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SAN JOSE, COSTA RICA
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JOHN: To begin, how is the legislative calendar coordinated among the parties in the Assembly?
CARLOS VARGAS: The calendar of the Legislative Assembly is a commitment which is expressed in the Legislative Assembly's internal regulations. There are two large concepts in the regulations that establish: one, the parliamentary calendar, and the other, its order. The parliamentary calendar is established according to the historical presentation of the bills (*proyectos de ley*) and how they are processed. In other words, there is a logical order that depends on the moment that they were presented and the moment that these bills are worked on in Commission and are edited. In accordance with a recent reform that was made to the regulations, this calendar is adjusted with respect to the bills that are pronounced upon in Commission that they formulate; these are the ones that are placed first and afterwards are those that have a majority dictum (*dictamen de mayoría*). Affirmative dictums and bill dictums.

In addition to this, a decision was made where the bills which are in this calendar, which passed two laws *(actos)*, go to file if they haven't been object to understanding (*objeto de conocimiento*). In this way, the calendar is basically kept current, with relatively recent topics.

From this parliamentary calendar, the political forces prepare the daily agenda or a particular agenda, which is known opportunely. According to this, the faction chiefs (*jefes de fracción*) must present their bill proposals to fit themselves in. If an agreement isn't reached, the historical calendar governs. I have to admit that the calendar by consensus hasn't been able to be institutionalized and it's still not operating in the way that the regulations set forth. What happens is that there's an additional mechanism which is the motion for alteration of the agenda. With 38 votes the majority parties - when there's an agreement about the bills - may present this motion and go around the historical calendar which would be the one that they're discussing, and by common agreement an alteration to the agenda is presented and a particular order is established. That's the way that a motion of agenda alteration is traditionally presented in order for the agenda to be established according to this disposition. Let's say that these would be the three instruments that the parliamentary calendar has, from the agreement among the faction chiefs, which are foreseen since the last reform of the calendar and this mechanism of motion for alteration of the agenda is the one that has been used.

JOHN: And which is the most normal?

CARLOS VARGAS: So far the most normal has been the modification and alteration of the agenda, as a mechanism where an agreement is reached and a calendar is established. The other mechanism, because it's only recently been instituted - the reform was made only last year - has not been used.

JOHN: Inside the faction, what will the faction's position be?

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CARLOS VARGAS: There, different procedures exist. In principle the legislators (*diputados*) are autonomous in the voting of bills. When a specific position is required, the bill is taken to the faction and something we call a faction line (*línea de facción*) is established. It's the commitment of all the legislators to vote the bill the same way. When doesn't the faction line operate? The faction line doesn't operate nor is it applied for cases of conscience or for example, in cases that compromise topics of national sovereignty, where a faction line can't be imposed on a legislator. The faction's internal regulation contemplates vote discipline (*disciplina de voto*). This vote discipline that's established as the faction line. When there's no faction line, what happens is that there's a kind of identity and party consensus regarding the bill's big lines of action, without affectiong it if there are differences or, in some cases where there's no faction line, a group of legislators decides not to vote. For example, bills of national character but those that have incidence or a specific intention, many times the legislators from that place - being members of the party - don't vote because they consider that it will affect them in their representation. But our party in particular, is sufficiently disciplined and there are no important cases of dissidence in recent votes. In the past they have occurred, but they were the product of the faction's internal ruptures, when it divided. A basic case was that of don José Trejos, during the Monge administration and that of Ricardo Rodríguez; these are two specific cases where the faction was divided and they voted separately, in an independent way.

JOHN: Why did they divide?

CARLOS VARGAS: Those divisions fundamentally have two types of origin: one, of major policies, when there are ideological divergences or underlying differences in the party's condition, as in the case of Juan José Trejos and that of Rodríguez, it seems to me that it was due to internal administrative difficulties. Remember that the establishment of a faction by an independent forum provides certain material advantages. Material attributions such as an office and the right to additional remunerations and other things such as these. That would be the case in our party. In the National Liberation Party (*Partido de Liberación Nacional*) perhaps there've been more frequent and more noted cases of rupture of the party line; mainly because this rupture of the party line takes place when within the political party there are antagonistic tendencies that different pre-candidates represent. So, when there's a party where the party's pre-candidates have different opinions regarding a topic, it's very difficult to force a party line. So, what happens in these hypotheses? In these hypotheses what occurs is a preeminence of the pre-candidate's political power over the traditional partisan structure.

