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# **Who, How, and What? Third-Party Intervention in Venezuela**

by

Inés N. Rojas Avendaño

Under the Direction of Jennifer L. McCoy

## **ABSTRACT**

This thesis examines the impact that third-party identity and techniques have on mediation outcome. The roles of the OAS and the Carter Center in the negotiations between the Venezuelan government and the opposition (DC), during the period 2002-2003, and the implementation of the agreement in 2004 are compared as representing track I and track II actors and styles. Using a process-tracing methodology, five conflict mappings and stages of conflict are combined with the results of focused interviews to main participants of the negotiation process. The analysis shows a significant impact of third-party identity and strategies on the outcome of mediation. Moreover, the outcome is more likely to be successful when track II actors, actually track I ½, participate as mediators in the actual negotiations. The most effective strategies used by third parties, dependent on the timing of the intervention and the stage of conflict, are communication and formulation strategies.

**INDEX WORDS:** Conflict resolution, Third-party intervention, Mediation, Tracks I and Track II diplomacy.

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by

Inés N. Rojas Avendaño

A Thesis Submitted in Partial Fulfillment of the Requirements of the Degree of

Masters of Arts

in the College of Arts and Science

Georgia State University

2005

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2005

WHO, HOW, AND WHAT? THIRD-PARTY INTERVENTION IN VENEZUELA

by

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## INTRODUCTION

How much of the outcome of mediation can be explained by the process of mediation? More specifically, to what extent can the identity of the mediator and the mediation techniques account for the success of mediation? Are some techniques (and some third parties) particularly effective during some phases of conflict and less effective in others? These questions open an inquiry about the impact of the identity and characteristics of third parties and their techniques on the effectiveness of international mediation in civil conflict.

Response to increasing internal conflicts by non-state actors has led to the distinction between the official, governmental actions to resolve conflict (Track I) and the unofficial actions by nongovernmental organizations and individuals (Track II). The use of mediation as a form of conflict management or resolution has become increasingly common in cases where direct negotiations have failed or the lines of communication are broken and conflict needs to be addressed to prevent or stop violence (and eventually reach an agreement). In international relations, mediation is understood as “a process of conflict management where disputants seek assistance of, or accept an offer of help from an individual, group, state or organization to settle their conflict or resolve their differences without resorting to physical force or invoking the authority of the law” (Bercovitch, Anagnoson, and Willie, 1991:8). In general, the purpose of mediation is to bring the conflict to a settlement that is acceptable by the conflicting parties.

Likewise, the techniques different mediators use are likely to be dependent not only on the level of intervention to resolve conflict (track I or track II), but on the approach the third party has toward conflict resolution. Therefore, mediators contribute in different ways, and at different times during the course of conflict, to the resolution of the conflicts depending on who they are, or represent, and what techniques they are best suited to use.

The present research is an attempt to explore the context as well as the process of mediation with a focus on who intervenes; how conflict is dealt with in terms of strategies; and what is the effect on the outcome. More specifically, attention is put on the effect of third-party identity and techniques on the outcome.

It is not within the scope of this study to discuss the different theories about the causes of conflict and how they may determine the practice and outcome of mediation, although we recognize that the field of conflict resolution would greatly benefit from a deeper understanding of this relationship. Thus, we start with the premise that conflict exists when two or more parties have, or think that they have, incompatible goals (Fisher et al., 2000). Although much of the literature refers to mediation of violent conflicts (civil war or international war), in this research we are interested in conflict as defined by Fisher et al., (2000) and not necessarily by conflict reaching the level of civil war. Specifically, our focus is on the negotiation and implementation of an agreement acceptable by the conflicting parties in order to settle a conflict.

In Venezuela, formal and informal negotiations between the Venezuelan government and the opposition (led by the Democratic Coordinator, CD), concerning the resignation of president Chávez and early elections, started after a violent military coup d'état failed to permanently remove President Hugo Chávez from power in April 2002. Prior to and after the short-lived coup, the actors engaged in marches and confrontation that sometimes turned violent. The international community intervened to try to prevent the escalation to civil war. Six months of negotiations led by the Tripartite Working Group (OAS, Carter Center, and UNDP) resulted in the signing of an agreement by both parties and its implementation. This case study is used for the analysis and comparison of the mediation approaches of the main third parties in the conflict between the Venezuelan government and its opposition: the OAS and the Carter Center, representing respectively tracks I and II efforts to prevent violent conflict and resolve the differences. I argue that the outcome of mediation is more likely to be successful when track II actors participate as mediators during the negotiations and not just as facilitators to prepare the negotiations or monitors of the implementation. I further argue that the most effective strategies used by mediators, which vary

depending on the timing of the intervention and the stage of the conflict, are the formulation techniques. More active formulation strategies improve the likelihood of successful mediation outcome.

One body of scholarly research on mediation focuses on the context and process variables that influence outcome. Another body of empirical research distinguishes between the levels of intervention, (track I and track II), that analysts find to have an effect on mediation outcome. The following section presents a review of the literature on mediation from the different approaches there are to analyzing conflict resolution. First, approaches to conflict resolution help us visualize the short or long-term goal of mediation. Second, within each approach, certain variables are likely to have more or less weight as to their influence on the effectiveness of mediation. Third, the distinction between track I and track II actors and activities provides additional information as to the scope of the intervention and the capacity of official and unofficial actors to bring about peace. This section ends with a discussion of the state of the literature on mediation and the contribution of the present research to filling some of the gaps and highlighting the future challenges.

## **LITERATURE REVIEW**

### **APPROACHES TO CONFLICT RESOLUTION**

The increase in internal conflicts during the last two decades has led to the emergence of a number of international organizations, nongovernmental organizations, and individual practitioners engaged in the theory and practice of conflict resolution Fisher et al. (2000). Conflict resolution, a general approach in the field of International Relations, is based on mediation as a way to achieve a settlement in conflict situations. Conflict resolution comprises the work of analysts, official, and non-official practitioners aimed at reducing or mitigating violence and arriving to an outcome that is acceptable to the conflicting parties (Kriesberg, 2001). An evaluation of mediation evidences diversity in actors and activities to deal with conflict (Bercovitch and Houston, 1996; Kriesberg, 2001).

A helpful classification of approaches to conflict resolution is the one provided by Fisher et al. (2000). They distinguish among conflict prevention, conflict settlement, conflict management, conflict

resolution, and conflict transformation. These can also be regarded as steps of the process of conflict resolution or be used in combination. In fact, Kriesberg (2001) underscores the diversity of approaches and methods of conflict resolution since no single approach can suit every conflict and different approaches can be used at different stages of conflict. Nevertheless, from a practical perspective, the above classification provides a guide for the analysis and comparison of third party intervention in terms of the timing of initiation and goal of the intervention.

According to Fisher et al. (2000), when conflict is latent it can be addressed by intervention to prevent outbreak of violence (*conflict prevention*) or by *conflict management* to “limit and avoid future violence by promoting behavioral changes in the parties involved” (p. 7). Conflict that is not deep-rooted and that can be dealt with by improved communication can be addressed by conflict management, as already defined, or by *conflict settlement*, which seeks to end violence by reaching an agreement between the parties. Open conflict which is both deep-rooted and with visible consequences such as social and political injustice, oppression and the use of violence, is addressed by conflict settlement and *conflict resolution*; the latter is directed to the causes of conflict and aims at building new and long-term relationships between the conflicting parties. *Conflict transformation*, the last type in this classification, differs from conflict resolution in its focus on systemic change, that is, the transformation of conflict-prone social systems into peace social systems. It involves, as Fisher et al. (2000) put it, “a far reaching strategy and the longest and most wide-ranging commitment” (p. 8).

In sum, in terms of the timing of the initiation and goal of the intervention, conflict prevention, conflict management, and conflict settlement seem to suggest that violent conflict can be prevented, mitigated, or ended at the early stages of conflict. Conflict management and settlement involve a mid- to long-term commitment in order to facilitate changes in behavior and/or the reaching of agreements. In contrast, conflict resolution, suggests that intervention at the latter stages of conflict, after the escalation of violence, should deal with the root causes of conflict and the building of a long-term relationship between the parties, which requires a long-term involvement. Finally, conflict transformation, suggests a long-term participation in the social system change of societies where protracted conflict, whether latent

or open, has, among other things, impeded and disrupted development. It is important to note that apart from specific goals such as addressing the root causes of conflict or attempting to transform the social system, an overarching purpose is reducing violence.

#### EXPLAINING MEDIATION OUTCOME (SUCCESS OR FAILURE)

Most scholarly research explains mediation outcome in terms of the variables that are regarded by the analyst as having more or less impact on the mediation outcome. In general, the independent variables that affect the mediation outcome are grouped into contextual and process variables. Contextual variables consist of variables concerning the nature of the dispute, the disputing parties and their relationship, and the characteristics of the mediator(s). Process variables refer to the actual strategies used by mediator(s) (Bercovitch, Anagnoson, and Willie, 1991; Bercovitch and Langley, 1993, Jackson, 2000; Kleiboer, 1996).

In other words, the context of the conflict includes the conflicting parties and issues and a third party who intervenes at a certain point in time during the conflict; the process is characterized by the specific strategy (techniques used) carried out by a third party. Similarly, some scholars focus on the identity of the third party and distinguish between track I and track II diplomacy, official and unofficial mediation activities to address conflict respectively, and emphasize the different characteristics of those who intervene in terms of approaches to conflict, resources, and values (Diamond and McDonald, 1991; McDonald and Bendahmane, 1987; McDonald, 1991; Montville, 1987; Saunders, 1996; Smock, 1998). They explain success or failures in terms of the coordination (or lack thereof) of activities among different actors, at various levels or tracks, in order to prevent, end, or transform violent conflict.

Below, I begin with a review of the different explanations for success or failure of mediation that the literature provides in terms of contextual and process variables or track I and Track II diplomacy. It is important to note that the literature is scattered and provides no clear conclusions as to what makes it more likely to succeed in mediation.

## CONTEXTUAL VARIABLES

### **Nature of the Dispute**

Some analysts demonstrate how outcome is explained by variables concerning the nature of the dispute with emphasis on three of its characteristics: the level of conflict intensity, the stage of conflict at the time of initiation of intervention, and the nature of the issues at stake. Kressel and Pruitt (1989) point to the level of conflict as one of the most important factors that mitigate the effect of the tactics used by mediators. However, there is no consensus in the literature on the direction of the impact. Several studies support the proposition that as the level of conflict increases, the likelihood of mediation decreases (Bercovitch, 1989; Carnevale and Peggnetter, 1985; Hiltrop, 1989; Kressel et al. 1980; Pruitt et al. 1989). In addition, the higher the intensity of the dispute, the more polarized the parties become and they may reject mediation efforts and attempt to win at all costs (Brockner, 1982; Burton, 1969; Moldeski, 1964). Bercovitch, Anagnoson, and Willie, (1991) provide evidence that supports the notion that low intensity disputes are more amenable to mediation. Likewise, Jackson (2000) argues that in general, negotiation functions best in low intensity conflicts, with not many parties involved, and straightforward issues (p.339). On the other hand, others argue that the higher the level of intensity, the greater the chance of mediation success understood in terms of achieving a settlement (Jackson, 1952, Young, 1967, 1968).

Related to the level of conflict and also associated with success or failure of mediation outcome is the timing of the intervention of a third party. The timing is, according to some, as important as the techniques used by mediators (Wall and Lynn, 1993). However, the debate about when to intervene is divided among those who suggest that mediation should be attempted at an early stage of the dispute and those who advocate later intervention. The former claim that early intervention is preferable before positions become fixed and hostility arises (Claude, 1971; Edmead, 1971). The latter argue that mediation can be successful only when the costs of conflict outweigh the costs of cooperation (Ott, 1972; Pruitt, 1981); “after the parties have experienced some significant costs, but before positions have solidified” and they show willingness to reach an agreement (Jackson, 2000:339). Others argue that mediators should

intervene when the parties are ready to negotiate and committed to finding a solution (Fernick, 1986; Blades, 1984).

One of the best known propositions in relation to timing is that by Zartman (1985), Touval and Zartman (1989), and Zartman (2001) who claim that conflicts become “ripe” for resolution when a level of mutually hurting stalemate<sup>1</sup> is reached. In their view, this characteristic of “ripeness” is the main condition for the acceptance of mediation and the negotiation of conflict, especially in asymmetric conflicts where one party is perceived to be more powerful than the other, a government and its opposition, for instance. Mooradian and Druckman (1999) offer empirical evidence that a hurting stalemate is necessary to bring the parties to the negotiating table. In addition, their study confirms the escalation hypothesis that states that intervention is more effective after escalation occurs. After escalation, mediators can use the idea that a hurting stalemate has been reached to persuade the parties to negotiate (Touval and Zartman, 2001: 434).

A conflict is also ripe when both parties realize the possibility of an alternative to conflict, or when there is a change of power relations among the parties. However, other conditions are also required, namely, the recognition of the other party as legitimate, a valid spokesperson for the parties, a deadline and a vision of a satisfactory compromise (p.162). Other arguments for the concept of ripeness include Stedman’s (1991) explanation that internal political changes within the parties (e.g.; new leadership or party fragmentation) contribute to the ripeness of conflict. Rubin (1991) defines timing and ripeness as doing the right thing at the right time; not too soon when the parties are not ready to negotiate and not too late when the parties have taken fixed positions. Rubin (1991) claims there can be several ripe movements in the cycle of conflict that can be effectively used, or created, by the third party. In fact, Rubin argues, intervention of a third party is a ripe moment in and of itself.

## Stages of conflict

Conflict analysts agree that conflict changes over time and moves into stages that involve multiple iterations (Curle, 1971; Fisher et al., 2000; Lederach, 1997; Wall and Lynn, 1993). Looking at conflict in terms of the stages facilitates the identification who does what to bring about conflict settlement. In general, stages of conflict include a *pre-conflict* stage, characterized by latent or hidden conflict, with the potential for confrontation; a *confrontational* stage, characterized by open conflict that is addressed through violent or nonviolent means by the supporters of each side (polarization of both sides); a *crisis* stage, marked by more intense violence and tension, increase in casualties, lack of communication between the parties, and violent public statements to blame the other party; a *negotiation* stage, in which the intensity of conflict declines, the parties negotiate with or without the help of a third party, and the conflict moves towards a settlement; and finally, a *post-conflict* stage, where negotiations may succeed to bring hostilities to an end, reach an agreement, and normalize relationships between the parties. It is important to note, though, that unsuccessful negotiations may either lead to another cycle of open conflict (Fisher et al., 2000) or cause conflicts to remain in one stage without resolution (Lederach, 1997). During the process of negotiation, two factors emerge as crucial for the successful outcome of a negotiation: the parties' intentions--or willingness-- to achieve an agreement and the power of the third party to persuade the parties to change--or move off--positions without the use of force (Fisher et al., 2000: pp. 115-116; Touval and Zartman, 2001).

## Issues

The issues at stake are also characteristics of the nature of the dispute that are found to negatively affect the outcome of mediation. The higher the number and complexity of issues the lesser the chances of mediation success. According to Kressel and Pruitt (1989), issues of principles--or non-divisible issues-- are difficult to mediate and considerably diminish the effects of the strategies used by mediators. This claim is supported by Bercovitch (1989), Bercovitch (1991), and Bercovitch and Langley (1993) who find that intangible issues (e.g., honor, image, legitimacy) are more difficult to mediate than tangible issues



(e.g., money) because intangible issues reflect matters of beliefs and principles. Bercovitch, Anagnoson, and Willie, (1991) suggest that mediation will be more successful if there are issues of national security or territory, but less successful if there are issues of ideology.

### **Identity and characteristics of the third party**

Many studies focus on success of mediation as dependent on the identity and characteristics of the mediators (Jackson, 2000; Young, 1967; Zartman, 1985). The distinction between track I (official actors) and track II (unofficial, non-state actors) to identify the third party, the one we will use in this thesis, is a useful one (Bailey, 2002; Chataway, 1998; Nortter and Diamond, 1996; McDonald, 1987; Martinelli, 1998; Saunders, 1996). Track I diplomacy is led by state leaders or representatives of international organizations (IOs); track II diplomacy by academics, non-governmental organizations (NGOs), and individuals.

Some argue that only the great powers like the U.S. have the resources, motivation, and capabilities to intervene because, in addition to providing security to the international system, intervention serves to advance their national interests. Touval and Zartman (2001) distinguish between interventions by great powers, small-medium states, international organizations (peacemaking is actually part of the UN's charter), and NGOs. Some of these organizations have become very active in mediation since the end of the Cold War (especially regional organizations like the OAS) and that has contributed to the expansion of their resources and helped them established a good reputation. Nevertheless, mediation by international organizations requires agreement among the most influential members; is subject to certain policies of the member states; and their approach is regarded as normative (Touval and Zartman, 2001:431). In contrast, some small-medium-size powers have been motivated to intervene in conflicts that pose the risk of spillovers without having to take sides (for instance mediation efforts by Kenya and Zimbabwe in Mozambique and Norway between Palestine and Israel).

Mediation by non-state actors like private citizens or NGOs can come very close to state mediators. Apart from a concern with peace as an end in and of itself, non-state actors know states'

limitations and believe they can offer an effective alternative (Touval and Zartman, 2001). Olser Hampson (2001) asserts that NGOs and scholar practitioners play key roles as third-party mediators or facilitators because of their experience and reputational authority. In fact, they have a reputation to establish or defend and seek to be successful mediators in order to protect their names or the names of their organizations (for instance the Community of San Edigio in Mozambique and Algeria, Touval and Zartman, 2001:431).

In terms of characteristics of the third parties, Bercovitch, Anagnoson, and Willie (1991), point out that the mediator's intelligence, energy, patience, impartiality, and leverage are the most common characteristics associated to successful mediation. Interestingly though, Touval's (1982) argument is quite the opposite: "expertise, tact, intelligence, persuasiveness, humility and patience are fine for conciliation but not necessarily connected to effective mediation" (p. 17). In regards to impartiality, Touval and Zartman (2001) maintain that the acceptance of a third party is not based on impartiality but on the parties' consideration of what they can achieve by accepting mediation as opposed to rejecting mediation: "closeness to one party may stimulate the other party's cooperation" (p. 433). Also, mediators can be partial towards the outcome, in the sense that international organization representatives are interested in specific outcomes compatible with the norms of their organizations (p. 432).

The leverage of the third party, which depends on the parties' perception that mediation would produce a good outcome, is understood as the power of a third party to extract concessions from the parties or introduce formulas to move a party off a position (Rubin, 1991; Touval and Zartman, 2001). Leverage is also the power to persuade the parties that negotiation is better than conflict, for which non-state actors can be very persuasive (Touval and Zartman, 2001); and the power to use positive and negative incentives to induce the parties to negotiate a settlement--deprivation and gratification abilities of third parties, carrots and sticks (Rubin, 1991; Touval and Zartman, 2001).

## PROCESS VARIABLES

### Strategies and roles

In regards to the role of a third party during the negotiation stage, Zartman's classification of third parties as communicators, formulators, and manipulators encompasses the more common classification scheme of mediator and facilitator. A communicator carries messages and becomes the channel, or bridge, of communication between the parties with no input of his own (Zartman, 2001; Touval and Zartman, 2001). His role is rather passive and with little control over the process (Bercovitch, Anagnoson, and Willie, 1991), but helps the parties understand the messages he carries back and forth; tact, wording sympathy, accuracy, and confidence are among the most effective characteristics of communicators (Touval and Zartman, 2001:435).

Fisher's et al. (2000) facilitator, the same as communicator, uses strategies that can be useful during the confrontational stage when the aim is reaching an understanding of the "other" and not an agreement. For instance, facilitators are good at providing a relaxed atmosphere for the parties to talk; helping the parties to set the ground rules for the dialogue, meeting in advance with key people to help them set their objectives, encouraging parties to listen to each other, and assisting process of communication between the parties (p. 114). Fisher et al. (2000) suggest that facilitators who work with co-facilitators should agree on their roles and objectives in advance. In short, a communicator/facilitator employs passive strategies such as establishing communication between the parties and setting up the negotiation (Wall and Lynn, 1993).

The formulator brings his own ideas into the search for a solution (Zartman, 2001); he plays an active role in affecting both the content and the process of mediation (Bercovitch, Anagnoson, and Willie, 1991). Touval and Zartman, (2001) assert that formulas are the key to the solution of the problem because they provide a common understanding of the situation. They require that the formulator be very involved and have the leverage to use persuasion and suggest solutions (p. 436).

The manipulator requires the maximum degree of involvement (Touval and Zartman, 2001); he contributes to the outcome in a way that makes the solution provided attractive to both parties by

enhancing its value or through incentives or disincentives (Rubin, 1991; Touval and Zartman, 2001; Zartman, 2001). A manipulator refers to a third party engaged in open manipulation of the cost-benefits structures of the party (Bercovitch, Anagnoson, and Willie, 1991:16) to the point that he becomes a party to the conflict and his active role can call into question the relation with the parties (Touval and Zartman, 2001). Other classifications refer to the latter as mediation with muscle or powerful mediators (Miall et al., 1999).

The mediator role encompasses the formulator and manipulator roles previously identified. It includes a wide range of activities that begin when previous attempts at negotiation have failed and there is practically no communication between the parties (Fisher et al., 2000). Therefore, mediator's activities can be very active. In fact, Wall (1981) refers to mediators as negotiators (p. 160).

Mediators explain the process to the parties and clarify their role; establish the parties' relationship, identify a negotiator in each party (Fisher et al., 2000; Wall, 1981). Mediators look for common ground between the parties, point to commonalities; channel discussions toward areas of agreement, meet with the parties--individually or jointly (Douglas, 1972; Jackson, 1952; Stevens, 1963, Young, 1970). Common to a peace process is agreement on the format, ground rules and objectives of the process. This may include mutual recognition of the parties, commitment to reach a solution that addresses the parties' interests and setting a work frame (who will participate, what issues to negotiate, and a time table) (Bailey, 2002). Some argue the most important role of mediators is that of controlling the proposals and defending the agreements, as Wall (1981) puts it, these "underlie the most substantial alteration of the relationship and are significant enhancements of negotiation effectiveness" (p.164). Techniques include, offering agreement points for negotiation, highlighting common interests, expanding the agenda (the role of the formulator), rewarding the parties in exchange for concessions (the role of the manipulator), claiming authorship of the proposal, summarizing the agreement and guaranteeing its compliance; supervising and verifying implementation of the agreement (Bartunek et al., 1975; Berkowitz et al., 1964; Lall, 1966, Perez, 1959; Peters, 1958; Pruitt, 1971; Stevens, 1963; Young, 1972). The latter activities are also related to the post-conflict stage where mediators test and clarify points in the

agreements, evaluate achievements and emphasize follow-up process. In addition, mediators let the parties decide on the type of agreement and the timetable for its implementation and praise the parties for the accomplishment (Fisher et al., 2000).

