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INTERVIEW WITH:
REPRESENTATIVE
NANCY PATRICIA GUTIERREZ
BOGOTA, COLOMBIA
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JOHN: First, how is it decided inside the party or inside the *bancada* (faction) what the *bancada's* position will be regarding a bill *(proyecto)* or a voting? Is there a coordination in the party?

NANCY GUTIERREZ: Let's see, regrettably, we don't work as *bancadas*. There's no previous coordination for participation in the debates of the bills, nor in the debates regarding political control of the government. Unfortunately, this hinders both the legislative work and the work of political control; causing a lot of disorder and bringing individual positions to the commissions as well as to the plenary.

JOHN: In general, do the copartisans vote together on the bills, or not?

NANCY GUTIERREZ: It's not a general rule. In fact, in the votings the decision groups *(grupos de decisión)* depend more on the situation's circumstances which occur at a given time, because a bill generates an interest in groups of Congress members of different tendencies. Since we function under a lack of party cohesion, on many opportunities it occurs that, facing political positions, the party gives an instruction and the party members don't obey that instruction. So, the decisions and actions are not made within a party block.

JOHN: What happens if a representative votes against the party?

NANCY GUTIERREZ: There are no coercive or sanction mechanisms for those who don't go along with the party's decisions.

JOHN: And what are the most important factors [that influence on why] the representatives don't vote along with their copartisans? What are the factors that divide the parties?

NANCY GUTIERREZ: Basically the electoral system, the mechanism of consenting to the public corporations, while it's true that the two traditional political parties of Colombia, but generally the new parties, give endorsements to several slates *(listas)* for participation in the elections. And entrance into the public corporations is made on the basis of a personal effort, and not on the basis of a political ideology or an identification with some party's programs. The party is like the framework where everybody fits in, but when it comes to the electoral exercise, the political campaign, each person defines it depending on his [own] organization, his own resources, his positions *(planteamientos)* and the voter ends up voting more for [particular] people than for the parties. And obviously that causes there not to be a closely connected relationship *(nexo vincular estrecho)* between the Congress member's attitude, or the members of other corporations. In the departmental assemblies and in the

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municipal town councils the same thing occurs, each person ends up acting according to their own conscience and with their own criterion.

JOHN: Is the electoral system the same at departmental and municipal levels?

NANCY GUTIERREZ: Yes, it's same. That's why when I speak of departmental assemblies, it's in relation to the public corporation of the department and the municipal town councils to the municipality's corporation, but it's exactly the same modus operandi.

JOHN: Then in the *Cámara* (House), do stable multiparty coalitions exist that include legislators of several parties and movements?

NANCY GUTIERREZ: There are coalitions of different political tendencies. In this legislature, which we've been participating in over the last three years, there were attempts to form three or four big blocks, or basically three big blocks: 1) the *Partido Liberal* (Liberal Party) directed by the party's officialism *(oficialismo); 2)* the *Partido Conservador* (Conservative Party) in an alliance with a dissident sector of the Liberal Party; and 3) a sector of independent movements. They tried to work more or less in a stable way but, finally, last year when the President of the Republic presented a political reform proposal through a referendum, which had the mandate's abrogative *(revocatoria del mandato)* , it broke the possibility of those stable alliances that had already been functioning for a year and a half.

JOHN: So at the moment there's no stable majority coalition?

NANCY GUTIERREZ: No, there isn't any; coalitions are formed according to the situation *(coyuntural)* , some people vote some things and others vote others. There's no permanent coalition.

JOHN: And what are the most important factors in the formation of these situational *(coyuntural)* coalitions? Are they common ideology, electoral advantage, control of the Congress, support for the Executive? Which are they?

NANCY GUTIERREZ: There's no constant reason, they're varied and that's why I insist that they [the coalitions] depend upon the situation *(coyuntura)* . At a give time it can be due to personal likes, at other times it can be just to oppose those who have made a proposal; at other times it can be to rebel against the government; at other times the government has lobbied and it generates consensus. They are very diverse [factors].

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

NANCY GUTIERREZ: Very sporadically, when, let me see, no, actually it's an exception for it to be used. It occurs when someone requests a verification of the voting when there's an election of dignitaries, but they are exceptional mechanisms.

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JOHN: When it's not used, how does, for example the board of directors *(mesa de directiva)* , know how the legislators *(diputados)* voted?

NANCY GUTIERREZ: Well, it's not usual for there to be follow-up on the way the voting goes; however, there's an electronic board where how we who have voted appears registered on the electronic board.

JOHN: Even without nominal [voting]?

NANCY GUTIERREZ: Yes, without nominal [voting]; you simply say "yes" to vote affirmatively, to mark the "yes", and if it's negative then "no" is marked. And there it's basically established in a block how each Congress member voted. However, this is also exceptional because usually decisions are made by majority without verifying how the voting went.

JOHN: And if the voting is very disputed *(reñida)* ?

NANCY GUTIERREZ: At a given moment there may be cause for a voting verification.

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

NANCY GUTIERREZ: Very weak

JOHN: In what sense?

