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INTERVIEW WITH:
LEGISLATOR MONICA BALTODANO
SANDINISTA NATIONAL LIBERATION FRONT (*FRENTE SANDINISTA DE LIBERACION NACIONAL -FSLN*)
MANAGUA, NICARAGUA
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JOHN: How's the position of your parliamentary faction (*bancada*) decided when it votes in the plenary?

MONICA BALTODANO: There are different forms of decision. When it concerns topics that will go straight to the plenary debate, in other words, topics that've already passed through the pronouncement (*dictámen*) process in commission, the pronouncement on the law in debate in commissions generally allows for the members of the Sandinista Front who are in that commission, to be totally immersed in the topic and aware of whether the topic will be conflictive or not. If it's a conflictive or polemic topic that'll have the effects of a public debate, the members of the Sandinista Front who are part of that commission may submit it previously; in other words, they don't sign or approve the pronouncement without first consulting with the faction (*bancada*). They present it before the Board of Directors. The *bancada* has an annually elected Board of Directors. This Board of Directors has two or three members who are in frequent communication with the General Secretary. So, it may occur that the consultation made by the commission's members is resolved by the Board of Directors. However, if they consider that the topic is extremely complicated, then they present it before the *bancada* and it's voted on there.

It's possible that the topic isn't polemic and the *bancada's* members sign it and afterwards, since it's placed on the plenary agenda, then the commission's members present the most contradictory points before the *bancada*'s plenary where it's discussed by the entire *bancada* to establish the form of voting.

When things have been done appropriately, this is the most relevant and suitable procedure. It hasn't worked when the members of the commission are uninterested or irresponsible and they themselves haven't participated in the debate. So, it happens that we've all learned, and they themselves as well, because of the superficiality in their work; but it isn't until later that we realize, or other members of the *bancada* make us see, that they don't study. Then, a difficult, complicated situation arises. It's occurred that the *bancada's* members sign pronouncements (*dictámenes*) that're rejected later by the rest of the *bancada* and then it becomes a critical situation. None of this is normed in writing. It's an "in fact" (*de hecho*) procedure, where there's an understanding that that's how it should be, but no regulation exists. Therefore, it also occurs that there are certain interests in the political scheme (*juego político*) that makes some legislators (*diputados*) - as we say, have more connections and they're more voceferious or quarrelsome - impose their judgement by the road of fact (*vía del hecho*). That's happened in very polemic topics and this, in consequence, has brought upon the stashing away (*engavetar*) of some topics, in other words, they're suspended (*congelados*) to avoid conflicts. For

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example, the privatization of the Nicaraguan Investment Fund *(Fondo Nicaraguense de Inversiones*) is there, frozen, because the Sandinista legislators signed it and afterwards some of us reacted strongly because it hadn't been debated and there wasn't a collective opinion (*no había sido consensuado*). Sometimes it also happens that the entire *bancada* adopts a position to permit something and, as I said, then the topic's passed, even though there's a minority of two or three -I include myself here- who differ. I think that with regard to the constitutional reforms that divided the *bancada* into a group that rebelled against the partisan discipline, that there's been a dysfunction in the *bancada's* work. There's much more polemic and so, there are topics that are imposed this way, without a lot of debate. I think that during the last year the *bancada* 's acted very badly. There hasn't been very much discussion, topics have been imposed on behalf of the Board of Directors and other members of the *bancada* ; they don't say anything so there'll be no conflict. So, this enormously weakens the *bancada* 's performance, the debate's democratic functioning, the discussion. And it debilitates the *bancada's* presence with a polemic force, that helps to ease up the topics (*descansar los temas*) so that the laws come out as good as possible. In the *bancada's* period of operation it's impacted on the enormous deterioration of the parliament's performance. The Nicaraguan Parliament works very deficiently. Too many laws of the *bancadas* , a lot of superficiality in the debate and therefore our product, which should be the result of a well-discussed, well-worked law, sometimes comes out extremely faulty. Then if the *bancadas* don't produce, don't communicate, don't study, don't prepare themselves, the effect's produced in the plenary and in the promulgation of the laws.