Empirical evidence provides support for the claim that the mediator's strategies exert great influence on the effectiveness of international mediation. More active strategies are more likely to reduce hostilities and achieve a settlement (Bercovitch, Anagnoson, and Willie, 1991). Prescriptive studies on the process of mediation suggest that mediators should adapt the mediation strategies to the demands of the particular dispute. For instance, they can reduce the number of issues, focus on tangible rather than intangible issues, and initiate mediation once the parties have had some time to discuss the issues at stake, but before the level of hostility and the number of fatalities arise (Bercovitch and Langley, 1993). From the perspective of the contingency approach, mediation is an adaptive process in which different mediators do different things depending on "who the parties are, what the dispute is all about, and who the mediator is" (Bercovitch and Langley, 1993:672). This approach advocates adjusting the strategies to particular disputes (Lentz, 1986; Prein, 1984; Haynes, 1985; Kressel and Pruitt, 1989) by drawing from past experience (Shapiro, Drieghe, and Brett, 1985). Similarly, Wall and Lynn (1993) point out that the choice of mediator's strategies is determined by the characteristics of the dispute, the culture of the setting of the dispute, and the mediator's training and ideology, among other factors (Stein, 1985).

Zartman's (2001) analysis of the negotiation process offers valuable insights about the way mediation, defined as a form of negotiation by a third-part catalyst, is carried out. According to Zartman, tactics are defined as "doing the right thing at the right time" (p.10); that is, they are related to timing, terms, and toughness. The focus of preventive diplomacy is changing the attitudes of the parties and their perceptions of the issues (by reframing the issues) to avoid conflicts from becoming violent. This is done through persuasion, however, the decision of whether to be soft or tough depends on the power balance between the parties and on the evaluation the parties make of the costs of concessions and the value of a future agreement<sup>2</sup>. In both cases, making concessions, offering compensations, or simply pushing for an agreement, requires boldness and precision.

Hopmann, (2001) points to the diagnosis-formula-detail perspective of Zartman and Berman, which consists of understanding the problem and arriving at a formula to guide the negotiation process. Examples of the effectiveness of persuasion are Kissinger's role in the conflict between Egypt, Syria and Israel and Carter's Egyptian-Israeli mediation at Camp David in 1978 and Cairo and Jerusalem in 1997 (Touval and Zartman, 2001).

The Camp David mediation also illustrates what is called "principle negotiation." It consists of negotiating on interests rather than on positions (Hopmann, 2001:447). "Looking to their interests instead of their positions made it possible to develop a solution. Israel's interest lay in security; they did not want Egyptian tanks poised on their border ready to roll across at any time. Egypt's interest lay in sovereignty; the Sinai had been part of Egypt since the time of the Pharaohs" (Fisher and Ury, 1991; 41). The framing of the conflict in this way and focusing on substantive issues allowed the parties to reach a solution.

Lederach (1995) advocates the pursuit of "conflict transformation" as opposed to "conflict resolution" in protracted social conflicts. Transformation is both descriptive and prescriptive. "Descriptively, transformation suggests that conflict affects and changes things in potentially destructive or constructive direction." Conflict transforms relationships, communication, perceptions, issues, and social organization "...[P]rescriptively, transformation is concerned with broader social structures, change and moving toward a social space open for cooperation, for more just relationships for nonviolent mechanisms for handling conflict" (pp. 201-202).

Accordingly, it is important to consider short-term goals that will facilitate the achievement of long-term objectives, that is, to hold short- and long-term issues together. In addition, it is necessary to make explicit that there is "good faith" to negotiate, as well as to give clear signs that the parties are moving towards changes. Another approach suggests making it clear for the parties what each might find acceptable before discussing the main issues (Lederach, 1995).

Lederach's approach requires a focus on a relationship over time that is based on trust (*confianza*) and willingness to commit to construct and develop a valid infrastructure that integrates multiple levels of the population affected (top leadership, national leaders, and grassroots) and does not focus only on the

immediate results achieved. Moreover, it takes into account the transformation and empowerment of the actors involved in the process, on the basis of their own setting. Lederach (1995, 1991) emphasizes the need for those who intervene in a conflict to support the resources present in the setting and commit to the creation of “insider-partials” who can promote peace by using their natural position, responsibilities in the conflict, and networks.

In general, scholars and practitioners agree that track II avoids the political obstacles present in official processes but lacks the incentives track I actors can offer, such as access to economic and power resources. Track II is often seen as complementary to track I or an extension of it due to track I’s limitations and constraints (Chataway, 1998). In a study based on interviews of American diplomats, Chataway (1998) found that diplomats believed that track II actors relieved track I actors from their burden since diplomats “are never able to shed the influence of their official positions, and as a result, [they] always experience a barrier to free conversation” (p. 274). For this reason, track II activities were more useful in bringing the parties together beforehand by activating the channels of communication, and afterwards overseeing the implementation of agreements. In the study, most diplomats agreed that track II actors were useful in building up relationships between the conflicting parties and in reaching people that otherwise would not have been involved (p. 277). In addition, track II actors are able to move from the official arena of government to the quasi-official arena of individuals and groups close to the government but with no official status to negotiate (Saunders, 1996). According to Nortter and Diamond, (1996) track II are better at addressing the psychological issues of conflict, understanding the other’s position, and empathizing with each other’s views, which is regarded important for building up relationships.

Nevertheless, in spite of this recent optimism toward track II actors, some point out that track II actors can also be a disadvantage in conflict situations if they are not well trained and think that “good will can compensate for lack of knowledge” (Martinelli, 1998); if they are manipulated by the parties due to the different roles they play, especially in terms of the information being shared; or if they are used by government as a shield for their lack of action or willingness to negotiate an agreement since they have no

power to push for an agreement, legitimize any agreement, nor the capacity to support the implementation process (Bolling, 1987).

It is common for track II actors to use consultation, dialogue and problem-solving workshops which involve training in developing relationships and in conflict resolution aimed at transforming the conflict to bring together the conflicting parties to prepare them for official negotiations led by track I diplomacy (Nortter and Diamond, 1996; Bailey, 2002; Martinelli, 1998). These workshops usually take place at a neutral site (a third country in the case of inter-state conflict); they involve joint meetings with the parties as well as separate meetings; consultation and the deeper understanding of the psychological issues of the conflict (Martinelli, 1998). Although track II actors “enjoy the freedom of a nonbinding setting,” it is crucial that they have strong relationships with policymakers. This is especially important in cases where track II actors present proposals for policymakers who will then hold binding negotiations (Saunders, 1996). McDonald and Bendahmane (1987) emphasize the difficulty and sophistication of the process of track II diplomacy as it involves high levels of commitment, preparation, and skill.

More recently, scholarly research shows that collaboration and coordination of efforts between track I diplomacy and track II diplomacy increases the effectiveness of track I strategies (Chataway, 1998; Martinelli, 1998). When track II diplomacy is linked to official negotiations, there is good communication and regular exchange of information among tracks (Bailey, 2002; McDonald and Bendahmane, 1987; Martinelli, 1998; Saunders, 1996), and track II assists the efforts of track I by providing insights about the conflict (McDonald and Bendahmane, 1987) without replacing track I diplomacy, mediation outcomes are more successful. In addition, it reduces the potential for conflicts that can arise when track II diplomacy is constrained by track I diplomacy (Nortter and Diamond, 1996).

Among the examples of coordinated track I and II activities, the work of the Community of San Edigio (a Catholic lay order based in Rome) in Mozambique represents an example of a successful mediation outcome. In Mozambique, from 1990 to 1992, the Community of San Edigio, which had ties with the government of Mozambique (Frelimo) and the insurgent movement (Renamo) (Kriesberg, 2001), hosted informal discussions between Frelimo and the Church in 1982-83. Later, it negotiated the release



of prisoners of Renamo in 1985. In 1992, the Community of San Edigio hosted the Rome talks that led to the signing of the Peace Agreement. According to Kriesberg (2001), the parties accepted San Edigio as a facilitative mediator (that is, as a mediator in charge of the process but not the outcome) because the issue of the status of the adversaries was not raised. San Edigio provided a neutral environment for the parties to reach the agreement and it was able to participate as an observer and later as a mediator in the Rome talks. A team of four people acted as mediators: two members of San Edigio (Andrea Riccardi, president of the Community of San Edigio and Don Matteo Zuppi, a priest member of the Community (Martinelli, 1998), Don Jaime Goncalves, the archbishop of Beira, and a member of the Italian parliament, Mario Raffaelli, who drafted the agreement and acted as the official mediator.

Representatives of other governments and international organizations also participated (Italy, France, Portugal, United Kingdom, U.S., and the UN). They consulted the parties, the mediators, and eventually joined the formal negotiations in 1992. President Mugabe of Zimbabwe arranged the first meeting between the president of Mozambique and the leader of Renamo (Martinelli, 1998; Morozzo della Rocca, 1994; Touval and Zartman, 2001). Official diplomats contributed with the sequencing of the issues to be discussed and the military and constitutional issues (Martinelli, 1998).

The Community of San Edigio has been involved in peacemaking activities for many years, and although they recognize that every conflict has a uniqueness that calls for new approaches to third party intervention, they have found that common to all successful conflict resolution is the willingness of the parties to engage in negotiation with the other party; the identification of facilitators and mediators that would create a space for negotiations to be carried out flexibly, discreetly, and confidentially; the maintenance of a relationship and communication channels open between the parties, and the sustained involvement of all key players in the conflict (Morozzo della Rocca, 1994). In addition, the experience of the Community of San Edigio evidences that unofficial negotiations need to be assisted by official ones and vice-versa and that different actors contribute in different ways to the resolution of conflict.<sup>3</sup>

In Guatemala, international intervention by the Contadora Group met in Esquipulas and adopted Costa Rican president's, Oscar Arias, model of regional peace and signed an agreement to resolve the

conflict with democracy as a prerequisite. With support from the Church, the government created the National Reconciliation Commission (CNR) to negotiate between the army and the URNC. Norway hosted the talks between the CNR and the URNC (under the auspices of the Lutheran World Federation) that resulted in the signing of the Oslo Accord of 1990; the signing of two agreements in 1994, and the ceasefire declaration in 1996. After various years of consultations, an agreement was reached in 1996 mediated by the UN mission (MINUGUA), the Group of Friends (Norway and Spain), and the Guatemalan Catholic Bishop. Although the implementation has been slow and complicated by the uniqueness of the dispute, it committed the parties to a political solution to the conflict.

In the unofficial mediation by the World Council of Churches and the All-African Conference of Churches in South Africa in the 1972 Southern Sudan civil war, mediators were closer to the Southern Sudanese rebels and Mozambican rebels. Although not impartial, their leverage was the ability to use supplies as a threat if the government broke off talks. The OAU's Secretary General, Mohamed Sahnoun and a possible alternative, the Emperor of Ethiopia, backed up these non-state actors (Touval and Zartman, 2001:439).

Mediation by private citizens such as former U.S. President Jimmy Carter provide useful insights on the need for non-official and official coordinated efforts in mediation. In 1992, Carter mediated between the Eritrean rebels and the Ethiopian government. Although Carter was in contact with the heads of states, he needed state support to back up his efforts. According to Touval and Zartman, (2001), lack of state support and a level of mutual hurting stalemate contributed to Carter's failure to persuade the conflicting parties to find a solution (p. 440).

In contrast, Carter's mediation effort in Haiti in 1994, on the eve of an imminent U.S. military intervention to remove the junta by force, gave his actions credibility which was enhanced by the participation of Sam Nunn and Colin Powell (Touval and Zartman, 2001:440).

## ASSESSMENT OF THE LITERATURE

Our focus on conflict settlement drives our interest towards who intervenes, how it is done (strategies used) and what is achieved (agreement) in contexts where violent and non-violent events can disrupt governability.

As the review of the literature shows, there are not only different approaches to mediating conflict, but also different actors and different strategies. The various approaches to mediation consider either the short- or long- term commitment of third-party intervention; their strategies can be grouped into problem-solving and conflict transformation.

In spite of the focus on context and process variables or tracks I and II interventions, most analyses conclude that conflicts are unique and that mediator's strategies vary accordingly. The question is then what can be generalized about the process of mediation and its effectiveness?

What is clear from the literature is that who, how, and what are mutually dependent and each conflict will invariably be the result of the combination of these three factors. The question is how to make it more effective. Therefore, studies of mediation outcome that look at the stages of conflict in order to evaluate the negotiation process and assess the roles third parties play would bring a better understanding of who intervenes, what is done and when it is more likely to achieve success.

There is agreement in the literature about the role a third party can play. From carrying messages and acting as a channel of communication between the conflicting parties--communicator--to becoming more involved in the negotiation process by providing ideas, making suggestions, and even manipulating the outcome with carrots and sticks--formulator and manipulator. Persuasiveness appears as one of the most valuable skills mediators possess to bring the parties to the negotiating table, extract concessions from the parties, and achieve a mutually acceptable agreement.

For example, the use of passive and active strategies seems to depend on the stage of conflict in which the third party enters; earlier stages require less active strategies that pave the way towards negotiation. Likewise, being soft or tough depends on the power balance between the parties and, their assessment of the costs and benefits of conceding or reaching an agreement (Zartman, 2001), and on the

resources the mediator. Finally, the identity of the third party also seems to determine the use of more or less active strategies based on resources and capabilities. Because it seems clear that different third parties would use different strategies at different points in time during the life cycle of a conflict, the present study attempts to shed light on what strategies are more likely to produce successful outcomes and whether these are indeed related to the identity of the third party and the stage of conflict. In doing this, the present study attempts to discern what impact the relationship third-party--strategy has on the mediation outcome.

The distinction between track I and II is useful for the present study because it highlights both of our independent variables, namely identity and strategies. The identity of the third parties is determined by whether they represent a form of track I or track II diplomacy, and the role of these actors, as communicator, formulator, and manipulator, is used as a guide to evaluate the strategies used. Our case study provides the comparison of the roles of both track I and track II actors during the different stages of conflict, their collaborative performance, and the reflections of representatives of the main parties and the third parties involved in the negotiation process regarding the timing, the role of the parties, and the strategies used. This is, we believe, the major contribution of this research which attempts to elucidate the complexities of one conflict situation in a way that generalizations can be drawn and built upon in our search for mediation effectiveness.

## **RESEARCH DESIGN**

### **METHODOLOGY**

The present research is done within the framework of the field of Conflict Resolution. It uses a case study involving two different mediating actors and styles to probe the viability of hypothesized relationships from the literature in a key case. We examine the conflict in Venezuela during the period 2002-2004 as a case study for the comparison of the mediation styles used by the OAS and the Carter Center. First, we examine the negotiation phase (from April 2002 to May 2003) that led to the signing of

an agreement. Next, we look at the post-conflict phase (from June 2003 to August 2004) which comprises the implementation of several of the main points of the May agreement.

The study controls for a set of variables whose variance is minimized: the same political system, with the same disputing parties and the same issues which allow us to keep the structure of the conflict constant and to focus our attention on the effect of identity of the third party and the techniques used on the outcome.

Throughout, the variation in the techniques of track I and track II actors allows us to examine the relative contribution of each to the outcome. Likewise, variation over time in the context variables (stage of conflict, internal cohesiveness of the parties, and power symmetry) allows us to assess alternative hypotheses.

## **Hypotheses**

In order to find out to what extent the outcome of mediation is explained by the identity and strategies of the mediators, I wish to test the following hypotheses:

- I. The outcome of mediation is more likely to be successful when track II actors participate along with track I, as mediators, not just as facilitators in the preparation stage or monitoring implementation. The cases where non-official actors conduct negotiations with official actors is what I will call a “track I ½” case.
- II. The most effective techniques used by mediators will vary depending on the timing of the intervention (stage of conflict or phase of the negotiation):
  - Less active strategies such as communication-facilitation strategies are more likely to be successful at the early phases of the negotiation process.
  - Active strategies such as formulation strategies are more likely to be successful during the mid-point and at the close phase of the negotiation process.

## **Alternative hypotheses**

These are related to the interactive effect of three context variables that change during the course of the intervention (namely, the timing of intervention, the power balance among the parties, and the

cohesiveness within the disputing parties). While we expect there is some interaction between the main hypotheses and alternative hypotheses, this study attempts to assess the relative weight of the identities and strategies, as well as their interaction with the timing, intensity, and power balance variables.

- III. Third party intervention after escalation of the conflict and reaching a hurting stalemate is more likely to be successful.
- IV. The higher the number of constituencies within the disputing parties, the higher the probability that leaders of those non-cohesive parties will engage in aggressive behavior and escalation of conflict.
- V. Power parity among the parties is less likely to result in a successful mediation.

For the purpose of this thesis, we are concerned with conflict settlement, which involves the reaching of an agreement between the conflicting parties. Thus, the success of the intervention is understood as reaching an agreement that is mutually acceptable by both parties and its implementation. We concentrate on only two stages of conflict: the negotiation stage, which involves the intervention of the third party to help the conflicting parties reach an agreement (and at least contain violence), and the post-conflict stage that entails the implementation of an agreement if negotiations succeed.

In this thesis, we adopt Zartman's (2001) classification of a third party into communicator, formulator, and manipulator because it makes it easier to appreciate the degree of activity of the third party. We have established that Fisher's et al. (2000) facilitator corresponds to the role of the communicator in the sense that they employ passive strategies; and mediator encompasses the roles of formulator and manipulator who employ active and very active strategies.

### **Measurement of variables**

The present research attempts to establish the relationship between the outcome of mediation and the identity and techniques employed by third parties to settle conflict to determine how much of the mediation outcome is explained by these variables.

### 1. Dependent variable

- **Outcome of the mediation process:** A successful outcome of the mediation process refers to the immediate result of a process of conflict settlement as defined by Fisher et al. (2000), with a focus on the signing of a mutually acceptable agreement between the parties. To this we wish to add the subsequent implementation of the agreement. If both conditions are fulfilled, the outcome will be defined as successful. Lack of implementation of the agreement will be considered an unsuccessful outcome.

### 2. Independent variables

- **Identity of mediators:** Mediators will be classified according to their status as Track I (representative of a government or international organization) or Track II (representatives of an NGO or private citizens).
- **Strategies used by mediator(s):** These will be determined according to following classification:
  - 1) Third party as communicator will employ communication-facilitation strategies. These include channeling information to the parties and facilitating cooperation. This role is merely procedural which includes control of structural aspects of the meetings, number of meetings, and the agenda covered; control of the constituency influence, media publicity, and distribution of information. The third party has no control over the substance of process.
  - 2) The third party as formulator will employ formulas to get the parties to understand the problem and its solution. It entails the third party to enter into the substance of the negotiation process by persuading the parties and suggesting possible solutions to the dispute.
  - 3) Third party as manipulator will use directive or substantive strategies. These affect the content and substance of the bargaining process by using the third party's power to bring the conflicting parties to an agreement. It entails the maximum degree of involvement by a third party which has to persuade the conflicting parties of the benefits of its idea of a solution or proposal, make the solution very attractive as opposed to continued conflict, and if possible, providing incentives for the parties to negotiate (carrots and sticks).
- **Cohesiveness of the disputing parties:** Cohesiveness is operationalized as the existence of one domestic constituency within each of the disputing parties. High cohesiveness means one constituency; low cohesiveness means more than one constituency.
- **Power Symmetry:** it is operationalized as the relative amount of resources (economic and political) that a party controls. Strong party is the one with higher economic and political power; weak party is the one with lower economic and political power.

- **Hurting Stalemate:** a level of mutually hurting stalemate is operationalized as the public recognition of at least one of the conflicting parties of their inability to solve the problem unilaterally.

### **Indicators and sources**

The empirical data used in this study comprises focused interviews with primary participants in the negotiation process from the OAS, the Carter Center, the Venezuelan government, and the opposition; reports of the mediators, both public and private; public opinion surveys, newspaper articles, human rights reports, and conflict reports such as the International Crisis Group.

The interviews with primary participants of the negotiation process as well as the amount of private and public reports available on the process of negotiation constitute an important and reliable source of the identities, characteristics, and strategies of the third parties, and of the participants' perception and evaluation of the role played by the third parties.

I developed a focused interview with third and main parties involved in the mediation process with the purpose of exploring their perception of the mediation process (in terms of the identity of the third parties and the techniques used). The major aspects of the study had been previously studied by the interviewer and were explained to the respondents during the interview. The respondents were given the liberty to express their perception of the mediation process they had experienced. The interview was guided by the research hypotheses but constructed around the dependent and independent variables. Due to the nature of the focused interview, the researcher was sensitive to omissions or inconsistencies of data and guided the interview.

In the questionnaire used for the interview I avoided bias in the wording of the questions by using words that could be understood by everybody and that meant the same thing to everyone even if they did not know about mediation techniques. The type of questions used was factual questions and questions about their experience as third or main party representatives. I used close-ended and open-ended questions (the format for these were a rating scale or a set of characteristics). I avoided using response



sets and varied the response categories throughout the questionnaire. Finally, the sequencing of the questions followed a funnel sequence going from the more general to the more narrow ones. The questionnaire's first part dealt with the characteristics of the third parties representatives and the main parties' perception of them; the second part dealt with the techniques used in the mediation process and their perceived impact on the outcome (see appendices A and B).

## **Methods**

The present research uses a process-tracing methodology that focuses on the internal dynamics of the mediation process. Two tools for analyzing conflict are used: conflict mapping and stages of conflict. The mapping identifies the main parties, their relationships and positions, their cohesiveness and the balance of power. This technique also allows the identification of the main third parties and their strategy of action. The division of the conflict into stages according to Fisher et al. (2000) allows us to determine the cycles of escalation and de-escalation of conflict and to analyze the timing of intervention of the third parties. In addition, it helps us to concentrate on two stages: the negotiation stage and the post-conflict stage. Both techniques combined with the results of the focused interview will facilitate the analysis of the impact that both identity and strategies have on outcome.

Likewise, the information obtained from the focused interview and outlined in the conflict mappings will help us in the comparison of the activities of the OAS and the Carter Center as mediators and facilitators first, during the three phases of the negotiation stage (preparation, interaction, and close) that lasted eleven months until the signing of the May agreement in 2003, and second as facilitators and observers during the post-conflict stage throughout the entire referenda process and finally the national recall referendum that took place in August 15, 2004 (fifteen months since the signing of the May agreement).

