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INTERVIEWS
LEGISLATOR LUIS URBINA NOGUERA - Constitutional Liberty Party
(*Partido Libertad Constitucional - PLC*)
LEGISLATOR MARIA LOURDES BOLAÑOS - Sandinista Front for National Liberation
(*Frente Sandinista de Liberación Nacional - FSLN*)
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JOHN: To begin, some questions that pertain to the parliamentary factions (*fracciones parlamentarias*) in the National Assembly. How is it decided what the parliamentary faction's position will be when it votes in the plenary?

LUIS URBINA: Generally, when some bill (*proyecto de ley*) is submitted to the National Assembly, it passes directly to the Board of Directors (*Junta Directiva*). The Board of Directors then presents it before the Assembly and prepares to pass the bill on to one of the commissions. Normally, the commission that the bill is passed to oversees subject matters which are related to what's being discussed in the bill: for example, if the bill's a labor matter, it's passed to the Commission on Labor Matters (*Comisión de Asuntos Laborales*); if the bill is related to administrative governmental matters, it's passed to the Government Commission (*Comisión de Gobernación*); if it's regarding foreign relations, agriculture, finances (*hacienda*), and so on and so forth. There are 16 permanent commissions and some others which are not permanent; these are formed according to necessities. The bill is passed to a Commission. The Commission is generally formed by members of the Assembly. In the Assembly there are approximately six parties that have their own particular identity. Some of the commissions are presided over by the *FSLN*, others are presided over by the *Partido Libertad Constitucional - PLC* and others by some of the members of other parties that make up the Assembly.

The Commission passes the bill to the Commission's advisors and they determine a certain day to present it to all of the Commission's members. A copy of the bill is given to each one of the Commission's members so they may inform themselves and understand the bill; in the following session a discussion is held.

Once the bill's sufficiently discussed, or when we believe that it's been discussed sufficiently, the ruled report (*informe dictaminado*) is then approved or the bill is rejected in the Commission. Once an agreement is reached to approve the bill, the dictum (*dictamen*) is elaborated. Sometimes the dictum can be approved unanimously and at other times by a majority; those who're against the majority dictum may draw up a minority dictum. That dictum is sent back to the National Assembly's board of directors and when it's appropriate, the Assembly brings it before the plenary. The dictum is read if it is unanimous; if there are two dictums, a majority and a minority dictum, they are both presented to the Assembly and they undergo voting. So, one of the two is approved or disapproved.

MARIA LOURDES BOLAÑOS: That's the formal part. But the intervention of the factions (*bancadas*) is very important. In other words, for example in my *bancada* there are two legislators (*diputados*) who are specializing in....., either because they're in a Commission or because for

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our profession it's coherent with the central topic. So the role that our representative plays in the Commission is important. The main debate is carried out there. When there's something with a lot of transcendency, then of course it's discussed internally, within the entire *bancada* . Guidelines as to the role that our representative will play in the Commission are discussed. Let's say, sometimes when it's not very important - all laws are important, they have transcendency - then the legislator in that Commission has to participate. Then, when the dictum is ready it's transferred to the plenary in order for it to proceed. When it's necessary, our *bancada* calls for a plenary session. There are always permanent seminars so that the entire *bancada* knows about the different topics. Afterwards, internally, a resolution is made. Then at specified time it goes to voting. In that case, the majority, but not when the law has a very political character. Then there are differences and there are discussions, but we try to always go with a united position. We've had two or three cases, constitutional matters, the electoral topic, or if not some..... between the Liberal Party and the Sandinista Party, there were members of our *bancada,* dissidents of the group; of the five members, four members were dissidents. They can vote independently from the majority. But the internal process is fundamental, the Commission's process and decision making of the entire *bancad a*. Decision making within the *bancada* is very important because it's there where things are discussed. With this, one works more easily at the moment of the voting. It's necessary to call attention to the fact that some of the media enters into the parliament. So this avoids preparation loss, decision making as a whole. In any event, the majority decision is assumed by the faction chief (*jefe de bancada*), who's the one that has the representation. It seems to me that the parliament is lacking a body where when the different parties are in debate..... and on the other hand, a prevalence in the commissions' work is also necessary. ..... Internally, within the Parliament, we have little support to carry out our work.

