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Venezuelan Legislature Approves Constitutional Reforms; Referendum Next

by LADB Staff
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Venezuela's Asamblea Nacional (AN) completed amendments to the national Constitution in October and sent them to the country's top electoral authority to hold a Dec. 2 referendum. President Hugo Chavez has been heavily promoting the amendments to 69 of the Constitution's 350 articles, amendments that make a number of economic and political changes.

International press outlets focused most closely on the elimination of term limits for the president, although the reforms also included significant changes to economic and labor laws. A national opposition movement, bringing together a student movement, members of a party once allied to Chavez, leaders of the Roman Catholic Church, and others emerged to call for a "no" vote on the referendum.

Large-scale demonstrations for and against the reforms resulted in multiple injuries. Reforms: social security, labor, presidential terms Voters will decide whether to nationalize natural-gas fields, guarantee gay rights, and cut the workday to six hours, among other proposals. The reforms would create a massive fund for social security for informal-sector workers and reduce the length of the workweek from 40 hours to 36 hours.

Reports differed on whether this would entail shorter workdays or half-days on Fridays. The voting age would be reduced from 18 to 16. The original package of reforms proposed by Chavez amended 33 articles, while the AN added another 36, totaling 69 modified amendments. The reforms are the latest in a series of constitutional reforms Chavez has sought, and to date he has been successful (see NotiSur, 1999-11-19, 1999-12-24, 2000-11-10, 2001-02-09 and 2007-08-31).

The proposed revisions would do away with presidential term limits, extend terms from six to seven years, let Chavez appoint regional vice presidents, and eliminate central bank (Banco Central de Venezuela, BCV) authority and autonomy. Critics say Chavez would also have the power to shut down Venezuelan newspapers, television, and radio stations by declaring a state of emergency, and the government could detain citizens without charges during such a period.

The reform package includes the creation of "socialist" factories under the control of "communes" as a way of developing a new form of socialist economy. "These are the means for the people to participate and have a central role in the direct practice of their sovereignty and for the construction of socialism," said Chavez upon presenting his reform proposal. "And for the democratic management by the workers of any enterprise of social property. This is a term that starts here, social property. This is new, totally new, in our Constitution."
Chavez supporters responded to critics' assertions that the project would overly centralize economic and political power, saying that it would place localized power in the hands of organized communities, currently in a process of forming and operating as communal councils around the country. The president said he plans to increase funding for the councils to 5% of his government's 2008 budget, or US$3.2 billion, that would go toward neighborhood projects from public housing to road paving. He said a reduced workweek would force companies to hire "thousands" more workers to keep up production. He also said the government has already set aside 1 trillion bolivares (US$465 million) to start a social security fund for workers in the informal economy.

The text of the reform says, "The primary political unit of the national territorial organization will be the city, understood as the population base inside a municipality and made up of areas or geographic extensions denominated as communes. The communes will be the social cells of the territory and will be made up of communities, each one constituting the basic indivisible nuclei of the Venezuelan Socialist State where the citizens will have the power to construct their own geography and history."

Chavez has said that in the whole country there will be around 60,000 communal councils, organized into 10,000 communes, 3,000 cities, and 200 federal districts. "These changes are going to allow us to free ourselves from the chains of a structure of political and territorial division that goes back centuries," said Chavez. "We are going to break the chains of the old conservative, imperial, and colonial geography."

All but seven of the AN's 167 lawmakers raised their hands in favor of the changes on Nov. 2. "Today the Venezuelan people have a pencil in their hands to write their own history, and it's not going to be the history of the elite," said pro-Chavez lawmaker Earle Herrera amid applause. But dissident lawmaker Ricardo Gutierrez railed against pro-Chavez legislators for approving amendments that "don't have anything to do with giving more power to the people."

According to proponents, the reforms also sought to create greater access to free, universal higher education for the lower economic classes of Venezuelan society. Students and faculty groups attacked the project, saying the federal government was attempting to remove the autonomy of universities and gain control over them. Observers cited this as a key organizing factor in building the student-led demonstrations against the reforms in October and November.

**Differing views on presidential term limits**

Writers like William Blum of the publication Counterpunch and State University of New York professor James Petras disagreed with the charge that the reforms would be dictatorial or authoritarian, with Petras comparing Tony Blair, Margaret Thatcher, Franklin Delano Roosevelt, and numerous other world leaders who served without term limits with the Chavez proposal.

