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COSTA RICA
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JOHN: To begin, how is the position of the various factions (*fracciones*) communicated to the legislators (*diputados*) before the votings?

GONZALEZ: Well, let's say that here there's a Faction chief (*jefe de fracción*) for each political party. Since Costa Rica has a broad majority bi-party system, the two majority parties have fifty legislators. So, generally an agreement is sought between those two large forces. Internally within the forces, generally what's the official or government faction (*bancada*), closely related with the government, in the Executive Power and normally the agreements of the government's faction are made there; they're obtained from the Ministry of the Presidency, some three or four Presidential advisors and the Faction chief, together with the Legislative Assembly's President who at this time -and it's been this way throughout the history of Costa Rica over the last forty years - with one exception -, have always pertained to the government.

In other words, the government has the Legislative Assembly's President who is the one who directs the debate, he oversees the votings. So, the government's agreements reside with the Faction chief, the President - sometimes very forcefully, at other times with much less force but usually they're in the middle -, and the Ministry of the Presidency. The government's agreements reside there.

In the current opposition, due to a political juncture, it's a very particular position. Perhaps for the first time in Costa Rican history the oppostion's pre-candidacies gave in very quickly. So, this has the Legislative Assembly polarized into two sectors. One pre-candidate directs one sector, another directs another sector, eleven and eleven, and there's a legislator who's left with the other pre-candidate. There are three. Eleven of the legislators are agglutinated by a figure who is Ex-president Figueres; but all of the 23 respond to this president. Let's say, it's not that he directs them, but yes, they respond around certain petitions and so yes, he's able to agglutinate them all.

Over the last three years the selection of the Faction chief has been won by one vote. This means that at this time the Faction chief is a weak figure in the opposition. Weak because he makes agreements with the government that afterwards can't be fulfilled, because internally they aren't fulfilled. This way agreements are obtained.

The agreements with the Faction chief today...and I tell you that this can be of use to you for your work. Last Thursday the Faction chief said: but what do you want me to do?... I have 11 that say "yes", eleven who say "no". And it's the most normal thing. At this time, this whole phenomenon to seek agreements is polarized in Costa Rica...

GONZALEZ: ... there are already at least 18 or 19 legislators who agree on discussing re-election. If Costa Rica adopts re-election, there's a world figure that is Oscar Arias who will beat any party and

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he'll do it. He'll win by a broad majority inside his party, that's the opposition, and in the national elections he'll sweep the government. We're the only ones left. So, this polarizes the decisions more. An example of this - which is perhaps of the most use to you, the minute, little details *(el menudo*)- on Thursday the Faction chief says, "if I say "yes", I have don Oscar Arias out front and if I say "no", I have the three pre-candidates." Perhaps the legislators won't say it this way, they're more political. But that's what's happening. So, how do they reach the agreements? The government, Faction chief, President and the Ministry of the Presidency. The decisions are made there. The rest of the faction pays attention to what is said. In the opposition, they go, unhampered.
JOHN: Will they choose a candidate in the primary?

GONZALEZ: The first topic is re-election because we have it in the legislative *corriente* . Today I can tell you something that's perhaps.... today it'll be decided whether the government will discuss or bury re-election. Because the government, with its 27 legislators can bury re-election, no one else can do it.

JOHN: And how will they do it?

GONZALEZ: It's simple, it's a political decision. "Yes" or "no". Because if the government says "yes" to re-election, it has 27 votes and eleven votes from the opposition. For 38. If it says "no", it has twenty-seven and eleven. At this time, the government is in command. The Assembly, to the contrary, doesn't move; it's been at a standstill for one month. We haven't done anything in a month. Because the opposition is ***en para dónde vamos*** and it's thrown the ball into the government's court for the government to decide. For the government to assume the political cost. I don't know if this is clear for you.

JOHN: Yes, I believe it is. Good, what interests me, well, the members of the directorate make up the legislative calendar, no? How's it made?

GONZALEZ: Here there are two ways to do it. The traditional, old, orthodox way, which is done according to the dates of the bills' approvals in the Commissions. This goes into the agenda and it's applied to the plenary. To be able to change the order, the plenary can modify it by a qualified two-thirds majority. An alteration to the agenda. Not the agenda of the Commissions but the order of the plenary's agenda. Remember that the Commissions are preparatory bodies. The plenary is resolutory body.

