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INTERVIEW WITH:
MR. CARLOS VALLEJO LOPEZ
EX-PRESIDENT OF THE ECUADORIAN CONGRESS
QUITO, EQUATOR
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JOHN: To begin, how's it decided inside the block (*bloque)* what its position will be regarding a bill (*proyecto*) or a voting?

CARLOS VALLEJO LOPEZ: In each legislative block?

JOHN: In yours, for example.

CARLOS VALLEJO LOPEZ: When I was in the party, yes, usually for the more important laws or for highly significant topics, like for example an appeal (*interpelación*), the block meets and the whole block makes an analysis and then takes a decision on how to vote. When the topic is extremely delicate, it's consulted with the party, with the party's board of directors (*directiva*); then a decision's made between the block and the party. As far as the less important topics, they're discussed among the block members (*compañeros*) at the moment of the voting, while they're in the gallery (*sala*), and they're voted by consensus. Most of the time all of those who pertain to the block vote the same way. There are occasions when some legislator (*diputado*) or some legislators separate from the party or block's position (*línea*). If [the topic's] very important, a sanction is sought, if it's a topic of little importance, no, then it's disregarded.

JOHN: What are the most important factors, that [influence on why] the legislators don't vote along with their block or break the discipline?

CARLOS VALLEJO LOPEZ: There are only two[factors]: the first is due to a conviction, which is very rare. Within [the factor of] conviction there's a topic that's included, which is a legislator who because of certain circumstances didn't agree with an alliance, with the government for example, and since he's not in agreement he votes against the government's theses. However, the majority of times [the legislators don't vote along with their block] due to some personal interest or to maintain their people with positions in the government or for money.

JOHN: They directly exchange with money?

CARLOS VALLEJO LOPEZ: Concealed, under the table, but in some cases the government arranges this with each legislator. There are legislators with whom things can be arranged, there are legislators with whom things never can be arranged, not even come close. But there are legislators who can be made to change their vote.

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JOHN: If a legislator is sanctioned for indiscipline, what are the sanctions?

CARLOS VALLEJO LOPEZ: Previously there was little sanctioning in the blocks. Lately, with the Ethics Code, there are several possibilities, such as: suspension from the block - a suspension means that the substitute (*alterno*) should take his place for a while; expulsion from the block; and expulsion from the party.

JOHN: Are there stable multiparty coalitions in the Congress that vote together for the government's program, for example?

CARLOS VALLEJO LOPEZ: There's a pretty firm tendency to make firm ideological coalitions during the first years of government, which are either in favor of the government, or opposed to it. They sort of group together by tendencies, but over the course of the time they change and the ideological tendencies begin to lose their meaning, and created interests begin to gain significance.
JOHN: What type of interests?

CARLOS VALLEJO LOPEZ: When elections are approaching usually everyone wants to be far away from the government. The majority don't want to establish taxes, everyone's against any measure that means being unpopular. As you move away from electoral success and you approach the following elections things move with a different criteria.

JOHN: In the Congress there's no electronic electoral voting system. Has the adoption of such a system been considered in the Congress?

CARLOS VALLEJO LOPEZ: We began to work on that nine years ago, when I was President of the Congress. We requested support from the IDB (International Development Bank); the study was done, not only of the electronic voting system, but of a global system of administrative and operative organization and then, [the process] was interrupted. The following Congress activated it up again but in the long run it seems to me that an electronic voting [system] doesn't interest anyone in the Congress, in the last two Congresses.

JOHN: And why doesn't it interest anyone?

CARLOS VALLEJO LOPEZ: To be frank, it's due to negligence and laziness. Negligence, because it's not important, because it's not very important. Using an Ecuadorian term: because, *Qué carajo!*

JOHN: This is what I've come to ask you: What effect do you think the adoption of such a system would have on the Ecuador's legislative process?

CARLOS VALLEJO LOPEZ: It would have a great effect because the voting's registered through the electronic system. Without the electronic system there's no registry of the voting; well, only if it's nominal or nominative, then yes. But if the voting isn't nominal or nominative but rather by handraising,

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the only thing that's known is that forty eight [legislators] voted, but not how Carlos Vallejo or how Jiménez voted or so-and-so voted...

JOHN: Well, then it seems that it would be important, no?

CARLOS VALLEJO LOPEZ: It would be important to adopt it, but that's not the reason for not putting it in place. The system isn't adopted due to negligence, laziness, because of *"quémeimportismo"* (why should I care).

JOHN: How does the partisan leadership of the directive board know the way the legislators voted in the votings that aren't nominative? Or do they know?

