



Report on the National Constituent Assembly of the Republic of Ecuador

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1. Introduction

This bi-monthly report is an initiative of the Carter Center to inform the international community on the debates, processes and decisions of the National Constituent Assembly of the Republic of Ecuador; the levels of consensus and dissent on the issues it addresses; its links to society and the national government; with the aim of analyzing its principal proposals on constitutional, legislative and oversight matters.

2. On the Road to the Assembly

On November 26, 2006 the Ecuadorian people went to the polls to elect the President of the Republic in the second round of voting. The contenders were the businessman Álvaro Noboa for the Partido Renovador Institucional Acción Nacional (PRIAN), and the economist Rafael Correa for an electoral coalition called PAIS. The banner issue of the latter was the

proposal to convoke by national referendum a Constituent Assembly (CA) with full powers.

Rafael Correa emerged victorious with 56.67% of the citizens' vote.¹ Upon taking office on January 15, 2007, his first act was to convoke by decree a popular referendum to decide whether to hold the Assembly (Decree No. 2)². On April 15, 2007 the referendum was held with 81.72% voting in favor of the Constituent Assembly.³

Prior to the referendum, the Congressional majority opposed it⁴ and attempted to remove the President of the Supreme Electoral

¹ Supreme Electoral Tribunal. Presidential Election Results. Online:

http://www.tse.gov.ec/Resultados2006_2v/

² Afterward the convocatory statute of the AC was reformed through Executive Decree No. 54 (Registro Oficial No. 12, 01/31/07) and the text finally submitted to referendum in codified form was Executive Decree No. 148 of 02/26/07.

³ Supreme Electoral Tribunal. Referendum Results 2007. Online:

<http://www.tse.gov.ec/Resultados2007/>

⁴ Alianza País did not run candidates for Congress in 2006 because it considered the Congress an incapacitated institution, incapable of producing changes. Instead, País decided to pursue the constituent route.

Tribunal (TSE). For its part, the TSE, in a controversial decision, had assumed maximum authority during the election cycle and removed 57 Congress members it accused of serving as obstacles to the electoral process on March 7, 2007. From that point on institutional resistance to the constituent process was diminished.

The process of electing constituents ended on September 30, 2007, with a strongly favorable result for the President's political movement. The PAIS coalition won 80 of the 130 seats in the Assembly. According to the statute approved in the referendum, the Assembly would make decisions by an absolute majority of its members⁵, granting the government coalition a comfortable advantage.

The convocatory statute of the Assembly established gender quotas for the parties⁶, with half of their members being women. This criterion was also applied in the selection of Assembly leaders.

The Assembly was installed on November 29, 2007 in Ciudad Alfaro, Montecristi, Province of Manabí. Alberto Acosta (PAÍS), the most voted candidate in the national elections, was elected President of the Assembly, with the support of 121 of the 130 votes. The other leaders in the Assembly are: Fernando Cordero (PAÍS), first vice president of the Assembly; Aminta Buenaño (PAÍS), second vice president; Jorge Escala (MPD) and Martha

⁵ Supreme Electoral Tribunal, Statute on the Election, Installation and Operations of the Constituent Assembly, Article 10. Online: http://app.tse.gov.ec/ResultadosAsamblea2007/Estatuto_Asam2007.pdf

⁶ Ídem, Artículo 13.

Roldós (RED) as spokespersons and Francisco Vergara as Secretary General.⁷

President Correa attended the official inauguration of the CA on November 30, 2007. In his speech, President Correa encouraged the constituents to concentrate their work on the five key issues of the "Citizen Revolution" that were the focal points of his campaign – politics, the economy, regional integration, education and the environment.

3. First decisions of the Constituents

1.- Constituent Mandate N° 1

The Mandates are orders or "decision-making acts" of the Assembly exercised by its full powers, as indicated in article 3 of the Regulations; they are expressed as norms effective immediately. The first decree of the Assembly on November 29, 2007 was Constituent Mandate No. 1⁸, which states the following:

- a) By popular mandate, the Assembly *"...assumes and exerts the constituent power with full powers"* (Art. 1). Approved with 96/130 votes.
- b) Its decisions *"...are hierarchically superior to any other rule of legal order and demand obligatory compliance by all natural persons and legal and other public powers with no*

⁷ El Diario, 29/11/07. Online: <http://www.eldiario.com.ec/noticias-manabi-ecuador/61502>

⁸ National Constituent Assembly. Constituent Mandate No. 1. Online: http://asambleaconstituyente.gov.ec/index.php?option=com_content&task=view&id=258&Itemid=80

exceptions. No decision of the Constituent Assembly will be subject to the control or impugnation by any of the constituted powers. [...] The judges and courts that take any action against the decisions of the Constituent Assembly will be removed from their positions and subjected to a corresponding trial.” (Art. 2). Approved with 90/130 votes.

