This watermark does not appear in the registered version - http://www.clicktoconvert.com

INTERVIEW WITH:
REPRESENTATIVE JAVIER DEVIA
BOGOTA, COLOMBIA
MAY 2, 2001

JOHN: First, to begin, inside the party or the faction (*bancada)* , how is it decided what the party's position will be regarding a bill *(proyecto*) or a voting in the plenary?

JAVIER DEVIA: I think that this doesn't exist. In other words, here [in Colombia] there's no *bancada* position. Exceptionally, depending on the topic's importance, the parties are summoned to a quite informal meeting (*junta*) of Parliamentarians, without a possibility that their decisions be obligatory and they reach some agreements by consensus. However, for the majority of the bills *(proyectos)* the Parliamentarian works on his own.

JOHN: And generally, do all the copartisans vote together or not?

JAVIER DEVIA: No. That's to say, it sometimes happens - like what's happening right now - that the party that the current President is associated with, well on many occasions it operates in accordance with, it maneuvers in agreement with the government's position more for solidarity with the government, than because there's an internal procedure of the parties for decision-making.

JOHN: But then, there's no sanction if a legislator (*diputado*) or if a representative votes against his party, there's not a sanction?

JAVIER DEVIA: There's no sanction, not even a moral one. Here in the Congress, for example in the current period, there have been quite decisive decisions and agreements have been made in the *junta* of Parliamentarians and there are Parliamentarians who have taken the position to vote in opposition in elections of executive boards *(mesas directivas)* , of dignitaries, the same thing occurs.
JOHN: What are the most important factors [that influence on] why the legislators don't vote along with their copartisans? Or the most important factors that divide the parties?

JAVIER DEVIA: Because our electoral political system allows it. There's not a strong party system here. *Bancadas* don't exist as such and there are no norms to even regulate the legislative procedure, in a way to oblige the *bancadas* to make a decision or name a certain spokesman. True? Also because the electoral system itself allows for a person to be elected through his own effort and not by the party as a whole.

JOHN: O.K. Are there multiparty coalitions in the House (*Camera*) which include legislators of several parties or movements?

JAVIER DEVIA: Yes, sure. That especially happens when, as in the current period, the President associates with a party that doesn't have the majority in the Congress. Then the President, to be able to govern, I'll put it this way, propitiates a coalition with some of his copartisans which allows him to have

This watermark does not appear in the registered version - http://www.clicktoconvert.com

a majority and he must call upon others, even Parliamentarians who should be the opposition but due to X or Y circumstance they become the government's allies, thwarting the guidelines of their party. In this case, for example in the current period, the *Partido Conservador* (Conservative Party) made a coalition with some liberals who should have an independent position from the government, but they decided to work with the government and some independents.

JOHN: The great alliance for change.

JAVIER DEVIA: The great alliance for change, that's the typical example.

JOHN: But was the coalition broken or not?

JAVIER DEVIA: It broke transitorily due to Pastrana's call to referendum (*referendo*) and the inclusion of the abrogation (*revocatoria*) of the current Congress' mandate. So, this generated uneasiness within the referendum that Pastrana had summoned. One of the questions that the people were to be asked was if the current Congress should be revoked; this generated repudiation and solidarity among the Congress members as a body, which caused the great alliance to be broken, but that only lasted for a while. In practical terms, the alliance has been reestablished again, however, not so much because of the government's action, but rather due to the empathy, due to a series of circumstances that unite this coalition, true?, the need to have a coalition not only for the government but rather for the legislative work as such.

JOHN: O.K., this is what I was going to ask you, what are the most important factors that motivate the formation of coalitions? Common ideology, control of the Congress, support to the Executive?

JAVIER DEVIA: I think that here in Colombia, it's really, it's more the support to the Executive. And in second place, the legislative work as far as the facility to have the possibility to vote by majority matters, whenever they're not the President's recourse (*resorte*). In other words, not only on bills that the Executive has an interest in, if there are no other internal matters, of executive boards (*mesas directivas*), of the Congress' operation itself, which also impact on the formation of these coalitions. But what carries the most weight - in our *presidencialista* regime , as it exists here - is the support to the Executive.

JOHN: O.K. When is nominal voting required or used in the House (*Camera*)?