CARLOS VALLEJO LOPEZ: In each block?

JOHN: Yes.

CARLOS VALLEJO LOPEZ: Since the block's almost like a thread (*hilo*), it's joined together physically, one can observe how they [the members] move. Ten legislators raise their hands, five legislators... There are blocks that are somewhat big, the *PRE* has twenty-two legislators, maybe it's more difficult to see; but usually it can be seen like any other block. Also, in the votings that are simple, they're topics of little importance and *nuestro ascendente si alguno falló*. **JOHN: I DIDN'T UNDERSTAND THIS LAST PART.** In the difficult votings it's nominal or nominative.

JOHN: Do the majority of legislators want to be re-elected to the Congress?

CARLOS VALLEJO LOPEZ: In a high percentage.

JOHN: And what the most important things that [a legislator] should do to be re-elected?

CARLOS VALLEJO LOPEZ: What should he do to be re-elected?

JOHN: Yes.

CARLOS VALLEJO LOPEZ: Usually in underdeveloped countries, and I understand that also in developed ones, a legislator should try to be in good standing with the electorate; not in function of what kind of legislator he is, but rather in function of obtaining things for their state, a bridge, a highway, for the schools, public positions, that's what is significant.

JOHN: But the legislators have budgetary power.

CARLOS VALLEJO LOPEZ: No, but they have the power to negotiate (*tramitar*) with the minister, to achieve that the institute yields, for... They have power. I say that the legislators, more than being legislators, are their provinces' plenipotentiary ambassadors before the central government.

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When a delegation from the province comes, the minister isn't the one who receives them; they go with the legislator and the minister receives them.

JOHN: What effect has the 1997-1998 electorate reform had on Ecuador's legislative representation?

CARLOS VALLEJO LOPEZ: Negative.

JOHN: In what sense?

CARLOS VALLEJO LOPEZ: [First,] the elimination of the national legislators means the disappearance of a "by nature" leadership (*liderazgo nato*) in the Congress. Second, the national legislators, upon being elected by the whole country, are projected as political figures for the future. Third, the national legislators have a more global vision of the national problem. The provincial legislator is informed about his parish's problems, his province's problems. The national legislator has a global vision of the national universe and of the international situation; that's been lost with the elimination of the national legislators and by making everyone provincial legislators.

JOHN: And how would you describe or characterize the relationship between the legislators and the voters, between the legislators and the citizens ?

CARLOS VALLEJO LOPEZ: There's no relationship. There's the clientele. There's the commission that comes to request that a bridge be built; there's a commission that comes to request that some monies be obtained to build some schools; there's the legislator who helps in the national strike in order to achieve the construction of a highway, but there's no relationship between the voters and the legislator elect that requires him to provide an overview of his work and to look at alternatives.

JOHN: What do the voters or the citizens know about the legislative activities?

CARLOS VALLEJO LOPEZ: Absolutely nothing. Worse than that, 90% of the citizens are confused about the legislative work; I believe that that's a problem at the world level because there's criticism regarding all the parliaments denouncing that they [the legislators] don't do anything, that they spend [too much time in] discussions, that they spend [too much time] talking, that they spend [their time] fighting, that they spend their time in and out of the parliamentary seats (*curules*) and that the parliamentary world is only that. So there's a confusion [in the belief] that the legislators don't do anything because they haven't gotten the bridge built, because they haven't gotten the highway constructed. So there's a negative distortion as far as the legislator's function with regard to what the electorate wants their representative to be [or do].

JOHN: Well, the last topic that it interests me has to do with a combination of procedures that is unique in Ecuador. It's the combination of the executive initiative of economic urgency (*iniciativa ejecutiva de urgencia económica*) with the partial veto. What effect does this combination of powers of the Executive have on the Congress' operation?

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CARLOS VALLEJO LOPEZ: The economic urgency bill (*proyecto*) and the partial veto are two separate things. Because the partial veto can be a partial or total veto; it can be for the urgency law (*ley*), like for any other law.

