The Demise of a Regime: the Transition from Punto Fijo to the Fifth Republic in Venezuela

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Prepared for presentation at the LASA Congress, March 15-18, 2000, Miami, Florida.
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How do we explain the rise and apparent collapse in 1999 of a political regime hailed as Latin America’s most stable democracy for more than three decades? Explaining the stabilization of a democratic regime in the 1960s and 1970s, while the rest of the continent was undergoing popular unrest and military domination, North American scholars focused on two basic explanations: oil wealth and statecraft.¹

After an initial period of uncertainty with challenges from both right-wing and left-wing insurgencies, the Venezuelan political system normalized into a two-party dominant competitive electoral democracy for nearly 30 years. Scholars like Daniel Levine (1973) and John Martz (1966) focused on institutional arrangements and leadership agreements to explain how Venezuela learned to manage the conflicts that were tearing apart other countries in the hemisphere. On the other hand, scholars like Terry Karl (1987) explained Venezuela’s political stability in terms of a rentier state dependent on extracting revenue from the international environment and distributing it domestically. Oil wealth thus shaped particular institutions and underlay the political pacts making it possible to have a democracy with very few losers.

Two basic contending perspectives emerged, then, that emphasized either political variables of decision-making and choice, or political economy variables of structures and commodity characteristics. At the same time, Venezuelan scholars noted the dangers of both of these alleged advantages, as Juan Pablo Perez Alfonzo (1976) pointed out the negative consequences of being flooded with the excrement of the devil, and later Juan Carlos Rey (1989) pointed out the undemocratic nature of Venezuela’s pacted democracy.

As Venezuela’s famed stability began to crumple under the weight of declining living standards and growing public disgust with corruption, scholars began to examine the limits of the underpinnings of its democracy. Karl argues that “petroleum is the single most important factor shaping the structural conditions for regime crisis in Venezuela just as it formerly shaped the conditions for regime stability” (1995, 33). A rentier apparatus within a petro-state focusing on distribution was not able to adjust to the crises of dependence on a single commodity. Not only could a regime dependent on easy distribution of riches not survive the decline in oil prices, but the early wealth also tended to “freeze” in place existing political arrangements, excluding new actors. Ellner (1997) poses a simpler explanation: cannot severe economic decline, as experienced by Venezuelans from 1986 on, jeopardize political stability?

Taking a more extreme structural approach, Coronil (1997) examines the global division of labor and Venezuela’s role as an oil producer. He argues that Venezuela’s success is an illusion behind a “magical state” fueled by oil wealth. Oil money undermined productive activity, stimulated financial speculation and corruption, and was used to secure foreign loans which eventually became its undoing.

¹ The literature review below is obviously incomplete and is meant to be illustrative of various approaches only.
Scholars emphasizing political variables began to focus on the centralized hierarchy and exclusionary nature of Venezuela’s political regime to explain the cracks that became all too visible in the early 1990s. Michael Coppedge (1994) emphasized the contradictions of a presidential system and an extraordinarily strong and centralized party system that combined to produce policy stalemate and resistance to change. Crisp, Levine and Rey (1995) point to a growing legitimacy crisis resulting from the inability of the Punto Fijo model of democracy to allow social mobility, provide effective solutions to immediate needs, and broaden political participation. All these authors, however, demonstrated some optimism in the possibilities of political reform (Coppedge) rather than complete overhaul, or the emerging new kinds of citizen mobilization (Crisp, Levine, Rey), to form the basis of a democratic renewal in Venezuela.

Political culture-type explanations include both a materialist or utilitarian view of Venezuelan society, and an authoritarian culture underlying its democracy. The easy oil wealth is seen by some to have created a culture in which citizens expect an inherent birth right of collective entitlement to the fabulous oil wealth (McCoy and Smith 1995, Coronil 1997). Hillman (1994) and Jacome (2000) emphasize, respectively an underlying political culture of caudillismo/personalism and delegative-authoritarianism.

Finally, an explanation focusing on ideas and political learning points out how the early learning from the trienio period led Venezuelan elites to devise a successful strategy of pact-making upon which they ultimately became over-reliant (McCoy 2000). The failure of Venezuelan politicians to continue to learn and to reevaluate fundamental political and economic goals and strategies to resolve the growing problems eventually meant that the masses moved ahead of the political elite and rejected them.

