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An Alternative to Maximum Pressure in Venezuela

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EXECUTIVE SUMMARY

The continuity of the Trump Administration's "maximum pressure" policy towards Venezuela into the Biden Administration has failed to generate meaningful political change while prolonging and exacerbating humanitarian suffering and sabotaging intra-Venezuelan negotiations. The current policy, characterized by the pursuit of regime change through crushing economic sanctions, clashes fundamentally with the fact that the United States cannot solve Venezuela's internal problems, which themselves do not pose a security threat to the U.S. anyway.

U.S. sanctions have been counterproductive by every measure. The government of dictator Nicolás Maduro is no closer to falling than it was at the outset of the sanctions campaign, and indeed the sanctions themselves give him a powerful boogeyman to fan nationalistic flames and consolidate power. Additionally, the Venezuelan people are no freer than before the sanctions. Millions of Venezuelans have been hurt economically by the sanctions and millions more have fled the country amid the ongoing humanitarian crisis. Meanwhile, maximalist U.S. demands have impeded negotiations involving countries impacted by the Venezuela crisis.

The U.S. must recognize that maximum pressure is undermining its strategic goals and reproducing civilian material deprivation. American policy should abandon unrealistic preconditions and the equally unrealistic economic regime change policy, empower regional countries with a greater stake in the crisis, and provide a safe haven for Venezuelan migrants fleeing the crisis. To this end, Washington should terminate its recognition of former National Assembly president Juan Guaidó's increasingly unpopular opposition government and use its leverage over the opposition to compel it to abandon its unrealistic request that Maduro step down as a precondition to negotiations. The Biden Administration should also be prepared to lift many of the sectoral sanctions against Venezuela and reverse the current ban on diesel fuel swaps to mitigate food and energy insecurity. Furthermore, the U.S. should encourage regional partners like the Organization of American States (OAS), Colombia, and Mexico, as well as other regional countries with closer ties to Venezuela (such as Cuba) to take on a larger role in negotiating a political settlement. Finally, when Venezuelans flee their country to the U.S., the Administration should continue to support measures that protect them from deportation like Temporary Protected Status (TPS).

Regime Change as US Policy

As with previous efforts at regime change in Cuba and Iraq, U.S. efforts to remove Maduro from power have failed. Though the Obama Administration issued several rounds of sanctions against the government of Nicolás Maduro, these sanctions are only a precursor, not the catalyst of Washington's regime change policy. This is because the sanctions were targeted against government officials, not the wider Venezuelan economy and because the White House continued to recognize Maduro's government.¹ This all changed in 2017, when Donald Trump was inaugurated and he subsequently appointed several proponents of regime change to key national security posts: John Bolton as National Security Advisor, Mike Pompeo as Director of the Central Intelligence Agency (CIA) and then Secretary of State, and Elliott Abrams as Special Representative for Venezuela. In its first year, the Trump Administration put Venezuela sanctions into overdrive, issuing 46 designations, more than twice as many sanctions as the Obama Administration imposed in its eight years.² These sanctions included targeted individual sanctions for terrorism, drug trafficking, and human rights violations but also expanded to embrace broad-based financial sanctions restricting access to U.S. financial markets, sectoral sanctions banning transactions with Venezuela's state-owned oil company, and broader sanctions against the Venezuelan state.³ This, coupled with the Department of Justice's 2020 indictment of Maduro for narco-terrorism and 2019 recognition of Juan Guaidó's opposition government instead of Maduro's, represents a clear escalation to a regime change policy. This is best exemplified by Bolton's pronouncement that the U.S. would "stand with the freedom fighters" against "[t]he Troika of Tyranny in this Hemisphere- Cuba, Venezuela, and Nicaragua."⁴ Furthermore, although the Trump Administration did not ultimately pursue the use of military force to overthrow Maduro, they refused to rule out the use of force in discussions with perceived regional partners like Brazil's Jair Bolsonaro.⁵ The prospect of the use of force was widely condemned by other partners though, including the European Union (EU) and the Lima Group (a group originally totaling 12 regional countries aimed at establishing a peaceful resolution to the dispute in Venezuela).⁶

