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**Constitution making in Colombia and Ecuador in the 1990s:
the role of social movements and coalition building.**

My project aims to compare the constitution making processes in Colombia and Ecuador during the 1990s. In each case, the period of study starts with the consolidation of a ‘constituent process’ as a widely accepted option for the solution of the political crisis, and ends with the completion of the transition from the old Constitution to the new one, marked by the first general election of state functionaries. In the case of Colombia, then, we begin with the assassination of Luis Carlos Galán in 1989 and finish in 1992, and in the case of Ecuador, we start with the overthrow of President Abdalá Bucaram on February 5 1997, and end with the elections for Congress and President in May 1998.

I understand constitution-making as a political process that incorporates the moment when the idea of writing a new constitution appears to obtain widespread support amongst a national community (in our cases as the solution to a crisis), the complex interaction amongst the different actors that push or want to stop the constitutional reform from happening, and the dynamics within the Constituent Assemblies themselves. Because the new wave of constitution making in Latin America is taking place in countries with long histories of legalistic traditions, we cannot longer see constitutions merely as founding-moment texts; they in fact reflect the tensions and compromises of their (usually divided) societies. I approach constitutions, then, as texts where countries map their desired future, but where this future is unavoidably interlinked to past struggles and cleavages. The dissertation will encompass the following elements:

1) The critical moment. What is the precise political moment in which the constitutional reform acquires visibility and public relevance? What is the particular crisis that aimed to be solved with a constitutional reform? 2) Constitutional reform. How did the constitutional reform solution come into being? How does this alternative take shape? 3) Actors. Who are the agents of this change? What social actors are responsible for turning the constitutional reform into a reality? Who are those opposing it? Why? 4) Constituent Assemblies. How do Constituent Assemblies come into being? Which are the obstacles they need to surpass? Why are mechanisms of traditional reform eschewed in favor of the Assembly? How does this affect the resulting text? 5) Institutional engineering. What are the effects of the electoral system chosen for the election of the Constituent Assemblies? What actors got elected? 6) Inside the Constituent Assembly. What is the composition of the Assembly? What coalitions are formed and why? How was the decision making process decided? How does this impact the new constitution? What are the relations between the Assembly and the other branches of power? What was the timing of the procedures? How was the final document ratified?

In both Colombia and Ecuador, the idea for a constitutional reform had been circulating for quite a long time, but it was a moment of particular political crisis that made the idea of a Constituent Assembly a viable political option. Because in both countries the idea behind the reform was not only to change the normative structure, but also the political forces that had supported the old political systems, I am particularly interested in examining the role of social movements in bringing forward the idea of the need of a new constitution. These movements brought forward a political agenda, and pushed a specific type of reform mechanism (the Assembly) that they believed was going

to strengthen democracy. However, we cannot fully understand the dynamics of the process if we see the social movements in isolation: to really evaluate how the initial motivations for calling for a Constituent Assembly were reflected in the reform itself, we need to understand how the building of political coalitions shaped the reform. The hypothesis that underlies this research is that the reformist coalition plays a crucial role in determining the final result of the reform, and that the success of the social movements' agenda depends in good measure of how they fit into the coalitions.

For purposes of this paper I will focus on point 1, the critical moment. This is of particular importance in the cases of Colombia and Ecuador, as in both countries the constitutional reform was seen as the solution to moments of great political instability and violence.

Colombia

There were two main issues that framed the 1991 National Constituent Assembly: 1) a generalized phenomenon of political and social violence and 2) a crisis in the political system that had made political parties lose their legitimacy, and opened a huge gap filled with apathy and skepticism between citizens and rulers. Violence was the most prominent characteristic of the political process. Guerrilla groups, right wing paramilitary and drug dealing cartels: the violent actors were many, and they had turned Colombia into a place of extended war. Violence, however, was seen as the final result of a long process of decadence of the political system. Colombians were highly unsatisfied with the role of the traditional political parties (Liberals and Conservatives), the little incorporation of parties representing other interests, the weakness of civil society

organizations as a channel for democratic participation and in general the terrible reputation of the 'political class'.

