

Constitutional Reform

The President of the Bolivarian Republic of Venezuela Hugo Chavez Frias, presented to the Venezuelan People on the 15 August 2007, a proposal of the Constitutional Reform. This proposal modifies 10% of the articulated text, 33 out of 350 articles, without affecting its structure or its fundamental principles. Nevertheless, it introduces adjustments indispensable for the deepening of the Constitutional and Democratic Revolution initiated in 1999.

Faced with erroneous interpretations circulated in the exterior due to the proposal of the constitutional reform process, this document looks to clearly identify in a precise manner and emphasise the multiple aspects which will enrich the Venezuelan democracy.

The Venezuelan people will discuss and debate the proposal of the Constitutional Reform

The President of the Republic exhorted the Venezuelan society to discuss and debate the Proposal of the Constitutional Reform. P4

The Constitutional Reform guarantees political pluralism

Political Pluralism is a fundamental principle of the Constitution and cannot and will not be modified. P4

The Reform will only be approved by the Venezuelan people via a Referendum

The Reform Project will be submitted to a referendum for approval. This is established in Article 344 of the National Constitution. P5.

The Reform does not contemplate the perpetual re-election or holding of post for life of the President of the Republic

The duration of the President of the Republic in power will depend on the willingness of the Venezuelan people just as occurs in the majority of the European countries. P6.

The Central Bank of Venezuela (BCV) will continue participating in the formulation and execution of monetary affairs.

The Reform contemplates the joint work between the BCV and the Executive in the formulation and execution of monetary issues and handling of reserves. P8.

The Reform recognises and guarantees private property

It also recognises and guarantees other forms of property such as public, social, collective and mixed. P8

The Constitutional Reform contemplates important vindications for workers

The Reform proposes to reduce working hours to 36 hours per week instead of 40 hours and the creation of a fund for workers and the self employed.

The Constitutional Reform does not contemplate the elimination of the States and Municipals

The Reform only proposes to widen the spectrum of the territorial order with the incorporation of new entities, amongst others the “Maritime Regions”.

“The debate of the Bolivarian Reform should take the streets, should go to leaders , the people, political parties, social movements, students, women, workers, the indigenous, the military, the soldiers, all to a great debate (...)”

(Hugo Chavez Frias (National Assembly, 15 August 2007)

From the “democratic elite” to the “participative and leader democracy”

Since 1958 and towards the end of the twentieth century the model of representative democracy that reigned in Venezuela was based on the classical principle of power delegation. Progressively the delegation developed in confiscation of the popular sovereignty for a political class that successively was conformed of minority governments not under the control of the people.

These governments, protectors of the national and international interests of the oligarchic, turned their backs to the great majority of the people, closing doors to citizens and hindering their participation in the unbalanced process of social and economic development caused by the prosperity of oil production and export.

The submission of the model for national development versus the interests and necessities of the great centres of world power steered the Venezuelan society to a general impoverishment and to the enrichment of a few interested in the perpetuation of underdevelopment.

The corruption and distribution of favours via a complex red of client relations was known as a characteristic seal of Venezuelan “democracy”; the access to political power was converted, exclusively in an environment to pillage public resources and by fraud, transfer them into private hands.

With the current neo-liberal trend that took over the planet in the 80s transfers to particular groups of surplus public resources which the greediness of the Venezuelan political society had not consumed were attempted. Parallel to the attempts of privatisation, all the weight of what was called the “structural adjustment” fell heavily on the backs of the poor.

The moral disparagement of the political class combined with an acute social crisis provoked a permanent insurrection which undermined the fragile basis of the Venezuelan traditional political model.

In this context the political alternative of the Bolivarian movement emerged led by Hugo Chavez, and in which the Venezuelan people saw the guarantee of necessary social changes. Once elected, the President Hugo Chavez prompted the formation of a Constituent National Assembly thus initiating a process of profound transformation of the Venezuelan State.

