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Corte Constitucional Approves Presidential Re-election Law

by LADB Staff  
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Colombia's Corte Constitucional (CC) has handed President Alvaro Uribe a major victory by deciding in favor of a law that would allow him to run for a second four-year term. Press outlets deemed the decision "historic," while Uribe's opposition is demanding that there be adequate electoral guarantees for rival political campaigns. The decision puts the president in a very strong position for a 2006 campaign, but he needs one more favorable ruling from the court before he can officially put his name on the May ballot.

President Uribe gains right to run again in 2006

A much-anticipated decision from the Corte Constitucional overwhelmingly approved a change to Colombia's Constitution that permits presidents to run for a second four-year term in office. Court president Manuel Jose Cepeda read the finding from the Palacio de Justicia, which approved the measure with eight magistrates in favor and one against. Cepeda told a news conference that the court voted in favor of the changes after finding that Congress had the authority to modify the Constitution and that challenges to the amendment on procedural grounds were unfounded.

The 1991 Asamblea Constituyente had abolished presidential re-elections, which existed for most of the 19th and 20th centuries. Only Simon Bolivar obtained immediate re-election when he governed Gran Colombia (today Colombia, Venezuela, Ecuador, and Panama) from 1821 to 1830. The 1886 Constitution established that a president seeking re-election had to resign 18 months before the end of the official term, which Rafael Nunez (1887-1888, 1892-1894) did. Previously, re-election was established for nonconsecutive periods but no president has won a second term since the 1940s.

In December, the Congress struck down the 1991 constitutional measure that completely prohibited re-election (see NotiSur, 2005-02-11). Five former presidents may also benefit from the change, with three of them, Cesar Gaviria (1990-1994), Ernesto Samper (1994-1998), and Andres Pastrana (1998-2002), under the age of sixty and enjoying the most political currency. Two others, 91-year-old Lopez Michelsen (1974-1978) and 81-year-old Belisario Betancur (1982-1986), are less likely to exercise their new electoral rights.

Polls show that the popular Uribe would sweep to victory in next May's presidential vote because of his tough military policies against leftist rebels and drug traffickers. But Uribe, 53, must still await a court verdict on a second law passed by Congress before his name can officially appear on the ballot. That measure would establish rules for incumbents seeking second terms in an attempt to ensure they do not abuse their power for electoral gain.

A ruling on the Electoral Guarantees Law is expected sometime in November. An Uribe victory would give Washington four more years of relations with its firmest ally on the continent. Uribe has extradited more than 300 suspected drug traffickers, most of those to the US, and pushed a peace
process with right-wing paramilitaries that has led to the demobilization of more than 10,000 militias responsible for the majority of human rights violations in this country of 45 million people (see NotiSur, 2005-06-17, 2005-07-22).

"For the Bush administration, it means that they're extremely likely to have their best friend in power for the next four-and-a-half years in a region where they're short on friends right now," says Adam Isacson of the Center for International Policy (CIP) in Washington. Criticisms that his negotiations with paramilitaries are giving impunity to groups that terrorized many Colombians do not seem to have significantly impacted Uribe's popularity. The most recent polls give him more than 70% approval.

Still, obtaining passage of the law permitting re-election has been a battle for a president who has sought to change this provision from his first day in office as part of an effort to have continuity for his long-term policies, particularly the "democratic-security" package of hard-line military action against leftist guerrillas. The first draft of the law failed to pass Congress, while the second was challenged in the Constitutional Court.

Along the way critics said Uribe handed out favors and political posts in return for support for the measure. Opposition concerned over electoral guarantees, violence The decision makes a Uribe victory in 2006 likely, especially since none of the parties opposing him have yet managed to present high-profile, strong candidates to challenge the incumbent president. Opponents of the measure have insisted that, as the incumbent, Uribe would have an unfair advantage over his adversaries. After the court's ruling, some analysts agreed.

"This decision has a political impact," former CC president Eduardo Cifuentes told Colombia's Caracol Television. "In effect, the presidential role is strengthened in legal terms, and it creates a difficult situation for the opposition." The opposition, led by the Partido Liberal (PL), also expressed concern. "The court's decision radically changes the political panorama in Colombia," said PL head and former President Gaviria, a potential opponent for Uribe in next year's race.

Opposition figures have expressed concerns about the law, particularly in areas like campaign financing, media access, and adequate regulation of the use of state resources during campaigns. Uribe sought to reassure the opposition that he would be transparent and fair. "I will be more worried about ensuring effective guarantees for my compatriots than for my own future," Uribe said, adding, "I will be disciplined."

Ex-interior minister Horacio Serpa, who lost to Uribe in 2002, reaffirmed that he would run again on the Liberal ticket. Serpa claimed that the country was "very far" from defeating leftist FARC rebels who are likely to increase attacks as the election draws near.