The Rise of the Fifth Republic

Any explanation of the demise of the Punto Fijo regime and the rise of the Fifth Republic under Hugo Chavez must take into account institutional, economic, and cultural variables. More specifically, an analysis of the institutional rigidities, the economic decline of a petroleum bust after 1986, and the cultural variables of a collective expectation of oil rights, a lack of political learning, and the masterful employment of key political symbols by Chavez all contribute to the explanation. The account below describes some of the key events and offers a preliminary analysis of the rise of the Fifth Republic.²

On December 6, 1998, Venezuelans elected as their new president Hugo Chavez Frias, a former lieutenant colonel and the leader of two failed coup attempts in 1992, effectively putting an end to the pacted political arrangement that had been in place in the country for the past 40 years. Known as the Punto Fijo system, that system had been characterized by the alternation in power of two powerful and deeply rooted political parties, the center-left Accion Democratica (Democratic Action, or AD) and the center-right Social Christian Party (COPEI).

Chavez named his political party the Fifth Republic Movement (MVR) as a symbol that his administration would mark the beginning of a new constitutional period, the fifth in

² This account is drawn in part from my recent articles in the Journal of Democracy (July 1999) and Current History (February 2000).
Venezuelan history. Chavez had campaigned on a platform of change, and especially eliminating the traditional political parties and the old “corrupt” political regime. The voters responded, splitting their vote in the 1998 presidential election between two independents – Chavez with 56% and Henrique Salas Romer with 40%. The standard bearers of AD and COPEI won only 3% of the vote. In the Congress, though AD and COPEI together won 44% compared with 35% for the Patriot Pole coalition backing Chavez, the two traditional parties became further marginalized over the course of the year. The July 25, 1999 Constituent Assembly election created an assembly with more than 90% Chavez supporters, and the Congress soon became displaced. With the approval of the new constitution and the dissolution of the Congress in December 1999, the Fourth Republic effectively ended and the Fifth began.

The Punto Fijo system originated with the fall of the dictatorship of Marcos Perez Jimenez in 1958, when AD, COPEI, and the Democratic Republican Union (URD) signed a pact at Punto Fijo to share power and oil wealth, regardless of which one of them won the elections. As a result of this arrangement, Venezuela developed into a model democracy for the hemisphere, withstanding the pressures of a guerrilla war, military rule in its southern neighbors, and the booms and busts of the oil industry. That model democracy, however, also generated a government dominated by AD and COPEI, which created hierarchical national organizations and relied on oil revenues to satisfy the needs of their major constituencies. State subsidies gave everyone a bit of the wealth, but income distribution remained inequitable and the parties gradually took control of most organizations within civil society.

How can we explain the voters’ profound rejection of a party system that had given Venezuela 40 years of stable democracy? The founders of Venezuelan democracy placed great emphasis on achieving democratic stability through party leadership. When Venezuela’s democratic parties, especially AD, got their second chance to rule in 1958, they showed that they had learned from the failure of the first democratic experience in Venezuela (the trienio of 1945-48) and the experience of the Perez Jimenez dictatorship in the following decade. The Pact of Punto Fijo and its corollary political and economic agreements were a deliberate attempt to avoid the unilateral rule that they believed had led to the downfall of the AD government during the trienio. Consequently the leaders of AD, COPEI, and URD not only agreed to share power; they also began pursuing a strategy of pactmaking, alliances, and tacit cooperation that would endure for the next three decades.

Over the years, however, this strategy became ossified and could no longer provide the flexibility needed to adapt to a changing social dynamic. Venezuelan political leaders relied on pactmaking and the distribution of oil rents to guarantee the regime’s early survival, but they failed to enlarge the circle of participants and to modify their tactics as the society evolved and new challenges arose. In a sense, the political elites “overlearned”; their success with one strategy made it hard for them to adjust to new situations requiring a different approach. They became comfortable with their grasp on power, and political office became the means to share the spoils of an oil economy. Yet as the perception grew that the two major parties who alternated in power throughout Venezuela’s democratic history were becoming increasingly centralized, corrupt, and out of touch with the needs of the general population, this strategy became impossible to sustain.
Chavez capitalized on Venezuelans’ expectations of collective entitlement to oil revenues and their willingness to accept the argument that declining living standards were the result of a political elite stealing the wealth of the country. He used potent symbols to rally not only the masses, but also parts of the middle sectors around him: his reverence of Bolivar helped to engender nationalism, his diatribes against corruption vilified the elite and highlighted class conflict, and his disparagement of traditional political parties and the 1961 constitution represented what had to be swept away in order to make room for the new political order that would benefit the common person.