The Constituent process of 1999 gave life to a Participative and Influential Democracy

The Constituent Process developed during 1999, gave birth to the Venezuelan Democracy and aroused a passion for participation which the Venezuelan people were no longer accustomed to.

For the first time in the Republican history, the Venezuelan people were consulted via a referendum on the necessity of summoning a Constituent National Assembly. With its landslide approval the Constituent National Assembly was created with members being elected via popular voting.

During 4 weeks, the National Assembly discussed, drafted and approved a very humanistic constitution of progress and in shared agreement, which objectives were to guarantee the human, civil, political, social, cultural, education, economic and environmental rights of all Venezuelans. For the first time, the rights of historically discriminated groups will be explicitly safeguarded, just as those of the indigenous population; equality was vindicated and mechanisms were created to achieve full participation of the woman in all to do with social issues. With a vanguard sense, the project will give the people the power to revoke electoral mandates, via the innovative figure of the revoke referendum.

“The Constitution of the Bolivarian Republic of Venezuela” is a model constitution; I believe it is the best in the world. I do not believe there is any other like it even though there are details that need to be corrected, it is not perfect, and the perfect is enemy of the good. With due respect, it is the best constitution in the world.

Hugo Chavez Frias (Caracas 3 August 2003)

Continuing with the democratic logic that presided over its make up, the project only became a constitution of the Bolivarian Republic of Venezuela when it was submitted to approval by the Venezuelan people, which voted 76% of support via an organized referendum on the 15 December 1999.

The National Constitution of 1999, final result of the constituent process, gave bases to the remodeling of the Republic becoming a point of reference of the Venezuelan route towards the Democratic Revolution.

The “Constitution Model” was a victim of heavy dictatorship

Since 1999, Venezuela has gone through 8 years of constitutional and democratic revolution, experiencing an expansion without precedents of its social, economic and political rights for its population in need.

The voluntary transformation has led to a confrontation between the State, interested in developing mechanisms of democratic participation, economic diversity and a new model of a free, human and solidarity society, and that of the established oligarchy that resist replacement and fights to maintain its privileges.

The thirst for power and the frustration generated by the major changes that the Bolivarian Government implemented and by constitutional mandate led the Venezuelan oligarchy, together with logistical and financial support from abroad, to execute two State coups.

The first coup dated 11 April 2002 made Pedro Carmona one of the first dictators of the twenty first century. During his short and heavy dictatorship, Carmona abolished the Constitution and ended the participative and leadership democracy which was born from the will of the people. But the people on the streets recuperated this democracy on the 13 April 2002 in a demonstration of heroism and democratic conviction without universal historical precedents.

The second coup, known as the “oil sabotage” and executed in December 2002 and January 2003 also failed.

The People of the Bolivarian Republic advances with the perfecting of the Constitution

The Constitutional Reform is a debt the State has with the Venezuela people and which looks to adjust the Constitution to face new historic challenges such as eradicate poverty and stop inequality and social exclusion in a democratic, free and just process.

The Venezuelan democratic process came to a historical moment when indispensable structured answers needed to be given in order to advance. The National Constitution, just as was approved in 1999, cannot offer but a partial modification in aspects of territorial organisation, work and decentralisation of power. And that is why President Chavez has proposed partial changes to the National Constitution which do not modify the structure or the fundamental

principles of the contents but are transcendental for the consolidation of the Venezuelan democratic process.

In this context, the proposal of the popular power integrated in a new geometry of power, forms the base of the Constitutional Reform. The new geometry of power, understood as the new ways of relation, hierarchical structure, and the integration of the society with the State within a territorial space consist of an innovative paradigm of decentralisation, which leads towards the democratisation of power and consolidation of the real participative and leadership democracy.

All in all, the Constitutional Reform will allow Venezuelans to enjoy a Constitution designed to decentralise and redistribute power amongst the citizens. In 1999 the Venezuelan people stopped being the objects of democracy and were converted to the leaders of democracy.

