**Venezuela’s Dystopian Nightmare**

May 4, 2017

By: Raul Stolk

The Daily Beast

http://www.thedailybeast.com/articles/2017/05/04/venezuela-s-dystopian-nightmare

When [Hugo Chávez](http://www.thedailybeast.com/keyword/hugo-chavez) was sworn in by Rafael Caldera, who handed over the presidency in 1999, the incoming leader made sure to add a quip to the oath of office that would become a kind of tagline for the next few years: “I swear, upon this dying constitution.”

Even after winning the election, Chávez was still in campaign mode. He had promised a new constitution and he was dead set on delivering. Not an easy promise, since the constitution, back then, did not include a reset button; a mechanism to erase itself and produce a new foundational document. And of course it didn’t. That would would be contrary to its nature. So Chávez had to go to great lengths to produce the result he promised. But he was effective, and in so doing got some very much needed political wins during his first 100 days (you know how important those are). The whole process took one year.

The Venezuelan supreme court paved the way by hashing out the concept of originary power, establishing that the only thing that was above the constitution was the will of the people. Then, the members of the assembly were elected by popular vote (in a gerrymandered election in which the Chavista front ended up with 95 percent of the seats by winning with 52 percent of the votes); and, finally, by December 1999 the new document was approved via referendum. As a consequence of the reboot, it was determined that general elections had to be held, meaning that Chávez had a two-year practice run.

The new constitution does include its own means of self-destruction.

2017. Nicolás Maduro stands before a meager Chavista crowd composed of bored public employees and a few drunken supporters called to Avenida Bolívar for the presidential May Day address. The live show does not matter. What matters is how it looks on TV. Neighbors of this symbolic downtown Caracas avenue have taken to making videos of Maduro gatherings on TV, and then showing how they really look from their windows. Maduro wears a blue sports jacket. Underneath, the rim of a red T-shirt shows. It’s an outfit reminiscent of the one Chávez wore in his epic last day of campaigning in 2012, when he withstood a storm, while [cancer was eating away at him](http://www.thedailybeast.com/articles/2012/12/11/which-cancer-is-hugo-chavez-fighting), to deliver his final address. Even when the effort may have contributed to his demise, this was one of the key moments of the mythology: The Eternal Giant.

So here’s Maduro, a few years later, trying to recreate the moment, for what he deemed “a historic announcement” that was to shake the country to its core. The historic announcement came as a surprise to no one. A day earlier, Julio Borges, current president of the opposition-held parliament, had spilled the beans, saying [Maduro would call for an illegal constituent assembly](http://www.thedailybeast.com/cheats/2017/05/02/venezuela-s-maduro-wants-to-rewrite-constitution) in which only Chavista-affiliated groups would participate. So Borges acted as a buffer to the effect that the announcement would have, and when Maduro screamed, in a trembling voice, that he was summoning the originary power of the people to call for a constituent assembly, he was met with little enthusiasm.

A new constitution for peace and for real national dialogue, he says.

Maduro fumbles with words, as usual. He repeats the word *“Constituyente,”* referring to the constituent powers of the assembly, at least five times in the same phrase. The president is nervous. It shows. He has made a huge gamble.

[Opposition-led protests have intensified all over the country](http://www.thedailybeast.com/articles/2017/04/17/in-venezuela-a-rebellion-is-taking-shape-but-where-can-it-end), and brutal repression by the national police and national guard has been impossible to sweep under the rug, even when the government has a strong grip on the local media. Traditional Venezuelan diplomatic allies are starting to feel uneasy, and the U.S. State Department has put its crosshairs over Venezuela again. New legislation is under discussion in the U.S. Congress to sanction more Venezuelan officials linked to corruption and drug trafficking.

At least two young men have died by tear-gas bombs shot at point blank range to the chest, one of them a 17-year-old. The death toll, a consequence of the crackdown of government security forces on protesters, is well over 30. The violent actions of these officers have been recorded in hundreds of viral videos, where they can be seen shooting tear gas into apartment buildings and ganging up on solitary protesters to beat them down.

A most terrifying episode, this Wednesday, involved a protester being run down by an anti-protest vehicle.

Nights in cities across the country resemble scenes of dystopian horror movies, as pro-government paramilitary groups surround buildings in neighborhoods that protest against Maduro. They are heavily armed and patrol on motorbikes, wearing masks. One of the opposition’s main demands is disbanding and disarming these groups.

The other demands are as critical to the opposition as disbanding the paramilitary: restoring the powers of the National Assembly (parliament); liberating political prisoners like Leopoldo López, who has been held in isolation for more than 30 days and the government was forced to issue a proof of life after rumors that he had died; opening a humanitarian channel for Venezuelans with no access to food and medicine; and holding a general election as soon as possible.

The key issue—holding a general election in 2017—obviously has to do with electing a new president. For that to happen, and for it to have a minimum legal packaging, both Maduro and his vice president would have to resign. The Chavista-controlled supreme tribunal would have to step in and direct the process with a constitutional interpretation that may imply an immediate surrender of power to the opposition (i.e., providing that the president of the parliament hold the presidency and call for an immediate election). Needless to say, it’s a complicated road.

So the constituent assembly route, considering that the last time it involved a new presidential election, may sound tempting to some members of the opposition. Especially when they have flirted with the idea before as a strategy to drive Chavismo out of power.

Legal experts, however, have been clear that Maduro’s call for a constituent assembly is fraudulent, since, according to the constitution Maduro wants to change, the president could only submit an initiative that would have to be voted on by the Venezuelan electorate. Once approved, the process to select the assembly would begin.

While Venezuelans have been waiting for over a year for the elections authority (CNE) to establish a calendar for regional elections that were to be held in December 2016, CNE Chairwoman Tibisay Lucena received the president’s request to activate the formation of the assembly and appeared in a live TV broadcast with him to read the decree. Maduro appointed a presidential commission, composed of his closest allies, to move forward with the process.

After being called out for furthering the coup that began with their attempts to annul the legislature, government spokespeople have been all over the place. While Maduro was clear during his May Day address that only Chavista-affiliated groups would participate in the constituent process, he later [backtracked](http://www.thedailybeast.com/cheats/2017/05/02/venezuela-president-nicol-s-maduro-i-am-no-mussolini), saying it would be a process subject to free and universal elections. Diosdado Cabello, PSUV heavyweight, called it a *mandatory* dialogue. Others have said their intention is not to reset the whole constitution, but just a provision here and a provision there, some quick fixes that Chávez wanted to make and wasn’t able to. If this were the case, the mechanism would not be a constituent assembly but a reform.

In 2007, Chávez proposed just such a reform, which the country rejected in a referendum that was one of the first electoral victories of the opposition. Chávez called it a “victory of shit” and completely disregarded it, eventually reforming the constitution anyway so he could run indefinitely for the presidency.

Even now, experts are debating whether this move was part of a long-running plan to establish soviets and communist rule in Venezuela or a mindless reaction to the pressure brought to bear by the protests—and if it could be the beginning of a conversation that moves toward transition.

Either way, most are turning to the how and the when will this happen, putting aside the why and forgetting the disruptive effect that Chavista strategies have on political turning points.

Chavismo, once again, has changed the conversation. This time, in the midst of the worst humanitarian crisis the country has ever faced, and within the collapse of constitutional institutions.

Sadly, in Venezuela, the constitution is a political pretext, not a foundation to build upon.