

WHEN LAW WATCHES DEMOCRACY DIE: THE LEGAL FARCE OF VENEZUELA’S 2024 ELECTION AND THE PARALYSIS OF INTERNATIONAL LAW ENFORCEMENT AND UNITY

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ABSTRACT

The 2024 Venezuelan presidential election illustrates how authoritarian regimes can undermine democracy while preserving the appearance of constitutional governance. This Article examines the historical and legal developments that culminated in the contested election, analyzes violations of Venezuela's domestic electoral framework and international legal obligations, and evaluates the international response, including sanctions, diplomatic pressure, and multilateral action. It argues that Venezuela exposes a fundamental weakness in international law: although global institutions strongly endorse democratic governance, they lack effective enforcement mechanisms to respond to electoral authoritarianism. The Article concludes by proposing institutional reforms to strengthen international accountability and protect democratic integrity.

DEDICATION

Para todos los venezolanos, con profunda admiración por su resiliencia, esperanza en su futuro y la firme convicción de que la democracia volverá a prevalecer. Y para mi madre, inmigrante costarricense, quien me enseñó que la fortaleza y la determinación pueden convertir los sueños en realidad y dar voz a quienes han sido silenciados.

TABLE OF CONTENTS

ABSTRACT	30
DEDICATION	30
I. INTRODUCTION	31

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II. BACKGROUND: HISTORICAL CONTEXT & GOVERNMENTAL STRUCTURE	34
<i>A. Puntofijismo</i>	35
<i>B. Chavismo</i>	38
<i>C. Maduro</i>	42
III. THE CONTESTED 2024 VENEZUELAN PRESIDENTIAL ELECTION.....	46
IV. INTERNATIONAL IMPLICATIONS	48
<i>A. Diplomatic Measures</i>	48
<i>B. Economic Pressure</i>	50
1. Insufficiency of Sanctions.....	51
<i>C. Military and Coercive Enforcement Mechanisms</i>	52
V. DOMESTIC POLITICAL CRISIS	54
<i>A. Violations</i>	54
1. Constitution.....	54
2. Organic Law on Electoral Processes.....	56
3. Supreme Tribunal.....	57
<i>B. Solutions</i>	59
VI. INTERNATIONAL POLITICAL CRISIS.....	61
<i>A. Violations</i>	61
1. UN Charter.....	61
2. ICCPR.....	63
3. Barbados Agreement.....	65
4. Rome Statute	67
<i>B. Solutions</i>	68
1. UN Actions	68
2. Comparative Lessons from Contested Elections for Democratic Restoration	69
3. Sanctions	73
VI. CONCLUSION	76

I. INTRODUCTION

As the international landscape of governance shifts, many nation-states are experiencing a remodeling of their political system, with twice as many gravitating towards authoritarianism compared to those striving to promote or strengthen democracy.¹ In response, many democratic states recognized the need to reinforce their systems to maintain public support and legitimacy.² A country cannot claim to be a democracy until its citizens are granted full civil rights to elect their representatives³ because the authority of a democratic state's government hinges on the consent of those it governs. Institutions like the United Nations ("UN") General Assembly and the former Commission on Human

¹ INT'L IDEA, THE GLOBAL STATE OF DEMOCRACY 2022: FORGING SOCIAL CONTRACTS IN A TIME OF DISCONTENT 2 (Alistair Scrutton & Seema Shah eds., 2022).

² *Policy Recommendations: Strengthening Democracy*, FREEDOM HOUSE, [https://perma.cc/XN79-TAJZ] (last visited May 31, 2026).

³ Robert A. Dahl, *What Political Institutions Does Large-Scale Democracy Require?*, 120 POL. SCI. Q. 187, 191 (2005).

Rights emphasize that certain rights—such as the right to periodic, free, and fair elections through universal suffrage and secret ballot—are essential to upholding democratic principles and ensuring that elections genuinely reflect the will of the people.⁴ Therefore, states are continuing to promote free and fair elections as a tool to strengthen their democracies and improve the quality of their respective country's governance.⁵ The centrality of free and fair elections is underscored in global election years like 2024, during which over two billion voters across approximately sixty countries were eligible to participate.⁶

The phrase *free and fair election* describes a citizen's right to form their own opinions and vote for any candidate without threat of coercion, violence, or discrimination distorting their free expression.⁷ The democratic right to vote is enshrined in a variety of legal frameworks, both at the national level, such as a state's constitution, and at the international level, such as Article 25 of the International Covenant on Civil and Political Rights ("ICCPR").⁸ Ensuring democratic electoral integrity also mandates that elections are held at regular intervals, use impartial and non-discriminatory procedures, and provide transparency through a public disclosure of results.⁹

The international electoral arena has suffered from a troubling development in recent years, with flawed elections contributing to the decline of global freedom.¹⁰ Arguably, the most pervasive contributing factors to this decline include violence and coercion, denial of political rights and civil liberties, and electoral manipulation.¹¹ The disregard for electoral processes and individual liberties by many nations erodes trust in the system, its rules, and ultimately the legitimacy of democratic structures.¹²

⁴ U.N., *Global Issues Democracy*, <https://www.un.org/en/global-issues/democracy> [<https://perma.cc/D4FQ-9XQA>] (last visited May 31, 2026).

⁵ Daniel Stockemer, *The Internet: An Important Tool to Strengthening Electoral Integrity*, 35 GOV'T. INFO. Q. 43, 43 (2018).

⁶ U.N., *The Role of the United Nations in Ensuring Free and Fair Elections*, (May 29, 2024), <https://unric.org/en/the-role-of-the-united-nations-in-ensuring-free-and-fair-elections/> [<https://perma.cc/RW4Q-5Z9R>].

⁷ Press Release, Human Rights Committee, Human Rights Committee Discusses Free and Fair Elections, U.N. Press Release HR/CT/433 (Oct. 18, 1995).

⁸ International Covenant on Civil and Political Rights, art. 25, Dec. 19, 1966, 999 U.N.T.S. 171 [hereinafter ICCPR]; see, e.g., U.S. CONST. amends. XV, XXVI (guaranteeing that citizens of the U.S. eighteen years or older cannot be denied the right to vote on account of age, race, or color); S. AFR. CONST., 1996, § 19 (enshrining citizens' rights to political participation, regular free elections, and the right of all adult citizens to vote and hold office); CONSTITUIÇÃO FEDERAL [C.F.] [CONSTITUTION] art. 14 (Braz.) (guaranteeing universal, direct, secret suffrage, and the equal value of each vote).

⁹ Inter-Parliamentary Union [IPU], *Declaration on Criteria for Free and Fair Elections*, (Mar. 26, 1994), <https://www.ipu.org/impact/democracy-and-strong-parliaments/ipu-standards/declaration-criteria-free-and-fair-elections>.

¹⁰ *The Mounting Damage of Flawed Elections and Armed Conflict*, FREEDOM HOUSE, <https://freedomhouse.org/report/freedom-world/2024/mounting-damage-flawed-elections-and-armed-conflict> (last visited May 31, 2026) [<https://perma.cc/39EK-3TPQ>].

¹¹ See *id.*

¹² Alberto Fernandez Gibaja, *The Storm That Comes: Information Manipulation of*

The well-documented disruptions of Venezuela's election on July 28, 2024, raise significant questions about democratic integrity and international accountability. This Article presents the outcome of this election as a specific illustration of the ongoing international democratic decline, exploring what domestic and international legal violations transpired and the ramifications, if any, on Venezuela's international standing. In response, this Article will also identify what international law frameworks can be deployed to ameliorate Venezuela's democratic instability.

Section I explores the historical context of Venezuela's transition from a democracy to an authoritarian regime, examining the historical foundations of Puntofijismo, the rise and consolidation of power under Hugo Chávez, and Nicolás Maduro's ascent to leadership, alongside the ensuing economic decline and the humanitarian crisis exacerbated by his government's policies. Section II provides context to understand the political uproar, both nationally and internationally, regarding the 2024 election outcome and the importance of this specific example of a democracy in decline on international law. Section III examines the international implications of Venezuela's contested election, focusing on the global diplomatic and economic response to the Maduro regime. It analyzes international diplomatic and economic pressure, including sanctions imposed by individual countries and the role of the UN Security Council. The section also evaluates international diplomatic and economic support efforts and recent coercive enforcement actions by foreign actors, and their implications for international law and state sovereignty.

Section IV examines Venezuela's electoral conflict through the lens of the *Constitución de la República Bolivariana de Venezuela* ("Venezuelan Constitution") and the *Ley Orgánica de Procesos Electorales* ("Organic Law of Electoral Processes" or "Organic Law"). It first identifies legal violations arising under the Venezuelan Constitution, the Organic Law, and the actions of the Supreme Court, assessing which domestic provisions were adhered to or abandoned and how voters' rights were affected. The section then proposes institutional reforms. Section V evaluates how Venezuela's contested election implicates violations of major international treaties and considers how these breaches contribute to Venezuela's growing political isolation. It then explores proposed international law solutions, emphasizing UN.-led interventions and international observation of electoral processes, with Kenya serving as a comparative illustration of effective external oversight. Finally, Section VI summarizes the article and focuses on international institutions' shortcomings in effectively combating Venezuela's decline in democracy, as well as expectations for intervention in the future.

Electoral Results, IDEA (Dec. 7, 2021), <https://www.idea.int/blog/storm-comes-information-manipulation-electoral-results> [<https://perma.cc/2Z8Z-ARCV>].

II. BACKGROUND: HISTORICAL CONTEXT & GOVERNMENTAL STRUCTURE

Home to the world's largest oil reserves, Venezuela was once among the most prosperous nations in Latin America.¹³ However, decades of substandard governance, including the nationalization of Venezuela's profitable oil industry, has driven this petrostate to recently experience the most significant economic contraction recorded in the Western Hemisphere, pushing the state further into economic and political ruin.¹⁴ In 2014, the oil price dropped from \$100 to under \$30 per barrel in 2016, driven primarily by a global supply glut combined with weaker demand expectations and the Organization of the Petroleum Exporting Countries ("OPEC") deciding to not cut output.¹⁵ This became catastrophic for Venezuela whose currency and economic prosperity hinged on oil exports.¹⁶ The government's aggressively pro-cyclical fiscal strategy over the previous decade left it burdened with significant debt and without adequate financial reserves to absorb economic shocks.¹⁷

¹³ Diana Roy & Amelia Cheatham, *Venezuela: The Rise and Fall of a Petrostate*, CFR (July 31, 2024, 2:55 PM), <https://www.cfr.org/backgrounder/venezuela-crisis> [https://perma.cc/A4QG-763F]; see Jeff Desjardins, *Venezuela was Once Twelve Times Richer Than China. What Happened?*, WORLD ECON. F. (Sept. 12, 2017), <https://www.weforum.org/stories/2017/09/venezuela-was-once-twelve-times-richer-than-china-what-happened/> [https://perma.cc/Q8GG-8F9L] (observing that Venezuela ranked fourth globally in GDP per capita in 1950, at roughly twelve times China's level); Bruno Vendetti, *How Venezuela's Oil Reserves Compare to the Rest of the World*, VISUAL CAPITALIST (Jan. 6, 2026), <https://www.visualcapitalist.com/how-venezuelas-oil-reserves-compare-to-the-rest-of-the-world/> [https://perma.cc/ME66-4CTR] (noting that Venezuela holds the world's largest proven oil reserves, with about 303 billion barrels, more than any other country).

¹⁴ Francisco Rodríguez, *How Sanctions Contributed to Venezuela's Economic Collapse*, GLOB. AMS. (Jan. 9, 2023), <https://globalamericans.org/how-sanctions-contributed-to-venezuelas-economic-collapse/> [https://perma.cc/LF7K-EFPS]; see Sam Zickar, *How Did Venezuela's Economy Collapse?*, NO LABELS (Jan. 9, 2026), <https://nolabels.org/the-latest/how-did-venezuelas-economy-collapse/> [https://perma.cc/2XAX-3KF6] (linking the politicization and mismanagement of Venezuela's nationalized oil sector to sustained production decline); Roy & Cheatham, *supra* note 13 (highlighting Venezuela's economic collapse has been driven by mismanagement and underinvestment).

¹⁵ Roy & Cheatham, *supra* note 13; see Lutz Killian, *Why Did the Price of Oil Fall After June 2014?*, CTR. ECON. POL'Y RSCH. (Feb. 25, 2015), <https://cepr.org/voxeu/columns/why-did-price-oil-fall-after-june-2014> [https://perma.cc/XT4G-C42K] (explaining that analysts attributed the 2014 oil price plunge to positive supply shocks and OPEC's decision to maintain output, coupled with weak demand expectations).

¹⁶ Michelle Carmody, *What Caused Hyperinflation in Venezuela: A Rare Blend of Public Ineptitude and Private Enterprise* (Feb. 5, 2019, 2:10 PM), <https://theconversation.com/what-caused-hyperinflation-in-venezuela-a-rare-blend-of-public-ineptitude-and-private-enterprise-102483> [https://perma.cc/ARP7-PAR8] (noting that by 2014 "[m]ore than 90% of the country's export earnings came from oil.").

¹⁷ Frank Muci, *Why Did Venezuela's Economy Collapse?*, ECON. OBSERVATORY (Sept. 23, 2024), <https://www.economicsobservatory.com/why-did-venezuelas-economy-collapse> [https://perma.cc/MG6Y-SJBM].

To further compound the issue, the United States (“U.S.”) imposed sanctions such as barring oil purchases, prohibiting Venezuela from issuing new debt, and suspending access to government bank accounts.¹⁸ Faced with over \$100 billion in boom-era debt obligations, the government curtailed foreign exchange available for imports at a rate that outpaced the drop in export revenues.¹⁹ According to U.S. Assistant Secretary of State Brian Nichols, the fundamental contributors to the Venezuelan crisis are “the late Hugo Chávez and Nicolás Maduro for [their] mismanagement of the economy, the kleptocracy that they have presided over, and the collapse of the private sector in [the] country.”²⁰ To understand the origins of Venezuela’s contemporary instability, it is necessary to examine the political order that emerged after 1958, when the Pact of Punto Fijo established an elite consensus that would define the country’s institutional trajectory for four decades.²¹

A. *Puntofijismo*

The Pact of Punto Fijo—created after the dictatorship of Marcos Pérez Jiménez in 1958—included an agreement codifying power-sharing arrangements that enabled the distribution of oil revenues regardless of which party won the presidential elections.²² It was signed by Venezuela’s non-communist parties: the Democratic Action Party (“AD”), Social Christian Party (“COPEI”), and Democratic Republican Union (“URD”).²³

The pact was a reaction to Venezuela’s history of electoral difficulties, and the desire to strengthen nascent democratic governance by reducing interparty conflict and discouraging military interference in politics.²⁴ The regime that ruled Venezuela from 1958 to 1999 was based on the Pact of Punto Fijo (also known as “*Puntofijismo*”), which institutionalized elite power-sharing

¹⁸ Rodríguez, *supra* note 14.

¹⁹ Muci, *supra* note 17.

²⁰ JESÚS CHUY GARCÍA, *House Foreign Affairs Full Committee Hearing on the Western Hemisphere*, at 1:25 (YouTube, Feb. 3, 2022), <https://www.youtube.com/watch?v=-9x9g6jTgAY> [<https://perma.cc/FAK3-XS3T>].

²¹ See Wilmer Téllez Acosta & Julia Alcibíades de Morales, *La Representación Discursiva del Riesgo Delictivo en la Prensa Venezolana Durante el Llamado Puntofijismo (1958-1998)* [*The Discursive Representation of Criminal Risk in the Venezuelan Press During the So-Called Puntofijism (1958-1998)*], 30 ESPACIO ABIERTO: CUADERNO VENEZOLANO DE SOCIOLOGÍA 136, 138, 144 (2021) (Venez.).

²² Jennifer L. McCoy, *Latin America’s Imperiled Progress: Chavez and the End of “Partyarchy” in Venezuela*, 10 J. DEMOCRACY 64, 64 (1999); see MIGUEL TINKER SALAS, *VENEZUELA: WHAT EVERYONE NEEDS TO KNOW* 84 (2015).

²³ McCoy, *supra* note 22; see SALAS, *supra* note 22 (identifying Rómulo Betancourt as leader of the AD, Rafael Caldera as leader of the COPEI, and Jóvito Villalba as leader of the URD).

²⁴ HAROLD A. TRINKUNAS, *The 1958 Transition to Democracy in Venezuela: Strategizing Civilian Control*, in CRAFTING CIVILIAN CONTROL OF THE MILITARY IN VENEZUELA: A COMPARATIVE PERSPECTIVE 62, 102-03 (2006); SALAS, *supra* note 22; Anibal Romero, *Venezuela: Democracy Hangs On*, 7 J. DEMOCRACY 30, 30-32, 36 (1996) (explaining that Venezuela transitioned in 1958 from authoritarian military governance to a pact-based but imperfect democracy).

arrangements, known by many “as a government by the ‘Holy Trinity.’”²⁵ Under *Puntofijismo*, Venezuela fashioned a distinctive model of democratic governance in Latin America, one that managed to endure internal insurgencies and absorb the shocks of oil-market volatility.²⁶ Although the nation maintained democratic structures, such as regular elections, it practiced a “restricted form of representative democracy [where] participation was limited to elections in which citizens chose the president and party that would then, in turn, choose the rest of the government officials[.]”²⁷

This illiberal democratic structure allowed Venezuela to withstand the pressures of cycles of expansion and contraction in the oil industry, albeit simultaneously generating a government dominated by the AD and COPEI.²⁸ *Puntofijismo* also expanded the role of the state as the central manager of economic growth, channeling oil income into large public-sector employment and import-substitution industrialization strategies designed to modernize the economy.²⁹ While these policies stimulated short-term growth and urban development, they increased bureaucratic expansion and fiscal dependency on continued high oil revenues.³⁰ Among the many missteps of *Puntofijismo* was the over-reliance on these revenues to meet the demands of primary constituencies to the newly erected hierarchical national organizations, such as development projects and public programs.³¹ Although the national government issued subsidies in an attempt to aid impoverished citizens by providing them with some additional purchasing power, income distribution ultimately remained inequitable.³² Venezuela’s reliance on oil was highlighted in the 1980s when the economy experienced a sharp decline of oil revenues and a massive bill of foreign debt.³³ Insufficient public awareness of the economic state surrounding oil led citizens to blame president Carlos Andrés Pérez (serving his first term in 1974 and second term in 1989) for draining the nation’s “immense

²⁵ SALAS, *supra* note 22, at 24-25.

²⁶ McCoy, *supra* note 22.

²⁷ DAVID SMILDE, *Participation, Politics, and Culture—Emerging Fragments of Venezuela’s Bolivarian Democracy*, in VENEZUELA’S BOLIVARIAN DEMOCRACY: PARTICIPATION, POLITICS, AND CULTURE UNDER CHÁVEZ 3 (David Smilde & Daniel Hellinger eds., 2011).

²⁸ McCoy, *supra* note 22.

²⁹ See *id.* at 64-66.

