries. In 2005 and 2006, all observation missions’ final reports tended to praise the CNE and the voting mechanics, while condemning the use of state resources, mostly by the ruling party, and the polarised and divisive media environment. See, for example, “Final Report”, EU Observation Mission 2006, op. cit.; “Observing the 2006 Presidential Elections in Venezuela: Final Report of the Technical Mission”, Carter Center, November 2007; “Informe Final de la Misión de Observación Electoral de la OEA sobre las Elecciones Presidenciales Celebradas en Venezuela el 3 de Diciembre de 2006”, OAS, 10 September 2008.

<sup>124</sup> The 1991 Caracas Pact, which Venezuela has ratified, requires all UNIORE members to invite each other to observe their elections. UNIORE has, with the support of the Centre for Electoral Assistance and Promotion (CAPEL), observed all Venezuelan elections and referenda since the Pact was ratified. Rules and regulations of UNIORE establish the scope of the observation, which includes the whole electoral process. Reports are submitted to the CNE, however and are thus not public. Crisis Group phone interview, CAPEL executive, San José, Costa Rica, 8 June 2012. Also see, “Acta Constitutiva de la Unión Interamericana de Organismos Electorales”, 22 November 1991, and Centro De Asesoría Y Promoción Electoral (CAPEL) Charter, [www.iidh.ed.cr/comunidades/redelectoral/docs/red\\_diccionario/centro%20de%20asesoria%20y%20promocion.htm](http://www.iidh.ed.cr/comunidades/redelectoral/docs/red_diccionario/centro%20de%20asesoria%20y%20promocion.htm).

<sup>125</sup> It reportedly played an important behind-the-scenes role during the closely-contested Mexican elections in 2006. Crisis Group phone interview, CAPEL executive, San José, Costa Rica, 8 June 2012.

<sup>126</sup> All organisations need time to mount missions. For example, as the EU has not yet received an invitation, it would already be difficult for it to deploy a mission. Crisis Group interviews, EU and OAS staff, Caracas, 19-28 March 2012.

## D. VENTAJISMO AND A SKEWED CAMPAIGN

### 1. The media

The law requires state and private media to balance the time and space they dedicate during the campaign to candidates and bans them from openly supporting candidates, influencing citizens' votes or publishing material that damages any person's reputation.<sup>127</sup> Balanced political reporting is nonetheless rare: most is partisan, some offensive, and overall the media, which reflects and aggravates the deeply polarised politics, contributes to a divisive campaign. Public and private outlets share responsibility.<sup>128</sup>

In recent years, the government has taken control of an expanding share of the media. Since the 2002 coup, which some private media supported, it has closed some 40 radio and television stations.<sup>129</sup> Particularly controversial was the May 2007 non-renewal by CONATEL, the telecommunications regulator, of the licence of RCTV, then the largest open-broadcast station.<sup>130</sup> Globovisión, another large private TV station openly critical of Chávez, has faced numerous charges. It was fined more than \$2 million in October 2011 for its coverage of a prison riot, and it and its journalists are reportedly subject to continual, low-level harassment.<sup>131</sup> Other networks formerly critical of the government appear to have toned down their coverage for

fear of similar harassment.<sup>132</sup> Such measures have cut into the share of the broadcast media that is opposition-orientated, sparking regular reports by human rights and other monitoring bodies of curtailments in press freedom.<sup>133</sup>

Meanwhile Chávez and his allies openly use state media to campaign. Observers during the 2006 presidential election, for example, reported that Venezolana de Televisión (VTV), the main state broadcaster, devoted 86 per cent of its coverage to the president, the vast majority of which was positive, whereas the 14 per cent dedicated to the opposition candidate, Manuel Rosales, was predominantly negative. Reporting on private channels Globovisión and RCTV was the opposite: Rosales received 65 per cent (Globovisión) and 69 per cent (RCTV) of mostly positive coverage, Chávez 35 per cent (Globovisión) and 29 per cent (RCTV) of mostly negative coverage. The state media's reporting, however, was so biased that EU observers called specifically for the state media – as a public resource – to cease all publicity during future election campaigns.<sup>134</sup>

"*Cadenas*" are another campaign tool: broadcasts that it is mandatory for all television and radio outlets, private and public, to carry and that the president uses to proclaim his government's successes, and, often, to insult the opposition. Thousands are estimated to have been broadcast during Chávez's time in office.<sup>135</sup> During the official campaign period for the last presidential election, the government cut the frequency and length of *cadenas*, took off air the program "*Aló Presidente*", another platform for Chávez, and did not broadcast his inauguration of public works, measures that went some way toward levelling the playing field.<sup>136</sup> While neither the government nor the CNE have given any indication this will be repeated in 2012, Chávez's health may limit his ability to speak for hours on live television.

Chavistas have a different take on Venezuela's media. They point to its pluralism and regular criticism of the government, including personal attacks against Chávez.<sup>137</sup> They

<sup>127</sup> LOPE, Articles 75, 79 and 81.

<sup>128</sup> Extreme examples are the programs "La Hojilla", on the state TV channel Venezolana de Televisión, which regularly accuses Capriles of being a homosexual, and "Aló Ciudadano", on Globovisión. A respected civil society group monitoring the 2010 campaign concluded that the ruling party was responsible for 198 of 211 instances of what it considered violations of regulations prohibiting language promoting intolerance and 246 of 260 violations of those banning discriminatory language. "Informe Final: Observación Elecciones Parlamentarias 26 de Septiembre de 2010", Ojo Electoral, (report shared with Crisis Group).

<sup>129</sup> See for example Maurice Lemoine, "Venezuela's press power", *Le Monde Diplomatique*, 10 August 2002.

<sup>130</sup> Headed by the president's ally, Diosdado Cabello, CONATEL is widely perceived as close to the government. RCTV reopened on cable and satellite but went out of business in 2010.

<sup>131</sup> See, for example, "CPJ Condemns Two Venezuelan Media Laws", Committee to Protect Journalists, 21 December 2010; "HRF condemns media crackdown and relaunches its campaign for press freedom in Venezuela", Human Rights Foundation, 3 February 2010; "Freedom of the Press 2011 – Venezuela", UN High Commissioner for Human Rights (UNHCHR), 27 October 2010; "SIP condena agudización de la censura al libre flujo informativo en Venezuela", Sociedad Interamericana de Prensa, 21 December 2010. Except for Caracas and a handful of other states, Globovisión is now available only on cable, though many Venezuelans have access to it by that means.

<sup>132</sup> "WikiLeaks: Presión de Chávez obliga a prensa venezolana a suavizar las críticas", *El Nacional*, 24 January 2011.

<sup>133</sup> See, for example, "CPJ Condemns Two Venezuelan Media Laws", op. cit.; "Freedom of the Press 2011 – Venezuela", op. cit.; "SIP condena agudización de la censura al libre flujo informativo en Venezuela", op. cit.

<sup>134</sup> EU Observation Mission, "Final Report", op. cit.

<sup>135</sup> See Angel Alvarez, "Countries at the Crossroads 2011 – Venezuela", Freedom House, 10 November 2011.

<sup>136</sup> Crisis Group interview, MUD representatives, Caracas, 27 March 2012; EU Observation Mission, "Final Report" op. cit.

