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INTERVIEW WITH:
LEGISLATOR WILFREDO LUCERO
***IZQUIERDA DEMOCRATICA* (DEMOCRATIC LEFT)**
QUITO, EQUADOR
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JOHN: To begin, how's it decided what the position will be regarding a project or a voting in the block (*bloque*)?

WILFREDO LUCERO: It depends on the projects that are being processed in the Congress. If it's a project that benefits national or regional interests, if it's an useful project for the society, the block always votes in favor of the project. We, the *Izquierda Democrática* (Democratic Left) block, which is the one that I preside over, meet together to make some resolutions by consensus, or at least by the majority, about a specific project or the one that interests us to work on in a team and also to vote uniformly on the projects of national interest. Among us there may be discrepancies as far as the internal analysis of the projects, however at the moment a decision's made on matters of national interest, we all vote uniformly. There's more freedom regarding matters that aren't very important because they don't compromise the political line of the block nor of the party that we belong to.

JOHN: So, in the votings of an important debate all of the block's legislators vote together?

WILFREDO LUCERO: Yes, usually.

JOHN: And what happens if a legislator goes against the discipline and votes against the vote?

WILFREDO LUCERO: We expel them. We dismiss him from the block because we can't accept that without any justification a legislator deviates from the line and places himself in suspicion. Why did he deviate from the line? Why did he succumb? Because he wasn't sufficiently strong enough to not succumb before the temptations of money or power? Because he was influenced by other different factors? Well, if there's no justification, the legislator must be separated because if he's not, as the saying goes "a rotten apple within the group damages the rest".

JOHN: And has it happened?

WILFREDO LUCERO: Yes, only recently we had to expel from the block - about ten or twelve days ago - Legislator Julio Novoa.

JOHN: Is that because of harmful votings on the *IVA*?

WILFREDO LUCERO: [We didn't expel him] only for the problem of the *IVA*. He wanted to do what he personally felt should be done as far as the block's general position (*línea*). There were many antecedents that already, up to a year ago, we'd been warning and admonishing him about so that he'd

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improve his behavior. In other words, that for some time there were several reasons, it wasn't only this last thing regarding the *IVA*.

JOHN: In the Congress do stable, multiparty coalitions exist that include decisions by several parties or movements which vote together or are frequently allies?

WILFREDO LUCERO: In the immediate past there was an alliance that was somewhat long-lasting and it was formed by the *Partido Socialcristiano* (Social Christian Party) and *Democracia Popular* (Popular Democracy); it was when the President of the Republic was Jamil Mahuad - who now I know is at the University, at this famous university in the United States -. At that time those two parties, here in the Congress, had an alliance that was more or less stable but in the end was harmful for the country. One of the two parties imposed itself over the other and it imposed itself over the government itself. So, that party's the one that governed from within the National Congress. After that, there've been some alliances but they've been very momentary (*coyunturales)* , very ephemeral, very short with rather specific objectives and once those objectives have been fulfilled, those understandings have ended.

JOHN: Is that the most normal thing?

WILFREDO LUCERO: That's the most normal thing. There are momentary understandings (*entendimientos coyunturales*) for certain purposes because sometimes they're created and other times they're not.

JOHN: When are the nominal voting and the nominative voting used in the Ecuadorian Congress?
WILFREDO LUCERO: Well, when there's a matter that's important, then any legislator can, with the support of ten legislators, propose that the nominative voting be used, which is simply to express the vote personally, outloud, and not by only raising the arm as we commonly vote.

JOHN: Is a record [of the voting] also made?

WILFREDO LUCERO: Sure, a record is made because the legislator, in alphabetical order, says personally aloud, "I vote in favor or against a thesis"or he abstains from voting. The nominal voting generally takes place when the Ministers or State officials who are convoked *(convocados*) in the Constitution are brought to political trial. This [form of voting] allows the legislator to give his vote, but he may also, if he wants, speak for up to 10 minutes. The legislators who haven't participated in the debate, upon consigning their vote, then can have this opportunity to be able to speak for ten minutes.

JOHN: When's the nominative voting not used? How does the block's leadership know how their members, their legislators voted?