- c) Ratifies “...and guarantees the existence of the rule of law” (Art. 5). Approved with 103/130 votes.
- d) Ratifies “...the economist Rafael Correa Delgado as the Constitutional President of the Republic of Ecuador and ... Lenín Moreno Garcés, as Vice President...” (Art. 6). Approved with 107/130 votes.
- e) Assumes “...the attributions and duties of the Legislative Function. Therefore, declares the primary and secondary legislators in recess [...] During this recess the legislators will not enjoy immunity, special privileges nor wages or any other compensation, nor will they be able to convoke themselves for any reason.” (Art. 7). Approved with 110/130 votes, the most of any article.
- f) Declares “...as concluded the terms of office for the following officials: Comptroller, Solicitor General, Attorney General, Public Defender, and the Superintendents of Telecommunications, Businesses, Banks and Insurance” and designates provisional replacements for these positions (Art 8.) Approved with 87/130 votes.

- g) Ratifies the “judges of the Supreme Court of Justice and the officials of the National Legal Council, the Constitutional Tribunal and the Supreme Electoral Tribunal” (Art. 9). Approved with 91/130 votes.

The plenipotentiary character of the Assembly, which permits it to assume legislative projects, decree the parliament in recess and impose its decisions on other public powers, is the topic generating the most political debate in the country.

2.- Process of debate and approval of the Internal Rules

During its first week of work the Assembly discussed the extensive Rules for its operation⁹ (See Annex: Operations of the CA), which were approved on December 11, 2007 by 86 of the 130 constituents. The rules confirm the plenipotentiary character of the Assembly (Art. 1), along with the supremacy of its decisions over other constituted powers (Art. 3). The rules also indicate that the existing legal order will remain in effect, except when the Assembly resolves to the contrary (Final First Disposition).

3.- Composition of the Working Groups

On December 13, 2007, with an average of 120/130 votes, the Constituent Working

⁹ National Constituent Assembly. Rules of Operation of the Constituent Assembly. Online: http://www.asambleaconstituyente.gov.ec/index.php?option=com_content&task=view&id=733&Itemid=72

Groups were established and their respective presidents and vice presidents were named.

The 10 working groups are:

- 1) Citizen Rights
- 2) Organization and Citizen Participation
- 3) Institutional Structure of the State
- 4) Territorial Organization and Designation of Powers
- 5) Natural Resources and Biodiversity
- 6) Work and Production
- 7) Development Model
- 8) Justice and the Fight Against Corruption
- 9) Sovereignty and Latin American Integration
- 10) Legislation and Oversight

The Rules establish that each constituent of the Assembly can be part of only one working group and the distribution of seats is proportional to the votes received. The majority block PAIS occupied eight of the 13 available posts at each working group. The other five were shared between the rest of the minority parties. In this way, the government block was able to maintain a majority in all the working groups of debate. The Partido Sociedad Patriótica (PSP), with 19 constituents, could not allocate more than 2 members per working group; PRIAN, with eight members, Partido Social Cristiano (PSC), with five, Una Nueva Opción (UNO), with two, and Futuro Ya, with one, could not place more than one member per working group.

The opposition questioned the distribution mechanism, considering it a major obstacle to

the possibility of minority positions ever reaching the full Assembly.

In the composition of the working groups gender equity was maintained in naming the presidents and vice presidents: eight are formed by pairs of men and women; only one working group (7) is led by two men and working group 9 is led by two women. In total, there are ten men and ten women among the leaders.

In the first days of the New Year the focus of the working groups was delineating an agenda for the first weeks of 2008. The working groups toured the country organizing town hall meetings until the middle of February, to obtain proposals from civil society on each of the designated topics.¹⁰

4.- Legislative and Prosecutorial Working Group

The majority of the Assembly agreed that Working Group 10, “Legislation and Oversight,” would function as the Legislative Working Group, with the responsibility to process and draft laws, whether initiated in the Assembly itself or presented by the President or a citizen initiative.