"Chavez will have to be elected each time," wrote Blum. "France, Germany, and the United Kingdom, if not all of Europe and much of the rest of the world, do not have" a term limit for each country's highest office. "The United States did not have a term limit on the office of the president during the nation's first 175 years, until the ratification of the 22nd Amendment in 1951. Were all American presidents prior to that time dictators?"
Apart from the leftist press, assessments of the reforms tended to be extremely negative. The Washington Post editorial page wrote against the reforms, in a piece headlined, "Mr. Chavez's Coup: A constitutional 'reform' could complete Venezuela's transformation into a dictatorship," and saying passage of the reforms package "would complete his transformation into an autocrat."

Noting one of the economic reforms, the editorial called the reduction in the workday "a populist sop." The editorial page of the Post accused Chavez of instigating the coup against himself in 2002 and characterized the business-military coup government of Pedro Carmona as an "interim" government. The Post called for a "transition" away from Chavez's policies, saying his "self-styled revolution" had created "deep social problems." It did manage to condemn the coup, unlike The New York Times, which, at the time, said the coup against the elected government meant that "Venezuelan democracy is no longer threatened."

**Shootings and violence at protests**

Opponents of the reforms called on the nation's Supreme Court (Tribunal Supremo de Justicia, TSJ) to postpone the voting date, saying that one month was too little time for the public to understand the reforms and that an elected assembly of delegates should be the ones to rewrite the Constitution, not the sitting legislature.

Soldiers used tear gas, plastic bullets and water cannons to scatter tens of thousands who massed Nov. 2 to protest the reforms. Led by university students, protesters chanted, "Freedom! Freedom!" and warned that the 69 amendments would violate civil liberties and derail democracy. It was the biggest turnout against Chavez in months and appeared to revive Venezuela's languid opposition at a time when the president seems as strong as ever.

"This is a dictatorship masked as democracy," said Jorge Rivas, an 18-year-old student. "Chavez wants our country to be like Cuba, and we're not going to allow that to occur." Authorities broke up the protest outside the headquarters of the country's electoral council (Consejo Nacional Electoral, CNE), reporting that six police officers and one student were injured. But students said dozens of protesters were hurt during the melee.

The local Globovision television network broadcast footage of several police beating an unarmed protester with nightsticks. Students hurled rocks and bottles, and a few lifted up sections of metal barricades and thrust them against police holding riot shields. Students retreated when police fired plastic bullets. Rock-throwing clashes between anti-Chavez students and Chavez supporters continued at a nearby university campus. "Chavez wants to remain in power his entire life, and that's not democracy," said Gonzalo Rommer, a 20-year-old student who joined protesters marching to the CNE.

Deputy Justice Minister Tarek El Aissami blamed students for the violence, saying they forced their way through police barricades. But Vicente Diaz, one of the CNE's five directors, accused National Guard troops and police of using excessive force to disperse protesters. "We absolutely condemn the behavior of the authorities," Diaz said. Venezuelan student protesters were fired upon on Nov. 7, resulting in two gunshot injuries, when they returned to campus from a march opposing the reform plan. Seven more victims suffered other injuries, according to a university official.
Local television station Globovision broadcast images of protesters running for cover during the incident on the campus of the Universidad Central de Venezuela (UCV). One image showed a man in a black leather jacket firing a pistol twice. Dr. Rodolfo Tapa, dean of the university's medical school, said in an interview with Globovision that two of the victims suffered gunshot wounds. Others suffered respiratory problems caused by tear-gas bombs, among other injuries, Dr. Fernando Alvarado, assistant director of the university's hospital, said on state television.

Photographers for the Associated Press saw at least four armed assailants their faces covered by ski masks or T-shirts firing handguns at the anti-Chavez crowd at the UCV. Terrified students ran through the campus as ambulances arrived. Dozens of angry students surrounded a building where the assailants were hiding, set fire to benches outside, and knocked out windows with rocks. Later, armed people riding motorcycles arrived, scaring off students and standing at the doorway one of them firing a handgun in the air as people fled the building.