I believe that parliamentary work can really be wonderful. But only if we assume the technical and individual responsibilities. The *bancadas* favor the individual's irresponsibility. Sometimes I shield myself in my *bancada* in order to not be the one responsible for getting prepared, for studying. This repercusses in the forms of voting by roll call (*en lista*). So, the roll call (*lista*)doesn't allow people to vote and be measured by his/her personal responsibility, but rather the decisions have been made by others and in the last year, this, in the Sandinista Front *bancada* has been much more evident. A topic that nobody discussed nor debated, but the position (*línea*) comes down and it's required to vote this or that way. And it's not just a problem of how to vote, but rather that there are articles which perhaps can be improved a little. For example, a law of the *INA (Instituto Nacional Agropecuario)* is at a standstill because there was really a good proposal by the civil society that wasn't considered. So, it's detained there because they realized that the law was very badly elaborated, that there was the sector of the small miners who didn't have any type of treatment. But obviously the topic isn't the matter of interest, but rather it's an example that a good performance by the individuals really favors the collective performance. This occurs in the parliament and in the *bancada* .

JOHN: So, in general, the *bancada's* legislators vote together?

MONICA BALTODANO: Yes, generally there's an unanimous voting. A unified voting although the legislator doesn't know what's being debated. In other words, partisan discipline, without this component of the debate, preparation and individual responsibility, there's a lot of unconscious voting. Simply following the party line. This is quite deplorable.

JOHN: But are there votings on important cases where it's up to each individual?

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MONICA BALTODANO: Yes, it's up to each individual.

.....: **CAN'T MAKE OUT WHAT WAS SAID..**

MONICA BALTODANO: In our *bancada* and in the other *bancadas* that same litigation's been read, mainly over the last two years.

JOHN: What happens in order for it to find the *bancada* again? Is there a discipline process or are there sanctions?

MONICA BALTODANO: In the case of the Sandinista Front, a series of disciplinary measures are incorporated into the statutes that include the separation from the *bancada*; in other words, the expulsion from the *bancada* when discipline is broken. Because it occurs that when they are extremely polemic topics, such as those that deal with the Electoral Law reform. The..... left the *bancada*. That's to say, that when the topic's considered one of national transcendency, it's foreseen in the statute that the Party's organs (*órganos)* decide and the *bancada* acts in subordination to the Party's organs. In the case of the Sandinista Front, this happened to the National Council, which is called the National Sandinista Assembly. In the Sandinista Assembly they decided to make such and such reforms and they gave us an opportunity to express our points of view. Later, we broke the discipline. So, according to the statutes, we could've been sanctioned by separation or other measures. It wasn't suitable to them, politically it wasn't the most appropriate thing. So, what was done was by the via - juridically no measure was applied to us, except in my case. It was established in a regulation that those who didn't accept the party's decisions would not be allowed to aspire to election positions. They all knew that I wanted to postulate myself for the Mayor's office of Managua and so, this procedure meant that I could no longer postulate myself to the Mayor's office of Managua. Yes, it's pretty certain that they won't allow me to postulate myself for re-election in the position as legislator (*diputada*). Afterwards, they took other measures. I was a member of the Assembly's Board of Directors, I was the Vice-president, and they removed me from the vice-presidency, and practically didn't allow any commission presidency. I'd been an excellent president of the Benefits Commission (*Comisión de Beneficios*) and in it and in the last year the Liberals said that they would return the Benefits Commission in order to not give it to me because they knew that it was very difficult to give it to another person. So they preferred to give up the Benefits Commission in order to not give it to me. They didn't give me the Population Commission (*Comisión de Población*), because I had worked on the Settlements Law (*Ley de Asentamientos*) and I'd done it very well. They gave it to somebody that nobody knows.