With regard to the alternative hypotheses, the timing of the intervention in relation to the stage and level of conflict can be examined through the conflict mapping; the impact of the cohesiveness of the party is examined in terms of the contrast between the more unified government and more fragmented

opposition; and the power symmetry examined with regard to the change over time during the negotiation of the accord, the national strike, and the recall referendum process.

## **THE CASE STUDY: VENEZUELA**

### **BACKGROUND OF THE CONFLICT**

On December 1998, Venezuelans elected a new president, Hugo Chávez Frías. After four decades of representative democracy sustained by the 1958 Punto Fijo Pact, Venezuela came to the end of an era which had recently been marked by economic decline that started in 1983 with the Black Friday currency devaluation; two unsuccessful coup attempts in 1992; the impeachment of former president Carlos Andrés Pérez in 1992; and the election of a former coup leader and military officer as president with 56 percent of the votes in 1998.

Chávez's coming to power and his new economic policies spurred protest; street clashes between anti- and pro-government demonstrators; police repression to suppress the violent confrontations in the streets; and strikes called by the leadership of the labor union (Confederación de Trabajadores de Venezuela, CTV) and the private sector organization FEDECAMARAS. These events would lead to the military coup on April 11, 2002 that temporarily removed President Chávez from power.

The following section presents four mappings of the conflict. The first mapping shows the relationship between the parties in conflict during the period prior to and after the April 2002 coup (December 2001-May 2002). The second map describes the relationship between the conflicting parties and the third parties, the OAS and Carter Center, as they first intervened to try to find a solution to the crisis (June 2002- September 2002). The third map presents the relationship among the conflicting parties and the Tripartite Working Group (TWG), formed by the OAS, the Carter Center and the UNDP, and established as the third party that under the leadership of the OAS would facilitate the negotiation between the conflicting parties (October 2001-December 2002). The fourth map gives an idea about the relationship among the conflicting parties and the main third parties towards the end of the negotiation process and the signing of the May 2003 agreement (January 2003-May 2003). Finally, the first stage of

the implementation of the agreement is presented in the fifth mapping (June 2003-August 2004). Within each mapping, I describe the stages of conflict indicating the changing intensity of conflict.

## CONFLICT MAPPING

### I. December 2001-May 2002

#### THE PARTIES

The main parties to the conflict were the Venezuelan government led by President Chávez and the opposition groups led by the labor union (CTV), the business sector (FEDECAMARAS), the Catholic Church, some civil society groups, political parties and the private media. Later, these came together under the Coordinadora Democrática (Democratic Coordinator, CD), the umbrella group that encompassed the different opposition groups.

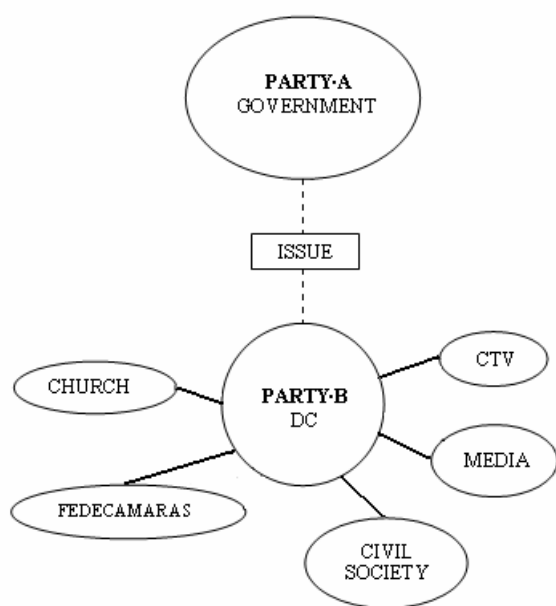


Figure 1

#### THE ISSUES

In general terms, the issue at stake was state power and control over its resources. The opposition objected to Chávez decree of 49 enabling laws in December 2001 without consulting the private sector. Among the most controversial laws were the Land Reform and the Hydrocarbons Law scheduled to come into effect in January 2003. The former explicitly subordinated private property to that of the common

good, and was supposed to distribute idle plots of land to the landless. The latter put limits on the degree to which private oil firms could exploit Venezuela's oil reserves; imposed higher royalties (while reducing income taxes) on private companies exploiting oil in Venezuela; and reinforced the constitutional ban on the privatization of PDVSA. In addition, the government wanted to make sure that PDVSA adhered to OPEC's production quotas. The opposition also objected to the extension of the president's term in office under the new constitution as well as the politicization of the military; and blamed Chávez's inflammatory rhetoric responsible for the polarization of the society.

The international community expressed concern over the violent confrontations taking place between anti- and pro-government supporters on the streets; the threat to press freedom recognized by the OAS Inter-American Commission on Human Rights; the Colombian reports on alleged Colombian guerrilla group, FARC, activity in Venezuelan territory; and the "interruption" of constitutional order during the events of April 11-14, 2002.

### THE PARTIES' POSITIONS AND RELATIONSHIPS

The relationship between the conflicting parties was asymmetric; the conflict was between the democratically elected government that counted with the support of Venezuela's Armed Forces and control of the National Assembly, Supreme Court, Controller General, Attorney General, and Ombudsman, and the opposition groups led by business, labor, political parties, and a sector of civil society. The government claimed its legitimacy and its goal was to remain in power and consolidate its control over the country's resources (primarily, the oil company PDVSA but also the military and public institutions) to advance its "revolution." The government claimed it needed to get rid of the corruption of the 'oligarchy' that had plagued the country for the last forty-three years of democratic government and concentrated Venezuelan oil in the hands of a few. By concentrating power in his hands, Chávez alienated the private sector and other groups that increasingly opposed what he called the "process." Chávez claimed to represent the will of the majority (the poor) after having been ratified in the 2000 presidential election. Chávez gave mixed signals about his willingness to negotiate with opposition groups and

responded to anti-government protests with new threats. For example, in response to the December 2001 general strike to oppose the new laws, Chávez restated his intention of applying the laws, reviewing the oil contracts with the private sector and the State's deposits in the banks, and passing a Content law to regulate the media.

The opposition's position was to get rid of Chávez in order to reclaim the power it once held; they attempted to delegitimize Chávez's government by calling for his resignation on the grounds that Chávez's rule had become authoritarian, exclusionary, and divisive, and his policies had negatively affected economy. They specifically feared that Chávez was moving Venezuela towards a Cuban model of economic nationalization and authoritarian political control. The opposition's relative power lay on its wealth, its contacts in Washington, and its control of the private media. Like Chávez, the opposition claimed to represent the view of the majority who had become dissatisfied by Chávez's conflictual behavior and harmful economic reforms. The opposition regarded the passing of the 49 laws as a violation of their democratic right to participate in the policy making process of the country.

The parties' relationship was tense; both parties had become intolerant of the others' position and unwilling to focus on their needs instead of their positions. Each party regarded the other as the enemy and considered his mere existence as the root of the problem. The best example of this intolerance was the crisis of April 11 to 14, 2002. After the coup, the polarization between the parties reflected that of the whole population; however, the government appeared conciliatory and ready for dialogue as if they balance of power had changed. Chávez maintained that he would allow for a national dialogue as long as both sides recognized the 1999 Constitution.<sup>4</sup>

After the coup, the opposition held the same position: Chávez needed to step down and call for new elections; although it appeared divided on the means to achieve that goal. A sector of the opposition rejected antidemocratic and unconstitutional means like the one experienced during the coup, while the other held a firm position that Chávez's removal from power even if by violent means was the solution.

The international community gave a negative response to the coup. Except for the governments of the United States and Spain which publicly supported the coup d'état in April<sup>5</sup>, the international

community expressed its condemnation of the events in April 11 to 14. After the April coup, the Río Group issued a communiqué condemning the coup and asking the OAS Secretary General to convoke an extraordinary session of the Permanent Council to evaluate the situation in Venezuela; the Permanent Council of the OAS issued a resolution condemning the coup and the acts of violence that took place and called on the normalization of democracy by invoking, for the first time since its adoption, the Democratic Charter of the OAS. Its Secretary General, César Gaviria, was sent on a fact-finding mission to Venezuela and used his good offices to promote the normalization of democracy.<sup>6</sup> Also, former President Jimmy Carter issued a statement calling on both sides to engage in dialogue.

### STAGES OF CONFLICT

The *pre-conflict* stage started in October 2001 and reached its *confrontational* stage in November 2001 with the passing of the 49 laws approved by the Enabling Law as the number of marches, protests, and strikes asking for Chávez resignation became more numerous reaching at least nine protest actions until April 2002. The OAS Inter American Commission on Human Rights reported that Chávez was restricting the freedom of press. Some of the protests turned violent as pro- and anti- government groups clashed; polarization was on the rise and on December 10, 2001 the opposition led a general strike (civil society organizations, political parties, the CTV, and FEDECAMARAS) demanding the derogation of the 49 laws.

In February 2002, the atmosphere continued *confrontational*. Tension increased as PDVSA top-level managers and white-collar workers asked for the resignation of the new board of directors appointed in early February. On February 21 began the demonstrations in the streets of Caracas, Zulia and Falcón states. PDVSA workers opposed to the new board of directors and led several strikes and a work slowdown; some of the senior managers were dismissed; the PDVSA conflict was crucial in creating the conditions for the April coup.<sup>7</sup> In March, the CTV also went on strike and together with FEDECAMARAS issued a document demanding Chávez resignation and a transitional government. Clashes in the streets continued as polarization became deeper and the number of marches and counter

marches became more frequent due to the high level of politization and mobilization, not common in Venezuela until now<sup>8</sup>.

The situation worsened in April as PDVSA workers broke the negotiations with the newly appointed board of directors, and the CTV and FEDECAMARAS called a 24-hour nation-wide strike in support of PDVSA workers on April 9<sup>th</sup>; the strike continued for 24 hours and on the 10<sup>th</sup>, and on the 11<sup>th</sup> the conflict escalated. Half a million people were mobilized (by the opposition groups that later became the Coordinadora Democrática) to march on April the 11<sup>th</sup> in Caracas towards the PDVSA building in Chuao to demand the resignation of the president; leaders of the demonstration later took a detour from the original route and decided to walk towards the Presidential Palace “Miraflores” (regardless of the fact that they did not have authorization to go beyond Chuao).<sup>9</sup> About 150,000 anti-Chávez protestors marched near the presidential palace where pro-government groups had been demonstrating for a third day their support for the government. In a confusing series of shootouts members of the government-controlled National Guard, the opposition-controlled Metropolitan police, and other individuals started shooting on the streets, leaving 20 people dead and over one hundred wounded on the 11<sup>th</sup>. Over 73 people were reported dead and 398 wounded during demonstrations on the 12<sup>th</sup>, 13<sup>th</sup>, and 14<sup>th</sup> of April.<sup>10</sup>

On the 10<sup>th</sup> and 11<sup>th</sup> of April thirty military officers declared themselves in rebellion against Chávez, whom the media had accused as responsible for the shooting of civilians for having ordered to activate Plan Avila which activates the Army to help control public protests. The military then threatened to attack the Presidential Palace if Chávez did not resign. After a failed negotiation between Chávez and the dissident military officials, the former was detained and the military announced that Chávez and his cabinet had resigned and the military named Pedro Carmona, president of FEDECAMARAS, as interim president. Immediately after taking power, Carmona announced the creation of an advisory council to govern the country, the writing of a new constitution, and the dismissal of the National Assembly and Supreme Court. During the *de facto* government of Carmona, those who did not recognize the “government” were arrested and *chavista* governors, mayors, and legislators were pursued to be arrested.

The coup d'état managed to remove President Chávez from power for forty-eight hours. On April 12 and 13, several demonstrations took place in Caracas and all over the country demanding for Chávez reinstatement after the former attorney general was finally able to announce that President Chávez had been detained, he had not resigned, and a coup had occurred. The demonstrations in Caracas were repressed by the Metropolitan Police. According to the human rights organization PROVEA, during the 48 hours Carmona was in power, there were political persecutions, torture and threats, closure of media outlets, and more repressed demonstrations than in the last eight years.<sup>11</sup>

The *de facto* government was not recognized by several top military officials<sup>12</sup> and with the support of the people demonstrating in the streets demanding Chávez's return; he was brought back to power and reinstated on April 14, 2002. The intensity of conflict decreased after the coup and on April 15, an OAS mission headed to Venezuela to evaluate the events of April 11 and explore ways in which the OAS could support the Venezuelan democracy.

At the end of this period of *crisis*, the preparation phase of the *negotiation* stage began when Chávez officially launched a national dialogue with government opponents. The national dialogue floundered as the government attempted to control the composition of the participants and the agenda, and the opposition participants increasingly walked out. Street demonstrations continued in May (leaving one dead and six injured), this time demanding the resignation of Attorney General Isaías Rodríguez for his poor investigation of the events of April 11<sup>th</sup>, and demanding the prosecution of those responsible for the death of more than 73 people during the events of April 11-14<sup>th</sup>.

## **II. June 2002- September 2002**

### **THE PARTIES**

The main parties to the conflict were still the Chávez government after he was reinstated in power, and the opposition groups now organized under the Coordinadora Democrática.<sup>13</sup> At the annual OAS General Assembly (foreign ministers meeting) in early June, some countries, including the U.S., promoted a resolution to have the OAS sponsor a national dialogue under the Interamerican Democratic



Charter. The Venezuelan government blocked that resolution and instead promoted one stating that the OAS encouraged the government to explore the OAS's assistance to promote dialogue and reconciliation in Venezuela and that it welcomed the assistance of international actors to support that effort.<sup>14</sup>

The government invited former President Carter, rather than the OAS, to facilitate the process of dialogue between the government and the opposition as its dialogue efforts floundered. After a staff fact-finding mission in June 2002, former President Jimmy Carter visited Venezuela in July 2002 to meet the government, union officials, the Church and the media. President Carter's efforts failed to persuade the opposition to meet President Chávez during his July visit, but did succeed in getting Chávez's agreement to invite the OAS (a key demand of the opposition) and the UNDP to participate in the dialogue. In late July 2002, another mission formed by representatives of the OAS, the Carter Center, and the UNDP visited Venezuela to discuss the way the international community could contribute to the national dialogue. In August 2002, at the invitation of both the government and the opposition, the Tripartite Working Group (TWG), formed by the OAS, the Carter Center, and the UNDP, was asked to act as facilitator of the process of dialogue.<sup>15</sup>

In a resolution of the Permanent Council in August 2002, the OAS reiterated its support and willingness to provide any help required by the Venezuelan government and welcomed the government's

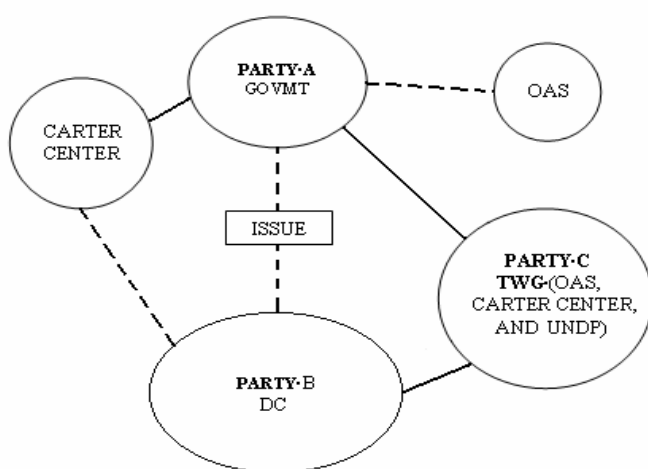


Figure 2

initiative to promote a process of dialogue.

In the same way, it supported the efforts of President Carter, the OAS Secretary General, César Gaviria, and the UNDP to further the dialogue; it also acknowledged the willingness of both parties (government and opposition) to seek mutually agreed upon mechanisms to resolve the conflict.

### THE ISSUES

Although the government continued to denounce the participation of members of the opposition in the failed coup of April 2002, and the opposition continued demanding Chávez's resignation alleging Chavez's responsibility for the violence occurred during the short-lived coup, the intervention of the third parties helped expose the main issues through third party discussions with each side to identify their interests and positions. Among the issues discussed in early July 2002 between President Carter and President Chávez, and President Carter and opposition groups, were the following: security measures to avoid violence in the streets during pro and anti- government marches, the issuing of licenses and renewals to TV and radio stations, the recognition of the CTV as the legitimate representative of organized labor in Venezuela, the revision and possible amendment of some of the decree laws, which according to FEDECAMARAS, were inhibiting free enterprise, the toning down of the president's confrontational and inflammatory language, the role of the Bolivarian Circles<sup>16</sup> and a proposal for disarmament of the civilian population, the designation of new National electoral Council (CNE) members, the establishment of a truth commission to investigate the events during the April coup, the depolitization of the armed forces, the shortening of the president's term in office and the election of new public officers (attorney general, comptroller general, and ombudsman) within the framework of the constitution.<sup>17</sup>

### THE PARTIES' POSITIONS AND RELATIONSHIP

The opposition was initially determined not to participate in the government-organized dialogue which they regarded as exclusionary and disingenuous. Similarly, although conciliatory at first, the government did not show a very flexible position in regards to the terms of the dialogue. The relationship between the parties, which reflected that of the country, remained tense and marked by polarization and mutual distrust.<sup>18</sup>

As the original *Mesas de Diálogo* proposed by the government in May 2002 failed to attract the participation of the main opposition actors, FEDECAMARAS and CTV who lacked trust in the

government's unilateral conditions, new ideas for dialogue were proposed by the different religious, political, intellectual, and civil society groups. Nonetheless, some opposition groups still voiced their support for a coup to end the political crisis.<sup>19</sup>

However, in September, after much effort on the part of the third parties, the government and the opposition expressed their readiness to negotiate and accepted the Tripartite Working Group (the OAS, the Carter Center, and the UNDP) to act as facilitators in the process of dialogue. Nevertheless, it was not without disagreement and interruption that the parties finally sat at the table after the acceptance of a third party.<sup>20</sup> Both parties seemed to be equally strong in the streets (competing with marches), control of the resources, as well as external legitimators in the form of a third party. A communiqué by the Tripartite Working Group (TWG), after having visited Venezuela at the invitation of the Venezuelan government and the Coordinadora Democrática, expressed the willingness of both parties to engage in a dialogue to solve the country's conflict.<sup>21</sup> The TWG mission put forward the "Declaración de Principios por la Paz y la Democracia" (Declaration of Principles for Peace and Democracy) that would serve as a framework for the dialogue process and delineated the issues which both parties agreed needed to be addressed immediately. The document included an electoral package; the disarming of the civilian population; and the determination of the events that occurred in April 2002.

In relation to the third parties intervening in the conflict, there was a prior four-year relationship between the OAS, the Carter Center and the Venezuelan government. The Carter Center and the OAS had monitored the seven elections between 1998 and 2000 in Venezuela in six different missions at the invitation of the CNE.

On the one hand, the OAS is the most important regional organization. It stands for the promotion and defense of democracy in the Western hemisphere through the cooperation of its 35 member states; it is committed to promote and consolidate representative democracy counts with the principle of non-intervention; to strengthen human rights, foster peace and security.<sup>22</sup> The 1997 ratification of the Washington protocol gives the OAS the power to suspend a member state whose democratically elected president is overthrown by force.<sup>23</sup> In addition, in September 2001, the member states had adopted the

Inter-American Democratic Charter which recognized the importance of representative democracy for the region's stability, peace, and development. Article 21 under the strengthening and preservation of democratic institutions specified mechanisms to take collective action to defend democracy: "In the event of an unconstitutional alteration of the constitutional regime that seriously impairs the democratic order in a member state, any member state or the Secretary General may request the immediate convocation of the Permanent Council to undertake a collective assessment of the situation and to take such decisions as it deems appropriate." The OAS established it could use "good offices, international law, and the provisions of the Democratic Charter of the Organization to foster the restoration of democracy."<sup>24</sup>

The OAS's response to the events of April 2002 corresponded to the organization's role in the hemisphere in maintaining and promoting democracy. First, it condemned the "interruption" of the constitutional order; next, it sent a fact-finding mission led by Secretary General, César Gaviria; afterwards it passed a resolution urging dialogue and offering assistance. Nevertheless, it was only at the urging of former President Carter and the opposition that the Venezuelan government finally invited the OAS as a member of the Tripartite Working Group, to serve a role as third-party facilitator.

On the other hand, the Carter Center is a non-governmental organization founded in 1982 by former US president Jimmy Carter and his wife Rosalynn Carter. Its mission has been to advance world peace and health. It has worked worldwide improving the lives of many by resolving conflict, preventing disease, promoting democracy, and assisting farmers on the production of crops. In the case of Venezuela, former President Carter had issued a public statement after the April 2000 coup calling on both parties to engage in dialogue.

However, in spite of the reputation of both third parties, the conflicting parties held different views about them. On the one hand, the intervention of the Carter Center to facilitate talks between the government and the opposition was not regarded in a favorable way by the opposition who feared that the Carter Center, having been invited by Chávez, would be partial to the government. The opposition favored an organization like the OAS with perceived leverage in the region to facilitate the talks.<sup>25</sup> On the other hand, the government feared the OAS's role would be interventionist, very much influenced by

Washington's interests and biased in favor of the opposition, thus they favored the facilitation of the Carter Center because of their experience in mediation, reputation, and the way to finding a solution without force.

### STAGES OF CONFLICT

Two months after the coup, the representatives of the OAS and the Carter Center began the preparation phase of the *negotiation* stage against the persisting confrontation between pro- and anti-government protesters that left at least 73 dead (14 of them by gunshots).<sup>26</sup> While the former rallied for their support for President Chávez and the decisions of the Supreme Court on the high-rank officials involved in the violent events of April 11-14 and accused of rebellion, the latter demanded Chávez's resignation and claimed he was responsible for the violence during the April coup.<sup>27</sup> In addition, demonstrators continued to take to the streets to protest the government's economic policies in monthly anniversaries of the April 11 coup. The risk of a violent outburst like the one in April loomed in the background.

