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Colombian President Alvaro Uribe Calls Off Proposed Referendum on Re-Election

by LADB Staff

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Colombia's President Alvaro Uribe has called off a proposed referendum on his presidency, a referendum that he had put forward after revelations of bribery in a constitutional-amendment process. Uribe had called on Congress to set up a national referendum to approve his presidency after the Corte Suprema de Justicia (CSJ) called for investigations into the process that allowed him to run for a second term in 2006.

But Uribe's administration backtracked after the Corte Constitucional (CC) said it would not conduct such an investigation. CSJ: Re-election process flawed by criminality Uribe asked for a referendum on June 26 on whether there should be a new presidential election after the CSJ challenged the law that allowed him to seek a second term. Congress should convene to pass legislation to allow for a new election, Uribe said in a nationally televised address. The Constitutional Court (CC) approved changing the Constitution in October 2005 to allow presidents to serve back-to-back terms (see NotiSur, 2005-12-02).

Uribe convinced Congress in 2004 to pass the law, saying he needed more time to control violence. Colombian governments have been fighting a four-decade civil war with the Fuerzas Armadas Revolucionarias de Colombia (FARC), along with other rebel and paramilitary groups. Uribe won a second four-year term in May 2006 after the Constitution was changed. The CSJ ordered a review of that change after the conviction of a lawmaker, Yidis Medina, who confessed to accepting a bribe in exchange for supporting the change (see NotiSur, 2008-06-27).

The CSJ sentenced Medina to nearly four years of house arrest after she said senior government members offered her supporters jobs if she voted for the re-election bill. Medina went public when the government officials did not keep all their promises.

Charges are now expected to be filed against the officials who persuaded her to vote for the change. Congress is also investigating if Uribe was directly involved in the bribery. "I will ask Congress to pass as quickly as possible legislation on a referendum that would order an immediate repetition of the 2006 elections," Uribe said in his address. "I have managed the presidency with love for Colombia, with the only aim of serving the general interest. The right path has to be democratic rule."

Uribe won more than 60% of votes in the 2006 ballot because of his perceived successes in combating guerrilla violence and promoting economic growth. His approval rating climbed to a record 84% in March, according to a Gallup Colombia poll.
After Uribe’s call for a new referendum, the CSJ released a communique calling on the government to "respect and obey the decisions" of the courts. "Any undue interference fractures and unhinges the democratic rule of law in society," said the CSJ judges, who made no reference in their message to the referendum. The CSJ had ruled that "the initiative to amend the Constitution was flawed by criminal acts," and therefore the CC would have to review the decision by which it was approved.

The original CSJ finding said there was a "manifest misuse of power" in the process that pushed the constitutional amendment through the Congress and to the public. It also described how former interior and justice minister Sabas Pretelt (now the Colombian ambassador to Rome), Social Protection Minister Diego Palacios, and other officials, including Uribe, bribed Medina with offers of jobs and contracts to vote for the re-election when it faced a tie in committee. The content of the sentence "is eminently judicial and lacks any motivation that is not strictly constitutional and legal," said the court after deliberating all day July 1.

The decision "is the result of serious, objective, and considered study of the evidence" in the case of the former lawmaker, who provided evidence in the case. Faced with the government's aggressive attitude, the CSJ added that "in view of the general uproar," it would not "foment sterile controversy that would hinder the work of the state." But it also "energetically rejected the insults and baseless imputations" of Uribe, who accused the judges of "pressuring" other branches of government, imparting "selective justice," and condoning "terrorism."

Editorial writers at various publications like Bogota daily El Tiempo concurred with the rightist president's criticisms of the court, alleging that it was excessively soft on individuals allegedly linked to the FARC and gave excessive credence to individuals allegedly linked to paramilitary groups. The CSJ has been at the center of a process that has jailed more than one-tenth of the Colombian Congress for links to paramilitary groups and brought another tenth of the Congress under criminal investigation (see NotiSur, 2008-05-16).

The "parapolitica" scandal has brought down members of Uribe's family, his Cabinet, and large swathes of his congressional allies. Uribe supporters and editorial writers on his side accused the court of stepping outside its authority as a judicial organ with its allegations of "misuse of power." They questioned Medina's allegations against the Uribe administration, saying she was a self-confessed liar and criminal. The government denies making any promises to her.

The Colombian president is one of Washington's staunchest allies in South America, and sectors of the US ruling elite hope to ratify a free-trade agreement (FTA) with Bogota (see NotiSur, 2008-04-18). Uribe's backers have already started to mobilize a push to change the Constitution to allow him to run for a third term in 2010, something Uribe has not publicly committed to.

