

Honduras: Elections as a Way out of Political Deadlock (ARI)

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Theme: The general election in Honduras on 29 November 2009 was a free and transparent process, whose implications for the Americas as a whole are also analysed in this ARI.

Summary: The absence of international observers deployed by the OAS left the task of monitoring the general election on 29 November 2009 to civilian bodies, which testified to the freedom and transparency of the process. Acknowledgement by the US of the outcome of the Honduras general election will lead other governments to follow suit, bringing a swifter end to the political deadlock. However, the Porfirio Lobo government will have to tackle the difficult challenge of launching the process of national unity and reconciliation and of unleashing an intensive diplomatic campaign to gain the recognition of a number of governments that have not yet acknowledged the result of the election that brought it to power. And all of this in the context of a continent that is deeply split by power struggles.

29 November 2009 marked a turning point for Honduras. According to reports published by the Supreme Electoral Tribunal (*Tribunal Supremo Electoral*, TSE), 61.3% of registered Hondurans voted, ie, a bigger turnout than in the 2005 election. The polls were scheduled by the TSE in May 2009 to elect the President of the Republic, 128 members of the National Congress and 289 mayors for a period of four years. The presidential candidates were chosen through a process of primaries which involved international observers from the Organization of American States (OAS). The polls were endorsed by five legally registered political parties: *Partido Liberal* (PL), *Partido Nacional* (PN), *Partido Unificación Democrática* (UD), *Partido Demócrata Cristiano* (DC) and *Partido Innovación y Unidad Social Demócrata* (PINU); the PL and PN are the majority parties, and the other three are minority parties.

Analysis:

Free and Transparent Election

Internationally, the first question is: was this a free and transparent election? The question may appear obvious, but it is a crucial issue, since the decision of whether or not to recognize the outcome depends on it. Many governments have already made statements

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in this connection and have positioned themselves on the political chess board that is the American continent. However, before analysing the positions of governments in the region, it is important to answer the question of whether or not the general election on 29 November 2009 was free and transparent.

The OAS's refusal to send in a team of observers left the task of monitoring the polls in the hands of civil society organizations. Highly significantly, the TSE stated that it was open to any external audit in regard to the way in which the electoral process was held. This is an unequivocal sign of its transparency.

La Red Latinoamericana y del Caribe para la Democracia (Latin American and Caribbean Network for Democracy), the regional affiliate of the World Movement for Democracy, sent observers in to monitor the election, invited by the TSE. Its Electoral Mission was deployed and it applied standard observation criteria used in a number of polls by the OAS and by bodies specialising in election monitoring, such as the International Foundation for Electoral Systems (IFES). The Network's assessment was based on the evaluation of four fundamental criteria: (1) inclusive election; (2) clean election; (3) competitive election; and (4) elected public officials.

In regard to the first criterion, inclusive election, the main issue was to gauge whether the vote could be considered to be universal and fair. The Network observed full freedom to run for office, register and vote. No legal or other impediments to exercising voting rights were observed. There were witnesses from all tendencies and parties on all polling station desks. Voters' rights were respected and they had full freedom to exercise their right to vote. To assess the first criterion, the main issue was to verify the effective use of the right to vote. No exclusion was observed in the electoral register and all eligible Hondurans were able to vote. The electoral roll/register was drawn up based on the national identity census, which contains the names of all citizens and there were no criticisms of the procedures to compile information. No discrimination, restrictions or impediments on voting were observed at the centres monitored. No repression, controls or obstacles to attending polling stations were observed.

As regards the clean election criterion, observers from the Network testified that its representatives at polling desks and stations observed and recorded a clean election. For this purpose the integrity of voter preferences was taken into account, in which regard no external pressures or fear of reprisals were observed except in a couple of cases in which fears of reprisals from groups calling for abstention were reported. In general, complete freedom for voters to show their preferences was observed. The accurate record of voter preferences was also taken into account, in which regard there were no reports of fraud or incidents in recording votes for any of the available options.

In regard to the third criterion, competitive election, the Network observed the presence of four active presidential candidates, representatives from various parties and political tendencies, and candidates standing for municipal councils and for the country's Congress. In this connection the right to run for public office was verified. The Network reviewed the Electoral Law, questioned candidates and parties, and talked to representatives of the media, and no irregularities were observed. Concerning whether or not the basic guarantees for an election campaign were met, in terms of security and equality of opportunities, no major problems were reported. In the case of the right to free press and information, and despite the closure of certain media prior to the election, on polling day the observers recorded that the media were entirely free to operate. Lastly, in

relation to freedom of association, assembly, expression and movement, complete freedom of movement was observed on election day. There were reports of some disturbances in San Pedro Sula by groups trying to prevent voting. In general, there were no altercations at any of the polling stations observed and a climate of calm and tranquillity was observed.

As regards the fourth and final criterion, elected public officials, observers certified the respect for the periodical terms of office of national officials and also the irreversibility of election results. Despite the OAS's decision not to send international observers to monitor the Honduras election, a number of international bodies did respond to the call to monitor the electoral process.

