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OSCAR HERNANDEZ,
ADVISOR TO THE LEGISLATIVE ASSEMBLY
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HERNANDEZ: Well, how do these things operate here? Well, we have, that I know about, two large parties, the Social Christian Unity Party (*PUSC)* and the National Liberation Party (*PLN)*. Let's take a look at the latter party, which is the one that I know more about. How do they establish the party lines? In the Legislative Assemby's regulations there are what are called factions (*fracciones*): member legislators (*diputados*), non-member legislators, parliamentary factions. Article 7 bis states:

> "The Legislative Assembly will be made up by as many parliamentary factions as political parties that are represented in them. Legislators will be considered integrated into the faction of the party by which they were elected and none can belong to more than one faction."

So, depending on the party, there are so many factions. We have the following factions in the Legislative Assembly at this time: one faction of the Social Christian Unity Party (*PUSC*), one of the National Liberation Party (*PLN*), one of the Democratic Force Party (*PartidoFuerza Democrática*), one of the National Integration Party *(Partido Integración Nacional -PIN*), one of the Libertarian Movement Party (*Partido Movimiento Libertario*), one of the Agrarian Action Labor Party (*Partido Acción Laborista Agrícola -PALA*) and one of Costa Rican Renovation Party (*Partido Renovación Costarricense -PRC)*. So, we have seven parliamentary factions. Here, according to this article, one legislator can constitute a parliamentary faction. But the factions of one legislator doesn't pose a major problem to us. The factions that are a major interest of study are those that have several legislators.

JOHN: But isn't it true that if the groups don't procure at least three legislators they can integrate themselves into a mixed fraction?

HERNANDEZ: It can be done. It says: Nevertheless, for the administration of resources; this is only for economic effects. What do I know? For vehicles, transportation, representation expenses. This is a purely economic matter, resources. Material support and support that the Legislative Assembly provides, such as assistance, secretaries, telephones; everything that a legislator needs in order to carry out his functions.

Very good, these factions meet every Monday. There's a regulation for the factions. It's the faction regulation, Article 8, that gives us the key as to how agreements and decisions are made and how it's going to vote. So, when there's a specific topic that's of interest to a party, then the topic is established in the agenda and it's decided how the legislators are going to vote in the plenary. This tendency of a unified criteria doesn't always exist. It may be that right at the core of the fraction there's a topic which isn't transcendent, it doesn't compromise the party's program, it doesn't compromise any specific line of the party program and consequently the voting is absolutely unrestricted (*libre*).

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I have a copy of the National Liberation Party's regulation and I'll give it to you. This is where you have to start studying. This regulation is a parliamentary practice, it's not formalized. The factions agree upon it when they're constituted for the first time, the first day of the first legislature. When a group of legislators begins in the Legislative Assembly, the first thing that it does is approve its faction's regulation. How the internal mechanics will operate, the internal relationships, the powers that the faction's leader will have, which topics are going to be discussed and when there will be a party line. We begin around there.

JOHN: And these norms are more or less fixed?

HERNANDEZ: Yes, they're in writing and I'll give them to you. They're invariable. Once they're adopted, it's very very difficult for them to be changed. What's more, the faction regulations almost traditionally pass from one constitutional period to another. In other words, the current legislators undertake the regulation of the previous legislators. They're very stable rules.

JOHN: So, it's decided in a voting among the faction, how the faction's going to vote?

HERNANDEZ: Yes, it's decided that we will vote a certain way. For example, with regard to elections it's decided, we're going to vote this way, these are the candidates.

JOHN: And you always vote this way?

HERNANDEZ: Yes, the legislator who doesn't vote this way can be called before the party's discipline tribunal, before the ethics tribunal of his party; in addition, there are important pressure formulas which are characteristic of the parliament's mechanics. Some day, if you want, we can examine it. For example, if a legislator breaks his party line, it's possible that the bills (*proyectos*) which he's promoting, those that are of interest to his community or to his region, have very little success. It occurred here, for example, with GuillermoVargas Sanabria. The National Liberation Party (*PLN*) had decided for an important election, that for the first time a woman should occupy the presidency of the Legislative Assembly; it wasn't that an agreement was reached in a meeting of the faction, in reality there was a general position (*línea general*) that the person who should be elected was this woman. The matter was abandoned at two a.m. that day and then a group of legislators made a pact with the other opposition party to choose a president who wasn't this woman. This gentleman was elected president, but he doesn't belong to the National Liberation Party at present and it's very complicated for him to reconcile with the Party. They threw him out. As well, truthfully, during the period that he was president, it was hell.

JOHN: But it's a strange thing?

HERNANDEZ: It's very strange. Once a faction agreement is made, it must be respected. It prevails then, independently, once an agreement is made by the majority. There'll be some legislators who weren't in agreement with this thesis but they have to support the thesis of the majority.

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JOHN: How do you think the prohibition of re-election for legislators affects the level of unity of the factions? Because they say, for example in Mexico they have the prohibition and it's said that the discipline among the parties increases because the legislators are totally dependent on the party for their future. But in the United States we also have a prohibition at state level and it's said that the discipline decreases because the legislators aren't dependent on the party with regard to electoral resources, since they can't be re-elected. For that reason, the debates in the two other countries that have a prohibition, are totally different. In the United States they're different from those in Mexico.

HERNANDEZ: We've never analyzed, at least we've never seen that problem affecting the party discipline. We'll explain it to you with some care. Here in this country something interesting takes place that you're going to have to study very carefully. Here, a very particular phenomenon occurs which is a that the parliamentary factions are connected more with the Executive Power than with their own party. Let's take a look at this. When a party wins, the legislative faction generally gives it's support, the strongest bond, to the Executive Power. The strongest relationship is legislative faction-executive power, in other words, the President of the Republic, the ministers and the whole public administration apparatus. The losing faction doesn't maintain a strong bond with regard to the party; this is one of the big flaws of our political system. The parties in our country are not strong ideological structures, for instance to propose a discipline to each legislator. More than anything it's that - and this is a crisis that we're living and which we're trying to change - the political parties at national level have become electoral platforms, more than the classic concept of an ideological alignment.

