



# Honduran Political Crisis, June 2009-January 2010

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## Summary

On June 28, 2009, the Honduran military detained President Manuel Zelaya and flew him to exile in Costa Rica, ending 27 years of uninterrupted democratic, constitutional governance. Honduran governmental institutions had become increasingly polarized in the preceding months as a result of Zelaya's intention to hold a non-binding referendum and eventually amend the constitution. After the ouster, the Honduran Supreme Court asserted that an arrest warrant had been issued for Zelaya as a result of his noncompliance with judicial decisions that had declared the non-binding referendum unconstitutional. However, the military's actions halted the judicial process before a trial could be held. The Honduran National Congress then adopted a resolution to replace Zelaya with the President of Congress, Roberto Micheletti.

Micheletti insisted that he took power through a "constitutional succession" throughout the seven months between Zelaya's forced removal and the inauguration of new President Porfirio "Pepe" Lobo Sosa. He also maintained tight control of Honduran society, severely restricting political activity that opposed his government. President Lobo, who won a November 2009 election that had been scheduled prior to the ouster, took office on January 27, 2010. Some Hondurans declared the election illegitimate, however, as a result of the conditions in the country at the time it was held. The political crisis has left Lobo with a number of challenges, including considerable domestic political polarization, a lack of international recognition, and a faltering economy.

The United States and the rest of the international community universally condemned Zelaya's ouster. They leveled a series of diplomatic and economic sanctions against the Micheletti government and pushed for a negotiated agreement to end the crisis. Although an accord was signed roughly one month before the November 2009 election, it quickly fell apart. The unity of the international community crumbled along with the agreement, as some countries—such as the United States—agreed to recognize the results of the election despite Zelaya never being restored to office, while others refused to do so.

Members demonstrated considerable interest in the Honduran political crisis during the first session of the 111<sup>th</sup> Congress. A number of resolutions were introduced regarding the situation. On July 8, 2009, H.Res. 619 (Mack) and H.Res. 620 (Serrano) were introduced in the House. H.Res. 619 condemned Zelaya for his "unconstitutional and illegal" actions and called for a peaceful resolution. H.Res. 620 called upon the Micheletti government to end its "illegal seizure of power." On July 10, 2009, H.Res. 630 (Delahunt) was introduced in the House. It condemned the "coup d'état" in Honduras; refused to recognize the Micheletti government; urged the Obama Administration to suspend non-humanitarian aid; and called for international observation of the November 2009 elections. On September 17, 2009, H.Res. 749 (Ros-Lehtinen) was introduced in the House. It called for the Secretary of State to work with Honduran authorities to ensure free and fair elections and for President Obama to recognize the November elections "as an important step in the consolidation of democracy and rule of law in Honduras."

This report examines the political crisis in Honduras, with specific focus on the events between June 2009 and January 2010. It concludes with the inauguration of President Lobo. For more information on the current political situation in Honduras, see CRS Report RL34027, *Honduran-U.S. Relations*.

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Figure 1. Map of Honduras



Source: Map Resources. Adapted by CRS Graphics.

## Political Context

Prior to the military-imposed exile of President Manuel Zelaya, Honduras, a Central American nation of 7.4 million people, enjoyed 27 years of uninterrupted elected civilian democratic rule. The Liberal (PL) and National (PN) parties have been Honduras' two dominant political parties since the military relinquished control of the country in 1982. Both are considered to be ideologically center-right, and there appear to be few major differences between the two. Manuel Zelaya of the PL was elected president in November 2005, narrowly defeating his PN rival, Porfirio Lobo Sosa. Zelaya—a wealthy landowner with considerable investments in the timber and cattle industries—was generally regarded as a moderate when he was inaugurated to a four-year term in January 2006.<sup>1</sup> As his term progressed, however, Zelaya advanced a number of

<sup>1</sup> "People Profile: Manuel 'Mel' Zelaya," *Latin News Daily*, November 15, 2005; "Manuel Zelaya: empresario (continued...)"

populist policies, including free school enrollment, an increase in teachers' pay, and a 60% increase in the minimum wage.<sup>2</sup> Zelaya also forged closer relations with Venezuelan President Hugo Chávez, joining PetroCaribe and the Bolivarian Alternative for the Americas (ALBA) in 2008.<sup>3</sup> Although Zelaya's populist policies allowed him to maintain considerable support among certain sectors of Honduran society, they alienated many within the traditional economic and political elite. Likewise, his Administration's inability to achieve concrete results on a number of issues of importance—such as poverty and violent crime—significantly weakened his public standing. Opinion polls indicated that Zelaya's approval rating had fallen to about 30% prior to his ouster.<sup>4</sup>

## Proposed Constitutional Referendum

In March 2009, President Zelaya issued an executive decree introducing a process that eventually could have led to changes to the Honduran constitution. The decree called on the National Statistics Institute (INE) to hold a popular referendum on June 28, 2009, to determine if the country should include a fourth ballot box<sup>5</sup> during the general elections in November 2009. The fourth ballot would consult Hondurans about whether the country should convoke a national constituent assembly to approve a new constitution. In May 2009, Zelaya repealed the March decree and issued a new decree—not published until June 25, 2009—that made the referendum non-binding and removed the reference to a new constitution. The non-binding referendum would have asked Hondurans, “Do you agree that in the general elections of 2009, a fourth ballot box should be installed in which the people decide on the convocation of a National Constituent Assembly?”<sup>6</sup> Zelaya argued that the constitution—drafted in 1982—should be amended to reflect the “substantial and significant changes” that have taken place in Honduran society in recent years.<sup>7</sup>

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(...continued)

conservador que transitó a la izquierda,” *Agencia Mexicana de Noticias*, June 29, 2009.

<sup>2</sup> The minimum wage decree—which did not affect the maquila sector's monthly minimum wage that fluctuates between 6,000 and 7,000 Lempiras (\$318-\$370)—increased the rural monthly minimum wage to 4,055 Lempiras (\$215) and the urban monthly minimum wage to 5,500 Lempiras (\$291). Calculations are based on an exchange rate of \$1 U.S. dollar to 18.9 Honduran lempiras. “Elevan a L.5,500 el salario mínimo en Honduras,” *El Heraldo* (Honduras), December 24, 2008.

<sup>3</sup> PetroCaribe is a Venezuelan program that provides oil at preferential discounted rates to Caribbean countries. ALBA is a socially oriented trade block that includes cooperation in a range of areas such as health, education, culture, investment, and finance. ALBA members include Bolivia, Cuba, Ecuador, Nicaragua, and Venezuela. The National Congress ratified Honduras' entrance into both PetroCaribe and ALBA. “Honduras: Congress signs up to Petrocaribe” *Latin American Caribbean & Central America Report*, March 2008; “Honduras: Congress approves Alba, with caveats,” *Latin American Caribbean & Central America Report*, October 2008.

<sup>4</sup> Mica Rosenberg, “Protests erupt, gunshots heard after Honduras coup,” *Reuters*, June 28, 2009.

<sup>5</sup> There are generally three ballot boxes at Honduran voting places: one for the presidential election, another for congressional elections, and a third for municipal elections.

<sup>6</sup> “Llegó el día de verdad,” *El Tiempo* (Honduras), June 28, 2009.

<sup>7</sup> “Constitutional reform or power grab,” *Latin American Weekly Report*, March 26, 2009.