<sup>137</sup> "Information by Country – Venezuela", Inter American Press Association, no date, [www.sipiapa.org/v4/det\\_informe.php?asamblea=48&infoid=862&idioma=us](http://www.sipiapa.org/v4/det_informe.php?asamblea=48&infoid=862&idioma=us), reported that "On March 9 text messages were hacked from the program 'Aló Ciudadano', directed by Leopoldo Castillo, and inappropriate emails were

argue that far more media outlets – print and electronic – oppose the president than support him. Moreover, they see the ruling party's accumulation of media power as a natural response to the opposition's previous dominance, especially given the private media's support of the 2002 coup.<sup>138</sup> Their arguments contain some truth: inflammatory language from opposition-allied media does contribute to the negative tone of campaigning;<sup>139</sup> more networks are independent than government-controlled; and the opposition has wealthy supporters and does not appear to lack for funds.<sup>140</sup> But together the Chavista dominance of the state media, the *cadenas*, the compliance or self-censorship of much of the non-state media and the harassment of outlets that openly support Capriles give the president a handy advantage.

## 2. Public resources

Arguably the gravest symptom of CNE bias is the failure to check blatant violations in the rules restricting the use of state resources for campaigning, mostly – though not exclusively – by the ruling party.<sup>141</sup> Such exploitation for electoral ends is certainly not unique to Venezuela; the often partisan nature of civil services across Latin America makes it a common problem on the continent. But in

sent concerning the health of the president". The government launched an investigation in 2008 after Rafael Polo – editor of the right-wing *El Nuevo País* – warned on the talk show "Aló, Ciudadano", "be careful, Hugo. Don't end up like your counterpart Benito Mussolini, hung upside down". James Suggett, "Venezuelan newspaper editor investigated for inciting president's assassinaton", venezuelaanalysis.com, 15 October 2008.

<sup>138</sup> Lemoine, "Venezuela's Press Power", op. cit.

<sup>139</sup> See, for example, "El ignorante Chávez", *TalCualDigital*, 18 June 2012; "Venezuela entre la vida y la muerte", *El Universal*, 18 June 2012; "Doctor Hugo", *El Nacional*, 10 February 2012.

<sup>140</sup> According to one Chavista, "Check the media. 80 per cent is pro-opposition, 20 per cent for Chávez. It's not true the opposition can't get its message out. Check the FM radio. Look at the main newspapers, which are opposition". Crisis Group interview, Caracas, 23 March 2013. According to some estimates, the government controls "two of eight national daily newspapers, five of twelve open-signal national television channels, 79 of 472 radio stations", as well as hundreds of community radio stations that largely reflect its line. Alvarez, "Countries at the Crossroads", op. cit. Data on newspaper circulation suggests those sympathetic to the opposition have a greater market share. Reliable data on the reach of television and radio networks is scarce.

<sup>141</sup> The rules governing the use of state resources are in the electoral law and CNE regulations, in particular regulation no. 6 of the Ley Orgánica de Procesos Electorales en Materia de Propaganda Durante la Campaña Electoral. They tend to focus on the official campaign period, which gives the CNE a pretext to ignore abuse before it begins, though both camps do much early campaigning.

Venezuela the misuse is extreme: civil servants face pressure to vote for and donate money to the ruling party; officials openly campaign for the president; huge photos of Chávez and Bolivarian slogans are plastered over government buildings; and the social programs are often barely-disguised patronage.<sup>142</sup> Meanwhile, no state funding is provided to parties, further disadvantaging the opposition.

The state employs, according to some estimates, 20 per cent of the national workforce, so pressure on its employees to vote for Chávez gives him a significant edge.<sup>143</sup> Ministries vary in their tactics, from "inviting" them to wear "revolutionary" red or attend ruling-party rallies to openly exhorting votes for the president. Few examples have been as brazen as the call, captured on camera, by Rafael Ramirez, the energy and oil minister and head of the state-owned oil company PDVSA, for its employees to vote for Chávez, but reports of pressure elsewhere are widespread.<sup>144</sup> While it may not automatically translate into votes, it contributes to a skewed playing field and perhaps also to voter fear.

Hikes in public spending, in particular the raft of new social programs that the government calls the "Misión 7 de Octubre" – in line with the election date – appear aimed mostly at shoring up votes, much as was done before previous polls.<sup>145</sup> According to some estimates, 45 per cent

<sup>142</sup> A report by Ojo Electoral on the 2010 campaign called use of public office and state funds among the most common violations; 360 and 114 respectively. Other common violations included campaigning outside official campaign dates (336) and intolerant (260) or discriminatory (211) language. "Informe Final", op. cit., p. 35. The campaign "a day of your salary for the revolution" ("un día de salario para la revolución") invites PSUV members and other sympathisers to donate money for the campaign. Opposition-affiliated trade unions have issued complaints about coercion, but the government insists that such contributions are voluntary, except for high-level public officials such as ministers. "Denuncian presiones a funcionarios para dar dinero al PSUV", *Informe 21*, 12 June 2012.

<sup>143</sup> Public sector workers number almost 2.4 million. "Casi un millón de trabajadores ha asumido el Estado en 10 años", *El Universal*, 7 September 2009; "Estatizaciones inyectan casi un millón de trabajadores al Estado", *El Universal*, 28 June 2011; "Venezuela: empleados públicos vuelven a trabajar 'completo'", BBC Mundo, 3 August 2010.

<sup>144</sup> "Ramírez afirma que Pdvsa 'debe defender' al Presidente", *El Universal*, 3 March 2012. Crisis Group interviews, Caracas, 19–28 March 2012.

<sup>145</sup> The largest components of the package include a housing program (Gran Misión Vivienda) to build two million units by 2017 ([www.misionvivienda.gob.ve](http://www.misionvivienda.gob.ve)). The Gran Misión Saber y Trabajo (knowledge and employment) aims to generate 2,800,000 new jobs by 2019, reportedly in the context of Chinese investment ([www.venezueladeverdad.gob.ve/content/gran-misi%C3%B3n-saber-y-trabajo-venezuela](http://www.venezueladeverdad.gob.ve/content/gran-misi%C3%B3n-saber-y-trabajo-venezuela)). The "Mothers of the Neighbourhood" mission (Gran Misión Madres del Bar-

of Venezuelan homes, involving some 8.5 million citizens (30 per cent of the population), benefit from the programs.<sup>146</sup> The massive increase in spending, much of it channelled through parallel budgets beyond scrutiny even of ministries, let alone the public, has contributed to a sharp rise in the national debt.<sup>147</sup>

A new labour law, too, is seen as a means of drumming up election support. Anticipated some years back, a draft had been stalled by the ruling party in parliament: as the country's largest employer, the government would incur the highest costs were the law to pass. In April 2012, though, Chávez announced he was preparing a new bill while receiving treatments in Cuba; at the end of the month he signed it into force, without debate in parliament or opposition input.<sup>148</sup> It reduces working hours, increases the minimum wage, limits outsourcing and gives workers additional benefits.<sup>149</sup> While this report does not assess the value of either the new welfare programs or the labour law, their timing and, in the case of the *misiones*, explicit link to the election raise questions about the use of state funds for partisan purposes.

rio) offers economic support and training to mothers in extreme poverty ([www.minmujer.gob.ve/madresdelbarrio](http://www.minmujer.gob.ve/madresdelbarrio)). The "Elderly Love" mission (Gran Misión en Amor Mayor) caters to the elderly poor. The "Sons and Daughters of Venezuela" mission (Gran Misión Hijos e Hijas de Venezuela) seeks to combat extreme poverty ([www.minci.gob.ve/infografias/67/210050/gran\\_mision\\_hijos.html](http://www.minci.gob.ve/infografias/67/210050/gran_mision_hijos.html)). Many existing missions are also perceived to boost government's support, including "Inside the Neighbourhood" (Misión Barrio Adentro), which offers free health care to marginalised communities with the help of Cuban doctors; the Robinson mission (Misión Robinson), for literacy training and the "Agro Mission" (Gran Misión Agro Venezuela), to boost agricultural production and activities (<http://gobiernoenlinea.gob.ve/home/misiones.dot>).