"The FARC was already planning a counteroffensive until the end of Uribe's term," said security analyst Alfredo Rangel. "That Uribe is in the electoral contest will make that offensive more intensive." Rangel says the FARC may try to call into question the efficacy of Uribe's "democratic-security" strategy, which has significantly reduced kidnappings, homicides, and terrorist attacks. As a result, Colombians are likely to see further economic sabotage, attacks on military bases, and
urban terror plots on political targets similar to the assassination attempt in Bogota recently of Uribista Sen. German Vargas Lleras, he says.

**Illegal pressures alleged prior to decision**

Prior to the court's decision, Uribe partisans claimed that there were pressures from criminal groups on the court. Interior and Justice Minister Sabas Pretelt claimed in an interview with daily newspaper El Tiempo that "radical sectors" like "guerrillas, narcotraffickers, and criminals" were pressuring the court to disallow Uribe's re-election proposal. "Guerrillas, narcotraffickers, and criminals who have felt the rigor of this government will oppose re-election radically. But they will not succeed."

Challenged by his interviewer, who asked if there were serious indications of illegal pressure, Pretelt said, "Yes, we have information that there are perverse desires" against the re-election package. The court responded that it had experienced no such pressures and that Pretelt should report any information he had on such threats to the body.

Tribunal president Cepeda said the court could exercise its function with "impartiality and independence." An editorial in the same newspaper described Pretelt's statements as a "deplorable" attempt to "pressure (or at least impress) the court." The same day, Uribe asked his ministers to maintain silence leading up to the court's decision and keep a "respectful" stance toward the institution.

In a letter marked by uncharacteristic humility, Uribe assured Cepeda he would respect any ruling and said he wanted an "atmosphere of tranquility to surround the honorable Corte Constitucional, so in its wisdom it can make its pertinent decisions." Some opinion columnists exercised pressure of their own, railing against the magistrates when there were indications that the court would vote against re-election.

Writers accused them of according themselves undue power to stifle the popular will when rumors that they would reject the constitutional reform emerged. Poncho Renteria, a columnist for El Tiempo, which tends to be pro-Uribe, predicted in his Oct. 4 column that the court would reject Uribe's bid to stand for a second term. "The nine emperors pardon me, the nine illustrious magistrates will send him into retirement," wrote Renteria.

Leftist sectors opposed the law, with thousands of Colombians marching in the rain in cities across the country on Oct. 12 to protest Uribe's bid for a second term. Three labor unions called the demonstrations. "It's not ethical for the president to manage the state's resources at the same time he is a candidate," Carlos Rodriguez, president of the Central Unitaria de Trabajadores (CUT), said in a telephone interview from Bogota. "It's dishonest competition with the other presidential candidates."

The country and markets trading Colombian goods exhibited nervousness as the court mulled the decision. When it decided in favor of the law, Colombia's market analysts prepared for a day of strong growth on the stock market.
Ecuadoran native group declares Uribe "persona non grata"

Although Colombian voters and the CC have been favorable to Uribe, some of his southern neighbors do not want to see him in their communities. The Ecuadoran indigenous group Confederacion de Nacionalidades Indigenas de Ecuador (CONAIE) declared Uribe persona non grata, after some of their compatriots were deported from Colombia, claiming that they had been abused. The 16 indigenous youths deported from Colombia had their braids cut by authorities, among other abuses, "offending the dignity" of the young people, according to CONAIE spokespeople. The youths from Otavalo, Ecuador, were arrested and deported from the Colombian town of Policarpa in the department of Narino for selling clothes there.

Authorities in Colombia said the youth were not abused and they cut their own braids, which are cultural and traditional symbols, to appear more handsome to the young women of Policarpa. But CONAIE offense runs deeper than deportation practices the group strongly opposes the Andean Free Trade Agreement (AFTA) that Uribe is pushing for Colombia, Ecuador, and Peru to sign with the US.

Speaking of a planned Oct. 23 visit by Uribe to Ecuador to discuss AFTA, CONAIE called on Ecuadoran President Alfredo Palacio to prevent Uribe from "stepping on Ecuadoran soil." The group said the incident with the Otavalo youths was a "clear demonstration of racism and an offense to the right to identity and culture of the indigenous peoples." The group called Uribe a "xenophobic ruler" and threatened to step up protests upon his arrival.

Indigenous groups planned to greet Uribe with a "cumbia triste," (sad cumbia) when he arrived at the Carondelet presidential palace in Quito. A musical group said it would play funereal music in the Plaza de Independencia while Palacio and Uribe met. CONAIE brings together about 3.5 million native Ecuadoran peoples, though its usual political strength has been somewhat diluted in recent years by internal divisions.

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