Implications for Honduras

The triumph of Porfirio *Pepe* Lobo, the PN's presidential candidate, could signal an end to the political deadlock which began with the events of 28 June 2009. On that day President Manuel Zelaya was forcibly removed and sent into exile in Costa Rica. Just hours after the coup d'état, the President of the National Congress, Roberto Micheletti, was 'elected' by a majority of legislators to take office, and since then he has remained in power at the helm of a *de facto* government, as a vast majority of nations called it.

The recently-ended electoral process in Honduras has and will have profound repercussions on the country's internal politics and its foreign relations. Many agree on the legitimacy of the new government. It seems clear that while Roberto Micheletti lacks any legitimacy, Porfirio Lobo arrives at the presidency through a free and transparent election. It is, therefore, difficult to question his legitimacy. Nevertheless, the Porfirio Lobo government will have to face the difficult challenge of commencing a process of national unity and reconciliation to heal the wounds that this painful experience has inflicted on the Honduran people. This is no easy task, considering that the Lobo government may not attain the necessary majority to control the Congress and facilitate the implementation of its policies. In-fighting in the PL, especially between President Zelaya and the former presidential candidate Elvin Santos, appears to have undermined the latter's election campaign.

Porfirio Lobo now faces the challenge of restoring normal diplomatic relations with the international community and global financial bodies. His government must urgently launch a campaign to restore dialogue with a number of countries that have refused to recognise the outcome of the general election that took him to power. He must also fight to obtain the recognition of other countries that have remained somewhat on the fence and have avoided making any specific pronouncement regarding the elections. Logically, the Lobo government will also have to maintain and nurture its relationship with the group of countries that have clearly expressed their recognition of the results of the general election on 29 November. The appointment of the future Foreign Minister will be vital if Honduras is to emerge from international isolation and even achieve the recognition of the OAS.

Lastly, the new government of Honduras must establish as a priority the restoration of flows of bilateral and multilateral aid, payment of which was suspended from the second half of 2009. This is especially important to boost the Honduran economy, whose troubles were compounded by the political crisis resulting from the coup.

To get the economy back on track will be a challenge indeed for the new administration, and one of the main tests for beginning reconciliation and recovery. The Porfirio Lobo government must restore business confidence and rebuild the links between productive sectors, workers and institutions. An integral part of this recovery programme will be to re-launch talks with the International Monetary Fund (IMF), frozen since April 2009, to extend an agreement to refinance the country's debt. These talks were deadlocked when Zelaya was ousted.

International Relations

So far, only Peru, Colombia, Panama, Costa Rica and the US have accepted the election result. Taking the opposite stance are the countries belonging to the Bolivarian Alliance for the Peoples of America (*Alianza Bolivariana para los Pueblos de nuestra América* - ALBA): Nicaragua, Venezuela, Ecuador, Bolivia, Cuba, Dominica, Antigua and Barbuda and Saint Vincent and the Grenadines. These countries sustain that the conditions are not yet present in Honduras for fair and transparent elections. The Venezuelan leadership, for example, released an official statement saying that "The government of the Bolivarian Republic of Venezuela reiterates that it does not recognise the electoral farce conducted by the Honduran dictatorship last November 29. Furthermore, it rejects the results issued by the illegitimate institutions of the *de facto* regime".

This divided international scenario evidences that there will be no speedy exit to the Honduran crisis following the general election in November. Quite the contrary: the opposing positions in the Americas have crystallised. Nevertheless, the US backing for November's election outcome is likely to spur other governments on the same path. With time, these governments will also likely recognise the election result as the most realistic way of emerging from the political deadlock. For Porfirio Lobo, when it comes to the economy and trade, normalisation of relations with the US is a firm first step. The US and Honduras have historically been allies, and the northern superpower is still Honduras' main investor and trade partner. The Obama Administration, sooner rather than later, opted to acknowledge the election outcome as a chance to solve the crisis quickly. The State Department said that the election was not the end of the process, since national reconciliation must be further consolidated and the Rule of Law and the country's democratic institutions further strengthened on the basis of the Tegucigalpa-San José Accord.

Multilaterally, the future role of the OAS in the continent is uncertain. The crisis made evident the OAS's incapacity for action and for preventing what some have called the 'chronicle of a political crisis foretold'. This was compounded by the weakened position of its Secretary General, José Miguel Insulza, accused of taking sides in favour of the ALBA countries in order to obtain 'support' for his own re-election. Regardless of whether or not the accusations against Insulza are true, the increasing political division in America will make it even more difficult to orient and implement future decisions inside the OAS. The OAS member countries have still not managed to reach a consensus on whether or not to recognise the election outcome in Honduras.

One of the countries playing a most active role is Brazil. Its President, Luiz Inácio Lula da Silva, despite not belonging to ALBA, has said in the past that 'Hugo Chávez is the best President Venezuela has had in the last 100 years'. Brazil's central role increased when Lula's government opened the doors of its embassy in Tegucigalpa to President Zelaya, who has 'lived' there ever since, pending a return to constitutional normality or at least until the new government takes office on 27 January 2010. Despite Brazil's involvement

following the Honduran crisis, Brazilian foreign policy is unlikely to have a major impact on the small Central American country, mainly because Brazil lacks any strategic weight for Honduras, at least in terms of trade and investment.

