

I don't profess to be an expert at Honduran politics or constitution, but I have been here a while and stay pretty involved with what's going on in Honduras and especially Roatan. For those that don't know me, I'm an American investor that has lived in Honduras full time since 2002. I'm very active on several commissions and have met with minister level executives of the Honduran government many times in the past few years.

There have been a lot of comments, descriptions, and hypothesis over the past few days. I've spent a LOT of time reading Spanish and English reports, talking to a lot of people on the islands and on the mainland, and listening to the local politicians. I'd like to present my take on what's happened. This is especially for Nick who's been posting on the Roatan Tourist discussion group, but hopefully it will help clarify some points for others as well.

- Mel Zelaya was elected 3 1/2 years ago with an underwhelming 49% of the vote. He was seen as a fairly conservative member of the liberal party. The general feeling when he was elected was that he wasn't the greatest pick, but his background as a wealthy logger and rancher coupled with his more liberal social policies would probably be OK.

- Almost from day 1, Mel started shifting Honduras policies to the left.

- o Remember when he tried to nationalize the oil industry – forcing all fuel distributors to buy from 1 company so that Mel could control the price? The US rightfully reminded Mel that the US oil companies had a lot invested here and the confiscating of those assets would not be a good thing. Mel changed his mind a couple of days later.

- o Mel gave away the fishing rights to an area that Honduras has been fishing for decades if not a hundred years. He gave those rights to Nicaragua for nothing – or at least nothing that was ever publicly reported. Mel forgot to mention this transaction to anyone in the country, let alone the fisherman. Guess how the fishermen found out? The Nicaraguan Navy confiscated several boats over a period of a few weeks. The crews on these boats were detained from a few days to a few weeks. Some of the boats were eventually returned to the rightful owners – after paying "fines". Some of the boats even had the electronics and gear still on board when they were returned to the owners. The Honduran government did absolutely nothing to repatriate these boats.

- o Mel wanted Honduras to join ALBA – a collection of countries that was formed by Cuba and Venezuela to counteract NAFTA/CAFTA from the US. When this was announced, there was a lot of concern – especially from the business community. I was in a meeting with the local congressman less than a week before it was ratified. The message being sent was that this was just a way to get cheap oil from Venezuela. The congress wouldn't consider ratifying this treaty for 6 or 8 months and by then Mel would have the oil that he was after. Again, less than a week later Mel got the treaty was ratified by the congress.

- o Not too long ago, the minimum wage was raised from L. 3,500 per month to L. 5,500. That's about a 60% increase. I'm not saying that the minimum wage didn't need to be raised, but this huge increase was 3 times more than the labor unions were requesting (20%) and 6 times more than the business organizations had offered (10%). These increases caused tremendous layoffs on the mainland. Many maquilas (garment factories) began to move to Nicaragua because the cost of business in Honduras had gotten too high. This was another huge drop in jobs. I've not seen the actual number of jobs lost because of the 60% increase in minimum wage, but it was staggering.

- o The Honduran constitution says that each year the President presents the annual budget to congress for approval. If the approval is not obtained by a specific date (I think it's the end of January, but am not 100% sure) the budget from last year will be used until the new budget is approved by congress.

§ Mel never submitted a budget for 2009, hence the Congress can't approve it so Honduras is operating in 2009 on 2008's budget.

§ Now, why would a President not submit a budget? Who knows for sure but one of the possibilities is that 2009 is an election year. Mel would like to stay in power past 2009. The budget in 2008 didn't include an election, so in essence there is NO money available for the 2009 election because we're operating on 2008's budget. There are other theories about hiding graft and corruption, but I would assume that anyone that becomes President in Honduras wouldn't be concerned about hiding corruption and theft in the budget – he certainly didn't mind doing it the previous 3 years!