The Constitutional Reform guarantees Political Pluralism

The proposed reform is partial and will only modify 10% of the Constitution, 33 out of 345 articles. Abiding by Article 342 of the Constitution, the Reform will not modify the structure or the fundamental principles of the text, amongst which Article 2 defines Venezuela as a “Democratic and Social State of rights and justice” which advocates as high value its juristic order and action, life, liberty, justice, equality, solidarity, democracy, social responsibility and in general the pre-eminence of the human rights, ethics and political pluralism”.

The Opposition takes part in the debate and discussion of the Reform

The opposition party, Primero Justicia (First Justice), initiates its own plan for spreading and discussing the Constitutional Reform. More than a thousand neighbouring leaders of this political party came together to analyse the contents and methods of voting on the Reform. Likewise, they hope to incorporate into the proposal aspects such as the delivery of land titles to the Venezuelan people of the slums, an initiative already taken by the National Government since 2004, just as the redistribution of land property of the State and personal security, an aspect which is already within the proposal of the Reform.

The Proposal of the Constitutional Reform will be discussed and debated by the Venezuelan People

The President of the Republic prompted the Venezuelan people to discuss and debate the proposal of the Reform: “The debate of the Reform should be in the streets, with leaders, the people, political parties that support the Revolution,

social movements, students, women, workers, indigenous people, the military, soldiers, those who fight, all to give a great debate (...)"

The National Assembly designed the plan "Constitutional Reform to Debate" with the objective of spreading and promoting the contents of the proposal. The plan has four lines of action: street social parliamentarism, information campaign, international circulation of the Reform, formation and orientation of the handling of intelligence on the proposal.

The National Assembly has 200 initiators who will prepare and train 20 citizens in different regions to total four thousand "facilitators", who at the same time will prepare and train 20 other persons to reach a platform of eighty thousand. To ensure the effectiveness of the plan, the twenty seven million inhabitants will be divided into family groups of 5 persons and each facilitator will contact 6 homes to cover 100% of the national population in 11 days.

The plan contemplates a preparation phase and four phases to develop in 7 weeks

The previous phase is for the formation of spokesmen, logistics, regional, municipal and communal organisations and the articulation with the Executive for the promotional campaign. In the first instance, the campaign to form the facilitators will commence, the first visits house by house and the handing out of informative material. Subsequently, community surgeries will be opened and others for groups of workers, businessmen, farmers and professionals with the objective of discussing the proposal and holding on a national level municipal, state and popular power assemblies.

The Constitutional Reform Surgery

The surgery is the location/space created by the National Assembly to collect and systemise the national territory public consultancy and so comply with the established schedule for study and discussion of the Constitutional Reform.

Via a web page the data of suggestions, doubts and proposals of all Venezuelans will be systemised.

The reflections or proposals that are generated from social street parliamentarism, and that of the forums, assemblies or any other type of people participation, will be available almost immediately and systematically.

This surgery will house 35 analysts, who will work together with blocks of the State and a mixed commission of the Parliament.

The Constitutional Reform will only be approved by the Venezuelan people via a Referendum.

The National Assembly will be in charge of approving only the Reform proposal. Subsequently, the reform proposal is submitted to a popular referendum for its approval according to Article 344 of the National Constitution.

The Reform will be approved, according to Article 345 “(...) if the number of affirmative votes is superior to the number of negative votes”. Consequently, only the Venezuelan sovereign, independent of its political inclinations can approve the changes to the National Constitution.

DRAWING: The Proposal of the Constitutional Reform must be approved by the Venezuelan people via a Referendum.

Article 343 of the National Constitution

The initiative of the Constitutional Reform will be managed by the National Assembly in the following way

1. The proposal of the Constitutional Reform will have its first discussion in the period of sessions corresponding to the presentation of the same.
2. A second discussion by title or chapter, whichever the case may be.
3. A third and last discussion article by article.
4. The National Assembly will approve the proposal of the Constitutional Reform in a period no more than two years from the date in which it acknowledged and approved the request for a reform.
5. The proposal of the Reform will be considered approved by two thirds of the votes from the members of the National Assembly.