## Opposition

The proposal was immediately criticized by a number of officials. President of Congress Roberto Micheletti expressed ardent opposition, the 2009 presidential nominees of the PL and the PN—both of whom later indicated that they were open to a constitutional assembly<sup>8</sup>—accused Zelaya of trying to perpetuate himself in power, the Attorney General’s office accused Zelaya of violating the constitution, and the Honduran judiciary<sup>9</sup> declared Zelaya’s proposal unconstitutional.<sup>10</sup> Nonetheless, Zelaya pushed forward, maintaining that the law of citizen participation approved shortly after he took office allowed him to consult the people of Honduras in a non-binding poll. Zelaya also noted that the referendum did not propose specific constitutional changes, and any changes arising from an eventual assembly would take place after he left office. President Zelaya’s refusal to accept the court rulings, however, sparked rumors that he was planning an institutional coup that would dissolve Congress and immediately call a constitutional assembly.<sup>11</sup>

## Deterioration of Political Situation

The political situation in the country deteriorated considerably the week before the non-binding referendum was to be held as Honduran society and the country’s governmental institutions became increasingly polarized. On June 23, 2009, the National Congress created an additional legal obstacle to the referendum, passing a law preventing referenda from occurring 180 days before or after general elections. A day later, Zelaya ordered the resignations of Honduran Defense Minister Edmundo Orellana Mercado and Chairman of the Joint Chiefs of Staff Romeo Vasquez Velasquez after they informed him that the Honduran military would not provide logistical support for the non-binding referendum since the courts had ruled it unconstitutional. The removal of Orellana and Vasquez prompted the resignation of 36 other Honduran military commanders, including the heads of the army, navy, and air force.<sup>12</sup> On June 25, 2009, the Supreme Court ordered that the Defense Minister and Armed Forces Chief should be restored to their positions, and the National Congress began debate on the possibility of censuring Zelaya. In response, Zelaya declared that the legislature and courts were working with the country’s oligarchy to carry out a technical coup.<sup>13</sup>

By the day the non-binding referendum was to be held, Honduras was extremely divided. The legislature, the judiciary, the Attorney General, the Human Rights Ombudsman, the hierarchy of the Catholic Church, evangelical groups, business associations, and four of the five political parties represented in the National Congress—including Zelaya’s own PL—opposed the referendum. Nearly all of these political and social actors called on the people of Honduras to

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<sup>8</sup> “Lobo the front runner in Honduras,” *Latin News Daily*, July 15, 2009.

<sup>9</sup> It should be noted that the Honduran judiciary “is seen as neither effective nor fair” and “in practice, the judicial system is open to political influence.” “Honduras Country Profile,” *Economist Intelligence Unit*, 2008.

<sup>10</sup> “Honduras: Fiscalía dice Zelaya no puede llamar a consulta popular,” *Associated Press*, March 25, 2009; Poder Judicial de Honduras, “Expediente Judicial Relación Documentada Caso Zelaya Rosales,” available at <http://www.poderjudicial.gob.hn/>.

<sup>11</sup> “Honduras: Zelaya denies coup rumors,” *Latin American Weekly Report*, June 11, 2009.

<sup>12</sup> “Consulta ciudadana genera crisis en Honduras,” *Agencia Mexicana de Noticias*, June 25, 2009; “Honduras lurches,” *Latin News Daily*, June 25, 2009.

<sup>13</sup> “Zelaya claims coup,” *Latin News Daily*, June 26, 2009.

boycott the vote. Proponents of the referendum—who saw it as a mechanism to overcome political and economic exclusion—included unions, peasants, women’s groups, groups of ethnic minorities, and the small leftist Democratic Unification party (DU).<sup>14</sup>

## **Detention and Expulsion of Zelaya**

On June 28, 2009, shortly before the polls were to open for the non-binding referendum, the Honduran military surrounded the presidential residence, arrested President Zelaya, and flew him to exile in Costa Rica. The military also confiscated all referendum materials from polling places across the country. In the aftermath of the ouster, the Honduran Supreme Court produced documents asserting that an arrest warrant for President Zelaya had been issued in secrecy on June 26, 2009, as a result of the executive branch’s noncompliance with judicial rulings that had declared the non-binding referendum unconstitutional. Zelaya was charged with crimes against the form of government, treason, abuse of authority, and usurpation of functions for calling a referendum without the approval of the National Congress and intending to use the INE to supervise the vote rather than the Supreme Electoral Tribunal.<sup>15</sup> The judicial process was halted before a trial could be held, however, as a result of the Honduran military’s actions.

The Honduran National Congress ratified the ouster soon after the military forced Zelaya from the country. The Congress accepted a letter of resignation allegedly signed by the exiled president, which Zelaya immediately declared to be fraudulent.<sup>16</sup> It then passed<sup>17</sup> a decree that disapproved of Zelaya’s conduct for “repeated violations against the Constitution and laws of the Republic and nonobservance of the resolutions and rulings of the judicial organs,” removed Zelaya from office, and named Roberto Micheletti—the President of Congress and the next in line constitutionally—the President of Honduras for the remainder of Zelaya’s term, which ended on January 27, 2010.<sup>18</sup>

Although some maintain that Zelaya’s removal was done through legal means,<sup>19</sup> others assert that the actions of the military and Congress were unconstitutional. According to most analysts, the Honduran military’s decision to force Zelaya into exile directly violated the Honduran Constitution, which forbids the expatriation of Honduran citizens. Those involved in the ouster

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<sup>14</sup> “Llegó el día de verdad,” *El Tiempo* (Honduras), June 28, 2009; “Partidos políticos advirtieron de crisis,” *El Heraldo* (Honduras), June 28, 2009.

<sup>15</sup> Poder Judicial de Honduras, “Expediente Judicial Relación Documentada Caso Zelaya Rosales,” available at <http://www.poderjudicial.gob.hn/>.

<sup>16</sup> “Diputados hondureños aceptan una supuesta renuncia del presidente Zelaya,” *El Tiempo* (Honduras), June 28, 2009; “Zelaya ofrece conferencia en Costa Rica,” *La Prensa* (Honduras), June 28, 2009.

<sup>17</sup> 122 of the 128 members of the National Congress reportedly voted for the resolution, with an independent and the five deputies of the DU not present for the vote. Some members of the Liberal Party maintain they were not present for the vote and that the reported vote count is inaccurate. “Zelaya planificaba disolver el Congreso,” *El Heraldo* (Honduras), June 28, 2009; “Aparecen más diputados declarando que hubo golpe,” *El Tiempo* (Honduras), July 3, 2009.

<sup>18</sup> “El decreto de la separación de Zelaya,” *El Heraldo* (Honduras), June 28, 2009.

<sup>19</sup> Octavio Sánchez, “A ‘coup’ in Honduras? Nonsense,” *Christian Science Monitor*, July 2, 2009; Miguel A. Estrada, “When a coup isn’t; Under Honduras’ Constitution, the ouster of President Manuel Zelaya was legal,” *Los Angeles Times*, July 10, 2009; U.S. House Committee on International Relations, Subcommittee on the Western Hemisphere, Statement of Guillermo Perez-Cadalso, July 10, 2009.

maintain that their actions were necessary to avoid chaos.<sup>20</sup> On January 26, 2010, a Honduran Supreme Court judge dismissed charges against members of the joint command of the Honduran military for their role in Zelaya's expatriation, asserting that the Honduran military had acted to "preserve democracy" and "avoid bloodshed."<sup>21</sup>

Some Honduran legal observers also have asserted that the actions of the Honduran National Congress were unconstitutional.<sup>22</sup> They maintain that the power to remove a president is reserved for the judicial branch. They also note that since Zelaya never resigned and the judicial process against him was terminated prematurely by the military's actions, Zelaya was still president and there was no vacancy to be filled. Nevertheless, the Honduran Supreme Court appears to have accepted the legality of the actions of Congress. On June 29, 2009, it ordered Zelaya's legal proceedings to continue through the ordinary judicial process since he "no longer holds high office;"<sup>23</sup> however, the Court has never directly ruled on the legality of Congress's actions.<sup>24</sup>

## Micheletti Government

### Governance

Roberto Micheletti assumed the office of the presidency following Zelaya's removal. Throughout the seven months between the ouster and the inauguration of President Lobo, Micheletti maintained that he was the legitimate president of Honduras as a result of a "constitutional substitution."<sup>25</sup> Upon assuming office, he named a new cabinet, announced a plan of governance, and assured the public that general elections would be held in November 2009, as previously planned.<sup>26</sup> Micheletti and the Honduran National Congress passed a 2009 budget, which included a 10% cut to the central government and a 20% cut to decentralized state bodies as a result of the loss of international support.<sup>27</sup> They also annulled more than a dozen decrees and reforms approved under Zelaya, including Honduras' accession to the Venezuelan-led trade bloc known as ALBA.<sup>28</sup>

Micheletti received strong support from some sectors of Honduran society throughout his government. On various occasions, Hondurans held large demonstrations in support of his

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<sup>20</sup> Frances Robles, "Top Honduran military lawyer: We broke the law," *Miami Herald*, July 3, 2009; Ginger Thompson, "On TV, Honduran Generals Explain Their Role in Coup," *New York Times*, August 5, 2009.

