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Ecuadoran Assembly Completes Draft Constitution; Public to Vote on Sept. 28

by LADB Staff
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Ecuador's Asamblea Constituyente voted on July 25 to approve a draft of the new Constitution for the country and to send it to the Ecuadoran electorate for a popular referendum in late September. The body overwhelmingly approved the draft with a 94 to 32 vote. The assembly majority, closely aligned with President Rafael Correa, celebrated the passage of the Constitution as "a new independence" for Ecuador, while the conservative-opposition minority complained that the charter would invest too much power in the executive branch.

Expansion of presidential powers, terms
The approval of the draft came shortly before a July 26 deadline. The Ecuadoran public will vote in a national referendum to accept or reject the new Constitution on Sept. 28. The July 26 deadline had been the source of friction between Correa and the former president of the assembly, Alberto Acosta. Acosta resigned after Correa said the body was moving too slowly and that voters should be able to decide on the Constitution by the end of September (see NotiSur, 2008-07-04).

The assembly, meeting in its headquarters at Montecristi, about 250 km southwest of Quito, concluded and passed the 444-article draft in a late-night ballot in what news reports described as a festive atmosphere. Correa's Alianza PAIS party dominated the assembly, holding more than 60% of its seats, and was able to control most of the provisions that went into the document. The document would grant the president broadened powers, including the ability to dissolve Congress and set monetary policy, and free him to run for office through 2017.

The new Constitution would help wrest power from Ecuador's widely discredited traditional political parties, the reviled "partidocracia," and more equitably distribute wealth across the country, said Correa, a US-trained economist who made such revisions a central part of his 2006 presidential campaign platform. His detractors say the charter would concentrate excessive power in Correa's hands, amounting to a virtual coronation of the self-described Christian socialist leader.

Annabella Azin, an assembly member with the opposition Partido Renovador Institucional de Accion Nacional (PRIAN), said the Constitution's "objective" is to keep Correa in power. The charter would allow Correa to "control every part of our lives," Azin said. But supporters waved Ecuadoran flags after the vote and shouted, "We don't want...to be a North American colony."

Foreign military bases prohibited on Ecuadoran soil
One clause of the new Constitution would prohibit foreign military bases on Ecuadoran soil, meaning the US lease for its Manta anti-drug air base would not be renewed when it expires next year (see NotiSur, 2007-01-26). Correa's efforts follow others by allies like Presidents Hugo Chavez in Venezuela and Evo Morales in Bolivia to seek a constitutional rewrite to let them extend their years in power in this case by enabling Correa to run for two new, consecutive four-year terms.
The Constitution does not specify when a new Congress will be elected, although a vote is expected early next year. The old Congress was dissolved and provisionally replaced by the assembly. The new charter would let Correa dissolve Congress within the first three years of a new four-year term, though he would have to call elections for his own post at the same time. The document also would assign to the president tasks now performed by the independent Central Bank, prompting concern among financial elites that Correa could politicize what has been a watchdog institution tasked with ensuring economic stability.

Though Ecuador's economy is dollar-based, the Central Bank sets interest rates and controls how many US dollars are injected into the economy. Politicians like Chavez and Correa have questioned Central Bank autonomy as something that undermines national sovereignty and the ability of the people's representatives to determine monetary policy. The assembly also voted to make the Indian languages Quichua and Shuar official languages alongside Spanish.

The document's less radical brand of socialism when compared with that of Morales and Chavez and Correa's popularity could boost its chances of voter approval in the referendum. But Correa may need to tread carefully. Many investors were concerned by his move to increase government control of windfall oil profits from 50% to 99% last year (see NotiSur, 2007-10-19). Ecuador is South America's fifth-largest oil producer.

Also discouraging foreign direct investment (FDI), which fell 34% in 2007 according to the Central Bank, was the government's suspension this year of all new mining concessions, which practically paralyzed Ecuador's nascent mining industry. Although the economy grew by less than 3% last year, Correa insisted government intervention in the economy was necessary to close a wide income gap in the Andean nation of 14 million. "To the new Constitution, yes, a thousand times, yes," Correa said July 25 in Montecristi during a ceremony marking the end of the assembly.

Correa told the body, which had passed the legislation the night before, that Ecuador was taking a "decisive step" to help its economy. "We will triumph with a decisive and revolutionary 'yes' vote in September, for the new country," Correa told a crowd in the port hub of Guayaquil on July 24. He also said he would increase subsidies for the poor next January to offset higher food prices.

**Will it increase stability?**

Three Ecuadorean presidents elected since 1996 failed to finish their four-year terms in office. In each case, street protests in the capital city of Quito triggered their downfall, with the Congress voting on two occasions to put power in the hands of the vice president. Correa's new Constitution may increase stability, some analysts said, but the rules, which would allow a president to dissolve the legislature once a term, are slanted too strongly in favor of the executive branch.

The president also may end up with too much power to name members of a new court charged with interpreting the Constitution and giving the green light for impeachment proceedings, said political scientist Simon Pachano at the Facultad Latinoamericana de Ciencias Sociales (FLACSO) in Quito.
The new Constitution would not scrap the electoral system of compulsory voting and proportional representation in Congress that has contributed to the lack of stable coalitions in the legislature, Pachano said.

“There's an excessive concentration of power in the executive," said Luis Hernandez, a member of the Red Etica y Democracia (RED) party, which is not aligned with Correa. Correa denied accumulating extraordinary powers designed to favor his administration. Correa's allies say the charter strengthens the rights of low- and middle-income Ecuadorans and boosts their access to social services and to the judicial system, while fighting corruption by installing civilian oversight of public services.

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