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INTERVIEW WITH:
SENATOR AMILKAR ACOSTA
BOGOTA, COLOMBIA
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JOHN: First of all, how are decisions made inside the party or the fraction (*bancada*)? Is it called *bancada* here?

AMILKAR ACOSTA: Yes, they are *bancadas* , but in parliamentary juntas (*juntas*) are convoked.

JOHN: O.K. In the junta, how is it decided what the party's position will be regarding a project or for a voting?

AMILKAR ACOSTA: Well, it's not frequent that that happens. Generally, individual positions are assumed. However, when there are very contentious topics - such as those that deal with very essential matters, like for example, a legislative law bill (*proyecto de acto legislativo)* that modifies the Constitution in electoral matters or that modifies the parties' regimen - it's always considered that they should be consulted with the Parliamentarians. For that effect, the leadership of our party, the Liberal Party, calls for a junta of [its] Parliamentarians and the junta of Parliamentarians adopts a decision and the decision is embraced (*acogida*). Once embraced, it's generally respected. There are very few [Parliamentarians], a minority, who move away from the majority decision.

Another case where this happens is when Magistrates of the Superior Courts will be chosen. It's also customary to name some *compromisarios* , that's what they're called, who are the ones that approach the different candidates to listen and exchange points of view with them and after that, a junta of Parliamentarians is called. At that junta a report is given, where they [the *compromisarios*] lay out the pros and cons of each of the candidates and a decision is recommended to the junta, then the junta can embrace that decision or not.

JOHN: But in the most frequent case, there's no party position?

AMILKAR ACOSTA: No, individual positions.

JOHN: What are the most important factors [that influence on] the legislators to not vote together with their co-partisans (*copartidarios*)?

AMILKAR ACOSTA: Well, unfortunately in our country the sole list of nominees (*listas únicas)* of the parties doesn't exist, and what's more serious, the [parliamentary] seat (curul) doesn't belong to the party in which one militates. Here, usually one aspires in one's own lists (*listas propias*), which is known here with the name of *"operación avispa "* (literally, "clever person operation"), where in practice, the lists here in

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Colombia are uninominal, although not legally but that's how it is in fact. I believe that only a maximum of three or four senators have been chosen by quotient, the rest of us have all been chosen by a small, medium or big remainder (*residuo*), but by a *residuo*. So, everyone assumes that they're the owner of their *curul* and moreover, that it was not the party that helped them be elected and they don't feel this party commitment. So, these are the two main factors that influence quite a bit in the fact that individual positions are adopted rather than party positions.

JOHN: Do stable multiparty coalitions or ones that include legislators from several parties or movements exist in the Senate or in the House (*Camera*)?

AMILKAR ACOSTA: Well, stable coalitions, no. The coalitions are also very fragile and they're formed depending on the topic that's discussed, according to the topic that's being debated and according to the decisions that are made. In the end, our party's a party of different "shades" (*matices*), where there are members coming from the extreme right and there are even positions from the left and from the center. So, in the core of the Senate there's a tendency for there to be understandings, not party to party, but rather between units or Parliamentarians from a party with Parliamentarians from other parties. So, from this point of view, party to party coalitions don't exist, but rather coalitions exist among Senators of the different parties.

JOHN: And what are the most important factors that motivate the formation of coalitions? Common ideology, an electoral advantage, support for the Executive?

AMILKAR ACOSTA: I would put them in this order: a factor that influences a lot, very very much, is the position with regard to the government that's in power (*de turno*). Coalitions generally respond to those [sectors] that are aligned to or are in opposition with the government's policies. So, there are sectors of the opposition party that have moved away from the party's guidelines; in other words, here we call them *colaboracionistas* (collaborators) and they tend to have an understanding with those who form part of the government's party. While those independent, minority or dissident sectors of government's party, tend to end up having an understanding with the opposition party's majority force. So, in the end, a little bit of what determines the positions and the coalitions in the interior of the Congress is the position before the government, because this puts a stamp *(le imprime el sello)* on the proposals that the government makes, on the projects that the government presents, on the debates or the political control that are made to the government. Why? Even though it's not very logical, political control is taken more by the parties that are outside of the government than by the parties or movements that are in the government.

JOHN: And when is nominal voting required or when is it used?

AMILKAR ACOSTA: Well, there is no requirement in the regulation for the voting to be nominal, but if a single Parliamentarian requests that the voting be carried out in this manner, then it's the board of director's (*mesa directiva*) obligation to proceed to the nominal voting. Now, the nominal voting can be public or secret. Nominal voting - it can be public or secret - is simply requested when one doubts that a

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quorum really exists for decision-making or when there's a very narrow margin in the voting. However, there are supremely important topics for the country and in those instances it's important for the country and/or the public opinion to be aware of how each Senator voted. For example, when the topic of the extradition was voted on, - whether extradition was to be reinstated or not - there was a request that the voting be nominal and public. So, in that case, each Senator is called on and each Senator must openly say "yes, affirmative" or "no, negative".

