

LEGAL ANALYSIS EXPLAINING WHY JUAN GUAIDÓ HOLDS A UNIQUE AND LEGITIMATE CLAIM TO THE PRESIDENCY OF VENEZUELA

I. Introduction

On January 10, 2019, Nicolás Maduro appeared to have been sworn in to a second six-year term of office as President of Venezuela, but he had been “re-elected” in a poll that was widely and accurately criticized as neither free nor fair. Therefore, on January 15, 2019, the National Assembly – Venezuela’s last remaining legitimate and democratically-elected institution – adopted a Declaration that carefully and specifically explained precisely why, in full accordance with Venezuela’s Constitution and its laws, Maduro was no longer President. The historic clash taking place in Venezuela today emanates not from foreign intervention but from the courage and resilience of the Venezuelan people. After suffering for years under an authoritarian Government, living in a man-made humanitarian disaster, and sacrificing their lives to rescue their democracy, they are on the cusp of breaking free from the chains of dictatorship. In fact, as described in detail in this Legal Opinion, the National Assembly had the unequivocal and exclusive legal authority to declare that Maduro had abandoned his position and duties as President by circumventing the requirement that he be democratically elected. In so doing, and until a new election is held, the Constitution explicitly says the President of the National Assembly “shall take charge of the Presidency of the Republic.” It was on this basis that on January 23, 2019, Juan Guaidó was sworn in as interim President of Venezuela among hundreds of thousands of Venezuelans, who had taken to the streets to protest Maduro’s rule.

II. Background on the Venezuelan Presidential Elections of 2018

Presidential elections were held in Venezuela on May 20, 2018. However, Maduro’s government had rigged the vote in his favor by committing numerous irregularities and instances of electoral fraud, as is explained below. As these elections approached, it was clear they would be neither free nor fair.

A. Irregularities in the Electoral Process

1. The presidential elections were convened by an illegitimate body which lacked the competency to order elections.

On January 23, 2018, the government-controlled Constituent National Assembly of Venezuela announced that presidential elections would be held before the end of April.¹ However, under the Venezuelan constitution, the Constituent National Assembly does not have the competency to call for elections.²

¹ Kirk Semple, *Venezuela Calls for Early Elections, and Maduro Aims to Retain Control*, NEW YORK TIMES, Jan. 23, 2018.

² José Ignacio Hernández G., *Venezuela’s Presidential Crisis and the Transition to Democracy*, CENTER FOR STRATEGIC AND INT’L STUDIES, Jan. 25, 2019.

Furthermore, the Constituent National Assembly is itself an illegitimate body which was not properly constituted under relevant constitutional provisions. On May 1, 2017, then President Maduro had called for the establishment of a constituent assembly that would have unchecked power to formulate a new Constitution. However, Article 347 of the Venezuelan constitution states:

The original constituent power rests with the people of Venezuela. This power may be exercised by calling a Constituent National Assembly for the purpose of transforming the State, creating a new juridical order and drawing up a new Constitution.³

As constituent power “rests with the people of Venezuela,” a prior referendum of the people was required in order to authorize the elections of a Constituent National Assembly.⁴ However, Maduro bypassed this requirement in order to expedite efforts to solidify his own power under a new Constitution.⁵ The Venezuelan opposition boycotted the elections of the Constituent National Assembly, and, in order to demonstrate Venezuelans’ opposition to it, organized a plebiscite vote on July 16, 2017, in which over seven million Venezuelans voted against its establishment.⁶ Despite this outcome, Maduro proceeded to hold the unconstitutional election for members of the Constituent National Assembly on July 30, 2017, in a poll that was condemned as neither free nor fair.⁷ Weeks later, the new government-controlled Constituent National Assembly illegally voted to assume the legislative powers of the National Assembly.⁸

2. The Maduro government manipulated the electoral schedule.

The Maduro government accelerated the schedule for presidential elections in order to take advantage of divisions within the opposition⁹ and recent – but fraudulent – electoral victories the Government had enjoyed in regional and municipal elections held in late 2017. Though presidential elections in Venezuela have normally been held at the end of the year, the illegal Constituent National Assembly first called for presidential elections to happen in April, before finally scheduling them for May 20, 2018. The Opposition condemned the Maduro government’s call for early elections, citing a lack of time to exercise standard electoral functions and establish electoral guarantees.

