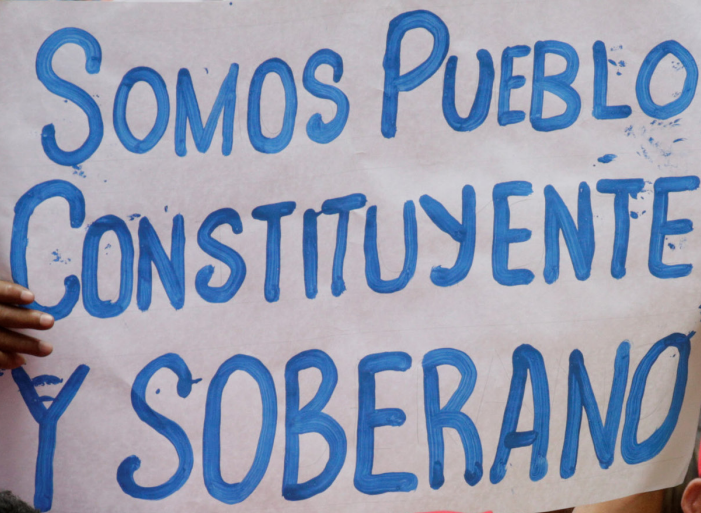


UEM  
OSÉ D JESÚS  
ARROCHA

# Venezuela Constituent

# Peace



SOMOS PUEBLO  
CONSTITUYENTE  
Y SOBERANO

# Venezuela Constituent Peace

One of the keystones of the Bolivarian Government has been the direct democracy of the people. Since the arrival of President Hugo Chavez in 1999, the systematic inclusion of political rights into the Venezuelan legal framework is undeniable. Venezuela recognizes people's wisdom as the necessary guideline that allows us to walk the path of peace. This conviction defines our path, which has been continuously attacked by, both domestic and foreign, centers of economic and political power, through the action of these reactionary groups. This is a sovereign effort to give more direct benefits to the people and address the enormous inequity resulting from the neoliberal action of old-time governments.

Since Nicolas Maduro took office as President of the Bolivarian Republic of Venezuela, through free, direct and secret vote on April 14th, 2013, the attack on Venezuelan institutions has taken a radical form with the intention of driving the country towards a growing level of anxiety and an ungovernable situation. Nevertheless, the continuous initiatives of the Bolivarian Revolution have managed to stop the violence and the attacks on the national economy.

On October 30th, 2016, the National Government established a national dialogue table, aiming at contributing to the country's political and economic stability, vis-à-vis the call to destabilization and chaos promoted by opposition representatives. President Nicolas Maduro's dedicated pursuit of firm means of communication through national dialogue is unquestionable, as it is the most appropriate tool to resolve the conflicts of the Venezuelan population, always invoking the need to recognize ourselves in the construction of a more inclusive country. This dialogue has counted on the mediation of former presidents of strong morals such as Leonel Fernandez, Martin Torrijos and Jose

Luis Rodriguez Zapatero, who have played an extraordinary role as mediators. Even Pope Francis himself has contributed to this task of building real peace in our country.

In 2017, the opposition party's coalition (MUD, Spanish acronym) has kept its position of not participating in the national dialogue. During the Foreign Ministers Meeting of the Community of Latin American and Caribbean States (CELAC) in May 2017, the then-Foreign Minister Delcy Rodriguez informed about the request of the President of the Republic, Nicolas Maduro, to convene a process of dialogue between the Government and the opposition. However, the Venezuelan political opposition has dismissed each and every one of these healthy exercises of encounter and dialogue. Quite the contrary, their response has been the call to violence and hatred, saying that they will "indefinitely" keep the agenda of street activities, thus reiterating their unwillingness to engage in a sincere and unconditional national dialogue.

