INTERVIEW WITH:
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JOHN: To begin, some questions on the internal understanding (*conocimiento*) of the parliamentary factions (*facciones*). How's it decided what the parliamentary faction's position will be when it votes in the plenary? In the Farabundo Martí National Liberation Front (*Frente Farabundo Martí para la Liberación Nacional -FMLN*)....?

RUBEN ZAMORA: I've never been a member of the *FMLN*. The war was of the Democratic Revolutionary Front (*Frente Democrático Revolucionario -FDR*) which was in alliance with the *FMLN*. Later, we formed the Democratic Convergence and I've been a legislator (*diputado*) of the Democratic Convergence.

Look here, with regard to how a position's decided, I think that basically three elements are taken into account: 1) obviously, the first is the party's general position regarding the different topics; 2) the contribution made by the legislator who forms part of the corresponding commission related to that topic; and 3) the discussion within the faction. Then, based on these elements, the faction takes its position. So, we could say that the normal procedure is that the legislators go to their commissions, they work in their commissions and before the weekly plenary session is held, they assemble in a meeting of their faction; there, they review the whole agenda, the pronouncements (*dictámenes*), the positions, and they begin to discuss a position, they define who will speak and what position will be adopted. So, in this way, generally when the legislators speak, they speak on the faction's behalf.

When it's an emergent, very important topic, usually an emergency meeting of the faction is called to take a position; if it's a very delicate political topic, the Party's General Secretary calls upon the faction or the faction calls upon the Party's General Secretary in order to make a decision.

JOHN: But the Party's General Secretary normally isn't a legislator, true?

RUBEN ZAMORA: Sometimes yes. For example, right now - in the past legislature - I was General Secretary and I was a member. In the previous one to that, I was General Secretary but I wasn't a legislator. At the moment the *FMLN* has its General Coordinator who isn't a legislator; he's no more than a substitute legislator, he's not a proprietor (*propietario*). So, the extreme of a party leader as the one who heads the legislative faction, or a parliamentary group, this isn't necessarily done here.

JOHN: And if there's an agreement among the faction's members that belongs to a bill (*proyecto*)?

RUBEN ZAMORA: It's voted. There are others that don't, they make decisions another way. The Commission in the party pronounces a line (*línea*) and it passes the line to the legislators.

JOHN: But it's voted by majority?

RUBEN ZAMORA: The legislators' majority. This concept that a topic within the faction itself decides to give liberty on topics touching on the religious thing.....when there's a lot of controversy then it's said that they have the freedom to vote (*libertad de voto*) according to one's own conscience.

JOHN: But the bills (*proyectos*) are made with votes.

RUBEN ZAMORA: I don't remember having given freedom to vote. Always, in general, a position was adopted by consensus, by majority. Very infrequently it's resorted to....., at least in my faction experience.

JOHN: How many legislators does your faction have?

RUBEN ZAMORA: The first time we were 8. The second time we were 3 or 4.

JOHN: What would happen with a legislator who votes against the faction? Are there sanctions, expulsions?

RUBEN ZAMORA: There are different levels. One, there's an expedient (*expediente*) that sometimes is made by consensus when there's a decision to vote by faction, and there's a legislator who doesn't agree. In other words, when it's time to vote the legislator gets up and goes to the bathroom in order not to vote. Otherwise, he calls upon the substitute in order for the substitute to make the vote. If a legislator votes against an expressed decision, this would usually mean his departure from the faction. Let's say, in our faction it's never happened, but in other factions this has happened and the legislator's withdrawn, or they leave the party faction and declare themselves as independent.

JOHN: Does he lose his position in commissions?

RUBEN ZAMORA: It varies, it depends. Sure, upon leaving a faction they remain as independent legislators; some of these legislators are left in some commission, while others are removed; others are left without anything. In other words, there's one thing you should keep in mind, in the country, the faction as a juridical figure (*figura juridíca*) doesn't exist. If you review the Legislative Assembly's internal regulations, the term "legislative faction" doesn't appear because it's always been considered that the constitutional article would be violated. Our Political Constitution has an article that says that the legislators represent the people as a whole and will not be subject to any imperative mandate. So, to speak about factions and faction discipline is considered to be an imperative mandate - which is false - an imperative mandate in the legal sense (*técnica*) is something else. But here it's been used in order to not introduce any

type of serious normative, with respect to the factions. No matter how much effort some of us have made for it to be normed. So the management of this by the faction is just what you can see, etc., it remains very much dependent on the judgement of the Assembly's Directive Board. There's no transparency nor security.

