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Ecuador's Constitutional Assembly Ends in Controversy

by LADB Staff

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The winner of Ecuador's May 31 presidential elections will face formidable problems, including an institutional crisis. In May 1997, interim President Fabian Alarcon held a referendum calling for a constitutional assembly. The referendum passed, delegates were elected, but the Assembly's work has been hampered by a conflict with the president and the Congress (see NotiSur, 01/16/98).

The latest Ecuadoran political battle came to a head in early May with a power standoff between President Alarcon and the Assembly, which had been created to make changes to the 1979 Constitution, written as a decade of military and civilian dictatorships was ending.

The 70 elected Assembly delegates began their deliberations in January, but almost immediately clashed with the president and Congress. Members of Congress protested that the Assembly was trying to usurp their duties. Alarcon, who was president of Congress before becoming chief executive and has close allies in the legislature, sided with Congress.

The conflict resulted in part from an unclear mandate. But a power struggle in which neither the president nor the Congress wanted to relinquish decisionmaking to the Assembly added to the problems. On April 30, the Assembly outraged Alarcon by voting to extend its mandate, which expired April 30, and granting itself powers to override congressional actions. Alarcon went before a late-night session of Congress to say he would not recognize any further actions by the Assembly. Assembly members, equally defiant, continued meeting the following week, finishing their work May 8.

Ecuador's powerful armed forces opted to stay on the sidelines during the dispute. New Constitution to go into effect with new administration In its sessions, the Assembly stipulated that the provisions passed during its five months of deliberations would take effect Aug. 10 when the new government takes office. The Assembly decision "is intelligent because it contributes to ending a sterile fight," said Ricardo Noboa, an assembly delegate. The new Constitution will be promulgated at the Assembly's closing ceremony June 5 in Riobamba, 250 km south of Quito.

Meanwhile, a committee will finish the final draft of the document for publication. The constitutional reforms passed by the Assembly include an increase in the number of seats in Congress, a ban on strikes by state employees, and laws facilitating the privatization of state companies. Other reforms include measures to strengthen the presidency, the elimination of the automatic dismissal of a Cabinet minister who is censured by Congress, and a provision setting crimes against state security or against the national treasury as the only causes for which the president or vice president can be impeached.

The new Constitution maintains a two-round presidential election, although a candidate can win on the first ballot with 40% of the vote and at least a 10-point advantage over the nearest rival.

It changes parliamentary elections from every two years to every four years, coinciding with the presidential elections, and allows citizens residing outside the country to vote in future elections.

Congress threatens to override Assembly

On May 6, Marco Landazuri, vice president of Congress, threatened to call a special session of the legislature to consider constitutional reforms. Such a move could set off a new legal wrangle if the Congress were to enact any reforms that contradicted actions taken by the Assembly. Landazuri insisted Congress has the authority to change the Constitution and dismissed a measure passed by the Assembly prohibiting Congress from changing any new amendments to the Constitution for one year.

Assembly president Luis Mejia said the new Constitution would go into effect whether or not Alarcon or the new government like it, although he said he is confident the new president will accept the document. For former president Osvaldo Hurtado, one of the most prominent figures at the Assembly, Alarcon's opposition is insignificant. He said the new Constitution will take effect and will vindicate the work of the Assembly. Although the military remained mostly in the background during the conflict, former military chief retired Gen. Paco Moncayo criticized Alarcon, saying he had acted like a "dictator" and was embarrassing the country. "Ecuador's international image has hit rock bottom," said Moncayo, one of Ecuador's most popular figures.

Although Ecuadorans initially welcomed Alarcon's promises of businesslike government, coming on the heels of the chaotic presidency of Abdala Bucaram, they have become more disillusioned as corruption and political turmoil persist. They are also increasingly frustrated with the unprofessional behavior in the Congress, where legislators have engaged in fistfights and screaming matches, and where the slightest disagreement ends in impeachment proceedings and often ouster (see NotiSur, 05/08/98).

In addition to the political upheaval, El Nino has caused devastating floods in Ecuador, taking more than 240 lives and wreaking damage estimated at US\$2 billion. As many as 21,000 people live in 395 temporary shelters, many getting by on one meal a day. In some flooded towns, "there are no streets, just running sewage," said Gen. Moncayo, who is running for a seat in Congress. "People are so hungry that they don't even have the strength to complain." [Sources: Clarin (Argentina), 05/02/98; CNN, 05/07/98; Associated Press, 05/05/98, 05/07/98, 05/08/98; Notimex, 05/08/98; Spanish news service EFE, 05/06- 09/98; The Miami Herald, 05/08/98, 05/14/98]

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