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FEATURED Q&A

What's Behind the Honduras Attorney General Dispute?



Demonstrators have criticized Honduran President Xiomara Castro over her party's moves on designating a new attorney general. // File Photo: Honduran Government.

Q Thousands of demonstrators took to the streets of Tegucigalpa on Nov. 11 to protest Honduran President Xiomara Castro and her party's decision to elect a new interim attorney general by committee vote instead of by legislative action. Brian Nichols, the U.S. deputy secretary of state for Western Hemisphere affairs, expressed concerns about the move, writing that the decision "further undermines trust in the country's institutions." What motives were behind Castro's appointment of the new interim attorney general, and what is the significance of that selection? How much substance is there to the opposition's accusations that the move violated constitutional order? What does the increasing criticism from U.S. officials mean for the future of relations between the two countries?

A Hugo Llorens, former U.S. ambassador to Honduras and registered lobbyist of the Honduran government: "President Xiomara Castro was given an enormous electoral mandate in November 2021. In that election, the Honduran people rejected the eight years of misrule by former President Juan Orlando Hernández, who was subsequently extradited to the United States and awaits trial for drug trafficking. In this context, President Castro's priority has been to institutionalize mechanisms to effectively tackle corruption. The most vital ministerial position to achieve this goal is the attorney general, who leads the Public Ministry. President Castro constructively engaged Congress to replace the attorney general. Unfortunately, the opposition, notably Hernández's National Party, blocked any effort to name credible replacements. Its aim was to allow the incumbent of the narco-tainted

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TODAY'S NEWS

POLITICAL

Gangs Invading Haiti's Central Region: U.N.

Gangs have taken over parts of Haiti's once-peaceful central, rural region, according to a United Nations report released Tuesday. More than 20 criminal groups are fighting for control of the Lower Artibonite region, the report said.

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BUSINESS

McDermott to Start Work at Trinidad & Tobago Gas Field

McDermott said Tuesday that Shell has authorized it to begin engineering work at Trinidad and Tobago's Manatee gas field.

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ECONOMIC

Caputo Tapped as Argentina's Economy Minister

Argentine President-elect Javier Milei said this morning that he will name Luis Caputo, a former finance minister and central bank chief, as the country's economy minister.

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Caputo // File Photo: Argentine Government.

ECONOMIC NEWS

Argentina's Milei Taps Caputo as Economy Minister

Argentine President-elect Javier Milei said this morning that he has selected Luis Caputo, a former finance minister and central bank chief, as his economy minister, the Associated Press reported. Milei, who made the announcement in an interview with Argentina's Mitre radio, takes office on Dec. 10, following a campaign in which he ran as a political outsider, championing libertarian policies and unconventional economic reforms. The selection of Caputo signals that Milei, who has said he would close the central bank, will still build a cabinet of

Caputo was part of a small group of advisors that accompanied Milei on a trip to the United States this week.

experts with long track records. Milei praised Caputo last week in a television interview in which he discussed his intent to dismantle the central bank's stock of "leliqs," short term loans used to buy up pesos from other banks. Milei accused "leliqs" in the interview of risking hyperinflation. "There is no greater financial expert in Argentina than Luis 'Toto' Caputo. He is the ideal person to dismantle this problem," said Milei, the AP reported. Caputo was part of a small group of advisors that accompanied Milei on a trip to the United States this week. During the trip, Milei met with U.S. President Joe Biden on Tuesday. Milei told Mitre radio this morning that Caputo remained in Washington after Milei returned to Argentina in order to hold meetings with the U.S. Treasury and the IMF, Bloomberg News reported. Caputo is known for securing a major deal with bondholders under the administration of former President Mauricio Macri, when he was minis-

ter of public finance. Later, as president of the central bank, Caputo surprisingly served only a few months before resigning amid negotiations with the IMF.

POLITICAL NEWS

Gangs Invading Haiti's Rural Central Region: U.N.