If a legislator has had a falling out with his party, but he pleases us, then he's left in the commissions. On the other hand, if the legislator doesn't please us, he's removed from them.

JOHN: Are there cases where entire factions don't vote as a way of demonstrating opposition to a bill (*proyecto*)?

RUBEN ZAMORA: Yes, it's happened. Not only the act of not voting, but rather that of retiring [from the plenary]. In other words, there are different levels. One form is abstention, that's to say, I won't join in with the vote. For example, there's a topic where I voted in a great opposition, but I think it's good, but some aspect of what's being voted I'm against. Because the rules of the parliamentary debate are extremely primitive here -they practically don't exist- the factions adopt the approach of abstaining. So, they announce that they won't accompany the vote and they give their reasons why.

A second level is when the faction votes against. And a third level, which is the highest way of showing rejection, is when the faction rises and leaves the plenary at the moment of the discussion or at the moment of voting. Before, they got up and went to their homes, but later we introduced a system where we would get up and go to a place in the back. In other words, we leave the building and once the voting is completed we return to the session in order to fulfill our obligations as legislators.

JOHN: This shows three different levels of opposition?

RUBEN ZAMORA: Rejection is demonstrated.

JOHN: But 43 votes is always necessary in the Assembly. Even if, for example, a court of 50 legislators existed, nevertheless there must be 43 votes to approve a bill (*proyecto*)?

RUBEN ZAMORA: Any decision can only be approved by no less than 43 legislators. And the special decisions, those of special quorum, 2/3, 3/4, whatever. In other words, approval here is not on the basis of those who are present, but on the total number of legislators.

JOHN: The parliament is strange.

RUBEN ZAMORA: It's strange, but it forces the legislators to be present the entire time, or to be replaced by the substitutes. Our plenaries are with the legislators' attendance, which is different from others, and that custom where the legislators get updduring the debate and leave to go to their offices and they ring the....., that doesn't exist here.

JOHN: In the Assembly do coalitions or partisan alliances exist among the various factions which are stable? In other words, do the legislators of certain factions always vote together?

RUBEN ZAMORA: Well, it depends. In general, no. But yes, there are basic understandings, for example, between *ARENA* and the National Conciliation Party (*Partido de Conciliación Nacional -PCN*), on the basis that, in other words, the *ARENA* Party grants the National Conciliation Party a monstrous quota of government ties. For example, the Attorney's office (*Procuraduría*) is your party's, so the president of that institution it will always be from the *PCN*. The *PCN* decides who that person will be. *ARENA* raises its hand for whomever the *PCN* says, even though the candidate may be a bad person, it doesn't matter, but he's the *PCN's* choice. This type of thing. With the *PCN*, *ARENA* is maybe the most stable alliance because it's the one which during the last three legislatures has formed the majority. The government's party hasn't had an absolute majority for the last three legislatures and it's always had a relative majority, and right now it's even lost the legislative majority. But well, with the *PCN* they form an absolute majority. The last legislature needed the *PLC* to form the majority. But there's no tradition of more or less strategic alliances, or of programmatic type alliances. Another aspect where there's a more strategic alliance is the case of the *CDU*, in the sense that the legislators of the last legislature were each elected by their party, not by the *CDU*, because the *CDU* didn't begin to participate as an electoral Coalition until the election of 1999. The ones elected in 1997 were from two parties. However, they did act like a true coalition. In other words, once they were formed and they went to the presidential election, they continued acting as such in the Congress. They operated as a coalition in fact, although the Assembly never recognized it as such. *CDU* had two faction leaders then, one from the Democratic Convergence and one from *CDU*.

JOHN: But for example, the alliance between *ARENA* and the *PCN* has ministers in the cabinet?

RUBEN ZAMORA: The cabinet's not included. It's included at other levels, at the level of certain autonomous institutions, before it was the Small Business Institute (*Instituto de la Pequeña Empresa*).

JOHN: In the plenary, voting is made by handraising?

RUBEN ZAMORA: Nominal and vocal voting is established by law; voting's usually done by handraising.

JOHN: Is it possible for a group of legislators to insist on voting nominally?

RUBEN ZAMORA: No, because the law establishes when voting is to be nominal.

JOHN: They're all of those that can be voted nominally.

RUBEN ZAMORA: Nominal voting is established in the Constitution. What the legislators may do, and in fact it's summarized there, is that once the voting is finished, they can reason their vote. They can explain the reason why they voted against or whatever they want.