There's another method that we could compare to the fast track, but we need thirty eight votes to establish a calendar of fifteen bills. These 15 bills could appear this way: six bills from the government, four bills from the majority opposition party, and a bill from each minority party. That makes 15 bills. If the faction chiefs come to an agreement with the President of the Assembly and they approve this, there's a new agenda with fifteen bills, that would be like a fast track. You can, if you want to, limit the time of discussion; this can also be done.

JOHN: The amendments can also be limited?

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GONZALEZ: No, because there's already been a recent reform to reduce the amendments. But I believe that it's even a world principle, but in Costa Rica it's clear. Regulatory arms aren't important. Here, if there's will, things are accomplished in one day; if there's no will, it takes longer. Right now there's no will by the opposition to approve anything. Why? Because we're coming from a previous year where the official faction united with the strong opposition faction and they had 50 votes. They approved a bill for reform of the Costa Rican Institute for Electricity *(ICE -Instituto Costarricense de Electricidad*). I don't know if you're aware of the effects that this bill has had.

JOHN: I've read a little about it.

GONZALEZ: Well, it was the biggest crisis to the Costa Rican Democratic State in 40 years. For the first time we saw strong demostrations, violence and simply not against the government, not against the abolition. No, it's with the traditional political class. The two big parties are part of that. For three weeks the economy was paralyzed, for three weeks tourism was affected - a country that lives off tourism. For three weeks the country was without fuel many of the days. Two weeks without the health sector. I'm 31 years old and I had never seen anything like that in this country. What does it mean? That now the opposition has a new policy which is oriented towards distancing itself from the government. Is it an electoral calculation? Undoubtedly, but also it's a calculation to recapture principles. It's also necessary to situate oneself within the concepts of National Liberation (*Liberación Nacional*), the major opposition party, its ideological charter, its political charter; it's based on certain principles of solidarity. What they did with the *ICE* was to go against its whole political charter. The first part of the attack occurred three years ago when they broke the monopoly of the deposits in the State's commercial banks. The other half that was left was the *ICE* and they had torn it to pieces.

JOHN: And the pre-candidates of *Liberación Nacional* ?

GONZALEZ: One says "yes", he has eleven; one says "no", he has eleven.

JOHN: Is the composition of the Commissions proportional by political faction?

GONZALEZ: No. Not the Permanent Commissions. The *Commission de Hacendarios,* which has eleven legislators, always has a broad governmental majority -always, over the last forty years -, a small representation of seven from the government, three from the majority opposition and one minority representative. Generally, that minority party representative as an affinity with the government.

JOHN: But now the majority party doesn't have the majority?

GONZALEZ: Of course, seven of the eleven who are in the *Commission de Hacendarios* .

JOHN: Are there other plenary commissions?

GONZALEZ: Yes, three plenary commissions.

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JOHN: Who can decide a voting in the plenary?

GONZALEZ: Indeed. But first I'm going to tell you, so that you have some history, that it's a figure that was brought from Spain. In Spain they're called the *provisiones* , commissions with absolute legislative jurisdiction. Yes, here they're proportionally integrated . Why? Due to the reform that was made to Article 124 of the Political Constitution. Being proportional, they do reflect the plenary and they can approve laws whenever they are not of matters that the Constitution itself prohibits. For example, a commission can't determine electoral matters; it can't determine international loans; it can't determine international treaties and it can't determine taxes; it can't determine the monetary unit.

JOHN: So, for not very controversial matters?

GONZALEZ: Well, there's a bit of everything. To tell you something, in one of these commissions the Law of the General Comptroller of the Republic (*Ley de la Controloría General de la República*) was approved; in other words, there's nothing more controversial than that, the State's comptrolling body, and it was approved there. The Sexual Harrassment Law was approved. The Law of Transplants was approved. Laws were approved to increase the punishment for certain types of crimes, mainly crimes against life and sex crimes. These commissions aren't specialized, they can rule on any matter.

JOHN: Then how is it decided what will be sent to the commissions?

GONZALEZ: The plenary decides. With a qualified voting, thirty eight votes, the plenary sends bills for the commissions to make laws.

JOHN: And the majority are bills that have a high level of consensus so they can be designated quickly?

GONZALEZ: Yes, and usually it's in order to respond to the needs of the legislators. A leglislator from the province of Puntarenas wants to approve a very small bill that has little national significance but much provincial importance. The bill gets sent to the commission he forms a part of.

JOHN: The other commissions change all of their members every year, or only some of them?

GONZALEZ: The permanent commissions change every year; the plenary commissions can change but over the past three years they haven't changed, they continue the same.