LUIS URBINA: I'd like to add something to what María Lourdes explained. She said that it depends on the bill's importance or lack of importance. When it's an important bill, for example the writing of a new code (*código*), a constitutional law, an electoral law that's of national transcendency, then not only are we receiving advice from the Commission's advisors, from the advisors of the *bancadas* ; we also bring it before the general public and regularly before those institutions that have some sort of relation to the bill. For example, now, we belong to some commissions, in the same commission. In the topic of justice, there are reforms for the modernization of the National Assembly, which are also members of the same commission. We are lawyers, regularly they're presented before the different commissions when they're related to matters of law legislation, they're submitted to the commission where we're going to vote. We were discussing the redaction of the Penal Code, which is the Penal Code that's been in effect since the end of the last century; there are many crimes that haven't been incorporated into the legislation because at the time the Code was written, these types of crimes were unknown of. Because now there are crimes related to drug trafficking, with bank finances. So, when these laws are looked at - the constitutional as well as the electoral laws - we call upon the different unions and institutions that have a relation with these matters. So, we submit the Penal Code before the Association of Attorneys (*Colegio de Abogados*); when we're discussing matters regarding the freedom of speech, we submit them before the journalists. When we looked at transit matters, we called upon the transit authorities and on the opinion of the police. And this is done not only inside the capital, but we also extend this practice to the different departments, we invite the various unions and it's discussed with all of the assorted institutions, corporations or people that have a relation with the

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topic. Then, we make an analytic study of the most convenient contributions in order to incorporate them into the bill that's being discussed. To reform, remove from or add to it. Depending on the importance of the law, the social transcendency that it has, this is the way we work

MARIA LOURDES BOLAÑOS: Yes, what the doctor said is very important because, for example, with the Penal Code, the subject of women has been important and decisive. We think, let's say, for our *bancada* . In other words, a decision still hasn't been made since we women strongly demand to be heard because a lot of prejudices are developed and here the men's opinion has varied a lot. So, the opinion of those who are affected by the subject is very important. In this case, the men have had to yield before our position as women. Because here, the women of the Front (*FSLN*) go unanimously in the same line, although we haven't been directly participating in the Penal Code, but yes, the opinion of the women is very important.

LUIS URBINA: Usually the laws in Latin America are influenced by the Spanish region, the Colony, which have always given a superior character to the male sex. Before, the laws were also made by men, but little by little women have been recovering their position. So these laws are being discussed in order to concretely balance masculine and feminine rights. It's been achieved but not totally.

JOHN: In general,..... the legislators of each *bancada* ?

MARIA LOURDES BOLAÑOS: In general, yes. Yes.

JOHN: And, in the Assembly there's consensus in most of the votings or no?

MARIA LOURDES BOLAÑOS: Yes, there's consensus in the majority.

LUIS URBINA: Yes, consensus is obtained depending on the matter to be discussed. There's consensus with only a simple majority of votes, and others with two thirds of the votes. Very few cases, for example constitutional reforms, electoral reforms, reforms to laws of a constitutional character, the appointment of officials or economic laws.

JOHN: Are the votings held by relative majority? That's to say, 50% plus one of those who vote, or 50% plus one of the whole Assembly?

LUIS URBINA: Usually it's 50% of the total of legislators. We are 93. So, the voting for the approval of a law normally requires 48 votes. But there are special laws that require two thirds. In other cases it's the majority of those that....., but those cases hardly ever occur.

JOHN: And why are different amounts used?

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MARIA LOURDES BOLAÑOS: Because it depends on the rank (*rango*) that the law has. In the constitutional, electoral law. 56 is the absolute majority and the relative majority is 48. But it's in the most difficult levels where there's not consensus. Generally, in the majority, we're in consesus.

LUIS URBINA: Usually, when the Commission's dictum arrives, there's already been consensus among the members of the different parties that are part of the Commission. So, each one of the Commission's members takes the position *(consigna*) to the Assembly.

JOHN: Do the legislators, in their majority, respect the Commission's recommendations?

LUIS URBINA: Yes, usually, but there are some people who don't agree with recommending it or they've been directed in another way, because there are different criteria and they have the right to vote.

JOHN: If there's disagreement among the members of the *bancada*, what mechanisms exist to reach a solution before it's debated in the plenary?

MARIA LOURDES BOLAÑOS: Well, we try to convince them by pointing out why we're going to vote this way, or why we shouldn't vote that way, with experts and everything. This is the extent of what we do. If they don't agree, they vote and we don't stop being friends or anything like that.
LUIS URBINA: Normally you try to convince the members of the other *bancadas* . When it's been presented to the *bancada* a dictum is made and then it's presented before all the members of the *bancada* . The advantages and the disadvantages are explained to them as well as what the positions are so that they vote in such and such a way.