³⁰ See Michael Coppedge, *Venezuela: The Rise and Fall of Partyarchy*, in 3 *CONSTRUCTING DEMOCRATIC GOVERNANCE: LATIN AMERICA AND THE CARIBBEAN IN THE 1990S* 3, 8, 10 (Jorge I. Domínguez & Abraham F. Lowenthal eds., 1996) (describing how Venezuela’s party system relied on oil-funded patronage and weakened as falling oil prices reduced resources for public spending); Muci, *supra* note 17 (noting that pro-cyclical government spending during oil booms produced large deficits, rising debt, and a lack of savings that left Venezuela fiscally exposed when prices fell).

³¹ McCoy, *supra* note 22, at 64-65.

³² *Id.* at 65; see, e.g., *Anuario Estadístico de América Latina, 1979* [Statistical Yearbook for Latin America, 1979] 23, U.N. Doc. E/CEPAL/G.1125 (reporting that in 1971 roughly 25% of Venezuelan households lived in absolute poverty and 38% in relative poverty).

³³ Roy & Cheatham, *supra* note 13.

wealth,” after he announced that the country was insolvent and in need of fiscal support.³⁴

By the 1990s, Venezuela shifted into a partyocracy—a democracy that focused on party interests rather than those of its citizens.³⁵ President Pérez’s popularity began to dwindle because of his attempts to introduce economic austerity policies,³⁶ which involved removing price and exchange controls, and wage constraints.³⁷ Economic crisis amplified public anger toward an already discredited political class, intensifying social unrest and weakening confidence in the *Puntofijo* system. In February of 1992, Hugo Chávez—a lieutenant colonel in Venezuela’s Army—joined other commanders in an unsuccessful coup attempt to overthrow President Pérez as a response to the supposedly corrupt *Puntofijismo* system.³⁸ Another unsuccessful coup carried out by the Air Force took place in November of 1992 while Chávez was still in jail for his previous coup attempt, however, he recorded a video message of support from inside the prison; all of these events culminated in rioting and attacks on police in neighborhoods surrounding Caracas.³⁹ President Pérez survived both coup attempts, but did not survive public scrutiny and hostility, and thus was impeached in 1993.⁴⁰ Pérez and two ministers were charged with the misappropriation of national funds and embezzling \$17 million.⁴¹

Prior to 1993, there were two traditional parties that would dominate presidential elections and the subsequent distribution of illiberal democratic power: the AD and COPEI.⁴² However, after President Pérez, the two-party system began to give way. Rafael Caldera, one of the original signatories of the Pact of Punto Fijo, ran in the December 1993 presidential election as an independent candidate after splitting from his own party, COPEI.⁴³ He was

³⁴ McCoy, *supra* note 22, at 65.

³⁵ “Holy Trinity” denotes the three dominant Punto Fijo parties (AD, COPEI, and URD), whereas “partyocracy” refers to the system of party dominance that developed under *Puntofijismo*, particularly the AD-COPEI duopoly that came to dominate political representation and state resources; see Susan Ahlborn, *The Venezuelan Crisis, Explained*, PENN TODAY (Feb. 8, 2019), <https://penntoday.upenn.edu/news/venezuelan-crisis-explained> [<https://perma.cc/X94F-TLJU>].

³⁶ Martin Sanchez, *Venezuela’s Chavez and Supporters Celebrated Anniversary of the Feb 4th Rebellion*, VENEZUELANALYSIS (Feb. 6, 2004), <https://venezuelanalysis.com/news/345/> [<https://perma.cc/5BKF-4KYX>].

³⁷ MARK P. SULLIVAN, *VENEZUELA: BACKGROUND AND U.S. RELATIONS* 7 (2014).

³⁸ *Venezuela’s Chavez Era: 1958-2013*, COUNCIL ON FOREIGN REL. (May 1, 2017, 12:00 AM), <https://www.cfr.org/timeline/venezuelas-chavez-era> [<https://perma.cc/2W9K-VKYE>].

³⁹ *Id.*

⁴⁰ McCoy, *supra* note 22, at 65.

⁴¹ Tod Robberson, *Venezuelan Senate Impeaches Perez*, WASH. POST (May 22, 1993), <https://www.washingtonpost.com/archive/politics/1993/05/22/venezuelan-senate-impeaches-perez/0589185a-8e86-424c-91d3-ce40e01e6be6/>.

⁴² McCoy, *supra* note 22, at 66.

⁴³ Jennifer L. McCoy & William C. Smith, *Democratic Disequilibrium in Venezuela*, 37 J. INTERAMERICAN STUD. & WORLD AFF. 113, 138 (1995); Jonathan DiJohn, *The Political Economy of Antipolitics and Social Polarisation in Venezuela, 1998-2004* 10 (Crisis States Rsch. Ctr., Working Paper No. 76, 2005).

supported by a coalition of smaller parties, including the *Movimiento al Socialismo* (Socialist Movement), and governed through his newly created party, *Convergencia Nacional*.⁴⁴ Caldera previously served as president from 1969 to 1974,⁴⁵ and reassumed office in 1994 after winning the election.

Caldera inherited an economy on the brink of collapse, marked by a severe banking crisis and acute fiscal constraints that forced his administration into immediate crisis management.⁴⁶ His first year was dominated by efforts to stabilize the financial system and reconcile promises of social equity with scarce state resources, leading to a mix of interventionist emergency measures and tentative stabilization policies.⁴⁷

Against this backdrop, Caldera advanced the *Apertura Petrolera* (Oil Opening), a policy that expanded foreign participation in Venezuela's oil sector through joint ventures with *Petróleos de Venezuela, S.A.* ("PDVSA"), in an effort to attract capital and modern technology.⁴⁸ While designed to stimulate growth after years of stagnation, the initiative represented a partial retreat from post-nationalization state control and provoked controversy amid fears of creeping privatization and weakened sovereignty over oil resources.⁴⁹ With protests escalating and rumors of coups circulating, a growing segment of the Venezuelan public turned away from Puntofijo parties and toward outsider figures who promised radical change. Among the figures who capitalized on this political climate was Hugo Chávez, who was pardoned by President Caldera, which ironically allowed him to run in the 1998 election under his new political party—*Movimiento Quinta República* ("MVR").⁵⁰ Chávez was able to channel popular frustration into electoral support that carried him to victory in the 1998 presidential election.⁵¹

B. Chavismo

The 1998 election was historic, with Chávez being "the first president elected outside the traditional two-party system that was institutionalized in Venezuela

⁴⁴ Rafael Caldera Rodríguez, BARCELONA CTR. INT'L AFF., <https://www.cidob.org/lideres-politicos/rafael-caldera-rodriguez> [https://perma.cc/XP6C-VDJA] (last visited June 6, 2026).

⁴⁵ *Venezuelan Leader Helped Shape Path to Democracy*, WASH. POST (Dec. 25, 2009, 12:00 AM), <https://www.washingtonpost.com/archive/local/2009/12/25/venezuelan-leader-helped-shape-path-to-democracy/37b1a38f-dcfe-476d-81e3-825b64dda0af/>.

⁴⁶ McCoy & Smith, *supra* note 43, at 139-40.

⁴⁷ *Id.*

⁴⁸ SALAS, *supra* note 22, at 113.

⁴⁹ *Id.*

⁵⁰ *Venezuelan Leader Helped Shape Path to Democracy*, *supra* note 45; see José Honorio Martínez, *El Papel del Movimiento Quinta República en la Recomposición del Régimen Político Venezolano (1998-2000)* [*The Role of the Fifth Republic Movement in the Recomposition of the Venezuelan Political Regime (1998-2000)*], 33 HISTORIA ACTUAL ONLINE 22, 31 (2014) (Colom.).

⁵¹ Guillermo Ramos Flamerich, *Rafael Caldera and the Unclaimed Paternity of Chavismo*, CARACAS CHRONICLES (Feb. 4, 2025), <https://www.caracaschronicles.com/2025/02/04/rafael-caldera-and-the-unclaimed-paternity-of-chavismo/> [https://perma.cc/DEX7-VSU3]; SALAS, *supra* note 22, at 114.

in the 1960s.”⁵² During Chávez’s regime (also known as “*chavismo*” or the “*Chavista*” rule), Venezuela experienced severe democratic backsliding.⁵³ The failure of liberal democracy in Venezuela was demonstrated by substantial increases in income inequality, poverty, repression, and violence.⁵⁴ His dramatic political ascent continued with his development of the Bolivarian Movement that supposedly promoted reconstructing the nation’s democracy and eradicating pervasive corruption.⁵⁵ Between 1999 and 2006, President Chávez ratified a new Constitution weakening the national government’s checks and balances, negatively reformed institutions such as the judiciary and military, and seized control of the government and private media.⁵⁶ “[He] convoked a constituent assembly that declared itself sovereign, displaced the sitting congress . . . [and extended] the presidential term from five to six years and allowed for consecutive reelection.”⁵⁷

President Chávez survived an attempted military coup in 2002, deepening the divide between *Chavistas* and anti-*Chavistas*.⁵⁸ The year after, he seized control of PDVSA, Venezuela’s national oil company, and fired 20,000 high-ranking employees;⁵⁹ this event demonstrated his broader strategy to centralize power, by controlling the state’s most valuable resource.⁶⁰ *Chavismo* was highly

⁵² Trudie Coker, *Dimensions of Democracy in Contemporary Venezuela*, 40 SOC. JUST. 88, 88 (2013).

⁵³ Democratic backsliding occurs when democracies weaken, with the erosion in institutions of liberal democracy and electoral irregularities often playing a significant role in this decline. Javier Corrales, *Democratic Backsliding Through Electoral Irregularities: The Case of Venezuela*, 109 EUR. REV. LATIN AM. & CARIBBEAN STUD. 41, 42 (2020).

⁵⁴ Coker, *supra* note 52; *Wealth Inequality, Venezuela, 1980-2024*, WORLD INEQUALITY DATABASE, <https://wid.world/country/venezuela> [<https://perma.cc/BK46-ACDB>] (last visited June 6, 2026) (by 2012, the top 1% of Venezuelans held approximately 31.7% of national wealth, whereas the bottom half of the population possessed just 3.4%, illustrating the severe concentration of economic resources during the Chávez era).

⁵⁵ McCoy, *supra* note 22, at 66-67.

⁵⁶ James Ausman, *The Devastating Venezuelan Crisis*, 10 SURGICAL NEUROLOGY INT’L 1, 3, 6 (2019); see Nancy Bermeo, *On Democratic Backsliding*, 27 J. DEMOCRACY 5, 13 (2016) (defining democratic backsliding as the state-led weakening of democratic institutions and describing “executive aggrandizement” as elected leaders legally dismantling checks such as courts and media oversight); Christian Houle, *Inequality and Democracy: Why Inequality Harms Consolidation but Does Not Affect Democratization*, 61 WORLD POLITICS 589, 591, 597 (2009) (finding that higher inequality increases the probability of democratic backsliding because elites, facing greater redistributive costs, are more likely to overthrow democratic institutions).

⁵⁷ John M. Carey, *The Reelection Debate in Latin America*, 45 LATIN AM. POL. & SOC’Y 119, 119 (2003).

⁵⁸ Ahlborn, *supra* note 35.

⁵⁹ Robert Rapier, *How Venezuela Ruined Its Oil Industry*, FORBES (May 7, 2017), <https://www.forbes.com/sites/rapierr/2017/05/07/how-venezuela-ruined-its-oil-industry/> [<https://perma.cc/RJ94-5RNN>].

⁶⁰ See Ryan C. Berg, *The Role of the Oil Sector in Venezuela’s Environmental Degradation and Economic Rebuilding*, CTR. STRATEGIC & INT’L STUD. (Oct. 12, 2021), <https://www.csis.org/analysis/role-oil-sector-venezuelas-environmental-degradation-and-economic-rebuilding> [<https://perma.cc/2XWQ-YKKJ>] (describing the post-strike purge of

polarizing, with the poor and working-class citizens supporting his government, while the political elite criticized his socialist policies and authoritarian style of rule.⁶¹

In 2003, the Venezuelan opposition (also known as the *Coordinadora Democrática de Acción Cívica*) reached an agreement with government representatives to trigger the referendum process under existing laws, with support from the Organization of American States (“OAS”), the Carter Center, and the UN Development Programme (“UNDP”).⁶² On August 15, 2004, the Venezuelan opposition activated Article 72 of the Venezuelan Constitution.⁶³ Under Article 72,

All magistrates and other offices filled by popular vote are subject to revocation. Once half of the term of office to which an official has been elected has elapsed, a number of voters constituting at least 20% of the voters registered in the pertinent circumscription may extend a petition for the calling of a referendum to revoke such official’s mandate.⁶⁴

The referendum was administered by the *Consejo Nacional Electoral* (“National Electoral Council” or “CNE”) and employed touchscreen voting machines, with results transmitted directly to the CNE servers in real-time.⁶⁵ Citizens were presented two voting choices: a *sí* (yes) to remove Chávez from office or a no vote to retain him in power.⁶⁶ The referendum was marred by allegations of manipulation, bias, and a lack of transparency, including concerns over the questionable legality of certain conditions, such as restrictions on the number of authorized signature-collection centers and invalidation of over a

PDVSA as part of Chávez’s effort to consolidate executive control over Venezuela’s oil sector).

⁶¹ Derrick O’Keefe, *Hugo Chavez, Undeclared! Why the Rich and Powerful Hated Chavez*, VENEZUELANALYSIS (Mar. 6, 2013), <https://venezuelanalysis.com/analysis/8067/> [<https://perma.cc/3FZC-DXLA>].

⁶² Miriam Kornblith, *The Referendum in Venezuela: Elections Versus Democracy*, 16 J. DEMOCRACY 124, 125 (2005).

⁶³ *Id.* at 124.

⁶⁴ Constitución de la República Bolivariana de Venezuela Dec. 20, 1999, art. 72 (Venez.) [hereinafter *Venezuelan Constitution*].

⁶⁵ Gustavo Delfino & Guillermo Salas, *Analysis of the 2004 Venezuela Referendum: The Official Results Versus the Petition Signatures*, 26 STAT. SCI. 479, 479-80 (2011).

⁶⁶ *Id.* at 480.

million signatures.⁶⁷ Ultimately, Chávez came out victorious, with 5,800,629 (59.10%) no votes and 3,989,008 (40.64%) *sí* votes.⁶⁸

From 2005 to 2013, Chávez provided subsidized oil to several Caribbean and Central American countries via the Petrocaribe initiative.⁶⁹ The goal was to create a regional alliance controlled by Venezuela, using oil as a tool to strengthen its influence, counter U.S. dominance, and provide favorable financial terms to member countries for social and economic development.⁷⁰ However, as Venezuela's oil reserves dwindled, the government's debt more than doubled because of increased reliance on borrowing to finance its massive public spending and social programs.⁷¹ The shift in Chávez's government began with a promise to deepen democracy, particularly through participatory mechanisms, and evolved into 21st century socialism, with more power concentrated in the executive branch.⁷² Chávez's supporters came to view his ability to understand and represent their beliefs as more important than maintaining traditional democratic institutions.⁷³ The Chávez regime illustrated how a democratically elected leader can exploit domestic institutions to marginalize social and political groups, thereby eroding democracy and giving rise to a hybrid regime.⁷⁴ In a national address on December 8, 2012, Chávez acknowledged the seriousness of his two-year fight with cancer and stated that

⁶⁷ Kornblith, *supra* note 62, at 126-28 (noting opposition claims that electoral authorities engaged in arbitrary and retroactive rule changes to obstruct the recall process); *but see* Press Release, Statement of OAS Electoral Observation Mission on Venezuelan Presidential Referendum (Aug. 18, 2004) (on file with OAS) (OAS Electoral Observation Mission stating that the referendum procedures and partial results were compatible with internal verifications and that observers found no evidence of fraud); *Statement Attributable to the Spokesman for the Secretary-General on Venezuela* (Aug. 17, 2004), <https://www.un.org/sg/en/content/former-secretary-general/statements/2004-08-17/statement-attributable-the-spokesman-for-the-secretary-general-venezuela> [<https://perma.cc/YEL2-6BB6>] (UN statement noting that the 2004 recall referendum occurred in a peaceful and orderly manner).

⁶⁸ Delfino & Salas, *supra* note 65, at 481.

⁶⁹ Roy & Cheatham, *supra* note 13. Petrocaribe was a regional trade organization between Venezuela and several Caribbean nation-states, which provided oil in exchange for concessionary financial deals. Petrocaribe had eighteen members by 2013. *See* Rachel Glickhouse, *Explainer: What is Petrocaribe?*, AMS. SOC'Y/COUNCIL AMS. (May 10, 2013), <https://www.as-coa.org/articles/explainer-what-petrocaribe> [<https://perma.cc/77K6-8S7W>].

⁷⁰ Ingrid Arnesen et al., *Venezuela, PetroCaribe, and the "Orgy of Corruption"*, CARIBBEAN INVESTIGATIVE JOURNALISM NETWORK (Dec. 5, 2019), <https://www.cijn.org/venezuela-petrocaribe-and-the-orgy-of-corruption/> [<https://perma.cc/8LAN-X87F>].

⁷¹ *Id.*; REBECCA M. NELSON, CONG. RSCH. SERV., VENEZUELA'S ECONOMIC CRISIS: ISSUES FOR CONGRESS 2-3 (2018).

⁷² SMILDE, *supra* note 27, at 11; MIKE GONZALEZ, HUGO CHÁVEZ 95, 98-99, 106 (2014) (signaling the concentration of fiscal and administrative power in the presidency, with Chávez making "all the day to day decisions" and controlling oil revenues as a "presidential fund").

⁷³ SMILDE, *supra* note 27, at 11.

⁷⁴ JAVIER CORRALES & MICHAEL PENFOLD, DRAGON IN THE TROPICS: VENEZUELA AND THE LEGACY OF HUGO CHÁVEZ 16 (Abraham F. Lowenthal, Theodore J. Piccone, & Laurence Whitehead eds., 2d ed. 2015).

if another presidential election was necessary, his vice president Nicolás Maduro should be appointed to continue his socialist movement.⁷⁵

C. Maduro

Following President Chávez's death in 2013, the National Assembly recognized the "absolute absence" under Article 233 of the Venezuelan Constitution, triggering a constitutionally mandated election by universal suffrage and direct voting be held within thirty consecutive days.⁷⁶ The April 14 election, contested between Nicolás Maduro and Henrique Capriles,⁷⁷ continued the *Chavismo* tradition of utilizing state resources including government funds, state media, and public infrastructure to support Maduro's campaign.⁷⁸ The election served as yet another example of Venezuela's declining democracy; the lack of electoral transparency further entrenched the bias and manipulation that had become characteristic of the political system under Chávez, undermining the fairness of the process.⁷⁹ With a 1.59% margin (234,935 votes), Maduro defeated Capriles,⁸⁰ who urged his followers to voice their anger, which they did by resorting to *guarimbas*—a form of paramilitary political violence used during protests involving street barricades.⁸¹

Chronic shortages of basic foods and medicine continued under Maduro's regime. Despite oil prices remaining high (\$88 per barrel), government fiscal deficits and an authoritarian command-and-control economy restricted private sector access to foreign exchange stifled production and constrained the country's ability to import essential goods.⁸² Maduro furthered Venezuela's descent into a hybrid regime through increasing repression against the opposition by intensifying censorship with economic pressure, forcing

⁷⁵ Larisa Epatko, *Chavez's Chosen Successor: From Bus Driver to Vice President*, PBS (Jan. 10, 2013, 3:20 PM), <https://www.pbs.org/newshour/world/chavez-successor> [<https://perma.cc/96VH-63AW>]; see also Ian James, *Venezuela's Chavez Says Cancer Back, Plans Surgery*, IDAHO PRESS (Dec. 11, 2012), https://www.idahopress.com/news/national/venezuelas-chavez-says-cancer-back-plans-surgery/article_dae78351-bca8-56db-a806-8675a23477ba.html [<https://perma.cc/8KAR-PBLY>].

