By Jerome A. Cohen and Yu-Jie Chen

Experience is a great teacher, and the best politicians learn from it. Last year Taiwan’s able President Ma Ying-jeou, after months of discussion with the opposition Democratic Progressive Party (DPP) in a mutually beneficial, if argumentative, exchange, committed his new government to respect the rule of law. This year the Honduran Congress, became president of the country, and, on the advice of the poor people in Honduras. Rather than impose sanctions, the U.S. said it would support president. She is supporting President Arias’s efforts to mediate the dispute and the Honduran Congress’s decision to respect the rule of law. The Honduran people must have confidence in their government to respect the rule of law and to engage in dialogue and negotiations to resolve their differences. The Honduran government talks—on a symmetrical, equal footing, without any pre-conditions being imposed. Mr. Ma should also be able to control the pace of the agenda, which are sometimes criticized for moving too swiftly. It will still be up to each government to decide on and implement any agreements that might emerge from the forum. But Mr. Ma’s command of the party should increase the likelihood of legislative approval.

The Path Forward for Honduras

Chairman Ma’s Challenge

By Roberto Micheletti

One of America’s most loyal Latin American allies—Honduras—has been in the midst of a constitutional crisis that threatens its democracy. Sadly, key undisputed facts regarding the crisis have often been clouded by political spin and suggestibility. A day or so before his arrest, Mr. Zelaya led a violent mob to overrun an air base and ship out of Honduras by Hugo Chávez’s government. His chief of staff illegally withdrew millions of dollars in cash from the Central Bank of Honduras.

Mr. Zelaya was outed by means of a mili- tary coup demonstrably false. Regarding the decision to expel Mr. Zelaya from the country the evening of June 28 without a trial, reasonable people can believe the situation could have been handled differently. But it is also necessary to understand the decision in the context of genuine fear of Mr. Zelaya’s proven willingness to violate the law and to engage in mob-led violence. The way forward is to work with Costa Rican President Oscar Arias. He is proposing ways to ensure that Mr. Zelaya complies with Honduras’s laws and its constitution and allows the people of Honduras to elect a new president in the regularly scheduled Nov. 29 elections (or perhaps earlier, if the date is moved up as President Arias has suggested and as Honduran law allows).

If all parties reach agreement to allow Mr. Zelaya to return to Honduras—a big “if”—we believe that he cannot be trusted to comply with the law and therefore it is our position that he must be proscribed with full due process.

President Arias’s proposal for a moratorium on prosecution of all parties may be considered by our Supreme Court. We have indicated that such a proposal presents serious legal problems under our constitution. Thus, our constitution’s democracy has three co-equal and independent branches of government—a fact that Mr. Zelaya ignored when he openly defied the positions of both the Supreme Court and Congress. But we are ready to continue discussions once the Supreme Court, the attorney general and Congress analyze President Arias’s proposal. That proposal has been turned over to them so that they can decide whether to impact their legal authority. Once we know their legal positions we will proceed accordingly.

The Honduran people must have confidence that their Congress is a co-equal branch of government. It is as- sured that the rule of law in Honduras ap- pleys to the government. It is also clear that their Supreme Court’s orders will not be dismissed and swept aside by other nations as inconvenient obstacles.

Meanwhile, the other elements of the Arias proposal, especially the establish- ment of a Truth Commission to make findings of fact and international en- forcement mechanisms to ensure Mr. Ze- laya complies with the agreement, are worthy of serious consideration.

Mr. Zelaya’s irresponsible attempt on Friday afternoon to cross the border into Honduras before President Arias has ob- tained agreement from all parties—an at- tempt that U.S. Secretary of State Hillary Clinton appropriately described as “reck- less”—was just another example of why Mr. Zelaya cannot be trusted to keep his word.

Regardless of what happens, the worst thing the U.S. can do is to impose eco- nomic sanctions on Honduras. It is by far its most impressive finding revealed 63.8% of those asked said that, if the DPP wanted to uphold Taiwan’s interests, it had to engage in direct communication with the Chinese Communist Party. It is time for the DPP’s able leader, Tsai Ying-Wen, and her colleagues to abandon their “head in the sand” posture and act as boldly as Mr. Ma did in reversing his position on KMT chairmanship. Taiwan’s fu- ture depends not on what the KMT will say or do, but on its political fortunes. By taking an active part in Taiwan’s unofficial discussions with the Mainland’s “Wen” party, the KMT must find a way to attract the island’s interests rather than by casting from the sidelines. Mr. Chen is a research fellow at the U.S.-Asia Law Institute at New York University and adjunct senior fellow at the Council on Foreign Relations in New York.