Components of Maximum Pressure

The logic of this campaign, which was dubbed "maximum pressure" by the Trump Administration, was that providing political support to Maduro's opposition and depriving the country of the funds necessary to sustain its economy would lead to the collapse of the Maduro regime. The strategy of maximum pressure deploys largely unilateral diplomatic, financial, economic, and political tools to assist Guaidó and create an environment that will force President Maduro from power. The objective of the sanctions was defined as the restoration of "full and prosperous democracy," by Secretary of the Treasury Steven Mnuchin.⁷ The more targeted sanctions utilized take aim at government leaders like President Maduro, his wife, members of the supreme court, and the leader of the army and include terrorism, narco-trafficking, human rights, and corruption sanctions.⁸ The Trump Administration also imposed more broad sanctions on a slew of Venezuela's leading sectors, including gold, oil (most impactfully the state-owned oil and natural gas company *Petróleos de Venezuela, S.A.*, or *PDVSA*), the financial sector, and the defense and security industries.⁹ The U.S. also sanctioned the Central Bank of Venezuela and its director, cutting off the bank's access to U.S. currency and inhibiting its capacity to conduct international financial transactions.¹⁰

Diplomatically and politically, maximum pressure is defined by the U.S.'s support for the Guaidó-led opposition, isolation of President Maduro's government, and support for negotiations between the government and the opposition factions, though in those negotiations, U.S. demands have featured on the opposition side. President Trump recognized Guaidó as the country's interim president in January 2019, and Maduro proceeded to cut off diplomatic relations with the U.S. in response.¹¹ This political element of pressure is important to consider alongside the economic pressure campaign.

Meet the New Boss, Same as the Old Boss

President Joe Biden has largely maintained the inherited campaign. To be clear, he has made some limited changes to U.S. Venezuela policy. Namely, the White House designated Venezuela as a beneficiary country for Temporary Protected Status, or TPS, for migrants and Biden held a bilateral meeting with Maduro in

the aftermath of the Russian invasion of Ukraine to discuss easing some oil sanctions (on the condition that Venezuela export oil directly to the U.S. and take tangible steps toward democracy).¹² However, his administration has maintained the U.S. government's recognition of Guaidó, its insistence that President Maduro give up power as a precondition for any multilateral agreement, and the maximum pressure sanctions.¹³ Though much has been made of President Biden's withdrawal of American troops from Afghanistan and refusal to enact a no-fly zone over Ukraine as evidence of his cognizance of the limits of American military power, it is evident that his administration shares its predecessor's faith in maximum pressure to bring about democracy in Venezuela.

Current American policy towards Venezuela has failed to advance American interests in South America at great humanitarian cost by exacerbating a humanitarian crisis and supporting an inept and unpopular opposition. The Biden Administration has an opportunity to review the course of maximum pressure and its costs and to reorient American policy around encouraging countries in the region with more at stake than the U.S. to negotiate a peaceful diplomatic resolution. Doing so will require challenging a set of assumptions that has guided American foreign policy for years: that sanctions are a less deadly alternative to war, that regime change is attainable, and that coercion and diplomacy can often coexist in pursuit of the same goal without undermining each other.

Maximalist Demands, Minimum Results

Another pitfall of U.S. policy is its embrace of unrealistic, maximalist diplomatic objectives. First among these is the U.S. and opposition's demand that Maduro cede power as a precondition to any negotiated settlement. As a result of his consolidation of power and the weakness of the fractured opposition, there is no incentive for Maduro to depart his perch as president immediately. Insisting on this position reaffirms sentiments within the Maduro camp that negotiations are fruitless because the U.S. and opposition will not accept anything less than the death of *Chavismo*. As a result of the waning popularity of Guaidó, the Venezuelan opposition possesses precious little leverage at the negotiating table, and as such, the U.S. should

