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INTERVIEW WITH:
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JOHN: What are the most important changes that will be developed in the relationship between the Executive and the Legislature?

TAREK SAAB: Well, the most important changes that will occur there, which the Bolivarian Constitution (*Constitución Bolivariana*) establishes, first have to do with the Executive Power's composition. According to the past, repealed Constitution of 1961, the Executive Power practically established a centralization in the hands of the President of almost all the attributions of the Central Executive Power, or of the ruling government (*alto gobierno*).

We introduced important changes there through the creation of three new figures within the Executive Power. In other words, aside from the President and the Council of Ministers *(Consejo de Ministros*), we introduced the figure of Executive Vice-president (*Vicepresidente Ejecutivo*), whose highest attribute is to preside over the Government's Federal Council *(Consejo Federal de Gobie rno*), which is a substructure (*segunda instancia*) of the Central Executive Power. The Government's Federal Council, which the Executive Vice-president will preside over, is made up by governors, mayors and Venezuelan civil society members; it's a small part of the search for the decentralization of local power, that's aimed to give protagonism to what we've called "the province" (*"la provincia* "), within the Venezuelan federal system. The Government's Federal Council is unedited (*inédito*); it never existed previously in Venezuela and, I repeat, it's an important figure which very clearly achieves that the direction (*conducción*) of master line's policies (*políticas de la línea maestra*) for decentralization, that important conflict for we Venezuelans, be left in the hands of a pluralistic body where several actors of power (*actores del poder*) participate. Those [are two figures], on the one hand.

On the other hand, there's the State Council *(Consejo de Estado*); it's a third figure, a third body within the Executive Power. That's to say, I conclude by saying that in this sense, the reforms would be`to leave the State Council in the hands of the Executive Vice-president, in a similar way to what exists in the European countries.

JOHN: With ministries or what?

TAREK SAAB: The Council's made up by five persons who have high credibility, with high preponderance in the society, who'd be advisors in transcendental matters of the direction (*conducción*) of the state of the nation, who can appeal to main offices (*centrales*), the government or the ruling government (*alto gobierno*). And, as I told you previously, the Government's Federal Council where the Vice-president, some ministers, governors and some mayors participate -these governors and mayors are designated in representation of the respective governors' and mayors'

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associations, because in Venezuela the figure of the Association of Governors and the Association of Mayors exists, and it's in these associations where it would be decided who'd be in this Federal Council -.

Apart from that, I think that there's a detail, the President now will take charge of State matters. The most important issues of the State, the State's political matters. Also, the Executive will be responsible for the government's administrative matters.

JOHN: Like a Prime Minister?

TAREK SAAB: It could also be seen that way, but we haven't wanted to give it the connotation of prime minister, because then it would be a strict and exclusively parliamentary regimen (*régimen*). I'd say that with the Bolivarian Constitution we've tried to make a semi-parliamentarian regimen. Semi-parliamentarian because the Executive Vice-president, who's designated by the regimen of the State, can be dismissed by the Legislative Power (*Poder Legislativo*); in other words, by the National Assembly. The President names the Vice-president but the National Assembly can dismiss him. Clearly here there is, let's say, a very interesting custom, a problem that could be called semi-parliamentarian in that sense. That's why he's not a classic Prime Minister; let's say that there's an analogy with a very notable difference that, in this case would be that this Executive Vice-president is designated by the Head of State (*Jefe del Estado*), but not like it is in strictly parliamentary regimes, where the Parliament designates the Prime Minister. In this case, this official designates the Head of State, but he's dismissed by the National Assembly.

JOHN: But the Head of State can also dismiss him?

TAREK SAAB: No, no. Supposedly, he could speak if he designates him today, but it's worthy to point out that it's the National Assembly that has the faculty to dismiss him. Last year, the opposition manipulated this topic a lot in the campaign for the approval of the Bolivarian Constitution, because they said that the President was being given the faculty to interfere in the legislative power, since the President could dissolve the National Assembly. What they didn't say was why he could dissolve it. The President can dissolve the National Assembly after the legislative power dismisses three Vice-presidents on three consecutive opportunities. Imagine the governing crisis (*crisis de gobernabilidad*) that would exist with a regimen with parliamentary power, with legislative power, wanting time and time again to turn it's back on (*poner de espaldas*) a government. Then, sure, this is how it is all over the world where there's a figure like this. If I'm not mistaken, in Peru, in Spain.
JOHN: Well, the Prime Minister in Spain.