During the protests called and encouraged by the Venezuelan opposition this year, more than 100 people were killed due to the opposition's irresponsibility to insist on staging a series of marches without announcing their completion point, or points where they were not authorized to arrive, which have almost always ended in violent acts: attacks against police officers and the Bolivarian National Guard; destruction of public and private entities and public infrastructure; looting, vandalism, barricades, isolation of some sectors, confrontations against the civilian population that does not support the opposition, hate crimes (in which even some citizens were burned alive because they "looked like" chavistas).

The President of the Republic, Nicolas Maduro, convened a National Constituent Assembly for peace and dialogue (ANC, in Spanish) on May 1st, 2017. Decree 2831 set forth a presidential commission which drafted the proposal for the electoral bases which determined a vote in territorial and sectorial modalities.

The decision to convene a National Constituent Assembly proposes a superior dialogue in the midst of the conflict and violent situation encouraged by the Venezuelan terrorist opposition. The ANC is the necessary venue to solve the difficulties inherent to the daily conflicts, and which will allow structural corrections in the economic, political and social model of our country.

Since the installation of the National Constituent Assembly, Venezuela has managed to resume its path to peace, putting an end to the destabilization campaign against the country, which seeks to reactivate the plans that would justify a foreign intervention and a coup d'état against President Nicolas Maduro through the violence fostered by extreme right factors.

The National Constituent Assembly has awakened its primary power in the people and is now setting the ground to play its role as a great mediator of the Venezuelan society. This is a favorable environment for the resolution of disputes, always in the most pluralistic spirit of real democratic exercise. The country continues its course, respecting the authority and interdependence of the constituted powers and their institutions. The electoral timetable also continues according to the provisions set forth by the National Electoral Council with the elections of state governors in October this year and the presidential elections in 2018.

But the most important thing is that our country today finally resumes the path of peace.

# Constituent democracy



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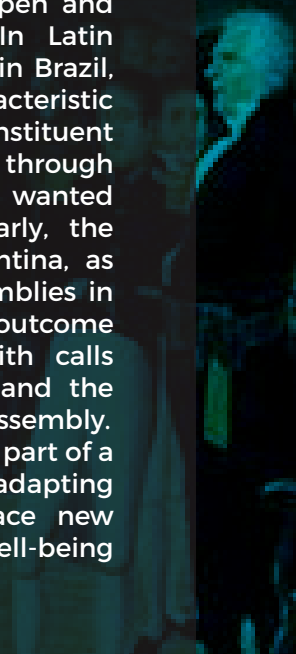
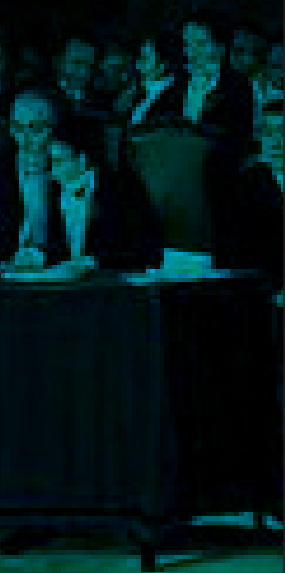
The purpose  
of convening  
the original  
constituent  
power is to reestablish the  
Republic or to reestablish  
the State and deeply  
reorganize its public  
powers”

# Constituent Process

The National Constituent Assembly is not an unprecedented process in Venezuela; the 1999 constituent process is an immediate antecedent. However, 16 constituent process, 12 constitutional reforms and 2 amendments have been carried out in our country.

The constituent processes can be “Foundational” or “Re-foundational”. The foundational processes create States: In the Venezuelan case, the Independence Declaration on July 5th, 1811 and the first constitution in December 1811 are the crucial acts that gave birth to the State and both of them have a foundational nature. From then onwards, when the original constituent power is convened, is to reestablish the Republic or reestablish the State and deeply reorganize its powers, in addition to the drafting of a new constitution.