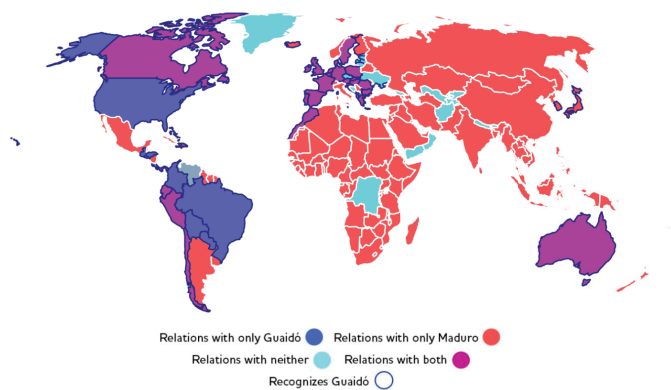
use its own leverage over the opposition to ask them to drop this precondition in the hopes that it will make a compromise more likely.

The Fall of Juan Guaidó

The other major unrealistic diplomatic objective hamstringing negotiations is Washington's continued recognition of Guaidó. Independent of the geopolitical merits of recognizing Guaidó, the act of recognizing him is legally dubious. His claim to the presidency rests on a controversial interpretation of the country's constitution that authorizes the leader of the National Assembly to take charge of government on a temporary basis in the absence of an elected president while new elections are called. Because, his supporters argue, the 2018 election was not free or fair, the National Assembly president must continue to serve as interim president until Maduro abandons office. This claim is suspect for several reasons; first, Guaidó has never won a federal election, and second, his legislative term is expired.¹⁴ In addition to these legal challenges, as stated earlier, he also controls no state apparatus in the country and lacks popular support.

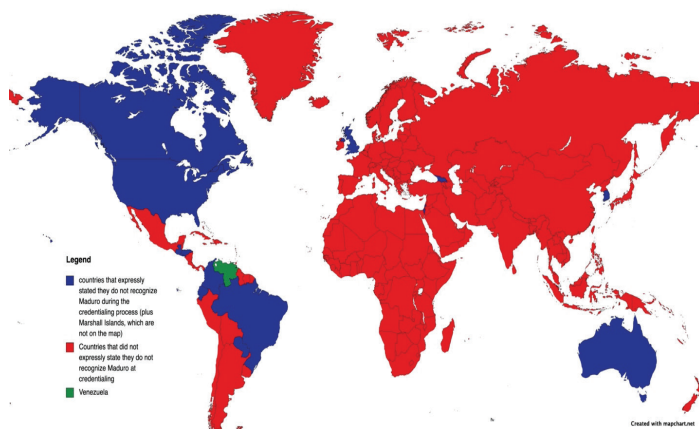
Furthermore, Guaidó's international prestige continues to fall as corruption scandals have plagued his associates and other countries have accepted the reality that he will not become president. Whereas once as many as 57 countries recognized him as the proper president of the country at one point, he has lost substantial support since 2020, including the backing of the 27 countries of the EU.¹⁵ Even at the apex of his support, Guaidó was not as well supported internationally as it may have appeared. Of the 57 countries that recognized his claim in 2020, just 11 (Bolivia, Brazil, Colombia, Costa Rica, Guatemala, Honduras, Israel, Montenegro, North Macedonia, Paraguay, and the U.S.) fully severed diplomatic relations with the Maduro government.¹⁶ Just 29 of those 57 countries signed the 2020 Joint Declaration of Support for Democratic Change in Venezuela, which called for a swift transition to democratic rule and a transitional government in the meantime.¹⁷

Figure 1: International Recognition and Diplomatic Relations with Venezuela (October 2020)



Source/Graphic: Washington Office on Latin America, <https://www.venezuelablog.org/interactive-map-degrees-of-diplomatic-recognition-of-guaido-and-maduro/>

Figure 2: International Recognition of Maduro Government's UN General Assembly Credentials, December 2021



Source: US News & World Report, <https://www.usnews.com/news/world/articles/2021-12-06/un-delays-action-on-myanmar-and-afghanistans-bid-for-seats>

