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INTERVIEW WITH:
LEGISLATOR VICENTE ALBORNOZ
ECUADORIAN CONGRESS
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JOHN: To begin, how's it decided inside the block, what its position will be regarding a project, or a voting?

VICENTE ALBORNOZ: There are three ways to decide. The first is to not decide; on many topics there's no decision and therefore there's no position as a block either. This occurs a lot on secondary topics, on regional topics, on those [topics]where either there's not enough of an interest, or insufficient knowledge [on the subject] and usually they're voted based on what some seemingly more informed legislator of the block recommends. These decisions are made right at the session. I'm referring to resolutions, laws that are very, very secondary, declarations that don't have effect.

Then, there are decisions by the majority of the block that don't place all of the legislators under any obligation, and there are also decisions by block majority that are discussed at length and place all of the legislators under an obligation to vote [a certain] way. This is used - this voting system by majority which places all of the legislators under an obligation - very rarely. Up to now, I know that I've only been here for a very short time, but in this year and a half it's been used no more than two times.

JOHN: The disciplined vote? So, in general, all of the co-partisans of the block don't vote together?
VICENTE ALBORNOZ: No, in general yes, they vote together on almost everything. In the first case, it can simply be because it's a secondary topic or there's not enough information on the topic; in the second case, it can be because there's no position on the topic and, in the first case, if they're very polemic topics, very complex, then the obligatory vote is taken. But it has to be insisted upon, everything's subject to the block's internal regulations, which establishes what's permitted. They don't establish all of these classifications (*graduaciones*) since they're more out of a practice than due to the internal regulations, but the obligation to vote can be arrived at in some way.

JOHN: What happens if a legislator votes against the *bancada* (faction) and doesn't vote in a disciplined manner?

VICENTE ALBORNOZ: In practice, there are two possibilities: either this vote affects the result or it doesn't. If it doesn't affect the result, there will be verbal protests. If it does affect the result, even the expulsion of the legislator from the *bancada* can occur.

JOHN: Has that happened?

VICENTE ALBORNOZ: Yes, the last time it happened was last week.

JOHN: In the voting on the *IVA*?

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VICENTE ALBORNOZ: Exactly. It was very bad in this case.

JOHN: What are the most important roles (*papeles*), [that influence on why] the legislators break the discipline? What are the motivations?

VICENTE ALBORNOZ: There are two factors. The first one, the most common, is that it's a vote against the government and somehow the government gets the legislator to change his opinion, in exchange for favors. The second possibility is that it's a vote for something that's not highly regarded by the voters, which makes the legislator estrange himself in favor of the voters. Sometimes the two factors come together [at the same time].

JOHN: Something regional, then?

VICENTE ALBORNOZ: No, not something regional, but a tax increase is always unpopular, all voters the world over will look upon it badly, so it's very easy for somebody to move away from the party line (*línea partidaria*) if the party line is to increase taxes because the voters are requesting **??SOMETHING SEEMS TO BE MISSING HERE??** or on regional topics.

JOHN: Do stable multiparty coalitions exist in the Congress?

VICENTE ALBORNOZ: No, these coalitions have never existed in the parties.

JOHN: When is nominative or nominal voting used in the Congress?

VICENTE ALBORNOZ: 1) When a legislator requests it and he has ten [legislators] who support him; 2) when they are elections.

JOHN: But in which ones? Well, sometimes it says in the Constitution that nominal [voting] should be used.

VICENTE ALBORNOZ: In the elections.

JOHN: But what are the factors [that influence on] the legislators for them to insist on a nominal [voting]?

VICENTE ALBORNOZ: There are two factors, I believe. The first is because there's a doubt that the raised hands will be counted correctly, and the second, [in order]to delay things.

JOHN: How does the block's leadership know how their legislators voted when nominative voting isn't used, when the voting is carried out by handraising?