This is the case of the Spanish constituent process in 1978, when the Constituent Cortes were convened and elected to develop, deepen and draft a new constitution. In Latin America, the same occurred in Brazil, with the unusual characteristic that that National Constituent Assembly decided to consult, through referendum, if Brazilians wanted Anarchy or Republic. Similarly, the 2 last constitutions in Argentina, as well as the constituent assemblies in Ecuador and Bolivia were the outcome of constituent processes with calls to their respective peoples and the installation of a Constituent Assembly. The constituent processes are part of a healthy democracy aiming at adapting themselves over time to face new challenges to achieve the well-being of their peoples.



# Original Power

The 2017 National Constituent Assembly in Venezuela is established in three fundamental rules of the Constitution of the Bolivarian Republic of Venezuela. The first of them is the Article 347 which refers to the call for the National Constituent Assembly of supra-constitutional original powers that are aimed not only at the drafting of a constitution but also at the reorganization of the State and the modification of the political and legal order.

The Article 348 refers to the initiatives; the people's initiative of 15% of the electoral body, two thirds of the Municipal Councils in meeting, as well as two thirds of the National Assembly and its members; and finally, the first provision of the Article 348, the President of the Republic in Ministers Council.

Finally, the Article 349 of the Constitution provides that the President of the Republic may not object the National Constituent Assembly and no constituted powers could block, interfere with, object or impute any of the decisions taken by the National Constituent Assembly, given its plenipotentiary nature.

President Maduro, based on the Article 348 of the Constitution, convened a National Constituent Assembly on May 1st, 2017 in order to adapt our constitutional text to the new challenges and to open a great national dialogue leading us to the path of peace. The new Constituent Assembly will address the following points:

1. Achieve peace and guarantee the values of justice and non-impunity.

2. Expand and improve the Venezuelan economic system to establish a post-oil system.

3. Constitutionalize the social programs (missions and great missions) created by the former president Hugo Chavez and the Revolution.

4. Strengthen the operation of the Justice, Security and People Protection system.

5. Boost new forms of participatory, protagonic and direct democracy.

6. Promote the sovereign foreign policy based on the defense of our integrity. The defense of the National Sovereignty, the integrity of the Nation, the rejection of the interference and the new vision of a pluripolar and multicentric world.

