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Venezuela's Constituent Assembly Overhauls Judicial System, Curbs Congress

by LADB Staff

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The Asamblea Nacional Constituyente (ANC) has stripped Venezuela's judicial and legislative branches of much of their power, bringing charges that it has carried out a bloodless coup. While the ANC has curtailed the functions of Congress and the courts, neither seems willing or able to do much about it as President Hugo Chavez moves forward with his "peaceful revolution."

On Aug. 12, the ANC, in which the governing Polo Patriotico has a 92% majority, said the country was in a "political, economic, social, moral, and institutional crisis," and gave itself authority to intervene in any public institution to resolve the problems (see NotiSur, 1999-08-13). The decision brought immediate reactions from political leaders, professionals, workers, and the private sector. To placate the private sector, Chavez announced measures to reactivate the economy and reduce unemployment.

The Centro de Estudios y Documentacion del Trabajo (CENDA) estimates formal unemployment has increased to 20% this year. And 55% of the economically active population (EAP) of 11 million workers is in the informal economy. Chavez also created a Presidential Business Council, which announced US\$491 million in construction bonds to tackle the housing deficit of 2 million units. The bonds will also fund public-works projects such as highways and roads.

Judicial emergency declared

On Aug. 18, the ANC declared a judicial emergency, giving itself sweeping powers to fire judges and overhaul the court system. Venezuela's court system is riddled with chronic corruption and has a huge case backlog. Only about 9,700 of the country's 23,000 prisoners have been convicted. On Aug. 20, the ANC named the members of the Comision de Emergencia Judicial (CEJ), which includes four ANC delegates and five other members.

The members include Corte Suprema de Justicia (CSJ) Judge Alirio Abreu Burelli and Nelly Morillo, a member of the Consejo de la Judicatura. Manuel Quijada will head the commission. Aristobulo Isturiz, first vice president of the ANC, said the commission will be given 20 days to evaluate and draw up a report to be presented to the ANC.

The report will propose ways to reform the justice system, and it could recommend suspension of as many as 2,000 judges and court officials. CSJ president resigns CSJ president Cecilia Sosa said that a constituent assembly does not have the power to dissolve democratic institutions or control other branches of government.

When the CSJ voted 8 to 6 that the ANC's action was legal, Sosa resigned, saying the CSJ had dissolved itself by accepting the ANC decision. "With the submission of the court to the ANC's

designs, the last control of constitutionality in Venezuela has disappeared," said Sosa. "I cannot be part of a fictitious Corte Suprema. The CSJ has simply committed suicide to avoid being assassinated. The result is the same. It is dead."

Some colleagues say Sosa's charges are exaggerated. Her term expired last year, but she had not been replaced. ANC puts Congress on permanent recess On Aug. 25, the ANC assumed most functions of the opposition-controlled Congress and placed it in indefinite recess.

Under the decree, a seven-person commission will assume responsibility for most congressional functions, including the approval of laws. Some congressional committees will be left with limited functions including the approval of tax reforms, revision of international treaties, and legislation on the telecommunications sector.

The decree also created a committee to investigate corruption by legislators under the previous and current governments. The legislative panel has 30 days to report its findings to the ANC. After the overwhelming victory of Chavez forces in the elections for ANC delegates, the opposition-controlled legislature recessed last month. But when the ANC curbed the powers of Congress, alarmed lawmakers quickly ended their recess and vowed to reconvene Aug. 27 to save the institution and head off what they called an assault on one of Latin America's oldest democracies.

"Congress has been murdered," said Cesar Perez of the opposition *Comite de Organizacion Politica Electoral Independiente (COPEI)*, who called the ANC action a coup. "This is an assembly of sheep at the service of the president who has ordered the liquidation of Congress because he lacks a majority in it," Perez said, adding that the government would have to use the army to prevent Congress from meeting.

Many observers say the controversy goes beyond a legal debate. The assembly's actions might or might not be legal, says Luis Vicente Leon, a Caracas-based pollster and political consultant, but they can be justified, and they have wide public support.

Opinion polls show that 94% of the population distrusts the judiciary and most back calls for reform. Frustration has grown in recent years as justice has become a privilege for those with money or influence. Government trims Cabinet On Aug. 18, the government approved a reorganization of the Cabinet to reduce to thirteen the number of ministries and to make public administration more efficient. Minister of Planning Jorge Giordani said that the Cabinet approved the changes to public-administration laws to "rationalize" the 350 institutions and public foundations.

The reorganization of the Cabinet is the first step in eliminating duplicate functions in public administration. Several ministries have been combined. The Ministries of Internal Relations and Justice will merge. The Ministries of Transportation and Communications and Urban Development will become the Ministry of Infrastructure, and the Education Ministry will become the Ministry of Education, Culture, and Sports. Planning will become Planning and Development; Industry and Commerce and Agriculture will unite into the Ministry of Production and Commerce. Treasury will change its name to Finance, and the Ministries of Environment and Renewable Resources will be Environment and Natural Resources.

AD leadership resigns

Meanwhile, devastated by the political might of President Chavez's coalition, the entire leadership of the Accion Democratica (AD) has resigned. Lewis Perez, Carlos Canache Mata, and David Morales Bello stepped down, saying it was time to let younger party members take over. Some analysts called it an attempt to avoid the party's extinction. "This round goes to Chavez and the party has to understand that," said Perez, who said the electoral defeats had not killed the AD; it "is alive but inhibited."

After a closed-door meeting, Caracas Mayor Antonio Ledezma said party leaders were still practicing back-room politics, this time aimed at blocking the rank and file from choosing him as the party's head. "They're deaf. They're blind. They don't realize that this country is changing," Ledezma said. [Sources: Inter Press Service, 08/17/99; Clarin (Argentina), 08/14/99, 08/19/99; Spanish news service EFE, 08/16/99, 08/18/99, 08/19/99; CNN, 08/19/99; Notimex, 08/14/99, 08/15/99, 08/20-22/99; Associated Press, 08/14/99, 08/16/99, 08/19/99, 08/20/99, 08/25/99; Reuters, 08/25/99; The Financial Times (London), 08/18/99, 08/26/99; The Miami Herald, 08/26/99]

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