TAREK SAAB: And who dismisses him? The House *(Cámara)* could dismiss him.

JOHN: It can be dissolved.

TAREK SAAB: The House, that's why I'm saying this. It's something that we didn't invent, there's an experience in other countries and it's good to highlight that it's only under that pretext that the

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President could dissolve the National Assembly; not under other circumstances. It's not even permitted for those who exercise the presidency in the countries where there are prime ministers. In other words, in a study of compared law, in a crisis situation like this, in those other countries he can, or rather the President [can] dissolve the National Assembly. This is good to highlight because it's also important to have a broadness with regard to what we're reviewing. Now, that's the part of the Executive Power.

Another important constitutional reform of the legislative power is that it passed from being bicameral - from having two houses, a Congress (*cámara alta*) and a House of Representatives (*cámara baja*)- and from having 23 permanent commissions in the House of Representatives and 23 in the Congress; in other words, 46 permanent commissions that were full of bureaucracy, more parliamentarian factions that were something like branches of the political parties within the parliament itself, which were paid by the taxpayers themselves. While that occurred, there were big parliamentarian factions with a huge army of functionaries, legislators without offices to work out of and no secretaries. So, the great change is that we passed from being an inoperable, very bureaucratic, disfuncional bicameral system, to having a single house. We passed from having almost -in a very disproportionate, very uncommon manner - 270 parliamentarians to having 176 parliamentarians, and from having 46 permanent commissions, to having 15 permanent commissions. In turn, there will be special commissions designated according to the circumstances occurring in the country. For example, a special commission is designated to study some case, for some crisis that may occur. But once these special commissions complete their function, they're dissolved. There are 15 permanent commissions. I'm sure that it's an important reform due to our experience in the Constituent Assembly, which was an unicameral Congress. Discussions of the laws were carried out. In this case, law discussions will be carried out at two plenaries and after these two plenaries this law that's been proposed and previously worked on in the permanent commissions will be approved.

I believe that in this, we've advanced. I'm sure that under this scheme (*esquema*) we'll have a much more dynamic, much more professional, much more operable Congress and that it will legislate with the people (*pueblo*); in the previous Congress all the laws were almost ignored by the people and many times they were even published, but nobody knew anything about them. We had that experience in the Constituent Assembly, when we were writing the Constitution; many of the articles that were approved, and many of the chapters that were approved and many of the titles that were approved, previously came from proposals of sectors of the society and stemming from this idea they were diffused and promoted.

JOHN: During the previous time period, the legislators' relationship (*vínculo*) was with the parties which was much stronger than the relationship with the citizens. How's this going to change? Will there be more of a relationship with the citizens through the elections or what? What will happen with the parties?

TAREK SAAB: I believe that the importance of the citizens in a democracy is that they review the Constitution and the articles that consecrate the citizens' political participation, the participative or protagonistic democracy, because there you clearly see that the citizen will play a preponderant role in almost all of the State's movements. For example, a Judicial Candidacy Commission *(Comisión de*

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Postulación Judicial), which is made up by sectors of the society: academies, unions, universities, participates in the selection of judges. Previously no, before magistrates were designated by the parties *"que hacian vida"* in the congresses. Now a Judicial Candidacy Commission will filter the candidacies of the civil society and will send these candidacies to the National Assembly for their selection. There there's a democratization of the citizens' participation in the election of the magistrates; also in the election of important Civic Power (*Poder Ciudadano*) positions (*cargos*), such as for example the People's Ombudsman (*Defensor del Pueblo*), the Comptrollor (*Contralor*), the General District Attorney of the Republic (*Fiscal General de la República*). So, I believe that it's a very clear example of how the citizens' relationship will be inside the National Assembly, not only to elect the legislators, but rather through this to elect other positions; such as: the National Electoral Council (*Consejo Na cional Electoral*), the Electoral Power (*Poder Electoral*) and the Judicial Power *(Poder Judicial*) and in turn, the Civic Power. You will notice that an immensely important and deep space opens up where the political parties; here, the influence that there must here is an influence completely in accordance with what's outlined by the law, and not totally tutelary to say who's there and who's not. I think then that over and above the parties there's the organized society, the organized people, the organized popular movement which will now have the opportunity - under these constitutional ranges (*rangos*)- to clearly establish their participation.

