



## Forum for American Leadership

### Venezuela: Negotiations, Leverage, and U.S. Redlines

August 6, 2021

[According to media reports](#), the Biden administration is supporting a new round of talks with Venezuela that will be overseen by Norway and take place in Mexico in mid-August, despite the recent disappearance and arrest of opposition leader Freddy Guevara, and a recent regime-led siege on President Juan Guaidó. France, Russia, and Argentina may also be at the talks and have either been supportive or sympathetic to the regime at times.

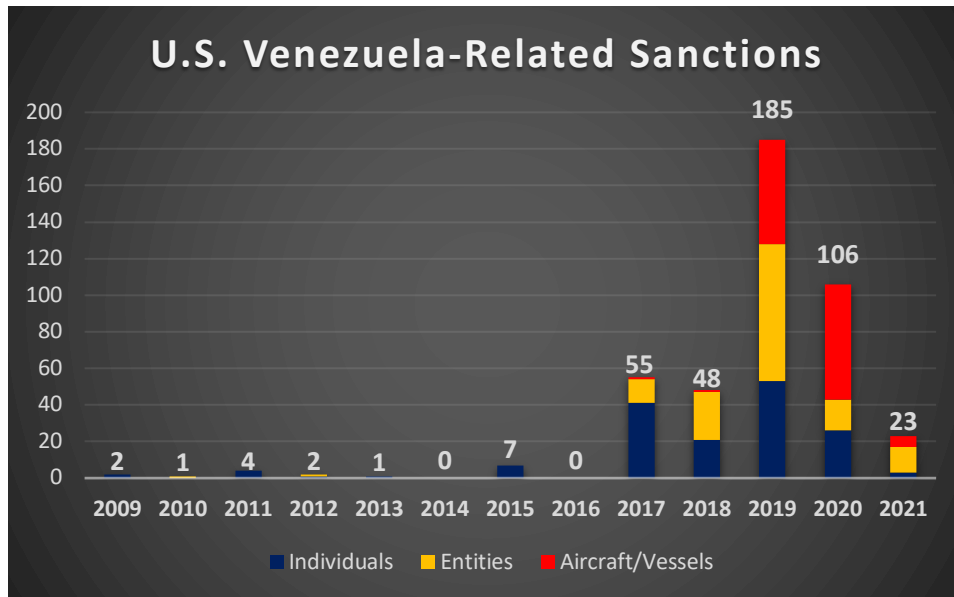
The prospect of a peaceful political settlement to the crisis in Venezuela has long been seen by both Republicans and Democrats as the preferred solution to the political and economic crisis. Negotiations, however, have been attempted many times and have failed to deliver results. If the United States is a party to a new round of talks, it must negotiate from a position of strength and avoid concessions that cross key internal redlines. Further, the United States will need to demonstrate its seriousness and impose a cost on the regime if talks with Maduro fail yet again. Washington should prepare and be ready to launch new rounds of sanctions to use if negotiations stall and should consider a “snapback” strategy to penalize the regime for reversing any potential commitments made during talks.

#### **There are key U.S. national security interests at stake in Venezuela:**

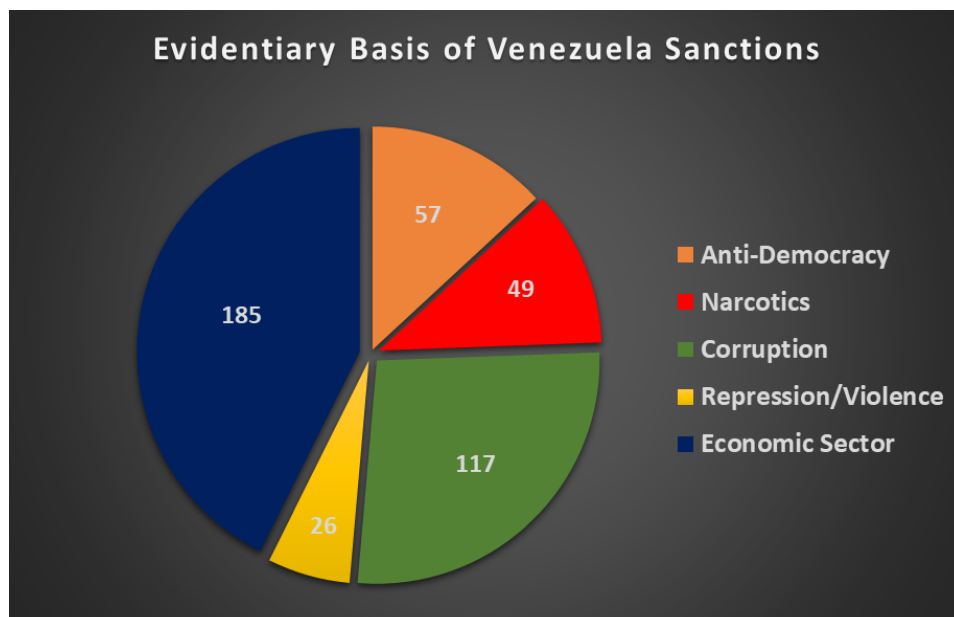
- Venezuela has provided a foothold in the Americas for key adversaries and competitors like China, Russia, and Iran for decades, and continues to bolster Cuban repression. The attempted shipment of military equipment from Iran to Venezuela and the safe haven furnished to members of Colombia’s ELN, FARC, and Hezbollah militants (each are U.S.-designated Foreign Terrorist Organizations) are a few key examples of the risk the Maduro regime poses to U.S. security.
- The Maduro regime is a narco-mafia syndicate acting as a government. Key regime figures are known drug traffickers and are [under U.S. indictment](#). U.S. drug overdose deaths have recently topped 90,000 per year as illegal drugs continue to enter through our porous border, financed by some of the same drug and criminal cartels that support the Maduro regime.
- The Maduro regime has eroded all of the trappings of Venezuela’s once-vibrant democracy and operates a Cuban-tutored criminal dictatorship undermining the principles of the Inter-American system to which the United States and the region have long been committed.
- Venezuela is a significant contributor to regional instability. Over 5.6 million Venezuelans [have fled](#) Maduro’s Venezuela in the last few years, with flows continuing during the global COVID-19 pandemic. The Organization of American States (OAS) has warned an additional 1.5 million Venezuelans could flee the country in the next six months as conditions deteriorate. Migrants have settled in Colombia, Ecuador, Peru, Chile, and Brazil, posing a significant financial and political strain on key U.S. allies.
- Some migrants also make it to the United States. In the past eight months, over 17,000 Venezuelans [crossed illegally](#) into the United States, more than the previous 14 years combined. The Maduro dictatorship is a root cause of illegal immigration to the U.S.