This indicates two things that make the U.S.'s position of recognizing Guaidó an unrealistic goal: first, the international coalition the U.S. repeatedly claimed was backing Guaidó was actually quite small and second, that even within that small group, the U.S. position of recognizing him and breaking off relations with Maduro was an outlier. While American efforts have attempted to portray the international coalition against Maduro as broad and uniform, it is really fickle, small, and declining. American allies like the EU countries withdrawing their support of Guaidó is a serious blow to the U.S. position's strength and efforts

to construct a more multilateral Venezuela sanctions regime. This is important because recent academic literature indicates that multilateral sanctions tend to be more effective than unilateral ones (because they can inflict greater economic pain, reduce the number of potential partners for sanctioned countries, and are supplemented by robust mechanisms for monitoring enforcement).¹⁸ Therefore, a future of sanctions coupled with the international outlier that is the U.S. position will likely continue to fail to secure U.S. interests. Finally, if the U.S. cannot even get its own major allies on board with its position, how can it expect Maduro to agree to it?

Maduro's Position is No Less Strong/A Divided Opposition

Despite the professed mechanism of maximum pressure, the strategic and political situation in Venezuela has only worsened. Chiefly, Maduro has managed to tighten his grip on control over the country. In the country's 2021 regional elections, Maduro's party, the United Socialist Party of Venezuela (PSUV), won 20 out of 23 governorships and 205 out of 322 mayorships. These elections were marred by numerous arrests of opposition candidates and arbitrary disqualifications and were deemed a sham by the Carter Center and the European Union's (EU) Observation Mission.¹⁹ Furthermore, the state of political freedom and civil liberties has only declined since the implementation of maximum pressure. In 2017, Venezuela's Freedom House Freedom in the World Index score was 30 on a 100-point scale, which was sufficiently low to earn it the status "Not Free."²⁰ Yet after five years of sanctions, Venezuela's 2022 score is just 14.²¹ Rather than bringing about a more democratic Venezuela, maximum pressure has coincided with a strong decline in political rights in the country.

Figure 3: Venezuela's Freedom House Scores (2017-2022)

Year	Overall Score (out of 100)	Political Rights Score (out of 40)	Civil Liberties Score (out of 60)
2017	30	11	19
2018	26	8	18
2019	19	3	16
2020	16	2	14
2021	14	1	13
2022	14	1	13

This finding is consistent with more than a decade of academic research that has concluded that economic sanctions tend to worsen human rights conditions and erode the level of democracy in the countries in which they are deployed. Sanctions are often used as a strategic tool by targeted governments to harden their grip on power, and they create political incentives for leaders to restrict political freedom “to undermine the challenge of sanctions as an external threat to their authority.”²² In this way, sanctions can serve as a boogeyman or a pretext for budding authoritarians to crack down on the populace in the face of a perceived external threat. Maduro has done this, arguing before the United Nations (UN) to build international and domestic support that the maximum pressure campaign is “the most horrifying chapters of inhumanity and criminal imposition.”²³

Additionally, Dursun Peksen’s research on sanctions and human rights suggests that economic sanctions worsen governments’ respect for the physical integrity rights (like freedom from disappearances, torture, and political imprisonment) of their subjects in sanctioned countries.²⁴ Simply, the fundamental nature of sanctions is that they tilt the balance of power in a nation strongly in favor of the regime in power, whether by incentivizing leaders to hoard resources when they are made more scarce or by increasing a nation’s people’s dependence on the regime for daily survival (altering the terms of the social contract), subjecting them to greater state repression. This appears to be especially true in Venezuela, where the government’s crackdown on anti-government protesters has included extrajudicial executions, enforced disappearances, arbitrary detentions, and torture in what a UN panel

has deemed crimes against humanity.²⁵ Furthermore, the regime’s continued increase in security service spending (financing COVID police patrols brutally enforcing curfew violations and new death squads targeting former allies-turned critics of Maduro) amid the economic crisis demonstrates that sanctions have failed to improve the situation in Venezuela.²⁶ Finally, President Maduro has exploited his peoples’ dependence on the regime for daily survival to enhance his political survival. In a country where many Venezuelans earn less than two dollars a month, the ten-dollar cash bonuses that Maduro doled out to supporters during the 2018 election were often appealing.²⁷ Thus, Maduro was able to exploit the power authoritarian governments have over their citizens when people become poorer. This reveals a major hole in current policy in the assumption that economic hardship will motivate Venezuelans to topple Maduro.