The Proposal of the Constitutional reform approved by the National Assembly will be submitted to referendum within 30 days after its sanction.

The Referendum will be made known in conjunction with the Reform, but they can be voted for separately up to a third, if this is approved by a quantity no less than 1/3 of the National Assembly. Or if in the initiative of the reform this was requested by the President of the Republic or a quantity no less than 5% of the inscribed electors in the Register of Civil and Electors

The Reform does not contemplate the perpetual re-election or presidency for life of the President of the Republic

The type of re-election proposed by the President of the Republic is not perpetual or for life. The President can be re-elected on a continuous basis as many times as the people want via universal, free and transparent voting. The proposal of the Reform maintains the mid term revoke referendum for all positions of popular election, including that of the President of the Republic.

The standing of the President of the Republic in power will depend on the democratic willingness of the Venezuelan people as occurs in the majority of the countries of the European Union, being emblematic cases such as Helmut Kohl of the German Christian Democratic Party, elected and re-elected Federal Chancellor continuously for 16 years; Felipe Gonzalez of the Spanish Socialist Labour Party, elected and re-elected President of the Government for 14 years. Jacques Chirac of A Union for Popular Movement, party presently in power, elected and re-elected between 1995 and 2007 for 12 years, and the present President of Slovenia, Janez Drnovsek, elected Prime Minister in 1992 and subsequently President from 2003 for a total of 15 continuous years in power.

Types of Re-election in countries of the European Union

Pie Chart Drawing: Limited 10 and Continuous 17

Continuous Re-election		Limited Re-election	
Germany	United Kingdom	Austria	Bulgaria
France	Spain	Hungry	Ireland
Italy	Portugal	Lithuania	Malta
Sweden	Denmark	Poland	Rumania
Belgium	The Netherlands	Finland	
Luxemburg	Slovak	Czech Republic	
Cyprus	Estonia		
Slovenia	Greece		
Latvia			

Emblematic Cases			
Germany	Helmut Kohl German Democratic Christian Party	Elected and re-elected Federal Chancellor between 1982 and 1998 on a continuous basis	In power for 16 continuous years
Spain	Felipe Gonzalez Spanish Socialist Labour Party	Elected and re-elected President of the Government between 1982 and 1996 on a continuous basis	In power for 14 continuous years
France	Jacques Chirac Union for Popular Movement. Presently in power	Elected and re-elected President between 1995 and 2007 on a continuous basis. He decided to not postulate again.	In power for 12 continuous years
Slovenia	Janez Drnovsek Presently President of Slovenia	Elected Prime Minister in 1992 and after President from 2003.	In power for 15 continuous years
Sweden	Tage Fritiof Erlander Social Democratic Party	Elected Prime Minister between 1946 and 1969 on a continuous basis	In power for 23 continuous years.

Presidents in Venezuela cannot anymore hold positions of “Senator for Life”

The Constitution of the Bolivarian Republic of Venezuela, approved by popular referendum in 1999, put an end to Presidents’ pretensions to stay in power indefinitely, being reelected after a certain period of time and holding the post of “Senator for Life”.

Until 1999, Presidents had the constitutional right to be perpetuated in power. They could be reelected, although not continuously and in any case they held the privileges of being Senators for Life once their mandate had ended. This way, they exercised power without answering to the Nation and without bowing to popular will. As Senators for Life, Presidents also had privileges “for life”, being able to elude justice even when charges of corruption against them were overwhelming. According to the old constitution of 1961, they could never be “arrested, detained, confined or be subjected to a penal trial, personal or domiciliary searches, or be restricted in the exercise of their functions [and]

officials or government employees who violated [their] immunity would be penalized in accordance with the law”.

