

THE  
CARTER CENTER



FINAL REPORT ON THE CONSTITUENT  
ASSEMBLY OF THE REPUBLIC OF  
ECUADOR

EXECUTIVE SUMMARY

The Carter Center

September 5, 2008  
Quito, Ecuador



The Carter Center's final report summarizes the principal events, discussions, decisions and outcomes of the Ecuadorian constituent process, whose central aim was to create a draft of a new political Magna Carta by the National Constituent Assembly (CA), which held session between November 2007 and July 2008.

The report consists of five major sections:

- I. **Organization and operations of the CA**
- II. **The work of the Plenary and its principal decisive acts: beyond the new constitutional text**
- III. **The major issues and controversies of the CA**
- IV. **Outcomes and positions of the main social and political forces in the CA and the new constitutional text**
- V. **The transition regime and the electoral calendar**

In the first section we address five issues: precedents for the Constituent Assembly; the process behind its installation and political makeup; the selection of its leaders and the approval of its rules of operation; the installation of the Working Groups, and, finally, a brief description of the role that citizen participation played in the CA and the process of writing the constitutional articles.

In the second section we summarize the key decisive acts of the Constituent Assembly that had no direct connection to the constitutional articles. We are referring to a series of Constituent Mandates, amnesties, pardons and laws approved by the CA throughout its term. The Mandates and amnesties were mostly approved between January and July. However, the debate and approval of the laws was concentrated in the first (December) and last (July) months of the CA's term. At the conclusion of the report we annex several



tables that synthesize the name, content, and date of approval of each of these decisive acts.

The third section is dedicated to the main issues and controversies over the constituent process and the articles of the new draft Constitution, both within the Assembly and in general public opinion. In the first subsection we discuss the controversies over the constituent process itself; in the second section we lay out the arguments presented by some of the most important political and social actors on the most important issues of the Constitution writing process. In the final section we include tables that summarize the key information from the most relevant articles related to each of the following categories:

Constituent Elements of the State (Title I) and Rights (Title II);

Participation and Distribution of Power (Title IV);

Development Regime (Title VI);

Supremacy of the Constitution (Title IX) and

Territorial Organization of the State (Title V).

In the fourth section we analyze the opinions held by some of the principal social and political actors in the country on the constituent process and the proposal for the new Constitution. Based on notes in the press, interviews and official party documents, we show their overall views of the constituent process and its results, as well as their positions on the referendum scheduled for September 28, 2008. At the conclusion of this section we include a table displaying the main political actors and their positions on the referendum.

In the fifth and final section we address two issues: the articles on the Transitional Regime and the reactions it caused; and the basic political scenarios the country will face depending on whether “yes” or “no” wins in the constitutional referendum for September 28, 2008.

At the end of the report we include a series of annexes: a chronology of the constituent process and information tables on the Constituent Mandates and laws approved by the CA.