Then, yes, there were sanctions but they didn't say, "we'll take such and such measures", but rather they proceeded informally. They told me that if I wanted to be part of the commission, I had to vote as the party dictated in the second [round]- because they're two rounds (*vueltas*) to ratify the elections, the changes to the Constitution. So, they took this type of measures and the same occurred with the other members, we're four who broke the party discipline.

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Later there's a whole internal campaign in the Sandinista Front and I think also in all of the parties here in Nicaragua. The one that criticizes, the one who breaks from the official opinion, is sanctioned vulgarly, with "*de hecho*" measures. The grassroots (*base*) of the Sandinista Front can't invite me to any activity because it's almost as if I'm a traitor. We come from a political-military organization, where the word "betrayal" and things like that existed. There's still a great tolerance by the citizenship in Nicaraguan society. If one asks the citizenship: "Do you believe that people can be organized however they like?" "Yes". "Do you believe that the Sandinista can come to being (*puede llegar a ser*)?" "Yes". There's a tolerance that's demonstrated in surveys and studies. But now, among the political actors, there's a lot of intolerance, above all when the situation's in the same family. It could be said that in terms of the legislators' political career, if you're a legislator and you're not absolutely subordinate to what the party leader orders, you can be sure that you're on *your way out (va camino hacia fuera*). In other words, there's not that flexibility that allows a person because of his qualities, to carry out his work well. There are legislators who don't do anything, who don't really worry about studying, about preparing themselves; this is good if they don't ever question anything. This leads us to the institution's deterioration. The Parliament's deterioration is the result of the deterioration in the way the parties in the Parliament are run. I have to say it, with the pain of my soul (*el dolor de mi alma*), but this is the experience that we've had to live - and not because I myself have had to live it, but because one sees how they behave in the other *bancadas* .

JOHN: And do the majority of legislators feel like being re-elected?

MONICA BALTODANO: Yes, absolutely.

JOHN: But there's no opportunity for those who aren't perfectly disciplined?

MONICA BALTODANO: And the most incredible thing of this case is that those who're disciplined don't want them to be re-elected either. There's a terrible conflict in the party. This is a country of many favors, a great lack of work opportunities, so public positions become like a kind of lifesaver. So people attain public positions for a job, for a good income even though they don't have an academic level. Virtually it's a deadly competition that'll be manifested (*la que se va a plantear*). I'm even afraid that in the next elections essentially there'll be a bitter internal competition.
In the year 1996 a system was implemented for the first time in the Sandinista Front that was exemplary for the rest of parties; this was the popular consultation, which really is a consultation of the voter population. In 1996 more than four hundred thousand Nicaraguans participated to select the candidates for legislators in the departmental rolls (*listas*). I was elected in Managua with almost 80% of the votes. I was first on the list for voting.

JOHN: They were like the primaries?

MONICA BALTODANO: Yes, like the primaries. But now there are indications that this process is going to..... If there's a primary consultation, I will jump into it because I have good work with the grassroots (*bases*), but if the process closes up again, which is the tendency that there is and a bit of this has already occurred in the municipal arena. There were many maneuvers and *muñequeo* and

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participation was decreased to be able to impose certain like-minded candidates. If there was a popular consultation with ample guarantees, then there's surely a possibility, but it doesn't seem to be the case. Independent from that, in some cases backing by the structure works. In other words, for each consultation the structure's backing is very decisive, if the party structure supports you and this is what the disciplined [legislators] count on. If I [don't??] pact with the structure, I'll have the structure's support and endorsement. I say that independent of this, the problem's worse now because there's a lot of competition. But also, if the consultation remains firm in its opinion *(se cierra*), then there, yes, the decision will totally be up to the [party] structure and this, then, will make the next one be even more controlled.

JOHN: I find that, more or less, the partisan leaders face a paradox, because by not accepting a more or less open process of competition for the candidacies, in time it will weaken the party. However, to accept it will weaken their control over the legislators.