JOHN: Are the votings on some bills left open or according to the legislators' conscience, and others no, but rather are disciplined votings?

MARIA LOURDES BOLAÑOS: Very few.

LUIS URBINA: It seems to me that we, the legislators, look at the social convenience and don't use personal criteria. It concerns the convenience to the community, the society's majority.

JOHN: What happens to the legislator who votes against his *bancada* ? Are there sanctions or not?
LUIS URBINA: In some transcendental decisions, they themselves opt to retire.

JOHN: But to retire is, more or less, the same as to vote "no".

MARIA LOURDES BOLAÑOS: They go to some other *bancada* or they go to some other party, because there's an internal Parliamentary rule which is that you must have no less than three legislators to form the *bancadas* . So, if a party doesn't have three legislators, it must ally itself with others that have one, two or three. So, they make an alliance and they have a *bancada* that's not....., independent each one by itself. The Parliament finances their office in some way. So independent *bancadas* have to unite and confront their economic situation, but they don't answer to anyone.

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They're factions (*fracciones*) that unite for economic interests but not for ideological interests. The most significant case that there was was that of an alliance which eight separated at the beginning and later only four remained. They formed their own *bancada* , they maintain an ideological line, independent voting and they have their own *bancada* . This was a very sovereign attitude and these legislators..... their alliance. We had a case where a legislator left to another faction, since he was religious, he left to go to the Christian Paths (*Caminos Cristianos*), a religious faction.

LUIS URBINA: There are different ways to show one's dissent. Inside one's own *bancada* , you can say, well, I'm not going to vote in favor of what the majority says. But when you reach the Assembly, you can vote against the bill; you can not vote; you can abstain from voting; or you can, in the last instance say, well I don't agree with that matter, so I will retire from this *bancada* and I'll join another one or I'm going to join with a group of other dissidents to form another *bancada* .

....THIS PART CAN'T BE DECIPHERED BECAUSE THEY ALL SPEAK AT ONCE.

JOHN: Are there cases where entire *bancadas* don't vote as a way of showing opposition to some bill?

LUIS URBINA: Yes, the Sandinista Front has adopted that position regularly; they abstain from voting. Not only abstaining, but they even break the quorum since there aren't the sufficient number of votes for a law to be approved.

JOHN: Is this more effective than to vote "no"?

LUIS URBINA: In order for a law to have the character that it was voted by the sufficient number, the "yes" votes and "no" votes have to be summed together. But if there are only "yes" votes and there isn't even one "no"vote, then it won't add up to the 48. So, if a *bancada* decides not to vote even in "no", then only the "yes" votes are taken into account. We won't have the adequate number to obtain a sufficient majority. We have to lobby and convince the other *bancadas* to see if it can be obtained, and if it isn't obtained quorum is broken and the session is adjorned *(se levanta*). You try to reach an agreement by making concessions on other topics to obtain the sufficient number of votes to approve a bill.

JOHN: If the quorum is broken, it isn't going to register a reprehension?

LUIS URBINA: What's in discussion is suspended. It's not approved nor is it rejected.

JOHN: Yes, because I'm thinking about the analysis of the votings. If there's not a quorum, there won't be a voting and for this reason it's going to be excluded from the immediate debate, unless it's voted against.

MARIA LOURDES BOLAÑOS: It's suspended and it undergoes voting a following day.

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JOHN: In the Assembly do partisan coalitions among the different *bancadas* exist? In other words, coalitions of legislators from certain *bancadas* that regularly vote together?

MARIA LOURDES BOLAÑOS/LUIS URBINA: Yes, regularly yes.

JOHN: And which are they? Which bancadas?

LUIS URBINA: There are *bancadas* that are from the right. There are *bancadas* which are of the left. There are *bancadas* that are independent. There are *bancadas* that are from the center. So, according to the matter that is being discussed, some *bancada* joins with any of the others to approve or reject a bill.

JOHN: Are the coalitions changed frequently, or not?

LUIS URBINA: Frequently no, but regularly some *bancadas* are allied with others. It depends on the bill that's being discussed. This doesn't mean that a *bancada* has an obligation to go along with a certain *bancada*. You can agree with the opinion of a *bancada* and later peacefully go vote with another.

