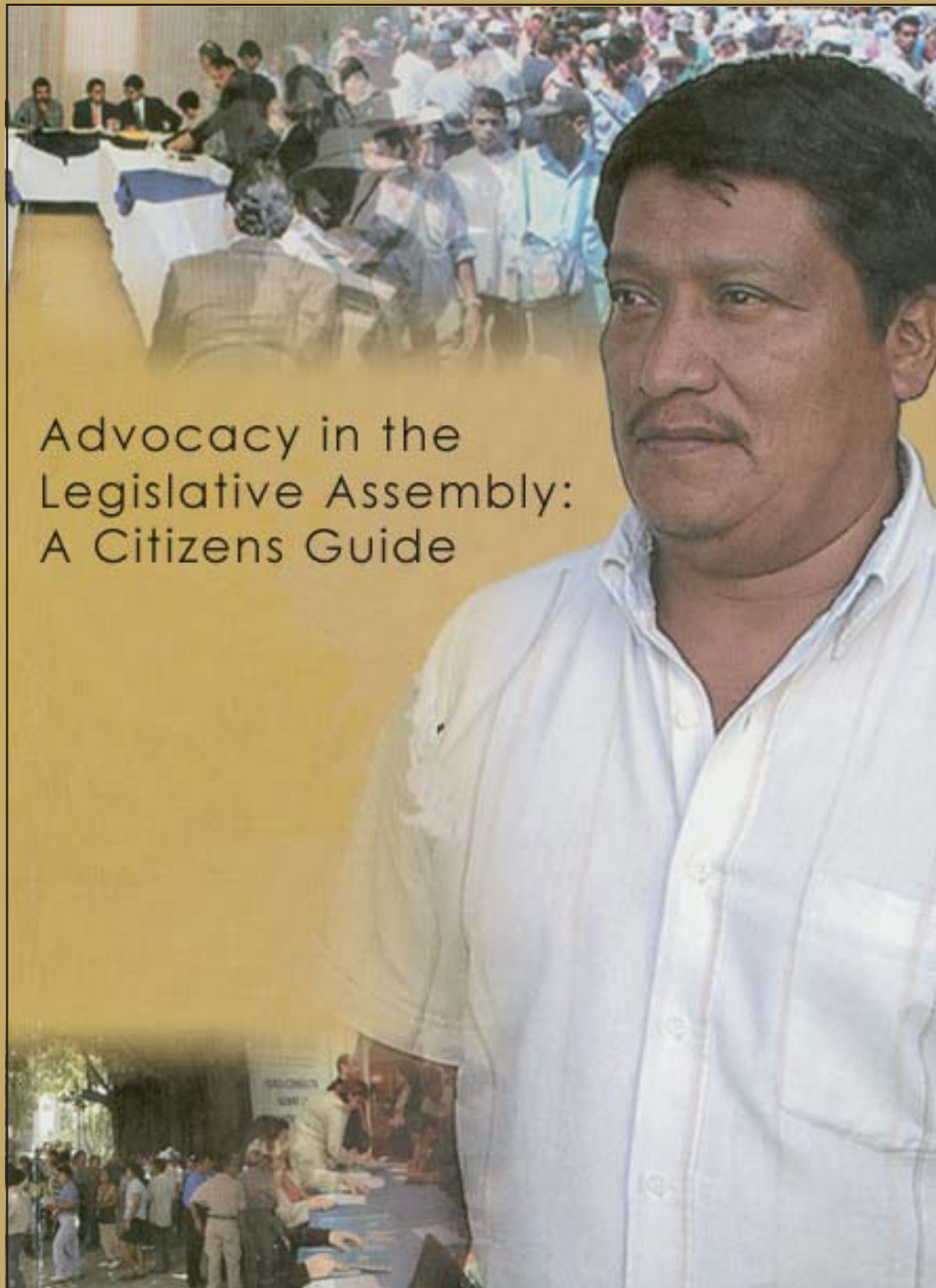




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Advocacy in the
Legislative Assembly:
A Citizens Guide

CREATIVE ASSOCIATES INTERNATIONAL 

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Advocacy in the Legislative Assembly: A Citizens Guide

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FOREWORD

Throughout the last decade, civil society organizations in El Salvador have been working at different times and in various ways to make their voices heard in the political arena. The Citizen Participation and Governance Project of CREA International in El Salvador—through a cooperative agreement with USAID/El Salvador—has produced this document, *Advocacy in the Legislative Assembly: A Citizens Guide*, to support their efforts.

Though citizen advocacy in the political process is not new in El Salvador, the systematic conceptualization of these advocacy efforts is a recent development that brings with it new challenges. This document mentions some of the initial efforts of citizen groups, but primarily seeks to systematize and apply an advocacy methodology that will give such efforts a better chance of succeeding. Of course, this document presents only one of many ways in which political advocacy can be done. The focus here is on the Legislative Assembly. This path was chosen because the Legislative Assembly is the State body that currently has the greatest concentration of powers for attending to citizen needs.

This *Citizens Guide* is designed primarily as a tool to help civil society groups promote new legislation, but the strategies suggested here can also be useful for influencing legislation already introduced by other organizations or government bodies. Of course, citizens must go beyond influencing the Legislative Assembly to monitoring the implementation of public policies once they are made. The Legislative Assembly must be monitored, for example, as it carries out its role of “passing an Income and Expenditures Budget for Public Administration” (Article 131, Section 8, of the Constitution of the Republic).^{*} Nevertheless, since the objective of the Citizen Participation and Governance Project is to strengthen the democratic nature of the political decision making process, we hope this guide will be a helpful tool to that effect.

^{*} For examples of citizen initiatives on transparency and monitoring of public expenditures, see www.internationalbudget.org

INTRODUCTION

What is Political Advocacy?

Political advocacy is a series of strategic actions directed at governmental bodies in order to create, modify, or improve the implementation of public policies. The word most frequently associated with advocacy is **influence**, because the individuals and organizations involved try to influence the government (local or national) so that it will respond to their needs or resolve a specific problem. If the problem is local in nature, like the need for a rural road or potable water, the advocacy work is done through the Municipal Council. If it is a national problem, like the need for a new agrarian policy, activities have to be directed to the appropriate national body, in this case the Ministry of Agriculture.

What separates political advocacy from other types of advocacy is that it seeks a governmental response to a problem and it stimulates the government to fulfill its obligations. Political advocacy is a way of responding to Section 2 of Article 73 of the Constitution of the Republic, which states that one of the political duties of citizens is to “comply and ensure compliance with the Constitution.”

In order for your political advocacy work to be effective, it needs to be planned step by step. The first step is to identify the problem you need to solve, how your group wants to solve it, and the government entity with the power and authority to provide the solution. (In this text, we will limit ourselves to cases that correspond to the Legislative Assembly.) The next step is to identify the social actors who are in favor of your proposed solution (allies) and those who are against it (opponents). By identifying them ahead of time, your group can make the best of any opportunities you might have to gain support and prepare for the possibility of encountering a strong or motivated opposition. Finally, your group will need to determine its strategies (the actions it will take) to influence the Assembly’s decision. Strategies should be aimed at showing the importance of the problem, the benefits of the proposed solution, the number of people interested, and how motivated they are. It may be necessary to use other parallel strategies to pressure a person or an entity to make a decision. This may involve using the media or enlisting the help of influential people. It may also mean organizing marches, rallies, or other activities with the participation of the people most affected by the problem.¹

¹ For more information on how to plan advocacy campaigns, see *Participatory Planning for Political Advocacy: A Practical Guide*, by the Washington Office on Latin America (WOLA).

I. PREPARING FOR ADVOCACY WORK IN THE LEGISLATIVE ASSEMBLY

1. Organizing

In any political advocacy effort, the ability to organize is a key element both for planning the process properly and for effectively influencing the relevant governmental body. The success of your organization's effort to lobby the Legislative Assembly will depend quite a bit on the political will of the assembly representatives, but it will also depend on the strength and resolve of the population. Public opinion can be a determining factor for turning political will in your favor. In the struggle to get a law approved, a group that is solid, numerous, well coordinated, and, above all, very motivated has more possibilities for success than a small and disperse group. In general, a representative system will pay more attention to one hundred people than to one.