With respect to the Working Group’s oversight function, Lenin Hurtado of Movimiento Popular Democrático (MPD) pointed out that “this responsibility will be directed at foundations and corporations that

¹⁰ El Comercio. Online: http://www.elcomercio.com/solo_texto_search.asp?id_noticia=105011&anio=2008&mes=1&dia=2

manage state resources [...] so of course, we will also oversee the National Government".¹¹

On December 17, 2007, the Working Group received the Proposal for the Law on Tax Equity submitted by the Executive branch. From the 17th until the 21st of December, the Legislative Working Group welcomed different organizations from society to hear their observations on the legal project.¹² After analyzing the different positions on the issue¹³, (see *Infra* "Actors and Debates") the Working Group released a final majority report that modified some aspects of the original Executive proposal.

4. The Assembly's Relationship with the Constituted Powers and Society

1.- The Assembly's Relationship with the Executive Branch

The first important dispute between the President and the Assembly originated over an emergency decree and consequent intervention by security forces ordered by President Correa in response to a series of citizen protests, some violent, over unfulfilled

projects in the oil-producing town of Dayuma, in the Orellana province.

On December 7, 2007 the Director's Committee of the Assembly heard testimony from the family members of some detained protestors from Dayuma, who denounced violations of their human rights. Moreover, the Director's Committee announced that it would form a committee of three assembly members to investigate cases where, according to human rights organizations, the military's conduct proved excessive.¹⁴

Between January 8 and 9 the President announced that if the Assembly intervened in the issue or other similar ones he would resign¹⁵: "If they declare an amnesty for those prisoners I will renounce the presidency, I won't permit impunity to continue in this country. [...] If the Assembly intends to govern the country, it accepts my resignation".¹⁶

Through the lifting of the state of emergency in Orellana by the government¹⁷, the creation of a Committee presided over by the Minister of Justice and composed of

¹¹ El Comercio. Online: http://www.elcomercio.com/solo_texto_search.asp?id_noticia=102952&anio=2007&mes=12&dia=17

¹² The Working Group considered proposals from diverse organizations in industry and business, the transportation sector, small businesses, rural organizations, artisans, institutions of higher education, municipal associations and the media. El Comercio. Online: <http://www.eluniverso.com/2007/12/21/0001/8/94119DC3A3AE4F69C97C683B35344D84A.aspx>

¹³ El Universo. Online: <http://www.eluniverso.com/2007/12/27/0001/8/3D861E515CFE466BAAEB5667E6E4738A.aspx>

¹⁴ El Comercio. Online: http://www.elcomercio.com/solo_texto_search.asp?id_noticia=101759&anio=2007&mes=12&dia=8

¹⁵ El Comercio. Online: http://www.elcomercio.com/solo_texto_search.asp?id_noticia=101936&anio=2007&mes=12&dia=10

¹⁶ El Universo, 09.12.07. Online: http://noticias.eluniversal.com/2007/12/09/int_ava_huelga-tensa-relacio_09A1254421.shtml. Y <http://www.eluniverso.com/2007/12/09/0001/8/08077FF7DC364171B64566960FECA3B3.aspx>

¹⁷ El Universo. Online: <http://www.eluniverso.com/2007/12/11/0001/8/9B2D3362143048018215B122DFD1D6A4.aspx>

respected non-governmental human rights organizations to investigate the case, and the designation of the coordinating political minister Ricardo Patiño as a go-between for the Constituent Assembly¹⁸, the dispute was settled on December 11 with the approval of Resolution No. 002 which states that “The Constituent Working Group on Legislation and Oversight will only exceptionally assume the task of addressing topics of political, social, economic or other interest”.¹⁹ With the same sentiment, on December 13 Alberto Acosta (president of the Assembly and member of PAIS) declared to a television reporter that the Assembly would not emit political resolutions that could interfere with the duties of the Executive.²⁰

2.- The Assembly’s Relationship with the Legislative Branch

With respect to the Legislative Branch, the conflict with the Assembly is still brewing. A group of the Congress members put in recess by the Assembly defied the content of Mandate No. 1, declaring themselves in permanent session since January 3, 2008 and calling

¹⁸ El Universo. Online: <http://www.eluniverso.com/2007/12/12/0001/8/691F6C4639914754A8225F662B5D014D.aspx>

¹⁹ National Constituent Assembly. Online: http://asambleaconstituyente.gov.ec/index.php?option=com_content&task=view&id=609&Itemid=80

²⁰ El Comercio. Online: http://www.elcomercio.com/solo_texto_search.asp?i_d_noticia=102589&anio=2007&mes=12&dia=14

themselves into session to reinstate the legislative term.²¹

3.- The Assembly’s Relationship with the Municipal Powers

During the legislative process on the Proposal for the Law on Tax Equity, the Association of Municipalities of Ecuador (AME) was an important participant, securing a guarantee that the re-assigned collection of some taxes designated for municipalities would be guaranteed in the state budget. However, the AME still had some reservations about the law passed because it held that the municipalities should have budgetary independence on matters that affect them politically.²²

4.- The Assembly’s Relationship with Civil Society

From the first day of the Assembly’s session, diverse social organizations, representing rural, human rights, ecological and other interests, camped out in the vicinity of the Assembly to make a permanent observation of its work.