7. Foster the Cultural Identity, the New Venezuelan identity and the New Spirituality of the country.

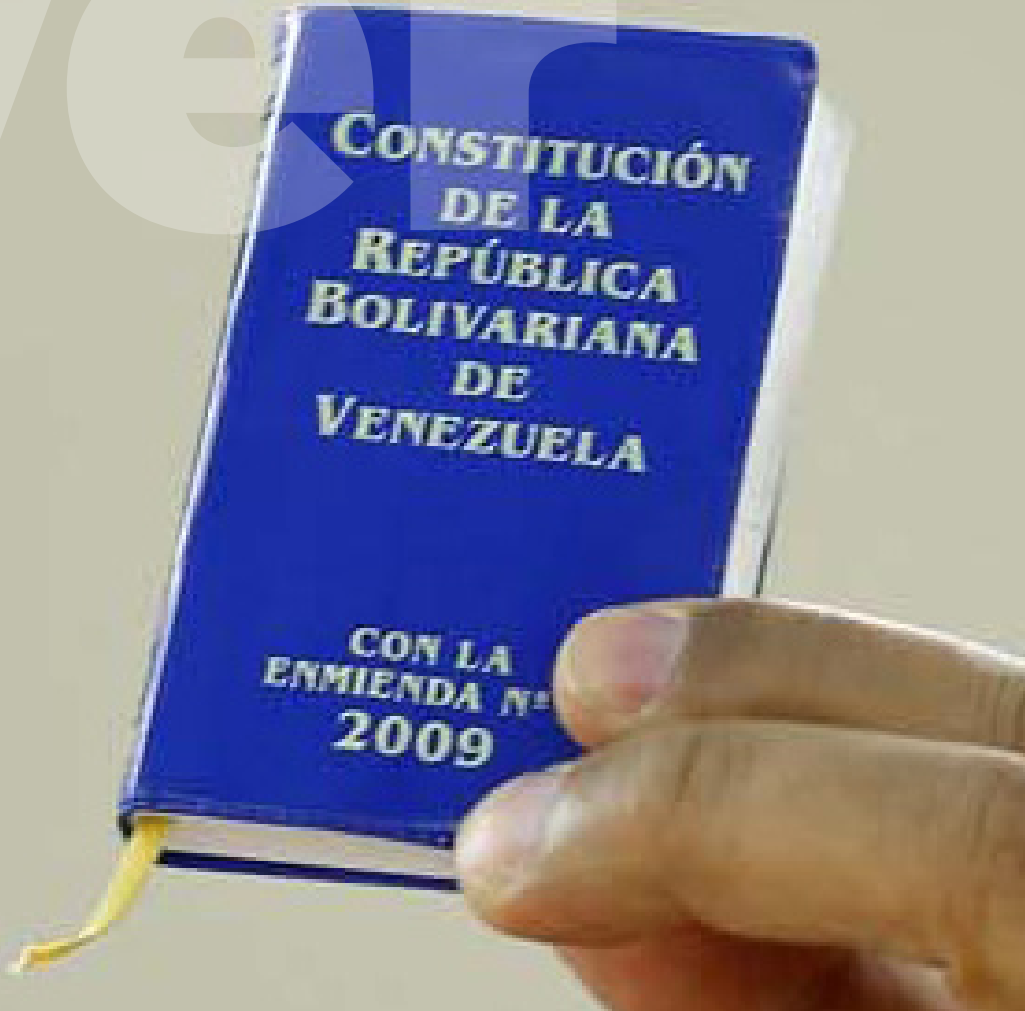
8. Guarantee a future for the youth. "In 1999, there were no conditions and we did not have that awareness. Even in 1999, the youth was not a social subject, a protagonist of the Venezuelan history."

9. The climate change, the survival of life in the planet.

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**“The Constitution of the Bolivarian Republic of Venezuela Article 348:**

the initiative to convene a National Constituent Assembly may be taken by the President of the Republic in Council of Ministers”



De 1999

CON LA  
CONSTITUYENTE  
MANDAR EN  
PUEBLO





# From 1999 to 2017 the people's power decides

In the Constitution of 1961, there was no regulation to activate the constituent process. In the Electoral and Political Participation Law, there was the possibility of consulting, through a referendum called by the President in the Ministers Council, the transcendent facts of the Nations. From there, this process began, as well as from article 50 of the repealed constitution of 1961, according to which the rights inherent to the human being do not require any regulation to be exercised.

The Constitution of 1999 filled that gap. Article 347 establishes the existence of the Constituent Assembly, and Article 348 establishes who can convene it, in this case is the President of the Republic, who created some electoral bases that were consulted to all the sectors of the Nation. The Head of State submitted the electoral bases to the National Electoral Council so this autonomous power could take the decision they deemed appropriate for convening the constituent.

The Constituent Process of 2017 can be seen as an initiative that allows progress and the right of all the sectors to participate in the decision making of the national political life. In 1999, the indigenous peoples chose their own representatives to the National Constituent Assembly. When composing the electoral bodies of 2017, the President of the Republic decided to propose, in the electoral bases, the inclusion and participation of diverse sectors of the national life which share common characteristics, so they could directly choose their spokespersons before the National Constituent Assembly.

All the social sectors of the country were included in the Constituent Assembly, in an unprecedented exercise of democratic will. This call was accepted by the majority of the Venezuelan people who on July 30th, 2017 attended more than 14,500 polling stations where more than 24,000 polling tables were installed by the National Electoral Council to perform the elections. In spite of the attempts of destabilization by the national and international right, elections were carried out in an environment of peace - with the exception of some specific actions by terrorist sectors of the Venezuelan political opposition which tried to sabotage the electoral process - thanks to the people's will to vote for the electoral alternative proposed by president Nicolas Maduro.