This generalized belief that the way of doing politics was the cause of the chaotic situation was supported by what Ana Maria Bejarano has called the 'unquestionable truth' of the restricted character of the Colombian political system. Academics had diagnosed for decades that the exclusionary character of the political system, that had guaranteed a monopoly of power to the two traditional parties and had marginalized both third forces and social groups, was the cause for the limited democracy and instability of the country.

This idea, which served as a justification for the taking up of arms by the leftist opposition in the 1960s and 1970s was made into dogma by many intellectuals in the 1970s and 1980s, was at the base of the student movement that pressed for the convocation of the Constituent Assembly in 1990, was aptly used by three reformist presidents (Betancur, Barco and Gaviria) in their struggle against the more traditional sectors of the Liberal and Conservative parties, and finally became the guiding principle of the Constitutional Assembly and the new Constitution of 1991."

These two issues -violence and political crisis- were the ghosts that haunted the A.N.C. I believe that the ANC focused on creating the basis for a participatory democracy as it understood violence to be mainly a political problem produced by the existing exclusionary system. The reforms aimed to overcome the political crisis were directly tied to this goal: by transforming the party system and regulating the activities of the politicians, the ANC hoped to break the bipartisan monopoly of power and reinvigorate Congress. However, the unintended consequence of this reform was a mutilation of the already weak political party system that broke the few channels of control that existed in the country.

The idea of the National Constituent Assembly was first promoted by a student movement, mobilized after the assassination of Presidential candidate Luis Carlos Galán on August 1989. The student movement captured national attention thanks to the big coverage that the media gave to the march. It was the first time in 15 years that public and private universities, traditionally confronted, walked together. That day and the following ones were dedicated to collect signatures to support the initiative of the A.N.C.: 35.000 names signed a letter addressed to the president that read:

Facing the generalized crisis that the Nation is going through, and witnessing the incompetence of the political class to solve the country's major problems, it is necessary that the citizens assume their responsibility in the search for the solutions that the circumstances require. The people who sign this, called by the Colombian youth, far away from any interest that has origins in a party, bureaucracy or fraction, without particular economical interest, and motivated only by the search for a common good, for a future Colombia ruled by a moral and integral justice based on democratic principles and respect for human dignity, in a context of progress, peace and self determination, ask you, Mr. President, to do the pertinent arrangements for the call of a plebiscite so the Nation can express itself on the following topics:

1. Adoption of the plebiscite and referendum as mechanisms to reform the Constitution¹.
2. Elimination of parliamentary supports².
3. The call of a National Constitutional Assembly that studies and decides on the following reforms of the Constitution:
 - a. Reform of the Congress
 - b. Reform of the regime of civil rights, human rights and social welfare
 - c. Reform of the justice administration
 - d. Regulation of the state of exception.³

¹ The 1886 Constitution stated that the only way of reforming the Charter was through the Congress. Curiously, it was a plebiscite the way in which the population voted a pack of reforms to the Constitution (which included the Frente National pacts already described as the vote for women) that forbid any further plebiscites.

² Parliamentary supports were monetary contributions that congressmen could do to private institutions and corporations. What was initially a way of helping cultural and educational groups that could not support themselves, ended being a big help for corruption: many congressmen gave money to fake corporations, that existed only in paper.

³ When certain circumstances are present, as extreme violence or economic emergency, the President can declare 'state of exception', under which the Executive has autonomy in the promulgation of laws and decrees, that do not need the approval of the Congress. In the last decades, there was almost a permanent

- e. Reform of the mechanisms of economic planning
- f. Widening of the mechanisms of administrative decentralization.⁴

On 11th March 1990, regional and local elections took place. The student movement supported what was called ‘the plebiscite for the plebiscite’. Votes in Colombia were at that time little pieces of paper introduced in an envelope. Students invited voters to add a piece of paper that read “I vote yes to a National Constitutional Assembly’. Those votes were not counted by electoral authorities, but only by witnesses that the student movement placed in the voting tables: around 2.000.000 voters supported the idea all around the country.⁵