At the same time some civil society organizations met with Assembly members to present them their specific proposals for the new Constitution. This was the case for the so-called Agrarian Working Group,²³ which

²¹ El Universo. Online: <http://www.eluniverso.com/2008/01/04/0001/8/C2403B0694AC4EB8A7C6DDC2525B2F34.aspx>

²² El Universo, 12/09/07.

²³ Coordinating organization for rural groups such as CNC-EA, la FENOCIN y la FENACLE.

presented a project to PAIS Assembly members that expressed their goals on agricultural issues.

On December 12, 2007, a group from the Organization of Popular Educators approached the Assembly with its proposals for education issues. The teachers' representatives met with some Assembly members.²⁴

5. Actors, debates and principal tensions

1.- Power and faculties of the Constituent

The differences between the minority parties and the positions of the majority block PAIS have manifested themselves since the first day of the Assembly's operations. On November 29, 2007 the minority parties PRIAN, PSC, PSP and UNO rejected Constituent Mandate No. 1, arguing that the statute approved in the referendum does not permit the Assembly to close Congress or remove other officials before the second referendum. With the same sentiment, some opposition Congress members placed in recess by the Mandate (from parties like Izquierda Democrática, Partido Roldosista Ecuatoriano and PSP), along with Assembly members from the same parties expressed their disapproval of the Mandate arguing that the Assembly had overstepped its bounds.²⁵ These same actors also rejected various provisions of the Assembly's Rules because they believed the

Rules put minority parties at risk of not being heard in the Assembly.²⁶

At the same time, Assembly member and former presidential candidate Álvaro Noboa threatened not to attend any sessions, although after a few days of operation he decided to attend. Assembly member Xavier Ledesma (PRIAN) decided to resign from his seat because he believed the Assembly had divested itself of the people's mandate.²⁷

Inside the Assembly a new block with more moderate positions has been emerging between the majority party PAIS and the minorities most clearly opposed to it (PSC, PSP). For example, on December 12, 2007 a self-named Minority Left Block was formed by Assembly Members León Roldós, Martha Roldós, Luis Hernández (Red Ética y Democracia), Ximena Bohórquez (Honradez Nacional) and Diego Borja (Izquierda Democrática).²⁸ These delegates have agreed on topics ranging from a petition to reduce the number of necessary signatures to present a legislative proposal, adding an oversight capability to the legislation working group, and proposing the formation of an investigative committee on the strike in Orellana.²⁹

2.- Relationship with the Executive: The Law on Tax Equity

²⁴ El Comercio, 12/13/07.

²⁵ El Universo. Online: <http://www.eluniverso.com/2007/12/01/0001/8/0662D1B5405140798101EFB8C9723545.aspx>

²⁶ El Comercio, 12/04/07.

²⁷ El Comercio, 12/04/07.

²⁸ El Comercio. Online: http://www.elcomercio.com/solo_texto_search.asp?id_noticia=102293&anio=2007&mes=12&dia=12

²⁹ El Universo, 12/12/07.

Another debate within the Constituent Assembly has to do with the priority granted by the members in support of the President to the legislative initiatives that the Executive will be presenting in January, like with the case of the new Law on Tax Equity. The opposition argued that more time was necessary to review the proposal and questioned the Assembly's legislative powers, particularly the notion that its laws would enter into immediate effect instead of after the referendum to approve its work. For example, for Assembly member Pablo Lucio Paredes of Movimiento Futuro Ya, the fundamental interest of the Executive is to use the Assembly as a legislative mechanism: *"I believe passing laws that enter into immediate effect is illegal, is in violation of the Assembly's statute"*³⁰. Some Assembly members have said that during its first months the Assembly functioned like a "little Congress." On the other hand, the coordinator of the Working Group on Legislation, César Rodríguez, guaranteed that his working group *"will not be, is not able to be, we won't permit it to be any replica of the Congress or mini Congress"*.³¹

Beyond the questions of procedure, the content of the project on tax reform generated intense debates between the different parliamentary blocks as well as different groups in civil society. The original proposal of the President focused on putting the principle of greater contributions from greater earners

into effect (as a redistribution mechanism), to improve the formality of different sectors and improve the tax culture, creating diverse incentives for job creation and production.³² However, the proposal was questioned by diverse sectors, which had the opportunity to present their observations and positions to the Assembly. The strongest opposition came from the business organizations from Guayaquil, the mayor of that city (Jaime Nebot) as well as the Assembly opposition parties PRIAN and PSC.

