

# **Yidispolitica and Re-election of Uribe**

**The Cesaristic Exit out of Colombia's institutional crisis**

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*The Colombian Supreme Court resolution, which proved the existence of bribery in the Constitutional amendment that allowed the re-election of Uribe, was the spark that ignited the institutional crisis in the making with the constant quarrelling between the Judiciary and the Executive, while the Legislative is weakened and discredited by its links to right-wing paramilitaries. This crisis has been exacerbated by the Caesaristic and authoritarian tendencies of Uribe, which looks for an almighty Executive against a balance of powers in the Colombian State, project which faced an increasing resistance even among some of his followers. The suspiciously timely liberation of Betancourt has postponed the crisis and re-gained the support of those of his rank and file who doubted about his authoritarian project: but in a month time, the liberation will be old news and the crisis will still be there. We will see how it keeps unfolding.*

The Supreme Court decision in the case of Colombian Yidis Medina by bribery to achieve constitutional reform which allowed the re-election of Uribe, is the spark that has precipitated the institutional crisis in Colombia, confronting the Judiciary and the Executive before a Legislative discredited and weakened by parapolitics<sup>1</sup>. This crisis of the Colombian State, has been exacerbated by the Cesaristic and totalitarian tendencies of the circle of Uribe, seeking a hypertrophy of the executive over the other branches of government, which is increasingly encountering greater resistance, even among its own followers.

The Supreme Court, in its judgement, which ratified the constitutional reform passed in 2004 allowing the re-election of Uribe in 2006, is illegitimate. The ruling is clear and categorical: *“The adoption of constitutional reform was a clear expression of misuse of powers, insofar as the support of a congressman’s vote for constitutional amendment was obtained from criminal activities (... ) The Constitutional Court has indicated that it is possible to notice acts of misuse of powers in the proceedings that the Congress of the Republic carry out, resulting paradigmatically in such circumstances when through bribery it is achieved that one of its members supports an initiative that was not his disposition and one he even publicly rejected (...) Such backing for her final approval did not arise as a result of her conviction and self-examination on the merits of the proposal, but thanks to imprudent exchanges that she was offered and received, then, becomes illegitimately deployed constitutional activity”<sup>2</sup>.*

## **Uribe, a *de facto* ruler installed in power through bribery**

This resolution opens a new dimension to the crisis by reaffirming the illegality of the Uribe government. This lawlessness had already been hinted at in the case of parapolitics and the fact that many of the parliamentarians who voted for the reform, are now behind bars for their links with narco-paramilitaries. But today’s resolution, puts beyond doubt the illegality of the aforementioned reform: the vote of Medina being key<sup>3</sup> was obtained through bribery and secret offers, which in not being met, resulted in the ex-congressman deciding to open this Pandora’s Box.

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<sup>1</sup> We had already written an article on the institutional crisis, “extradite! Parapolitics and institutional crisis in Colombia” ([www.anarkismo.net](http://www.anarkismo.net)) plus a postscript to the same article “ Postscript on the Colombian institutional crisis “([www.anarkismo.net](http://www.anarkismo.net))

<sup>2</sup> [www.eltiempo.com](http://www.eltiempo.com)

<sup>3</sup> The reform was adopted with 16 votes against and 18 for the change of Medina (which would be against, went to vote favorably) broke the balance and allowed the re-election of Uribe, matter was not referred to in the Constitution.

This obviously poses a problem for Uribe. If the reform that allowed the re-election is declared invalid, then the electoral act itself of re-election was not valid. This means that the Uribe government is a de facto government. Faced with this situation, there remains open the question of what should be the way forward in the crisis, given that Uribe certainly lacks the necessary decency to make the logical decision to resign. This crisis for the moment can be resolved either in favour of those who are to maintain the balance in the branches of government and legality enshrined in the 1991 Constitution, or it could accelerate the proliferation of a fascist state and lead to a “coup” by Uribe over the other branches to get rid of the factors that still generate some checks and implement their totalitarian project.

## **Repeat the elections? A new initiative to strengthen the authoritarian and Cesaristis regime**

Uribe, who as we have said, has neither dignity nor the moral character necessary to resign, has further exacerbated the crisis by showing his unwillingness to abandon his totalitarian project: indeed, he’s exploiting this crisis to seek the second re – election, by convening Congress to process a bill for a referendum allowing the repetition of the elections of 2006<sup>4</sup>. In this way, he is turning his back on the decision of the Supreme Court that cancels the validity of the reform that allowed the re-election, to raise a repeat vote. What Uribe is doing, deliberately, is to confuse the terms, and appeal to populism<sup>5</sup>.

