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INTERVIEW WITH ALEX SIBAJA
FACTION LEADER OF THE *PARTIDO LIBERACION NACIONAL - PLN*
(NATIONAL LIBERATION PARTY)
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JOHN: I'd like to ask you some questions that pertain to the Assembly's organization and procedures.

Are all the members of the Legislative Assembly's directorate are from the majority party?

SIBAJA: They're all from the government's party. This tradition has been maintained since 1970. From the years 1970 through 1978 there's been a stability, in other words, the party is in the government and it doesn't have problems in the Assembly's direction, nor in 1979 and 1980, in 1980 the government loses a coalition that it had here and there were problems in the presidencies of 1980 1981. After that we've been in a process, and to date there hasn't been any setback regarding all that has to do with the directorate exclusively pertaining to the government's legislators. So, already there's a tradition with four constitutional periods.

JOHN: And how's the legislative agenda chosen with the other parties?

SIBAJA: Well, starting from May 1, 2000 a reform to the Legislative Assembly's regulations entered into effect which outlines three possibilities for agenda-making. One, to say it in some way, is the ordinary method: the agenda is established without a political agreement, it's done by date and political consensus. Here when a commission of the Assembly recommends a bill *(projecto)* to the plenary, a unanimous ruling (*dictámen*) can be pronounced; in other words, that all the commission's members are in favor. However, if all of the commission's members are against it, the matter is filed. If all are in favor, then it has priority. If on January 24th five rulings (*dictamenes*) are made and only one is unanimous, then this is the one that's placed first in the agenda. That's the ordinary method.
Then there's what's called the alteration of the day's schedule (*orden del día*); this is when legislators who represent a certain number of the plenary, sign a motion and if two-thirds of the total number of the parliament's members vote in favor of it -38 votes in favor-, then the day's schedule is altered and in the following session the matters recommended by the motion are announced.

Aside from these two methods -which, we could say are traditional mechanisms -, the first being the ordinary method with a modification that political consensus prevails among matters submitted on the same date. Then there's the alteration of the day's schedule (*orden del día*), that's the traditional mechanism for political agreements, which opens up a new possibility now; faction leaders, without the need for a voting to be held in the plenary, who represent 38 votes, can make up an agenda of fifteen bills (proyectos) to be known in the Legislative Assembly. This still hasn't occurred. We haven't been able to reach an agreement during these twenty days, we continue working. This is a mechanism that aside from the bills (*proyectos*), the 15 bills, everyone knows that the first bill is from the faction that has the most legislators, in other words the government's faction; the second bill would correspond to the *PLN* (National Liberation) and

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so forth, and three or four initiatives of the parties that don't approve the agreement are respected. When, for example, don Eliseo and myself reach an agreement about a parliamentary agenda, we communicate it to the rest of the parties so they'll send us their bills of interest to be commented on. These are the three methods that, starting from May 1st, can be used to make bills known in the Legislative Assembly.

JOHN: This task is new?

SIBAJA: New, starting from May 1st, 2000. The first is totally new and this last one, pardon me, you can make reference to the regulation that's contained in Article 36 of the Assembly's Regulations. It's new, it's never been used before. Article 35 is the ordinary mechanism that's been modified; it's application also started on May 1st. The other, the alteration of the day's schedule (*orden del día*), is the one that's always existed, which is found in Articles 38 and 39.

JOHN: How's it decided within the faction what the faction's position will be in the motion or legislative voting?

SIBAJA: The common way for us to coordinate is within the different structures (*organismos*). In each and any type of commission there's a spokesman who's the one that coordinates the faction's positions; this is the same as in the plenary, where the faction leader coordinates. If it's not an important matter where we need to determine whether it's should be approved or not, and we don't reach consensus from informal conversations that are held in the plenary, we come to the faction and we make a decision by simple majority. It depends on how delicate the matter is, the result can be an obligatory approach for all the members. There are situations where we don't really determine what the success of the matter will be; in other words, it's approved or not no matter how many of us are in favor or against it, in these cases the faction can authorize that a group of legislators not accompany the majority. In other words, we try to be as flexible as possible in this.

JOHN: Is this rare or is it normal?

SIBAJA: It's normal, the extraordinary thing is for the decision of the majority to be binding (*vinculante*). That their compliance be obligatory for the entirety of the plenary, of the motion. This is extraordinary.

JOHN: Is it normal for all the faction's members to vote together?

SIBAJA: Yes. Let's say that out of every ten votings, that we vote together between 8 and 9 times.