### U.S. Leverage - Sanctions on Venezuela:

The United States currently has over 430 sanctions in place against Venezuelan individuals, companies, and other persons. The U.S. intensified its sanctions campaign under President Trump in response to the Maduro regime’s deepening repression and corruption. However, the Biden Administration has yet to impose additional sanctions on Venezuela – all 23 sanctions from 2021 were added at the end of Trump’s tenure. Biden should prepare new sanctions to increase pressure on the regime and continue to rigorously enforce existing sanctions, especially on oil transfers, while talks continue and only loosen them when results are achieved.



U.S sanctions responded to a wide range of malign behavior by the Maduro regime. Some sanctions, particularly in the economic sector, were messaged upon implementation as being fully removable should Venezuelan behavior change. Some of the other designations, including on individuals responsible for regime violence, are more difficult to lift politically and legally.



## Redlines for Negotiations

The regime has not shown it is interested in a legitimate negotiation given its continued arrest and detention of political dissidents in Venezuela. Opposition leaders continue to experience harassment and detention. Engaging in a negotiation now could embolden the regime to continue its attacks against democratic actors. Once the regime ceases its repressive actions, any negotiation must push for the establishment of free and fair presidential elections in Venezuela, and only consider meaningful reductions in U.S. sanctions pressure *after* a successful, independently verified conclusion. The United States should signal that the following specific steps will not be considered until those conditions are met:

1. The removal of sectoral economic sanctions (energy, mining, gold, financial, etc.);
2. The release of [Alex Saab](#) or other high priority Venezuelan prisoners in U.S. custody (e.g., Efraim and Franqui Flores, sentenced to 18 years in prison for drug offenses);
3. Allowing for the return of Maduro regime representatives to the United States (either with or without formal recognition); and
4. Any step that suggests or implies reduced support or recognition of the Guaidó-led government and its representatives.

A recurring pattern is that the Chavista regime often abandons talks as soon as it perceives the level of international and domestic pressure diminishing. Given the number of times, under both the Obama and Trump administrations, that negotiations were attempted and failed, the United States should insist on additional confidence measures from the regime during talks and before sanctions relief is granted, to show that the regime is serious. The opposite approach – lax U.S. sanctions enforcement and offering unilateral concessions – signals weakness to Maduro. Recent moves by the regime to allow COVID-19 vaccines into Venezuela and to allow the World Food Program to operate are not genuine confidence measures; instead, they should be viewed as matters of critical public health designed to quell street protests. Real confidence measures involve things that the regime so far has resisted and could include:

- Allow regular visitations to, and/or release, American citizen John Matthew Heath, who has been illegally detained in Venezuelan prisons under false pretenses since September 2020;
- Release the [CITGO 6](#) from house arrest and return them to their families;
- Disband the notorious security service, [the FAES](#);
- End arbitrary detention for some of the over 110 Venezuelan dissidents like Juan Requesens and Freddy Guevara;
- Establish conditions that improve the integrity of upcoming regional elections, including: the removal of bans on political parties; allowing international observation and postponing elections until such observation is possible (6-8 months); and allowing full and equal access and conditions to all members of the press.

Engaging in a negotiation while the regime continues to arrest opposition leaders and threaten President Guaidó and other political dissidents portends the likely failure of these negotiations. Should the regime end this activity, it is still critical that any negotiation strategy put forward by the U.S. administration identify clear, concrete mechanisms to hold the regime accountable if and when it fails to meet agreed upon goals, or if the regime makes commitments and then backtracks. This should be done in conjunction with the EU and OAS, which have the ability to impose significant new sanctions. Our partners in the region need to play the role of continuing

pressure on Maduro, and the U.S. must continue to inform and closely consult with them during negotiations. There must be willingness to deploy these penalties at the same time the negotiation is ongoing. Finally, there should be no permanent changes on the U.S. side in response to temporary changes from the Maduro regime. The United States should consider a “snapback” strategy to ensure any individual sanctions or Executive Orders removed or modified are immediately reinstated following a pre-determined set of actions by the Maduro regime.

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*The Forum for American Leadership (FAL) is a non-profit organization that presents expert analysis and national security recommendations to policymakers in Congress and the Executive Branch.*



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