Gangs have taken over parts of the central, rural region of Haiti, a once-peaceful region that has provided much of the country's food, said a United Nations report released Tuesday, the Associated Press reported. More than 20 "extremely violent" criminal groups are fighting for control of the Lower Artibonite area, which is located north of the capital, Port-au-Prince, said the report by the U.N. Human Rights Office of the High Commissioner, CNN reported. The region has few police officers and lacks basic government institutions, said the report, according to the AP. "A climate of fear reigns in Lower Artibonite, where murders, sexual violence, theft, destruction of property and other abuses are committed against the population on an almost daily basis," it added, the AP reported. More than 1,690 people have been killed, and more than 1,118 have been kidnapped in Lower Artibonite since January 2022, according to the United Nations. Gang violence in the area has caused 22,000 others to flee their homes, and more than half of that number are children, the AP reported, citing the International Organization for Migration. Gangs in the area have also stolen livestock and crops, disrupted irrigation systems and attacked lands used for agriculture, forcing impoverished farmers to pay to access those fields, the United Nations added. As of April of this year, close to 12,000 acres of crops were lost in the area because gang activity forced farmers to flee, according to the World Food Program, the AP reported. The situation has led to a soaring number of people going hungry, and close to half of the area's 1.7 million people are at risk of starvation. The conditions

NEWS BRIEFS

Head of Honduras Opposition Party Flees Arrest at Int'l Airport

The president of Honduras' opposition National Party, David Chávez Madison, fled Honduras' Palmerola International Airport on Tuesday after immigration officials discovered him carrying two passports on his way to the United States, the Associated Press reported. Hours after Chávez broke through a parking gate to escape by truck, a judge ordered his arrest on the grounds of an investigation into his time as director of the National Institute of Professional Training, during which irregularities may have occurred in the awarding of an inflated contract.

Strike Disrupts São Paulo's Bus, Subway Lines

Bus and subway lines in São Paulo were disrupted on Tuesday by a worker-led strike opposing privatization of the city's public transportation, the Associated Press reported. The governor of São Paulo state, Tarcísio de Freitas, was elected last year, vowing to carry out privatizations. The president of the São Paulo Subway Workers' Union, Camila Lisboa, told the AP that privatization would lead to higher fares and worse service. It is unclear how long the strike will continue.

Colombian Gov't Seeking to Cut Costs of Medicines: Health Minister

Colombia's government will seek to reduce the costs of some medicines, health Minister Guillermo Alfonso Jaramillo said Tuesday, Bloomberg News reported. "We are going to intervene in these deformed and oligopolistic markets," Jaramillo told lawmakers during a debate. He said moving some medicines to the so-called basic health care plan would limit the amounts that pharmaceutical manufacturers could charge for some drugs.

in Haiti require quick action, said the United Nations, which also expressed concerns about delays in Kenya's plan to send 1,000 police officers to the Caribbean nation. "The longer it takes to deploy a specialized international force, the more robust the response will have to be," said the U.N. report. Kenya's government has offered to send the police officers, and the African country's Parliament has approved the move, but a Kenyan court blocked the deployment at least until the end of January.

BUSINESS NEWS

McDermott to Start Engineering Work at Trinidad Gas Field

McDermott International announced Tuesday that it will proceed with a new engineering, procurement, construction and installation contract at Trinidad and Tobago's Manatee gas field following authorization from Shell, Reuters reported. The Manatee gas field development project is a major national liquefied natural gas project located off the eastern coast of Trinidad and Tobago but has recently been operating at reduced capacity amid shortages. The field is estimated to hold 10 trillion cubic feet of natural gas, and expectations are that the project could result in the daily production of 700 million cubic feet of gas, Reuters reported. Shell has authorized McDermott with a limited notice to proceed with engineering work, but a final investment decision is still pending on the contract. Stuart Young, Trinidad and Tobago's energy minister, told the nation's Parliament that approval from Shell would come soon. McDermott said Tuesday in a statement that the scope of the project at the Manatee gas field includes "design, procurement, fabrication, transportation, installation and commissioning of a wellhead platform, offshore and onshore gas pipelines." The company already delivered a front-end engineering design for the project, which, once realized, will supply liquefied natural gas to both domestic and foreign markets.

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Hernández regime to continue to lead the Public Ministry. With few options, Congress President Redondo convened a Permanent Commission to appoint an interim attorney general and deputy. These appointments are perfectly legal when Congress is out of session, as clearly established by Article 208 of the Honduran Constitution—the equivalent of a U.S. recess appointment. While recess appointments are often controversial, considering the high stakes the government had little choice. Lamentably, the opposition's dramatization of the interim appointment is a case of crocodile tears. Equally, statements by U.S. officials questioning the government's action are an inappropriate intervention in Honduras' internal affairs. Honduras is a reliable U.S. partner on the issues that matter, including the presence of U.S. military forces in Honduras, and cooperation on counternarcotics, intelligence and migration. The elected democratic government of Honduras merits our respect and support."