During this period, several explosive devices were detonated at the headquarters of a private TV network, and a State TV station, in northwestern Caracas. A group called the "Carapaica Revolutionary Movement" claimed responsibility for the violent attacks on the Metropolitan Police headquarters that left 19 people injured. Other examples of the increased violence and deterioration of the rule of law were the assassinations of two leaders of different Land Committees in Zulia state in August and September 2002; the aggression to private media workers by pro-government supporters; and the eight "security zones" areas" in the capital created by the executive on September 19, 2002.<sup>28</sup> These restricted freedom of movement and the right to demonstrate around six major military facilities, a state radio station, and the main office of state owned television<sup>29</sup>

### III. October 2002- December 2002

#### THE PARTIES

During this period the conflicting parties, the government and the Democratic Coordinator, maintained constant contact with the third parties who played an active role at brokering talks between the main parties. After several unsuccessful attempts made by the third parties, especially Gaviria who met with Chávez, the Coordinadora Democrática, and other sectors, the formal negotiations began in November when the “Mesa de Negociaciones y Acuerdos” finally opened on November 8<sup>th</sup> with the OAS Secretary General as facilitator of the talks and the support of the Carter Center and the UNDP. Six

representatives from each party were named and the agenda of negotiations was approved.<sup>30</sup>

The international community observed very closely the events taking place in Venezuela. The US government expressed concern for the situation in Venezuela and encouraged dialogue between both parties. The foreign ministers of the Andean Community issued a joint statement supporting the OAS efforts and encouraging both parties to find a democratic solution. Likewise, the Río Group urged both parties to work towards a peaceful and democratic solution during the critical general strike in December 2002.

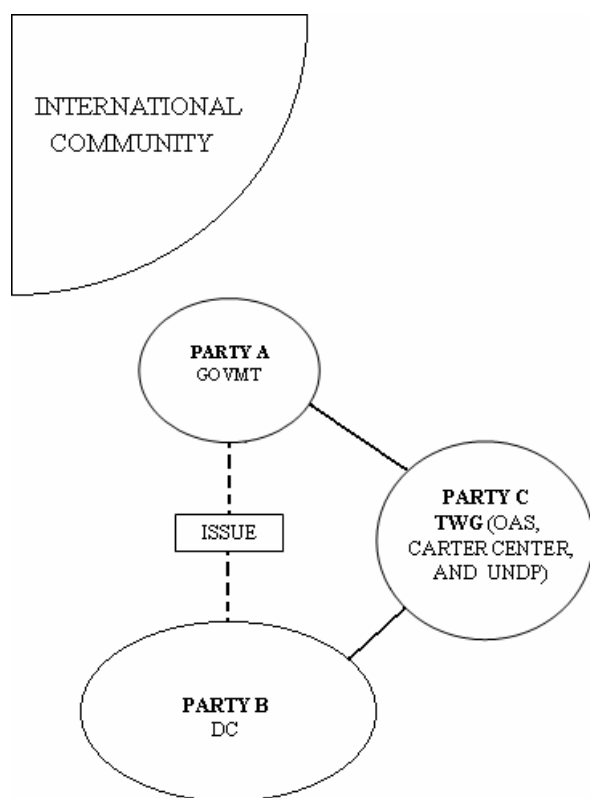


Figure 3

### THE ISSUES

In mid-October, the Secretary General presented the proposed agenda of negotiation to the OAS Permanent Council. This included the OAS's (and the TWG's) support in possible elections and the reform of the electoral system, the investigation of the events of April 2002, and the disarmament of the population. The third parties made efforts to get the parties to sign the "Declaration of Principles for Peace and Democracy" which emphasized the parties' willingness to find a constitutional solution to the crisis through dialogue; the government and other opposition groups signed it on October 16<sup>th</sup>, each with reservations and the opposition political parties AD and COPEI refused to sign it.

After the April 2002 coup, a number of political parties (Partido Unión, Proyecto Venezuela, MAS, COPEI, and AD) and civil society groups had started the initiative of collecting signatures to activate a consultative referendum to request Chávez's resignation.<sup>31</sup> In October, Súmate became the NGO in charge of organizing a petition drive to collect the signatures and in November announced the confirmation of 1.5 million signatures to be handed in to the Consejo Nacional Electoral (National Electoral Council- CNE) for validation. Later, the Tribunal Supremo de Justicia (the Supreme Justice Tribunal, TSJ) ruled the CNE's decision to hold a referendum on February 2, 2003 invalid. The legitimacy of the directors of the CNE (now seen as majority opposition) was questioned by the Court.

Other issues of interest during this period were the conflict arising over the government's intervention in the Metropolitan Police in November<sup>32</sup> and the rally in Altamira where fourteen military dissidents gathered in the Plaza Francia called for rebellion and demanded the resignation of Chávez. Many others in the opposition, including active military officials, joined them in what turned out to be a four-month "sit-in."<sup>33</sup>

At the end of this period, the main issue was the opposition-led-nationwide strike in early December that later interrupted the functioning of the oil industry, PDVSA, for 2 months (from December 2, 2002 to February 2, 2003). It caused chaos in the country from lack of gasoline and food. The negotiations at the "Mesa de Acuerdos y Negociaciones" were jeopardized.

### THE PARTIES' POSITIONS AND RELATIONSHIP

Against a background of polarization in the streets that was to increase towards the end of November, both parties gradually seemed to understand, in spite of the radical actors within both parties, that the use of violence by one side would be responded in the same way by the other side. With the help of the third parties, they started to consider the possibility of negotiation, while still maintaining the right to use the strategy of 'force' in the streets.

The conflicting parties expressed their willingness to negotiate under the facilitation of the TWG and finally sat at the "Mesa de Negociaciones y Acuerdos." It took some time for the main parties to sign the "Declaration of Principles for Peace and Democracy," but they finally did it separately. Progress was slow at the negotiating table with the parties fixed to their positions: the opposition wanted the immediate resignation of Chávez; the government responded that they had to adhere to the constitution. At the end of November, there were rumors of a strike. The political divisions between the parties persisted and the rhetoric on both sides was violent and offensive, especially that of Chávez and the spokespersons of the opposition.<sup>34</sup>

On the one hand, the government participated in the negotiation and was determined to act according to the constitution, but it claimed the opposition was preparing another coup. There was the perception that the government was in a difficult situation, even weak, because of its acquiescence to negotiate at the "Mesa de Negociaciones y Acuerdos," a direct result of the government's first failed dialogue initiative. Also, the possible activation of a recall referendum represented a mechanism that Chávez had introduced in the 1999 constitution and could now be used against him.

On the other hand, the opposition continued demanding Chavez's immediate resignation and constantly referred to the government's authoritarian and anti-democratic behavior. The opposition called a strike that started in December 2002 but continued negotiations at the Mesa arguing that the strike was not "negotiable" as it was not among the issues to be discussed. The strike then turned into an oil stoppage and the opposition leaders made use of the support of the private media to constantly demand a military intervention. While engaged in the negotiations at the Mesa, the opposition believed it could



“win” on the streets because of their power to mobilize their supporters into marches, protests, and demonstrations and to stop the vital oil industry; they also had the support of the military officials who maintained a continued presence in Altamira. The oil stoppage had already managed to reduce the oil production significantly and was creating severe shortages of gas and food among the population. The opposition did not call off the strike in spite of the government’s willingness to make a truce at the Mesa because they thought the country would collapse in “48 hours” and they would get rid of Chávez since they “held the key of what brings in the money” (meaning PDVSA).<sup>35</sup> In addition, the Democratic Coordinator felt confident of the OAS’s support to the dialogue process as an international organization backed by the member states as well as Washington’s support for a solution based on early elections (the US later backtracked and offered support for a referendum on Chávez’s rule).

As the opposition started the general strike in December 2002, the government walked out of the negotiation table. With much effort, Gaviria managed to get the government’s concession that if it demilitarized the Metropolitan Police, the opposition would call off the strike; however, when the government finally agreed, the opposition leaders said it was too late to make a truce and the negotiation failed.<sup>36</sup> Nonetheless, the third parties succeeded in getting the government to come back to the Mesa in spite of the ongoing strike and oil stoppage. At the Mesa, both parties confronted each other every day; they were clearly playing a zero-sum game, however the real confrontation was in the streets.

The OAS issued a resolution reaffirming the support of the institution for the Venezuelan government and rejecting any attempt “at a coup d’état or unconstitutional alteration of the Venezuelan constitutional regime that could seriously impair the democratic order.”<sup>37</sup> It also expressed support to the mediation efforts of Secretary General Gaviria and gave him power to use the mechanisms of the Democratic Charter to defend democracy. In addition, it urged both parties to negotiate in good faith to find a peaceful and democratic solution to the crisis.

Likewise, President Carter expressed concern for the intensity of conflict in a December statement and pointed to the presence of the Carter Center as “initiators and members of the Tripartite Working Group,” and its support to the OAS efforts to advance negotiations between the government and

the opposition. Carter highlighted the slow progress of the negotiations at the “Mesa de Negociaciones y Acuerdos” and called on political leaders and citizens to protect this forum of negotiation and to work towards a climate of non-violence.<sup>38</sup>

### THE STAGES OF CONFLICT

This period remained at a *confrontational* stage characterized by the use of violent rhetoric by both sides, strikes, marches, protests, and the detonation of explosive devices. However it reached a stage of *crisis* on December 2<sup>nd</sup> --that extended for 2 months--when the opposition launched the general strike that later become an oil stoppage.

There were a police strike and a general strike launched by the opposition on October 21, which had been rather peaceful. Large demonstrations continued making demands for Chávez’s resignation (with street clashes between pro- and anti-government); a consultative referendum and the validation of 1.5 signatures collected in its support. The rally in Altamira led by a group of fifteen dissident military officials had continued for a month until gunfire broke out on December 6<sup>th</sup> killing three people and wounding 28.<sup>39</sup>

Attacks against communication media and journalists increased. Two bombs exploded at the headquarters of a radio station and a TV station and shots were fired to one of them. The opposition also protested the federal take over of the Metropolitan Police issued by the government and blockaded a major highway in Caracas. Finally, the TSJ ordered the military officials to vacate the buildings of PM headquarters and to return authority to Mayor Alfredo Peña.

The Inter-American Human Rights Commission emphasized the deterioration of the situation as the rule of law weakened everyday; it urged the OAS to find a solution in order to prevent more life loss. Violence affected significantly the negotiation between the main parties and the third parties who were now at an interaction phase (formally started with the “Mesa de Negociaciones y Acuerdos” in November) bringing to a halt the negotiations several times, and slowing progress on the electoral solution acceptable to both parties. President Carter expressed his concern for the increased violence and

in a December statement on Venezuela saying that “the scarcity of supplies and political confrontation increases the likelihood of imminent violence that it is essential to avoid.”<sup>40</sup>

#### IV. Venezuela: January 2003- May 2003

##### THE PARTIES

The main parties to the conflict, the government and the Coordinadora Democrática, and the third parties facilitators, OAS, Carter Center, and UNDP, were joined by a group of “Friends of Venezuela” formed by US, Brazil, Chile, Mexico, Portugal, and Spain in January 2003. The intervention of the “Friends” was not very active and thus cannot be qualified as a third party mediator; however, it served to provide the pressure of the international community for the resolution of the Venezuelan political crisis. After holding a meeting at the OAS headquarters on January 24<sup>th</sup>, the Group of Friends visited Venezuela on February 30<sup>th</sup> and later in May 9<sup>th</sup> but failed to broker an agreement between the parties.<sup>41</sup>

##### THE ISSUES

One of the most critical issues at the beginning of this time period was the general strike and the oil stoppage led by the opposition in December 2002 and that continued to affect the oil production.



Figure 4

The presentation of President Carter's proposals on January 21<sup>st</sup> set the ground for the parties' negotiation which had practically come to a halt.<sup>42</sup> President Carter's "Proposal to Restore Peace and Harmony in Venezuela" included two proposals: one called for the opposition to end the strike and the government to hold a recall referendum not later than August 19<sup>th</sup>, 2003; the other proposed a constitutional amendment to shorten the presidential term. He also proposed to the "Mesa de Negociaciones y Acuerdos" the inclusion of other issues related to the main ones, including the election of a new CNE, the preparations for the referendum and possible elections, and the protection of human, civil and political rights of all Venezuelan citizens regardless of their partisanship. It also included an agreement between the conflicting parties to hold a national consultation whose purpose would be the national reconciliation and the promotion of social justice. Both sides accepted the proposals for discussion at the Mesa, and ten days later, the strike ended.

Because of the increased violence since the beginning of the strike, the third parties also worked to get the parties to sign The "Declaration against Violence, for Peace and Democracy" (Declaración Contra la Violencia, la Paz y la Democracia en Venezuela) on February 18, 2003 after the 44<sup>th</sup> meeting of the negotiating table.<sup>43</sup>

In addition to the overarching purpose of the third parties of avoiding violence was the need to move towards an agreement on the electoral solution for the political crisis. In this regard, the written proposal produced by the Mesa on April 11<sup>th</sup> as well as the final agreement signed by both parties on May 29<sup>th</sup>, 2003 paved the way for a recall referendum on Chávez' mandate and other elected officials, which the parties agreed to carry out in accordance with article 72 of the Constitution of Venezuela and acceptance of the decision of the TSJ that stated that the presidential half-term was August 2003.<sup>44</sup>

Among other things, the parties to the agreement ratified their respect and honor to the declaration against violence; they also committed to campaign for the disarmament of the population based on a law passed in the National Assembly; they urged the National Assembly to pass the law to create the Truth Commission; they agreed to the designation of a new CNE that would determine procedures for signature collection to hold the referendum; they expressed their commitment with the

freedom of expression and their cooperation with the media to promote a favorable climate for the referendum; acknowledged the facilitation of the TWG ; and finally agreed to the creation of a *Mecanismo de Enlace* (a Follow-up Commission) with two representatives for each party in order to keep the channels of communication open, honor the accord, and keep in contact with the international facilitators if needed. As the events progressed, other concerns emerged regarding the firing of 18,756 PDVSA workers after the oil stoppage.<sup>45</sup>

### THE PARTIES' POSITIONS AND RELATIONSHIPS

The general strike initiated in December 2002 led to the deterioration of the negotiations between the parties who still maintained fixed positions; both played a zero-sum game and were determined to fight until the end; however, the balance of power was changing, with the government gaining the upper hand. The strike that had sought to force Chávez to resign, had only strengthened the government, weakened the opposition, and drove the economy into recession for the rest of the year 2003.

The government was determined not to give up power; it took control of PDVSA and the workers who supported the strike were little by little fired and substituted; a new board of directors was appointed and with support of the Armed Forces and social organizations the government reestablished the functioning of PDVSA. Brazil and Trinidad and Tobago also provided help during the oil stoppage. At this point, the government seemed to have strengthened its position once again, thwarting predictions of its demise.<sup>46</sup>

At the Mesa, the government representatives refused to accept the opposition's proposal of a constitutional amendment. The government party MVR even suggested leaving the negotiations at the Mesa and letting the National Assembly lead the negotiations.

In addition, Chávez publicly criticized Colombia, Spain, and the OAS for meddling with Venezuela's internal affairs regarding the arrests of Carlos Fernández, president of FEDECAMARAS and main strike leader, and Carlos Ortega, the labor union leader allegedly involved in the April 2002 coup. Chávez found the behavior of OAS Secretary General Gárriga questionable.

The opposition continued with the general strike in an effort to oust Chávez convinced that it would create a governability crisis that would either trigger the intervention of the Venezuelan armed forces, or an international intervention. During the two months of the general strike and oil stoppage, the opposition used its contacts with the private media to convince the population that the strike was a success. At the negotiating table, the opposition's response to the government's impasse was to support the Mesa by declaring that it refused to participate in negotiations outside of its framework. By January, however, the opposition appeared to be losing control as its supporters appeared more hurt than the government they had targeted; they finally abandoned the strike on February 4<sup>th</sup> without receiving any concessions from the government on a consultative referendum nor advancing early elections, let alone ousting Chávez. As the strike was dying out, the opposition changed its dual strategy of negotiation and force to one dominated by the constitutional electoral route and led a petition drive on February 2<sup>nd</sup> known as *El Firmazo* to collect signatures to trigger a recall referendum in another effort to remove Chávez from office.<sup>47</sup>

In mid-February the parties started to work around President Carter's proposals and things started to settle down and moved towards resolution with both parties working towards an agreement that was mutually acceptable. The government supported the referendum stating that the opposition had to activate the mechanisms, while the opposition favored a constitutional amendment. The parties finally agreed on a recall referendum as the way out of the crisis. On February 18<sup>th</sup> the first formal agreement of the Mesa de Negociaciones y Acuerdos, the "Declaration against Violence, for Peace and Democracy" (*Declaración Contra la Violencia, la Paz y la Democracia en Venezuela*), was produced committing the parties to avoid violence and thus reducing the climate of tension. In addition, on February 26<sup>th</sup> the Mesa de Negociaciones y Acuerdos issued a statement condemning any intervention in the national affairs of the country.

The third parties became much more actively involved in the process of finding a solution to the political crisis. President Carter held separate meetings with the conflicting parties in January and latter presented both proposals to be discussed at the Table of Negotiation-the first active proposal by a

facilitator. As President Carter admitted, his proposals were not innovative but built on existing ideas from the parties. President Carter later expressed, on February 7<sup>th</sup>, his satisfaction with the resumption of negotiations between the conflicting parties at the Mesa, the end of the general strike, and the naming of a Nomination Committee for the new CNE; he also urged the parties to continue working on the agreements on other pressing issues. Afterwards, on February 25, 2003 as violence increased, President Carter urged President Chávez, the leaders of the CD, and the media to sign the “Declaration against Violence and for Peace and Democracy” subscribed by the Mesa on February 18<sup>th</sup>.

Similarly, the OAS continued engaged in the negotiation process through its Secretary General César Gaviria and later his Chief of Staff Fernando Jaramillo, who played a more active role towards the end of the process. As Gaviria left the country to take care of other responsibilities and in the wake of slow negotiations, Jaramillo stayed in charge of the “Mesa de Negociaciones y Acuerdos,” kept the channels of communication open between the parties, and became actively involved in the preparation of the pre-agreement with both delegations. Nonetheless, it is important to note that tensions between the government and Gaviria had emerged as Gaviria expressed concern for the arrest of Juan Fernández, president of the Petroleum Manager Group (Gente de Petróleo), and as he worked to shift the Group of Friends from a pro-Chávez group to a balanced Group of Friends of the Secretary General.

On April 11<sup>th</sup>, the Mesa de Negociaciones y Acuerdos produced a written proposal of the agreement reached at the negotiating table which contained 22 points and focused on a recall referendum on Chávez’s rule. Its signature was delayed until May 29<sup>th</sup>. The final agreement contained 19 points and recognized the opposition’s constitutional right to petition for a referendum on Chávez’s mandate.<sup>48</sup>

The OAS and the Carter Center were very much committed to solving the crisis soon and encouraged the parties to find a solution; Carter Center representatives (McCoy and Diez) got Chávez on board. Finally, at the signing of the May agreement, on May 29<sup>th</sup>, Secretary General Gaviria reckoned the difficulties faced in the negotiation process and emphasized that one of the achievements of the forum of negotiation had been to serve as an open channel of communication for the conflicting parties, especially in heated moments, and as factors of moderation and restraint of political passions in all circumstances.

Gaviria asserted that the agreement represented the parties' commitment to stop violence. Consequently, he called all actors to show in action and utterance tolerance and respect for pluralism.<sup>49</sup>

President Carter commended the members of the Mesa for the agreement and highlighted the importance and difficulty of its implementation calling on all relevant actors to honor the accord. He expressed his personal as well as the Carter Center's commitment to Venezuela. At the end of this period the Carter Center made a five-day pre-election assessment mission.

### THE STAGES OF CONFLICT

The crisis started by the December 2002 strike continued as the negotiation at the Mesa almost came to an end. The attacks on media workers and TV stations increased (journalists, TV technicians, and graphic reporters). According to PROVEA, although the freedom of expression and information showed a broad debate of ideas, it was also marked by excesses and abuses of that right, especially expressions of political intolerance. During the strike, the polarization of the conflict was present in all media<sup>50</sup>, the usual programs were substituted by political propaganda that expressed intolerance and encouraged illegal actions.<sup>51</sup>

Clashes in the streets between pro- and anti- government demonstrators left 5 dead and 34 wounded as repression by National Guard, the Military Police, and the Metropolitan Police increased. There were explosions at the residence of the Algerian Ambassador to Venezuela, the Spanish and the Colombian embassies, and oil facilities. On April 12, a bomb exploded in the basement of the Teleport building where the Mesa negotiations were being held.<sup>52</sup>

In addition, the sixty-nine-day oil strike represented a direct blow to the Venezuelan economy (a technical, physical, and economic sabotage; the strike cost the country around \$7 billion in expected revenues); more than 30 percent of the country's enterprises closed since January 2003 causing the loss of 300,000 jobs (unemployment reached 18%, the highest in 20 years); prices increased 90% in basic food; there were food shortages; negative effects on the education; the gross domestic product was predicted to shrink in 29 percent in 2003.



The end of the general strike marked the end of the *crisis* that characterized the period between the end of 2001 and the beginning of 2003. As the negotiations at the Mesa were resumed, the phase of interaction successfully produced the signing of the Declaration against Violence, the pre-agreement in April and later the May accord that marked the close of the negotiation stage. At the end of the period, violence had been contained and there was no longer the impression that it would explode into a civil war.<sup>53</sup>

## **V. June 2003 - August 2004**

### **THE PARTIES**

During the post-conflict phase, the government and the opposition continued being the main parties to the conflict. The third parties OAS and Carter Center, having played their role as facilitators of the Mesa, remained active in the country through their representatives, Fernando Jaramillo and Francisco Diez, respectively, in order to oversee the work of the *Mecanismo the Enlace* (Follow-up Commission) agreed by the parties during the negotiation stage as a mechanism to maintain the channels of communication open between the conflicting parties during the implementation stage. The *Mecanismo the Enlace* was formed by two government representatives and two opposition representatives.<sup>54</sup>

In November, at the invitation of the CNE, the OAS and the Carter Center accepted to be international observers of the signature collection (and later remained committed to the different phases of the referendum process: the signature verification, the correction period (*reparos*), and the referendum, forming a joint mission with two chiefs of mission.<sup>55</sup>

Carter Center representatives visited Venezuela on a pre-electoral assessment in August 2003. President Carter and Carter Center representatives Jennifer McCoy and Francisco Diez facilitated the negotiations with the government, the opposition, the media owners, and the CNE members on the rules that would govern the referenda processes. Carter Center representative Jennifer McCoy was very much involved in the implementation process; with over 5 visits to Venezuela during mid-2003 and mid-2004; she was instrumental in achieving the recall referendum. Likewise, President Carter made several visits to

Venezuela in which he met with President Chávez, media owners, CNE members, and opposition members.<sup>56</sup>

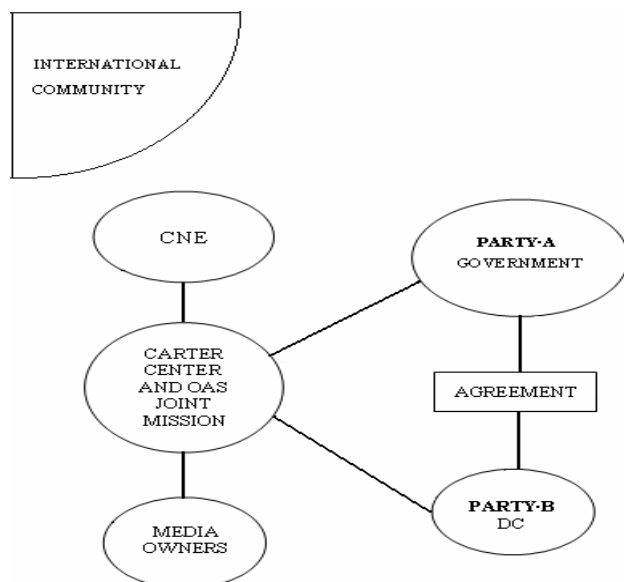


Figure 5

It can be argued that the CNE became a central party to the conflict during the post-conflict stage, as it was the main group of contact between the conflicting parties because of its role as the electoral arbiter of the whole referendum process as the parties negotiated the acceptable procedures to implement a process that was new to the country and for which there were not regulations in place.<sup>57</sup>

### THE ISSUES

During the post-conflict phase, the most pressing issue was the opposition's attempt to bring about a recall referendum on Chávez's rule.<sup>58</sup> However, a recall referendum was contingent upon fulfilling several requirements: the appointment of a new CNE, the collection of signatures and their verification<sup>59</sup>, and finally the recall referendum itself. Essential to the legitimacy of the whole process was the perception of a balanced new CNE, the authority in charge of writing the rules for the collection of signatures to trigger a recall referendum against Chávez.