<sup>21</sup> "Juez exime a militares involucrados en golpe de Estado en Honduras," *Agence France Presse*, January 26, 2010.

<sup>22</sup> Edmundo Orellana, "El 28 de junio y la Constitución," *La Tribuna* (Honduras), August 1, 2009; Ramón Enrique Barrios, "No hubo sucesión constitucional," *El Tiempo* (Honduras), August 28, 2009.

<sup>23</sup> Poder Judicial de Honduras, "Expediente Judicial Relación Documentada Caso Zelaya Rosales," available at <http://www.poderjudicial.gob.hn/>.

<sup>24</sup> In August 2009, the Supreme Court accepted an amparo petition that called for the congressional decree removing Zelaya to be declared null and void. It has since ordered the National Congress to deliver the congressional decree and all other information relating to Zelaya's ouster to the Court to be reviewed. It has yet to issue a decision. "Por recurso de amparo: Corte le pide al Congreso decreto que derrocó a Mel," *El Tiempo* (Honduras), September 18, 2009.

<sup>25</sup> "Honduran interim gov't battles international isolation," *EFE News Service*, June 30, 2009.

<sup>26</sup> "Micheletti: promete combatir el hambre y la inseguridad," *La Prensa* (Honduras), June 29, 2009.

<sup>27</sup> "Honduras: Country Report," *Economist Intelligence Unit*, August 2009.

<sup>28</sup> "Honduras: Micheletti prepares to leave on high note," *Latin American Weekly Report*, January 21, 2010.



government.<sup>29</sup> Likewise, prior to adjourning in mid-January 2010, the Honduran National Congress named Micheletti a “deputy-for-life,” and offered life-long security to Micheletti and some 50 other Honduran officials involved in his government or the ouster of Zelaya.<sup>30</sup> Nonetheless, an October 2009 poll found that just 36% of Hondurans approved of Micheletti’s job in office and 59% believed he rarely or never did what was in the interest of the Honduran people. The same poll found that 42% of Hondurans recognized Zelaya as president, while 36% recognized Micheletti.<sup>31</sup>

## Repression

During his government, Micheletti implemented a number of measures that placed Honduran society under strict control. On the day of the ouster, security forces patrolled the streets, a curfew was put in place, and a number of local and international television and radio stations were shut down or intimidated.<sup>32</sup> Likewise, members of Zelaya’s Administration, other political and social leaders, and some members of the press were detained or forced to go into hiding.<sup>33</sup> Over the next several months, the Micheletti government periodically implemented curfews—often arbitrarily and with little or no prior notification—and issued decrees restricting civil liberties.<sup>34</sup>

Micheletti declared a 45-day state of siege following Zelaya’s September 21, 2009, announcement that he had clandestinely returned to Honduras and taken refuge in the Brazilian Embassy in Tegucigalpa.<sup>35</sup> The decree suspended freedom of the press and freedom of movement, required police or military authorization for public meetings, allowed detention without a warrant, and led to the government shutdown of two of the leading sources of media opposition to the Micheletti government.<sup>36</sup> Although criticism from the country’s presidential candidates, members of the National Congress, and the Supreme Electoral Tribunal ultimately led Micheletti to revoke the decree three weeks later, repressive actions continued.<sup>37</sup>

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<sup>29</sup> “Hondureños cierran filas en favor de nuevo Gobierno de Honduras,” *La Prensa* (Honduras), June 30, 2009.

<sup>30</sup> “Congreso de Honduras designa a Micheletti ‘diputado vitalicio,’” *Agence France Presse*, January 13, 2010; “Más de 50 funcionarios gozarán de seguridad vitalicia,” *El Tiempo* (Honduras), January 15, 2010.

<sup>31</sup> “Hondureños ven solución en presidente alternativo y elecciones, según sondeo,” *EFE News Service*, October 27, 2009; “Honduras: 42% reconoce a Zelaya como presidente, 36% a Micheletti (encuesta),” *Agence France Presse*, October 28, 2009.

<sup>32</sup> “Honduras: Decretan toque de queda por 48 horas,” *La Prensa* (Honduras), June 28, 2009; “Honduras: Media Blackout, Protests Reported,” *Stratfor*, June 29, 2009.

<sup>33</sup> “Al menos ocho ministros están detenidos,” *La Prensa* (Honduras), June 28, 2009; “En la clandestinidad ministros de Zelaya,” *El Tiempo* (Honduras), June 30, 2009; “Denuncian violaciones a la libertad de expresión,” *El Tiempo* (Honduras), June 30, 2009.

<sup>34</sup> “Honduras suspende derechos constitucionales durante toque queda,” *Reuters*, July 1, 2009; Amnesty International, “Honduras: human rights crisis threatens as repression increases,” August 2009.

<sup>35</sup> Zelaya had attempted to return to the country on two previous occasions, but the Micheletti government prevented his plane from landing on July 5, 2009 and soldiers prohibited him from walking more than a few feet across the Nicaraguan border on July 24 and July 25, 2009.

<sup>36</sup> “Gobierno ordena suspender garantías constitucionales,” *El Tiempo* (Honduras), September 28, 2009; Elisabeth Malkin & Ginger Thompson, “Honduras Shuts Down 2 Media Outlets, Then Relents,” *New York Times*, September 29, 2009.

<sup>37</sup> “Pepe Lobo: Suspensión de garantías daña la imagen del país,” *El Tiempo* (Honduras), September 28, 2009; Elisabeth Malkin & Ginger Thompson, “Honduras Shuts Down 2 Media Outlets, Then Relents,” *New York Times*, September 29, 2009; Faustino Ordóñez Baca, “Decreto entorpece el proceso electoral,” *El Heraldo* (Honduras), September 28, 2009; “Micheletti publica revocación restricciones Honduras,” *Reuters*, October 19, 2009.

The Inter-American Commission on Human Rights (IACHR), an autonomous organ of the Organization of American States, monitored the human rights situation in Honduras during the Micheletti government. The IACHR asserts that serious violations of human rights occurred, including “deaths, an arbitrary declaration of a state of emergency, suppression of public demonstrations through disproportionate use of force, criminalization of public protest, arbitrary detentions of thousands of persons, cruel, inhuman and degrading treatment and grossly inadequate conditions of detention, militarization of Honduran territory, a surge in incidents of racial discrimination, violations of women’s rights, serious and arbitrary restrictions on the right to freedom of expression, and grave violations of political rights.” The IACHR also asserts that the Honduran judicial system failed to investigate, prosecute, and punish those responsible for human rights violations.<sup>38</sup>

## International Response to Ouster

### Sanctions

The international community reacted quickly and forcefully to the events of June 28, 2009. The United States,<sup>39</sup> European Union, and United Nations condemned the ouster and called for Zelaya’s immediate return, as did every regional grouping in the hemisphere from the System of Central American Integration (SICA) to the Caribbean Community (CARICOM) to the Union of South American Nations (UNASUR). On July 4, 2009, in accordance with Article 21 of the Inter-American Democratic Charter, the member states of the Organization of American States (OAS) unanimously voted to suspend Honduras from the organization for an unconstitutional interruption of the democratic order.<sup>40</sup> Moreover, countries throughout Latin America and Europe withdrew their ambassadors, diplomatically isolating the Micheletti government, which was not recognized by a single country.