Furthermore, sanctions have failed to soften the Venezuelan military and international actors’ critical support for Maduro. The Venezuelan National Bolivarian Armed Forces (FANB) have gained power and resources under Maduro, and they do not view the opposition as a credible alternative to Maduro but rather in some ways a threat to the armed forces as an institution.²⁸ The Venezuelan president has overseen a massive growth in illegal mining activity in the Amazon facilitated by armed gangs with the tacit cooperation of state security forces, who were given control over these areas by Maduro in return for loyalty.²⁹ The opposition’s close and growing ties to the U.S. are an unwelcome development for the military because the U.S. has been conceptualized as the principal adversary of Venezuela’s armed forces. In this way, the armed forces are quite politicized in Venezuela, and policies that ignore or downplay this political context (as current U.S. policy has) will fail to generate change.

On the international front, countries at odds with the U.S. have maintained support for Maduro and provided aid. China and Russia have provided humanitarian assistance and rolled over loans.³⁰ Iran has provided Venezuela with shipments of gasoline and helped it repair its oil refining infrastructure while Turkey (a member of NATO) has been one of the primary buyers of Venezuelan gold.³¹ Both Iran and North Korea (with the latter providing Venezuela with advanced military technology) have bolstered diplo-

matic relations with Venezuela, drawn together by the global U.S. sanctions regime.³² This undermines the effectiveness of sanctions by creating larger networks for evasion and material support, bolstering Maduro's position. Given the strength of Maduro's position, the current regime change policy is unlikely to work and not in the U.S. national interest.

The Opposition's Pitfalls

Concurrent with the regime change policy's inability to weaken Maduro's position is the weak and divided state of the opposition. The PSUV's 20 governorships won represents an increase over its results in the 2017-18 regional elections and a major setback for the opposition, which had ended its three-year boycott of elections held by the Maduro government to compete in the 2021 elections.³³ The failure of Guaidó's strategy of removing Maduro from power through external international pressure has seen his power and popularity recede.³⁴ Additionally, his time as leader of the opposition has been undermined by a series of corruption scandals.³⁵

The opposition's lack of institutional power is not its only problem, as it is internally divided on serious issues. While Guaidó and his allies vociferously opposed participating in the 2021 elections out of a fear that it would give legitimacy to Maduro's government, they were overridden in the end. There have also been intra-opposition divides over whether to negotiate with the government and under which conditions. Counter to this division is international unity on the side of Maduro from his allies since the outset of the crisis. Russia, China, Cuba, Iran, Syria, Turkey, and the Venezuelan military retain their support for Maduro.³⁶ With a stronger Maduro and a weaker opposition in place, the policy of regime change has failed on its face- just as prior attempts at regime change across the globe have.

The Human Cost of Sanctions and its Relevance to Strategy

A successful Venezuela policy should achieve two key objectives: it should advance the political and economic interests of the U.S. and it should improve the standard of living of the Venezuelan people. On both counts, the current policy has proven ineffective.

Maximum pressure is failing to advance the political and economic interests of the U.S. because it runs counter to the possibility of a negotiated resolution that Washington claims to support.³⁷ Current U.S. strategy sends mixed messages by obscuring the incentives the parties may have to come to an agreement and setting the removal of Maduro and his ilk from office as the primary goal of American policy. This is an obvious non-starter in negotiations with Maduro's government. It sends the diametrically opposed messages that the U.S. prioritizes both the overthrow of Maduro's government and a negotiated political settlement that Maduro is welcome to play a role in negotiating. These conditions have undermined previous rounds of negotiations. For example, in August 2019 Maduro withdrew from intra-Venezuelan negotiations in Barbados as a direct response to the Trump Administration's decision days earlier to freeze all Venezuelan state assets in the U.S. and Bolton's threat to impose yet more sanctions on Venezuela's remaining trade partners.³⁸ Similarly, in October 2021, the Venezuelan government suspended its participation in intra-Venezuelan talks in Mexico City over the extradition of onetime Maduro ally-turned U.S. Drug Enforcement Administration (DEA) informant Alex Saab.³⁹