Without another constitutional change, Uribe would not able to stand in these elections. "From an academic perspective, the idea is not very encouraging as it may undermine the democratic tradition," said Gianfranco Bertozzi, an economist at Lehman Brothers Inc. in New York. "But from a more pragmatic point of view a third term may be encouraging for economic and political stability." Corte Constitucional does not investigate charges against Uribe Within a few weeks of his call
for a new referendum, however, Uribe's administration backed away. "We are not going to call a referendum," Uribe's Interior Minister Fabio Valencia said on July 18.

Valencia said the referendum would not go forward because the CC declined to review its 2005 decision allowing the constitutional reform on presidential re-election. The CSJ had sent copies of its decision to the CC, asking the court to decide if there were merits for it to re-examine the legitimacy of its decision in favor of the reform. In the first days of July, the CC had answered that question with a negative.

On July 2 the court said the case had already been adjudicated and that it did not have the power to revise the decision. "There is no possibility that this tribunal may revise a judgment. Three years ago it was said that the re-election was in line with the Constitution and for that reason the appeal to review the decision is plainly rejected," said a court spokesperson. Eight of the court's nine justices were in agreement with the decision.

Viewed from a purely political perspective, a popular referendum on Uribe's administration may have been completely moot. Opinion surveys have shown that Uribe enjoys public approval ratings in the 80% to 90% range, particularly after the successful rescue of 15 hostages held by the FARC in early July, an event regarded as the president's greatest propaganda coup during his six years as president (see NotiSur, 2008-07-25).

Uribe's approval ratings shot up to 91%, according to one poll, after the rescue operation freed six-year hostage and French-Colombian politician Ingrid Betancourt along with 14 fellow hostages. Uribe would surely have been guaranteed to win a referendum on his 2006 re-election. The central preoccupation of the Uribista movement at this point will likely be to convert that popularity into a successful push for a third term. They report that signature-gathering efforts for petitions in favor of a new reform are already well underway.

Critics of the president had called the demand that the Congress set up a new referendum a "coup d'etat," in the words of former CSJ magistrate and former CC president Jose Gregorio Hernandez Galindo. "My personal view is that this referendum mechanism is completely inappropriate from the standpoint of the validity of Colombian institutions. A referendum cannot be for this, it cannot be to respond to a court judgment, for ignoring a court ruling," said Galindo.

"The actions of the president, if it is simply responding with political arguments to judicial arguments and trying to pit the people against the CSJ...we might almost say it is a coup d'etat," said Galindo. He said that the process allowing re-election had been shown to involve criminal activity meant that the CC should revise its prior judgment.

Opposition figures like Sen. Piedad Cordoba also accused Uribe of attempting to overthrow the nation's institutions, saying he had "an authoritarian, dictatorial tendency," and he sought to exercise power over all three branches of government. She said Uribe wants to set up "a populist dictatorship when he proposes a referendum." Cordoba said Uribe's allegations against the CSJ, insinuating that the judges were "terrorists" allied with the FARC, were the same as those he makes against opposition figures and human rights groups.
Partido de la U chief arrested

Even as Uribe is riding high in the polls and on the international stage, the political establishment that supports him continues to lose prominent figures to the Colombian justice system. Sen. Carlos Garcia Orjuela, president of the Uribe-allied Partido de la U, was arrested on July 24 for alleged ties to right-wing paramilitary groups. The Partido de la U is the strongest political force supporting the Uribe administration and the largest single-party force in the Congress.

The Sala Penal of the CSJ ordered Garcia's detention after more than three months of preliminary investigations. Garcia is the third ex-president of Congress to go behind bars in the parapolitica scandal, following the detentions of Sens. Luis Humberto Gomez Gallo and Mario Uribe Escobar, the latter being Uribe's second cousin. Garcia said he would clear up the questions the CSJ had, adding that some witnesses accused him of having paramilitary links in 2001, when he was president of the Congress.

Columnist for daily newspaper El Espectador Ramiro Bejarano said, "With this arrest, the worries regarding Uribista parties are confirmed, one way or another they are going to have to give many explanations about their links to shadowy forces, just as the administration's legitimacy has been severely compromised." Bejarano also noted that the senator was the one in charge of the collection of signatures supporting Uribe's run for a third term. BBC Mundo reported on July 25 that 67 Congress members and ex-Congress members were under criminal investigation, with 33 of those behind bars.

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