Economic pressure was also placed on Honduras, which was already suffering as a result of the global financial crisis and U.S. recession. Some Central American countries imposed a 48-hour commercial blockade, international financial institutions withheld access to some \$485 million in loans and other transfers, the European Union suspended an estimated \$93 million in budget support, the United States terminated nearly \$33 million in economic and military aid, and Venezuela—which provided 50% of Honduras’ petroleum imports in 2008—stopped supplying the country with oil.<sup>41</sup>

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<sup>38</sup> Inter-American Commission on Human Rights, *Honduras: Human Rights and the Coup D’état*, Organization of American States, OEA/Ser.L/V/II. Doc. 55, December 30, 2009.

<sup>39</sup> For more on the U.S. response, see “U.S. Policy.”

<sup>40</sup> Lesley Clark & Laura Figueroa, “OAS suspends Honduras over president’s ouster,” *Miami Herald*, July 5, 2009. This was the first time the OAS suspended a country since Cuba was suspended in 1962.

<sup>41</sup> Robin Emmott, “Aid freeze in post-coup Honduras hurting poor,” *Reuters*, November 12, 2009; “Honduras can’t touch IMF resources—IMF” *Reuters*, September 9, 2009; “Unión Europea suspende ayuda financiera a Honduras,” *Reuters*, July 20, 2009; “Senior State Department Officials Hold Background News Teleconference on Honduras,” *CQ Newsmaker Transcripts*, September 3, 2009; “Venezuela halts oil deliveries to Honduras,” *EFE News Service*, July 8, 2009; “Negociación solo es para que Zelaya enfrente la justicia,” *El Heraldo* (Honduras), July 7, 2009.

## Mediation Attempts

After the initial sanctions failed to return Zelaya to power, the international community focused its efforts on facilitating a negotiated solution to the political crisis. In July 2009, Zelaya and Micheletti agreed to participate in talks mediated by Costa Rican President Oscar Arias, who won a Nobel Peace Prize in 1987 for his efforts to end conflicts in Central America during his previous administration (1986-1990). Following initial meetings with President Arias, both leaders designated groups of negotiators to continue on their behalves. President Arias eventually proposed a 12-point plan known as the “San José Accord.” Among other provisions, the proposal called for President Zelaya’s reinstatement, the creation of a national unity government, a general amnesty for all political crimes committed before and after Zelaya’s removal, an agreement not to pursue constitutional reform, and the creation of a verification commission to guarantee compliance with the accord.<sup>42</sup> Although Zelaya initially declared the negotiation process a failure, he later signaled that he would accept the Arias proposal.<sup>43</sup> Micheletti’s negotiators said they would take the proposal back to the independent branches of the government to consider. They subsequently rejected the accord.<sup>44</sup> Nonetheless, the international community continued to push all of the parties involved to accept the San José Accord.

Following a new round of talks supported by the OAS and the United States, Zelaya and Micheletti signed an agreement on October 30, 2009. Based largely on the San José Accord, the “Tegucigalpa/San José Accord” called for (1) the formation of a national unity and reconciliation government; (2) a renunciation of any attempts to reform the non-amendable provisions of the constitution; (3) a recognition of the November elections with international observation; (4) the transfer of supervision of the armed forces (who traditionally assist in election logistics) to the Supreme Electoral Tribunal one month prior to the election; (5) a congressional vote—considering the input of the Supreme Court—on Zelaya’s restitution to the presidency; (6) the creation of a verification commission to ensure the accord’s implementation, and a truth commission to investigate the events before, during, and after the June 28 ouster; and (7) international recognition of Honduras and the removal of all sanctions against the country. The agreement also set a timeline for implementation: transfer of the agreement to Congress to consider Zelaya’s restitution was to occur on October 30, 2009, the verification commission was to be formed by November 2, 2009, the national unity government was supposed to take office by November 5, 2009, and the formation of the truth commission was scheduled to occur in the first half of 2010.<sup>45</sup>

Despite proclamations by some in the international community that the accord signaled the end of the political crisis in Honduras,<sup>46</sup> little changed in the country following the agreement. Although a verification committee was created according to schedule, a national unity government was

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<sup>42</sup> Juan Pablo Carranza, “Arias presentó el ‘Acuerdo de San José’ para buscar reconciliación en Honduras,” *La Nación* (Costa Rica), July 22, 2009.

<sup>43</sup> “Zelaya reafirma apoyo a Plan Arias para ser restituido como presidente,” *Agence France Presse*, August 4, 2009.

<sup>44</sup> “Honduras: De Facto Leader Rejects Part of a Deal,” *New York Times*, August 1, 2009; “Corte Suprema opuesta a la restitución de Manuel Zelaya,” *El Tiempo* (Honduras), August 24, 2009.

<sup>45</sup> “El próximo jueves debe estar formado el gobierno de unidad,” *El Tiempo* (Honduras), October 30, 2009.

<sup>46</sup> Secretary of State Hillary Rodham Clinton, “Breakthrough in Honduras,” *U.S. Department of State*, October 30, 2009; Jordi Zamora, “Fin de crisis en Honduras, un espaldarazo a la política multilateral de EEUU,” *Agence France Presse*, October 30, 2009; “La comunidad internacional celebra el acuerdo alcanzado en Honduras,” *Agence France Presse*, October 30, 2009.

never formed.<sup>47</sup> Likewise, the accord was immediately sent to the legislative branch, yet the National Congress did not consider Zelaya's reinstatement until December 2, 2009—three days after the presidential election—at which point it reaffirmed his ouster.<sup>48</sup> As a result, Zelaya and members of the “National Resistance Front Against the Coup d'état” boycotted the November 2009 elections and refused to recognize the results.<sup>49</sup> Moreover, Micheletti refused to allow Zelaya to leave the Brazilian embassy, maintaining that the deposed president had to renounce his claim to the presidency and request refugee status in order to be given safe passage.<sup>50</sup>

## November 2009 Elections

### Results

On November 29, 2009, Honduras held general elections to fill nearly 3,000 posts nationwide, including the presidency and all 128 seats in the unicameral National Congress.<sup>51</sup> Former President of Congress and 2005 National Party (PN) presidential nominee Porfirio Lobo easily defeated his closest rival, former Vice President Elvin Santos of the Liberal Party (PL), 56.6% to 38.1%.<sup>52</sup> Lobo's PN also won 71 of the 128 seats in Congress, up from 55 in the 2005 election. The PL won just 45 seats in Congress, down from 62 in 2005.<sup>53</sup> A number of analysts have interpreted the vote as a clear rejection of the PL, which Hondurans saw as responsible for the country's political crisis as a result of Zelaya and Micheletti both belonging to the party.<sup>54</sup> A poll taken prior to the election found that 63% of Hondurans thought the election would help end the country's political crisis.<sup>55</sup>

### Legitimacy

There has been considerable debate—both in Honduras and the international community—concerning the legitimacy of the November 2009 elections. Supporters of the elections note that

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<sup>47</sup> The verification committee was composed of four members: former Chilean President Ricardo Lagos (2000-2006) and U.S. Secretary of Labor Hilda Solís, appointed by the OAS; Jorge Reina, appointed by Zelaya; and Arturo Corrales, appointed by Micheletti. “Comisión de Verificación se instala y el Congreso consulta al Poder Judicial,” *EFE News Service*, November 3, 2009; “Micheletti pretende seguir en Gobierno de Honduras mientras Congreso decide,” *EFE News Service*, November 4, 2009.

<sup>48</sup> The National Resistance Front Against the Coup d'état is an umbrella group of Hondurans who opposed Zelaya's forced removal. Its members include Hondurans from a variety of backgrounds, political parties, and social organizations. “Rechazan restitución de Zelaya,” *La Prensa* (Honduras), December 3, 2009.

