Would Constitutional Reforms Improve Haiti’s Stability?

Guest Comment: Barbara McDougall: "It is understandable that President Preval would seek constitutional change, given the cumbersome nature of the present Haitian Constitution, put in place shortly after the Duval regime. Among other difficulties, the need for a virtually continual cycle of elections is expensive and stands in the way of effective governance. The question is, why now? There is rarely a good time to open constitutional discussions, as Canadian experience shows. Haiti is making progress on many fronts, but has many problems still to resolve. It is a small country with a limited leadership pool, but not unlike other countries there is only so much political and national energy to go around. The United Nations and other international organizations are breathing much easier about Haiti after nearly two years of President Preval’s leadership. The country’s financial administration, including the tax structure, has been radically altered to eliminate corruption and stabilize revenues. Frontiers are better managed to deal with smuggling and illegal border crossings. Violent crime continues at an unacceptable level, but has declined significantly from last year, when many parts of the country were close to anarchy. But Haiti is a long way from its objective of achieving economic and political stability. Constitutional discussions, even assuming a positive contribution from the diaspora, may place an overload on what is already a

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PHOTO OF THE DAY

Venezuelan Foreign Minister Nicolas Maduro on Wednesday dismissed US accusations of a plot to cover up an $800,000 Venezuelan government contribution to the presidential campaign of Argentina’s Cristina Fernandez de Kirchner. See story on page 2.

ABN file photo.

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**NEWS BRIEFS**

**Brazil’s Economy Grew 5.2 Percent in the Year Through Sept.**

Brazil’s economy grew 5.2 percent in the 12 months through September, the fastest annual clip since the end of 2004, Bloomberg News reported on Wednesday. In the third quarter, Latin America’s largest economy expanded 5.7 percent compared to the same period a year earlier, and 1.7 percent versus the previous quarter. Growth is being fueled in part by record low interest rates. Brazil’s Bank is expected to hold interest rates steady through most of 2008 to contain inflation and prevent the economy from overheating.

**OAS: Colombian Paramilitaries Weakened, But Still Active**

The Colombian government has weakened the country’s right-wing paramilitary groups, but some fighters remain active, Organization of American States representative Sergio Caramagna said Wednesday, according to Reuters. "The demobilization and disarmament has clearly weakened paramilitarism ... But we do not think it has ended,” said Caramagna, citing a death threat against the head of the OAS’ office in the city of Medellin. The OAS has been monitoring a peace deal under which 30,000 former "paras" have turned in their weapons.

**Argentine Senate Approves Extension of “Emergency Law”**

Argentina’s Senate on Wednesday approved the extension of a 2002 law that gives President Cristina Fernandez de Kirchner the power to renegotiate utility rates and make agreements on the country’s defaulted debt, Bloomberg News reported. The lower house extended the "Emergency Law," first passed at the height of Argentina’s 2001-2002 economic crisis, earlier this month.

**US Implicates Venezuelan Government in Plot to Cover Up Contribution to Campaign of Argentina’s Cristina Fernandez**

US authorities have arrested three Venezuelans and a Uruguayan allegedly involved in a plot to cover up an $800,000 Venezuelan government contribution to the presidential campaign of Argentina’s Cristina Fernandez de Kirchner, the US Department of Justice said Wednesday. In a press release, the Justice Department said it arrested the four men Tuesday night and charged them yesterday in federal court in Miami with "acting and conspiring to act as agents of the Bolivarian Republic of Venezuela within the United States, without prior notification to the Attorney General of the United States, as required by law." It said the four men and one other who remain at large held a series of meetings in south Florida with a Venezuelan-American businessman Guido Alejandro Antonini Wilson “to procure Antonini’s help in concealing the source of an intended $800,000 cash contribution to the political campaign of a candidate in the recent Argentine presidential election.” Although the press release did not mention the candidate by name, the Associated Press reported this morning that the prosecutors told the federal court in Miami on Wednesday that the candidate was Cristina Fernandez de Kirchner, who took office on Monday after winning Argentina's October 28 presidential election. In early August, Antonini was caught by Argentine customs officials trying to bring $800,000 in cash into the country while accompanying a delegation of officials from Venezuela’s state-owned oil company PDVSA. Argentine authorities seized the money, and Antonini was allowed to return to his home in Key Biscayne, Florida, but he faces smuggling charges in Argentina. The five men charged on Wednesday allegedly offered to pay Antonini’s legal expenses in Argentina in exchange for his silence, the Associated Press reported. Antonini was also allegedly warned by one of the men that the life of his children were at risk if he failed to cooperate and was told that if he did not claim ownership of the confiscated money he would be in legal trouble in Argentina and Venezuela, according to the AP. In its press release, the Justice Department said the five men told Antonini “that various high-ranking Venezuelan government officials, including the Office of the Vice President of the Republic, members of the DISIP (Intelligence and Preventive Services Directorate), and a high-ranking official from the Justice Ministry of Venezuela” were aware of the cover-up scheme.

