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INTERVIEW WITH:
MR. RICARDO COMBELLAS
VENEZUELA
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JOHN: I'll begin with some very specific questions. ... the Senate *(Cámara del Senado*) with the Director of the..... of the Congress. IMPOSSIBLE TO TRANSCRIBE BECAUSE THERE'S TOO MUCH NOISE.

COMBELLAS: I can't give you an answer regarding the previous period because I don't know, since they didn't use them. If they installed them, they should've been used. But in our case, the truth is that I didn't know that those machines existed in first place. The truth is that nobody proposed to use them. One worked with a system, there weren't a lot of us, we were 131 people and it was very easy to verify the votes and the saved votes (*votos salvados*); when they were points of debate the votes were counted in favor of a proposal and the votes in favor of another.

We don't feel that it was really a need of the Constituent [Assembly], and no one proposed to use those machines.

JOHN: And the votings in the Assembly were more or less consensual in their majority, or not?

COMBELLAS: Yes, I'd say that there were many consensual topics, perhaps not right from the beginning, but rather they were concentrated in the first discussion and then, in the work commissions. The Constituent divided its work into a great number - around 20- commissions. The Center of Information of the Constituent [Assembly] has that information. Then, definitively there were some debate topics where there wasn't consensus and of course, there were dissident opinions; those opinions are manifested in saved votes.

It's very important for you to try to get the newspaper of the debates, by the way for us..... in the Constituent [Assembly], but I'd say that you shouldn't forget that it's an unique (*sui generis)* Constituent. Unfortunately more than 90% of the Representatives were elected inside the group connected *(grupo afín*) to President Chávez and despite the fact that there were differences among us, it's not the same as the difference between different groups, plural groups. So, the opposition was very few people, but, there were some points that I can mention to you where there was polemic, there was discussion and it was solved for voting.

JOHN: Were there different groups that regularly voted more or less together?

COMBELLAS: I'd say that in the Constituent we could identify the following groups: in the first place, the four or five people who were elected outside of *Pueblo Patriótico* (Patriotic People). Each of those people voted very independently. Don't forget that of those people, only two of the five signed the Constitution. The others ended up having radical positions and they preferred to not sign it; in other words, they didn't feel committed. Those who signed the Constitution were Professor Brewer Carías

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and Mr. Antonio Villán-Paolo, while the three who were opposed it were Claudio Fermides, Alberto Franchesqui and Mr. Jorge Alabaría. I'd say that there was what we could call an unyielding (*duro*) nucleus. That group, during difficult moments, was very united, very unyielding. That's what we could call the sector which was directly controlled by *Quinto República* (Fifth Republic), who are militants of *Quinto República* . Then there was a less hard-line group - also unyielding but less hard-line - which was that of the allied groups; fundamentally *Patria para Todos* (Fatherland for All) and the *MAR*. Then we had what you could call the group of independents; we were elected with this group but we had a lot of independence as far as criteria, where there were people like Professor Germán Escarrá, me and others. Then, there was another sector that was also very independent, mainly with regard to military matters; it was the sector that we could call of military tradition that went to the Constituent.

It'd be interesting for you to interview someone who's representantive of each group. I represent one type of person who was in the Constituent, independent, but each group had its own perception.
JOHN: How were they elected?

COMBELLAS: An unique system *(sistema sui generis)* was approved which later demonstrated that it excessively favored the majority. But it's a plurinominal system by State. The country was divided into several districts to the State (*conscripciones al Estado*) and a certain number of constituents in each State of the different groups was established. All of this is there in the book. Then, a national listing (*listado nacional*) [was established]. All were elected nominally, but the advantage of *Pueblo Patriótico* , that having close to 60% of the votes, there was an absurd 90% representation; this was obtained in good measure because it worked as a block and it represented the electorate as President Chávez's candidates. Here [in Venezuela] there's a very popular lottery game that's called *"El Chino"* ("The Chinese"), so the people knew who they were going to vote for. In addition to this factor of very intelligently handling these groups, there was also the President in campaign. The actors of opposition, the other 30%, was very divided.

JOHN: But was it voted by a list (*una lista*)?

COMBELLAS: No, it was voted individually. For example, on the national list (*la lista nacional*), there were near -to say a number- 150 candidates and you were entitled to put 24.