The National Assembly was to appoint the members of the new CNE board; their failure to do so would allow the Tribunal Supremo de Justicia (the Supreme Court of Justice-TSJ) to take over their task. After the normal period expired, the TSJ gave the National Assembly a ten-day deadline to appoint the new CNE members. As it expired without results, the Constitutional Chamber of TSJ took over the task and finally appointed the CNE board on August 25, 2003.

First, the new CNE rejected the signatures collected by the opposition and Súmate for a recall of the president before the mid point of the term. Second, the CNE devised a set of regulations for a new signature collection. Third, after much discussion about the possibility of having international observers<sup>60</sup> for the recall referendum process, the OAS and the Carter Center were invited by the newly appointed CNE to play the role of international observers. The signature collection was scheduled for November 21-December 1, 2003.<sup>61</sup> Both signature collections were carried out successfully and they were handed to the CNE in late December.

The verification process started on January 13, 2004. The thirty-day deadline for verification expired without results from the CNE and the official results were not announced until March 2004. The CNE classified the signatures as valid, invalid, and “observed”<sup>62</sup> and decided to send the latter forms to a correction period (*reparos*) in which the signers would confirm their signatures.<sup>63</sup>

After a lot of controversy over the *reparo* process in which the CNE had to devise rules that were accepted by the parties, it successfully took place in May 21- 30, 2004. Finally, on June 3, the CNE announced that it had enough signatures to trigger a recall referendum against Chávez’ rule and nine opposition deputies to be held before August 19.

To the surprise of many, the referendum took place as planned on August 15, 2004. The results ratified Chávez’s rule with 59 percent of vote and were confirmed by the OAS and the Carter Center, main observers of the whole process, who concluded it reflected the will of the population (in spite of the unfounded disputes by the opposition). The referendum had record levels of participation (94.9% of the electorate); some people waited for more than 12 hour in line to vote (almost 10 million people voted).<sup>64</sup> The opposition, however, did not respect the results, and its members voiced fraud claims. However, no

evidence was presented to the CNE or to the international community to make their case and after confirming the CNE results, the OAS and the Carter Center witnessed an audit of the paper receipts of the electronic voting machines carried out by the CNE that confirmed the results once more in spite of the opposition's refusal to accept them.

During this period, another issue that was also controversial was the October 2003 National Assembly proposal to enlarge the Supreme Court. The law was later approved in April 2004. This issue was perceived as Chávez's move to pack the courts in his attempt to assume total control. A content media law was also approved in 2004 after the referendum.

### THE PARTIES' POSITIONS AND RELATIONSHIPS

During the implementation process, the main parties remained polarized and distrustful of each other in spite of their expressed commitment to honor the May accord. Both, government and opposition regarded the referendum as the final battle in which they would eliminate the opponent.<sup>65</sup> The government's strategy was at first to avoid, then delay a referendum. When it became clear that efforts had failed, the government shifted to an all-out campaign to win the referendum. The opposition divided at several points over whether to continue the recall process, but in the end, the recall proponents won the internal debate at each stage.

The government felt the opposition would not collect enough signatures to activate a recall referendum and feared they would engage in fraud or initiate violence to blame the government and use the media to make it look bad.<sup>66</sup> The opposition became very concerned about irregularities in the signature verification and almost abstained from participating in the correction process.

The third parties involved in the conflict played the roles of monitors during the collection, verification, and *reparos* of signatures for the recall referendum; they were also instrumental in facilitating negotiations between the conflicting parties and the CNE on the best way to complete a

transparent process and guarantee the security of all participants as well as proposing guidelines for the *reparo* process to the CNE; finally, they were observers of the recall referendum.

Their active involvement and variety of roles played generated some tension between the CNE, the conflicting parties, the OAS and Carter Center representatives as the latter expressed disagreement with the CNE verification criteria and the requirements for the *reparos*.<sup>67</sup> The CNE expressed concern for the sovereignty of the country and the extent to which international observers were to interfere. In addition, the conflicting parties blamed the third parties as being partial towards one side or the other as the issue of the *reparos* was being negotiated.

On the one hand, the government perceived the Carter Center in some way biased towards the opposition for not condemning their violence and not being able to negotiate with them the guarantee of security for the signature collection and later the *reparos*.<sup>68</sup> On the other hand, the opposition felt the third parties had failed to defend the interests of the opposition by allowing the CNE to put some signature sheets under observation and finally hold a correction period.

Nonetheless, the presence of the OEA and the Carter Center (as well as many other international observers) provided legitimacy to the referendum process and results, contributed to people's trust in the process as a means to express their will, and helped contain violence.<sup>69</sup>

### STAGES OF CONFLICT

The implementation period up until the referendum in August 2004 was marked by *confrontation*; nonviolent and violent events (with a decrease of violent confrontations) characterized this period where the parties seemed to fight their last battle in their struggle for power. The political confrontation increased when the original signatures collected by the opposition were invalidated by the CNE in August 2003. However, the most violent events took place in February-March 2004, known as *La Guarimba*<sup>70</sup> to protest the CNE invalidation of a group of signatures collected in late 2003. The level of violence was

comparable to that of April 11-14, 2002 with 11 deaths reported, 57 injured, and more than 500 detentions by security forces.<sup>71</sup> Likewise, there were some violent spurts on June 3, the day the CNE announced there would be a referendum; August 15, the day of the referendum; and August 16 (with one death reported) the day the results of the referendum were announced.

In spite of the February-March, 2004 violent events<sup>72</sup>, the third parties managed to reduce the violence that at different points during the negotiation stage threatened to explode into full-fledged violent conflict or civil war (see Figure 1). The political conflict exacerbated by the events of April 2002<sup>73</sup> had been settled by constitutional, democratic, and peaceful means, in spite of the fact that the roots of the conflict are deeper and it is much more complex than simply whether Chávez stays or leaves.<sup>74</sup>

## ANALYSIS

The purpose of this thesis is to look for what can be generalized about the process of mediation and its effectiveness, bearing in mind the particularity of each conflict. The analysis entails the examination of the relation between theory and practice in regards to the role played by different third parties during the negotiation of an agreement, and the impact of their identity and strategies on the outcome. I evaluate the mediation process by two international third parties, the OAS and the Carter Center (representing track I and track II actors, respectively), in the conflict between the government of Venezuela and its opposition (CD) from September 2002 until May 2003 (defined as the negotiation phase) and from June 2003 until August 2004 (defined as the post-conflict phase).

For the analysis, I developed five mappings of the conflict with the purpose of looking at the parties (main and third parties), their relationship, the issues and the intensity of conflict as the conflict became ripe for resolution. The mappings were complemented with interviews conducted with main participants of the mediation process as well as public and private reports of the third parties to capture their perception of their mediation process in general regarding the identity of the third parties, their roles and strategies and their impact on the outcome.

The first part of this analysis will deal with the impact of the identity of the third parties and the strategies used on the outcome of the mediation process. Next, I will evaluate the impact of contextual variables such as the timing of intervention of a third party, the cohesiveness within the disputing parties, and the power balance among the parties on the escalation of violence and the overall success of mediation efforts. Finally, I will assess which of the proposed hypothesis is supported by this case, propose alternative hypotheses, and point to the most important lessons learned from the mediation process led by the OAS and the Carter Center in Venezuela, in terms of generalizations and particularities that need to be taken into account in the field of conflict resolution in order to improve the effectiveness of mediation as a means of conflict resolution.

In order to test the main hypotheses of this research, I distinguished between track I and II diplomacy as different approaches to third party intervention involving different actors, techniques, and resources at different levels or tracks. In addition, the classification of the strategies used by third parties was determined by their roles as communicators (employing communication-facilitation strategies), formulators (employing formulas to get the parties to understand the problem and its solution), and manipulators (employing directive or substantive strategies).

## HYPOTHESIS I

**The outcome of mediation is more likely to be successful when track II actors participate along with track I, as mediators, not just as facilitators in the preparation stage or monitoring implementation. The cases where non-official actors conduct negotiations with official actors is what I will call a “track I ½” case.**

After the conflicting parties agreed to negotiate under the facilitation of the TWG (the OAS, the Carter Center and the UNDP), the OAS was named the formal *facilitator* of the negotiation process and the Carter Center would support the OAS's efforts. Thus, both tracks were expected to act as communicators. SG Gaviria was expected to lead the formal negotiations at the level of political officials

while track II actors would play a secondary role at the negotiation table. The Carter Center was to support the efforts of the OAS mainly using communication strategies at the unofficial level.

The mapping of the conflict showed how the identity of the third parties as track I (representatives of a government or international organization) or track II (representatives of an NGO or private citizens) actors and hence their role was essential in them being invited by the government to assist its efforts for dialogue with the opposition. Initially, the government perceived third-party intervention as an attack to Venezuela's sovereignty; however, as its dialogue efforts failed, the intervention of the Carter Center became a good alternative. As an NGO, the Carter Center would provide *facilitation* without the pressure of the OAS and its member states.<sup>75</sup> The government also viewed the UNDP as less interventionist and more sympathetic than the OAS, which is perceived to be dominated by the U.S.

Likewise, the intervention of an international organization was needed by the opposition to negotiate with a government that had proposed a unilateral dialogue; therefore they favored the OAS's intervention as an active *mediator* with muscle that would bring the pressure of all the state members and help achieve a binding agreement.<sup>76</sup> Interestingly though, the mappings indicated that President Carter was instrumental in getting Chávez to agree to the OAS and in getting the support of the OAS and the UNDP to form the TWG to facilitate the negotiation process between the conflicting parties. Similarly, interviews with main participants indicated that the OAS played the role of a facilitator while the Carter Center played the role of a facilitator and "a mix of other things."

Nevertheless, it was the presence of both tracks that motivated and persuaded the main parties in entering the negotiations as they both saw intervention as working in their own interests. The leverage of the third parties was based on how the main parties perceived the OAS and the Carter Center would contribute to a good outcome; for the opposition, the OAS represented the opportunity of producing binding agreements, or triggering sanctions on the government; for the government, the Carter Center would bring legitimacy due to the organization's reputation and experience; diffuse violence and avoid another coup; and it would also maintain open channels with the US.



As the mapping of the conflict showed, the preparation phase of the negotiation stage was marked by deep polarization and distrust among the parties which contributed to their mistrust of the third parties.<sup>77</sup> Representatives of the main parties expressed that OAS representatives worked closely with the opposition while the Carter Center representatives worked closely with the government. Nevertheless, as both parties entered the negotiations, their representatives regarded the third parties as professionals following their respective mandates. They acknowledged the third parties' experience, both political and in conflict resolution and admitted the importance of a third party trusted by them in finding a solution to the conflict.

Prior to the December 2002 general strike, Gaviria took a more active stance in trying to avoid the strike (emphasizing their interests rather than the parties' fixed positions); he worked on a declaration to condemn the violence on the streets<sup>78</sup> and affirmed the importance of the constitution (the government's interest) as well as the need for an electoral solution (the opposition's interest). Gaviria became even more active when the strike began. He met with both parties in private, visited President Chávez, talked to opposition leaders and media owners in order to stop the strike. Gaviria was able to get concessions from the government in return for the calling off of the strike; however, his efforts failed to get the cooperation from the opposition. SG Gaviria also played an active role in January 2003 in bringing the pressure of the international community to revitalize the negotiations. He used his political ability and status as the OAS Secretary General to build the support of the Group of Friends.<sup>79</sup>

The Carter Center became very active during the crisis caused by the general strike and oil stoppage in December 2002-January 2003. The mapping showed how the Carter Center was instrumental in ending the December-February strike, reactivating the negotiation table, which had virtually lost importance, and paving the way for the reaching of an agreement in May 2003.

The presence of President Carter was essential for the Carter Center to be able to conduct negotiations at the level of government officials. Interviews with main parties' representatives pointed out that Carter's presence was "essential" for the resolution of conflict because of his personality, impartiality, and good faith. His leadership was demonstrated when both parties accepted to discuss his

proposals around an electoral solution at the negotiation table<sup>80</sup>. In spite of its effectiveness, the making of the proposals demanded very work hard from the Carter Center in order to make an attractive proposal. Their role was not that of facilitators or formulators; no one had requested President Carter to do it and they were getting into a terrain they were not asked to.<sup>81</sup>

The leadership of President Carter, as well as the parties' trust in experience of the Carter Center representatives allowed them to negotiate with high level officials, including President Chávez, and political actors. Furthermore, the Carter Center's behavior suggests that the trust the government had in the Carter Center representatives, as opposed to the distrust it showed for the OAS, allowed the NGO to be more active than expected of a track II actor and to negotiate specifics of the negotiation and influence the process as well as its content, thus, acting in the way described by some Carter Center's representatives as track I ½. It would have been difficult for other track II actors (lacking the leadership of a former president with access to track I actors) to become as active as the Carter Center did.

In addition, track II actors were informed of the limits of the OAS which was unable to provide binding agreements and could only offer political and moral pressure. In interviews with third party representatives, some mentioned how SG Gaviria was constrained by the government from being active because President Chávez disliked him. The Carter Center knew that the government did not want the third party to be interventionist; it was in the best interest of the government to appear as if the negotiation were the result of its first initiative of dialogue which the opposition had not accepted.

The TWG that facilitated dialogue between the government and the opposition worked in coordination and independently. Interviews with third-party participants indicated that as part of their coordinated work, the Carter Center had to discuss substantives issues and initiatives with the OAS before carrying them out. There was disagreement on whether to be active or passive (for instance, Gaviria favored a wait-and-see strategy during the strike in December 2002-January 2003, while President Carter felt it was time to make a proposal). At times, the Carter Center felt that being more active would have produced results sooner; however, Gaviria constrained those efforts.

Interviews with representatives of the main parties revealed that the third parties performance was guided by their difference in approach to the negotiation process; considerations on whether to treat the conflict from the perspective of politics, mediation, or both. The Carter Center identified its conflict resolution approach as “track one and a half” because they negotiated directly with high level political actors from an international NGO<sup>82</sup>. The OAS representatives met with high-level officials and the opposition members, but their relationship with actors at a lower level was constrained. SG Gaviria as a politician tended to think in terms of power, while the Carter Center representative as an expert mediator in terms of process. The different approaches of the third parties also influenced the way they coordinated their work. Interviews with representatives of the third parties suggested that the coordination among the third parties was good and that they managed their differences well. However, they mentioned that for example, the decision that the OAS and the SG personally would lead the negotiations was never discussed nor was it discussed how SG Gaviria would do it.<sup>83</sup>

In general, the conflicting parties regarded the third parties as badly needed mediators and as an open door to the solution of the problem. Both third parties were considered experienced, patient, and key in deescalating violence. Hence, the success was attributed to their complementarity of skills.<sup>84</sup>

To sum up, in terms of the identity of the third parties and their impact on the outcome, the OAS and the Carter Center were accepted by the main parties due to their identity as track I or II actors and considerations of what each track would bring to the solution of the conflict, namely their experience, leverage, and good faith to finding a solution. The fact that track II actors were able to act as formulators during the interaction phase making proposals does not mean that the OAS played a less important role; it does suggest however, that the successful outcome of the negotiation phase, namely the May 2003 accord, was clearly the product of the formulator role played by the Carter Center during the most critical moments of the negotiation process. Thus, we find evidence to confirm our hypothesis that the outcome of mediation is more likely to be successful when track II actors participate as mediators, not just in the preparation stage or monitoring implementation, but in the actual negotiations.

## HYPOTHESIS II

**The most effective techniques used by mediators will vary depending on the timing of the intervention (stage of conflict or phase of the negotiation):**

- **Less active strategies such as communication-facilitation strategies are more likely to be successful at the early phases of the negotiation process.**
- **Active strategies such as formulation strategies are more likely to be successful during the mid-point and at the close phase of the negotiation process.**

The mappings showed that third parties' strategies during the preparation stage included setting the rules of the negotiation, the agenda to be discussed (especially narrowing the issues and focusing on the parties' needs instead of their positions), and building trust among the conflicting parties, whose communication channels were broken and whose positions remained fixed. At the same time, the third parties persuaded the main parties of the advantages of finding a negotiated solution of the political crisis.

The OAS, as the official facilitator of the negotiation process, channeled information between the parties and facilitated cooperation by providing a place where the conflicting parties could express their position, air their demands, and try to agree on a middle ground. Nonetheless, interviews with main representatives of the Mesa indicated that SG Gaviria did allow for the parties' interventions to become rather lengthy as the main parties' participants did not make a distinction between interests and positions and the talks would go on for a long time with each party repeating their positions moving the negotiations very slowly.

Thus, at the beginning the OAS controlled the technical aspects of the process but not the substance of it. During the interaction the parties agreed on taking turns, recording the sessions, and talking to the media afterwards. When the latter became an issue, SG Gaviria decided to stop the recordings to be able to discuss the issues more openly; he also allowed for recesses when the discussions turned heated; and finally, he used the argument that the Mesa was becoming very important and the press conferences were not helping, thus he would be the only spokesperson of the Mesa.<sup>85</sup> SG Gaviria used the

recesses to meet with the parties separately; the recesses helped the delegation members to talk to each other and improve their relationship a little.

The Mesa started discussing substantial issues as the parties started working on proposals and on what Gaviria was going to say every day; being the spokesperson of the Mesa was very useful in diffusing the tension and giving legitimacy to the Mesa. The parties regarded the OAS SG as always very prudent and careful in his declarations; someone who demonstrated great political experience and stamina as well as a great commitment to finding a solution to the political crisis by the fact that he played the facilitating role himself instead of appointing someone else.

In regards to the strategies used by the Carter Center, the interviewees mentioned that the Carter Center was active at all times (except when constrained by the OAS); it acted as a back-channel communicator between the parties and kept in touch on a daily basis with the government. Main representatives also indicated that the Carter Center advised the OAS (although the advice was not taken into account many times) and made suggestions and proposed agreements on the side, acting when SG Gaviria agreed. Most importantly, interviewees emphasized the importance of the fact that President Carter was able to communicate directly with President Chávez; his style was described as soft and respectful; persuasive rather than critical.

During the preparation phase the Carter Center worked hard in putting together the Executive Summary that set the process of the negotiation and the agenda to be discussed. Because the Carter Center played a secondary role at the Mesa<sup>86</sup>, it did not have the chance to become more active during the formal interactions. However, Carter Center representatives used the recesses during the Mesa talks to work at building trust and a relationship with the members of the Mesa. Interviews with Carter Center representatives indicated that even when there was tension at the Mesa the recesses worked to diffuse the tension and the delegation members would even talk with each other at ease.<sup>87</sup>

In July 2002, President Carter used formulation strategies as opposed to simple communicating ones during the pre-negotiation phase. The mapping showed that formulation strategies used during the pre-negotiation phase failed to attract both parties towards negotiation. Other factors that explain

President Carter's failure to get the opposition on board in July 2002 are the parties' polarization, the lack of a track I actor who could bring both parties to the table, the lack of parties' cohesiveness, and the balance of power. First, the degree of polarization and distrust between the main parties made it hard for a third party to appear impartial; President Carter needed to generate trust among the opposition (which perceived Carter's closeness to the government a threat to the principle of impartiality) and the participation of the OAS as a third party was needed in order to persuade the opposition to enter a dialogue process with the government. Second, the opposition thought they needed a stronger third party that would deliver binding results and the Carter Center, being an NGO, did not have the leverage to impose binding agreements. However, the OAS representatives explained to the opposition that their agreements would not be binding and that their only leverage would be political pressure and moral pressure.

Third, the existence of so many actors within the opposition was also a problem that needed a solution before a direct negotiation could be successful;<sup>88</sup> the loose composition of the CD made it hard for their members to agree on what steps to follow in order to get rid of Chávez; the CD seemed torn between a negotiated, peaceful solution to the crisis and an immediate, violent solution to the "Chávez" problem.

Finally, although the government seemed weak and ready to make concessions, the opposition did not seem ready to compromise thinking it had the power to mobilize its supporters on the streets. As the mappings showed, the balance of power which seemed initially in favor of the opposition in late 2002, changed in favor of the government in 2003 as it survived the December 2002- February 2003 general strike and the latter started to die out.

As a track II actor and informed in mediation, the Carter Center had more opportunities to be active outside of the Mesa and use other levels when the negotiation at the official level was slow or stagnated. Diez, with the advice of William Ury, started a project creating what he called "the third side" (based on the book by William Ury<sup>89</sup>) to help the negotiations at the political level. The Carter Center invited William Ury to go to Venezuela in October 2002 (Ury had already worked with President Carter

and the Carter Center and had a good relationship). With the help of human rights people, and the financial support of the TWG and the Universidad Central de Venezuela, the Carter Center organized a workshop where people from both sides attended. The experience was very positive and the Carter Center continued working with a broader program that attracted the attention of mid- and high-level political and social actors. William Ury met with Chavez's supporters, the opposition and the media owners. He also met Gaviria, the US ambassador, and President Chávez, who expressed his support for the initiative; this later became the Carter Center and UNDP program *Fortalecer la Paz en Venezuela*. Although the details and reach of the third side as a mechanism for conflict resolution is beyond the scope of this research, it is important to highlight that during the various exercises and workshops, the delegations of the main parties were able to share their points of view, experiences, and ideas in an atmosphere different from the "tense and polarized" that characterized the conflict.