To begin the organizing process, you will need to seek out other people who have the same problem and are interested in working together to resolve it. Next, you will need to establish the operating rules for your organization. (Is it an association, a movement, or some other kind of group?) This doesn't mean you need long legal statutes.² In some cases it is sufficient to come to agreement on some basic rules that will allow you to function well as a group and that all members agree to abide by. Once the core of the group is established, it is a good idea to continue to look for members who share the same interests in order to get more people involved and have a stronger organization.

Communication is also very important in any organization. Everyone involved should be informed about what is being done and why so they can stay active and motivated. It is important to involve people in all your activities because direct collaboration reinforces commitment. Involving greater numbers of people in the many activities of your organization is not only necessary to reach your established goals, it will also give greater strength to your initiative.

Building an organization to do advocacy requires work, but all of the organizations that exist today began with a group of people or communities that didn't have much experience. This document will present the cases of three organizations that were able to get the Legislative Assembly to help them resolve their problems. In each of these examples, the organizations began with nothing more than a problem, a small group of people, and a great deal of motivation to find a solution.

2. Analyzing the Problem

One essential aspect for exercising influence is the organization's understanding of the problem and how to resolve it. An in-depth understanding of the issue will help you to identify which governmental organization should be approached to resolve the problem. Your organization should research the problem thoroughly, propose adequate solutions,

² Though it is not necessary for a group to have legal status for their proposal to be received and discussed in the Legislative Assembly, some assembly representatives say they are more likely to respond to groups that are legally constituted.

and generate arguments in favor of your initiative. When you work with the Legislative Assembly, a thorough understanding of the issue and proper supporting arguments for your proposed solution will be decisive elements for obtaining the support you need from legislators and others.

Researching the problem and the solution may be as simple as recording the number of people affected and briefly explaining your proposal for solving the problem. If you need to do more complex research and your organization doesn't have the capacity to do it, it's a good idea to seek help from other organizations.

3. The Responsibilities of the Legislative Assembly

As mentioned previously, it's important to determine precisely which governmental body you need to approach. This will depend on the legal attributes they each have. The Legislative Assembly's responsibilities are outlined in the Constitution. You should review these duties to see if the Legislative Assembly is the right place to present your problem.

Generally, we think of the Legislative Assembly as the organization that creates, changes, and repeals laws, and these are indeed some of its primary functions, but it also has a variety of other powers. The following table contains a list of the roles the Constitution gives to the Legislative Assembly.³

[INSERT TABLE HERE]

The Legislative Assembly is an important governmental body, and social organizations often go to it for help in resolving their problems. Unfortunately, the requests are frequently about topics that are not within the competence of the Assembly to resolve. For example, people often approach assembly representatives for help in finding a job, but this is not one of the representatives' roles. On the other hand, congress people tend to receive few requests from citizens on some of their other important roles, such as modifying the Constitution, ratifying treaties, approving the budget of the nation, or electing government officials.

When you are trying to decide whether the Legislative Assembly is the right place to do your advocacy work, it is good to remember that you don't always have to create or reform a law in order to solve a problem. Sometimes, the laws that already exist are adequate; they are simply not enforced well. So, before you make any request to the Legislative Assembly, you should study the current laws and the way they are applied in practice in order to determine where the real problem lies. If the problem is in the application of the law, the solution is not to go to the Legislative Assembly to ask for another law, but rather to work through the appropriate governmental body to make sure the current laws are enforced.

³ For more information, see Article 131 of the Constitution, included as an appendix to this document.

One of the primary roles of the Legislative Assembly is to balance the power of the executive branch through what is called **legislative monitoring and follow-up**. Approving the national budget, receiving reports from the ministries and other government officials, electing judges and members of the Court of Accounts, and conducting interpellation of ministers and other officials are some of the key functions of the Legislative Assembly in its role as comptroller. Though the Legislative Assembly doesn't exercise very much control over the executive branch yet, people can still go to the legislative branch to ask it to follow-up on actions of the executive.

People and organizations often look to Legislative Assembly members to assist them in confronting problems that should really be looked at by one of the ministries or other governmental agencies. It is not the role of assembly representatives to resolve these issues directly. However, since one of their roles is monitoring and giving follow up to the executive branch, assembly representatives may intercede with other agencies. One example of this is what happened with a petition of the Inter-Communal Group of San Francisco Menéndez (see Table 4).

4. Evaluating the Political Climate

The case of the Inter-Communal Group of San Francisco Menéndez is a good example of the importance of taking the political moment into account. In some cases, a group can take advantage of the fact that similar problems are receiving attention in the media or in the Legislative Assembly. At other times, a group may be able to take advantage of a relative political calm or lack of pressing news stories to attract attention to its issue. Although there are no magic formulas for communication strategies, it is always good to look for the appropriate time to introduce a topic. If it's not possible to find an ideal time, you will need to at least try to anticipate probable difficulties or delays and think ahead of time about how to work around them.

It is also important to understand how the political decision making process work and the timing of the various stages in order to avoid making your efforts when it's already too late to affect the outcome. For example, it is very difficult to change a law that has recently gone into effect because the assembly representatives who just approved the law are not likely to want to reconsider the topic so soon. The best time to have made changes would have been when the initiative was being debated in the Legislative Assembly. Once it's passed into law, however, it is advisable to wait a prudent amount of time before beginning the advocacy work again.

5. Writing a Legislative Initiative

The main way for citizens to participate in the Legislative Assembly is by writing and presenting a legislative initiative (*pieza de correspondencia*). This is the way to get your proposed law or a petition for changes in to the hands of assembly representatives.

If your organization thinks it's necessary to create or modify a law, it is extremely important that you first investigate to see if the Legislative Assembly is considering any

other initiatives on the same topic. You also need to see if there are any government bodies or other social organizations drafting legislation on that topic. If someone else is already working on the issue, it is a good idea to coordinate your work with them and to evaluate the possibility of incorporating your points of interest into the legislative initiative already being written.

Your group should try to negotiate and reach consensus with other organizations so that only one legislative initiative is sent to the Legislative Assembly. That way, your initiative will have more support and part of the work of writing the bill can be avoided. Keep in mind also that if several legislative initiatives are competing to resolve the same problem, the assembly representatives are going to have to decide which of them to pass.

It's hard to get proposed legislation passed if it's competing with another similar initiative presented by a government agency. In these situations, try to get the government agency's initiative modified by negotiating with them directly as they write the bill or by lobbying assembly representatives once the initiative is presented to the Legislative Assembly. Sometimes the assembly commissions assigned to deal with the issue may choose to write a separate legislative initiative with elements from the different initiatives they receive.

If it looks like your group needs to write its own legislative initiative, we recommend that you write a complete document, include all the changes you want to make, and present it in its final form to the Legislative Assembly. Though it is possible to just send a letter asking for the creation or modification of a law, if there is no concrete proposal presented, the content of that law will be subject to the interpretation of the assembly representatives and you run the risk that the final draft will not satisfy the needs of the people who began the process.

Whether your initiative is a draft piece of legislation or a simple petition, your organization can seek the help of a lawyer or an organization for the legal assistance you might need for the writing. You should work closely with that person or organization so that they can represent your interests exactly and include all of the most relevant information in your legislative initiative.

In addition to describing the desired change, your legislative initiative should assign responsibility for the execution of the law to a specific government entity. If this is not specified, the implementation and enforcement of the law can be delayed while they are deciding which government agency should be in charge of enforcement. It's also a good idea to try to involve groups of people who are interested in the final outcome and implementation of the law in the process of writing the bill.

6. Political Mapping

In any advocacy effort, there are people who make decisions (in the Legislative Assembly they are the assembly representatives) and people who influence or try to influence those decisions. Organizations like yours that present the legislative initiative

would like to have influence over the legislation, but there may also be other interested groups. That's why before you introduce your initiative in the Legislative Assembly, you need to know who else might be sufficiently motivated to act in favor or against your initiative.