MONICA BALTODANO: It's a problem that the political culture in Nicaragua has evolved to a conception of power based on control, as opposed to a conception of power based on consent, on flexibility and on debate. So, this country advances more and more towards control, towards this concept. I believe that was a first period after 1990 when a sort of flowering of tolerance occurred, but in Nicaragua there's a tendency that's manifested in this power process (*proceso del poder*). Over the last years, it's been influencing on all the political forces. Indeed, I think that, as you say, this weakens. In the end, the weakening of democracy and the consultation processes weaken the leader, they weaken the party. But since the conception is very short-term, it needs to be guaranteed in the immediate future (*el mañana inmediato*) and not in the future in terms of consensus. That's where the problem is.

JOHN: In the National Assembly do coalitions or partisan alliances exist among several *bancadas* who in their majority vote together?

MONICA BALTODANO: From the beginning, the government's *bancada* managed a coalition with legislators from small groups. We had an Electoral Law that permitted very small parties to have, through the procedure *(vía*) of "electoral residuals", a candidate for legislator. So, there are seven very small parties that ended up having a legislator. Right from the start, the government made a coalition with these [legislators]. Later, they've formed other forces and some of them have been able to constitute coalitions. In the case of the Sandinista Front, it hasn't allied with any force other than with the government's *bancada* when it was required, it's been required and a majority of 56 votes continues to be required. Two thirds.

JOHN: But haven't they made an alliance with the Liberal Party for Constitutional reforms?

MONICA BALTODANO: Yes, that's what I'm referring to. For those votings that require more than 60% of the votes, or to name the high officials of the Court's Electoral Supreme Council *(Consejo Supremo Electoral de la Corte*), the auditors (controlores), yes, there've been alliances between the *PLC* and the Sandinista Front.

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JOHN: And was the electoral reform also that type of voting?

MONICA BALTODANO: Thenceforth, there've been laws that are simply a kind of consensus or an agreement. There was a good debate in the commission so consensus was achieved, and so, sometimes there's unanimity. The Municipalities Law (*Ley de Municipi os*) was the first law in this legislative period that attained an enormous level of consensus and it was the product of debates and debates in the Municipalities Commission (*Comisión de Municipios*). It had sufficient consensus. The Settlements Law (*Ley de Asentamientos*) even had sufficient consensus and other important laws.
JOHN: What are the coalitions or partisan alliances based on? Common ideology, electoral interests, support for the Executive or control of the legislative agenda? What things?

MONICA BALTODANO: I'd say, when the understanding was made between the *PLC* and the Sandinista Front, it was based on electoral interests; they've been dominated by common electoral interests. I'll give you things that interest you, you give me things that interest me. That's what's prevailed in the agreements. In the case of the government's coalitions with the very small groups, it's been fundamentally due to the interests of the government's laws; to comfortably get the 48 essential majority votes to approve, above all, laws that are of an economic character and on economic policies. In no case, I'd say, the prevailing factor's been the ideological identity, no. They've never been made due to ideological identity, but rather based on the concrete interests of the parties.

JOHN: Legislative resources?

MONICA BALTODANO: Resources, posts (*puestos*). Well, it's a shame, but there are those who've broken the partisan discipline of the government's *bancada* and then they've been sanctioned by the dismissal of family and friends from public posts. In other words, the cohesion or adhesion is also made in *prevendas* , bonuses and treatments. It's still a part of our institutions' weakness. There are people who operate believing that that's the way it should be, because it can't be otherwise and that's the way it is in the world and here, it [won't] be different. I believe that yes, it can be otherwise and that here, it occurs because our institutions are still extremely young and the democracy in Nicaragua is extremely fragile.

JOHN: I'd like to ask a question about the electronic voting system in the Assembly. Aside from making voting more agile, has the electronic voting system changed the Nicaraguan legislative process in other ways?