JOHN: How are nominal votings used?

SIBAJA: In very qualified situations. Let me give you an example, nominal voting doesn't depend on a parliamentary faction. Nominal voting is a matter that's been practiced in the Assembly. There's nominal voting when division exists inside of the different factions, so there's a need for transparency as to how each legislator voted, and it's applied. This occurs very, but very few times. There's one reason for this, government factions are very monolithic,

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so they're hardly ever divided. A sign that there's going to be a nominal voting isn't that the opposition is divided, that's not a problem. The problem's when the government is divided.

Here, at the beginning of the seventies, there was a famous occurrence which had to do with a university and high school student demonstration regarding the approval of an agreement that allowed a transnational to exploit an area in Pérez Zeledón. It was called the Alcoa Covenent (*convenio*). At that time the *PLN* (National Liberation) occupied the presidency of the Republic and it had quite a broad parliamentary majority. A legislator of the government began the struggle, this legislator even ended up being the country's president without belonging to the *PLN*, don Rodrigo Carazo Odio who's the founder of the *Partido Unidad Social Cristiano - PUSC*, that's the party which is now in the government. It made a group of *PLN* legislators divide and they separated from the government's position (*línea*). I think that it was the last time, in a very relevant event, that nominal voting was used, precisely because the government's faction was divided at that moment. That happened at the beginning of the 70's, thirty years ago. It isn't common. Maybe it's been used at other times, but historically it's the reference of nominal voting. It was the time when each legislator stood up and justified himself for ten minutes before emitting his vote, stating the reason why he was voting "yes" or "no". There are even records of that time and it was very polemic. That law was approved and it was never executed.

JOHN: But do electronic voting machines exist in the plenary?

SIBAJA: They exist and they've never been used.

JOHN: Why?

SIBAJA: For reasons of vote security (*seguridad del voto*).

JOHN: They're not secure?

SIBAJA: No. Let's see, the fact of the minutes that pass between the matter being discussed and the time that the legislators present themselves to the hall *(sala)*, make those electronic mechanisms impossible. Let's say that it's been more convenient, more practical for the President to call for the voting at the time when he feels that there are 45 legislators present. The electronic mechanisms are a cutback (*corte*). Let's say, at the moment that it's said that the voting's being taken, there's a number of seconds and the voting's closed. So, this rigidity doesn't allow for the table which is conducting *(mesa que conduce)* the voting to see the plenary completely situated so the greatest number of legislators can concur with their vote.

We've explored formulas - me, particularly, I've worked on projects of this type in other legislatures, such as when I was the faction's political advisor - and it's difficult, not all of the representatives have the same perception regarding electronic mechanisms. Now, I'm even in a project with the presidency of the Assembly to eliminate the paper of the plenary.

JOHN: Would everything be electronic?

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SIBAJA: Exactly. It's detrimental to us that this mission isn't embraced by everyone. However, right now, to start with, I'm trying for all of the faction leaders to have this discipline, as well as the members of the directorate (*directorio*). A little in order for the rest of the plenary to see us working and see the facilities that we have; we're using laptops and all of our records are, all of our bills can be communicated by written means through electronic mail among the legislators. I make this reference because this also has to do with... in other words, while we're not organized with electronic mechanisms, the possibility of taking votings by electronic means is more difficult.

They exist and I've already seen experiences in other parliaments. In Washington you have one and in Nicaragua, too. Here it's been hard for us and I think that it's because we haven't familiarized ourselves with electronic mechanisms in the important moments such as the formulation of the laws in the parliament.

JOHN: Attendance in the plenary and in the votings is a matter of partisan discipline?

SIBAJA: Yes, that's correct.

JOHN: Is not voting a way to deny consent to the faction's position without voting against it? Or is it a lack of interest and nothing else?

SIBAJA: In the case of the *PLN* (National Liberation) faction, it's necessary to request permission in order to not concur with the faction majority. You have to request authorization.

JOHN: Or not vote or vote against.

SIBAJA: Exactly.

JOHN: How does the faction leadership know how it's faction's legislators voted?

SIBAJA: Starting from May 1st - we have 22 days in this discipline - we agreed that I have the liberty, through whatever means I choose, to verify how the legislators voted.

JOHN: But it's just by observing them, no?

SIBAJA: If they're standing, I do whatever's possible and if it's an important voting. I haven't arrived and I think that I'm not going to arrive, I hope it doesn't happen to me. When there are important matters I gather the plenary beforehand.