<sup>146</sup> See, for example, "Crece dependencia económica de los venezolanos con el Estado", *El Universal*, 25 January 2012.

<sup>147</sup> Between 2010 and 2011, transfers to missions nearly doubled, from \$4.5 billion to \$8.5 billion. See "Venezuela's PDVSA triples contributions to state", Reuters, 7 December 2011.

<sup>148</sup> Chávez was able to introduce the legislation himself due to an enabling law (*ley habilitante*) allowing the president to circumvent the legislature and issue decrees on a wide range of social issues, including infrastructure, public services, transport, development, citizen security and the socioeconomic system. The law was passed in December 2010, ostensibly to allow an adequate response by the president to an emergency situation caused by heavy rains. The opposition argued that the real aim was to push through Chávez's policies while avoiding debate he no longer so tightly controlled. "Venezuela: Chávez intenta nuevamente gobernar por decreto", BBC Mundo, 16 December 2010.

<sup>149</sup> "Decreto con rango, valor y fuerza de ley orgánica del trabajo, los trabajadores y las trabajadoras", no. 8938, 30 April 2012.

Opposition politicians, governors in particular,<sup>150</sup> also use public resources for campaigning. A report by a respected civil society group noted that during the 2010 parliamentary elections campaign, both Capriles in Miranda state and Pablo Pérez in Zulia state used their offices and resources to assist MUD candidates. Chavistas also point to the large sums allegedly spent by opposition politicians during the presidential primaries as an indication of the economic muscle lined up against Chávez.<sup>151</sup> However, the same report noted the ruling party's responsibility for 312 of 360 instances in which it concluded there had been violations of regulations restricting the use of public office for campaigning and for 110 of 114 instances in which it identified violations of the ban on use of state resources for that purpose.<sup>152</sup>

The CNE has not made a serious effort to enforce rules against such misuse,<sup>153</sup> despite much evidence and opposition pressure.<sup>154</sup> The electoral law and its own regulations provide it sanctions, notably fines, that could discourage overt violations. Action would send a message that the CNE enforces the law equally and is committed, to the extent possible, to levelling the electoral playing field.

<sup>150</sup> Ojo Electoral, "Informe Final", op. cit.

<sup>151</sup> Crisis Group interview, pro-government analyst, Caracas, 24 March 2012.

<sup>152</sup> Ojo Electoral, "Informe Final", op. cit.

<sup>153</sup> See regulation no. 6 of the LOPE, op. cit., particularly Articles 17-19, for rules prohibiting the use of state resources during the campaign. Articles 31-45 detail sanctions. Sanctions are not explicit for the use of state resources, but Article 33 provides for fines of up to 7,000 tax units (at the 2011 rate, some 535,000 bolivares, almost \$125,000) for infractions of its Article 5, which includes propaganda paid for with public resources.

<sup>154</sup> Crisis Group interview, opposition representatives to the CNE, Caracas, 27 March 2012. "CNE rechazó investigación contra Chávez", *Últimas Noticias*, 26 April 2012. During the 2006 elections observers reported that the CNE's own prosecutors, responsible for monitoring the campaign, filed more than 1,000 accusations of violations, of which only 61 reached the board, and none were acted on, despite lobbying from the opposition and civil society groups. Ojo Electoral. "Informe Final", op. cit., Annex 6.

## IV. RISKS AHEAD

Uncertainty over the president's health feeds fear of instability in connection with the election and illustrates the government's apparent lack of preparedness for a possible transition. Much is in play, given the power concentrated in the presidency and the deep polarisation between the camps and in society. The easy availability of guns and presence of politicised armed groups raise the prospect of violence – either independent of political leaders, or with their quiet consent or even incitement – that, in the absence of institutional mechanisms to manage conflict, could escalate.

While defeat in October, despite its efforts to unify and moderate, would be demoralising for the opposition, it would probably lack the stomach for another fight if the vote was reasonably clean. Threats to the ruling party's power – either Chávez's inability to contest the election or an upset defeat of him or a replacement – pose a potentially greater danger. At stake for Chavistas is not only the Bolivarian Revolution, with the gains they perceive it has delivered. Some also risk losing allegedly substantial financial interests tied to their power; others face allegations of drug trafficking. While the lack of transparency regarding President Chávez's health and the workings of his inner circle and the armed forces complicate any effort to forecast what lies ahead, a number of scenarios that could lead to instability are possible. These include a suspension of the election or a rejection of its results; in either case the government might be tempted to exploit its control of key institutions, in particular the judiciary, sparking opposition protests.

Many in the country, including in the Capriles team, consider a major breakdown unlikely. Brazen circumvention of the constitution would probably require army backing and reasonably broad popular support, neither of which would be sure; nor would it enjoy regional support. But Venezuela faces uncertain months, and a major and violent political crisis cannot be discounted entirely.

### A. THE RISK OF VIOLENCE

#### 1. A polarised and violent society

Politics and society are polarised, with deep distrust between supporters and opponents of Chávez and his Bolivarian Revolution.<sup>155</sup> Before 2006, the president's supporters could perhaps argue that his accumulation of power and attacks on opposition politicians and media networks were at least partly driven by their radical, on occasion

unconstitutional, attempts to oust him. But in recent years, Chavismo, with its exclusionary discourse, discriminatory policies and narrowing of political space, has been the main divisive force. While elements in the opposition, together with some private media networks, still use inflammatory language and insult the president, its dominant stream, typified by Capriles and the MUD, has – officially at least – toned down its discourse.

Guns in civilian hands have proliferated, contributing to unprecedented levels of criminal violence. The national homicide rate today is among the world's highest, on par even with some war zones. According to the Venezuelan Violence Observatory, an NGO that tracks violent incidents, 2011 was the deadliest in the country's history, with over 19,000 homicides.<sup>156</sup> The government contests those figures, but acknowledged in January that 2011 was no improvement on 2010 when, after years of not publishing statistics, it announced a homicide rate of 48 per 100,000 inhabitants, well above the Latin American average.<sup>157</sup>

The Chávez years have also seen the proliferation of armed groups that politicians could use to stoke violence or that could take to the streets on their own. Particularly notorious are the *colectivos*, which operate mostly in the 23 de Enero district of Caracas.<sup>158</sup> They claim to engage primarily in social and cultural activities, but most are armed and some dole out – without accountability – vigilante justice in areas that, in the absence of police, they control.<sup>159</sup> Estimates of the number of such groups range be-

<sup>156</sup> "El 2011 ha sido el año más violento de la historia nacional", Observatorio Venezolano de la Violencia, 27 December 2011. Based on Venezuela's 29 million inhabitants, it calculates a homicide rate of 67 per 100,000, almost double that of neighboring Colombia, whose rate is 33.4, even with an internal armed conflict; see the latest UN Office of Drugs and Crime (UNODC) homicide statistics available, those for 2010, in "2011 Global Study on Homicide", 6 October 2011. For more detail on the violence, see Crisis Group Report, *Violence and Politics in Venezuela*, op. cit. pp. 3-9.

<sup>157</sup> "El Aissami: No hemos logrado disminuir la tasa de homicidios", *El Universal*, 16 January 2012. The UNODC figures for 2010 give average homicide rates per 100,000 inhabitants as 49 in Venezuela, 18.1 in Mexico, 33.4 in Colombia, 22.7 in Brazil and 5.5 in Argentina, "2011 Global Study on Homicide", op. cit. Although figures constantly change, a 2009 report by the OAS's Inter-American Commission on Human Rights put Latin America's rate at 25.6 – one of the highest in the world. "Report on citizen security and human rights", 31 December 2009.