A **Tiziano Breda, researcher with the Global Actors Programme at the Istituto Affari Internazionali:** "The legislative chaos Honduras has sunk into in recent weeks should have come as no surprise. Xiomara Castro's government has cemented a modus operandi whose hints date back to its very early days: if it cannot agree with the other political forces on the appointment of high-profile officials (as was the case for the Supreme Court), Libre, the ruling party, stretches legal proceedings to appoint affiliates. The appointments of Luis Redondo as head of Congress and of the counsel-general of the republic in early 2022 are cases in point. Back then, widespread enthusiasm toward the change of government softened the national and international reactions toward these dubious appointments, giving way to the government to raise the bar, if needed, which is what happened with the appointment of the attorney general and his deputy. Having

said that, the current crisis in Congress has dealt a serious blow to foreign partners' confidence in the government's commitment to the rule of law and in the country's legal certainty, with possible serious repercussions on international cooperation, particularly on the support for the establishment of a U.N.-backed anti-corruption body (CICIH), of which the United States would be the main donor. Notwithstanding, Castro's government is still in time to redeem itself: if it interprets the latest appointments as temporary, works to establish a new, more balanced Congress board in January and proceeds to put the selection of the attorney general to a vote, it could soothe domestic tensions and regain international trust. A further delay to the installment of the CICIH is preferable to its burial."

A **Adam Blackwell, vice president for international at Development Services Group and former Canadian ambassador to the Dominican Republic:** "My involvement in Honduras goes back to the OAS good office mission following the coup of 2009 that removed Castro's husband Mel Zelaya from the presidency and brought to power successive National Party presidents, Pepe Lobo in 2010 and Juan Orlando Hernández in 2014. Hernández has been indicted and Lobo designated by the United States for corruption and undermining state institutions. Castro under the 'Libre' banner was able to win the presidency in 2021 but Libre, with only 49 seats in the 128-member Congress, must rely on other parties to govern. This is not the first and not the last time Honduras, indeed Central American countries, have struggled to elect an attorney general through the congressional process. Appointing political allies to a sensitive apolitical post is not aligned with Castro's promise to strengthen institutions and end corruption. Honduras signed an agreement to introduce a United Nations International Commission against Impunity. How will that play out now?"

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Unfortunately, these institutional failures are a recurring theme in Central America as we have recently seen in El Salvador, Guatemala and Nicaragua. The challenge for the United States and other likeminded partners is to coordinate closely to create the necessary incentives to help Honduras build a safe and stable environment to encourage investment and development and avoid more violence and irregular migration. The Human Development Index for Honduras is in decline which is but one clear indicator that it is the people of Honduras that pay the price for the incompetence of their governments.”

A Christopher Hernández-Roy, senior fellow and deputy director of the Americas Program at the Center for Strategic and International Studies: “President Xiomara Castro has been trying to get her candidate for attorney general, Johel Zelaya, approved to watch over her political and legal interests. Under the constitution, Congress elects the attorney general with a two-thirds majority vote. Given that Castro’s Libre Party does not even have a simple majority, her candidate did not gain traction. As a work-around, the president’s allies resorted to Article 208(11) of the constitution, which gives the nine-member Permanent Commission of Congress the power to elect the attorney

general on an interim basis and only in cases of ‘absolute absence.’ The committee, which functions only while the legislature is in recess, is headed by the president of Congress, an ally of Castro, and himself chosen controversially. In selecting Zelaya by means of the Libre-heavy committee, the president’s allies claim the constitution wasn’t violated. One can argue, as opposition lawmakers have, that the ‘absolute absence’ requirement was not met, since there was an acting hold-over attorney general in place, and therefore the move is unconstitutional. When the legislature reconvenes in January, it could, theoretically, elect a different attorney general. In overriding the full Congress, however, Castro sets a dangerous precedent that fits a pattern of controversial or undemocratic decisions across the Northern Triangle. The United States has sanctions against the attorneys general of Nicaragua, Guatemala and certain judges and prosecutors in El Salvador. U.S. Senators Ben Cardin and Tim Kaine warned that the White House should be ‘ready to take appropriate diplomatic or economic actions if Honduras does not change course.”

The Advisor welcomes comments on its Q&A section. Readers can write editor Gene Kuleta.

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