JOHN: But this hasn't happened that much within your party?

CARLOS VARGAS: Inside the Social Christian Unity Party (*Partido Unidad Social Cristiana*), aside from these two cases that I pointed out, there haven't been any dramatic forms other than in those cases. In the past, before the party existed, there were party coalitions that, yes, had greater independence. Yes, it was much more conflictive.

JOHN: Did these party coalitions reach a common candidacy for the presidency?

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CARLOS VARGAS: Yes, but by coalition. So, each group maintained a certain structure and a certain independence and autonomy in its positions. That made the political direction of the parliamentary group more difficult.

JOHN: Mostly it's normal for all the members of the faction to vote together in the plenary?

CARLOS VARGAS: Yes, within our party it's the priority. When it doesn't occur it's because there's been some sort of agreement that so and so don't want to vote and their decision is respected. There hasn't been - that I know of - at this time, in these two years of legislature that we have had, a case where a party line has been established and it's been voted against. In our party.

JOHN: How does the faction's leadership knows how the legislators voted in the faction? Do they try to see them?

CARLOS VARGAS: The votings that the regulation establishes are of a different nature. Secret votings are only carried out for very qualified cases, such as the election of certain positions. The votings are generally made by standing up, then there's a public vote of the decision that's taken. So, they know who remained in their seats and who stayed standing. In the cases of secret voting, generally there's some type of control of that. Although it's not the most proper thing, when the colleague the next seat over sees his colleague's vote. Obviously, if you have a secret voting and everyone has committed himself to vote positively and you have the majority but then you lose, then obviously somebody didn't comply. So, the manner to avoid these departures is that when the colleague votes secretly, he shows the vote to the colleague next to him so there's a reciprocal control. But these cases haven't occurred. Yes it's occurred in cases of the opposition party. In National Liberation, yes, cases of that nature have occurred.

JOHN: Why are nominal votings so rare? Why are they hardly ever used?

CARLOS VARGAS: Perhaps I would say that it's the reverse; nominal voting, where each person gets up and stands, which is the indication of how he votes, is the standard thing. Secret voting is the exception. In addition to this, there's another mechanism which is the so-called nominal voting where the legislators are called upon, one by one, to see how they vote. Or the vote is taken and then, one by one, they're asked how they voted. They're the two forms that were used.

JOHN: Why isn't it used?

CARLOS VARGAS: Due to the inconvenience of the procedure, a lot of time is lost and practically, to do it nominally - one by one - is equivalent to having everyone stand up in a simultaneous act and later reason his/her vote.

If you analyze nominal voting and pure and simple voting; you vote pure and simply and before you could verbally reason the vote. Now the reasoning of the vote is only in the cases of essential bills. So, if you end up accepting and later say that you want to reason the vote and you say how you voted, it's

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equivalent to a nominal voting. It's practically the same thing, only that one case you have less time (5 minutes) and in nominal voting you have much more time. So, they're the same thing.
JOHN: Although no public registry is left?

CARLOS VARGAS: Yes, it's left. In the case of pure and simple voting: you arrive, you vote, and afterwards you say I want to reason my vote for such and such a reason. So, you can see, that this procedure is practically identical to nominal voting.

JOHN: Do electronic voting machines exist in the plenary?

CARLOS VARGAS: No, electronic machines don't exist.

JOHN: Is attendance to the plenary and to the votings a matter of partisan discipline?

CARLOS VARGAS: Yes, sure.

JOHN: And not voting?

CARLOS VARGAS: Not voting is a problem because the legislator loses the diet (*dieta*). That means that the legislator has to attend the plenary and concur with his vote. He can vote in blank if it's a voting by ballot; he abstains. But if it's in the plenary one has to vote in favor or against. So, when a legislator wants to abstain from voting in a pure and simple voting, what he does is leave the parliamentary confines; he doesn't concur with his vote and, therefore, a registry is made and he loses the diet.

