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Ecuador's congressional crisis (see NotiSur, 2007-03-16) appeared to be resolved after alternate congressmembers were sworn in to replace the 57 who had been removed from the body by the nation's top electoral authority, the Tribunal Supremo Electoral (TSE). The TSE had stripped the legislators of their "political rights" after they had voted to impeach four TSE justices who approved a popular referendum for a Constituent Assembly to rewrite the Constitution.

Many analysts see the inauguration of the substitute legislators as a victory for President Rafael Correa and the populist movement to decrease the power of old-line traditional political parties, especially since the conservative opposition appears badly divided and disempowered after some of them backed the alternates and others fought to retain the ousted legislators. Congress had approved the referendum plan with the condition that the Constituent Assembly would not be able to close the legislature (see NotiSur, 2007-02-23).

But Correa says the ultimate authority rests with the assembly, and he will not respect any decision by Congress or the courts to block the referendum. Sworn in under cover of darkness The constitutional crisis took a new twist on March 20 as alternate lawmakers were escorted into the Congreso Nacional under cover of darkness and sworn in to replace some of the legislators fired by the country's highest electoral court.

Twenty-one alternate lawmakers were shuttled to the congressional building before dawn as hundreds of national police stood watch, allowing the 100-seat unicameral legislature to begin a session with a quorum for the first time in two weeks. Correa, a leftist whose newly formed Alianza Pais party holds no seats in Congress, is pushing for a new charter to limit the power of traditional political parties, which he blames for the country's corruption and political instability. Ecuador has had eight presidents in the last decade.

Correa has acknowledged that administration officials met with possible alternate congressmembers to encourage them to take up the dismissed legislators' posts, but it is unclear what effect they will have on Correa's influence in Congress.

The alternate lawmakers belong to the three major opposition parties, as did the 57 ousted legislators. Those three opposition parties most affected by the ouster were the Partido Renovador Institucional Accion Nacional (PRIAN) of billionaire banana baron and failed presidential candidate Alvaro Noboa, the Partido Sociedad Patriotica (PSP) of former President Lucio Gutierrez (2003-2005), and the Partido Social Cristiano (PSC).
Congress president Jorge Cevallos said the installation of the lawmakers was intended to "overcome the political crisis." But he criticized the alternates for sneaking into Congress before dawn. "This is not a good start," Cevallos said. "They should come in through the front door. No one has any reason to hide." The fired congressmembers condemned the alternates as traitors. "They have betrayed their political party," said Alfonso Harb, an ousted PSC lawmaker, referring to three alternates from his party. "We don't recognize the legitimacy of today's session."

Although the 21 alternates allowed for a quorum in Congress, many congressional decisions need a two-thirds majority or 67 votes to pass. That meant if the remaining 36 empty seats were not filled, Congress might not be able to pass important legislation. Within two days, however, 21 more alternate legislators were sworn in, bringing the total number of parliamentarians to 85.

PRIAN leader Noboa accused Correa of offering the alternate lawmakers money or other favors to get them to take up their posts in Congress, which Correa has called "a sewer of corruption." Noboa said it was an example of the "the system of the briefcase man" at work, Ecuadoran slang for political bribes. Correa's administration has denied bribing the alternate lawmakers. The arrival of the alternates seemed to bring a lull in the street turmoil that had followed the mutual impeachments between the TSE and the Congress.

On March 15, a mob of protesters had attacked lawmakers who were seeking a court motion to block the ruling that ousted the 57 lawmakers. Police fired tear gas to break up the crowd, which threw rocks and punches at the lawmakers in the town of Rocafuerte, 230 km southwest of the capital of Quito. Three police officers and four protesters were injured that day, one altercation in a series of scuffles.

PRIAN labels Congress president a traitor

Congress president Cevallos' decision to swear in the alternates led to calls from his party, the PRIAN, for him to be punished. In a March 20 telephone press conference from Miami, Noboa said that Cevallos "has betrayed 27 PRIAN companeros on whom he turned his back, to put 21 puppets chosen by Correa. He has betrayed Manabi [Cevallos' home district], and he has betrayed his family whom he has dishonored." The party's disciplinary commission was convened to determine what to do with Cevallos.