- Somewhere along the way, Mel decided to take a lesson from his mentor (Chavez) and arrange it so that he could remain in power for as long as he wanted. There was a little problem with this. The Honduran constitution, enacted in 1982, has 378 articles. 6 of these articles are "cast in stone", meaning that they can NOT be changed. These 6 articles deal with defining the type of government, territory claims, and presidential term limits. They are the basis of the Honduran democracy.

- o One other tidbit from the constitution – Article 42, Section 5 says that anyone who is found to "incite, promote, or aid in the continuation or

re-election of the President” would face loss of citizenship. Remember this one later on in this saga.

- To further complicate things for Zelaya, ANY changes to the constitution have to be initiated by the legislative branch. The congress has to convene a constituent assembly. That’s basically a group of people selected by the congress to analyze any proposed changes and form those ideas into the new constitution. After the proposed changes are formulated, the congress would approve them to be put to a national referendum. The executive branch (the President) has nothing to do with that process.

- Mel didn’t think that the congress would go along with his ideas of staying in power so he decided he’d call his own referendum. He doesn’t have the authority to do that – remember that constitutional changes can only be done by the legislature AND the term limits are one of the articles cast in stone – but he goes ahead and calls one anyway.

- The Honduran Supreme Court says “Sorry Mel, you can’t do a referendum. That’s not within your power as president”.

- Mel, or more probably one of his advisors, figures out that if a referendum can’t be done, we could probably do a survey or a poll instead! Great idea – nobody will figure out that the poll that we’re now going to do is exactly the same thing as we were going to do with the referendum.

- Damn those people on the Supreme Court! They figured out the ruse! They ruled unanimously that regardless of what you call it, if it acts like a referendum the president can’t do it. If it looks like a duck, and walks like a duck, and quacks like a duck

- Mel continues to talk of doing the poll on June 28 regardless of the Supreme Court

- The Congress looks at the poll that Mel wants to do and gives an opinion that the poll would be illegal and they will not support it. Remember that Mel’s own political party is in control of the congress.

- The Attorney General also analyzes the poll and determines that it is illegal. Over the course of the weeks leading to June 28, the AG reiterates many times that the poll is illegal and anyone participating in the poll would be committing a crime and could be arrested.

- Mel runs into another logistical snafu. He needs some ballots printed. The entire political structure of Honduras (except him) has ruled that the poll is illegal. It’s a pretty sure bet that he can’t get the government to print the ballots for an illegal referendum so he asks his buddy Hugo Chavez to print the ballots. Of course Hugo says “No Problem Comrade!”

- The rhetoric in the 2 weeks before the “poll” gets tense. Every legal opinion in Honduras says that the poll is illegal. The Supreme Court reaffirms its ruling that the poll is illegal. The Attorney General keeps saying that the poll is illegal and that anyone participating is committing a crime. Mel’s own political party says that the poll is illegal. There literally is not one legitimate group in the country that is siding with Mel about the poll.

- Traditionally the military handles the distribution of the ballots and voting materials. The head of the military, Romeo Vasquez Velasquez says that the military will not participate in the poll because the Supreme Court is the entity that determines what is legal and what is illegal in Honduras. The Supreme Court has determined that the poll is illegal, so the military will not participate.

- Mel Zelaya promptly fired Romeo Vasquez. The other heads of military (Navy and Air Force) as well as the Minister of Defense resigned in support of Vasquez.

- The next day the Supreme Court ruled unanimously that Vasquez was fired without reason and demanded his reinstatement. Zelaya refused.

- The ballots arrive in Honduras (from Venezuela on a Venezuelan flagged plane). The Attorney General demands that the ballots be confiscated and held at a military installation.

- Mel decides that if the military won’t distribute the ballots, he’ll get his own people to distribute them

- Mel gets a couple of busses and a few cars full of supporters. They drive to the Air Force installation that was holding the ballots. They forcibly entered the installation and took the ballots. Not only was this “breaking and entering” it was a complete betrayal of a lawful order of the Attorney General

- The Attorney General says that the President has committed treason and asks for him to be removed from office. The congress created a commission to examine Zelaya’s actions and determine if removal from office is appropriate.