JOHN: What change do you think will be developed in the new Congress, in the organization of the legislative ....., or of the parties?

COMBELLAS: It's difficult to say at this time because we don't know the results of the May 5th elections, but really we've initiated with a parliamentary system (*forma*) that's unicameral, which in Venezuela's history is unknown. In other words, an Assembly with a single House (*Cámara*) which is called the National Assembly. That'd been unknown up until now. Previously the Senate, the second House existed, it acted as a House moderator, a muffler (*amortiguadora*); it sometimes it made the legislative system more complex, but at the same time it facilitated consensus. Now it's an unedited system (*sistema inédito*). I was part of the group that opposed it. A great debate of the Constituent was unicameralism (*unicameralismo*), and we lost. The votes were counted and we lost; there were

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more or less 60% in favor of unicameralism and 40% in favor of bicameralism (*bicameralismo*). I believe that it was an error and I believe that sooner or later we'll return to bicameralism.

JOHN: Why do you favor bicameralism?

COMBELLAS: Well, for two fundamental reasons. The most important is that we're defined as a Federal State and we wanted to strengthen (*profundizar*) the Venezuelan Federal State which up to now was a formal Federal State, even though during the last number of years decentralized federalism had advanced a lot with the election of the governors and mayors. By defining Venezuela as a Federal State, we considered, me as well as other constituents, that it was the opportunity to create a Federal House (*Cámara Federal*). Here, the representatives would effectively be direct representatives of each one of the States and the citizens who lived in the States would be obliged to render account to the States; also, this Federal House would have attributions to resolve, without necessarily being consulted, all the matters that respond in some way or had a link with the States. This was the first big reason.

The second, from the point of view of legislative procedure, I think that the act of legislating is a very serious thing, and to moderate the effects of an accelerated legislation, in Venezuela itself it's been demonstrated that that political house (*cámara política*), can legislatively subdue (*amortiguar*) legislations made with haste.

There's a third factor that the majority didn't see this way, because it's felt (*se siente*) that it's a very strong majority, but I believe that unicameralism's not convenient politically for a president because at a determined moment a majority's integrated. The President of the Republic's rejected; it's very easy to generate two..... of power. Bicameralism attenuates those effects. In Venezuela we've the experience that when the democracy was instituted in 1958, the government forces lost the House of Legislators (*Cámara de Diputados*) due to divisions in *Acción Democrática* (Democratic Action); nonetheless, governability (*gobernabilidad*) and certain agreements were able to be maintained. There was no radicalism -that would've been very dangerous- thanks to the fact that the majority of *Acción Democrática* was maintained in the Senate and.....

JOHN: So, in actuality those who proposed unicamerality (*unicameralidad*) did it with the purpose of reinforcing the legislative branch?

COMBELLAS: I believe it's the contrary. It's not reinforced, but well you'd have to see into the minds of those who proposed this. I think that it's a decision that's not been given sufficient thought. By the way, there *Quinto República* (Fifth Republic) and *Pueblo Patriótico* (Patriotic People) made us sustain positions, each one defended it from its position, but I believe that there there was a serious affective and emotional kind of error, to consider that the Congress was very cost ... with a Senate, that was rather a conservative House (*Cámara*), a blocker of change processes; I believe that it's an error, but that was what was in the minds of the precursors of unicameralism.

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It would be good if you were able to see directly the newspaper of debates (*diario de debates*) which are the direct discussions. Hopefully, if you can't obtain these resources yourself, we can send them to you when you leave.

JOHN: Is the newspaper of debates also on the internet?

COMBELLAS: No, I don't believe so.

JOHN: I'd like to read the debates, especially the one on unicameralism.

COMBELLAS: It's still not been printed, but it's at the print shop.

JOHN: It's said that the Congress will be a more important institution in the political process.....

COMBELLAS: No, I don't believe that it's going to be. Rather, there's a tendency that the Congress' strength (*fuerza*) diminishes in the Fifth Republic; I think it'll diminish. Of course everything will depend on the political strength that's there inside; but it's going to diminish because the President was given greater breadth in the legislative delegation. In other words, there's a possibility that he can legislate on more matters. The Congress lost control over the appointments of the high military ranks (*altos grados militares*) -generals and colonels- and the Congress also lost the public administration's management and its legislation. Now the President's given greater freedom but his political attributions of control and legislative *(atribuciones políticas de control y legislativas*) maintains intact. Well, it's also going to depend a lot on the political strength of positions in the Congress, but an institution's not made for a government, it's made for a system that has some durability and we can't give a definitive judgment in advance.

