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President's Re-election Bid Embroils Honduras in Political Turmoil

by George Rodríguez

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The next presidential election in Honduras is scheduled for November, but the political atmosphere has been heating up for some time, with President Juan Orlando Hernández now forecasting his re-election, and opposition leaders stating that his bid to continue in office is illegal.

Hernández announced his intention to run for a second term last November, after the Corte Suprema de Justicia (Supreme Court of Justice, CSJ) ratified a 2015 ruling by its Sala Constitucional (Constitutional Chamber) in favor of re-election, which had until then been forbidden by the country's Constitution. The prohibition had been considered one of the document's impossible to modify artículos pétreos (stone articles) ([NotiCen, Oct. 6, 2016](#)).

Only seven years ago, an announcement by then-President Manuel "Mel" Zelaya (2006-2009) that he would call for a referendum on presidential re-election led to his violent ouster in a bloody civilian-military coup ([NotiCen, March 26, 2009](#), [July 16, 2009](#), [Aug. 6, 2009](#)). But on April 23, 2015, the Constitutional Chamber ruled in favor of two appeals against the ban. The appeals had been lodged by congresspersons from Hernández's ruling Partido Nacional (National Party, PN). Then last August, magistrates doubled down on their ruling when they rejected two petitions filed against the 2015 decision. A few days after that, in reply to a congressional query, they confirmed the ruling again.

Reacting to the chamber's 2015 vote, Hernández said the ruling "must be respected," and that voting for an incumbent president was something left for "the people to decide." Re-election "is the general rule in peoples throughout the world," he said, and banning it the exception.

"Honduras must advance. We're a democracy, and the people must decide whether or not they want a former president or someone who has never been [president]," he said at the time.

But until November, Hernández avoided saying whether he would run again. Opposition sectors, however, accused him of being behind the Constitutional Chamber's ruling.

A request for annulment

The opposition called the ruling illegal, arguing that in Honduras only a Constituent Assembly—not a CSJ chamber—had the authority to make the change.

On the day of the ruling, Hernán Sosa, a lawyer and a member of the Partido Liberal (Liberal Party, PL), the PN's historical rival, led a group of activists to the headquarters of the Constitutional Chamber and lodged a request for the decision to be annulled.

"Reforming the law is not within the jurisdiction" of the CSJ, he said then. Zelaya, too, argued that the chamber's decision had been made in an "illegal and arbitrary way."

Analyst Raúl Pineda predicted that the ruling would cause “political polarization,” adding that the only person with real possibilities to win re-election was Hernández. “None of those who have been president have the probabilities that the present leader has to reach power,” he said.

Magistrates rebut allegations

In their response to a congressional query on the matter, the CSJ magistrates rebutted the allegations of illegality, stating that their court was “the competent body to interpret the Constitution.”

The legislators had wanted to know whether a plebiscite could be called to define the fate of the re-election proposal. The judges’ reply led them to decide, by a 70-55 majority, that the plebiscite was “unjustified.”

Joaquín Mejía, a democracy researcher with the Universidad Nacional Autónoma de Honduras (National Autonomous University of Honduras, UNAH), is among the voices opposing the decision. He warns that the plebiscite is one of three measures needed to prevent Honduras from falling under despotism.

“Despotism threatens democracy’s functionality and essence,” he wrote in an opinion article carried in October by The New York Times. “It is possible for it to take force if the independence of the branches of power is not guaranteed and democratic institutions are not strengthened.”

Mejía wrote, “It is necessary to take at least three urgent measures: to call a plebiscite for citizens to vote on re-election; to pass a law on hearings in order to reduce partisan politicization of the election of top state authorities, particularly the Tribunal Supremo Electoral (Supreme Electoral Tribunal, TSE); and to adopt a campaign-funding law to prevent the risk of using state resources and assets to benefit President Hernández’s continuity.”

The decision on presidential re-election was welcomed by the president’s allies, he added in the text, which was published in Spanish, “who promote an exaltation of his personal virtues and the need to make progress with a national project that is only possible under his leadership. However, the result has been an increasing social polarization that sees with suspicion this intention to continue [in office].”

According to Mejía, “this compliance also fits within a trend triggered by the coup against Manuel Zelaya in 2009 and simulates all the formalities of representative democracy, while in practice it strengthens an authoritarian and militarized regime that subordinates the entire institutional framework to the executive power.”

He argued that Hernández “has managed the control” of key institutions such as the CSJ, the TSE, and the Ministerio Público (General Prosecutor’s Office, MP), among others, and “has put into motion the Consejo Nacional de Defensa y Seguridad (National Defense and Security Council), a body with the features of an all-powerful government headed by the president where the most important decisions are made.”

He said the talk of re-election brought to mind the events of 2009. “The present defenders of re-election then endorsed a coup d’état whose consequences continue to deepen corruption, impunity, institutional deterioration, and human rights violations,” he wrote.

And then, on Nov. 6 and to no one's surprise, Hernández announced that he would run for another four-year term.

"With the Honduran people's will and my party's support, I'm going to be the next president of Honduras," he told a gathering of cheering followers, mostly public sector employees, at a baseball stadium in Tegucigalpa during a meeting organized by the PN leadership.

"This is an event marking a before and an after," he said. Referring to his administration's slogan, Honduras está cambiando (Honduras is changing), he added, "We've understood that [seeking a second term] is a major responsibility that implies a commitment to continue to promote changes."

He defended the position that presidential re-election should allowed for a single additional term. "I believe that's how it should be, and if not this Congress, the following one will put limits to that election right," he said.

But even before Hernández's announcement, Hondurans who oppose his re-election had been taking to the streets in peaceful marches that were countered by police repression.

Demonstrators were tear-gassed by riot police during protests held on Oct. 3, and then again on Nov. 9, when dozens of members of the Movimiento Estudiantil Universitario (University Students Movement) clashed with police on Suyapa Boulevard, in Tegucigalpa's UNAH sector.

The day after Hernández's announcement, US State Department deputy spokesperson Mark Toner told a press briefing in Washington that it was up to the Honduran people to determine their political future, but added, "I think that, in general, rules of the democratic process such as term limits should not be modified for the immediate benefit of the incumbent."

But after Honduran media reported Toner's statement as questioning Hernández's decision to run again, the US Embassy in Tegucigalpa issued a clarification.

"Media and others are interpreting [Toner's] remarks as opposing the candidacy of President Hernández for re-election in Honduras," it said. "The US Government does not oppose President Hernández or others from presenting themselves for re-election according to Honduran democratic processes. It is up to the Honduran people to determine their political future through their democratic institutions and processes..."

Strong democratic institutions produce successful democracy, and presidential term limits, which we understand President Hernández has called for, reinforce this principle."

The TSE's blessing, another non-surprise, came nine days after Hernández's announcement, during a press conference by Alejandro Martínez, the TSE secretary.

Martínez told journalists that two of the three TSE magistrates favored Hernández's participation in the primaries, scheduled for March 12, while the other magistrate opposed the president's move. Meanwhile, outside TSE headquarters, hundreds of demonstrators chanted slogans for and against Hernández.

At the same time, Zelaya announced that his party, Libre, and two other opposition parties, were preparing to appeal the president's registration as a candidate.

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