In the elections of July 30th, 2017, 19.4 million citizens were called to vote directly and secretly for 364 territorial representatives, 173 sectorial representatives and 8 indigenous representatives. The president of the National Electoral Council, Tibusay Lucena, informed that 8,089,320 Venezuelans voted in the elections, which represents 41.53% of the electoral pattern.

# History of the Constituent As

First Constitution of  
Venezuela and Latin America

**1811**

1821

**1819**

Approved on January 23rd, it declared the Republic of Venezuela as a Federal State, under a democratic, representative, responsible and alternative government.

**1830**

It was a result of the separation of the Department of Venezuela from the Great Colombia to constitute the State of Venezuela.

Sanctioned on April 23rd, the freedom of thought is guaranteed, expressed in writing through the press or other means.

**1961**

First constitution approved in people's referendum, on December 15th, under the presidency of Hugo Chavez.

**1999**

On Sunday February 15th the constitutional amendment was approved with 54.86% votes in favor.

**2009**

1953

19

1947



# sembly

Last Constitution  
of the 19th century  
which established  
for the first time the  
direct, universal and  
secret vote.

1858  
1857

1881  
1874

1893

1864

1891

45

1931  
1929  
1928

1914  
1904

1936

1922  
1925

1909  
1901

# 2017

On July 31st,  
545 constituent  
representatives were  
chosen to write the Magna  
Carta. After the election  
and installation of the  
National Constituent  
Assembly, the violence that  
had once been unleashed in  
Venezuela dissipated.

# CONSTITUYENTE



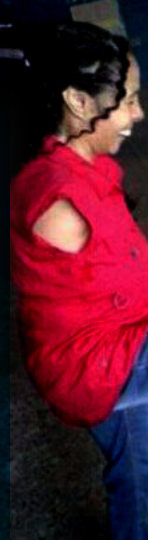
**Manifestation of wills in favor of the Constituent**, it is a clear example of our protagonist democracy.

**The people of Palo Gordo in Tachira State, on its way to vote in the Constituent Assembly elections**

after anti-government groups obstructed the roads to prevent them from reaching their polling station.