<sup>49</sup> Noé Leiva, “Zelaya impugnará elecciones mientras militares se entrenen contra boicot,” *Agence France Presse*, November 19, 2009; Noé Leiva, “Honduras: Resistencia contra el Golpe se organiza para boicotear elecciones,” *Agence France Presse*, November 23, 2009.

<sup>50</sup> “Micheletti says no to Mexico,” *Latin News Daily*, December 10, 2009.

<sup>51</sup> “Elecciones, incierto antídoto contra la crisis socio política,” *El Tiempo* (Honduras), August 31, 2009.

<sup>52</sup> “TSE confirma el triunfo de ‘Pepe’ en las elecciones,” *El Herald* (Honduras), December 21, 2009.

<sup>53</sup> “Final results in Honduras,” *Latin News Daily*, December 22, 2009.

<sup>54</sup> Noé Leiva, “El Partido Liberal de Zelaya, el gran perdedor de los comicios hondureños,” *Agence France Presse*, November 30, 2009; “Partido Liberal sacrificó el poder para salvar democracia,” *La Tribuna* (Honduras), December 3, 2009.

<sup>55</sup> “Hondureños ven solución en presidente alternativo y elecciones, según sondeo,” *EFE News Service*, October 27, 2009.

the electoral process was initiated, and the members of the autonomous Supreme Electoral Tribunal (TSE) were chosen, prior to Zelaya's ouster. They also note that the candidates were selected in internationally observed primary elections in November 2008, and that election day was largely<sup>56</sup> free of political violence.<sup>57</sup> Nonetheless, some Hondurans and international observers have argued that the Micheletti government's suppression of opposition media and demonstrators prevented a fair electoral campaign from taking place. This led to election boycotts and a number of candidates for a variety of offices withdrawing from the elections, including an independent presidential candidate and some incumbent Members of Congress.<sup>58</sup> It also led organizations that traditionally observe elections in the hemisphere, such as the OAS, the EU, and the Carter Center, to cancel their electoral observation missions.<sup>59</sup> Critics of the elections also assert that the electoral turnout, which was just under 50% (5 points lower than 2005), demonstrated a rejection of the elections by the Honduran people. Supporters of the elections counter this assertion by arguing that Lobo won more absolute votes in 2009 than Zelaya did in 2005, and that the electoral rolls are artificially inflated—distorting the turnout rate—as a result of Honduras not purging the rolls of those who have died or migrated overseas.<sup>60</sup> Although a growing number of Hondurans and members of the international community have recognized Lobo as the legitimate President of Honduras, some have refused to do so.<sup>61</sup>

## **Challenges for the Lobo Administration**

### **Political Polarization**

President Lobo has already taken a number of steps to ease the political polarization in Honduras. Since his election, Lobo has called for a government of national unity and pledged to engage in dialogue with all sectors of Honduran society.<sup>62</sup> He intends to create two outside advisory councils: one composed of former presidents and another composed of members of the business community, the churches, unions, peasant organizations, and the media.<sup>63</sup> Lobo has included three of his presidential rivals in his administration, and the new Honduran National Congress, which is controlled by Lobo's National Party, incorporated members of each of the political parties into the

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<sup>56</sup> A demonstration in San Pedro Sula by those opposed to the government of Roberto Micheletti was forcefully dispersed on election day. "Police fire tear gas on Honduras poll protesters," *Agence France Presse*, November 29, 2009.

<sup>57</sup> José Saúl Escobar Andrade, Enrique Ortez Sequeira, and David Andrés Matamoros Batso, "Honduran Elections," Remarks at the Inter-American Dialogue, Washington, DC, October 22, 2009; International Republican Institute, "Hondurans Turn Out to Polls in Credible Elections: IRI's Preliminary Statement on Honduras' 2009 National Elections," November 30, 2009.

<sup>58</sup> "Seguidores de Zelaya no participarán en elecciones aunque haya restitución," *EFE News Service*, November 8, 2009; "Renuncian importantes dirigentes del liberalismo," *El Tiempo* (Honduras), November 22, 2009; "Zelayistas dicen que hay incongruencias en la UD," *El Tiempo* (Honduras), November 23, 2009.

<sup>59</sup> Gustavo Palencia, "Honduras busca convencer observadores para cuestionada elección," *Reuters*, November 12, 2009; "La CE dice que no hay tiempo para una misión electoral y envía dos expertos," *EFE News Service*, November 11, 2009.

<sup>60</sup> "Honduras: Tug of War Between Opposition and De Facto Regime Regarding Flow of Voters," *Latin America Data Base NotiCen*, December 3, 2009; "Final results in Honduras," *Latin News Daily*, December 22, 2009.

<sup>61</sup> Frente Nacional de Resistencia Contra el Golpe de Estado, "Comunicado No. 41," November 30, 2009; "El Mercosur anuncia 'pleno desconocimiento' de nuevo gobierno de Honduras," *EFE News Service*, December 8, 2009.

<sup>62</sup> "Gobierno de austeridad y unidad anuncia Lobo," *El Heraldo* (Honduras), January 12, 2010.

<sup>63</sup> "Nueva administración creará y desaparecerá ministerios," *El Tiempo* (Honduras), January 18, 2010.

leadership committee.<sup>64</sup> Moreover, Lobo arranged safe passage out of the country for Zelaya and immediately signed a bill providing political amnesty to Zelaya and those who removed him from office. The amnesty covers political and common crimes committed prior to and after the removal of President Zelaya, but does not include acts of corruption or violations of human rights.<sup>65</sup>

Although these actions have partially reduced the polarization of Honduran society, a number of analysts caution that the underlying cause of the crisis—the failure of the political elite to respond to the interests of the majority of the population—remains.<sup>66</sup> They assert that those who made up the “National Resistance Front Against the Coup d’état,” an umbrella group of those opposed to Zelaya’s removal, are still fully committed to reforming the Honduran constitution and pushing for greater political, economic, and social rights for traditionally excluded sectors of the Honduran population. These analysts maintain that Honduras will continue to be susceptible to political instability if Honduran leaders simply revert to that status quo that existed prior to the political crisis and largely ignore the basic needs of the 70% of the population that lives below the poverty line.

### **Lack of International Recognition**

President Lobo faces a challenge in winning support from the international community. Following the ouster of President Zelaya, many nations expressed concern about the state of democracy in Latin America and the possibility that the events of June 28, 2009, could serve as an example for other countries. Not a single nation recognized the Micheletti government, and since Zelaya was not returned to office prior to the November 2009 election, a number of countries refused to recognize the result.<sup>67</sup> Lobo has called on the international community to stop “punishing” the people of Honduras for Zelaya’s ouster.<sup>68</sup> Although the United States and several other countries in the region have indicated that they will support Lobo, he still needs to win the support of others—such as Brazil—in order to reintegrate Honduras into the international community and end the diplomatic and economic sanctions that have been leveled against the country.<sup>69</sup>

According to a number of analysts, the international community is likely to slowly restore relations with Honduras.<sup>70</sup> They assert that several countries have responded positively to Lobo’s preliminary attempts at national reconciliation and have softened their positions. They also assert

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<sup>64</sup> “UD, DC y el Pinu aceptan formar parte del gobierno,” *El Tiempo* (Honduras), January 26, 2010; “Congreso hondureño elige directiva que incluye a la izquierda por primera vez,” *EFE News Service*, January 23, 2010.

<sup>65</sup> “Lobo secures exit from Honduras for Zelaya,” *Latin News Daily*, January 21, 2010; “Congreso aprueba amnistía para delitos políticos comunes conexos,” *El Tiempo* (Honduras), January 27, 2010.

<sup>66</sup> Kevin Casas-Zamora, “A Discussion on the Honduran Elections,” Remarks at the Inter-American Dialogue, Washington, DC, December 9, 2009; “¿Renovarse o morir? (Editorial),” *El Tiempo* (Honduras), January 26, 2010.