JOHN: Do the ordinary ones partially change to maintain the experience, for continuity?

GONZALEZ: No, unfortunately it's not a principle that's respected here. Here they make a transfer because everybody wants to be in *Hacendarios* . Someone may repeat in *Hacendarios* , but it's not due to their specialization.

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JOHN: It's the same in the United States, everyone wants to be in *Hacendarios* . But it's not that they have a seat (*curul)* in *Hacendarios* if they want to, forever, to have the experience.

GONZALEZ: Generally, here in *Hacendarios* there are people who are very important to the government. So, for example, the President of *Hacendarios* has to be - and always is - a person with a great deal of experience, generally with an economic background or with a lot of political preparation and who's very close to the Presidency of the Republic because the President, come what may, has to assure a lot of loyalty from the person that presides over this commission.

JOHN: So that means that the President of the Republic has an influence on the appointments of the legislators to the commissions.

GONZALEZ: Mainly in *Hacendarios* . Who decides who the members of *Hacendarios* are? The Assembly's President and the Assembly's President has total communication with the Presidency of the Republic to see who is going to be sent there. Once he decides who will be sent, it's also known who is going to be president there. For this reason it has seven votes.

JOHN: Are there votings in the plenary where the factions don't have a position? In other words, are there open votings where legislators can vote as they like?

GONZALEZ: Yes. Yes there are, sure.

JOHN: Generally, are they open or disciplined votings?

GONZALEZ: Disciplined. They're 80 - 85% disciplined.

JOHN: How's it decided?

GONZALEZ: The factions themselves decide. There's a meeting every Monday. Generally, this is for certain very **algid** matters. For example, taxes. The government makes a decision for a disciplined voting, while the opposition probably decides upon a free voting.

JOHN: Why?

GONZALEZ: For the political cost.

JOHN: Is the political cost higher for the opposition?

GONZALEZ: For example, here there have been cases when there's an appointment, for example here the magistrates of the Supreme Court of Justice are appointed; the Comptroller is appointed..

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Generally there the factions are more open. There have been real cases where governmental legislators tell the President, no, I'm going on my own.

JOHN: What happens? Is there any sanction?

GONZALEZ: Last year even the opposition's legislators voted for governmental legislators; you could say that that's the worst thing that you can do here. Nothing happened.

JOHN: How does the prohibition of relation of the legislators affect the level of unity in the factions?

GONZALEZ: That's a topic that you should analyze in two directions. The first is that the quality of legislators in Costa Rica is very bad, it's terrible. So, if they were to re-elect what's there, God catches this country confessed (*Dios coja a este país confesado*). So, the first thing that the parties are becoming aware of is that they can't bring in the legislators as they are doing. Now there's a new bill to re-elect the legislators, but above all, to select 20 positions. It's not possible because now we supposedly have a very democratic system and what we bring in is very bad.

JOHN: I have an interest because in United States we also have the prohibition in some of our legislatures at the state level. But it's more or less a very new thing, only eight years old and it's very controversial.

GONZALEZ: Here it would be very good for there to be re-election. It would be very good, but what happens is that in Costa Rica there's still no parliamentary maturity, there's no parliamentary career. For example, traditionally in Costa Rica legislators are poorly paid. So, what happens? If I'm a lawyer, I have to leave my office in order to become a legislator. Four years go by and I return to the street; I don't have an office anymore and while I'm a legislator I lose money. So, the first point is that the legislators should be well paid, or perhaps the first thing is for legislators to be good, and secondly, they should be well paid. Because nobody, except for a few counted exceptions, I think, perhaps five or seven leglislators, devote themselves only to being legislators. The worst mistake is to devote oneself to being a legislator.

JOHN: And what's going to happen with the bill to permit re-election?

GONZALEZ: It's going to be known in the upcoming days. They say there's a positive atmosphere for it to be approved.

JOHN: Is it linked with a reform to permit the presidential election?

GONZALEZ: No, it's separate.

JOHN: But it's going to be voted?

GONZALEZ: That of the legislators, yes.

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JOHN: But it must have 38 votes?

GONZALEZ: There are 45 and up to 57. Perhaps tomorrow it'll be decided.

JOHN: I'd like to hear it. Is it possible, is it public?

GONZALEZ: Yes, it's public but it's necessary to wait two or three days to see what happens. With luck, as I tell you, nothing will happen and we'll continue another month without doing anything.

JOHN: Well, thank you.