<sup>158</sup> For detailed analysis on the *colectivos*, see Crisis Group Report, *Violence and Politics in Venezuela*, op. cit., pp. 17-19. The *colectivos* have their roots in the urban guerrilla movements of the 1960s and 1970s but re-emerged during the Chávez years.

<sup>159</sup> *Colectivos* expelled what they perceived as repressive police from their neighborhood. According to some sources, they receive arms and patronage from high-level officials. Crisis Group interview, analyst, Caracas, 20 March 2012. See also "PROFI-

<sup>155</sup> For additional information on polarisation, see Crisis Group Report, *Violence and Politics in Venezuela*, op. cit., pp. 10-11.

tween twenty and 30.<sup>160</sup> All profess loyalty to the Bolivarian Revolution.<sup>161</sup> Government efforts to rein them in have been at best half-hearted and usually only taken after particularly egregious incidents.<sup>162</sup> Some *colectivos* appear to enjoy the patronage of senior officials, even if not entirely under their control. At the very least, the government's ambiguity towards them contributes to their recent growth.

These groups have attacked institutions linked to the opposition, most notably Globovisión, claiming that its coverage of the 23 de Enero and the *colectivos* was denigrating and misleading.<sup>163</sup> While they have no official role in the Plan República – the election security plan – they could intimidate voters or obstruct the work of opposition agents in areas under their command.<sup>164</sup> That the opposition held its primaries peacefully in the 23 de Enero set a positive precedent but does not rule out possible trouble in October.

A second set of groups that could respond if the ruling party's power was threatened are the militias, initially established by Chávez in 2005 as the Guardia Territorial<sup>165</sup>

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LAXIA: 500 'guardianes revolucionarios' juran que defenderán La Piedrita", *El Nacional*, 19 February 2012.

<sup>160</sup> La Piedrita, Alexis Vive, Tupamaros and the Coordinadora Simón Bolívar are currently the most prominent. Some are said to have branches in other parts of Venezuela. Crisis Group interview, *colectivo* leader, 23 de Enero, Caracas, 24 March 2012.

<sup>161</sup> Some try to portray themselves as the guardians of the revolution and criticise the government. La Piedrita's leader, Valentín Santana, questioned the commitment of some officials to socialist ideals. "In Venezuela, armed groups that pledge allegiance to Hugo Chavez rule over slum fiefdoms", InterAmerican Security Watch, 30 April 2012.

<sup>162</sup> Some recent events, such as the circulation of photos of children carrying automatic rifles in front of a La Piedrita wall painting in January 2012 and the alleged participation by La Piedrita gunmen in the killing of an interior and justice ministry escort the same month, have forced the government to react. Interior and Justice Minister Aissami protested the photos, and Attorney General Luisa Ortega Díaz announced a judicial investigation. Piedrita leader Valentín Santana has been the subject of an arrest warrant since 2008 but is said to be move freely in 23 de Enero; "Niños con pistolas", *TalCualDigital*, 30 January 2012; "Culpan a 'La Piedrita' por muerte de escolta", *Ultimas Noticias*, 3 May 2012; also, "Reaparece Valentín Santana en inauguración de Casa Hogar para niños", *Noticiero Digital*, 3 March 2012.

<sup>163</sup> "In Venezuela, armed groups that pledge allegiance to Hugo Chavez rule over slum fiefdoms", op. cit. In August 2009, an armed group led by the now deceased *colectivo* leader Lina Ron, invaded its premises and hurled teargas grenades. "Motorizados armados y comandados por Lina Ron asaltaron sede de Globovisión", *Globovisión*, 3 August 2009.

<sup>164</sup> Crisis Group interview, 23 de Enero, Caracas, 24 March 2012.

<sup>165</sup> For further details on the militias, see Crisis Group Report, *Violence and Politics*, op. cit., pp. 26-27.

and often referred to as his private army. Tens of thousands of citizens, among them public employees, have been enlisted, trained and incorporated into a body that officially is a fifth component of the armed forces. The militias are politicised, with an explicit goal to defend the revolution against not only external, but also internal, enemies.<sup>166</sup> Their numbers and firepower are in dispute, though minimal compared to the regular armed forces.<sup>167</sup> Unlike the *colectivos*, they are integrated into Plan República and are to secure polling centres in October, a role that worries some opposition quarters.<sup>168</sup> However, they also secured polling stations under Plan República for the 2010 parliamentary elections and this year's opposition primaries without major upset. Indeed, organisers of the primaries proclaimed the success of the security plan then as a positive precedent for October.<sup>169</sup>

Thus far, political violence, like that against Globovisión, has been only sporadic. Past election campaigns have not been marred by the killings that have overshadowed polls in Colombia or Guatemala.<sup>170</sup> However, the harsh rhetoric of the president's camp, particularly personal attacks on Capriles and portrayal of the opposition as violent or plotting a coup, are dangerous. Chavistas – whether PSUV activists or *colectivo* members – may interpret it as encouragement to violence or believe that thuggery would serve the party's interests or even have their leaders' blessing. While groups like the *colectivos* probably have little capacity for much beyond localised attacks and are certainly no match for the armed forces, violence, once unleashed, could be costly to check.

The polarisation, the weapons circulating, the burgeoning criminal violence and the armed groups of overtly political nature often operating beyond the state's control, combined with the deterioration of institutional conflict resolution mechanisms, raise the spectre of election-related violence. Political leaders should renounce publicly, forcefully and frequently the use of violence around elections. They should make clear that the campaign must be peaceful and both candidates permitted to canvass for votes throughout the country without personal risk.

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<sup>166</sup> Ley Orgánica de la Fuerza Armada Nacional Bolivariana (2009), Article 44; also see [www.milicia.mil.ve](http://www.milicia.mil.ve).

<sup>167</sup> Crisis Group interview, military expert, Caracas, 2 March 2011.

<sup>168</sup> Crisis Group interview, Caracas, 28 March 2012.

<sup>169</sup> Crisis Group email correspondence and interview, MUD officials, Caracas, 22 March, 14 June 2012.

<sup>170</sup> See Crisis Group Latin America Briefing N°24, *Guatemala's Elections: Clean Polls, Dirty Politics*, 16 June 2011; and Latin America Report N°37, *Cutting the Link Between Crime and Local Politics: Colombia's Elections*, 25 July 2011.

## 2. Sparks of Campaign Violence

Indeed, the preliminary stages of the campaign have not been entirely violence free. An isolated but serious incident took place during a Capriles rally in the west Caracas neighbourhood of Cotiza on 4 March 2012, when shots were fired into the air amid scuffles between Chavistas and opposition supporters.<sup>171</sup> Capriles himself was cornered with a small group of campaign staff, two of whom were wounded, including Ismael García, the son of a prominent opposition legislator.<sup>172</sup> Despite witnesses' claims that local PSUV activists had fired the shots,<sup>173</sup> government officials called the events a "provocation" by Capriles, because he entered a Chavista stronghold to campaign before the official period. Interior and Justice Minister Tarek El Aissami blamed Miranda state security officials, who provided security for Capriles, for the shooting.<sup>174</sup> He announced investigations that to date have had no result.

Within the opposition camp, interpretations vary as to whether the incident was centrally directed or a local initiative by PSUV activists. Despite García's injury, most agree that Capriles's life was not in danger. Some argue that it was a warning to discourage his campaigning in other poor, traditionally Chavista areas of Caracas. Others see it as part of the government's attempt to portray the opposition as destabilising and violent. Still others argue it showed the extent to which the Capriles campaign, especially his face-to-face campaigning in Chavista bastions, has rattled the ruling party.<sup>175</sup> The incident may simply illustrate the dangers involved when radical loyalists take action into their own hands. While thus far it is the only serious violence, the formal campaign has not yet begun, and the ingredients for a repeat exist.