Perhaps unsurprisingly, a policy aimed at causing mass disruption to the Venezuelan economy has not enhanced the prosperity of the Venezuelan people. The maximum pressure sanctions have caused severe economic harm to the people of Venezuela who are not responsible for the actions of their government. Furthermore, maximum pressure's mixed messages and sanctions have needlessly prolonged a humanitarian crisis for no perceivable gain. While Maduro strengthens his government's position largely unaffected by the sanctions campaign, some 95 percent of Venezuelans live below the poverty line and 76 percent live in extreme poverty.⁴⁰ Roughly one out of every five Venezuelans has left the country at this point.⁴¹

Sanctions, the Humanitarian Crisis, and the Economy

While Venezuela's economic troubles predate maximum pressure (going back at least to the plummeting of oil prices from 2014-2016), the policy is responsible for at least exacerbating the economic crisis. The

fact that economic struggles predated the imposition of sanctions in no way, shape, or form negates the impact of the sanctions, either. For instance, since August 2017, the average monthly volume of Venezuelan oil production (the country's primary export) has fallen almost five times faster than during the pre-sanctions period.⁴² Econometric estimates attribute at least half of the decline in oil production to U.S. sanctions.⁴³ With the exception of Iran (itself a target of a similar maximum pressure campaign) and Venezuela, each of the three biggest oil producing countries, the members of the Organization of the Petroleum Exporting Countries (OPEC), and the primary oil-producing countries in South America saw an increase in oil production between August 2017 and July 2020.⁴⁴ Crude oil production in Venezuela descended rapidly between 2017 to 2020 from 2 million barrels per day to 630,000 while crude oil exports- which account for 99 percent of the country's export earnings- fell to their lowest point in 77 years in 2020.⁴⁵ In total, Venezuela's GDP contracted by almost 75 percent in just eight years, the sixth largest contraction in world history.⁴⁶ With the sanctions campaign failing to displace Maduro, the brunt of the economic devastation is being felt by the Venezuelan people, and maximum pressure has plunged the country deeper into a world historic recession without any resulting meaningful political change. The result is a worse humanitarian crisis, a weakened civil society, and greater animosity towards U.S. sanctions.

Sanctions Have Exacerbated the COVID-19 Pandemic in Venezuela

These figures are more striking when one considers that these deadly sanctions have been in place throughout the entirety of the COVID-19 pandemic, limiting certain integral transactions and the delivery of certain supplies, as well as exacerbating human suffering in a period of grave social vulnerability. According to a June 2021 report from the Venezuelan human rights group HumVenezuela, more than 50 percent of Venezuelans are food insecure (up from 32 percent before the pandemic), 37 percent have severe health problems without access to medicine, and 91 percent lack the economic resources to pay for health-related costs.⁴⁷

The Effects of Overcompliance and the Pandemic

While in theory every U.S. sanctions package has a carveout provision that allows for the delivery of essential transactions in the areas of food and medicine, in reality due to their fear of potentially facing large fines for engaging in business with a sanctioned entity, many large financial institutions and aid organizations refuse or hesitate to process even some legal transactions. This is called overcompliance. Overcompliance with Venezuela sanctions is actively prolonging the COVID-19 pandemic in the country, as well as the human suffering that it has brought. As Alena Douhan, the UN special rapporteur on unilateral coercive measures and human rights has noted, existing humanitarian exemptions are "ineffective and inefficient," and that the "devastating effect" of the current sanctions is "multiplied by extra-territoriality and overcompliance."⁴⁸ Among the transactions stymied by overcompliance were the transfer of funds to the World Health Organization's (WHO) COVAX vaccine distribution initiative to purchase vaccines and a \$12.7 million order of medical supplies from Venezuela's development bank to the WHO, blocked by the Portuguese bank Novo Banco.⁴⁹ As the COVID-19 pandemic has repeatedly demonstrated, failing to vaccinate the world inevitably leads to the emergence of new variants that then come back to kill Americans. Treating COVID-19 and other vaccine-preventable diseases as one of the primary national security threats to the U.S. (a position it deserves having killed many more Americans than more traditional threats like terrorism or interstate conflict) requires greater vaccine equity, and if maximum pressure continues to impede that goal, more Americans and Venezuelans will die.