The economic urgency bill is a substitution for what was before - and it now exists in other countries as well - the emergency bills (*proyectos de ley de emergencia*) . When there was a national catastrophe the President of the Republic could emit an emergency bill that became a law for ninety days and then the Congress either ratified or denied it. The economic urgency bill was created so the President wouldn't have this power. Only the President can emit *(mandar*) [the bill], but this [only] works in a country with a high democratic culture. It wouldn't work in a country with that's highly populist, *caudillista* and of economic powers, it doesn't work because the government emits just about anything as an economic urgency bill. For example, the reform to the agricultural chambers (*cámaras de agricultura)* law - which isn't very important - is included as an economic urgency bill. So, the law's disrespected because economic urgency is supposed to treat a single topic and here they send a fourteen-topic bill divided into different chapters reforming fourteen laws. If there was respect for the Constitution, if there was respect for the democracy, it'd be a good the system because it allows for the government, in a very short period of time, to demand of the legislative the study of a short, simple, but necessary law. Here, a package of four hundred articles is sent, there's no advancement in its discussion, there's an advancement in its analysis and it enters by the law ministry or it enters badly elaborated. This provides an institutional structure, but it's a good institution if it would be respected.

The partial veto is also a good institution, if it was respected. The partial veto means that the President doesn't accept what the Congress did and his proposal is ratified. We've just seen a violation of this, the President emits a bill with the 15%, the Congress rejects it and the President sends a veto with the fourteen. This is unconstitutional because it's another thing. Because if he sends it with the 15 and the Congress discussed it in two debates and rejected it, he had to ratify it in the 15.

JOHN: But what I find unique in the Ecuadorian situation is the following: when an urgency bill is received in the Congress - if I understand it correctly -, the Congress has more or less three options: 1) it can accept or ratify it; 2) it can completely deny it by a majority or 3) correct it. But if modifications are made, by simple majority, then the President can veto the modifications and surpass the veto.

CARLOS VALLEJO LOPEZ: There there's an error in the Constitution, because the Constitution gives two alternatives that are contradictory; it says: "or it's defeated (*se allan a*) by half plus one, or it's ratified by two-thirds [of the voters]". You have only one road to follow: either it's defeated or it's ratified by a simple voting. Why? Because it's the President of the Congress' jurisdiction (*potestad*) to see which of the two alternatives votes first. So, if I'm close to the government, I say: "let's vote the *allanamiento* first". It's easier to get half [the votes], so it's voted and it wins. The second [alternative] can not be voted on. There's nothing like having two votings on the same topic with different results and if I'm the government's adversary and I see that I have the votes, I say we should vote on the ratification first. But let's suppose that I lose - I can no longer ratify it- and I vote for the *allanamiento* and let's suppose that I also lose, then the law's annulled. So, here there's a

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constitutional error. The Constitution should say just one thing: that a bill's rejected (*allanarse*) or ratified by half plus one of the voters, because if to vote it was half plus one, why should they ask me to have two-thirds to ratify it? So, it's necessary to eliminate this and say: either it's rejected (*se allana*) or it's ratified, vote. The one who's in favor of rejecting it *(allanarse*) votes, if it loses it's because the ratification has won. The Constitution should be that simple, there's a constitutional error here.

JOHN: That seems right to me, but I find that it doesn't make sense.

CARLOS VALLEJO LOPEZ: I'm in total agreement with you.

JOHN: Why?

CARLOS VALLEJO LOPEZ: It's poorly elaborated.

JOHN: And in the combination with the urgency, the urgency's legal procedure, that if there's no decision by the Congress after 30 days, the law's in effect.

CARLOS VALLEJO LOPEZ: This is another thing that's also an imposition. If the Constitution would be respected, it's not serious, because you make a four-article economic urgency bill. There's the war with Peru, I need to make budgetary expenditures (*partidas pres upuestarias*), this is discussed in eight days. If you make a radical reform on some topic, Plan Colombia, you need to make some urgency bill to provide support to the border, but if you want to reform twelve laws with twenty-article chapters for each law, it's impossible for anybody to study it. So it's an abuse by the government to achieve its objective of reforming laws.

JOHN: But the constitutional tribunal isn't going to discuss this topic, it's going to discuss another topic.

CARLOS VALLEJO LOPEZ: It will wash its hands and it's going to decide not to analyze that, but rather analyze only the constitutionality and there they are going to deny, the IVA will be increased unconstitutionally, because the President commited two violations. The first, to have emitted the veto with the fourteen and not with the fifteen; and the second, the Congress didn't dictate *(mandar)* in the bill, and since it hasn't been in the bill any longer, it wasn't vetoed. What was he vetoing if with this he could have put in an article saying it's ratified with the twelve? Yes, there he could, but the Congress didn't include the article, it didn't include the article, therefore he couldn't veto it.

JOHN: I find that this a very complex topic for a foreigner (*gringo*).

CARLOS VALLEJO LOPEZ: No, no, generally underdeveloped countries are accustomed to having too many articles (*a tener demasiado articulado*) which ends up making things more confused.

JOHN: Well, those they are all of my questions.