3. The Maduro government failed to establish guarantees of electoral fairness and transparency.

³ CONSTITUCIÓN DE LA REPÚBLICA BOLIVARIANA DE VENEZUELA, Dec. 30, 1999, Art. 347.

⁴ Michael Shifter & Ben Raderstorf, *Venezuela After the Constituent Assembly*, FOREIGN AFFAIRS, Aug. 1, 2017 and *Acuerdo en Rechazo al Decreto de la Fraudulenta Asamblea Nacional Constituyente Referido a Sus Pretendidas Facultades Respecto de los Poderes Constituidos*, ASAMBLEA NACIONAL DE LA REPÚBLICA BOLIVARIANA DE VENEZUELA, Aug. 4, 2017.

⁵ *Venezuela’s Embattled Socialist President Calls for Citizen’s Congress*, USA TODAY, May 1, 2017.

⁶ Corina Pons & Brian Ellsworth, *Venezuela Opposition Says 7 Million Voted in Anti-Maduro Poll*, REUTERS, July 16, 2017.

⁷ Nicholas Casey, *Venezuela Reported False Election Turnout, Voting Company Says*, NEW YORK TIMES, Aug. 2, 2017.

⁸ Rachelle Krygier & Anthony Faiola, *Venezuela’s Pro-Government Assembly Moves to Take Power from Elected Congress*, THE WASHINGTON POST, Aug. 18, 2017.

⁹ *Venezuela Calls for Early Elections, and Maduro Aims to Retain Control*, *supra* note 1.

The Maduro government failed to establish essential electoral guarantees, including an independent National Electoral Council and the presence of credible international observers to oversee the electoral process. Furthermore, the Government had decimated Maduro's opponents by jailing, forcing into exile, or barring most popular opposition candidates from running for office, and it refused to allow these individuals to participate in the electoral process.¹⁰

4. The Maduro government intimidated and coerced voters.

The Maduro government illegally made receiving government handouts contingent on voting in the elections. In Venezuela, many people receive government benefits, including subsidized groceries, through a special identity card known as the "Fatherland Card." In campaign rallies leading up to the elections, Maduro stated, "Everyone who has this card must vote . . . I give and you give."¹¹ He promised that those who voted using the Fatherland Card would receive a bonus,¹² and his government promised further aid and handouts if Maduro was re-elected.¹³ Furthermore, on election day, the Government illegally set up government benefit registries next to most polling centers, when by law these must be located more than 200 meters from polling centers.¹⁴ It instructed voters to scan their Fatherland Cards at these benefit registries so that authorities could note who had undertaken the "duty to defend the revolution and democracy."¹⁵

B. Domestic and International Response

On February 21, 2018, the main coalition of opposition parties in Venezuela announced it would not participate in the presidential elections as they would "not comply with democratic conditions or guarantees."¹⁶ On February 23, 2018, at a special session supported by Secretary General Luis Almagro, the Permanent Council of the Organization of American States adopted a resolution¹⁷ urging the Government of Venezuela to reconsider its announcement of presidential elections. Later, the Inter-American Commission on Human Rights concluded the National Electoral Council was biased and that the election would not meet "the minimal conditions needed for the realization of free, fair, and reliable elections in Venezuela."¹⁸ On March 23, 2018, the United Nations announced it would not offer electoral assistance for the election.¹⁹ UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein noted serious concerns about the election's potential fairness, stating "this context does not in any way fulfill minimal conditions

¹⁰ *Id.*

¹¹ 'I Give and You Give': Venezuela's Leader Dangles Food for Votes, NEW YORK TIMES, May 18, 2018.

¹² *Elecciones en Venezuela: Qué son los Puntos Rojos y Por Qué Henri Falcón Acusa a Maduro de "compra de votos,"* BBC, May 21, 2018.

¹³ *Venezuela Is in Crisis. So How Did Maduro Secure a Second Term?*, NEW YORK TIMES, Jan. 10, 2019.

¹⁴ *Las Cinco Irregularidades de las Elecciones en Venezuela*, EL TIEMPO, May 21, 2018.

¹⁵ *Id.*

¹⁶ *La Oposición Venezolana Rechaza Concurrir a Las Elecciones Chavistas*, EL PAIS, Feb. 22, 2018.

¹⁷ The resolution was supported by 19 countries, including Argentina, Bahamas, Barbados, Brazil, Canada, Chile, Colombia, Costa Rica, Guatemala, Guyana, Honduras, Jamaica, Mexico, Panama, Paraguay, Peru, Saint Lucia, the United States, and Uruguay.