WILFREDO LUCERO: In this case, the voting takes place in a simple manner, in other words, by standing up or raising one's arm. So you can see how the block votes because we have our arms raised for several minutes and you can objectively, directly, and visually take note of how the legislators are voting and whether they're absent or not from the commitment to vote this way. Then, you can also

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know how the legislators voted in a bit of an indirect way from the records that appear in the Secretariat of the Congress.

JOHN: A record's made in the Secretariat?

WILFREDO LUCERO: Yes, sure. There has to be a record made of all the votings, not individually, but the secretary says: "in the hall" - let's say - "there are 90 legislators present, 70 legislators are in favor of the proposal or the motion that we're voting on". So, one already knows ahead of time who are against and who are more or less in favor of a thesis. The names aren't recorded of how each one's voted, but yes, you get the picture of what block of legislators have voted in favor and what blocks have voted against.

JOHN: Does an electronic voting system exist in the Congress?

WILFREDO LUCERO: No, there's no electronic voting or recording system of the votings.

JOHN: Has the adoption of such a system in the Congress been considered?

WILFREDO LUCERO: Yes, yes it's been considered but they still haven't established it; I don't know the reason why. It could be for economic reasons, perhaps.

JOHN: In your opinion, would the adoption of a system like this have an effect on the legislative representation?

WILFREDO LUCERO: I believe that it'd be better for the votings to be faithfully recorded through an electronic system; then there'd be no doubt whatsoever about how the legislators and the legislative blocks voted. The way the voting's carried out now, mostly by raising the arm which the Secretary then records, sometimes causes conflicts that're generated due to the mistakes that, in good or bad faith, have occurred. Then sometimes one or two votes are decisive for a decision and if there's not enough honesty or integrity in the Secretariat, it's undoubtedly easy for a result to be changed and for some selfish (*interesada*) resolution to be made. In my judgment, it's very important that we adopt it so that, good or bad, the exact will of the legislators is expressed.

JOHN: Do the legislators in their majority want to be re-elected to the Congress, or do they want other political positions or don't they want to continue with the political career or what?

WILFREDO LUCERO: Well, I believe that not only in Ecuador, but in all the countries, that legislators should aspire to be re-elected because the congresses are schools of political formation. The legislator whoenters a congress for the first time, has many difficulties that begin with his adjustment to the congress, to learning about the exact procedures which must be fulfilled, to knowing how to handle the legislative processes; so, he needs a good time for adaptation and then, he needs to know how to make a good law - although this is difficult, to make good laws -, the point isn't just to propose any kind of project. So, all of this is subject to an important legislative technique, it should be mastered

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sufficiently by the legislators; what I'm saying is corroborated because here in the Congress of Ecuador, aside from certain exceptions, the legislators who've had legislative experience are those who better contribute to the projects, precisely by putting their experience, their knowledge and their parliamentarian formation at the disposition of the others.

JOHN: And what are the most important things to do to be re-elected?

WILFREDO LUCERO: First, honest behavior in the political sphere and in the handling of the public domain. In the political sphere, to tell the electorate what one can really do, and not enter into demagoguery or deceit. In other words, in this case that there should be intellectual honesty. And then, to make an effort when you reach public office (*función pública*), to fulfill what you said in the electoral campaign and to work with analysis *(estudio*), dedication, seriousness and with maturity. So, this is what the voters most appreciate and it's the best calling card *(carta de presentación*) of he who seeks to be re-elected, because if he's acted badly in the handling of his functions; if he's been dishonest, if he's been a good-for-nothing, if he's been careless in the execution of his tasks, he can't present himself for the citizens to elect him again; he wouldn't have moral authority to go back and ask them for their vote once more.

JOHN: Is the executive emergency initiative (*iniciativa ejecutiva de urgencia*) more or less a unique procedure that exists here in Ecuador? What are the most important effects on the legislative representation, the Congress' operation and the political responsibility in Ecuador?

