

**THE ROLE OF THE FEDERAL ELECTORAL INSTITUTE (IFE)  
IN THE TRANSITION TO DEMOCRACY IN MEXICO**

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## **Abstract**

The use of electoral reforms as active instruments of democratisation has been common in many transitions to democracy. However, in Mexico, electoral laws and institutions played an unusually important role in ensuring a peaceful transition to democracy.

The current study addresses the effects of the Electoral Reforms in the Transition to democracy in Mexico with special reference to the Federal Electoral Institute (IFE). It is primarily intended as a contribution to the field of electoral reforms and institutions in processes of political change. The main aim of the thesis is to assess whether electoral reform contributed to or acted to confirm the process of political transition in Mexico and to establish the extent to which the IFE's role expanded beyond what was initially expected. The study focuses on the political circumstances between the late 1970s, and 2000, when most of the relevant legislation was implemented and the bodies for the supervision of elections were created. The study employs "elite interviews" and a broad range of local sources including law, official documents, party literature and secondary source analysis.

The study begins by examining the context of electoral reform in Mexico, giving a description of the Mexican authoritarian regime. Then, based on interviews as well as secondary sources, the Mexican transition is analysed in a comparative perspective and its peculiarities are highlighted. It concludes that the model of transition followed by Mexico is characterised by a slow and gradual change through five stages based on negotiations centred on electoral issues that avoided ruptures and promoted dialogue to achieve amongst the players consensus about the rules of the game. The study continues with an historical overview of the electoral reforms between 1946 and 1986 establishing the cosmetic nature of the early reforms and the democratising character of the 1977 reform which, by introducing Proportional Representation in Congress, not only opened the party system but also established the ground for political change based on electoral issues. The study goes on to examine the creation of IFE in the 1989-90 reform and its further evolution through the 1990s culminating with its total independence from the government in 1996. This is evaluated in the context of other political and socio-economic changes that had an impact on political groups and generated political forces. It examines the attitudes of the various parties towards the reform and the institution and

their methods of negotiation have been analysed using “elite interviewing”, the analysis of party documents and media sources. The analysis concludes that despite the IFE being an effect of a critical political conflict generated by the controversial 1988 elections and being perceived as just another government agency, in time, it accumulated functions and gained additional powers and prestige that allowed it to become a major player in generating consensus among political parties and the government and in ensuring more transparent and fair elections, and thus increasing the competence of political parties.

The final part of the study focuses on the three main areas of activity of IFE including I) the management of the electoral system, II) the development of formulas for the allocation of funds and the regulation of broadcasting time on radio and TV and III) the efforts made to improve participation rates, including political and civic education for adults and children.

It uses official IFE documents and interviews with former and present members of IFE to discuss IFE’s evolution and functioning, and the members’ experiences and expectations for the future in relation to the institution.

It concludes that after being created, the IFE initially focused exclusively on solving electoral fraud. Once IFE had finished resolving problems related to the organisation of elections, it started focusing on other issues such as the regulation of party finances and media access, moving on from a focus on merely “free” elections to “fair” elections. The study shows that the issue of party finances and media access only became relevant once earlier issues related to the organisation of elections had been solved. In relation to the role of the electoral authority in this area, the research shows that IFE contributed to the national debate on party funding, media access, and monitoring.

The monitoring of party expenditure and media coverage by IFE proved to be an important element in reducing corruption and also contributed to the credibility of IFE. Finally the work of the IFE in the area of civic education is analysed. This study was unable to prove that IFE had been successful in creating a fully democratic political culture that could extend far beyond the electoral arena.

In conclusion, it can be seen that electoral reform both contributed to and acted to confirm the process of political transition and that the role of IFE developed beyond what was initially expected.

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## **Declaration**

No portion of the work referred to in this thesis has been submitted in support of an application for another degree or qualification of this or any other university or institute of learning. No sources other than those acknowledged in the bibliography have been used.

## Preface

The rapid increase in number of nominally “democratic” regimes throughout the world, often referred to as the “*third wave*”<sup>1</sup> of democracy, has provoked a wide interest in the politics of transition. Latin America has provided numerous examples of the shift from military to civilian “democratic” systems but of note is the particular case of Mexico’s transition from an authoritarian regime with hegemonic party to a competitive multi-party system, culminating in the election of Vicente Fox, the candidate of the opposition party, National Action Party (PAN), in July 2000. That election not only brought about the defeat of the Institutional Revolutionary Party (PRI) for the first time in 71 years but also a peaceful alternation in power at national level. Competitive, clean and credible elections proved to be the key to political change in Mexico.<sup>2</sup> Between 1977 and 1996 there was a long and slow process of electoral reforms that became active elements of democratisation and essentially brought about changes in the electoral and party systems. Consequently, both the electoral rules and institutions played central roles in ensuring peaceful and transparent elections. During the 1990’s, the nature of the electoral institution and the rules of the game became the focus of debate between the Government and the opposition parties.

The study of electoral institutions (e.g. electoral commissions or electoral tribunals) is not an issue that attracts attention to the wider academic community. There are very few texts published on electoral commissions, the small number that have been published have mainly been guides or governmental reports.<sup>3</sup> In most established democracies it is widely assumed that the very existence of democracy guarantees that elections are properly organised and supervised and that the votes are counted fairly. Additionally, the majority of studies on transitions and democratisation processes have focused on wider issues such as political systems, party systems, and electoral systems, but there is little research on the area of electoral commissions.<sup>4</sup> This is the reason for including the

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<sup>1</sup> Huntington, S. The Third Wave: Democratisation in the Late Twentieth Century. Norman: University of Oklahoma Press, 1991.

<sup>2</sup> The result of the 2000 election changed the debate on the Mexican transition. On one side, those in favour of the electoral dimension of democracy perceived the shift in power as the confirmation of the end of the transition. On the other side, were those who perceived democracy beyond its electoral dimension. See Merino, M. La transición Votada: Crítica a la interpretación del cambio político en México. Mexico City: Fondo de Cultura Económica, 2003, p.13.

<sup>3</sup> For example, official documents published by electoral commissions and centres of electoral studies on how to manage, supervise elections, etc

<sup>4</sup> There are many studies on transitions. One of the first significant attempts to provide a theory on the process of democratisation was done by Rustow, D. “Transitions to Democracy: Toward a Dynamic Model, *Comparative Politics*, New York, April 1970, vol. 2, no. 3, pp.337-63. Dahl, R. Poliarchy: Participation and Opposition. New

topic of the role of the electoral commission in a transition to democracy, within my research.

In the case of Mexico there is extensive literature on the study of the process of political change, including the study of electoral reforms; however there are relatively few studies focusing specifically on the role of electoral institutions and their functions.<sup>5</sup>

This study seeks to address an issue which has not previously been investigated in detail, the effects of the Electoral Reforms in the Transition to democracy in Mexico, with special reference to the Instituto Federal Electoral (IFE). The research primarily seeks to explore whether electoral reform contributed to or acted to confirm the process of political transition in Mexico. Of particular interest is the role of the IFE in the transition, and whether its functions exceeded original expectations.

Although established by negotiated legislation and, therefore, reflecting the negotiated interests of the parties involved, IFE became independent from its creators. The study seeks to find out how and why this happened.

Did the former official party, PRI expect the electoral institution to become totally independent and impartial? Did the opposition party, PAN get more than it bargained for? What exactly was the role of IFE in the context of the transition?

In assessing whether electoral reform was a cause or effect of the transition in Mexico, the first chapter provides a description of the Mexican authoritarian regime and its origins. A comparative analysis of the Mexican transition is introduced in relation to other cases which emphasises the distinct peculiarities of its transition and the role of electoral reforms. Following this introductory chapter, chapter two provides an historical overview of the electoral reforms between 1946, when the first electoral

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Haven and London: Yale University Press, 1971; Linz, Juan J. & Stepan, A. The Breakdown of Democratic Regimes: Crisis, Breakdown, & Reequilibration. Baltimore: Johns Hopkins University Press, 1978; O'Donnell, G., Schmitter, PC & Whiteheads, L. (eds.) Transitions from Authoritarian Rule: Latin America. Baltimore: John Hopkins University Press, 1986; Diamond, L., Linz, Juan J. & Martin Lipset, S. (eds) Politics in Developing Countries: Comparing Experiences with Democracy. Boulder CO: Lynne Rienner, 2nd ed., 1995; Morlino, L. Cómo cambian los regímenes políticos. Madrid: Centro de Estudios Constitucionales, 1985.

<sup>5</sup> Becerra, R., Salazar, P. & Woldenberg, J. La Mecánica del cambio político en México: elecciones, partidos y reformas. Mexico: Cal y Arena, 2000; Lujambio, A. El Poder Compartido: un ensayo sobre la democracia mexicana. México: Océano, 2000; Silva Herzog-Márquez, J. El antiguo régimen y la transición en México. México: Planeta-Joaquín Mortiz, 1999; Crespo, JA. Urnas de Pandora. Partidos Políticos y elecciones en el Gobierno de Salinas. Mexico: CIDE-ESPASA Calpe Mexicana, 1995; Gómez Tagle, S. La transición inconclusa: treinta años de elecciones en México. 2nd ed. México: El Colegio de México, 2001; Mayer-Serra, CE & Nacif, B. Lecturas sobre el cambio político en México. México: FCE-CIDE, 2002; Meyer, L. Liberalismo autoritario. México: Océano, 1995; Loaeza, S. Political Liberalisation and Uncertainty in Mexico, in Cook, Maria, L; Middlebrook, K. & Molinar Horcaditas, J. (eds), The politics of Economic Restructuring. State Society Relations and Regime Change in Mexico., San Diego: University of California Press, 1994; Segovia, R. Lapidaria Política. México: FCE, 1996; Luken, G & Muñoz, V (coords.), Escenarios de la transición. México: Grijalbo, 2003; Schettino, M. Paisajes del "nuevo régimen": ¿Revivir el pasado o reinventar el futuro? México: Océano, 2002.

commission was created, and 1986, when the last electoral reform took place under the hegemonic party regime. This analysis is important in order to distinguish between the cosmetic electoral reforms carried out by the government-PRI that further consolidated the hegemony party system and the more democratic reforms of the 1970s. In a context of political opening, these reforms paved the way for the future development of democratic electoral institutions and rules. The analysis of these reforms is placed in the context of other political and constitutional changes such as union protests in the 1960s, the student movements in 1968 and the debt crisis in the early 1980s, which generated political mobilisations and new political forces. Chapter three examines the creation of the IFE in 1989-90. It focuses on the new set of political challenges, such as the split in the governing elite, and the highly contested presidential elections in 1988, which forced the new president, Salinas, to initiate a process of electoral reform. This section examines the reactions and attitudes of the various political parties towards electoral reform and their methods of negotiation with each other over legislation. The role of the PRI is crucial and an understanding of the motives for initiating the reform is vital. Chapter four continues with the analysis of the evolution of electoral legislation and the IFE through a series of electoral reforms until it became totally independent in 1996. These reforms are analysed not only in the context of federal and local elections during this period, but also in the context of other economic and political challenges, which had destabilising effects on the political system.

Thereafter, the study moves from focusing on the study of the evolution of the IFE and electoral legislation to the study of its main functions.

Chapter 5 is the first of three chapters that focus on the main areas of activity of the Federal Electoral Institute (IFE). It looks at the management of the electoral process, involving the creation of the electoral roll, the issue of photo credentials, the naming and training of the electoral process personnel and the administration of the counting process. Chapter 6 examines the control of the financing of political parties, including the development of formulas for the allocation of funds, and the regulation of private funding. Chapter 7 focuses on another area of activity of IFE, the regulation and control of access to the media by political parties and the regulation of broadcasting time on radio and TV. Finally, chapter eight addresses the role of the IFE in the area of Civic Education, especially in its efforts to increase participation rates and improve civic education for adults and children.

This study seeks to make a contribution to the field of electoral reforms and electoral institutions. Overall, it provides an indepth analysis of how professional electoral commissions can play a major role in ensuring credible, transparent and fair elections; some of the key conditions for democracy.

The methodology adopted in this study consists of semi-structured interviews with participants in the 1988-96 negotiations between political parties and the Mexican government that resulted in the adoption of a new electoral code and the creation of IFE in 1990. The purpose of those discussions was to examine the different expectations that each side had during the negotiations and their evaluation of subsequent developments in the context of those expectations. Semi-structured interviews with present and former members of the IFE were also carried out. The objective of those interviews was to discuss the functioning of IFE, its evolution and their experiences and future expectations in relation to the institution. The study also includes an analysis of the documentation used including law and official documents, party literature, newspapers and periodicals and secondary sources.<sup>6</sup>

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<sup>6</sup> See appendix A for detailed account of the methodology used in this work.

## **1 Chapter 1 The Mexican Transition and the Mexican Regime**

Prior to studying the role played by the Federal Electoral Institute in the transition to democracy in Mexico, it is necessary to give a description of the Mexican authoritarian regime and to analyse the distinguishing characteristics of its transition. Such analysis is necessary in order to understand the input and the important part played by electoral rule and institutions in the achievement of electoral democracy in Mexico. This will provide the historical and political background for the study of the long and gradual process of electoral reforms that constituted the transition that will be discussed in later chapters.

The transition to democracy in Mexico relates to the change from an authoritarian regime with hegemonic party to a regime with a plural and competitive party system. In studying the Mexican transition to democracy it is necessary to examine the characteristics of its political regime as these particular features shaped the course and form of the transition that followed. The chapter will begin by explaining the Mexican political system that emerged after the Mexican Revolution. This section will concentrate on the origin of the so-called “*hegemonic party system*” and its main features and subsequent evolution. The following section will focus on the theoretical approaches to transitions from authoritarian to democratic regimes, in order to place the Mexican case within that literature. The final part of the chapter will provide an analysis of the distinct peculiarities of the Mexican transition and the role of electoral reform.

### **1.1 The Mexican political regime**

The study of the process of political change in Mexico requires firstly an analysis of its political regime. In order to give a typology to the Mexican political regime it is necessary to examine its historical evolution, as the regime adopted different features depending on the period. For a fair definition of the regime it is important to identify which concept of democracy is being used to examine it. Among the various definitions of democracy, those that consider “competitive elections” as an essential condition for a regime to be democratic are relevant for the analysis of the Mexican regime. For instance, Schumpeter’s minimalist definition of democracy perceives democracy as a method to determine the leadership through competitive elections in which political

leaders compete for the people's vote.<sup>1</sup> In the same way, Huntington also gives a limited definition of democracy stating that democracy exists when there are open, fair and free elections.<sup>2</sup> One of the best definitions of democracy is the one given by Robert A. Dahl in his work "*Polyarchy*"<sup>3</sup> which states that a democracy is characterised by a series of requisites including equal competence conditions among the political elites. This entails competency and alternation in power of plural political parties, free, competitive, transparent and periodic elections, and the effective guarantee of individual rights such as the right of association, free expression and the right to vote for all plus responsibility of the government before the Parliament, and juridical control of those who rule the country.<sup>4</sup> Dahl provided two institutional dimensions by which to measure the level of democracy of a political system: "*the degree of public contestation and degree of participation*".<sup>5</sup> Thus, in Dahl's theory of democracy, the concept of "*polyarchy*" applies to regimes that are relatively democratic but not completely democratic.<sup>6</sup> With reference to these features of polyarchy or democracy, authoritarian regimes constitute the partial or total negation of such characteristics. Given these pre-requisites of a democracy, the Mexican post- revolutionary regime can be seen to lack several of them, in particular those referring to equal conditions for electoral competition and free and transparent elections. The introduction, by Juan Linz in 1964, of a new type of non-democratic regime denominated "*authoritarian*", which lies between a totalitarian and a democratic regime, contributed to the definition of the Mexican post-revolutionary regime.<sup>7</sup> According to Linz an authoritarian regime "*is a political system with limited, not responsible, political pluralism, without elaborate and guiding ideology, but with distinctive mentalities, without extensive nor intensive political mobilization, except at some points in their development, and in which a leader or occasionally a small group*

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<sup>1</sup> Schumpeter, Joseph A. Capitalism, Socialism and Democracy. New York; London: Henderson and Spalding, 1943, p.269.

<sup>2</sup> Huntington. The Third Wave, p.9.

<sup>3</sup> Dahl, R. Polyarchy, p.3. The seven requisites or conditions that according to Dahl increase the chances of public contestation and polyarchy.

<sup>4</sup> Ibid. p.3.

<sup>5</sup> Haged, Harrop and Breslin note that these two institutional dimensions vary greatly from one to another. While "public contestation" shows the degree to which the regime allows public contestation or liberalisation, the "degree of participation" is the number of persons that are allowed to participate in the control and discussion of the politics of government. Haged, R., Harrop, M & Breslin, S. Comparative Governing and Politics: An Introduction. London: Macmillan Press, 4<sup>th</sup> ed., 1998, p.155.

<sup>6</sup> Dahl notes that "*polyarchies are regimes that have been substantially popularised and liberalised, that are highly inclusive and extensively open to public contestation*". Dahl, R. Polyarchy, p.8.

<sup>7</sup> Linz introduced this type of non democratic regime for the first time in his article "An Authoritarian Regime: Spain". See Linz, Juan J. An authoritarian regime: the case of Spain. In: Allard, Erik & Littunen, Yrjo. (eds) Cleavages, ideologies and Party systems. Helsinki: Westermarck Society, 1964, pp.291-342.

*exercises power within formally ill-defined limits but actually quite predictable ones.*"<sup>8</sup>

Linz distinguishes between several types of authoritarian regimes: bureaucratic-military authoritarian regimes, mobilisational authoritarian regimes in postdemocratic societies, mobilisational authoritarian regimes in Postdemocratic societies, postindependence mobilisational authoritarian regimes, racial and ethnic "democracies", "defective" and "pretotalitarian" political situations and regimes and post-totalitarian authoritarian regimes.<sup>9</sup> In these authoritarian regimes political pluralism is limited by juridical norms or restricted to small political groups where the leaders are more responsible to those groups than to the citizens.<sup>10</sup> Under authoritarian regimes the political elite tend to demobilise and discourage politicisation as part of limited pluralism.<sup>11</sup> Under Linz's typology of authoritarian regimes the Mexican regime, which emerged after the revolution, adopted the features of a organic Statism or corporatist authoritarian regime.<sup>12</sup> However, the Mexican political regime of the post-revolutionary period was categorised differently depending on the variable that was used to classify it. For instance, Roderic Ai Camp defined the Mexican regime as semiauthoritarian, state dominated and corporatist, led by a bureaucratic elite and a centralised executive.<sup>13</sup> According to O'Donnell's classification of authoritarian regimes, the Mexican regime was similar to a bureaucratic authoritarian regime although it differed from others in its high degree of institutionalisation, its civil character and its popular support.<sup>14</sup> The regime has also been described as an authoritarian corporatist regime<sup>15</sup> and been denominated as an authoritarian regime which was strongly institutionalised with inclusiveness and participation.<sup>16</sup> John Bailey, considered that "*the Mexican political system is one of a centralised, statist, inclusive system with corporatist features, which it can manipulate to varying degrees.*"<sup>17</sup> However other authors such as Daniel C Levy

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<sup>8</sup> Linz, Juan J. Totalitarian and Authoritarian Regimes: With a Major New Introduction. Colorado & United Kingdom: Lynne Rienner Publishers, Inc 2000, p.159.

<sup>9</sup> Ibid, pp.184-261.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> The Mexican regime adopted these features in the 1930s under the presidency of Lázaro Cardenas.

<sup>13</sup> Ai Camp, Roderic. Politics in Mexico. New York: Oxford University Press, 1993, 1996, p.18.

<sup>14</sup> O'Donnell, G. Introduction to the Latin American Cases. In Transition from Authoritarian Rule: Latin America, edited by O'Donnell, G., Schmitter, P & Whitehead, L. 4rd ed. Baltimore & London: The John Hopkins University Press, 1993, p.5.

<sup>15</sup> Reyna defines corporatism as the "*nuclearisation of political groups in society through a complex network of political organisations connecting those groups to the decision-making process*". Reyna, Jose L. Redefining the Authoritarian Regime. In: Reyna, Jose L. & Weiners, Richard S. (eds). Authoritarianism in Mexico. Philadelphia: Institute for the study of Human issues, 1977, p.156.

<sup>16</sup> Huntington, S. Political Order in Changing Societies. Virginia: Yale University, 1996, pp.315-324.

<sup>17</sup> Bailey J. Governing Mexico: The statecraft of crisis management. Basingstoke: Macmillan, 1988, p.12.

and Kathleen Bruhn argued that the type of authoritarian regime in Mexico had a lot of the institutionalisation, forms, pacts and legitimacy which are characteristics of a democratic regime.<sup>18</sup> However, for these authors the Mexican regime could not be considered a democracy but a “semidemocracy” for three reasons: a) It lacked important competence between political groups, b) The elections were not fair and clean; c) The civil and political liberties were insufficient to guarantee the integrity of competition and participation.<sup>19</sup> However among the various typologies of the Mexican political regime, Sartori’s term of “*regime of hegemonic party*” seems to be the most appropriate for Mexico.<sup>20</sup> Such classification is also relevant in understanding the process of transition. This authors’ classification of political regimes was based on the number of parties suitable for the Mexican case because the transition focused on changes in the party and electoral system. The term “*hegemonic party*” given by Giovanni Sartori identified a type of party system without real electoral life that did not correspond to the one party system of the soviet block. These types of regimes were characterised by the existence of various parties that were permitted although there was one party that counted more than the others.<sup>21</sup> Sartori notes that this system is structured in two categories: in the first division a hegemonic party as a privileged party and in the second, the rest of the spectators.<sup>22</sup> This author classified the Mexican system as “*pragmatic predominant*” because the parties were not prohibited as in a one party system, but in practice, only the party in power had the opportunity of winning the elections.<sup>23</sup> In this sense, the post revolutionary regime that lasted until the late 1980s in Mexico was a regime of hegemonic party which turned, during the 1990s, into a regime of a predominant party or predominant party system. Following electoral reforms in the late 1980s and early 1990s and while the regime was experiencing a process of decomposing into a more competitive system Diamond, Linz and Lipset reclassified it

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<sup>18</sup> Levi, DC & Bruhn, K. Mexico sustained civilian rule without democracy. In: Politics in Developing Countries: comparing experiences with democracy, edited by Diamond, L; Linz, Juan L. & Lypset, MS. 2<sup>nd</sup> edition. Boulder CO; London: Lynne Rienner Publishers, 1995, p.172.

<sup>19</sup> Ibid, p.173

<sup>20</sup> Sartori, G. Parties and party systems: a framework for analysis. vol. 1. Cambridge: Cambridge University Press, 1976.

<sup>21</sup> Ibid, p.230.

<sup>22</sup> Sartori, G. Parties and party systems, p.230.

<sup>23</sup> Sartori defined the political system known as “pragmatic hegemonic party” as a party that “*neither allows for a formal nor “a de facto” competition for power. Other parties are permitted to exist, but as second class, licensed parties; for they are not permitted to compete with the hegemonic party in antagonistic terms and on an equal basis...*” Ibid.

as a “*semidemocracy*” or “*pseudodemocracy*”.<sup>24</sup> Overall, it can be said that the Mexican political system was a civil authoritarian and inclusive<sup>25</sup> regime with a hegemonic party, the PRI (Partido Revolucionario Institucional) that eventually became more predominant than hegemonic. In a comparative perspective, the Mexican authoritarian regime’s inclusiveness and civil character differentiated it from other Latin American dictatorships that used repression to discourage, stop or contain the popular sector rather than seek their inclusion.<sup>26</sup> With reference to the inclusive nature, Meyer comments “*as long as they accepted the rules of the game all of them could get in there, so there was no discrimination to the left, Catholics, atheists, only the extremists or the undisciplined stayed outside*”.<sup>27</sup> Other political analysts such as Carlos Fuentes, claim that it was the revolutionary origin that gave legitimacy to the successive revolutionary regimes that followed after the 1917 Constitution, as the government provided education, health, infrastructure and stability in exchange for democracy.<sup>28</sup> The PRI became the official party and along with the presidential figure formed the two pillars of the political system.<sup>29</sup> Under the binomial Presidency- PRI, all political activity was concentrated within the official party’s elite. In addition to its inclusiveness, the regime was also characterised by stable civilian rule, revolutionary heritage of the hegemonic party (PRI) and cooptation of groups and sectors with political and social demands, which contributed to the delay and gradual nature of the transition from a hegemonic party system to a competitive party system. However, above all, it was the existence of regular elections and the feature of having “*non-competitive elections*” one of the main facets that contributed to the consolidation and more importantly, the legitimisation of the hegemonic regime, as the organisation and supervision of the elections were part of the mechanism of control upon which the regime’s authoritarianism was based.

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<sup>24</sup> Diamond, L., Linz, J and Lipset, MS. Politics in Developing Countries: comparing experiences with democracy, edited by Diamond, L; Linz, Juan L. & Lypset, MS. 2<sup>nd</sup> edition. Boulder CO; London: Lynne Rienner Publishers, 1995, p.8. Diamond, L. Developing Democracy: toward consolidation. Baltimore: The Johns Hopkins University Press, 1999, p.15-16.

<sup>25</sup> It was inclusive in the sense that the governing coalition PRI incorporated the masses through the corporatist sectors and maintained a network of alliances with others sector such as the catholic church and the business class.

<sup>26</sup> Woldenberg, J. Noticieros Televisa. Interview of Woldenberg, J. in “*Mexico: La historia de su democracia.*” Vol 1. Mexico City: Noticieros Televisa, 2004.

<sup>27</sup> Noticieros Televisa. Interview of Meyer, L. in “*Mexico: La historia de su democracia.*” Vol 1. Mexico City: Noticieros Televisa, 2004.

<sup>28</sup> Noticieros Televisa. Interview of Fuentes, C. in “*Mexico: La historia de su democracia.*” Vol 1. Mexico City: Noticieros Televisa, 2004.

<sup>29</sup> For a more detailed analysis of the Mexican presidency and official party see Cosío Villejas, D. El Sistema Político Mexicano. Mexico City: Cuadernos de Joaquín Mortiz, 1982.

### 1.1.1 Origin of the Mexican Authoritarian regime of hegemonic party: the first stage

The origin of the Mexican hegemonic party system was in the creation of the PNR (The National Revolutionary Party) in 1929 by the president Plutarco Elias Calles. It is important to note that after its creation the post-revolutionary regime evolved in four stages that adopted different features. Initially, the revolutionary party emerged as a project from the executive to form a coalition made up of the different factions that had participated in the revolution rather than being a political party. In particular, Calles' objective was to unite the divergent revolutionary elites, reconcile personality differences among them and institutionalise co-operation among the various factions of the Revolutionary family.<sup>30</sup> In this way, he forced the resolution of disagreements amongst the revolutionaries through a civil organisation. Huntington notes that Cardenas' extension of the Mexican revolution by the party showed, instead of evolving towards military dictatorship as had occurred in other countries, the Mexican revolution advanced from pure military dictatorship to pure party rule.<sup>31</sup> From its creation, the PNR promised to endorse the principles of the Mexican Revolution, which gave it legitimacy and contributed to its consolidation. Consequently, the party emerged from the revolution and gained automatic legitimacy and support from the majority of the Mexicans who had struggled during Porfirio's dictatorship, especially as the Mexican Revolution had been a reaction to the inequalities and lack of opportunities of Porfirio's dictatorship.<sup>32</sup> Despite the revolution taking place at that particular time, this was not a movement ideologically homogeneous and coherent, it was pursued by different revolutionary groups whose objectives and demands differed during the process. In addition, many historians observed that the revolution was not a civil war between north and south, but a struggle between the elite and the mass. Roderic Ai Camp notes that despite the disagreements amongst historians on the causes of the revolution and its impact, understanding the ideology of the revolution and the political structures that emerged afterwards is essential to understanding its political evolution.<sup>33</sup> Initially the revolution was focused on ending the dictatorship of Porfirio who prolonged his regime

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<sup>30</sup> The party of the revolution acquired various names in different stages such as National Revolutionary Party (PNR), Mexican Revolutionary Party (PRM) and Institutional Revolutionary Party (PRI).

<sup>31</sup> Huntington, S. *Political order in Changing Societies*, pp.313-314.

<sup>32</sup> Despite Porfirio's regime having managed to achieve peace in the country after decades of civil war and building some economic infrastructure in Mexico, he failed to fulfil social needs and punished certain groups which reinforced the social inequalities that had existed. Ai Camp, R. *Politics in Mexico*. New York; Oxford: Oxford University Press, 1996, pp.40-41.

<sup>33</sup> *Ibid*, p.41.

for 34 years after failing to comply with the principle of “*no re-election*”.<sup>34</sup> Therefore, the first main demand of the revolution was “*democracy*” which was expressed in the famous phrase by Francisco Madero “*effective suffrage not re-election.*”<sup>35</sup> However, once Madero came to power, he was unable to stop the division between the revolutionary groups and control the army. Eventually, there was a counterrevolutionary coup against him and he was put in jail and later assassinated.<sup>36</sup> In parallel to Madero’s government, other demands emerged from new revolutionary factions led by popular figures such as Villa and Zapata who focused more on land reform and social justice. Another faction known as “*the Constitutionalists*” that was led by Carranza and Obregon demanded labour rights. However, according to Ronald H. McMadonald the leaders of the revolution were mainly outlaws, army bosses, regional leaders and opportunists whose main purpose was to beat the opposition and establish their own power.<sup>37</sup> The revolution ended with the approval of a new Constitution signed in 1917, which synthesised the demands of the different revolutionary groups.<sup>38</sup> For instance, for the peasants the land reform, for the workers, labour rights, for the citizens individual’s rights, and for the business sector economic liberties under the state sponsorship while limiting the presence of foreign trade in the economic life of the country.<sup>39</sup> Therefore, the 1917 Constitution represented the consensus of the different revolutionary factions. Huntington notes that a successful revolution requires the creation of a political system, but in Mexico, the revolution created first rule by the successful generals which proved to be unviable and then a revolutionary party that provided the solution.<sup>40</sup> Calles started

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<sup>34</sup> Ironically in the past Porfirio Díaz had fiercely campaigned for the principle of no re-election, first against Juárez in the presidential elections in 1871 and later in 1876 blaming Sebastian Lerdo de Tejada for violating the principle of no re-election. See Cosío Villegas, *D. Porfirio Díaz en la revuelta de la noria*. Mexico City: Hermes, 1953; Beals, Carleton. *Porfirio Díaz, dictator of Mexico*. Philadelphia: J. B. Lippincott Company, 1932.

<sup>35</sup> Madero prepared and issued “Plan of San Luis Potosí” which called for effective suffrage, no re-election, the proposal for agrarian reform and a call for revolt against Porfirio Díaz that initiated the revolution. See “San Luis Plan”, Proposal by Francisco Madero, October 5, 1910

<sup>36</sup> For a more detailed description of the role of Madero see Padgett, LV. *The Mexican Political System*. Houghton Mifflin Company, 1976, pp.24-26.

<sup>37</sup> Mc Donald, RH. *Party Systems and Elections in Latin America*. Chicago: Siracuse University, Markham Publishing company, 1971, p.236

<sup>38</sup> The Constitution of 1917 was a juridical code that denoted the structural tension of the regime: the difficult conciliation of liberal-democratic principles and the principles of social justice. The latter was essential for the regime to elaborate its populist, paternalist, corporatist and clientelar politics.

<sup>39</sup> To see the completed content of the constitutional text see “El consenso de Querétaro, Constitución de 1917”. Chambers of Deputies. Congress of the Union. Secretaría General. Secretaría de Servicios Parlamentarios. Centro de Documentación, Información y Análisis. Mexico.

<sup>40</sup> Huntington notes that in general revolutions led to: “a) the restoration of traditional structures of authority, b) military dictatorship and the rule of force or c) the creation of new authorities reflecting the fundamental changes in the amount and distribution of power in the political system produced by the revolution.” Huntington, S. *Political Order in Changing Societies*, pp.313-314.

a new political system that would shape the rest of the century.<sup>41</sup> Therefore the creation of the PNR (old PRI) not only managed to stop the internal struggle between the revolutionary elite and the caudillos<sup>42</sup> but also united them through pacific mechanisms for the distribution of power.<sup>43</sup> However, at this stage the regime was just a “*reconciliation space*” for the coalition elite with Calles as the head of the revolution.<sup>44</sup> Padgett notes that Calles’ decision to form the Revolutionary party made possible peaceful political change in a traditionally violent country.<sup>45</sup> This stage called “*Maximato*”<sup>46</sup> lasted until 1935, when Calles who was known as Jefe Maximo was thrown out of the country and replaced by president Lázaro Cárdenas, who succeeded in imposing his authority over the revolutionary coalition. Meyer notes that the creation of the revolutionary-official party PNR and its successors was created not to win elections but to maintain a “*permanent campaign of propaganda*” in favour of the revolutionary leaders and to ensure discipline amongst them.<sup>47</sup> The key elements of the PRI state were set up during this time and included a six-year presidential term, with no re-election, rather a presidential succession determined by the party elite in an obscure ritual known as “*dedazo*” (heavy thumb), then legitimised in a totally controlled election.<sup>48</sup> Cardenas replaced the original PNR (National Revolutionary Party) with the PRM (Mexican Revolutionary Party) in 1938. With Cardenas as president, the regime acquired the main features that would distinguish the Mexican political regime that lasted for seventy years. The regime was characterised by a high concentration of power in the presidency. Rabasa notes that the centralisation of power in the figure of the president and in the official party resulted from the specific interpretation that the presidents Calles and Cardenas had made of the Constitution of 1917 during their presidencies.<sup>49</sup>

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<sup>41</sup> Silva-Herzog Márquez, J. *El Antiguo Régimen y la Transición en México*, p.23. For a detailed account of the role of Calles in this period see “Calles: a controversial figure” in Padgett, L Vincent. *The Mexican political system*, 2<sup>nd</sup> ed. San Diego: Houghton Mifflin Company, 1976, pp.32-37.

<sup>42</sup> Regional bosses also known as “*caciques*” were in control of specific regions, states or municipalities.

<sup>43</sup> According to Cosío Villegas the PNR had three important functions, which were to contain the split of the revolutionary group, to install a civilised system and settle electoral contests and provide a coherent national meaning to the administrative-political action in the pursuit of the goals of the Mexican Revolution”. Cosío Villegas, D. *The Mexican Political System: the possibilities of change*. Texas: Institute of Latin American Studies, 1972, p.28.

<sup>44</sup> The early regime was an attempt by President Calles to provide political, economic and social stability for the country which was unstable after the revolution.

<sup>45</sup> Padgett, L Vincent. *The Mexican political system*, p.75.

<sup>46</sup> Calles became the “main leader” in the immediate post-revolutionary period although there were three interim presidents who were considered to be puppets that were controlled by him. Weinberg, B. *Homage to Chiapas*. London & New York: Verso, 2000, p.57.

<sup>47</sup> Meyer, L. Historical Roots of the Authoritarian State in Mexico. In: *Authoritarianism in Mexico*, vol. 2. edited by Reyna, JL & Weinert, R. Philadelphia : Institute for the Study of Human Issues, c1977.

<sup>48</sup> *Ibid.*

<sup>49</sup> It is important to note that the Mexican Constitution of 1917 included many features of two previous constitutions (1824 and 1857), whose liberal character was incompatible with an undeveloped rural society. The result of such a

Consequently, the president became the centre of all political and institutional life and enjoyed constitutional and extra constitutional privileges that contributed to the consolidation of the regime. In addition to the presidential power, the regime was based on the predominance of the revolutionary party over the others which, following Santori's term developed into a system of hegemonic party. Another important feature of the regime was an electoral system controlled by the government. In addition to the institutional characteristic, the concentration of power in the presidency, allowed Cardenas to pursue changes that re-defined the political regime. First of all, under Cardenas the regime became inclusive. Cardenas reorganised the party on corporatist sectors through the incorporation of four corporatist areas into the structure of the party.<sup>50</sup> Cardenas introduced organisational innovations supporting the creation of labour organisations such as the CTM in 1936 and agrarian confederations such as the CNC, which created a support between government and organised labour and peasants that allowed him to promote the revolution through agrarian reform and in labor-management relations.<sup>51</sup> The introduction of all-political forces and diverse interests in the coalition contributed to the consolidation of power in the Revolutionary party, therefore coming close to the model of a single-party system, although it was a system of "predominant party".<sup>52</sup> In this way, Cardenas created a corporatist regime which, by incorporating all of the social, political and economic sectors within the governing coalition, not only ensured the support of the popular sectors and their participation but also the co-optation of such groups with political and social demands by the government.<sup>53</sup> In addition, the president also ensured a strong inter-elite discipline and cohesion that avoided future splits and divisions. The concentration of power in the presidency was consolidated after the 1933 amendment to the Constitution, which

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liberal constitution in a rural society was Porfirio's dictatorship. Rabasa Gamboa, E. Derecho Constitucional Indígena, p.115.

