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Andrés Gaudàn

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Paraguayans Focus on Term-Limit Rules as Election Buzz Mounts

by Andrés Gaudín
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Even though there are still 17 months to go before Paraguayans head to the polls to choose a new president, 45 senators, 80 deputies, and governors for the 17 departments into which the country is divided, the electoral campaign is already front-page news and a source of debate in family gatherings and office meetings.

With the exception of former President Fernando Lugo (2008-2012), who was ousted in a coup a year before finishing his constitutionally guaranteed term (NotiSur, July 13, 2012), the candidates have yet to spell out their platforms. Instead, the discussion has centered around the issue of rekutu, a Guaraní term meaning “return,” in allusion to the possibility of reelection at the executive level. There are clear reasons for the focus on rekutu. Presidential reelection is prohibited in Paraguay, at least according to one interpretation of the Constitution’s imprecise Article 229. And yet the early favorites to compete for the position are the current head of state, Horacio Cartes, and two former presidents, Lugo and Nicanor Duarte Frutos (2003-2008) (NotiSur, May 2, 2003, Aug. 29, 2003, Feb. 6, 2004).

The general situation has grown increasingly tense since the beginning of the year and produced a deep division in the governing Partido Colorado—the Asociación Nacional Republicana (National Republican Association, ANR), as it is officially known—to the point even of hindering the process of governance.

Complicating matters is how ambiguous President Cartes has been regarding his interest in a second term. With the objective of running again, he first asked Colorado lawmakers to push for a change to the Constitution. Later he talked about the possibility of introducing an amendment. But then he asked the party leadership to withdraw from consideration any legislation aimed at helping him seek a second term. “I’m not interested in reelection, and with the authority I wield as head also of the party, I say that any Colorado member who strays from the party line will be punished,” he angrily declared on Oct. 31. That day, however, the ANR decided in a party convention to push for reelection, albeit without conveying which mechanism it would opt for.

Finally, on Nov. 29, Cartes, for the first time, openly—“shamelessly,” wrote the daily ABC Color, a dogged critic of the president—expressed an interest in serving a second term as head of state and raised the possibility, as a way of skirting the country’s election rules, of stepping down six months before his term ends. The about-face wasn’t as surprising as it may have seemed. Within the president’s inner circle, his ambitions for a second term were no secret. Cartes, a wealthy tobacco tycoon and financier, also gave an indication of his leanings last year when he expanded his business empire into a new field, the media, an indispensable tool for boosting his influence over public opinion.

In April 2015, Cartes bought Grupo Nación de Comunicaciones, a media conglomerate that includes the newspapers Crónica and La Nación and radio stations 970 AM and Montecarlo FM (NotiSur, May 15, 2015). In August, he became a major stockholder in Grupo Multimedia,
the daily Popular, radio station Uno AM and other media outlets. And in September, he acquired Hei Network, which includes three music and entertainment channels (Notisur, Dec. 11, 2015). In addition, he used trusted partners to take indirect control of the digital and print versions of the daily ADN, and the cable television networks Unicanal, which focuses on news, and Teledeportes, which has exclusive rights to broadcast Paraguay’s three major football divisions.

**Jockeying for position**

The Partido Colorado’s internal divisions have prompted two other candidates to join the presidential race. The more eminent of the two is Duarte Frutos, who completed his presidential term with relatively high approval ratings. The other is Mario Abdo Benítez, head of the group’s Senate bloc and leader of the so-called “Añetete” faction. Añetete is a Guaraní word meaning “true” or “authentic.” It was to those challengers that Cartes spoke on Oct. 31 when he threatened disciplinary actions against people who refused to toe the party line. The Partido Liberal Radical Auténtico (Liberal Radical Authentic Party, PLRA), Paraguay’s other old-guard political party, plans once again to run Efraín Alegre, a former senator who is essentially a token candidate.

The first of the presidential hopefuls to throw his hat in the ring, however, was Lugo, back in January. By then the former president, now a senator, had already spent several months using his weekends to visits cities and rural areas deep in Paraguay’s interior, where he first built up his reputation as a bishop of the Catholic Church in the northern department of San Pedro.