JAVIER DEVIA: Well, according to the regulations there are some cases when nominal voting is not allowed, and secret voting is permitted. But usually in the real legislative work, nominal voting is requested when one wants to leave evidence of the vote. In other words, bills of such a transcendency that, depending on the circumstance, it's of somebody's interest that the vote's bias (*sentido del voto*) be known. Here's an example: the government wants to know who its friends in the Congress are and who vote, so through some argument the nominal vote is requested; or, to the contrary, certain opposition members want to leave in evidence before the general public, before the people, who voted [for or against] a certain bill and they request nominal voting.

This watermark does not appear in the registered version - http://www.clicktoconvert.com

JOHN: And can any legislator request it?

JAVIER DEVIA: Yes, any [legislator] can request nominal voting.

JOHN: And is it obligatory to carry it out?

JAVIER DEVIA: Yes, there are some cases where it's not allowed, but in the other cases it's obligatory. That's to say, it's also a decision of the bulk [of legislators], of the majority.

JOHN: Of the bulk, then if the majority don't want to carry out a nominal voting, it's not obligatory?

JAVIER DEVIA: In some cases no and in other, yes.

JOHN: Is it done frequently or not?

JAVIER DEVIA: No, it's not normal.

JOHN: And if it's not done, well, in the non-nominal votings how does the leadership know, for example the executive board (*mesa directiva*), how does it know how the legislators vote on a daily basis? Or is it unknown?

JAVIER DEVIA: Here, an electronic voting registration system was established. That system only functions in the cases when nominal voting is requested and it's needed or in some [votings] because verification of quorum is requested. Under certain circumstances somebody stands up and requests that the quorum be verified, or in the cases of nominal voting where the electronic system registers who voted "yes" and who voted "no".

JOHN: So, the electronic system's frequently used?

JAVIER DEVIA: I believe that it's the exception. Voting by *la palmada*, as a sign of acceptance, is the usual [voting practice] in the Congress. In other words, there's practically a general rule and this is that it's understood that you voted unless you either ask for a nominal voting as an exception or you leave evidence *(constancia)* of your vote because on some occasions the Congress members who don't want to be in the mass *(montón)* or in the bulk of the voting, asks that evidence of the vote be left in one or another sense.

JOHN: So, the records of electronic votings are available?

JAVIER DEVIA: Yes, at any time.

JOHN: Where? In the files?

This watermark does not appear in the registered version - http://www.clicktoconvert.com

JAVIER DEVIA: Sure, sure there should be a record because this is a computerized system.

JOHN: Because I would like it a lot if I could analyze them [the records] in the project, but whom should I ask?

JAVIER DEVIA: The General Secretary of the House (*Cámara*) or the Undersecretary.

JOHN: What is his name?

JAVIER DEVIA: Angelino Liscano is the *Cámara* 's General Secretary. He can give you the electronic record.

JOHN: Yes, very interesting.

JAVIER DEVIA: However, the manual registry should also be added [to the electronic records], which is carried out because sometimes there are flaws in the [computerized] service and some records are damaged. So, there should be a computerized record but the Secretary should also add some that were taken manually because the electronic ones have been damaged.

JOHN: How would you characterize the relationship between the legislators and the citizens? As strong or weak or how?

JAVIER DEVIA: Very weak.

JOHN: Very weak, why?

JOHN: Because there's not a close relationship between the politician, in the case of the Congress member and a certain sector of the citizens who are more involved in daily political work, because of some interest that they have, because they work in the public sector, because they're leaders, Councilmen and the like. But with the bulk of the citizenship I see the communication as weak; there's no way for the citizen to know, except for through the media. For that reason in Colombia you see a lot the work of those who are in favor of the great press, or of those who at a given moment, because of a scandal or due to something quite positive, are chronicled by the press. And in addition to that, - because in this yes, there's been an advance -is that they're televising a good part of the parliamentary debates. The television has come a lot closer to the Congress. I think that this has been the most revolutionary element, we could say, in the communication system between the legislator and the ordinary citizen, the one who doesn't have an interest in anything particular but the citizen who arrives at home, sits down and turns on the television. So I believe that it's the element that has helped the most and that here, internally, is manipulated a lot; this is because only through he who makes a debate, which is managed by the executive board *(mesa directiva*), you request to hold a debate with X or Y official *(funcionario*) and there are debates that you request and they take two years to be able to carry out, you see. So, it depends a lot on that relationship of coalitions, where you have a contact with the executive board, so that they set up a date so you can have your debate on television. That's why the

This watermark does not appear in the registered version - http://www.clicktoconvert.com

day that there's television in the *cámaras,* on many occasions there are Parliamentarians who even speak about things that they shouldn't be talking about, nonsense, but it's just to be on television so that the ordinary citizen can see that they're doing something there. The Parliamentarian's in agony feeling distant from his people, that he doesn't have the great national press [on his side] and that that's the only way to get close to the people.

