



Foreign Affairs Committee

Committee Office House of Commons London SW1A 0AA

Tel 020 7219 6106 Fax 020 7219 5365 Email fac@parliament.uk Website www.parliament.uk

From the Chair

Rt Hon Jeremy Hunt MP
Secretary of State for Foreign and Commonwealth Affairs
Foreign and Commonwealth Office
King Charles Street
London
SW1A 2AH

12 February 2019

Dear Foreign Secretary,

I note that HM Government has taken the decision to recognise Juan Guaidó as constitutional interim President of Venezuela, a position held by a broad range of international partners including the Organisation of American States, the Lima Group, the United States and several European countries. I welcome the FCO's rejection of the tyrannical regime that has done so much to harm the people of Venezuela, but feel that this move raises an important question given that the Maduro regime is still clinging to power.

I understand that established government policy is to recognise states rather than governments. However, in this case, the UK Government has recognised Mr. Guaidó's government as the legitimate administration of Venezuela, despite it not yet possessing the internationally recognised characteristics of a state (e.g. the presence of an Ambassador at the United Nations).

To this end, I would be grateful if you could outline the legal basis upon which the UK Government has recognised Mr. Guaidó as the legitimate leader of Venezuela, and whether this step runs contrary to accepted practice of recognising states rather than governments. I would be grateful if you could set out any implications for other elements of the UK, such as the Bank of England, consequent to this decision and indeed any possible actions arising from other states or jurisdiction that this change could cause.

I share the view of the Minister of State for the Americas espoused in his Ministerial statement presented to the House last week in condemning Nicolás Maduro; the kleptocratic Maduro regime has inflicted sustained suffering upon the Venezuelan people. The Maduro regime is illegitimate and I welcome the prospect of new, credible elections to install a legitimate government in Venezuela.

The Committee intends to publish this letter and your response.



TOM TUGENDHAT MP



Foreign &
Commonwealth
Office

King Charles Street
London SW1A 2AH

Minister of State for
Europe and the Americas

25 February 2019

Tom Tugendhat MP
Chair, Foreign Affairs Committee
House of Commons
London
SW1A 0AA

Dear Tom,

Thank you for your letter of 12 February to the Foreign Secretary in which you asked for an outline of the legal basis upon which the UK government has recognised Juan Guaidó as the interim President of Venezuela. I am replying as Minister of State responsible for Venezuela.

On 26 January, the UK joined EU partners in giving Nicolás Maduro eight days to call elections (with the necessary guarantees), in the absence of which these countries would recognise the President of the National Assembly, Juan Guaidó, as interim President in charge of the transition back to democracy. On 4 February, following Maduro's failure to call elections within eight days, the Foreign Secretary released a statement recognising Juan Guaidó as interim constitutional President of Venezuela until credible elections can be held.

The UK's policy on Venezuela is a case specific exception to our continuing policy of recognising States not Governments. It does not represent a shift in UK policy to recognising Governments in general.

The decision to recognise Mr Guaidó is based on the following two points:

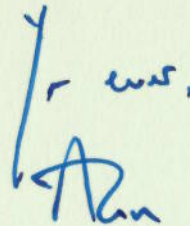
- The fact that Mr Guaidó and the National Assembly – the only democratically elected institution in Venezuela – are acting consistent with the constitution in their attempt to secure what Venezuela needs, namely a peaceful political process towards a new start and the restoration of democracy, which fresh presidential elections can provide. They are doing so after declaring the Presidency “vacant” on the basis that the Presidential elections in May were deeply flawed, and Maduro was therefore not legitimately elected. We agree with this conclusion, as do the European Union, the Organisation of American States (the OAS), the US, and the vast majority of regional governments.

- The exceptional nature of the circumstances in Venezuela. The 3.6 million people who have fled Venezuela under Maduro is one of South America's greatest displacements of people, endangering the stability of the neighbourhood. The regime, holding onto power through electoral malpractice and harsh repression of dissent has been referred to the International Criminal Court by six other countries (including Canada) for its systematic abuse of its people's human rights.

The combination of circumstances in Venezuela – widespread international rejection of the legitimacy of Maduro's mandate including by the relevant regional organisation (the OAS); declaration in line with the Venezuelan constitution by the President of the democratically-elected National Assembly of his interim-Presidency until new elections can be held; recognition or acknowledgement of that interim-Presidency by over 50 states, including most of the EU and Latin America – are particular to this case.

Recognising Mr Guaidó as the interim President should therefore be seen in those circumstances and in the understanding that assuming that role is not with the intention of carrying it out for a term of government but pending such an election for, and inauguration of, a new President. This is consistent with the Foreign Secretary's statement of 4 February.

As regards the implications for the Bank of England, you will be aware of the reports of requests by the Venezuelan Central Bank to the Bank to repatriate Venezuelan gold reserves allegedly held with the Bank or the proceeds of sale thereof. The Bank of England operates independently from the UK Government. As you would expect, the Bank does not comment on individual customer relationships. In all its operations, the Bank observes the highest standards of risk management and abides by all relevant legislation. Before going ahead with any transaction, the Bank needs to be satisfied that the counterparty has the authorisations necessary to request the transaction, that all relevant sanctions are complied with and that there is no evidence that the transaction will involve relevant criminal activity.



RT HON SIR ALAN DUNCAN MP