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Honduran Supreme Court Deems Private Cities Unconstitutional; President Warns They Will Be Built Eventually

by George Rodríguez

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The idea to build private cities began gathering momentum early this year, after the Congress passed the bill in 2011 creating the Redes Especiales de Desarrollo (RED)—better known as ciudades modelos (model cities)—opening the way for foreign investors to come in and start building what, in their English version, are known as charter cities.

Creating such urban centers is actually a plan conceived by US economist Paul Romer, director of the Urbanization Project of New York University’s Stern School of Business, as a way to rescue people from poverty—a massive, chronic social illness specifically in Honduras—but is a tool that hinges on transparency.

In this Central American nation, three regions were selected for the RED project, which the government assured people would bring development, better living standards, well-being through investment and job creation: the northeastern Zona de Punta Castilla and the Valle de Sico y Paulaya and the northwestern Zona del Valle de Cuyamel, on the Caribbean coastline, and the southern Zona del Golfo de Fonseca, on the gulf shared by El Salvador, Honduras, and Nicaragua.

The law creating the RED was passed in early 2011, and on Feb. 8, 2012, mayors of 45 towns on the southern gulf seaboard handed President Porfirio "Pepe" Lobo a set of petitions regarding the construction of ciudades modelos in that area—bordering El Salvador to the west and Nicaragua to the south.

The first agreement for building a ciudad modelo in Honduras came on Sept. 3 and was signed by the Comisión para la Promoción de la Alianza Público-Privada (COALIANZA) and the recently created US entrepreneurial group MGK, specializing in, among other fields, design of free-trade areas and in governance, security, real estate development.

Plan promises jobs and development

Shortly before the signature, Congress president Juan Orlando Hernández of the ruling Partido Nacional (PN) said that the first stage of the project would begin right away—building infrastructure—and that it would create at least 5,000 direct and 15,000 indirect jobs.

"By 2013, we could have at least 13,000 new jobs, 30,000 for the year 2014, and 45,000 by 2015. As a whole, we estimate that in four years there will be almost 200,000 new jobs thanks to the ciudades modelos," Hernández, a presidential hopeful for the party’s primary next month, said. "We must see this as a major opportunity in times when thousands of Hondurans are jobless, and with the ciudades modelos they would be getting a job and earning money for their families."

"The Honduran state will be exercising its right to sovereignty over the ciudades modelos regarding defense and foreign affairs, so it’s not the territory being sold," Hernández said. "It must be stressed
that these ciudades modelos will be set up in uninhabited zones in Honduras; they don’t entail displacing social groups or inhabitants."

But opposition from civil society did not take long, initially from the nongovernmental Afro Honduran human rights group Organización Fraternal Negra Hondureña (OFRANEH), based in Sambo Kreek, in northern Honduras, which was soon joined by indigenous organizations, human rights groups, and lawyers.

They warned that building such cities would be tantamount to selling chunks of Honduran territory —thus, sovereignty, that indigenous and Afro Honduran communities live in the zones selected, and that they would either be expelled from their historic places of dwelling or be kept there as a cheap labor force.

A group of lawyers was key in drafting appeals later taken to the Corte Suprema de Justicia (CSJ) seeking that the law creating the RED be declared unconstitutional and that the 126 deputies who passed the RED law be tried for high treason and abuse of authority—including Hernández, a staunch promoter of the bill. The lawyers said that the bill goes against the Honduran Constitution and the deputies went beyond their power when, in passing the law, they affected the country’s territory.

**Lawyer opposing law killed**

During the process of civil society opposition and legal action, Antonio Trejo, the most outstanding member in the group of lawyers, was killed on Sept. 23. Human rights activist Bertha Oliva said the most likely reason for the murder was that, besides actively advocating that the law be declared unconstitutional and the 126 deputies be charged with high treason, Trejo was counsel for the Movimiento Unificado Campesino del Aguán (MUCA).

MUCA is a campesino organization in the northern region of Aguán, where land-related clashes between campesinos and the police, Army, and wealthy landowners’ private security have claimed several lives, mostly of local campesinos (NotiCen, Nov. 17, 2011, and Sept. 13, 2012).

Civil society’s struggle against the RED achieved its goal when a majority—13 of its 15 magistrates—voted that the law was unconstitutional, thus rendering it null.

However, Oliva, who heads the human rights NGO Comité de Familiares de Detenidos Desaparecidos en Honduras (COFADEH), is skeptical that the RED case is really closed. "It seems to me there’s a possibility" that it may surface again, but "not as ciudades modelos," she told NotiCen. "Legally, they’d have to pass another law, with another name and other characteristics, so it could function. In a country like Honduras, everything’s possible since the coup." She referred to the bloody 2009 coup that toppled President Manuel "Mel" Zelaya (NotiCen, July 2, 2009).

President Lobo told NotiCen that the ciudades modelos issue "is one of much debate....If there’s any extreme affecting sovereignty—and we’ve told Congress this—changes can be made."

"No matter how much it’s discussed, and we can get into a philosophical discussion...there’s one reality: if there’s no investment, there’s no employment—and this is what the people need most," Lobo said. "We must understand that we must change."
"I tell my people: if you don't do this now, remember, you'll have to do it tomorrow," because there is a need to "change the strategies of how we create economic growth and development," a goal that must be accomplished "with social responsibility," the president said.

-- End --