¹⁸ *El Proceso Electoral de Venezuela es Llevado Ante la CIDH*, EFE, May 10, 2018.

¹⁹ *UN Official: No Aid for Controversial Venezuela Election*, ASSOCIATED PRESS, Mar. 23, 2018.

for free and credible elections.”²⁰ In addition, the Lima Group²¹ concluded it would not recognize the results of the presidential elections due to their lack of transparency.²² And the European Union, through the European Parliament on a vote of 480-51-70, called for sanctions against Maduro because of his role in the “aggravation of the crisis.”²³ On May 3, 2018, it later called for an immediate suspension of the May 20th election until “free and fair elections are held on a schedule agreed upon with the participation of all relevant actors and parties.”²⁴

Despite repeated calls for the postponement of the elections, the Maduro government insisted they were legitimate and proceeded with them as planned. On May 20, 2018, Venezuelans went to the polls. Voter turnout was reported to have been at a record low, with only 46.02% of eligible voters participating, compared to almost 80% in the 2013 elections.²⁵ Maduro was declared the victor, with 67.84% of the vote; his closest opponent had 20.93%.

On May 24, 2018, Maduro took the oath of office in front of his illegitimate Constituent Assembly.²⁶ Even setting aside the fact that the presidential election was neither free or fair, this action was also in clear violation of Venezuela’s Constitution, which under Article 231 says:

The candidate elected shall take office as President of the Republic on January 10 of the first year of his constitutional term, by taking an oath before the National Assembly.

This bizarre action by Maduro left many in the international community very confused, as even if he had been legitimately elected, his next six-year term was not supposed to begin until January 10, 2019.

There was widespread condemnation of Maduro’s election, with numerous domestic and international institutions and governments refusing to recognize the results.²⁷ On May 21, 2018, the National Assembly approved a resolution that rejected the election results and declared Maduro a usurper.²⁸ On May 28, 2018, the Council of the European Union refused to recognize the election results and called for new democratic elections.²⁹ The leaders of the G7 group –Canada, France, Germany, Italy, Japan, the United Kingdom, and the United States – joined the European Union

²⁰ *UN Seeks Inquiry Into Killings in Venezuela, Says Poll Not Credible*, REUTERS, Mar. 7, 2018.

²¹ This included the participating nations of Argentina, Brazil, Canada, Chile, Colombia, Costa Rica, Guatemala, Guyana, Honduras, Mexico, Panama, Paraguay, Peru, and Saint Lucia.

²² *Colombia Desconocerá Resultado de Elecciones en Venezuela, Dice Santos*, LA PATILLA, Jan. 25, 2018.

²³ *Union Europea Prepara Nuevas Sanciones Contra la Dictadura en Venezuela y la Estatal PDVSA*, PANAMA POST, Feb. 14, 2018.

²⁴ *Eurocamara Pide la Suspensión Inmediata del Proceso Ilegítimo del 20 Mayo en Venezuela*, LA PATILLA, May 3, 2018.

²⁵ *Elecciones en Venezuela: Nicolás Maduro Gana las Presidenciales Según el Consejo Nacional Electoral y Henri Falcón Cuestiona el Resultado*, BBC NEWS, May 21, 2018.

²⁶ *Venezuela’s President Maduro Takes Oath as President-Elect*, ASSOCIATED PRESS, May 24, 2018.

²⁷ *Venezuela’s Sham Election*, Editorial Board, NEW YORK TIMES, May 21, 2018.

²⁸ *Guaidó a Maduro: El 10 de Enero Este Parlamento no te va a Juramentar*, EL NACIONAL, Jan. 5, 2019.

²⁹ *Venezuela: Council Adopts Conclusions*, EUROPEAN COUNCIL, May 28, 2018. This included 28 countries – Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom.

in rejecting the elections and denounced that they did not “comply with international standards” and did not grant “basic guarantees.”³⁰ On June 5, 2018, the OAS adopted a resolution on a vote of 19-4-11 to take the first step to suspend Venezuela from the organization.³¹ The Lima Group announced it would not recognize the results.³² And it later issued a statement urging Maduro not to take the oath of office and to instead cede power to the National Assembly.³³ More than 50 countries around the world ultimately decided not to recognize the election results.³⁴

III. Legal Analysis

On January 10, 2019, Nicolás Maduro purported to take the oath of office before the Supreme Court of Venezuela and begin a second presidential term.³⁵ In response, the Venezuelan National Assembly invoked several provisions of the Constitution of the Bolivarian Republic of Venezuela, listed below, to annul the results of his fraudulent and illegitimate election, end his ongoing usurpation of power, and restore democracy in Venezuela.