Allies are the people and organizations that are interested in supporting your initiative. Identifying possible allies and finding out if and how they can help your project is a crucial part of advocacy. Moral support can be good but if it doesn't translate into action, it will contribute very little to the success of the initiative. When you look for allies, look for those people or organizations that have capacities or resources that your organization lacks. They could be business people, social organizations, or other groups. The strategy of forming alliances was key in the success of the Agricultural Forum's campaign to cancel the agrarian debt (see Table 6).

Opponents are people or organizations who do not want your legislation to pass. You need to know who they are, what their interests are in the issue, how they think they will be affected by your initiative, and how motivated they are to act against it. A person or group that stands to lose something significant if your initiative is passed will probably become an opponent and they may try to influence the assembly representatives against your bill. If you identify these people and groups ahead of time, and if you can predict their possible actions and arguments, you can plan how to diminish the effects of their opposition.

7. Strategies for Working in the Legislative Assembly

Most laws or legislative decrees require the approval of a simple majority, that is, at least 43 of the 84 representatives of the plenary (see chart below). Special decisions, like the election of certain officials, the approval of loans, or the ratification of constitutional reforms require either 56 or 63 votes depending on the case (a qualified majority). Your organization should take this into account when you set your objectives for how many votes you need to obtain and from which parties you are likely to get these votes. To do this, it is very important to research the various parties' positions on the initiative. Some parties have a clear profile on certain topics, but it's not always easy to predict what they are going to say about a specific problem. That's why it's useful to meet with party representatives to find out their opinions about specific proposals and to answer any questions they may have about your ideas.

One of the realities to consider is the tendency of parties to vote as a block. Though one representative may vote differently from the others in his or her party from time to time, it doesn't happen very often, so you shouldn't count on this possibility.

As you are determining the strategy you will use with the political parties in the Legislative Assembly, don't lose sight of the fact that some parties rarely vote with others. Currently, for example, it is harder to get the ARENA party to vote with the FMLN than it is to obtain other partisan combinations. ARENA and the PCN traditionally cast similar votes, but sometimes the PCN position coincides more with the

FMLN. Finally, if you fear the President might exercise his right to veto your legislation once the Legislative Assembly has already passed it, it would be a good idea to try to get the governing party to support the legislation. In any case, it's important to review all of these elements in order to come up with a strategy to influence political parties. It is also advisable to define this strategy before sending your legislative initiative to the Legislative Assembly.

To introduce a legislative initiative, you must have someone to sponsor it. This is the legal beginning of the process of making a law. According to Article 133 of the Constitution, the only people who can sponsor an initiative are assembly representatives, the President (through his ministers), the Supreme Court (on issues related to the judicial system) and municipal council members (on issues of municipal taxes). An important decision for your strategy will be to define who will sponsor your initiative. The reaction of other assembly representatives may depend on who sponsors it.

One possibility is to seek support from the assembly representatives of the geographical area affected by the problem, especially if the initiative is related to a specific municipality or a department. The Legislative Assembly has begun a modernization process that includes opening departmental offices where assembly representatives can have meetings in a place closer to their constituency. Currently two of these offices are functioning, one in the department of Chalatenango and one in San Miguel. The assembly representatives of that area generally meet there every Friday.

Another strategic possibility for introducing the initiative is to ask several assembly representatives from different political parties—especially the largest ones whose votes you will need—to cosponsor the legislation. It's a good idea to seek the support of the representatives who have influence on the opinions of others in their party. Holding personal meetings with assembly representatives in order to influence their opinion about your initiative and turn them into allies is called **lobbying**.

Lobbying should be carefully planned. These meetings can be frequent, and preparing for them is as important as the meetings themselves. You must ask for an appointment for each meeting, decide which people from your organization will attend, and plan what they will say. You should also prepare written materials to give to the assembly representatives you are visiting. You will have to do specific follow-up on the agreements made in each meeting.

It's important to point out that lobbying should not be limited only to the time when the legislative initiative is being discussed. You can begin lobbying before you introduce the initiative, while it's being discussed in a commission, and before the vote in the plenary. Most legislative initiatives die in the commissions, not because they are rejected, but simply because they are not dealt with. That's why lobbying is very important during this phase.

8. Parallel Action Strategies

In order to complement and support your advocacy work of lobbying in the Legislative Assembly, you can organize other strategic activities by mobilizing the people who are affected. This could be any activity that allows people who are interested in the topic to express their opinion directly to their congress people. Mobilizations might include letters, calls to the representatives' offices, signatures on a statement or petition, attending a lobbying meeting, or otherwise having a presence of a group of people in the Legislative Assembly. Of course, any such activity should be carried out in a peaceful way.

Be very careful when you plan this kind of action. If the same action is used many times, it may lose impact. The number of people, letters, or signatures gathered is very important because the more people you mobilize, the more strength you will demonstrate, and the greater the possibility for success in your advocacy work. Sometimes it is worthwhile to increase the number of people who are participating little by little to be able to show that the population's support for your initiative is growing.

Media coverage can also help to generate support for your legislative initiative. Before getting media attention, however, you should decide if it is a prudent thing to do. Most cases need the attention, but at certain times a group might decide that its advocacy efforts should not include media work.

Media coverage can be obtained, among other ways, by inviting the media to press conferences or events, soliciting an interview in a news program, or convincing someone to write editorials in favor of your initiative. The media is usually trying to reach the largest number of people possible in order to earn higher profits, so they are always looking for events and issues that might interest their audience. If your organization wants media coverage on an issue, you will have to convince the journalists or editors that your issue is of interest to the general public. When you get media coverage at an event, you need to make sure they have correct information about the problem, the proposed solution being discussed in the Legislative Assembly, and about your organization.

Other actions aimed at helping legislators to better understand your initiative may also help to win the passage of your legislation. Seminars, forums, debates, and the production and dissemination of written materials can be useful for informing and convincing assembly representatives that the solution you propose is the best one. If your group decides to organize one of these activities, make sure the invitations and materials get directly into the hands of the assembly representatives. Otherwise, you will have little possibility of influencing their decision.

II. THE LEGISLATIVE PROCESS STEP BY STEP

1. Introducing a Legislative Initiative

The introduction of a legislative initiative is the first step in the process of making a law in the Legislative Assembly. As previously mentioned, it is important to find the support (signature) of one or more assembly representatives to sponsor the initiative. The first question asked in the plenary will always be about who is sponsoring the legislation. If no one responds, it is sent directly to the Assembly archives without being discussed or debated. Remember, determining which assembly representative should sponsor your legislation is part of your strategy. It is just as important as getting the votes necessary to pass it.

Once you have the signature of the sponsoring assembly representatives, your legislative initiative should be presented personally or sent by mail to the office that receives correspondence in the Legislative Assembly. There, the operations manager of the Legislative Assembly picks it up, classifies it, and opens a file containing all the basic information that your group has included. How the operations manager classifies legislative initiatives is key for determining their future. He or she will divide the initiatives into the following categories:

Type A: Falls under the jurisdiction of the Legislative Assembly and becomes a new file.

Type B: Does not fall under the jurisdiction of the Legislative Assembly

Type C: Falls under the jurisdiction of the Legislative Assembly and since there is already another file open on the same subject, it goes directly to the legislative commissions in charge of that file.

For a legislative initiative to be considered in the Legislative Assembly, it needs to be classified as Type A or Type C. Those classified as Type B are dealt with in the plenary simply by giving a summary of the issue to the assembly representatives. They do not go on to be considered by the commissions.

To make sure that your initiative is classified as a Type A or C, you need to call the office of correspondence two or three days after you present your initiative and find out which plenary session will be dealing with your piece. If you are told that it has been classified as a Type B, you can ask your sponsoring representative to request that the plenary leadership reclassify the initiative. It is important to prepare yourself as an organization to attend the plenary session in which your initiative will be read for the first time.

The operations manager is also the one who recommends to the plenary leadership which commission should be in charge of reviewing each Type A initiative. Normally, a legislative initiative is delegated to just one commission, but in some cases it may be assigned to more than one. To do effective advocacy, you need to identify the commission that has been assigned the initiative and begin to talk with the members of that commission to get them to make your issue a priority when it is in their hands. (In other words, you need to lobby them.)