- A side note here about removal from office. I’m in no way a

Honduran constitutional expert, but from what I understand, there's not a clear means to impeach a sitting president. In a lot of constitutions, the impeachment of a president would be done by the legislative branch. In Honduras, there's no such structure. There could be criminal charges brought against the president and the trial would be handled by the judicial branch. Not much different than anyone else accused of a crime. I've not heard of any provision to temporarily remove a president from office until the criminal charges were adjudicated. What would you do? Let a man accused of treason remain as the sitting president until the trial was completed? That would be insane, but that may be the only choice.

- On Saturday, June 27, Mel got most, if not all, of the ballots distributed around the country. The polls were set to open at 7am on Sunday.

- The Supreme Court voted to remove Zelaya. The Congress decided to remove Zelaya. The Attorney General stated many times that Zelaya was committing illegal acts and in fact committing treason. The military determined that the poll was illegal and that their responsibility was to uphold the constitution as opposed to supporting the president.

- Early Sunday morning, about 6am, the military went to the president's house and removed him from the building. He was put on a plane to Costa Rica. This was done to enforce the ruling from the Supreme Court.

- This is where Article 42 of the constitution comes into play. The way that I read that article, Zelaya should have lost his Honduran citizenship at this point.

- Once Mel had been removed, the President of the Congress (Roberto Micheletti) was sworn in as the new President of Honduras. This was exactly the person that is indicated by the constitution. It was a proper and legal succession of the presidency. The first thing that Micheletti did was confirm that the regularly scheduled elections would be held in November. His post is temporary until the new President was duly elected.

- It's been said all over the press that Mel was arrested in his pajamas. I personally don't believe that. In an hour he would have been at some polling place to vote and also to motivate those that showed up. This was the biggest day of his life. I'd be amazed if he slept at all – I know I wouldn't be able to. There was one report that Mel was actually in suit pants and a crisply ironed white shirt when he was arrested and he asked to change into other clothes. Quite frankly, I see this as more likely.

I believe that this is an accurate depiction of the events that led to Zelaya's expulsion on Sunday. If I'm wrong on any points, I don't think I'm off by much. The salient points are certainly accurate.

I personally think that it would have been better to arrest Zelaya and hold him somewhere in the country. He was removed from Honduras in the interest of public safety. The feeling at the time was that if he was held within Honduras, his supporters would take violent actions to release him from captivity. It would be a difficult decision and I'm sure the powers that be did what they thought was best.

I have been disgusted at the world reaction to these events. It's like they only looked at what happened on Sunday morning and ignored what events led to that day. I don't understand how the removal of Zelaya was anything less than a small country demanding that their country remain democratic. Their constitutional process worked exactly right to remove a rogue president with an agenda that was detrimental to the Honduran constitution and society. While the actions of June 28 would fit some definitions of a coup, it was certainly a legal and CONSTITUTIONAL coup. There have been several articles written that state that it was a MANDATORY coup. That's a very difficult concept for most people from the first world to understand, but there are some coups that are good and even required.

I've read so much over the past few days that I can't remember where I read this, but the author was talking about the events in Honduras. He concluded by stating quite simply that if you find yourself aligned with Castro, Chavez, and Ortega – you should REALLY look at where you're standing.

I think that the Hondurans should be honored for what occurred. I know that I've never been prouder of a group of people than I've been of Hondurans the past several days. Instead of being isolated from the world and denounced as being "anti-democratic" they should be lifted on the shoulders of all free men around the world. I'm sure that there are plenty of people in Cuba, Venezuela, and North Korea that would LOVE to hear the story of what a small country can do to ensure democracy lives in their society for their children to enjoy. That is if the people in those countries ever hear of the great accomplishments of a small third world country with ideals and principals larger than the "democratic showcase" of the first world.

Mitch

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