⁷⁶ Venezuelan Constitution, *supra* note 64, art. 233; CORRALES & PENFOLD, *supra* note 74, at 161.

⁷⁷ MARK P. SULLIVAN, CONG. RSCH. SERV., VENEZUELA: ISSUES FOR CONGRESS, 2013-2016 11 (2017) (noting that after Chávez's death in 2013, acting President Nicolás Maduro narrowly defeated opposition candidate Henrique Capriles of the Democratic Unity Roundtable, also known as the Opposition).

⁷⁸ Margarita López Maya, *Venezuela: The Political Crisis of Post-Chavismo*, 40 SOC. JUST. 68, 68 (2013).

⁷⁹ See *id.*

⁸⁰ Juan Masullo, *Making Sense of "La Salida": Challenging Left-Wing Control in Venezuela*, in GLOBAL DIFFUSION OF PROTEST: RIDING THE PROTEST WAVE IN THE NEOLIBERAL CRISIS 85, 86 (Donatella della Porta ed., 2017).

⁸¹ Steve Ellner, *Venezuela's Fragile Revolution From Chávez to Maduro*, 69 MONTHLY REV. 1, 2 (2017).

⁸² Michael McCarthy, *Venezuela's Crisis: Beyond Economic Explanations: An Interview With Michael McCarthy*, 18 GEO. J. INT'L AFF. 129, 129 (2017).

independent media outlets to sell to *boliburgueses* (pro-government businessmen) and denying foreign currency to newspapers.⁸³

Function fusion has been a defining feature of Venezuela's shift from semi-democracy under Hugo Chávez to full authoritarianism under Nicolás Maduro.⁸⁴ While Chávez transformed state institutions like the PDVSA into multifunctional entities that supported the ruling party and its political agenda, Maduro has expanded this approach across multiple sectors, co-opting the military, civilian groups, the Constituent Assembly, and foreign armed forces to consolidate power, eliminate opposition, and maintain control over the country's political and economic systems.⁸⁵

The democratic decline and humanitarian crisis in Venezuela were not only evident to its citizens but also attracted significant attention from international actors.⁸⁶ The U.S. began imposing incremental sanctions on targeted entities to address the increasing political oppression and corruption that began shortly after Maduro assumed office.⁸⁷ Opposition members and activists began facing targeted currency controls, arbitrary arrests, violence and killings from the government during protests, and ultimately an erosion of human rights guarantees.⁸⁸

In 2016, the opposition once again proposed a recall referendum under Article 72 of the Venezuelan Constitution, seeking to determine whether President Maduro should remain in office, following widespread discontent over the country's deteriorating economic and political condition.⁸⁹ With Maduro's

⁸³ CORRALES & PENFOLD, *supra* note 74, at 180-81.

⁸⁴ Javier Corrales, *Authoritarian Survival: Why Maduro Hasn't Fallen*, 31 J. DEMOCRACY 39, 40-41 (2020) (*Function fusion* is defined as "granting existing institutions the ability to perform a variety of functions traditionally reserved for other institutions.").

⁸⁵ *Id.* at 41.

⁸⁶ U.N. SCOR, 8452d mtg., U.N. Doc. S/PV.8452 (Jan. 26, 2019) (meeting of Security Council including reactions from international actors to democratic decline and humanitarian crisis in Venezuela).

⁸⁷ PRACTICE LAW COMMERCIAL TRANSACTIONS, US SANCTIONS AGAINST VENEZUELA, Westlaw (database updated Jan. 2025), <https://us.practicallaw.thomsonreuters.com/w-019-4205>; Press Release, White House Office of the Press Secretary, FACT SHEET: Venezuela Executive Order (Mar. 9, 2015) (on file with The White House), <https://obamawhitehouse.archives.gov/the-press-office/2015/03/09/fact-sheet-venezuela-executive-order/> [<https://perma.cc/2MQ5-JUB8>]; Exec. Order No. 13692, 31 C.F.R. 591 app. A (2015); see generally U.S. DEP'T OF STATE, *Venezuela-Related Sanctions*, <https://www.state.gov/venezuela-related-sanctions> [<https://perma.cc/7CRM-79JH>].

⁸⁸ Venezuela Defense of Human Rights and Civil Society Act of 2014, Pub. L. No. 113-278, 128 Stat. 3011, 3011-12 (2014) ("Congress makes the following findings . . . (2) The Central Bank of Venezuela and the Government of Venezuela have imposed a series of currency controls that has exacerbated economic problems . . . (5) . . . Human Rights Watch recently stated, 'Under the leadership of President Chávez and now President Maduro, the accumulation of power in the executive branch and the erosion of human rights guarantees have enabled the government to intimidate, censor, and prosecute its critics.'"); ROBERT MENENDEZ, S. REP. NO. 113-175, at 1-2 (113th Cong., 2014).

⁸⁹ *Venezuela Opposition Submits 1.85M Signatures in Recall Effort*, VOA NEWS (May 2, 2016, 9:30 PM), <https://www.voanews.com/a/venezuela-opposition-submits-signatures-recall-effort/3312852.html> [<https://perma.cc/YUJ3-VVFU>]; Venezuelan Constitution, *supra*

popularity dwindling to around 20% in opinion surveys,⁹⁰ he stood little chance of surviving a well-executed, free, and fair recall referendum.⁹¹ The opposition had shown a strong capacity to mobilize voters against him.⁹² Throughout the process, the Maduro government sought to delay the referendum, and eventually “[s]uspended the recall effort after five state-level courts issued rulings alleging fraud in a signature collection drive that had amassed millions of signatures.”⁹³ The 2016 recall referendum further highlighted the failures of Maduro’s presidency, exposing the extent of government corruption and the continued erosion of democracy in Venezuela. OAS Secretary General, Luis Almagro, acknowledged that Maduro’s regime contains many characteristics of a dictatorship including the deprivation of citizens’ rights, ignoring the legislature, and holding political prisoners.⁹⁴

Toward the end of Maduro’s first term, the purchasing power of Venezuelan consumers had declined so drastically that the minimum wage, estimated at just \$7 per month, no longer met the basic living standards, covering only about 4.7% of the cost of the essential food basket.⁹⁵ At the same time, oil prices dropped roughly 60% to around \$35 per barrel.⁹⁶ The drastic erosion of Venezuela’s democratic institutions led to a profound economic and humanitarian crisis, which notably captured the attention of international actors.⁹⁷ The Office of the

note 64.

⁹⁰ Corporación Latinobarómetro, *2018 Wave – Aggregated Version*, BANCO DE DATOS EN LÍNEA (2018), <https://www.latinobarometro.org/latinobarometro-2018> [<https://perma.cc/CR3R-232J>]; Elizabeth Melimopoulos, *Venezuela’s Maduro Wins Presidential Vote Boycotted by Opposition*, AL JAZEERA (May 21, 2018), <https://www.aljazeera.com/news/2018/5/21/venezuelas-maduro-wins-presidential-vote-boycotted-by-opposition> [<https://perma.cc/Z2R2-AK2B>].

⁹¹ Leiv Marsteintredet, *With the Cards Stacked Against You: Challenges to a Negotiated Transition to Democracy in Venezuela*, 109 EUR. REV. LATIN AM. & CARIBBEAN STUD. 87, 91 (2020).

⁹² *Id.*

⁹³ CLARE RIBANDO SEELKE ET AL., CONG. RSCH. SERV., R44841, VENEZUELA: BACKGROUND AND U.S. RELATIONS 6 (2022).

⁹⁴ Press Release, “To Deny the Recall Referendum in Venezuela in 2016 is an Inflection Point”, (Oct. 22, 2016) (on file with OAS), https://www.oas.org/en/media_center/press_release.asp?sCodigo=E-116/16 [<https://perma.cc/XR9J-7CWK>].

⁹⁵ U.N. High Comm’r for Hum. Rts., *Human Rights in the Bolivarian Republic of Venezuela*, at 3, U.N. Doc. A/HRC/41/18 (Oct. 9, 2019) [hereinafter *Human Rights in Venezuela*].

⁹⁶ McCarthy, *supra* note 82.

⁹⁷ U.S. Dep’t of State, Bureau of Democracy, H.R. and Lab., 2016 Country Reports on Human Rights Practices: Venezuela (2016) (noting NGO and other reports outlining violations of person integrity, freedom to participate in politics, and response to international investigations); Rep. of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, U.N. Doc. A/HRC/31/57/Add.1 (2016) (detailing observations on communications from international parties and replies); Amnesty Int’l, *Amnesty International Report 2016/17 – Venezuela* (Feb. 22, 2017), <https://www.refworld.org/reference/annualreport/amnesty/2017/115677> [<https://perma.cc/N94U-94P5>].

High Commissioner for Human Rights (“OHCHR”) “conducted 558 interviews with victims and witnesses of human rights violations.”⁹⁸ The report presented during the UN Human Rights Council’s 41st session urged the establishment of independent investigations into the human rights violations, particularly those committed by state security forces under Maduro’s influence.⁹⁹

As part of the 2018 presidential election, the opposition decided to boycott Maduro’s re-election campaign.¹⁰⁰ Once more, the result was the same: Nicolás Maduro secured a second term as president, despite Venezuela grappling with a historic economic collapse largely attributed to his policies.¹⁰¹ This collapse was characterized by runaway inflation, escalating crime, widespread food insecurity, a deteriorating healthcare system, and a massive exodus of citizens fleeing the country out of fear and economic desperation.¹⁰² Venezuela’s previous voter turnouts had been close to 80%, but was only 46% during the 2018 election, suggesting an effort by Maduro’s government to discourage voter turnout.¹⁰³

The 2024 Corruption Perceptions Index, published by Transparency International, assessed 180 countries and territories based on perceived levels of public sector corruption: Venezuela ranked 10th, near the bottom of the list with Syria and Somalia—two countries that have long been plagued by severe governance failures and widespread corruption.¹⁰⁴

⁹⁸ *Human rights in Venezuela*, *supra* note 95, at 2.

⁹⁹ *Id.* at 16.

¹⁰⁰ Ahlborn, *supra* note 35.

¹⁰¹ William Neuman & Nicholas Casey, *Venezuela Election Won by Maduro Amid Widespread Disillusionment*, N.Y. TIMES (May 20, 2018), <https://www.nytimes.com/2018/05/20/world/americas/venezuela-election.html>.

¹⁰² *Id.*; Rep. by the Office of the United Nations High Commissioner for Human Rights, *Human Rights Violations in the Bolivarian Republic of Venezuela: A Downward Spiral With No End in Sight* (June 1, 2018), https://www.ohchr.org/sites/default/files/Documents/Countries/VE/VenezuelaReport2018_EN.pdf [<https://perma.cc/2UVH-5LRC>] (This report “addresses in particular issues of accountability and access to justice . . . documents human rights violations committed by State authorities . . . including the use of

excessive force . . . new instances of arbitrary detentions, torture and ill-treatment, as well as violations of the rights to the highest attainable standard of health and to adequate food. . . . alleged extrajudicial killings, arbitrary detentions, and torture and ill-treatment . . . The information gathered by OHCHR indicates that human rights violations committed during demonstrations form part of a wider pattern of repression against political dissidents and anyone perceived as opposed, or posing a threat, to the Government.”).

¹⁰³ Clare Ribando Seelke, *Venezuela’s 2018 Presidential Elections*, CONG. RSCH. SERV., IN109-2 (May 24, 2018), <https://www.congress.gov/crs-product/IN10902> [<https://perma.cc/LU99-W6ZS>]; *Venezuela’s 2018 Presidential Elections*, EVERY CRS REPORT (May 18, 2018), <https://www.everycrsreport.com/reports/IN10902.html> [<https://perma.cc/PB5P-6STH>]; U.S. Embassy Tbilisi, *Maduro’s Election Plan: No Participation, No Choice*, U.S. EMBASSY IN GEORGIA (Oct. 18, 2022), <https://ge.usembassy.gov/maduros-election-plan-no-participation-no-choice/> [<https://perma.cc/NQZ7-VMB4>].

¹⁰⁴ TRANSPARENCY INT’L, CORRUPTION PERCEPTIONS INDEX 2024 5, https://www.transparency.de/fileadmin/Redaktion/CPI2024_Report_EN.pdf

Additionally, on March 26, 2020, the U.S. Department of Justice (“DOJ”) announced the indictment of Maduro, along with fourteen current and former regime officials, on drug trafficking charges.¹⁰⁵ While international law typically grants sitting heads of state immunity from prosecution, U.S. Attorney General William Barr stated that Maduro did not qualify for such immunity, as the U.S., along with fifty-seven other countries, did not recognize him as the legitimate president of Venezuela after the contested 2018 election.¹⁰⁶

Over his ten-year kleptocratic rule, Maduro’s policies more than halved Venezuela’s gross domestic product (“GDP”), restricted political freedoms, and drove nearly a fifth of the population—approximately eight million people—to flee the country, resulting in one of the largest modern displacement crises globally.¹⁰⁷ The 2024 election marked one of the first genuinely competitive electoral contests Venezuela had witnessed since the era of Chávez, offering a potential turning point for the country’s political landscape. A victory by the opposition would not only signal the possibility of restoring democratic governance and political stability but also pave the way for significant legal and institutional reforms. As such, the election became a critical event both internationally and domestically, with profound implications for Venezuela’s future and its relationship with the global community.

III. THE CONTESTED 2024 VENEZUELAN PRESIDENTIAL ELECTION

On July 28, 2024, the Venezuelan people were presented with an opportunity to restore their democracy and usher in a new era of political renewal and reform.¹⁰⁸ Over twelve million Venezuelans went to the polls, exercising one of the most fundamental rights in any democracy: the right to vote.¹⁰⁹ By historic margins, they elected former diplomat Edmundo Gonzalez Urrutia as their new President to restore democracy in Venezuela, simultaneously revealing that Maduro lacked both popular legitimacy and credibility with the Venezuelan people.¹¹⁰ However, the vote processing was deeply flawed, and the Maduro-

[<https://perma.cc/CG46-F6DB>] (the Corruption Perceptions Index is the leading global measure of perceived public-sector corruption, ranking 180 countries on a scale from zero (highly corrupt) to 100 (very clean) based on expert and business assessments).

¹⁰⁵ Jean Galbraith, *State Jurisdiction and Immunity: U.S. Department of Justice Indicts Venezuelan Leader Nicolás Maduro on Narcotrafficking Charges*, 114 AM. J. INT’L L. 511, 511 (2020).

¹⁰⁶ *Id.*

¹⁰⁷ Shannon K. O’Neil & Julia Huesa, *Will Maduro Hold on to Power in Venezuela’s 2024 Election?*, COUNCIL ON FOREIGN REL. (July 16, 2024, 1:36 PM), <https://www.cfr.org/expert-brief/will-maduro-hold-power-venezuelas-2024-election> [<https://perma.cc/7K5N-PPF3>].

¹⁰⁸ See Eric Fansworth, *Venezuela’s Lost Year*, J. DEMOCRACY (July 2025), <https://www.journalofdemocracy.org/online-exclusive/venezuelas-lost-year/> [<https://perma.cc/KBG6-EPBU>].

¹⁰⁹ Anthony J. Blinken, *Assessing the Results of Venezuela’s Presidential Election*, U.S. EMBASSY & CONSULATES BRAZ. (Aug. 1, 2024), <https://2021-2025.state.gov/assessing-the-results-of-venezuelas-presidential-election/> [<https://perma.cc/R6RL-WQ3X>].

¹¹⁰ See Anatoly Kurmanaev & Ethan Singer, *Election Results Presented by Venezuela’s*

controlled CNE declared Maduro victorious, despite being unable to provide any supporting evidence¹¹¹ such as the original tally sheets, which were provided in the 2013 and 2018 elections.¹¹² According to the Carter Center, Venezuela's electoral process failed to meet international standards, violated national laws, and was marked by restricted freedoms and bias within the CNE in favor of the incumbent.¹¹³ Some of the recorded violations include arbitrary arrests, excessive force against protesters, unlawful killings, forced disappearances, freedom of expression, and breaches of due process.¹¹⁴

An examination of the domestic political unrest and public dissent surrounding the election requires attention to the internal conditions that have contributed to the ongoing erosion of the rule of law within Venezuela. Since 1995, Venezuela's rule of law, as measured by the Legal Subindex, has significantly weakened, with a drop of over twenty-five points.¹¹⁵ Once above the regional average, the country now ranks below it, reflecting a sharp decline in judicial independence and effectiveness.¹¹⁶ This is the result of the consolidation of a totalitarian regime that has eroded checks on government power, undermined the protection of fundamental rights, weakened both the civil and criminal justice systems, fueled corruption, and fostered insecurity.¹¹⁷ After the election, Urrutia was exiled to Spain, which further highlights the

Opposition Suggest Maduro Lost Decisively, N.Y. TIMES (July 31, 2024), <https://www.nytimes.com/2024/07/31/world/americas/venezuela-maduro-election-results.html> (discussing the opposition's figures which suggest Urrutia beat Maduro by more than thirty percentage points).

¹¹¹ Blinken, *supra* note 109.

¹¹² See Press Statement, Matthew Miller, Department of State Spokesperson, Marking One Month Since Venezuela's Presidential Election (Aug. 29, 2024), <https://2021-2025.state.gov/marking-one-month-since-venezuelas-presidential-election/> [<https://perma.cc/5M7Y-U9ZR>].

¹¹³ *Carter Center Statement on Venezuela Election*, CARTER CTR. (July 30, 2024), <https://www.cartercenter.org/news/pr/2024/venezuela-073024.html> [<https://perma.cc/MXT9-XBRC>].

¹¹⁴ Press Release, U.N. Office of the High Commissioner ("OHCHR"), Venezuela Must Stop Human Rights Violations Following Elections, Say Experts (Sept. 4, 2024), <https://www.ohchr.org/en/press-releases/2024/09/venezuela-must-stop-human-rights-violations-following-elections-say-experts> [<https://perma.cc/7R23-4ZGU>].

¹¹⁵ Sary Levy-Carciente, *Venezuela' 2024 Stolen Election Compounds Challenges to Stability and Democratic Renewal*, ATLANTIC COUNCIL (Jan. 8, 2025), <https://www.atlanticcouncil.org/in-depth-research-reports/books/venezuelas-2024-stolen-election-compounds-challenges-to-stability-and-democratic-renewal/> [<https://perma.cc/QHJ9-5T9D>]. The legal subindex of the Atlantic Council's Freedom and Prosperity Indexes measures adherence to the rule of law, measuring the clarity of the law, judicial independence, pervasiveness of corruption, security/political instability, and informal economic activity. For further clarification about these indexes, see *Freedom and Prosperity Indexes: About*, ATLANTIC COUNCIL, <https://freedom-and-prosperity-indexes.atlanticcouncil.org/about> [<https://perma.cc/EW7Y-CR3G>] (last visited June 8, 2026).