The wide support found amongst politicians, journalists and organizations of civil society pushed President Gaviria to pact with the major political forces to call for the A.N.C., making use of the extraordinary powers given to the Executive by the State of Exception Colombia was in. This was necessary as the 1886 constitution clearly signaled that the only way to conduct constitutional reforms was through Congressional hearings. It was a previous ruling from the Supreme Court⁶ what allowed the government to promote a formal referendum to decide if the Assembly should meet. This referendum took place simultaneously with the presidential elections on the 27th of May: 5.236.863 people voted yes, while 230.080 voted no.⁷ All the presidential candidates, from the traditional parties but also from the new representatives of the left -the recently back in

‘state of exception’, that resulted in a extreme concentration of power in the Executive branch, and in a favorable context for authoritarian measures..

⁴ My translation from a copy of the original.

⁵ Data obtained from interviews with leaders of the Student Movement, in Bogotá, Colombia. July 2002.

⁶ In 1987 the Court had written: “... When the Nation, in exercise of its sovereign and inalienable power, decides to intervene on the constitutional statute that is to rule over its destiny, it is not and it can not be subordinated to the judicial regulations that precedes its decision...” My translation from, Jaime Buenahora; El Proceso Constituyente, Universidad Javeriana, Bogota, 1991, P. 151.

⁷ Data from Registraduría Nacional de Colombia.

civilian life ADM19- and the right -Movimiento de Salvacion Nacional MSN- supported the plebiscite.

But the agreement did not stop violence: the candidate of the leftist Union Patriótica Jaime Pardo Leal was shot dead in the airport on 22 March, and on 26 April, Carlos Pizarro, candidate for the AD-M19 was killed in a plane that was taking him to give a speech in Barranquilla. The wave of violence against the leftist candidates shocked important sectors of the country and the need of a profound transformation of the system was seen as unavoidable.

Because the Assembly was being called by the national government through a state of exception decree, it had to be approved by the Supreme Court. In spite of the wide support found among politicians, journalists and organizations of civil society, the process found the opposition of those who had a legalistic reading and thought that convoking the ANC in spite of the open prohibition of the 1886 constitution to do so was antidemocratic and counterproductive. It was a previous sentence from the Supreme Court⁸ what allowed the government to promote a formal consultation to decide if the Assembly should meet. This consultation took place simultaneously with the presidential elections on 27 of May: 5.236.863 people voted yes, while 230.080 voted no.

One of the biggest points of debate before and after the voting was the text of the question asked through the plebiscite. It said:

To strengthen the participative democracy, do you vote for the call of a Constitutional Assembly, with representation of the social, political and regional forces of the Nation, democratically and popularly integrated to reform the Political Constitution of Colombia?

⁸ In 1987 the Court had written: "... When the Nation, in exercise of its sovereign and inalienable power , decides to pronounce on the constitutional statute that is to rule over its destiny, it is not and it can not be subordinated to the judicial regulations that precedes its decision..." My translation from, Jaime Buenahora; El Proceso Constituyente, Universidad Javeriana, Bogota, 1991, P. 151.

Naming the Assembly Constitutional instead of Constituent meant for many a way of restricting the mission this would have, as

by “Constitutional Assembly” it was interpreted an assembly limited in its prerogatives, only with the possibility of making changes or reforms to the Constitution, while by “Constituent Assembly” it was understood a sovereign and autonomous body, able to create a new Political Charter.⁹

The mechanics of election and functioning of the Assembly, however, were discussed and settled by the political parties without the presence of the student movement. The political parties, traditionally the main actors of political life, monopolized the discussion around the Assembly from then on. The elected president, Cesar Gaviria, pact with the major political parties (those that had more than 5% of the parliamentary representation), and a decision was reached on 2 August: there would be a national election to choose the 70 members that would have six months to reform the new constitution. Because of the unconstitutionality of the decision, the Executive decided to use the powers given by the state of exception, and emitted a decree in which it alleged that the continuous violent acts could only be resolved by a redesign of the institutional order.¹⁰ The decree established the way the referendum was going to take place, but it also determined the topics that would be discussed in the Assembly and other issues that constrained its function.