<sup>67</sup> “El Mercosur anuncia ‘pleno desconocimiento’ de nuevo gobierno de Honduras,” *EFE News Service*, December 8, 2009.

<sup>68</sup> “Lobo pide a la comunidad internacional que no siga ‘castigando’ a su pueblo,” *EFE News Service*, November 30, 2009.

<sup>69</sup> “Brasil sin representantes en investidura de Lobo en Honduras,” *Agence France Presse*, January 27, 2010.

<sup>70</sup> “Insulza confía que OEA reanude diálogo con Honduras tras investidura de Lobo,” *EFE News Service*, January 14, 2010; Diego Urdaneta, “Comunidad internacional recompondrá relaciones con la Honduras de Lobo,” *Agence France Presse*, January 26, 2010; “Honduras politics: Lobo takes charge,” *Economist Intelligence Unit*, January 26, 2010.

that countries that have yet to recognize Lobo have few remaining options since a growing number of nations and the majority of Hondurans have already recognized the new government.

## **Faltering Economy**

Lobo's third major challenge is Honduras' faltering economy. The political crisis exacerbated economic problems that were already present as a result of the global financial crisis and U.S. recession. Steep declines in tourism and investment were added to already significant declines in exports and remittances. Likewise, steep declines in international loans and assistance were added to already significant declines in government revenue. As a result, Micheletti and the Honduran Congress were forced to slash central government spending by 10% and decentralized state bodies by 20%, and the Honduran economy contracted by an estimated 4.4% in 2009.<sup>71</sup>

According to some analysts, Lobo will need to re-establish flows of bilateral and multilateral aid in order to turn the economy around. This will allow Lobo to address Honduras' growing fiscal deficit and restore some of the spending that was cut in 2009. Although analysts suggest that the improving international economy should aid Honduras' recovery, they caution that it will be years before Honduras regains what was lost as a result of the political crisis.<sup>72</sup>

## **U.S. Policy**

### **Support for Democratic Solution to Political Impasse**

In the weeks and months leading up to President Zelaya's proposed non-binding referendum, the United States expressed its support for a democratic solution to the political impasse in Honduras. The U.S. embassy repeatedly asserted that the referendum was a matter for Hondurans to resolve and that whatever was decided should comply with Honduran law.<sup>73</sup> As the situation deteriorated in the days before the proposed referendum was to take place, the United States continued to "urge all sides to seek a consensual democratic resolution."<sup>74</sup> The efforts of U.S. officials, however, failed to prevent Zelaya's forced removal.

### **Reaction to Ouster and Introduction of Sanctions**

The United States government quickly responded to Zelaya's ouster. President Obama initially expressed deep concern about the situation and called on all Hondurans to respect democratic norms and resolve the dispute peacefully.<sup>75</sup> The Obama Administration later condemned the events more forcefully, declared them illegal, and asserted that the United States viewed Zelaya as the legitimate president of Honduras.<sup>76</sup>

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<sup>71</sup> "Honduras: Country Report," *Economist Intelligence Unit*, August 2009 & January 2010.

<sup>72</sup> "Honduras politics: Lobo takes charge," *Economist Intelligence Unit*, January 26, 2010.

<sup>73</sup> "'El presidente Zelaya está equivocado': Micheletti," *La Prensa* (Honduras), March 23, 2009; "'Uno no puede violar la Constitución': Llorens," *La Prensa* (Honduras), June 4, 2009.

<sup>74</sup> "State Department Regular News Briefing," *CQ Newsmaker Transcripts*, June 26, 2009.

<sup>75</sup> White House, Office of the Press Secretary, "Statement from President on the situation in Honduras," June 28, 2009.

<sup>76</sup> "Senior Administration Officials Hold State Department Background Briefing via Teleconference on Honduras," *CQ* (continued...)

Following its preliminary statements, the United States addressed the situation in Honduras in a variety of ways. In the days after Zelaya's forced removal, U.S. Southern Command minimized cooperation with the Honduran military, the U.S. State Department suspended some non-humanitarian foreign assistance, the U.S. embassy provided security and refuge for Zelaya's family, and U.S. officials met with President Zelaya in Washington, DC.<sup>77</sup> The United States also strongly supported the mediation of Costa Rican President Oscar Arias, advising both Zelaya and Micheletti to accept the proposed San José Accord. In order to place pressure on Honduran officials to accept the accord, the State Department revoked the visas of members and supporters of the Micheletti government, suspended non-emergency and non-immigrant visa services in the consular section of the U.S. embassy in Honduras, and announced that it would not recognize the results of the November 2009 general election in Honduras unless the situation changed.<sup>78</sup>

In September 2009, the United States terminated \$32.7 million in foreign assistance appropriated for Honduras for FY2009. Some \$10.3 million was intended for security assistance. Another \$11.4 million was intended for economic and social development programs administered by the government of Honduras, including funds for anti-gang activities, trade capacity building, and aid to small farmers.<sup>79</sup> The final \$11 million was intended for two transportation projects, and was all that remained of the \$215 million MCC compact that Honduras signed in 2005.<sup>80</sup> Nonetheless, Honduras still received an estimated \$42.5 million in U.S. foreign aid in FY2009, which provided direct assistance to the Honduran people. The assistance included funds for education, disease prevention, and democracy promotion.<sup>81</sup> The U.S. government would have been legally required to terminate some foreign assistance if it had declared Zelaya's ouster a "military coup."<sup>82</sup> Although the United States never made such a declaration, it terminated the foreign assistance that it would have been required to discontinue had it done so.

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(...continued)

*Newsmaker Transcripts*, June 28, 2009.

<sup>77</sup> U.S. Department of State, Office of the Spokesman, "U.S. Assistance to Honduras," July 7, 2009; "State Department Regular News Briefing," *CQ Newsmaker Transcripts*, July 6, 2009; Secretary of State Hillary Rodham Clinton, "Remarks at the Top of the Daily Press Briefing," U.S. Department of State, July 7, 2009.

<sup>78</sup> U.S. Department of State, Office of the Spokesman, "Revocation of Diplomatic Visas," July 28, 2009; U.S. Department of State, Office of the Spokesman, "Temporary Suspension of Non-Immigrant Visa Services in Honduras," August 25, 2009; U.S. Department of State, Office of the Spokesman, "Termination of Assistance and Other Measures Affecting the De Facto Regime in Honduras," September 3, 2009; "Senior State Department Officials Hold Background News Teleconference on Honduras," *CQ Newsmaker Transcripts*, September 3, 2009.

<sup>79</sup> U.S. Department of State, Office of the Spokesman, "U.S. Assistance to Honduras," July 7, 2009; U.S. Department of State, Office of the Spokesman, "Termination of Assistance and Other Measures Affecting the De Facto Regime in Honduras," September 3, 2009; "Senior State Department Officials Hold Background News Teleconference on Honduras," *CQ Newsmaker Transcripts*, September 3, 2009.

<sup>80</sup> Prior to Zelaya's ouster, \$80 million of the MCC compact had been dispersed and contracts worth an additional \$124 million had been signed. Information Provided to CRS by the Millennium Challenge Corporation; Millennium Challenge Corporation, "MCC Board of Directors Upholds Importance of Country-Led Development and Accountability," September 9, 2009.

<sup>81</sup> U.S. Agency for International Development, "Congressional Notification #7," December 18, 2009; U.S. Department of State, Executive Budget Summary, Function 150 and Other International Programs, FY2011.

<sup>82</sup> Section 7008 of the 2009 Omnibus Appropriations Act (P.L. 111-8) states: "None of the funds appropriated or otherwise made available" for bilateral economic assistance or international security assistance "shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup or decree."