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VICENTE ALBORNOZ: If there's a block decision, it's already known. If not, at least in my block, there are certain powerful leaders (*ciertos cabezas potentes*). There's a renowed legislator who's an expert in penal law; when there's a topic dealing with penal law, everyone raises their hands according to how he lifts his. When there are economic topics, there's another person [with expertise]. When there are topics having to do with social security, there's another person [with knowledge on that subject]. They are internal leaderships which entered into the block but are very related to the area and when they're regional topics, votes are usually made according to how a representative from that region votes.

JOHN: Is there an electronic voting system in the Congress?

VICENTE ALBORNOZ: We want to install it.

JOHN: Has it been considered? Is there opposition, is there support?

VICENTE ALBORNOZ: No, there's no money.

JOHN: So, the problem's money?

VICENTE ALBORNOZ: Yes, it's money. The system that's been proposed costs eight hundred thousand dollars, more or less. I'm one [who believes] that the topic in commission should be focussed on that. We hope to get financing from the OAS.

JOHN: Yes, the OAS, the IDB, AID in other countries, too.

VICENTE ALBORNOZ: Yes, overall, the OAS has funds for the promotion of democracy. There were funds at one time and they were misused (se *desperdiciaron*); it's no longer possible to obtain a sum like that again.

JOHN: In your opinion, what effect would voting with an electronic system have on the legislative process?

VICENTE ALBORONOZ: The voting would be more reliable. The voting results would be discussed less and the sessions would be more expeditious. But I'm sure there would be votings where the system would be damaged.

JOHN: How?

VICENTE ALBORNOZ: Simply, by somebody turning off the computer so that the system can not function, thereby forcing the voting to be carried out manually or something like this. Because if it's a tool of the legislators, used to entangle (*trabar*) a session, the request for nominative voting is very good because it takes a long time for 122 people [to vote]; at least twenty seconds per person. Nominal voting can be requested, where each person is allowed 10 minutes to vote and that takes from 6 to 8

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hours. It's very good to entangle a session. If that no longer exists, if electronic voting alone exists, they would lose the tools that are needed to entangle a voting and they'd have to invent new tools like the computer being damaged, the screen being damaged, the microchip burning up.
JOHN: It's interesting because the parameters around which systems like these were adopted, maintain the nominal [voting] procedure; in other words, to explain their voting and this would also serve as a delay, whereas nominative [votings] are more or less automatic, because sure each voting becomes nominative.

VICENTE ALBORNOZ: Yes, but in nominative [voting] each legislator can only express the vote in theory, in practice he can say a sentence. Officially he could say: I vote "in favor", "against" or or "for so-and-so". In practice, he can say: "[I vote] in favor because I want to support the Ecuadorian people and defend the country's poor". So, always, in addition to that, there's a factor making the legislator "shine", appearing to speak more, to give speeches and say things, to attack the opponent, for example, "Vote against the thieves who are here."

JOHN: But do the legislators in their majority want to be re-elected to the Congress? For example, the political conditions or don't they want to continue with their political career, or what?

VICENTE ALBORNOZ: I don't know if the majority want to be re-elected.

JOHN: And what are the most important things [that a legislator should do] to be re-elected?

VICENTE ALBORNOZ: It depends on where you are. Quito is a big city, Cuenca is a medium size city and after those, we have almost only small cities in Ecuador. In Quito and Guayaquil legislators are elected more due to the media's presence, than due to the type of laws that they [the legislators] support, their positions on general laws, what they say about the taxes, what they say about the punishments given to criminals, those types of things.

In the small cities, above all in the provinces of the smallest cities, it's very important for the legislator to obtain [public] works for the province from the government. The smaller the provinces are, the more important the legislator is in the province. Here, nobody knows me, I'm legislator of this province, few people know me. If I was legislator of a small province, everyone would know exactly who I am, what I do, where I eat lunch or where I have breakfast, when I was with the President of the Republic to request that a small bridge be built for the small town, etc. That's what's important in the small provinces. Here, [that I had] an interview on a television channel, that I got 15 soccer fields and three bridges; those types of things are more important. In the smallest provinces the most important things are the physical works (*obras físicas*), for example: I got them to build the bridge; I got them to make the soccer fields. While in the intermediate cities, it's half-and-half between the [physical] works and more presence in the media; in other words, the more modern-style politics, we could say, [presence] in the media and that type of thing, is [found] in the big cities. The older-style politics, which is much more clientelistic, is [found]in the small cities.