In sum, the OAS as well as the Carter Center used communication strategies during the preparation phases of the negotiation stage and as the parties entered into the interaction phase they sought for mechanisms to assure the compliance of the parties by having the conflicting parties sign two declarations. The use of communication strategies such as the recesses, caucuses, and acting as the spokesperson of the Mesa were very successful in getting the negotiations moving and giving the Mesa legitimacy. The Carter Center was able to be more active outside the Mesa building trust among the parties, communicating with actors at different levels, and developing the third side strategy.

During the interaction phase, the third parties sought for mechanisms to keep both parties committed to the negotiation process and diffuse violence; the third parties initiative of making the government and the CD sign a declaration for peace and democracy and a declaration against violence, was regarded by the main parties as a useful mechanism to ensure the parties compliance against a background of fixed positions, confrontation, and polarization.<sup>90</sup> They were also very persuasive that the best way to solve the conflict was negotiation. The third parties became more active in trying to persuade the main parties to negotiate at the Mesa as the violence on the streets escalated; however, their choice of techniques was influenced by the constant violence on the ground (as it was hard to anticipate results with

events continually changing), the December 2002 strike (which deepened confrontation between the main parties), and the constraints put on the OAS by the government and on the Carter Center by SG Gaviria. Fortunately, the third parties were very effective in maintaining the channels of communication open between the main parties, acting as go-between, and negotiating with the police, the government, and the media. Equally effective was bringing the pressure of the international community through the Group of Friends.

The third parties facilitators, especially the Carter Center became active formulators and brought their own ideas onto the negotiation table as the final agreement was based on the proposals introduced by President Carter in January 2003. Both third parties worked very hard with both delegations and high level politicians to achieve an agreement mutually acceptable by both parties.

During the close phase, third parties set a time frame and deadlines (which did not seem to have worked before). The third parties worked hard with the main parties to get the document that would be the base for the final agreement. The OAS and Carter Center representatives (Fernando Jaramillo and Francisco Diez) used caucuses to meet both parties' delegations and worked on the changes until it was finally ready on April 11, 2003. They managed to come up with a very balanced text with the substance the opposition wanted and the form the government suggested. The approval of the agreement was the product of another display of effort. In May 2003, after meeting Vice President Rangel, Carter Center representatives Jennifer McCoy and Francisco Diez met President Chávez. Their meeting was very positive, as they went point by point on the agreement and after some changes President Chávez agreed to the text and promised Carter Center representatives that it would need no further approvals. It became clear to both Carter Center representatives that perhaps the only purpose of signing it was to close the Mesa and remove Gaviria from the country. Nevertheless, international pressure was also of importance for the government as the OAS General Assembly meeting was soon to be held and obviously, the situation in Venezuela would be discussed.

In order to get the opposition to sign the agreement, SG Gaviria, Jennifer McCoy, and Francisco Diez put a lot of effort in working with the opposition representatives. The changes and the approval



came after long hours of discussions, especially on the issue of the creation of a mechanism that would keep both parties related after the signing of the agreement. Such a mechanism was already in the Declaration against Violence to which the government opposed at first but later agreed (it was named the *Mecanismo de Enlace*, the liaison committee); the agreement was finally signed on May 29. Main participants of the negotiation process recognized that both third parties had been instrumental in achieving an agreement in May 2003.

Another factor that seemed to have positively affected the outcome was the third-parties extended engagement in the conflict. The OAS SG lived in Caracas and was in charge of the negotiations himself. Likewise, the Carter Center's representative was always present as head of the Center's field office in Caracas. This played a very important role in keeping the channels of communication open between the parties. Representatives of the main parties expressed that OAS representatives had always been good listeners and served as bridges between the conflicting parties while the Carter Center representatives were perceived by the main parties as especially good at generating trust among the parties in the negotiation as well as very knowledgeable of the Venezuelan conflict.

Equally important was the continued call and support made public by the OAS and the Carter Center throughout the interaction phase and during the post-conflict stage to reach an agreement, avoid violence, and honor the declarations and the May agreement. The Carter Center's involvement in the setting up of the follow-up mechanism (*Mecanismo de Enlace*) and their role as guarantors of the agreement was regarded by the main participants as unusual for an NGO. During the implementation of the agreement, the Carter Center and the OAS played the roles of monitors, facilitators, and international observers. In spite of the parties concerns of attempting to replace the authority of the electoral arbiter (the CNE) and of being partial towards one of the parties, the third parties' involvement in the referenda processes, their continuous presence, and commitment to the fairness of the electoral rules, the respect for the will of the people and the security of the participants, and the transparency of the process was crucial for the successful realization of the referendum.

The OAS and the Carter Center were also in charge of confirming the CNE's referendum results and conducting an audit in response to the opposition's concerns with fraud in order to assure the Venezuelan people and the international community of the validity of the results.

To sum up, the communication strategies during the preparation phase helped set the rules of the process, narrowed the issues, and built trust of the third parties. However, during the interaction phase, the use of only communication strategies contributed to the slow progress at the Mesa. Even as SG Gaviria became very active in trying to stop the December 2002 strike, he failed to convince the opposition, at that time, of the advantage of a negotiated solution because of the opposition's lack of willingness to cooperate. Towards the end of the negotiation phase, the OAS representatives were very active in getting the main parties to agree on the terms of the final agreement and to sign it. In general, SG Gaviria pushed the parties to negotiate, becoming more active and effective towards the end of the negotiation process.

In contrast, formulation strategies such as the presentation of President Carter's proposals in January 2003 proved very successful in terms of ending the strike, moving the negotiation forward (and saving the Mesa from losing its purpose), and paving the way for the agreement achieved in May 2003. As it was shown before, the intensity of conflict was very influential in the choice of third-party mediation techniques. The third parties played the roles of formulators at times of high-level intensity.

Thus, we find support for our hypotheses which assert that a) communication-facilitation strategies are more successful at the early phases of negotiation and b) formulation strategies are more successful during the mid-point and at the end of the negotiation process.

Nevertheless, we are also inclined to believe that the choice of strategies is contingent on the mediator's style and what they believe to be the right moment for becoming more or less active. Thus, the impact that formulation strategies, at any point in time during the negotiation of an agreement since finding the mid-point seems possible only at hindsight, have on the outcome of mediation will depend on the "readiness" or willingness of the parties to negotiate, their composition, and their relationship, the identity of the third party, and the room for maneuver main parties give third parties. First, party's

readiness or willingness to negotiate (as well as their composition and relationship) is crucial in producing an effective negotiation as shown by Carter's first failed attempt in July 2002. Second, the fact that the Carter Center, being a track II actor, was able to act as a formulator and negotiate at the level of political actors can be explained mainly by their experience in conflict resolution and the leadership of a former president with access to track I actors. Finally, strong parties like governments very much determine what a third party can do or how far it will go. Even if SG Gaviria had wanted to be more active, he was constrained by the government to act as a facilitator and nothing else due to his role in an intergovernmental organization of which Venezuela was a member.

Perhaps more active strategies used during the interaction phase would have moved the negotiations faster and helped avoid the December 2002 strike. Nonetheless, as discussed above, whenever the Carter Center tried to be more active, SG Gaviria did not allow it. This suggests that track I actors, even if unable to be more effective, can block the efforts of more effective actors if the latter are track II actors. Therefore, we underscore the need for more coordination between tracks I and II in order to achieve faster and more effective results.

I tested some alternative hypotheses about three context variables that changed during the course of the intervention: the timing of the intervention, the power balance among the parties, and the cohesiveness within the disputing parties. The mappings showed how these affected the outcome and what third-party strategies used in order to deal with these variables.

#### ALTERNATIVE HYPOTHESES

- III. Third party intervention after escalation of the conflict and reaching a hurting stalemate (HS) is more likely to be successful.**
- IV. Power parity among the parties is less likely to result in a successful mediation.**

**V. The higher the number of constituencies within the disputing parties, the higher the probability that leaders of those non-cohesive parties will engage in aggressive behavior and escalation of conflict.**

First, I was particularly interested in finding evidence for the well-known proposition by Zartman (1985, 1989, and 2001) about the “ripe” moment when both parties reach a level of hurting stalemate making third-party intervention successful. I also sought to confirm whether the high levels of intensity impeded mediation and low levels of intensity facilitated mediation.

The mappings showed that after the first crisis in April 2002, the government seemed ready to accept third-party intervention in order to negotiate (disagreement between the parties was about who the third party should be). Interviews with main parties’ representatives indicated that later intervention (after the violence of the coup and counter-coup) had been better because: it helped avoid more casualties, made the parties see the danger of conflict and consider negotiation as an alternative, and helped solve the crisis. In reality though, the government acknowledged the need for facilitation (thus making clear that it had reached a level of hurting stalemate after the April 2002 coup), but it is hard to say that the opposition entered the negotiation based on the considerations of having reached a level of hurting stalemate; the DC wanted to test their strength in the streets, not negotiate. The fact that the opposition decided to launch a general strike and later an oil stoppage in December 2002, in spite of the ongoing negotiations, evidences that the opposition still believed that creating another crisis would succeed in getting rid of Chávez; they were determined to win at all costs and the cost of fighting was not higher than that of negotiating. Similarly, at the end of the oil stoppage in February 2003, it was clear that the government had emerged as a stronger actor after having survived another hard blow by a debilitated opposition whose credibility was damaged. Thus, it can be argued that the government’s disposition to reach an agreement after the December 2002-January 2003 strike ended represented the way of ending a foreign presence that was no longer needed for a victorious government and the only alternative for a weakened opposition that had reached a hurting stalemate.

The acceptance of third-party intervention was based on the parties' calculations of the benefits that engaging in negotiations would bring as opposed to rejecting them. However, it was the formulator role played by the Carter Center in January 2003, after the power relations between the main parties changed, that created the ripe moment for resolution and constituted the most effective strategy by a third party to bring about the end of the crisis and the possibility of an agreement. The asymmetry of power between the main parties was evidently more decisive in the parties' decision to accept third-party intervention, but did not guarantee the reaching of an agreement since the stronger party was willing to escalate the conflict and disrupt the negotiations by trying other alternatives (the opposition in late 2002-2003) or ending the negotiation (the government in 2003). Nonetheless, even if at different times during the negotiation process, a level of HS by one of the parties was needed in order for the parties to negotiate a solution. We find evidence to support the claim that third-party intervention is more successful during a high-level of intensity, when at least one party reaches a level of HS and there is a change in power balance that can help create the ripe moment for resolution.

At stages of low-level intensity, the third parties succeeded in getting the conflicting parties to sign the Declaration of Principles of Peace and Democracy (in October, 2002), and to sit them at the negotiating table (in November 2002) during the preparation phase. At stages of high-level intensity, during the December 2002-January 2003 general strike and oil stoppage, the parties were more polarized and determined to win at all costs. During the crisis, the strategy of the Carter Center was to use the change of power balance between the main parties as the "ripe" moment. They succeeded in presenting the proposals to the Mesa and getting the parties to sign the Declaration against Violence (February, 2003). This time, a strong government was able to reject one proposal and accept the recall referendum; a weakened opposition had to accept the only alternative it had not used: the recall.

The international community also played a role in creating the "ripe" moment and the need for negotiation; the Group of Friends, the OAS, President Carter, and the US government called on the main parties to find a peaceful solution and expressed their rejection to another unconstitutional alteration of the democratic order. Furthermore, the OAS and the Carter Center representatives in Venezuela, although

unable to stop the general strike, were instrumental in keeping both parties, especially the government, engaged in negotiations at the Mesa.

As Figure 6 shows, first, the third parties were able to decrease the level of violence reached during the April 2002 coup throughout the entire period of their intervention. Second, the two periods of crisis after the third-party intervention were demonstrations of the most radical sectors of the opposition in order to disrupt the negotiations. Third, it was during the stage of crisis and change of power balance that the proposals made by the Carter Center, and the pressure put by the international community, created the “ripe” moment for the mediation to successfully result in agreement between the two parties and consequently be implemented.

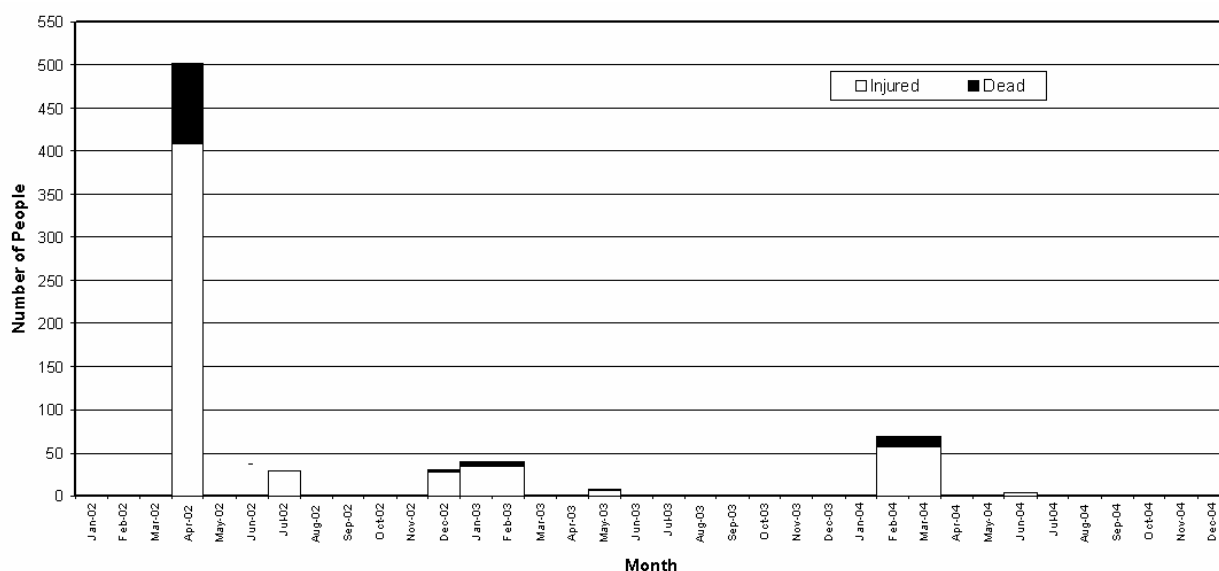


Figure 6. INTENSITY OF CONFLICT

### Power Symmetry

The mappings showed how the power balance between the parties affected the likelihood of conflict resolution. In the end, an agreement came only when there was extreme asymmetry--the government in almost total control and the opposition having played all the cards except the recall referendum. Nevertheless, the reversed asymmetry observed in June 2002 or December 2002 when the government seemed weak relative to the opposition would have reduced the likelihood of conflict

resolution. Then, the opposition, although technically at the negotiating table, seemed determined to use the “street strategy” in order to show its strength. In contrast, the victory of the government in 2003 left the opposition no other alternative but negotiate thus suggesting that asymmetry of power alone does not guarantee a solution, but rather the type of asymmetry where the upper hand is held by the government and its opposition has reached a level of HS.

During the preparation phase, the opposition appeared to be the upper dog with the government showing a reconciling attitude. Once the TWG was accepted as third-party facilitators both conflicting parties seemed willing to negotiate and the Mesa was established; both wanted international legitimacy. During the interaction, the third parties tried to maintain a balance between the parties through their public statements and the structure of the negotiation process (with the same number of participants per party, equal treatment to the parties and their participation). However, the opposition felt strong enough to win on the streets and initiated the general strike regardless of the negotiation forum; not only did the strike jeopardize the formal negotiation as the government walked out of the Mesa and threatened to dismiss the Mesa, it also increased the violence, both on the streets and at the level of political rhetoric, created chaos, and crippled the economy.

When the government gained the upper hand, as the strike died out in January 2003, a weakened opposition had to accept to use the recall referendum as the only acceptable solution. In general, at different points during the negotiation process, when the government and the opposition (after the April coup and after the strike in February, respectively) felt they had lost some support, negotiation efforts improved and the third parties were able to extract concessions from the weaker party only and influence the outcome.

Although it seems that when the government became the upper dog the formal negotiations moved faster, the fact that the government had been able to survive the strike, and the opposition had come out weakened and discredited, made the Mesa lose its purpose; the government seemed willing to get an agreement in order to end the Mesa and foreign intervention. Even after having reached an agreement on a recall referendum, the government did not guarantee that one would take place.

Nevertheless, during the post-conflict stage, the government allowed for the OAS and the Carter Center to observe the different referenda processes as long as the both respected the country's sovereignty.

The above suggests that although relative power parity negatively affected the possibility of a negotiated outcome, power asymmetry alone did not produce a successful outcome; the willingness of the parties and their goals played more important roles in achieving a successful outcome: when the opposition was on top, it was not willing to negotiate because they wanted Chávez out and preferred the street strategy than negotiation; when the government was on top, after having survived the strike, it was willing to negotiate but only a limited agreement and only to protect its sovereignty. Similarly, the involvement of the international community put pressure on both parties in finding an agreement. The government's concern with the OAS General Assembly meeting was central in the signing of the final agreement to show the international community that a solution had been reached.

#### Cohesiveness

Although the third parties did not consider the lack of cohesiveness as having a real impact on the outcome, they reckoned the lack of cohesiveness within the opposition affected the outcome in terms of delaying the negotiations, in general, and the signature of the declarations and the final agreements. Furthermore, due to the loose composition of the CD <sup>91</sup>, the decisions needed to be discussed with many people with different views of the negotiation process; agreement on process and content was always difficult to reach. In addition, the existence of radical factions within the opposition jeopardized the negotiation many times and encouraged unconstitutional, violent ways to deal with conflict affecting intensity. In fact, even after the signature of the declarations for democracy and against violence, some supporters of the opposition called for violent means to end with Chávez's term.

The leadership of the CD changed depending on the events; however, a major leadership role was carried out by the media more than the political parties. Leaders of the CD expressed that decisions were often dictated and taken by the pressure of the media which had the power to mobilize and "create" public opinion. Other actors with some leadership were the political parties AD, Primero Justicia, COPEI, and



Proyecto Venezuela; the leaders of the CTV, FEDECAMARAS, Gente de Petróleo and some of the dissident officials acted at times as leaders.<sup>92</sup>

Even within the more cohesive party (which also had some radicals to deal with), the government, there were issues of decisions being delayed or threats of walking out of the negotiations, but more as a strategy for gaining time than because of the existence of real disagreement among the members of the government's delegations.

The third-parties strategies to deal with the lack of cohesiveness involved privileging the main participants, delegitimizing the spoilers, and not negotiating with the radicals. Consequently, they did not include in negotiations the dissident military officials in Altamira. The third parties also made explicit their commitment to democracy, peace, tolerance, and rule of law. They worked very closely with those within the CD who were difficult in order to gain their trust and be persuasive. A factor that helped moved negotiations was the naming of the CD representatives at the Mesa (nevertheless, every major decision had to be consulted with so many groups, that they delayed the negotiations); only six representatives from each party were allowed to negotiate at the Mesa.<sup>93</sup>

To sum up, the change in power balance after the December crisis and the presentations of President Carter's proposals in January 2003 was evidently decisive in the parties reaching an agreement. We found support for the hypothesis that stated that intervention after escalation and the reaching of a hurting stalemate (at least by one party) was more likely to be successful in terms of getting the parties to negotiate. Nonetheless, we found stronger evidence that a ripe moment was in fact created by the third parties (President Carter's proposals) when the balance of power between the parties changed and this was significantly important for achieving a successful outcome. In fact, not only the third parties, but the international community was significant in creating the ripe moment and putting pressure on the parties to negotiate and reach an agreement. In addition, we found evidence to support the hypothesis that stated that power parity is negatively related to mediation efforts; asymmetry between the parties and their willingness to reach an agreement increased the likelihood of a successful outcome.

We also confirmed that low-intensity levels were more conducive to getting the parties to negotiate at the table while high-intensity levels reduced the likelihood of achieving an agreement since confrontation deepened and the parties became determined to win at all costs. However, moments of crisis were also used by the third parties to push for an agreement in view of the risk of a zero-sum outcome.

Finally, we found that lack of cohesiveness within the opposition negatively affected the outcome by delaying negotiations; encouraging violence, and jeopardizing the negotiation forum. Thus we confirmed that the higher the number of constituencies within the disputing parties, the higher the probability that leaders of those non-cohesive parties were to engage in aggressive behavior and escalation of conflict.

In terms of explanatory power, the alternative hypotheses underscore the importance of the third party strategies to deal with such contextual variables that change during the course of the mediation process and that provide a window of opportunity to positively affect the outcome of mediation if managed wisely. In addition, their interaction with the identity and strategies of third parties highlight the complexity of a mediation process and the difficulty in isolating the effect of different independent variables.

To conclude the analysis, in terms of success, the outcome of mediation by two third parties in Venezuela partially fulfilled the requirements of our definition of mediation success. That is, an agreement was reached between the Venezuelan government and the opposition (DC), but it was only partially implemented. The referendum, as the constitutional, electoral solution to the political crisis, took place as planned; however, other important aspects of the agreement such as the establishment of a truth commission, the disarmament of the population, the cooperation of all political and nonpolitical actors to work towards tolerance and a pluralist democracy, and the strengthening of the rule of law and the respect for human rights, among other aspects, remained to be put into practice.

Nevertheless, given the degree of polarization among the main parties, one could argue that sitting the parties at the table to express their perceptions of the conflict, explore ideas for resolution, and

later work on the options of constitutional amendment or recall referendum constituted a great achievement. First, the agreement was regarded as successful in terms of meeting the interests of the parties and the feasibility of implementation. Second, in spite of the shortcomings in the accomplishment of the agreement until this day, the implementation of two important points in the agreement: the naming of a new CNE and the recall referendum that took place in August 2004 represents evidence for considering the outcome of the mediation process at least partially successful. Third, the third parties were instrumental in containing violence in a context of potential civil war;<sup>94</sup> the conflict in Venezuela represented a danger of implosion to the Andean region and a danger for democracy in Latin America, thus, the involvement of the international community and its interest in finding a solution.

