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U.S. Promises to Not Pursue Maduro if He Leaves Venezuela

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In the prisons of Venezuela, the shortage of food has become so acute that inmates have resorted to cannibalism. Many of the country's hospitals are even short of soap and gloves, while cancer medicines only exist on the black market.

Once one of the world's top five economies, Venezuela has been destroyed by socialism. The rising discontent inside the country threatens civil war between forces supporting socialist dictator Nicolás Maduro (shown) and those backing National Assembly chief Juan Guaidó, who claims to have won last year's presidential election.

Outside powers have chosen sides in the dispute, with Cuba, Russia, and China all favoring Maduro, and the United States and the European Union siding with Guaidó.

One obstacle to Maduro stepping down is his concern over what would be his fate after he did so. Michelle Bachelet, the High Commissioner for Human Rights for the United Nations, has written a report highly critical of Maduro, detailing alleged human rights violations inside Venezuela. These charges could be a basis for which to charge Maduro in the International Criminal Court (ICC) in the Hague.

In an effort to resolve the impasse, the United States appears willing to promise the dictator that America would leave him alone were he to exit Venezuela. The United States does not recognize the authority of the ICC, having never agreed to any treaty supporting it.

The United States was the first world power to recognize Guaidó as the legitimate president of Venezuela, in January. In addition, the United States has used a variety of ways to get Maduro out of power, including offering \$250 million in humanitarian aid and sanctioning high-ranking members of his government, his security agencies, and the state oil company.

Thus far, the United States has not used military action, but both President Donald Trump and Vice President Mike Pence have refused to rule that out, saying "all options are on the table."

Talks between Guaidó backers and supporters of Maduro have been ongoing in Oslo. Guaidó, referring to these talks, said, "We are facing a dictatorship ... that for years has used this type of initiative to delay and gain time to confuse public opinion and to make us look weak." More talks, however, have been held in Barbados.

While it would be a good thing for the people of Venezuela if its socialist government were swept away, it is not clear that would be the result even if Maduro were to leave the country. First, even if President



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Maduro were to step down, power would not necessarily transfer to Guaidó. Under the system in place in Venezuela, a vacancy in the office of president would transfer power to Diosdado Cabello, the number-two man in the regime, who favors continuation of the socialist regime now in place. (In the United States, were there to be a vacancy in the office of president, Hillary Clinton would not become president, but instead the presidency would pass to Vice President Pence, for example).

Cabello's family controls key positions in the army and spy agencies, among other government agencies.

Even if Guaidó were to take the reins of government from Maduro, that would raise two concerns. One concern would involve a constitutional question. What would be the constitutional legitimacy of Guaidó to simply take over the presidency? Secondly, there is no guarantee that Guaidó is motivated by a desire to free the Venezuelan economy of the poison of socialism instead of simply desiring to take over the presidency himself.

The United States promising to leave Maduro alone were he to leave the country is a good thing, especially considering that the United States should have no role in pursuing criminal charges against a foreigner anyway. While many Americans rightly view Maduro and his predecessor Hugo Chávez with disgust, any power outside of Venezuela itself charging anyone inside of Venezuela with any crimes whatsoever sets a dangerous precedent.

While Maduro no doubt deserves punishment for what he has done to Venezuela, letting the UN's International Criminal Court mete out that punishment should be of concern to all Americans who believe in due process of law and in national sovereignty. Fortunately, the United States has thus far refused to ratify the ICC. Allowing such an international body to arrest and put on trial heads of state of nations, or even private citizens, for alleged crimes, is an important building block of a world government.

Punishing Maduro for his crimes before the ICC may very well be satisfying to many, but the loss of national sovereignty that would require would not be worth it. If the Trump administration has no intention of being a part of such a process, that is a positive for our own continued national independence.

Photo: AP Images

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