NANCY GUTIERREZ: It's very weak because there are no strong political parties, nor strong political movements. I'll repeat what I told you a just a moment ago, the election occurs because the voter liked X candidate, but there's no follow-up to the proposals, nor mechanisms of easy access that the citizens can go to with their proposals to the different Congress members. All of a sudden we find ourselves [involved] in some topics, with some groups of organized citizens who have an interest, let's say, the sector of health providers, so at a given time when the resources are exhausted, they look towards some Congress members so that they'll defend this specific interest. Or for example, the users of public services, which is one of the debates on the table right now, also because they've seen that one or another of the Congress members is interested in the topic, so they approach some organization to speak with the Congress member. The relationship's also weak because the Congress' information systems are quite inefficient, almost nonexistent; and, the Congress members' physical presence in the remote sectors is hindered due to the fact that Colombia is quite a large country, where there are difficulties of public order. Another reason is because the knowledge that the voters and the citizens have regarding the Congress members is obtained through the media and access to the media is very restricted. Let's say that they are privileges that are given to some outstanding Congress members, but there aren't any communication mechanisms *(mecanismos de interlocución)* with the citizens. We have a public television channel here where the debates are now transmitted frequently, so the citizens

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can watch the television and become aware of what the different Congress members' concepts and criterion are.

JOHN: But would you say, in general, that the citizens don't have a lot of information on the legislative activities?

NANCY GUTIERREZ: There isn't a lot of information. I have personally gone to visit many sectors and the people have the idea that the Congress members don't work and that we have a high remuneration, but that we don't do anything; in addition, [they believe] that the Congress members and the Congress are a synonym for corruption. So, there's a lot of prejudice *(prevención)* about the Congress and about the Congress members.

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

NANCY GUTIERREZ: Yes.

JOHN: And is the re-election rate high?

NANCY GUTIERREZ: It's high, re-election is high.

JOHN: What are the most important things that should be done to be re-elected?

NANCY GUTIERREZ: Well, here we have some quite notorious flaws in the electoral process. In reality, what's most important at a given time, the country's common belief *(denominator)* , is to have an effective presence of power with the communities. And there are exceptional cases of people who are elected by public opinion which has been formed through the possibility of access to the media. But in general terms, the Congress is made up by people who come with concrete solutions to the communities; another decisive factor is the quantity of economic resources in a campaign, which allows for the distribution of gifts *(dadivas)* or that allows [the candidate] to reach the communities directly, like for example, taking advantage of their economic necessities or the need to satisfy deficiencies in the provision of services or in infrastructure. So, the one who has a greater possibility to consent to those resources and to those communities, has the possibility to obtain votes for their upcoming election.

JOHN: In your opinion what effect would the adoption of the public vote in the Congress have on the legislative process? In other words, the use of the electronic system for all the votings and for communication of the votings, for example.

NANCY GUTIERREZ: I believe that it would be very important because it would generate a greater responsibility on the part of the Congress member at the moment of voting. It's necessary, unquestionably, but surprisingly the Congress has escaped from making the decision for all of the votings to be carried out by nominal or public vote, or that it definitively be known how the [Congress members] voted.

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JOHN: And why isn't it done?

NANCY GUTIERREZ: It's due to the handling [of the issue by] the boards of directors *(mesas directivas)* , because the bottom line is that the Congress' regulations allows them [the votings] to be decisions made by simple majority and, so, the plenary's asked if they agree and if there are no objections or if no one requests the nominal vote or a revision of the vote, then simply the decisions pass.

JOHN: And is it obligatory for [the voting to be carried out] nominally upon the petition of, for example, a Representative?

NANCY GUTIERREZ: Yes, it's obligatory. If somebody demands for the voting to be verified, it should be verified. But it's exceptional, that's to say, the common procedure (*denominador*) is that the plenary is asked if they agree and if there's no objection, if nobody requests the verification, it's understood that the proposition or the bill has been approved.

JOHN: But on the part of just one Representative or a small group of Representatives, all of the votings can be done publically? Or no?

NANCY GUTIERREZ: By petition yes, it can be a Congress member who requests the verification of the quorum or the verification of the voting and the board of directors consents to verify it.

JOHN: Last question. Has a bill to reform the electoral system been proposed in the Congress? Which electoral system do you believe would be the best for Colombia?

NANCY GUTIERREZ: I agree with the reform that's been proposed. I've participated as a speaker in the two previous debates on political reform and at the present time I'm also speaker in the House *(Cámara).* Indeed, I believe that the political parties and the movements should be strengthened, but above all I believe that we should, or that the State as such, should generate a political culture and the need for an authentic democracy within the parties. Because before speaking about the strengthening of the parties, right now the way they're established *(planteados)* they don't really exist, they apparently exist and there's a formality of some executive boards *(directorios)* , but in reality there are no guarantees that really allow one to say that there are some parties here that have an ideological identity, and where discrepancies can be debated inside that party to thereby arrive at the Congress with some unified positions. Above all, I believe that that is the most important [aspect] in the reform, because if that's not achieved, no matter how much the electoral system is changed, we won't be able to change or improve the way to do politics in the country, because this imperfect system has been with the indulgence of the two traditional political parties, which finally are the ones that have the majority in the Congress.

JOHN: But are there measures included in the reform bill to do that?

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NANCY GUTIERREZ: No, the *obligatoriedad* is included in the sense that the parties and political movements ought to have democratization within their decisions, but it doesn't say it how. In practical terms it says that the internal decisions of the parties will be democratic, but the decision of how to do it corresponds to them [the parties]. It's stated as an enunciation.

JOHN: Thank you.