<sup>50</sup> The reorganisation of the party on a sectoral rather than geographical basis broke the power of regional caudillos. Promoting the creation of the National Peasant Confederation (CNC) and the Mexican Workers Confederation (CTM) by Cárdenas was essential for the expansion of the party membership. By 1936 the party had over 1,000,000 members. Huntington, S. Political order in Changing Societies, p.322.

<sup>51</sup> Padgett, L Vincent. The Mexican political system, p.38

<sup>52</sup> Mc Donald, RH. Party Systems and Elections in Mexico. Chicago: Siracuse University, Markham Publishing company, 1971, p.241; Scott, Robert E. Mexican Government in Transition. University of Illinois: Press Urbana, 1964, p.131.

<sup>53</sup> Cornelius notes that although this kind of mass political organisation seemed to provide power to peasants and workers, the reality was that these organisations were strongly controlled by the regime that blocked autonomous actions. Cornelius, WA. Mexican Politics in Transition: The Breakdown of a One-Party-Dominant Regime. San Diego: Center for U.S.- Mexican Studies University of California, 1996, pp.17-18.

prohibited re-election of the president.<sup>54</sup> Since, the presidency was renewed every six years, all party life was concentrated in the hands of the party leadership. This principle had an effect on the relations between politicians, parties and regional electoral constituencies, as all political activity was concentrated within the coalition and it would become very difficult for independent local and regional politicians to pursue a career without the approval of the revolutionary elite.<sup>55</sup> Finally, Cardenas benefitted from this concentration of power to carry out social and economic reforms that gave him legitimacy and support.<sup>56</sup> The flow of party funds was ultimately controlled by the president which allowed him to exercise control over party activities at local level. By 1940, the power of the presidency was further consolidated. The last stage in the conformation of the hegemonic political party was under the presidency of Avila Camacho in the 1940's. He renovated the party structure, by removing the military sector from the governing coalition and re-naming, for the last time the revolutionary party as PRI (Partido Revolucionario Institucional), and intended it to be the predominant party. Under Camacho, all political and electoral activity was further centralised in the executive.<sup>57</sup> Especially with the adoption of a comprehensive electoral law in 1946, which was to be controlled by the Minister of the Interior at Federal level, and the local counterparts at local level.

### 1.1.2 Strong presidency and hegemonic party

The special features of the Mexican political system created after the revolution included its inclusiveness, cohesion (of the political elite) and corporatism which contributed to the regime's long civil stability that distinguished it from other unstable regimes in Latin America. This political stability was achieved on one hand, through the total presidential control of the State using its official party but also by the "*corporatización*" of wide sectors<sup>58</sup> of the population that were inserted in a hierarchical

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<sup>54</sup> This principle was established in order to avoid the re-election of a president after six years of being in office, after the dictator Porfirio Diaz had previously renewed his presidency and stayed in power for 35 years.

<sup>55</sup> Prud'home J-F. "The Instituto Federal Electoral (IFE): Building an impartial electoral authority. In: Governing Mexico: Political Parties and Elections, edited by Serrano, M. London: The Institute of Latin America Studies, 1998, p. 141.

<sup>56</sup> The support of the regime provided the opportunity to influence governmental decisions and obtain material and symbolic benefits which allowed a much easier cooptation by the government. Noticieros Televisa. Woldenber, J. in "*Mexico: La historia de su democracia*." Vol 1. Mexico City: Noticieros Televisa, 2004.

<sup>57</sup> The selection of the official presidential candidate continued to be an informal process organised by the existing president, past president, and party hierarchies. Mc Donald, RH. Party Systems and Elections in Mexico, pp.241-242; Scott, Robert, E. Mexican Government in Transition, pp.139-140.

<sup>58</sup> See the evolution of the membership of the PRI's corporatist sectors in Cansino, C. La Transición Mexicana 1977-2000. México: Centro de Estudios de Política comparada, 2000, p.95.

manner in the party.<sup>59</sup> As a result of both, concentration of power in the presidency and the high level of inclusion through corporatism, the overwhelming victories of the PRI in both federal and local elections until the late 1960s were highly predictable. The political system that prevailed in these terms for thirty years between 1938 and 1968 had two aspects that contributed to its success: social stability and an accelerated economic growth. In addition to this, the patrimonial character of the authoritarian regime and the disciplined and close elite ensured that pacts and agreements only took place inside the elite, such that the issues of transition, political power and public resources were only their business.

However, it was the binomial strong presidency-hegemonic party that constituted the two pillars of the authoritarian Mexican regime.<sup>60</sup> First of all, the binomial presidency-hegemonic party (PRI) contributed to the formation of disciplined majorities in Congress, which were unable to function as a counterbalance to the presidential power. As a result, both legislative branches were formed almost totally by members of the official party and the Judiciary by judges named directly by the president and confirmed by Senates who were under the PRI's control.<sup>61</sup> Therefore, the three government branches were merged into the executive branch, with the president on top.<sup>62</sup> The president determined political posts, allocated public resources and governmental programmes, which resulted in the creation of a network of alliances that supported him in exchange for material benefits.<sup>63</sup> It is worth noting, that the 1917 Constitution, besides establishing constitutional faculties and powers to the president<sup>64</sup> contemplated democratic principles. For instance, the division of power into three branches was a key principle of a democratic republic and was stated in art 49.<sup>65</sup> The 1917 Constitution also attributed to Congress faculties to initiate acts or laws (art.71), revise and approve the

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<sup>59</sup> Proof of evidence of the high level of "corporatist cooptation" exercised by PRI was its programmes of collective affiliation of the different social sectors into the official party. For example, in 1938 the agrarian sector enrolled 2,500,000 members in the Peasant National Conference (CNC); the labour sector had 1,250,000 members enrolled in the Workers Confederation of Mexico (CTM), and the popular sector had 500,000 members in the National Conference of Popular Organisations (CNOP). See Rabasa Gamboa, E. *Derecho Constitucional Indígena*, p.115.

<sup>60</sup> For a more detailed analysis of the Presidency of the Republic and the official party see Cosío Villejas, D. *El sistema político Mexicano*. México: Cuadernos de Joaquín Mortiz, 1982.

<sup>61</sup> Rabasa Gamboa, E. *Derecho Constitucional Indígena*, p.115.

<sup>62</sup> The concentration of power in the executive was justified by those who took part in the 1916-1917 Constitution, as a measure to avoid the political imbalances that characterised Mexico in the XIX century.

<sup>63</sup> Interview, Francisco Bedolla, Advisor to the Executive Director of Professional Electoral Service, Electoral negotiator and political academic (IFE), Mexico City, 17 November, 2004.

<sup>64</sup> Art 71: authority to initiate legislative projects; Art 72: authority to observe approved laws by Congress and exercise total or partial veto. Art 89: authority to announce laws and execute them; Art 67: authority to call Congress for extraordinary sessions.

<sup>65</sup> See Constitution 1917, Art.49

budget and spending of the federation.<sup>66</sup> However, the overwhelming presence of members of the PRI in both chambers of Congress, and the leadership of the president figure over them including the judiciary branch, did not allow the democratic principles of the constitution to be applied. Consequently, the president became the supreme figure with meta-constitutional powers. The concentration of power in the president figure also contributed to the nature of the electoral processes. The president not only became the head of the three governmental branches but also acquired the faculty for appointing all local and state governors despite holding elections. In addition and as a measure to eliminate local challenges, confederations of regional and local parties were abolished and a hierarchy of municipal, state and national conventions were established to decide policy and select candidates.<sup>67</sup>

### 1.1.3 Social reformisms and economic stability

It is necessary to highlight another element that was predominant in the Mexican political system that contributed to the delay of the transition: its social reformism that was supported in a model until the 1970s. As noted earlier, a strong presidency was needed in order to carry out social reforms, following the principle of “*social justice*” articulated in the Constitution. Starting with President Cardenas in 1930, social reformism was applied by successive PRI governments that benefitted from its success and support. In this context, the principle of “*social justice*” was prioritised over democracy. As Javier Romo, notes the new constitution gave greater priority to social rights than to political rights.<sup>68</sup> In addition to this, the regime pursued “*economic growth*” as another function of the regime, which was supported by a successful economic model until the 1970s.<sup>69</sup> Aguilar Camín notes that it was essentially a national regime whose nationalism was supported by the control of the government in the economy.<sup>70</sup> In this case, the official party played several roles. First of all, it served as a symbolic “*artefact*”, a key factor for the identification of the regime with the

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<sup>66</sup> See Constitution, Art 71, 74, 93, 108

<sup>67</sup> Scott, RE. Mexican Government in Transition, p.124.

<sup>68</sup> The ideology, based on social justice, promoted by the revolutionary faction lead by Zapata and Villa was considered greater than the “democratic demands” presented by the other revolutionary leader, Francisco Madero. Interview, Javier Romo Michaud, Advisor to President Councillor 2003-2010 (IFE) and political academic, Mexico City, 12 November, 2004.

<sup>69</sup> As Rabasa notes, the executive was able to pursue its ultimate goal of economic and social development without pursuing competitive and fair electoral processes. See Rabasa Gamboa, E, Derecho Constitucional Indígena, p.118.

<sup>70</sup> Noticieros Televisa. Interview of Hector García Aguilar in “*Mexico: La historia de su democracia.*” Vol 1. Mexico City: Noticieros Televisa, 2004.

revolution.<sup>71</sup> Herzog-Silva notes that the PNR became not only the owner of the revolution but also the major representative of the heroes of Mexican history.<sup>72</sup> This led to the identification of the official party with the government and the home land itself. The revolution provided a social myth and more importantly a basis for legitimacy.<sup>73</sup> The official party became the party of the revolution and acquired a position in the popular imagination, which contributed to the official party dominance.<sup>74</sup> Such identification also contributed to the de-legitimisation and underestimation of parties outside the revolutionary coalitions, which were perceived as counter-revolutionary. As a result, the revolutionary mission turned into a hegemonic project and expression of patriotism, which was able to gather important sectors of the society and even the intellectuals<sup>75</sup> of that period. The revolutionary origin of the Mexican regime, was similar to that in other countries such as Cuba where the historic objective normally related to solving problems of equality and social justice and where the issue of constructing a democratic regime was secondary. Secondly, the official party was very powerful in maintaining discipline and loyalty.<sup>76</sup> The party was funded through a strong national alliance made with regional leaders which, after Cardenas, became a pact between classes: a structure conformed by corporations or sectors.<sup>77</sup> Finally, the PRI, the official party, became a potent machine for gaining electoral legitimacy as it was created to rule and not to contest.<sup>78</sup>

#### 1.1.4 Non-competitive elections

Another aspect of the authoritarian regime that is linked to the concentration of power in the presidency is the existence of “non-competitive elections.” As electoral rule was manipulated by the presidency, and the organisation and supervision of elections were

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<sup>71</sup> Silva Herzog-Márquez J. *El antiguo Régimen y la transición en México*, p.24

<sup>72</sup> From the heroes of the independency and the reform to the leaders of the liberal movement. Ibid. p.24.

<sup>73</sup> Huntington, S. *Political Order in Changing Societies*, p.315.

<sup>74</sup> Noticieros Televisa. Interview of Woldenberg, J. in “*Mexico: La historia de su democracia*.” Vol 1. Mexico City: Noticieros Televisa, 2004.

<sup>75</sup> Fuentes notes that “*Intellectuals supported the revolution because this was threatened by three factors including the USA, the church and the latifundios.*” Noticieros Televisa. Interview of Carlos Fuentes in “*Mexico: La historia de su democracia*.” Vol. 1. Mexico City: Noticieros Televisa, 2004.

<sup>76</sup> The internal discipline was one of the key factors which the party used to survive during critical periods. However, for nearly 60 years, all of the PRI challenges emerged from within. By the beginning of the 1980s there was already a clear division inside the coalition between the conservative groups and a more liberal group. However, despite their disagreements in economic and political policies, they kept their differences inside the party. Interview, former senior member of PRI A, Mexico City, 14 September, 2004.

<sup>77</sup> Silva-Herzog Márquez J. *El antiguo régimen y la transición en México*, p.24.

<sup>78</sup> Interview, Jorge J. Romero, Advisor to President Councillor (IFE), former member of Democracia Social and political academic, Mexico City, 15 November 2004.

under the Ministry of the Interior's control, "*non-competitive elections*" became one of the main instruments for achieving hegemony. In this way, all political activity was concentrated within the government coalition under the direct control of the president. Despite the PRI being created as a party to govern and not to compete, the coalition elite understood the need for other parties and for regular election. In this context, parties outside the PRI were allowed to exist but not to compete for power, at the same time as being dismissed as reactionary groups. The creation of spaces for the political parties was needed, although the state party was the only one to have legitimacy. The holding of regular elections gave the regime not only democratic legitimacy but also the possibility to renew the political elite, avoiding internal divisions. This led to the creation of a non competitive system that tolerated minority parties with the condition that they were minority parties: a system of hegemonic party system. As noted earlier this term was given by Giovanni Sartori who identified a type of party system without real electoral life that did not correspond to the one party system of the Soviet Block. This regime with a hegemonic party in which opposition parties are allowed to exist but not to compete and elections are neither competitive nor equitable and free. Cansino notes that semi-competitive conditions would be indicated by the coexistence of opposition parties and the hegemonic party, whose specific norms of social articulation (corporatives or clientelists) guaranteed its predominance over the other parties, even with some real or formal guarantees for the competence of other parties and political pluralism.<sup>79</sup> It is worth noting, that the existence of the hegemonic party system in Mexico also ensured a peaceful succession within the PRI's elite, which had been a problem in the post revolutionary period. In order to avoid conflict within the elite and despite the principle of no re-election being re-adopted by the 1917 Constitution, the official party introduced a mysterious system of selecting their own presidents. Presidents were elected for a single six-year term. The selection of presidential candidate known as "dedazo" ("heavy thumb") consisted of an intra-party process of recommendation, consultation and discussion where the president in turn played a leading and dominant role.<sup>80</sup> After the candidate was selected by this informal process, the party convention nominated him without much opposition. During his six years in office the president had substantial power, but no hope of re-election. This practice

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<sup>79</sup> Cansino, C. *La transición mexicana 1977-2000*. Mexico: Centro de Estudios de Política Comparada, 2000, p.74.

<sup>80</sup> Huntington, S. *Political order in changing societies*, p.320.

contributed significantly to the stability of the system, because if the president had been able to stay in power indefinitely other presidential aspirants would have been motivated to attempt to oust him from power illegally.<sup>81</sup>

## 1.2 Theory approach: the transition

Before analysing the characteristics of the Mexican transition, it is important to provide a theoretical approach to examining the literature on transition. The interest in the study of “*transition*” as a political phenomenon emerged as result of a rapid increase in processes of political change towards democratisation that took place between the 1970s and the late 1980s in several countries around the world including southern Europe, some Latin-American and Asian countries and the collapsing of the Soviet Block. This international tendency towards political transformation that favoured democracy that took place in various countries over a period of thirty years<sup>82</sup> was named by Huntington as “*the third wave of democratisation*”. Samuel Huntington notes in his study of several countries, that this third wave of transitions is located within a wider process.<sup>83</sup> The analysis of this rapid democratic change at international level generated multiple hypotheses about the reasons for causes of change. Overall, as Huntington notes, the study of various experiences provided historical constants that modified the variables of the democratic changes. Huntington identified four changes in the world that favoured the development of a third wave of transitions to democracy: 1. economic growth that increased the level of literacy, education, urbanisation, a larger middle class and expansion of pro-democratic values; 2. radical changes in the Catholic Church leading to its opposition to authoritarianism; 3. changes in policies that supported the democratic development of the European community, the United States and the Soviet Union in the mid 1980s; 4. strengthening of movements toward democracy in other countries through the snowballing effect after the transition in other countries such Spain, Argentina, Poland etc.<sup>84</sup> Despite the existence of constants for the development of transitions, each transition was a result of some general causes and other endemic

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<sup>81</sup> Ibid.

<sup>82</sup> From 1974 more than 30 countries from different parts of the world transited from different forms of totalitarianism or authoritarianism to democratic regimes.

<sup>83</sup> Therefore, Huntington distinguishes two previous waves; the first one between 1828 and 1926 and the second one between 1943 and 1962, which were followed by reversal periods. The third wave extended a period between 1974 and the late 1980s starting with the transitions of Portugal, Spain and Greece, followed by transitions in some Latin-American, Asian and African countries and culminated in the collapse of the soviet block at the end of the 1980s. See Huntington, S. The Third Wave: Democratisation in the Late Twentieth Century. Norman; London: University of Oklahoma Press, 1991

<sup>84</sup> Ibid, pp.45-46.

factors of the respective countries.<sup>85</sup> The study of the various processes of political change and transition that showed the active input of political actors in the construction of the new regimes contributed to an important change in political-social theory. Democracy was perceived as being the result of effort and human capacity that was prioritised over the existence of other requisites such as socio-economic conditions. In the study of change in political systems and in particular of transition from an authoritarian to a democratic regime the most common approaches have been the following: an approach that focused on socio-economic and cultural conditions as the causes for democracy. Seymour Martin Lipset is the main proponent of this view. Lipset claimed that democracy depended on the level of socioeconomic development and modernisation of a country.<sup>86</sup> The author explains the democratic advance in terms of indicators of wealth, grade of industrialisation, urbanisation and the levels of education. According to him, the higher the socio-economic level a country has, the greater the chance to become a democracy, and conversely, the lower the economic level achieved the more likely it is to favour an authoritarian regime.<sup>87</sup> This approach highlighting economic, social and cultural conditions as causes of democracy prevailed until the 1970s. However and in clear contrast to Lipset's approach, there was pioneering work by, for example, Danwart Rustow who emphasised the autonomy of politics and the important role that political actors have in the construction of political regimes. In Rustow's view attention must be centred on understanding how democracies developed through a period of transition.<sup>88</sup> Rustow considered that there were four phases in the process of transition from an authoritarian regime to democracy: a) A background condition. The model starts with a single background condition – national unity,<sup>89</sup> b) Preparatory Phase in which the process of democratisation is triggered by a prolonged and inconclusive political struggle. c) Decision phase, in which the political leaders accept the existence of diversity in the politics and to that end, institutionalise some crucial aspect of democratic procedure and d) Habituation phase, in which democracy is inserted in the culture of a country.<sup>90</sup>

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<sup>85</sup>Cansino, C. *The Mexican Transition 1977-2000*, p.32.

<sup>86</sup> Lipset, Seymour M, *Political man*. London: Heinemann, 1969, pp.48-50.

<sup>87</sup> Ibid.

<sup>88</sup> “*The political scientist is entitled to these rights within the general division of labour and may wish to concentrate on some of the political factors without denying the significance of the social or economic ones*”. Rustow, D.

“*Transitions to Democracy: Toward a Dynamic Model*,” p.345.

<sup>89</sup> Rustow notes that “*national unity means that most of the citizens must have no doubts or mental reservations about the political community to which they belong*”. Ibid. p.352.

<sup>90</sup> Ibid. p.352.

Despite the different approaches of the various theories on democratic change, they should nonetheless be used as tools to analyse a particular political experience.

### 1.2.1 The Mexican case

In Seymour's approach, the socio-economic conditions for the development of democracy were socio-economic advances such as industrialisation, urbanisation, extensive education that were created by the Mexican authoritarian regime between the 1930s and 1960s.<sup>91</sup> Rabasa notes that the emergence of the middle class after years of economic growth promoted by the Mexican regime and its reactions to the 1968 students' revolt in 1968 (see Rabasa<sup>92</sup>) corresponded to Rustow's preparatory phase of democratisation.<sup>93</sup> However, Merino notes that Rustow's model can only be used to explain the Mexican transition if both the PRI's elite split in 1987 and the Cardenas' presidential campaign in 1988 meant the beginning of the conflict in the governing coalition to which other forces joined.<sup>94</sup> This will be discussed in greater detail in subsequent chapters.

### 1.3 The concept of transition

Despite the extensive literature on transition to democracy there is no model that explains how to carry out a transition. However, the examination of successful transitions can provide relevant information for the analysis or study of other similar processes of change. In the literature on transitions to democracy from authoritarian or totalitarian regimes, the most accepted concept of transition is the one given by Schmitter and O'Donnell.<sup>95</sup>

*“transition is the interval between one political regime and another...the transitions are delimited on one side by the beginning of the dissolution of the authoritarian regime and on the other side by the establishment of some kind of democracy...the*

<sup>91</sup> Rabasa Gamboa, EE. Derecho Constitucional Indígena, p.121.

<sup>92</sup> Becerra, Salazar and Woldenberg note that the students' demands were of a civil nature and were fighting for changes outside their scope such as the release of political prisoners, derogation of Article 145 and 145 bis of the Penal Code (that sanctioned the crimes of social dissolution), the destitution of authorities in charge of the police, etc.. Quoted by Rabasa Gamboa, EE. Ibid. See Becerra et al., La Mecánica del cambio político en México, pp.17-19.

<sup>93</sup> Ibid.

<sup>94</sup> Merino Huerta, M. La Democracia Pendiente: Ensayos sobre la deuda política de México. México: Fondo de Cultura Económica, 1993, p.76.

<sup>95</sup> O'Donnell, G. & Schmitter, PH. Tentative Conclusions about Uncertain Democracies. In Transition from Authoritarian Rule, vol. 4, edited by O'Donnell, G., Schmitter, PH. & Whitehead, L. Baltimore and London: The Johns Hopkins University Press, 1986, p.6.

*characteristic of a transition is that during its process the rules of the games are not defined...*"

As Przeworski notes, in the transition the process of dismantling the old authoritarian regime, often through liberalisation, runs parallel to a process of emergence of democratic institutions.<sup>96</sup> Przeworski comments on the need to understand transition to democracy as a process of "*creating specific institutions, with their effects upon the capacity of various groups to realise their interests creating specific institutions*".<sup>97</sup> Authors such as O'Donnell and Schmitter, Linz and Morlino (see Cansino<sup>98</sup>) consider that normally moments of transition are defined by questions over the existing institutional arrangements and political practices; and the lack of consensus towards them and the struggle for the establishment of the new political institutions. However, the identification of characteristics of regimes in transition is difficult due to their ambiguity. In general, a democratic transition is not a permanent state but a situation where new characteristics emerge and parts of the authoritarian regime are dissolved, while other parts move to the new regime, and result in a situation where parts of the new democracy are born and some of the challenges are resolved. Therefore, the study of democratic transition attempts to determine a strategy of analysis of the main political actors before, during and after the process.<sup>99</sup> In reference to the Mexican case, it is worth mentioning the analysis that Morlino (see Cansino<sup>100</sup>) makes of the characteristics of regimes in transition. He notes that regimes in transition are preceded by an authoritarian regime that initiates an opening or partial rupture of the limitations to political pluralism.<sup>101</sup> As a result a situation is created where an emergent opposition exists alongside the old coalition which is no longer dominant and is less united.<sup>102</sup> In Mexico, the opening was initiated in 1977 with an electoral reform, which opened the electoral arena to opposition parties through the introduction of Proportional

<sup>96</sup> Przeworski, A. Problems in the Study of Transition to Democracy. In Transition from authoritarian Rule: Comparative Perspective, vol. 3, edited by O'Donnell, G., Schmitter, PC and Whitehead L. Baltimore and London: The Johns Hopkins University Press, 1988, p.56.

<sup>97</sup> Ibid.

<sup>98</sup> Quoted by Cansino, C. La Transición Mexicana, 1977-2000, p. 27. See O'Donnell, G. & Schmitter, PH. Transitions from authoritarian rule: Tentative Conclusions about Uncertain Democracies, edited by O'Donnell, G; Schmitter, Ph & Whitehead, vol. 4. Baltimore and London: John Hopkins University Press, 1986; Linz, Juan J. Crisis, Breakdown, and Reequilibration. In: The Breakdown of Democratic Regimes, edited by Linz, Juan J & Stepan, A. Baltimore: Johns Hopkins University Press, 1978; Morlino, L., Autoritarismi, in Manuale di scienza politica. G. Pasquino. (ed.). Bologna: Il Mulino, 1986, pp. 137-189. In: Cansino, C. La transición Mexicana, 1977-2000, p.29.

<sup>99</sup> Cansino, C. La transición Mexicana, 1977-2000, p.29.

<sup>100</sup> Quoted by Cansino, C. La transición Mexicana, 1977-2000, p.29. See Morlino, L., Autoritarismi, in Manuale di scienza politica. G. Pasquino. (ed.) Bologna: Il Mulino, 1986, pp.144-148.

<sup>101</sup> Ibid.

<sup>102</sup> Ibid.

Representation (PR) in the Chamber of deputies.<sup>103</sup> Morlino also notes that despite opposition parties being allowed to participate in the political process, they are in practice excluded from the possibility of accessing the government, as only one party can be dominant in semi-competitive elections.<sup>104</sup> Consequently, electoral participation is limited to electoral periods. Finally, Morlino notes that a strongly distorted electoral law can also be important in enabling the dominant party to maintain an advantage in the distribution of seats.<sup>105</sup> In Mexico, the 1946 electoral law approved by the government proved to be distortional and unbalanced. Methodologically speaking, the analysis of a regime in transition must consider the following aspects: a) the various institutional and political actors (bureaucracy, military, political parties and unions) and/or socioeconomic actors (oligarchic groups, business groups, commercial bourgeoisie (middle class) that are part of the dominant alliance; b) The level of ideology of the regime and the kind of values used to justify the regime c) the level and the characteristics of the mobilisation from above.<sup>106</sup> In the Mexican case, the institutionalisation of the regime included on one hand, the hegemonic party and the president along with the corporatist sectors, and on the other, the opposition parties. With regard to the values held, during the transition, the regime exploited the principles of the revolution as a source for its legitimisation, while mobilisation from above took the form of corporatist and “clientelist” tactics.

#### 1.4 Types of transitions

There is no unique model that explains how to develop a process of transition or provides definitive conclusions, especially as each case is different. In addition to the lack of agreement on a model for transitions, scholars also differ on the number of routes for transition and the factors to be utilised for their classification. Nevertheless, the analysis of successful transitions in the past, the reactions of the political actors and the conditions within the specific countries can be used as a guide in the analysis or discussion of other regime changes. In general, a democratic transition is achieved through democratic means; consequently, the basis of the political change is negotiation

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<sup>103</sup> The earlier reforms of 1946 to 1977 will be discussed in chapter 2.

<sup>104</sup> Quoted by Cansino, C. *La transición Mexicana, 1977-2000*, p.29. See Morlino, L., *Autoritarismi*, in *Manuale di scienza politica*. G. Pasquino. (ed.) Bologna: Il Mulino, 1986, pp.144-148.

<sup>105</sup> Ibid.

<sup>106</sup> Ibid.

and agreements by the elites rather than other mechanisms.<sup>107</sup> Due to the particularities of each transition, the pace and intensity varies from one case to another. In order to classify the different routes and forms in which a transition develops it is necessary, first of all to consider the strength of each political actor (opposition and government) and the dialogues and strategies used by them. There are different classifications in respect of the types of transition from non democratic to democratic regimes. It is worth mentioning the classic work of Stepan<sup>108</sup> who identified eight possible paths that can lead to the end of an authoritarian regime and the processes of democratisation depending on the routes they follow. The first three paths war, conquest and foreign interventions play an important part in the redemocratisation process and include 1) *Internal restoration after external reconquest*, 2) *internal democratic reformulation* 3) *externally monitored installation*.<sup>109</sup> In the second group of transitions the authoritarian regime controls the initiation and the process and according to Stepan are 4) *democratisation initiated from within authoritarian regimes*.<sup>110</sup> In the last group the actions of the opposition play an important role in ending the authoritarian rule and bringing democracy and include 5) *society-led regime termination*, 6) *party pact*. Finally, the last two types violent revolt and revolutionary war are implicated and include 7) *organised violent revolt coordinated by democratic reformist parties*, and 8) *Marxist-led revolutionary war*.<sup>111</sup> In studying democracies it is also important to consider the modes of the transition. According to Morlino in reference to the modes, there are four relevant dimensions in a transition: a) continuous/discontinuous; b) accelerated/slow; c) peaceful/violent; and d) internal/external.<sup>112</sup> Generally, continuous transitions initiated within a political regime are the most common. The difference between continuous and discontinuous transitions is the way in which the dominant elite confront critical situations.<sup>113</sup> In continuous transition there are a series of limited

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<sup>107</sup> Cansino, C. *La transición Mexicana, 1977-2000*, p.33.

<sup>108</sup> Stepan, A. *Paths toward Redemocratisation: Theoretical and Comparative Reconsiderations*. In: *Transitions from Authoritarian Rule: Comparative Perspectives*, vol 3, edited by O'Donnell, G, Smitter, PH & Whiteheads. Baltimore, Md.; London: Johns Hopkins University Press, 1986, pp.64-84.

<sup>109</sup> Japan and Democratic Republic of Germany experienced the first type, France, Greece and Italy after 1943 the second type, and Germany after the II World War is the best example of an externally monitored installation. Ibid.

<sup>110</sup> Recent transitions in Latin America and the 1970s transition in South Europe. Ibid.

<sup>111</sup> See Stepan, A. *Paths toward Redemocratisation*, pp.64-84.

<sup>112</sup> See Morlino for a more detailed account of these four modes. Morlino, L. *Cómo cambian los regímenes políticos: Instrumentos de análisis*. Madrid: Centro de Estudios Constitucionales, 1985, pp.104-111.

<sup>113</sup> Discontinuous transitions could have two possible outcomes: the regime successfully resolves the crisis through different forms of transactions or through an increasing level of coercion leading to consolidation or fails to satisfy those requirements and collapses. Morlino, L. *Cómo cambian los regímenes políticos: Instrumentos de análisis*, pp. 104-111.

political coalitions and successive and contradictory balances between impulses toward change and impulses towards preservation. This interaction produces a sequence of changes in the regime until it is finally reformed.<sup>114</sup> The probability of a transition increases when there is a considerable level of crisis in the authoritarian regime. The authoritarian crisis is a process of internal imbalance and destabilisation in a regime of limited pluralism. Consequently, the transformation of the regime can be triggered by its inability to deal with internal problems or its general deterioration contributing to an unstable situation. For instance, a scission or irreconcilable division in the coalition which supports the regime can provoke political instability and mobility of political support towards emergent actors. With regard to the type of compromise or negotiation that leads to democratisation, it usually takes place between the more moderate actors of the regime and the opposition. O'Donnell and Schmitter classify such phases of negotiation as institutionalisation that denotes effective recognition (evidenced in the form of constitutional laws) and acceptance of the new rules and procedures by the majority of the groups of interest.<sup>115</sup>

#### 1.4.1 Forms of transitions

The study of the processes of political change experienced in southern Europe in the 1970s, and in Latin America and East Europe in the 1980-90s (known as the third wave of democratisation) increased interest in the study of transition. These new political change experiences allowed scholars to identify similarities even though the various experiences showed different levels of success and depended on many factors including structural, historic and temporary. There are many factors and conditions that take place in a democratic transition. With regard to political variables, the studies of comparative politics have provided some hypotheses that are a starting point for the study of one particular case. According to the negotiation party-government and the strength of the political actors, there are a series of communalities.<sup>116</sup> Transitions through reforms, through pacts, rupture or collapse, and through extrication. As was the case with the routes of re-democratisation or transition, a particular case can experience more than one

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<sup>114</sup> Martins, L. The liberalisation of Authoritarian Rule in Brazil. In: Transitions from Authoritarian Rule: Latin America, vol. 2, edited by O'Donnell, G, Schmitter, PH & Whitehead, L. Baltimore and London: The Hopkins University Press, 1986, pp.72-94.

<sup>115</sup> O'Donnell, G. and Schmitter, PH. Transition from an authoritarian rule: Tentative Conclusions about Uncertain Democracies, pp.15-21.

<sup>116</sup> Linz, Juan L. Transition to democracy, p. 143, Huntington, S. The Third Wave, p.114; Cardenas Gracia, J. Transición Política y reforma constitucional en México. Mexico: Instituto de Investigaciones Jurídicas, 1994. p.43.

form. In the different forms of transition it is also necessary to take into account the interactions between the government and the opposition, between the reformists and the conservatives in the government, and between the moderates and the extremists in the opposition.<sup>117</sup> In analysing transition in a comparative perspective, the classification described by Huntington, which is based on the correlation of forces between government and the opposition in a specific time, has been very useful.<sup>118</sup> Huntington's four types of transitions are: 1) Transformation, 2) Replacement 3) Transplacement 4) Intervention.<sup>119</sup> In the first form of transition initiated through "*reform*," called "*transformation*" by Huntington, and also known as "*transition through transaction*", the transition takes place through reform. The political elites in power take the initiative in bringing about democracy, but with the intention of controlling the process and keeping some power. For this type of transition the government needs to be stronger than the opposition and generally the transition goes through five phases.<sup>120</sup> The political elites in government are dominated by soft sectors who try to prevent a collapse and aspire to maintain power. The reforms are usually initiated by the soft/reformist sector in government as part of a liberalisation process. The reformers inside the government initiate negotiations with the opposition with a democratisation intention.<sup>121</sup> Huntington notes that in all of the countries that experienced transitions through transformations the governments were stronger than the opposition at the beginning of the process.<sup>122</sup> In this context, the interaction between the reformists of the government, supporters of the transition, and conservatives of the regime, those against the transition, is central. For the reform to take place, the reformist sector of the government needs to be stronger than both the conservative sector and the opposition.<sup>123</sup> The initial political opening can result from different causes including the loss of legitimacy, divisions in the elite, failures in the economic design, or the death of the

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<sup>117</sup> For a definition of "pacts" see, Cansino, C. *La Transición Mexicana, 1977-2000*, p.51.

<sup>118</sup> Huntington notes that scholars usually share the same ideas; however they prefer to use different words for those ideas. His typology of processes of transition coincides with that of Donald Share and Scott Mainwaring. See Linz, Juan J. *Crisis, Breakdown, and Reequilibration*, In: *The Breakdown of Democratic Regimes*, edited by Linz, Juan J & Stepan, A. Baltimore: Johns Hopkins University Press: 1978. p.35; Share, D & Mainwaring, S. *Transitions through Transaction: Democratisation in Brazil and Spain*. In: *Political Liberalisation in Brazil: Dynamics, Dilemmas, and Future Prospects*, edited by Selcher, Wayne. A. Boulder, Colo.: Westview Press, 1986, pp.177-79.

<sup>119</sup> For a detailed description of Huntington's four types of transitions see Huntington, S. *The Third Wave*, p.114.

<sup>120</sup> For the five phases of transition through transaction or transformation see Huntington, S. *The Third Wave*, pp.127-142.

<sup>121</sup> See Cardenas Gracia, J. *Transición Política y reforma constitucional en México*, p.43.

<sup>122</sup> Huntington, S. *The Third Wave*, *Op. cit.* p.125.

<sup>123</sup> In the compromises, the interaction between reformists of the government and the moderates of the opposition is central (every one must dominate the uncontrolled groups located in their respective extremes). *Ibid.* p.43.

dictator, etc. This form of transition called “*transformation*” was experienced by Spain<sup>124</sup> (in the early stage), Brazil, Hungary, India, Chile and Turkey.