That proposal, however, is a dangerous move: but it is the only card that Uribe has at the moment to try to overcome his crisis of legitimacy, as well as to boost the authoritarian project of which his re-election indefinitely is an integral part of. This proposal is a desperate counter-attack which seeks to strengthen the Cesaristic and personalistic regime. But at the same time, the proposal takes things to a level at which even many of his own supporters are probably not willing to go.

The hail of criticism has already begun to fall: the president of the State Council called on Uribe to respect the decisions of the courts<sup>6</sup> and the leaders of the Polo Democratico (Gaviria and Petro), have already branded Uribe a “populist dictator” and his regime “totalitarian”<sup>7</sup>. The Liberals also have branded the proposals and the attitude of Uribe as authoritarian<sup>8</sup>. The truth is that the initiative does not reflect an authoritarian “turning point”, but that it simply reinforces and makes explicit what has been the continuing trend of the political project of Uribe.

The former mayor of Bogota, Antanas Mockus, has appealed in vain to the sense of decency in Uribe to say that resignation would be the right thing<sup>9</sup>. Others have denounced the unconstitutionality of the proposal<sup>10</sup>, since the possibility of re-election was invalidated by the Supreme Court which vetoed the reform that the bought vote of Yidis Medina made possible<sup>11</sup>. If it re-

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<sup>4</sup> [www.eltiempo.com](http://www.eltiempo.com) For the scope of the proposal can be reviewed [www.elespectador.com](http://www.elespectador.com)

<sup>5</sup> “The Departure popular”, [www.elnuevosiglo.com.co](http://www.elnuevosiglo.com.co), journalist Javiera Barrera mentioned clearly that this alternative reveals a more “populist love” that respect for the “state social right. ”

<sup>6</sup> [www.elespectador.com](http://www.elespectador.com)

<sup>7</sup> [www.eltiempo.com](http://www.eltiempo.com)

<sup>8</sup> [www.eltiempo.com](http://www.eltiempo.com)

<sup>9</sup> [www.eltiempo.com](http://www.eltiempo.com)

<sup>10</sup> [www.eltiempo.com](http://www.eltiempo.com)

<sup>11</sup> [www.eltiempo.com](http://www.eltiempo.com)

sults in the Congress to which Uribe asked to appraise the referendum bill, which is completely discredited by investigations into the parapolitics that has 3 5 parliamentarians behind bars, and so many others in the process, then the proposal appears completely devoid of logic .

## **The desperate attacks by Uribe on the Judiciary**

Uribe, for the moment, is carrying things even further, in a full-frontal assault on the judiciary. We recall that the parapolitics had already generated considerable friction, which eventually led to Uribe bringing the lawsuit against Valencia, president of the Supreme Court<sup>12</sup>. Today the attacks have climbed to an unprecedented level of aggressiveness. Uribe didn't spare any insulting words to the Supreme Court: "The criminal chamber of the Supreme Court applies selective justice", he shouted. Calling the ruling on the Yidispolítica "the trick of the flailing power of terrorism that has rendered judges of the Supreme Court"<sup>13</sup>, "to put pressure unduly, through abuse of power and usurpation of powers, on other bodies administration of justice in order to accuse honest officials as part of the alleged bribery"<sup>14</sup>.

These words are typical of tyrannical autocrats, who often have severe attacks of paranoia ... to the point that Uribe sees , in the Court's decision – based on the facts – a plot of "terrorism"!<sup>15</sup> What is lacking is that now the super-computer of Raul Reyes, remove some new files that "demonstrate" the undoubted "complicity" of the Supreme Court with the FARC-EP!. Nothing should surprise us at this point ...