JOHN: Is abstention common?

CARLOS VARGAS: It's not a common mechanism, in fact. The abstention from voting a bill may occur in exceptional cases due to some personal interest that the legislator may have; then he doesn't vote. In some cases he doesn't want to vote because he disagrees with the topic, but he also doesn't want to publically argue against it. But it's not a common practice.

JOHN: What would it happen if a legislator votes against the faction in a disciplined voting?

CARLOS VARGAS: Well, supposedly there are mechanisms. He could even be expelled from the party. In our case, in our party, it's never happened.

JOHN: How does the prohibition of re-election of legislators affect the faction's level of unity? As it is known, in Mexico the re-election of legislators is also prohibited.

CARLOS VARGAS: Here immediate re-election is prohibited, which therefore makes the existence of a parliamentary career difficult.

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JOHN: In Mexico it's also prohibited. In the United States, at the State level, it's prohibited more or less in half of the States. It's a very recent thing and there's a lot of debate. But the experience of Mexico, for example, is that the prohibition raises the discipline level among the parties because the legislators are completely dependent on the national party for their political future.

CARLOS VARGAS: I think it would function to the contrary. If you allow the mechanism of immediate re-election, it strengthens the party's discipline because if you want to be re-elected by the party you have to have adequately fulfilled the party's policies. If you haven't complied with them, you're expelled from the party, and you can run as an independent candidate but you can not run as a party candidate. So, I find that the immediate re-election tends to strengthen the partisan discipline mechanism. Here we don't have it and it's a constitutional reform that is being studied at this time. I believe that the parliamentary career should exist.

JOHN: Do you believe that it will be approved?

CARLOS VARGAS: No, for several factors. The first one is that in order for the reform to be congruent and complete, you have to do two things: one, establish some mechanism for direct selection of the legislators by electoral district, but at the same time you have to establish..... national of the party in a German type of electoral scheme. In order for it to be compatible with Costa Rican political practice and the voting blocks, you have to increase the number of legislators. These two things are totally linked because the legislator's immediate re-election places the group of current legislators in a such a position that it has incidence on the candidates. The only way that this can happen is with a complete and harmonic reform that solves all the problems. The problem with the direct election of legislators by the electorate is the existence of partisan lists that also give the option for a re-election. So the problems are more complicated. For this reason I believe that an increase in the number of legislators isn't a measure which the population looks upon positively due to all the discredit of the parliaments.

JOHN: How has the reform that was made some years ago to eliminate or change the earmarked appropriations (*partidas específicas*) altered the work of the legislators?

CARLOS VARGAS: Today it seems that it's a very recent reform; it was perhaps only adopted two years ago. It still hasn't put into practice the whole dimension that it has to exercise. At the medium term it will determine the legislators' work in a different way, by trying to pressure the legislators into devoting more of their efforts on bills of a national character; in this way, the dimension as coordinator of the executive's actions in his particular territory will be lost. The legislator's relationship with his community is that of arbiter of its social demands and he tries to achieve that the works to be done will be carried out by all the public offices. The legislator had works and earmarked appropriations; by not having this dimension, the legislators will have to devote themselves more to their legislative work which is what is needed most. But that doesn't occur.

JOHN: Was that the reason?

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CARLOS VARGAS: That was the reason and the purpose, because a conflict of powers also exists. In some measure this action of doing specific works - which is an action by the executive - isn't an action of the executive. Two things to clarify: in the traditional mechanism, earmarked appropriations were an important tool to maintain the cohesion of the faction and to avoid cases of dissidence. You could favor the legislators by giving them certain appropriations and prerogatives. That tool is lost and it's a tool that, let's say, could control the political and human interests a little better. The ability to spend that money passes to the municipalities, because earmarked appropriations are now managed directly by the municipalities. They're transferred directly to the municipality by a law that establishes the amounts that are allocated to each of the communities. The legislator who has an influence in the area, also controls their municipality and thereabouts; in an indirect way, that's how he participates. You'll see that they're specific works of certain place which isn't a task that's characteristic of the legislator to do. So, I think that in the long term there's going to be a change. I don't know how significant it is.

JOHN: Those are all my questions. Thank you.