JOHN: What are the coalitions based on? Common ideology, electoral interests, support to the Executive, control of the legislative agenda?

LUIS URBINA: You know that there are assemblies whose majority is from the government. In other words that the Executive's *bancada* has the majority in the Assembly. There are government *bancadas* that don't have the majority and so, they're a minority. Usually the Executive works better when it has the majority in the Assembly. The majority party tries to support the bills of the Executive, of which it is part. The Executive has its program and the legislators of the majority, or of the Executive, have been chosen to support the Executive's government program and platform. For this reason, when a bill is to be presented, the Executive calls upon its majority *bancada*. The advantages that are required for the law's approval are explained, and usually we vote in agreement with the orientations that are given. But that doesn't mean that we're obligated to do it, but yes, it's done regularly.

JOHN: Is a coalition of parties included in the President's cabinet, or not?

MARIA LOURDES BOLAÑOS: The Liberated Alliance (*Alianza Liberada*) was born this way, as a coalition.

LUIS URBINA: Well, yes. That's how the Government's party was born. The party was formed through the alliances of several parties.

JOHN: The same as with the coalition in the Assembly?

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LUIS URBINA: Regularly yes. Although they aren't in agreement the whole time. In the previous government the difficulty was that they didn't reach an agreement. They didn't have the majority. It was formed by an alliance but during the government's period several separated and each went their own way.

MARIA LOURDES BOLAÑOS: A very heterogeneous alliance.

LUIS URBINA: Anyway, some of the parties that had formed this government's alliance, separated. There were cases where the party's opponent came to an agreement with the Executive..... the laws.

MARIA LOURDES BOLAÑOS: But they didn't separate from the Front.

LUIS URBINA: No, they didn't separate the Front, but they're in agreement.

MARIA LOURDES BOLAÑOS: in this same..... that there was, all the parties represented in the Assembly made a reform; yes indeed they have what to struggle about (*si tienen para pelear*), arranged in these microparties (*acomodados a esos micropartidos*).

LUIS URBINA: In a moment it changed direction and a microparty dominated the Assembly.

JOHN: Was there a balance of power?

LUIS URBINA: Yes, sure.

LUIS URBINA: There are some problems in the Assembly; we don't have sufficiently qualified advisors. For example, in the commissions that we work in, really, almost all the legislators are new, and really we hardly have any help. We need to seek counsel.

JOHN: Have the number of advisors been increased over the last five years?

LUIS URBINA: Not regularly. There are some advisors who form part of the different commissions' counsel . There's an advisor who counsels two or three commissions, and perhaps they deal with totally different matters. So the advisors don't have the sufficient knowledge to counsel properly. There are other advisors who do, who are very competent, who are good counsel; who have several years of experience, they devote themselves to studying the issues at hand and they advise us well.

JOHN: Is the re-election phase (*etapa de reelección*) high enough to be able to say that there's a parliamentary career?

MARIA LOURDES BOLAÑOS: This Assembly is almost completely new. Only four legislators were re-elected out of all of us. This is due to the phenomenon that's related to what happened in the

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previous governmental period, but it hasn't been studied sufficiently. This is a phenomenon. Even our own legislators decided to form their own party.

JOHN: Why didn't they go out to be re-elected?

MARIA LOURDES BOLAÑOS: Because they didn't have strong parties. With..... in the Assembly, they were going to be able to do whatever they wanted and later they left to run. There were 24 parties, 23 parties, all of those that they formed and they didn't have enough guarantees. Because to form a party you have to have years of work and strength.

LUIS URBINA: The recent constitutional reform was made precisely to avoid this. To reduce the number of parties as much as possible. There are a series of procedures that must be filled, which gives it the character of a party.

MARIA LOURDES BOLAÑOS: So many parties running was a phenomenon. There are candidates running as mayors who've belonged to the Liberal Party (*Parti do Liberal*) and to the Conservatives (*Conservadores*). Who've belonged to the Front and they go with the Conservatives. Who've belonged to the..... and they go with Christian Path (*Camino Cristiano*). In other words, we're seeing that there are always two pacts. They go with another flag but they're the same ones. 23 parties is absurd.

LUIS URBINA: They're what you call desk parties (*partidos de escritorio*). Four or five sympathizers will form a board of directors to form a party. But these are the partisans nothing more, those who constitute the party.

MARIA LOURDES BOLAÑOS: I believe that this is something that'd be worthwhile to go into more depth. What happened? What's the consequence of the fact that just when we, the majority of current legislators, are beginning to learn, that the period is running out? Because we are new.