Shortly after the violence in Cotiza, Chávez announced on live television that information had surfaced regarding a plot to assassinate the opposition candidate and that security forces had informed Capriles's camp.<sup>176</sup> The Capri-

les team denied this, saying that it first heard of the matter during the president's TV appearance and noting that there appears to have been no official investigation.<sup>177</sup> Capriles's staff again interpreted the supposed assassination plot as either an effort at intimidation or an attempt to paint the opposition as violent. It, as well as the Cotiza incident, they said, have raised their awareness of potential security threats to the candidate and provide further justification for using Miranda state rather than national security forces for his protection.<sup>178</sup>

## B. THE RISK OF POSTPONEMENT

Each Chávez visit to Cuba sparks a flurry of speculation as to what would happen were his cancer to prevent him contesting the election. With neither an obvious heir nor a clear succession mechanism within the PSUV, a sudden deterioration in the president's condition could leave his party struggling to find a substitute, or open it up to an internal power struggle. The party might then seek to delay the election in order to gain time to select – perhaps with the mediation of the newly-appointed Council of State – and then raise the profile of a new candidate. It also might be tempted to press for a delay if opinion polls were to indicate the prospect of losing the election.

The government has suspended polls before. In 2004, it used a pliant CNE to suspend the recall referendum, which opinion polls indicated Chávez would lose.<sup>179</sup> The extra months allowed him to drum up support, mostly through massive public spending, and eventually win. A delay this year might deflate the opposition, potentially leaving it without adequate resources to fund the extended campaign. Some Chavistas have openly floated the option of a suspension. In late April, the governor of Portuguesa

<sup>171</sup> Cotiza is part of Libertador municipality, governed by Chavista campaign director Jorge Rodríguez.

<sup>172</sup> Ismael García, the father of the wounded, is candidate for mayor of Libertador municipality.

<sup>173</sup> PPT member and municipal councillor Andrea Tavares identified the shooters as PSUV activists. According to another source, a local PSUV activist had been handing out weapons. Crisis Group interview, Caracas, 22 March 2012.

<sup>174</sup> "Two wounded in Venezuela election violence", *Latin American Herald Tribune*, 5 March 2012. Aissami also accused Miranda state police of operating outside their jurisdiction without authorisation.

<sup>175</sup> Crisis Group interview, opposition staff and diplomats, Caracas, 19–28 March 2012.

<sup>176</sup> "Advertencias Sospechosas", *TalCualDigital*, 20 March 2012.

<sup>177</sup> "They called a meeting but didn't say what for. The meeting did not take place". Crisis Group interview, MUD representative, 23 March 2012.

<sup>178</sup> MUD executives say the Capriles team has decided to refuse national state security and rely on Miranda state forces. One said, "we need better security in the campaign. What happened in Cotiza was not an attempt at murder. Had they wanted to kill him, they would have. It showed us the danger. We need to look after him better .... We don't like having people round him he doesn't trust. He's using state security from Miranda", Crisis Group interview, Caracas, March 2012.

<sup>179</sup> On 12 September 2003, the CNE invalidated some three million signatures in support of a recall election, arguing these had been collected before the mid-point of Chávez's six-year presidential term. In late November 2003, a new 3.4 million names were submitted. The CNE validated less than two million, well below the required threshold of approximately 2.4 million. Following a lengthy re-verification, over 2.5 million were finally authenticated, paving the way for the August 2004 recall referendum. "Observing the Venezuela presidential recall referendum", Carter Center, February 2005.

state, Wilmer Castro Soteldo, for example, was quoted as touting in a workshop for regional ruling party campaign leaders, three possible scenarios: “a weakened Chávez, without Chávez, or with suspended elections”.<sup>180</sup>

Postponement would not be easy and would likely carry political costs. The ruling party is invested in the 7 October date: it is the focus of both its campaign and its social programs, senior officials repeatedly promise that the election will take place then, and Chávez has now registered as a candidate. Pushing back the vote might make it appear weak or nervous and diminish its appeal to swing voters. Moreover, no obvious legal pretext exists. The president’s term ends on 10 January 2013, and a suspension beyond then would be unconstitutional. The CNE formally announced its electoral calendar and set the 7 October date in March, so even a delay of weeks now requires some legal justification.<sup>181</sup> Chávez’s inability to run would not in itself be sufficient: the electoral law allows parties to switch candidates up to ten days before the election or – in the event a candidate “dies, resigns or is physically or mentally incapable” of contesting – even at the last minute.<sup>182</sup> Inability of the ruling party to agree on a candidate would not require a delay; Capriles and others would still be contesting.

The political risks and lack of obvious legal grounds make a delay difficult but do not rule one out. The CNE might be reluctant to harm its reputation, in Venezuela and abroad, by suspending for spurious reasons, but it could face intense pressure. The Supreme Court, which is known to be closer to Chávez and often appears overtly partisan,<sup>183</sup> might offer another path for a delay or at least

be available to provide judicial cover for the CNE. A last option might be to manufacture major unrest through groups like the *colectivos* and declare a state of emergency that could perhaps be used to postpone the vote. But although Chavistas have a sufficient National Assembly majority for this, it would be a desperate strategy and appears remote. It would probably require army support, which would be uncertain (see below). Moreover political rights, including suffrage, cannot be suspended even for internal disturbances, so in itself a state of emergency might not legally justify postponing the election.<sup>184</sup>

## C. ACCEPTANCE OF RESULTS

### 1. Chavismo

If his health does not force him to stand down, President Chávez continues to be the favourite to win the October election. Predicting the ruling party’s response to an upset defeat at the ballot box is difficult, however, given the opacity of the president’s inner circle and officials’ reluctance to talk to outsiders. Chávez has promised repeatedly to recognise the result and cede power if he loses.<sup>185</sup> He also accepted defeat during the 2007 constitutional referendum and in a number of important gubernatorial contests. But losing the presidency could be different. Many of his other statements, including one in which he threatened, shortly after the 2010 parliamentary elections, “violent revolution led by the revolutionary military and the Venezuelan people” should the opposition win a future vote, have been far less conciliatory.<sup>186</sup> Those around Chávez, including those either accused of involvement in drug trafficking or whose reportedly significant financial inter-

<sup>180</sup> “Con Chávez, sin él o suspensión de elecciones, los tres escenarios del PSUV”, analítica.com, 25 April 2012. Foreign Minister Maduro dismissed the speculation, saying Chávez was recovering and preparing for a great victory. However, several journalists who attended the meeting said they had heard the governor speak of the three scenarios. “Maduro pide acabar con especulaciones sobre la salud de Chávez”, *El Nacional*, 4 May 2012. “A modest concession to reality”, *The Economist*, 5 May 2012.

<sup>181</sup> The LOPE provides no obvious route for a delay: with provisions only for cancelling results after the election (Articles 215-226), rather than defining conditions under which elections can be postponed.

<sup>182</sup> LOPE, Article 62. It places no deadline on this substitution and simply requires the electoral authorities to make every effort to inform voters of the change. If the substitution is made too late to adjust voting machines, votes cast for the original candidate count for the substitute. Each party can set its own rules for determining who contests an election on its ticket.