Venezuelan Foreign Minister Nicolas Maduro on Wednesday dismissed the accusations as part of a US government “political, psychological, and media war” against Venezuela and efforts toward South American unity, Venezuelan state news service ABN reported. "The Justice Department press release and the information coming from Miami makes clear the role of the US government in continuing with this campaign that since August has tried to tarnish the relations of our governments in South America," Maduro said.

**Argentine Justice Minister Anibal Fernandez called the accusations a "dirty trick" and attributed them to hostile relations between Washington and the government of Venezuelan President Hugo Chavez.**

Venezuelan President Hugo Chavez on Tuesday, the day after Fernandez’s inauguration as president.

Source: Casa Rosada.
stated. In Argentina, Justice Minister Aníbal Fernández called the accusations a "dirty trick" and attributed them to hostile relations between Washington and the government of Venezuelan President Hugo Chávez, Argentine daily La Nación reported. "Don’t involve Argentina or smear [President Fernández] with this," the justice minister told reporters. "If [the US] has problems with Chávez, let them resolve them with him," he added.
Michael Shifter, vice president for policy at the Inter-American Dialogue, told the Advisor the US accusations could lend credibility to charges Chávez has been supporting political campaigns in some Latin American countries, including Bolivia, Ecuador, and Peru. "Chávez has made no secret about his regional ambitions and he surely has a lot of money to spend towards that end," Shifter said.

Political News

Bolivian Pro-Autonomy Leader Rejects Government Military Threat

A leader of Bolivia’s wealthy Santa Cruz province on Wednesday rejected government threats to use the military to put down efforts by that province and three others to set up autonomous governments, the Associated Press reported. "I don’t believe [military intervention] is necessary because this is a legitimate, democratic movement," said Carlos Dádoub, noting that four provinces had voted in favor of greater autonomy in a referendum last year. Bolivia’s minister of government, Alfredo Rada, reportedly said Tuesday that the government would order the country’s security forces to intervene if the provinces moved forward with their autonomy plans. Civic and political leaders from Santa Cruz say the government has begun sending extra military and police contingents to the province in preparation for possible confrontations, but the government of Bolivian President Evo Morales has not confirmed such a move and has ruled out declaring a state of siege, according to the AP. Bolivia’s opposition-dominated western provinces are at odds with Morales’ plans to reform the country’s Constitution.

Special Advisor Report

Colombian VP: International Community Should Condemn FARC

By Elisabeth Burgess

WASHINGTON, DC—The international community should condemn Colombia’s FARC rebel group, which is seeking to exploit international concern over the fate of hostages it holds, Colombian Vice President Francisco Santos said Wednesday.

"What we demand, nothing more and nothing less, of the international community right now is a very clear condemnation, a very clear demand for unilateral release, and a closing of all international space, political space, for an organization that does such heinous acts as [the FARC does]," Santos told an audience at the Inter-American Dialogue.

Santos criticized "some sectors of European and American society," which he said have undermined Colombia’s efforts to negotiate with the FARC by pushing the government to accept the rebel group’s conditions.

"Colombia has paid a high price," Santos said, noting that the FARC have kidnapped 6,836 people, including 304 children, and at least 346 have died. Currently, they are holding dozens of hostages, which include former Colombian presidential candidate and French-Colombian citizen Ingrid Betancourt, three US defense contractors, and many Colombian soldiers and politicians.