WILFREDO LUCERO: Well, according to our Constitution, the President of the Republic has some privileges; among them, one is that of being able to present a project concerning economic matters which the President has qualified as urgent. So, in this case he sends this project to the Congress and the Parliament has a thirty-day period to modify, approve or deny the project. If nothing's done within that thirty-day period, the project becomes law of the Republic by mandate of the Constitution itself. So, the Congress has to leave all other topics aside or defer them, in order to study, within the 30-day period, the project that the President of the Republic has sent. In other words, it's a powerful weapon that the President has in his hands, being able to co-legislate with the National Congress on a topic that's important. This prerogative of the President of the Republic has sometimes been abused, but this has already been corrected in the Constitution, because before the President could send, within the thirty-day period, 5 or 10 or 15 projects like it happened once before, all to be dispatched in thirty days and it was impossible to do due to time constraints. So, the current Constitution corrected that and now he can send only one project every 30 days.

JOHN: It also seems to me that this procedure can change the meaning of the legislative votings in the sense that instead of voting to approve an initiative, it's to vote to veto an initiative and he doesn't have to do anything to carry out the initiative. Am I correct, or not?

WILFREDO LUCERO: No, generally here in the Congress we study the projects that the Executive sends us because we have to make a pronouncement, whatever side it will be, in thirty days. So, if we're going to deny the project we can't do it without studying the project and stating the reasons why

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we deny it, because not only do we have to respond before the Executive President's initiative but also before the citizenship which is waiting to know what we've resolved. If we are going to modify the project, we also have to study it in order to explain why we will modify it and if we're going to approve the project as it was sent to us, with certain modifications we also have to give an explanation why. Anyway, our role is to study and make our results known to the citizenship, to the people; our opinion regarding each one of the projects that the President of the Republic sends to us. In other words, this type of project's always been treated within the framework and the limitations indicated in the Constitution.

JOHN: So, if the President makes an initiative and then it's modified in the Congress, what if the President vetoes it?

WILFREDO LUCERO: Ah yes, if the President later - that's a second stage - first, the project's been approved by the legislature, by the Congress, with the modifications that it has introduced, then it goes to the Presidency of the Republic and the President in this case has three different paths he can take: the first is to approve what the legislature has sent him, then he orders its publication in the official registry and it enters into effect. Two, is to make a total veto of the project, for example for unconstitutional. In that case, the project can't be considered by the Congress again for one year.

JOHN: Then more or less the status quo is maintained?

WILFREDO LUCERO: Sure, that project is like it's never been presented, it's deferred until a year later and the third path that the President has is the partial veto. Here, he says: "you've approved this project and I agree with the first article, and with the second, but I don't agree for example with the third". He says: "I don't agree with the third article for these reasons and I'm sending you a different alternative third article. I agree with the fifth, I don't agree with the sixth, so instead of the sixth I'm sending you an alternative one". Every time he's forced to send us an alternative text of those articles that he doesn't agree with. So, that's the partial veto that then returns to the National Congress. The Congress has another 30-day period to be able to dispatch the vetoes that the President of the Republic has sent. If the Congress doesn't dispatch them in the 30 days, the vetoes are accepted as the President has sent them, then the Congress examines them again and it says: "Well, Article One and Article Two have been approved by the President, Article Three he says he doesn't agree with and he's sent us this new text". Then a pronouncement must be made on that new text. There [the Congress] can choose two roads: to acquiesce to what the President has sent; in other words, agree with the President, the President's right, we've made an error and this is better. Then we acquiesce ourselves to that; for this, only a simple voting of the session's participants is necessary. If seventy legislators are present, only 36 votes in favor are needed to approve what the President has sent, but if the Congress doesn't agree and it says: "No, the President isn't right to send us this new text, what the Congress had in the beginning is better", then we insist on what the Congress resolves. For that two thirds of the Congress members' votes are needed; in other words, eighty two votes. So, there there's a difference that we don't comprehend; in order to approve what the President sends us we only need 35 votes and why is it that to insist that what the Congress itself had was better, we need 82 votes; it's more "uphill" (*cuesta arriba*). But that's the procedure that has to be followed.

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JOHN: So, without a majority of two thirds to insist.

WILFREDO LUCERO: To insist, you can't make the will of the Congress prevail.

JOHN: Okay, good, these they are all my questions. Thank you.