LUIS URBINA: From the time of independence there have been two parties: historically, the so-called socialists, and those of the people, who are the democrats. From there, the parties were formed: the Conservative; the one which adopted the orientations of the Front; and the Democrats who wanted complete independence and to form a republic. They were called by different names and up until 1979 only two parties were part of the electoral race (*contienda*). The Liberal Party or Conservative Party or minorities of their party, but they were two, no more. Then, after the 80's, there was a proliferation of parties and it went up to twenty odd parties, and all wanted to be a part. We are trying to see if we return to the..... what happens is that the influence..... so everyone wanted to be Presidents of the Republic.

JOHN: In the plenary do you vote electronically?

LUIS URBINA: Yes, from the beginning. If we're summoned to arrive at a specific time, and we reach a moment where we believe that there's enough of a quorum to begin the session, it's verified

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whether or not there's quorum and if there is, the session is opened. The session's opened, let's say with fifty or sixty or seventy legislators, and then the legislators continue arriving little by little, and the the number of persons in attendance keeps on increasing. But when the voting takes place the legislators should abstain, vote affirmatively or negatively or they can retire from the session. While there's quorum, or in other words, while there's a sufficient number of legislators, a 48 minimum, the session continues.

MARIA LOURDES BOLAÑOS: At no time have we voted personally, a case was even suspended. But we've always voted electronically.

LUIS URBINA: In that, yes, there's transparency.

MARIA LOURDES BOLAÑOS: Well, let's say that I tell my partner: "if I 'm not present vote for me".

LUIS URBINA: Yes, but there've been cases where they've voted without authorization and then the legislator protests. And he says, no, I haven't voted, annul that vote.

MARIA LOURDES BOLAÑOS: It's annulled and even the voting can be annulled.

JOHN: But has the transparency of the process been improved?

MARIA LOURDES BOLAÑOS: For me it's an advance, a great achievement.

LUIS URBINA: We're all friends.

MARIA LOURDES BOLAÑOS: In addition, we're aware of who votes, because we immediately take from the computer, from the registry, and in something like two minutes we have everything. Sometimes you can forget who voted for who, but we take out the registry and we have the data immediately.

LUIS URBINA: So many yes, so many no, everything. In a minute, immediately.

JOHN: To improve the processes' effectiveness, what other changes has voting by the electronic system in the legislative process? Have you changed other things?

LUIS URBINA: There's a project to provide a computer to each of the legislators in order for us to have access to some legislatures for them to be of use to us. In fact, one of the objectives that the Modernization Commission is proposing is to have opinions from other countries, of other laws, of other advisors.

MARIA LOURDES BOLAÑOS: I think that it's a momentous change. The Salvadorans have told me that the opposition wants the contracting of an electronic system because they consider that the

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transparency in El Salvador is very weak, since the Board of Directors handle the votes poorly. They always count more, then they're not satisfied. We, on the contrary, are satisfied with the voting. We believe that there's transparency, we believe that there's efficiency. That's important. In the manual voting, how long would it take us? On the other hand, with electronic voting, it gives us agility. Not only transparency, but agility.

JOHN: Are the votings that the legislators or whole *bancadas* make, discussed in the electoral debate, for example during the campaigns, or not?

MARIA LOURDES BOLAÑOS: No.

JOHN: Because for example in the United States and also in Brazil and other countries where the electronic voting is used, the legislator's votings are always used for debate by his opponent in the campaign.

MARIA LOURDES BOLAÑOS: Sometimes the newspapers, the dailies mainly, print who voted "yes" and who voted "no" to influence its lectors into thinking badly of the legislator. But it hasn't been used with that much force. If I, instead of voting "no", annul my vote, because those who annul their votes don't appear, only those who are present. So, it hasn't been a campaign that's been hampered.

JOHN: Then, is improvement to the transparency more or less internal, for the legislators to know how the others vote?

MARIA LOURDES BOLAÑOS: No, I believe that it's also for the public. Because the public finds out how they vote.

LUIS URBINA: The public that sits at the session is aware of who voted or who didn't vote and the same goes for the journalists.

MARIA LOURDES BOLAÑOS: For....., yes they've exploited it, they've used it. But not like transparency, but as the strength of these four legislators who are against the pact. It's only reached that point.

JOHN: These are all of my questions. Thank you for your time.