**Chavez’ First Year in Office: Economic Woes**

With campaign promises to clean up the old, corrupt political system and redress the wrongs done to the Venezuelan poor, the new president kindled tremendous hopes among the majority of the population. He also generated great uncertainty among many intellectuals, and parts of the political and economic elite, who feared that he might seize their property and carry out a campaign of revenge. His eclectic campaign speeches and vague proposals made Chavez an enigma. Critics made much of his trips to Cuba, his populist rhetoric, and his military metaphors, and he was accused of being both a fascist and communist during the campaign.

Chavez inherited a difficult economic situation, with oil prices at a two-decade low of about $8.00 per barrel and a fiscal deficit of 9% of gross domestic product (GDP). But he also had $14 billion in international reserves and an agreement with OPEC, Mexico, and Norway (actually first negotiated under the Caldera administration) to cut oil production and raise prices. As a result, the price of oil doubled by midyear, giving the new administration some much-needed breathing room.

Chavez reversed Venezuela’s petroleum-exporting strategy, from one of non-compliance with OPEC quotas in an effort to expand global market share, to one that defended production cuts to raise prices. The government also indicated it would shift the focus of foreign investment in Venezuela from oil exploration to oil-derivative processing and natural gas. Observers became concerned when Roberto Mandinia, head of the state-owned oil company PDVSA, resigned, and Chavez named Hector Ciavaldini, a loyal but inexperienced confidant, to the top post. Worries that the well-run independent company would be politicized further emerged with indications that the government wanted to place it under the control of the Ministry of Energy and Mines.

Although many feared that he would be a radical populist, the new president spent his first months in office trying to control the fiscal deficit, while still increasing social spending. He asked the Congress to approve an Enabling Law giving him special powers to enact his policies by decree. Although his two predecessors had requested and received similar powers, critics accused Chavez of wanting a blank check to rule autocratically. In late March, Congress approved his requests for a 0.5 percent financial-transactions tax, a value-added tax on retail goods, income-tax reform, and reduction of the bloated state apparatus. With these measures and the upsurge in oil prices, the government was able to cut the fiscal deficit to about 5%, but failed to define a long-term economic strategy. The economy was expected to contract as much as 7% in 1999.
Chavez also reversed his earlier resistance to privatization. While holding PDVSA sacrosanct as a nationally-owned company, the government announced within two months of taking office that aluminum, electric-power distribution, and telecommunications operating contracts would all be privatized, after long delays from the previous administration.

With significantly raised expectations of the lower classes who voted him into office, Chavez was under extreme pressure to address the economic woes of high unemployment and a 25% inflation rate. He created Plan Bolivar 2000, giving 45,000 soldiers a visible role, repairing schools and roads and other public works projects. He further demonstrated his reliance on the military when he reinstated 37 soldiers who had been cashiered for participating in the 1992 coup attempts, and he named over 100 retired and active-duty officers to mid and upper level government jobs.

Political Distractions: A New Constitution

Much of the first year in office was consumed with political changes which also effectively served as a distraction from the dire economic situation faced by many Venezuelans. As he had promised during the campaign, Chavez issued a decree on February 15, 1999 calling for a referendum to approve the election of a constituent assembly to write a new constitution. Initial objections to the legality of this tactic gave way in the face of the strong popular support and a Supreme Court ruling upholding the referendum. Congressmen began to resign in order to run for the constituent assembly, and the referendum was scheduled for April 25, with the constituent assembly to be elected on July 25 with a six-month mandate to write the new constitution. Nevertheless, a constitutional tug-of-war ensued between the Supreme Court and the president, as Chavez claimed the assembly would have the power to dissolve the Congress as well as the Supreme Court while the Court held that the assembly’s authority would be restricted to writing a new constitution. While only 39 percent of registered voters turned out for the referendum, 92 percent of them voted in favor of the constituent assembly.