JOHN: Last question. Has a bill for the reform of the electoral system been proposed in the Congress?

JAVIER DEVIA: Yes.

JOHN: Which electoral system do you believe would be the best for Colombia?

JAVIER DEVIA: That yes, is very difficult to answer because it's asking what would be ideal. I think that the current system has some positive things. It has some positive things in the sense that we have been hustling it (*trajinando*) and there have been results in some things, but now there's a crisis and a large part of the corruption that the country may be experiencing is due to this system, the system where you're elected and you have a very personal relationship with your voter, yes? It's that, that's the great contradiction, the legislator who's distant from the bulk of the citizenship, but with the voter, with that margin *(franja*), with a small group that helps you to carry out your campaign, with that [group] there's a very personal relationship of the personal favor *(favor personal)* , of the position *(del pu esto*). The people elect you and think that you're here as a provider *(dador)* , as a dispenser of positions, of bureaucracy, yes? So, yes, what I completely agreement about is that the system needs to be changed, another must be implemented. I'm an advocate of the current constitutional reform, but when one begins to define what the system should be, because obviously in this, yes, there are many proposals *(matices*), you see. But I'm convinced that the current reform should take place; it should happen in the sense that we should strengthen the parties, that the legislative work should be carried out through some strong parties, that the personal and close relationship between the voter and the Congress member should be unfettered. To free up, for example, many of the administrative functions in the Congress, like the scandals that there have been here for *contratación* , because the legislator be here to legislate. I'm in favor of campaign financing, which is another quite corruptive element, in the sense that the campaigns in this country, as in all the world obviously, have acquired some - let's put it this way-, extraordinarily high costs; and they're antidemocrat, in the sense that he who doesn't have [a sufficient amount of] money can not make it and second, highly corruptive *(corruptores)* . So, we have to delve deeply into the campaigns' financing system, that obviously when drug trafficking existed, infiltrated the Congress. Now, it's not only the drug trafficking, but it's the whole system of corruption that in many cases is being nourished so that the system reproduces itself. In other words, I get myself elected as a Congress member, I elect some mayors, I elect some governors; those mayors and those governors manage something there, so that later they finance my arrival here themselves and like the same system reproduces itself. So yes,I'm convinced about that. There are doubts now, in the opinions *(matices)* of whether it should be a single nominating slate *(lista única)* with a preferential vote, if the preferential vote's better or not. That's where there's a little bit of doubt, but we're convinced of the reform.

This watermark does not appear in the registered version - http://www.clicktoconvert.com

JOHN: Of at least the single nominating slate.

JAVIER DEVIA: Of the single slate and of the strengthening of the parties.

JOHN: A certain level of personalization of the elections can be maintained with the single slate and the preferential vote among the candidates, no?

JAVIER DEVIA: Yes, but first we could think of a system of transition for the time being. That's why it's so hard for the Congress to make a reform to this. In this sense, yes, I thought it was positive that the reform be made through a referendum; what happened was that the referendum was contaminated with the Congress' abrogation (*revocatoria*). In a constitutional system where the people can be summoned to assembly (*citado a convocatoria*) only through a law that the Congress itself approves. So, the Congress wasn't going to commit *haraquiri* , you see? But yes, what I'm in agreement with is that it's extremely difficult for a great reform to be made from within the Congress, or at least a radical reform to the system and even more in the light (*a puertas*) of some new elections. This is where the problem has been. If the reform had been proposed at the beginning of the period, it would have had more success, it would've had less difficulties. And secondly, that of the Congress, that of the referendum, because was already contaminated with that [business]of the abrogation.

JOHN: But this never occurred.

THE CASSETTE'S FINISHED.