JOHN: A year or a year and a half ago they installed electronic voting machines in the Nicaraguan Assembly. They were also installed in Mexico, Venezuela and several other countries. Do you believe that it would be worthwhile and worth the cost to install such machines in the Salvadoran Assembly?

RUBEN ZAMORA: It wouldn't be worth the cost because there are very few legislators. There are 84. In an assembly with two or three hundred, yes, primarily if it's an assembly like the United States' Congress, where there isn't a partisan vote, but rather the individual vote. So a very detailed registry of the individual vote becomes necessary. However, in the plenary problems do arise with regard to vote counting. The procedure is one where the president calls for the vote and behind the president there are two or three assistants who count these votes. They usually count them or count the number of the factions. That's why they count them very quickly, because if the factions vote, mostly because it's very controversial. I think that it's more civilized to do it electronically and mainly it would allow for a more detailed record of who votes and how they vote..

JOHN: Do you believe that it's important to reinforce the parties' and legislators' local and regional ties to the departments, for example?

RUBEN ZAMORA: I believe that this is one of the most serious topics of our legislative system because the system has problems as far as representation. Here's how representation works, in other words, the legislators are elected by departmental districts (*circunscripciones departamentales*), and these vary a lot. They vary from 16 to 3 according to their size, so the problem is the exact representation level. A legislator is very much in the air. Who does legislator 1 from San Salvador represent? Nobody, he has a universe, what do I know, of almost three million people; there are two million plus inhabitants in the Department of San Salvador, and he's one of 16 legislators. In the departments where they choose only three legislators, it's much easier to establish the level of representation and the relationship between the population and the legislator. The problem here is how to find a method that allows, maintaining the proportional representation, which given the development of this country, at least some of us consider that bipartisanship would be extremely dangerous and imperative for El Salvador. Because it wouldn't be a *"pactoriano"* bipartisanship (*bipartidismo pactoriano*), in other words, one of consensus, since here the tendency is a polarized bipartisanship given the country's social and economic conditions, due to the moment here. Given that, it's preferable to have a multiparty system. So, the problem of representation is very difficult. I proposed this in a booklet that I wrote some time ago on the Legislative Assembly; have you seen it? I wrote a book that's entitled: The Legislative Assembly of El Salvador: a reformist exercise (*"La Asamblea Legislativa de El Salvador: un ensayo reformista"*). It's a 90 page book, which is an analysis of all of these things that refer to the Assembly. It has proposals; what I proposed was a mixed system, where we would maintain the proportional representation as an object of election at the national level, but where the law would establish the district once the legislator is free of it *(se libre de él)*. In other words, district 1 corresponds to the first legislator for San Salvador, district 2 corresponds to the second legislator for San Salvador, district 3 to legislator 3 and so on and if that deputy aspires for re-election he has to go through a process. First in his district; the solution's a little complicated.

JOHN: A primary election?

RUBEN ZAMORA: A primary. To undergo a primary tosee if those you've been representing, in some way, can then be objected (*objetados*), this could be unconstitutional. And it's true, it sets forth problems of unconstitutionality just like our laws are. But well, it's a good proposal, mainly to call attention to this problem, that one could even have the representation, in other words, the district defined although it not be subjected to the legislator. What's the character of the consultation? It could be a non-binding type (*tipo no vinculante)* of consultation.

JOHN: It's a system that's more or less the same as the one that the Costa Ricans have informally. Where the official legislators are elected in a proportional system of....[representation?]....., but for example, after they're elected, if the National Liberation Party (*Partido de Liberación Nacional -PLN*) has 4 legislators from Alajuela, the province is divided.

RUBEN ZAMORA: But in this case it wouldn't be election by legislators. Their party obtained the first majority in the department. It could be the mixed system, but this doesn't solve the problem of the proportional vote as well as the nominal vote. It seems very complicated for a country like El Salvador.

JOHN: This has been adopted in many countries over the last ten years, many times with unexpected results.

RUBEN ZAMORA: ..... political culture that I think we haven't achieved.

JOHN: But they usually prefer the open list. In other words, that the people put a name.

RUBEN ZAMORA: The open list, which would be the preferred principle since it seems to me that it gives more choice to the voter, would run into a very serious problem which is that probably this country's illiteracy rate is over 25%, it's really the rural (*campesino*) population and adults. The rural population will make a supposition or they'll continue voting for a party.

JOHN: Regarding the Legislative Assembly in general, which would be, in your opinion, the most important reforms that could be approved to improve the legislative process' transparency?