News photos showed PRIAN legislators taking instructions from Noboa in Miami via telephone and, after the alternates were sworn in, two key leaders were shown arriving in Miami to meet with Noboa to come up with a strategy for the future. Cevallos defended the inauguration of the new members, saying that "the Congress has to function" and that it could "with the deputies that are present and that are legally empowered to exercise their offices." He claimed to have received "death threats from both sides," both Correa supporters and opposition members.

New Congress approves censure against ex-legislators

The Congress met on March 21 to approve a censure resolution against the legislators who, according to the resolution, had "harmed the judicial order of the country and national interest" by trying to remove the TSE judges. Correa said, "The 57 deputies tried to sow chaos in the country. Now they have been sanctioned and deposed. Congress will continue to function."
The division within the once-powerful ranks of Correa's opposition may signal a new phase in Ecuadoran politics. He had previously had no serious legislative strength, meaning his broad popularity did not translate into significant governmental power. Correa "emerges triumphant" Roger Burbach, director of the Center for the Study of the Americas (CENSA) and a visiting scholar at the Institute of International Studies, University of California, Berkeley, said that Correa and allied popular movements had "emerged triumphant in their first battle with the oligarchy and the traditional political parties that have historically dominated the country."

Burbach quoted Michel Camdessus, the former head of the International Monetary Fund (IMF), as saying Ecuador is characterized "by an incestuous relation between bankers, political-financial pressure groups, and corrupt government officials."

Rene Baez, a political analyst at the Pontificia Universidad Catolica of Ecuador, says: "To the surprise of virtually everyone, the popular repudiation [of the move to disempower the Constituent Assembly] shook the consciousness of the TSE." "This is a major blow to the right wing and the oligarchy," says Baez. "The 'partidocracia' has been gutted in the political realm." Correa said he intended to take advantage of his powers and a more pliant Congress, particularly to control the country's private banks.

In the midst of the political crisis, the banks spread rumors of a "liquidity crisis," saying they were short of funds and might have to close their doors. Correa, an economist, responded, "The problem is the exact opposite: the banks have ample funds and reserves, they are breaking historic records with their profits, exaggerated profits based on high interest rates; these will be regulated and controlled." Correa is setting up a special commission to investigate banking excesses and corruption dating back to 1998. "Let's be clear," he said, "the banks are never again going to be in the position to break the state."

In An Open Letter to the People, signed by many leaders of the country's popular organizations, they said, "The Constituent Assembly should be an organizing process for the Ecuadoran people, and include workshops, seminars, and discussions at the grassroots of society, that spills over and includes the different social sectors, women, the indigenous peoples, the Afro-Ecuadorans, workers, professors, students, informal merchants."

The statement also said, "Never before has it been so clear that it is the people who make history. Today we are at the beginning of an era of popular power, marked by the initial work of the Constituent Assembly. It flows out of the resilience of the Ecuadoran people. It is potent and tumultuous." A March 28 march by thousands rallied campesino, student, labor and indigenous sectors in favor of the Correa vision for the assembly. Some who gathered to hear Correa speak burned giant fake rats with the word "Congress" scrawled across them.

The TSE fired a judge on March 28 who tried to return the ousted legislators to their posts. TSE President Jorge Acosta told reporters outside the court that Juan Ramirez, a judge from Guayas province, was fired because he "acted illegally" by issuing an injunction blocking the lawmakers' firing.
Acosta said Ramirez had no authority even to consider the case. Correa told the crowd that Ramirez's injunction was "illegitimate." He said, "We all know that those 57 lawmakers were correctly punished." [Sources: Los Tiempos (Bolivia), 03/15/07; El Tiempo (Colombia), 03/15/07, 03/19/07, 03/20/07; Clarin (Argentina), 03/21/07; El Nuevo Herald (Miami), 03/18/07, 03/20/07, 03/23/07; www.counterpunch.org, 03/23/07; El Comercio (Ecuador), El Universo (Ecuador), 03/15/07, 03/16/07, 03/19-23/07, 03/26-28/07; Associated Press, 03/15/07, 03/20/07, 03/28/07; www.telesurtv.net, 03/16/07, 03/19-21/07, 03/23/07, 03/28/07]

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