JOHN: What tie is there between the representatives and the citizens?

COMBELLAS: It's interesting. If you want to see important changes you have to see the Constitution and we'll see how they function. They wanted to eliminate the political factions (*fracciones*), but they weren't eliminated constitutionally; there the constitutional concept exists, not the practice but yes, the constitutional theory as expressed in the norms: that the representative responds more directly to his voters' desires and their necessities. The Constitution establishes that the representative's responsibility in the Parliament is personal; he doesn't respond to a party but rather, he responds to his voters. It establishes the rendering of accounts which previously didn't exist. The law still has to develop this, but at least it's a change. It expressly establishes the vote of conscience, that it didn't establish before. The vote of the citizen's conscience *(el voto de conciencia del ciudadano*) is when the citizen votes according to what he considers should be the national interest at a given time, according to how his conscience perceives it. The fact that it's now established in the Constitution is very important because it's necessary to generate a different culture from the traditional partisan vision. In Venezuela the partisan unions had excessive control (*eran excesivamente absorbentes*) over their representatives. They imposed the [party] line (*la línea*), they imposed the vote, they imposed the attitudes. At least there's been a desire to react to that and to open a much more flexible system of

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relationships between the parliamentarians and their voters. Also, now the National Assembly parliamentarian must obligatorily reside during the last four years in the region where he was elected. And what's more, he can be subjected individually to an abrogative referendum.

In other words, there are some very interesting, very innovative, very different constitutional norms that we had never had before in Venezuela, but practice will let us know how they work. This is going to imply a change of culture yet the fact that they're established in the Constitution makes it important.

JOHN: THERE'S TOO MUCH NOISE AND WHAT FOLLOWS CAN'T BE UNDERSTOOD.
COMBELLAS: No, the Constitution adopted a system where all representatives should be elected with a vote that ought to be personalized. In other words, the person elect. But it doesn't deny the proportional representation of the minorities, to avoid that the majorities control everything. The Constitution doesn't establish the uninominal vote or uninominal circuit; it leaves the possibility for the law to establish different mechanisms, different forms of election, as long as the possibility of representation of the minorities and the personalized vote is preserved. The representative -within this new philosophy- is responsible for his people and is elected as a person.

JOHN: In the previous time period, if a representative isn't in representation....

COMBELLAS: No, no, in that case he maintained his position as representative but was automatically expelled from the party. I don't know of any case in the National Assembly nor in the States' Regional Assemblies, where a party representative votes against the party and his position is respected. They're expelled immediately.

JOHN: But do you believe that with the consultation vote that that practice will now change?

COMBELLAS: Now yes, now there's a different situation and we'll see how the parties will operate. We'll also see how the Supreme Court (*Tribunal Supremo*) responds; if a party representative votes on some matter according to his conscience and he can allege before the Supreme Court that he can't be expelled because he exercised a mandate of the Constitution. There are some very interesting possibilities that open up with the new Constitution.

JOHN: The newspapers say that the process for naming candidates for legislators has caused divisions within the parties. How are the appointments made for the National Assembly?

COMBELLAS: In the first place, it would be long to explain. The Constituent approved a very discussed regimen (*régimen*) that's the so-called transitory regimen. You can get the decree which in reality established a transitory system while the Constitution entered into effect. But some of those norms clash *(están reñidas*) with the Constitution; to my personal understanding, they're constitutional [but] there are some objections (*impugnaciones*) with the Supreme Court that haven't been decided upon. But, in short, what does the Constitution establish? The Constitution obligatorily establishes that all the positions of people who represent parties and political associations who want to opt for a position of popular representation, have to be democratically elected. The Constitution's very inflexible,

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any one of us may individually, personally, postulate himself. Jesús Amaro says he considers that this has its merits; you seek the signatures of some citizens who support you and then you register. But there you're an individualist, an independent candidate. However, it's established that if you represent a party, a political organization, you have the obligation, that this person must be elected by the militants, the party's members, through the primary system, or through a caucus. That's left up to the parties' decision.