¹¹⁶ Levy-Carciente, *supra* note 115.

¹¹⁷ Julierta Pelcastre, *Rule of Law Virtually Nonexistent in Venezuela and Nicaragua*, DIALOGO AMERICAS (Dec. 14, 2022), <https://dialogo-amicas.com/articles/rule-of-law-virtually-nonexistent-in-venezuela-and-nicaragua/> [<https://perma.cc/H5QD-CVCU>].

government's involvement in shaping outcomes, as it underscores its efforts to silence or remove individuals who challenge its authority.¹¹⁸

There is substantial evidence of violations of both local electoral laws and international standards, severely undermining Venezuelans' right to political participation.¹¹⁹ In one case, leading up to the elections, Maduro made a chilling threat, warning that a "bloodbath" would occur in Venezuela if he were not re-elected, a blatant attempt to intimidate voters and erode the integrity of the democratic process.¹²⁰ Moreover, Maduro's government prevented certain candidates, like opposition leader María Corina Machado, from running, replacing her with Urrutia, while arresting dozens of opposition figures during the campaign.¹²¹ Furthermore, on election day, some voters found that polling stations had been moved without warning—sometimes to neighbouring states—while in historically [*Chavista*] neighbourhoods, there were reports of polling stations being kept open long after the official closing time.¹²² The regime's denial of independent international observers, including the OAS and the European Union ("EU"), is a clear indication of its intent to conceal the truth.¹²³ Collectively, these actions undermined the credibility of the electoral process and triggered a broader political crisis whose consequences would soon reverberate both within Venezuela and across the international community.

IV. INTERNATIONAL IMPLICATIONS

A. Diplomatic Measures

The outcome of the 2024 election has triggered widespread international condemnation and concern, with responses from foreign governments raising significant implications for Venezuela's diplomatic relations. Senior officials from Colombia and Brazil, who have maintained diplomatic ties with Maduro, intensified pressure on the CNE to publish the complete election results and records.¹²⁴ On August 23, the U.S., alongside ten regional partners, issued a joint

¹¹⁸ Benigno Alarcón Deza, *A Hegemonic State Takes Shape in Venezuela*, AMERICAS Q. (Sept. 17, 2024), <https://www.americasquarterly.org/article/a-hegemonic-state-takes-shape-in-venezuela/> [https://perma.cc/KEV8-WZWC].

¹¹⁹ Laura Cristina Dib, *Venezuela: Authoritarianism and Resistance*, WOLA (Jan. 17, 2025), <https://www.wola.org/analysis/venezuela-authoritarianism-and-resistance/> [https://perma.cc/V5VB-ZJGT].

¹²⁰ *HRF Condemns Fraudulent Election Results in Venezuela*, HUM. RTS. FOUND. (July 29, 2024), <https://hrf.org/latest/hrf-condemns-fraudulent-election-results-in-venezuela/> [https://perma.cc/P224-XG5K] [hereinafter *HRF Condemns Fraudulent Election Results*].

¹²¹ Tiago Rogero, *Evidence Shows Venezuela's Election Was Stolen – But Will Maduro Budge?*, THE GUARDIAN (Aug. 6, 2024), <https://www.theguardian.com/world/article/2024/aug/06/venezuela-election-maduro-analysis> [https://perma.cc/NCT2-WCS7].

¹²² *Id.*

¹²³ *HRF Condemns Fraudulent Election Results*, *supra* note 120.

¹²⁴ Laura Cristina Dib, *Explainer: Venezuela's Unfair Election*, WOLA (Aug. 2, 2024), <https://www.wola.org/analysis/explainer-venezuelas-unfair-election/>

statement condemning the *Tribunal Supremo de Justicia's* (“TSJ”) decision to certify the CNE’s claim that Maduro had won.¹²⁵ “Governments including Argentina, Brazil, Canada, Chile, Colombia, Costa Rica, Dominican Republic, the EU, United Kingdom (“UK”), and U.S. refused to recognize the results without evidence.”¹²⁶

U.S. Secretary of State Antony Blinken also noted that regional and international efforts were focused on pressuring Venezuelan authorities to respect human rights and allow the preservation and impartial review of election results.¹²⁷ By contrast, the United Nations’ involvement in the Venezuelan crisis has largely centered on monitoring human rights violations and responding to humanitarian and displacement crises rather than exerting direct diplomatic pressure on the Maduro government.¹²⁸

A separate but closely related layer of scrutiny emerged from multilateral and electoral oversight institutions, which focused primarily on the integrity of the vote tabulation process. The Organization of American States (“OAS”) raised serious concerns regarding the announcement of election results without the publication of detailed tabulated vote counts.¹²⁹ In a statement issued by its General Secretariat, the OAS criticized the CNE for proclaiming Nicolás Maduro the winner based on a partial bulletin issued orally, emphasizing the failure to release these official tally sheets prevented independent verification of the results and significantly undermined public confidence in the electoral process.¹³⁰

[<https://perma.cc/VW8U-NLGD>].

¹²⁵ Tom Phillips, *US and 10 Latin American States Reject Nicolás Maduro's Vote Certification*, THE GUARDIAN (Aug. 23, 2024, 1:46 PM), <https://www.theguardian.com/world/article/2024/aug/23/latin-american-states-and-us-reject-maduro-vote-certification-election-venezuela-supreme-court> [<https://perma.cc/X839-5UA7>].

¹²⁶ Christopher Sabatini, *Venezuela's Stolen Election Encourages the World's Autocracies*, CHATHAM HOUSE (Aug. 1, 2024), <https://www.chathamhouse.org/2024/08/venezuelas-stolen-election-encourages-worlds-autocracies>.

¹²⁷ Antony J. Blinken, U.S. Sec’y of State, Diana Mondino, Argentine Foreign Minister, Remarks at a Ministerial Meeting on Addressing the Urgent Situation in Venezuela (Sept. 26, 2024), <https://2021-2025.state.gov/secretary-antony-j-blinken-and-argentine-foreign-minister-diana-mondino-at-a-ministerial-meeting-on-addressing-the-urgent-situation-in-venezuela/> [<https://perma.cc/N3M9-RHCT>].

¹²⁸ See Beatriz Borges, *The UN's Role in Addressing Venezuela's Crisis*, AMERICAS Q. (Sept. 5, 2024), <https://www.americaquarterly.org/article/the-uns-role-in-addressing-venezuelas-crisis/> [<https://perma.cc/3BPD-Q2Q8>].

¹²⁹ Press Release, OAS General Secretariat Rejects Ruling Issued by Venezuela’s Supreme Court (Aug. 23, 2024) (on file with OAS), https://www.oas.org/en/media_center/press_release.asp?sCodigo=E-056%2F24 [<https://perma.cc/Q23A-R64A>] [hereinafter Secretariat Rejects TSJ Ruling].

¹³⁰ *Id.*; see *Carter Center Statement on Venezuela Election*, CARTER CTR. (July 30, 2024), <https://www.cartercenter.org/news/venezuela-073024> [<https://perma.cc/SR4D-8ALQ>] (agreeing with OAS saying “their efforts were undermined by the CNE’s complete lack of transparency in announcing the results.”).

Regional dynamics further complicated the international response. Within the Caribbean Community (“CARICOM”), member states declined to issue a unified position on the election results, emphasizing that Venezuela is not a member of the organization and that individual states would determine their own diplomatic responses.¹³¹ Nevertheless, several CARICOM governments supported calls for greater transparency and verification of the results, reflecting broader regional concern regarding the credibility of the electoral process.¹³²

B. Economic Pressure

Over two months after the election, the U.S. Department of the Treasury (“USDT”) sanctioned twenty-one individuals linked to Maduro, including leaders from the CNE, the TSJ, and the National Assembly, for obstructing a transparent electoral process and withholding accurate results.¹³³ The USDT has sanctioned more than 180 current and former Venezuelan officials for their role in the country’s crisis, while nearly 2,000 individuals have been flagged for potential visa restrictions under various authorities for undermining democracy, engaging in major corruption, or violating the human rights of the Venezuelan people.¹³⁴ The EU has imposed sanctions on sixty-nine individuals in Venezuela, including asset freezes and travel bans to the EU.¹³⁵ Canada has also implemented sanctions under the Special Economic Measures Act, targeting Venezuelan officials responsible for serious violations of international peace, gross and systematic human rights violations, and significant corruption.¹³⁶

Ahead of the July 2024 election, the U.S. reimposed oil-sector sanctions after previously granting temporary relief, using access to Venezuela’s primary revenue source as leverage to influence the electoral process.¹³⁷ Although this

¹³¹ *CARICOM Says ‘No Division’ on Statement on Venezuela Election Results*, SEARCHLIGHT (Aug. 6, 2024), <https://www.searchlight.vc/press-release/2024/08/06/caricom-says-no-division-statement-venezuela-election-results> [<https://perma.cc/K9TJ-53DQ>].

¹³² *Id.*

¹³³ Press Statement, Antony J. Blinken, U.S. Sec’y of State, U.S. Dep’t of State, Sanctions and Visa Restrictions on Venezuelan Individuals Aligned with Nicolás Maduro (Nov. 27, 2024), <https://2021-2025.state.gov/sanctions-and-visa-restrictions-on-venezuelan-individuals-aligned-with-nicolas-maduro/> [<https://perma.cc/HD6T-GX5T>].

¹³⁴ *Id.*

¹³⁵ *EU Countries Broaden Sanctions Against Venezuela*, REUTERS, Jan. 10, 2025, <https://www.reuters.com/world/europe/eu-countries-broaden-sanctions-against-venezuela-2025-01-10/> [<https://perma.cc/7EWJ-DXNE>].

¹³⁶ *Canadian Sanctions Related to Venezuela*, GOV’T OF CAN., https://www.international.gc.ca/world-monde/international_relations-relations_internationales/sanctions/venezuela.aspx?lang=eng [<https://perma.cc/R383-SYZP>], (last visited June 15, 2026).

¹³⁷ Office of Foreign Assets Control, Gen. License No. 46B, *Authorizing Certain Activities Involving Venezuelan-Origin Oil or Petrochemical Products*, 31 C.F.R. pt. 591 (Mar. 13, 2026), <https://ofac.treasury.gov/media/935196/download?inline> [<https://perma.cc/3RWN-G3S4>]

(revoking broad authorization for transactions in Venezuela’s oil sector and replacing it with a limited wind-down license through May 31, 2024, in advance of the July 2024 presidential election).

conditional approach did not yield a free and fair electoral outcome, the U.S. continued to impose and expand sanctions following the election in an effort to further isolate the Maduro regime.¹³⁸ Taken together, these measures underscore the breadth and persistence of international efforts to exert economic pressure through coordinated international sanctions.¹³⁹ Yet, despite their scope, the continued reliance on sanctions highlights a fundamental tension: while sanctions are intended to coerce compliance, their effectiveness remains limited in a context where the rule of law has already significantly eroded and coercive state control remains entrenched.

1. Insufficiency of Sanctions

Sanctions have become a preferred economic tool of coercion for U.S. policymakers and other international actors to influence global affairs.¹⁴⁰ However, research has shown that efforts to pressure authoritarian regimes into adopting more democratic practices often result in increased authoritarianism and repression.¹⁴¹ Maduro has labeled the sanctioning governments as external enemies, directing public frustration toward them to divert attention from the country's internal struggles.¹⁴² Moreover, sanctions, particularly those imposed by the U.S., have had a devastating impact on the economy, with over five and a half billion dollars of Venezuelan funds frozen in international accounts over the past fifteen years, contributing to critical shortages of food and medical supplies.¹⁴³

In recent years, Iran has shared its expertise with Venezuela by helping it develop strategies to evade international sanctions.¹⁴⁴ Surviving sanctions often requires “black knights”—external allies who provide crucial support to sanctioned regimes, helping to mitigate the economic impact of sanctions and

¹³⁸ See *id.* (maintaining restrictions on transactions involving Venezuela's oil sector, including dealings with PDVSA, absent specific authorization, as part of the U.S.' ongoing sanctions framework following the disputed 2024 election); Clare Ribando Seelke, *Venezuela: Overview of U.S. Sanctions Policy*, CONGRESS.GOV (Jan. 16, 2026), <https://www.congress.gov/crs-product/IF10715> [<https://perma.cc/A68M-VEKZ>].

¹³⁹ See Julieta A. Rabanos, *On Coercion and the (Functions of) Law*, in 149 SANCTIONS: AN ESSENTIAL ELEMENT OF LAW? 13, 14 (Nicoletta Bersier, Christoph Bezemak & Frederick Schauer eds., 2025) (examining the view that coercion is necessary to ensure conformity with legal rules).

¹⁴⁰ ELIZABETH ROSENBERG, JORDAN TAMA & DAVID S. COHEN, STRENGTHENING THE ECONOMIC ARSENAL 1-2 (2019).

¹⁴¹ Cameron Cavanagh, *Venezuela Sanctions: The U.S. Needs to Change its Goals*, GEO. SEC. STUD. REV., <https://gssr.georgetown.edu/the-forum/regions/americas/venezuela-sanctions-the-u-s-needs-to-change-its-goals/> [<https://perma.cc/XYH8-GY2U>] (last visited June 15, 2026).

¹⁴² *Id.*

¹⁴³ Rina Rossi, *US Sanctions are Robbing Venezuelans of Basic Human Rights*, GEO. PUB. POL'Y REV. (July 3, 2023), <https://gppreview.com/2023/07/03/us-sanctions-are-robbing-venezuelans-of-basic-human-rights/> [<https://perma.cc/C26S-ET9B>].

¹⁴⁴ James Bosworth, *Venezuela's Relations with Iran*, in VENEZUELA'S AUTHORITARIAN ALLIES: THE TIES THAT BIND? 200, 202 (Cynthia J. Arnson ed., 2021).

enabling them to survive under pressure.¹⁴⁵ Three of Venezuela's biggest allies—Russia, China, and Iran—have highly contentious relationships with the U.S., marked by a history of conflict, diplomatic standoffs, and ideological differences.¹⁴⁶ Maintaining close ties with U.S. adversaries may prolong Venezuela's geopolitical struggles and the authoritarian regime, as relying on sanctions-busting trade with allies like Russia, China, and Iran does not provide the same economic stability or growth opportunities. These countries are also subject to U.S. sanctions,¹⁴⁷ limiting Venezuela's prospects for economic recovery and potentially pushing it further into black market transactions and opaque financial systems.

Venezuela's alignment with these authoritarian regimes reinforces the perception that it is drifting away from democracy, damaging its international reputation and weakening internal support from both the population and human rights groups. It could be wise for Venezuela to have the U.S. as an ally because it offers military security by keeping threats at a distance due to the country's economic strength, freedom of action in global affairs, favorable trade deals, and access to a dominant market.¹⁴⁸ However, aligning with U.S. adversaries undermines this potential collaboration, further isolating Venezuela and damaging its international standing by reinforcing perceptions of authoritarianism and complicating trade relations with Western powers.

C. Military and Coercive Enforcement Mechanisms

In contrast to the diplomatic and economic tools initially used to address Venezuela's political crisis, the second Trump administration adopted a significantly more aggressive approach involving direct military and coercive enforcement measures. Beginning in 2025, the U.S. expanded its pressure campaign against the Maduro government through maritime interdictions and targeted strikes against vessels allegedly connected to narcotics trafficking networks operating near Venezuela.¹⁴⁹ Since September 2025, U.S. forces

¹⁴⁵ *Id.*

¹⁴⁶ See generally ROBERT D. BLACKWILL & RICHARD FONTAINE, COUNCIL ON FOREIGN REL., NO LIMITS? THE CHINA-RUSSIA RELATIONSHIP AND U.S. FOREIGN POLICY, SPECIAL REPORT NO. 99 (2024); see also Bureau of Near E. Aff., *U.S. Relations With Iran*, U.S. DEP'T OF STATE (Apr. 1, 2022), <https://2021-2025.state.gov/u-s-relations-with-iran/> [<https://perma.cc/LT8T-9YKJ>].

¹⁴⁷ Press Release, U.S. Dep't of Treas., Treasury Disrupts Russia's Sanctions Evasion Schemes (Jan. 15, 2025), <https://home.treasury.gov/news/press-releases/jy2785> [<https://perma.cc/5639-9FPW>] (noting that Russia is adversarial to U.S. interests); see also *Iran Sanctions*, U.S. DEP'T OF STATE, <https://www.state.gov/iran-sanctions/> [<https://perma.cc/ZN64-K7XD>] (last visited June 15, 2026) (noting longstanding U.S. sanctions policy rooted in Iran's 1979 hostage crisis, which marked the beginning of decades of strained relations and legal restrictions on trade and diplomacy).

¹⁴⁸ See Taylor McNeil, *Why the United States is the Only Superpower*, TUFTS NOW (Nov. 21, 2019), <https://now.tufts.edu/2019/11/21/why-united-states-only-superpower> [<https://perma.cc/7DEB-NRN6>].

¹⁴⁹ See Ara Friedman, *The Trump Administration and Venezuela: Michael Shifter Analyzes Maritime Strikes and Possible Regime Change*, GEO. UNIV. SCH. FOREIGN SERV. (Jan. 8, 2026), <https://sfs.georgetown.edu/news/the-trump-administration-and-venezuela-michael->

reportedly carried out more than twenty lethal strikes against vessels in international waters in the Caribbean and eastern Pacific, killing dozens of individuals the administration described as “narco-terrorists” connected to the Venezuelan regime.¹⁵⁰ These operations formed part of a broader strategy to pressure Maduro to resign while expanding U.S. military assets in the Caribbean.¹⁵¹

This pressure campaign culminated on January 3, 2026, when the U.S. launched large-scale strikes against targets in and around Caracas and captured Venezuelan President Nicolás Maduro in a coordinated operation that transferred him to the U.S. to face criminal charges.¹⁵² The operation marked a dramatic escalation from traditional diplomatic and economic measures and sparked significant international debate, with several governments condemning the intervention as a violation of international law while others expressed support or called for restraint.¹⁵³

shifter-analyzes-maritime-strikes-and-possible-regime-change/ [https://perma.cc/2PW9-SNZ3] (describing a U.S. strike on a fishing vessel near Venezuela that killed eleven people and fueled speculation that the administration’s broader strategy aimed at regime change); Ctr. for Preventive Action, *U.S. Confrontation with Venezuela*, COUNCIL ON FOREIGN REL. (Feb. 18, 2026), <https://www.cfr.org/global-conflict-tracker/conflict/instability-venezuela> [https://perma.cc/X5BS-NQPM] (reporting on a U.S. military operation involving large-scale strikes targeting Caracas and surrounding areas as part of escalating pressure on the Maduro government); CLARE RIBANDO SEELKE, CONG. RSCH. SERV., *VENEZUELA AND U.S. MILITARY STRIKES: CONSIDERATIONS FOR CONGRESS 1* (2025) (noting that the U.S. designated the Venezuela-based Cartel de los Soles a Foreign Terrorist Organization and closed Venezuelan airspace as part of an escalating pressure campaign against the Maduro government).