Finally, during the implementation, many believed that although the agreement had been effective in easing tensions, it could not guarantee the referendum.<sup>95</sup> The referendum was guaranteed by the presence of the third parties as monitors, facilitators, and observers of the referenda process. Their presence provided legitimacy to the process and reassurance to the parties that the recall referendum would take place under international standards of transparency and respect for the rules of the electoral arbiter, the CNE. In particular, it made explicit that the international community was looking very closely at the end of the final battle. Thus, in general, the third parties were able to move the main parties from confrontation to problem solving.

All things considered, the parties' positions remained fixed even after the recall referendum had taken place; so far, no initiatives for reconciliation have emerged from the main parties. This suggests that although the third parties were able to positively influence the outcome of the mediation, they were less successful in affecting the relationship of the conflicting parties and underlying causes of the conflict. In spite of the third parties' efforts to get the conflicting parties to address their relationship and the deep-seated causes of the conflict the main parties would not cooperate but rather focus on the short-term objectives of the negotiation.

Paradoxically, during the post-conflict stage, the emphasis put on the referendum (not only by the opposition but by the whole international community), as the "solution" to the conflict reinforced the

parties positions (clinging to power or getting rid of Chávez) Whether the awaited solution was “peaceful, democratic, and constitutional” and had managed to reduce violence and avoid the use of force did not seem to matter. Other important aspects of the agreement which remain until this writing unresolved seemed inconsequential.

## CONCLUSIONS

The study of mediation outcome has dominated the field of conflict resolution. Different explanations have been provided for what contributes to the effective mediation of a third party with attention paid to key contextual or process variables and the cooperation, or lack thereof, among track I and II actors. Due to the variety of approaches to conflict (conflict prevention, management, settlement, resolution, and transformation) it is hard to characterize third- party intervention in terms of success or failure without taking into account third parties’ goals and those of the conflicting parties. Similarly, isolating context and process variables in order to test their impact on the outcome of mediation is a difficult process due to the complexity of the mediation context.

Nevertheless, the present study has attempted to show that in spite of the complexity and particularities of each conflict, some partial generalizations can be drawn regarding the characteristics and strategies of third parties that are more likely to produce a successful outcome. In addition, the case of Venezuela represented the opportunity of observing both track I and II diplomacy working at the same time to probe some of the hypothetical relationships presented in the literature. We hope this analysis contributes to the theoretical and empirical debate on mediation success.

In particular, this thesis has aimed at contributing to the field of conflict resolution by identifying the impact of third-party intervention on the reaching of an agreement acceptable to the conflicting parties (the containment of violence) and its implementation as the goal of conflict settlement.

As shown in the above analysis, the intervention of a third party clearly changed the conflict dynamic and represented the only means of finding a solution in a conflict where the main parties believed they hold incompatible goals. Had it not been for the presence of third-party intervention, the

open conflict would have probably continued. The third-party intervention clearly deescalated the violence; the third parties looked for mechanisms to avoid violence (declarations of democracy and against violence), narrowed the issues, provided a guided process to negotiate, introduced proposals, maintained a constant contact with the main parties, and kept the channels of communication open between the main parties.

I formulated some questions regarding the impact of third-party intervention on the outcome of mediation to weigh the significance of the identity of the mediator and the mediation techniques on the outcome of mediation, and to explore which techniques (and third parties) are particularly effective during some phases of conflict and less effective in others.

Third-party identity and strategies matter. I argued that the outcome of mediation was more likely to be successful when track II actors participated alongside track I actors, as mediators during the negotiation, not just during the preparatory phase or monitoring implementation. I further argued that the most effective strategies used by mediators, which varied depending on the timing of the intervention and the stage of the conflict, were communication-facilitation strategies and formulation strategies.

We have presented evidence to support both claims:

a) The identity of track I and track II actors had a significant impact on mediation acceptance, negotiation power, and outcome. Initially, the main parties accepted a negotiated solution to the crisis due to the presence of track I and II actors; they also acknowledged the influential characteristics, leverage, and experience of the third parties in achieving an agreement. Nonetheless, track II actors' negotiations with high level officials during the interaction phase were decisive in moving the negotiation forwards, influencing the content of the negotiation, and achieving the May accord. Contrary to what the literature says, track II actors, particularly when they are track I ½, were able to bring their own ideas to the negotiating table acting as formulators negotiating the agreement with official representatives from both the government and the opposition. Thus, one could argue that because of the limitations of track I actors to become more active, track II actors were able to play a very active role during the negotiation phase

positively affecting the outcome. Had the OAS been alone in the negotiation phase, negotiations would have probably stalled or lasted longer.

In addition, during the implementation phase, even as track II actors played the roles of monitors, facilitators, and observers, the presence of both tracks--the OAS and the Carter Center--guaranteed the participation of the people during the holding of the recall referendum as well as the transparency of its results.

The case of Venezuela confirms previous findings by Touval and Zartman (2001) that state that the “impartiality” of the third parties is not as important as the parties’ calculations of the benefits that would derive from entering the negotiation. In the Venezuelan context, the concern for the lack of impartiality of the third parties (during the preparation phase, the interaction, and the post-conflict stage) reflected only the degree of polarization of the conflicting parties rather than reality; the parties’ need for a third party to help them find a solution to the crisis was essential in convincing the parties to negotiate. The third-parties’ experience, reputation, resources (OAS’s General Assembly of country members and Carter Center’s moral authority), persuasiveness, and commitment to finding a solution constituted their most important characteristics valued by the main parties and regarded as determinants in the finding of a solution during the negotiation and post-conflict stages.

In spite of the great impact third parties had on the de-escalation of violence, the signing of an agreement and the successful implementation of the recall referendum (regarded as the main issue of the agreement) we need to be reminded of how important is the willingness of the parties for the reaching of an agreement and its implementation. The case of Venezuela provided evidence to support the argument that without the parties’ willingness, the likelihood of a third party to move the conflict towards resolution is very slim. In the end, the successful outcome was the result of the experience and ability of the third parties and the willingness of the conflicting parties.<sup>96</sup>

b) the most effective strategies used by the third parties, dependent on the phase of the negotiation and the intensity of conflict, were communication-facilitation strategies used during the early phases of the negotiation--that serve to set the basis for the interaction--and formulation strategies

employed during the middle phases--that reactivated the negotiating forum and moved the parties towards resolution.

Among the techniques that we can say contributed to an agreement between the parties was having a place where to express their demands and be heard. Also, the recesses helped diffuse the tensions that arose from the discussions. Focusing on the parties' interests (what they needed) as opposed to their positions (what they wanted) was also helpful in getting the parties to negotiate a solution. It was also important that both parties felt that their interests were being treated fairly; the facilitators were really very respectful of both parties and of the sovereignty of Venezuela. In written statements, declarations, and the final agreements, both the OAS and the Carter Center expressed the need for Venezuelans to solve their own problems without the use of force and constantly called on the parties to cooperate with a peaceful solution, avoid violence, and honor the agreement.

The third parties were instrumental in keeping the main parties at the negotiating table in spite of the intensity of conflict as a background and in building the main parties' trust in the third parties and in their ability to help them reach a mutually acceptable solution. Participants of the Mesa and supporters of both sides were always emphatic in pointing out the need of a third party to finding a solution and particularly the presence of President Carter in order to materialize the recall referendum during the post-conflict phase.

We have presented empirical evidence to assert that the more effective strategies, communication-facilitation and formulation, depended on the stage of conflict when the third parties intervened and the disposition of the main parties to cooperate. In general, third parties seemed to use more active strategies as the intensity of the conflict escalated; they worked slowly at the beginning of the negotiation and then pushed for an agreement at the end. However, since it is difficult to identify the mid-point of a negotiation process, we can only say acting as a formulator is very much dependent on the changing context and the intuition of the third parties to decide when to push for an agreement.

Similarly, depending on the level of intervention (track I and II), some techniques seemed better suited, or accepted, for certain actors. First, as a track I actor, the OAS was constrained by the

government to act only as a facilitator; more active strategies were regarded as an attack to the country's sovereignty. On the contrary, as a track II actor, trusted by the government, the Carter Center was capable of working at the formal and informal level thus having more impact on the different actors involved in the conflict. However, this may apply only to the Venezuelan case.

In addition, we have presented evidence to contribute to the debate on whether track II actors are useful only as channels of communication (especially back side channels), but the official negotiation is left to track I actors. The case of Venezuela provides evidence that counters this argument; while both parties were very active in persuading the conflicting parties that negotiation was preferable to conflict, the OAS used more communication-facilitation strategies while the Carter Center used more formulation strategies.

The case of Venezuela represents another example of the important role track II actors can play in the successful resolution of conflicts when they negotiate at the official level. We pointed to conflict contexts in which track II actors conducted informal negotiations that were later complemented by track I actors (the Community of San Edigio in Mozambique 1992) or vice versa (the Oslo 1990 accords of Guatemala). Nevertheless, cases such as those where track II actors behaved as track I ½ by negotiating at the level of the political leaders involved in the conflict are not often discussed in the literature on conflict resolution. As evidenced, they represent an important approach to effective mediation when they count with the presence of a former head of state.

Additionally, we found that the intensity of conflict was the most important determinant on the choice of third-party strategies. Due to the constant violence on the ground (with varying degrees of intensity), the third-party intervention was aimed at achieving immediate results: containing violence and achieving an agreement as evidenced by the interviews.<sup>97</sup> Considerations of a long-term conflict transformation were soon replaced by considerations of security for supporters of the main parties, addressing violent behavior in the streets, in the media, and among the conflicting parties; and most importantly, seeking a window of opportunity that would provide the basis for a mutual agreement. In the Venezuelan case, the diffusion of violence determined the strategies of third parties and colored the



perception of the conflicting parties (because of the high degree of political and social polarization) as well as those of the third parties. We have interpreted this to mean that even when both third parties and main parties knew that an agreement would not solve the deep-seated divisions between the parties, they needed to produce an agreement that would at least commit the main parties to deal with conflict in a democratic and peaceful way, therefore managing rather than resolving it.

In other words, third parties used communication and formulation strategies that were contingent on the violence of the mediation context and that proved effective in containing violence and reaching an agreement. Equally important were their recognition of a change in power balance in order to create the “ripe” moment for successful negotiation and the avoidance of negotiations with spoilers that would have further delayed the reaching of an agreement.

Finally, it is important from this case study to underscore the need for tracks I and II to work in collaboration when they are both present as third parties in the context of conflict; their work is not independent of one another as they both work within a system and each track has its own values, resources, and approaches that are not only complementary but more effective if their work is coordinated. This case supports the hypothesis that track II actors can effectively participate in the negotiation phase, not only in the preparation and monitoring of the implementation. Especially if there is trust in them as experienced actors (or actors with a good reputation), they have the ability to push the parties towards an agreement. This does not mean that track II actors should replace track I, but it suggests that they have the ability to play a more active role than is it usually thought.

All things considered, it is essential that claims about the direct relationship between acceptance of a third party to negotiate and parties’ readiness to negotiate and reach an agreement be revised. Even after accepting third-party mediation how the parties interpret what is in their best interest is uncertain and thus calls for further research. From the present case, we speculate that parties can accept a third party for various reasons: getting international legitimacy and showing its commitment to finding a solution under pressure from the international community; getting the help they need to eliminate a legitimate opponent; achieving a genuine mutually acceptable agreement. In other words, the acceptance of third-party

intervention does not guarantee that parties are willing or ready to negotiate an agreement. The present case supports the assertion that “readiness” seems to be associated with reaching a level of hurting stalemate or a change in power balance. In turn, this case supports the hypotheses that the outcome of negotiation is more likely to be successful when intervention takes place after a hurting stalemate is reached and the balance of power is asymmetric.

In addition, it is also important that we reconsider what the goal of mediation should be. In the present case, we used a very narrow definition of success; however, a broader definition of mediation success is needed that includes the fulfillment of the third and main parties’ goals, the conditions of the agreement, and its implementation within an acceptable time frame. The third-party mediation contributed to achieving an agreement, but it was fundamental in getting the conflicting parties to agree on an electoral solution and to participate in a process that would democratically, constitutionally, and peacefully decide what two years before had been attempted by force and violence. It is now the parties’ responsibility to address their deep seated divisions.

The biggest contribution of the mediation process to the conflict resolution was the fact that it helped resolve the crisis by institutional means without the use of force. There was a substantial difference between the unconstitutional means used in April 2002 and the signing of an agreement in May 2003.<sup>98</sup> Even if at the political level the parties still maintained an antagonistic position, the Venezuelan people have demonstrated their rejection to another coup or more violence to solve the problem.<sup>99</sup>

Likewise, the third-parties’ commitment to the solution of the conflict in the form of a continued presence on the ground and the involvement of the international community contributed to the achievement of an agreement and the implementation of one of its most important goals: the recall referendum.

In its annual report 2002-2003, PROVEA reckoned that in spite of the rather disappointing reality after examining the declaration and the May accord, “the Mesa and the international community played a very important role in preventing, containing violent forms of conflict, another coup, and a civil war.” The referendum as an electoral solution for the crisis is not enough as long as both parties understood that

they also needed to agree on the other three crises: a socioeconomic, institutional political, economic model (development model). At least all political actors agree that poverty and inequality is the main problem in the country. The report also pointed to the ability of all political actors to negotiate without renouncing to ideology, electoral promises or the constitution. Nevertheless, the values of the parties did not change (these are not negotiable); a lasting solution required that the government and the opposition stopped regarding each other as the enemies and started considering their differences as the problem that both as collaborators needed to overcome, which not happen.

Even as both the opposition and the government regarded the outcome as fair, both parties still maintained until this writing their original positions that the mere existence of the other is the root of the problem rather than the actual conflict and problems the country is facing. This is precisely what I considered was the most difficult task faced by the third parties. However, many agreed that just sitting both parties at the negotiation table and getting them to talk to each other was a big contribution of the third parties and the Mesa. With much effort the third parties tried to create values that even if they did not exist in reality, they had a rhetorical use. Examples of this are the declarations signed by both parties in order to commit them to the negotiations at the Mesa, stop violence, and implement the agreement.

It is important to add that the collaboration of other society actors is crucial in the resolution of conflict. The process of mediation is usually regarded as taking place exclusively among the main parties and the third parties; it is often taken for granted that other societal actors are committed to the resolution of conflict. In the case of Venezuela, the bias of the media in favor of and against the opposition and the government contributed to the polarization of society. An independent media would have decreased the violence of the conflict situation. Initiatives as the third side led by the Carter Center, whose impact is beyond the scope of this research because it involves a long-term commitment and the transformation of conflict, represent a step towards the development of conflict resolution skills at levels different from the official ones and constitutes an important way to deal with conflict at various levels at the same time, especially because conflict affects everyone, not only the political elites.

## Notes

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<sup>1</sup> The level of mutually hurting stalemate (HS) is defined as the situation in which both parties realize that they can no longer gain with violence and that it is costly to go on like that (Zartman, 1985).

<sup>2</sup> This situation is referred to as the Toughness Dilemma; being too soft may risk the chances of achieving one's demands while being too tough may jeopardize the negotiation (Zartman, 2001).

<sup>3</sup> On the contrary, the Community of Saint Edigio had limited success in the Algerian conflict. The Community of Saint Edigio created the space for the most influential Algerian political leaders to air ideas about the solution of the conflict. After 1994, the non-state actor offered a venue and encouraged the parties to negotiate. After two general meetings and several bilateral talks, which took place in secrecy, the idea of a common statement emerged and in 1995, the text of the Platform was approved and signed by the leaders of the most important parties. The Platform was a declaration of principles in which Algerian leaders committed to a peaceful solution to the crisis (Impagliazzo, 1997). Nevertheless, there have not been any negotiations on important issues (Martinelli, 1998). Touval and Zartman (2001) point out that in this case the limited success (or failure) was caused in part by the lack of support from the international community which was divided on the importance of addressing the crisis in Algeria and did not pressure the Algerian government for its lack of cooperation. In addition, a press campaign depicted the Community of San Edigio as a CIA servant for their dialogue initiative and the Algerian government declared the event interference in internal matters and the Platform's proposals were considered null because the government had already included them in a draft by the National Conference set up by the government (Martinelli, 1998).

<sup>4</sup> In late May and early June 2002, the government allowed for the *de facto* President Pedro Carmona and retired military officials Carlos Molina Tamayo, Pedro Soto, Silvino Bustillos and Luis García Morales, who publicly demanded Chávez resignation, to receive diplomatic asylum in Colombia, El Salvador and the United States, respectively, on claims of political persecution, PROVEA Annual Report 2001-2002.

<sup>5</sup> During the *de coup*, the ambassadors of the US and Spain met the *de facto* president Pedro Carmona and issued a joint statement expressing their support and trust in the transitory government, PROVEA Annual Report 2001-2002.

<sup>6</sup> See Permanent Council Resolution CP/RES.811 (1315/02) issued on April 13, 2002. In addition, it invokes a special session of the General Assembly for April 18, 2002 in order to discuss the Secretary General's report on the situation in Venezuela..

<sup>7</sup> See PROVEA annual report 2001-2002.

<sup>8</sup> Escenarios Datanalisis. May, 2002.

<sup>9</sup> Idem

<sup>10</sup> Inter-American Commission on Human Rights Report 2003; Amnesty International Annual Report, 2004; the International Crisis Group, 2004.

<sup>11</sup> See PROVEA annual report 2001-2002.

<sup>12</sup> According to Datanalisis (May, 2002), this fact illustrates the divisions within the military that activated a counter-coup.

<sup>13</sup> The opposition groups that gathered around the umbrella organization Coordinadora Democrática (CD) included 25 political parties, 20 NGOs, the leadership of the CTV and FEDECAMARAS. It also coordinated efforts with opposition governors and the main private media.

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<sup>14</sup> See the OAS Resolution AG/DEC. 28 (XXXII-O/02), Declaration on Democracy in Venezuela adopted on June 4, 2002. Venezuela only wanted political support from the OAS.

<sup>15</sup> The government was weak and ready to negotiate for fear of repetition of the events of April 2002; the opposition also needed a third party to legitimize a dialogue and produce binding agreements and even sanctions if the government failed to comply. In general, intervention was perceived as favorable to end the crisis. Views expressed in interviews with main participants of the mediation process.

<sup>16</sup> These are state-sponsored community-based associations that support the political project led by President Chávez. There is little unbiased information on them to accurately characterize their scope. See David Hansen and Kirk Hawkins, 2004, and McCoy, 2005.

<sup>17</sup> These issues clearly reflected the interests of the parties instead of their positions which remained firmly divided between staying in power (Chávez) and getting rid of Chávez (opposition).

<sup>18</sup> Public opinion polls showed that people were radicalized and polarized in favor or against Chávez, making dialogue difficult. Only 32% had moderated positions while 68% had “hard positions (51% were pro-opposition hard-liners and 17% were pro- government hard-liners). Datanalysis, July 2002.

<sup>19</sup> PROVEA Annual Report 2001-2002.

<sup>20</sup> The very name of the negotiation forum was the subject of disagreement between the parties; the government preferred “dialogue” and the opposition “negotiation.” The discussion reflected each party’s preference for the role the third party was to play: facilitator vs. mediator.

<sup>21</sup> Third parties’ private reports indicated that after the TWG mission, the opposition expressed having gained trust in the Carter Center as a third party.

<sup>22</sup> See the [www.org.org](http://www.org.org) for details of OAS mission and objectives.

<sup>23</sup> Article 9 of Chapter III of the Charter of the Organization of American States: Protocol of Amendments to the Charter of the Organization Of American States: "Protocol Of Washington."

<sup>24</sup> See the Inter-American Democratic Charter; adopted by the General Assembly at its special session held in Lima, Peru, on September 11, 2001.

<sup>25</sup> The image of the third parties was colored by the polarization of the conflicting parties where each regarded its “preferred” third party as its own legitimizer and the de-legitim�er of the other. In September 2002, newspapers published a rumor that the Carter Center had received money form the government; the Carter Center immediately issued a statement denying the allegations and emphasized the organization’s position as neutral, nonpartisan, and non-governmental. See McCoy, 2002.

<sup>26</sup> The Inter-American Commission on Human Rights Report, 2003; Amnesty International, 2004; the International Crisis Group, 2004.

<sup>27</sup> The IACHR reported 18 people injured in front of the Supreme Court on August 8, 2002.

<sup>28</sup> The IACHR Report, 2003; Amnesty International, 2004; the International Crisis Group, 2004.

<sup>29</sup> The IACHR Report, 2003.

<sup>30</sup> The government named very high level officials including governors, the vice president, and ministers; the CD named people from every group: politicians, NGOs, business, and labor.

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<sup>31</sup> Article 71 of the constitution allows for a consultative referendum called by the president, a majority in the national Assembly, or a group of registered voters (no less than 10 percent).

<sup>32</sup> The Metropolitan Police (PM) was under the control of Major Alfredo Peña (who was Chávez ally but then turned against him); the PM was the fourth armed group in the country and the government sought to neutralize that force for fear of another coup.

<sup>33</sup> According to PROVEA's Annual Reports 2001-2002 and 2002-2003, the document "El Pacto Democrático por la Unidad y la Reconstrucción Nacional" signed by the Coordinadora Democrática on October 17, 2002 was later signed by these dissident military officials and the CD on November 11, 2002.

<sup>34</sup> "There was no common ground between the parties" (Diez, 2004a).

<sup>35</sup> Interview with Francisco Diez, Carter Center Representative in Caracas.

<sup>36</sup> "When the oil stoppage started confrontation deepened and changed all the political background; the third parties nearly succeeded in stopping the strike" (Diez, 2004b).

<sup>37</sup> OAS Resolution CP/RES. 833 (1349/02) reaffirms support for Venezuela, December 16, 2002.

<sup>38</sup> Statement by Former U.S. President Jimmy Carter on Venezuela, 23 Dec 2002.

<sup>39</sup> The IACHR Report 2003. (Diez, 2004b) stated that the general perception was that the action taken by the dissident military officials would end the mediation. The private television stations showed the Plaza the whole day as a festival, with citizens joining the mid-officials, and announced the lists of other military officials joining them. The expected repression from government officials never came as it represented another victory for the government: the opportunity to purge the military of disloyal officials who by declaring themselves in civil disobedience had lost all privileges and rank. They stayed there for about four months and in April left silently.

<sup>40</sup> Statement by Former U.S. President Jimmy Carter on Venezuela, 23 December 2002. In actuality, life in the Caracas had changed mostly in the eastern part of the Capital; the center and west (dominated by chavistas) kept the normal rhythm as the government was able to import food and gasoline and distribute them to their own supporters. However, the scarcity of products affected everyone, and there was only the conflict on the streets, and on TV. Interview with Carter Center Representative in Venezuela. Caracas, August 2004.