The second form of transition is a transition through “*pacts*”, which was called “*transplacement*” by Huntington. The main feature of this form of transition is the existence of a political pact between the government and the opposition. Linz and Stepan note that often transitions experience a pact between the moderates of both the regime and the opposition who need to control and use their respective “hard-liners”.<sup>125</sup> Transitions through pacts take place in contexts where the government and opposition share the same strength and decide to negotiate pacts to achieve democracy. In this case, the pacts between the two players involve negotiations in respect of the conditions, depth and rhythms of the process. Among the different forms of transitions, transition through pacts seems to be the most ideal as it tends to be organised and more trusted. First of all, in transition via negotiation, political actors are more willing to moderate their positions in order to achieve agreement that favours both parties. In addition, the existence of pacts can contribute, not only to the continuity of the process but also to its peaceful development, as it can ensure real electoral competition.<sup>126</sup> Cansino, notes that specific variables such as favourable international context, marginal role of the military and strong civil society are typical of transition through pacts.<sup>127</sup> The Spanish transition to democracy in 1975 illustrates the best example of transition through pacts between the regime and the opposition.<sup>128</sup> The main aspects of this transition were not only the moderate and pro-democratic character of the political actors but also the caution and speed of the process. Despite the Spanish transition being initiated by the regime’s

<sup>124</sup> In Spain the reform was initiated by reformist elements inside the governing coalition after the death of the dictator, Francisco Franco, who decided to initiate a moderated process of liberalisation. The substitution of Arias Navarro by a Suarez, a pro-democracy minister, and the support of the King Juan Carlos I started a process of liberalisation with the clear intention to democratise the regime. Measures such as, the approval of a law for a political reform by referendum, legalisation of political parties, holding of elections and the negotiation of the “Moncloa Pacts” between the Suarez and the opposition. Ibid. p.43.

<sup>125</sup> Linz, Juan L. & Stepan, A. The Implications of Prior Regime Type for Transitions Paths and Consolidation Tasks. In: Problems of Democratic transition and consolidation: Southern Europe, South America, and Post-Communist Europe. Baltimore; London: The Hopkins University Press, 1996, p.61.

<sup>126</sup> Cansino, called this form of transition through pacts, “the consensual model” as all successful formulas of transitions under this model had political opening strategies that culminated in constitutional reforms (Italy, 1947, France, 1958, Portugal, 1976, Grecia, 1976). See Cansino, C. La Transición en México, 1977- 2000, p.40.

<sup>127</sup> In the Mediterranean cases the pressures from within were factors for opening and the political parties which proved to be dynamic in the party system. The European countries such as Greece in 1974 and Portugal in 1975, showed a greater level of “civility” and indexes of autonomy in confronting the state authority.

<sup>128</sup> For Spanish transition see Maravall, JM. La política de la transición 1975-80. Madrid: Taurus, 1985; Coratelo, R. Transición política y consolidación democrática: España (1975-1986). Madrid: Centro de Investigaciones Sociológicas, 1992. Tezanos, J. F.; Cotarelo, R; Ramon y Blas, Andres de (eds) La transición democrática española. Madrid: Editorial Sistema, 1989; Maravall, JM. & Santamaria, J. Political Change in Spain and the Prospects for Democracy. In: Transitions from Authoritarian Rule: Southern Europe, edited by O’Donnell, G., Schmitter, PC & Whitehead, L. Baltimore; London: The John Hopkins University Press, 1986.

political elite in order to carry out a controlled political change, there were the so called “*Pactos de la Moncloa*”, which involved negotiations between the government’s reformists and the opposition and this led to a successful transition. The consensus achieved between both parties allowed a peaceful, continuous and successful transition to democracy. Other European countries such as Poland and Czechoslovakia and Latin-American countries such as Nicaragua, Bolivia and Brazil, in its last stage,<sup>129</sup> negotiated pacts in their political transitions.<sup>130</sup>

The third form of transition is transition through rupture or collapse, which corresponds to the “*replacement*” model identified by Huntington.<sup>131</sup> Share and Mainwaring called it “*transition after regime breakdown or collapse*” and “*transition through rupture*”.<sup>132</sup> This form of transition takes place when the regime in power collapses and the existing opposition is strong enough to confront and defeat it. In these cases, the regime’s elite normally loses its capacity to influence the process due to various factors such as erosion of its legitimacy, economic crisis or loss of effective power.<sup>133</sup> Once the former government collapses, the different opposition groups fight to determine which regime is best to replace it. In order for the transition to succeed, the opposition not only needs to be stronger than the former ruling party within it the moderates need to dominate the extremists or antidemocratic. The ultimate outcome depends on a number of aspects including which is the dominant group within the opposition, pro-democracy or radicals, the citizen’s reactions to the changes and the political situation of the country.<sup>134</sup> In contrast to the previous forms of transition, in this case there is no pact between the main political forces to regulate the path and time of the transition. Therefore there tends to be a high level of uncertainty due to the existence of strong

<sup>129</sup> The transition in Brazil was a gradual, long and constrained process that lasted for sixteen years. Like other Latin-American countries it suffered the consequences of the international debt crisis. However it did not have important stateness problems like other East European countries and Spain. The transition began with the presidency of the General Ernesto Geisel in 1974, who initiated a controlled liberalisation process, known as “*abertura*” (opening) and culminated with the adoption of a new Constitution in 1988 and the elections for president in 1989, in which Fernando Collor de Mello took office in 1990. Crisis of Efficacy, Legitimacy and Democratic State “Presence”: Brazil. In: Problems of Democratic transition and consolidation: Southern Europe, South America, and Post-Communist Europe. Baltimore; London: The Hopkins University Press, 1996, pp.167-168.

<sup>130</sup> Other transitions such as those in Venezuela and Colombia were marked by a series of detailed and explicit pacts, but apart from Costa Rica, all of the non pact democracies existing at different times in other Latin American countries were destroyed by authoritarian reversals. O’Donnell, G. & Schmitter, PH. Tentative conclusions about uncertain democracies, p.45.

<sup>131</sup> Share, D. and Mainwaring, S. Transitions through Transaction, p.531.

<sup>132</sup> Huntington, S. The Third Wave, pp.142-151.

<sup>133</sup> See Cardenas, J. Transición política y reforma constitucional en México, p.45.

<sup>134</sup> Ibid. p.44.

The rupture normally goes through three phases including the initial fighting that causes the collapse, the collapse itself and the struggle after the collapse when the opposition, after being united fight for the distribution of power and the nature of the regime that is to be established. See Huntington, S. The Third Wave, p.142

disloyal opposition and direct confrontation between the political actors.<sup>135</sup> Cansino notes that the difficulty in achieving consensus between the political actors is related to the nature of the civil society which tends to be less organised and autonomous in its decisions.<sup>136</sup> For instance, in Latin-American countries such as Argentina (1983), during periods of authoritarian crisis there was mass popular uprising that although not highly organised was very spontaneous destabilised the regime and contributed to its collapse.<sup>137</sup> Transitions through rupture or collapse are therefore riskier than transitions through reforms or pacts. Additionally, in transitions through rupture or collapse the prospects of consolidation are less likely than in transitions through pacts, such as in those of Southern Europe.<sup>138</sup> Transitions through rupture or collapse were typical of the military regimes in Latin America<sup>139</sup> in the 1980s. These tended to be discontinuous, accelerated, violent and external.<sup>140</sup> Argentina, Peru, Uruguay (1982-85), Ecuador, Dominican Republic and all experienced transitions through rupture which were characterised by the absence of political or economic pacts. This type of transition was experienced in Asian countries such as Iran and the Philippines. Also in Europe, in countries such as Greece, Portugal and East Germany and in some East European countries like Romania.<sup>141</sup>

Finally, several countries have experienced a form of transition that is a mix between transition through reform and through rupture. This form of transition is called “*transplacement*” by Huntington and it is also known as “*extrication*” or “*withdrawal*”. According to Huntington, as the power between conservatives and reformers, within the government, is balanced the regime decides to negotiate with the opposition, either

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<sup>135</sup> This opposition is explained by the nature of the transition through collapse or replacement, as the dominant classes of the regime such as military, oligarchic groups put up obstacles when transitions are perceived as a threat to their interests. See Cansino, C. La transición en México, 1977- 2000, p.51.

<sup>136</sup> Ibid, p.55.

<sup>137</sup> Argentina is an example of a transition through rupture, as the authoritarian elite collapsed after having internal divisions, because of the hardliners and the military defeat in the Falklands War.

<sup>138</sup> O’Donnell, G and Schmitter, PC., Transition from authoritarian rule. Tentative conclusions about uncertain democracies: Negotiating pacts. Baltimore and London: The Johns Hopkins University Press 1989, p.45.

<sup>139</sup> The transition from authoritarian rule to democracy in Latin America did not take place under formal political pacts (with the exception of Venezuela and Colombia in the 1950s). Uruguay achieved agreement but did not achieve this in practice.

<sup>140</sup> In most of the Latin America regimes the degree of militarisation was high, something that complicated not only its transition but also the consolidation.

<sup>141</sup> To see bibliography on Brazil, see Viola & Mainwaring “transition to democracy: Brazil and Argentina in the 1980s”, *Journal of International Affairs*, 1985, vol. 38, no. 2, pp.193-219 , For South Europe, see, Kenneth, M. The emergence of Portuguese Democracy. In: From Dictatorship to Democracy. Coping with the legacies of Authoritarianism and Totalitarianism, edited by Herz, John H. Greenwood Press: 1982, pp. 231-250; Nikiforos, D. Regime change and the prospects for democracy in Greece: 1974-1983. In: Transitions from Authoritarian Rule: Southern Europe, edited by O’Donnell, G., Schmitter, PC and Whitehead, L. Baltimore and London: The Johns Hopkins University Press, 1986.

pushed or pulled into formal or informal negotiations.<sup>142</sup> These transitions take place when a weakened regime seeks to remove itself from power and is not strong enough to set the condition of its removal.<sup>143</sup> In this type of transition, despite the authoritarian regime not being strong enough to confront the challenges of a changing process, it does not collapse, but adopts a functioning role directing some of the conditions of the transition. In order for the transition to succeed the strength of the reformist and conservatory sectors inside the regime need to be balanced, and the reformist sector needs to be willing to negotiate with the opposition.<sup>144</sup> Sometimes, this process can become complicated, especially when a strong opposition despite being as strong as the government, cannot act alone and needs to negotiate with the government.<sup>145</sup> In successful withdrawals the dominant groups of both sides (opposition-government) recognise that they are unable, on their own, to determine the future of the political system.<sup>146</sup> This normally forces the opposition to ease the departure and withdrawal of the government members (conservatories and reformists) of the authoritarian regime.<sup>147</sup> This form of transition has been experienced by countries such as Poland, Czechoslovakia, Uruguay, Chile, South Korea, Bolivia, Honduras and El Salvador.

### 1.4.2 Liberalisation and democratisation

In order to analyse a transition to democracy it is necessary to differentiate between the liberalisation and democratisation processes. These two phases are normally presented as interconnected and successive complementary phases. Morlino<sup>148</sup> notes that liberalisation and democratisation are two processes that are diverse and alternative, and

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<sup>142</sup> Huntington, S. *The Third Wave*, p.151

<sup>143</sup> Gill, Graeme. *The Dynamic of Democratisation: Elites, Civil Society and the Transition Process*. London: Macmillan Pres, 2000, pp.69-70.

<sup>144</sup> As in ruptures, the divisions between the opposition are very common. The reformists of the regime had to diminish the power of the conservatories as quickly as possible; however, the reformists of the regime were obliged to negotiate with the moderates of the opposition for the hardliners of the regime not to be prosecuted or sanctioned for violations of human rights. Cardenas Gracia, J. *Transición política y reforma constitucional en México*, p.47.

<sup>145</sup> The withdrawals consist of different sequences. For a detailed account of these sequences see Cardenas Gracia, J. *Ibid.* p.45.

<sup>146</sup> Generally, in these types of transitions all types of issues are negotiated except for having free and clean elections, in which the opposition has the highest probability of winning.

<sup>147</sup> The success of the mechanism is in the control of the extremists and in the moderation of the process. Cardenas Gracia, J. *Op. cit.* p.48.

<sup>148</sup> Morlino, L. *Las instauraciones democráticas en Europa Mediterranea. Algunas hipótesis comparadas*, in E. Baloyra, E. Cattenberg, et.al. (eds), 1987, pp.221-253.

eventually, the second succeeds the first. Democratisation is a process that conduces from an authoritarian situation to a pluralist democracy, while political liberalisation is only an opening up that does not necessarily achieve the same result and can be manipulated to re-establish the old order.<sup>149</sup> The political liberalisation of an authoritarian regime presents particular characteristics in respect of the processes of democratisation. Liberalisation is the extension of civil rights and concession of some political rights within the authoritarian regime but under the strict control of the government. Przeworsky notes that a liberalisation process can be initiated through a number of different factors including a) when the regime realises the functional necessities that led to its establishment. It is, therefore, no longer necessary (or even possible), and it collapses, b) the regime loses its “*legitimacy*”, and since no regime can last without legitimacy (support, acquiescence, consent), it disintegrates,<sup>150</sup> c) internal conflicts cannot be reconciled and some ruling factions decide to appeal to outside groups for support. As a result, the ruling bloc disintegrates; d) because of external pressure the regime is obliged to “*put on a democratic face*.”<sup>151</sup> Another reason for the elite in power starting a liberalisation process is when they consider the liberal democratic regime to be the most appropriate means to organise public and political life. However, it is considered that this is insufficient to achieve liberalisation. Liberalisation must always be accompanied by another step, at a later stage or simultaneously, of democratisation, which is a phase that goes towards the change of regime.<sup>152</sup> The purpose of initiating liberalisation is normally a response to the need of an authoritarian regime to increase or conserve the bases of social support or legitimacy without opening the system completely. However, the authoritarian crisis can also lead to the collapse of the regime, a continuous transition, democratisation, or the reconstitution of the dominant coalition and the reconsolidation of the regime.<sup>153</sup> On the other hand, a

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<sup>149</sup> Nohlen, D, “Mas democracia en América Latina? Democratización y consolidación de la democracia en una perspectiva comparada”. *Síntesis*, 1989 Madrid, no. 6. pp.37-63.

<sup>150</sup> In the scheme of liberalisation, one of the discussions has been centred on the loss of legitimacy as a possible cause of liberalisation. Przeworsky notes that it cannot be said that a crisis of legitimacy proceeds automatically to a change of regime that is only possible if it coincides with the emergence and affirmation of alternative political options. By extension, the depth of a process of liberalisation has a direct relationship with the evolution of political pluralism and the capacity of the opposition to affirm its position as the interlocutor of the regime. Przeworsky, A., *Problems in the Study of Transition to democracy*, pp.51-52.

<sup>151</sup> *Ibid.* p.50.

<sup>152</sup> Cansino argues that the recognition of the right to information, association, right of press freedom, recognition of political parties, extension of the rights of the opposition, are part of the process of liberalisation. In general terms, liberalisation is a process of gradual and controlled opening by an authoritarian regime, controlled by the elite in power as an institutional response to the emergence of different types of factors that put at risk the stability or the continuity of the regime. See Cansino, C. *La Transición en México, 1977-2000*, p.60.

<sup>153</sup> *Ibid.*

democratisation process connotes a total expansion and recognition of civil and political rights, thus creating conditions for political pluralism and participation. Consequently, the widening of political and civil rights is the product of agreements and negotiations between the political actors.<sup>154</sup> In addition, aspects such as the existence of an impartial electoral law, recognition of opposition's victories by the political elite and the search for constitutional mechanisms between the political actors, are common in a process of democratisation. The democratisation process concludes when a new institutional democratic order is installed. Therefore, in a process of change from authoritarian rule to a democratic regime, the establishing of a democracy and its later consolidation are successive phases. Democracy is established when new rules of the game and democratic procedures are approved and may also coincide with the approval of a new constitution and the holding of free and guaranteed elections for the first time. Finally, democracy is consolidated<sup>155</sup> when the new democratic government starts functioning, adapting to the new structures and norms and achieving autonomy and legitimacy.<sup>156</sup>

In both processes of liberalisation and democratisation interactions between government and opposition and the divisions inside the government and inside the opposition are decisive. Mainwaring, O'Donnell and Schmitter,<sup>157</sup> highlight the importance that interactions between elite and mass can have in a transition. They agree that the more transition advances the more actors get involved (unions, peasants groups) etc.

### 1.5 The Mexican Transition: different interpretations

The extensive literature generated to explain the particular case of the political change in Mexico after the 1970s, indicates that there is no consensus between historians and analysts over this political process.<sup>158</sup> Indeed, the Mexican transition has been analysed

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<sup>154</sup> Ibid.

<sup>155</sup> See Morlino for the different stages in the process of democratisation, from the crisis of the authoritarian regimes to the consolidation of the democracy, Morlino, L., *Como cambian los regímenes políticos*, p.117.

<sup>156</sup> Cansino, C. *Op. cit.* p.74.

<sup>157</sup> These authors note that the opening and decompression of authoritarian rule generated a rapid increase in general politicisation and popular activation – “the resurrection of civil society”, as O'Donnell has described it. However, this wave crests sooner or later, depending on the case. Certain normality is subsequently reasserted as some individuals and groups depoliticise themselves again, having run out of resources or become disillusioned and as other de-radicalise themselves, having recognised that their optimum hopes will not be achieved. O' Donnell, G. & Schmitter, Ph. *Opening Authoritarian Regimes: Transition from Authoritarian Rule*. Tentative Conclusions about Uncertain Democracies, Vol. 4, Baltimore and London: The Johns Hopkins University Press, 1989.

<sup>158</sup> Becerra, R. Salazar, P & Woldenberg, J. *La Mecánica del cambio político en México*. Mexico: Cal y Arena, 2000; Lujambio, A. *El Poder Compartido: un ensayo sobre la democracia mexicana*. México: Océano, 2000; Herzog-Márquez, J. *El antiguo régimen y la transición en México*. México, Planeta-Joaquín Mortiz, 1999; Crespo, JA. *Urnas*

from different perspectives that place the transition at differing times. From a historic point of view, most authors consider the 1968 student protests that were violently repressed by the government, the starting point of the political change. However, from an institutional perspective, the beginning of the transition can be placed in 1977, with the first electoral reform, as it created the conditions for political change.<sup>159</sup> As noted earlier, in order to understand the process of political change in Mexico, it is important to remember the nature of the Mexican authoritarian regime, as it was its particular character that shaped the process. Given the context, the stable civilian rule which benefitted from a growing economy and the holding of regular elections Mexico had the appearance of a democracy. Yet, such ambiguous features not only acted as obstacles to political change but also defined the path it followed. To some extent this explains the controversy over the transition itself, where, even today there are different views about its real nature and consequences. Among the various interpretations of the transition to democracy in Mexico, some believe that the regime is still not fully democratic. Those who support this view argue that, apart from the electoral institutions, most of the institutions created under the authoritarian regime maintained the same design and functions after the 2000 elections.<sup>160</sup> In fact, as most of the changes took place in the electoral arena, many perceive the need for further and major political modifications. Nevertheless, from an institutional perspective the transition to democracy in Mexico did take place as the authoritarian regime was dissolved and a competitive electoral system was established.<sup>161</sup> Some of the most popular interpretations of the Mexican process which denied the existence of democratic political change lost relevance after the 2000 presidential elections, when an opposition party, the PAN, defeated the PRI for the first time in history after 70 years in power. The alternation in power was of dual significance, as it not only showed that the former official party had lost its capacity to

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de Pandora. Partidos Políticos y elecciones en el Gobierno de Salinas, CIDE-ESPASA Calpe Mexicana, 1995; Gómez Tagle, S. La transición inconclusa: treinta años de elecciones en México. México: El Colegio de México, 2 ed., 2001; Carlos Elizondo Mayer-Serra y Benito Nacif, Lecturas sobre el cambio político en México, México: FCE-CIDE, 2002; Meyer, L. Liberalismo autoritario. México: Océano, 1995; Loeza, L. Political Liberalisation and Uncertainty in Mexico. In: The politics of Economic Restructuring. State Society Relations and Regime Change in Mexico, edited by Cook, ML.; Middlebrook, K & Molinar Horcasitas, J. San Diego: University of California Press, 1994; Segovia, Rafael, Lapidaria. Mexico: Fondo de Cultura Económica, 1996. Merino, M. La transición Votada: Crítica a la interpretación del cambio político en México. México: Fondo de Cultura Económica, 2003.

<sup>159</sup> Merino notes that the 1977 electoral reforms can be considered as the beginning of the transition when the focus was on institutional change. Interview, Mauricio Merino, Electoral Councillor 1996-2000, General Council (IFE), 17 November 2007.

<sup>160</sup> The 2000 elections brought about the first experience of victory for the opposition party.

<sup>161</sup> Merino highlights that not only the party system changed, but also the government branches became active and the local government started functioning with independency from the presidency. Interview, Mauricio Merino, Electoral Councillor 1996-2000, General Council (IFE), 17 November, 2007.

mobilise its traditional corporatist bases but also that it had negotiated and accepted along with the other parties the new rules of the game to access power. With regard to the most common interpretations of the Mexican transition, it is worth noting that put forward by Cesar Cansino. He claimed that the political change in Mexico was not a process of transition but a process of liberalisation prompted by the regime in order to stay in power.<sup>162</sup> Cansino argued that in order to understand the Mexican process it was important to clearly distinguish the differences between the processes of liberalisation and democratisation.<sup>163</sup> Accordingly, he identified the electoral opening in 1977, and the successive electoral reforms pursued by the authoritarian regime as temporary solutions to a crisis of legitimacy, which never led to a process of democratisation.<sup>164</sup> Moreover, the various electoral reforms were perceived as mere instruments to legitimate the different political and economic crises.<sup>165</sup> Another important interpretation of the Mexican transition was the one by Jesús Silva-Herzog Márquez which was presented in his work *“The old regime and the transition to democracy in Mexico”*.<sup>166</sup> Like the previous interpretation this view lost credibility after the 2000 elections, which witnessed the defeat of the ruling party, the PRI. He called the Mexican process a *“transitocracia”*, a term created by him, which refers to a stage that is stuck between a regime that has started eroding but has not disappeared completely and a new regime that is emerging but has not been consolidated. He defined the Mexican transition as: *“an equidistant situation between authoritarianism and democracy.., this frozen transition constitutes a peculiar mode of organising the power, that instead of dissolving in time, it consolidates.”*<sup>167</sup> According to Marquez, the *“transitocracia”* is a political stage in which, despite, the electoral reforms successfully diminishing the power of the authoritarian regime, the emerging political forces are not strong enough to push the transition further towards a definitive democracy.<sup>168</sup> From his point of view the

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<sup>162</sup> Cansino, C. *La transición Mexicana 1977-2000*, p.137.

<sup>163</sup> See Cansino, C. *Op. cit.* p.137.

<sup>164</sup> Following the crisis of legitimacy that the regime faced after the 1968 student movement repression, the elite decided to confront it by opening the political system in a controlled and limited way through an electoral reform in 1977. With regard to this first liberalisation step, some authors argued that other crises such as the economic debt crisis in 1982 and the political crisis in 1994 forced the regime to keep using strategies of political liberalisation to address them and re-establish the damaged legitimacy. *Ibid.*

<sup>165</sup> The various electoral reforms were responses to political and economic crises rather than a genuine desire on the government's part to introduce change. *Ibid.* pp.288-289.

<sup>166</sup> Silva-Herzog Márquez, J. *El antiguo Régimen y la transición en México*, México: Editorial Planeta Mexicana, 1999.

<sup>167</sup> The author considered this type of regime as a political system with a wide but irresponsible pluralism, in which the actors acquired power to block the actions of the adversary, but lacked the determination to move towards democratic change. *Ibid.* p.63.

<sup>168</sup> *Ibid.*

transition to democracy started but failed to reach conclusion. Marquez notes that this “*impasse situation*” can be placed after the 1997 mid-term elections, in which, as a result of the 1996 electoral reform, the PRI lost absolute majority in the Chamber of Deputies for the first time and was forced to co-govern with the opposition in Congress and in the Federal Government.<sup>169</sup> The author notes that despite the fact that both, political parties and opposition had the chance to negotiate a transition, they were unable to achieve agreement due to old political practices and authoritarian culture.<sup>170</sup>

Finally, one of the most accepted views on the Mexican transition is the one presented by Ricardo Becerra, Pedro Salazar and José Woldenberg in their work “*Mecánica del Cambio Político*”.<sup>171</sup> According to the authors Mexico experienced a truly democratic transition after the 1977 electoral reform. They claim that the 1977 electoral reform initiated a process of democratisation because it modified the composition of Congress, a vital organ of the state. The reform increased the size of Congress and introduced Proportional Representation, which opened the party system to those parties excluded in the past. Once the parties were able to enter the party system they gained strength which contributed to more competitive elections putting them in positions of representation which allowed them to push for new reforms that increased their strength further. The authors called this cycle of “reforms-stronger parties-reforms” “*The Mechanic of the political change*.”<sup>172</sup> This interpretation of the Mexican transition focuses on the successive electoral reforms and their impact on the party and electoral system.

Despite the different interpretations of the Mexican political process, it is a fact that Mexico experienced a process of political change between 1977 and 2000. Although the most significant political changes that led to the intensification of the transition and ultimately to the achievement of democracy, took place between 1994 and 2000.

## 1.6 The Mexican transition: its particularities

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<sup>169</sup> As the PRI obtained only 239 seats of a total of 500, it was forced to negotiate. The PRD was second, with 124 seats and PAN was third with 122 seats; the PT got 9 and PVEM 6 seats. The PRI also suffered losses in the Senate as out of the 32 seats in electoral dispute (out of a total of 128), the PRI only obtained 12 and lost 9, the PRD got 9 and the PAN, 7 and PT 2. The PRI also lost for the first time the state governorship of Nuevo León and Querétaro, which were won by the PAN. Additionally, in the first celebrated elections of the Mexico City government, the PRI also lost to the PRD, who obtained 48%, 25% more than the PRI. Ibid. p.68.

<sup>170</sup> Ibid.

<sup>171</sup> Becerra, R, Salazar, P & Woldenberg, J. *Mecánica del Cambio político*. México: Editorial Cal y Arena, 2000

<sup>172</sup> Ibid. pp.33-34.

The literature on democratic transitions has emphasised the role of elite negotiations, or pacts. Also, historically, the study of Mexican politics has focused heavily on political elites. However, recent studies on Mexican politics and regime liberalisation have placed greater emphasis on other dimensions of politics, especially on elections. Elections and electoral politics have played a very important part in Mexican politics. First of all, they contributed to the dominance of Mexico's Institutional Revolutionary Party by giving it legitimacy and allowing it to rule without excessive repression. Also, opposition parties have used elections to push for political reforms and liberalisation, and their success in state and municipal elections has helped build opposition organisations and popularity.

The transition in Mexico was a gradual and slow process of political change, where an authoritarian civil regime with hegemonic party changed into an electoral democracy with competitive, clean and free elections with the possibility of alternation. As noted earlier, the characteristics of the post-revolutionary regime influenced the way the process took place. First of all, it was the civil aspect of the regime, its social stability, centralisation of power in the presidency<sup>173</sup>, power of the president, corporatist regime, regular elections, social stability and paternalistic regime that defined the route for the transition. Additionally, the coexistence of authoritarian and liberal democratic precepts and practices, allowed the Mexican authoritarian regime to function at the same time as opening the possibility of a gradual process without violence.<sup>174</sup> As a result, the regime was able to maintain the regular functioning of its institutions, with styles and procedures that without being democratic, were not totally dictatorial.<sup>175</sup> The non-military character of the Mexican regime contrasted to most of the other Latin American countries where the highly repressive character of their military regimes was decisive in the configuration of their transitions. The different types of military regimes in Latin America had two features in common, the central role of the military in the definition and management of economic policies and the battle against communism.<sup>176</sup> The military character of these regimes and their strong opposition to communism contributed to their repressive character which was characterised by the killing and torturing of members of the opposition, prohibition of trade unions and political parties,

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<sup>173</sup> These characteristics ensured the control of the government over the economy and the society.

<sup>174</sup> Interview, Mauricio Merino, Electoral Councillor 1996-2000, General Council (IFE), 17 December, 2007.

<sup>175</sup> Interview, Francisco Bedolla, Advisor to the Executive Director of Professional Electoral Service, Electoral negotiator and political academic (IFE), Mexico City, 17 November 2004.

<sup>176</sup> See Cansino, C. *La Transición mexicana, 1977-2000*, p.8.

violation of political constitutions and the dismembering of civil society. As a result, most of the transitions from military dictatorship in Latin America took the route of collapse or rupture. However, in the case of Mexico, due to the strong institutionalisation of its political regime, the government enjoyed a high level of “*effective and efficient decision making*” which was adapted and used against changing circumstances or threats coming from the political community. In Mexico the political change took place through electoral reforms to the Constitution and the electoral law which intended to adjust the electoral system. Consequently, the transition came about as a gradual process of incorporation and mutual adjustment. Given that context, in order to understand the Mexican transition it is important to acknowledge the electoral dimension. From an institutional perspective, the Mexican transition towards democracy started with the 1977 electoral reform which was initiated by the government. This first reform is perceived as being a liberalising measure of the official party, the PRI, to grant some political and civil rights in a move towards democracy, in order to recover lost legitimacy, but with the clear intention of controlling the process.<sup>177</sup> Despite the electoral reforms being initiated by the PRI’s government they eventually benefitted the opposition, which through gaining powers and social support made the elections competitive. This first electoral reform shaped the nature of the Mexican transition to democracy, which centred on two aspects: the party system and the electoral system. With regard to the phases of the transition, it can be said that it started in 1977 with the first electoral reform initiated by the government; it was accelerated with the controversial elections in 1988 and it finished between 1996 and 2000, with the last electoral reform and the holding of the presidential election. The gradual and slow transition resulted from the fact that the PRI (official party) and the presidency also enjoyed absolute control over resources, the media and the electoral law and institution which not only ensured its victories but also blocked the advance and development of the opposition.

### **1.7 The Mexican transition from a comparative perspective**

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<sup>177</sup> The understanding of the Mexican transition depends on the approach chosen. Under a historical point of view, the political change in Mexico has been placed in different periods, which varies from the 1950s union protests to the emergence of urban guerrilla in the late 1960s. However, under the historical perspective many political analysts agree in identifying the student movements of 1968 as the events that triggered the political change in Mexico. In reference to the consequences of the student movements Rabasa notes that the brutal repression of the student movement contradicted the popular image of the Mexican regime known as paternalist and protective. As a result the call for political change towards democracy was extended to society in general. Despite triggering the spirit of political change, the Mexican regime did not respond until 1977, when the PRI introduced the first electoral reform. Rabasa Gamboa, E, *Derecho Constitucional Indígena*, p.123.

Most of the works on the process of transition to democracy from authoritarian regimes<sup>178</sup> have been centred on the analyses of a crisis experienced by a given regime and the emergence of agreements and pacts between the political elites and the level of their success in creating a new regime of democratic character. Hence, the most accepted concept of transition refers to the interval between one regime and another, which means that the transitions are delimited, on one side by the dissolution of the authoritarian regime and on the other by either the establishment of some form of democracy,<sup>179</sup> or the return of some type of authoritarian regime or the emergence of a revolutionary alternative.<sup>180</sup>

Many authors have encountered problems in giving the Mexican Transition a typology within the most representative cases due to its particular characteristics. The Mexican case does not fit easily into the models that have been used to study democratisation in countries of Southern Europe, Latin America, and Central and Eastern Europe. The various cases of transitions in what Huntington called the “*Third Wave of democratisation*” presented common factors including political transitions through reforms, pacts, ruptures or regimes’ collapse.<sup>181</sup> With regard to the most ideal model of transition: political change in which the various political elite based on a rupture in the past, decide to pact and negotiate leading to an institutional political transformation of the country, the Mexican transition is at serious odds. First of all, the Mexican transition did not experience significant political reforms or a foundational pact between the old elite and the new political actors that led to democratisation; such as in the Spanish and Brazilian transitions.<sup>182</sup> The only pacts or negotiations were made exclusively in the electoral arena. Agreements were limited to the electoral issues in the form of electoral reforms.<sup>183</sup> From the beginning, all political agreements were based on the opening of electoral processes and the reinforcement of the institutions in charge of them there was

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<sup>178</sup> See the four volumes of Schmitter, PH., O’Donnell, G & Whitehead, L. on Transition from authoritarian Rule. 1986

<sup>179</sup> The transition appears to be a foundational moment from which a new regime will emerge, depending on the resources and possibilities for negotiation that the actors have available.

<sup>180</sup> O’Donnell, G. & Schmitter, Ph. Transition from an authoritarian rule: Tentative Conclusions about Uncertain Democracies, pp.6-7.

<sup>181</sup> See Huntington, S. Third wave of democratisation.

<sup>182</sup> See Merino, M. La transición Votada: Crítica a la interpretación del cambio político en México. México: Fondo de Cultura Económica, 2003.

<sup>183</sup> Interview, Ricardo Becerra, political academic and advisor to President Councillor 1996-2000 (IFE), Mexico City, 22 November, 2004

no proposal for a major transformation in the institutional frame.<sup>184</sup> It was more a process of electoral changes which in time strengthened the political parties and allowed them to push for further changes in the electoral arena. Therefore, since the beginning, changes were intended only for the electoral arena and party system. Accordingly, the political liberalisation initiated by the PRI in the late 1970s was not planned to trespass on the limits of the electoral process towards democratisation, despite generating political activism and allowing the opposition to organise.<sup>185</sup> Secondly, there had not been a rupture with the previous regime or conflicts that forced the ruling government to agree to decisive agreements such as in Chile.<sup>186</sup> What came about in Mexico were changes based on the gradual and continuous opening to political plurality. As a result, a pattern of gradual institutional modifications started occurring without a rupture, as there was no uncontrollable irruption of new actors to provoke it. Another distinction between other transitions and the Mexican case is that the authoritarian regime never did collapse as had happened in countries such as Argentina.<sup>187</sup> Although, Mexico experienced several crises including a “government crisis” (*governability crisis*) in the 1970s that triggered a liberalisation process and also suffered a serious crisis of legitimacy provoked by the highly contested 1988 presidential election, and a split in the corporative pact that supported the regime, the political crisis did not turn into a collapse or a transformation of the authoritarian regime. It is important to note, however, that the government was subject to pressure from various sources; including the popular classes who opposed the economic austerity, the middle sectors who demanded more political representation and the business elites who pressured for more intervention in politics. There was also indirect pressure from external sources. However, despite all of this, the various political and economic crises in the 1980s,<sup>188</sup>

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<sup>184</sup> Interview, Jorge J. Romero, Advisor to President Councillor (IFE), former member of Democracia Social and political academic, Mexico City, 15 November, 2004.

<sup>185</sup> Considering examples such as “the political decompression” (political opening) in Brazil 1974-1982, the democratic reform in Spain during 1975, the “aperture” of Chile from 1983, and the democratic reform of some East European countries in the 80s, it becomes possible to appreciate that all political liberalisation led to a re-articulation of forces and political resources, as well as the redefinition, of the existing political rules. Cansino, C., *La Transición en México, 1977-2000*, p.79.

<sup>186</sup> Interview, Jorge J. Romero, Advisor to President Councillor (IFE), former member of Democracia Social and political academic, Mexico City, 15 November 2004.

<sup>187</sup> Interview, Javier Romo Michaud, Advisor to President Councillor 2003-2010 (IFE) and political academic, Mexico City, 12 November 2004.

<sup>188</sup> The 1980s economic crisis severely affected the living standards of the population and created a massive expression of discontent within civil society that affected the appeal of the regime among the masses. Interview, Mauricio Merino, political academic and Electoral Councillor 1996-2000, General Council (IFE), December, 2007.

did not force the PRI to abandon power.<sup>189</sup> In fact, even after the transition, the former hegemonic party, PRI continued to be an important player in the political arena. As a result, the former political leaders of the authoritarian regime carried on operating along with the new political leaders.<sup>190</sup> Finally, the Mexican transition did not experience a regime collapse due to external factors as had happened in some East European countries. Therefore, in contrast to others transitions, Mexico did not suffer a rupture with the past, in which after the ruling elite lost power and the institutions were eroded this led to the construction of new institutions including parties, assemblies, electoral methods, etc.<sup>191</sup> Instead of a transformation or a new design of the rules of the game and political institution, Mexico recouped and re-activated old ones, such as the Congress and the Constitution.<sup>192</sup> Thus, the 1917 constitution was recovered in the sense that the norms and the exercise and application of those came closer. Also Congress was reactivated as a result of the successive electoral reforms that introduced plurality. For that reason, despite democratic norms and institutions existing during the authoritarian rule, they did not function or were not applied accordingly. In this context, political institutions such as municipal governments, state congresses, city governments and the chambers of congress were gradually revived and adapted to a new context of party plurality. Therefore, except for the electoral institutions, after the culmination of the Mexican transition, the original design of the political institutions stayed the same.