¹⁵⁰ SEELKE, *supra* note 149.

¹⁵¹ See Diana Roy, *The U.S. Military Campaign Targeting Venezuela and Nicolás Maduro: What to Know*, CTR. FOR PREVENTIVE ACTION (Jan. 3, 2026, 10:02 AM), <https://www.cfr.org/articles/operation-southern-spear-us-military-campaign-targeting-venezuela> [https://perma.cc/6ZSM-TD4Y].

¹⁵² Matthew Olay, *Trump Announces U.S. Military’s Capture of Maduro*, U.S. DEP’T OF WAR (Jan. 3, 2026), <https://www.war.gov/News/News-Stories/Article/Article/4370431/trump-announces-us-militarys-capture-of-maduro/> [https://perma.cc/PYD7-HVJM]; see generally Gareth Evans, *Spies, Drones, and Blowtorches: How the US Captured Maduro*, BBC (Jan. 4, 2026), <https://www.bbc.com/news/articles/cdred61epg4o> [https://perma.cc/D4PV-TCE7].

¹⁵³ Stefano Pozzebon, Simone McCarthy & Adam Cancryn, *The US has Captured Venezuelan Leader Maduro. Here’s What to Know*, CNN (Jan. 3, 2026), <https://www.cnn.com/2026/01/03/americas/venezuela-explosions-intl-hnk#:~:text=The%20Trump%20administration%20offered%20a,describes%20as%20a%20criminal%20organization> [https://perma.cc/HF74-R5J9] (UK Prime Minister Keir Starmer stating, “I always say and believe we should all uphold international law[]” and that the UK was uninvolved in the assault; President of the European Commission, Ursula von der Leyen, posting on X that the commission “stand(s) by the people of Venezuela and support(s) a peaceful and democratic transition. Any solution must respect international law and the UN Charter[]”; Cuban President Miguel Diaz Canel calling the attack criminal; Russian Foreign Ministry labelling the event an “act of armed aggression against Venezuela”); *World Reacts to US Strikes on Venezuela*, REUTERS (Jan. 4, 2026, 12:22 PM), <https://www.reuters.com/world/americas/world-reacts-us-strikes-venezuela-2026-01-03/> [https://perma.cc/J8VZ-AT2D] (German Chancellor Friedrich Merz noting the legal

V. DOMESTIC POLITICAL CRISIS

A. Violations

Few presidential and legislative elections can ever be entirely free and fair, largely because the ideal of perfect freedom and fairness is inherently utopian.¹⁵⁴ In assessing an election's levels of fairness, the responsibility falls on the state, as the primary arbiter, and when the state itself commits electoral irregularities without consequence, the sanctity of the entire system is most severely compromised.¹⁵⁵ Unfortunately, the 2024 Venezuelan election was not particularly unique, as there was an expectation that it would reflect the patterns of previous elections, marked by electoral manipulation and irregularities.¹⁵⁶ Against this backdrop, the persistence of electoral irregularities reflects not isolated misconduct, but deeper structural violations embedded within Venezuela's constitutional, statutory, and judicial systems.

1. Constitution

The irregularities surrounding the 2024 election constitute clear violations of multiple provisions of the Venezuelan Constitution, particularly those governing electoral integrity and democratic participation. Article 293 mandates that the CNE ensure transparency and reliability in the electoral process,¹⁵⁷ yet the CNE's failure to produce verifiable tally sheets and its demonstrated bias in favor of the incumbent directly undermined these constitutional guarantees.¹⁵⁸

Similarly, Article 294 requires that electoral bodies operate with independence and autonomy, a safeguard that was effectively nullified by the Maduro government's control over the CNE.¹⁵⁹ In June 2023, just one year

assessment is complex and will apply international law; Spanish Prime Minister Pedro Sanchez saying on X, “Spain did not recognize the Maduro regime. But neither will it recognize an intervention that violates international law and pushes the region toward a horizon of uncertainty and belligerence”; Israeli Prime Minister Benjamin Netanyahu posting, “:Congratulations, President @realDonaldTrump for your bold and historic leadership on behalf of freedom and justice . . .”; Chinese Foreign Ministry saying, “China is deeply shocked and strongly condemns the use of force by the U.S. against a sovereign country . . .”).

¹⁵⁴ Corrales, *supra* note 53, at 45.

¹⁵⁵ *Id.*

¹⁵⁶ Elin Huber, *What Has Changed and What Has Stayed the Same in Venezuela's Presidential Election*, INT'L IDEA (June 11, 2024), <https://www.idea.int/blog/explainer-what-has-changed-and-what-has-stayed-same-venezuelas-presidential-election> [<https://perma.cc/QXS4-LAB2>].

¹⁵⁷ Venezuelan Constitution, *supra* note 64, art. 293.

¹⁵⁸ Press Statement, Antony J. Blinken, U.S. Sec'y of State, U.S. Dep't of State, Assessing the Results of Venezuela's Election (Aug. 2, 2024), <https://ar.usembassy.gov/assessing-the-results-of-venezuelas-presidential-election/> [<https://perma.cc/3XZY-MBPY>]; see also Sol Amaya, Sebastián Jiménez & Jhasua Razo, *After Venezuela's Contested Presidential Vote, Experts Say Government Results are a 'Statistical Improbability'*, CNN (Aug. 9, 2024), <https://www.cnn.com/2024/08/09/americas/venezuela-election-results-experts-improbability-intl-latam> [<https://perma.cc/W3PJ-VN6U>].

¹⁵⁹ Venezuelan Constitution, *supra* note 64, art. 294; Amaya, Jiménez & Razo, *supra* note

before the presidential election, the government-controlled National Assembly moved to replace all fifteen members of the CNE after eight pro-government officials resigned ahead of schedule, and subsequently appointed an eleven-member commission, composed largely of ruling-party affiliates, to oversee the selection of new electoral authorities, effectively consolidating executive influence over the body.¹⁶⁰

These institutional deficiencies were compounded by violations of Article 63, which guarantees the right to free and universal suffrage.¹⁶¹ Reports of voter intimidation, the arbitrary relocation of polling stations, and the suppression of opposition candidates—including the disqualification of María Corina Machado—substantially interfered with Venezuelans' ability to meaningfully exercise their right to vote.¹⁶²

Beyond electoral administration, the events surrounding the 2024 election reflect a broader erosion of constitutional governance and the rule of law. Articles 137 through 139 of the Constitution establish that all exercises of public power must conform to the law and impose accountability for abuses of authority.¹⁶³ However, the government's reliance on detention, the suppression of protests through force, and broader restrictions on political expression reflects a clear departure from these constitutional constraints.¹⁶⁴ In this context, Article 333 is particularly instructive, as it affirms that the Constitution remains binding even when disregarded by those in power.¹⁶⁵ The Maduro government's actions, therefore, represent not merely political misconduct, but a systemic breakdown in adherence to constitutional order, where legal institutions have been instrumentalized to consolidate power rather than to uphold democratic norms.

Finally, the disputed election results raise serious concerns regarding presidential legitimacy under the Constitution. Article 233 provides that in the absence of a legitimately elected president, constitutional mechanisms must be triggered to restore democratic governance.¹⁶⁶ Yet, despite substantial evidence calling into question the validity of the election results, no such corrective measures were undertaken.¹⁶⁷ At the same time, Article 350 recognizes the right

158 (the CNE is government-aligned and therefore a bias electoral authority).

¹⁶⁰ *Venezuela: Increased Threats to Free Elections*, HUM. RTS. WATCH (June 22, 2023, 7:00 AM), <https://www.hrw.org/news/2023/06/22/venezuela-increased-threats-free-elections> [<https://perma.cc/6ABT-XDWQ>].

¹⁶¹ Venezuelan Constitution, *supra* note 64, art. 63.

¹⁶² LETICIA CHACON & CLARE RIBANDO SEELKE, CONG. RSCH. SERV., *VENEZUELA'S 2024 PRESIDENTIAL ELECTION 1-2* (2024); Victor M. Mijares, *Fraud, Miscalculation, and Authoritarian Radicalization in Venezuela's 2024 Election*, 45 *REVISTA CIENCIA POLITICA* [POL. SCI. J.] 373, 376, 383 (2025).

¹⁶³ Venezuelan Constitution, *supra* note 64, arts. 137-139.

¹⁶⁴ *See* Mijares, *supra* note 162, at 386.

¹⁶⁵ Venezuelan Constitution, *supra* note 64, art. 333.

¹⁶⁶ *Id.* at 233.

¹⁶⁷ *See* María Paz Rodríguez Galiano, *Venezuela Supreme Tribunal Confirms President Maduro's Reelection Amid Impartiality Concerns*, JURIST NEWS (Aug. 23, 2024, 2:49 PM), <https://www.jurist.org/news/2024/08/venezuela-supreme-tribunal-confirms-president-maduros-reelection-amid-impartiality-concerns> [<https://perma.cc/4W7R-DMNZ>] (noting

of the Venezuelan people to reject any regime that undermines democratic principles.¹⁶⁸ The widespread protests and public dissent that followed the election can thus be understood not only as political opposition, but as constitutionally grounded resistance to a regime perceived as illegitimate.¹⁶⁹ Taken together, these violations illustrate a profound collapse of Venezuela's constitutional framework, in which the legal structures designed to safeguard democracy have instead been repurposed to entrench authoritarian control.

2. Organic Law on Electoral Processes

The Organic Law on Electoral Processes (the "Electoral Organic Law") is a piece of legislation that regulates Venezuela's electoral system, originally enacted in 1998.¹⁷⁰ The preamble of the law says:

The purpose of this Electoral Processes Law is to generate the conditions within the legal system so that the aspects here reflections achieve their consolidation, that is, an electoral system at the level of the challenges and demands of this democracy, as well as consolidating and maintaining in the time an electoral system that guarantees reliability impartiality, transparency and efficiency of its processes.¹⁷¹

Despite these express commitments, the conduct of the 2024 election reflects a clear departure from the Organic Law's statutory framework. Article 3 reinforces these principles by requiring that electoral processes be governed by transparency, reliability, and impartiality, yet the failure of the CNE to publish disaggregated tally sheets or provide a mechanism for independent verification undermined the reliability of the electoral outcome.¹⁷² Similarly, Articles 142 through 150 mandate that the vote-counting and totalization processes be formally documented through acts reflecting the full scope of voting data.¹⁷³ The absence of verifiable documentation and meaningful public reporting¹⁷⁴ is inconsistent with these requirements--particularly when considered alongside

that the Supreme Tribunal of Justice validated the disputed election results rather than undertaking an independent review despite significant irregularities).

¹⁶⁸ Venezuelan Constitution, *supra* note 64, art. 350.

¹⁶⁹ See Tiziano Breda, *2024 Venezuela Election Protests: Harsher Repression at Home and More Global Reach Than in 2019*, ALCED (Aug. 29, 2024), <https://acleddata.com/brief/2024-venezuela-election-protests-harsher-repression-home-and-more-global-reach-2019> [<https://perma.cc/VCT9-AKN7>]; see also Gianluca Avagnina, *Protests Across Venezuela as Election Dispute Goes On*, BBC News (Aug. 18, 2024), <https://www.bbc.com/news/articles/cgedgqy7x9o> [<https://perma.cc/BT3F-DAFN>].

¹⁷⁰ Ley Orgánica de Procesos Electorales [Organic Law on Electoral Processes], GACETA OFICIAL DE LA REPUBLICA BOLIVARIANA DE VENEZUELA [OFFICIAL GAZETTE OF VENEZUELA], (Aug. 12, 2009) (Venez.), <https://www.asambleanacional.gob.ve/storage/documentos/leyes/ley-organi-20220131131037.pdf> [<https://perma.cc/HVF3-MRPD>] [hereinafter Organic Electoral Law].

¹⁷¹ *Id.* preamble (translated by author).

¹⁷² *Id.* art. 3.; Blinken, *supra* note 158.

¹⁷³ *Id.* arts. 142-50.

¹⁷⁴ Blinken, *supra* note 158.

the Constitution's parallel guarantees of transparency and electoral integrity—rendering the results effectively unverifiable under the law itself.

These deficiencies are further compounded by violations of the Electoral Organic Law's safeguards designed to ensure oversight and confidence in the electoral process. Articles 156 through 158 guarantee the presence of political witnesses and establish audit mechanisms to verify each stage of the election.¹⁷⁵ In practice, opposition representatives are restricted or unable to meaningfully observe and challenge the process, rendering the protections ineffective.¹⁷⁶ Moreover, Article 215 provides that an election may be declared null where fraud, violence, or official action prevents the true will of the electorate from being determined.¹⁷⁷ In light of the irregularities surrounding the 2024 election, the failure to invoke these corrective mechanisms further underscores the extent to which the Electoral Organic Law was not merely violated, but effectively disregarded.

3. Supreme Tribunal

The Tribunal Supremo de Justicia (“TSJ”), through its Constitutional Chamber, serves as the guarantor of the Constitution and is bound to exercise only those powers expressly conferred by Article 336 of the Constitution and applicable law.¹⁷⁸ The Electoral Chamber of the TSJ issued a ruling that unequivocally validated the results announced by the CNE, officially declaring Maduro the winner of the 2024 presidential election.¹⁷⁹ Moreover, the TSJ issued a second ruling on the appeal without assessing its legitimacy and without explaining the technical basis for the authenticity of the CNE's records.¹⁸⁰ The Venezuelan Constitution gives the right of the TSJ to intervene in electoral matters, specifically under Article 366:

The following are functions of the Constitutional Division of the Supreme Tribunal of Justice . . . [To] declare the unconstitutionality of omissions on the part of the municipal, state, national or legislatures, in failing to promulgate rules or measures essential to guaranteeing

¹⁷⁵ Organic Electoral Law, *supra* note 170, arts. 156-58.

¹⁷⁶ See Agence France-Presse, *Concern Grows as Venezuela Blocks Election Observers*, VOA (July 27, 2024, 3:29 AM), <https://www.voanews.com/a/concern-grows-as-venezuela-blocks-election-observers/7715124.html> [<https://perma.cc/KJ96-J69T>]; France Robles, *Venezuelan Election Denounced by International Monitoring Group*, NY TIMES (July 31, 2024), <https://www.nytimes.com/2024/07/31/world/americas/venezuela-election-carter-center-democracy.html>.

¹⁷⁷ Organic Electoral Law, *supra* note 170, art. 170.

¹⁷⁸ Allan R. Brewer-Carías, *El Ilegítimo “Control de Constitucionalidad” de las Sentencias de la Corte Interamericana de Derechos Humanos por Parte la Sala Constitucional del Tribunal Supremo de Justicia de Venezuela: El Caso Leopoldo López vs. Venezuela, Septiembre 2011* [The Illegitimate “Constitutional Control” of the Judgments of the Inter-American Court of Human Rights by the Constitutional Chamber of the Supreme Court of Justice of Venezuela: The Case of Leopoldo López vs. Venezuela, September 2011], 10 ESTUDIOS CONSTITUCIONALES [CONST. STUD.] 575, 575-76 (2011) (Venez.).

¹⁷⁹ Secretariat Rejects TSJ Ruling, *supra* note 129.

¹⁸⁰ *Id.*

compliance with the Constitution, or promulgating it in an incomplete manner; and to establish the time limit and, where necessary, guidelines for correcting the deficiencies [and to] resolve constitutional controversies arising between any of the organs of Public Power.¹⁸¹

Despite possessing this constitutional authority, the TSJ has consistently and unequivocally endorsed Maduro throughout his presidency including the 2024 election, primarily due to the court's absence of judicial independence and impartiality—fundamental attributes that are indispensable to the integrity of any supreme court.¹⁸² However, this cataclysm of independence undoubtedly arose from Chávez's rule.¹⁸³ From 2005 to 2015, not one of the 45,474 decisions of the TSJ ruled against the government.¹⁸⁴

The TSJ's abetment of Maduro's kleptocratic rule has not only violated the Venezuelan Constitution by issuing decisions that enable the consolidation of power and corruption within the executive branch, but has also undermined Venezuela's obligations under organic laws and internationally ratified human rights instruments.¹⁸⁵ This failure extends to the Electoral Organic Law, which mandates transparency, reliability, and impartiality in the administration and verification of electoral results.¹⁸⁶ By validating an electoral process in which disaggregated tally sheets were not published and meaningful verification was absent, the court effectively disregarded the statutory.¹⁸⁷

This conduct also directly violates Article 1 of the Organic Law of the Supreme Tribunal of Justice (the "TSJ Organic Law"), which requires the TSJ to guarantee the supremacy and effectiveness of constitutional norms and to act as the final interpreter ensuring their uniform application.¹⁸⁸ By endorsing election results lacking transparency, evidentiary support, and verifiability, the TSJ failed to ensure the effective application of constitutional guarantees—particularly those requiring free, fair, and transparent elections—and instead upheld a process incompatible with the Constitution itself.

¹⁸¹ Venezuelan Constitution, *supra* note 64, art. 366 (translated by author).

¹⁸² See George Sandeman, *Venezuelan Court Upholds Maduro's Disputed Victory*, BBC (Aug. 22, 2024), <https://www.bbc.com/news/articles/c3w658z4403o> [<https://perma.cc/54K3-9M2S>].

¹⁸³ See Javier Corrales, *El Legalismo Autocrático en Venezuela* [*Autocratic Legalism in Venezuela*], 47 CUADERNOS DE PENSAMIENTO POLÍTICO [J. POL. THOUGHT] 69, 78 (2015) (Venez.).

¹⁸⁴ *Id.*

¹⁸⁵ See Amid Bennis, *The Death of the Autonomous Venezuelan Judiciary*, 51 UNIV. MIAMI INTER-AM. L. REV. 137, 138-39 (2020).

¹⁸⁶ Organic Electoral Law, *supra* note 170, art. 3.

¹⁸⁷ See *id.* arts. 3, 142-150.

¹⁸⁸ Ley Orgánica del Tribunal Supremo de Justicia de la República Bolivariana de Venezuela [Organic Law of the Supreme Tribunal of Justice in Venezuela], GACETA OFICIAL DE LA REPUBLICA BOLIVARIANA DE VENEZUELA [OFFICIAL GAZETTE OF VENEZUELA], Oct. 1, 2010, art.1 (Venez.), https://www.oas.org/juridico/PDFs/mesicic4_ven_ley_trib_sup_just.pdf [<https://perma.cc/7A49-N5CM>].