<sup>41</sup> Interviews with third parties' representatives indicated that the group of friends were meant to be formed by countries friends of Chávez but ended up being countries friends of Gaviria; the actual name was "Grupo de Países Amigos del Secretario General de la OEA" (Group of Friends of the OAS Secretary General).

<sup>42</sup> Since the beginning of the strike in December 2002, the Mesa had only been an escape valve where the parties would come and expose their demands; nothing around an electoral formula had happened during the last part of December. However, Gaviria had started working on a list of 22 points on political theory that referred to democracy, institutions, and the importance of avoiding violence. Later, the OAS and the Carter Center worked together on the document and the parties agreed on many of the points with the exception of an electoral solution. However, the Carter Center decided it was time to make an active proposal with an electoral solution since it was evident that the government had found a way to survive the strike.

<sup>43</sup> PROVEA's Annual Report 2002-2003. The Declaration committed the parties to reject and condemn violence and intolerance (verbal or physical); it called on all actors of society to encourage peace, democratic values, tolerance, and coexistence; urged the National Assembly to sanction a law establishing a Truth Commission for the events of April 2002; and finally expressed the parties' willingness to work towards the prompt resolution of the crisis with the facilitation of Secretary General Gaviria and the TWG.

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<sup>44</sup> This was in question given Chávez initial inauguration in January 1999 and “relegitimation vote” in July 2000, extending his term.

<sup>45</sup> PROVEA’s Annual Report 2002-2003.

<sup>46</sup> The government seemed pleased that the oil stoppage would help it take control of PDVSA; this would be really revolutionary and increase the people’s support. The conflict with PDVSA really spurred nationalism among some military leaders and people that were indecisive on whether or not to support the government (Diez, 2004c).

<sup>47</sup> Expressed in personal interviews with main participants and Gindin, 2004.

<sup>48</sup> It is important to note that the 2002 draft bill on the truth commission was still to become operational in 2003. According to the IACHR Report 2003, until April 2003 no significant investigation had been made regarding the killings and human rights violations that took place between April 11 and 14, 2002.

<sup>49</sup> OAS Secretary General César Gaviria’s address at the signing ceremony for the “Agreement between the Government of the Bolivarian Republic Of Venezuela And The Coordinadora Democrática.” May 29, 2003.

<sup>50</sup> The private media explicitly supported the opposition and the state media supported the government; both encouraged a polarized and violent climate. Amnesty International 2004.

<sup>51</sup> PROVEA Report 2002-2003.

<sup>52</sup> IACHR Report 2003.

<sup>53</sup> PROVEA recorded the highest number of demonstrations (1,543) between October 2002 and September 2003; 300 were violent, 19.4% of the total. The most significant collective protest was the December-February general strike.

<sup>54</sup> Members of the Follow-up Commission were not very active or committed to their role as party representatives to oversee the implementation of the May accord.

<sup>55</sup> See McCoy, 2004.

<sup>56</sup> Third-parties’ private reports indicated that at times of crisis during the *reparos*, both the government and the opposition expressed their respect for President Carter and his importance as “the only one who could do something” in the worst case scenario of increased violence or not being able to carry out the recall referendum.

<sup>57</sup> McCoy, 2004. In addition, private third parties’ reports pointed out that the CNE as well as TSJ members were the targets of much pressure from the conflicting parties during the referendum process.

<sup>58</sup> It was clear though, that the referendum will not solve the conflict.

<sup>59</sup> Article 72 of the Venezuelan Constitution establishes that a recall referendum can be activated if 20 percent of the electorate requests petition only in second half-term in office.

<sup>60</sup> Private reports indicate that although there were concerns about how the presence of international observers would affect Venezuela’s sovereignty, President Chavez agreed with the idea of having observers during the signature collection.

<sup>61</sup> The signature collection for opposition deputies and for government deputies and President Chávez were held separately.

<sup>62</sup> These referred to those signature sheets that presented similar handwriting for all the signers (and even signatures) on the sheet (the *plana* criteria).

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<sup>63</sup> McCoy, 2004.

<sup>64</sup> Provea's Report 2003-2004.

<sup>65</sup> Expressed in interviews with third party representatives.

<sup>66</sup> Expressed in third parties' private reports.

<sup>67</sup> The transparency of the correction period was regarded as test to the OAS and the Carter Center; the political will of the OAS member states, and the OAS Democratic Charter. International Crisis Group Report, 2004.

<sup>68</sup> Expressed in third parties' private reports.

<sup>69</sup> Provea's Report 2003-2004; private reports.

<sup>70</sup> This was a form of protest led by Bloque Democrático, a radical sector of the opposition; it took place in mid-and high class sectors in Caracas and other 15 cities and lasted five days. The strategy consisted in putting up barricades of garbage and making fires in blocking the streets in order to get that attention of the police and the National Guard and then hiding in their houses; the objective was to cause chaos and civil disobedience; in some cases the security forces did not repress the protesters and even helped them put up the blockades; in other cases, especially the National Guard, the protesters were repressed sometimes using excessive use of force. Provea's Report 2003-2004.

<sup>71</sup> The International Crisis Group Report, 2004 states there were a number of complaints blaming the security forces for excessive use of force; the government maintained the use of force had been proportional to the protest.

<sup>72</sup> Datanalisis, 2004 reports that the opposition reactivated its protests in reaction to the CNE's obstacles to its right to activate a recall referendum.

<sup>73</sup> Provea's Report 2003-2004 registered 107 deaths since October 2001 due to the political conflict.

<sup>74</sup> Provea's Report 2003-2004.

<sup>75</sup> Interviews with main participants of the Mesa de Negociaciones y Acuerdos and Sucre (2003) suggested the CD should act with patience and wittiness by using democratic means in order to get rid of Chávez, and use the power of the US and the OAS as a final push. 2003.

<sup>76</sup> Interviews with main participants of the Mesa de Negociaciones y Acuerdos and Marin Echeverría's (2002) call on the OAS to use its good offices to get the conflicting parties to sign an agreement.

<sup>77</sup> The degree of politization and mobilization shown during the first half of the year 2002 was unusual in Venezuela until now. Datanalisis, May 2002.

<sup>78</sup> The "Declaration against Violence, for Peace and Democracy" signed in February 2003.

<sup>79</sup> Gaviria spent a lot of effort in trying to block what he perceived was Chávez's maneuver at building international support with countries that were friendly to his project (Diez, 2005).

<sup>80</sup> Interviews with third parties indicated that in January 2003, President Carter asked Gaviria to present the proposals with him, but Gaviria suggested it was better for Carter to do it himself.

<sup>81</sup> Expressed in interviews with third party representatives.

<sup>82</sup> Personal interviews with Carter Center representatives.



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<sup>83</sup> In fact, the Tripartite had agreed to find a facilitator who would represent all three organizations. SG Gaviria then decided he would play that role.

<sup>84</sup> The Carter Center is led by former President Carter whose international efforts for peace and health are widely known and acknowledged. The Carter Center representatives are people with broad knowledge of both Venezuelan politics and conflict resolution (Dr. Jennifer McCoy, Mathew Hodes, and Francisco Diez). The OAS Secretary General, César Gaviria (elected in 1994 and re-elected in 1999 until 2004), was known in Latin America as a mediator of conflict; he represented the “new vision of the OAS” by having promoted institutional and administrative changes to strengthen the organization in order to meet the challenges of the region and expand its activities in its commitment to democracy and human rights. His leadership in the OAS was recognized in 2002 with the awarding of three recognitions.

<sup>85</sup> Interviews with third party representatives.

<sup>86</sup> Working as secondary to Gaviria actually gave the Carter Center the chance of working at other levels and building up relationships with different actors and understanding the conflict more deeply.

<sup>87</sup> Interviews with third parties representatives.

<sup>88</sup> Interviews with third party representatives.

<sup>89</sup> Ury, 2000.

<sup>90</sup> The first declaration was an initiative of the Carter Center acting as a formulator. According to Diez, the September Declaration used the same vocabulary the parties had used in their invitation letters to the third parties which made it hard to reject (the parties were very much concerned with the press conference, its the political impact, the issues, the meaning, the political actors). Diez, who played the role of go-between, described the process of getting both parties to sign the Declaration an ordeal.

<sup>91</sup> The Democratic Coordinator represented the party with the highest number of constituencies; some members of the CD were only partial members to it with only the political parties and the NGOs being members. Still there were too many different ideologies and strategies to deal with conflict. During the pre-negotiation phase, the signing of the first declaration and the Executive Summary became an ordeal mainly because on the side of the opposition, propositions needed to be discussed with all the groups.

<sup>92</sup> PROVEA annual report 2002-2003.

<sup>93</sup> After having agreed on the parties’ representatives at the Mesa, at one point after six months of negotiation, the government tried to de-legitimize the opposition representative, Interview with Carter Center representative.

<sup>94</sup> According to William Ury, the conflict in Venezuela presented three characteristics typical of a country entering a civil war, namely, the population had began arming itself; both parties dehumanized the other and their arguments were not taken seriously; and the politization of the media which had taken a partisan role and thus could not report fairly or objectively. In Wilpert, 2004.

<sup>95</sup> Expressed in several articles from the BBC.

<sup>96</sup> It is wise to be remained of Osler Hampson’s (2001: 402) claim that “third parties are not parents, but only midwives to the birthing process by which peace emerges.”

<sup>97</sup> Only the Carter Center seemed concerned with a long-term transformation as evidenced by their third side initiative. The escalation of violence impeded the Carter Center to concentrate on their long-term goals.

<sup>98</sup> PROVEA’s Annual Report 2001-2002 acknowledged the important role of the international community, the Carter Center and Human Rights Watch as well as the OAS and the UNDP in avoiding the political tension to result

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in another interruption of the constitutional order. It also commended the work of the TWG in finding a minimum agenda between government and opposition to negotiate.

<sup>99</sup> Opinion polls showed that only between 8 and 8.7% of the population would support a coup. Datanálisis, September, 2003.

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## APPENDICES

### A. QUESTIONNAIRE FOR PARTICIPANTS

Estoy interesada en el proceso llevado a cabo por la OEA y el Centro Carter, como terceras partes, entre el Gobierno de Venezuela y la Oposición (CD) durante el período 2002 – 2003. La entrevista está dividida en dos partes: la primera parte está relacionada con la identidad de las terceras partes en el conflicto. La segunda parte está relacionada con el “proceso” en términos de la estrategia y técnicas utilizadas por la OEA y el Centro Carter.

#### I. Primera parte

1. ¿A cuál de las partes en conflicto representa?

- a) Gobierno
- b) Oposición

2. ¿Cuál de las siguientes características describe de mejor manera las terceras partes involucradas en el conflicto? Encierre en un círculo todas las que correspondan.

#### OAS

- a) Paciencia
- b) Experiencia
- c) Imparcialidad
- d) Neutralidad
- e) Independencia
- f) Poder (recursos)
- g) Reputación
- h) Otra \_\_\_\_\_.

#### Centro Carter

- a) Paciencia
- b) Experiencia
- c) Imparcialidad
- d) Neutralidad
- e) Independencia
- f) Poder (recursos)
- g) Reputación
- h) Otra \_\_\_\_\_.

3. ¿Cómo describiría usted la percepción que tenían las partes en conflicto con relación a las terceras partes a lo largo del proceso?

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#### II. Segunda parte

4. Se sabe que el gobierno venezolano inició un “proceso de diálogo” después del golpe de estado del 11 de abril de 2002. ¿Cuál cree usted que fue la razón principal que motivó a las partes a aceptar la intervención de una tercera parte en septiembre de 2002?

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5. Podría identificar algún tipo de desacuerdo entre las partes con respecto al papel que debían jugar y que jugaron las terceras partes?

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6. ¿Cómo describiría el papel de la OEA? Principalmente el del Secretario General César Gaviria y el del Jefe de la Misión Fernando Jaramillo?

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7. ¿Cómo describiría el papel del Centro Carter tomando en cuenta los diferentes actores y sus estilos? El Ex-Presidente Carter, Francisco Diez, Mathew Hodes y Jennifer McCoy.

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8. ¿Recibió usted entrenamiento como participante de la Mesa de Negociaciones y Acuerdos?

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9. ¿Qué era más importante para su organización: a) resolver la crisis y los temas más urgentes y/o b) la calidad actual y futura de la relación con la otra parte?

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10. ¿Qué papel(es) jugó usted en el proceso?

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11. ¿Cuál es su posición con respecto a las siguientes afirmaciones?

**“Las técnicas utilizadas por la OEA tuvieron un gran impacto sobre el cambio de comportamiento de las partes involucradas en el conflicto”.**

- a) Muy de acuerdo
- b) De acuerdo
- c) Neutral
- d) En desacuerdo
- e) Muy en desacuerdo

**“Las técnicas utilizadas por el Centro Carter tuvieron un gran impacto sobre el cambio de comportamiento de las partes involucradas en el conflicto”.**

- a) Muy de acuerdo
- b) De acuerdo
- c) Neutral
- d) En desacuerdo
- e) Muy en desacuerdo

**“Las técnicas utilizadas por la OEA y el Centro Carter cuando trabajaron simultáneamente tuvieron un gran impacto sobre el cambio de comportamiento de las partes involucradas en el conflicto”.**

- a) Muy de acuerdo
- b) De acuerdo
- c) Neutral
- d) En desacuerdo

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e) Muy en desacuerdo

**“La intervención temprana de una tercera parte habría sido mejor en el sentido de que habría evitado los violentos sucesos de abril 11 al 14 de 2002”.**

a) Muy de acuerdo

b) De acuerdo

c) Neutral

d) En desacuerdo

e) Muy en desacuerdo

**“La intervención tardía de una tercera parte resultó mejor en el sentido de que ambas partes estaban comprometidas a negociar después de los violentos sucesos de abril 11 al 14 de 2002”.**

a) Muy de acuerdo

b) De acuerdo

c) Neutral

d) En desacuerdo

e) Muy en desacuerdo

12. ¿Podría describir la manera en la que las terceras partes manejaron la intensidad de conflicto, el balance de poder entre las partes y la existencia de pequeños grupos dentro de las partes principales?

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13. ¿Podría identificar algunos cambios de percepción de las partes en conflicto como resultado del proceso?

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14. ¿Podría darme su evaluación de la siguientes intervenciones? a) la visita del Presidente Carter en Julio de 2002 cuando intentó acercar a las dos partes en conflicto en una reunión ; b) la formación del Grupo de Trabajo Tripartito en septiembre de 2002; c) las negociaciones anteriores al paro de diciembre de 2002; d) la visita del Presidente Carter en enero de 2003 y la presentación de propuestas; e) el acuerdo contra la violencia firmado en febrero de 2003.

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15. ¿Considera usted que el acuerdo logrado en mayo de 2003 es un producto de los venezolanos o de las terceras partes?

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16. Piense sobre el proceso de mediación en el cual usted participó y marque con una **X** las técnicas utilizadas por las terceras partes. Marque todas las que correspondan.

## ORGANIZACIONES

TÉCNICAS DE MEDIACIÓN	OAS	Centro Carter
Identificó a cada una de la partes y estableció la relación entre ellas		
Estableció el protocolo		
Sugirió el proceso de negociación		
Identificó los problemas reales		
Creó una atmósfera donde las partes se sintieron cómodas		
Aclaró la naturaleza del problema		
Explicó el proceso a las partes		
Siempre demostró ser imparcial		
Ayudó a las partes a redefinir los problemas (enfocándose en problemas tangibles, no en problemas subjetivos)		
Controló la agenda		
Manejó las percepciones de las partes controlando las emociones		
Controló el balance de poder entre las partes		
Se reunió con las partes individualmente		
Se reunió con otros grupos que conforman las partes principales		
Se reunió con ambas partes al mismo tiempo		
Sirvió como medio de comunicación (llevando información, propuestas, o compromisos entre las partes)		
No dirigió la conversación		
Controló la publicidad (medios de comunicación)		
Controló los recursos (número e identidad de las partes)		
Trató a ambas partes de igual forma		
Ofreció puntos para el acuerdo		
Escuchó a las partes y reconoció como válida la demanda de cada una		
Propuso soluciones		
Hizo énfasis en el pasado		
Hizo énfasis en el futuro		
Utilizó la persuasión para convencer a las partes de que debían negociar y encontrar una solución		

Fomentó la habilidad de las partes de conseguir su propia manera de manejar el conflicto		
Controló las propuestas		
Utilizó su poder para manipular a las partes y hacer que estas logaran un acuerdo		
Puso fechas límite para persuadir a las partes de que llegaran a un acuerdo		
Hizo del conocimiento de las partes de que era su responsabilidad llegar a un acuerdo		
Hizo del conocimiento de las partes de que era responsabilidad de las terceras partes llegar a un acuerdo		
Tercera parte que condujo el proceso		
Tercera parte que tuvo un papel secundario en el proceso		
Verificó la implementación del acuerdo		
El enfoque de la tercera parte fue resolver el problema actual y llegar a un acuerdo entre las partes		
El enfoque de la tercera parte fue cambiar la relación entre las partes		
El enfoque de la tercera parte al problema consideró la posibilidad de una salida donde ambas partes ganaran		
El enfoque de la tercera parte al problema consideró la posibilidad de una salida donde una parte ganara y la otra perdiera		
Jugó un papel pasivo al guiar el proceso		
Jugó un papel activo al guiar el proceso		

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## B. QUESTIONNAIRE FOR THIRD PARTIES

I am interested in the intervention of the OAS and the Carter Center in the conflict between the Venezuelan government and the opposition (CD) during the period 2002 – 2003.

The interview is divided into two parts: the first part deals with the identity of the third party in the conflict. The second part, deals with the “process” in terms of strategies and techniques used by the OAS and the Carter Center.

### Part I

1. What institution do you represent?

- c) OAS
- d) Carter Center

2. Which of the following characteristics best describes the third party involved in the conflict? Circle all that apply

#### OAS

- i) Patience
- j) Experience
- k) Impartiality
- l) Neutrality
- m) Independence
- n) Leverage (resources)
- o) Reputation
- p) Other\_\_\_\_\_.

#### Carter Center

- a) Patience
- b) Experience
- c) Impartiality
- d) Neutrality
- e) Independence
- f) Leverage (resources)
- g) Reputation
- h) Other\_\_\_\_\_.

3. How would you describe the parties' perception of the third party throughout the process?

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### Part II

4. It is known that the Venezuelan government initiated a “process of dialogue” after the April 11, 2002 coup. What do you believe to be the main reason(s) that motivated the parties to accept the intervention of a third party in November 2002?

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5. Why did it take two months for the *Mesa de Acuerdos y Negociations* to start in November 2002?

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6. Did you perceive any disagreement among the parties in regards to the expected role and the actual role played by a third party?

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7. How would you describe the role of the following third parties? Circle all that apply

OAS

- a) Facilitator
- b) Mediator
- c) Other\_\_\_\_\_.

Carter Center

- a) Facilitator
- b) Mediator
- c) Other\_\_\_\_\_.

8. What was the overall purpose of the process? More or less emphasis on short-term or long-term conflict resolution?

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9. What was exactly your function within the process?

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10. Can you identify the process in terms of phases or stages?

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11. What elements do you think had more influence on the third party's choice of techniques?

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12. Can you describe the techniques used by the third party?

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13. What is your attitude towards the following statements?

**“The techniques used by the OAS had a great impact on changing the parties' behavior.”**

- f) agree strongly
- g) agree
- h) neutral
- i) disagree
- j) disagree strongly

**“The techniques used by the Carter Center had a great impact on changing the parties' behavior.”**

- a) agree strongly
- b) agree
- c) neutral
- d) disagree
- e) disagree strongly

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**“The techniques used by the OAS and the Carter Center when working simultaneously ha a great impact on changing the parties’ behavior.”**

- a) agree strongly
- b) agree
- c) neutral
- d) disagree
- e) disagree strongly

**“Early intervention of a third party would have been better in terms of avoiding the violence that led to the events of April 11-14, 2002”**

- a) agree strongly
- b) agree
- c) disagree
- d) disagree strongly

**“Late intervention proved to be better because the parties were committed to negotiate after the violence that led to the events of April 11-14, 2002”**

- a) agree strongly
- b) agree
- c) disagree
- d) disagree strongly

14. Could you describe the coordination process among the different third parties in terms of a) keeping a cohesive whole where the efforts of one of the third parties would be supported by the others, and b) avoiding possible conflict among the different interests of different third parties?

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15. Can you describe the techniques used to deal with intensity of conflict, power balance among the parties, and cohesiveness within the parties?

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16. Can you describe the techniques used to change the parties’ perception of each other?

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17. Can you identify any changes in the parties’ behavior as a result of the process?

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18. Could you say the agreement achieved in May 2003 is product of the Venezuelans or product of the third party?

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19. Think about process in which you were involved and check the strategies used by the third party in the following table. Check all that apply

### ORGANIZATIONS

TECHNIQUES	OAS	Carter Center
Identified each party and established the parties' relationship		
Established the protocol		
Suggested the negotiation procedures		
Identified real issues		
Created an atmosphere where parties felt comfortable		
Clarified the nature of the problem		
Explained the mediation process to the parties		
Always demonstrated impartiality		
Helped the parties to redefine issues (reframing issues, focusing on tangible issues)		
Controlled the agenda		
Managed parties' perceptions by controlling emotions		
Stroke a power balance between the parties		
Met with the parties individually		
Met with the parties constituencies		
Met with both parties at the same time		
Served as channel of communication (carrying information, proposals, or concessions between the parties)		
Did not direct the conversation		
Controlled publicity		
Controlled the resources (number and identity of the parties)		
Treated both parties equally		
Offered agreement points		
Listened to the parties and recognized each claim as valid		
Proposed solutions		
Focused on the past		
Focused on the future		
Used persuasion to convince parties to negotiate and find a solution		
Encouraged the empowerment of the parties(let the parties find their own way of dealing with conflict)		
Controlled the proposals		



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Used his leverage to manipulate the parties into agreement (sticks and/or carrots)		
Used deadlines to induce the parties to come to an agreement		
Put the responsibility of reaching an agreement on the parties		
Put the responsibility of reaching an agreement on the third parties		
The third party had a leading role		
The third party had a secondary role		
Guaranteed the compliance of the agreement		
Supervised and verified the implementation of the agreement		
The focus of the process was on solving the present problem and obtaining a settlement		
The focus of the process was on changing the relationship between the parties		
Considered the solution to the problem as a win-win solution		
Considered the solution to the problem as a win-lose solution		
Played a passive role in guiding the process		
Played an active role in guiding the process		