The main reason for Mexico not following the traditional routes of collapse and opening to new democratic rules through pacts and agreements as occurred in many countries, is the character of the political system that existed for more than 60 years. It basically, experienced a slow process of dissolution, without collapse or rupture, with institutional changes, where the routines of democratic character were opened slowly, but without pause. Since the 1960s, Mexico experienced a process of gradual political change that in good measure, avoided the abrupt collapse of the regime. In addition to this, the inclusive nature of its authoritarian regime, a widely accepted Constitution and

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<sup>189</sup> Interview, Jorge J. Romero, Advisor to President Councillor (IFE), former member of Democracia Social and political academic, Mexico City, 15 November 2004.

Romero notes that it is important to remember that despite the PRI starting the electoral reforms as political concessions in order to hold onto power, in time it realised that the only way for the party to survive was for it to become a real political party ready to compete and not simply to rule. This realisation was essential for the PRI to carry on functioning as a major political party.

<sup>190</sup> Merino notes that a change of the political class never took place, therefore the new actors and old actors had to learn how to live in a democracy: for instance, to negotiate with the adversary and achieve consensus. Interview, Mauricio Merino, political academic and Electoral Councillor 1996-2000, General Council (IFE), 17 December 2007.

<sup>191</sup> See Merino, M. La transición votada.

<sup>192</sup> *Ibid.*

institutional arrangements formally democratic contributed to the gradual non repressive transition.<sup>193</sup>

### **1.8 Conclusion**

The model of transition to democracy in Mexico has three components: a) it was a gradual and slow change through stages; b) it took a negotiated route, in electoral issues, that avoided ruptures and established a dialogue to achieve compromises and c) it produced a change in which the negotiation was centred on the “*rules of the game*”. In general, in order to understand the democratic transition in Mexico it is necessary to appreciate the achievement of each of the electoral reforms and their impact on the modification of the electoral scene. The more important episodes of negotiation in the transition in Mexico were the successive politico-electoral reforms that took place in 1977, 1986, 1989-90, 1993, 1994, and 1996. In each of these phases, the process of change was developed in the following way. An expansive dynamic that enforced the parties, that produced movements and increased competition; competition that generated new spaces for the forces that impulsed them.<sup>194</sup>

In the following chapters, the study of each of the reforms, and the effects they had in transforming the political reality will be addressed. In particular the creation of the electoral commission in 1990, the Federal Electoral Institute, its role in this process of transition and its main functions will be covered in the last five chapters.

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<sup>193</sup> The civil political life of Mexico contrasted to the Latinamerican military regimes, particularly in having civil political institutions without major imbalances. See Cansino, C. La transición en México, 1977-2000.

<sup>194</sup> This dynamic of change was called by the authors Becerra, R., Salazar, P. and Woldenberg, J. as the “The mechanic of the political change in Mexico.”

## 2 Chapter 2 Electoral Reforms between 1946 and 1977: From cosmetic reforms to democratic reforms

Before examining electoral reform in Mexico and the role of the IFE (The Federal Electoral Institute) in the transition to democracy, it is important to describe the context in which these reforms took place. This will provide the necessary background for examining the successive electoral reforms that took place until the creation of the IFE in 1990. This chapter will concentrate on the analysis of initial electoral reforms highlighting the significance of particular time periods, beginning with the largely cosmetic reforms made between 1946 and 1963 and explaining how they contributed to the consolidation of a hegemonic party system. The socio-political events between 1963 and 1977 that put pressure on the government to enact electoral reform in 1977 will then be outlined. I will examine how these earlier electoral reforms contributed to the consolidation of the hegemony party system and affected the political sphere that would provoke a decisive electoral reform in 1977. Finally, socio-economic and political events during the 1980s that led to the last electoral reform of the hegemonic party system period will be examined.

Firstly, in order to introduce the idea that the first electoral reforms contributed to the consolidation of the hegemony party system in Mexico, I will analyse how the regime used the electoral rule to consolidate its power, especially during the period 1946-63.

The Mexican system experienced a relentless process of electoral reform.<sup>1</sup> This constant process of electoral reform contributed to the endurance of Mexico's hegemony party. Horcasitas poses the question of why the official party wanted to reform the rules of the game that already allowed it to win<sup>2</sup>. One of the possible answers to this question lies in the fact that the elite of the official party controlled the process of electoral reform in Mexico thus it was used not as a means to pursue change, but as a means to ease pressure for change and maintain power. During the 1940s and 1960s reforms were designed to consolidate the hegemony party system, not dismantle it. By the 1970s and 1980s the economic and political instability not only accelerated the pace of electoral

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<sup>1</sup> See table 1 in Appendix B.

<sup>2</sup> Molinar Horcasitas, J. *Rebuilding the State: Mexico after Salinas*. London: The Institute of Latin American Studies, 1996. p.26. The author notes that the survival of the hegemonic party in Mexico was the result of a "process of electoral reform that steered a delicate course between the Scylla of internal factionalism and the Charybdis of the depletion of loyal opposition."

reforms but also made electoral reform the issue of discussion between the government and political parties. In this context, as Horcasitas argues, the manipulation of electoral procedures became an instrument to avoid further changes when facing liberalisation pressures.<sup>3</sup> Also the official party suffered internal division during the hegemonic party system, and also in time in relation to electoral reform. In order to understand the characteristics and differences between the early electoral reforms (1946-1963) and the late electoral reforms (1963-1986) it is important to look first at the role of formal and informal rules in Mexico.

## 2.1 Formal and unwritten rules in Mexico: the power of the president

Many analysts agree that a combination of formal and unwritten or informal rules and institutions created a particular political context that contributed to the dominance of the hegemonic party in Mexico. Serrano notes that both the 1917 Constitution and the 1928-29 Pact<sup>4</sup> established formal rules and institutions; however in time informal rules were also developed.<sup>5</sup> For instance, the 1917 Constitution established a federalist republic based on the traditional division of power into three branches of government; however the executive branch had received greater powers than the others.<sup>6</sup> As a result of this, the president became the key piece of the political system, as he headed all three branches of government and all political activity was concentrated in the official party.<sup>7</sup> Additionally, the 1928-29 Pact and the creation of the official party also generated informal rules such as those regulating intra-party discipline, loyalty to the party and the rewards system, elite circulation and mass mobilisation through corporatism further contributed to restrict political activity to the governing coalition.<sup>8</sup> In this context, informal rules also proved to be very important not only for the consolidation of the

<sup>3</sup> Molinar Horcasistas, J. *El Tiempo de la Legitimidad*, Mexico: Cal y Arena, 1993, p.6.

<sup>4</sup> The 1928-29 Pact was the unification by President Calles of the different revolutionary factions into one party, creating the PNR (the National Revolutionary Party).

<sup>5</sup> Serrano, M. *Rebuilding the state: Mexico after Salinas*, p.5.

<sup>6</sup> For an outlining of the reasons of the greater powers of the presidency see Cosío Villejas, D. *El Sistema Político Mexicano*, Mexico, 1982 Ed Cuadernos de Joaquín Mortiz, p. 22; González Cosío, A. *Notas para un estudio sobre el estado mexicano*. In: *México: cuatro ensayos de sociología política*, Mexico, Universidad Nacional Autónoma de México, 1972, p. 139; Lambert, J. *América Latina*, Barcelona: Ariel, 1970, pp.552-553.

<sup>7</sup> Manuel Moreno Sánchez notes how the centralisation of the political-administration was characterised by an official party as the only party, a president of the republic as the supreme head of the party and the government and the one in charge of selecting or removing governmental officials at all levels. Moreno Sánchez, M. *Crisis Política de México*. México: Extemporáneos, 1970, pp.42-23.

<sup>8</sup> Monica Serrano notes that the discipline became the “golden rule of the political system and a distinctive feature of the Mexican political class” and “the intra-party discipline was a result of a mix of incentives, pressures and penalisation”. Serrano, M. *Rebuilding the state Rebuilding the State*, p.5.

official party but also for establishing its position as the main domain of political activity.<sup>9</sup> Finally, the incorporation of the corporatist sectors and the demilitarisation of the official party produced further informal rules based on favour and privileges.<sup>10</sup> Serrano notes these operational procedures inside the official party also governed and assisted “*structure relations and practices among PRI and non PRI sectors*”.<sup>11</sup> The application of these informal laws explains the inability of other political forces to emerge outside the hegemonic party. However, Prud’home argues that formal laws did have a role in the consolidation of the hegemonic party.<sup>12</sup> Prud’home notes that during the PRI’s hegemony the regime used the electoral institution as a device to control all political activity by deciding who could participate and the conditions of that participation.<sup>13</sup> However, by the late 1970s, the old electoral practices and institutions which had been functioning for nearly forty years became obsolete as they could not respond to a new political context and increasing party competition.<sup>14</sup> As noted in chapter 1, the creation of the official party PNR (National Revolutionary Party) in 1929 marked the beginning of the hegemonic party system. Since the official party was created to govern and not to compete for power, the political coalition did not operate as a proper political party. In this way, the official party, (PNR, PRN, PRI)<sup>15</sup> maintained its claim to a peculiar right to rule, related to the way the party emerged and achieved power after the Mexican revolution, essentially as a grand coalition. The revolutionary legitimacy of the official party not only contributed to its popularity and appeal amongst the masses, therefore to its dominance in the political competition, but also served to invalidate and undermine all external opposition, that was dismissed as counterrevolutionary. Despite the fact that the origin of the hegemonic party ensured its dominance in the political arena, the regime also needed a functioning electoral system. Regular elections gave the PRI a way to renew its legitimacy as the successor of the

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<sup>9</sup> Ibid. p.5.

<sup>10</sup> Ibid. p.6.

<sup>11</sup> The non PRI sectors included the State’ owned enterprises, the Catholic Church, Business sectors. Ibid. p.5.

<sup>12</sup> Prud’home notes that the electoral institution was a result of a succession of formal laws and that the hegemonic party used them to control all electoral activities including elections and party competition. Prud’home, Jean-Francois “The Instituto Federal Electoral (IFE): Building an impartial electoral authority, pp.139-140.

<sup>13</sup> Ibid.

<sup>14</sup> Interview, Javier Romo Michaud, Advisor to President Councillor 2003-2010 (IFE) and political academic, Mexico City, 12 November 2004.

<sup>15</sup> The official party was originally created by Calles as PNR (National Revolutionary Party), then restructured by Cardenas incorporating the corporatist sectors and called PRM (Party of the Mexican Revolution), and finally in 1946, Avila Camacho who introduced further reforms in the party including turning the coalition of military leaders into a civil party, called PRI (Institutional Revolutionary Party).

revolution.<sup>16</sup> Middlebrook notes that elections played a double legitimating role including: “as *popular validation of popular consent*” and “as a means to periodically mobilise public support for government activities, the party system and the official party.”<sup>17</sup> Also, elections guaranteed the turnover of the coalition elite which reduced insurgence inside the party. All electoral functions from the organisation of elections, to the supervision and allocations of resources were under the control of the presidency, thus not allowing competitive parties and elections. In addition, in this party system, the hegemonic party was surrounded by a periphery of secondary parties known as “*satellite parties*”. It is important to emphasise the significance of the 1933 amendment to the Constitution prohibiting re-election.<sup>18</sup> This law not only allowed the diverse “*camarillas*”<sup>19</sup> to circulate through the different posts in Congress and state and local governments but more importantly it allowed the president to change every six years. Consequently, despite the PRI presidential candidate being selected by the former president, in every term the regime could announce a new set of promises and changes that enhanced its dynamics.<sup>20</sup> Finally, holding regular elections allowed the official party to appear to compete with other opposition parties, contributing to the democratic appeal of the regime. Levy and Bruhn note that the “*PRI was so concerned with maintaining at least a token opposition that it subsidised the smallest parties and sponsored electoral reforms when discouraged opposition leaders threatened to quit.*”<sup>21</sup> Such reforms were not intended to let opposition parties threaten the PRI, just keep them in the game by offering incentives for participation and sanctions for nonparticipation.

<sup>16</sup> Levy, Daniel, C. & Bruhn, K. note that the PRI often “*cheated to increase its vote even when it won, in order to make its position look less vulnerable and ratify its status as the party of all Mexicans*”, Levy, Daniel C. & Bruhn, K. Mexico: the Struggle for Democratic Development. With Emilio Zebadúa. University of California Press: London, 2001, p.87.

<sup>17</sup> Middlebrook, K. Political Liberalisation: Mexico in Transition from Authoritarian Rule, Latin America, ed. O'Donnell, G, Schmitter, P, Whitehead, L. Baltimore and London: the John Hopkins University Press, p.125.

<sup>18</sup> See chapter 1. This principle was established in order to avoid the re-election of a president after six years being in office, after the dictator Porfirio Diaz had previously renewed his presidency for 30 years.

<sup>19</sup> Camarilla is a group of courtiers or favourites which surround a king or ruler. Usually, they do not hold any office or have any official authority but influence their ruler behind the scenes. Consequently, they also escape having to bear responsibility for the effects of their advice. In the case of Mexico, these groups of courtiers surrounded the PRI's elite. See the chapter on camarillas and clientelism (structure and institution) in Cornelius, Wayne, A. and Craig, A. L. The Mexican political system in transition. San Diego: Centre for U.S. – Mexican Studies, 1991, pp.39-44.

<sup>20</sup> The principle of no re-election also allowed the re-activation of the electorate every six years. Despite everyone being aware of the lack of competitiveness of the elections, the new PRI's presidential candidates provided a sense of change, something that was positive for the regime. Interview, Member of PAN A, National Executive Committee, October 28 2004.

<sup>21</sup> Levy, Daniel, C. & Bruhn, K. Mexico: the Struggle for Democratic Development, p.87.

## 2.2 Cosmetic electoral reforms

The Mexican Electoral legislation and electoral institutions have been essential to the consolidation of the official party, which has been catalogued as hegemonic. Between 1946 when the first federal electoral law was created and 1986, when the last electoral reform under the hegemonic party system took place, the Federal Electoral Commission developed and changed. Although, over time the electoral process became more complex and the electoral body in charge of managing elections changed, up until the end of the 1980s both the electoral process and the electoral institutions remained under the control of the executive branch. The Federal Election Commission was a branch of the Ministry of the Interior in which the Minister of the Interior was appointed directly by the president. The majority of the members of the board of the commission were PRI members who were selected directly by the president. Functions such as the counting of votes, the registration of parties and the nomination of candidates were the responsibility of the executive. Consequently, the role and figure of the Minister of the Interior was crucial for maintaining control over the electoral process. However, by the end of the 1980s the lack of impartiality and autonomy of the body that regulated elections became an important demand of the opposition and therefore a major issue for reform.<sup>22</sup>

In the following sections, the electoral reforms between 1946 and 1986 will be analysed. It will be seen that the PRI representatives were guaranteed a majority position in the Federal Electoral Commission, relegating the opposition parties to second position. The official party believed that having the opposition represented was beneficial to its legitimacy. However, the influence and power of the opposition had to be limited. In this way, as the PRI was interested in maintaining a “*token opposition*” it not only promoted small parties but also sponsored electoral reforms to encourage opposition parties to participate.<sup>23</sup> The government would make sure that the political parties participated in the political system but not compete. Once the opposition parties started to get stronger, the official party would introduce changes and amendments to the electoral laws in order to guarantee votes for the official party. This power of the official party to change the law was given by a staggering majority of the PRI in the

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<sup>22</sup> Prud'home, J-F. The Instituto Federal Electoral (IFE), p.145.

<sup>23</sup> Levy, D & Bruhn, K. Mexico: the Struggle for Democratic Development, p.87.

Congress.<sup>24</sup> The electoral reforms between 1946 and 1986 are catalogued as cosmetic because they were designed not only to maintain the hegemonic party system but also to consolidate it. Such reforms were carried out to ease the pressure for change while trying to maintain its power and control.

### 2.2.1 The Electoral reform of 1946

Since the creation of the official party in 1929, that claimed revolutionary legitimacy, the arena of political competition had been restricted to the governing coalition. By the mid 1940s the official party had already incorporated all major political, social and economic groups within the party and their elite supported the principle of single party government. However, it was in 1946 that the electoral processes were institutionalised first by the approval of the 1946 electoral law and secondly by the transformation of the PRM into the PRI. The new electoral law centralised the organisation of electoral processes in the government with the creation of a federal electoral commission called “*Federal Commission for Electoral Surveillance*”.<sup>25</sup> The electoral law of 1946 supposed a complete change in respect of the previous electoral law approved in 1918. In the 1918 electoral law, local government had the authority to organise elections, and introduced few restrictions to partisan activity and the process of registering candidacies.<sup>26</sup> In parallel, local and district commissions and a Council for the Electoral Roll were created. Consequently, all electoral processes were centralised in organs of the Federal Executive such as the Ministry of the Interior or organs dominated by it, such as the Federal Electoral Commission and the National Registry of Voters.<sup>27</sup> In addition, the transformation of the PNR (Partido Nacional Revolucionario) into the PRI (Institutional Revolutionary Party) signalled the confirmation of the official party as an instrument of the presidency.<sup>28</sup>

According to various authors the enactment of the new electoral law on January, 7, 1946 contributed to the hegemony of the official party in the electoral arena and to its

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<sup>24</sup> Prud'home, J-F. *Op. cit.* p.145

<sup>25</sup> Prior to the 1946 electoral law, there was “the law for Elections of the Federal Powers” issued on June, 2 1918. This law allocated most of the electoral functions to the municipal authorities, voters, parties and candidates. As a result all of the responsibility for the organisation and surveillance of electoral procedures was highly decentralised and the Executive did not have role in the process. See Molinar Horcasitas, J. *El tiempo de la Legitimidad*, p.26.

<sup>26</sup> See García Orozco, A. *Legislación Electoral Mexicana, 1812-1988*, Adeo Editores, S.A. Mexico, 1988. pp.225-37.

<sup>27</sup> Molinar Horcasitas, J. *El tiempo de la Legitimidad*, p.28.

<sup>28</sup> See Jacqueline Peschard. *Las elecciones en el Distrito Federal*. Thesis presented in the Faculty of Political and Social Sciences of the UNAM, Mexico City, Chapter 1.

consolidation in the political system.<sup>29</sup> First of all, the new electoral law eliminated the right to present independent candidacies and stipulated that only political parties could register candidates.<sup>30</sup> More importantly, the law established that only national political parties that obtained registry in the Ministry of the Interior could participate in elections.<sup>31</sup> The law established demanding criteria for the creation of national political parties that many opposition parties could not meet.<sup>32</sup> For instance, among other conditions, the law established that for a party to be recognised as a national political party it had to confirm a minimum of 30,000 members in the country and at least 1000 in each of the two-thirds federal entities.<sup>33</sup> Klesner notes that such strict conditions forced the oldest and one of the most important parties, the Communist party, to go underground.<sup>34</sup> Therefore, despite the new law allowing the existence of opposition parties, it included mechanisms to control the size and nature of them, in order to avoid any threats to the PRI hegemony.<sup>35</sup> Consequently the 1946 electoral reform contributed to the PRI's hegemony in electoral politics.<sup>36</sup> Secondly, by giving to a government body, the Federal Commission for Electoral Surveillance, the task of the preparation, development and supervision of the federal elections, the law granted the PRI control of the elections.<sup>37</sup> As a result, the government, hence the PRI, exercised its control on the electoral process through having PRI members in key positions in the Electoral Commission. For example, the Federal Commission for Electoral Surveillance consisted of the Minister of the Interior, another member of the cabinet, two representatives of the legislature, one for each chamber, and two representatives of the national political

<sup>29</sup> Serrano, M. *The legacy of Gradual Change: Rules and Institutions under Salinas*, 1996, p. 9, Klesner, J.L. "Changing patterns on electoral participation" *Mexican politics in Transition*, USA: Westview Press, Inc, 1987, pp 98-99. Needler, M. *Mexican Politics: The containment of Conflict*, New York: Praeger Publishers, 1995, pp.15-16

<sup>30</sup> This prohibition contained in Art 60 of the 1946 electoral law, was related to the fact that most of the PRI's challengers at elections had been former members of the PRI's elite who left the official party and presented independent candidacies. E.g. Padilla, Henriquez, Amaro Castro, Calderón.

<sup>31</sup> Such high requirements to form political parties were intended to discourage personal candidacies outside the official party as "it had been the main source of electoral opposition in the past." See Prud'home, J-F. *The Instituto Federal Electoral (IFE)*, p.142.

<sup>32</sup> "The Political parties are political associations constituted according to the law, by Mexican citizens...for electoral objectives and of political orientation." García Orozco, A. *Legislación Electoral Mexicana. 1812-1988*.

<sup>33</sup> (Article 24, Fraction I). Other conditions for a party to be registered as a national party included the requirements to respect the Mexican Constitution, to not pact or depend on international organisations, to have a national assembly and a national administrative commission and local commissions, etc. Ibid. pp.11-12.

<sup>34</sup> Klesner, J.L. "Changing patterns on electoral participation" *Mexican politics in Transition*. USA: Westview Press, Inc, 1987. p.98.

<sup>35</sup> Prud'home, J-F. *The Instituto Federal Electoral (IFE)*, p.142.

<sup>36</sup> Klesner, J.L. *Op. cit.* p.98.

<sup>37</sup> The allocation of the organisation of elections to the government contrasted to the previous electoral law which had given the organisation of elections to the local governments and had established few limitations on party registration and partisan activity. The electoral legislation applied until 1946 was the "Law for Elections of Federal Powers" issued by Carranza on June, 2, 1918. Prud'home notes that the 1918 electoral law was "*an institutional agreement that reflected a party system where small regional parties dominated*". Prud'home, J-F. *Op. cit.* p. 141.

parties. However, as the Minister of the Interior was appointed directly by the president and both chambers were formed by PRI members and controlled by the executive, the government was to begin with represented by five of six votes on the commission.<sup>38</sup> Thus, from 1946 all party activity began to be regulated by PRI-Government through the Minister of the Interior who was the president of the electoral commission. Another important aspect that contributed to the PRI hegemony in the electoral system was the fact that the Electoral Commission was also in charge of the registration and cancellation of political parties. In this way, such prerogative by the Ministry of the Interior increased the government discretion over who could or not participate in the electoral system, which played an important role in reducing the power of the opposition.<sup>39</sup> As noted earlier, only parties with national features registered by the Ministry of the Interior could participate in electoral processes, while independent and other regional parties were excluded.<sup>40</sup> Another significant element of the control of the government in the electoral process was the composition of the electoral personnel. The electoral law gave the Electoral Commission the task of designating the personnel of the Local Electoral Commissions which in turn had to select the members of the District Electoral Commissions.<sup>41</sup> Consequently, the organisation, supervising and more importantly the task of counting of the votes were the responsibility of the district electoral commissions which were made up of members dependent on the Ministry of the Interior. The electoral law also gave to the Electoral Commission the function of selecting the personnel of the Electoral Register<sup>42</sup> who were in charge of functions such as drawing up the electoral lists and the delineation of limits of electoral districts.<sup>43</sup> As a result, the electoral staff were mainly employees of the Ministry of the Interior who were only allocated these duties during elections and this showed the PRI hegemony. Accordingly, during elections the administrative structures of the Commission and those of the Ministry of Government were not differentiated, therefore most of the electoral staff were mainly personnel from the Ministry of the Interior, staff from the Local

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<sup>38</sup> Garcia Orozco, A. *Legislación Electoral Mexicana, 1812-1988*, p.243.

<sup>39</sup> Serrano, M. *The Legacy of Gradual Change: Rules and Institutions under Salinas*. p.334.

<sup>40</sup> Prud'home, J-F. *The Instituto Federal Electoral (IFE)*, p.142; Molinar Horcasistas, J. *El tiempo de la Legitimidad*, p.27.

<sup>41</sup> *Ibid*, p.142.

<sup>42</sup> The Electoral Registry was, since 1918, a permanent body, however with the 1946 law, it passed to be under the responsibility of the Council of the Electoral Roll, which was a federal organ dependent on the Federal Electoral Commission (Federal Commission of Electoral Surveillance). Moya Palencia, M. *La Reforma Electoral Ediciones Plataforma, Mexico*, 1964, p.106.

<sup>43</sup> Prud'home, J-F. *The Instituto Federal Electoral (IFE)*, p.142.

Electoral Commission and employees from the Electoral Register.<sup>44</sup> As a result, the public administration assisted the official party with both material and human resources.<sup>45</sup> Another important aspect of this law, given that both chambers of Congress were dominated by the PRI, was the allocation of self-validation of the results of the presidential and congressional elections to the chambers. The acceptance or rejection of electoral results and further investigations of alleged irregularities by parties and citizens depended entirely on a body controlled by the government.<sup>46</sup> It is clear that the electoral commission in charge of regulating the electoral process was partial and dependent on the hegemonic party, which contributed to its consolidation. Particularly, as the Minister of the Interior was at the same time the president of the Commission and the electoral staff were members of the government. It can therefore be said that all political activity was under the control of the Ministry of the Interior, thus under the PRI and the president. Legitimate competition was allowed but only for the governing party. During this time the official party became the only arena for negotiation and representation of political interests and its strength depended more on the control of resources and the state apparatus than on other variables.<sup>47</sup> At the same time other rules such as informal rules regarding discipline within the elite were established. Political parties outside the PRI did not have the opportunity to compete; however competition among various factions within the official party continued.<sup>48</sup> The institutionalisation of the elections mainly consolidated the structure of the hegemonic party system and confirmed the use of elections as an instrument of institutional legislation by the official party. The electoral institutionalisation also resulted in the modernisation of political discourse by the official party.

### 2.2.2 Minor cosmetic reforms: 1949-1963

Between 1946 and 1977, when the first democratic reform was enacted, a series of partial electoral reforms were passed that produced minor changes in the electoral law. During the period between 1946 and 1963 most of the changes to the electoral law were improvised modifications with the clear intention of consolidating the institutional basis

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<sup>44</sup> Ibid.

<sup>45</sup> Molinar Horcasitas, J. *El tiempo de la Legitimidad*, p.28.

<sup>46</sup> According to Prud'home these powers became very important for the official party, as they ensured the government the control of "most areas of uncertainty in the electoral process." Ibid. pp.142-43.

<sup>47</sup> Serrano, M. *The legacy of Gradual Change: Rules and Institutions under Salinas*, p.9.

<sup>48</sup> Mc Donald, Ronald H. *Party Systems and elections in Mexico*, p.221.

of the PRI.<sup>49</sup> This period which was characterised by relative instability in the number and type of legal parties, can be interpreted as the gestation of the modern hegemonic party.<sup>50</sup> Such instability in the party system further contributed to the strength of the hegemonic party while the opposition continued to be residual. However, during this period the hegemony of the PRI not only benefitted from its control over electoral rules and institutions but also from economic factors.<sup>51</sup> Just three years after the 1946 electoral law, modifications to it were introduced. The 1949 law introduced the Ministry of Justice as the body in charge of the investigation of electoral complaints.<sup>52</sup> The Federal Electoral Law of 1951 modified the composition of the Federal Electoral Commission, by increasing the number of representatives of political parties from two to three and reducing the number of representatives of the Executive from two to one.<sup>53</sup> With this law, the regime demonstrated an intention to maintain a policy of opening on issues of party registry and parties' relations. However, such changes did not alter the power of the Minister of the Interior within the Commission. Furthermore, the law increased the administrative faculties of the electoral commission such as the total control of the newly created National Register of Voters which was in charge of registering voters and determining electoral districts.<sup>54</sup> Additionally, a new method of vote counting was created that gave the commission greater administrative control.<sup>55</sup> The development of the revolutionary elite highlighted contradictions within the party, and thus, created opposition inside the party. The reform of 1954 tightened the requirements to form political parties. The minimum of 30,000 members in the country that the 1946 law established was increased to 75,000 members, distributed in a way that at least 2,500 members were in two thirds of the federative entities.<sup>56</sup> Such modification resulted from the challenge that the PRI had to face from one of its dissidents, Miguel Henríquez Guzman therefore discouraging future dissidents from

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<sup>49</sup> See Prud'home, J-F. *The Instituto Federal Electoral (IFE)*, p.143.

<sup>50</sup> The reasons for a process of initial reduction of registered parties can be seen in Molinar Horcasitas, J. *El tiempo de la Legitimidad*, pp.30-31.

<sup>51</sup> Mexico during the 1940s until the late 1950s enjoyed a period of economic growth known as "the Mexican Miracle". This period of prosperity allowed the government to co-opt the corporate sectors (agrarian, labour and popular) while providing tangible benefits or rewards. See, Morris, SD. *Political reformism in Mexico: an overview of Contemporary Mexican Politics*. London: Lynne Rienner 1995, p.22. Needler, M. *Mexican Politics*, pp.16-17.

<sup>52</sup> Prud'home notes that this introduction showed how the executive branch sought complete control of the electoral authority Jean-Francois Prud'home, *The Instituto Federal Electoral (IFE)*, pp.142-143.

<sup>53</sup> Molinar Horcasitas, J-F. *El tiempo de la Legitimidad*, p.35.

<sup>54</sup> The National Register of Voters replaced the Council of the Electoral Roll. Prud'home, J. *The Instituto Federal Electoral (IFE)*, p.143.

<sup>55</sup> *Ibid.*

<sup>56</sup> Molinar Horcasitas, J. *Op. cit.* p.36

forming new electoral parties and reducing their options, especially before presidential elections.<sup>57</sup> Another reason for this measure was the negative results that the official party had obtained in the 1952 elections in which five registered parties participated.<sup>58</sup> In this reform women were granted the right to vote at all levels.<sup>59</sup> Until 1953 only men had been considered citizens (Article 34 of the Constitution), but on October, 17 the condition of citizenry was granted to women therefore they obtained the active and passive right to vote.

### 2.2.3 The 1963 and 1969 electoral reforms

The second group of partial reforms took place between 1963 and 1977. These reforms can be considered semi-cosmetic. By the early 1960s the electoral system produced by the hegemony regime was characterised, not only by a “distorted” political representation where the PRI was overrepresented and important actors were excluded, but also by a total lack of credibility in the electoral processes.<sup>60</sup> In this context the government’s main objective was to reinstate legitimacy to all three, the party, the government and the electoral process.<sup>61</sup> As a result of the government’s concern to ensure opposition representation in Congress the constitution and electoral law were amended on June, 23, 1963. The 1963 law adopted a representation system for the election of deputies. The formula introduced was called “*party deputies*” and offered for the first time an opening of the Chamber of deputies to the parties already registered. In other words, a minority block of proportional representation seats was established in congress for the opposition and the requirements for the formation of political parties eased.<sup>62</sup> Using this formula, minority parties were granted five seats if they obtained 2.5% of the national vote and up to fifteen additional deputies (twenty in total), one seat

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<sup>57</sup> The most controversial presidential elections were those of 1929, 1940 and 1952 with protests about electoral fraud and led by former members of the official party such as José Vasconcelos, Juan Andrew Almazán y Miguel Henríquez Guzmán.

<sup>58</sup> The parties participating in the 1952 elections were (PRI), (PAN), (PPS), FPPM and PNM. In this election the PRI’s candidate Adolfo Ruiz Cortines confronted two strong opposition candidates including Miguel Hernández Henríquez Guzmán, an ex PRI member who launched his candidacy, and Vicente Lombardo Toledano, from the PPS. See Cosío Villejas, Daniel, “El momento Actual”. *Historia Política y el Sistema Electoral Mexicano*, pp.94-95.

<sup>59</sup> This right to vote for women was the extension of a previous law that only allowed them to vote and be elected in municipal elections. This extension of women’s right to vote in all types of election was ensured in Articles 34 and 35. See Rabasa Gamboa, EO. *Ochenta años de vida constitucional en México*, p.149.

<sup>60</sup> Molinar Horcasitas, J. *El tiempo de la Legitimidad*, p.63.

<sup>61</sup> Morris, S. *Political reformism in Mexico*, pp.178–179.

<sup>62</sup> Prior to this reform, deputies were elected by a system of simple majority (art 54) which made it nearly impossible for the opposition parties to access the Chamber of Deputies. See Rabasa Gamboa, EO. *Ochenta años de vida constitucional en México*, p.150.

for every additional 0.5% of the national vote.<sup>63</sup> The “party deputies” was the first step to introducing plurality within Congress.<sup>64</sup> The introduction of this “system of party deputies” became necessary when the PRI permanently held the majority representation and it became more difficult for the opposition to increase its representation. In some ways, the introduction of “party deputies” was the government’s attempt to stop a crisis of legitimacy of the electoral system.<sup>65</sup> However, despite the fact that this reform gave the opposition the opportunity to gain seats in the chamber of deputies, representation would still be controlled by the government which maintained the policy of numerous clauses.<sup>66</sup> In addition to the party deputies, the reform increased from two to three the number of parties represented by the Federal Electoral Commission, but again the government and the PRI retained being majority in the Electoral Commission.<sup>67</sup> In this context, assuming that the representatives of both the legislative and executives branches supported the PRI, “*the government could count on the six votes of the Commission*”.<sup>68</sup> According to Molinar Horcasitas this reform was the “*method of the whip and the carrot*”, which consisted of introducing changes to open the electoral channels at the same as introducing measures to control it.<sup>69</sup> With the introduction of these measures the official party solved various problems including the problem of sub-representation of the opposition by introducing electoral incentives for the parties to present deputies’ candidates and the short-term reduction of anti-system behaviour applied by the PAN and the PPS in the previous decade.<sup>70</sup> Finally, another aspect of the 1963 reform was the introduction for the first time of political parties in the Mexican constitutional history.<sup>71</sup>

The 1963 electoral reform’s incentives for political participation had contradictory consequences. First of all, they contributed to an increase in the number of candidates from registered parties competing in each federal electoral district. As a result the

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<sup>63</sup> Prud’home, J-F., *The Federal Electoral Institute (IFE)*, p.142, Klesner, J. *Changing Pattern of Electoral Participation*, p.99.

<sup>64</sup> The creation of the figure of “Party Deputies” will be discussed later in this chapter.

<sup>65</sup> Molinar Horcasistas notes that this small concession of political space reserved for the opposition prevented violence in Mexico. *Noticieros Televisa*. Interview of Molinar Horcasistas, J. in “*Mexico: La historia de su democracia*.” Vol 1. Mexico City: Noticieros Televisa, 2004.

<sup>66</sup> Morris, S. D. *Political reformism in Mexico*, pp.178-179.

<sup>67</sup> Prud’home, J-F. *The Instituto Federal Electoral (IFE)*, p.144.

<sup>68</sup> *Ibid.*

<sup>69</sup> Molinar Horcasitas, J. *El tiempo de la legitimidad*, p.65.

<sup>70</sup> Morris, S.D. *Political reformism in Mexico*, pp.178-179, Molinar Horcasitas, J. *El tiempo de la Legitimidad*, p.65. During the 1940s and 1950s the PAN refused to participate in Congress and use its deputies alleging lack of opportunities.