Article 187 of Venezuela’s Constitution describes the function of the National Assembly, which include:

1. To legislate in matters of national competence and as to the functioning of the various branches of National Power . . .
3. To exercise control functions over the government and the National Public Administrative, on the terms established in this Constitution and by law . . . [and]
24. Any others indicated in this Constitution or by law.

By its plain language, the Constitution provides the National Assembly with the means to secure a legal exit from the current crisis. **Article 233** of the Constitution says in pertinent part:

The President of the Republic shall become permanently unavailable to serve by reason of any of the following events: death; resignation. . . abandonment of his position, duly declared by the National Assembly; and recall by popular vote.

When an elected President becomes permanently unavailable to serve prior to his inauguration, a new election by universal suffrage and direct ballot shall be held within 30 consecutive days. Pending election and inauguration of the new President, the President of the National Assembly shall take charge of the Presidency of the Republic. . . .³⁶

³⁰ *G7 Rechazó Resultados de las Votaciones del 20 de Mayo*, EL IMPULSO, May 23, 2018.

³¹ *OAS Calls Extraordinary Assembly to Vote on Suspending Venezuela*, REUTERS, June 5, 2018.

³² *Grupo Lima, Formado por 14 Países, Desconoce Resultado Electoral en Venezuela*, EL UNIVERSAL (MX), May 21, 2018.

³³ *Latin American Governments, Urge Maduro to Cede Power*, ASSOCIATED PRESS, Jan. 4, 2019.

³⁴ *Venezuela’s Presidential Crisis and the Transition to Democracy*, *supra* note 2.

³⁵ *Venezuela’s Nicolás Maduro Begins New Term as ‘Illegitimate’ President*, MIAMI HERALD, Jan. 10, 2019.

³⁶ CONSTITUCIÓN DE LA REPÚBLICA BOLIVARIANA DE VENEZUELA, *supra* note 3, at Art. 233 (emphasis added).

Over the last several years, Maduro has tightened his grip on power by flouting numerous provisions of the Constitution, especially those requiring his Government to adhere to human rights norms and standards under both Venezuelan and international law. And he has abandoned the requirement that he be elected in a free, fair, and democratic manner. In response, the National Assembly has adopted resolutions with majority votes stating that his unconstitutional actions constituted his abandoning his position and his duties as President, which require him to uphold the Constitution, including on January 9, 2017,³⁷ August 8, 2018,³⁸ and November 13, 2018.³⁹ As Maduro had thus become permanently unavailable to serve as President, the National Assembly declared that as of January 10, 2019, Maduro's assumption to the Presidency for his second term would be unconstitutional and a usurpation of power.⁴⁰

The National Assembly invoked further constitutional provisions to reinforce its authority and the validity of its decisions.

Article 5 states:

Sovereignty resides untransferable in the people, who exercise it directly in the manner provided for in this Constitution and in the law, and indirectly, by suffrage, through the organs exercising Public Power. The organs of the State emanate from and are subject to the sovereignty of the people.⁴¹

In **Article 7**, the Constitution emphasizes:

The Constitution is the supreme law and foundation of the legal order. All persons and organs exercising Public Power are subject to this Constitution.⁴²

And under **Article 138**, one of general provisions of the Constitution states: "A usurped authority is of no effect, and its acts are null and void."⁴³ This provision reaffirms that acts undertaken by Maduro purportedly as President, but after he was declared to have abandoned his position, are null and void.

Finally, the National Assembly invoked two other relevant provisions in the Constitution that relate to the duties of citizens to reject unconstitutional and illegitimate governments.

In **Article 333**, it states:

³⁷ *Acuerdo Sobre el Abandono de las Funciones Constitucionales de la Presidencia de la República en que ha Incurrido el Ciudadano Nicolás Maduro Moros*, ASAMBLEA NACIONAL DE LA REPÚBLICA BOLIVARIANA DE VENEZUELA, Jan. 9, 2017.

³⁸ *Acuerdo de Ratificación de la Decisión de la Asamblea Nacional de Declarar el Abandono del Cargo de Nicolás Maduro Moros, y Sobre su Responsabilidad Penal por Hechos de Corrupción*, ASAMBLEA NACIONAL DE LA REPÚBLICA BOLIVARIANA DE VENEZUELA, Aug. 21, 2018.