Protests at the Universidad de Lara, in Lara state, on Nov. 2 also turned violent, resulting in two deaths by gunshot. Justice Minister Pedro Carreno blamed students, university authorities, opposition parties, and the media for the violence. "We want to urge the media to reflect, to stop broadcasting biased news through media manipulation, filling a part of the population with hate," Carreno said in a televised address.

Some Chavez allies oppose reforms

Some long-time Chavez backers view his proposals as a power grab, said the chief of Por la Democracia Social (Podemos), a party that split from the ruling coalition. "We've supported Chavez since the beginning," said the party's general secretary, Ismael Garcia, in an interview in Caracas Oct. 30. "He's going to lose this one." Podemos has been allied with Chavez since his election in 1999, but withheld its support for the plan when it was presented in August because it eliminates vital checks and balances in the government, Garcia, 53, said.

The party, which holds seven of 167 seats in the AN, helped Chavez regain the presidency during the attempted coup in 2002. "This reform is characterized by an increase, in an abusive way, in the concentration of presidential powers," Podemos lawmaker Ricardo Gutierrez said an interview in Caracas. "It has been done in a big hurry, and that makes it hard for citizens to decide." The modifications that would give the president the power to create federal territories across the country to replace existing state and municipal governments are especially worrisome, Jorge Pabon, dean of legal and political sciences at the UCV, said.

Garcia said Chavez has violated the existing Constitution by having the AN draft the new document, which will later be submitted to a national referendum. A new Constitution can only be written by an elected constitutional convention, he said. Garcia said many of the changes, such as the proposal to include language specifically protecting homosexuals from discrimination, are being carried out too hastily. "They spent four years debating that in Spain," he said. "Here we throw it in overnight."

Polls claim tight race

Local pollster Luis Vicente Leon of Datanalisis said in late October that the public is divided in almost equal thirds of supporters, opponents, and undecided. "Chavez hasn't been able to transfer
his popularity to the reform," Leon said in a telephone interview. Among the 69 articles in the 1999 constitution targeted for change, support is weakest for eliminating term limits and redefining property rights, Leon said, adding that he still expects the proposal to be approved.

The press widely cited a later poll by Datanalisis that showed the "no" vote in the lead by about 10 percentage points. It found about 49% of likely voters oppose Chavez's reforms, well ahead of 39% who favor the changes. But in the past, directors of Datanalisis have expressed strong anti-Chavez views and their data has tended to incorrectly assess national elections for Chavez. Leon later said in a Reuters article, "It is difficult to make an electoral projection because the numbers of abstentions and undecided voters are high, the perfect ground for a surprise. The most probable is that there will be no surprise and Chavez will win 60% against 40%, but technically there is a possibility that it could happen, which is something that has not existed before."

**Chavez pledges to resign if measure fails**

Chavez warned his supporters on Nov. 23 that anyone voting against his proposed constitutional changes would be a "traitor," rallying his political base before the referendum that would let him seek unlimited re-election in 2012 and beyond.

Brandishing a little red book listing his desired 69 revisions to Venezuela's charter, Chavez exhorted his backers to redouble their efforts toward a victorious "yes" vote in the Dec. 2 ballot. "The person who says he supports Chavez but votes 'no' is a traitor, a true traitor," the president told an arena packed with red-clad supporters. "That person is against me, against the revolution, and against the people."

The president's speech followed the recent high-profile defection of his former Defense Minister Gen. Raul Baduel, a longtime ally who called the president's proposed reforms a coup. "If you don't approve [the referendum], maybe we'll have time for a parachute jump in five years," Chavez, a former paratrooper, told the crowd. "But if you wish if you approve the referendum I will stay as long as God wills! Until the last bone of my skeleton dries out!"

Chavez said he will leave the government should voters reject his proposed changes, raising the stakes in an election many pollsters say is too close to call. "The voice of the people is the voice of God," he said Nov. 28 in a televised speech in the city of Merida. "In the case that the reform isn't approved Sunday [Dec. 2], I will start to pack my bags because I will have to leave the government."

Chavez and his allies organized large-scale support demonstrations to promote the reforms. On Nov. 22, for example, a large crowd of supporters gathered outside the presidential palace, beating drums, wearing red shirts, and waving red banners. "Here is the proof that the students are with the revolution!" Chavez told the crowd.

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