Canada has played a surprising role in this crisis, with the involvement of Peter Kent, Minister of State for Foreign Affairs (Americas). Canada's position is interesting because from the outset it called for constitutional order to be restored and lent all its support to the mediation of the President of Costa Rica, Óscar Arias. Kent participated in various missions by OAS ministers that paved the way for talks. Shortly after the election, Canada congratulated the Honduran people for the result, saying that 'the elections appear to have been run freely and fairly and that there was no major violence'. Nevertheless, Canada asserts that the election outcome makes it even more vital for all parties involved to focus on implementing the Tegucigalpa-San José Accord. Canada's acute interest in the restoration of constitutional order and in promoting and strengthening democratic institutions in the American continent are a part of Prime Minister Stephen Harper's America's Strategy. Canada's position might be seen as a tacit recognition of the November general election outcome.

The President of Costa Rica, Óscar Arias, was the first leader to make a pronouncement about the coup d'état, when on the morning of 28 June he welcomed President Zelaya to Juan Santamaría International Airport, after he had been forced into exile by the Honduran Armed Forces. From then on, President Arias has been emphatic in regard to the need to restore constitutional order and he acted as mediator in a process that culminated with the proposed San José Accord, the contents of which were the basis of the Guaymuras Accord and finally the Tegucigalpa-San José Accord. The relative significance of Costa Rica's recognition of the election result stems precisely from the leadership of President Arias as a mediator and as the first president to emphatically condemn the coup in Honduras, signalling the path to follow and culminating in the continent-wide condemnation of the OAS. Nevertheless, after a meeting within the framework of a visit by President-elect Porfirio Lobo to Costa Rica, Arias reiterated his support to the November election and at the same time called on the international community to recognise the new government that had been consecrated at the polls. After his meeting with Lobo, Arias told the press that 'my government and that of President Ricardo Martinelli were the first in Latin America to express our support for the President-elect and turn the page on the coup d'état, thinking especially about the Honduran people, among the poorest on the continent, who do not deserve the agony of the international community not recognising their will as expressed at the polls'.

At the start, the Spanish government condemned the coup against President Zelaya, with a position closer to the hard-line group of ALBA countries. Nonetheless, the Foreign Minister, Miguel Ángel Moratinos, said recently that 'Spain neither recognises nor disregards the election in Honduras', leaving the door open for a normalisation of relations. Despite his failed attempt to square the circle, Minister Moratinos's statement hinted at a much softer stance than that taken in the last few months. 'We do not recognise but nor do we disregard'. In other words, he is suggesting that in the near future the Spanish government will soften its stance towards the Porfirio Lobo government and will end up accepting it.

In the sphere of Central American integration, there is likely to be further distancing between the members of the Central American Integration System (*Sistema de Integración Centroamericana*, SICA): Guatemala and Nicaragua more aligned with the

foreign policy of ALBA, and El Salvador and Honduras closer to Costa Rica and Panama. This could undermine the already slow process to integrate Central America.

The EU's position on the election outcome will be key to deciding the future of the Treaty of Association between the EU and Central America. Talks have been directly affected by the situation in Honduras, to the point where they are currently almost completely stalled due to the coup. In this connection, Costa Rica's position seemed sensible when it asked the EU to press on with the talks and leave the door open for Honduras to come on board later. So far, the future of negotiations is uncertain as the EU has refused to continue the process until the crisis is solved and constitutional law is restored in Honduras. If the EU decides to fully reject the outcome of last November's general election, this would leave Honduras out of the Treaty of Association and could trigger an impasse in the entire negotiation process.

Conclusion: Despite the absence of international observers sent by the OAS and other international bodies, the results of monitoring by civil society organisations like the Latin American and Caribbean Network for Democracy testify to the transparency of the general election held in Honduras last November.

Although the recent election look like a step forward on the way out of the country's political deadlock, Porfirio Lobo's government will have to face the tough challenge of implementing a national unity and reconciliation process, and, abroad, of launching a diplomatic campaign to gain recognition for its mandate. Despite pressure from the international community for the return to constitutional order in Honduras, President Zelaya is unlikely to resume control of the country before the inauguration of the President-elect Porfirio Lobo, on 27 January 2009.

The international community must decide whether to continue to isolate Honduras or to turn the page on the political crisis and partner the Hondurans to get the country on the long and arduous path of national unity and reconciliation, economic recovery and consolidation of the rule of law, democratic institutions and respect for human rights.

Considering that the position on the election in Honduras taken recently by the US State Department is opposed to that of the OAS, the polarisation and future power struggles and vying for influence in Latin America could intensify in the coming months. To conclude, we should not lose sight of two important points. On the one hand, although ALBA does currently wield some influence on the OAS's position, it comprises only countries of the 33 that make up the region. If we add the other countries that share ALBA's view on the issue of Honduras, the total still falls short of half of the nations in the continent. The remainder could tip the balance.

It is necessary to wait and see who is elected to the office of OAS Secretary General. To a large extent, this will determine the OAS's future stance on Honduras.

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