

Elections in Venezuela: Democratic, Fair and Transparent

By [Nino Pagliccia](#)

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Elections in Venezuela have come and gone. They happened in the most peaceful, fair and transparent way as promised by the Maduro government. Nicolas Maduro was re-elected president for the 2019-2025 period by more than two thirds of the voters. The Lima Group, Luis Almagro and the Canadian government immediately issued declarations of not recognizing the elections for being illegitimate, as if they had been prepared before May 20. However, is there any valid basis to those declarations?

The US, which seems to be more and more governed by way of presidential executive orders, was just as quick to react by forcing more sanctions against Venezuela directed at curtailing crucial financial interactions with the Venezuelan State with the intention of “making the economy scream”, as famously stated in the case of Chile in the 1970s. Those sanctions give a vivid impression of being extra-territorial measures, that is, they penalize businesses of other countries that have economic links with the US. [1]

Nicolas Maduro responded surprisingly and without delay by declaring persona non grata and expelling two US diplomats, Chargé d’Affaires Todd Robinson and head of political affairs Brian Naranjo. [2]

Sanctions are serious aggressive acts, disguised as administrative measures that hurt people and must always be questioned as inhumane. However, false accusations have a larger impact in the minds of those who only follow events marginally particularly outside Venezuela.

The accusations about the elections in Venezuela use words such as “illegitimate”, “farce”, and “fraud” because they do not meet “international democratic standards”. Both the Lima Group and the Canadian government use that same expression.

Most of the rebuttals to these accusations have focused rightly on producing statistics of results and comparisons with other elections in the region showing that Maduro obtained irrefutably almost 68% of the valid votes, much higher than in other countries. Another statistic that can easily be put to rest, is the low turn out of 54%, as claimed by Luis Almagro, if one considers, on the one hand, the chronic abstentions that also affects the US and Canada, and on the other hand, the unfair call to Venezuelans to abstain from voting made by most of the Western countries.

A strong case can be made on the illegitimate interference in the Venezuelan electoral process. But is there any truth to the assertion of not following “international democratic standards” that might force such a drastic interference?

A seldom cited document titled “*International Standards and Commitments On The Right To*

Democratic Elections: A Practical Guide To Democratic Elections Best Practice", issued in 2002 by the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE), may shed some light on the question. [3]

The document is very informative on issues of human rights for democratic elections and necessary "component parts" of a system of democratic elections. This practical guide can help in showing that Venezuela does not infringe any of those standards. In order to do that it is important to highlight what the document refers to as best practices "*that will ensure that the component parts of the election system comply with the international law and with the international human rights background for democratic elections*", and try to find where Venezuela fails, if at all.

The first component part mentioned in the document, the voting system choice, is necessary to quote in full:

"A country's choice for its electoral system, provided it operates in a non-discriminatory manner and facilitates the expression of the will of the people through periodic and genuine elections conducted on the basis of universal and equal suffrage and secret ballot, should be respected."

None of the points in the "provided" section of the paragraph has been broken in Venezuela. No one can claim that there was any discrimination, nor that equal suffrage or secret ballot requirements were infringed. Those who did not participate in the elections did so by their own free will. But the essential part in the paragraph is that the electoral system "should be respected". That was not the case with the fierce criticism received by the international opposition.

Another component is the election administration,

"The administration of democratic elections requires that election commissions/bodies are independent and impartial."

This is another controversial point by the international opposition, but by constitution (Article 296) and in practice the *Consejo Nacional Electoral* (CNE - National Electoral Council) of Venezuela is as independent and impartial as it can be.

In the elections of May 20, with the participation of opposition parties and the previous constant openness and invitation by the CNE to all opposition parties to register, nothing suggested that the election administration was taking sides or was being manipulated. It is unfair that the president of the CNE, Tibisay Lucena, who has had the position since April 2006, should be sanctioned in July 2017 by the US for following the constitutionally mandated order to administer the election of the National Constituent Assembly. Ironically, Canada also sanctioned Lucena for the "breaking the constitutional order."

This year, Switzerland also sanctioned Lucena for "human rights violations and the deterioration of the rule of law and democratic institutions." The relevant Article 21 of the 1948 Universal Declaration of Human Rights ensures the five basic premises of electoral democracy: legality, periodicity, secret ballot, and universal and equal suffrage, none of which was broken at any time by Lucena or any of her subordinates. But it was Panama that

a day after Switzerland sanctioned Lucena for the serious “money laundering, financing of terrorism and financing the proliferation of weapons of mass destruction.” It is absurd, but we will only ask one question to the international community: was anybody in the world sanctioned for appearing in the infamous Panama Papers leaked in 2015 where public officials allegedly set up illegal offshore tax-haven schemes?

We could not identify any other component part for the best practice of a democratic election that was not fulfilled according to international standards, but it is also important to mention the one component where Venezuela excelled without any doubt. That is the election observation. Venezuela has been quite insistent publicly on its willingness to have international observers. In fact, with hundreds of international observers over several days, including about a dozen from Canada, and the official participation of the *Consejo de Expertos Electorales de Latinoamérica* (Ceela - Council of Electoral Experts of Latin America), the final report states that Venezuela followed all the international standards and personally congratulated Tibisay Lucena. [4]

The elections are over but the electoral process in Venezuela has not ended. Maduro has requested a full recount and verification of ballots to convince public opinion that the election was legitimate and transparent.

It is tempting to compare Venezuela with other countries on the best practice of elections, but that is not the point or requirement for transparency. Venezuela would not be more democratic if it could show that some percentage is higher or lower than in some other country. Venezuela is democratic because the majority of the people made it so by exercising their constitutional right to vote freely and independently, and, we may add, despite the international interference.

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Nino Pagliccia is an activist and author at Cuba Solidarity in Canada. He is a frequent contributor to Global Research.

Notes

[1]

<http://misionverdad.com/COLUMNISTAS/alcances-y-consecuencias-de-las-ultimas-sanciones-de-trump-contra-venezuela>

[2]

<https://www.telesurtv.net/english/news/Maduro-Declares-Top-US-Diplomat-Persona-Non-Grata-Gives-Him-48-Hours-to-Leave-20180522-0018.html>

[3] <https://www.osce.org/odihr/elections/16859>

[4] http://www.cne.gov.ve/web/sala_prensa/noticia_detallada.php?id=3717

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