A New Path Forward/Recommendations

Sanctions Relief

Millions of Venezuelans live in misery under world-historically brutal economic conditions exacerbated by American sanctions while the American policy goal of regime change remains unfulfilled and moving in the wrong direction. Any course correction by its nature requires the lifting of sanctions.

The U.S. should relax most sectoral sanctions, especially those on oil and gas, as they have posed the most harm to civilians. This has come in the form of depleted oil revenues, fuel shortages, and slowed food distribution.⁵⁰ The government's endurance amid such grave humanitarian suffering demonstrates that these sanctions are hurting the people more than the government and are therefore ineffective. Because the sanctions are ineffective and are hastening the demise of the Venezuelan economy, their removal should not be conditional on concessions by Caracas. Relieving oil sector sanctions also has the near-term benefit of reducing global petroleum dependence on the Middle East and Russia in the midst of its invasion of Ukraine.

One of the costliest inclusions in human life in the maximum pressure sanctions is the Trump Administration's ban on diesel fuel swaps. While Maduro was able to evade this unilateral ban without adverse consequences, diesel fuel plays a crucial role in his country's economy, as it is used to generate electricity, support public transportation systems, and supply almost every fuel truck in the country that transports food, medicine, and humanitarian goods.⁵¹ The impact of banning the swaps, which allow international companies to supply diesel to Venezuela in exchange for Venezuelan crude oil, was a public health and food security catastrophe, with dayslong lines for fuel, food rotting in place without anyone being able to transport it, and widespread food insecurity.⁵² The Biden Administration should reverse its predecessor's ban on diesel fuel swaps before it is too late for the people of Venezuela.

Allowing the transmission of food, medicine, and humanitarian aid to the Venezuelan people is another important goal given the woefully inadequate state of sanctions exemptions. The Biden Administration should allow Venezuela to access financial reserves located in U.S. accounts for the purposes of financing food, medicine, humanitarian imports, and it should implore the Treasury Department to publish clear guidance specifying that Venezuela-related payments relating to food and medicine, as well as humanitarian imports, will be permitted. With Venezuela's low vaccination rate for COVID-19 and other vaccine-preventable diseases and its widespread food insecurity, the humanitarian cost of overcompliance is considerably higher than almost anywhere on the planet right

now. The Administration should undertake this gesture to mitigate Venezuelan suffering, buy goodwill with the people of the country, and protect itself from future pandemics.

Encourage Partners and Regional States to Play a Greater Role

By nature and geography, the stakes of the Venezuela political crisis impact the countries of Latin America and the Caribbean more than the U.S., as refugees flee to bordering countries and Venezuela poses no military threat to the U.S. Rather than trying to change the government of Venezuela, Washington should encourage its allies, partners, and even its purported adversaries in the region to take the lead in facilitating intra-Venezuelan negotiations.

In recent years, the Organization of American States (OAS) has been beset by various threats to its integrity under Luis Almagro. From its stance of isolation and pressure against Cuba and Venezuela to its dubious claims of election fraud in the 2019 Bolivian election that fueled a right-wing coup, the OAS has long served the hegemonic interests of the U.S., its chief funder. In the Venezuela crisis lies an opportunity for it to change course. There is reason to believe that the OAS could be a valuable participant in these talks because it was an important player in the Esquipulas peace accords that ended the Central American civil wars of the 1980s. Other important allies with a larger stake in the issue include Colombia and Mexico.

Additionally, trusted outside parties and intermediaries like Norway (which has long been involved in the Venezuelan dialogue) and the Vatican (which played an important role as a trusted intermediary in the partial normalization of U.S.-Cuba relations during the Obama Administration) with a record of success should be encouraged to play a role as well.