2. The First Reading of the Legislative Initiative

One day before each plenary session, the operations manager gives the assembly leadership a proposed agenda for that session. Then the leadership approves the agenda as is or makes some changes and presents it to the plenary for final approval. The basic points on the agenda are usually the following:

- Establishing a quorum
- Opening the plenary session
- Reading and approving the agenda
- Reading and discussing commission reports
- Reading and distributing legislative initiatives
- Announcing upcoming events
- Adjourning the plenary session

The internal rules and regulations of the Legislative Assembly establish that there should be at least one plenary session per week. Generally, they happen on Thursdays, and all of the legislative initiatives received by two days prior (Tuesday) are reviewed in that session. In some cases if it is warranted, assembly representatives may present an initiative on the same day as the plenary and ask the leadership to consider it an urgent matter and include it on the agenda that day.

Once in plenary, at the appropriate time, a summary of the legislative initiatives is read. This is what is called the “first reading.” Only initiatives from the Type A category are read, but the assembly representatives receive a report about the other initiatives. Remember, the sponsoring representative can ask during the plenary for his or her legislative initiative to be reclassified from Type B to Type A or C, and that it receive a complete reading instead of being distributed in the form of a written summary.

The first reading does not determine the success of the initiative. It only means that the issue has been considered appropriate for discussion in the Legislative Assembly and that it will be sent to a commission to be debated. Later the commission will issue a resolution recommending the approval or rejection of the initiative.

On occasions where there is great urgency or need, assembly representatives may ask for a legislative initiative to receive an “exemption from usual procedures” [*dispensa de tramite*]. In this case, one or more assembly representatives will ask the plenary not to send the initiative to any commission but to submit it to a plenary debate and vote that very day.

This is a risky thing to do from a strategic standpoint because if the votes are not assured, it is likely that the initiative will be voted down and sent to the Assembly archives. Once an initiative is archived, according to the Constitution and the Regulations of the Legislative Assembly, the issue may not be brought up again for another six months. The

exemption from usual procedures can also be used by political parties as a way of blocking the possibility of more substantive discussion on any given legislative initiative.

Few legislative initiatives presented by civil society are able to get approved in this way. Most initiatives approved with an exemption from usual procedures come from the executive branch or are initiatives of the assembly representatives themselves.

In one study conducted by CREA International, 146 legislative initiatives were approved with an exemption from usual procedures between May 2000 and June 2001. Of these, only 31 began as civil society initiatives, and of those 31, twenty-three involved exempting a charity event from taxes, authorizing burials, or declaring national commemorative days. Eight were seeking extensions or temporary suspensions on laws or the intervention of the Legislative Assembly in a local problem.

3. The Legislative Initiative in the Commissions

There are 19 legislative commissions, each of which has a president, a vice president, a secretary, an adviser and members.⁴ The assembly representatives who are on the commissions are elected by the Legislative Assembly leadership in proportion to the number of representatives that each party has. Each commission has between 9 and 13 members, except for the political commission, which has 15.

According to the internal regulations of the Legislative Assembly, the commissions meet once a week. In reality, however, the commission's work rhythm depends on the issues being discussed and the work style of the presiding member. The way the commissions work also varies greatly, but generally speaking, the first thing done in any meeting is to read the correspondence received. This includes the legislative initiatives assigned to them from the previous plenary session and any letters requesting something of the commission. The reading is done to determine the priority that will be given to each topic. The president of the commission is in charge of organizing the work agenda with the support of the legal expert assigned to each commission as an adviser.

The work of the commission involves studying the legislative initiative and issuing a resolution, which is an agreement or report on the initiative. Once the commission has issued its resolution, the legislative initiative goes back to the plenary for a second reading and final vote. The resolution may be any of the following types:

FAVORABLE: The commission recommends to the plenary the total or partial approval of the legislation. (Partial would mean they recommend the passage only of certain parts of the initiative).

UNFAVORABLE: The commission recommends the legislation be rejected and if the plenary agrees, it goes on to the Legislative Assembly archive and cannot be introduced again for another six months.

⁴ For a complete list of the commissions of the 2003-2006 legislature and their functions, see Appendix 2 of this document.

PROPOSAL TO ARCHIVE: The commission recommends the initiative be sent directly to the Legislative Assembly archive if the plenary agrees.

PROPOSAL TO REFER: The commission may refer the legislation to a specific minister so that he or she can carry out some related work on the issue. In most cases, this kind of resolution is used to refer a legislative initiative to the executive or judicial branches. If the plenary accepts this recommendation, the initiative is sent to the respective governmental body.

If the commission assigned to review a certain legislative initiative believes, because of the issue involved, that another commission should be the one to review it, it may also resolve to return the piece to the plenary leadership to be reassigned to another commission. Sometimes a single legislative initiative may be considered in two or three commissions, in which case a copy is sent to each one. In these cases, the commissions have to meet together to issue a single resolution since it is not permitted to have two resolutions on the same initiative.

When the commission is discussing a topic that requires consultation with a specialist, generally it seeks advice from government technical support people. If the topic has to do with a ministry or autonomous entity, the commissions almost always consult with that body. There may also be specific cases in which specialists are contracted. This occurred when the government telecommunications company, ANTEL, was sold.

Legislative Assembly members can consult with the public through forums, seminars, and interviews. There, the public has the opportunity to express its opinion directly to the assembly representatives. The people and groups interested in a particular piece of legislation can suggest that the commission hold such a consultation. It is the commission, however, that decides whether or not to hold the consultation and how many and which groups it will invite. Keep in mind that the commission studying your initiative may invite you to give a presentation on it. Your presentation should be prepared as carefully as possible to take advantage of this opportunity.

In the 2000-2003 legislature, commissions conducted several consultations. One was a forum on territorial ordering (or zoning) sponsored by the Commission on Municipal Affairs. Individuals and organizations selected by the commission participated and gave presentations at the forum.

Many organizations think there is nothing they can do while they wait for the commission to issue a resolution. In reality, however, you can take advantage of this key moment to work to: 1) ensure a favorable resolution in the commission, and 2) ensure a favorable vote when the second reading on the initiative is held in the plenary session. This second task is important because after the commission issues a favorable resolution, there are only a few days until the plenary takes the final vote.

While the commission is studying the legislative initiative, your group should talk to commission members and with other key assembly representatives from the parties whose support you need to win. You need to attract attention to the issue through events and media coverage. Some organizations mobilize their members to express their support for the initiative. The important thing is to be active and not abandon the initiative because without advocacy efforts, it is not likely that a favorable resolution will be issued.

In some cases the people who have made the requests, or even the congress people themselves, lose interest in debating the issue. When there is a new Legislative Assembly, commission membership changes and generally the first thing they do is to go over pending items. This means that they send some cases to the archives without resolution since neither the petitioning group nor the sponsoring congress people are showing interest in continuing the discussion.

4. The Second Reading of the Legislative Initiative

When the commission issues a resolution on an initiative, it is sent to the leadership of the Legislative Assembly to be included on the agenda of the next plenary session. The reading of the commission resolution is known as the “second reading of the legislative initiative” and it precedes the final vote.

During the plenary, assembly representatives may ask to speak in favor or against the initiative. According to the internal rules and regulations of the Legislative Assembly (Chapter IV, Article 44), the group promoting the legislation may also ask permission to address the plenary by sending a request to the leadership three or four days before the plenary session. The letter should request permission to speak to the plenary and specify the points your group wishes to talk about.

Before the plenary session, the leadership will notify your group as to whether your request has been approved and how much time you will have to speak. The spokesperson for your group should speak only to the points requested and use only the time allotted. He or she should address the assembly representatives with respectful, inoffensive language. If they do not, the president of the Legislative Assembly may ask them to leave the room.

If your initiative includes a proposal for a new law, it should be discussed in the plenary first in general terms and then, chapter-by-chapter. As the chapters are being discussed, you have a final opportunity to introduce changes in the text. If you want to change the text in any way, you should have the alternative wording ready and a strategy to present it that includes identifying the assembly representative who will agree to introduce these changes to the plenary.

