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INTERVIEW WITH:
LEGISLATOR CARLOS GONZALEZ
***IZQUIERDA DEMOCRATICA* (DEMOCRATIC LEFT)**
CONGRESS OF ECUADOR
QUITO, EQUATOR
MAY 18, 2001

JOHN: To begin, how's it decided inside the block (*bloque*), what it's position regarding a bill (*proyect* o), a voting in the Congress, will be?

CARLOS GONZALEZ: Well, periodic meetings are held in the block of legislators to discuss the different legislative topics and issues that have to do with the country's policies and its economy. When there are important decisions to be made by the block for legislative action, our block's leader calls us together for a meeting, and we make resolutions by majority of votes inside the block. So, in the Congress' plenary, all the legislators vote for the same thesis on the important decisions. This is how the block of legislators works.

We also have meetings of the block with the party's political board of directors and with the party's president. So, when the topics are important, we make the resolutions together.

We have several seminars during the year as well, where we debate our own legislative agenda; in other words, what bills we want to promote in the Congress, or what supervision actions (*acciones de fiscalización*) we want to develop.

JOHN: What happens if a legislator votes against the block in a disciplined voting?

CARLOS GONZALEZ: At this time, the block makes the decision together with the party, to expel that legislator. We've had two problems, of the eighteen legislators, there was a legislator who voted against a decision of the block in the banks' superintendency *(supertendencia de bancos*) to elect the superintendent, and he was separated from the block and from the party, because he was affiliated to both the block and the party. Then, in the same manner, another legislator of the block was removed due to the last voting that was made on the topic of the Added Value Tax (*IVA - Impuesto de Valor Agregado)* . So, the two legislators have been separated; one from both the party and the block, while the other was separated only from the block, because he wasn't affiliated to the party.
JOHN: What are the most common or most important factors [that influence on why] the legislators don't vote, or why they break the discipline?

CARLOS GONZALEZ: Well, I'm going to refer to the country's Congress in general terms. It's due to corruption.

JOHN: Are there stable, multiparty coalitions in the Congress that include legislators of both parties?

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CARLOS GONZALEZ: No, for the most part, here in the Ecuadorian Congress, situational majorities (*mayorías coyunturales*) are formed, for the occasion.

JOHN: When is nominative voting used in the Congress?

CARLOS GONZALEZ: Nominative voting is used when it's requested by a legislator who has the support of ten legislators. Generally it's used when the legislator wants the country to know how each legislator voted on any given topic. Because in the simple voting, the nominal voting, you just raise your hand, and the country doesn't really know how each legislator voted. On the other hand, in the nominative voting you have to consign your vote orally, so it's registered in the records *(acta*), and the country knows how each legislator voted.

JOHN: Is that done frequently or not?

CARLOS GONZALEZ: Yes, mainly for important topics, like topics of political conflict, then one requests the nominative voting so the country knows how each legislator has voted.

JOHN: But isn't there an electronic voting system in the Congress?

CARLOS GONZALEZ: No, and that's what we've been demanding in the Congress, because since there isn't an electronic system, we're always requesting rectification of the voting, in other words for the vote to be taken again, in order to know with precision whether it represents the legislators' will.

JOHN: But is there opposition to the proposal to vote using an electronic system?

CARLOS GONZALEZ: There isn't opposition to the proposal, what's lacking is the decision to do it.

JOHN: In your opinion, what effect would the installment of an [electronic voting] system have on the legislative process?

CARLOS GONZALEZ: Very positive, in my opinion. Also, it's in the Constitution, the legislator has to give account (*rendir cuentas*) to his voters. So, it's good for the voters to know exactly how the legislator voted on any bill, and that will be registered in the electronic voting.

JOHN: How would you describe the relationship between the electorate and the legislators? As strong, as weak?

CARLOS GONZALEZ: You can't really *particularizar* or generalize about this; there are legislators who maintain a good relationship with their voters and others who don't.

JOHN: Do the legislators, in general and in their majority, want to be re-elected to the Congress? Or do they want other political positions, or do they not want to continue in the [political] career, politics or what?