The TSJ failed to fulfill its fundamental obligation under Article 335 to guarantee the supremacy and effectiveness of the Constitution, as well as its duty under Article 334 to ensure the integrity of constitutional norms.¹⁸⁹ Article 14 of the ICCPR and Article 10 of the Universal Declaration of Human Rights (“UDHR”) guarantee all citizens an equal, fair, and public hearing by an independent and impartial tribunal.¹⁹⁰ Under Article 19 of the Venezuelan Constitution, Venezuela is obligated to uphold human rights protections both under national law and international treaties, ensuring that treaty-based protections, even if broader than those in the Venezuelan Constitution, are guaranteed to the people.¹⁹¹ By validating the election results that lacked transparency and verifiability, the TSJ also undermined Article 5 of the Venezuelan Constitution, which vests sovereignty in the people, and Article 63, which guarantees the right to free, universal, and transparent suffrage.¹⁹² However, before and after the election, Maduro exercised control like a puppet master, using the TSJ’s authority to carry out arbitrary arrests of opponents, human rights defenders, and social leaders based on vague and unfounded accusations, in direct violation of the ICCPR and UDHR.¹⁹³

B. Solutions

While the unconstitutional actions of Maduro’s and Chávez’s regimes have undoubtedly hindered the ability to conduct free and fair elections, one might question whether a more fundamental issue lies within the very structure of the Venezuelan Constitution itself, which enables such electoral misconduct. One of the major issues in the 2024 election was a severe lack of transparency and veracity, particularly the failure to report voting tallies after the polls closed and forgery.¹⁹⁴

The Venezuelan Constitution does not explicitly state that results must be reported directly after the election by the CNE.¹⁹⁵ However, Article 293 states, “Electoral Power organs shall guarantee the equality, reliability, impartiality, transparency and efficiency of electoral processes, as well as implementation of the personalization of suffrage and proportional representation.”¹⁹⁶ Similarly, Article 294 says, “The organs comprising Electoral Power are governed by

¹⁸⁹ Venezuelan Constitution, *supra* note 64, arts. 334-35.

¹⁹⁰ Ratified in 1978 and 1948 respectively. International Covenant on Civil and Political Rights, 999 U.N.T.S. 171, Dec. 16, 1966, art. 14; *see also* G.A. Res. 217 (III) A, Universal Declaration of Human Rights (Dec. 10, 1948), art. 10.

¹⁹¹ Venezuelan Constitution, *supra* note 64, art. 19.

¹⁹² *Id.* arts. 5, 63.

¹⁹³ INTER-AM. COMM’N HUM. RTS., OAS, VENEZUELA: SERIOUS HUMAN RIGHTS VIOLATIONS IN CONNECTION WITH THE ELECTIONS, OEA/Ser.L/V/II Doc. 253/24, at 7 (2024).

¹⁹⁴ *Venezuelan Electoral Official Asserts ‘Lack of Transparency and Veracity’ in Maduro’s Reelection*, US NEWS (Aug. 26, 2024, 8:27 AM), <https://www.usnews.com/news/world/articles/2024-08-26/venezuelan-electoral-official-asserts-lack-of-transparency-and-veracity-in-maduros-re-election> [https://perma.cc/KKS7-N4W4] [hereinafter *Venezuelan Electoral Official*].

¹⁹⁵ *See generally* Venezuelan Constitution, *supra* note 64.

¹⁹⁶ *Id.* art. 293.

principles of organic independence, functional and budgetary autonomy, separation of the electoral organs from the political parties, impartiality and citizen participation, as well as decentralization of electoral administration, transparency and expeditiousness of the voting process and tallying of votes.”¹⁹⁷ The Venezuelan Constitution shifts its focus more on the CNE’s responsibility to manage elections in a fair and transparent way rather than dictating specific timelines for result announcements.

In line with promoting transparency, Article 125 of the Organic Law stipulates that the CNE must order the publication of the results of the electoral process in Venezuela’s *Gaceta Electoral* (“Electoral Gazette”) within thirty days of proclaiming the elected candidate.¹⁹⁸ The Electoral Gazette is published as needed, typically during or after significant electoral events, such as following the 2024 presidential election, when the CNE proclaims the winner.¹⁹⁹ Although this provision requires that the public will have access to official, documented results within thirty days, it does not guarantee prompt transparency or immediate availability of information once a winner is proclaimed.

Although the Venezuelan Constitution and Organic Law do not explicitly require immediate publication of results, there is broad consensus among international governments and electoral observers that Venezuela should have disclosed detailed election data, namely the paper vote tallies, right away.²⁰⁰ This is based on the view that the right of the Venezuelan people to engage in free and fair elections inherently includes the obligation of ensuring transparency, which involves the immediate public disclosure of all tally sheet results, especially for contemporary democratic elections.²⁰¹

Transparency is a challenge for all democratic nations, and in the case of Venezuela there are certain simple measures that could be enacted to strengthen its electoral process. Even though this transparency is often assumed as inherent, Venezuela could amend its Organic Law to explicitly mandate the immediate publication of vote tallies once they are counted, establishing a clear timeline for their release and specifying the format for disclosure to ensure accessibility for all citizens. Alternatively, a legislative change could include provisions for investing in secure digital platforms that enable the real-time sharing of vote tallies, ensuring immediate access to the data while also enhancing the accuracy and security of the disclosed information. While a seemingly minor legislative adjustment, such a change could play a crucial role in preventing authoritarian

¹⁹⁷ *Id.* art. 294.

¹⁹⁸ *Id.* art. 125.

¹⁹⁹ *See id.* art. 21.

²⁰⁰ *See Venezuelan Lawyer Olga Álvarez: “Whoever Alleges Fraud Has to Prove it”*, PEOPLES DISPATCH (Aug. 9, 2024), <https://peoplesdispatch.org/2024/08/09/venezuelan-lawyer-olga-alvarez-whoever-alleges-fraud-has-to-prove-it/> [<https://perma.cc/3D2S-B9HD>].

²⁰¹ *See Venezuela Presidential Election: International Organizations Call on Authorities to Guarantee Transparency*, CEJIL (July 30, 2024), <https://cejil.org/comunicado-de-prensa/venezuela-presidential-election-international-organizations-call-on-authorities-to-guarantee-transparency/> [<https://perma.cc/72MF-PCF3>].

leaders from withholding transparency and ensuring the integrity of justice in elections.

Finally, meaningful reform must address the structural deficiencies of the TSJ, whose lack of independence has been central to the erosion of Venezuela's electoral integrity.²⁰² Any reform effort should prioritize the depoliticization of judicial appointments by establishing transparent, merit-based selection procedures insulated from executive and legislative control. This could include the creation of an independent judicial nominations commission composed of representatives from civil society, academia, and the legal profession, rather than political actors. Additionally, implementing fixed, non-renewable terms with strict enforcement—consistent with existing constitutional provisions—would help prevent the entrenchment of politically aligned judges. Strengthening procedural safeguards is equally critical: the TSJ should be required to issue fully reasoned decisions, particularly in electoral disputes, and to provide public access to the evidentiary basis underlying its rulings. Finally, mechanisms for judicial accountability—such as independent review bodies or international monitoring—should be introduced to ensure compliance with both domestic law and international human rights standards. Without restoring judicial independence and credibility, even the most robust constitutional or statutory reforms will remain ineffective in guaranteeing free and fair elections.²⁰³

VI. INTERNATIONAL POLITICAL CRISIS

A. Violations

1. UN Charter

The United Nations was founded through the Charter of the UN (the “Charter”) and the Statute of the International Court of Justice (“ICJ”).²⁰⁴ The Charter was signed in 1945 by representatives from fifty-one countries, including Venezuela, which signed on June 26 and later ratified the document on November 15.²⁰⁵ Membership is ““open to all peace-loving States that accept the obligations contained in the [UN] Charter and, in the judgment of the Organization, are able to carry out these obligations[.]””²⁰⁶

²⁰² See *How Independent is Venezuela's Supreme Tribunal of Justice?*, CARACAS CHRONICLES (Aug. 19, 2024), <https://www.caracaschronicles.com/2024/08/19/how-independent-is-venezuelas-supreme-tribunal-of-justice/> [https://perma.cc/XHA7-YAGF] (explaining that decades of political capture have transformed the TSJ into a de facto arm of the executive, undermining judicial independence and contributing to Venezuela's broader institutional erosion).

²⁰³ See RAMIRO ORIAS A., *DUE PROCESS OF LAW FOUND., TRANSITION OF THE VENEZUELAN JUSTICE SYSTEM* 4 (2020) (noting that democratic transition depends on restoring an independent and impartial judiciary capable of upholding the rule of law).

²⁰⁴ *UN Membership*, U.N., <https://research.un.org/en/unmembers/founders> [https://perma.cc/4BAV-UZSH] (last visited June 21, 2026).

²⁰⁵ *Id.*

²⁰⁶ *About UN Membership*, U.N., <https://www.un.org/en/about-us/about-un-membership>

Article 1 of the Charter outlines the purposes of the UN, including the promotion of respect for human rights and fundamental freedoms.²⁰⁷ However, several impartial international organizations, such as the Inter-American Commission on Human Rights, have released reports highlighting the severe and systematic human rights violations observed during the electoral process in Venezuela in 2024, in direct violation of the Charter.²⁰⁸ For example, national terrorism was employed to prevent opposition participation, undermining a free, fair, and transparent election process while instilling fear in citizens.²⁰⁹ The government manipulated election results to declare Nicolás Maduro the winner, using tactics like halting data transmission, mobilizing paramilitary groups, and carrying out “Operation Tun Tun,” which led to numerous murders, forced disappearances, arbitrary detentions, torture, and violations of judicial guarantees and freedom of expression.²¹⁰

In addition to Article 1, Articles 55 and 56 of the Charter impose affirmative obligations on Member States to promote universal respect for human rights and fundamental freedoms.²¹¹ The systematic repression of opposition figures, arbitrary detention of civilians, suppression of electoral participation, and the exclusion of independent international observers directly contravene these commitments.²¹² Moreover, the manipulation of election results and the absence of a transparent process are inconsistent with the principle of good faith under Article 2(2), while simultaneously undermining the foundational notion that governmental authority must reflect the will of the people.²¹³ Taken together, these actions demonstrate has clearly disregarded not only the Charter but also other international agreements it has ratified, such as the ICCPR and the American Convention on Human Rights.²¹⁴

[<https://perma.cc/E9JG-67L5>] (last visited June 21, 2026).

²⁰⁷ U.N. Charter art. 1, ¶ 3.

²⁰⁸ See INTER-AM. COMM’N HUM. RTS., *supra* note 193, at 7-8.

²⁰⁹ *Id.* at 7.

²¹⁰ *Id.* at 8; *Venezuela’s National Guard Linked to Killings, Torture, and Repression, UN Probe Finds*, U.N. (Dec. 11, 2025), <https://news.un.org/en/story/2025/12/1166565> [<https://perma.cc/9TJV-J2W5>] (Operation Tun Tun were “raids that sought to target and criminalize opponents through unfounded accusations of terrorism or incitement to hatred.”).

²¹¹ U.N. Charter arts. 1, 55-56.

²¹² CHACON & SEELKE, *supra* note 162, at 1; Mijares, *supra* note 162, at 377, 383.

²¹³ U.N. Charter art. 2.; see generally Javier Corrales & Dorothy Kronick, *How Maduro Stole Venezuela’s Vote*, 36 J. DEMOCRACY 36 (2025).

²¹⁴ See Status Table of American Convention on Human Rights “Pact of San Jose, Costa Rica” (B-32), OAS (Nov. 22, 1969), https://www.oas.org/dil/treaties_b-32_american_convention_on_human_rights_sign.htm [<https://perma.cc/JJ8G-NKBU>]; see also U.N. Treaty Body Database, *Status Table of Ratification of International Covenant on Civil and Political Rights*, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CCPR&Lang=e [<https://perma.cc/43N3-4E57>].

2. ICCPR

The ICCPR emphasizes fundamental civil and political rights, including the right to peaceful assembly, the right to freedom of expression and the right to participate in public affairs and electoral rights.²¹⁵ The definition of each of these rights or freedoms establishes the scope of protection granted to individuals, making it crucial to define them clearly before examining Venezuela's violations. The term "peaceful assembly" is not explicitly defined in International Human Rights Law treaties, nor is it commonly defined in national constitutional texts.²¹⁶ However, the Human Rights Committee ("HRC") provided a comprehensive interpretation in its General Comment No. 37 (2020).²¹⁷ According to the HRC, the right to peaceful assembly safeguards the non-violent gathering of individuals for specific purposes, primarily expressive ones.²¹⁸ It is an individual right exercised collectively, obligating States to permit such assemblies without unjust interference, facilitate the right's exercise, and protect participants; even if individuals act outside the scope of this protection, such as engaging in violence, they still retain other rights under the ICCPR, subject to applicable limitations.²¹⁹

Freedom of expression is a broad concept that includes a range of interconnected rights, such as the freedom of opinion, speech, press, information, association, assembly, thought, conscience, belief, and religion.²²⁰ While these rights can be categorized into distinct groups—expression, association, assembly, and thought—real-life cases often involve multiple aspects of these rights simultaneously.²²¹ Following the 2024 election, thousands of demonstrators took to the streets, exercising their fundamental rights to peaceful assembly and freedom of expression.²²² Over 1,350 individuals were arbitrarily detained nationwide, without any procedural safeguards, while more than twenty protestors tragically lost their lives during the peaceful demonstrations.²²³ Since the elections, peaceful protests have consistently been met with reports of the systematic use of enforced disappearances and arbitrary detention by state authorities, intended to suppress dissent.²²⁴ These actions

²¹⁵ ICCPR, *supra* note 8, arts. 19, 21, 25.

²¹⁶ Yuval Shany, *The Definition of Peaceful Assembly*, in THE OXFORD HANDBOOK OF PEACEFUL ASSEMBLY 201, 201 (2024).

²¹⁷ *Id.* at 201-02.

²¹⁸ Hum. Rts. Comm., General Comment No. 37 (2020) on the Right of Peaceful Assembly (Article 21), U.N. Doc CCPR/C/GC/37 (2020).

²¹⁹ *Id.* at 2.

²²⁰ See generally Mark J. Richards, *Freedom of Expression*, in OXFORD BIBLIOGRAPHIES IN INTERNATIONAL LAW (2023).

²²¹ *Id.*

²²² *Venezuela: We Condemn the Systematic Repression by the Government Against Human Rights Defenders and Demonstrators*, WOLA (Aug. 14, 2024), <https://www.wola.org/2024/08/venezuela-condemn-systematic-repression-government-against-human-rights-defenders-demonstrators/> [https://perma.cc/2XAM-2YJH].

²²³ *Id.*

²²⁴ Press Release, OHCHR, Venezuela Must Respect Right to Peaceful Protest and Democratic Dissent as New Presidential Term Begins: UN Experts, U.N. (Jan. 10, 2025),

flagrantly violate ICCPR Article 21, which protects the right to peaceful assembly, and Article 19, which safeguards the right to freedom of expression.²²⁵ Human rights defenders and their families are currently at grave risk of detention, disappearance, torture, or even death, prompting international organizations to call for urgent global action to halt Maduro's ongoing repression.²²⁶

Article 25 of the ICCPR encompasses two key aspects: the right to participate in public affairs and electoral rights.²²⁷ The first concerns universal and equal suffrage, ensuring the right to vote and be elected, as well as the ability to engage in public debate and influence decision-making, particularly for minorities; the second addresses equal access to public service employment under non-discriminatory terms.²²⁸ According to the HRC General Comment 25 (1996), under Article 25 periodic elections must be held at reasonable intervals to ensure government accountability, with laws guaranteeing voter rights, accessible and inclusive registration, protections against interference, coercion, or exclusion, and strict enforcement of penalties for any abuses in the electoral process.²²⁹

The 2024 election was marred by egregious violations of Article 25, including the systemic disenfranchisement of over seven million Venezuelans in exile.²³⁰ Despite six and a half million being eligible, only 69,000 were registered, and just two days before the election, the regime engaged in strategic voter suppression by abruptly closing the border with Colombia, preventing three million refugees from returning to vote.²³¹ Moreover, the TSJ upheld a fifteen year ban on opposition leader María Machado, citing alleged financial irregularities and support of U.S. sanctions, effectively undermining credible elections and blocking the main challenger to President Maduro.²³² This came a few months after Machado won a landslide victory with over 93% of the primary

<https://www.ohchr.org/en/press-releases/2025/01/venezuela-must-respect-right-peaceful-protest-and-democratic-dissent-new> [https://perma.cc/C3NY-LDS7].

²²⁵ ICCPR, *supra* note 8, arts. 19, 21.

²²⁶ *Civil Rights Defenders Call for Global Action as Maduro's Regime Escalates Repression*, CIV. RTS. DEFENDERS (Jan. 10, 2025, 1:37 PM), <https://crd.org/2025/01/10/civil-rights-defenders-call-for-global-action-as-maduros-regime-escalates-repression/> [https://perma.cc/Z722-3MPD].

²²⁷ PAUL M. TAYLOR, A COMMENTARY ON THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS: THE UN HUMAN RIGHTS COMMITTEE'S MONITORING OF ICCPR RIGHTS 693 (2020).

²²⁸ *Id.*

²²⁹ Hum. Rts. Comm., 'General comment No. 25 (1996) of the International Covenant on Civil and Political Rights, U.N. Doc. CCPR/C/21/Rev.1/Add.7, at 4 (1996).

²³⁰ HRF *Condemns Fraudulent Election Results*, *supra* note 120.

²³¹ *Id.*

²³² Genevieve Glatky & Isayen Herrera, *Venezuela's Highest Court Bars Opposition Leader From Running for President*, N.Y. TIMES (Jan. 26, 2024), <https://www.nytimes.com/2024/01/26/world/americas/venezuela-presidential-election-opposition.html>; *see also Faced With an Election Ban, Venezuela Opposition Leader Names Alternate*, AL JAZEERA (Mar. 22, 2024), <https://www.aljazeera.com/news/2024/3/22/faced-with-an-election-ban-venezuela-opposition-leader-names-alternate> [https://perma.cc/WX6Q-LNJR].

vote, securing her position as the leading opposition candidate against Maduro, with approximately two and a half million Venezuelans participating in the election.²³³ Machado's fifteen year disqualification, without a transparent legal process, constitutes arbitrary disenfranchisement, undermining fair political competition and violating Article 25 by obstructing the electorate's ability to freely choose a candidate who decisively won the primary vote.

3. Barbados Agreement

Building on the violations of the ICCPR discussed above, Venezuela's conduct during the 2024 electoral process also constituted a direct breach of the Partial Agreement on the Promotion of Political Rights and Electoral Guarantees for All ("Barbados Agreement" or the "Agreement"), signed in October 2023 between the Venezuelan government and the opposition, with the involvement of external actors like the U.S. and EU.²³⁴ The Barbados Agreement did not operate as a purely political understanding; rather, it established specific, enumerated electoral guarantees that bound the parties to create conditions for a free and competitive presidential election.²³⁵ For Venezuela, the stakes were high, as recognition of the results by the U.S., EU, and Latin American nations could have ended the U.S. "maximum pressure" strategy, which had worsened the humanitarian crisis and fueled mass migration.²³⁶ In exchange for Venezuela's commitment to free and fair elections in 2024, the Biden administration negotiated a deal to remove all sanctions on the PDVSA.²³⁷

The Barbados Agreement's core provision recognized the right of each political actor to freely select its candidate, thereby guaranteeing unfettered candidate selection by political actors.²³⁸ Venezuela violated this provision by disqualifying opposition leader María Corina Machado.²³⁹ By affirming her

²³³ *Faced With an Election Ban*, *supra* note 232.