JOHN: I believe that it's the same in many countries.

HERNANDEZ: In many countries, and this isn't the exception. In consequence, this faction, which is the strong opposition faction, maintains ties with regard to its party, but they're not ties that impose an ideological structure and a discipline on it as far as ideas are concerned. It can be with respect to interests or other types of things. So, this tie that you're asking me about, re-election and discipline, I'll respond to you referring to the current reality and with the data and knowledge that I have. The possibilities for re-election will not increase, they will not make the faction-party relationship more intimate. Because the big flaws aren't so much with the legislators but with the structure of the parties themselves which are almost groupings of a temporary character that function around some elections, they're not organizations of a permanent, strong, ideological character. So they don't maintain a constant influence as far as the management of their legislators.

JOHN: But if there was re-election, would the legislators at least be dependent on the party for the nomination?

HERNANDEZ: Possibly, but more than anything else, this is a matter that we'd have to establish a hypothesis about and not use realities, because they don't exist. This is a hypothesis that you can establish. But I'll tell you a about our current situation. Let's say, the party president and secretary have a very weak influence with regard to their legislators of opposition.

JOHN: The influence of the Executive Power?

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HERNANDEZ: The influence? I wouldn't say that it's influence, I would practically say that it's mandate.

JOHN: But does it decrease during the constitutional period? Because I imagine that at the beginning of the period, with four years to go, it would be a lot, but at the end, in the last months of a constitutional period, with the President with only two or three months more to go, its influence decreases.

HERNANDEZ: Well, in that period, yes it's true, perhaps it decreases because it's already facing a change and there's an internal rearrangement of the Legislative Assembly. But I can guarantee to you that - and here there's an important factor - even in those last three months the possibilities of negotiation of the Executive Power are very extensive because it has an enormous economic power. This is the virtue that awards handouts (*que hace regalos*). It can transfer money - not to a legislator himself, it's not a matter of corruption - but rather it's a factor that we should look at, in Costa Rica a phenomenon has *fungido* that's a partialization (*parcialización*) of the Legislative Assembly . We can't speak of national legislators, but of legislators of a regional character. So, what goes on? That the legislator has become in great measure a person who obtains resources and he transfers them to his communities. Not for personal enrichment, although sometimes it can happen, but his political prestige depends a lot on the quantity of resources that he can get from the central budget and can transfer to his regions. If you analyze this government's Solidarity Triangle program (*Programa del Triángulo de Solidaridad*), when it refers to a needs assessment, because well, it's an assessment of needs for something, to solve the needs. To solve them by what means? By means of a transfer of funds or direct works by the Executive Power in some of its own individualized sections in a region. This places a little of what's the national interest at risk.

This business about the elimination of specific allocations *(partidas específicas*) is a great myth. The concept is maintained. Perhaps, no longer through a specific transfer of a budgetary item, but by means of the combined programming of works, which in the end, is financed by the Executive Power.
JOHN: Why do the factions or the parties, why's the country cut up into individual districts (*conscripciones*) for the legislators? Is it electorally more effective this way?

HERNANDEZ: Yes, this is a matter that's been proposed and I can't explain it due to the things' forces (*fuerzas de las cosa s*). But the legislator doesn't owe his election to a national interest but rather to some very local ones, because he was elected in that region. So, in some way it becomes a payment for their vote.

JOHN: It's true that it's not only the region, because the legislators are elected at the province level. But if I remember correctly, indeed, if they see it as legislators from a smaller district of the province, no?

HERNANDEZ: The Constitution says the employees have this character for the nation. In other words, they are legislators of a national character. It's the classic French concept. But it says, "and they'll be elected by provinces". In reality, the province concept is the same as that of an electoral district. However, this electoral district has lost validity in order to be transformed into a regionalization

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of the legislator and in a geographical connection. So, if you look at the plenary now, you won't find national legislators - well, there'll be some - but there'll be a number who dedicate most of their time -if they're in the government, if they're not in the opposition party- in negotiating with the Executive Power in order to direct resources to their regions. It's a reality.

JOHN: But it probably has its electoral roots, no?

HERNANDEZ: It has an electoral root. One of the things that they're trying to change in the new electoral code is precisely this. But it's also a matter of political reality because we've transformed the national budget into a development factor and we've also made the national budget a purely centralized concept. Look at the national budget-local budget concept; it's an amazing relationship. That's to say, the contrary of developed countries where local budgets have a very high percentage of the public expenditure; here, the municipalities are extremely poor. And the one who has the pan by the handle is the Executive Power. So, until we change this relationship, while there's no economic independence or autonomy at the local level; while there's a dependency on resources and on the transfer of resources with respect to the national budget, this relationship will continue. In consequence, the legislator will always be a vehicle, a facilitator, in order for this transfer of resources to occur.

JOHN: Will they have ways to decentralize?

HERNANDEZ: Yes, for years we've been speaking about this matter; that there should be a reform to the Political Constitution which guarantees that an important part of the public expenditure in its entirely should be spent at the local level. That's an important political reform, it's not economic. Then this would allow for political leaderships to be developed at the local level and permit the legislator to become a true legislator for the nation.

JOHN: Will it be approved?

HERNANDEZ: I don't know. For years we've been trying to do it.

JOHN: Well, thanks a million.

HERNANDEZ: I owe you the faction's internal regulations. I'll give it to you tomorrow.