

Scenarios

Strategic analysis bulletin aimed at Venezuelan civil society



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What's new?

During the [ordinary session of 9 January 2024](#), the president of the Asamblea Nacional, Jorge Rodríguez, ordered to take up again the draft control law for the regularisation, performance and financing of Non-Governmental Organisations (NGOs) in Venezuela, after almost a year of having been approved in the first discussion. It reported that the public consultation process would begin on 12 January, although the text to be debated is not available on any institutional website.

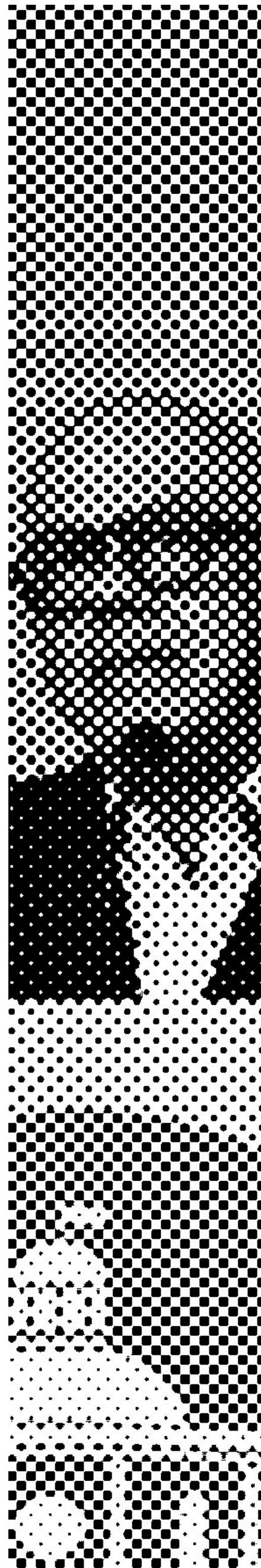
The initiative generated reactions from social organisations inside and outside the country. [According to Acceso a la Justicia](#), at least 40 laws and more than 136 articles already regulate freedom of association in Venezuela, with 16 registers to comply with. [Ten \(10\), international organisations](#), including Amnesty International, Human Rights Watch and the Washington Office on Latin America (WOLA), stated that the project “*contradicts international human rights norms and standards and represents a serious threat to the work of civil society organisations (CSOs)*”. In January 2023 the [UN Independent Fact-Finding Mission](#), expressed the opinion that the approval of the law “*may represent a point of no return in the closing of civic and democratic space in Venezuela*” while Volker Turk, UN High Commissioner for Human Rights, [expressed that he shared the concerns](#) regarding the regulation and had provided “*detailed observations on this issue to the authorities*”.

In Venezuela, the drafting of a law requires approval in two discussions in the Asamblea Nacional. As there is no methodology or timetable for the consultation process for this project, the date of the second discussion has not been disclosed either.

How might this affect the electoral process in Venezuela and the negotiation and agreement mechanisms?

During the inaugural session of the consultation process in Caracas, the room was attended by various high-ranking members of the armed forces, several of whom have been accused of crimes against humanity. The approval of the regulation could strengthen Nicolás Maduro's cohesion with the armed forces, as a reaction to the reports of the UN mission and the investigation process initiated by the International Criminal Court. Following the results of the opposition primary elections and the lack of participation in the referendum for the Guayana Esequiba referendum, Nicolás Maduro's leadership was severely damaged. Although he managed to position the issue in the regional conversation for several weeks, he suffered a major diplomatic setback when he failed to win the support of his international allies. Faced with the emergence of internal criticism, including the possibility that he might be replaced as a presidential candidate, Nicolás Maduro needs to ratify his leadership within a ruling coalition facing its lowest point of popular support.

Fearing the possibility of following in Nicaragua's footsteps, the approval of the law could weaken the very internal cohesion of



Venezuelan social organisations as a whole, increasing their fragmentation and dispersion.

The approval of the law, which prohibits “*political activities*”, will inhibit different groups from participating in initiatives demanding electoral conditions that guarantee citizens’ right to participate. It will therefore weaken the circumstances, under which the democratic society can generate consensus mechanisms for their participation in the electoral contest. Given that the “*Partial Agreement on the Promotion of Political Rights and Electoral Guarantees for All*”, as part of the so-called “*Barbados Accords*”, contemplates the promotion of a “public discourse and a political and social climate favourable to the development of an electoral process”, this regulation could be used as an argument for non-compliance by the opposition, attenuating the legitimacy of the agreement and increasing criticism of the negotiators.

Non-approval or non-implementation of the law, can potentially be put by Miraflores on the negotiating table with the United States in order to obtain political or economic concessions in return.

What can civil society do to mitigate negative impacts?

The approval of the regulation, despite the criticism of the UN High Commissioner for Human Rights (UNHCHR) and the technical assistance of its officials to the Venezuelan government, suggests that its presence in the country is insufficient to stop the abuse of power. It is therefore, necessary to maintain and strengthen other mechanisms of containment, such as the Independent Fact-Finding Mission, whose mandate is due to be renewed in September 2024. In the face of this, the Venezuelan authorities have carried out advocacy work to try to demonstrate that their cooperation with the OHCHR is evidence of their willingness to cooperate to improve the situation, and that the work of the Mission would therefore be irrelevant. Civil society should start lobbying to gather enough votes for the renewal of the Mission when it comes up for discussion in the UN Human Rights Council.

The Nicaraguan experience, shows that the will to restrict the right to free association ends up affecting all organisations in the country, regardless of their profile. Venezuelan associations must prepare themselves to continue working in situations of greater administrative restrictions, including illegalisation.

The passing of a law against freedom of association can be used to challenge regional governments, usually allied to the “*Bolivarian project*”, to add their voices to the demand for free and democratic elections in the country.

Given the country’s political and economic crisis, former militants of the “*Bolivarian project*”, have created civil associations that are currently being financed by international cooperation. Confronting a common threat could serve to incorporate them into the movement for the recovery of democracy and the rule of law in Venezuela.

Finally, Venezuelan civil society must prevent different interpretations of the nature and scope of the law from dynamiting the links between them. And thus prevent concerted and common action in the future.

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