**From early Sunday morning, July 30th**, the electorate went to the polling stations to exercise their right to vote





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icipatory and

**The people of Palo Gordo crossing the river Torbes to participate in the electoral process**



**People in the street supporting the call for the Constituent Assembly by President Nicolas Maduro**



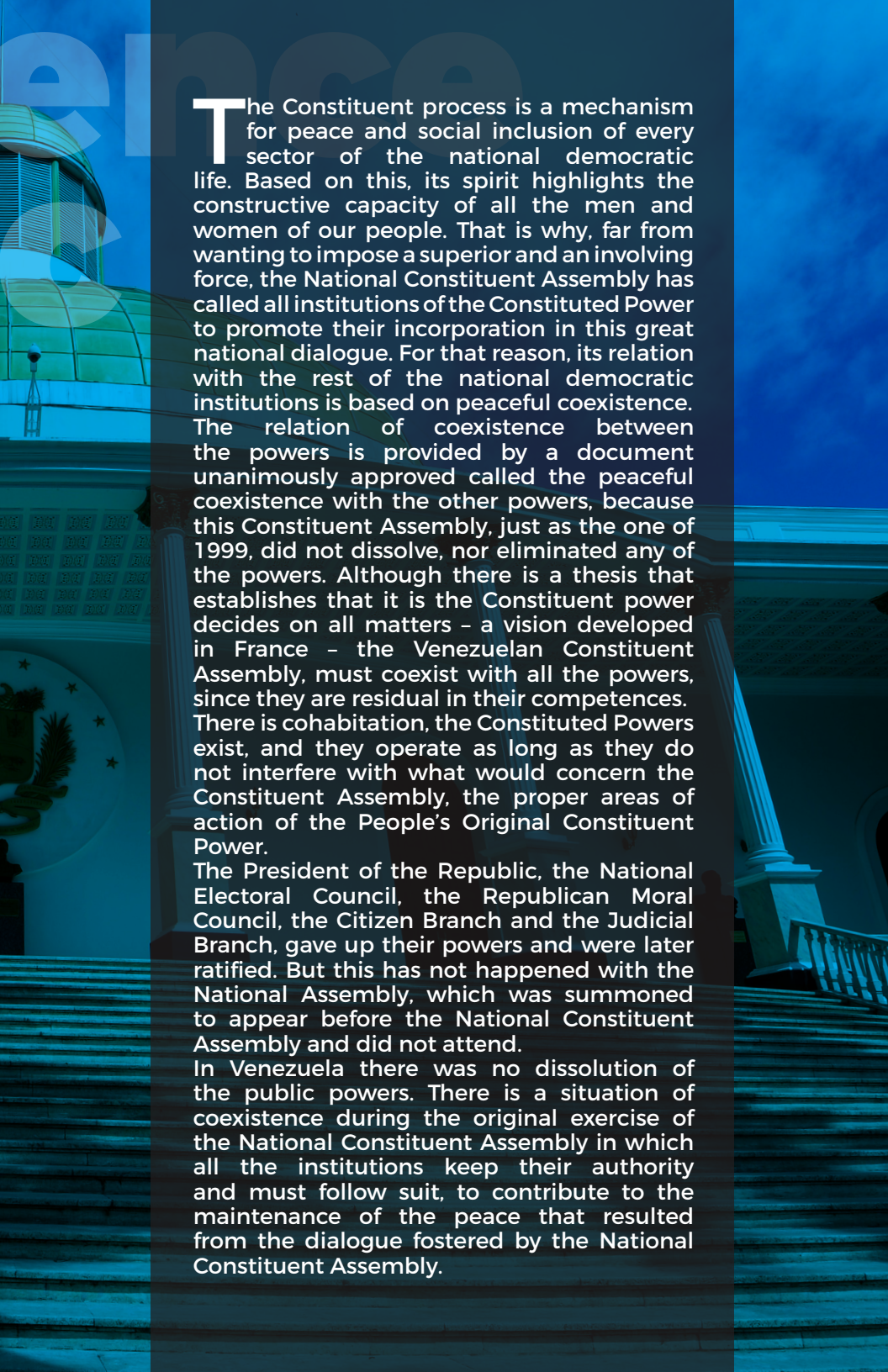
**The will of the Venezuelan people could not be bent in spite of the internal and imperial siege**

# Coexistence of Public Powers



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In Venezuela  
there was no  
dissolution  
of the public  
powers”



The Constituent process is a mechanism for peace and social inclusion of every sector of the national democratic life. Based on this, its spirit highlights the constructive capacity of all the men and women of our people. That is why, far from wanting to impose a superior and an involving force, the National Constituent Assembly has called all institutions of the Constituted Power to promote their incorporation in this great national dialogue. For that reason, its relation with the rest of the national democratic institutions is based on peaceful coexistence. The relation of coexistence between the powers is provided by a document unanimously approved called the peaceful coexistence with the other powers, because this Constituent Assembly, just as the one of 1999, did not dissolve, nor eliminated any of the powers. Although there is a thesis that establishes that it is the Constituent power decides on all matters - a vision developed in France - the Venezuelan Constituent Assembly, must coexist with all the powers, since they are residual in their competences. There is cohabitation, the Constituted Powers exist, and they operate as long as they do not interfere with what would concern the Constituent Assembly, the proper areas of action of the People's Original Constituent Power.

The President of the Republic, the National Electoral Council, the Republican Moral Council, the Citizen Branch and the Judicial Branch, gave up their powers and were later ratified. But this has not happened with the National Assembly, which was summoned to appear before the National Constituent Assembly and did not attend.

In Venezuela there was no dissolution of the public powers. There is a situation of coexistence during the original exercise of the National Constituent Assembly in which all the institutions keep their authority and must follow suit, to contribute to the maintenance of the peace that resulted from the dialogue fostered by the National Constituent Assembly.