JOHN: To leave an evidence of their vote would imply some personal insecurity.

AMILKAR ACOSTA: Sure, in these cases, in that specific case, there was that factor of security because at that time there were some very tense, very complicated moments where a vote could cost the [person's] life. But well, it was done that way and it was voted in that manner and although it was public - I presided over that session - there were difficulties because the voting was very close, by only one or two votes, because it was voted article by article. There were articles where there was a difference of a single vote, so it caused all kinds of controversy and it was public.

JOHN: And when a voting is not carried out nominally, how do you know how the legislators (*diputados*) have voted? For example, how does the leadership of the party or of the board [of directors] know how the legislators vote?

AMILKAR ACOSTA: Well, there are bills (*proyectos*) that are voted by consensus. In other words, they don't have great difficulties and in this case, it isn't important to know the voting. However, when there are discrepancies, one's accustomed to make a request [for a nominal voting]. When there are no discrepancies one says: I request that we dispense with the reading of the *articulado* - when it has many articles - and then it's voted as a block. So, they [the articles] are made into a single block and that's when what's popularly known here with the name of *"pupitr azo"* occurs. But each of the others [legislators] have their own interest in some bill (*proyecto*) or another which they've been pursuing, so the articles that they find are not convenient in that law, which are voted on in this manner [as a block], they then request that Articles 14, 18, 22 [for example] be voted on separately, and then those articles are voted on article by article. This allows for one [a legislator] to be in agreement with the text as a whole, but then he can present proposals for the modification of particular articles. Now, here there's an advantage that the Constitution offers right now and it's that any Senator can introduce modifications to any article in the plenary; before, this didn't exist. Before, if there was an article that I didn't agree with, I could not modify it in the plenary, it could only be voted on "in favor" or "against" and if they refused, it could be returned once again to the Commission, but in the plenary modifications could not be approved that were not made within the Commissions. So, I was telling you, this is what occurs in the votings; when there's no discussion it's voted, when there's a discussion of a bill *(proyecto*)or of an article of that bill, yes there's a record of how many voted in favor and how many voted against. And when the voting is nominal, there's a record of who voted in favor of it and who voted against it.

JOHN: How is the tie between the legislators and the citizens characterized? Strong, weak or how is it?

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AMILKAR ACOSTA: Well, I believe that over the last number of years it's been strengthened through public meetings (*audiencias públicas*). In other words, there are bills, which due to their nature, demand civic participation. For example, I'm the author of a bill that's on civic observance (*veeduría*), which goes to the plenary this afternoon, - it was already a law but unfortunately the Constitutional Court declared it inaccessible (*inasequible*) due to some bad procedures -. So, this bill, since it has to have civic participation, must provide an opportunity to the social organizations, in this case the *veedurías* , for them to participate in the discussion of the bill's text. Now, very important bills, such as transfers (*transferencias*), like the one that's being discussed now about legislatives laws on the transfers, the political reform bill, the organic law on territorial classifications (*ordenamiento territorial*) bill; these are topics that the people are very interested in, so regional forums are programmed in different regions of the country and the opportunity is given for the people to participate. This wasn't done before and I believe that we have won [some ground] with it. We still have a way to go, but we have won in the civic participation in the procedure of the bills.

JOHN: Do the legislators, in their majority, want to be re-elected to the Congress?

AMILKAR ACOSTA: Yes. In other words, a very high percentage tend to aspire for re-election, this occurs year to year. That's why the degree of renovation in public corporations is very reduced in Colombia. There's a tendency to perpetuate oneself, to say it in some way. My case, for example, is exceptional; right now I'm in my third period. I've been here since 1991, but in the month of June I will definitively retire and I won't return. But cases like mine are exceptional, most of my colleagues already are resolved to return to the Congress again.

JOHN: There is a parliamentary career.

AMILKAR ACOSTA: Yes, sure.

JOHN: What are the most important things that the Representatives or Senators should do to be re-elected?