<sup>71</sup> See Andrea Sánchez, Francisco, J. *Evolución de las Instituciones Electorales Mexicanas: Epoca Contemporanea*. In: *La renovación política y el Sistema Electoral Mexicano*, Mexico: Porrúa, 1987, p.97.

political parties started building regional bases and contending most of the elections. The artificial stimulation given to opposition parties to increase electoral participation in the territory helped the opposition parties, especially the PAN<sup>72</sup> to increase its strength and form cadres in the regions, thus leading to a gradual expansion and participation in most elections.<sup>73</sup> Secondly, the initial support for the reform by the opposition (mainly PAN and PPS) contributed to their temporal participation despite it being a non competitive electoral system.<sup>74</sup> However, new opposition political parties continued to experience problems entering the electoral competition. For instance, in 1963 new parties such as the FEP (Frente Electoral del Pueblo) were prevented from entering the party system by the Ministry of the Interior.<sup>75</sup> In addition, to denying the access of new parties, the Minister of the Interior also reduced the number of the existing ones. Consequently, the electoral options were reduced to just four parties including the PRI (Partido Revolucionario Institucional) and PAN (Partido de Acción Nacional) since 1946, the PPS (Partido Popular Socialista), since 1948, and PARM (Partido Auténtico de la Revolución Democrática), created and registered in 1957.<sup>76</sup> However, the PNM (Partido Nacional Mexicano) was cancelled by the Minister of the Interior in 1964 for having internal disorganisation problems for example having three different groups claiming the leadership of the party.<sup>77</sup> Later, in the 1964 federal elections, only PRI, PAN, PARM and PPS were registered political organisations by the electoral commission. Among opposition parties, the PAN continued to be the more stable as it demonstrated sustainability and most importantly it adopted a political identity different from the PRI. Other opposition parties such as the PARM and the PPS were less independent. For instance, the PPS, despite having a different ideology<sup>78</sup> from the PRI, on its programmatic and practical levels it was the same as the regime so it was seen as

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<sup>72</sup> Alonso Lujambio notes that it was the first opportunity for the opposition to be in the Chamber of Deputies, in which the PAN obtained up to 20 deputies in 1964 in comparison to the three or four that it had obtained in the past. Noticieros Televisa. Interview of Alonso Lujambio, J. In "*Mexico: La historia de su democracia.*" Vol. 1. Mexico City: Noticieros Televisa, 2004.

<sup>73</sup> For the regional PAN's expansion see Loaeza, S. *Mexico in Transition, 1988*, p.45; Loaeza, S. PAN and the Paradoxes of opposition. In *Party politics in "an Uncommon Democracy: Political Parties and elections in Mexico*, edited by Harvey, N & Serrano, M. London: Institute of Latin American Studies, 1994.; Shirk, D *Mexico's New Politics The PAN and Democratic Change*, London: Rienner Publishers, 2005.

<sup>74</sup> The positive positions of both PAN and PPS on the 1963 reform can be consulted in *Política*, January 15 1963; Year III, No.66

<sup>75</sup> In this case the Minister of the Interior alleged that most of the data presented by this party was false (membership, signatures, etc).

<sup>76</sup> Noticieros Televisa. Interview of Jose Woldenberg, J. in "*Mexico: La historia de su democracia.*" Vol 1. Mexico City: Noticieros Televisa, 2004. The PNM (Partido Nacional Mexicano), in 1951 Woldenberg notes that the PPS and PARM started operating as satellite parties.

<sup>77</sup> See Molinar Horcasitas, J. *Diario Oficial*, March 31 1964; 68.

<sup>78</sup> The 1960s reforms the PPS adopted the socialist denomination and a Leninist-Marxist ideology.

part of the PRI. While the PARM's clear support of the PRI made it difficult to distinguish it as different.<sup>79</sup> It is worth noting that the lack of independence of the PARM and PPS was also a result of the self interest of the hegemonic party. Both parties were artificially granted "party deputies" by the Electoral College despite failing to reach the minimum threshold of 2.5% required by the constitution.<sup>80</sup> Molinar notes in time these bargains proved costly for the electoral system as they exacerbated the political alienation of PAN, thus its appeal as a real opposition.<sup>81</sup> Additionally, the weakness of the opposition block (PPS and PARM) caused a dilemma in the system. On one hand, no support for these parties would contribute to a polarisation of the political scenario, (PRI-PAN), an option that the government did not want. On the other, in order to avoid such polarisation, the government could open the register of political parties; however, it was not prepared to allow parties like the PCM to register. In the end, the government decided to maintain the status quo.<sup>82</sup>

#### **2.2.4 The end of the Mexican Miracle and the 1968 student movement**

By the late 1960s both socio-economic and political factors created pressure for major electoral reform. First of all, the period known as the "Mexican miracle"<sup>83</sup> characterised by social stability and economic growth ended. Despite the fact that the elected president in 1964, Gustavo Díaz Ordaz, had tried to continue the "government developing programme", the economic crisis had already hit the middle class, which until then had supported the system.<sup>84</sup> Secondly, limitations to political pluralism, difficulties of the social groups to become political actors and the systemic refusal to allow free expression provoked social protests that created perfect conditions for a crisis.<sup>85</sup> Additionally, in the electoral arena, the overrepresentation of the PRI and sub-representation of opposition parties in the districts of majority which resulted from the 1963 electoral reform started being a problem for the regime.

<sup>79</sup> Loaeza notes that the Popular Socialist Party (PPS) and the Authentic Party of the Mexican Revolution (PARM) were perceived as mere instruments of the state. Loaeza, *Mexico in Transition*, p.45.

<sup>80</sup> The Electoral College was formed by members of the Chamber of Deputies which was dominated by the PRI.

<sup>81</sup> The decision of the Electoral College to grant party deputies to the PPS and PARM despite not reaching the minimum threshold of 2.5% in 1963 and 1970, was perceived by PAN as the regime's strategy to diminish its presence which in time led to its political alienation. See Molinar Horcasitas, J. *El tiempo de la Legitimidad*, p.85.

<sup>82</sup> *Ibid*, p.86.

<sup>83</sup> "The Mexican Miracle" is the term used by historians to refer to the impressive economic growth that Mexico experienced between the 1940s and 1960s.

<sup>84</sup> Rabasa notes that it was paradoxical that the new urban middle class that emerged at the end of the 1960s resulted from the government's economic programme. See Rabasa Gamboa, EO. *Derecho Constitucional Indígena*.

<sup>85</sup> Social discontent was especially intense in the urban areas and among the middle class, which paradoxically was a result of thirty years of economic growth. Interview, former senior member of PRI A, (1977-1982), Mexico City, 27 September 2004.

However, the most critical event of this period was the government's brutal massacre of demonstrators on July 26 1968 in Plaza of the Three Cultures at Tlatelolco.<sup>86</sup> For many historians this is when the transition started. The reaction of the Díaz Ordaz government confirmed the authoritarian nature of the Mexican regime as never before, especially given the international context.<sup>87</sup> All political forces criticised the brutal response of the government to the students. More importantly there was an impact on the popular image of the government.<sup>88</sup> The repression of the student movement influenced and altered the government image and undermined the myth of the Mexican revolution and produced a national conflict multiplied among the states, regions and universities.<sup>89</sup> As a result, faith in the PRI and the regime decreased, and the explosion of anti-system behaviour encouraged the opposition to demand change. Many groups that emerged as a result of this protest enjoyed the support and sympathy of the nation's student and leftist intellectuals.<sup>90</sup> Becerra notes that it was at this time that the crisis of political representation became more evident than ever before, as party life and electoral life did not correspond to the social and political reality.<sup>91</sup> The immediate official response was shown with the constitutional reform of 1969 in which the right to vote was granted to 18 year olds. Previously only an 18 year old married person or 21 year old single person could vote. The prerogative to vote in elections was now extended to everyone over 18 years of age.<sup>92</sup> The subsequent reforms in 1973 and 1977 were the electoral answer to the problems of legitimacy in a period of economic crisis. The use of the electoral route to resolve socio-economic conflicts became a permanent instrument of the government.

### 2.2.5 The reform of 1973

In 1972 and 1973 the government and the newly elected president, Echevarría, introduced a political opening known as "*apertura política*" in order to ease political pressure. One of the objectives of this opening policy was to create new political and

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<sup>86</sup> Protesters who were mainly students were attacked by soldiers with tanks and automatic weapons in an unprovoked attack.

<sup>87</sup> The student protest coincided with an era of worldwide student protests in other parts of the world such as protests against the Vietnam war, French students in Paris against de Gaulle, etc. see Needler, M. *Mexican Politics*, p.20.

<sup>88</sup> The violent repression of the 1968 student movement of Tlatelolco Square not only revealed the authoritarian nature of the regime but also it affected its paternalistic-protective image. Interview, Beatriz Camacho, Civic Alliance, Mexico City, 5 October 2004.

<sup>89</sup> Becerra, et.al. *La mecánica del cambio político en México*, p.79. Other parallel changes in Paris, Prague, anti Vietnam protests in USA in 1968.

<sup>90</sup> Morris, S. D. *Political reformism in Mexico*, p.181.

<sup>91</sup> Interview, Ricardo Becerra, political academic and advisor to President Councillor 1996-2000 (IFE), Mexico City, 22 November 2004.

<sup>92</sup> Official Report of the Federation. Reform of the Article 34 constitutional, fraction I.

social space for the rising middle class, intellectuals, universities and the left.<sup>93</sup> The electoral reform of 1973 introduced various changes including the substitution of the electoral commission (Commission for Federal Electoral Surveillance) by the Federal Electoral Commission. The main features of this reform were passive political rights and “deputy parties”. With regard to the passive rights the reform reduced the minimum age to be elected deputy from 25 to 21 and to be senator from 30 to 35.<sup>94</sup> However, the most important aspects of this reform were the increase of the number of party deputies available to opposition parties, increased from 20 to 25 seats, and the decrease of the threshold to obtain the first 5 deputies, from 2.5% to 1.5%.<sup>95</sup> However, this was of little value as the change only benefitted parties already registered and did not authorise new parties.<sup>96</sup> This electoral reform legalised the Communist party and lowered the voting age. Despite the attempt to open the party spectrum, the reality was that it did not create the appropriate conditions to incorporate new parties in the electoral arena. The government preferred a small and manageable party system limited to just four parties in which two of them functioned as satellites of the PRI, leaving the PAN as the only real opposition. With regard to the right to vote inside the Federal Electoral Commission, the electoral reform gave that right to all registered parties. However, as Prud’home notes the PRI was still at an advantage. Although in theory it was only assured four votes against three for the opposition, (one by the Ministry of the Interior, two from the legislative representatives and one for the party representative) in reality, the real configuration of power favoured the PRI by a margin of seven votes to one.<sup>97</sup> The amendments to electoral law instructing that the national parties had to participate in the Commission were pursued in order to discourage the use of anti-system strategies by PAN.<sup>98</sup>

Overall, the 1973 electoral reforms proved to be irrelevant to the electoral process.<sup>99</sup> The effects of the 1968 students’ protest were still very much alive and it was clear that

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<sup>93</sup> The “aperture” was an attempt of the regime to reconcile with those affected during the student protests (university students, intellectuals and the urban middle class). However, it was perceived more as a Public Relations campaign than a real opening. Interview, Emiliano Vargas, Member of PRD, Mexico City, 27 October 2004.

<sup>94</sup> The article 55, fraction II (to be deputies) and Article 58 (to be senator) were modified. See Rabasa Gamboa, E. *Ochenta años de vida constitucional en México*, p.151.

<sup>95</sup> Official Report of Federation (Article 54, fraction I) and (Article 54, fraction II)

<sup>96</sup> Molinar Horcasitas, J. *El tiempo de la Legitimidad*, p.87, Prud’Home, J-F. The Federal Electoral Institute, p.144.

<sup>97</sup> Prud’home, J-F. The Instituto Federal Electoral (IFE), p.144.

<sup>98</sup> The anti-system strategies of PAN included not to participate in elections and in the Electoral Commission. Ibid. p.144.

<sup>99</sup> The creation of the Federal Electoral Commission and the rights of all registered political parties did not solve the problem of subrepresentation of the opposition.

Mexico was entering the 70's with a political system that maintained channels closed to political representation. More than ever before, there was a pluralistic and expressive Mexican society that was not reflected on the electoral agenda because it was restricted and isolated due to the antidemocratic nature of the electoral system. The fact that the government ignored leftist groups that emerged in the late 60s, especially groups involved or related to the students' movement, encouraged a more pluralistic society and opposition against the regime. Eventually, this plural society started to be noticed, especially at urban districts where the PRI started losing votes. The official party realised how changes in the tendencies of the electorate and its possible segmentation, with the rural and urban vote, could affect its hegemony.

Political events back in the 1960s and during the 1970s had created the conditions for this crisis in the party system. It is also important to note the negative consequences of Echevarria's economic policies, which contributed to a breakdown in relations between government and the private sector. Echevarria pro-leftist policies raised the opposition of the right, and the private sector fought back by mobilising its opposition to the regime. Major private sector organisations attacked its political programmes and questioned the regime in 1975.<sup>100</sup> In addition the Echevarria leftist discourse increased state government control over the economic growth and government employment increased considerably. However, these short-term solutions did not prevent further conflicts in the labour sector, especially within the electrician workers union, which made Echevarria use repression to contain the threat.<sup>101</sup>

Another factor that contributed to the culmination of the crisis of the party system that had begun in the 1970's, was the presidential election in 1976, when only the PRI candidate López Portillo ran for president. He had to face an isolated presidential campaign against imaginary adversaries as PAN, the only real opposition party, decided not to present a candidate due to internal problems. Other parties such as the PPS and PARM were clearly supporters of PRI. This situation created abstention and increasing discredit. The embarrassing situation undermined the legitimacy of the party system. With the absence of PAN, initially the PRI sought to benefit from the inability of PAN to use anti-system behaviour and the opportunity to recover its old level of support, but

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<sup>100</sup> By 1975, the newly created and independent CCE, made up of the private sector's major organisations, such as CONCAMIN, CONCANACO, COMPARMEX, and the Bankers Association, bitterly attacked the regime's political programmes and questioned the regime. Morris, SD. *Political reformism in Mexico*, pp.182-183.

<sup>101</sup> *Idid.* p.181.

in fact the absence of PAN made the elections look like a referendum of the PRI nomination candidate.<sup>102</sup> Alcocer recalls that this election with the PRI alone and the PAN internally divided led to the belief that “*this sovietisation’ of political competition had reached a limit*”.<sup>103</sup> This limit had been reached because Mexico was now a new country, with a changing society, where the middle class and popular sectors had become increasingly critical of the hegemony party system over the past fifty years.<sup>104</sup> The elections of 1976 highlighted a very ambiguous situation. On one hand, the official party needed the existence of a well-differentiated and autonomous opposition in order to maintain its legitimacy and avoid critics of the regime. On the other hand, it was nearly impossible for the official party to sustain this opposition without harming its future strength and development. There was a realisation that the eventual strength of the opposition could undermine the PRI hegemony, therefore the incompatibility between total control and legitimacy was clear.<sup>105</sup> The 1970-76 presidential term ended with an economic crisis that constituted a point of inflexion with a growth and developing period: devaluation of the peso and new conflicts.<sup>106</sup> Once the presidential election in 1976 was over, the incoming president, Lopez Portillo faced a critical situation where he had, on one side an angry private sector and on the other, a discontented pluralistic society that wanted to express through political parties and organisations that were not officially registered. In order to ease the crisis, the president increased the role of the private sector in the government, which allowed direct consultation on key policy decisions, and also softened the government’s leftist discourse. However, the most important message from the isolated elections that López Portillo had to face was the need for political reform. The incoming president saw how only a new electoral reform could restrain the political conflict and more importantly ease the tension between the government and the more complex and modern society, that had been revealed by the 1968 student movement.<sup>107</sup> Indeed by the mid 1970s it was clear that Mexican society had become more plural but this complexity was not reflected in the composition of the Congress. The reason was the lack of national representation of minority parties and dissident movements that were prevented from

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<sup>102</sup> Molinar Horcasitas, J. El tiempo de la Legitimidad, p.81.

<sup>103</sup> Alcocer, A. The challenge of institutional reform in Mexico, p.69.

<sup>104</sup> Ibid.

<sup>105</sup> *Op. Cit.* Molinar Horcasitas, El tiempo de la Legitimidad, 1993, p.81.

<sup>106</sup> Becerra, et. al, La mecánica del cambio político en México, p.84.

<sup>107</sup> Serrano, M. Rebuilding the State: Mexico after Salinas, p.9.

expressing themselves. Furthermore, the Congress was totally dominated by the official party and the opposition only occupied a very small part. The state operated under two conditions: absence of competitive parties and non-existence of open electoral rules. However this reality began to change in 1977.<sup>108</sup> In 1976, in the context of serious problems of legitimisation the newly elected president Lopez Portillo decided to introduce a comprehensive electoral reform.

### 2.3 The 1977 electoral reform

The electoral reform in 1977 has been considered the most important reform since 1946. The most significant aspect of this reform was the expansion of the party spectrum; therefore it can be considered a democratic reform, although with limitations. Most authors agree that this reform was introduced as a liberalisation measure in order to resolve the problems of legitimisation noted earlier. Middlebrook, Loeza and Woldenberd consider that the decision, to open up representation in Congress, was designed to contain the political conflicts resulting from the student protests a decade earlier.<sup>109</sup> The crisis of legitimacy had resulted from the deformation of political representation, the political cost of exclusion of important political actors and the lack of credibility in the electoral process. By opening the door to political parties that had tried to express dissent in the previous decade, the reform concluded the government's attempts to harmonise with the left, that had started with the previous president, Echevarria. Until 1977 the Minister of the Interior with its discretionary power decided which parties could participate in elections, but from 1977 the same political parties took part in that decision.<sup>110</sup> This created a problem for the government. While an increase in electoral participation was positive and boosted the government's legitimacy it could reduce the discretionary power of the government in the elections. Also this move was against the authoritarian nature of the system.<sup>111</sup> Moreover, since the early 1970s the official party had started losing strength at both federal and municipal elections, which contrasted to its performance during the 1940's and 1950's.<sup>112</sup>

<sup>108</sup> See website <http://camara-diputados.ife.org.mx/reforma1976.html>

<sup>109</sup> Quoted by Serrano, M. *Op. cit.* p.10.

<sup>110</sup> Alcocer, J. *The challenge of institutional reform in Mexico*, p.64.

<sup>111</sup> Molinar Horcasitas, J. *El tiempo de la Legitimidad*, pp.99-100.

<sup>112</sup> Cornelius notes that the official party became an incredibly accomplished vote getting machine during the 1940s and 1950s, which lacked any sort of competition. See Cornelius, W., *Mexican Politics in Transition*, p.57.

The new reform was organised by the Minister of the Interior and former president of the PRI, Reyes Heróles, (who became president of the Federal Electoral Commission). He called for an extraordinary session in the Commission in order to seek advice from citizens and political organisations in a project to carry out a constitutional reform.<sup>113</sup> The result of this was the LFOPPE.<sup>114</sup> This reform expanded the range of party options for the electorate by legally recognising three new parties, and it also completely modified a central organ of the State, the Congress.

First of all, the reform introduced the constitutional range of the political parties granting them the position of “*entities of public interest.*”<sup>115</sup> The inclusion of the political parties in the Constitution increased their rights to, media access, financial prerogatives and to participate in state and municipal elections.<sup>116</sup> Secondly, the reform introduced a system of mixed representation for Congress. This reform was the expansion of the “party deputies” introduced in the 1963 reform. As a result, with the creation of a new figure called “plurinominal deputies” the Chamber of Deputies was enlarged from 200 to 400 deputies. 300 deputies were to be “uninominal”, elected by majority vote within each of Mexico’s 300 single member district contests and the remaining 100 were to be “plurinominal” (Article 52).<sup>117</sup> These 100 seats were reserved for minority parties that won fewer than 60 seats in the 300 winner-take-all single member district contests.<sup>118</sup> With regard to the number of seats that a party could obtain, the reform established a limit of 350 that a party could obtain through the two principles. This law proved very attractive to the opposition parties, because it not only meant that such opposition parties shared these 100 seats in a proportional representation scheme thus increasing the level of representation in Congress but also some parties had representation for the first time.<sup>119</sup> Becerra notes that the introduction of proportional representation in Congress was essential for the modernisation of the

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<sup>113</sup> The sessions organised by the Minister of the Interior took place between 21 and 28 July, 1977 and were attended by four registered parties (PRI, PAN, PARM and PPS), representatives of eleven political organisations, academic institutions and twenty five independent persons.

<sup>114</sup> Federal Law of Political Organisations and Electoral Procedures.

<sup>115</sup> This new disposition was introduced in Article 41 of the Constitution.

<sup>116</sup> See Andrea Sanchez, Francisco J. *La renovación política y el Sistema Electoral Mexicano*, pp.101-102.

<sup>117</sup> “*Plurinominal deputies were to be elected according to the percentage of votes cast for each party in each of five zones into which the country is divided for that purpose, with an equal number of representatives from each zone*”

Alcocer, J. *The challenge of institutional reform in Mexico*, p.70.

<sup>118</sup> Klesner, J. Changing patterns of electoral participation and official party support in Mexico, p.99.

<sup>119</sup> See website <http://camara-diputados.ife.org.mx/reforma1979.html>

political parties, as they found new ways to express themselves.<sup>120</sup> This new law became crucial for those parties excluded in the past such as the communist party (PCM). Thirdly, and in relation to PR, Article 54 established a minimum of 1.5% of the total vote for all the regional lists, to participate in at least 100 districts and not obtaining more than 60 majority seats.<sup>121</sup> The reform established two different routes to register as a political party, a) definitive registry and b) conditional registration. One method was to apply for a conditional registry through participating in election. Subsequently parties that achieved a minimum of 1.5% of the share of the national vote obtained their permanent registration. If the party failed to reach this threshold in three elections after achieving permanent registration this was to lead to the loss of registration. The second method was to provide the Commission with a copy of the statutes and principles of the party with evidence of at least 65,000 party members distributed in one of two ways: 3000 or more in one-half plus one of the federal entities or 300 or more in one-half plus one of the federal electoral districts.<sup>122</sup> This initiative allowed the left to claim political parties and political associations and thus provoked an increase in electoral participation and the legitimacy levels increased.<sup>123</sup> Finally, a Law of Amnesty that benefitted political prisoners also accompanied this law. This was an expansive reform destined to increase the electoral party system and assess the level of party participation in the elections.

With regard to the Federal Electoral Commission, the law increased the number of its responsibilities. First of all, the faculties of approval or cancellation of parties' registration passed from the government to the Federal Electoral Commission. With this law the thresholds to the formation and registration of political parties were lowered.<sup>124</sup> The law also gave the electoral commission the faculty "*to administer the parties' public funding, approval of electoral coalitions, the registration of candidacies, and the determination of the electoral formula for proportional representation and the counting of proportional votes*".<sup>125</sup> Finally, this reform also modified the composition of the electoral commission. The electoral commission was formed by the Minister of the

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<sup>120</sup> Interview, Ricardo Becerra, political academic and advisor to President Councillor 1996-2000 (IFE), Mexico City, 22 November 2004.

<sup>121</sup> See Rabasa Gamboa, E, *Ochenta años de vida constitucional en Mexico*, p.153.

<sup>122</sup> As noted earlier, the threshold was lowered from 2.5 to 1.5%. Klesner, J. Changing patterns of electoral participation and official party support in Mexico, pp.99-100.

<sup>123</sup> Molinar Horcasitas, J. El tiempo de la Legitimidad, p.96.

<sup>124</sup> Klesner, J. *Op. cit.* 99-100.

<sup>125</sup> Garcia Orozco, A. *La legislación electoral mexicana 1812-1988*, p.144.

Interior who still chaired the Commission and two representatives of the legislative branch, plus one representative of each registered national political party and a public notary who adopted the role of a technical secretary.<sup>126</sup>

The modifications, introduced to party registration, seemed to signal the end of the period of electoral closing, as the law enhanced the abilities of smaller opposition parties not only to participate in elections but also gave them the opportunity to take seats in the Chamber of Deputies.<sup>127</sup> However, Prud'home notes that this system of double ballot (one for plurality deputies and another for proportional representation deputies) allowed the PRI to give votes to the satellite parties.<sup>128</sup> Consequently, it was very unlikely that satellite parties would vote against the government in the Commission, as they needed to reach the minimum threshold required (1.5%).

Overall, the 1977 reform was not only crucial for the future development of the party system, but also for the initiation of the transition to democracy.<sup>129</sup> The introduction of proportional representation in the Chamber of Deputies initiated a process of political change based on modifications of electoral issues that generated the modernisation of the party system and the electoral process.<sup>130</sup> The opening of the party system revived electoral participation in elections, and some opposition parties were even able to win in some municipalities. The realisation of a need for a new political system started here and led to long process of electoral reform.<sup>131</sup> However, several authors note that despite the advances in the party system, they were of no consequence as the real control of electoral activities still rested in government power. First of all, the composition of the electoral commission was still dominated by PRI members. As a result, with the new composition of the General Council, in theory, the government was assured five votes out of seven.<sup>132</sup> Also, the fact that the government could still get the support of the satellite opposition parties who depended on it showed the control of the official party. Opposition parties (such as the PAN and PTM) criticised the new law, especially the discretionary power of the Federal Electoral Commission. Also, the

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<sup>126</sup> Prud'home, J-F., *The Instituto Federal Electoral (IFE)*, p.144.

<sup>127</sup> Klesner, J. *Changing patterns of electoral participation and official party support in Mexico*, p.100.

<sup>128</sup> Prud'home, J-F. *The Instituto Federal Electoral (IFE)*, p.144.

<sup>129</sup> From an institutional point of view, this can be considered as the beginning of the transition to democracy as it changed a vital organ of the state, the Congress. Interview, Ricardo Becerra, political academic and advisor to the President Councillor 1996-2000 (IFE), Mexico City, 22 November 2004.

<sup>130</sup> Interview, Mauricio Merino. Political academic and former citizen councillor. IFE. November 2004.

<sup>131</sup> Alcocer, J. *The challenge of Institutional reform in Mexico*, p.66

<sup>132</sup> One for the Minister of the Interior, two from the legislative branches, one for the secretary and one for the party representative.

restriction of the right to present candidates outside the national political parties was perceived as a PRI measure to control competence. The new law was also considered to be deficient as the government did not modify its electoral practice. For example, allegations from parties of not having the necessary surveillance to avoid electoral fraud emerged, while others argued that organisation and vigilance of the electoral process by the government contributed to its hegemonic position. Therefore, despite all the concessions, the PRI still controlled the voting process and retained its hegemonic position. In addition critics considered the organisation of the system and the registry of the electoral census inappropriate and also rejected the role of the Judicial Branch in electoral matters.<sup>133</sup> Horcasitas notes that in practice the reform did not abandon the two basic lines of the electoral configuration that had existed since 1946.<sup>134</sup> The two lines were the centralisation of the organisation and surveillance of the electoral process by a commission formed by representatives of the legislative chambers, the political parties and the government, but chaired and controlled by the Ministry of the Interior.

### **2.3.1 The 1982 crisis and its political consequences**

A political bonanza generated by the 1978-1981 oil boom and the inflow of cheap foreign loans accompanied Portillo's political reforms. This short period of prosperity contributed to relative political stability and eased the pressure for change. The economic bonanza allowed the government to spread populist subsidies to the increasing urban and middle class and at the same time maintain a good relationship with the private sector. The government wanted to renew the Mexican miracle that it had enjoyed during the 1940's and 1950's and carrying on borrowing from the IMF.<sup>135</sup> However, this short period of apparent economic growth and political stability ended in 1981-82 with a deep economic crisis that contributed to a new political crisis. Portillo, in a desperate attempt to stop capital flight nationalised the banks.<sup>136</sup> The nationalisation of the banks evidenced the autonomous power of the Mexican president. Economic adjustments were made in order to overcome the crisis but a moratorium was inevitable. Measures such as a massive cut in public spending, including the ending of government jobs were taken in order to pay back the nation's massive foreign debt. The financial

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<sup>133</sup> Molinar Horcasitas, J. *El tiempo de la Legitimidad*, p.98.

<sup>134</sup> *Ibid.*

<sup>135</sup> A more detailed explanation of the 1982 debt crisis see Kaufmann Purcell, S. *Mexico in transition : implications for U.S. policy*, edited by Kaufmann Purcell, S. New York: Council on Foreign Relations, 1988. p.13.

<sup>136</sup> Morris, S. D. *Political reformism in Mexico*, p.22.

crisis of the state not only threatened to reduce the state bureaucracy but also reduce the resources that the party needed to distribute populism and state patronage.<sup>137</sup> In the middle of the economic crisis in 1982 the presidential elections took place without many surprises. The PRI candidate Miguel De La Madrid won. However, despite the support for the PRI growing by a small percentage in urban areas, reflecting the efforts of the official party to restore votes in the cities, in general the results showed the deterioration of PRI's monopoly.<sup>138</sup> Obviously, opposition parties benefitted from the PRI's loss of support, especially the PAN which since 1976 had been reinvigorating and achieved a percentage in the total vote in deputy elections from 7.6% in 1961 to 17.5% in 1982. The independent organised left (the PSUM, the PMT and the PRT) after obtaining registration with the 1977 electoral reform, also gained some support but not very significant with 5.7% of the vote.<sup>139</sup> De La Madrid began his time in office in the middle of the debt crisis that produced a turn in the economic policy of the regime.

Despite the efforts to overcome the crisis, both the economic crisis and the new economic model applied to restore growth by De La Madrid, the level of confidence in the regime was affected. First of all, the level of confidence in the revolutionary state, which had based its legitimacy on economic growth and stability, was altered by this economic crisis, as the regime was unable to provide more benefits in order to bolster stability. Secondly, the new neo-liberal economic model established to restore growth contradicted the ideology of the PRI. Concepts such as an open and competitive economy collided with a protectionist model of import substitution, which had maintained the relationship between the elite and all sectors. In addition, the new economic policy also provoked changes in the relationship between the government and press, labour, political elite, and a more politically aware society. Besides, changes in the PRI alliance with corporatist and private sectors also clashed with the pattern of co-optation and coercion that the hegemonic party had applied before.<sup>140</sup> With the new political and economic scenario and in the middle of the crisis the government was forced to seek other criteria to justify its rule. Consequently, the regime used the traditional official discourse based on promises to maintain social peace and stability along with democratic promises. De La Madrid promised reforms as a response to the

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<sup>137</sup> Serrano, M. Rebuilding the State: Mexico after Salinas, p.13.

<sup>138</sup> Klesner, J. Changing patterns of electoral participation and official party support in Mexico, p.106.

<sup>139</sup> Ibid.

<sup>140</sup> Morris, S. Political reformism in Mexico, p.27.

crisis and weakening of the government's bases of support including anti-corruption campaigns, strategic political opening, liberalisation experiments with party primaries and government programmes designed to respond to economic and social problems.<sup>141</sup>

#### 2.4 De la Madrid's reforms

De La Madrid's political reforms to bolster legitimacy included four series of political reforms. The first series was dedicated to the launching of a massive anticorruption campaign early in his term and the second was centred on the internal operations and structure of the PRI, which included the weakening of "the politicos" power within the PRI. In an attempt to restore the PRI internally De la Madrid even called for local primaries in Hidalgo, Tamaulinas, San Luis Potosi and Nayarit to select candidates.<sup>142</sup> A third political reformist measure in the early years of De la Madrid's term, centred on a strategy to bolster legitimacy, and a policy of electoral opening which recognised opposition victories in local elections regardless of the outcome.<sup>143</sup> A fourth political reform centred on a political reform within Federal District that focused on the establishment of direct election of the officials for the city in contrast to the past when officials had been appointed by the president.<sup>144</sup> Clearly the government had to promise political change in order to avoid a more violent and confrontational reaction from a changing society. Morris notes that the new situation presented a dilemma for the political system because on one hand the reforms were needed to restore economic growth and legitimacy while the consequent politicisation of the elections threatened to weaken the regime's foundation of political control and continuity.<sup>145</sup> On the other hand, the inherent dangers of not pursuing such reforms were equally striking.<sup>146</sup> Indeed, new reforms seemed to be the only option to confront the pressures of the economic situation within Mexico and the international economic crisis.<sup>147</sup> During this time, Mexico's authoritarian regime seemed to be entering a process of decomposition, and although the government decided to apply reform initiatives, the danger

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<sup>141</sup> Ibid. p.20.

<sup>142</sup> These reforms were pursued during the party's twelfth and thirteenth assemblies in 1983 and 1987. Ibid. p.64.

<sup>143</sup> See Cornelius, W. Political liberalisation, p.22.

<sup>144</sup> Morris, S. Political reformism in Mexico, p.64.

<sup>145</sup> Ibid. p.27.

<sup>146</sup> Ibid.

<sup>147</sup> In addition, Morris notes that in the 1980s the government faced a very different situation in comparison to the 70s where the presidents Echevarria and Lopez Portillo confronted crises and applied reformism measures while enjoying cheap foreign loans and the benefits of high world oil prices to support the nation. Ibid. p.29.

prevailed.<sup>148</sup> It is worth noting that these reforms important for opening up the party, and weakening the power of old party bosses also had undesired consequences. The emergence of new political forces or reinforcement of existing ones. As a result, these reform initiatives had to be abandoned or eased. For example, in the open elections of 1983 the PAN won 31 “municipios”. This alerted the regime to the danger of the opposition winning a gubernatorial election. Although this trend was limited to the northern municipalities, they nonetheless forced De La Madrid to end the policy of electoral opening.<sup>149</sup> De la Madrid was afraid not only of the rise of the PAN in local elections but also of the growth of urban social movements after the earthquake in 1985 in Mexico City, which contributed to the use of old tactics to retain power.<sup>150</sup> Despite initial good intentions the regime returned to reliance on the traditional bases of support and the local bosses (*caciques*) and corruption prevailed.<sup>151</sup> The anticorruption campaign fell as a consequence of the ending of political opening and the return of De La Madrid to “*Los políticos*”. The other reform initiatives followed the same pattern as divisions within the elite thwarted the effort to reform the party internally. Finally, De La Madrid also abandoned the reform initiative of Mexico City, as he faced opposition from within the local government and among lobbyist planners.<sup>152</sup> Consequently his attempt at political opening was also abandoned due to pressures. Additionally, between 1985 and 1987, in several northern states, the ruling party resurrected heavy-handed forms of electoral fraud characteristic of the 1950s. Popular outrage against stolen elections was most evident in Chihuahua, where citizens staged mass protests. Some analysts argued that although many of the nation’s administrative elite favoured more honest elections, PRI politicians at local levels were not willing to risk the career damage and loss of spoils entailed in recognising opposition victories. Others suspected that many of the political technocrats were afraid to give freer rein to the opposition during the economic crisis. In any event the electoral fraud infuriated the opposition and began to unify it. In 1988, despite their ideological disagreements, leaders of PAN, PMS, and FDN joined together in the Democratic Assembly for Effective Suffrage to organise a nationwide opposition poll-watcher system.<sup>153</sup> Serrano notes that De La

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<sup>148</sup> See patterns in Molinar Horcasitas, J. El tiempo de la Legitimidad, p.166.

<sup>149</sup> Morris, S. Political reformism in Mexico, p.64.

<sup>150</sup> *Ibid.* p.72.

<sup>151</sup> See Cornelius, W. Political Liberalisation, p.27.

<sup>152</sup> Morris, S. *Op. cit.* pp.65-66.

<sup>153</sup> Mc Donald, RH & Ruhl, J. Mark, Party Politics and Elections in Latin America, p.60.

Madrid's reforms in 1982 had no real intention of providing formal competition among political parties; instead they were pursued to promote the regime and restrain the electorate.<sup>154</sup> However, the use of negative reforms such as corruption and fraud contributed to a political crisis, a further division within the elite and an unprecedented reaction from all areas of society, church, intellectual and press. Furthermore, it provoked a politicisation of the electoral process and a polarisation of the system versus anti-system, as these negative reforms were intended to prevent the PAN getting stronger in the states.<sup>155</sup>

Although the regime continued to have its basic corporatist structure it experienced challenge from the official labour unions and business groups. From the 1980s the official party would experience major threats. First of all, the use of fraud provoked the emergence and proliferation of civil organisations, which were used as a channel by both left and rights groups for expression of discontent.<sup>156</sup> Rivera notes that the mid 1980s saw the emergence of a variety of civil groups and neighbourhood associations interested in monitoring electoral processes and denouncing electoral fraud.<sup>157</sup> In addition the middle class and business sector started abandoning the country in fear of an imminent economic crisis. Secondly, a more organised, active and stronger opposition became the real threat to the regime. For instance, Klesner notes that the extent of fraud reported in the 1985 midterm elections probably contributed to an increase in PAN support despite the official results showing a decrease in their share of the vote.<sup>158</sup> Obviously, the PRI was still in control of the electoral process and the polls and it did not hesitate in using fraud to win elections. However it could not avoid the gradual erosion of its base of support, structural decline and most importantly the politicisation of the elections.<sup>159</sup> Indeed the opposition, especially PAN<sup>160</sup>, which had been the real opposition party during the 1970s, used more radical avenues to pressurise the government for political change, which increased the importance of the democratisation process, and encouraged disobedience campaigns to disapprove of

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<sup>154</sup> For instance, allegations of fraud in various states in 1984 showed that De la Madrid did not have a real intention to change see Serrano, M. *Rebuilding the State: Mexico after Salinas*, p.10.