RUBEN ZAMORA: You know what's happening now, a reform is to remove the current Directive Board (*Junta Directiva*). There's an awful involution in the Assembly. I don't know if you're aware of the latest - it came out in the newspaper today- there's an agreement of the Directive Board where no employee can give information regarding the Assembly to any legislator, without previous authorization; that's unconstitutional in my opinion. Tomorrow we will probably present a constitutional defense (*amparo*) against this agreement of the Directive Board. The problem here, I believe that they are many things, but we have to look at it from a technical point of view, is how to achieve a clear and precise definition of what are factions, faculties and responsibilities of the factions, privileges and faction responsibilities. To introduce

parliamentalism (*parlamentalismo*) as a mechanism of the debate. It's necessary to introduce it in order to give a certain certitude to the parliamentary debates and not leave it in the hands of the directive board. You could perfectly protect one of the central districts in order for the people to know about what is being referred. What's the problem of the management of a discussion of the law that's extremely traditional in the Assembly. The Assembly approves the laws, it sends them to the Executive and the Executive will publish them and it doesn't concern itself about it any more. The assembly's made the decision and it's incapable of explaining what it's approving to the public, what the debate was. I believe that in the electorate there's no control of its representatives, so there's a syndrome which isn't the legislators' immunity but rather it's the legislators' impunity. And the legislators have reached the level of impunity. In other words, the legislator's responsability is almost null. There, in my book, I put a bunch of proposals for changes.

JOHN: When was that book published?

RUBEN ZAMORA: Years ago, I think I still have one and I'm going to give it to you.

JOHN: A general question that pertains to the other group. I find that their conception of the role of the State and the relationship between the State and the civil society are very different from that which the political left in Latin America traditionally has promoted. For example, the priority of the civil society; how will they guarantee the protection of the citizens by the State? The idea that it's necessary to democratize the political system in order to make reforms for social and economic justice, instead of radically changing the economic system to make political democracy, the amplification of sectors included in the left, especially women. And now, political decentralization. Are they points of consensus among the Salvadoran left?

RUBEN ZAMORA: No, they're not points of consensus. Probably if you go to them one by one and you say, look, do you agree that it's necessary to decentralize? They'll tell you yes to everything, but unfortunately our political behavior still continues to be very dependent on the most traditional conceptions - the left as well as the right -. The country has a very authoritarian left and right. We live in a 60 year-old authoritarian system. That's to say, that in this sense, yes, I believe that - and it's a little part of one of the ideas in my book - it's necessary to place in debate ideas that question the more or less traditional conceptions which have been very prevalent within the left. For example, I consider that the core of the debate or of the conflict within the *FMLN* is not the program, it's the concept of Marxism and the way of doing politics. Because if one looks at the nucleus of the program, the *FMLN* has a relative ease in reaching agreements, the problem is that in the last two programs that they've promoted they're not programs of division between orthodox and reformers, well, they're a product of..... capitalist. Really, the most that one can say is that it's a program that economically is a track, it's a type of development salad towards the outside (*hacia fuera*), intervention of..... or not so much, of new cadres. A vulgar mixture. But where is the fundamental problem? What's the conception and role of the party? In my opinion, an orthodox sector, the communists which fully coincide with this aspect of the *CTPN*, that's the biggest of the orthodox groups, that the conception of the party is..... Look, you believe in the sole (*único)* party, well no, they accept pluralism. But their conception of the left, the left is our party, all the rest that's in

the left either they join our position or it's competition. So, it's extremely difficult to be able to structure alliances of alternative sectors. It seems to me that it's still very strong in our political society. Sometimes, even with the same ones who reproach this, one sees certain type of attitudes that at the level of questioning the traditional party concept, the Soviet model let's say, it passes through the Leninist model, it's still very strong. Recently, like two or three months ago, the Ebert Foundation organized a two-day seminar here on thematics (*temática*) of the left. Well, it was the first time that the left met in a broad, very broad sense - not only the left of the *FMLN*, but people whoconsider themselves of the democratic left - we entered into all of that. A bunch of people without any party but who consider themselves to have leftist ideas. We were debating and the central point was key for me. For example, this guy came who was promoting a party position that I coincide a lot with, he called it the "nodular" party, in other words, a very flexible party with nodules with the civil society that doesn't imply belonging to something (*pertenencias*) or anything like that. There was a lot of rejection.

JOHN: Good, those they are all my questions. Thank you.