By 24 May 1990, the political process around the A.N.C. had changed substantially: because the Assembly was being called by the national government through a state of exception decree, it had to be approved by the Supreme Court. Although the national opinion was still very favorable to the realization of the referendum, the initial

⁹ Buenahora, Op. Cit. P. 170. My translation.

¹⁰ Decree 1926 of August 24 1990.

idea launched by the students had been transformed through the process: the powerful Constituent Assembly was then a limited Constitutional one, designed and promoted by the parties.

The Court declared constitutional the general parts of the decree calling for the Assembly, but pointed as unconstitutional those that limited in any way the conformation of the organism or the issues it could decide on. This decision raised a lot of controversy, as the 1986 Constitution explicitly determined that Congress was the only possible way to reform the Charter. This made 12 members of the Court to vote against the decree, based upon two main arguments. The first one was that the “primary constituent” - the nation - was a concept adopted from foreign theories that did not respond to the Colombian case. They considered that the voting of the 27th May was only the expression of an important opinion regarding the convenience of the Assembly, but not a pronouncement of the Nation. Also, they thought that it was pertinent that the Court strictly defended the Constitution:

...in this process the Court must not judge a political act, a pronouncement of the sovereign people or a decision taken through any triumphant revolution, but a decree that comes from the state of exception... Its content...is clearly identified with a political decision that is extra-judicial and unconstitutional...¹¹

The winning sector of the Court argued that, in spite of the clear mechanism established in the 1886 Constitution, the will of the nation was being expressed clearly in the political process that had taken place in Colombia in the last months, and that the

¹¹ Ibid.

binding of the former legal structure was no longer serving to the democratic values that should guide the state¹².

It is a fact that has been reflected both in the history of Colombia as in the other nations', that when the institutions adopt systems that are too rigid to be reformed there are crisis and perturbations that can put in terrible danger the fundamental values that allow living in community, and the existence of a republican and democratic system. That is why it is necessary with all diligence and prevision to interpret the will of change and renovation of the institutions that has been expressed by the people, first informally and then on 27th of May in a legitimate form...the constituent power represents a moral and political power of last instance, able, even in the hours of deepest darkness, of fixing the historical course of the State, surging as such with all its essence and creative strength. This is why it knows how to open the channels of expression that have been closed, or to establish those that have been denied or, anyhow, turn efficient a system that was not suitable and that, for different reasons, has lost its vitality and support.¹³

ECUADOR

President Abdalá Bucaram was elected in July 1996 as the candidate of the Partido Roldocista Ecuatoriano, after running a populist and controversial campaign. Known with the nickname of "El Loco", Bucaram addressed the frustration of Ecuadorians with their political class, which they felt was distanced from the real needs of the citizens. Scholars have pointed out that popular support for Bucaram came not only from the promises to redistribute income and empower the poor he did during his campaign, but also from the belief of the people that at least with him they knew what to expect.

Bucaram's presidential period was controversial in many ways. On the one hand, the traditional ruling class and increasingly more Ecuadorians were horrified at his extravagant manners which, they claimed, disrespected the Presidential office. His

¹² A complete theoretical argumentation of this decision is found in the Decision of the Supreme Court of Justice, Ref: Expedient No 2214 351-E, October 9 1990 that can be found in Luis Carlos SÁCHICA and Jaime Vidal Perdomo, *La Constituyente de 1991*, Cámara de Comercio de Bogotá, 1991.