<sup>155</sup> The government used more repression to extinguish the PAN led protest over fraud, for example in Coahuila, in 1984. See Morris, S. *Political reformism in Mexico*, pp.66-73.

<sup>156</sup> Interview, Mario A. Rivera. Coordinator of electoral transparency and access to information, Civic Alliance, Mexico City, 5 October 2004.

<sup>157</sup> Ibid.

<sup>158</sup> Klesner, J. *Changing patterns of electoral participation and official party support in Mexico*, p.106.

<sup>159</sup> Morris, S. *Political reformism in Mexico*, pp.20-21.

<sup>160</sup> See Shirk, D. *The PAN and Democratic Change*, pp.22-23.

fraud.<sup>161</sup> Local elections began to be used as a ground to test the real intentions of the government and its capacity to reform.<sup>162</sup> This period of growing electoral opposition at local level forced De La Madrid to change to democratic criterion as the only means to legitimise the regime. Furthermore, PRI strategies such as electoral fraud that had been overlooked in good economic times, were unacceptable now, and threatened to undermine the credibility of the the electoral process. In addition, the level of abstention increased as confidence in the regime decreased. While the PAN gained the support of more educated voters in the northern states and capital cities, the PRI had to rely on its support among rural areas and the lower socio-economic sectors.<sup>163</sup> Serrano notes that despite De la Madrid's wish to re-establish credibility and public confidence in the government, the effect of the economic adjustment on the electoral arena and the strength of PAN in the northern states forced the government to consider a new electoral reform.<sup>164</sup>

By the middle of the 1980s the electoral process became an important issue within the civil society and political parties. The negative tendencies of the government including post-electoral fraud, the proliferation of monitoring organisations, and the strength of the opposition affected the electoral arena, and deepened the political crisis. Eventually, the government initiated negotiations toward an electoral reform. The official party started negotiating with the PAN, which was willing to collaborate in electoral matters. However, this temporary partnership affected both parties. On one hand, the PRI was criticised for collaborating with a right wing party, and on the other hand, PAN's negotiation with the dominant party contradicted its reputation since, 1983, as the standard bearer of anti-authoritarianism and electoral democracy.<sup>165</sup> However, the PRI, in order to maintain political stability combined negative strategies such as electoral fraud with concessions.<sup>166</sup>

#### **2.4.1 The electoral reform of 1986: the counter-reform**

The electoral reform in 1986 was the last reform of the hegemonic party system. It resulted from the growing electoral strength of the opposition parties and an economic

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<sup>161</sup> PAN's anti-system strategies included calling for non participation in elections, street protests, threats of non participation in the electoral commission.

<sup>162</sup> Morris, S. *Political reformism in Mexico*, p.66.

<sup>163</sup> *Ibid.* pp.20-21.

<sup>164</sup> Serrano, M. *Rebuilding the State: Mexico after Salinas*, p.9.

<sup>165</sup> Loaeza, S. *Party Politics in an uncommon democracy*, p.42.

<sup>166</sup> Many local leaders saw how their powers were reduced as a consequence of this.

crisis in the 1980's. It is important to note that the government was entirely in control; therefore the electoral reforms were convenient to its circumstances and needs. The most significant aspects of the reform included the modification of the system of mixed representation, the modification of the self validation of the Chamber of Deputies, a new electoral tribunal and the creation of a representative assembly in Mexico City.<sup>167</sup> The reform increased the number of seats in the Chamber of Deputies allocated to members of opposition parties, increasing from 100 to 200 (25% 40%) proportional seats. In other words, a change in the electoral formula, was introduced by increasing the number of proportional seats from 100 to 200 (so, the total number of deputies changed from 400 to 500) and for the first time allowed the majority party to have access to proportional representation seats. Another important aspect of the reform was the creation of an electoral tribunal to deal with complaints over allegations of *wrongdoing or electoral irregularities*.<sup>168</sup> The reform also increased the media access of opposition parties and introduced changes to public funding.<sup>169</sup> In addition it created the opportunity for opposition parties to help supervise the electoral register and gave them power in the administration and supervision of elections.<sup>170</sup> The reform introduced changes to the composition of the Federal Electoral Commission. Although the Minister of the Interior still chaired the Commission the new formula increased the number of representatives from the political parties. Under the new formula each party with 3% of the vote would have the right to have one representative in the Commission. In addition if they gained a share between 3% and 5% up to a maximum of 16 representatives per political party they were allowed another representative.<sup>171</sup> However, several authors note that the introduction of proportional representation in the electoral commission not only reinforced the PRI hegemony in the commission as it was the strongest party, but also affected the electoral impartiality of the commission, as it was responsible for directly selecting electoral officers.<sup>172</sup> Prud'home notes that the new formula still benefitted PRI as it provided the official party with the possibility of having 16 party representatives, the representatives of the legislature and the Minister of the Interior, while the opposition could only have thirteen representatives including those from the

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<sup>167</sup> See Rabasa Gamboa, E. *Ochenta años de democracia*, p.155.

<sup>168</sup> Prud'home, J-F. *The Instituto Federal Electoral*, p.145, Morris, S. *Political reformism in Mexico*, p.68.

<sup>169</sup> The issue of parties financing and media access will be covered in chapters 6 and 7.

<sup>170</sup> Morris, S. *Political reformism in Mexico*, p.68, Prud'home, J-F., *The Federal Electoral Institute (IFE)*, p.145.

<sup>171</sup> See García Orozco. *La legislación electoral mexicana 1812-1988*, p.335.

<sup>172</sup> Serrano, M. *Rebuilding the state: Mexico after Salinas*, p.10.

three satellite parties.<sup>173</sup> It seemed that the reforms with emphasis on “gradual change” were justified on the basis of stability.

Despite some steps forward, this reform was in many ways a backward step related to the previous electoral reform. First of all, the reform eliminated the double ballot system and introduced a “clause of governability” which was intended to guarantee control of Congress by the majority party.<sup>174</sup> Prud’home notes that this clause ended the PRI’s dependence on the satellite parties to control its electoral machinery.<sup>175</sup> This clause was highly criticised by opposition parties, as it was perceived as a PRI measure to ensure the control of Congress by the PRI. Secondly, another negative aspect of the reform was the elimination of the conditional registry that was created back in 1977. Alcocer notes that this reform did not intend to change the basic structure of the political system, especially the central role of the president and the hegemony of the PRI.<sup>176</sup> Although the reform was intended to give the impression that the government granted a new political role for elections in the system and supported the need to strengthen the legitimacy of elections, the reform was not supported by all.<sup>177</sup> The positive aspect of the 1986 reform was the creation of the electoral tribunal and the beginning of the democratisation process in the capital. However, the reform was perceived as a counter-reform as it did not alter the hegemonic position of the official party in the electoral institutions.

Between the 1986 reform and the 1988 presidential elections, the PRI continued winning elections, especially in the rural areas and among the lower classes and when needed continued using fraud to win so that it could protect its electoral hegemony in most areas of the country.<sup>178</sup> However, the reform could not stop the system/anti-system polarisation and the further politicisation of elections. Protests and conflicts specifically between 1986 and 1987 arose as a result of an increase in electoral fraud. Post-electoral confrontations exploded among state and municipalities.<sup>179</sup> Furthermore, electoral fraud increased the level of abstentions, which contributed to an easier manipulation of the elections by PRI and the government.<sup>180</sup> The PRI benefitted from the general opinion

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<sup>173</sup> Prud’home, J-F. *The Federal Electoral Institute*, p.145.

<sup>174</sup> The governability clause consisted of granting the automatic majority in Congress to a party obtaining a minimum of 35% of the share of the national vote. *Ibid.*

<sup>175</sup> *Ibid.*

<sup>176</sup> Alcocer, A. *The challenge of institutional reform in Mexico*, 1995, p.70.

<sup>177</sup> Morris, S. *Political reformism in Mexico*, p.68.

<sup>178</sup> *Ibid.*

<sup>179</sup> See Morris for a detailed account of the fraudulent elections in Chihuahua and Oaxaca. *Ibid.* p.60.

<sup>180</sup> Morris, S. *Political reformism in Mexico*, p.69, Bailey, J. *Governing Mexico*, p.162.

that social instability was correlated to the strength of the opposition and that an eventual opposition victory would provoke social unrest. The hegemonic party implied the idea that only the official party could maintain stability and economic growth. But, by the end of the 1980s despite the fact that the PRI was still in control, it paid a price for the mismanagement of electoral processes. The position of the opposition party leaders towards the authoritarian nature of the electoral system altered, which showed the regime the strength of the opposition among voters and the pressure and demand for political liberalisation. Also, the inability to solve the post-electoral conflicts during the 1980s triggered the political interest of voters in other candidates and political options. Moreover, the strength of the opposition benefitted from two circumstances. It was a more complex and demanding society, which had changed through the years, and the negative consequences of the economy.<sup>181</sup> Finally, the strength of the opposition and its political pressure towards democratisation and clean elections became apparent at the presidential elections in 1988. This was to be a real test for the official party to prove its genuine intention for political change.

The weakness of this electoral reform and the electoral institutions and rule as a whole became evident before, during and after the presidential election in 1988. This election marked the dismantling of the hegemonic party system and the creation of a new electoral institution, the IFE, which accelerated a reformist process towards electoral competitiveness and transparent and impartial elections.

## 2.5 Conclusion

In summary it can be said that the electoral legislation and electoral institutions operating between 1946 and 1977 played an important role in ensuring the consolidation of the official party in the electoral arena. The electoral reforms during this period proved to be mainly cosmetic while contributing to the PRI hegemony. First of all, the 1946 electoral law not only ensured that the control of the political system remained with the PRI but also avoided the excision of the coalition elite. Secondly, the creation of the federal electoral commission in that year and the centralisation of the organisation and supervision of elections in the government proved to be crucial for the official party, as the Minister of the Interior assured a direct line of control from above. The

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*In 1987, for example elections in Nayarit had a 70 % rate of abstentions, while in the state of Mexico the opposition estimated actual abstentions as 50 to 80% (Cornelius, review p.16)*

<sup>181</sup> Molinar Horcasitas, J. *El tiempo de la Legitimidad*, p.157.

introduction of the political figure of “party deputies” in 1963 and 1973 was perceived as positive although it did not change the predominance of the PRI in the party system. The first “democratic” electoral reform in 1977 introduced proportional representation in the Chamber of Deputies and the party system was expanded from 4 officially recognised parties (PRI, PAN, PPS, and PARM) to 7 (adding PCM, PST and PDM). This reform proved to be crucial for the future process of political change not only because it opened the party system to those excluded parties and social forces but also because it could be considered the starting point of a long and gradual process of change and transition to democracy. However, without ignoring the huge contribution of the reform in opening the party system, the political arena continued to be highly dominated and controlled by the official party (PRI). In the short term, the 1977 electoral reform did not alter the traditional methods of distribution of power exercised by the PRI, but in the long term it gave the opposition parties the opportunity to be seen as political actors and it naturalised pluralism. Socioeconomic events in the 1980s such as the debt crisis and the consequent economic restructuring had an important impact on political groups and generated new political forces. On one hand, the political actors responded in a variety of ways and re-ordered their priorities and attitudes to these developments,. On the other, the old electoral arrangements based on an official party using its traditional methods of distributing power clashed with a stronger opposition backed by increasing electoral support. The 1986 electoral reform initiated by the government of De la Madrid became a “*counter reform*” due to its backward policies and it did not channel the growing public pressure on the electoral system. Between 1986 and 1988, the nature of the electoral law and institutions became the centre of intense negotiations between the government and the opposition parties. The importance of these issues was a result of the increasing political competition and a new social configuration that did not fit in the design of the PRI as an official party in a hegemonic party system. The controversy over the federal elections in 1988 proved to be the breaking point as the electoral institutions and rules underwent a crisis. In the aftermath of the elections, the incoming president, Carlos Salinas de Gortari announced the end of the hegemonic party system and promised electoral reforms. From then until the last reform in 1996 the political debate focused on the electoral arena.

### **3 Chapter 3 The Creation of IFE**

In the previous chapter the outline of the history of electoral reform in Mexico showed a clear division between the cosmetic electoral reforms (between 1946 and 1973) and the first “democratic” reform in 1977. This chapter will focus on the creation of the Federal Electoral Institute as part of the first set of electoral reforms initiated by Salinas. Chapter four will then analyse the way the institution evolved during the three stages that followed its creation. An examination of the attitudes and expectations of the political actors towards the institution at the time it was created and the way the institution evolved will provide an understanding of the extent to which the IFE responded to their expectations. In order to examine the creation of the Federal Electoral Institute and its evolution, it is necessary to place these reform measures in the context of other political and constitutional changes.

The chapter will begin by highlighting the controversial presidential elections in 1988, as the event that forced the incoming president, Salinas to embark upon an intense process of electoral reform. This led to the issue of the Federal Code for Electoral Institutions and Procedures (COFIPE) through which the Federal Electoral Institute (IFE) was established as an independent and permanent body. The analysis of this event will involve examination of the reasons why the electoral process became the core of political debate among political actors. This section will concentrate on the political consequences among political actors. The three interpretations of the future by the main parties will be analysed. The second section will examine the initiatives given by political parties and the political debate regarding the new electoral law (COFIPE) and the new electoral institution. The attitudes and expectations toward the IFE in the first stage of reforms will be analysed in the third section.

This first section will explain the historical antecedents of the reforming effort in electoral-politico legislation that issued a new electoral law (COFIPE), through which the IFE was established: the controversial 1988 presidential elections. The immediate changes introduced in the electoral law came as a direct consequence of this.

The political instability that emerged in the federal election in 1988 has to be analysed taking account of the electoral legislation that applied at that time (the new Federal Electoral Code that was issued in the 1986 electoral reform). This background will help to explain its effects on the political reality and the different proposals that the political

actors made to solve the problem. The context of the 1988 elections differed greatly from previous elections as, for the first time the official party had to face a competitive opposition. In the past direct government control of the electoral process exercised through the Minister of the Interior was not challenged due to the lack of competitive opposition, but by the end of the 1980s this long-standing practice was highly questioned.

### **3.1 Political context before the 1988 election: strengthening of the opposition and elite split**

The high level of expectation of the 1988 presidential elections was something new for the government. Several factors can explain this: First of all, the failed political reforms initiated by De La Madrid (1982-1988) and his inability to manage a political and economic crisis during the 1980s provoked politicisation of the elections. As noted in the previous chapter the 1982 debt crisis and the implementation of economic adjustments forced the government to dramatically reduce the distribution of resources among the corporative sectors. The new economic programme not only affected the relationship between government and trade unions and labour organisations but also the old informal relationship between the official party and the middle class/businesses. Therefore the PRI's loss of support by the late 1988's was of economic significance. Directly related to this was a second factor that explains the politicisation of the elections: the strength of the opposition. The inability of the PRI to broaden the middleclass and business support with the new economic programme made the National Action Party (PAN) an alternative to the PRI on the right, especially in the north states.<sup>1</sup> Indeed, PAN took advantage of the increasing political mobility developed during the 1980s.<sup>2</sup> The emergence of PAN during the 1980s in the northern states contributed not only to an increase in its appeal among the business and middle class sectors but also to the prioritising of its objectives and goals. The first goal of the party was "to pressure for electoral reform". The third factor that contributed to the great expectation of the

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<sup>1</sup> Loaeza notes that the 1980s were crucial for the development of the PAN in the northern states. The political repercussions of the economic crisis benefitted PAN as most of its members were middle and upper class groups. See Loaeza, S. PAN and the paradox of opposition. In: Party Politics in "an uncommon Democracy": political parties and elections in Mexico, edited by Harvey, N & Serrano, S. London: Institute of Latin American studies, 1994.

<sup>2</sup> Loaeza notes that since 1983 the PAN's victory in local elections was a result of "*a sign of disapproval of government policies and of the PRI's reluctance to relinquish its virtual electoral monopoly*". Loaeza, S. Mexico in Transition, p.46.

1988 federal elections was a direct consequence of a split within the PRI's elite.<sup>3</sup> The formation of a left wing coalition, led by an ex- PRI member, Cuauhtémoc Cardenas, to compete against the PRI, came after this factionalism. The emergence of this new challenge from the left was also a result of the neo-liberal policies introduced after the 1982 debt crisis. The changing economic model, supported by the modern technocrat sector within the PRI, unleashed party factionalism in the PRI. Splits within the elite were not a new thing in the PRI. In fact since the party was created it had suffered splits and factionalism that had been successfully contained or co-opted.<sup>4</sup> However, the defection and the split of the centre of the PRI in 1987 was significant because it led to the formation of an opposition with the same credentials and revolutionary heritage that the PRI had itself.<sup>5</sup> As a direct consequence of De La Madrid's attack on labour and the *politicos* (PRI's old guard) and the new economic policy, a faction of the *politicos* (the conservative faction) led by Cardenas and Muñoz Ledo, founded a coalition within the PRI, called CD (Corriente Democrática). This faction disapproved of, not only the neoliberal economic model, which contradicted the ideas of state intervention and social equality that the dominant party defended, but also the traditional method of selecting the presidential candidate.<sup>6</sup> The dissidents' faction decided to campaign for Cardenas as the PRI's candidate for the upcoming presidential elections, but both the conservative wing and the technocrats did not support this proposal. Later, Cardenas head of CD (Democratic Current) joined Muñoz Ledo and decided to break ranks within the PRI and created the National Democratic Front (FDN) which in 1989 emerged as the PRD, while the other parties decided to maintain their identity. Therefore, the threat that was posed by Cardenas' coalition to the PRI and its increasing support among the popular classes make this the strongest factor that contributed to the politicisation of the electoral process in 1988. The fourth and last factor is a significant, if not total, lack of credibility in both the electoral authority and new electoral code among political parties and the general public. Post-electoral conflict, as a result of increasing electoral

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<sup>3</sup> The departure of Cardenas from the PRI was perceived as incomplete, and a new political force made of ex-PRI members and sympathisers who were disappointed with the official party benefitted from the charismatic figure of Cardenas.

<sup>4</sup> The crisis inside PRI not only resulted from disagreements over economic policies but also from Cardenas' disappointment about not being directly selected by ("heavy thumb") as the presidential candidate. Interview, Francisco Bedolla, Advisor to the Executive Director of Professional Electoral Service, Electoral negotiator and political academic (IFE), Mexico City, 17 November 2004.

<sup>5</sup> Noticieros Televisa. Interview of Carlos Fuentes, L. in "*Mexico: La historia de su democracia.*" Vol 1. Mexico City: Noticieros Televisa, 2004.

<sup>6</sup> The traditional method was the so-called "dedazo" or "heavy thumb", in which the president personally selected one of his closest colleagues to be the next presidential candidate.

competition at state and local level during the 1980's, predicted a highly contested presidential election. At local and state level, electoral authorities proved to be in favour of the official party, as occasionally the opposition claims of victory were denied and ignored by the Secretariat of Government. An increasing discontent and distrust of the electoral authorities among political parties and the general public at regional level was translated at national level. Furthermore, the existing lack of credibility of both in the electoral authority and in the new electoral code seemed to herald a dramatic and controversial election day.<sup>7</sup>

In light of the above, the context of the 1988 Federal elections was unique. First of all, Cardenas became the first presidential candidate representing an opposition party with a real possibility of winning the Presidency. In addition, and more importantly the PRI could see how, for the first time, its nationalistic appeal could be used from outside the party instead of from within, as Cardenas enjoyed more revolutionary appeal than the presidential candidate.<sup>8</sup> Secondly, other factors such as better-educated and informed voters conforming a new political reality added novelty to this electoral process.<sup>9</sup>

### 3.1.1 The controversial polling day

The presidential elections in 1988 were a breaking point in the history of electoral law in Mexico. Analysis of this particular election brings two significant aspects; firstly, the controversy over the counting process and its consequences and secondly, the PRI's loss of votes. By July 1988, the strength and popularity of the candidate of the leftist coalition, Cardenas, promised a much contested election. In addition, the PRI, for the first time had to face opposition on the right (PAN) and the more dangerous FDN on the left. Indeed, the combination of increasing expectations accumulated on the electoral day and a high turnout put the electoral institutions to test. The PRI's candidate was the

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<sup>7</sup> See Corro, S. Instructivo de la ADESE para intentar contrarrestar las infinitas formas del fraude. *Proceso*, 1988; (609): 6-7. Prior to the election, various civic organisations criticised the advantages of the PRI in the electoral campaign: resources and electoral fraud. ADESE (Democratic Assembly for the effective suffrage) published a list of expected electoral frauds by PRI including stealing of polling boxes, using of computer systems to manipulate the electoral roll, manipulation of the press. At government level, manipulation of the Federal Electoral Commission, an out of date federal electoral roll, manipulation of the validation of the elections by Congress, ballot-box stuffing, etc.

<sup>8</sup> Cardenas appeal was twofold: one he was the son of the most popular Mexican president in history, Lázaro Cardenas, therefore he was associated with the social and economic reformism that his father had promoted. Secondly, for many PRI's voters, who were discontented with the economic policies of the government, he represented the only option. Interview, Emiliano Vargas, member of PRD, Mexico City, 27 October, 2004

<sup>9</sup> Cardenas's appeal was particularly evident in the capital city (Mexico City). However, in other areas of the country the electoral preferences were divided between PRI and PAN. PAN in the northern states and PRI in the central and south. Interview, Ricardo Becerra, political academic and advisor to the President Councillor 1996-2000 (IFE), Mexico City, 22 November 2004.

young, Harvard-educated Carlos Salinas de Gortari, former minister of planning and budget and former director of the PRI's Institute of Political, Economic, and Social Studies.<sup>10</sup> However, on the day of the elections the control of the electoral institutions proved to be a mere instrument of the official party to remain in power. The computer system that was designed to have a rapid distribution of the results "crashed". Coincidentally, the results that were coming to the computer system were giving an overwhelming victory to Cardenas.<sup>11</sup> After the system was re-established the official result given by the electoral authority was a modest majority of 50.4% of the popular vote for the PRI, 31.06% for Cardenas and 16.1% for PAN.<sup>12</sup> However, the focus was not on the results themselves but on the controversy over the counting process and the crash in the computer system. Allegations of fraud coming from all political parties and international media contrasted with the silence of the government.<sup>13</sup> In addition, the long wait to complete the formal procedures for certifying the legislative and presidential elections nurtured further popular protests and made more visible the inefficiency and antiquated nature of the electoral institutions and procedures. One of the main messages conveyed by the allegation of fraud was the inefficiency of the electoral institutions and the clear intention of the official party to remain in power.<sup>14</sup>

The second significant aspect of this election was the official result. The PRI won by obtaining the lowest number of votes since its creation. It is important to note that in previous elections the official party had maintained electoral majority between 77% and 99%, but this time the PRI was forced to accept less than 51% of the votes.<sup>15</sup> In addition, in Congress the superficial advantage of only 256 seats of the hegemonic party

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<sup>10</sup> With the economy deteriorating and real wages down 40% over the previous five years, Salinas tried rather unconvincingly to distance himself from the policies of the outgoing administration and promised to restore economic growth and to modernise the country's political institutions. Mc Donald, RH & Ruhl, J. Party Politics and Elections in Latin America, p.60.

<sup>11</sup> The first results obtained by the computer system came from Mexico City and showed that Cardenas had overwhelming support. Therefore these preliminary results did not represent the national tendency of the vote. Interview, Ricardo Becerra, political academic and former advisor to the President Councillor of IFE, 22 November, 2004.

<sup>12</sup> See table 3.1.

<sup>13</sup> Both the PAN and the FDN alleged that they had been defrauded of millions of votes, especially in rural areas where the opposition had not been able to monitor the voting process as carefully as in the cities. Cardenas asserted that by a narrow margin, he rather than Salinas, had actually won the presidential election, and Clouthier called on President de La Madrid to entirely annul the results. Both right and left wing opposition forces staged large protest demonstrations in the weeks following the elections. Mc Donald, RH and Ruhl, J. Party Politics and Elections in Latin America, pp.61-62.

<sup>14</sup> Most independent observers believed, at the very least, that Salinas's margin of victory over Cárdenas was much smaller than recorded and that the PRI lost more legislative seats than it had admitted. *Ibid.* p.62.

<sup>15</sup> Handelman notes that the leftist support was linked to the country's severe economic crisis. In addition to this, the author claims that the more optimistic the voters were about the economy, the more prone they were to vote PRI, while the pessimistic voted for Cardenas. Handelman, H. The dynamic of change" Mexico: The ongoing crisis.

in contrast to the 244 seats for the opposition was exceptional. It was also an unprecedented fact that the official vote for Cardenas was 31.4% which exceeded the percentage obtained by any opposition party in the past. Despite the results apparently being positive for the PRI, they were far from what had been expected. With a bare majority of 50% of the vote and loss of the traditional bases of support the dominant party lost legitimacy. As previously stated the controversial elections and the national discontent over the allegation of fraud, not only unleashed fierce anti-system protests all over the country but also raised a question within the PRI itself. The question was related to its real capacity to overcome the crisis of legitimacy and maintain social instability.

**Table 3.1. Official results provided by the Federal Electoral Commission (CFE) of the 1988 presidential elections.**

Candidate	Party	Votes	Percentage
C. Salinas de Gortari	PRI	9 641 329	50.36
Cuauhtémoc Cárdenas Solórzano	FDN (PARM, PPS, PFCRN, PMS, CD)	5 911 133	30.8
Manuel J. Clouthier	PAN	3 267 159	17.07
Gumersindo Magana	PDM	199 484	1.04
Rosario Ibarra	PRT	80 052	0.42
Total		19 145 012	100

Source: Parliamentary Encyclopedia of Mexico, volume III, section 2, "Legislation and electoral statistics" (1814-1997)", Mexico, 1997.

### **3.1.2 Post-electoral reactions: The Electoral Commission became object of protests.**

After the controversial federal elections were accompanied by a wave of protests from political actors and the general public, the incoming president "Salinas" realised that the issue of the organisation of elections was an issue of national security.<sup>16</sup> First of all, the opposition parties' leaders Cardenas and the PAN candidate, Clothier, rejected the results and initially seemed to lead a common front of not accepting the new president. Cardenas claimed to have won the election and called his supporters for a national

<sup>16</sup> Salinas was advised to start promising a major electoral reform in order to ease the disobedience mobilisation organised by the PAN's candidate and by Cardenas. Salinas also used the promise of the reform as an instrument to divide the opposition, as he knew that the PAN would eventually support a major electoral reform. Interview, Francisco Bedolla, Advisor to the Executive Director of Professional Electoral Service, Electoral negotiator and political academic (IFE), Mexico City, 17 November 2004.

protest asking to withdraw the illegitimate PRI government.<sup>17</sup> His demands included criminal charges being brought against Manuel Bartlett, the head of the Electoral Commission, for not showing the results from 45% of the polling precincts, and a call for new elections.<sup>18</sup> On the other hand, the PAN candidate, Clouthier, also rejected the results of the elections. Initially the PAN candidate rallied support for a “civil disobedience campaign” to pressure the government but, with reservations, soon recognised Salinas as the new legitimate president. However, it became obvious that Cardenas’ popular mobilisations and the reaction of the PAN, contributed to the awareness of the public of the electoral process and more importantly the relevance of the role of electoral institutions. Furthermore, the new electoral code only approved in 1986 proved to be inefficient and inoperative. A total lack of transparency in the way the elections were organised and in the opacity of the counting process showed its inability to respond to the new electoral challenges. In addition and in parallel to the protests led by opposition parties, other civil groups reacted with criticism and initiated a national protest movement that put further pressure on the government. Therefore, as in the past, the lack of legitimacy forced the government to promise reforms as a means of escape. However, this time, the strong and well-organised opposition added to the package which ensured an uncertain conclusion.

### **3.2 Three interpretations of the future: Versions by the PRI, PAN and PRD.**

The July 6<sup>th</sup> elections provoked an intense debate over the political situation and the perspective of democracy came to the fore. At the same time that a phenomenon of political pluralism was taking place at the polling booths, political actors started giving different interpretations about the future. The post electoral trauma was approached in three different ways: In one extreme, the view of the PRI who claimed that nothing had happened. Changes in the voter’s behaviour were explained as being caused by the economic crisis, expecting that “*once the crisis was overcome things were going to be the same.*”<sup>19</sup> This view came mostly from the official party that perceived the

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<sup>17</sup> The initial reaction of Cárdenas was to call for mobilisation but without violence and to promise to defend his position in the Electoral College. See Marín, C. In the discourse of the opposition, the asoma la amenaza. *Proceso*. August 10 1988; (613):7.

<sup>18</sup> These precincts were kept in the basement of Congress under surveillance. Despite pressure, the Minister of the Interior, Manuel Bartlett did not allow for a re-counting, which caused a major dispute in Congress. Eventually these packets containing votes burned in a suspicious fire.

<sup>19</sup> Interview, member of the Federal Electoral Institute (IFE) A, Mexico City, 20 September, 2004.

controversial elections as an isolated event where the official party received the so called “punishment vote” for economic not political reasons.<sup>20</sup> The political situation was expected to be brought under control by simply limiting the changes to granting representation to opposition parties and allowing the PRI to maintain its dominance as a state party. Although this view did not eliminate the idea of pursuing political-electoral reforms, it embraced the maintenance of state control over the organisation of elections and the counting process.<sup>21</sup> A second extreme view was put by Cardenas who claimed that “*it was the beginning of the end of the Mexican political system*”. Cardenas claimed to have won the election accusing the government of electoral fraud. Soon after, he initiated a national protest with his supporters and called for new elections.<sup>22</sup> Those who agreed with this interpretation thought that political change was only possible by overthrowing the illegal government through a democratic movement whose first step would be to name Cardenas as the legitimate president.<sup>23</sup> The third and probably the most assertive view came from the PAN. Despite rejecting the electoral results and leading protests, the PAN leaders soon realised that this was a golden opportunity to put pressure on the government for electoral reform.<sup>24</sup> As the PAN had just received 16.1% of the votes, therefore losing second position to Cardenas’ party, it realised that there was only one option: negotiation towards electoral reform. In the future, this approach would be considered a “wiser strategy choice”.<sup>25</sup> Indeed these negotiations and non confrontational strategies contributed to the PAN becoming the main actor in the new policies of the Salinas government.

It seems that the PAN leaders provided the most assertive interpretation of a new political context. As will be discussed later it not only helped to have a prominent role in the process of electoral reform that would take place but it also capitalised on the flawed visions of its adversaries by positioning itself as the second electoral force.<sup>26</sup> However, the PRI and PRD’s polarised visions had an effect on the way this process

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<sup>20</sup> The economic reasons were the dramatic consequences among PRI’s supporters after the Debt Crisis and the economic restructuring.

<sup>21</sup> Salazar, L. Mexico 2000: Alternancia y Transición a la democracia, p.29.

<sup>22</sup> Cardenas’ call for a new election was perceived as a vindication of his electoral victory, therefore the PAN did not support that idea. Interview, Alejandro Zapata, Secretary of the National Executive Committee of PAN, Mexico City, 28 October 2004.

<sup>23</sup> This party expected a democratic revolution similar to those that took place in the totalitarian regimes of East Europe.

<sup>24</sup> The PAN’s leader, Luis Alvarez asked his party to enter into a new era of negotiation arguing the importance of “pragmatic pacts”. See Marín, C. In the discourse of the opposition, “*se asoma la amenaza*”. *Proceso*. August 10 1988; (613):6-7.

<sup>25</sup> Bruhn, K. Governing Mexico: political parties and elections, p.115.

<sup>26</sup> Salazar, L. Mexico 2000: Alternancia y Transición a la democracia, p.30.

developed. First of all, the PRI's vision contributed to the delay in the initiation of the reforms as not all of its members agreed on the possibility of reform and the conversion of the PRI to a normal party. Secondly the PRD's vision of non-negotiation and non-acceptance of the new government contributed to the delay in forming the PRD as a functioning political party. One of the main problems lay in overcoming the personality of its leader.<sup>27</sup> Thus initially, the PRI did not have a clear idea of how to evolve politically; perceiving future electoral reforms as concessions and the PRD did not alter its claim of "crisis of governability" and its confrontational attitude. In conclusion, the 1988 elections gave a qualitative jump in Mexican democracy and the political-electoral reforms that Salinas would initiate later resulted from these strategies and interpretations.<sup>28</sup>

### **3.3 The promise of Salinas: end of the one-party system and division within the coalition**

It seems that the interpretation of PAN was the more assertive as Salinas' promise to end the one party system was directly connected to negotiation on the electoral issues.<sup>29</sup> The true intentions of Salinas were yet to be seen, as many thought that the promise was rhetoric. Clearly, Salinas' real intention in dismantling the state-party apparatus was doubted not only by most analysts of Mexican politics but also by society in general. As Garrido notes those who doubted his good intention claimed that the famous promise could be interpreted as a number of adjustments that could be made within the system, by granting representation to opposition forces within the system.<sup>30</sup> However, the fact is that the promise of reform and future free and open elections signalled an imminent change in the political game. First of all, the controversy over the handling of elections and the challenging of Cardenas seemed to force the PRI to reassess its position as an official party in a one-party system. However, the PRI had secured the presidency for

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<sup>27</sup> Interview, member of PRD A, Mexico City 11 November, 2004.

<sup>28</sup> See Salazar, L. *Op. cit.* pp.28-30.

<sup>29</sup> "Salinas insisted in negotiating and called on the opposition to solve controversies through the institutions..." See Ortega Pizarro, F. Salinas proposed the opposition to seek consensus. *Proceso*, September 19 1988; (620):8.

<sup>30</sup> "Salinas at the party's 61<sup>st</sup> anniversary in 1990, outlined his vision of reform, but insisted that the changes should seek to preserve the system in order to maintain the Mexican Revolution in power. What Salinas had in mind were the following modifications: the selection of candidates through democratic mechanisms, greater tolerance of dissent within the PRI, transparency regarding the origin of financial resources, greater local autonomy from the central party organisation, and a semi-corporatist structure with the most important affiliated mass organisations represented on a quota basis." Garrido, L. *Reform of the PRI: Rhetoric and Reality*. In: *Party politics in an uncommon democracy*, p.25.

the following six years. Its incoming president, Salinas realised that the organisation of elections had become an issue of national security. The author was told that the realisation of this problem and the decision to adopt a reformist approach gave Salinas credit for good strategic thinking.<sup>31</sup> Indeed, the acknowledgement of the end of the one party system was the first sign that the official party was coming to terms with the loss of the appeal and legitimacy that it had exercised in the past over the populace. Furthermore, the internal problems with the labour unions ended with the defection of important labour candidates, which affected its traditional bases of support, as these were unable to be mobilised for the party. Secondly, within the PRI, Salinas' promise of ending the hegemonic party system provoked further divisions that radicalised positions. In addition, the loss of the PRI deputy candidates also had an impact inside the PRI. Further defections resulted since being part of the PRI elite no longer guaranteed a position.<sup>32</sup>

In conclusion, in a context of internal problems, allegations of fraud by opposition parties and civil organisations and a total lack of legitimacy and criticised internationally, Salinas found himself in a "cul-de-sac". His predecessors Lopez Portillo (1976-1982) and De la Madrid (1988-1994) had used electoral reform as a valve of escape. A call within the party for a democratic reform to restore credibility seemed the best option. This was perceived as a new challenge within the party and as an ad-hoc solution to stop the current erosion of the party and restore legitimacy to the electoral process. Initially the idea was to pursue a flexible strategy, which was going to oscillate between encouraging the opposition's co-operation and controlling the liberalisation process. A significant aspect was the willingness to establish negotiation with the opposition. An analysis of who supported this strategy and who did not, will be carried out later in the chapter. Some authors note that Salinas' concerns over the dangers of combining economic reforms and drastic political reforms explained his flexible strategy of collaborating with the opposition at the same time as controlling the democratisation process.