## Recognition of Elections

Upon the signing of the ill-fated Tegucigalpa-San José Accord in late October 2009, the United States announced that it would support the November 2009 elections in Honduras. Although the agreement began to fall apart almost immediately, the United States continued to urge compliance with the accord's provisions. U.S. officials also announced that they would support the Honduran elections no matter what happened with the accord, maintaining elections represented a "significant step in Honduras' return to the democratic and constitutional order."<sup>83</sup>

Following the elections, the United States commended the Honduran people for "peacefully exercising their democratic right to select their leaders;" however, the United States noted that "significant work" remained to be done in order to end the political crisis.<sup>84</sup> The U.S. State Department then urged Honduran officials to implement the remaining provisions of the Tegucigalpa-San José Accord, including the vote on Zelaya's restitution, the creation of a national unity government, and the formation of a truth commission. U.S. officials expressed disappointment over the Honduran National Congress vote against Zelaya's restitution as well as Micheletti's refusal to step down in favor of a unity government. Nonetheless, U.S. officials have been encouraged by President Lobo's decision to form a unity government and his willingness to appoint a truth commission. As a result, the United States has offered its full support to Lobo and has called on other nations to do the same.<sup>85</sup>

## Congressional Action

Congress has expressed considerable interest in the situation in Honduras since Zelaya's forced removal on June 28, 2009. On July 10, 2009, the House Committee on Foreign Affairs Subcommittee on the Western Hemisphere held a hearing on the crisis in Honduras. Over the course of the following months, a number of congressional delegations traveled to the country to observe the conditions on the ground and meet with Hondurans. Some Members of the Senate also placed temporary holds on the nominations of Arturo Valenzuela to be Assistant Secretary of State for Western Hemisphere Affairs and Thomas Shannon to be Ambassador to Brazil in protest of the Obama Administration's punitive policies toward Honduras and the Micheletti government.<sup>86</sup>

Several resolutions were introduced in the first session of the 111<sup>th</sup> Congress regarding the political crisis. On July 8, 2009, H.Res. 619 (Mack) and H.Res. 620 (Serrano) were introduced in the House. H.Res. 619 condemned Zelaya for his "unconstitutional and illegal" actions and called on all parties to seek a peaceful resolution. H.Res. 620 called upon the Micheletti government to end its "illegal seizure of power" and work within the rule of law to resolve the situation. On July 10, H.Res. 630 (Delahunt) was introduced in the House. It condemned the "coup d'etat" in Honduras; refused to recognize the Micheletti government; called for the reinstatement of Zelaya;

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<sup>83</sup> Assistant Secretary of State Arturo Valenzuela, "Briefing on the Honduran Elections," U.S. Department of State, November 30, 2009.

<sup>84</sup> Ian Kelly, "Honduran Election," U.S. Department of State, November 29, 2009.

<sup>85</sup> Assistant Secretary of State Arturo Valenzuela, "Remarks on Recent Developments in Honduras," U.S. Department of State, December 3, 2009; U.S. Ambassador Hugo Llorens, Remarks at the Inter-American Dialogue, Washington, DC, January 19, 2010.

<sup>86</sup> Caitlin Webber, "GOP, Protesting Honduras Policy, Eyes Nominations," *CQ Today*, July 28, 2009.

urged the Obama Administration to suspend non-humanitarian assistance to Honduras; called for international observation of the November 2009 elections; and welcomed the mediation efforts of Costa Rican President Oscar Arias. On September 17, H.Res. 749 (Ros-Lehtinen) was introduced in the House. The resolution called for the Secretary of State to work with Honduran authorities to ensure free and fair elections in Honduras. It also called on President Obama to recognize the November elections “as an important step in the consolidation of democracy and rule of law in Honduras.”

The Honduran political crisis also influenced a change to one of the provisions of the FY2010 Consolidated Appropriations Act (P.L. 111-117). The heading of section 7008 of the “Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010” (Division F) was changed from “Military Coups” to “Coups d’État.” Section 7008 requires the U.S. government to terminate some foreign assistance to any country “whose duly elected head of government is deposed by military coup or decree.” The U.S. Department of State has asserted that although Zelaya’s ouster could be considered a “coup d’état,” it was not a “military coup” and a termination of assistance was not legally required.<sup>87</sup> The House report to the appropriations bill (H.Rept. 111-366) notes that there are no substantive changes to section 7008, but conferees are “concerned that the previous title implied an unintended limitation of the provision’s application.” The House report also directs the Department of State’s Office of the Legal Advisor to “undertake a review of events necessary to trigger the provisions of this section and submit a report on such events to the Committees on Appropriations not later than 45 days after enactment” of the bill.

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<sup>87</sup> “Senior State Department Officials Hold Background News Teleconference on Honduras,” *CQ Newsmaker Transcripts*, September 3, 2009.

## **Appendix. Chronology of the Political Crisis**

On March 23, 2009, President Zelaya announced an executive decree—which was never officially published—calling for a popular referendum on June 28 on whether to include a fourth ballot box during the November 2009 general elections. The fourth ballot would have consulted Hondurans about whether the country should convoke a national constituent assembly to approve a new constitution.

On May 26, 2009, President Zelaya issued two executive decrees that were officially published on June 25, 2009. One annulled the March 23 decree. The other called for a non-binding referendum on June 28 on whether to include a fourth ballot box during the November 2009 general elections in which Hondurans could choose to convoke a national constituent assembly.

On May 27, 2009, a Honduran lower court judge ordered the suspension of the referendum that President Zelaya proposed on March 23.

On May 29, 2009, a Honduran lower court judge issued an order clarifying that the May 27 ruling applied to any other executive decree that would lead to the same ends as the suspended decree. On the same day, President Zelaya ordered the Honduran military and police to provide logistical support for the proposed referendum.

On June 16, 2009, a Honduran Appeals Court upheld the lower court ruling that declared President Zelaya's proposed non-binding referendum illegal.

On June 19, 2009, the Honduran Supreme Court ordered the Honduran security forces not to provide any support for the proposed non-binding referendum.

On June 23, 2009, the Honduran Congress passed a plebiscite and referendum law that prevents referenda from occurring within 180 days of a general election.

On June 24, 2009, President Zelaya asked for the resignations of the Chairman of the Joint Chiefs of Staff and the Defense Minister after they refused to provide logistical support for the proposed non-binding referendum.

On June 25, 2009, the Honduran Supreme Court ruled that the Chairman of the Joint Chiefs of Staff and the Defense Minister should remain in their positions despite Zelaya's request for their resignations. On the same day, Zelaya and a group of supporters removed referendum materials from an air force base in Tegucigalpa.

On June 26, 2009, the Organization of American States (OAS) adopted a resolution that offered support for the preservation of democratic institutions and the rule of law in Honduras and called on all social and political actors to maintain social peace and prevent the rupture of the constitutional order.

On June 28, 2009, shortly before the polls were to open for the non-binding referendum, the Honduran military arrested President Zelaya, flew him to Costa Rica, and seized all referendum materials. The Honduran Supreme Court indicated that an arrest warrant had previously been issued for the deposed president, and the National Congress replaced Zelaya with the President of Congress, Roberto Micheletti. The United States and governments around the world condemned the action and called for President Zelaya's reinstatement.

On July 1, 2009, the OAS adopted a resolution that would suspend Honduras' membership in the organization if the country failed to restore President Zelaya to power within three days. On the same day, the United Nations General Assembly adopted a resolution that condemned Zelaya's ouster and called for his immediate return, U.S. Southern Command ordered U.S. troops to minimize contact with the Honduran military, and the Honduran National Congress suspended a number of constitutional rights—such as the freedom of association and the freedom of movement—during curfew hours.

On July 2, 2009, the U.S. State Department announced it would suspend foreign assistance programs to Honduras that it would be legally required to terminate should it declare the events in Honduras a “military coup.”

On July 4, 2009, the OAS unanimously voted to suspend Honduras for an unconstitutional interruption of the democratic order in accordance with Article 21 of the Inter-American Democratic Charter and the OAS resolution adopted three days earlier.