¹³ Decision of the Supreme Court of Justice, Ref: Expedient No 2214 351-E, October 9 1990. My translation.

personality, however, wasn't the only source of unhappiness. Simón Pachano¹⁴ has pointed out the key issues that finally fed up Ecuadorians, the first of them the lack of a real base of support. The electorate that mobilized to elect Bucaram was not incorporated in his party structure, nor was it organized otherwise. In fact, the electoral moment did not translate into a political support that could lead to coalitions to form an alliance in power. This meant that winning the second round gave Bucaram a sort of blank check, which in his case contributed to an authoritarian way of governing. Here, authoritarianism does not equate with repression, but it did mean an array of actions that showed a complete disdain for democracy. Bucaram dismissed any opinion that didn't agree with his, marginalized the opposition and maintained that the popular mandate that had supported his triumph allowed him to override institutional arrangements. He gave the Presidency more functions than the established by the constitutional order, used public finances as he pleased, and built a government based on nepotism: his cabinet included his brother and his brother-in-law, plus many of his best friends. To all this, we must add extremely corrupt practices, that went from private use of public money to the distribution of public funds to congressman loyal to him. Even in a country used to corruption, Ecuadorians were shocked by the levels present in Bucaram's government and felt that he was incompetent.

The final drop needed to mobilize the people was the harsh economic measures implemented by Bucaram. People were disconcerted when, after conducting a populist campaign based on defending the 'little man', Bucaram unveiled in November 1996 a shock therapy package that Domingo Cavallo (Argentina's ex-minister of economics, who was the author of Carlos Menem's economic plan) had helped him design. The

¹⁴ Pachano, Simón. "Democracia a la medida", in *Íconos* No. 1. FLACSO, Ecuador. 1997.

austerity imposed by this plan hit hard on the poorer sectors of Ecuador, but this wasn't the first time that measures of this type were implemented in the country: Sixto Durán had put into practice similar policies in 1992, and they didn't face a remotely similar reaction. It seems that the combination of the austerity plans and Bucaram's decision to impose severe price increases on basic products such as gas, plus the corruption and inefficiency of Bucaram's government and his extravagant personality (that led him to sing along chorus girls with pompoms and be the host of T.V. shows) was too much for the Ecuadorians to endure.

Scholars such as Carlos Arcos¹⁵ have claimed, however, that even if the discontent with Bucaram triggered one of the widest popular mobilizations in recent history in Ecuador, in fact the Bucaram affair was just the culmination of wider, deeper crisis of Ecuadorian democracy. Arcos points to three fundamental weaknesses: 1) the impossibility to reach a consensus on the right economic model for the country 2) the incapability to incorporate the political demands of social actors that used to be marginalized but that are now very present in Ecuador's political realm, and 3) the state's reluctance to institutionalize a public ethic that limits practices such as corruption and nepotism. These three structural weaknesses were in fact key issues in the conformation and discussion of the Constituent Assembly (C.A).

The opposition to the Bucaram government was lead by the Frente Patriótico, a coalition of social movements, which included the Coordinadora de Movimientos Sociales, CONAIE (Confederación de Nacionalidades Indigenas de Ecuador), the Frente Popular and the Frente Unido de los Trabajadores. This coalition organized a popular

¹⁵ Arcos Cabrera, Carlos. ¿Crisis en democracia o democracia en crisis?, in Íconos, No. 1, Flaco- Ecuador, 1997.

protest to demand Bucaram's resignation on February 5 1997. The massive response of Ecuadorians surprised even the organizers: 15% of the country's population took the streets.

The social protests extended around the country for two days, and demanded for Bucaram to leave power. Politicians took advantage of the uprising to push for a change of regime, and when the Armed Forces retired their support to the President, Bucaram's regime had little possible future. Congress responded by invoking article 100 of the constitution, that allowed them to replace the President in case of problems of mental health- a prevision clearly designed in case of serious illness, and not extravagance. Although the measure was clearly against the spirit of the constitutional norm and the law, the general opposition to the Bucaram regime was such that most people welcomed it. A power struggle ensued to designate a replacement. Although the law indicated that the Vice-President should take power, many felt that it wouldn't be viable for someone of the same political power as Bucaram to take over, and so Fabián Alarcón – then President of the Congress- was elected as Interim President.

