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Dominican Republic Approves Re-Election in Constitutional Reform

by Crosby Girón
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After months of being the hottest topic in Dominican politics, in mid-June, Article 124 of the Constitution was modified. Under the new Constitution, incumbent presidents will be allowed to seek re-election, allowing President Danilo Medina to seek office again in 2016.

The Asamblea Nacional Revisora was led by Cristina Lizardo and Abel Martínez. Local sources said motion number 00003 was approved with 168 votes in favor and one vote against. The vote marked the end of a session that lasted almost five hours. Four senators and 74 deputies were reported absent.

Those absent belonged to the Partido Revolucionario Moderno (PRM), which opposed the modification of Article 124, as they explained during the second debate on the issue prior to the vote. During that vote, 39 members of the house were opposed to the reform and 181 were in favor, mainly from the Partido de la Liberación Dominicana (PLD), its ally, the Partido Reformista Social Cristiano (PRSC), and the opposition Partido Revolucionario Dominicano (PRD).

Thanks to the support of these parties, the modification of Article 124 was approved. However, President Medina would not be allowed to run for more than two consecutive periods (after 2020) or to run for vice president.

After its modification, the article was worded in the following way: "Executive power is exercised by the president, who will be elected every four years through a direct vote." It adds: "The president may run for a second consecutive period only and can never run for vice president."

The first debate on the new article was carried on June 6. It was an official ceremony in which the national anthem was sung, then congressional guards fired 21 shots in the air, and finally the 277 articles of the Constitution were read.

Lizardo delivered a speech in which she argued that Article 120 states that the Constitution can be reformed as needed. She added that the Constitution cannot be suspended by any authority, not even by a plebiscite.

"The proclamation of the Constitution will always be an important event in the life of the Republic, since it deals with strengthening the social and democratic rule of law that we Dominicans must live in a sovereign, free, and independent way," said Lizardo.

The press described the session as long, leading many members of the house to be absent or to start fiddling with their cell phones while the new Constitution was being read. President Medina did not attend the session as he was not legally bound to do so. Until then, Medina had not publicly spoken out about the reform and had not stated whether he intended to seek re-election.
Presidential re-election is possibility

The last time that the Dominican Republic modified the Constitution was in 2010 (NotiCen, Jan. 14, 2010) under the administration of President Leonel Fernández (1996-2000). The Constitution has been modified on 39 occasions and 32 have been related to presidential re-election. Presidential re-election for two consecutive periods was approved and re-election for nonconsecutive periods was forbidden on June 16. This means that, under the new Constitution, Medina could run for a second and last term in office in the 2016 general elections.

The idea was put forward by the official PLD. In this case, the law is not retroactive, which means that former President Fernández could take part in the elections and seek re-election but only for one more term.

The stance taken by each political party has evolved over time. For example, members of the PRD voted in favor of the reform after reaching an agreement with the PLD. The PRD had been the main opposition force in Congress. However, members of the PRM, a PRD splinter party born in 2014 after the 2012 elections plunged the PRD into crisis, were against the reform.

The PRSC, a minority party, had proposed a reform that sought to prevent the Dominican presidential term from being modified until 2056. The PRSC’s proposal was rejected, and the party ended up supporting the constitutional reform that favored Medina’s interests. Congress also rejected the proposal put forward by the Fuerza Nacional Progresista (FNP), which sought to call a referendum for voters to decide whether Medina should be allowed to seek re-election.

The constitutional reform that was ultimately approved led the FNP to break the political alliance it had had with the PLD for 22 years. Vinicio Castillo Semán, the only FNP member of Congress, lodged an appeal with the Tribunal Constitucional to declare the reform null and void. The issue of re-election was so contentious, even within the ruling party, that PLD Deputy Víctor Sánchez decided to step down in protest against the proposal.

PRM Deputy Nelson Arroyo accused Minister of the Economy Temístocles Montás and Minister of Public Works Gonzalo Castillo of pressuring and even "harassing" a number of members of Congress to secure their vote in favor of the constitutional reform.

Impact of the reform, according to experts

Under the current political climate, a number of experts believe that the constitutional reform will have a major impact on the country’s institutional, constitutional, and economic life. "Society has always feared re-election not because there’s something wrong with the president that could be re-elected but because it weakens institutions," says Servio Tulio Castaños, vice president of the Foundation for Institutionality and Justice (FINJUS).

Legal expert Cristóbal Rodríguez said it is clear that many governments that have reformed the Constitution have used the law as an instrument "to retaliate against political opponents" rather than an instrument to keep political power in check. "The current constitutional reform has been led by the same historical circumstances: the president seeks re-election and, of course, that has an impact on every walk of life, because problems arise when the Constitution is not used to keep power in check and becomes an adaptable instrument that suits the expectations, desires, and
interests of power groups," he said during a forum held to debate the pros and cons of the recent constitutional reform.

During the forum, economist Jacqueline Mora said that throughout Dominican history constitutional reforms have caused instability and have had a detrimental impact on the economy. "There is a general perception that the election has a negative impact on public finance, that’s what it’s been like in the Dominican Republic. There are examples of years in which that hasn’t been the case but they’re isolated examples," she said.

The economist explained that many investors put business on hold while they wait and see who might win the elections. And the speakers generally agreed that civil society should have a greater involvement in the decision-making process to improve the government’s performance.

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