

ADALF-525



**PROGRAM OF ASSISTANCE FOR A  
REPRESENTATIVE CONGRESS (PARC)**

**BOLIVIA**

**QUARTERLY REPORT**

*October 1 – December 31, 2004*

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**Prepared by Center for International Development  
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Attachment: Financial Quarterly Report for the Task Order

## INTRODUCTION

This report covers the period October – December 2004 and describes the activities carried out by the (PARC ID) program and the institutional strengthening of the National Congress through the mechanisms and instruments that link congressmen and the population in general. At the same time, activities have been carried out under the emergency plan, which takes into account the agenda presented by President Mesa in October 2003 which includes the Referendum of July 18, 2004 on the handling of Bolivia's gas reserves, the bill on Oil and Gas (Hydrocarbons) and congressional initiatives relating to the Constitutional Assembly,

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President Mesa's agenda has generated resonance between the legislative work of parliament and the mechanisms and instruments to relate parliament with its constituents. As the agenda is followed through and laws are passed, the SUNY Project allows for systematic consultation with the population through the representative mechanisms meant to bring Congress closer to the people.

Activities that took place with Brigadas (Departmental Caucuses) and committees allow Congress to respond to the demands of the population by means of parliamentary actions.

This period was strongly influenced by two themes, the treatment of the draft legislation on Hydrocarbons and the discussion in the joint committee of the government legislation convoking the Constituent Assembly. It could be said that in good measure absorbed the majority of congressional work.

### 1. DEVELOPMENT OF ACTIVITIES AND ACCOMPLISHMENTS

During this period (Oct-Dec 04) there were various subjects that were undertaken by the single-member district members, Congress' Departmental "*Brigadas*" and by the Congressional committees with the support of SUNY. Though there was a strong emphasis in dealing with the themes of the agenda of October 2003, there is no doubt that other actions were undertaken and in some cases have relation with the needs of the uninominal members, as well as themes of national interest like the government bill on reproductive and sexual rights. Following are listed the representation mechanisms and the subjects covered:

**Citizen Interest Forums (FCI's):** 19 FCI's were carried out during this period, according to the following detail:

14 FCI's were carried out by uninominal members in 11 different districts in 7 departments (with the exception of Beni and Pando), on the Constituent Assembly

5 FCIs were carried out by the same number of Departmental "*Brigadas*" (*La Paz, Cochabamba, Tarija, Santa Cruz and Chuquisaca*) to discuss the proposed legislation on Hydrocarbons

**Public Hearings (PHs):** 2 PHs were carried out during this period, according to following detail:

1 PH was carried out by the Committee of Social Policy referred to the bill of reproductive and sexual rights in the city of La Paz

1 PH was carried out by the Committee of Human Development, referred to in the program of Technical Education of the Department of Education.

During this period we had planned to have 10 PH's to consult the bill of *Convocatoria* to the Constituent Assembly, but unfortunately the Special Committee of Congress for the Constituent Assembly (SCCCA) was not able to gather the levels of consensus to have a bill review by the society and because of this it was not possible to have any PH in this quarter.

**Radio Informative Programs (RIP's):** 2 RIP's were conducted by uninominal members:

1 RIP was carried out by Dip. Gonzalo Barrientos (Cir 38, MNR- Potosí) that focused on the completion of its agenda EDC compromised months before.

1 RIP was carried out by Dip Fernando Rodríguez (Cir 2. ADN-Chuquisaca) that focused on the government bill of Hydrocarbons that dealt in the House of Representatives.

**Radio Interactive Programs (RIP's):** 8 RIP's were carried out by 6 single district members from La Paz and El Alto, belonging to 4 political parties (MIP, MIR, MNR and NFR), in agreement to the following detail:

1 RIP was carried out by the Dip. Juan Gabriel Bautista (Cir 21, MIP- La Paz-provinces,) that focused on monitoring the endowment of electricity to communities and improvement of neighborhood roads

3 RIP's were carried out the Dip Claudia Paredes (Cir 14, MIR-El Alto) on the Constituent Assembly, allowances of gas for the city of El Alto and on housing problems in that city

1 RIP was carried out by Dip Maria Teresa Paz (Cir 8, MNR- La Paz) on the work carried out with the neighborhood meetings and the mothers clubs of its district.