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<sup>31</sup> Interview, Francisco Bedolla, Advisor to the Executive Director of Professional Electoral Service, Electoral negotiator and political academic (IFE), Mexico City, 17 November 2004. "*by adopting a reformist role, Salinas bought time to prove his legitimacy*"

<sup>32</sup> In 1988 the PRI obtained 32 less deputies (260) in the Chamber of Deputies than in the previous election in 1982 (292).

### **3.4 Negotiations on the table: Salinas and PAN, versus PRD**

As outlined above problems of legitimacy combined with a new configuration of power among political parties put pressure on Salinas to initiate a process of electoral reform. The decision to initiate a controlled liberalisation process using electoral reforms resulted from a new distribution of power among political actors, where the official party was weakened and a dangerous left had become stronger. Before analysing the approaches of the different parties towards the negotiation and their relationship, it is necessary to examine the reasons behind them. The left took shape in a new party, the PRD, created in 1989 after the coalition led by Cardenas was dissolved. Through the creation of the new left party, the PRI had become aware of the potential power of this new party to mobilise the popular movements that had emerged in the 80s.<sup>33</sup> Moreover, the official party was afraid of the new party stealing the long-used revolutionary appeal that it had successfully used among its supporters. The emergence of this centre left threat altered the relationship between PRI and PAN as both parties softened hard line postures towards each other. Salinas would attempt to take advantage of this new situation and an initial positive approach to PAN seemed to be a good option. Indeed, the PRI realised that negotiation with the opposition was essential to introduce changes in the constitution. In addition, a moderate attitude was also needed to gather enough support to govern effectively and the only common ground that appeared to be appropriate for negotiation was “electoral reform”. The policy of political opening initiated by Salinas was known as “concertación” and had the intention of calling all political parties to negotiate. The negotiation over electoral reforms involved co-operation between parties. However, only the PRI and PAN were willing to negotiate, as the PRD did not accept Salinas as legal president. There is a diversity of opinion about the hidden strategies of Salinas regarding the negotiations. As stated above the PRI, especially Salinas, was aware of the danger of the newly created PRD. Given this, the notion of perceiving the PRI’s strategy of “divide and conquer” seems very reasonable. The PRI would be able to negotiate with PAN, therefore restoring legitimacy, while isolating Cardenas and the PRD. The PRI would proceed to diminish Cardenas’ popular support by mounting a campaign portraying the PRD as a violent and

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<sup>33</sup>Interview, Francisco Bedolla, Advisor to the Executive Director of Professional Electoral Service, Electoral negotiator and political academic (IFE), Mexico City, 17 November 2004.

dangerous opponent.<sup>34</sup> Despite the clear pressure of the PRI to reduce Cardenas' support, it is true that the latter's attitude of non-collaboration "*limited opportunities to improve the party's performance of constituent service*".<sup>35</sup> The negative attitude towards Salinas' government was clear from an early stage. In fact, there is a record of a meeting held between Salinas and Cardenas shortly after the 1988 elections in which the latter told Salinas: "*No vamos a tener nada con este gobierno*" (We are not going to have anything to do with this government).<sup>36</sup> So, the PRI's strategy included negotiating with the PAN which supported its economic policies while isolating PRD.<sup>37</sup> The collaboration between PRI and PAN during this period was also seen as an exchange aiming to pass economic and political reforms. Indeed the good relationship and interdependence between the PRI and PAN could explain how the negotiations focused specifically on electoral reform, one of the PAN's main demands. It seems that the PAN started functioning as a "hinge party", with the clear objective of cleaning the election. In addition, the PAN soon saw the first benefit of this negotiation: the granting of political space, starting with the governorship of Baja California in 1989.

### 3.4.1 Dilemmas for the political actors

The negotiations between the dominant party and the PAN created a dilemma for both. The official party had to co-operate with the opposition in electoral reform in order to gain credibility and pass legislation. However, the need for negotiation to pass legislation seemed to be secondary as the "*lack of credibility and legitimacy*" was more urgent to restore.<sup>38</sup> As has occurred in other controlled liberalisation processes the elite was expected to give limited concessions in order to maintain control. In addition, initial negotiations were intended to be short-term measures to ease the pressure for change without thought of the consequences. It is obvious that Salinas needed to build up his image as a democratic reformer through this policy of political opening. However, if the

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<sup>34</sup> There is evidence of post-electoral violence against the PRD's members, especially at local level. According to the PRD, over 250 PRD activists were killed or disappeared between 1988 and mid-1994, especially in the southern states of Guerrero, Chiapas and Tabasco. See Bruhn, K. *Governing Mexico: political parties and elections*, p.124. For a compilation of post-electoral conflicts between PRI-PRD see Del Río Pascal, Beltran. *Proceso*. August 1991, 12: (771-10).

<sup>35</sup> Bruhn, K. *Op. cit.* p.124.

<sup>36</sup> Interview, Ricardo Becerra, political academic and former advisor of President Councillor, 22 November, 1994

<sup>37</sup> The interpretation of a hidden strategy of the PRI to isolate the PRD was strongly denied by members of the PRD, who claimed that the PRD's isolation was a result of its no-negotiation and aggressive attitude. Interview, former senior member of PRI A, Mexico City, September 15 2004.

<sup>38</sup> Interview, Marco Baños, Executive Director, Professional Electoral Service Executive Board. (IFE), Mexico City, 16 November 2004.

short-term gain of this political opening was to restore the PRI's legitimacy, in the long-term it might prove rather dangerous as it was legitimising the opposition party as a potential governing party. On the other hand, despite the PAN initially not accepting the incoming president as legal, it soon agreed to sit down at the negotiating table. The dilemma for the PAN lay in the negative image that collaborating with the official party could cause, as it could give the impression that they were legitimising the official party's continuation in power. However, despite the PAN being highly criticised for its collaboration with the official party, the knowledge of the PRI's willingness to negotiate in order to govern, changed its approach. As mentioned earlier the PAN's interpretation of the situation was all the more effective because it predicted the opportunity to play in the game for the first time. If the PAN did not expect to win a majority of votes at national level, it realised that it had bargaining powers that could obstruct government decisions. Finally, analysis of the parties' approach and attitude towards negotiation brings a clear differentiation of who was in the game. However, concern about how trust among political parties and their own interest in power could develop during this period of negotiation never disappeared. Clearly both official party and opposition parties had their own interests and expectations in the new reformism period. However, despite the doubts and dilemmas that the PAN and PRI were facing, the most significant aspect of these negotiations was the novelty of the context. In the past, electoral laws had been discussed and passed by a hegemonic party in response to political pressure exerted by powerless opposition parties. Although many of the reforms had included more or less relevant "concessions" to the opposition leaders that in the long term may benefit from them, the opposition parties did not take part in the negotiation process. However from 1989, and for the first time, opposition parties adopted an active role in the decision-making process that would change Mexican politics for ever.

### **3.5 The first stage of reforms (1989-1990): The 1989 electoral reform, the new electoral law COFIPE and the creation of IFE**

Only one year after the presidential elections and despite the dilemmas that the political parties were facing, five of the six parties represented in the Mexican Congress approved the first package of reforms. This first reform modified the Constitution and the 1986 Federal Electoral Code (CFE) for the Federal Code of Electoral Institutions and Procedures (COFIPE) in 1990. Through the COFIPE, the Federal Electoral Institute

(IFE) would be established in 1990 as an independent and permanent body substituting the old Federal Electoral Commission (CFE).

As mentioned before, the 1988 presidential elections took place under new electoral legislation approved in the 1986 reform and the Federal Electoral Code of 1987. However the lack of efficiency that the newly created electoral authority showed in the 1988 presidential elections limited its life to just one election. The electoral results provoked not only allegations of fraud but more importantly a significant change in electoral preferences. In addition, the new configuration of power among political forces took the PRI by surprise, as it stopped its overwhelming victory for nearly 40 years. The electoral support that the official party previously received was diminished by other alternatives that seemed more attractive to the electorate. However, the important aspect here is not the loss of support by the PRI, but instead the inability of the official party to contain the social unrest that resulted from the elections. The author was told that until 1988, electoral fraud at presidential level was not a major problem as the opposition parties did not represent any challenge.<sup>39</sup> The need for new electoral legislation and more importantly a new electoral authority seemed to be essential to respond to the new political plurality. This need for new electoral legislation and authority accelerated a reformism period.

### **3.5.1 Formation of consensus: initiatives of the reforms by PRI, PAN and PRD**

Prior to the first set of reforms, Salinas proposed, in his inaugural speech, an agreement to expand the democratic life called “*Acuerdo Nacional para la Ampliación de Nuestra Vida Democrática*”.<sup>40</sup> Officially, this national agreement was focused on perfecting electoral procedures, highlighting the fact that respect of the vote was essential to achieve democracy. Subsequently Salinas requested that the Federal Electoral Commission organise a series of public hearings in order to analyse the normative framework that regulated elections.<sup>41</sup> As a result of this presidential initiative, the CFE (Federal Electoral Commission) created a special commission called “*Comisión Especial para la Consulta Pública sobre Reforma Electoral y la Concertación entre los Partidos Políticos Nacionales*”. All political parties, social organisations, political

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<sup>39</sup> Interview, former senior member of PRI A, Mexico City, 15 September 2004.

<sup>40</sup> See Nuñez Jimenez, A. *La reforma electoral de 1989-1990*, pp.27-29.

<sup>41</sup> This invitation to political parties and the general public was to discuss in public forums the content of the new electoral reform that could be perceived as a personal strategy of Salinas's government to avoid further political destabilisation through inclusion. Interview, Beatriz Camacho, Civic Alliance, Mexico City, 5 October 2004.

scientists and citizens were invited to participate in this open debate. Alongside these public hearings the Chamber of deputies decided to hold public hearings passing this task to its “Comisión de Gobernación y Puntos Constitucionales”. At local level, the respective electoral organs also organised forums for consultation. A total of twelve public hearings took place in order to gather opinions about the reform of the Mexican electoral system. Initially a wide range of issues was discussed in hearings: such as political rights and national representation, party and national political association’s regimes, national voter’s registry, policies, media and electoral organs etc.<sup>42</sup>

### 3.5.2 Parliamentary agreement on the constitutional reforms

The sub-commission organised by the Federal Electoral Commission in the Chamber of Deputies (Comisión de Gobernación y Puntos Constitucionales) was integrated into the legislative branch of the Union and by the registered national political parties. The purpose of the meeting organised by this sub-commission was to adopt agreements by consensus regarding constitutional reform’s initiatives.<sup>43</sup> This step was seen as essential in order to secure the viability of electoral reform. The most significant aspect of this commission was the participation of national political parties in the discussions, as it was the first signal that the one party system had already disappeared. The open invitation to political parties to participate in the sub-commission to discuss electoral issues did not mean that the PRI left its dominant position in the Mexican party system, but it showed that political plurality was unavoidable. In addition the wide range of opinions and proposals presented in the public hearings also showed the diversity in ideologies and political perceptions. However, the regulation of the government to achieve agreements by consensus was not a gratuity, as part of the reason was that the official party had lost, for the first time, the majority of 2/3 of its members in the Chamber of deputies.<sup>44</sup> Therefore, the PRI was unable to reform the constitution without the support of at least another parliamentary faction.<sup>45</sup> Consensus was necessary because no political party had achieved the 2/3 majority required by the General Constitution in order to be able to reform or amplify it.<sup>46</sup> However, for other political

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<sup>42</sup> Carrión, J. Crossroad of the electoral reform. *Estrategia*, September and October 1989;(89): 33-35

<sup>43</sup> See Nuñez Jimenez, A. *La reforma electoral de 1989-1990*, p.31.

<sup>44</sup> Interview, Alejandro Zapata, Secretary of the National Executive Committee of PAN, Mexico City, 28 October 2004.

<sup>45</sup> Woldenberg, J. *Cuadernos para la democracia: La reforma electoral 1989-1990*. Mexico: Instituto de Estudios para la transición democrática, 1990, p.17.

<sup>46</sup> Nuñez Jimenez, J. *La reforma de 1989-90*, p.31.

analysts consensus was necessary to restore or create not only credibility in the electoral organs but also the government itself after the controversial elections. Above all, the fact was that the official party had changed from being a self-sufficient actor to being a main actor. Moreover, the significance of these negotiations on electoral reform lay in the fact that for the first time the reform was not coming entirely from above but from the wings where the government was being forced to negotiate, and achieve agreements.<sup>47</sup> The consensus and discussions in the Sub-commissions proved to be complex and at the same time polarised. However they took place in a peaceful environment characterised by an uncommon consensus.<sup>48</sup> After the consultation forums were resumed, the sub-commission reduced the content of the agenda and analysed the final initiatives proposal presented by the political parties. The initiatives focused particularly on electoral organs, electoral litigious, validation of the elections, electoral system of the legislative chambers, political rights and parties' regime and Federal District representative institutions. The two forums ended with the overall impression that the political debate was to be centred particularly in the transformation of the electoral rules.<sup>49</sup> By 22<sup>nd</sup> June 1989, and once the two consultant forums had finished, Salinas asked the Permanent Commission of the Congress to organise an extraordinary session to make public the initiatives on electoral legislation with constitutional range.<sup>50</sup> Finally, during the period of extraordinary sessions held in the Chamber of Deputies, the "Comision de Gobernación y Puntos constitucionales" received a total of 29 initiatives from the deputies of the political parties (in this case the parties that had presented initiatives on the different points were the PAN, PRI, PFCRN, PPS, PARM and the PRD).<sup>51</sup> Before analysing the main content of the initiatives presented by the political parties it is necessary to note that the focus on the electoral law proved to be not only a direct response to the 1988 elections but also to the increasing interest in reforming electoral rules among political parties. The electoral debate had become a common ground for discussion between government and opposition and for the first

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<sup>47</sup> Interview, Jorge J. Romero, Advisor to President Councillor (IFE), former member of Democracia Social and political academic, Mexico City, 15 November 2004.

<sup>48</sup> For a summary of the consensus and agreements achieved in the Special Commission see the report on this matter that the Federal Electoral Commission presented on 30 June 1989.

<sup>49</sup> To see the content of the different proposals see *Recuento de la CFE (Voz y Voto, 22 de Agosto, 1988, pp. 35-37)*

<sup>50</sup> See Nuñez Jimenez, J. *La reforma de 1989-90*, p.33. Salinas' decision to convoke the extraordinary period of sessions was the result of requests from various deputies.

<sup>51</sup> National Action Party (PAN), Institutional Revolutionary Party (PRI), Cardenista Front of National Reconstruction (PFCRN), Socialist Popular Party, the Authentic Party of the Mexican Revolution and the Democratic Revolutionary Party (PRD)

time both seemed to be in agreement. Indeed, after the elections, it was clear that regulation on the organisation of elections became imperative, especially for the government, as it was the only way to re-establish credibility and electoral competence for future elections. Furthermore, this was not only a concern of opposition parties but also of the PRI that realised that an unwanted political polarisation dictated the need to revise and reform the electoral law.<sup>52</sup> Finally, if electoral reform seemed to the PRI an easy method to re-establish legitimacy, for many the prospect of electoral reform was perceived as the only means to achieve a transition to democracy. Therefore, the climate for achieving consensus in a peaceful way seemed to be positive and supported by most parliamentary groups.

### **3.5.3 Initiatives of the PRI, PAN and PRD on electoral legislation**

The clear intention of the regime to promote the debate and the willingness of political parties to present their proposals for reform heralded a very long process of negotiations. Certainly, the debates on electoral legislation organised by the Federal Electoral Commission and the Chamber of Deputies were long and polarised at times. In addition, the various parliamentary groups prioritised different issues in relation to each other.<sup>53</sup> In the next section of the chapter the main aspects of the initiatives of the main parties (PAN, PRI and PRD) will be examined.

### **3.5.4 The electoral proposal of PAN**

As expected, PAN was the first party to present a completed project in respect of electoral legislation. This opportunity had been awaited since its creation. Furthermore, after the 1986 reform, PAN and other opposition parties<sup>54</sup> had totally rejected the new CFE (Federal Electoral Code) that had advocated the continuation of the non-democratic norms of the electoral law.<sup>55</sup> The most interesting proposal was the substitution of the Federal Electoral Code (CFE) for a new code “Código Electoral de

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<sup>52</sup> The PRI's loss of appeal among its traditional bases of support (popular classes and labour workers) was in direct proportion to the increasing electoral support of Cardenas.

<sup>53</sup> The PRI, the PAN, the PFCRN and the PRD through their parliamentary groups presented their initiatives on electoral organs. These parties also presented initiatives relating to other issues such as validation of elections and electoral litigious. Other parties such as PPS (Popular Socialist Party) and PARM also presented initiatives on specific issues such as political rights and responsibilities and composition and functioning of the Chamber of deputies, etc. For a complete summary of the initiatives presented see “Comisión de Gobernación y Puntos Constitucionales”, Congress of Deputies, August 1989.

<sup>54</sup> The opposition parties that took the decision not to support the CFE were the following: United Socialist Party of Mexico, Mexican Democratic Party, The Workers Revolutionary Party and Mexican Workers Party.

<sup>55</sup> For an outline of their main differences in the Presidential initiatives of 1986, see El Partido de Acción Nacional “La Reforma del Estado, pp.137-138.

los Poderes Legislativos y Ejecutivo de la Unión, also known by PAN's members as the "blue code". Surprisingly, this idea was welcomed by both the government and parties.<sup>56</sup> Another important proposal concerned a programme to issue identification cards to citizens as a public document, not only to guarantee the right to vote but also as an identification document for others matters.<sup>57</sup> Also, in parallel it was proposed to create a new national electoral register (Registro Nacional Ciudadano) responsible for issuing the photo-credential and updating an electoral roll every 10 years.<sup>58</sup> The photo-credential would become one of the most important aspects of the IFE in the future.<sup>59</sup> In addition, the proposal to create a Council of Citizens responsible for the electoral organ was an idea that would be developed in the future. PAN had highly criticised the absolute control of the PRI in the main electoral organ, especially after the new CFE was created in 1986.<sup>60</sup> Indeed, the most important of PAN's initiatives was related to electoral organs and procedures and reflected the concerns about the Federal Electoral Commission's performance in 1988. Therefore, the initiative on substituting the current CFE by a new organ called Federal Council of the Suffrage (Consejo Federal del Sufragio) was relevant as it moved the core of the debate on the institution in charge of the electoral process. The PAN criticised the role of the official party and government in the Electoral Commission. Consequently PAN invented a structure for the new commission. The new commission proposed by PAN had balance and counterbalance within it in order to prevent the omnipotent presence of the official party. The Federal Commission would be formed by the Minister of the Interior (with a voice but without a vote), a councillor of Chamber of deputies (elected by majority vote among candidates proposed by minority parties), a councillor of the Senate (elected among members of a short list drawn up by the president), a councillor of the Supreme Court of Justice of the Nation (elected from a short list presented by a fraction of the deputies) and councillors of the parties (one, if the party obtained up to 10% of votes, 2 if it obtained between 10 and 20% and three if it obtained more than 20%).

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<sup>56</sup> Becerra, R. et. al. *La mecánica del cambio político en México*, p.220.

<sup>57</sup> PAN initiative on the Federal Code of Electoral Institutions and Procedures (Book III) presented to the Chamber of Deputies in May 31 1989. Commission of Government and Constitutional Points, p.5.

<sup>58</sup> The PAN proposed that the National Citizen Registry had a permanent nature as a service of public interest. See PAN initiative on the Federal Code of Electoral Institutions and Procedures. Ibid. p.4.

<sup>59</sup> Woldenberg, J. Cuadernos para la democracia: La reforma electoral 1989-1990, p.15.

<sup>60</sup> The overwhelming control of the government in the main electoral organ was one of the PAN's main concerns as it stated in the common declaration against the CFE in 1986. See "El Partido de Acción Nacional" "La Reforma del Estado", p.137.

With a similar intention of ending the extra-political power of the Minister of the Interior, who appointed the president and secretaries of the local and district electoral commissions, PAN proposed to introduce changes in their composition. The members of the local and district electoral commissions would be selected at random by means of a lottery organised by the Federal Council for the Suffrage and proposed by political parties.<sup>61</sup> This proposal would prove to be very significant in the future reforms of the electoral law that followed, especially when the parties started gaining confidence on the electoral authority and the possibility of cutting ties with the government became a reality. In relation to media access, PAN demanded an equal distribution of slots in the media among all the parties with parliamentary representation.<sup>62</sup> Specifically, PAN proposed that all parties had radio and TV channels and making obligatory for presidential candidates to participate in public debates.<sup>63</sup> It also proposed to increase the right of access to radio and television from 15 minutes each a month to 15 minutes each fortnight and established that time slots in the media would not be sold to the parties above commercial tariffs. Another aspect worth considering is PAN's proposed changes within the two chambers. First of all, the party demanded to reduce the number of deputies to 450, in which 300 would be elected by relative majority and 150 by proportional representation. Relating to the composition of the Senate the PAN proposed 6 senators for each federal entity half of whom would be elected every three years by majority vote. The idea of renovating just half of the Senate would result in a two-party system in each federal entity. The concerns over the composition of chambers showed the relevance of electoral reform for this party.<sup>64</sup> PAN also proposed a second round in the Presidential elections but this was not accepted. PAN had argued that a second round between the two candidates with most votes would assure an executive with the support of an absolute majority. Regarding party and political association registration, PAN asked to increase the number of affiliated members from 65 to 100 thousand for political parties and from 5 to 10 thousand for political associations. Another proposal that is important to highlight is PAN's proposal to end the "autocalification", self-validation formula for which the Congress could declare the

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<sup>61</sup> Woldenberg, J. Cuadernos para la democracia: La reforma electoral 1989-1990, pp.14-15; Becerra et al. La mecánica del cambio político en México, pp.223-224.

<sup>62</sup> Ibid, p.221.

<sup>63</sup> PAN initiative on the Federal Code of Electoral Institutions and Procedures (Book IV) presented to the Chamber of Deputies in May 31 1989. Commission of Government and Constitutional Points ( L.D. 15/90 20 P.O. (D), p.5.

validation of the elections of its own members. This demand later became an issue for discussion. Regarding electoral procedures, it was proposed to include information about the electoral districts within the ballot papers, to exclude party colours in the ballots and to use transparent polling boxes.<sup>65</sup> Finally, in PAN's view the Federal Tribunal for Elections should be substituted by the Tribunal of the Electoral Litigious with full faculties (Tribunal de lo Contencioso Electoral). Perhaps the most significant aspect of this proposal was the addition of a chapter about electoral offences to the Penal Code.<sup>66</sup>

### **3.5.5 The electoral proposal of PRI**

The PRI's initiative for constitutional reforms in electoral issues followed PAN's initiative.<sup>67</sup> Here, the PRI was facing a completely new situation as for the first time it was unable to reform the constitution with only the support of its legislators. Clearly, inside the official party, the elite realised that modifying the constitution was not only a condition to restore legitimacy but more importantly to be able to govern in peace.

In addition, the idea of joining with other political parties in order to pass an initiative was anticipated as being a very long and difficult negotiation process. The PRI required at least the support of another parliamentary faction such as PAN or the PRD (the old FDN). The PRI's initiative concentrated on five themes: electoral organisation, electoral litigation, composition of the Congress and the declaration of validation of elections. As expected the organisation of elections became the core issue. By 1988, the dependency of the electoral organs on the Minister of Interior and the self-regulation of the Federal Electoral Commission had further contributed to the perception of a total lack of impartiality of the electoral organs. Clearly, the partiality of the electoral organs in Mexico was well known, but now the possibility of alternative options in government made it unacceptable. In order to restore the situation the PRI proposed a number of interesting things. First of all, the PRI proposed to use Article 41 (which dealt with national sovereignty and forms of government) instead of Article 60. On this matter the PRI concurred with the PRD. With regard to the existing disposition that the

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<sup>65</sup> Ibid, Book VI, p.6

<sup>66</sup> Woldenberg, J. Cuadernos para la democracia: La reforma electoral 1989-1990, pp.14-15.

<sup>67</sup> For a detailed account of the content of the PRI's proposal see PRI initiative on the Federal Code of Electoral Institutions and Procedures presented to the Chamber of Deputies in May 3 1990. Commission of Government and Constitutional Points, ( L.D. 15/90 20 P.O. (D), pp.7-11.

government was in charge of the preparation, developing and surveillance of electoral process, the PRI responded that the organisation of federal elections was a state function that was exercised by the executive and legislative powers. However, this position was arguable because despite there being agreement about elections being a state function, there was divergence on who should organise them to ensure that impartiality was guaranteed. In addition, the PRI also presented a proposal relating to the composition of the electoral organ.<sup>68</sup> In PRI's opinion, the electoral organ would be formed by direction and supervision bodies, and for executive and technical bodies. They proposed councillors from the executive and legislative power, magistrate councillors and parties 'representatives for the direction body. Secondly, as PAN also did, the PRI proposed changes to electoral litigation. Specifically it proposed to refine some aspects of the functioning and composition of the Tribunal of electoral litigation, but without changing its administrative structure. A point to highlight was the proposal to introduce regional courts. The decentralisation of the Tribunal's function was a demand in common with PAN.<sup>69</sup>

Finally, the PRI's proposal relating to the composition of the Chamber of deputies was seen as a backward step. It maintained a chamber with 500 deputies, 300 of relative majority and 200 of proportional representation. However, the formula allocated for the selections of its members would result in a return to the overrepresentation of the PRI.<sup>70</sup> The PRI also proposed to open the Senate. The Senate would integrate three senators per state, elected by relative majority, and an additional 32 through a national list by proportional representation. However, this aspect was challenged by analysts who questioned who would represent the 32 senators elected by multi-member districts.<sup>71</sup> Finally, and contradicting PAN's proposal, the PRI proposed the traditional "autocalification", self-declaration of validity of election, (where Congress became judges of their own election). However, this time the task would be carried out by a fraction of deputies and senators (100:64). With this proposal, the PRI responded to the controversial role of the last Electoral College. However, the maintenance of the self declaration of validity was seen as unacceptable by other political parties. Furthermore, the PRI proposed that the Electoral College was the only body able to modify the

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<sup>68</sup> PRI initiative on the Federal Code of Electoral Institutions and Procedures. Book III, p.8

<sup>69</sup> Woldenberg, J. Cuadernos para la democracia: La reforma electoral 1989-1990, pp.18-19.

<sup>70</sup> Ibid. p.19.

<sup>71</sup> Ibid.

resolutions of the tribunal. In the event of the resolutions being adopted by unanimity these would require 2/3 of the votes of the member of the Electoral College. Therefore, the political declaration of validity was above the judiciary and showed that their proposal contained many mistakes.<sup>72</sup>

### **3.5.6 The initiative for electoral reform of the PRD**

The newly created PRD (Revolutionary Democratic Party) also presented two initiatives for constitutional reforms in electoral issues on the 11 August, 1989. It was the first time that the PRD had participated in negotiations regarding electoral reform. In one of the initiatives the PRD proposed a new status and composition of the organs in charge of electoral organisation at federal level. Obviously, since the 1988 elections the PRD felt that they were the legal winners of the elections and the electoral organs were to blame for their unjust defeat. It also proposed some adjustments to the responsibilities and the formula of composition of the Electoral Tribunal.

One of the most important aspects of its initiative was the proposal to substitute the Federal Electoral Commission with a new organ called the Federal Electoral Council. This new institution would be a public organism of permanent and autonomous character responsible for the preparation, developing and surveillance of the electoral process and of the register of electors”, (reform of Article 41). However, the innovation here is the fact that the PRD wanted to exclude the executive and the chamber of senators from the electoral function that until then had participated in the CFE. It was PRD’s view that the Federal Electoral Council should be composed only of political parties’ representatives and citizens chosen by the Chamber of deputies by a majority of 2/3. Like the PRI, the PRD did not specify the number of citizens to be elected by the chamber of Deputies. However, of importance is the fact that this specific initiative was going to become a central issue in the development of the future electoral organ (IFE). The creation of the figure of “magistrate councillors” would partly accomplish the idea, and then it would be advanced in 1994 with the creation of the “citizens councillors” figure. However, it was 1996 before the PRD’s initiative was fully achieved, when the Minister of the Interior left the council, and the legislative and parties’ representatives

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<sup>72</sup> Ibid. p.20.

lost their votes in the General Council. It is quite interesting to note that the General Council of IFE, in existence since 1996, had its origins in the initiative of the PRD in 1989.<sup>73</sup> This aspect is even more curious given the fact that the PRD adopted a non-negotiating position in subsequent reforms that accomplished its original objective. This proposal was very important because it formed the basis for future discussion that took place in later years: the autonomy of the electoral organs, and the total exclusion of the state and the PRI from the organisation of the electoral process. Finally, another relevant aspect of the PRD initiative was the inclusion of “votaciones calificadas” (2/3) to elect members of the electoral authority. This required consensus among two or more parties in order to successfully nominate members.

The second initiated proposal included new forms of composition of the chambers in Congress. Regarding the composition of the chamber of deputies it proposed to continue with 500 deputies, where relative majority would elect 250 and 250 by would be elected by proportional representation. The objective of this proposal was to end the power of the majority party. The objective was to combine both electoral methods to achieve a more accurate representation of the different political forces in the Chamber without eliminating the regional election. This proposal opposed PAN's. However, it coincided with PAN in respect of eliminating the list of multi-member electoral districts. With regard to the Chamber of senators, the PRD proposed to increase the number of senators and put forward the recommendation of using proportional representation and relative majority to elect senators in each federal entity. The idea behind this initiative was to have the same number of senators in each federal entity. This idea seemed to be the more clear and realistic. This initiative would open the plurality of the Senate while at the same time, maintaining, the basic criteria for its composition. This proposal seemed functional and democratic.<sup>74</sup> Finally, regarding the Federal Tribunal the PRD proposed to create a Federal Electoral Tribunal responsible for ensuring control of the legality of the electoral process. In PRD terms this tribunal would be the highest electoral judicial authority and would be expected to resolve all electoral disputes and have responsibilities in electoral issues. It would be integrated by a number of magistrates elected by the chamber of deputies by the 2/3 voting system.

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<sup>73</sup> Becerra, R. et.al. *La mecánica del cambio político en México*, pp.231-232.

<sup>74</sup> *Ibid.* p.232.

The different objectives of political parties heralded very long negotiations. Formal and informal meetings took place among the different political parties over several days. The consensus encountered a number of different obstacles, due to the different objectives and proposals of the parties. First of all, the inability of the PRI to reform the Constitution on its own forced it to seek agreement from other parties. However, this did not mean that the parties empowered themselves, for without the PRI the reform would have been impossible. Overall the initiatives focused on three themes: electoral organisation, electoral declaration of validity of elections and the composition of both chambers.

The priorities of the political parties started to emerge. While the PRI concentrated on the modification of the composition of the Chamber of deputies, PAN and PRD focused on the need for an electoral organ with a different composition. PAN also emphasised the need for electoral census with the creation of a National Registry of Citizens (Registro Nacional Ciudadano), and asked to eliminate the autocalificación (self-declaration of validity of elections by Congress). The PRD demanded an impartial electoral organ and more importantly asked to exclude the participation of the government in the electoral organisation. It concurred with PAN in demanding the elimination of the self-validation.<sup>75</sup> It is interesting to note that the remaining minority parties, such as PPS and PFCRN, for different reasons, were excluded from the negotiations, which centred on the triangle PRI-PAN-PRD.

### **3.5.7 The negotiating process.**

The first public movement in the negotiations was the “parliamentary declaration on electoral reform” that was signed by the PAN, PRD and PARM and a group of independent deputies. This group achieved a unique agreement: “the electoral organs, at all levels, must be impartial and autonomous from political and public forces”...<sup>76</sup> This statement was a direct message to the PRI, as the electoral organs proved to be partial, especially after the 1988 elections. Later the negotiations seemed to be concentrated between the PAN and PRD which presented an initiative in electoral organisations and validation of elections. On one hand, the PRD finally decided to abandon its idea of a total exclusion of the state representatives in the electoral organs and accepted PAN’s

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<sup>75</sup> Woldenberg, J. Cuadernos para la democracia: La reforma electoral 1989-1990, pp.33-35.

<sup>76</sup> Ibid. pp.36-37.

initiative of accepting the tribunal as the organ responsible for validating the elections. On the other hand, PAN accepted the Tribunal as the body responsible for the validation of elections instead of the Chamber of Deputies. The reaction of the PRI to this PAN-PRD initial agreement made the negotiations difficult. In parallel, the PRI expecting to use its bargaining power presented its initiative focused on the modification of composition of the Chamber of Deputies. Soon, the positions of the political parties were taking shape. The PRD did not cooperate in any negotiations on the initiatives; however PAN was more flexible. Despite the negotiations being primarily between PRD and PAN, it became clear that the negotiations were an exchange between PAN and PRI. The exchange consisted of the PRI accepting a modification in the composition of the electoral organs and PAN supporting a new form of composition of the Chamber of Deputies. The PRD maintained its reservations, and the negotiations became tense. By this stage the role of PAN was clear. It seems that PAN achieved its objective: to be the determining force in the reform.<sup>77</sup> The flexibility of PAN in its negotiation with the official party and a fairly developed strategy contributed to this new position. PAN gained power, as it became the decisive force in the reform. On one hand, it could add its votes to the PRI's vote and support a reform. On the other hand, it could vote against the PRI and thus block any constitutional modification.<sup>78</sup> Indeed, the negotiations on electoral reforms ended on 16 October, when PAN announced its decision to vote in favour of the reform. The report was approved by 368 votes from PRI and PAN against 70 from others (PARM, PPS, PFCRN and PRD). Although only two parties supported the reform initiative, this event contributed to converting the Congress in the centre of negotiations for the first time in Mexican history.

### 3.5.8 The electoral reform

Finally the PAN and PRI agreed in a report to reform seven constitutional articles in electoral issues: electoral organs, the National Citizens Registry, the Validation of electoral results and electoral dispute, Composition of the Chamber of Deputies and Composition of the Representatives Board of the Federal District.

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<sup>77</sup> Ibid.

<sup>78</sup> Abstain from voting in congress so that they could prevent the reform, as it required at least 2/3 of the deputies present in Congress, or not attend, so that the PRI could not take the reform further.

The first electoral issue that requires to be addressed in this chapter is the regulation of the electoral organ; the future of IFE. On this matter, PAN and PRI only agreed on 11 points and as expected, they did not specify the composition of the electoral body. The 11 points of the report were:

- 1) Article 41 (instead of 60), should have the normative bases that would regulate the organism and electoral functions.
- 2) The electoral process is a state and public function
- 3) The responsibility for the organisation and surveillance of the electoral process rests with the organs of the State with the participation of political parties and citizens
- 4) The organs in charge of this process must have a public character
- 5) It may grant authority
- 6) It must be a professional body
- 7) IFE must be autonomous in its decision
- 8) The principles in the electoral process must include certainty, impartiality and objectivity
- 9) The organs will comprise qualified professional personnel
- 10) Electoral functions will be remunerated (exceptions excluded)
- 11) It must establish a trusted system that produces a reliable electoral roll.

In the outline of these agreements the future IFE was defined. Obviously, this was only the first step, as a number of other issues, such as the formula to integrate the electoral authority were still to be resolved.<sup>79</sup> Another important aspect of the reform was the regulation on the National Citizen Registry that was covered in Article 36. This particular issue was an old objective of PAN. It was established that the Tribunal continued to be responsible for the declaration of validity of elections and electoral disputes. However, of note in this context was the decentralisation of the functions of the tribunal by creating local courts. The opposition welcomed the redefinition of the functions of the Tribunal and modification of the mechanism for the election of magistrates. However, the decision to retain “autocalificación” (self-declaration of validation of elections by Congress) was not welcomed by the opposition. This issue

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<sup>79</sup> Article 41 only says “the superior organ will be integrated by councillors elected by the Executive and Legislative branch, by the magistrate councillors proposed by the President and elected by 2/3 of the deputies and representatives of the political parties. However it did not mention the proportion. Ibid. p.40.

would become a source of dispute in future reforms.<sup>80</sup> Regarding the composition of the chamber of deputies the reform did not advance enough. In fact, the new arrangement contrasted with the step forward achieved in the previous reform in 1986. However, there were significant advances in the new form of composition of the chamber of deputies, especially in terms of proportional representation. Article 52 was not modified; therefore the chamber of deputies continued having 300 deputies of relative majority and 200 of proportional representation. However the changes in Article 54 had the corrective effect of reversing the problem of over- and under-representation. The new form of distribution of multi-member district deputies established that in order to participate it was necessary to compete with at least 200 one-member district candidates and to obtain 1.5% of the national vote. Any party could obtain more than 350 deputies in total; however the most significant element was that any party with the greatest share of the majority and 35% of the national vote could obtain enough deputies to achieve the absolute majority in the Chamber. In addition to the absolute majority, it would be assigned two deputies through proportional representation for every 1% of votes over 35% up to 75%. Therefore, this was a negative aspect, and in some ways, the so called “cláusula de gobernabilidad” was restored. This gave the party with relative majority automatic passage to become the absolute majority. However, from that reform, the minimum required to pass was 35%. Therefore the assignation of deputies would be more generous. In the past, the majority party was represented in the way that votes were equal to deputies. However, from now a party with 35% of the vote was to receive 50.2% of deputies, with 40% of the votes, 52.2; with 50% of the votes, 56.2%.and from 60% of the votes deputies would be distributed strictly proportionally.<sup>81</sup> Any initiatives of modification of the Senate went forward.