³⁹ *Acuerdo con el Objeto de Impulsar una Solución Política a la Crisis Nacional, Fortaleciendo las Fuerzas Democráticas del Pueblo de Venezuela con el Respaldo de la Comunidad Interna*, ASAMBLEA NACIONAL DE LA REPÚBLICA BOLIVARIANA DE VENEZUELA, Nov. 13, 2018.

⁴⁰ *Id.*

⁴¹ CONSTITUCIÓN DE LA REPÚBLICA BOLIVARIANA DE VENEZUELA, *supra* note 3, Art. 5.

⁴² *Id.*, Art. 7.

⁴³ *Id.*, Art. 138.

This Constitution shall not cease to be in effect if it ceases to be observed due to acts of force or because or repeal in any manner other than as provided for herein. In such eventuality, every citizen, whether or not vested with official authority, has a duty to assist in bringing it back into actual effect.⁴⁴

And in **Article 350** of the Constitution, it states:

The people of Venezuela, true to their republican tradition and their struggle for independence, peace and freedom, shall disown any regime, legislation or authority that violates democratic values, principles and guarantees or encroaches upon human rights.⁴⁵

In accordance with these provisions, on January 15, 2019, the National Assembly adopted *The Declaration of Usurpation of the Presidency of the Republic by Nicolas Maduro Moros and the Restoration of the Validity of the Constitution*. In this Declaration, the National Assembly carefully and specifically explains precisely why Maduro is no longer President and why, on the basis of Article 233, Juan Guaidó, the President of the National Assembly, has legally assumed office as interim President, until there are free and fair elections for a new democratically-elected President in Venezuela.

In the preamble to this Declaration, the National Assembly explains that given this precise situation was not envisioned by the Constitution, that “as the only legitimate authority of the State and representative of the Venezuelan people, [it] must adopt decisions to proceed to re-establish the constitutional order, with foundation in Articles 5, 187, 233, 333, and 350 of the Constitution.”⁴⁶ It added that the usurpation of the powers of the Presidency has emanated from Maduro’s failure to abide by the Constitution, and especially from his installing a “fraudulent constituent national assembly.”⁴⁷ And it explained that, under Article 333, all citizens and those serving the state have a duty to help re-establish the validity of the Constitution, and that Article 350 recognizes a right to civil disobedience. On this basis, the National Assembly explains that the National Armed Forces are allowed to disobey Maduro’s orders and obey the orders of the National Assembly “all for the purpose of restoring the effective validity of the Constitution.”⁴⁸ In addition, it notes that Maduro’s actions have aggravated the effects of a complex humanitarian emergency because he has been “unable to attend to the security and prosperity of Venezuelans, whose life, liberty, property, and security are in danger.”⁴⁹

In the Declaration’s operative provisions, the National Assembly took the following actions:

⁴⁴ *Id.*, Art. 333 (emphasis added).

⁴⁵ *Id.*, Art. 350 (emphasis added).

⁴⁶ *Declaratoria de Usurpación de la Presidencia de la República por Parte de Nicolás Maduro Moros y el Restablecimiento de la Vigencia de la Constitución*, ASAMBLEA NACIONAL DE LA REPÚBLICA BOLIVARIANA DE VENEZUELA, Jan. 15, 2019.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

1. It declared that Maduro had usurped the Presidency and therefore all his actions are null and void under Article 138 of the Constitution.⁵⁰
2. It adopted under Article 233 measures to create a transitional government and to say it intended to “proceed to the . . . holding of free and transparent elections . . . in the shortest possible time” in accordance with the Constitution’s requirements.⁵¹
3. It approved a legislative framework for a political and economic transition to temporarily transfer the powers of the Executive to the Legislative Branch, stating the President of the National Assembly “will be responsible for ensuring compliance with the approved legal regulations until the democratic order and the rule of law in the country are restored.”⁵²
4. It established a legislative framework to enable civil and police officials and the National Armed Forces to obey the decisions of the National Assembly.⁵³
5. It authorized the taking of measures to protect the assets of Venezuela nationally and internationally, so they can be used to address the complex humanitarian emergency.⁵⁴
6. It said necessary measures must be taken to ensure Venezuela remains represented with multilateral organizations and ensures their connection with the protection of human rights in Venezuela.⁵⁵
7. It reported that the diplomatic corps accredited to Venezuela will be notified of this declaration.⁵⁶

On January 23, 2019, grounded in the legal authorization of the National Assembly, Juan Guaidó was sworn into office as the interim President of Venezuela.⁵⁷ He swiftly announced a three-part plan for the restoration of democracy in Venezuela: ending Maduro’s usurpation of power, creating a transitional government, and convening free and fair elections.⁵⁸

As Guaidó’s new government begins to implement this plan, there is one additional issue which must be considered regarding the timing of a new presidential election being undertaken in light of Maduro’s refusal to acknowledge he was removed from office by the Declaration of the

⁵⁰ *Id.*, at First.

