

Vicente Albornoz: Ecuador is Moving Away from Democracy

When Rafael Correa took over the presidency of Ecuador on January 15, 2007, the population expected him, among other things, to fulfil one of his central pre-election promises, namely to change the country's political structures. However, what has happened so far is that Mr Correa has implemented a policy which, seen from a democratic point of view, must give rise to concern. Part of it was a plebiscite about convening a constituent assembly. In that context, Mr Correa dealt fairly harshly with both the press and the opposition. What is more, 57 congressmen were removed from office by the Supreme Electoral Tribunal (TSE), with the National Police playing a key role in guaranteeing the implementation of a decision which certainly raises questions.

The referendum was a complete success for the government. Elections to a constituent assembly, whose task it will be to draft a new constitution which will then be the country's twentieth, are scheduled for September 30 of this year. To turn the tide in his favour Mr Correa assumed legislative functions, triggering protest even among those circles that are close to him: A statute issued by the president basically says that collecting signatures of supporters should be done not by the political parties but by societal movements, that constitutional reforms should be adopted by one half of the quorum plus one, and that at least 50 percent of the candidates on each list should be under 45 years of age.

At first, the statute and the decree calling for a constituent assembly were delivered to the Supreme Electoral Tribunal which passed them on to the National Congress where, however, they were immediately opposed by four parties – the PRIAN, the PSP, the PSC, and the UDC. To prevent further delays the president sent another decree to the TSE which contained a modified version of the statute and which indeed prompted the Court to fix a date for the plebiscite: April 15, 2007. However, this move must be questioned as well because it passed over Congress, thus violating Art. 104 and 283 of Ecuador's constitution.

The Congress, on its part, responded immediately, demanding – even though in vain – that the Constitutional Court (TC) declare the opinion poll inconsistent with the constitution. At the same time, a congress majority formed by MPs of the PSC, the PRIAN, and the PSP removed Jorge Acosta, the president of the TSE, from office, replacing him with Alejandro Cepeda – an initiative that was in no way backed by the constitution. Now, it was the TSE's turn: On March 7, it decreed the already-mentioned dismissal of the 57 congressmen who had brought about Mr Acosta's deposition, punishing them further by suspending their political rights for the duration of one year and ordering the National Police to deny them access to the legislative area. What is more, Mr Acosta himself threatened to remove those members of the TC from office who had decided on the call for a plebiscite.

The events of March 7 are alarming: The argument brought forward by the members of the TSE for removing the 57 congressmen from office is not legally safeguarded as the article of the electoral law cited by them refers to government officials but not to publicly elected office holders such as deputies. Moreover, the list submitted by the TSE also included names of MPs that had not been present at the time of the removal of the TSE president, as well as names of others who had voted against it.

In point of fact, Congress no longer had a quorum after 57 of its members had been dismissed. However, this seemed to be of no interest to the government as circles close to it appointed twenty replacement deputies that, under the protection of the National Police, rushed to Congress early in the morning to form their own group under the name of 'Bloque de la Dignidad Nacional'.

The 57 deputies that were removed from office became active as well: They appealed to diverse courts, but without success. At meetings in Quito, they were attacked with stones and sticks, and the police did not intervene to protect them. In view of all that, the Newspaper Publishers' Association of Ecuador spoke up, stating that the circumstances were 'intolerable' and asking the political actors to steer the country back in the direction of a constitutional state. Mr Correa responded immediately: He reviled the initiators of the appeal and talked of 'medios de comunicación mafiosos'.

As soon as the plebiscite planned by Mr Correa was no longer threatened by the TSE, the government launched its campaign for a 'Yes' vote in the referendum on a constituent assembly in full force. The president himself made use of all those means to which his position granted him access, including his daily space in the print media, a clientelist economic policy, and diverse offers to societal groups. On the one hand, it was tried to gather 'Yes' votes by elaborate radio and television campaigns, while on the other, all those who voted 'No' were shamelessly denounced. And the strategy was successful: When April 15 was over, 81.7 percent of the electorate had voted for the assembly. This was a victory for the supporters of the 'Yes' vote, a victory that was to be expected but whose degree nobody was able to predict beforehand.

After the plebiscite, one thing seems to be certain: The government is very likely to obtain a majority in the next assembly, which will enable Mr Correa to enforce a constitution that suits his taste.

The conflict about the 57 deputies that were removed from office has not yet been settled, especially as, directly after their removal, they met at a Hotel in Quito to claim that they were the only legitimate representation of the National Congress. On April 23, one week after the plebiscite was conducted, the Constitutional Court reinstated 50 of them in office, declaring that the decision of the TSE was not consistent with the constitution. As a response to that, a group consisting of persons close to the government and the MPD stormed the offices of the Court and attacked the judges of the TC, calling them 'traitors'. Even Mr Correa himself criticised the Court and expressed his contempt for its decision.

Not only the TC was hit by the president's anger. He filed a complaint against the publisher of the daily paper *La Hora* as it had released an editorial with the headline 'Vandalismo Oficial' to protest against the passive attitude of the National Police during the attacks the dismissed deputies had to endure. When the Inter-American Press Association (SIP) condemned the president's complaint, speaking of an offence of omission, the first man of the state also attacked the SIP, accusing it of seeing events only from a pro-business point of view.

Things do not look too rosy for democracy and the freedom of expression in Ecuador. In August 2007, the campaign for the Constituent Assembly will be launched. It remains to be seen whether and to what extent the rights of the opposition will be respected in this campaign.