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Venezuela

# **Marea Socialista calls Constituent Assembly "false" and demands consultative referendum**

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Venezuela: Marea Socialista calls Constituent Assembly “false” and demands consultative referendum

In its editorial 21, issued on Sunday May 7, 2017, the revolutionary organization Marea Socialista (“Socialist Tide”), which is identified with what is known in Venezuela as “critical Chavismo”, evaluates the situation of the country in the last few days, highlighting the occurrence of deaths and looting in the midst of violent protests, with a violent response from the security forces employed by the government. In response to the announcement of the governmental call for a Constituent Assembly, this movement expresses its disagreement, considering that this is not called with a clear universal civic participation and because it appeals to the consultative referendum provided for in Article 71 that distinguished the Constituent Assembly of 1999. Here is the full editorial:

Editorial #21 of Marea Socialista: Faced with the false Constituent Assembly: consultative referendum and attachment to the Constitution of 1999

More than 30 dead; the beginning and the extension of widespread looting; the word “peace” in the mouth of the rifles, and the rapid growth of a dynamic of lawlessness and hunger. And in the midst of this scenario, the announcement of a Constituent Assembly without parties, or clear universal participation, without respect for the consultation of the people in a referendum.

This government initiative is contrary to the constitutional process which led to the development, discussion and adoption of the constitution of 1999, with the active participation of a sovereign majority, a process that we in Marea Socialista claim as a democratic method. The Official Gazette with the announcement made by Maduro, as well as the declaration of the member of the Presidential Commission for the Constituent Assembly, Aristóbulo Istiño, that “there is no need to ask anything from the people because today the constitution provides for the Constituent Assembly”, indicate a proposal of corporate and anti-democratic characteristics, with an arbitrary 50% participation of bodies co-opted to the State and without consultation, only serving to add more fuel to the fire started by the political leaders, which faces us with a much more threatening horizon.

On the one hand this Constituent Assembly is neither necessary nor helpful in coping with the most urgent and immediate problems suffered by our people. The emergency in food and medicine demands concrete measures, contrary to those being implemented by the government, such as the suspension of payments on the foreign debt so as to meet the needs of the people. This “Constituent Assembly” is intended to fit with the model of the Congreso de la Patria, a Congress made in the image and likeness of the leadership of the PSUV, where nobody knows what measures are taken or if the government is applying them. This excludes a large part of the Venezuelan people.

As indicated by the Attorney General Luisa Ortega, you cannot ask for legality from the people if it is the state that

violates the law. On this point we must be absolute: the current dynamics of violent repression, of excessive and in some cases brutal character, by the state forces recklessly accompanied by armed civilians, go far beyond any control or supervision of social protest, to become an open violation of essential human rights. Among other things, it is good to remember that the crimes caused by this violation do not prescribe in time.

Of course we reject the action of *foquista* groups, or possible trained snipers, which are covered up for by the MUD leadership. But, without having anything in common with the politics of that leadership and its demands, it should be noted that most of the deaths of unarmed civilians, young people and women, have been in the context of demonstrations in exercise of the legitimate right to protest. The same goes for the more than 700 injured and the hundreds of detainees. In this case: we undoubtedly recognize that the right to legitimate defence is exercised by demonstrators when the state violates the exercise of citizens' rights. This constant violation is the main characteristic of authoritarian regimes that lead to totalitarianism, and is one of the main factors that incite violence.

It should also be remembered that the immediate origin of the present situation is part of a chain of indisputable events in the context of a prolonged political, economic and social crisis: the repeal of the right to vote, the breaking of the constitutional thread, produced by judgments 155 and 156 of the Supreme Court. The indefinite suspension of the regional elections and the violation of the rights of citizens who signed to enable the Recall Referendum are sufficient evidence for denouncing the manipulation by the executive of institutions and rights of the people and the submission to the government of both the Supreme Court and the National Electoral Council.

In this context of constant ignoring of Chávez's Constitution and growing violation of human rights, the government has opened a suspicious "constituent process" since its very anti-democratic announcement. It calls for a "Constituent National Assembly", with corporate characteristics, with the division into two types of the constituents that would form it and little or no transparency in its objectives. These are the elements that provoke distrust and rejection of the manoeuvre, the purpose of which can be guessed at as a preparation for a retrograde counter-reform in violation of the Constitution of 1999.