The laws before? They were made completely behind the people's backs and by the country's big law offices. In other words, the offices made the laws' preliminary drafts *(las leyes de los anteproyectos*) and immediately these were approved, but without any discussion with the populace, the people.

Under the scheme that I've outlined for you, it's going to be impossible to do that, what happened before. It can't be repeated. Now the laws, everything that'll be approved, must be consulted with the society. The elected legislator, the elected parliamentarian, has to render an annual account to his voters of what he did in relation to what he promised because the Constitution establishes it. The abrogative referendum *(referéndum revocatorio*) is one of the ways to punish, to sanction these legislative power officials or governors or mayors who don't fulfill, or the President who doesn't fulfill. His mandate can be revoked: you failed, you didn't fulfill. I believe that that's important. Of course, logically there are some requirements, but a person who was elected with a percentage like a governor, mayor, legislator or president, won't be able to be dismissed with a smaller number. In other words, it wouldn't be logical. If I was elected by 50% of the population, I can't be dismissed by 20%, for example. There are some requirements, but the important thing is that it was activated, which can, facing a political crisis being experienced in a country, save the regime itself and democracy in a peaceful and constitutional way.

JOHN: Is that something that could've occurred with Carlos Andrés Pérez?

TAREK SAAB: He could have been dismissed easily through an abrogative referendum. But since the figure didn't exist, no.

JOHN: And what happens in the representatives' districts with the demands of the voters, the electors? Is it different from their party's demands at the national level? For example, in the uninominal

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district (*conscripción uninominal*) the voters want something, a vote, some legislation and they say "no", but the legislator's party's saying "yes". What will happen? How will they reconcile positions?

TAREK SAAB: I believe that what's necessary here is to listen to the people's voice. In this sense it's established that one of the requirements, one of the legislators' characteristics is their vote of conscience. He will only pay mind to his conscience. Of course, in no part of the world an elected legislator who's been postulated by a party, doesn't also pay attention to the democratic discussion of the positions (*lineamientos*) of the political movement to which he belongs. I believe that everything has to do with agreement and dialogue. If in the end there's no agreement or dialogue and the positions are irreconcilable, well, the vote of conscience is consecrated as the legislator's own right, of the parliamentarian himself.

For the constituent [assembly] we place the vote of conscience as a regulation (*disposition*). There were people - myself, for example - who on some opportunities voted according to their conscience and I didn't support decisions that supposedly were a majority decision and that were related to, for example, treason. My stance was that yes, Venezuelans had to be extradited. Why? I placed an *acepción* , in those serious cases of human rights violations and crimes, war crimes, crimes against humanity. For example, in those type of situations, extradition had to be practiced. Well, my party or the people who accompanied me, voted in their majority for the prohibition of extradition with no condition. I saved my vote, for example. This doesn't mean that I'm an enemy or that at that time I was an enemy of the political movement that I belong to, it was simply a question of conscience. All my life I've been a human rights activist and I've defended those principles and at that moment I thought that that was my duty. In fact, I did it.

JOHN: I find that that's a little different than in the previous time period.

TAREK SAAB: Sure, in the previous time periods what's called "the tube" normally operated, *"el entubamiento"* . There was a line that was thrown by a tube, by a tube of water, all without much filtering of discussion (*filtro de discusión*). I believe that we've advanced a lot in this. Right now in Venezuela, political participation and political maturity are very impressive and very important. This has been very clearly due to Hugo Chávez's electoral victory on December 6, because he opened some channels for the participation of people who'd been excluded from all the debates for decades. Here the debates were only channeled in *cenáculos* , in very very small *cogollos* and I believe that this has opened things up to a much more plural, much more democratic debate. I believe that that's what should be strengthened.

JOHN: Thank you.