1 RIP was carried out by Dip Alejandro Zapata (Cir 15, NFR- El Alto) that had as an objective to defend the budget of the department of La Paz.

1 RIP was carried out by Dip. Irineo Espinoza (Cir 13, MIR. El Alto) on the need to have a morgue in El Alto and to have a headquarters of the Superior Court for the Judicial District of La Paz.

1 RIP was carried out by Dip. Hugo San Martín (Cir 9, MNR, La Paz) to report on the different projects of the Constituent Assembly that are being discussed in the SCCCA.

It is important to make clear, as already was done in the previous report, that this type of RIP is only providing information and is not interactive, since only single district members reports on a specific theme (issue). It is a way of having another form of relating the single district member with their voters without the need from the voters to feel obligated or needing to call to express their opinions.

Besides the activities already mentioned relating to the execution of the representation mechanisms, SUNY continued with much emphasis to support two critical themes of President Mesa agenda, where the Legislative power has the main responsibility, that is specified in the editing, the discussion and sanction of the bill of Hydrocarbons and to convoke the Constituent Assembly through the respective congressional gatherings. The support offered by SUNY was carried out in the following form:

**Technical Assistance to the SCCCA:** After the *Comisión Mixta de Constitución del Congreso* devised a government bill to convoke the Constituent Assembly in August 2004, the National Congress decided to ask the SCCCA to revise and to discuss the previous process and once concluded that phase, to carry the new project to the civic consultation through PH's. For this, the SCCCA requested that SUNY provide support in the form of 4 lawyers, who after drafting a work-plan began supporting the work of 42 congressmen to analyze 11 bills from the Executive on this topic that had been presented by the members and by civil society organizations. The product of this work of almost 4 months was a government bill with several scenarios. Given time constraints, it was not possible to carryout the civic consultation as initially planned. A positive result of this phase was, that a large number of the parliamentary worked in the different proposals, which allowed them to take in the basic concepts of what is a Constituent Assembly and the possibility that they could transmit to the population who they are in contact with.

**Technical Assistance to the Committee of Economic development and to the Presidency of the House of Representatives for the analysis of the government bill of Hydrocarbons:** Once known the results of the referendum of July 18 (on the basic lines of the government bill of hydrocarbons), the Executive sent to the National Congress a bill of hydrocarbons that was later assigned to the Joint Committee of Economic Development and they asked for technical assistance from PARC/SUNY to revise the project. Set against this request, it was evaluated by the US Embassy and the Director of USAID given the political and institutional consequences that could come about from this action. After analyzing it, it was clear that our assistance would be focused on the process (legislative work) and not a result (law of certain characteristics.) To comply with this objective 3 consultants were hired (a tax lawyer, an economist and a petroleum engineer) who worked during September and part of October in reports that deal with legal-tax matters, analysis of economic impacts and technical evaluation in petroleum sector (phases of the upstream and of the downstream). Once the committee devised its report to all of the Representatives, the Presidency of the House of Representatives asked us again for technical aid to be able to direct the discussion in the plenary. In this phase as requested by the House, we added a new lawyer specializing in the corporate area, together with the other three professionals, offered technical criteria

to the Presidency of the House of Representatives and to various members of this legislative body to enrich the discussion and to permit that the legislators take at least informed decisions, knowing the positive and negative consequences of their decision. It fits to note, that during all this quarter the teamwork was very professional and were not denounced by the most radical legislators of international meddling in the processing of the government bill. The reports were delivered to the beneficiary (Presidency of the House of Representatives) and we assume that it was used adequately. There is no doubt when dealing with a troubled and delicate topic within the country, the points of view are very found, to what adds the excessive ideology to which this theme was confronted with, from there the delicate thing is for PARC/SUNY to work offering technical aid and methodological elements that will allow guidance in the congressional debate.