After discussing the resolution in the plenary, assembly representatives will vote to approve or reject the initiative. If it is rejected, it will be archived. If it is passed, however, the initiative automatically becomes a legislative decree and the commission’s

adviser will assign it a number and follow up on the process so the decree can be transcribed formally with the observations and modifications that it may have acquired during its passage. The plenary sessions are recorded and the tapes are stored to serve as backup support for what was actually discussed and approved in the plenary. If there are doubts about whether a written decree says something different than what was actually approved, the doubts can be cleared up by listening to the tapes.

Once the new decree is transcribed, members of the legislative leadership will sign it before sending it on to the President of the Republic. Generally, the leadership trusts the technical support team and signs the bill without verifying if what is written is what was actually approved. In some cases, however, people have denounced changes in the decrees, saying that what is written does not correspond with what was approved verbally in the plenary session. A recent example involved the approval of the General Budget of the Nation for the year 2001. When there are controversies over what was agreed upon, assembly representatives can request the recordings from the plenary session in which the decree was approved to review the verbal agreements and ask for corrections to be made if necessary.

Three originals and one copy of the approved decree are issued. Two of the originals are sent directly to the President of the Republic, and the other original stays in the hands of the Legislative Assembly leadership. The copy is sent to the commission that discussed the initiative.

III. THE APPROVAL OF THE LAW BY THE PRESIDENT OF THE REPUBLIC

When the Legislative Assembly passes a decree, it has ten working days to send it to the President of the Republic for his or her acceptance. Three different things can happen at this stage:

- a. The President **approves**, or passes, the law. In this case he (or she) signs the two originals, keeps one, and sends the other one back to the Legislative Assembly. Then he/she sends the decree to the Official Registry to be made into a law.
- b. The President **returns** the decree to the Legislative Assembly **with observations**. This usually happens when the decree contains written errors or when the President wants to omit or make specific changes in some of the articles. In these cases, if the Legislative Assembly makes the corrections, the President may approve them.
- c. The President **veto**es the decree. This means the decree does not become law, either because the President considers it unconstitutional or because he/she thinks it is unwise from a political point of view.

Whether the President approves, returns, or vetoes the legislation, he/she has eight working days to give some kind of response. If the President does not make any decision during that period of time, the decree automatically becomes a law.

When the President vetoes a legislative decree, he/she sends it back to the Legislative Assembly, and the document is considered a legislative initiative again. It is sent to the pertinent commission, which in turn decides to archive it or put it up for another vote. If it goes to a second vote and wins a two-thirds majority, the President can no longer veto it and must approve it and send it to the Official Registry to be published as law. If the bill does not win a two-thirds majority on the second vote, it cannot be approved and is sent to the archives.

If the reason the President vetoes a decree is because he/she believes it is unconstitutional but the Legislative Assembly then passes the decree again with a two-thirds majority, the President will have three working days to address the issue with the Supreme Court of Justice, which then has 15 working days to rule on the constitutionality of the law. If the Supreme Court decides that the legislation is not unconstitutional, the President is required to approve it and to send it to be published as a law. If the Supreme Court decides it is unconstitutional, the legislation dies and is not published as law.

After the President signs a legislative decree, it must be sent to the Official Registry for publication within 15 working days. Once it has been published, it becomes a law, although it takes another eight days to go into effect—that is to say for the law to be implemented and enforced.

IV. IMPLEMENTING THE LAW

As mentioned above, a law goes into effect eight days after its publication in the Official Registry, and it is the obligation of the government entity mentioned in the law to ensure compliance. This means that that entity must create the conditions for the law to be enforced. Some of the necessary tasks may include purchasing new equipment, installing offices in various places, disseminating information about the law, or training officials. When the law is new, it also needs a written set of regulations that define exactly how it must be complied with.

Though it is tempting to think that the work of your organization is over once the law is passed and goes into effect, the truth is that there may still be a lot of work to do to make the solution to your problem a reality. This is the time to celebrate winning the struggle to create the law, but it is also time to plan how your group will accompany, monitor, and exercise influence so that the law will be enforced. A law that is not enforced does not accomplish its purpose.

Even when people work hard to pass new laws, many of the laws are not given follow-up and are therefore not effectively implemented. This topic is another large one, however, and will be elaborated on in another manual. To illustrate this phase of work, we will show one last example.

[BE SURE TO INCLUDE THE LAST EXAMPLE MENTIONED ABOVE]

APPENDIX ONE

ARTICLE 131 CONSTITUTION OF THE REPUBLIC OF EL SALVADOR.

Article 131: The Legislative Assembly has the following responsibilities:

1. To determine its internal regulations;
2. To accept or reject the qualifying documents of members, administer to them the oath of allegiance to the Constitution, and make them accountable for their actions in the cases foreseen by this Constitution.
3. To receive resignations presented by the assembly representatives, accepting them when they are based on legally substantiated and just causes;
4. To call substitute assembly representatives in case of death, resignation, annulment of elections, temporary absence, or inability of the elected members to perform their duties;
5. To pass, authentically interpret, reform, and revoke secondary laws;
6. To establish taxes, fees, and other contributions on all classes of goods, services, and income in an equitable way, and in case of an invasion, legally declared war, or public calamity, to decree obligatory loans, also in an equitable fashion, if ordinary public income is not enough;
7. To ratify or deny ratification of treaties or pacts that the executive branch makes with other States or international organizations.
8. To pass the Income and Expenditures Budget for Public Administration, as well as changes in that budget;
9. To create and eliminate job positions and assign salaries to officials and employees in accordance with the civil service regime;
10. To approve the budget and system for salaries, as well as any reforms to this, consulting previously with the President of the Republic in order to make sure there are sufficient funds for its implementation;

Once the budget is approved, it shall be included in the Income and Expenditures Budget for Public Administration;

11. To establish the benefits and fiscal incentives or any other incentives for the promotion of cultural, scientific, agricultural, industrial, commercial or service activities;

12. To pass laws that recognize the public debt and create and assign the necessary funds for its payment;
13. To establish and regulate the national monetary system and emit resolutions on the admission and circulation of foreign currency;
14. To administer the oath of allegiance to the Constitution and confer charges of public office upon the citizens who according to law should exercise the Office of President and Vice President of the Republic;
15. To issue resolutions on resignations brought and licenses solicited by the President and the Vice President of the Republic and other designated parties, subject to personal ratification of the same Assembly;
16. To withdraw recognition of the President of the Republic, or any other person attempting to fill that position, when the constitutional period for continuing to exercise that charge has ended. If there is no other person legally called to exercise the Office of the President, the Legislative Assembly will designate a Provisional President;
17. To elect, for the entire respective presidential period, in public roll call vote, two people who will be designated persons with the duty to exercise the Office of the President of the Republic, in the cases and in the order determined by the Constitution;
18. To receive the work report that the Executive should issue through its ministries and approve or reject it;
19. To elect the following officials by public roll call vote: President and Magistrates of the Supreme Court of Justice, President and Magistrates of the Supreme Electoral Tribunal, the President and Magistrates of the Court of Accounts of the Republic, the Attorney General of the Republic, the General Ombudsman of the Republic, the Human Rights Ombudsman, and members of the National Council of the Judiciary;
20. To declare, with no less than two-thirds of the votes of the elected assembly representatives, the physical or mental incapacity of the President or Vice President of the Republic or any officials elected by the Assembly, to exercise their charges, upon unanimous resolution of a commission made up of five doctors named by the Assembly;
21. To determine the attributes and jurisdictions of various officials whenever not specified by this Constitution;
22. To concede, to people or populations, titles, honorific distinctions, and gratifications compatible with the established form of government, for relevant services offered to the Nation. Titles, distinctions and gratifications cannot be conferred, however, to anyone who is occupying out any of the following offices:

President and Vice President of the Republic, ministers and vice ministers of the State; representatives of the Legislative Assembly; and the President or Magistrates of the Supreme Court of Justice.