The U.S. should also encourage and cooperate with Cuba on resolving the Venezuela crisis and normalize relations with Havana as a confidence building measure. As Cuba is one of Venezuela's few true allies, engaging with Cuba is a necessary albeit not necessarily sufficient condition for resolving the Venezuela crisis. Removing Cuba from the State Sponsors of Terror list (a designation that was originally revoked by the Obama Administration) and ending the U.S.

embargo against Havana are cost-free efforts the U.S. can undertake to pursue rapprochement with a country that poses no security threat whatsoever to it and can help achieve a Venezuela settlement that works. Furthermore, re-engaging with Cuba should not be made contingent on progress in Venezuela as engagement serves a number of important U.S. interests, from vaccinating the region to combating climate change. Cuba has been a constructive partner at times in resolving armed conflicts in South Africa, Angola, Central America, and Colombia and hosted initial conversations between the Maduro government and the opposition in 2019.⁵³ This history suggests that there would appear to be conditions where Cuba can serve American interests in crafting a post-crisis Venezuela and taking on a greater burden.

Abandon Unrealistic Maximalist Objectives

American diplomatic objectives must be grounded in what is physically attainable in Venezuela or they run the risk of emboldening hardliners in Caracas and extending a humanitarian crisis without any benefit to U.S. political interests. Accordingly, the U.S. should encourage the opposition to drop its requirement that Maduro step down or his government be dissolved as a precondition to negotiations, and it should withdraw its recognition of Juan Guaidó upon recognition of the fact that he is dependent on foreign support and increasingly unpopular.

Reduce Barriers to Entry for Venezuelan Migrants and Refugees

In the area of immigration policy, the Biden Administration has an opportunity to support the Venezuelan people and enhance American development at home. The Administration has already provided more than \$300 million in humanitarian and economic aid to Venezuela, and it should continue doing so, as well as providing integration support for communities that host Venezuelan refugees.⁵⁴ Another positive step for the Biden Administration was its creation of Temporary Protected Status (TPS) for Venezuelan migrants currently residing in the U.S. As the Department of Homeland Security summarized: “This designation is due to extraordinary and temporary conditions in Venezuela that prevent nationals from returning safe-

ly, including a complex humanitarian crisis marked by widespread hunger and malnutrition, a growing influence and presence of non-state armed groups, repression, and a crumbling infrastructure.”⁵⁵ While this measure will protect many Venezuelans from deportation back to the humanitarian crisis, it is incomplete, as the designation does not protect asylum seekers who were expelled to Mexico awaiting processing. By establishing a waiver to TPS’s “physical presence” requirement, the Administration can close this loop-hole, providing protection to more migrants.

Finally, the Biden Administration should end the practice of “stealth deportations” under the controversial Title 42 program. Under Title 42, the U.S. can deport migrants without a chance to seek asylum after entering the country via Mexico. Intended as a public health measure to prevent the spread of communicable diseases from migrants, Title 42 was deployed by the Trump Administration to severely restrict immigration during the COVID-19 pandemic, and President Biden condemned Trump for his use of “stealth deportations.”⁵⁶ The Biden Administration, however, has continued this practice. Those migrants who are sent back may face persecution, and anyone fleeing a country as they have is only doing so because whatever is behind them is worse than anything that can happen to them where they are going. Furthermore, Title 42 chips away at the internationally recognized right to asylum and has not mitigated the pandemic.

The Biden Administration should take measures to support Venezuelan immigration to the U.S. as they seek to flee an unspeakable humanitarian crisis. Their presence will enrich the U.S. culturally and economically (for example, almost 60 percent of Venezuelan immigrant adults have a college degree compared to just 33 percent of all U.S.-born adults).⁵⁷ Given its professed dedication to be a safe haven for victims of political persecution and those who just want a better life, the U.S. can start to begin to live up to those values by welcoming Venezuelan migrants.

Conclusion

While the U.S. remains wedded to a failed policy of unrelenting sanctions and unreasonable diplomatic demands, the humanitarian crisis in Venezuela has only gotten worse. Maximum pressure did not change the regime in Caracas, just like its predecessors did

not change the regime in Havana, Baghdad, or Tehran. President Biden is in a position where he must recognize that American power, military or economic, cannot solve every problem the world faces. If his Administration recognizes that fundamental truth, they will lift the counterproductive sanctions and encourage their partners and neighbors to take on a larger role in facilitating an intra-Venezuelan dialogue. If it does not, Washington will continue to exacerbate the hemisphere's worst humanitarian crisis.

Endnotes

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