On Friday, Colombian President Álvaro Uribe offered to create a zone for the government to meet with FARC rebels and negotiate a deal for the hostages’ release. The proposal, a similar version of which was rejected by the FARC in 2005, fell short of the rebel group’s conditions that Uribe withdraw troops from an area around two western towns to be used as a safe haven. Santos said the FARC have not responded to the proposal yet.

"Only if there’s a variation on international conditions can it get a chance," Santos said of the new proposal. "The political price that the Colombian government has paid has played into the FARC’s hand. The political and international scenarios in which they can move is something they can take advantage of, and they have been taking advantage of it."

There has been growing international pressure on the FARC to release the hostages. In recent days, several Latin American heads of state, including Argentina’s Cristina Fernández de Kirchner, Ecuador’s Rafael Correa, and Chile’s Michelle Bachelet have called on the FARC to let the hostages go.

Questioned whether he was overestimating the international community’s sway over the FARC, Santos responded that "there are pressure points that we haven’t started using to make [the FARC] pay a higher cost ... I think public opinion works."

Robert White, a former US ambassador who served as deputy chief of mission in Colombia from 1972 to 1975 and is currently the president of the Washington, DC-based Center for International Policy, told the Advisor that FARC leaders are tough negotiators and won’t be influenced by international opinion.

Some analysts agree with White, while others agree with Santos that international pressure will help Colombia [see related Q&A in the December 12, 2007 issue of the Advisor].
large burden on the machinery of government."

Guest Comment: Robert Fatton, Jr.: "This is a complicated issue because there are lots of people who are opposed to any constitutional reform. And the very fact that it might go on could generate just the opposite of what Preval wants: more instability. Now, he will probably get support on the part of the diaspora, in particular in the United States, because they have wanted the constitutional reform for a long time so that they could have double citizenship. But internally that might create some instability. Not that the reform doesn’t make sense, but it’s the timing that might be the problem. At this time, given what people in the opposition in particular have said, it may be that it’s opening a can of worms. At this moment, many people feel that the timing may be inappropriate even if the reforms do make sense and in fact in some fundamental way make the system less immobile, because one of the problems is that, from Preval’s perspective, Parliament can stop things at any time. So, I think there’s a feeling that executive power is circumscribed to a large degree, and that might in turn generate some internal opposition from people who believe that the [legislature] is in fact needed to prevent any type of very strong one-man rule, as it were."

Guest Comment: Dan Erikson: "For two decades, Haitian leaders have asked themselves, ‘why bother to change the Constitution when it is so much more fun to violate it?’ Therefore, it is not without considerable political risk that President Preval has opened up the constitutional question. On the one hand, Haiti’s 1987 Constitution remains a universally accepted document in the country’s politics. On the other hand, it is unwieldy, burdensome, and routinely ignored when it is politically convenient to do so. Many Haitians will quietly concede that the current Constitution is virtually unworkable, but at the same time there is no political leader they trust to actually oversee this process. So far, Preval has surpassed expectations in terms of his ability to maintain a level of social peace, but he has done so by focusing on security and staying away from highly divisive political issues. How the administration handles the reform process will be a major test of Preval’s diplomatic ability and political know-how—but it is hardly the country’s most essential task. It is true that the Haitian Constitution mandates frequent national elections that place great financial and organizational strain on the government and the international community. The numerous and costly elections required by the Constitution are untenable, given the scarcity of resources available to the Haitian state ... Still, Haiti’s economic and social problems, not the admittedly awkward Constitution, are the core challenges facing the country today. President Preval has only limited political capital to spend, and he would be wise to use bettering the lives of ordinary Haitians, not opening a Pandora’s box of constitutional questions that, even if successfully resolved, don’t guarantee any improvement in the daily lives of his people."

Barbara McDougall is an Advisor at Aird & Berlis LLP in Toronto and a former Secretary of State for External Affairs in Canada.

Robert Fatton, Jr. is a Professor of Government and Foreign Affairs at the University of Virginia.

Dan Erikson is a Senior Associate for US Policy at the Inter-American Dialogue.

Correction

A story in Tuesday’s Latin America Advisor incorrectly stated that former Argentine President Nestor Kirchner was barred from running for re-election this year by the country’s Constitution. In fact, Argentine law prohibits presidents from serving more than two consecutive terms. Kirchner, who only served one term, could have run again this year.