



Universidad Central de Venezuela

The Constitutional Law professors of the UCV in defense of the Constitution

The Constitutional Law professors of the Faculties of Law, Political and International Studies of the UCV (Universidad Central of Venezuela), in accordance to Article 2 of the Law of Universities state unanimously their viewpoint regarding the electoral bases for the summoning of the Constituent National Assembly (Communal and Sectorial) presented by Nicolas Maduro to the National Electoral Council on the 23rd of May, 2017. The legal opinion of the abovementioned professors regarding this subject is expressed as follows:

1. We, the Constitutional Law professors of the Faculties of Law, Political and International Studies of the UCV (Universidad Central of Venezuela), insist on denouncing the usurpation and illegal appropriation of the People's Sovereignty which has occurred by presenting the Bases of the Convocation of the Constituent National Assembly, as an accomplished fact, without having consulted the People of the Republic of Venezuela on this matter throughout a referendum. The Constitution states the sovereignty belongs to its People and that it is non-transferable. All State entities, including the President of the Republic, are subjected to this sovereignty. This constitutional fraud contrasts with the "faculty of initiating" the procedure of summoning the Referendum that was carried out through the Decree Number 3, issued on the 2nd of February, 1999, published in the Official Gazette of the Republic of Venezuela Number 36.634 on February 2, 1999, such as it is referred to in the Resolution Number 990217-32 of February 17, 1999 issued by the National Electoral Council, which convoked a consultative referendum in that moment. The convocation was carried out by the People of the Republic of Venezuela who participated in the Referendum of April 25, 1999. This would imply that the constitutional order established under the Constitution of 1961 was more democratic than the constitutional order established under the Constitution of 1999.
2. The Bases of the Convocation of the Constituent National Assembly of 1999 were published in the Official Gazette Number 36.669 of March 25, 1999, so that the People of Venezuela, as sole bearers of the power of Sovereignty, could approve such Bases of Convocation of the Constituent National Assembly in a referendum. In the present case, Nicolas Maduro has presented the Bases of Convocation of the Constituent National Assembly unilaterally and without consulting the People of the Republic of Venezuela.
3. In 1999, the election of the members of the Constituent National Assembly was carried out through a universal, direct and secret election. The nomination period was of thirty (30) days counted as of April 25, date in which the convocation was approved by the People of the Republic of Venezuela. The electoral campaign lasted

thirty (30) days counted as of the date in which the nomination period ended. In the present case, Nicolas Maduro imposes a mock electoral process which violates the principles of universal, equal and free suffrage. In other words, the Government shall define the electoral register; the electorate and the eligible candidates shall not be completely free to participate in the electoral process, since they are obliged to be registered in determined sectors or groups; the vote of a person who lives in a city or town will have substantially less value as the vote of a person who lives in a small municipality. This all configures a sovereignty usurpation and a constitutional fraud, for it deprives the People of the Republic of Venezuela of their power.

4. In 1999, the project of Constitution approved by the National Constituent Assembly, which could only work as such during six (6) months, was subject to the approval of the Venezuelan People throughout the Referendum of December 15, 1999. In the present case, Nicolas Maduro's imposition does not include a Referendum in which the People of the Republic of Venezuela are consulted on this matter, as it is established by the Constitution, nor does it set a temporary limit to the functions of the National Constituent Assembly.
5. In conclusion, the drafting of the Electoral Bases, the breach of the constitutional order and the inherent repression of the current Venezuelan authoritarian regime leads us to state that this "Communal and Sectorial Constituent National Assembly" is another act of the government which tries to impede the Venezuelan People from expressing their opinion through elections. The Government has already tried this by: (i) disclaiming the validity of the elected representatives of the state of Amazonas; (ii) committing fraud in the revocatory referendum and the regional and local elections; (iii) several judgments of the Constitutional Court which void the current National Assembly. The Electoral Bases are in violation of the most elementary principles of a Democratic Constitutional State and do not correspond, neither in letter nor spirit, with the Constitution of 1999. The underlying intention of the so-called convocation is to dissuade and demotivate the Venezuelan citizens in taking part of an election which is evidently fraudulent. The regime tries to demobilize and divide the democratic society from defending its institutions and fundamental rights. We hereby state that an intentional instigation of violence has the high risk of generating an open war among the Venezuelan people.

This pronouncement was issued on May 24th in the University City of Caracas.

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Profesor Nelson Chitty La Roche

Profesor Isabel Cecilia Esté

Profesor Enrique Sánchez-Falcón

Profesor Pedro Alfonso Del Pino

Profesor Eduardo Sánchez

Profesor Leonel Alfonso Ferrer

Profesor Oscar Arnal

Profesor Alberto Blanco-Uribe Q.

Profesor Alfredo Arismendi

Profesor Javier Elechiguerra

Profesor José Luis Rojas

Profesor Gustavo Manzo

Profesor Rafael Quiñones

Profesor José Augusto Soares

Profesor Luis Molina

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