²³⁴ Supplemental Memorandum in Support of Petition for Certiorari at 1-2, PDVSA US Litigation Trust v. Lukoil Pan Americas LLC, (2023) (No. 22-1209), https://www.supremecourt.gov/DocketPDF/22/22-1209/285741/20231020180550818_22-1209_Supplemental%20Brief.pdf [<https://perma.cc/A47L-7GY3>] [hereinafter Petition for Certiorari] (noting the memorandum was filed with the 11th Cir. and petition was denied); Acuerdo Parcial Sobre la Promoción de Derechos Políticos y Garantías Electorales Para Todos [Partial Agreement on the Promotion of Political Rights and Electoral Guarantees for All], GACETA OFICIAL DE LA REPÚBLICA BOLIVARIANA DE VENEZUELA No. 42.738 (Oct. 19, 2023) (Venez.), <https://historico.tsj.gob.ve/gaceta/octubre/19102023/19102023-6915.pdf#page=2> [hereinafter Barbados Agreement].

²³⁵ See Barbados Agreement, *supra* note 234; *Barbados Deal Sets Venezuela on a Rocky Path to Competitive Polls*, INT'L CRISIS GRP. (Oct. 20, 2023), <https://www.crisisgroup.org/latin-america-caribbean/andes/venezuela/barbados-deal-sets-venezuela-rocky-path-competitive-polls> [<https://perma.cc/J5XD-JCGW>].

²³⁶ *Id.*

²³⁷ Petition for Certiorari, *supra* note 234.

²³⁸ Barbados Agreement, *supra* note 234.

²³⁹ Press Release, Matthew Miller, Dep't. Spokesperson, U.S. Dep't. of State, Venezuelan Supreme Court Rulings and the Barbados Agreement (Jan. 27, 2024), <https://2021-2025.state.gov/venezuelan-supreme-court-rulings-and-the-barbados-agreement/> [<https://perma.cc/YG34-MVLM>].

disqualification through the STJ without providing adequate notice of allegations or an opportunity to respond, the government not only denied procedural fairness, but also nullified the Agreement's central guarantee of political participation.²⁴⁰ Because the freedom to select candidates functioned as a threshold condition for electoral competition, this violation alone undermined the integrity of the electoral process contemplated by the Agreement.

Venezuela also breached its obligations under the Agreement, which mandated the updating of the Permanent Electoral Registry and the facilitation of voter registration abroad, subject only to limitations grounded in the Constitution and applicable law.²⁴¹ By obstructing voter registration and participation for Venezuelans living abroad, the government failed to implement a core electoral guarantee and effectively restricted the electorate in a manner inconsistent with the Agreement's express terms.²⁴² Given the scale of Venezuela's diaspora, this exclusion materially affected the representativeness of the election and contradicted the Agreement's objective of inclusive participation. The Agreement also required the invitation of international electoral observation missions, including the European Union, UN, and Carter Center.²⁴³ Despite this requirement, the Maduro government revoked the European Union's invitation shortly before the election,²⁴⁴ directly undermining a core transparency mechanism and eroding confidence in the electoral process. Additionally, Venezuela failed to comply with the Agreement's requirement that the State ensure balanced and equal access to media.²⁴⁵ Taken together, these actions established a pattern of systematic noncompliance with the Barbados Agreement's operative guarantees, amounting to cumulative violations that defeated its object and purpose.

²⁴⁰ Barbados Agreement, *supra* note 234.

²⁴¹ *Id.*

²⁴² See ALL THINGS CONSIDERED: *In Venezuela, the Maduro Regime is Making it Difficult for Many People to Vote* (NPR, Apr. 12, 2024), <https://www.npr.org/2024/04/12/1244509045/in-venezuela-the-maduro-regime-is-making-it-difficult-for-many-people-to-vote> [<https://perma.cc/3FTY-7EL6>] (noting only 2% of Venezuelans have been able to register to vote and highlighting that because the U.S. does not recognize the Maduro regime, consulates are closed and migrants cannot vote from the U.S.); Barbados Agreement, *supra* note 234.

²⁴³ Barbados Agreement, *supra* note 234.

²⁴⁴ Regina Garcia Cano, *Venezuela Revokes Invitation for European Union Mission to Observe Presidential Election in July*, AP NEWS (May 20, 2024, 10:07 AM), <https://apnews.com/article/venezuela-election-european-union-electoral-observers-maduro-5e05e255f0b67bf9f476aa7a1b889016> [<https://perma.cc/NA8L-AM98>]; Vivian Sequera, *Venezuela Revokes Invitation to EU Election Observers for Presidential Vote*, REUTERS (May 28, 2024, 9:09 PM), <https://www.reuters.com/world/americas/venezuela-revokes-invitation-eu-election-observers-during-july-presidential-vote-2024-05-28/> [<https://perma.cc/4R8Q-HJFM>].

²⁴⁵ Barbados Agreement, *supra* note 234; see *Carter Center Statement on Venezuela Election*, THE CARTER CENTER (July 30, 2024), <https://www.cartercenter.org/news/venezuela-073024/> [<https://perma.cc/79C5-RMHW>];

4. Rome Statute

As of 2024, Venezuela ranks 149th out of 179 in the Fragile States Index by the Fund for Peace, which assesses a country's vulnerability to collapse using twelve conflict indicators, such as economic decline, brain drain, state legitimacy, and external intervention.²⁴⁶ This instability raises concerns under international law, prompting scrutiny from bodies like the UN and the International Criminal Court ("ICC"). On September 27, 2018, six parties to the Rome Statute—Argentina, Canada, Colombia, Chile, Paraguay, and Peru—referred the situation in Venezuela to the ICC prosecutor requesting an investigation into alleged crimes against humanity in Venezuela.²⁴⁷ Over six years later, the ICC Office of the Prosecutor received a further referral on the problems in Venezuela from Ecuador, highlighting the gravity of the situation.²⁴⁸ Since Venezuela ratified the Rome Statute in 2000, it agreed to the ICC's jurisdiction over crimes against humanity from the statute's effective date, allowing the ICC to prosecute such crimes in Venezuela from July 1, 2002, onward.²⁴⁹

Although the ICC's investigation remains ongoing, concerns about the adequacy of accountability have persisted. Erika Guevara-Rosas, Senior Director at Amnesty International, warned that:

Prosecutor Karim Khan's silence in the face of the crisis in Venezuela is alarming. His office has witnessed the deaths of dozens of people at the hands of security forces and pro-government armed groups, as well as the arbitrary detention of more than 2,000 people in a matter of days, just for opposing or being perceived to oppose Nicolás Maduro's government. On top of that, we've seen attacks, threats and the stigmatization of human rights defenders and civil society organizations that expose the government's arbitrary actions, and who look to the Office of the Prosecutor as a last resort for justice.²⁵⁰

Despite the passage of several years since the initial referral and the opening of a formal investigation, the ICC has yet to produce concrete enforcement outcomes, such as indictments or arrest warrants, in the Venezuela situation.²⁵¹

²⁴⁶ Anna Fleck, *International Reports Highlight a Dire Situation in Venezuela*, STATISTICA (Sept. 4, 2024), <https://www.statista.com/chart/32977/venezuela-on-international-indices/> [<https://perma.cc/EL2P-NZHG>].

²⁴⁷ *Venezuela I*, INT'L CRIM. CT., <https://www.icc-cpi.int/venezuela-i> [<https://perma.cc/8YSJ-K6VG>] (last visited June 27, 2026).

²⁴⁸ Letter from Daniel Noboa Azín, Const. President of Ecuador, to Karim A.A. Khan, ICC Prosecutor, No. T445-SGJ-24-0467 (Dec. 19, 2024), <https://www.icc-cpi.int/sites/default/files/2025-01/2025-01-09-venezuela-I-referral-ecuador.pdf> [<https://perma.cc/2DMW-UPBF>].

²⁴⁹ *Venezuelan Electoral Official*, *supra* note 194.

²⁵⁰ *Venezuela: Scale and Gravity of Ongoing Crimes Demand Urgent Actions From ICC Prosecutor*, AMNESTY INT'L (Aug. 9, 2024), <https://www.amnesty.org/en/latest/news/2024/08/venezuela-crimes-demand-urgent-action-icc-prosecutor/> [<https://perma.cc/ZJE2-X9XM>].

²⁵¹ See Paola Molano Ayala & Paula Andrea Valencia Cortés, *Justice in Tension: the Role*

This delay has heightened concerns about the effectiveness of international accountability mechanisms, particularly as patterns of repression continued through the 2024 presidential election and its aftermath.

B. Solutions

1. UN Actions

Over the past six years, the UN has issued over 2,000 reports and recommendations from various bodies.²⁵² However, decisive action against Maduro has been hindered, as certain measures would likely be blocked by vetoes in the Security Council, where Russia and China wield significant influence.²⁵³

If Venezuela's international standing continues to worsen, the nation will become economically weakened and politically marginalized. This will exacerbate the financial crisis as the bolívar (official Venezuelan currency) loses value, driving up unemployment and increasing poverty. In turn, these economic hardships may fuel social unrest and potentially violent uprisings against the government, ultimately weakening state control and pushing the country toward chaos.

One option for the UN could be the deployment of an independent electoral verification mission with a broad mandate to oversee human rights and the political transition.²⁵⁴ This mission would align with the UN's role in providing electoral assistance, which occurs at the request of Member States or when mandated by the Security Council or General Assembly.²⁵⁵ Following a needs assessment by the Electoral Assistance Division ("EAD") and approval from the Focal Point, the UN can undertake a variety of electoral support activities.²⁵⁶

Beyond observation, the UN could also provide comprehensive technical electoral assistance, supporting voter registration systems, election administration, and post-election auditing mechanisms to help align Venezuela's processes with international standards and restore institutional credibility. Additionally, expanding and strengthening the mandate of the UN's Independent International Fact-Finding Mission on Venezuela would enhance accountability by improving evidence collection, preserving documentation of human rights abuses, and supporting coordination with international legal bodies such as the ICC.

of the ICC in Venezuela's Repression, DEJUSTICIA (Nov. 8, 2024), <https://www.dejusticia.org/en/justice-in-tension-the-role-of-the-icc-in-venezuelas-repression/> [https://perma.cc/8AHZ-XC3U].

²⁵² Borges, *supra* note 128.

²⁵³ *Id.*

²⁵⁴ *Id.*

²⁵⁵ Electoral Assistance Division, UN Electoral Assistance: Supervision, Observation, Panels and Certification, at 3, U.N. Doc. FP/01/2013 (Jan. 17, 2013), https://dppa.un.org/sites/default/files/ead_pd_un_ea_-_supervision_observation_panels_and_certification_20130117_e.pdf [https://perma.cc/R2KN-4BXH].

²⁵⁶ *Id.*

In light of continued deadlock within the Security Council, the UN General Assembly could also invoke the “Uniting for Peace” framework²⁵⁷ to recommend collective measures when the Council is unable to act due to veto power, thereby enabling coordinated international responses despite political gridlock.

Diplomatic isolation is equally crucial in supporting the restoration of democracy in Venezuela. This effort must involve recognizing Urrutia as the president-elect while reinforcing that stance by barring Maduro and his representatives from international forums, ultimately denying them any form of legitimacy.²⁵⁸ Regrettably, Venezuelan authorities have opted to cut the number of accredited diplomatic staff from several Member States in Caracas.²⁵⁹ Such actions further diminish opportunities for dialogue and cooperation, worsen Venezuela’s international isolation, and strains diplomatic ties with the EU and its Member States.²⁶⁰

2. Comparative Lessons from Contested Elections for Democratic Restoration

Although Venezuela’s restructuring of its political system and the outcome of the 2024 election are profoundly formidable events, contested elections are becoming increasingly common on the international stage.²⁶¹ Between 2020-2024, approximately twenty percent of global elections experienced disputes over their results by the losing party or candidate.²⁶² Given that Venezuela’s situation is not unique, conducting a comparative analysis of how other countries have responded to contested elections can help uncover potential strategies to help restore democracy in Venezuela.

Nicaragua, a close geographic and political neighbor to Venezuela, experienced a contested presidential election in 2021, when Daniel Ortega secured a fourth consecutive term in office.²⁶³ Abstention rates exceeded eighty

²⁵⁷ See generally Michael Ramsden, “Uniting for Peace” and Humanitarian Intervention: The Authorising Function of the U.N. General Assembly, 25 WASH. INT’L L.J. 267 (2016) (authorizing the General Assembly to recommend collective measures in response to Security Council paralysis).

²⁵⁸ Carl Meacham, Robert Funk, & Scott Brasesco, *How the International Community Can Help Save Venezuela*, THE HILL (Aug. 1, 2024, 11:30 AM), <https://thehill.com/opinion/international/4803622-how-the-international-community-can-help-save-venezuela/> [https://perma.cc/DAD9-S985].

²⁵⁹ Press Release, Delegation of EU to Chile, Venezuela: Statement by the Spokesperson on Recent Decisions by the Venezuelan Authorities (Jan. 15, 2025), https://www.eeas.europa.eu/delegations/chile/venezuela-statement-spokesperson-recent-decisions-venezuelan-authorities_en [https://perma.cc/C9AV-6FNL].

²⁶⁰ *Id.*

²⁶¹ *Credibility of Elections Under Threat Worldwide*, IDEA (Sept. 17, 2024), <https://www.idea.int/news/credibility-elections-under-threat-worldwide> [https://perma.cc/N7GN-2AFK].

²⁶² *Id.*

²⁶³ *Biden Signs Bill Urging Nicaragua Sanctions After Contested Vote*, AL JAZEERA (Nov. 10, 2021), <https://www.aljazeera.com/news/2021/11/10/biden-signs-bill-urging-more->

percent, as many citizens feared leaving their homes to vote due to the government's crackdown, which resulted in the detention of half a dozen likely presidential contenders ahead of the election as well as hundreds of protesters.²⁶⁴ Similar to Venezuela's 2024 election, Nicaragua's 2021 election was labeled a pantomime and deemed neither free nor fair by the U.S., UK, Spain, Costa Rica, and several other nations.²⁶⁵ Meanwhile, countries like Cuba, Venezuela, and Russia unsurprisingly extended their support to President Ortega as they have a history of aligning politically in their maintenance of authoritarian regimes and resisting Western influence.²⁶⁶

As of September 2022, the U.S. Department of Treasury sanctioned forty-seven Nicaraguan individuals and eleven entities, including key government figures and their associates, while imposing visa restrictions on over 270 individuals involved in supporting the regime's assault on democracy.²⁶⁷ This, along with Canada's imposition of sanctions under the Special Economic Measures (Nicaragua) Regulations, mirrors the response of international actors to Venezuela's 2024 election.²⁶⁸ The Renacer Act came into effect in November 2021, urging a coordinated strategy between the U.S., EU, and Canada on sanctions policy toward Nicaragua, along with closer scrutiny of international financial assistance to the country.²⁶⁹ However, there has been "[a] continued failure of international powers and institutions to act strongly, and in unison, sends a clear signal to other aspiring elected autocrats and the countries which back them . . . that political alliances forged by deals, not ideals, can ultimately triumph."²⁷⁰

Even though international action has not worked so far in removing President Ortega from office, he and his wife Rosario Murillo are seventy-eight and

sanctions-on-nicaragua-after-vote [<https://perma.cc/ZAG9-67MN>].

²⁶⁴ Caitlin Hu, Natalie Gallón & Mia Alberti, *Ortega Wins Again in Nicaraguan Elections Panned as 'Parody' by International Observers*, CNN (Nov. 8, 2021), <https://www.cnn.com/2021/11/07/americas/nicaragua-election-nov-7-intl-latam/index.html> [<https://perma.cc/5DDV-39GM>].

²⁶⁵ See *Nicaragua vote: Ortega Tightens Grip on Power in 'Pantomime Election'*, BBC (Nov. 9, 2021), <https://www.bbc.com/news/world-latin-america-59202881> [<https://perma.cc/D85W-ZAFU>].

²⁶⁶ See *id.*

²⁶⁷ Bureau of W. Hemisphere Affs., U.S. Relations with Nicaragua, U.S. DEP'T OF STATE (Sept. 15, 2022), <https://www.state.gov/u-s-relations-with-nicaragua/> [<https://perma.cc/6KKF-LZ6C>].

²⁶⁸ Global Affairs Canada, *Canada Imposes Third Round of Sanctions in Response to Ongoing Human Rights Violations in Nicaragua*, GOV'T OF CAN. (Nov. 15, 2021), <https://www.canada.ca/en/global-affairs/news/2021/11/canada-imposes-third-round-of-sanctions-in-response-to-ongoing-human-rights-violations-in-nicaragua.html> [<https://perma.cc/R4CU-AUZV>].

²⁶⁹ Reinforcing Nicaragua's Adherence to Conditions for Electoral Reform Act of 2021, Pub. L. No. 117-54, 135 Stat. 413, 414-17 (2021).

²⁷⁰ Christopher Sabatini & Bianca Jagger, *Nicaragua Chronicle is of a Democracy's Death Foretold*, CHATHAM HOUSE (Dec. 21, 2021), <https://www.chathamhouse.org/2021/11/nicaragua-chronicle-democracys-death-foretold> [<https://perma.cc/7QL6-23HG>].

seventy-three respectively, making the Ortega dictatorship appear increasingly precarious.²⁷¹ Moreover, the pair have isolated themselves, leading to a decline in their popularity, a shrinkage of the inner circle, and the multiplication of enemies, making a smooth succession by their son Laureano increasingly improbable.²⁷² Maduro, at sixty-two, is still relatively young, but he faces similar challenges of losing support, particularly within the military. Middle-ranking officers are increasingly feeling the pressure of everyday hardships, rather than benefiting from the privileges of power, and their frustration is steadily growing.²⁷³ As international sanctions continue to target Venezuelan oil exports, Maduro's financial resources will gradually dwindle, weakening his ability to maintain loyalty among the military and shrinking the flow of money into the pockets of his top generals.²⁷⁴ Without the support of the military, he will be in a dicey position, as the military is debatably the cornerstone of his power.

Another example of a recent contested election is the 2013 presidential election in Kenya, a country known for its serious institutional problems. To provide some context, Kenya adopted a new Constitution in August 2010 to address the issues stemming from the violent aftermath of the 2007 presidential election.²⁷⁵ The Kenyan Constitution aimed to decentralize the power of the executive and formally guarantee social and economic rights for women and marginalized communities.²⁷⁶ The Carter Center—the only international nongovernmental observer group invited to participate in Kenya's election—stated in their final report that “[although] the 2013 elections were intensely competitive, political leaders of all major factions and their followers demonstrated a collective self-restraint to ensure that the process remained peaceful and in accord with the provisions of the new constitution.”²⁷⁷ The speculation of electoral fraud emanated from the Independent Electoral and Boundaries Commission (“IEBC”) of Kenya's last-minute decision to include rejected votes in the total count of votes cast, based on their interpretation of “votes cast” in Article 138(4) of the Kenyan Constitution.²⁷⁸ There was also petitioning that the electoral process was not conducted in accordance with the

²⁷¹ Max Granger, *Is Nicaragua's Dictatorship Nearing Its End?*, FOREIGN POL'Y (Aug. 25, 2024, 6:00 AM), <https://foreignpolicy.com/2024/08/25/nicaragua-ortega-murillo-dictatorship-fsln-repression/> [https://perma.cc/C2FQ-GZVD].