MONICA BALTODANO: Well, I understand, through information from those who were voting by handraising, that electronic voting is a process that favors transparency. The way I see it, it also influences on defining with more precision the electoral margins that also favor the manipulation (maniobra) of the Board of Directors.

JOHN: How?

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MONICA BALTODANO: In the sense that, for example, if you're voting and they reach a certain quantity of votes, then they suspend the voting; it's something that can't be done if the voting was by handraising. In other words, the speed of the information favors transparency and it favors the agility, but it also gives a speed margin to the political majority. It seems to me, that's part of the realities. But obviously it's positive. Immediately the journalist, we ourselves, sometimes we're confused as to who voted this way and who didn't vote this way. The immediate computer registry is requested and that favors the control and the public's supervision (*fiscalización*). It also favors that of the party.

JOHN: It favors that of the party?

MONICA BALTODANO: Sure, because immediately the party also says to you: "why did you vote that way?"

JOHN: Do the voters know how you voted?

MONICA BALTODANO: Yes, it's informed in the media and they know. Sometimes when the topics are of public interest, there's an interest to inform how each [legislator] voted. The result is that there are people who say: "how's it possible that so-and-so's voted in favor of such a thing or that he didn't oppose it?" Yes, it's of use so the citizens can give their opinion and make their valuation.

.....: On the page web we're going have a space so they can communicate directly; above all, law that's voted, law that's communicated with the voting. How many don't vote and if they do vote, who voted in favor, who voted against, who abstained, who were absent.

JOHN: What's been done on the website is of the formed congress (*congreso formado*). Even in Brazil, Chile.

.....: Now they're going to detail all the expenses that they incur on trips. They put all the expenses that they've made, how many [legislators] went, how long they were there.

MONICA BALTODANO: I find that to be excellent.

JOHN: Is there much of a budget for trips?

MONICA BALTODANO: That I don't know, but enough is spent.

..... : Here, because of..... the Assembly's economics, for example, Legislator Baltodano's been a commission's president and they know that she's given 1,200 *córdobas* a month for commission expenses. With 1,200 *córdobas* she can't even buy coffee. It doesn't even cover her fare (*pasaje*). It's different. Really, this means that a lot of support is needed here, a lot of resources are needed that aren't available. You don't have an office, you don't have a desk, you don't have anything.

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MONICA BALTODANO: This is very negative. When the legislators' salary increase was made, I was a member of the Board of Directors and I proposed to not increase the salaries, but preferably use this sum so each of us could obtain a secretary, have funds for an assistant and the contracting of personal advisors, because there are no advisors. If I have an idea for a law initiative, then it's difficult to work this way because in the case of the *bancadas* , those who direct the *bancada* also control the funds of the advisors and the personnel. Each *bancada* has its advisors. So, generally those who direct the *bancadas* receive the credits for the legislative initiatives: "well, I have this legislative initiative". But sure, if we have advisors, if we have lawyers and if one is in the..... you don't have these resources and you have to seek your own funding. That's what some have done, fundraising with other organisms for the preparation of the laws.

JOHN: Is the *bancada* leader only elected for one year?

MONICA BALTODANO: He's elected for one year but he can be re-elected. In the case of the Sandinista Front's statutes, they establish that the *bancada* leader is proposed by the *bancada* and ratified by the National Direction. That's why he's the General Secretary. The General Secretary coincides with the *bancada* 's leader.

JOHN: But does he serve for many years?

MONICA BALTODANO*:* The term's for one year and every year the process is repeated again.
JOHN: But you re-elect?

MONICA BALTODANO: Yes.

JOHN: Then it's more or less like in the United States in that the *bancada* leaders are of a permanent position if they're re-elected. Because they're more powerful this way.

.....: CAN'T UNDERSTAND WHAT'S BEING SAID.

MONICA BALTODANO: That's why I'm here, in this office, because over there, there's no place. The legislators don't have an office. That hinders the work a lot.

JOHN: I imagine so, yes. Well, these are all of my questions and many thanks for your time, it's been very interesting.

JOHN: