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## Venezuela's Constituent Assembly Begins Work

by LADB Staff

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Venezuelan President Hugo Chavez says that the Constituent Assembly (Asamblea Nacional Constituyente, ANC) has begun the "pacific and democratic revolution" that will usher in a "new age" for Venezuela. Chavez's critics say he is raising expectations that cannot possibly be fulfilled, especially given the deep recession affecting the country.

During its first meeting Aug. 3, the ANC determined it has power over all other institutions, including the power to dissolve Congress and the Supreme Court. "I solemnly declare the originating character of this body," said assembly president Luis Miquilena, referring to the Assembly's right to dissolve other branches of government. He added, however, that the 131-member assembly will push through its revolution "via dialogue and via understanding."

### *Overwhelmingly pro-Chavez*

Of the 131 delegates to the ANC, 120 belong to the president's Polo Patriotico, three represent indigenous communities, and eight belong to opposition parties. The overwhelming number of "Chavista" delegates, who were chosen in nationwide elections July 25, has raised fears of a one-party state in Venezuela. The lopsided results put opposition parties in disarray.

The entire leadership of the center-right Comité de Organización Política Electoral Independiente (COPEI) resigned, and protesters last week demanded that the leaders of the other traditional party, Acción Democrática (AD), also resign. Neither party ran candidates for the assembly.

### *Chavez gives Assembly his proposals*

Chavez presented the ANC with his vision of what the new constitution should look like. He also put his job at the disposition of the Assembly largely a symbolic act since his supporters control 92% of the body.

The president said the new constitution should create institutions to guarantee housing, health, employment, education, justice, and freedom for all Venezuelans. "Watch out for the dogma of the market that pretends to be God," said Chavez. He said a middle ground should be found between "the invisible hand of the market and the visible hand of the state."

The president proposed creating the office of vice president, allowing re-election to a consecutive second term, and extending the present five-year term to six years. Chavez proposed a runoff election between the two presidential candidates who receive the most votes in the first round, and he suggested that the Corte Suprema de Justicia change its name to the Alto Tribunal de Justicia and that it include a special constitutional court.

### *Five branches of government*

Chavez called for five branches of government, instead of the traditional three. In addition to the legislative, executive, and judicial, Chavez would add moral and electoral branches. The legislative would be called the Asamblea Nacional, but would still have a Senate and a Chamber of Deputies. Lifetime senate seats (for former presidents) would be eliminated. In addition to the president, the executive branch would include a first vice president, named by the president, and several other vice presidents as needed.

The electoral branch would replace the Consejo Nacional Electoral (CNE) with a Tribunal Supremo Electoral whose decisions would not be subject to appeal and which would have three judges named by the other branches. The moral branch would include the Comptroller General, the Attorney General, and a Public Defender. This branch of government would be charged with ridding the country of the corruption that Chavez says has become entrenched through 40 years of failing democracy.

Chavez suggested that all international treaties be re-examined and that those that affect national sovereignty be annulled. The suggestion was quickly challenged by opponents. On Aug. 8, Vice Minister of Foreign Relations Jorge Valero said that all international treaties, decisions, pacts, and agreements signed by Venezuela "will be scrupulously respected." He said the idea is to thoroughly review the entire body of laws that governs Venezuela's international relations and those treaties and agreements found to be contrary to the national interest will be modified within the framework of a constituent process.

### *ANC work gets underway*

In one of its first acts, the ANC ratified Chavez as president and he retook his oath of office Aug. 11. The Assembly also ruled that the 1961 Constitution would remain in effect until the new constitution had been approved. On Aug. 12, the Assembly stopped short of declaring a state of emergency, as requested by Chavez, but said it will undertake whatever measures are necessary to "reorganize" the government. The Assembly statement said it will work to "recover the rule of law, the stability, and the order necessary to rebuild the Republic according to democratic values."

The statement said the country is in a "serious political, economic, social, moral, and institutional crisis" that has brought the collapse of public institutions and that "keeps the majority of the population in an unacceptable level of poverty that jeopardizes the most elemental human rights." Under the powers it has defined, the Assembly can limit the functions of Congress and can replace judges that an assembly panel finds corrupt. Assembly delegate William Ojeda said the body may remove as many as 100 judges next week. The judiciary in Venezuela has long been criticized for its corruption and for the length of criminal proceedings, with the result that 85% of the 24,000 people behind bars have not been sentenced.

Cecilia Sosa, president of the Corte Suprema de Justicia (CSJ), proposed that the ANC establish that CSJ judges be appointed for life to avoid political influence in their appointment. Currently, the judges are named in a joint session of Congress, but there is general agreement that party leaders determine who is named.

Meanwhile, delegates said it will be impossible to finalize a new constitution in three months, as Chavez has called for, given the controversy about some issues, such as presidential re-election. "What guarantees the durability of a constitution is to listen to the proposals from all sectors of society and that would be difficult to do in three months," said delegate Hermann Escarra. [Sources: Reuters, 08/03/99; CNN, 08/05/99; Clarin (Argentina), 08/06/99, 08/07/99; El Nuevo Herald (Miami), 08/07/99; Notimex, 08/05/99, 08/08/99, 08/09/99; Associated Press, 08/03/99, 08/05/99, 08/09/99, 08/10/99, 08/12/99; Spanish news service EFE, 08/05/99, 08/06/99, 08/08/99, 08/13/99]

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