<sup>183</sup> In a swearing-in ceremony, Supreme Court President Luisa Estella Morales compared judges to soldiers of justice tasked with protecting the revolutionary project. “Presidenta del TSJ: ‘Nos duele cada vez que un juez falla’”, *Globovisión*, 16 May 2012. Earlier, she called for creation of a revolutionary judici-

ary. “Usted lo Vio”, *Globovisión*, 8 February 2008. Former Supreme Court Judge Eladio Aponte, dismissed due to alleged connections to drug kingpin Walid Makled, made extensive allegations regarding the government’s interference with judicial decisions. See “Las declaraciones completas del ex magistrado Eladio Aponte”, *6to Poder*, 18 April 2012.

<sup>184</sup> The constitution and the Ley Orgánica sobre Estados de Excepción allow four types of state of emergency: alarm, economic emergency and internal or external disturbance. None permit violation of the suffrage right. Article 13 of the Ley Orgánica notes that a state of internal disturbance (*estado de conmoción interior*) can be declared in the event of “internal conflict that seriously puts in danger the security of the Nation, of its citizens and of its institutions”. It can only last up to 90 days and be extended for another 90. Article 27 specifies that more than half the legislature must approve any state of emergency. See also interview with pro-opposition CNE member Vicente Diaz in “Suspensión de elecciones equivale a un golpe de Estado”, *El Universal*, 13 May 2012.

<sup>185</sup> “Hugo Chávez registra su candidatura oficial a la presidencia de Venezuela”, CNN, 11 June 2012.

<sup>186</sup> See, for example, “Aló Presidente”, no. 366, Miranda, 31 October 2010.

ests are tied to the status quo, might also relinquish power only reluctantly.

Once announced by the CNE, results would be difficult to reject, especially as that body is regarded as both competent and pro-Chávez. It always informs parties of results before announcing them publicly,<sup>187</sup> which could offer a window for the ruling party to press for delay of the public announcement. It might then seek – perhaps through the loyal Supreme Court – to contest the result, or to coerce the CNE into undertaking a recount or revising its tally.<sup>188</sup>

The opposition would have a clear picture of the real results from its own parallel vote tabulation, so brazen manipulation would not pass unnoticed. Without independent observers, the MUD could face difficulties making the case, but national and regional condemnation would still be likely. Nor is it certain that the CNE, with an eye to its international reputation, would bow to pressure. The hours between the closing of polls and the official announcement of the result would be crucial, and ideally, in the unlikely event the president loses, those with influence over him – particularly the Brazilians and Cubans – would persuade him to bow out.

Another scenario would see the ruling party provoke instability, in an attempt to cling to power through a state of emergency. Much like stoking unrest before the vote, however, such a strategy would depend on army support. It would also hinge on a reasonable level of coherence within Chavismo and party unity behind blatantly unconstitutional acts, neither of which are guaranteed. Blatant circumvention of the constitution might also erode the government's popular support, and again, it could be expected to result in strong regional condemnation.

The danger of violent protests by Chavistas – either independent of political leaders or with their quiet backing – cannot be ruled out even if the president were to stand down. Serious unrest might allow him to present himself as the only leader capable of restoring order. Responses of *colectivo* members varied when asked how they would react to an opposition win. One said, “here people won't accept that Chávez loses. They will go into the streets. The opposition would kill us for what we have done here”. Another said, “if Chávez loses, things will be difficult. But people would accept results. They wouldn't attack the CNE or come out and defend Chávez. The *colectivos* are radical, but in the end Venezuelans have to live to-

gether”.<sup>189</sup> The militias, too, could resist a Chávez defeat, though would be likely to take their cue from political leaders, and, observers say, they lack the *esprit de corps* necessary for joint actions.<sup>190</sup> Civil action, and perhaps even violent protests, by the *colectivos*, militias and other radical Chavistas would require delicate handling by a Capriles government that has promised to rule inclusively.

Were Chávez to accept defeat, he could perhaps still use a loyal legislature to strip power from the presidency in the months before Capriles assumes office. His room to manoeuvre would be limited, however, as Chavistas no longer enjoy a sufficient majority to revise organic laws or pass another enabling law that would give the outgoing president the power to legislate by decree. Moreover, a defeated Chávez would have considerably less political capital with which to influence institutions and even his own party, whose members would presumably be looking out for their own interests and adapting to a reconfigured political landscape.

Crucial in informing Chávez's behaviour would be regional players such as Brazil and Colombia, as well as his Bolivarian Alliance for Peoples of Our America (ALBA) allies, especially Cuba.<sup>191</sup> Colombia's president, Juan Manuel Santos, in contrast to his predecessor, has been pragmatic in dealings with Caracas and may have leverage, not least based on the countries' mutual commercial interests. More important is Brazil, now the major regional power. While ideologically closer to the Chávez government than the Colombians are, its relations with Venezuela are also driven largely by economic interests. Brasilia and Bogotá will want to avoid upheaval in the region at all costs, particularly in a common neighbour. They would eye warily any potentially destabilising action by Chávez or his allies, presumably cautioning them privately against violation of the constitution.<sup>192</sup>

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<sup>189</sup> Crisis Group interviews, 23 de Enero, Caracas, 22, 24 March 2012.

<sup>190</sup> Crisis Group telephone interview, former general, 12 June 2012. Many members register under pressure, for convenience or for the money earned by attending the trainings, rather than conviction. Crisis Group interview, international NGO representative, Caracas, 22 November 2010.

<sup>191</sup> ALBA stands for Alianza Bolivariana para los Pueblos de nuestra América. Its members are: Cuba, Nicaragua, Venezuela, Bolivia, Ecuador, Dominica, San Vincent and the Grenadines and Antigua and Barbuda.

<sup>192</sup> In an April interview, Santos stated: “What would hurt Colombia and the whole region more is an unstable Venezuela”, “Colombia's President Talks with *Time* about Castro, Capitalism, and his Country's Comeback”, *Time*, 12 April 2012. He added, “at this moment, he [President Chávez] is a factor of stability”, which upset the Venezuelan opposition. Asked if Chávez's illness could threaten the elections, Brazilian Foreign

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<sup>187</sup> Crisis Group interview, CNE representatives, Caracas, 23 March 2012.

<sup>188</sup> The electoral law does not provide for recounts, so such action would likely be without legal basis.

Brazilian and Colombian positions would also likely guide UNASUR, another player that can influence behaviour in Caracas, even if the appointment of new General Secretary Ali Rodríguez, who served in various government positions under President Chávez, may make it less inclined to do so. The Inter-American Democratic Charter, which Venezuela remains party to, would be a factor encouraging regional action should the government obviously contravene its provisions.<sup>193</sup>

The ALBA countries, bound by ideological ties to the Chávez government, are different. Some, especially Cuba, depend heavily on Venezuelan oil.<sup>194</sup> Havana, which supports the Venezuelan revolution with experts on welfare programs, doctors and other medical staff, as well as, reportedly, thousands of intelligence and defence advisers,<sup>195</sup> would perhaps be the likeliest to maintain support for the Chávez government. Were Chavismo, however, defeated, and neighbours to call on the government to respect the result or condemn – in public or private – an attempt to hold onto power, the Cuban leadership might conclude pragmatically that the island's interests would not be served by binding it to an illegitimate regime with an uncertain future.<sup>196</sup> Cuba has tolerated the fall of allies in the past,<sup>197</sup> even if the stakes are higher in Venezuela. Capriles has said that he would not sever ties to Havana, but preferential oil prices would be reviewed.<sup>198</sup>

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Minister Antonio Patriota predicted that rules would be respected, “Brasil sigue de cerca situación en Venezuela por enfermedad de Chávez, dice canciller”, *Noticiero Digital*, 17 May 2012.

<sup>193</sup> The Charter was first invoked in 2002 to support Chávez and condemn the coup attempt. “Inter American Charter, Mandated to the OAS at the Third Summit of the Americas”, 24 September 2002.