JOHN: Are there primaries in Venezuela?

COMBELLAS: In Venezuela there've been primaries to elect presidential candidates.

So, the transitory regime didn't contemplate that. It gave freedom for the way to select the candidates and it didn't follow the constitutional method. But well, at this time the difference is because *Pueblo Patriótico* isn't a party; up to now, it hasn't gone beyond being anything more than an electoral union, and all electoral unions among different parties aren't easy. If even within a party the selection of its representatives is traumatic, it's even more difficult when there are several of them (*entornos).* I don't believe that it's natural because nothing's natural in the world, but the conflicts that there are in *Pueblo Patriótico* are understandable.

JOHN: It seems to me that probably it won't be possible ... a candidate for each uninominal district (*circunscripción*). Many districts that are going to postulate a candidate...

COMBELLAS: Well, they're going to resolve that this week. If you look at the press between today and tomorrow you'll see that they definitively resolve that. However, my impression is that they're going to try to reach the maximum of agreement, and where there's no agreement they'll go with separate candidates. But up to now they've said that they maintain their commitment -those who're not *MDR*- with President Chávez's project. Now, the acts (*hechos*) will speak for themselves.

JOHN: Within the parties themselves, is the postulating process (*proceso de postular*) more decentralized or more democratic than in other countries?

COMBELLAS: Look, we're experiencing a political transition that's not only juridical (*jurídico*) and the traditional parties have died. I don't know if they've died definitively, but they're very *venidos* , at least *Acción Democrática* (Democratic Action) and *COPEI* . In the lifetime of *Acción Democrática* and *COPEI* - more in *COPEI* than in *Acción Democrática* - there were interesting methodologies in the selection of presidential candidates, etc. What I can tell you of President Chávez's new political movement is that it's a movement that's rather *caudillista* , quite centralist; that's what I see and I criticize that and I voice it. It depends a lot on the President, it depends on a central power (*cúpula*) and, they definitively deal with *(manejan)* the regional conformation with quite subjective criteria. I think that it's a structure - perhaps many of them didn't want it as such- they say that it's an evolution (*transición*) of a movement created very much on the course of events (*sobre la marcha*), that still requires a lot of purification, but without a doubt I believe that it's a step backwards (*retroces o*). It's a return to a rather centralized system, where the President's figure, as a great elector, is fundamental.

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JOHN: How's the role of the President going to change after the relationships in governing due to the work in the new Constitution? Are there important changes in the President's power or the role?
COMBELLAS: No, the President's role - and I can say this with ownership (*propiedad*) because I presided over the Commission of the Executive Power (*Comisión de Poder Ejecutivo*)- in essence we don't modify the Latin American presidentialist system (*sistema presidencialista*). In other words, the President's role continues to be the preponderant role of Head of State and Government Head according to the Latin American system's presidential figure. I'd say that the fundamental change that we made to the presidential figure is the creation of the figure of the Executive Vice-president. However, the authority (*fuerza*), the hierarchy that this official acquires will depend a lot on the President and a lot on the official. I'd say that it's a decentralization (*desconcentración*) within the Executive Power because the President always has the capacity to designate and to remove that official.

JOHN: But the Vice-president can be censored?

COMBELLAS: We proposed, and that was my personal proposal - which caused some criticism but it was approved - that the Executive Vice-president may be censored by the National Assembly by three fifths (3/5) of its members - before it was two thirds (2/3)- now it's fifths, it's a little bit easier, approximately 66% of the legislators. The idea's to commit the Congress more with the political process. If there's uneasiness with the government's operation, the Executive Vice-president is the "luck of a fuse" ("*suerte de fusible"*) that can be burned at any given moment for a reorientation of the government's action without touching the presidential figure. But, in turn, to avoid abuses by the Congress, we leave the possibility that nine of three possibilities that the Congress dismisses three Vice-presidents, the President can dissolve the Congress to call for elections.

JOHN: More or less like Peru, even like Russia, too.

COMBELLAS: Yes, like Peru and like Russia, I think that the Russian system, I don't know it well but I have the impression that it still gives the President more authority (*fuerza*).

JOHN: These are all of my questions.

COMBELLAS: Well, I hope that this is useful.