In the following months, opinion polls emerged showing him as an early frontrunner, well ahead of the other likely candidates. In July, 49% of respondents to an Infosurvey poll viewed Lugo positively, compared to just 7% for Cartes, and 5% for Duarte Frutos. And in August, a survey by the IBOPE and Centro de Investigaciones Económicas put approval for Lugo at 60%, compared to 24.7% for all of the Colorado candidates combined. Lugo’s approval numbers match what First Análisis y Estudios, Paraguay’s most important polling firm, found in March 2015.

**Leaning toward Lugo**

The numbers are an important argument in Lugo’s case for reelection. “If you can show me what part of the Constitution says that a senator can’t run for the presidency, then I’ll drop out,” he told ABC Color on Oct. 4. “The Constitution was drafted after a long dictatorship and guarantees equal opportunities. Explain to me how of the 45 senators, 44 are allowed to be candidates and one isn’t, precisely the one who has a popularity level of 60%.”

An informal survey that journalist Ramón Duarte conducted among directors of the various polling firms and published on the news site E’a offers some interesting insight into the reasons people support Lugo and why he is more popular now than he was at the time of his removal from office, when his approval rating stood at 44%. Duarte found that there are four basic arguments for backing Lugo. First, supporters say they were better off, economically speaking, during the Lugo presidency—there were more and better quality employment opportunities, and prices for things like food, transportation, education, and health care were stable. They also say that health care was better overall: public hospitals and the Instituto de Previsión Social (Institute of Social Prevention) gave out free medication, consultations were quicker and more efficient, medical care was more complete, and patients paid almost nothing.

A third reason many give for supporting Lugo is that they felt safer during his presidency than they do now. There were fewer robberies and muggings, they say, and people were less afraid to
leave their homes. Finally, Lugo backers say that the government offered more economic assistance during his presidency with regards to things like pensions, loans, housing, and food.

The rules of the game

The potential stumbling block for Lugo is the Constitution, which dates back to 1992, and as constitutional law expert José González Macchi points out, contains several gray areas that are open to interpretation. “It was drafted in a rush so as to avoid the reelection of then President Andrés Rodríguez [1989-1993],” he explained. Rodríguez (NotiSur, April 6, 1989, and April 20, 1989) was a business partner and a relative by marriage of dictator Alfredo Stroessner (1954-1989) (NotiSur, Aug. 25, 2006), whom he had ousted in a bloodless coup.

“After 35 years of bloody authoritarianism, the only thing we Paraguayans wanted was for the Constitution not to allow the possibility of a new, long-serving regime, regardless of its political leanings,” said González Macchi, a member of the Partido Colorado and brother of former President Luis González Macchi (1999-2003).

The confusing wording of Article 229—drafted “in a rush,” as González Macchi says—is what allows some to argue that former heads of state should, in fact, be allowed to run again for president. The document is clear in that a person cannot serve as president in two consecutive terms. But the Constitution isn’t precise with regards to candidates who have already spent years away from government, which is the case, for example, with Duarte Frutos and Lugo.

Article 229 states: “The president of the republic and vice president will exercise their duties for five non-renewable years starting on Aug. 15 after the election.” It goes on to say that they “cannot be reelected under any circumstances.” That people with different interests would interpret the imprecise wording differently is inevitable, as the vast majority of constitutional law experts and all of Paraguay’s former presidents admit.

There are two established mechanisms for modifying any given aspect of the Constitution: revising the document or introducing an amendment. But for confusing cases, such as Article 229, experts argue that there is a third option: a binding interpretation by the Corte Suprema de Justicia, Paraguay’s highest court. Given the proximity of the elections, which will take place in April or May of 2018, it’s too late to resolve the matter via the two established mechanisms, which involve various time-sensitive procedural requirements. If one or more of the former presidents insist, therefore, on staying in the race, their fate will likely lie in the hands of the Supreme Court.

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