At the conclusion of this report the hydrocarbons bill continues being discussed in the House of Representatives, lacking to define the most critical themes as are the voluntary or compulsory change of the contracts that the petroleum companies have with the Bolivian State, the reestablishment of Bolivian Fiscal Oil Deposits (YPFB) with the contributions of the state owned petroleum companies capitalized and the economic state for the exploitation of Hydrocarbons. In all these themes the consultants hired by PARC/SUNY have provided technical criteria through comparative legislative analysis and by giving a set of scenarios – both positive and negative – of the implications and consequences of specific issues in the legislation.

## **2. OTHER ACTIVITIES RELATED TO INSTITUTIONAL STRENGTHENING**

**Training legislators and technical secretaries** of 6 Departmental Parliamentary Brigades (Cochabamba, Chuquisaca, Even, Potosi, Oruro and Santa Cruz): During this period (Oct-Dec) the cycle of training initiated the past quarter on analysis and evaluation of the departmental public investment ended. This process took the realization of workshops with the participation of the parliamentary and technical secretaries that permitted that some brigadas subscribe to covenants with the respective *prefecturas*, as it is the case of Oruro and Santa Cruz, to manage to obtain information to carry out the monitoring of the departmental public investment through the SISIN. It is expected that the following quarter the remaining 4 brigadas will manage to sign the covenant with their *prefecturas* and agree without problems to the information on departmental public investment. Likewise, the Parliamentary Guide to Oversee Departmental Public Investment was published with the auspice of the House of Representatives, the Finance Committee and PARC/SUNY, the guide has been already distributed to the 9 Departmental Brigadas.

**Support to parliamentary women:** Sadly during this period UMPABOL did not achieve to reunite and therefore it was not possible to carry out a coordinated job to support this instance for a true institutional strengthening. The most evident reason for this paralysis is that the system of political parties inside the Congress continues to be dismantled after the crisis of October of 2003 and that the system was the one that prompted the immediate work of UMPABOL.

### 3. QUANTITATIVE SUMMARY:

During this period, PARC/SUNY carried out 31 activities with the National Congress, in agreement to following detail:

Since the start of the new constitutional period (2002-2007), PARC/SUNY supported and assisted technically to 47 single district members and too many of them in more than 2 opportunities, which implies that we have covered almost the 70% of the total of single district members that have utilized the mechanisms created, developed and mainstreamed by PARC/SUNY.

Likewise, of the global spectrum of political parties (8 approximately) inside the Congress, PARC/SUNY managed to support the members of 6 (75%) of these in different themes like management reports of single district members' through RIP's, Bulletins, as well as FCI's to report on the Constituent Assembly and the government bill of Hydrocarbons.

Finally, during this period activities were carried out with 6 brigadas.

### 4. IMPACT ON THE NATIONAL CONGRESS FROM THE ACTIVITIES OF PARC/SUNY

This period from October to December was strongly influenced by the electoral campaigns in the 327 municipalities of the country and therefore the activities of the program suffered the impact of this electoral act this past December 5, above all in which refers to activities with uninominal members, since many of them were carrying out political campaigns supporting candidates of their party, group or indigenous people. To this political phenomenon they added the year-end festivities, which cause an obligatory recess of the Congress beginning December 15. Despite these adversities, the work in legislation and in institutional strengthening was very important, since the advances in the government bill of assembly to the constituent assembly and in that of hydrocarbons were very large.

**Legislation:** From the month of October to December 20 of last year, the Special Committee for the Constituent Assembly (SCCCA), attended by the 4 technicians hired by PARC/SUNY, devised a bill draft for the constituent assembly with several alternatives in the electoral system that will govern for the election of the assembly members. It is probable that this 1st document would have to be submitted to analysis in the 1st sessions of the SCCCA in the month of January of 2005, since the *Directivas Camarales* have shown its disagreement with the draft. What it is important to stand out that this is one of the first important laws that the National Congress would be sanctioning from the agenda of October of 2003 and besides is being elaborate from the start by members of the Congress, fact that is relevant in the legislative history of Bolivia.