Thanks to the Constitution of 1999, only the people’s sovereignty has the power to elect, reelect or revoke the mandate of any government official who is elected by popular vote, including the President, and through a process with transparency guaranteed by the Electoral Power.

Romulo Betancourt: He exercised power without interruption, as President and Senator for Life, until his death. He died in 1981 being Senator for Life.

Raul Leoni: He also exercised power without interruption, as President and Senator for Life, until his death. He died in 1972 being Senator for Life.

Rafael Caldera: He exercised power without interruption, as elected and reelected President, and Senator for Life, during a period of 30 years (1969-1999). If the Constitution of 1999 had not been approved, he would still exercise power after 38 years.

Luis Herrera: He exercised power without interruption, as President and Senator for Life, during a period of 20 years (1979-1999). If the Constitution of 1999 had not been approved, he would still exercise power after 28 years.

Jaime Lusinchi: He exercised power without interruption, as President and Senator for Life, during a period of 15 years (1984-1999). If the Constitution of 1999 had not been approved, he would still exercise power after 23 years.

The Constitutional Reform recognizes and guarantees private property

Apart from private property, other forms of property would be recognized and guaranteed:

Public property, which belongs to the State; social property, which belongs to the people and can be indirect (when exercised by the State on behalf of the community) or direct (when allocated directly by the State); collective property, which belongs to social groups who can benefit from it, use it or enjoy it together; and mix property which is integrated by public, social, collective and private sectors.

“Business people and producers of the private sector: you are not excluded. We need you to associate with, be allies and form property which is State-public, communal-social as well as private. Let’s go! Together we will build the great country that Venezuela is becoming within the great South American nation”.

Hugo Chavez Frías (National Assembly, August 2007)

The Constitutional Reform contemplates important demands from workers

The reduction of weekly working hours to 36 is proposed in the Reform; the compliance with safety and hygiene conditions in the working place; the creation of a Social Stability Fund for non-dependant workers who freelance, as well as social security for cultural workers.

The Constitutional Reform maintains the functions of military components

The Reform seeks to integrate the National Bolivarian Armed Forces. The National Guard will not be eliminated; it will only have different functions, while the national reserve will form the National Bolivarian Militia.

The Popular Power proposed by the reform will only be incorporated to the territorial distribution of the Public Power, below the municipalities

Public Power is distributed territorially as follows: popular power, municipal power, power of each state and national power. Popular Power is expressed constituting the communities, communes and cities' self-government through communal councils, labour councils, farmers' councils, student councils and other entities indicated by the law.

The Constitutional Reform guarantees the right to a city

The right to a city is conceived as the equal benefit obtained by each inhabitant, in compliance with the strategic role articulated by their city, within the regional urban context and the National System of Cities. Every city will have what it needs to achieve urban reorganisation, road restructuring, environmental recovery, optimal levels of personal and public safety, integral reinforcement of slums and neighbourhoods, health systems, education, sports, recreation and culture, as well as the total recovery of historical centers and sites in order to achieve the maximum level of humanization possible.

The Venezuelan Central Bank will continue participating in the formulation and execution of monetary policies.

The Constitutional Reform contemplates the joint work between the Venezuelan Central Bank (BCV) and the government in the formulation and execution of monetary policies as well as management of reserves.

At the end of each year the Government will establish together with the BCV the level of reserves needed for the country's economy and will allocate the outstanding amounts in a development fund. Currently, the National Development Fund (Fonden) destines a percentage of international reserves for infrastructural development and productive investment.

The BCV will also participate in the design and execution of currency exchange policies as well as credit and interest rate regulation. On the other hand, the State recovers its autonomy in the management national economic policies.