23. To give permission for Salvadorans to accept honorific distinctions authorized by foreign governments;
24. To concede temporary permission or privileges for cultural or scientific activities or work;
25. To declare war and ratify peace, based on the reports given to them by the executive branch;
26. To confer amnesty for political or common crimes committed by a number of people no less than twenty; and concede pardons, subject to favorable report by the Supreme Court of Justice;
27. To suspend and reestablish constitutional guarantees according to Article 29 of this Constitution in public and roll call elections with at least two-thirds of the vote of all elected assembly members;
28. To concede or deny permission to Salvadorans to accept diplomatic or consular charges that should be exercised in El Salvador;
29. To permit or deny the transit of foreign troops in the territory of the Republic and the presence of foreign warships or airplanes for more than the time established by international treaty or practice;
30. To approve concessions referred to in Article 12 of this Constitution.
31. To establish jurisdictions and charges, at the proposal of the Supreme Court of Justice, so that the respective officials may know and attend to all categories of causes including criminal, civil, mercantile, labor, administrative, agricultural and others;
32. To name special commissions to investigate issues of national interest and to adopt agreements and recommendations deemed necessary based on the reports of said commission;
33. To establish national symbols.
34. To question and examine the ministers or deputy ministers and the presidents of the official autonomous institutions.
35. To specify the “circumstances beyond control” or “act of God” referred to in the last section of Article 80;

36. To receive the work reports required from the Attorney General of the Republic, the General Ombudsman for the Republic, the Human Rights Ombudsman, the President of the Court of Accounts of the Republic, and the President of the Central Reserve Bank of El Salvador;

37. To recommend to the Office of the President of the Republic the dismissal of Ministers of State, or to the relevant bodies the dismissal of officials of autonomous official institutions, whenever it deems appropriate on the basis of an investigation by its special commissions or an appeal, as the case may be. The Assembly's decision shall be binding with regard to heads of public security or State intelligence when the cause is serious human rights violations;

38. To exercise the rest of the attributions detailed in this Constitution.

APPENDIX 2

SUMMARY OF LEGISLATIVE COMMITTEES AND THEIR FUNCTIONS*

Municipal Affairs Commission (13 members):

Responsible for issues related to the municipalities such as taxes, zoning, decentralization, and citizenship participation. Also passes judgment on the work report presented by the Minister of Governance (formerly the Minister of the Interior).

Commission on Culture and Education (11 members):

Responsible for issues related to cultural and artistic arenas, to the authorization of honorific titles, and to the national education system. Analyzes the requirements for teacher certification. Passes judgment on the work report presented by the Minister of Education.

Commission on Defense (11 members):

Responsible for issues that have to do with legislation and military doctrine. Oversees the relationship between the Armed Forces and the civilian population and between the Military High Command and the legislative branch. Passes judgment on the work report presented by the Minister of Defense to the Legislative Assembly.

Commission on Economy and Agriculture (13 members):

Responsible for all issues related to economic and agricultural activities. Analyzes laws for public services such as electric power, telephones, and oil products. Passes judgment on the work reports presented by the Ministers of Economy and of Agriculture and Ranching.

Commission on the Family, Women, and Children (11 members):

Responsible for issues that have to do with the protection of the rights of minors, older adults, and women. Works to strengthen and protect the family. Passes judgment on the work report presented by the General Ombudsman of the Republic.

Commission on Finances (11 members):

Responsible for issues that have to do with financial legislation and all the regulations of banking and non-banking institutions that perceive funds from the public or from the stock market.

Commission to Promote Competition (9 members):

Responsible for topics related to regulating competition in the various sectors of the country's economy. Keeps special watch over the enforcement of consumer protection laws.

Commission on the Treasury and Special Commission on the Budget (13 members):

* Taken From FUNDASPAD, "Our Legislative Assembly" (internet document) and from the web page of the Legislative Assembly with the information on the work commissions for the 2003-2006 period.

Responsible for issues related to national taxes, international loans, the national budget, the wage laws, and other financial aspects and aspects related to the public treasury. Also passes judgment on the work reports of the Minister of the Treasury and on the complementary report on the state of the public treasury.

Commission on Justice and Human Rights (11 members):

Responsible for issues related to the administration of justice and fundamental rights, including everything that relates to the judicial branch, the penitentiary system, the property register, the Public Ministry, and the Human Rights Ombudsman's office. Also passes judgment on requests for pardons and amnesties and on the work report presented by the Human Rights Ombudsman.

Commission on Youth, Sports, and Recreation (11 members):

Responsible for issues related to legislation on youth, on any sports activity, and on the institutions and entities that provide healthy recreation.

Commission on Legislation and Constitutional Issues (13 members):

Responsible for issues that have to do with constitutional reforms, vetoes, presidential observations, impeachment of officials, interpellation, and constitutionality. Issues a report to the plenary on whether the officials elected by the Legislative Assembly fulfill the requirements established in the Constitution and the laws, and passes judgment on the work report presented by the Attorney General's office.

Commission on Modernization (11 members):

Responsible for issues related to the modernization plan of the Legislative Assembly. Seeks to transform the legislative branch in order to increase citizen participation in the process of making laws.

Public Works Commission (11 members):

Responsible for issues that deal with the administration of public works, affordable housing, urban development, and vehicle transit. Passes judgment on the work report presented by the Minister of Public Works.

Political Commission (14 members):

Responsible for aspects that deal with the political and institutional life of the State and with the election of important public officials.

Commission on Environmental Protection and Public Health (11 members):

Responsible for issues related to the protection, conservation, restoration, development, and exploitation of natural resources, for disease prevention and control, the protection of public health, and the national health system. Also passes judgment on the work report of the Ministers of the Environment and of Public Health.

Commission on Electoral and Constitutional Reforms (11 members)''

Responsible for issues that have to do with electoral laws, the electoral registry, and the constitutional reforms on general elections.

Commission on Foreign Relations, Central American Integration, and Salvadorans in Foreign Countries (11 members):

Responsible for issues related to international agreements, including the ratification of international treaties, agreements, protocols and amendments; for the transit of foreign troops through national territory, Central American economic integration, and all issues related to protecting Salvadorans in other countries. Passes judgment on the work report presented by the Minister of Foreign Relations.

Commission on Public Security and Combating Drug-Related Activities (13 members):

Responsible for issues related to citizen security and drug trafficking, including issues related to the National Academy for Public Security and the National Civilian Police. Also oversees the private security agencies.

Commission on Labor and Social Welfare (11 members):

Responsible for issues related to labor and social welfare legislation. Analyzes possible reforms to the Labor Code. Passes judgment on the work report presented by the Minister of Labor and Social Welfare.

APPENDIX 4

BIBLIOGRAPHY

PUBLICATIONS AND DOCUMENTS

FUNDASPAD, “Our Legislative Assembly.” Internet document.

PEÑATE MARTÍNEZ, OSCAR, “El Salvador: The Legislative Assembly.” San Salvador, Editorial Nuevo Enfoque, 1998.

USAID, “Legislative Assembly of the Republic of El Salvador: Information Guide.”

VÁSQUEZ LÓPEZ, LUIS, “Constitution and Criminal Laws of El Salvador 2000.” San Salvador, Editorial LIS, 2000.

INTERNAL REGULATIONS OF THE LEGISLATIVE ASSEMBLY.

INTERVIEWS

ÁBREGO, ABRAHAM, Manager of the Center for Constitutional Studies and Human Rights of the Foundation for Study of Applied Law (FESPAD), November 20, 2000.

ARTIGA, RAÚL, Coordinator of the Water and Sewage Network, November 17, 2000.

ALVARENGA, ARÍSTIDES, Assembly Representative for the PDC party, June 26, 2001.

CENTENO, HUMBERTO, Assembly Representative for the FMLN party, June 26, 2001.

CHÁVEZ, JAIME, Supervisor for Legislative Assembly Decrees, June 26, 2000.

JOVEL, ANA MERCEDES, Women’s Citizen Initiatives and Political Participation Team of the Mérida Anaya Montes Women’s Movement. November 14, 2000.

MARTÍNEZ VENTURA, JAIME, Director of the Center for Criminal Studies of the Foundation for Study of Applied Law (FESPAD), November 20, 2000.

MARROQUÍN, DAGOBERTO. Assembly Representative for the PCN party, June 27, 2001.

MENJÍVAR CHACÓN, JULIO, President of the National Association for the Defense, Development and Distribution of Water in Rural Areas (ANDAR), November 2000.

PINEDA, ARMANDO, Manager of Operations of the Legislative Assembly. December 11, 2000.