Despite the political wrangling over constitutional reform, the debate gave little indication as to what the new constitution might look like. During the campaign, the popularity of the issue was more a reflection of the electorate’s deep desire for change and its rejection of the traditional political elite than a sign that it had a clear conception of what was needed in terms of constitutional reengineering. The populace seemed to see constitutional reform as a panacea for all the country’s political ills. If candidate Chavez had any clear vision in mind, he kept it to himself, except for calling for presidential reelection.

The vote for the National Constituent Assembly took place on July 25, 1999 and elected 131 members from 23 districts around the country. Because of the disorganization of the opposition and the requirement to vote for individual names rather than parties, the government won a much larger percentage of the seats than expected. The government prepared “cheatsheets” of the names it was supporting so that voters could identify the persons to vote for on the huge ballot. The opposition, meanwhile, ran many more candidates than seats, diffusing its support, and failed to organize to present coherent slates. Consequently, the government controlled over 90% of the new Constituent Assembly.
The Assembly took office on August 3 with a six-month time-limit to write the new constitution. It immediately moved to intervene in the other branches of government. It first restricted the powers of the Congress and the state assemblies, requiring them to name special committees to handle financial matters, but otherwise to go into suspension. Secondly, the Assembly intervened in the judicial system, suspending by December more than 200 judges accused of corruption or delay in hearing cases. The Supreme Court, which had earlier ruled that the assembly did not have the power to intervene in other branches, now reversed itself and approved the Assembly’s actions, causing the resignation of its president, Cecilia Sosa, on August 24.

In September, the Assembly finally got down to the business of writing a constitution. It set up 20 drafting commissions on different topics, as well as a constitutional committee to put the drafts together. President Chavez had already proposed one draft, and the constitutional committee reworked that draft to produce another. Hundreds of Venezuelan organizations and individuals also presented partial or complete proposals to the Assembly.

Although the Assembly had until February 3, 2000 to complete the constitution, President Chavez wanted it completed earlier in order to hold the referendum to approve it in December 1999. Therefore, the Assembly moved up its schedule to try to complete the constitution by November 15. The work of the 20 committees was hastily put together and debate began in late October article by article. As the November 15 deadline neared, the debate became even more rushed and the Assembly approved whole groups of articles without debate. In the end, the final draft was not completed until November 19. The public was supposed to have 30 days to review the constitution, but the referendum continued as scheduled on December 15.

Because of the rushed nature of the debate, Venezuelans were not quite sure what the final provisions entailed. As analyses became available, a movement to reject the constitution grew, led by four opposition Assembly members, including respected constitutional lawyer Alan Brewer-Carias and political leader Claudio Fermin. This became the first real opportunity to forge a new, independent opposition, apart from the traditional political parties. Criticisms of the constitution ranged from its incoherence and logical inconsistencies, to its failure to prohibit abortion, to its relaxation of civilian control over the military, to its reinstatement of statist social security and labor provisions. Organizations from the Catholic Church to the private business confederation, FEDECAMARAS, came out in favor of the NO vote.

The debate turned nasty as President Chavez campaigned for the YES vote and aggressively attacked his opponents. Critics charged that the government was using state resources to support the YES vote, and fear of electoral fraud grew. A Congressional investigation of the July 25 Constituent Assembly election focused on an unusually high number of null votes in some states, raising suspicions that the new electronic vote counting machines used successfully in the 1998 elections were either not functioning properly, or were being manipulated to affect the vote count. Confidence in the machines and the National Electoral Council was suffering.

The day of the referendum, heavy rains delayed the opening of many polls, but by 10:00 am, 85% of the voting stations were open and their machines reporting to central headquarters.
The polls were to close at 4:00, but by late afternoon, voter turn-out was estimated at only 40%. Shortly before 4:00 p.m., the president of the Constituent Assembly, Luis Miquilena, appeared on national television to call for an extension of the vote. The National Electoral Council quickly met and at 4:00 announced a two-hour extension to allow more people to vote. In the end, the turn-out increased to only 45%, consistent with recent Venezuelan elections. The final vote tally was 72% in favor and 28% against the constitution, with 4% null votes.

The 1999 Constitution

The new constitution both reassured and alarmed people. In many respects, it was not as radical as some had predicted. In other respects, it appeared to maintain and even deepen centralized, presidential control in Venezuela, along with a statist approach to economic affairs, while reducing civilian control over the military.