During this quarter PARC/SUNY continued its support, as already was mentioned in previous paragraphs, for the analysis of the hydrocarbons bill in the House of Representatives. It should be pointed out that the work carried out by the 4 specialists hired by our program enabled key points of the legislation to be analyzed with a lot

more care on the part of the Representatives. And the function of it to be discussed in the full house, the changes that gave course to the less irrational solutions than the ones that were originally included in the documents remitted by the Executive, and by the Committee of Economic development.

**Institutional Strengthening:** After the crisis of October of 2003, members did not follow the party line like before. Though this generated some disorder in the operation of the Legislative Branch, it actually allowed the legislators to approach the people and seek their support. The National Congress as an institution was prepared thanks to the programs that PARC/SUNY had executed, that has permitted to cover 70% of the uninominal deputies.

## 5. PROBLEMS AND DELAYS

### RELATIONS BETWEEN THE LEGISLATIVE AND EXECUTIVE POWERS

As it was mentioned in the previous report, the relations between branches of government continued their troubled existence. At the start of the quarter the relations became very tense due to the position that the President took on the work of the Congress, but at years end there was a mutual approach that allowed some discussions on their points of view. Similarly, in the case of the Constituent Assembly both branches of government collided since they believed that their initial pact had been broken on the division of functions. These two themes were the ones that we had to face during this period; they in good measure delayed our work inside Congress and did not allowed adequate completion of our work.

**CORRECTIVE ACTIONS:** On the government legislation on hydrocarbons, PARC/SUNY offered technical assistance to the Presidency of the House of Representatives by providing criteria to facilitate communication between the political parties. The political ideology positions were the ones that dominated the discussions, but with our support some specific issues are being discussed in a technical perspective. On the support that we offer on the Constituent Assembly issue, important advances in the coordination between branches of government were achieved and our work team has been incorporated and it is supporting the National Congress.

### MUNICIPAL ELECTIONS AND YEAR END ACTIVITIES

During this period, municipal elections and year-end activities absorbed the attention of the legislators. This without doubt, affected the execution of activities since good part of their time and emphasis was directed to support the candidates of their political parties, civic groups or native town. Though it was not like in other years, where the *partidocracia* put all the attention in this electoral-political act, but there is no doubt that it seriously affected our work, adding the end of the year which normally paralyzes all congressional activities after the 10th of December.

**Corrective actions:** From our passed experiences, we forecasted and we tried to carry out a greater number of activities between the months of October and November so we

could utilize the parliamentary time in the best possible way (we carried out more than 20 activities in those two months).

#### **SUPPORT TO PARLIAMENTARY WOMEN**

This last quarter UMPABOL failed to have any meeting to reorganize, and to allow elections of new parliamentary women to lead them.

Corrective actions: PARC/SUNY already decided to incorporate a person that will work on this theme and that would allow the relaunching of UMPABOL, therefore its contracting will be done during January to February of 2005.

### **6. CONCLUSIONS AND RECOMMENDATIONS**

At the end of this year and after more than three continuous years of work with the National Congress, we are in conditions to affirm that the mechanisms of *relacionamiento* have been assumed as a form of work in the Legislative Branch in their relation with the population. Likewise, the population values this change a lot and participates in masses in the meetings carried out by uninominal members, committees and brigadas. We believe that it would not be possible to return to the previous modality of work, where they did not inform the voters on the part of the legislators, therefore any setting that arises of this body should assume the way of work the *relacionamiento* with the population to legitimize its work of management, overseeing or legislation.

With this before us, is it required that we carry out our efforts by analyzing the position of the mechanisms in practice (PH's, EDC's, FCI's, RIP's, AMR's and REDIC's), to make changes that were pertinent to facilitate its application and to institutionalize them in case of its necessity (as the FCI's, RIP's or REDIC's), introducing them in the congressional regulations.

Finally, something that deserves to be emphasized in this period was the nomination of candidates to departmental attorney general on the part of the 9 Departmental Parliamentary Brigadas in the House of Representatives. This process concluded successful and brought together 9 brigadas, the Constitution Committee, SUNY and Partners of Americas (POA).