REYES, CARLOS, Assembly Representative for the ARENA party, July 27, 2001.

SALDAÑA, FRANCISCO, General Secretary of the National Executive Council of the Agricultural Forum, November 14, 2000.

VILLEDA FLORES, FRANCISCO, Steering Committee of the Inter-Communal Group of San Francisco Menéndez, Ahuachapán, November 13, 2000.

ZAMORA, RUBÉN, Assembly Representative for the United Democratic Center (CDU) for 1991-1994 and 1997-2000. December 5, 2000.

INTRO

Table 1

Steps for Planning Advocacy Work

1. Identify the problem.
 2. Decide on the solution you want.
 3. Identify the government body that can resolve the problem.
 4. Identify and assess you allies and opponents.
 5. Determine the strategies you will use.
-

CHAPTER ONE

Table 2

What is the Legislative Assembly?

Article 121 of the Constitution of the Republic states:

“The Legislative Assembly is a collegial body composed of representatives elected in the manner prescribed by this Constitution and to which are fundamentally conferred the powers of legislation.”

Table 3

Primary Responsibilities of the Legislative Assembly

- Pass new laws.
- Amend or modify existing laws.
- Authenticate interpretation of laws
(Legislators clarify the intention of a law when the law is being understood or implemented in a manner different from the intention of legislators at the time the law was passed.)
- Repeal secondary laws. (Eliminate them.)
- Modify the Constitution of the Republic. For these changes to be valid, they must be approved by a simple majority (50% plus one vote) in one legislative period and ratified by a qualified majority (two-thirds majority) in the next. In other words, they should be passed by the representatives of one legislative period and ratified by the representatives of the next period.
- Set taxes.
- Ratify the international treaties signed by the President of the Republic.

- Pass the Income and Expenditures Budget for Public Administration (also called the General Budget of the Nation).
 - Pass laws related to the public debt.
 - Establish and regulate the monetary system.
 - Receive annual work reports from the ministries.
 - Receive annual work reports from the Attorney General of the Republic, the General Ombudsman of the Republic, the Human Rights Ombudsman, the President of the Court of Accounts, and the President of the Central Reserve Bank of El Salvador.
 - Elect by direct vote the Attorney General and the General Ombudsman of the Country, the Human Rights Ombudsman, the President of the Court of Accounts, and the President of the Supreme Court of Justice.
 - Hold accountable the ministers and other public officials.
 - Recommend to the President of the Republic the destitution of ministers and other public officials.
 - Declare war and sign peace agreements with other nations.
 - Permit or deny the transit of foreign troops in the territory of the Republic.
 - Suspend and reestablish constitutional guarantees.
-

Table 4

**The San Francisco Menéndez Intercommunity Group:
The Struggle to Have a Retaining Wall Built for the Paz River.**

In late 1998, Tropical Storm Mitch caused devastating floods in all of the communities near the Paz River. Before the disaster, the communities did not have a common organization, but the situation they faced after Mitch motivated them to create the intercommunity group. It began in November 1998 with eight communities but a year and a half later, 17 more communities had joined making a total of 25.

Though they had no prior experience in political advocacy, the organization requested meetings with the municipal mayor to ask him to build a retaining wall to prevent similar disasters in the future. When the mayor responded negatively, they got on a bus and went to the Legislative Assembly in San Salvador to speak with one of the representatives from their department. That representative helped them to get the issue on the legislative agenda. After several visits to the Legislative Assembly, the San Francisco Menéndez Intercommunity Group was able to get the Assembly to recommend to the Ministry of Public Works the construction of a 500-meter retaining wall. The ministry accepted the recommendation and built the wall.

In this case, the solution to the problem was not in the hands of the Legislative Assembly. Nevertheless, the Assembly supported the communities to make sure that the proper government body took care of the problem. The group's success

was due to their taking action when the consequences of Hurricane Mitch were still capturing the attention of the nation, to their determination to struggle for the wall, to their persistence, and to their organization.

Table 5

What is a Legislative Initiative?

A legislative initiative (*pieza de correspondencia*) is a written document in which a citizen, organized group, institution, or government official requests that the Legislative Assembly do one of the following:

- Resolve problems or needs that affect the people presenting the initiative, and that are of interest to and within the competence of the Legislative Assembly as stipulated by Article 131 of the Constitution.
 - Pass legal initiatives including proposals for creating new laws, changing existing laws, or interpreting laws for their application.
-

Table 6

The Strategy of Forming Alliances

The Agricultural Forum's Campaign to Win the Cancellation of the Agrarian Debt.

The Agricultural Forum, a coalition of 15 peasant farmer organizations, began its struggle for the cancellation of the agrarian debt in February 1996. One of the main reasons it was successful in achieving the passage of laws that condoned first 75% and then 85 % of the agrarian debt was that it forged alliances with other organizations.

During the campaign for debt cancellation, the Forum worked to bring in new members, reaching a height of 42 member organizations at its peak. In addition to increasing its own membership, the Forum made alliances with other organizations including cooperatives, former soldiers of the Armed Forces, and large agricultural producers, who all came together under the umbrella of the Salvadoran Agricultural Front.

Though it was the most difficult to achieve given the differences in interests, history, and ideology, the Forum's alliance with the large producers was a crucial part of the campaign's success. Their desire to get the agrarian debt cancelled was practically the only thing these two groups had in common. Since there were many differences and a great deal of mistrust between the organizations, it was necessary to clarify the rules of the game from the beginning of the relationship.

When the alliance was formed, the strengths of one sector complemented the strengths of the other. The Forum used its ability to mobilize large numbers of people to pressure for the debt cancellation. It could also exert influence within the FMLN and CDU parties. For their part, the large producers were able to exercise influence with the PCN and ARENA parties. The votes of people in all of these parties were necessary for the Legislative Assembly to approve the cancellation of the debt and to avoid a presidential veto.

Table 7

Simple Majority: This means half of the total votes plus one. Since the Legislative Assembly is made up of 84 representatives, a simple majority is accomplished with 43 votes. A simple majority is needed to pass a new law or to modify an existing law. Most votes in the Legislative Assembly are decided by a simple majority.

Qualified Two-Thirds Majority: This means two-thirds of the plenary, or 56 votes. The Constitution requires a 56-vote majority in order to:

- Declare the President of the Republic unfit to govern.
- Override a presidential veto.
- Elect the magistrates of the Supreme Court of Justice, the members of the National Council of the Judiciary, the Attorney General and the General Ombudsman of the Republic, and the Human Rights Ombudsman.
- Ratify changes in the Constitution. The amendments are approved in the first Legislative Assembly with a simple majority, but it is necessary for the next congress to ratify it with two-thirds of the vote.
- Suspend and reestablish constitutional guarantees according to Article 29 of the Constitution.
- Approve international loans.

Qualified Three-Fourths Majority: This requires the vote of three quarters of the representatives, or 63 votes. Such a majority is required for issues related to national territory and to suspend the rights guaranteed by Articles 12 and 13 of the Constitution of the Republic.

Table 8

The Web Site of the Legislative Assembly

The Legislative Assembly has a web site at:

<http://www.asamblea.gob.sv> where you can find useful information related to:

- The legislative commissions and their members.

- The representatives according to political party and how to contact them.
 - The text of the Constitution of the Republic.
 - The text of the current laws of the Republic.
-

Table 9

Summary: What to Do Before Introducing a Legislative Initiative

1. Organize your group.
 2. Analyze the problem and develop a well-supported proposal to resolve it.
 3. Determine whether the Legislative Assembly is the appropriate body for resolving the problem.
 4. Assess the political climate.
 5. Do a political mapping.
 6. Write a legislative initiative and/or proposal for a law, or try to influence a bill that another organization or State entity is writing.
 7. Determine how many votes you need for your proposal to be passed by the Assembly.
 8. Sound out the representatives of different parties to learn their opinions about your proposal.
 9. Define the strategy you will follow with the various parties in the Assembly and identify the representatives who will sponsor your initiative.
 10. Plan other actions to complement your campaign.
-

Table 10

The Path of a Legislative Initiative in the Legislative Assembly

Legislative initiative

Legislative initiative is classified

Assembly leadership reviews the legislative initiative

Plenary considers the legislative initiative: First Reading

A legislative commission studies the initiative and issues a resolution

Plenary votes on the resolution and the initiative: Second Reading

Initiative is voted down and set aside.