They have not missed those who have condemned this attitude of obstruction of justice<sup>16</sup>, which, incidentally, is nothing new, but otherwise more of the same of Uribism. El Nuevo Siglo, eloquently in its editorial entitled "The Uribazo," states:

*"(...) fruit of the state of the presidential soul, accused the Court of abuse of power, usurpation of powers, selective justice, of frightening Congress and falling into the trap of terrorism. Never in the history of the country, had been presented a similar rosary, which shows the size of what is at stake. A thing that certainly not only corroborates the institutional crash, but works in creating economic tension, mistrust and demerits the international investor"<sup>17</sup> .*

But Uribe has not stopped at verbal threats, accusations and disqualifications: they already started to put retaliatory complaints against judges of the Supreme Court<sup>18</sup>. This set of allegations will deepen the crisis of legitimacy of the state, which in spite of Uribe desperate actions actually is managing to remain afloat, what is being achieved is the alienating of their support base.

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<sup>12</sup> See, "One year of rounds between Uribe and the Court" [www.elnuevosiglo.com.co](http://www.elnuevosiglo.com.co)

<sup>13</sup> [www.eltiempo.com](http://www.eltiempo.com)

<sup>14</sup> [www.eltiempo.com](http://www.eltiempo.com)

<sup>15</sup> [www.elnuevosiglo.com.co](http://www.elnuevosiglo.com.co)

<sup>16</sup> [www.eltiempo.com](http://www.eltiempo.com)

<sup>17</sup> [www.elnuevosiglo.com.co](http://www.elnuevosiglo.com.co)

<sup>18</sup> [www.eltiempo.com](http://www.eltiempo.com)

## Is there light at the end of the tunnel? Can the crisis be overcome at the moment?

Most likely, the institutional crisis in Colombia remains **a crisis of protracted character**, in the **absence of alternatives** and the **wearing down of the hegemonic bloc**: already there are a number of colleagues who are reigning upon Uribe charged of abuse of office and corruption, including the former minister and ambassador to Italy Sabas Pretelt, the former DAS director and paramilitary Jorge Noguera , former deputy minister Angarita, former Minister Diego Palacio and former attorney general Adgardo Maya Villazon<sup>19</sup>, among others<sup>20</sup>. And unfortunately for Uribe, he will have no way to extradite Yidis Medina quietly, which is likely to expand this circle (This, without mentioning the myriad of consequences of the verdict, since it cracked not only the legitimacy of the government, but also of their decisions for two years which were illegal practice).

The only thing today can guarantee the continuity of Uribe, by means of Caesar Uribe himself or a little object in his image and likeness (Santos, for example), is the political weakness of the opposition itself. But the continuity of Uribe is just not another thing in the prolongation of a system in acute crisis of legitimacy. What is indisputable is that, for now, all solutions to the conflict, are in consideration above: **the great absentee in the Colombian crisis is the organised people**. The CUT has been limited to call a mobilization in support of the Supreme Court<sup>21</sup>.

There isn't today a clear popular alternative, with implantation of the masses, which can capitalize on the crisis in favour of popular interest. But there isn't either a force that can overcome the crisis from "above": Uribe is increasingly mired in its own mess by his links with the paramilitaries as well as drug trafficking, and the parliamentary opposition (liberals and Polo) can not raise anything other than a defence to the letter of the Constitution of '91-which, in a context of counterinsurgency framed by Plan Colombia, becomes a task of Sisyphus, never-ending.

An alternative that seems to suit Uribe to overcome the crisis rather than simply extend it, would be a self-coup like the one that opened the sad decade of Fujimorato in Peru. There are too many parallels. But this reckless blow at the same time would mean political suicide for Uribe, which bases its project to build a totalitarian state with Democrat facade. If the facade is washed away, the king is naked and in a political context as volatile as the Colombian, this would be a step perhaps too far, but one that can not be ruled out altogether. It might even be argued that a referendum would be one way to promote this self-coup, or at least try to validate it at the polls.

## Authoritarianism and Populism

We know that crises can not continue forever. And in South America it is usual that when the dominant sector is unable to solve the crisis by "good"-and particularly when the popular spectrum is raging- the authoritarian exit, military style, is the card to play. Gaviria, from the Polo

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<sup>19</sup> [www.elespectador.com](http://www.elespectador.com)

[www.elespectador.com](http://www.elespectador.com)

<sup>20</sup> See "Radiography of the trials in the case of Yidis" [www.elnuevosiglo.com.co](http://www.elnuevosiglo.com.co)

<sup>21</sup> [www.cut.org.co](http://www.cut.org.co)

party said that the re-election that aims to convene Uribe actually makes him a populist dictator who manages to handle people like other dictators with the police and army<sup>22</sup>. I think this vision is partially correct (populism is actually a key factor for Uribe) but fails in that oversizes the capacity of a popular mobilisation of Uribe, and minimizes the ability of his military mobilization.