The major political changes from the 1961 constitution included immediate presidential reelection (previously reelection was allowed after 10 years) and expansion of the presidential term from 5 to 6 years, thus giving Hugo Chavez the potential to be in office thirteen years. It changed the Congress from a bicameral to a unicameral National Assembly and created a new appointed vice president. With regard to decentralization, it maintained the federal structure with elected governors and mayors, but it created a new Federal Council to decide on national resources to be distributed to the states and municipalities. It further restricted revenue-raising authority of those entities.

In an attempt to replace the centralized, “partyarchy” that had grown up in Venezuela in recent decades, the new constitution ends the state subsidies that had helped the dominant parties build extraordinary hierarchical organizations. On the other hand, it reinstates the proportional representation electoral rule that, while normally allowing for more diverse representation, in Venezuela had strengthened the control of the party headquarters as leaders determined the slates of candidates and candidates became accountable to those leaders rather than to constituents.

In economic terms, the constitution continued to protect private property rights, but it gave the responsibility to the state for the social well-being of its citizens, including the right to health and housing. The new constitution obligates the Central Bank to report to the National Assembly, raising fears of reduced Central Bank autonomy. It protects the petroleum industry from privatization, though allows other sectors to be privatized.

The new constitution widens from three to five the public powers: executive, legislative, judicial, electoral, and citizen’s powers. The latter is aimed at controlling corruption, and consists of a Moral Council made up of the Public Prosecutor, the Comptroller General, and the newly-created Ombudsman (Public Defender). The new constitution moves toward more direct democracy by establishing the possibility of popular referenda that can be called either by the president or by ten percent of the eligible voters signing petitions, with the power to revoke legislation and recall elected officials.

The constitution does a good job of protecting human rights, though an initial draft raised the ire of the media when it called for the citizens’ right to “truthful and opportune” information.
At the last minute, a clause was added to read: “truthful, opportune, and impartial, without censure”.

Finally, the new constitution gives the military the right to vote, in contrast to the previous constitution, and reduces civilian control over the military. For example, the Congress no longer approves promotions with the military, which had been an attempt at civilian oversight in the previous constitution but which had also resulted in politicization of the armed forces. More noteworthy, perhaps, are the obligations that the new constitution omits: the apolitical and non-deliberative character of the military, leading some to fear the military will begin to make political pronouncements; and the duty to respect the constitution and defend the stability of democratic institutions. It further gives the armed forces authority in matters of police administration and investigation.

Opponents to the constitution in the private sector argued that it reverses progress in the labor and social security provisions by reinstating onerous employee dismissal compensation and by reducing the possibilities of private pension plans. The Catholic Church opposed it for not guaranteeing the protection of life since conception and for appearing to give the state control over education. Others opposed it for reversing the trend toward decentralization and strengthening instead presidential control. With the referenda provisions allowing the president to call for the repeal of legislation through a referendum, the provision for the National Assembly to delegate unlimited decree powers to the president, and the weakening of civilian control over the military, the new constitution appears to give the president disproportionate powers to the other branches of government, particularly the legislature. Finally, opponents opposed the change in name of the country to the Bolivarian Republic of Venezuela for being both expensive and partisan.

**Initial Days of the Fifth Republic – Floods and Politics**

Unusual rains in the first two weeks of December 1999, built up in the northern coastal states of Venezuela to the point of massive flooding beginning December 15. Though final death tallies may never be known, by the end of the month, estimates were that 400,000 Venezuelans had lost their homes and that up to 50,000 people may have died in the flooding, primarily in mudslides in the coastal mountain range.

The natural disaster was the worst in 50 years in Venezuela. Ecologists and urban planners attributed it not only to the unusual weather patterns produced by “La Nina”, but especially to decades of unplanned urban growth and unapproved squatter settlements on the mountain sides. With the small cinderblock houses of the poor, known as “los ranchos”, growing up the hillsides of Caracas and the coastal side of the same mountains, and with wealthy neighborhoods built with corrupt permits, the mountainsides were denuded and unable to withstand the persistent rains. Torrents of water came crashing through the alleyways among the houses, and mudslides buried whole neighborhoods. The international airport on the coast was closed for nearly two weeks, and nine states were declared a disaster zone.

