

11-21-2003

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Venezuelan Council Rules Expatriates Cannot Vote in Referendum

by LADB Staff

Category/Department: Venezuela

Published: 2003-11-21

On Nov. 14, the Consejo Nacional Electoral (CNE) ruled that Venezuelans who live outside the country could not participate in the signature-gathering drives to support the recall referendums of elected officials, including President Hugo Chavez.

As the decisive period of collecting signatures approaches, each side is accusing the other of trying to subvert a clean and fair process. By a 3-2 vote, the CNE said that it would be too difficult to monitor and supervise the process outside the country, and it emphasized that the number of people involved was only about 26,000 out of an electorate of almost 12 million registered voters.

The decision came despite weeks of lobbying by opposition leaders to allow expatriates to participate in the signature drive the "reafirmazo." Chavez opponents insisted citizens living abroad had a constitutional right to express their wishes in the drive.

On Nov. 18, the opposition Coordinadora Democratica (CD) said it would collect signatures of Venezuelans living abroad, even if they could not be officially counted. The signatures would be gathered in at least 20 cities, the group said.

Dates set for signature gathering

On Oct. 15, the CNE ruled that pro-government sectors would gather signatures Nov. 21-Nov. 24, while the opposition would do so Nov. 28-Dec. 1. If these campaigns produce the necessary number of signatures, the referendums would be held in March or April 2004. The CNE must still rule on whether an eventual referendum to recall Chavez would be held at the same time as any referendums against other elected officials. The opposition must gather more than 2.4 million signatures, 20% of the registered voters, to bring about the recall referendum against Chavez.

Venezuela's Constitution allows a recall referendum after the midpoint of a president's six-year term which was Aug. 19 for Chavez. The law also stipulates that the president can only be removed if the votes in the referendum in favor of doing so outnumber the votes that put him in office in the first place. The anti-Chavez movement will have to convince at least 3.8 million people to vote in favor of revoking the president's mandate if the referendum takes place.

Not only anti-Chavez forces are involved in the signature drive. Pro-Chavez sectors are gearing up to collect signatures to demand recall referendums on opposition lawmakers in the 165-seat single-chamber Asamblea Nacional (AN). The legislature is almost evenly divided, with 84 pro-Chavez legislators, 79 opposition members, and two independents.

On Oct. 27, the CNE rejected referendum efforts against seven opposition governors and Caracas mayor Alfredo Pena, but it upheld the process against 38 opposition deputies. The pro-Chavez drive especially targets former Chavez allies whose defection to the opposition has eroded the pro-government majority in the Asamblea to a handful of seats.

Chavez accuses the defectors of betraying voters who elected them to support his "revolution," which he says would lift millions of Venezuelans out of poverty. He charges that they boycotted sessions to prevent passage of laws considered crucial by the government, including a law to regulate the overwhelmingly opposition-aligned news media. The governing Movimiento Quinta Republica (MVR) began its campaign against the opposition's collection of signatures on Oct. 28.

MVR Deputy William Lara said the Chavista forces would mount a national campaign to "peacefully and democratically dissuade Venezuelans from supporting the recall referendum against Chavez." Process navigates in uncharted waters The opposition has accused the Chavez administration of intimidating citizens and threatening repercussions against those who sign the reaffirmazo supporting the recall referendum against the president.

On Oct. 27, the CNE warned public and private employers not to impede the participation of employees in the referendum processes. CNE president Francisco Carrasquero told reporters that the directive also called on employers not to try to influence the decisions of their employees regarding the petition drives. He said the measure was aimed at guaranteeing citizens the right to peacefully exercise their constitutional rights without undue pressures.

The CNE approved the presence of international observers during the collection of signatures for the various referendums. The CNE specifically approved the presence of representatives of the Organization of American States (OAS), the Carter Center, and the UN Development Program (UNDP).

The Chavez government and the CD signed a pact on May 29, under the auspices of the international organizations, to support an electoral resolution of the country's deep political crisis. In the end, the two sides agreed on the recall referendum (see NotiSur, 2003-06-20, 2003-09-05).

On Nov. 10, the international organizations admitted that the process underway would not be easy. "This is an electoral process that is not simple; it is a completely original process," said Francisco Diez of the Carter Center. Public shows little enthusiasm To the dismay of the opposition, the petition drive has generated little enthusiasm. Voter apathy, fears of possible violence during sign-up, and traditional voter abstention rates of 40% or more are some reasons given for the lack of excitement.

Antonio Gil Yepes, the anti-Chavez head of the polling firm Datanalisis, said the campaign was not capturing public attention because the opposition has no single charismatic leader who can win over undecided voters. It also does not have a clear platform that presents alternatives to Chavez's policies. "The fervor is not there," he said. "There is no project, and there is no leader."

Venezuelans associate many opposition leaders with the traditional political parties blamed for endemic corruption and economic decline that led voters to support Chavez in his first election victory in 1998. In contrast to the huge marches that characterized the actions against Chavez in December 2002 and January 2003, opponents are focusing on efforts to ensure the petition's success. They are going door to door to inform citizens about the petition drive and encourage them to participate. The anti-Chavez news media endorse the petition daily, with ads that promote it as the only way to avoid communism. "The solution is in your hands! There are no more excuses!" one ad states.

Mutual accusations

Meanwhile, the government and the opposition are accusing each other of planning to foment violence during the signature-gathering campaigns. The effort to collect the necessary signatures "is a scam, a bulwark for the opposition to take over the streets and mount another coup, like that of April 11, 2002," said Education Minister Aristobulo Isturiz. Isturiz's statement accompanied the denunciation of an alleged plan by the opposition to instigate violence, which was presented by government officials to delegates in Caracas of the OAS, UN, and Carter Center.

Pro-Chavez legislators have also accused the US Central Intelligence Agency (CIA) of conspiring with radical elements in Venezuela to destabilize the country's democracy. US Ambassador in Caracas Charles Shapiro refuted the claim, saying it was "pure rumor."

In the opposition camp, Jesus Mendez, president of Accion Democratica party, said the Chavez government had urged its supporters to carry out violent acts in key areas of Caracas, and they had been given T-shirts and caps copied to look like those of the opposition to confuse the public. "The government aims to accuse the opposition of violent actions" during the reaffirmazo "to create confusion and scare off the millions of people who will come out to sign," said Mendez.

On Nov. 3, the radical opposition called for "generalized civil and military disobedience to free Venezuela from the constitutional dictatorship" exercised by Chavez. The Bloque Democratico communique said such civil and military disobedience was "democratic and constitutional" under Articles 333 and 350 of the 1999 Bolivarian Constitution. The Bloque is convinced that the government will "postpone, sabotage, or engage in dirty tricks" in connection with the reaffirmazo, so it says Venezuelans must exercise their right to civil disobedience. Articles 333 and 350 were also used by the CD during the 63-day work stoppage in December 2002 and January 2003.

On Jan. 23, the Corte Suprema ruled that Article 350 could not be used to justify disobedience of democratically elected authorities. The court also said that Article 333 recognizes "the right of resistance to oppression or tyranny, such as is exercised by regimes set up by military force and which act with absolute arbitrariness."

On Nov. 11, the Bloque repeated its call for civil disobedience and insisted that Chavez must leave office this year. The group said that, if the reaffirmazo is successful, it will not be necessary to hold the referendum and Chavez should just leave office. But the same day, the CNE strongly

condemned the Bloque's efforts "to frustrate the institutional avenues by which the citizens can resolve their differences in a civilized manner and in adherence to the Constitution."

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