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LADB Staff

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Ecuadoran Congress, Electoral Court Create Constitutional Crisis

By LADB Staff
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Ecuador's government has, in the words of the Organization of American States (OAS) Inter-American Court of Human Rights (IACHR), entered a state of "institutional breakdown" after the Congreso Nacional attacked the country's top electoral authority, the Tribunal Supremo Electoral (TSE), regarding a popular referendum to form a Constituent Assembly to rewrite the Constitution.

The conflict began after President Rafael Correa made revisions to the text for the popular referendum that the Congress said were unconstitutional. A four-member majority on the TSE approved the revised text for a national vote scheduled for April 15. The Congress impeached the four TSE justices who approved the referendum, and the TSE, rejecting the Congress' authority to remove them, stripped the 57 legislators who voted against the TSE of their seats.

Both sides stand on shaky legal ground, and the uncertainty has led to several violent confrontations between police and protestors backing both sides in the conflict. The Congress had voted in February to allow a popular referendum on whether to set up a 130-member body to rewrite the Constitution after weeks of pressure from popular sectors allied with President Correa (see NotiSur, 2007-02-23).

The measure barely passed, since the majority of the 100-member unicameral Congress opposes Correa and may lose power if the constitutional reforms do not go in their favor. When Correa added revisions to the referendum that would give the constituent assembly power to remove current legislators, the opposition accused him of seeking dictatorial powers that the Constitution does not grant him.

Congress had approved the referendum plan with the caveat that the assembly would not be able to close the legislature. Correa later overruled that stipulation, saying the assembly would have ultimate power, setting off the constitutional crisis.

Congressmembers stripped of "political rights"

Police surrounded Ecuador's Congress on March 8 to keep out dozens of lawmakers who were fired a day earlier by the four electoral judges the lawmakers had sought to impeach in the latest constitutional crisis for the small Andean nation.

The four TSE judges accused the 57 legislators of interfering with the referendum on whether to rewrite the constitution. Correa sided with the court and was pressing ahead with the referendum, a step the legislators now call illegal. The TSE's action came after the 57 legislators signed a petition to start impeachment proceedings against the four judges who approved the referendum. The tribunal has seven members.
"President Correa has violated the Constitution, also Congress, also the TSE. No one respects the law," said opposition lawmaker Carlos Larreategui. Congress was unable to convene because it needed a quorum of 51. The fired deputies met in a hotel. As they were leaving, a crowd of 50 protesters armed with clubs shouted insults and threats. Television showed dozens of protesters punching and beating opposition lawmaker Osvaldo Flores with clubs. One protester was injured when a congressman hit him with his car as he tried to flee.

Gloria Gallardo, one of the suspended lawmakers, called the TSE's actions "illegal and unconstitutional," and said the 57 would continue in their posts. "Congress is not a building. It's the legislators. Let this government know that the opposition is not a fragile opposition" like the one in Venezuela that allowed itself to be "smashed" by Chavez, she said.

Correa, who took office Jan. 15, says his proposed reforms aim to make elected officials more accountable. Constitutional experts said both the lawmakers and the court were violating the country's charter not an uncommon occurrence in this politically unstable nation, where Congress has dismissed three elected presidents in the last decade with constitutionally questionable votes after the presidents lost popularity.

Correa is Ecuador's eighth president in 10 years. Lawmakers in the past have engaged in fist fights, cut the cord of an opponent's microphone, and hurled ashtrays. One even pulled a gun and shot a colleague.

In a scene captured on TV, a drunken congressman who is now mayor of Guayaquil, Ecuador's largest city, once staggered over to an opponent and tried to urinate on him. "The constitutional framework has been broken," said legal analyst Pablo Guerrero, who argued that the TSE has the authority to dismiss public employees and appointees accused of interfering in an election process, but not elected officials. The vague wording of Ecuador's Constitution has provoked clashes among presidents, lawmakers, and the courts since democracy was restored in 1979 after a decade of dictatorship.

A separate Tribunal Constitucional (TC) may eventually resolve the new dispute, but its rulings have often been ignored in the past. Correa has called Congress "a sewer of corruption," alleging it represents parties rather than the people. But 80% of the deputies who took office in January are first-term lawmakers who say they should have a chance to show they are honest.

**Police scuffle with congressmembers**

The Congress later canceled its March 13 session after riot police kept suspended lawmakers from entering the building. Jorge Cevallos, the legislature's president, said he canceled the session because too few congressmembers attended. The TC rejected a request by Cevallos to rule on the legality of the suspension of the opposition lawmakers. Police used shields and tear gas to keep the suspended deputies out of Congress.

Officers allowed about eight deputies into the building to protect them from supporters of Correa, Luis Cueva, head of the congressional police force, said on Ecuavisa. Some 20 lawmakers forced
their way past the police and took up their seats, although the session did not take place. "We are in a dictatorship!" shouted Deputy Gallardo, who made her way into the chamber through riot police and tear gas. At least two members of Congress and three other people were injured in the incident, which also prompted rival executive and legislative police forces to scuffle with each other.

Correa blamed the violence on the ousted lawmakers. "We are peaceful people. We will keep public order," he told Radio Vision. "These people want to create chaos because they know they're already out." Deputy Sylka Sanchez, one of the fired legislators who pushed past police, said they had acted "to prevent a dictatorship. We don't want dictatorship. We want democracy."

**Opposition plans parallel Congress**

The suspended lawmakers said they would hold a parallel session outside Quito after two supporters were wounded in a drive-by shooting. Gallardo said opposition leaders now have backing from more than two-thirds of the 100-member Congress to meet as an alternative assembly next week. "We're seeing a regime that's an authentic dictatorship," former President Lucio Gutierrez (2003-2005) said. "Violence has been rising in a dangerous way, and it could at some point turn into a civil war in Ecuador."

The shooting, which occurred outside the Marriott Hotel where the lawmakers retreated, deepens a clash regarding Correa's plans to remake the country along what he calls socialist economic and political lines. Correa's proposal for a new constitution the trigger for the current showdown echoes steps taken by Venezuelan President Hugo Chavez and Bolivian President Evo Morales to consolidate their control of the Congress, courts, and election authorities. "They abused their power, they thought they were immune," Correa said in comments broadcast on the Cablenoticias television station after the legislators were shut out of their offices. "Now they're getting a taste of their own medicine." [Sources: La Republica (Peru), 02/26/07; BBC News, 02/13/07, 03/08/07; Clarin (Argentina), 03/09/07; www.bbcmundo.com, 03/03/07, 03/10/07; El Tiempo (Colombia), 03/08/07, 03/12/07; El Nuevo Herald (Miami), 03/09-12/07; Associated Press, 03/07/07, 03/08/07, 03/13/07; El Comercio (Ecuador), 03/05/07, 03/08/07, 03/09/07, 03/11-14/07; El Universo (Ecuador), 03/05/07, 03/08/07, 03/12-14/07; www.telesurmtv.net, 02/27/07, 03/01/07, 03/05-09/07, 03/13/07; Bloomberg, 03/08/07, 03/13/07, 03/14/07]

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