⁵¹ *Id.*, at Second.

⁵² *Id.*, at Third.

⁵³ *Id.*, at Fourth. This provision references Article 328 of the Constitution, which says the National Armed Forces are a “professional institution, with no political orientation, organized by the State to guarantee the independence and sovereignty of the Nation”

⁵⁴ *Id.*, at Fifth.

⁵⁵ *Id.*, at Sixth.

⁵⁶ *Id.*, at Seventh.

⁵⁷ *Maduro Defiant as Venezuelan Opposition Leader Declares Himself Acting President*, CNN, Jan. 23, 2019.

⁵⁸ *Guaidó: “Cese de Usurpación, Gobierno de Transición y Elecciones Libres*, MSN NOTICIAS, Jan. 26, 2019.

National Assembly on January 15, 2019. Specifically, as noted earlier, under Article 233 of the Constitution, upon a president being declared as having abandoned his position “a new election by universal suffrage and direct ballot shall be held within 30 consecutive days.” With Maduro still holding on to power illegally and controlling the National Electoral Council, this is simply impossible. The Constitution, however, does not explicitly address what happens if that 30-day period expires without an election. But it is clear that general provisions of the Constitution implicitly authorize the interim President to continue to hold office until new elections are held and a new president is sworn in. Specifically, under Article 333 of the Constitution:

This Constitution shall not cease to be in effect if it ceases to be observed due to acts of force or because of repeal in any manner other than as provided for therein. In such eventuality, every citizen, whether or not vested with official authority, has a duty to assist in bringing it back into actual effect.⁵⁹

Maduro is continuing to hold on to power illegally through his control of the military and this is an ongoing act of force. And the only practical way to bring the Constitution back into actual effect is the holding of a new free and fair presidential election and the swearing in of a democratically elected president. Any other approach beyond having the interim President continuing to hold office until this is achieved not only would lack support from the Constitution but also, because of its lack of legitimacy, would create an even more chaotic situation that would make the restoration of democracy even more difficult. Finally, it should be recalled that in its Declaration, the National Assembly had already stated that the new presidential elections should be held “in the shortest time possible,” anticipating an election might not be possible within 30 days.

IV. International Support

Since assuming office, 56 countries – including Albania, Andorra, Argentina, Australia, Austria, the Bahamas, Belgium, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, the Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Finland, France, Georgia, Germany, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Japan, Kosovo, Latvia, Lithuania, Luxembourg, Macedonia, Malta, the Marshall Islands, Micronesia, Montenegro, Morocco, the Netherlands, Panama, Paraguay, Peru, Poland, Portugal, Romania, Slovenia, South Korea, Spain, Sweden, Switzerland, Ukraine, the United Kingdom, and the United States⁶⁰ – have both recognized Guaidó’s Government as the exclusive sovereign power of Venezuela and withdrawn recognition of Maduro’s Government. The European Parliament also recognized Guaidó’s government by a vote of 439-104-88.⁶¹ More countries and international organizations are expected to follow.

⁵⁹ CONSTITUCIÓN DE LA REPÚBLICA BOLIVARIANA DE VENEZUELA, *supra* note 3, Art. 133.

⁶⁰ This list is current as of May 22, 2019. See Dave Merrill and Carolina Millan, *Map: All the Countries Recognizing Guaidó as Venezuela’s New President*, BLOOMBERG, Jan. 24, 2019; Ed Johnson, *Australia Joins U.S. in Recognizing Venezuela’s New Leadership*, BLOOMBERG, Jan. 27, 2019; and *European Nations Recognise Guaidó as Venezuela’s Acting President*, AL JAZEERA, Feb. 4, 2019.

⁶¹ *EU Parliament Recognizes Guaidó as Venezuelan Interim President*, REUTERS, Jan. 31, 2019.