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Venezuela's Constituent Assembly Resolves Conflicts

by LADB Staff

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After heated confrontations and mutual recriminations, Venezuela's Constituent Assembly (Asamblea Nacional Constituyente, ANC) has apparently resolved its differences with Congress and with the judiciary. It is also moving forward with the draft of a new constitution, which could bring a referendum on passage by the end of November.

The ANC, which had sent Congress into "permanent recess" on Aug. 25, in early September fired eight judges as the first salvo in its overhaul of the judicial system. It then threatened to fire between 50 and 300 more. "Those are the first eight, but in the coming days we are going to remove another 50, and the processes are very advanced," said Manuel Quijada, head of the Assembly's judicial-reform commission (Consejo de la Judicatura).

Judges throw out banking-scandal case

Firing the judges came amid a public outcry regarding a decision by two judges to throw out charges against two dozen bankers accused of precipitating the worst banking crisis in Venezuelan history. Judges Arnoldo Echegaray and Carmen Elena Pennacio dismissed charges against executives and mid-level managers at three major Venezuelan banks Banco Latino, Banco Consolidado, and Banco de Venezuela as well as at the smaller Bancor. Echegaray and Pennacio were not among the eight fired judges, but were later suspended.

Dropping the charges against the bankers reinforced the public conviction that widespread corruption permeates the judiciary. The 1994 banking scandal cost the government US\$10 billion, more than half the amount of that year's national budget. It nearly caused the collapse of the banking system and set off record inflation and a severe economic downturn. Thousands of depositors lost their money. About 200 bankers fled the country, forcing the government to take over 18 banks and financial institutions (see NotiSur, 1994-02-04).

President Hugo Chavez expressed his support for the ANC's cleanup, saying the judiciary was "rotten to the core." On Sept. 9, Normarina Tuozzo, president of the judicial-oversight body Consejo de la Judicatura, resigned to protest the ANC's suspension of the judges, which she said was illegal. Only the council has the power to suspend or fire judges, she said. The Corte Suprema de Justicia (CSJ) named Judge Esther Franco La Riva to replace Tuozzo as president of the Consejo.

Mediation resolves crisis

Meanwhile, with Catholic Church mediation, the standoff between the ANC and the Congress has been resolved. On Sept. 8, the Assembly agreed to reverse its order that essentially shut down Congress last month. Congress will be allowed to resume its normal activities Oct. 2, at least until early next year. And, opposition lawmakers pledged to refrain from passing any laws that could "sabotage" the work of the ANC.

Bishop Hernan Sanchez Porra, secretary general of the Venezuelan bishops conference (Conferencia Episcopal de Venezuela, CEV), said the agreement would be in force until the new constitution is signed. In the agreement, both the ANC and the Congress promised "self-regulation" in their dealings with each other. The self-regulation will be key to avoiding further institutional conflicts, since the Congress has refused to recognize the "supreme" power of the ANC.

On Sept. 11, political tensions flared again when a group of ANC delegates refused to recognize the agreement. Delegate Freddy Gutierrez said a dozen delegates rejected the agreed-upon "cohabitation" with Congress and asked for a revision of the agreement. But ANC president Luis Miquilena said all 131 delegates were consulted and gave the green light to the terms of the agreement.

On Sept. 12, the ANC announced it had agreed also to "coexist" with the judiciary while a process of change begun by the ANC is developed. The agreement has halted any further dismissals of judges. The ANC leadership and representatives of the judiciary agreed to "live together" peacefully, respecting each other's powers. Under the agreement, the ANC's Comision de Emergencia Judicial will leave decisions regarding firing judges accused of corruption to the judiciary's Sala Disciplinaria.

The agreement stipulates that all complaints against judges will be investigated, but judges will have a hearing and will be represented by a lawyer before the Sala Disciplinaria. New constitution nearly ready The ANC began writing the new constitution Aug. 3. It was given six months to complete the task, but President Chavez urged it to move more quickly. Leaders of the ANC say the document will be ready soon. "We are going to finish it in less time than people expected," said ANC first vice president Isaias Rodrigues. "We are working at full speed although people don't think so."

The contents will be discussed and approved by sections, then presented by the Comision Constitucional to the entire Assembly. After it is approved, voters in a referendum will ratify it. "Once the Venezuelan people in a popular consultation approve the new constitution, elections will be called to revalidate all the constituted powers," said ANC second vice president Aristobulo Isturiz.

Even Chavez's opponents recognize the effectiveness of his strategy to win total control of the ANC to ensure that the constitution that he wanted would be approved with little opposition, paving the way for his "peaceful revolution."

The political opposition says that the ANC delegates are acting like sheep. But Rodriguez said, despite the rapidity with which the document is being written, it will not be approved blindly to satisfy the president. He said that Chavez's backers have had a general understanding for more than a year of the president's proposals for the new document. "People are surprised because they say that it is very fast, and they criticize us for supposedly approving Chavez's proposal without even looking at it," said Rodriguez. "But the truth is that everything in it was well-known by the delegates, and some even campaigned on principles of the document."

More elections on the horizon

If the new constitution is finished soon, the referendum could take place in November and elections be set for legislators, governors of the 24 states, mayors and local officials, and justices of the CSJ who were previously chosen by Congress. Whether the elections will include the presidency is still unclear. "In December, we could be relegitimizing power," said Chavez. He has repeatedly said that Venezuela cannot wait until next year to approve the constitution and proceed with the "revolution."

Chavez has urged the ANC to carry out an "ample and in-depth campaign" to make known the contents of the new constitution to ensure public support in the referendum. Talk of December elections caught the Consejo Nacional Electoral (CNE) by surprise, since it had just decided to postpone municipal elections until March because of a lack of funds. The country has had four elections in the past 10 months: regional and legislative elections last November, presidential elections in December, the referendum on the Constituent Assembly in April, and elections for ANC delegates in July.

On Sept. 15, the CNE said the earliest it will be possible to hold elections is March. "Organizing elections requires a minimum of two or three months," said CNE president Heladio Hernandez, adding that the referendum could be held the end of November or early December. Few doubt that Chavez could speed things up given his determination to start 2000 with his peaceful revolution underway. [Sources: CNN, 09/08/99; ABC News, Inter Press Service, 09/09/99; The Miami Herald, 09/09/99, 09/10/99; Clarin (Argentina), 09/10/99; The New York Times, 09/10/99, 09/11/99; El Nuevo Herald (Miami), 09/11/99; Reuters, 09/12/99; Financial Times (London), 09/13/99; Notimex, 09/09/99, 09/11/99, 09/14/99; Spanish news service EFE, 09/09/99, 09/10/99, 09/12/99, 09/13/99, 09/15/99]

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