The installation of the ANC is fully constitutional; it respects international treaties, the International Covenant on Civil and Political Rights and the American Convention on Human Rights; this is in terms of what is applicable to a Constituent process and in what has to do with the progressiveness of human rights and fundamental freedoms. There is no way to object to a transparent, clean, honest, democratic and committed process with the fundamental freedoms and human rights in Venezuela.


In a real democracy, such as the Venezuelan, the Constituent Power has limitations because it is born from the expression of the people as an original banner. All powers are limited by Human Rights, including the Constituent Power. The rights of each Venezuelan are superior to everything, and cannot be violated. One of the tasks of the Constituent representatives is precisely to reinforce these rights.

Therefore, both in Venezuelan society and the international community, there is an absolute guarantee that the proceedings of the National Constituent Assembly cannot, under any circumstances, represent a danger to democracy, and will not, under any circumstances, have vestiges of despotism. In addition, it is important to note that the 1999 Constitution remains valid until the people, in a referendum, approves the new constitutional text that is being drafted in the National Constituent Assembly.



**The Constituent  
Assembly  
is the guarantor  
of the  
Human Rights**

CONSTITUYENTE  
POR LA  
PAZ

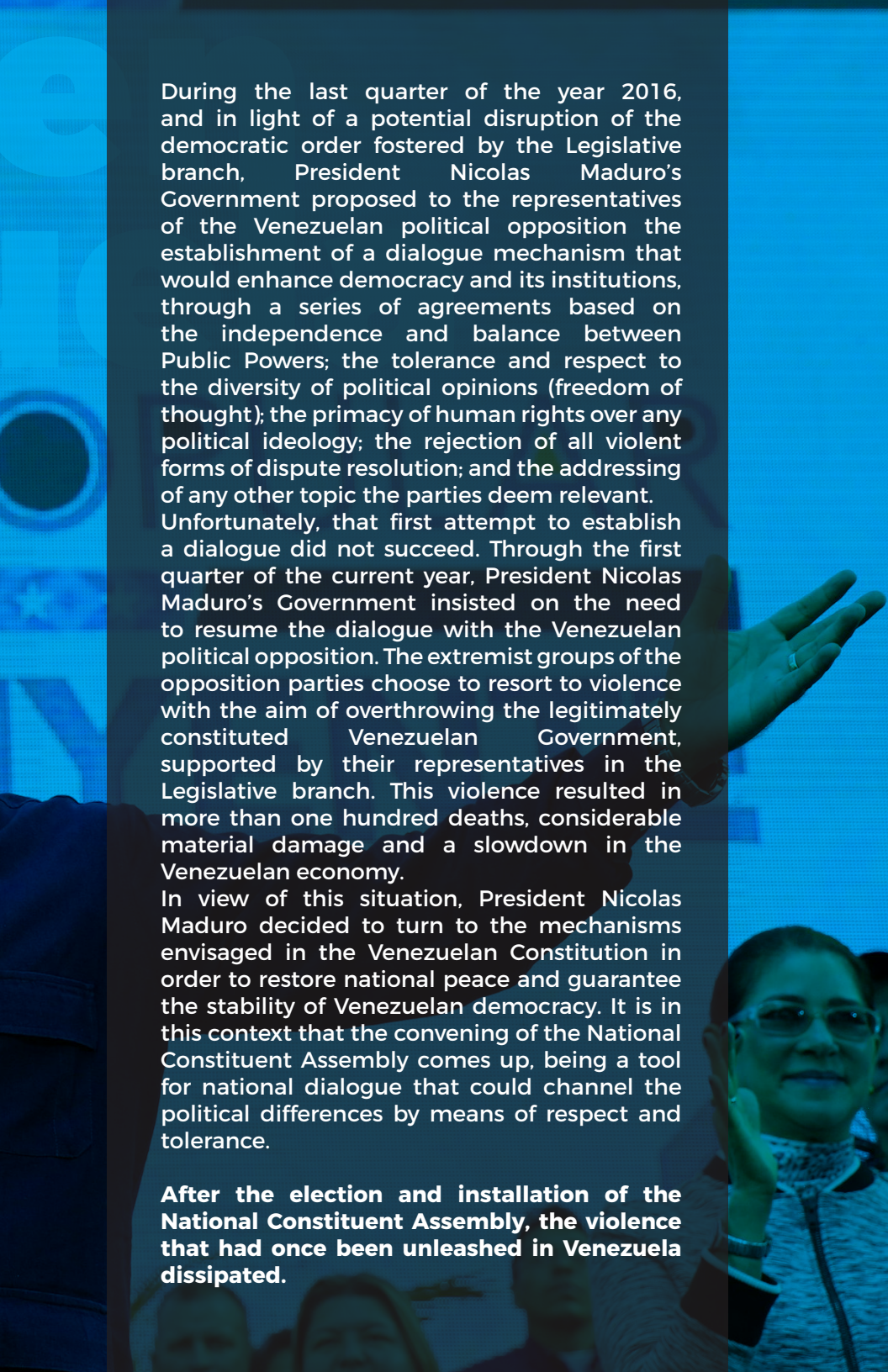
A person wearing a green and white baseball cap is holding a white sign with blue text. The sign reads 'CONSTITUYENTE POR LA PAZ'. The background shows a crowd of people, including one person wearing a red cap.