Soon thereafter, different voices started calling for the need of a Constituent Assembly. The idea of the Constituent Assembly had been part of the discourse of the social organizations for a long time, who felt that Ecuador needed a profound restructuring to be a more egalitarian society. The political crisis triggered by Bucaram brought the idea to the table again with renewed strength, and for a moment it seems there was a consensus regarding the need to have an Assembly, especially after the newspaper El Comercio editorialized for the need to call such instance, and very varied voices of the public opinion supported it. That was, however, as long as the consensus

would go: the country was divided not only on the logistics of the functioning of Assembly, but also on the substance of it.

The social movements that had organized the protest created what was from then on known as the “People’s Mandate”, which stated:

Our struggle of the past few weeks has allowed the PEOPLE’S CIVIC STRIKE to be an historic moment without precedent in recent decades. Millions of Ecuadorian men and women, mobilized in the streets and countryside, have raised the banner of unity, raising our voice and deciding on the need to change the government, and stop corruption, authoritarianism, and the neoliberal program.¹⁶

The Mandate was a way for social movements to claim fatherhood over the political changes going on in Ecuador, but also to establish the themes they believed were crucial in the agenda (corruption, authoritarianism and neoliberalism). The Mandate also demanded that a Constituent Assembly should be called in the following 60 days. In what has become one of the most controversial issues, the social movements demanded that their participation was guaranteed both in the National Congress and the Constituent Assembly, with social movements electing their own representatives to these bodies. While the social movements felt that this was the only way to guarantee that the diverse sectors of society would be fairly represented¹⁷, many in Ecuador thought this was a corporatist approach that was against the principles of democratic representation¹⁸.

Congress, on the other hand, produced a Congressional Resolution announcing that they would take the necessary steps to install the Constituent Assembly in August of 1998, much later than what the Mandate had hoped. Although Congress shouldn’t be seen as a unified voice, it was clear that many saw the Assembly as a competing space

¹⁶ Andolina, Robert. “CONAIE (and others) in the Ambiguous Spaces of Democracy: Positioning for the 1997-8 Asamblea Nacional Constituyente in Ecuador”. Paper delivered at LASA, Chicago, September 24-26 1998.

¹⁷ Ibid p. 13

¹⁸ Interview with Professor Jorge León, Quito, August 2002.

and accepted to go with it reluctantly. Some Congressman, on the other hand, were enthusiastic about the idea of the Constituent Assembly, and even said that it could be considered as an alternative space to Congress, which was corrupt¹⁹. Also, there was an interest amongst the political class to distance the installation of the C.A. from the popular uprising, not only to diminish the role of the social movements –which were seen as the motor behind the strike-, but also to be able to pursue their own agendas.

Faced with this, the social movements decided to start organizing the Assembly themselves. The popular organizations saw the Assembly as “a People’s Assembly that would represent the diverse social, cultural, and economic groups of Ecuador and be the real, legitimate organ of public power.”²⁰ Thus, CONAIE and other organizations started calling for provincial assemblies, which choose delegates to provincial and local government positions, which are usually chosen by the central government. Even though these designations had no legal effect, they contributed to the feeling of empowerment that social organizations had.

While the idea of a C.A. with strong popular participation was taking force amongst certain sectors, the government decided to call for a popular consultation (consulta) to legitimize the decision of calling for the C.A, which took place on May 25 1997. Besides the question of calling the assembly, the consult posed two alternatives for voters: one, for its members to be chosen by popular vote and two, for a part of its members to be chosen by popular vote and another by representatives of institutions and organizations of the state and civil society. Certainly, option two was the one favored by the social movements that felt that appropriate representation of the constituencies could

¹⁹ See comments by Congressman Napoleón Santos in *El Comercio*, 13 March 1997.

²⁰ Andolina, *Op. Cit.* P. 11

only be achieved by direct election of members of the organized groups. However, the social movements did not organize a campaign to mobilize voters around this issue; and focused instead their energy in promoting a ‘no’ answer to question number 2 in the consult, which asked if Fabián Alarcón should be elected Interim President²¹. Thus, the majority of voters chose the universal vote as the preferred way of electing the Assembly.