A coup in the style of the Mussolini “March on Rome” is not feasible in Colombia. The support for Uribe is a fanatical support, arrogant and aggressive, but not an organic support that may manifest itself in constant mobilization of masses, nor in a homogeneous speech, as demonstrated after the departure of February 4<sup>23</sup>. Nor is it an hegemonic support such as that the media wants us to believe: While they keep telling us, *ad nauseam*, that Uribe is supported by 70%, 80%, 90% and 120% of Colombia, the official figures of the DANE are much more humble, arriving approval to Uribe at 40%<sup>24</sup>. And we must remember also that approval is not the same as support.

Moreover, it is difficult for a possible repeat of the elections of 2006, which if it did happen (which in itself is highly unlikely given the level of opposition to this initiative is facing in the official protests), could lead to positive results for Uribe: the context today is very different from that of 2006 and is marked by a lack of institutional legitimacy and a polarization that could lead to many of the vast majority of indifferent people voting, which could probably tip the balance against Uribe. Increasingly we can see the snake-face, lies and mafia behind Uribe. The latter can not be overlooked, although the hard core of support for Uribe does not cease to be important and we know it will support Uribe no matter what happens.

But Uribe has his black shirts and his own “fascist brigade”: the new wave of assaults, threats and crimes of paramilitarism show that in times of crisis, the violence of the regime hardens. In recent weeks, the killing of a woman in Granada (Antioquia)<sup>25</sup>, an Afro-Colombian leader of the Proceso de Comunidades Negras near Tumaco (Nariño)<sup>26</sup>, threats to youth groups in Medellin<sup>27</sup>, trade unionists and social leaders in Bucaramanga<sup>28</sup> and social organizations and human rights in Barrancabermeja<sup>29</sup>, remind us that the spectre of paramilitarism, supposedly “exorcised” by the “demobilization” and the Law for Justice and Peace, is still alive and represents a force providing terror when the powerful so require.

In addition, the army remains the main ally of Uribe and unconditionally one of the main barriers to the negotiated solution to the conflict. Despite the projected image of Colombia as one of the few Latin American republics that has not had more than one military dictator in the past half century, for a brief period<sup>30</sup>, the fact remains that the army has played an important role in Colombian politics, being a *de facto* power, not necessarily subordinate to civilian authority. The importance and relevance of the army has increased dramatically since the implementation of Plan Colombia, which has fattened it with their dollars. So far, the army has not had to intervene directly: but if the crisis continues, the alternative military solution to this may appear as a viable alternative to save the regime.

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<sup>22</sup> [www.eltiempo.com](http://www.eltiempo.com)

<sup>23</sup> [www.anarkismo.net](http://www.anarkismo.net)

<sup>24</sup> [www.dane.gov.co](http://www.dane.gov.co); [www.eltiempo.com](http://www.eltiempo.com) ; [colombia.indymedia.org](http://colombia.indymedia.org)

<sup>25</sup> [www.nodo50.org](http://www.nodo50.org)

<sup>26</sup> [www.anarkismo.net](http://www.anarkismo.net)

<sup>27</sup> [www.nodo50.org](http://www.nodo50.org)

<sup>28</sup> [anarkismo.net](http://anarkismo.net)

<sup>29</sup> [www.redcolombia.org](http://www.redcolombia.org)

<sup>30</sup> Gustavo Rojas Pinilla, from 1953 to 1957.

Within this framework, the institutional crisis that seems to be bottoming could continue expanding for a while yet undefined, but will be defined at some point, “good” or “bad”. But the pace of events is not set yet by the “bottom” but by the “above”: the popular movement in Colombia has to take the pulse of this and should accelerate the construction of a popular convergence that may pose a solution to the crisis consistent with the interests of those who have traditionally been excluded and marginalized. And we insist, the terms for this convergence, are imposed from above and the possibility of deepening authoritarianism towards a model of an openly fascist stamp should be seriously considered. Only the materialization in a popular alternative of those sectors with an organised and clear programme of struggle can finally bury the possibility of Uribe’s Third Reich and the consolidation of totalitarianism.



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