On July 5, 2009, Zelaya attempted to return to Honduras but the Micheletti government prevented his plane from landing.

On July 7, 2009, Zelaya met with U.S. Secretary of State Hillary Clinton in Washington, DC. Following their meeting, Secretary Clinton announced that Zelaya and Micheletti had agreed to engage in negotiations mediated by Costa Rican President Oscar Arias.

On July 9, 2009, Zelaya and Micheletti met separately with President Arias in Costa Rica to discuss a solution to the situation in Honduras. Zelaya and Micheletti never spoke face to face, and left the country after the meetings, designating representatives to continue negotiations.

On July 18, 2009, Costa Rican President Oscar Arias proposed a seven-point plan to end the political conflict in Honduras. Although the plan was agreed to in principle by Zelaya's representatives, it was rejected by Micheletti.

On July 22, 2009, Costa Rican President Oscar Arias modified his previously rejected proposal and offered a 12-point plan, known as the “San José Accord,” to resolve the Honduran political crisis. Zelaya accepted the plan. Micheletti's negotiation team said it would take the proposal back to the independent branches of government in Honduras to consider. It later rejected the accord.

On July 24, 2009, exiled President Manuel Zelaya briefly crossed the Nicaraguan border, entering Honduras for the first time since his June 28, 2009 forced removal.

On July 28, 2009, the U.S. Department of State announced that it had revoked the diplomatic visas of four members of the Honduran government and was reviewing the visas of others.

On August 21, 2009, the Inter-American Commission on Human Rights (IACHR) concluded a five-day visit to Honduras. The Commission—which met with representatives of the Micheletti government, representatives of various sectors of civil society, and more than 100 individuals—“confirmed the existence of a pattern of disproportionate use of public force on the part of police and military forces, arbitrary detentions, and the control of information aimed at limiting political participation by a sector of the citizenry.”

On August 25, 2009, a delegation of foreign ministers from the OAS left Honduras after a three-day mission that failed to convince the Micheletti government to accept the San José Accord. On the same day, the U.S. State Department announced that it was suspending non-emergency, non-immigrant visa services in the consular section of the embassy in Honduras.

On September 3, 2009, exiled President Manuel Zelaya met with U.S. Secretary of State Hillary Clinton. On the same day, the U.S. State Department announced that it was terminating nearly \$22 million in previously suspended foreign assistance to Honduras, revoking the visas of some members and supporters of the Micheletti government, and would be unable to support the outcome of the November elections under the existing conditions.

On September 9, 2009, the Millennium Challenge Corporation terminated two transportation projects totaling \$11 million from its compact with Honduras and put another \$4 million on hold.

On September 21, 2009, President Manuel Zelaya revealed that he had returned to Honduras and was sheltered in the Brazilian embassy in the capital, Tegucigalpa.

On September 25, 2009, the United Nations Security Council condemned acts of intimidation against the Brazilian embassy by the Honduran military.

On September 26, 2009, the Micheletti government published a decree—dated September 22, 2009—that declared a state of siege and suspended a number of basic civil liberties for 45 days. The decree suspended freedom of the press and freedom of movement, required police or military authorization for public meetings, and allowed for detention without a warrant.

On September 27, 2009, Honduras expelled four diplomats from the OAS who formed part of an advance team planning a visit of foreign ministers from the region. On the same day, the Micheletti government warned Brazil that it would strip its embassy of diplomatic status if Brazil did not grant Zelaya political asylum or hand him over to Honduran authorities within 10 days.

On September 28, 2009, the Honduran military shut down Radio Globo and television Channel 36, two of the principal sources of media opposition to the Micheletti government.

On October 7, 2009, the Micheletti government issued a decree allowing it to revoke or cancel the licenses of any media outlet “fomenting social anarchy.” On the same day, a new round of talks between Micheletti and Zelaya were initiated under the guidance of the OAS.

On October 19, 2009, the Micheletti government formally revoked the state of siege that entered into force on September 26, allowing Radio Globo and television Channel 36 to return to the air.

On October 28, 2009, then U.S. Assistant Secretary of State for Western Hemisphere Affairs, Thomas Shannon, and the National Security Council’s director for the Western Hemisphere, Dan Restrepo, traveled to Honduras to restart dialogue between Zelaya and Micheletti.

On October 30, 2009, Micheletti and Zelaya signed an agreement designed to end the political crisis in Honduras known as the “Tegucigalpa/San José Accord.”

On November 2, 2009, a four-member verification commission intended to ensure implementation of the accord, including two members appointed by the OAS and two members appointed by Zelaya and Micheletti, was created.

On November 4, 2009, the executive council of the Honduran National Congress voted to solicit non-binding legal opinions on Zelaya's restitution from the Supreme Court and other Honduran institutions and postponed convening an extraordinary session of Congress to consider the matter until it received the responses.

On November 5, 2009, Micheletti named a "national unity and reconciliation government" headed by himself, which Zelaya and his supporters refused to recognize.

On November 8, 2009, members of the "National Resistance Front Against the Coup d'état," including independent presidential candidate Carlos Reyes, announced that they would boycott the elections on November 29, 2009. They asserted that a fair election could not be held given the conditions under which the campaign had been conducted and the fact that Zelaya had not been restored to office.

On November 14, 2009, Zelaya released a letter to President Obama that announced that he was no longer willing to recognize the November 29, 2009, elections nor accept any reinstatement deal that would serve to legitimize the June 28, 2009, ouster.

On November 17, 2009, the President of the Honduran National Congress announced that a special legislative session would be convoked on December 2, 2009 (three days after the election), to consider the restoration of Zelaya.

On November 19, 2009, Micheletti announced that he would temporarily halt the "exercise of [his] public duties" between November 25 and December 2, in order to ensure that the attention of all Hondurans was "concentrated on the electoral process and not the political crisis."

On November 29, 2009, Porfirio Lobo of the National Party was elected president of Honduras. Lobo defeated his closest rival, Elvin Santos of the Liberal Party, 56.6% to 38.1%.

On December 2, 2009, 111 of the 128 deputies in the Honduran National Congress voted against restoring Zelaya to the Honduran presidency.

On December 9, 2009, Micheletti refused to allow Zelaya safe passage from the Brazilian embassy in Tegucigalpa to Mexico unless the deposed president renounced his claim to the presidency and requested political refugee status.

On January 6, 2010, the attorney general and anti-corruption prosecutor in Honduras filed charges against six members of the joint command of the Honduran military for their forced expatriation of Zelaya on June 28, 2009.

On January 13, 2010, the Honduran National Congress named Roberto Micheletti a "deputy-for-life" and approved a decree providing life-long security to Micheletti and some 50 other Honduran officials involved in his government or the ouster of Zelaya.

On January 19, 2010, the U.S. State Department revoked the visas of five additional members of the Micheletti government.

On January 20, 2010, President-elect Lobo reached an agreement with President Leonel Fernández of the Dominican Republic to provide Zelaya safe passage from the Brazilian embassy in Tegucigalpa to the Dominican Republic.

On January 21, 2010, Roberto Micheletti took a leave of absence from his public functions in order to avoid a distraction from the transfer of power to the new president. Nevertheless, Micheletti continued to exercise the powers of the presidency until the inauguration of President Lobo.

On January 25, 2010, the new Honduran National Congress took office for its four-year term.

On January 26, 2010, a Honduran Supreme Court judge dismissed charges against members of the joint command of the Honduran military for their forced expatriation of Zelaya. The judge asserted that the Honduran military had acted to “preserve democracy and avoid bloodshed.”

On January 27, 2010, Porfirio “Pepe” Lobo Sosa was inaugurated President of Honduras. On the same day, Zelaya was granted safe passage from the Brazilian embassy in Tegucigalpa to the Dominican Republic, and the Honduran National Congress approved a political amnesty for Zelaya and those involved in his ouster.

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