²⁷² *Id.*

²⁷³ Will Freeman, *Venezuela's President Nicolás Maduro Could Lose a Landslide Election. But Will it Matter?*, L.A. TIMES (July 22, 2024, 6:00 AM), <https://www.latimes.com/opinion/story/2024-07-22/la-venezuela-election-nicolas-maduro-maria-corina-machado-border-immigration> [https://perma.cc/4R5L-CZ6S].

²⁷⁴ *Id.*

²⁷⁵ Eric Kramon & Daniel N. Posner, *Kenya's New Constitution*, 22 J. DEMOCRACY 89, 89 (2011).

²⁷⁶ *Id.*

²⁷⁷ THE CARTER CENTER, OBSERVING KENYA'S MARCH 2013 NATIONAL ELECTIONS FINAL REPORT 3 (2013), <https://cartercentee50c07c05.blob.core.windows.net/blobcartercentee50c07c05/wp-content/uploads/2025/09/kenya-final-101613.pdf> [https://perma.cc/Z24J-NRW3].

²⁷⁸ *Id.* at 53.

Kenyan Constitution and the electoral laws.²⁷⁹ Three petitions were filed at the Supreme Court of Kenya to contest the 2013 election, which were later consolidated into a single petition; however, after hearings, the Court unanimously upheld the election results.²⁸⁰ Although the Carter Center provided a detailed assessment of the election, they ultimately concluded that it was relatively peaceful and well-organized, largely meeting the requirements set out in the new Kenyan Constitution's electoral framework, while also highlighting areas for improvement.

Unlike Venezuela, Kenya's decision to allow international observation is a significant step toward ensuring transparency and credibility in its electoral process. Moreover, the peaceful transfer of power following the 2013 election marked a pivotal moment in the country's democratic development. The new Venezuelan Constitution has been used for consolidating executive power and justifying authoritarian measures, while the new Kenyan Constitution has been used for decentralizing power and protecting women and marginalized communities' rights. If the international community can find a way to convince Venezuela to allow international observation, this may help improve the transparency and credibility of its electoral process in the future to eventually begin the shift back to democracy.

Unfortunately, Kenya's progress toward strengthening its democracy was hindered in the 2017 presidential election, which was plagued by violence, electoral irregularities, and a petition contesting the results.²⁸¹ Key concerns centered on poll-rigging, which escalated after the murder of Chris Msando, the official in charge of the electronic vote-tallying system.²⁸²

The petitioners in the petition aver that the [IEBC], conducted the election so badly that it failed to comply with the governing principles established under Articles 1, 2, 4, 10, 38, 81, 82, 86, 88, 138, 140, 163, and 249 of the Constitution of Kenya and the Elections Act (No. 24 of 2011).²⁸³

Specifically, Raila Odinga (1st Petitioner) claimed that results were transmitted to national counting centers before official declaration forms were

²⁷⁹ Teddy J.O. Musiga, *Raila Odinga and Others v Independent Electoral and Boundaries Commission and Others* [2013] KLR-SCK Petition No.5 of 2013 & No. 1 of 2017, 2 SAIPAR CASE REV. 9, 11 (2019).

²⁸⁰ *Id.*

²⁸¹ THE CARTER CENTER, KENYA 2017 GENERAL AND PRESIDENTIAL ELECTIONS FINAL REPORT 4-5 (2017), <https://cartercentee50c07c05.blob.core.windows.net/blobcartercentee50c07c05/wp-content/uploads/2018/03/kenya-2017-final-election-report.pdf> [https://perma.cc/RUA6-BLCZ].

²⁸² Tom Kelsey, *Kenyan Presidential election 2017: Why is There a Re-Run?*, HC LIBR. (Sept. 14, 2017), <https://commonslibrary.parliament.uk/kenyan-presidential-election-2017-why-is-there-a-re-run/> [https://perma.cc/9A3Z-H7LB].

²⁸³ Odinga v. Indep. Electoral & Boundaries Comm'n & Others Presidential Petition, Presidential Petition No. 1 of 2017 (Sup. Ct. Kenya) (Sept. 1, 2017), at 3, available at Election Judgments, <https://electionjudgments.org/api/files/156095716547442qsez6nhjy.pdf> [https://perma.cc/A76Q-LHXP].

available, with some forms missing altogether.²⁸⁴ *Raila v. IEBC* is a landmark case where the Kenyan Supreme Court, by a four-to-two vote, nullified the presidential election for not complying with the Constitution, ordering a re-run.²⁸⁵

Although the 2017 election was a significant setback for Kenya's democratic progress, the Supreme Court's independence in overturning the results due to clear electoral irregularities is commendable and serves as a clear model for what Venezuela should aspire to achieve. In the 2024 election, it was unsurprising that the TSJ ruled to uphold Maduro's presidency, given that all the judges have ties to *Chavismo*.²⁸⁶ The judicial branch is not intended to be subservient to the executive, but to act as a safeguard, protecting individuals from those who seek to exploit the state's monopoly on force in order to evade accountability.²⁸⁷ Power must be wrestled from Maduro and his inner circle to restore the independence of the National Assembly and, ultimately, the TSJ. This is crucial for paving the way toward a democratic future in Venezuela, where should another disputed election occur, the TSJ would have the authority and independence to follow the example of Kenya's Supreme Court and declare a fraudulent election null and void.

3. Sanctions

The HRC has condemned the systemic erosion of judicial independence in Venezuela, highlighting political interference, impunity, and human rights abuses that obstruct free and fair elections.²⁸⁸ With some violations potentially amounting to crimes against humanity, these actions not only threaten Venezuela's democratic integrity but also carry significant international implications, affecting diplomatic relations, sanctions policies, and regional stability.²⁸⁹ For example, in response to these violations, President Donald Trump announced in 2025 the termination of a U.S. government permit that had allowed Chevron to extract and sell Venezuelan oil.²⁹⁰ An estimate suggests that Maduro's government gained approximately four billion dollars from the permit,

²⁸⁴ Kelsey, *supra* note 282.

²⁸⁵ O'Brien Kaaba, *Raila Amolo Odinga and Another v Independent Electoral and Boundaries Commission and Others Presidential Petition No. 1 of 2017*, 1 SAIPAR CASE REV. 8, 8 (2018).

²⁸⁶ *Venezuela's Supreme Court, a Tribunal That Dispenses Justice Tailored to Nicolás Maduro's Needs*, EL PAÍS (Aug. 23, 2024, 6:55 AM), <https://english.elpais.com/international/2024-08-23/venezuelas-supreme-court-a-tribunal-that-dispenses-justice-tailored-to-nicolas-maduros-needs.html> [https://perma.cc/LP89-GCK7].

²⁸⁷ Bennaim, *supra* note 185, at 151.

²⁸⁸ Human Rights Council Res., U.N. Doc. A/HRC/51/29, at 1-4 (Oct. 7, 2022).

²⁸⁹ *Id.*

²⁹⁰ *Trump Cuts Financial Lifeline for Venezuela by Ending Permit to Export Oil to U.S.*, NPR (Feb. 27, 2025, 1:07 AM), <https://www.npr.org/2025/02/27/nx-s1-5311377/venezuela-oil-trump-chevron> [https://perma.cc/6JQT-DW84].

accounting for a quarter of Venezuela's annual oil production.²⁹¹ Thus, this policy change is cutting off a key economic lifeline for the country.

Recent developments also reflect a shift toward more conditional and dynamic sanctions policy, particularly in the energy sector.²⁹² While earlier measures imposed broad restrictions on Venezuela's oil exports,²⁹³ more recent approaches have tied sanctions relief to measurable democratic benchmarks, such as electoral transparency and political participation. The reimposition of restrictions following the 2024 election signals a return to pressure-based strategies, while also highlighting the limits of conditional engagement when compliance is not sustained.

During the 2020 Biden administration, the U.S. increased pressure by sanctioning 2,000 individuals, as well as increasing the bounties on Maduro's arrest.²⁹⁴ It is meaningful to distinguish between broad sectoral sanctions and targeted individual sanctions, as they function like a scalpel versus a sledgehammer—one offering precision, while the other delivers a widespread impact with potentially more severe consequences. Initially, sanctions were imposed on countries accused of various offenses, including supporting terrorism and violating human rights.²⁹⁵ However, broad sanctions often have unintended consequences, disproportionately harming the general population rather than those directly responsible for specific actions or policies.²⁹⁶ This has led the U.S. and other international policymakers to err on the side of caution about augmenting current oil and financial sanctions.²⁹⁷ Thus, policymakers try to employ targeted individual sanctions, such as freezing assets, restricting financial transactions, imposing travel bans, and implementing trade restrictions.²⁹⁸ These measures are often combined with diplomatic efforts to encourage policy changes while minimizing harm to the general population.

²⁹¹ *Id.*

²⁹² See OFAC Authorizes Certain Venezuelan Oil Sector Activities Following Venezuelan Reform, HOLLAND & KNIGHT (Feb. 4, 2026), <https://www.hklaw.com/en/insights/publications/2026/02/ofac-authorizes-certain-venezuelan-oil-sector-activities> [<https://perma.cc/9HB6-PCJR>].

²⁹³ See Tom Bestand & Lindsey Ware Dieselman, *OFAC Revokes General Authorization for Venezuelan Oil and Gas Sector But Permits Limited Wind-Down Transactions*, PAUL HASTINGS (Apr. 26, 2024), <https://www.paulhastings.com/insights/client-alerts/ofac-revokes-general-authorization-for-venezuelan-oil-and-gas-sector-but> [<https://perma.cc/69FZ-RGP4>].

²⁹⁴ *What the World Can do About Maduro*, ATL. COUNCIL (Jan. 10, 2025), <https://www.atlanticcouncil.org/blogs/new-atlanticist/what-the-world-can-do-about-maduro/>.

²⁹⁵ Julian Lanchès, *ICCT Snapshot: What are Sanctions?*, INT'L CTR. COUNTER-TERRORISM (July 26, 2024), <https://icct.nl/publication/icct-snapshot-what-are-sanctions> [<https://perma.cc/9BAM-N4DF>].

²⁹⁶ *Id.*

²⁹⁷ Geoff Ramsey & Lucie Kneip, *Recalibrating the Use of Individual Sanctions in Venezuela*, ATL. COUNCIL (Jan. 8, 2025), <https://www.atlanticcouncil.org/in-depth-research-reports/issue-brief/recalibrating-the-use-of-individual-sanctions-in-venezuela/> [<https://perma.cc/F5NG-7LMT>].

²⁹⁸ Lanchès, *supra* note 295.

This distinction underscores a broader strategic dilemma: while targeted sanctions are normatively preferable due to their reduced humanitarian impact, they often lack the immediate economic leverage of broader measures. As a result, policymakers must balance effectiveness against ethical considerations, particularly in contexts like Venezuela where economic collapse has already imposed severe burdens on the civilian population.

The first Trump administration imposed sectoral sanctions on Venezuela's oil industry and targeted Iranian tankers and captains supplying fuel to Venezuela.²⁹⁹ While these sanctions were tactically appropriate, they reflected a broader lack of strategy, as the administration failed to define clear objectives or explain how these measures advanced U.S. foreign policy in Venezuela.³⁰⁰ Given Maduro's track record as president, it is evident that broad sanctions primarily harm society, yet he remains indifferent to public suffering, making such measures ineffective in pressuring his government. In January 2025, the U.S. Treasury's Office of Foreign Asset Control sanctioned eight top Venezuelan officials for enabling Maduro's repression and democratic subversion.³⁰¹ These sanctions, aligned with actions by the EU, Canada, and the UK to signal international solidarity with the Venezuelan people, and places personal pressure on the leadership of Maduro's regime.³⁰²

The U.S. is not alone in responding to Venezuela's disputed elections with sanctions. Following the contentious 2024 presidential election, Canada revised the Special Economic Measures (Venezuela) Regulations to strengthen its ability to impose sanctions.³⁰³ In January, Canada added fourteen more individuals to the sanctions list, bringing the total number of sanctioned Venezuelan officials to 131.³⁰⁴ Similarly, the EU expanded their sanctions on Venezuela, adding fifteen more members from the CNE, the TSJ, and the security forces, bringing the total number of sanctioned individuals to sixty-nine.³⁰⁵

The effectiveness of sanctions in this context depends heavily on multilateral coordination. Unilateral sanctions, while symbolically significant, are more easily circumvented through alternative financial networks and political alliances. By contrast, coordinated measures across the U.S., EU, Canada, and

²⁹⁹ Minority Staff of S. Comm. on Foreign Relations, *Cost of Trump's Foreign Policy: Damage and Consequences for U.S. and Global Security* S. Doc. No. 116-56, at 23 (2020).

³⁰⁰ *Id.*

³⁰¹ Press Release, U.S. Dep't of Treas., *Treasury Sanctions Venezuelan Officials Supporting Nicolas Maduro's Repression and Illegitimate Claim to Power* (Jan. 10, 2025), <https://home.treasury.gov/news/press-releases/jy2778> [<https://perma.cc/V8WC-BJF7>].

³⁰² *Id.*

³⁰³ Regulations Amending the Special Economic Measures (Venezuela) Regulations, SOR/2025-112, 159 C. Gaz. No. 8 (Apr. 9, 2025) (Can.).

³⁰⁴ *Canadian Sanctions Related to Venezuela*, *supra* note 136.

³⁰⁵ See Press Release, Eur. Council of the EU, *Venezuela: Council Renews Restrictive Measures and Lists a Further 15 Individuals in View of the Situation in the Country*, (Jan. 10, 2025), <https://www.consilium.europa.eu/en/press/press-releases/2025/01/10/venezuela-council-renews-restrictive-measures-and-lists-a-further-15-individuals-in-view-of-the-situation-in-the-country> [<https://perma.cc/V28X-TKW2>].

other partners increase economic pressure, limit evasion opportunities, and reinforce the legitimacy of sanctions as a collective response to democratic backsliding.

Venezuela's declining international standing is evident in the limited number of governments that have recognized Maduro as president-elect, widespread condemnation from international observers, the ongoing ICC investigation into alleged crimes against humanity, and the increasing sanctions imposed by multiple countries in response to human rights violations and electoral fraud. However, this negative international standing is not absolute, as there remains significant international support for the opposition, with several governments and organizations backing efforts to restore democracy in Venezuela.³⁰⁶

Looking ahead, sanctions policy in 2026 and beyond will likely continue to evolve toward more targeted, conditional, and reversible measures. Policymakers may increasingly rely on "snapback" mechanisms, where sanctions relief is granted in exchange for specific reforms but can be quickly reimposed upon noncompliance. This approach seeks to preserve leverage while incentivizing incremental progress, though its success ultimately depends on sustained international unity and credible enforcement.

Ultimately, while sanctions remain a central tool of international pressure, their success in Venezuela depends not only on their design, but on their coordination, enforcement, and integration with broader diplomatic and legal strategies.

VI. CONCLUSION

By all accounts, the most recent Venezuelan presidential election reveals that the country's political development continues to shift from democracy to authoritarianism and confirms that authoritarianism is now entrenched in the nation's institutions. But the threat to democracy extends beyond just Maduro, the violations of multiple international treaties, or the lack of independence within the federal government. The shortcomings of international institutions to effectively address such situations contributes to a growing disenchantment with how international law is perceived amongst the global community.

The inability of international institutions to respond decisively in Venezuela not only undermines enforcement in this case but also risks weakening the credibility of international law as a system capable of constraining authoritarian behavior.

A primary enforcement mechanism in international law is the UN Security Council, which has the authority to determine threats to peace and can impose mandatory sanctions to address the situation.³⁰⁷ However, as demonstrated,

³⁰⁶ See, e.g., Press Release, Off. of the Spokesperson, Joint Statement on the Situation in Venezuela, U.S. DEP'T OF STATE (Sept. 26, 2024), <https://2021-2025.state.gov/joint-statement-on-the-situation-in-venezuela/?safe=1> [<https://perma.cc/VK22-9MQ3>].

³⁰⁷ Frederic L. Kirgis, *Enforcing International Law*, AM. SOC'Y INT'L L. (Jan. 22, 1996), <https://www.asil.org/insights/volume/1/issue/1/enforcing-international-law> [<https://perma.cc/9P4U-4E2X>].

sanctions are often slow to take effect, require careful strategic implementation, and tend to disproportionately impact ordinary civilians.³⁰⁸

What has transpired in Venezuela for the past twenty-seven years—since the onset of Chávez’s rule—constitute a tragedy of profound magnitude. Although Venezuela possesses the resources and capacity to become an economic powerhouse, its political landscape has consistently fallen short of realizing this potential. The destruction of democracy under Maduro’s reign has burrowed the country deeper into its economic isolation, forcing it to forge alliances with some of the largest, most powerful, authoritarian nations. Those same authoritarian allies prevent the UN Security Council from acting against Maduro, removing one of the few methods of international enforcement.

In the face of extraordinary challenges, Venezuelans have demonstrated exceptional resilience in their ongoing efforts to restore democracy.³⁰⁹ Therefore, the international community must rise to the occasion and support the Venezuelan people through a coordinated effort, offering humanitarian assistance while adopting stronger, more innovative strategies to address the continued deterioration of Venezuela’s political and social institutions. Citizens of other nations must recognize that, although these issues are unfolding beyond their borders, they have significant implications for their own societies. Currently, seventeen countries host displaced Venezuelan migrants, who need access to healthcare, education, and employment—directly impacting the resources and social systems of these host nations.³¹⁰ Furthermore, allowing figures like Maduro to evade accountability and collaborate with other corrupt regimes risks encouraging similar behavior among other leaders, fostering a global culture of impunity.

While optimism is often the socially encouraged response to a dire situation, a realistic assessment suggests that democratic restoration and sociopolitical stability in Venezuela remain distant prospects. The previous barriers to political development have been replaced by even more formidable obstacles that are entrenched in the judiciary and military, as well as the Venezuelan Constitution. The Venezuelan population continues to endure systematic oppression, as evidenced by today’s largest global displacement crisis. In the foreseeable future, it is unlikely that Maduro will be removed from power without a stronger and more strategic international response that can compel his supporters to shift away from his political agenda. Ideally, fractures within the elite circles surrounding Maduro will emerge, leading to their withdrawal of their support and paving the way for a viable opposition candidate to restore democracy and stability to this once-prosperous nation.

³⁰⁸ *Id.*

³⁰⁹ Meacham, Funk & Brasesco, *supra* note 258.

³¹⁰ *Venezuelan Refugee and Migrant Crisis*, IOM U.N. MIGRATION, <https://www.iom.int/venezuelan-refugee-and-migrant-crisis> [<https://perma.cc/9NTC-LSGQ>] (last visited June 28, 2026).

Absent a coordinated and enforceable international response, Venezuela risks becoming not an exception, but a model for how modern authoritarian regimes can consolidate power while evading meaningful accountability.