After the consulta took place, and more than 65% of voters approved that Alarcón took over the Presidency, it was in the hands of the National Congress to define the date and length of the Assembly, the mechanics of electing its members and the rules of the game in the Assembly itself. Coming to an agreement in all these points didn’t prove to be easy, as the members of different political parties tried to push different position. After long debates, Congress decided that election to choose the members of the C.A. would take place simultaneously with the general elections for Congress and President on May 1998, and the C.A. would be inaugurated on August 1998.

At this point, the social movements had been defeated in two basic points: the electoral system chosen to elect members of the C.A., and the inauguration date, which was being delayed for over a year. Many within the popular organizations felt that by postponing the Assembly for so long, politicians were trying to distance it from the February protests. As a response, CONAIE, the Seguro Social Campesino and other groups organized a protest on 11 and 12 August, not only to reject the decisions made by the Congress, but also to announce the installation of what was called an “Alternative Assembly”. By declaring that the Popular Mandate of February 5th was dead, CONAIE and the other social movements aimed to regain the political momentum achieved with

²¹ Ibid, P. 13

the February protests, and maintain their demands as central points in the political agenda.

The Alternative Assembly had to define its identity Vis a Vis the ‘official’ Assembly, whose 70 members were to be elected –by decision of the Electoral Supreme Tribunal- on 30 November, and would start operating on December 20, in Ambato, a city located 120 Km south of Quito. The Alternative Assembly was seen by some as an alternative center of power, a place to push radical agendas, where the voices that had been excluded previously from the Ecuadorian political arena could be finally heard. This was clear on the day of the installation, October 13th 1997²², when a group of indigenous people from the Amazon and the highlands attempted to occupy the Congress building to demand the resignation of Interim President Alarcón and declare the Alternative Assembly the new center of political power. The group was dispersed by the police, and although this event in no way represented a real threat to the transitional government, it did represent the spirit prevalent amongst many of the participants²³.

Once the sessions started, however, the Alternative Assembly started to look more like a citizen’s forum, where proposals for the official Assembly took shape²⁴. The members of the Assembly were divided into several committees that discussed particular areas of the proposed reform: form of state; form of government; economic law; rights and guarantees and state forms. Although all sorts of themes were debated –serious consideration was given, for example, to the continuation of debt payment-, most committees focused on ways of promoting diversity, political participation for indigenous

²² The social movements had planned to install the Assembly on October 12 as an (anti) Columbus day symbol, but as the 12th was Sunday it was postponed one day.

²³ Interview conducted with Virgilio Hernandez, July 2002.

²⁴ Interview with Julio Cesar Trujillo, July 2002.

and disenfranchised groups, and issues of multiculturalism. In summary, the People's Assembly

...helped publicize the proposals of the indigenous movement (and other social movements) and get them on the political agenda. Second, it let the political class know that the Official Assembly needs to consider the proposals of social movements that would be presented at the official Assembly²⁵.

CONCLUSIONS

Ecuador and Colombia constitution making processes share several characteristics: they were both pushed forward by a social movement, they were both the result of an acute political crisis, and they both appeared in the context of a discourse that had reaffirmed for years the need of a constitutional reform. In both countries, also, the need to change the normative structure was closely related with the desire to open the political space to voices traditionally left out, and end a tradition of exclusionary systems. Certainly, there are also crucial differences: while in Colombia wide spread violence was the manifestation of the crisis, Ecuador's levels of violence were contained in comparison; the race and regional cleavages present in Ecuador were less determinant in the Colombian case (although also present) and the nature of the social movements pushing the reforms are very different. However, I believe that, by examining these two processes, we can reach important conclusions about the political dynamics behind constitutional reform, and the implications those have in allowing new agendas to come forward in the public sphere. This paper is just a modest first step in that aim.

²⁵ Andolina, Op. Cit. p. 27