In addition there is a new violation of popular sovereignty: the failure to convene a consultative referendum to validate the realization of the Constituent Assembly, so that after the end, whether the people approve or reject it, thus the manoeuvre becomes clear and transparent. Since, as is stated in article 71 of the same, consultation must be made for the big decisions in this so-called "constituent process", and the government says that it is big decisions that must be taken. Thus, the experience and tradition of the process of convening the Constituent Assembly of 1999 is completely ignored.

In case there is any doubt about the way in which articles 347, 348 and 349 of the Constitution are manipulated by the regime, it is useful to review comparatively, as an example, article 71 with the constitutions of Bolivia and Ecuador, inspired by ours:

## **Constitution of the Bolivarian Republic of Venezuela: Article 71**

"Subjects of special national significance may be submitted to a consultative referendum on the initiative of the President of the Republic in the Council of Ministers; by agreement of the National Assembly, approved by a vote of the majority of its members; or at the request of not less than ten percent of the voters registered in the civil and electoral registry.

Consultative referendums may also apply to matters of special parish, municipal and state importance. The initiative

corresponds to the Parish Board, the Municipal Council or the Legislative Council, by agreement of two-thirds of their members; to the Mayor or state Governor, or to a number not less than ten percent of the total enrolled in the corresponding district, upon request”.

## **Constitution of Bolivia: article 411**

“I. The total reform of the Constitution, or anything affecting its fundamental bases, rights, duties and guarantees, or the primacy and reform of the Constitution, will take place through a plenipotentiary original Constituent Assembly, activated by popular will by referendum. The convocation of the referendum will be carried out by citizens’ initiative, with the signature of at least twenty percent of the electorate; by absolute majority of the members of the Plurinational Legislative Assembly; or by the President of the State. The Constituent Assembly will self-regulate to all effects, having to approve the constitutional text by two thirds of the total of its present members. The validity of the reform will require a constitutional referendum”.

## **Constitution of Ecuador: Article 444**

“The constituent assembly can only be convened through popular consultation. This consultation may be requested by the President of the Republic, by two-thirds of the National Assembly, or by twelve percent of the persons registered in the electoral registry. The consultation should include the form of election of representatives and the rules of the electoral process. The new Constitution, for its entry into force, will require approval by referendum with half plus one of the valid votes”.

In the current situation of crisis and growing violence, it is essential to assert the voice of the people, that the call is approved in sovereign referendum and that the results of the Constituent Assembly, if it happens, must be approved in the same way. That is why we call for the formation of a broad front to demand and activate these consultative referendums. And that meanwhile we demand from this space the full validity of the Constitution of 1999.

The seriousness of the current situation obliges us to warn that if, on the contrary, the government continues to ignore the claim of a part of society, a claim that begins to appear from the ranks of Chavismo itself; if the repressive level continues to increase and the constitutional mandates are ignored, and all the roads to the democratic participation of the people continue to be closed, the government will be proceeding with the assassination of the Chávez Constitution.

The immediate result of the call made by Maduro, in addition to the confusion generated in the majority of the population, contrasts with the increase of the repressive violence of the state towards demonstrations. An example of this is the activation of the Zamora Plan in the state of Carabobo, which should be understood as a pilot experience with the intention of being extended to the whole country, with the activation of military tribunals for detained demonstrators who are denied ordinary justice, and the de facto installation of detention camps in military units, which is alarming and can lead to a crossing of the thin line to an openly repressive and totalitarian government.

This single example should be sufficient for all those who reject the spiral of increasing violence initiated by the state power, to together demand that the Electoral Council restores the functioning of the 1999 Constitution to assume its historic responsibility, activates the suspended regional elections for governors and mayors and ensures the presidential election next year, installing a timetable for all of them. All this with ample guarantees of democratic

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participation of all the political expressions of the country.

The struggle we are proposing is far-reaching and requires the construction of a social and political force of unity of action which will build itself on the march on the basis of the defence of democratic rights.