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Honduras' Lame-duck President Calls For Constitutional Assembly

by LADB Staff

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It was well-known that President Manuel Zelaya was less than pleased when his vice president Elvin Santos became his party's candidate in the presidential elections slated for November 2009. Zelaya was backing congressional leader Roberto Micheletti, whom polls had picked as the favorite in the primary, while Santos, not even eligible to run, had to put up a surrogate to run in his stead (see NotiCen, 2009-03-05). In an upset, the surrogate won, stepped aside, and Santos, securing the blessing of the Tribunal Supremo Electoral (TSE), became the candidate of the ruling Partido Liberal (PL). That ought to have been the end of it until the elections, but it was not. On March 24, Zelaya announced his intention to seek a referendum for convening a constituent assembly to write a new Constitution. One of the changes would be to do away with the ban on presidential re-election. The scenario Zelaya outlined was that his government would hold the referendum on June 24 asking voters whether they want a binding vote in November on the question of a new charter. The referendum would be organized not by the TSE but by the Instituto Nacional de Estadística (INE). Zelaya did not mention his own re-election in his announcement. He said, "Society has experienced substantial and significant changes in recent years that demand a new constitutional framework to fit it into the national reality as a legitimate aspiration of the people." Friends and foes question legality The June referendum was called by presidential decree. It drew the immediate criticism of Micheletti, who, speaking as congressional president, refuted Zelaya's statement that "the positive result of this popular consultation will serve as the legitimate foundation for the executive branch to send the Congreso Nacional a special bill to place a fourth ballot box in the general elections of November 2009." Micheletti told the media that the referendum would have no legal validity. Honduras human rights ombudsman Ramon Custodio agreed with Micheletti and called the plan "foolishness." Zelaya's lack of emphasis on re-election has led some analysts to surmise that his wish to rewrite the Constitution has more to do with the leftward turn he took in linking Honduras with the Alternativa Bolivariana de las Américas (ALBA). Presidents Hugo Chavez of Venezuela, Evo Morales of Bolivia, and Rafael Correa of Ecuador have successfully sponsored constitutional assemblies and are now functioning under new constitutions. The remaining ALBA member, Nicaragua's President Daniel Ortega, has not gone through those formalities but has managed to change his country's Constitution by other means (see NotiCen, 2005-01-13). If the proposal does prosper, Zelaya faces stiff congressional opposition. Besides the opposition of his own party and the president of the legislature, the major opposition Partido Nacional (PN) has come out against it, and it would need a two-thirds majority to pass. PN presidential candidate Porfirio Lobo has raised an objection beyond the political, citing the cost of financing what amounts to a parallel electoral process when the country is attempting to field a constitutional election in the midst of an economic crisis. In the face of all this, Zelaya's enthusiasm for a new Constitution has intensified in recent months, but it has still not been clearly articulated which of the document's articles he most wants changed and to what. The necessity for an entirely new charter may lie in that certain articles, particularly those dealing with governmental structure and re-election, are not amendable. Finally, Zelaya's presidency has been a weak one, and his lame-duck status only weakens him further. Just

how he would muster the political power to push through a project of this magnitude remains a mystery.

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