The “autonomy” of the Venezuelan Central Bank never worked

The autonomy of the BCV was created through a 1992 law, after agreements were signed between the government of Carlos Andres Perez and the International Monetary Fund. Its purpose was to reestablish the country's price stability, which was a key factor in the success of a plan designed to modernize the economy as well to solve economical and social problems. The “autonomy” of the BCV would allow the new economic concept to be established with the sole purpose of achieving monetary stability. This goal was never achieved.

Inflation could not be stopped and poverty levels increased out of proportion during the government of Carlos Andres Perez from 1989 to 1993 (who was sentenced over corruption charges), the interim Ramon Velazquez (1993-1994) and Rafael Caldera (1994-1999). All of them neo-liberals who were submissive to the policies imposed by the International Monetary Fund, through a BCV managed by neo-liberal technocrats who were never elected by the people and never answered to the Nation.

It was precisely inflation, which was already high in Venezuela, which increased disproportionately after the so called “autonomy” of the BCV was decreed. This could only be controlled by the government of President Chavez during the first years of his mandate and after the 2002 coup and oil strike in 2002-2003, by means of laws and decrees which gave the government more freedom to design and execute monetary policies.

The high levels of poverty and underdevelopment were only increasing in Venezuela until 1998. This tendency started reverting with the government of President Chavez. By virtue of the last modification to the BCV law, which gave

more freedom to the State to design and execute monetary policies, poverty was drastically reduced and human development was considerably increased in Venezuela.

The Constitutional Reform guarantees democratic decentralization

Changes in the structural organisation of the State in terms of territory which is proposed in the project of Constitutional Reform, would guarantee a better distribution of power; in a more fair, participating and democratic way.

Apart from the states, which are organised in municipalities, the formation of the “City” is proposed, as a population settlement within the municipality that will be integrated by areas or geographical extensions called “Communes”. These communes will be geo-human cells of the territory and will be integrated by the “Communities”, where the common inhabitants will have the power to build their own geography and history.

At the same time, the creation of “Federal Provinces”, “Federal Cities” and “Functional Districts” is proposed, prior approval of the National Assembly. These will be created according to their historical, socio-economic and cultural characteristics, as well as their economic potential.

The Constitutional Reform does not eliminate or undermine governors and mayors

Every state and municipality in the country will continue to have governors and mayors.

The project proposes the creation of special vice-presidencies for the “Federal Territory”, “Federal Municipality” and “Federal City”. Its conformation will have to be approved via referendum and even when the authorities will be designated by the government for a period established by law, their mandates are revocable by the people via referendum. The President could designate special authorities in situations of contingency or national disaster.

The creation of the “Functional District” integrated by one or more Municipality or Territorial Lot will be done without detriment to the state in which it is created. At the same time the “Federal Provinces” would be constituted so that they can have states and municipalities added to them, without them lacking the attributions provided in the Constitution.

The Constitutional Reform does not contemplate the elimination of states and municipalities

The Power of the States and the Municipal Power will maintain their current conformation. The states are organised in municipalities and within the municipality the city will be constituted. The city will be integrated by areas or geographical extensions called “communes”, which will be integrated by “communities”.

The Venezuelan political-territorial organisation dates back to the XVI century. The concept of municipality, for example, was part of the colonial structure.

In this context, the reform proposes a wider and more organized territory which will incorporate “Maritime Regions”, the union of all maritime space, Venezuelan islands and archipelagos; and “Insular Districts”, whether or not they are part of those islands and archipelagos.

The creation of “Functional Districts” is also proposed. They would mean the conformation of one or more municipality or territorial lot; also the “Federal Provinces” which would be the union of states but not necessarily according to their boundaries, but according to their geographical, economical and historical characteristics.

The creation of “Federal Territories” is also proposed and they would mean the union of different areas of different states which have been historically abandoned or lacking regional attention.

On the other hand, the “Federal Municipalities” will be located in bordering regions or where security and defence policies require them. The name “Federal City” would be given to urban centres of greater importance, while the name “commune” would be given to a group of several communities. The “Special Military Regions” would be strategic ad hoc areas formed in case of national emergencies.