OR

Initiative is approved and becomes a legislative decree.

Decree is sent to the President of the Republic to be signed into law or vetoed.

Table 11

What to Do for the First Reading of the Legislative Initiative

The first reading is an important moment in the process of approving a legislative initiative. Organizations usually mobilize their members to be present at the Legislative Assembly at this time. The first reading is a good beginning for your advocacy in the Assembly, but it is important to remember that at this point, it only means that the topic has been considered to be within the jurisdiction of the Assembly and that it will be sent to a commission. IT DOES NOT MEAN THAT THE INITIATIVE HAS BEEN APPROVED.

Organizations should proceed in the following way:

1. Do not ask for an Exemption from Usual Procedures unless you are completely sure that you have the votes necessary to pass the initiative.
 2. Find out which commission will be assigned your initiative after it is read in the plenary. If you can't attend the plenary session, call the Assembly's Office of Correspondence to find out which commission is handling your initiative.
-

Table 12

What to Do While your Legislative Initiative is in Commission

1. Find out who the members of the commission are.
2. The day after the first reading in the plenary, approach the commission members. In the following week they will decide what priority to give the initiative. They can help it move quickly or they can set it aside for an indefinite amount of time. Try to convince at least one of the representatives on the commission that your initiative is important in order to keep it from being ignored or set aside.
3. Ask for meetings with each of the representatives on the commission in order to get to know their opinions about your initiative. Don't forget to take a copy and a summary of the initiative to the meeting. Many times only the president of the commission will have a copy.
4. Meet the adviser for the commission and establish a cordial relationship with him or her.
5. Speak with the president of the commission to find out when and how the initiative will be discussed. Take advantage of your conversation to ask for a hearing in front of the

whole commission and to ask if the commission will sponsor a public hearing on the issue. If they are planning a public hearing, you should ask for space on the agenda to make a presentation.

6. Speak with members of the commission at least once a week to follow-up on your initiative. Stay on top of any changes happening around the issue so you can provide the commission members with the most recent information and help assure a favorable resolution.

7. Seek the support of influential representatives from the political parties whose votes you will need when the initiative goes back to plenary. They can help you approach the party leadership or additional influential party members. A favorable resolution by the commission does not guarantee that the initiative will be approved in the plenary. In many cases, a representative votes favorably on an initiative when it is in commission, but finds that his/her party will not support it in the plenary.

8. If the commission is not discussing or moving in some way on your initiative, you can—as a last resort—ask the leadership of the Legislative Assembly to give the commission a deadline for issuing a resolution. The deadline will be a suggestion to the commission and is not considered mandatory. It is not advisable to ask for this unless all other strategies have been exhausted since assembly representatives don't like having deadlines imposed, and it could generate a less favorable environment for the approval of your proposal.

Table 13

The Case of Electricity Subsidies for Rural Potable Water Systems

In September 2000, the National Association for the Defense, Development, and Distribution of Water in Rural Areas (ANDAR) sent a legislative initiative to the Legislative Assembly requesting a change in the law governing the Social Investment for Electricity and Telecommunications (FINET). The initiative asked for electric energy subsidies to be restored to rural potable water systems. These subsidies had been authorized by the Assembly in 1998, and then suspended in later modifications of the FINET law.

While the initiative was in the Assembly, ANDAR organizers maintained a consistent lobbying presence with the representatives and organized several rallies of its membership. The day the initiative was given its second reading in the plenary, ANDAR had enough votes to pass the resolution. They did not, however, have any ARENA party votes, and they feared a presidential veto. During the plenary session, ANDAR organizers met with ARENA representatives and negotiated a compromise that included a two-year limit on the subsidies. In this way, they were able to avoid the possible veto.

Table 14

What to Do for the Second Reading of the Initiative

This is the best moment to show the strength of your organization by mobilizing your members, getting media coverage, and holding your final lobbying meetings in the plenary. Though there is usually little time between a favorable resolution in commission and the plenary vote (sometimes less than a week), there is still time to change opinions and votes. At this time, it might be necessary to compromise on some of the points of the initiative in order for the rest of the points to pass.

Recommended actions include:

1. Holding internal discussions before the plenary to decide whether you are willing to negotiate and compromise and on what points.
2. Mobilize your membership to attend the Legislative Assembly session.
3. Hold your last press conferences before the vote and any other actions directed at the media.
4. Speak with the representatives before and during the plenary session in order to confirm the votes of your supporters or to continue lobbying for more votes and avoid having your initiative vetoed by the President.
5. Three to four days before the plenary session that will vote on your initiative, send a letter to the Assembly leadership requesting permission for one of your members to address the plenary.

CHAPTER THREE

Table 15

What to Do when the Decree is Sent to the President

This is the last phase in the process of creating a new law. When a legislative decree is sent to the President of the Republic, the opinions of the various political parties are already defined and public. If the governing party (ARENA for the 1999-2004 period) voted in favor of your initiative, it is not likely that the President will veto the decree. If governing party members have *not* supported your initiative, a presidential veto is very likely.

The best strategies for avoiding a veto are employed even before the initiative is introduced in the Assembly. In this last phase, however, there is very little time and it is almost impossible to influence the opinions that have been formed during the whole process. If you fear that your initiative will be vetoed, you can ask for meetings with the

President or his/her advisers. These are very difficult to obtain, however. Another possibility is to identify some of the governing party representatives who have supported your proposal and ask that they advocate for the decree with the President and his/her advisers.

It's always good to keep the pressure up in the media through reports, editorials, or interviews on the issue. You can hold rallies or demonstrations to support the decree at this time, though it's not clear what impact this kind of activity has on the President's decision.

If the President vetoes the decree, you can always go back to the Legislative Assembly and try to obtain the 56 votes needed to override the veto and require the President to pass the decree into law.

Table 16

ANDAR: Making Sure a Subsidy is Implemented

In December 1998, ANDAR was able to obtain a change in the FINET law authorizing an electric energy subsidy to rural potable water systems. The subsidy was to be given by FINET and by electric energy distributors.

ANDAR remained active after the law passed, holding three meetings with energy distributors in order to agree on the mechanisms for implementing the subsidy. When they saw that the mechanisms were not being employed, they returned to the Legislative Assembly and to the Commission on Economy and Agriculture to report the problems in the application of the law. The commission quickly held separate meetings with the representatives of the distributors and with FINET. When the problems of applying the law remained unresolved, they called a meeting with all of the actors involved in order to find a solution. This is a good example of how the Legislative Assembly fulfills its role of monitoring and following up on legislation.

Finally, eight months after the law was to come into effect, ANDAR was able to get the subsidy implemented. Their success was due to their persistence in monitoring and pushing for effective follow up.

[PHOTO CAPTIONS]

Chapter 1

MIRE volunteers talk with a citizen as part of their organizing efforts.

FESPAD members speak with Legislative Assembly representatives about reforms needed in the Criminal Code.

A group of citizens demonstrate peacefully in front of the Legislative Assembly.

Margarita Posada of APSAL submits a legislative initiative to the Legislative Assembly's Office of Correspondence.

Rally sponsored by the Agricultural Forum for the cancellation of the agrarian debt.

FESPAD members speak with assembly representatives about reforms needed in the Criminal Code.

Citizens demonstrate for the cancellation of the agrarian debt.

FESPAD members sponsor an informational forum with assembly representatives.

Members of the Organizing Group on Fluctuating Lands in Chalatenango talk with Representative Rafael Benavides about their proposal for a new law.

Chapter 2

Carlos Sáenz of the OEF talks with one of the advisers for the Code for Children and Adolescents in El Salvador.

Assembly representatives and citizens attend a consultative forum on decentralization in El Salvador sponsored by the Legislative Assembly.

Representative Celina Monterrosa speaks at a consultative forum in the western region.

ANDAR members dialogue about their proposal with members of the Commission on the Economy.

Chapter 4

ANDAR members demand implementation of the electricity subsidy at a rally in front of the FINET offices.