# Peace in Venezuela

Peace in Venezuela had started to show signs of instability since January 2016, after the installation of the new National Assembly (Legislative branch), where the opposition holds the majority. In fact, during his first address to the Nation, the then-President of the National Assembly, MP Henry Ramos Allup, had announced that over a six-month period he would remove President Nicolas Maduro from the Presidency of the Republic.

The subsequent actions taken by the National Assembly exacerbated the ignorance of the legal and legitimate authority of the Executive branch, thus affecting the balance that should exist between Public Powers and advocating for the Legislative branch supremacy over the other democratic institutions of the country. These actions are unacceptable in a democracy and therefore, they eroded Venezuelan peace and constituted one of the main antecedents of the violence to which the Venezuelan Nation was subjected during the first half of the year 2017.





During the last quarter of the year 2016, and in light of a potential disruption of the democratic order fostered by the Legislative branch, President Nicolas Maduro's Government proposed to the representatives of the Venezuelan political opposition the establishment of a dialogue mechanism that would enhance democracy and its institutions, through a series of agreements based on the independence and balance between Public Powers; the tolerance and respect to the diversity of political opinions (freedom of thought); the primacy of human rights over any political ideology; the rejection of all violent forms of dispute resolution; and the addressing of any other topic the parties deem relevant.

Unfortunately, that first attempt to establish a dialogue did not succeed. Through the first quarter of the current year, President Nicolas Maduro's Government insisted on the need to resume the dialogue with the Venezuelan political opposition. The extremist groups of the opposition parties choose to resort to violence with the aim of overthrowing the legitimately constituted Venezuelan Government, supported by their representatives in the Legislative branch. This violence resulted in more than one hundred deaths, considerable material damage and a slowdown in the Venezuelan economy.

In view of this situation, President Nicolas Maduro decided to turn to the mechanisms envisaged in the Venezuelan Constitution in order to restore national peace and guarantee the stability of Venezuelan democracy. It is in this context that the convening of the National Constituent Assembly comes up, being a tool for national dialogue that could channel the political differences by means of respect and tolerance.

**After the election and installation of the National Constituent Assembly, the violence that had once been unleashed in Venezuela dissipated.**

UEM  
DR. JOSÉ D'JESÚS  
ARROCHA



Gobierno  
Bolivariano  
de Venezuela



1817 - 2017  
**ZAMORA**  
UNIÓN CIVICO MILITAR

