

## **LATINAMERICAN TENDENCY TOWARDS PRESIDENTIAL REELECTION HAS TAKEN ITS TOLL ON COLOMBIA**

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The human desire to hold power is a conduct that has deep roots, especially when leaders reform constitutions to remain in power. Throughout history this behavior has had many manifestations, of which positive and negative examples may be found. Nonetheless development of mankind has shown the inconvenience of concentration of power in just one person, or persons, as is said by “Lord Acton’s dictum”, John Emerich Edward Dahlberg Acton’s quote, “Power tends to corrupt, and absolute power corrupts absolutely”.

On the other hand, the Baron de Montesquieu, author of “The Spirit of the Laws” (“De l’esprit des Lois”), adamantly defends the division of power and he is recognized for the classic threefold division of power, considering that the confusion of two or more branches of government in one person or institution, would degenerate in abuse of such.

Accumulation of power should not be bad by itself, but rather be dangerous, since it would not assume the abuse of it; it is even possible that a sole person’s leadership, temporarily, helps unlock adverse situations in a country. However, it has been empirically demonstrated that through time, the accumulation of power, once user for altruistic purposes, degenerates in corruption, such as Lord’s Acton dictum states.

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Democracy is the prevalent political system in the civilized world, since, in theory it avoids accumulation of power in one person or group, since it is supposed to be on everyone's hands, and at the same time, on no one's, resting at last on the institutions. However Aristotle, and other philosophers deemed it as not the best of all, this system is the one with which governments have been better managed. However, modern democracies are significantly more complex than originally conceived, so that power can be accumulated to the point of becoming a democracy only on paper.

Historically in Latin America, the States have sought to avoid the accumulation of power, especially in the executive branch, preventing the reelection of presidents. This is because in highly presidentialized systems of government, he who holds the reins of executive power has so much power that the best way to counteract this, is to limit its tenure. However, in recent decades this trend has been mutated to democratic systems permitting presidential reelection. Phenomenon that coincides with the emergence of highly popular leaders in their respective states and that appear to have brought solutions to all of people's problems, and in which there is a Latin American tradition, "warlordism," but that has reached extravagant dimensions to the point of becoming "messianism," as has been generated around these leaders a belief of timelessness, proper to poor and deinstitutionalized democracies.

Democracy's highest expression, rather than the majority, is pluralism, which is that all schools and lines of thought influence the direction of the State. Progress is not tied to the soundness of institutions and the clarity of the collective political thinking, but to the will of a leader.

Argentina, Peru, Venezuela, Bolivia, Ecuador and Colombia, are some of the Latin-American states which have given the go-ahead for immediate re-election with his own name in recent years. On the other hand Chile and Brazil continue faithfully on their constitutional tradition, since they have recently suffered severely at the hands of authoritarian regimes and dictatorships.

Argentina's experience with Carlos Menem, Peru's with Alberto Fujimori, Venezuela's with Hugo Chavez and Bolivia's with Evo Morales show that the State's institutionality does not come out in good shape from these re-election processes, at least when it is tailor made for a particular leader.

One of the most important aspects of a democratic system is its institutional framework; it is what gives it its strength and cohesion to it. When a democracy can function independently of the political party which is in power, especially of those individuals who hold it, democracy is hardly weakened. Likewise, although there are problems and disagreements in the functioning of government, democracy is the best way to ensure that all people have the opportunity to participate in its management.

A state's institutionalization lies in the strength of its Constitution, since it embodies the basic rules of the game. For this reason is that reforms to a constitution are extremely important events, since they change the rules. Thus, lightly changing the Constitution, ephemerally motivated, and immediate and personal motives, is catastrophic for the state's institutions, especially when done on the fly, and the heat of events.

Colombia, for instance, after the Constitution's total reform, from the one of 1886 to the 1991 Constitution, kept the constitutional tradition to refrain from presidential reelection. Hence, article 197, before amended, stated: "No citizen who has held presidential office, regardless of the reason, may be elected President of the Republic".

However, given Mr. Alvaro Uribe's government high popular acceptance, the re-election desire bells began to ring, and after a hard political battle, the desire from great part of the people, the government coalition achieved to push through Congress a constitutional reform, allowing the president reelection as follows:

"The President of the Republic, or who has taken title to any such office, may be elected to two terms, consecutive or not."

Which allowed President Uribe, due to his popularity; continue in office for some more years.

The problem of a second reelection in Colombia is not the legitimacy, but the inconvenience. It is possible that a person, as a great leader, has the support of the majority of the people to govern, but this cannot become a “letter of marquee” to remain in power, because as we have seen, this situation is inconvenient for democracy and the state’s institutions. In the specific case of Colombia, the possibility of a president to rule 12 years consecutive sharply breaks the division of powers established in the Constitution, because this agent would earn a great power that would enable a decisive influence in the institutions that should be their checks and balances. This is much worse when we see that such change in the rules of the game is to be realized easily, both legal and politically, aiming for a customized purpose.

For these reasons the possibility of a second presidential reelection in Colombia is inconvenient for the case of the current President and for any future one, because on one hand it breaks the system of checks and balances of public power and on the other because it deinstitutionalizes the State.

It is clear that what a considerable portion of the people wants is to continue under the government of President Uribe Vélez, by virtue of his great achievements regarding safety. Wanting to tinker the Constitution as intended to do so, would be similar to, by vote, decide to apply the death penalty to any particular individual, although the Constitution forbids it. Changing it only with the intention of killing this person, despite not wanting to institutionalize this practice in thereafter. We would face the disappearance of the Constitutional State and the rule of law.

To uphold in addition, that one person or individual is the only one that has the ability to lead the country, cripples the political parties and democracy itself, because they may forget their power vocation and their ability to object. It would be to live in a single-member system as parasites.