After hearing their proposals and making changes, on December 28, 2007 a majority of 90 Assembly members (of PAIS, MPD, Pachakutik, Movimiento Honradez Nacional and Poder Ciudadano-Izquierda Democrática) approved the Law on Tax Equity. 23 members voted against it (from PSC, PSP and PRIAN); there were 6 abstentions and 11 absentees.³³ The new tax regimen entered into effect on January 1, 2008.

One sector of Ecuadorian business owners refused to recognize the new taxes *"until they are submitted to the referendum,"* as declared by the president of the Guayaquil Chamber of Commerce³⁴. The mayor of Guayaquil

³⁰ El Comercio, 15/12/07.

³¹ El Comercio, 12/15/07.

³² National Constituent Assembly, Bulletin 83 from the Press Room José Peralta. Online: http://asambleaconstituyente.gov.ec/index.php?option=com_content&task=view&id=909

³³ National Constituent Assembly. Online: http://asambleaconstituyente.gov.ec/index.php?option=com_content&task=view&id=1578&Itemid=76

³⁴ El Comercio. Online: http://www.elcomercio.com/solo_texto_search.asp?id_noticia=104040&anio=2007&mes=12&dia=24

supported the Chamber's position.³⁵ However, other business sectors such as the Pichincha Chamber of Commerce did not join in the tax disobedience but will consider the possibility of challenging the constitutionality of the reform. Finally, the head of the Internal Revenue Service (IRS) said the new tax scheme would bring in 240 million dollars instead of the 450 million hoped for under the original proposal.³⁶

6. Chronology

2006

11/26/06. Economist Rafael Correa is elected President of the Republic of Ecuador in the second round, with 56.47% of the vote..³⁷

2007

01/15/07. Rafael Correa takes office.

01/16/07. Correa calls for a referendum on a Constituent Assembly with full powers by decree.

01/23/07. The Supreme Electoral Tribunal (TSE) did not accept the decree because it considered the Congress the appropriate body to authorize it and left the referendum in the hands of the legislators.

02/13/07. Congress authorizes the referendum. The TSE set the referendum date for April 15, 2007.

02/28/07. The government presents the statute for the election of a 130-constituent Assembly, granting it the option of revoking the mandates of the Congress and the President.

03/05/07. The legislative majority, in opposition to the Government, filed a complaint against the convocation of the referendum with the Constitutional Tribunal (TC) and removed the President of the TSE, Jorge Acosta Cisneros.

03/07/07. The TSE, claiming to be the maximum authority in election cycles, removed 57 opposition Congress members, accusing them of trying to interfere with the electoral process.

04/15/07. The popular consult to decide whether to hold a Constituent Assembly ends with 81.72% of voters voting "Yes."

07/25/07. The Constitutional Tribunal upheld the removal of the 57 deputies.

09/30/07. Elections for the 130 Assembly constituents.

11/19/07. The TSE distributes credentials to the Assembly members from the following parties: PAIS: 73; PSP: 18; PRIAN: 8; PSC: 5; RED: 3; MPD: 3; coalitions and others with less than two members: 20.

11/29/07. Installation of the National Constituent Assembly in Montecristi (Ciudad Alfaró, Manabí). The Assembly produces Constituent Mandate No. 1: the Assembly assumes full powers; ratifies President Correa; declares the Congress in recess.

³⁵ El Universo. Online: <http://www.eluniverso.com/2007/12/26/0001/8/E10E EF7520B5463CBBC6903FDB64373E.aspx>

³⁶ La Hora. Online: <http://www.lahora.com.ec/frontEnd/main.php?idSeccion=663823>

³⁷ Supreme Electoral Tribunal. Online: http://www.tse.gov.ec/Resultados2006_2v/

11/30/07. Formal inauguration of the National Constituent Assembly. Alberto Acosta is elected its president.

12/11/07. The Assembly finishes approving the internal rules for its operations.