<sup>194</sup> According to press reports, Venezuela sends Cuba an estimated 115,000 barrels of oil a day, which reportedly corresponds to around two-thirds of its consumption. “If Hugo goes”, *The Economist*, 7 July 2011.

<sup>195</sup> Around 5,000 Cubans are said to work in the various organs of Venezuelan intelligence and counter-intelligence. Crisis Group interview, security expert, Caracas, 3 March 2011. Also see “Cable sobre cómo los servicios de inteligencia cubana tienen acceso directo a Chávez”, *El País*, 30 November 2010.

<sup>196</sup> Raul Castro is gradually opening Cuba to foreign investment and liberalising its economy. Too tight an embrace of a defeated Chávez in an election crisis could damage his hopes for achieving further regional integration. Crisis Group telephone interviews, analysts, 23, 25 May 2012.

<sup>197</sup> In 1990 Fidel Castro reportedly persuaded Daniel Ortega to accept electoral defeat in Nicaragua.

<sup>198</sup> “Las propuestas políticas, económicas y sociales de Capriles Radonski para Venezuela”, *Noticias 24*, 3 April 2012.

## 2. The opposition

Capriles has not promised to accept the election result, so as to avoid, in the words of a sympathetic observer, “giving CNE a blank cheque”.<sup>199</sup> But despite government propaganda alleging otherwise, few believe he and his team would not acknowledge defeat if the vote is reasonably free. The MUD worked with the CNE throughout its primaries, which makes its rejection of the October result all the less likely. More probable is that defeat would demoralise it, threaten the opposition’s unity and perhaps even accelerate the exodus of opposition-aligned citizens from the country.

Were the election stolen, with manipulation blatant and a coerced CNE complicit, protests or even civil disobedience would be more likely. Potential calls for calm by Capriles – who would probably not exercise complete control over the diverse opposition factions – would not necessarily keep people off the streets. Some protestors could be armed and, again, their actions could escalate, particularly if met by Chavistas.

Given Chávez’s physical frailty, his re-election would not necessarily equate to another six years of Chavismo. If at some point in the next few years the president’s health forced him to stand down, the constitution would require an election for a replacement within a month, thus giving the opposition another opportunity at the presidential palace.<sup>200</sup> Crucial for its prospects would be to again offer a single candidate and moderate discourse. Changing its current position of unity, moderation and respect for the constitution, even if defeated in October, would be unwise.

## D. THE MILITARY’S ROLE

The military has a pivotal role in the coming months. It is responsible, through Plan República, for securing the elections, and in the event of an upset or early signs of an upset, the government’s response might well hinge on its stance. Over recent years, the armed forces have undergone a profound political alignment.<sup>201</sup> Targeted promotions and

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<sup>199</sup> Crisis Group interview, Caracas, 21 March 2012.

<sup>200</sup> Article 233 of the constitution specifies that if the president dies or resigns within the first four years of his term, the vice president assumes power and a new election must be held within 30 days. If it happens within the last two years of a term, the vice president serves the remainder of the term. Should the president die or resign after winning the polls but before assuming office, elections also need to be held within 30 days, but the president of the National Assembly takes over in the interim rather than the vice president.

<sup>201</sup> In 2008, the organic law of the armed forces converted the military into the “Bolivarian National Armed Forces”. “Fatherland, socialism or death”, later converted into “Socialist father-

retirement policies circumventing internal rules have removed hundreds of real or perceived opponents of the president from the upper ranks, leaving a top brass widely seen as loyal to him.<sup>202</sup> Not only do a number of generals owe their rank to Chávez's Bolivarian revolution, but their futures appear bound to his rule. Some, like the defence minister and head of the Strategic Operational Command, General Henry Rangel Silva, are suspected in some quarters of ties to organised crime and drug trafficking.<sup>203</sup> Rangel Silva declared in 2010 that the armed forces "were married to this [the Bolivarian] project".<sup>204</sup>

While the overt loyalty of the defence minister bodes poorly for the military's respect of a transition, he has retracted his earlier statements and insisted the armed forces would respect the results of the presidential election.<sup>205</sup> Senior generals also have recently been more circumspect in public utterances. The Capriles team, for its part, has studiously avoided offending high-ranking officers, continually expressing its respect for the institution and its hierarchy.<sup>206</sup>

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land or death", became the official salute. Ley Orgánica de la Fuerza Armada Nacional Bolivariana (2008). For details, see Crisis Group Report, *Violence and Politics*, op. cit., pp. 23–26.

<sup>202</sup> See "Informe Annual 2010-2011", Asociación Civil Control Ciudadano, 16 March 2010, pp. 74–75. Crisis Group interview, security expert, Caracas, 22 March 2012.

<sup>203</sup> A number of senior government officials, including Rangel Silva, have been on the U.S. "Narcotics Kingpins" list since 2008. The government has vigorously defended the defence minister, calling U.S. action part of an "agenda of permanent aggression against Venezuela". "Henry Rangel Silva, Chavez ally, named Venezuela defense minister", *Huffington Post*, 7 January 2012; "Treasury targets Venezuelan government officials supporting the FARC"; U.S. Department of the Treasury, 12 September 2008; "An overview of the Foreign Narcotics Kingpin Designation Act", U.S. Department of the Treasury. Alleged drug kingpin Walid Makled, captured in 2010 and currently on trial in Venezuela, claimed that he had had 40 active Venezuelan generals on his pay roll. "Walid Makled habla en 'El Nacional': 'Hasta regalé carros ultimo modelo a Diputados de la AN'", *Noticias 24*, 10 October 2010. In March 2012, former Supreme Court Judge Eladio Aponte echoed the latter's allegations. "Aponte implica a funcionarios del Gobierno nacional en narcotráfico", *El Universal*, 18 April 2012. See also, "US Sees 'Worrying Trend' in Venezuela Drug Trafficking", InSight Crime, 17 April 2012.

<sup>204</sup> "En las FFAA nos casamos con el proyecto de país del Comandante Hugo Chávez", *Noticias 24*, 8 November 2010. Also see "Declaraciones del Gral Rangel Silva a UN", video, 10 November 2010, [www.youtube.com/watch?v=6sj9BBf16kc](http://www.youtube.com/watch?v=6sj9BBf16kc).

<sup>205</sup> "Rangel Silva se retracta: FAN acatará resultados del 7-O", Barinas 2012, 11 February 2012; "Min-Defensa: La Fuerza Armada reconocerá los resultados del 7-O", *Correo del Orinoco*, 4 March 2012.

<sup>206</sup> A senior MUD campaign staffer said, "we know that they know how much we respect the army as an institution. We

Foreseeing the military's intentions is challenging: strict presidential control, especially over the top ranks and allegedly enforced by Cuban advisers,<sup>207</sup> means that few within its ranks talk to outsiders. None would speak with Crisis Group, and even specialists described it as a "black box".<sup>208</sup> But neither they nor the MUD leadership believe that troops who secure polling stations are likely to hinder opposition supporters or facilitate rigging. The principle concern is the extent to which the armed forces would be prepared to throw their weight behind any attempt by the Chávez government to hold onto power illegally. What actions would it permit or support? And what for the generals or their troops would be a step too far?