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CARLOS GONZALEZ: That also depends on the circumstances, there are legislators who take advantage of the legislative seat (*curul*), the function as a legislator, to reach new political positions. In other words, [to obtain positions in] ministries, embassies or candidacies to the presidency or the vice-presidency of the Republic; there are other legislators who aspire to the re-election of their function as legislators; and sure, others who due to their particular experience in the legislature do not [have the desire to] be candidates again.

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

CARLOS GONZALEZ: Well, the ethical thing is that a legislator who aspires to be re-elected has worked correctly in the Congress during his four-year term; that he has been faithful to his political party, to the partisan discipline; that he has supervised *(fiscalizado)* correctly and obviously, has maintained a worthy, honest and ethical attitude and above all that he's been coherent with what he offered to his voters during the electoral campaign. So, those attributes can impel you to submit his name once again for the voters' consideration.

JOHN: And are the candidates' appointments controlled with the parties at the national level, or at the level of the legislator's district (*circumscripción*)?

CARLOS GONZALEZ: In our case -in *Izquierda Democática* (Democratic Left), my political party, - a provincial assembly designates the candidates, but the provincial assembly's resolution is consulted and approved by the party's national board of directors *(directiva nacional del partido*).
JOHN: Last topic. What are the most important effects on the legislative representation, the Congress' operation and the political responsibility in Ecuador, of the executive urgency initiative *(iniciativa ejecutiva de urgencia*)?

CARLOS GONZALEZ: Well, the Constitution of the Republic practically established the President of the Republic's capacity (*facultad*) as a co-legislator; in other words, the Civil Society, with a certain number of signatures, can present a bill to the Congress. Legislators can also present bills. Obviously, according to the same Constitution, there are institutions that can present bills. The Executive can also present bills; that's to say, the President of the Republic, and he can present them two ways: one way is for him to present it as a normal bill, and then the Congress embraces it (*lo capta*) within the normal parameters that both the organic law and the Congress' regulations determine and which the Constitution of the Republic also determines. But the Executive can also present economic urgency bills that are treated differently, in these cases the Congress has less time to deal with and solve them.

This figure as co-legislator in economic urgency bills can be positive in a society like ours, provided the Executive doesn't abuse that capacity (*facultad*) by then sending several bills that are qualified as urgent matters [to the Congress], that sometimes complicates the legislative action.

JOHN: I find that the combination of the emergency initiative with the partial veto, is a combination that's totally unique in Ecuador. That's to say that, in the most recent case that I've read about, where

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the President can take an initiative, the Congress can modify it by a majority, and later the President can veto the modifications and in this way try to maintain his initial initiative.

CARLOS GONZALEZ: That's something that is motivating some legislators to propose a constitutional reform, because it's not possible that in order to approve a law you need an absolute majority; that's to say, sixty-two votes in our case, out of a hundred and twenty-three. The President vetoes that and then you need eighty-two votes to insist on *(insistir)* the Congress' will (*voluntad*). So, the President of the Republic ends up being a legislator with forty votes. In other words, with a minority rather than with a majority, so obviously it's a matter that's unconstitutional in our opinion, it's not legal, and it should be modified but [it must be done] in a constitutional reform, because regrettably it's a constitutional topic.

JOHN: Is it possible that the Constitutional Tribunal will interpret the Constitution against the President?

CARLOS GONZALEZ: No, because the Constitutional Tribunal doesn't have the capacity (*facultad*) to interpret the Constitution, only National Congress can interpret the Constitution or the laws in a generally obligatory way. What's been disputed (*demandado*) with the Constitutional Tribunal, is simply the competence *(competencia*); that is to say, it's a dispute (*una demanda*) about competence; about whether or not the National Congress has the competence to have sent the publication to the official registry. That's the dispute in that context. In my country, the Constitutional Tribunal pronounces on constitutional matters. That's to say, was the Constitution of the Republic violated or not in an administrative act. That's what has to be pronounced.

JOHN: Well, those are all of my questions. I thank you.