JOHN: But it's a method that wouldn't be possible in a larger assembly?

SIBAJA: I'm a faction leader and I move around a lot. While a matter's being discussed, I'm informally checking with the legislators: How do they see the situation? What are their perceptions? Then, normally, when it's time for the voting, me, my faction sub-leader (*subjefe*), my secretary and my faction treasurer - we're 4 for 23 legislators -, one can see very easily how things are going. If there are problems, because well, I request a recess before the voting, I

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correct them internally within the faction and we go together to the plenary. 90% of the time it's not necessary. Instead, I do it in the movement of the legislators' corridor; I correct the situation before something happens where we see ourselves divided due to internal discrepancies.

In any collegiate body (*órgano*) there are always heterogeneous situations. We don't all think alike, we don't all have the same perception, not all have the same strategy. It's a permanent matter.

The faction leadership is permanently conciliating. It tries to interpret the different interests day by day, hour by hour.

JOHN: Right. But in the voting on the *ICE*?

SIBAJA: There were three legislators who the faction authorized to not vote affirmatively. The request was previously submitted to the faction for its acknowledgement.

JOHN: What would it happen if a legislator votes against the faction in a disciplined voting, without permission?

SIBAJA: If there's no authorization, that legislator can be brought before a partisan body (*instancia*) that's called the Ethics Tribunal, where there are sanctions that go all the way up until suspension. In other words, in the *PLN* (National Liberation) ethical matters, those of political ethics, are very strongly sanctioned. In any event, I don't believe that in this corps of 23 men and women collegues it will happen, because the repeated practice has already proven that they know - I myself have used the faction's authorization to vote against a matter -. So, let's say, there's a dynamism now, there's already respect. There's a time when we all say "no", for the good of the party, for the good of the faction, for the good of the country, we form a block and when we've made those decisions we've never been unsuccessful.

When we feel that freedom can be given, as long as it doesn't injure the party's interests, then it's authorized. In that, I'm very proud of the legislator's behavior.

JOHN: Then it's extraordinary that it's used.

SIBAJA: It's extraordinary.

JOHN: How's the level of unity in the fraction affected by the re-election prohibition of legislators? I ask the question because in Mexico re-election is also forbidden. In the United States, in more or less half the....[states??] it has also been prohibited recently. But the debates in the two countries are totally different.

In Mexico it's said that discipline in the unity (*la disciplina en la unidad*) increases with the prohibition because the legislators are dependent on the national parties for their political futures.

In the United States it's said that discipline descends because the legislators don't value their positions inside the legislature, the commissions. For that reason they say that it declines.

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SIBAJA: Well, I'm an enthusiast of the parliamentary career, I believe in it. With regard to this, I've accompanied a group of legislators by signing a bill for continuous re-election.

JOHN: It's waiting to be placed on the agenda now, no?

SIBAJA: Yes, that's correct. Here non-continuous re-election exists; it's necessary to wait one period. Now we're studying continuous re-election. It seems that the political atmosphere isn't ripe for it to be applied starting in 2002, but we're trying to convince a group of collegue legislators to leave this instrument in place for the next legislators. In this sense, I believe that my ten years of parliamentary experience is important.

JOHN: You've served two periods?

SIBAJA: More. I was an advisor to the faction from 1990 to 1998 and now I'm a legislator with the privilege of being the faction leader. I believe in the career. I believe not only in the career of legislators; I'm promoting the statute of legislative servant (*servidor legislativo*). I hope it will be a Law of the Republic in the next months because there will also be a legislative career for officials (*funcionarios*). So, we'll also have career officials. So, I find that it's correct in the two directions.
Let's say, I don't partake of the idea that this helps the discipline because the discipline here is partisan since in Costa Rica the political career is partisan. My political future is within the *PLN* (National Liberation), not outside of it. My discipline to the party is demonstrated every day because every day I have an interest to continue inside the *PLN* and to continue climbing positions inside National Liberation. That's in the case of our party, discipline is born starting there, from discipline to the *PLN*. And the possibility of continuing here for 4, 8 or 12 years, it's the same, with a parliamentary career or without it; in the *PLN*, what are called desertions in important matters, are rigorously judged by the party's militants and sympathizers. So, the experiences of collegues who in the past deserted the party line (*línea partidaria*), left the partisan position, are people who've retired from politics because the Party is very rigorous in this.

JOHN: Good, these are all of my questions. I thank you very much for your time.