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JOHN: More traditional [style politics]. There's another topic that interests me which is the executive initiative of urgency. In your opinion, what are the effects of this procedure on the Congress' operation? On the political responsibility in Ecuador? More or less, I find that the initiative process which is found in many other systems has been inverted.

VICENTE ALBORNOZ: Yes, but we have a very presidentialist system (*sistema presidencialista*). Whether or not the presidentialist system's good or bad, we have a highly presidentialist system. If we want to have a presidentialist system, it's coherent for the President to have that type of initiative. I don't know if other countries have this, I believe that they have a much more urgent system in Brazil.

JOHN: There's a very similar system in the area, that's what interests me. For example, in Brazil they change the community, like in Ecuador; the President can make an initiative and if the initiative's made by law decree *(decreto de ley*), it's immediately placed into effect. The Congress has 30 days to make a decision on whether or not to maintain it. But what is unique in Ecuador, is that the President makes the initiative and it doesn't immediately become a decree, but rather if the Congress modifies it by majority and it returns to the President, the President has the partial veto. So, the President more or less can toss out the modifications to maintain his original initiative or something like that, and later the Congress has to obtain two-thirds [of the legislators] to change it. In other words, in the Ecuadorian system I find that the Congress faces a...

VICENTE ALBORNOZ: A more powerful president?

JOHN: No, a decision that's unfavourable for him, for the Congress, because modifications can be made by a majority but the President can deny them or veto them and later the Congress is in a position that's very.....

VICENTE ALBORNOZ: The problem is the following: that it's the process used in Ecuador for the production of any law, any law, it doesn't matter who makes the initiative, it doesn't matter at all, that's the process that can be used in any law. The only difference is the minimum and the maximum terms or time periods (*plazos*). In an ordinary bill there's no maximum term, it might not be approved for ten years or it can possibly be approved in 3 months; then, there are certain minimum terms such as between the presentation of the initiative and when the first debate is held, between the first debate and the second debate there are minimum terms.

In the urgent bill there are no minimum terms, the process is the same and there is a maximum term. So, this whole complicated process of the urgent law is because it's a copy of the ordinary process, without established [minimum] time periods (*plazas*) and with a maximum term. The process is a little forced (*obligado*) because it's a copy of the other process in compact *(en compacto*) form.

JOHN: It seems to me that another important or key practice (*institución*) also has to do with the partial veto; that's to say, the first time that the President makes the initiative, the Congress can only veto the whole initiative by majority.

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VICENTE ALBORNOZ: Yes.

JOHN: But if it continues it's *de partida* .

VICENTE ALBORNOZ: Sure, here the problem is that if the Congress fears there may be a partial veto at the end of the process, then the most practical thing for the Congress to do is to deny it at the beginning.

JOHN: To deny it at the beginning.

VICENTE ALBORNOZ: The Congress has that capacity.

JOHN: It is a dangerous game to continue with the...

VICENTE ALBORNOZ: Exactly.

JOHN: That's unique.

VICENTE ALBORNOZ: The problem is that it's the copy of the ordinary process. In the ordinary process the Congress can, at any time, reject a law, even a law that was presented fifteen years ago by other legislators and wasn't approved [at that time], we can declare that it's not going to be approved today. It's the copy of the process and sure, the President can insist on a total or a partial veto in any law, any law as simple as it may be. So, the the urgent bill's problem is that only a different term or time period was created, and not a totally different process.

JOHN: Yes, good, I understand the process better. Well, those are all of my questions, thank you.