Politics soon entered the picture as critics argued that the Chavez government had ignored warnings of the impending disaster as late as the day of the referendum, in order to
maximize voter turn-out to approve the constitution. In fact, news coverage the day of the referendum focused on the vote rather than the rains. But the main reasons for the disaster lay in the decades of unpermitted and unplanned building in vulnerable areas.

The international community responded with aid and relief, including many of Venezuela’s neighboring countries. The cost of rebuilding and relocating the displaced families was estimated to be $15 billion.

National elections were delayed from February to May 2000 due to the flooding. To provide some sort of governing body in the interim, the National Constituent Assembly decided it would stay in office until its term ran out on January 31, 2000 (though critics argued its mandate ended on December 15, 1999 when the constitution was approved), and that it would name a Legislative Commission (Congresillo) to fill the gap between February 1 and the new elections. Further, the National Constituent Assembly took it upon itself on December 23 to name all new members to the Supreme Court, the Electoral Council, the Public Prosecutor, the Comptroller General, and the Ombudsman. The new constitution called for various mechanisms of consultation with civil society and the National Assembly for the appointment of these offices, and provided for the Constituent Assembly to name only the new Ombudsman. Nevertheless, the Constituent Assembly decided to make interim appointments for all of these offices rather than follow the new constitutional procedures.

The Future

The first year of the Chavez government and its “peaceful revolution” had striking parallels to the 1945-48 *trienio* experience when Accion Democratica (AD) governed in the nation’s first attempt at democracy. In that earlier period, AD won a large mandate and governed unilaterally, alienating other political parties, the private sector, and the Catholic Church with its radical stances and unwillingness to consult on the changes it carried out. The democratic experiment ended with a military coup three years later. In their second chance at democratic rule in 1958, AD leaders demonstrated that they had learned well the importance of inclusion and they devised a new form of consultation and power-sharing. The resulting pacted democracy provided stability through a guerrilla war and oil booms and busts, but the failure of political leaders to continue to learn and adapt eventually led to the demise of that era and the rise of Chavez’ Fifth Republic.

Chavez’ domination of the Constituent Assembly gave his party a similar ability to act unilaterally, and the influence of the president and his closest advisors over the Assembly was clear. Venezuela’s chances for democratic renewal depend on the extent to which the administration strives to be inclusive of dissenting voices, while still carrying out the changes desired by the Venezuelan people. Some of those dissenting voices were able to unite for the first time in the movement to defeat the constitution, with civil society groups taking the lead over political parties in that effort. New opportunities for participation and a constructive opposition will be seen in the national elections scheduled for May 28, 2000, and in any efforts to reform the constitution.
Nevertheless, the signs are not promising. The influence of the governing party over the National Electoral Council (which was changed in December 1999 and again in late January, along with changes to the electoral law less than five months before the election have created confusion, disorganization, and doubts over both the impartiality of the election authorities and their ability to organize the “mega-elections” of all positions in the country by May 28. The governing coalition is showing strains and the MVR itself appears to be splitting as some of Chavez’ former comrades in the 1992 coups accuse his government of tolerating corruption and his former co-conspirator and current governor, Arias Cardenas, announced in March that he would run for president against Chavez.

The opposition parties themselves are in disarray. AD split with Caracas mayor Antonio Ledesma departing to form a new vehicle to back his presidential candidacy in a bid to avoid the continued stigma of the traditional parties. COPEI was severely weakened in the 1998 elections and the 1999 constituent assembly elections. Proyecto Venezuela, the party of runner-up Henrique Salas Romer, was also marginalized in the constituent assembly elections. Two new parties were forming in early 2000: Encuentro Nacional, led by the dissident members of the Constituent Assembly – Claudio Fermin and Alan Brewer-Carias, and Primero Justicia, a new movement of young entrepreneurs.

Meanwhile, the distractions of the first year with three elections and the drafting of the new constitution would give way to serious attention to the economy in the second year of the Chavez administration. The 7% drop in GDP in 1999 was compounded with the costs of recovering from the flood. This presents the administration with enormous challenges to satisfy, or to reduce, the heightened expectations of the many who voted it into office and who have continued to offer their unwavering support during the first twelve months.

References


For an extended analysis of political learning and its limits in Venezuela, see the chapters by Francine Jacome and Jennifer McCoy in Jennifer L. McCoy, ed., Political Learning during Redemocratization in Latin America: Do Politicians Learn from Crisis? (North-South Center, University of Miami, 2000).