AMILKAR ACOSTA: Well, I think that there are different classes of Senators. There are Senators who have a captive voting, those who have a clientele that they attend to and that they reproduce; so simply they don't have any difficulty *(inconveniente*) in running again and the clientele works. This is like a machinery that works, that's being lubricated in some way, during the entire time, with positions, with contracts, with different kinds of favors. Others [Senators] have economic resources, so, as things are today, where the state financing is "very mine" (*muy mía*) in relation to what one spends or what one invests in an electoral campaign, and so the economic factor is very decisive. So, this gives people who have the economic resources to finance a campaign a high percentage of their re-election already assured. Finally, there are those [Senators] who bet more on the opinion vote. Certainly those who bet on the opinion vote, we also bet on the result of the congressional efforts (*gestion congrecional*) that one carries out because,

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every day in my opinion, this has a greater specific weight. The opinion vote (*voto de opinion*) and the tied vote (*voto amarrado*) and the "clientelized" vote (*voto clientilizado*). So, in this perspective, the debates that are being transmitted by television are influencing a lot; today the voter is better informed and he has a better concept of each and every Parliamentarian in their actions, than what had occurred before. So this causes the factor - let's say that of the image - to play a big role at the time of the decision of the vote.

JOHN: Is the public vote by the legislators a part of the political reform that's been restated (*replanteado*) before the Congress?

AMILKAR ACOSTA: This is a point that was also proposed in the referendum, when the government put that topic forward. In my perception, it's irrelevant, because as I told you before, it's not good for it to be like a straight-jacket; in other words, that the votings necessarily have to be public. It's better just as it is now, because it's perfectly sufficient, just as I told you before, that a single Parliamentarian lifts his hand and says "I request a public voting" and it has to be made public.
JOHN: Somebody told me that in order to insist on a nominal voting, that approval or support by the majority is necessary.

AMILKAR ACOSTA: No.

JOHN: No? [It can be requested] with only one [Parliamentarian]?

AMILKAR ACOSTA: In the regulations, the fifth law is the one that regulates the Congress' operation; this law establishes that it's sufficient for a Parliamentarian to request it [the nominal voting] to the board of directors that is presiding at that time and the board is obligated to carry out the [nominal] voting. If it [the board] doesn't do this, it can be considered as a bad procedure (*vicio*) that later on there can be a lawsuit (*se demanda a la ley*), because that norm of the regulation was contravened.

JOHN: My last question. An electoral reform has been currently proposed in the Congress, no? What electoral system do you believe would be best for Colombia?

AMILKAR ACOSTA: Well, undoubtedly the way the reform is proposed, it contains some very important advances because this political reform is fundamentally directed towards the strengthening of the parties. My belief is that a strong democracy has to have strong parties. It's not possible to think that we have some weak parties and a strong democracy. In this perspective, the proposal that's being made in the political reform, of strengthening the parties by establishing some very demanding requirements for the constitution of parties, so that there's not this proliferation of parties that here we call small microenterprises - because here a gentleman who gets 10,000 votes is already believing that he can have his own party - and right now we have more than 90 parties and movements with a legal status (*personería jurídica*). This isn't positive for the democracy, but the parties also have to strengthen themselves through the democratization of their operation. In that sense, we find that the establishment of the sole list of nominees (*listas únicas*) is an important instrument, but the *listas únicas* would be inoperative if an internal

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democracy doesn't exist for the comprehension (*comprensión*) of the lists, because what nobody wants to return to are the times when the national political leaders (*jefes*), with pen in hand, said who could and could not be on the lists. That's not advantageous (*conveniente*). Now, the other thing that is also very important is that the parties act as a fraction *(bancada*), because here we don't act like a fraction, but rather as guerrilla fighters *(montoneras)* . Discipline inside the party is also important. In August we will approve (*refrendar*) the internal reform of the Liberal Party, it's a constituent of the Liberal Party and that constituent approved some new statutes, a new disciplinary code and a social democrat ideological line. And we're going to vote on it in August; the militancy, countrywide, will go to the urns and will vote. That same day we will choose our candidate to the Presidency of the Republic. So, in this disciplinary code sanctions are established for those Liberal Party leaders or militants who don't follow the party's orientations, because nobody is under an obligation to be inside a party, but if you are, it's not to make use of the party, but you do not accept its orientations. So, there are a lot of people who are simply in the party to save themselves from having to obtain the fifty thousand signatures that they would have to gather in order to include their candidacy. They are only there [in the party] so that the party will ask them, every four years, for an endorsement so their candidacy can be registered in the name of the Liberal Party, but the Liberal Party calls them to a meeting and they don't go. If there's a parliamentary junta (*junta*) of liberals, they don't go; or if they go, they don't accept the majority decisions. Then, what are they doing inside the party? Today there's nothing that can be done, but once the new disciplinary code is approved, they can be expelled or separated from the party or the party can deprive them of authority (*desautorizados*). So, I believe that in this direction, I am in agreement with a political order; that's why I'm in agreement with a very good portion of the proposals that are in the bill that's going to plenary of the Senate now.

JOHN: These are all my questions. Thank you.