Various factors could enter into play. First would be the situation of President Chávez himself. Were his illness to force him to play a lesser role or retire from politics, individuals or factions in the army – much like those in the ruling party – would likely adapt fast to a new political landscape, seeking patronage from those whose stars appeared to be rising. While much would depend on the cohesion of the ruling party post-Chávez, an analyst said, without him, the top brass could "atomise – not fragment, but atomise".<sup>209</sup>

Secondly, generals will presumably assess the strength of their command, the degree of their control over it and potential defiance from other military factions. The armed forces are reportedly far from monolithic, with discontent within, and even divisions between, its branches and ranks. Many, particularly in the middle and lower ranks, allegedly resist government meddling, and oppose measures like the creation of parallel armed militias and the influx of Cuban advisers.<sup>210</sup> These levels may have suffered less overt politicisation; generals loyal to the Bolivarian Revolution cannot necessarily count on the unconditional backing of their troops.<sup>211</sup> And the navy and air force are allegedly less partisan than the army, National Guard and militias.

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don't have direct contact, but we are in touch with them". Crisis Group interview, Caracas, 27 March 2012.

<sup>207</sup> Crisis Group interview, security expert, Caracas, 3 March 2011.

<sup>208</sup> Crisis Group interviews, military and security specialists, Caracas, 19–28 March 2012; international expert, by telephone, Caracas, 5 June 2012.

<sup>209</sup> Crisis Group interview, military specialist, Caracas, 24 March 2012; fragmentation was used as meaning the division of the military leadership into factions, atomisation as every general acting for himself.

<sup>210</sup> Crisis Group interviews, former general, Caracas, 28 February 2011; security expert, Caracas, 2 March 2012.

<sup>211</sup> In 2002, it was lieutenants through colonels who refused the generals' orders and frustrated the opposition coup.

The scale of popular resistance might also be decisive in deciding military support. Standing by if the government delayed elections for a few weeks would be one thing; condoning its rejection or suppression of results, quelling opposition protests in the streets, or even seizing power to ensure a continuation of Chavismo something else entirely. Few believe that the armed forces as a whole would be comfortable – or even sufficiently coherent – to play the latter roles, which does not preclude the dangerous possibility of internal splits.<sup>212</sup> The positions of Venezuela's regional allies would inform generals' choices, too. Cuba is important, but Brazil and Colombia also matter, and neither would welcome blatant violations of constitutional order that could spark disorder.

Risks aside, the lack of information regarding the military's thinking is itself a principle source of the dangerous uncertainty overhanging Venezuela. Its top ranks, should clarify publicly their commitment to the constitution and pledge to respect the result of the October election.

## V. CONCLUSION

Lack of clarity over Chávez's health strains politics only days before the official start of the campaign and complicates predictions, as do the contradictions inherent in the national polity. "We talk", an MUD leader told Crisis Group, "Venezuelans talk even across divides and amid the polarisation".<sup>213</sup> Perhaps this pragmatism will allow them to navigate the deep divisions. Perhaps if Chávez wins in October – which if his health allows remains probable – the additional time to prepare would make an eventual succession, whenever it comes, less volatile. Or perhaps his absence, or diminished influence, could stimulate dynamics in which calmer, less divisive, currents surface – especially if regional powers press factions to accommodate.

Still, Venezuela looks likely to experience tense months ahead. In the event of an electoral upset or further deterioration of his health, it is not easy to picture the president or his allies handing over power to a man they consistently call a *majunche* (low life). Many around Chávez are accustomed to the benefits of office; some may fear legal consequences without him in power; millions of citizens benefit from the social programs; poor neighbourhoods look back to repression in the pre-Chávez era with trepidation. Much is at stake for all of them. Few entirely trust the promises of the Capriles team, let alone of less compromising opposition elements, to avoid purges or retribution and leave social programs intact. Nor is it clear at what point Chavista bending of rules would pose an immediate threat to stability or become a step too far for parts of the military, Latin American leaders or the Venezuelan population. The ruling party could find itself playing a game of chicken with Venezuela's stability, potentially pushing boundaries too far, provoking unrest, and then struggling to draw back.

Beyond October's elections, the president's cancer lays bare the country's fragility and its ill-preparedness for a potential transition. He divides opinion at home and abroad: to some a hero who has spread oil wealth to the marginalised poor; to others a treacherous populist who has hollowed out democracy. Whatever the truth, if President Chávez becomes too sick to remain in office, what he does in the months before and after the election will shape his legacy. Ignore the constitution to preserve power for his allies and thus risk plunging Venezuela into turmoil, and he will reinforce the crudest caricatures of his detractors; respect rules, cede power if he is too ill to govern and press his allies to respect an orderly transition, and history may view his rule more kindly.

**Caracas/Bogotá/Brussels, 26 June 2012**

<sup>212</sup> Crisis Group interviews, military specialist, 22 March 2012; former general, by telephone, 12 June 2012.

<sup>213</sup> Crisis Group interview, MUD campaign staff member, Caracas, 23 March 2012.

## APPENDIX A

### MAP OF VENEZUELA



## APPENDIX B

### ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 130 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

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June 2012

## APPENDIX C

### CRISIS GROUP REPORTS AND BRIEFINGS ON LATIN AMERICA AND THE CARIBBEAN SINCE 2009

- Haiti 2009: Stability at Risk*, Latin America/Caribbean Briefing N°19, 3 March 2009.
- Ending Colombia's FARC Conflict: Dealing the Right Card*, Latin America Report N°30, 26 March 2009 (also available in Spanish).
- Haiti: Saving the Environment, Preventing Instability and Conflict*, Latin America/Caribbean Briefing N°20, 28 April 2009.
- The Virtuous Twins: Protecting Human Rights and Improving Security in Colombia*, Latin America Briefing N°21, 25 May 2009 (also available in Spanish).
- Venezuela: Accelerating the Bolivarian Revolution*, Latin America Briefing N°22, 5 November 2009 (also available in Spanish).
- Uribe's Possible Third Term and Conflict Resolution in Colombia*, Latin America Report N°31, 18 December 2009 (also available in Spanish).
- Haiti: Stabilisation and Reconstruction after the Quake*, Latin America/Caribbean Report N°32, 31 March 2010.
- Guatemala: Squeezed Between Crime and Impunity*, Latin America Report N°33, 22 June 2010 (also available in Spanish).
- Improving Security Policy in Colombia*, Latin America Briefing N°23, 29 June 2010 (also available in Spanish).
- Colombia: President Santos's Conflict Resolution Opportunity*, Latin America Report N°34, 13 October 2010 (also available in Spanish).
- Haiti: The Stakes of the Post-Quake Elections*, Latin America/Caribbean Report N°35, 27 October 2010.
- Learning to Walk without a Crutch: The International Commission Against Impunity in Guatemala*, Latin America Report N°36, 31 May 2011 (also available in Spanish).
- Guatemala's Elections: Clean Polls, Dirty Politics*, Latin America Briefing N°24, 17 June 2011 (also available in Spanish).
- Post-quake Haiti: Security Depends on Resettlement and Development*, Latin America Briefing N°25, 28 June 2011.
- Cutting the Links Between Crime and Local Politics: Colombia's 2011 Elections*, Latin America Report N°37, 25 July 2011 (also available in Spanish).
- Violence and Politics in Venezuela*, Latin America Report N°38, 17 August 2011 (also available in Spanish).
- Keeping Haiti Safe: Police Reform*, Latin America/Caribbean Briefing N°26, 8 September 2011 (also available in French and Spanish).
- Guatemala: Drug Trafficking and Violence*, Latin America Report N°39, 11 October 2011 (also available in Spanish).
- Keeping Haiti Safe: Justice Reform*, Latin America/Caribbean Briefing N°27, 27 October 2011 (also available in French).
- Moving Beyond Easy Wins: Colombia's Borders*, Latin America Report N°40, 31 October 2011 (also available in Spanish).
- Dismantling Colombia's New Illegal Armed Groups: Lessons from a Surrender*, Latin America Report N°41, 8 June 2012.

## APPENDIX D

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