12/13/07. Members are selected for the ten working groups.

12/17/07. The Executive presents the Assembly with its Project on the Law on Tax Equity.

12/28/07. The Assembly approved the Law of Tributary Equity with 90 votes from the

parties: Acuerdo PAIS, Pachakutik, MPD, Poder Ciudadano-Izquierda Democrática and Movimiento Honradez Nacional.

2008

01/01/08. The Law on Tax Equity enters into effect.

01/03/08. Contrary to the recess established by Constituent Mandate No. 1 some Congress members called themselves into session to declare another “legislative term.”

Annex: Functions of the Constituent Assembly

The following is a summary of some of the essential aspects of the Rules of the Assembly Operations to facilitate the understanding of its internal processes.

Decisive Acts

The Assembly’s decisive acts (Art.3) are:

1. The text of the new Constitution will be submitted to a national referendum.
2. Constituent Mandates will be decisions and rules that exercise its full powers. These mandates will go into immediate effect, without harm to its publication in the respective state organ.
3. Laws: Rules approved by the Assembly in exercise of its legislative faculties.
4. Resolutions and Directives, with the purpose of regulating the Assembly’s operations.
5. Agreements and Statements, which are pronouncements on political, administrative, civic, social or other matters.

Organization

The Assembly is organized into the following bodies (Articles 4 to 15):

1. The Plenary, which is the maximum body of decision, composed of 130 Assembly constituents. The quorum for opening and operating is one more than half of the members. The Plenary will approve its decisions (except the approval of the constitutional text and laws) in one debate, with an absolute majority vote of its members.
2. The Director's Committee, which is composed of the president of the Assembly, two vice presidents and two officials. The Director's Committee regulates and executes the administrative, financial and methodological proceedings of the Assembly. The President of the Assembly represents it in all of its decisions.
3. The Constituent Working Groups; they will organize the work of the constituents on ten selected topics (See the topics of the working groups above). The working groups choose a president and vice president, through a closed list system. The Director's Committee chooses a secretary for each working group who is not an Assembly member. Each Assembly member must join a Constituent Working Group. Each Constituent Working Group will consist of 13 members, with proportional composition. Assembly members will be able to attend other working group sessions other than their own with the prior petition and acceptance of the working group's presidents; they will have the right to speak but not vote. The working groups take decisions by absolute majority and have among their functions: a) receive, analyze, systematize and discuss the proposals of their members, other Assembly members or citizens; b) draft and approve a proposal on the issues in its purview to be introduced to the Plenary. The majority report can be accompanied by one or more minority reports that include an articulated alternative proposal; and,
4. The Auxiliary Committees, which will be created at the proposal of the Assembly or its president to address topics that require special attention.

Schedule of Work

The Assembly members work Monday through Friday, for at least 40 hours per week, in full session, in working group sessions, or in other activities related to their jobs (Art 21).

Initiatives

The Assembly will consider proposals from its members, from society and from any organ of the State (Art. 23).

Internal Procedure for approving the constitutional text

The procedure for approving the constitutional text assumes previous discussion of the pertinent articles in the Working Groups (Art. 39) and the presentation of Minority and Majority Reports to the full Assembly. The Plenary will analyze these proposals and return them to the Working Groups with its observations. Afterward, each respective Working Group will analyze the comments and will prepare one or more reports or constitutional articles to be submitted to the full Assembly for a final debate (Art. 40). When the president considers the majority report sufficiently debated, he will propose a vote on its content article by article (Art. 44). For the final editing of the text of the Constitution, the presidents will form a Special Editorial Committee (Art. 47).

Procedure for elaboration of legislation

The Constituent Assembly will process legal projects originated in the Assembly (with the support of at least 5% of its members), by the President of the Republic, or those presented by a citizen initiative (with the support of at least 0.1% of the national electorate) (Art. 48). The Legislation and Oversight Working Group will debate the legal project will produce majority and minority reports (Art. 49), which it will circulate among all the Assembly members, who will have an opportunity to offer their observations to the working group. The Working Group will further elaborate the legal project and send it to the President of the Republic for his observations, which may or may not be taken into account by the working group. Afterward it will submit the legal project to the full Assembly with both the Majority and Minority reports.

Oversight and political control functions

The Assembly exercises oversight and political control over the constituted powers (Art. 51).

Approval of the constitutional text

Once the constitutional text is approved, the TSE will convoke a referendum within the following 45 days for the electorate to approve or reject the text of the new Constitution by, at least, half plus one of all voters (Art 69).