**Table 3.2. 1989-1990 Electoral Reform: Distribution of Congressional seats**

Percentage of votes	Number of deputies
35	251 (50%)
40	261
50	281
60	301

Source: COFIPE (Federal Code of Electoral Institutions and Procedures)

<sup>80</sup> The argument here is that the new formula tended to benefit the majority party given the new dispositions to integrate the Chamber of Deputies.

<sup>81</sup> See Becerra, R. et al. *La Mecánica del cambio político en México*, pp.238-246.

### **3.5.9 Legislative modification**

The following section will analyse the content of the new legislation on electoral subject matter and the political discussion around it. The new law was approved as a result of a series of constitutional reforms approved in 1989 that have been analysed previously. In April 1990 Congress approved an amendment to Article 41 of the Constitution of 1917 that laid the basis for a new Federal Code for Electoral Institutions and Procedures (COFIPE), which in turn was passed by Congress in July 1990. The new code “COFIPE” (Federal Code of Electoral Institutions and Procedures) was formally established on October 11, 1990. The Legislative branch of the Union, the national political parties, and the citizens participated in its composition. The COFIPE consisted of 8 books that contained 367 Articles that had further modifications in later electoral reforms in 1993, 1994, and 1996. The issues discussed in the new law were the following: the composition of the legislative and executive branches, the regime of political parties, the Federal Electoral Institute, and special procedures of the executive boards, the electoral process, the Federal Electoral Tribunal, the null system of impugnation and sanctions, and the election and composition of the Representatives Assembly of Federal District.

An important aspect in this issue is that the PRI did not need to pact with any other party to pass legislation. However, PRI had an unofficial agreement with PAN established during the constitutional reform. This controversial relationship between PRI and PAN will be analysed later. After PRI presented the full initiative on the new electoral legislation, reforms and additions to the Federal Electoral Code were presented by the parliamentary groups.

Soon after, PAN presented another initiative on electoral code named “Electoral Code of the Legislative and Executive power of the Union”. In April 1990 other parties such as the PARM (the Authentic Mexican Revolutionary Party) and the Cardenista Front of national Reconstruction (PFCRN) updated their initiatives on their proposals for reforms and additions to the Federal Electoral Code that they had presented in August 1989.

On 14 July 1990 the Chamber of Deputies approved the new electoral law: the Federal Code of Electoral Institutions and Procedures (COFIPE). As with constitutional reform, the political parties agreed to create a special commission in order to discuss the

different proposals. Multiparty commissions of deputies initiated the process to achieve an electoral law. The main purpose of this commission was to achieve consensus among political parties.<sup>82</sup> The final vote was 369 votes in favour and 65 against with 2 abstentions.<sup>83</sup> Although the PRI's initiative was supported by the majority of deputies and became the focus of the deliberation for new legislation, the PRD was again left out of the negotiation. Five parliamentary groups (PRI, PAN, PPS, PARM, and PFCRN) supported the new law. However opposition to the new code came from 26 PAN deputies, from PRD and from the Independent Parliamentary Group of legislators. As noted earlier with the COFIPE the PRI did not require to find allies to get the 2/3 share of votes in Congress as it had a sufficient number of deputies to carry out the reform. In addition the constitutional discussion about electoral legislation took place in an extraordinary period. However, at this stage the PRI not only had an unofficial agreement with PAN but also a more important commitment to society to achieve consensus among political actors as Salinas had promised. It seemed that political matters did not only belong to PRI. However, PRI needed the backing of the most significant forces of the country, and the PAN filled that gap. The unofficial agreement between PRI and PAN was known as "*la carta de intención*". The document was a series of agreements that both parties promised to fulfill. The agreements were focused particularly on the regulation of the electoral organs and the regulations of the National Registry of Citizens. These issues were long standing demands of PAN and were therefore pushed by them. In addition, PAN benefitted as it was able to centralise its position. Here, it seemed that PAN's gain was twofold. It was not only able to negotiate with PRI and the government, but at the same time it also benefitted from common platforms with PRD. Obviously, PAN seemed to be aware that as the political context changed only a new strategy of negotiation was viable. PAN knowing its bargaining power thought that it could reorientate the discussions to its own interest. Indeed, when a comparison between the previous code and the new code was established, PAN realised that it contained many of its initiatives. Issues such as the composition of the electoral organs, the counting of votes, the electoral roll and the sanction of fraudulent

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<sup>82</sup> Nuñez Jimenez, A. *La Reforma Electoral 1989-90*, 1993, p.36.

<sup>83</sup> Later in August after the vote's session in the Chamber of Deputies, the matter passed on to the Chamber of Senators in order to complete the legislative process: the result was 48 votes in favour (94.11% of the senators present) and 3 against.

conducts, etc, were PAN's demands. However, in the future, PAN would have to pay for this pact with the PRI (division among its deputies).

The PRI benefitted from the agreement with PAN as it improved its image as a party willing to negotiate. Of course, the PRI could have ignored PAN but there were negative implications in doing this. The PRI showed its commitment to PAN when it declared that it was willing to change its original initiatives on several points (for example, the compromise of the immediate counting of the votes). On another spectrum, the PRD along with another 4 parties disagreed and did not accept the COFIPE. This was significant because the PRD was one of the most important political forces. Initially, the PRD, tried to negotiate the agreement of two of its issues (the naming of the electoral personnel at the voting booths and the faculties of the local and districts council personnel). But the PRI refused these initiatives and excluded it from the game. The PRD adopted a non-negotiating attitude, and was considered by PRI and PAN members to be intransigent. It can be argued that the attitude of non-collaboration had ambiguous consequences. On one hand, it had a political value because it eroded the new law, but at the same time it left the door open to new reforms.<sup>84</sup>

The new electoral law of 1990 was the third (1977, 1986), and was the most complete. This code substituted the shortlived Federal Electoral Code of 1986-1988.<sup>85</sup> The 1990 law was the one that regulated the 1991 mid-term elections. Although the rules of the game were not accepted by all, the agreement became very promising as it formed the basis of future reforms and therefore future negotiations.<sup>86</sup>

In the next section the most important elements of the COFIPE (new secondary legislation in electoral subject matter) will be analysed.

### **3.6 The creation of IFE (Federal Electoral Institute)**

Parties such as PRI, PAN and PRD had different interests, attitudes and expectations of IFE. The analysis of these political actors' perceptions of IFE at the beginning of its operation will let us understand better the subsequent evolution of IFE. The fundamental question is whether the political parties envisaged the real transformation

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<sup>84</sup> Woldenberg, J. Cuadernos para la democracia: La reforma electoral 1989-1990, pp.49-50.

<sup>85</sup> Becerra, R., Salazar, P., and Woldenberg, J. *La mecánica del cambio político en México*, pp.247-248.

<sup>86</sup> For the problems of the reform see Carrión, J. Encrucijada de la reforma electoral, *Estrategia*, September & October 1989; (89): 33-35.

of IFE from a body dependent on the government to a truly independent electoral agency. This preliminary analysis will show the real potential of IFE and the way the institution evolved will enable us to understand the extent to which it met expectations.

The most important and at the same time controversial book of the new electoral legislation was Book 3 (about the Federal Electoral Institute). The new electoral agency was a result of the issuing of the COFIPE (in 1990) and a series of constitutional reforms approved in 1989. The creation of the Federal Electoral Institute is the most relevant feature of the 1990 reform. Specifically, Article 41 of the Constitution was used as the basis of the negotiations concerning electoral organisation. In this article, it was established that “*the state function of organising elections corresponds to a public, professional and autonomous body; with legal personality and patrimony of its own and is ruled by five fundamental principles: certainty, legality, independence, impartiality, and objectivity.*”<sup>87</sup> The COFIPE established that the IFE was the institution authorised to carry out the functions related to the preparation, organisation, conduction, and surveillance of federal elections. These functions included the accomplishment and updating of the voters roll, attention to the rights and prerogatives of parties and political groups, the counting of electoral results and the design, print and distribution of electoral material and the formulation and implementation of permanent civic education programmes. With the creation of IFE, the management of the electoral system changed from the government to IFE. Elections were now defined as a function of the state that would be exercised through a non-partisan electoral entity. At this early stage the institution was under the direction of the Minister of the Interior.

Although in time the Federal Electoral Institute was recognised as the most important advance of the 1989-90 reform, it was initially perceived as suspicious. The initial distrust of the new electoral body was based on the presence of the Minister of the Interior in IFE. The constitution of this agency for organising and supervising the electoral process became a constant issue of negotiation between the government and the opposition parties.<sup>88</sup> Indeed, after the new body was created, the political negotiation among political actors concentrated mainly on the IFE.

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<sup>87</sup> Síntesis de las deliberaciones. Commission of Government and Constitutional Points. L.D. 15/90 20 P.O. (D), p.23.

<sup>88</sup> Prud'home, J-F. The Instituto Federal Electoral, p.148.

In time the structure and functioning of the IFE would be altered through further reforms in 1993, 1994 and in 1996. Once the issue of electoral organisation was regulated, the political negotiations focussed on regulating other issues such as financing political parties and access to the media.<sup>89</sup> As noted earlier, solving the problem of electoral fraud was the main purpose for which IFE was established. However, in time others problems appeared and were subject to further negotiations and reforms. One issue that existed from the beginning was the autonomy of the agency and the presence of the official party in that body. The composition of the IFE was modified three times before 1996 when it became totally independent. From the government's perspective, IFE was created as a specific organ to solve the problem of fraud. Even though this was a long-term problem, it was not until 1988 that the irregularities of the electoral authority in the organisation of elections became a problem that it was impossible to ignore. The PRI found itself in a new political reality, with potential contestants ready to claim their victories. In addition, the PRI had already claimed to be ready for the real democratisation of electoral practice, and the creation of a new electoral authority was part of that promise. Therefore, the creation of the new body had the purpose of separating the process of organising the elections from the government. Obviously, this was the initial idea of the PRI. In addition to the re-organisation of electoral institutions, the reform also created an electoral tribunal to handle complaints of fraud and provided for a new voter registration list. The introduction of this new Federal Registry of voters became very important in the cleaning up of elections in the future. The PRI also agreed to create a new "Electoral Roll" to gain support in Congress for the electoral reform package. It is important to note that the implementation of a voter's identification card with photograph had been one of the issues that the PAN had advocated for years.<sup>90</sup> The new electoral rules also allowed for the reappearance of the conditional registry for political parties. Later in the midterm elections in 1991 minority parties would use this conditional registry. Finally, another relevant aspect of this reform was the introduction of two new conditions for deputies of proportional representation: to register at least 200 candidates to deputies of relative majority and

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<sup>89</sup> Once basic problems such as electoral fraud at the polling booths, manipulation of the electoral rolls, etc were resolved, other more sophisticated problems emerged. Interview, Ricardo Becerra, political academic and advisor to President Councillor 1996-2000 (IFE), Mexico City, 22 November 2004.

<sup>90</sup> Molinar Horcasitas, J. *El Tiempo de la Legitimidad*, p.29.

achieve at least 1.5% of the national vote.<sup>91</sup> There was also some legislation in respect of public funding of political parties.

Primarily, the most significant aspect of the new body was the fact that for the first time the composition of the main electoral body included members of the legislature branch, national political parties, and citizens. Therefore, not only the legislative and executive branches were in charge of the IFE, but also ordinary citizens and political parties.<sup>92</sup> In addition it is important to take into consideration three important aspects of the transformation of the main electoral body. First of all, the increased representation in the new body, especially the supervision functions of the opposition parties injected reliability into the electoral agency. Secondly, the incorporation of more independent civil servants in an attempt to ensure the neutrality of staff in charge of managing the election which contributed to balancing the power of the executive and political parties in the new electoral authority. Thirdly, the administrative separation of the body from the Ministry of the Interior was another step towards the professionalism of the body.<sup>93</sup> As the electoral code established, the institute would be responsible for activities related to the electoral roll, parties' rights (administration of party funding and access to the media) and the preparation and development of electoral process, the counting process and electoral training.<sup>94</sup> The IFE relied on a body of officials systematically recruited, trained, and evaluated through a Civil Career Service called Professional Electoral Service (SPE). Although at the beginning such electoral personnel were mostly PRI members from the legislative and executive powers, the base for the professionalisation of the electoral function was established.<sup>95</sup> This is important because the electoral practice passed from government official to professional electoral staff. This new army of electoral specialists would be subject to permanent evaluation and would receive appropriate training.<sup>96</sup> The IFE was created with two levels of structure; therefore, the

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<sup>91</sup> See website <http://camara-diputados.ife.org.mx/reforma1991.html>

<sup>92</sup> The figure known as "*Ciudadanos*" were mostly academic/lawyers who were not attached to a particular political party therefore could guarantee impartiality in their decisions. The idea of introducing "citizens" in the General Council of IFE had already been proposed in 1990. Interview Mauricio Merino, former "electoral councillor" of the General Council, 17 November, 2007.

<sup>93</sup> Prud' Home, J-F. *The Instituto Federal Electoral*, p.148.

<sup>94</sup> Nuñez Jimenez, A. *La Reforma Electoral 1989-90*, p.86.

<sup>95</sup> At this first stage, most of the members incorporated in the civil service of IFE (SPE) belonged to the former electoral staff employed by the Ministry of the Interior. Despite the former electoral staff being identified with the PRI, it was accepted that they organise the first elections in 1991. Baños notes that the decision to use these employees resulted from the fact that they were the only ones with experience in organising elections, although the intention was to remove any civil servant with PRI attachment. Interview, Marco Baños, Executive Director, Professional Electoral Service Executive Board. IFE, 16 November, 2004.

<sup>96</sup> Becerra, R. et. al. *La mecánica del cambio político en México*, pp.249-50.

body was represented at central and decentralised levels (state and district level). Within both the central and decentralised levels of its structure, the IFE had three kinds of bodies: 1) directive bodies, made up by councils, deliberation and decision bodies, responsible for ensuring compliance with constitutional and legal regulations in the subject matter; 2) technical-executive bodies, made up by Executive Boards responsible for carrying out all technical and administrative tasks required for the preparation, organisation, and conduction of elections and; 3) surveillance bodies, made up of Commissions and with exclusive responsibilities regarding voter registration.

The directive and surveillance bodies involved the participation of the political parties. The central organs of IFE were to be the General Council, the General Executive Board and the General Board. The General Council was the main directive body of the IFE. It was responsible for enforcing the constitutional and legal provisions on the subject matter, as well as setting the guidelines and issuing resolutions in all of the areas of responsibility of the IFE. Therefore, the General Council acted as the governing body of the IFE. On one hand, it was formed by a member of the Executive branch (Minister of the Interior), who was still chairing the Council and four members of the legislative branches (two for each chamber, one for majority and the other from the first minority parties) who had a voice and vote. On the other hand six Votes Councillors and political parties' representatives also integrated the Council.<sup>97</sup> The Votes Councillors (magistrate councillors) was a new figure introduced in the 1990 reform and was to be elected by a qualified majority of two-thirds of the Chamber of Deputies from a list presented by the executive. This figure was the first step toward the "ciudadanización" of IFE. In other words, the main electoral authority passed from being under the leadership of the government to being directed by the public. This process would culminate in 1996. This composition became very important because it contributed to neutralising party influence in the General Council.<sup>98</sup>

The 1990 electoral reform also marked an important step in the professionalisation of the electoral civil service. The reform introduced a professional electoral service that gave the IFE its own trained staff. Previously, there had been no clear separation

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<sup>97</sup> The number of representatives of political parties depended on the votes obtained in the last election (one representative, for a share of between 1.5 and the 10% of the national vote, two representatives for a share between 10 and 20%, three representatives for a share of between 20% and 30% and four representatives, for a share of more than 30% of votes).

<sup>98</sup> Becerra, R. et. al. *Mecánica del cambio político en México*, p.252.

between the administrative structure of the Ministry of the Government and that of the Federal Electoral Commission. However, most directors of the administrative areas of the new institution had been linked in the course of their career to the PRI or to the Ministry of the Government and many of the new members of the electoral service belonged to the old electoral structure. This issue was the subject of continued demand for change from the opposition. The second important organ in IFE was the General Executive Board, which was the central executive and technical body.<sup>99</sup> This permanent body replaced one of the tasks that the Ministry of the Interior used to do. It was chaired by a general director, proposed by the Minister of the Interior, and required the votes of two-thirds of the members of the General Council. It was also formed by the Executive secretary and the executive directors of the 6 different areas. Each area corresponded to the different tasks carried out by the Institute: Federal voters' register, political parties and public financing, electoral organisation, the professional electoral service, electoral training and civic education and administration. This new administrative structure of the electoral body reflected the increasing complexity of the task of organising and supervising elections in Mexico. In addition, this complex administrative structure was to be reproducing at state and district level, therefore local elections were going to be regulated by IFE. The reform also established that counterpart institutes held elections in the states and localities and a multiparty Federal Electoral Tribunal would be responsible for settling election disputes.<sup>100</sup> The decentralised structure of IFE included thirty-two local executive boards (one per federal entity), which represented IFE's state delegations and three hundred District Executive Boards, organised as sub-regions in each single-member district. Also, the members of the local boards were soon to be part of the Professional Electoral Service. An important aspect of the reform was that the local and district councils were mostly integrated by "citizens councillors" (six citizens named by the General Council at local level and by the local councils at district levels). The incorporation of the citizens in the decision making process in the organisation of the elections, the surveillance and the impartiality of the electoral process was known as the "ciudadanización" of the electoral authority. This proved to be a very important process because before the reform the Minister of the Interior named the president and

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<sup>99</sup> Executive and Technical Bodies are permanent bodies in charge of all the technical and administrative tasks required to prepare, organise, and conduct the electoral processes. It is also their duty to enforce all of the agreements and resolutions adopted by the directive bodies. The executive and technical bodies rely on professional, permanent staff that receive a salary.

<sup>100</sup> Alcocer, J. The challenge of institutional reform in Mexico, p.60.

secretaries of the local councils and district committees. Therefore, the secretary lost an important function in the development of elections around the country. In addition, the political parties participated at local and district level.<sup>101</sup> Finally, the last but not least important aspect of the reform was the introduction of changes at the polling stations. It was established that each polling station was to be headed by a directive board consisting of a president, a secretary and two scrutineers, as well as three general substitutes, making a total of seven members. All the members of a polling station were to be citizens that lived in the respective electoral section. The selection process consisted of a double draw set forth by law and based on their academic level. In order to carry out their tasks, they received training courses designed and taught by the electoral authority, which were to be supervised by the political parties. Before the reform, all the staff members involved in receiving and counting the votes were named by the Minister of the Interior. As expected, civil servants at the polling stations were selected by the president of the district committees who were directly designated by the head of the General Council. Therefore, the lottery system introduced in the new electoral law (COFIPE) contributed to diminishing the distrust in the electoral bodies. This reform was demanded especially by the PRD.<sup>102</sup> It represented a significant advance in the consolidation of the cleaning up of elections and electoral transparency in the country. This would be modified in later reforms, but the institutional base for organising elections was established in 1989-90. Overall the transformation of the electoral authority was very significant. Indeed, it responded to the 1988 crisis but more importantly it established the base for fair federal elections. The essential structure of the democratic competition was set.<sup>103</sup>

Overall the most important elements introduced in the reform were; a new electoral registry, tamperproof photo Identity cards issued to voters; sanctioning power of the Federal Electoral Tribunal broadened and the enactment of the governability clause which guaranteed the majority of seats in the Chamber of Deputies to the ruling party. The law also introduced a new formula that distributed the funding among parties

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<sup>101</sup> Becerra, R. et.al. *La mecánica del cambio político en México*, p.254.

<sup>102</sup> The lottery system consisted of randomly selecting members enrolled on the electoral roll through a lottery draw. The selected members received a training course on electoral activities related to organising and supervising elections. Then after the initial training, a second draw selected the definitive polling booth officials who received a second training course. See chapter 5 for a wider explanation of these procedures. Interview, Carlos Ravela, Executive Director, Electoral Register Executive Board (IFE), Mexico City, 9 November 2004.

<sup>103</sup> Becerra, R. et.al, *Op. Cit.* p.255.

according to the electoral returns, party activities and the minimum costs of an election campaign.

### **3.7 Reactions of the political actors towards the new law and institution**

Although the creation of IFE as an independent institution to organise federal elections resulted from negotiations between political parties, it was dominated by the views and interests of the PRI. However, as soon as it was introduced it created conflict within the PRI. On one hand, the creation of this institution by the PRI seemed to contribute to building up credibility in the electoral system which the official party really needed after the overshadowing of the 1988 elections. On the other hand, the creation of this body also meant that there was the possibility of the official party losing control over the electoral process; a danger that challenged its status and power. The new law received a mixed reception from the opposition, with a diversity of critics. The role of the Minister of the Interior in electoral decisions was seen as government control over the process. The introduction of the “Votes Councillors” was initially welcomed, but the independence of the Councillors was not accepted because the executive proposed them, and this caused criticism. Here the input of the PRI is clear as at least four votes from the voter councillors were needed in order to have an influence on electoral decisions.<sup>104</sup> It is true that the new administrative structure of the electoral body added to the complexity of the task of organising and supervising elections and the need to build trust among political parties added further complications to the task.

The most controversial feature of the reform was the introduction of the “Governability clause” that reduced to 35% the plurality needed to guarantee majority control in the Chamber of Deputies. This formula was highly contested by opposition parties and it prompted new discussion in the future.<sup>105</sup> This clause guaranteed the PRI control of the Lower House as it established that the party, which received most of the votes in a congressional election, would occupy the majority of seats in the Chamber of Deputies.<sup>106</sup> In addition to the clause that included a new formula for the composition of the lower chamber, the law introduced restrictions to the nomination of common candidates.<sup>107</sup>

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<sup>104</sup> Interview, Rosa Maria González, member of the Federal Electoral Institute (IFE), Mexico City, 4 October 2004.

<sup>105</sup> See Woldenberg, J.El COFIPE: agenda and balance. *NEXOS- Cuadernos nexos*, September 1990, No. 27

<sup>106</sup> Alcocer, J. *The challenges of institutional reform in Mexico*, p.61.

<sup>107</sup> Serrano, M. *Rebuilding the state*, “Mexico after Salinas”, p.11.

Alcocer<sup>108</sup> notes that the code was designed to eliminate the main sources of the 1988 election controversy. The restrictions to forming a new coalition were the result of the dangers that the Cardenas coalition (FDN)<sup>109</sup> had posed to the dominant party back in 1988. As a result of this threat, the government raised the threshold needed to gain power at the same time as controlling and weakening the opposition. Indeed, from these measures it seems that the electoral reform of 1989 was used by Salinas to weaken the potential for opposition coalition. Finally the COFIPE also increased the PRI majority on the highest body overseeing elections, therefore increasing the PRI control over the electoral process. Despite the electoral formula (COFIPE) which regulated the composition of the deputies' chamber favouring the PRI, the formula also introduced new instruments, more opposition monitoring and more importantly, a new institution.<sup>110</sup>

The new conditions, in respect of financing, also received criticism. The COFIPE did establish electoral expenditure limits for the first time but these were so high that they were unsuccessful in responding to the need for fair funding distribution. In addition, although the law also introduced some procedures for the reporting and monitoring of party finances they proved to be ineffective.<sup>111</sup>

The constitution of an electoral agency to organise and supervise elections was not the only significant move of the Salinas government. Another political initiative that Salinas took in order to increase his image as a reformer involved negotiating with the church for the first time. This move was a new one for the official party as, since the revolution, the official party had adopted an anticlerical position, keeping the church away from the decision making process. But, in late 1991 the reform amended five articles of the constitution in order to change the anticlerical notation of the regime.<sup>112</sup> Among its features, the reform recognised the legal status of the church. It also allowed the presence of foreign priests, granted the ecclesiastic the right to vote and gave them the

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<sup>108</sup> The code established a complex system of checks and balances to prevent any single party, formal or informal alliances of parties, or the government itself from controlling the country's highest electoral body. Alcocer, J. The Challenge of institutional reform in Mexico, p.60.

<sup>109</sup> FDN (Frente Democrático Nacional). Coalition of left wing parties to compete in the 1988 presidential elections. For an explanation of the reasons for the leader of PMS (Mexican Socialist Party) joining Cardenas, see article by Heberto Castillo, *Por qué el PMS? Proceso*. July 4 1988; (609): 32-36.

<sup>110</sup> Becerra, et. al. La mecánica del cambio político en México, p.272.

<sup>111</sup> De Swaan, M., Martorelli, P & Molinar Horcasitas, J. Public finances of political parties and electoral expenditures in Mexico, In: Governing Mexico: Political Parties and Elections, edited by Serrano, M. London: The Institute of Latin American Studies, 1998, p.157.

<sup>112</sup> Morris, S. Political reformism in Mexico, p.90.

opportunity to express their opinions about the government. Convents and monasteries were legalised and finally it also allowed religious organisations to publish newspapers and express their views on radio and television. Many analysts believed this move resulted from Salinas' desire to ease the political tensions with the church, that had become a critic of the government's human rights policy and keep it away from PAN whose majority of supporters were pro-Catholic.<sup>113</sup>

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<sup>113</sup> Ibid.

## **4 The evolution of IFE during the process of electoral reform in Mexico: 1991 to 1996**

The following chapter documents the further development and impact of the Federal Electoral Institute (IFE) in the Mexican democratisation process after it was created in 1990. Although the IFE was established by negotiated legislation and, therefore, reflected the interests of the parties involved, this chapter will analyse if and how the IFE became independent from its creators. In this analysis it is necessary to determine to what extent after its creation the institution was transformed from being a temporary solution to a long term problem (electoral fraud and distrust in the electoral process) to becoming a major vehicle for democratic change and ultimately an independent institution with a life of its own. The new electoral authority was tested in the midterm elections in 1991 and acquired more powers through three successive electoral reforms which concluded in the independence of the electoral body, from the government, in 1996. The 1993 and 1994 reforms took place during Salinas's term in office. In 1996 the last electoral reform culminated a gradual and long process of changing and adapting the electoral law to a new socio-political context. The detachment of the government from the organisation of elections in 1996 complied with a long-term demand pursued by opposition parties since the IFE had been created. Although, for part of the opposition, particularly the left party PRD, the condition of the independence of IFE was essential in order to take the new institution seriously, the issue of its total independence only became a priority towards the end of the long period of electoral reforms. The accomplishment of its total independence from governmental influence was achieved not only by agreements made between opposition and government, but also by the internal input of IFE.

The purpose of this chapter will be to determine to what extent the initiation of several electoral reforms by the official party, which increased the role of IFE, resulted from an unplanned response to ease post-electoral conflicts and stop social and political discontent in order to secure power, or whether this resulted from a more genuine commitment by the government to negotiate with opposition parties in order to advance the democratisation process, as Salinas had promised after the controversial election in 1988. It will be necessary to examine the expectations and political strategies of the

opposition parties in the negotiation of the electoral reforms. In the latter context it will be necessary to analyse to what extent the dramatic socio-economic events that took place in this period put pressure on both parties (government and opposition) to advance in the negotiation process.

The first section will concentrate on the midterm elections in 1991<sup>1</sup>, where the newly created electoral code and electoral authority (IFE) was tested for the first time. It will be essential to evaluate the reasons behind the PRI's re-emergence in these elections and the real impact and role of IFE. Despite the PRI's victory, post-electoral conflicts at local level kept the electoral issue in the centre of the debate.

The second section will highlight the differences between the 1993 electoral reform which was mainly initiated, pursued and approved by the government and the 1994 electoral reform in which the motives, context and achievement differed greatly. The comparison of the reforms will help to establish the full implication of several socio-economic events, in the negotiations on electoral issues between political parties and in the final outcome of the reforms. In the 1994 presidential elections the amended electoral code (COFIPE)<sup>2</sup> and the IFE were tested again. The third section will focus on the last electoral reform in 1996 in which the main achievement was the total independence of IFE from government control. The negotiations between the main political parties (PRI, PAN y PRD) and the real contribution of the IFE in the negotiation process will be analysed. The negotiation of the new electoral reform between political actors was interrupted by a series of local post-electoral conflicts which polarised the political actors' attitudes towards the reform. As had occurred in the 1994 electoral reform, in 1996 consensus among political parties was essential and it was eventually prioritised in order to achieve a consensus.

#### **4.1 The role of IFE in the 1991 midterm elections**

As noted in the previous chapter, the controversial presidential elections in 1988 caused an unprecedented post-electoral conflict which created an urgent need for new electoral reform. First of all, the government realised that the polarisation of electoral processes

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<sup>1</sup> The midterm elections saw the election all of the members of Chambers of Deputies (elected every three years, with a prohibition on running again for the immediate succeeding term) and half of the Senate (elected for a six-year term, with the same prohibition).

<sup>2</sup> "Federal Code for Electoral Institutions and Procedures" issued on the 1989-90 electoral reform.

which also incited further divisions among the electorate was a threat that had to be avoided. Secondly, it became clear to all, including the government that Mexico could not carry out future general elections using the same electoral law and institutions that had provoked unprecedented social mobilisations. A former member of PRI argues that the motivation of the government to change electoral legislation resulted from a sense of obligation towards society, using electoral reforms as a way to show its democratic attitude.<sup>3</sup>

The enactment of a new electoral law “COFIPE”<sup>4</sup> and a new electoral authority<sup>5</sup> was in direct response to an increasing popular demand to create new institutions and laws that guaranteed impartiality in elections. In fact, the most significant outcome of the 1989-1990 reform was the definition of the profile of a new electoral authority that had to be impartial and reliable, the Federal Electoral Institute (IFE). However, the new law and electoral authority did not convince all political parties, especially those on the left.<sup>6</sup>

Despite some members of the left such as the PRD<sup>7</sup> and the PMS<sup>8</sup> accepting the significance of the creation of IFE and the Federal Electoral Tribunal, their parties decided to vote against the electoral reform in 1989-1990. As a result the initiative of electoral reform offered by the PRI in Congress was only supported by PAN<sup>9</sup> who, taking advantage of its bargaining power, was successful in pushing for some of its demands on electoral issues. The lack of independence of IFE in respect of the government and the influence of PRI within the IFE at all levels became, for the PRD, the most important reason for not endorsing the new institution.<sup>10</sup> In addition, a series of restrictions and new rules established in the new electoral law which were intended to prevent future coalitions were perceived as a clear PRI strategy to retain its hegemony.

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<sup>3</sup> Interview, senior member of PRI B, former PRI's party Chairman, Mexico City, 9 November 2004.

<sup>4</sup> Federal Code for Electoral Institutions and Procedures (COFIPE) created in the 1989-1990 electoral reform.

<sup>5</sup> Federal Electoral Institute (IFE) created in the 1989-90 electoral reform.

<sup>6</sup> The PRD's congressmen had voted against the 1990 electoral reform that led to the creation of IFE. Manuel Camacho Solís (Head of Government of Mexico City 1988-1993) Ex member of PRI said: “*In the 1989-90 reform there were no important advances, as the reform was designed to stop the FDN's popularity (Cardenas' coalition) and the electoral authority was not independent from government...*”). Noticieros Televisa. Interview of Manuel Camacho Solís in “*Mexico: La historia de su democracia.*” Vol 2. Mexico City: Noticieros Televisa, 2004. Historia de la Democracia.

<sup>7</sup> Party of the Democratic Revolution (PRD) had been formed in May 1989 to bring together most of the independent forces that had supported Cardenas's 1988 candidacy.

<sup>8</sup> Mexican Socialist Party (PMS)

<sup>9</sup> National Action Party (PAN)

<sup>10</sup> Interview, member of PRD A, Mexico City, 28 October 2004.

Nevertheless the law and the IFE in other smaller dispositions, allowed the opposition parties in general to look for arrangement spaces, position and to look for balances.<sup>11</sup>

Therefore in the context of a new electoral law and institution supported only partially by the political actors, the first general elections took place in 1991. The new legislation (COFIPE) and the new electoral authority (IFE) were set up to govern the mid-term elections in 1991. This section will focus on the 1991 midterm elections which were governed by the 1990 changes. It will be necessary to analyse the real impact of the newly created electoral law (COFIPE) and the electoral authority (IFE) in these elections.

This section will also analyse how PRI, after the moral and credibility defeat in 1988 and consequent demise of its popularity, was able to re-emerge in the mid-term election in 1991. The PRI's overwhelming victory in these elections revived the controversy over the law and provoked the opposition to demand further reforms.

#### **4.2 Prior to the elections: political perceptions**

There were two important aspects to the midterm elections of 1991. Firstly, it was the first election under Salinas's government<sup>12</sup>; and was therefore going to take place in the shadow of his election in 1988. And secondly, it was the first election to be regulated by a new electoral law COFIPE, and two new electoral institutions, the Federal Electoral Institute (IFE) in charge of the organisation of the election and a new Electoral Tribunal. Thus, the midterm's elections in 1991 were the first elections in which IFE was tested in its role as the electoral authority in charge of organising the elections. The government's main objective on the new electoral rule and institutions was to build up trust in the electoral system; whose credibility had been brutally affected after the 1988 elections. After the election, the issue of organising elections and the impartiality of the electoral authorities became the primary concern as the prospects of future peaceful elections became even more unlikely. The new political scenario changed the regime's strategy. First of all, as noted in earlier chapters, the regime could not afford more political instability, as for decades it had been one of the "*pillar of the regime*".<sup>13</sup>

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<sup>11</sup> Interview, Carlos Ravela, Executive Director, Electoral Register Executive Board (IFE), Mexico City, November 9 2004.

<sup>12</sup> Carlos Salinas de Gortari (Elected president in the 1988 presidential elections).

<sup>13</sup> Social stability and economic growth were the two promises of the Mexican regime during the PRI's hegemony.

Secondly, the 1989-1990 reform that had been negotiated between the PRI and the PAN, put pressure on the government to comply with some of the PAN's demands regarding the cleansing of the electoral process. Finally, a new political force, a variety of civil organisations that had emerged and strengthened since the early 1980s, joined political parties in pressuring the PRI to pursue electoral reform. Altogether, the pressure for an immediate action in the organisation of elections was clear for the PRI-government. One of the main demands was the creation of an electoral roll and photo credentials that will be analysed in chapter 5.

### **4.3 The mid-term 1991 elections**

The mid-terms elections took place on the 18<sup>th</sup> August 1991. A total of 10 political parties participated in the elections. In addition to seven already registered parties (PAN, PRI, PRD, PPS, PARM, PDM and PFCRN), three new parties joined the competition (PRT, PT and PVEV). The three new parties obtained conditional registration as a result of the new electoral rules, which allowed new political associations such as the PRT, the workers party and the Mexican Ecology Party to obtain conditional registration as political parties.

The electoral results from the midterm elections showed that the PRI had obtained satisfactory results by getting just over 60% of the seats in the Chamber of Deputies. The results showed a clear electoral recovery as the official party captured 290 majority seats and 20 proportional seats of the 500 seats within the Chamber of Deputies and also won all six of the gubernatorial posts. The 310 deputies of the PRI contrasted with 266 deputies in 1988. The PRI won the elections for deputies and senators and obtained 4 governorships and the majority in the FD assembly.<sup>14</sup> The electoral success returned to the PRI the relative majority of the Congress. Despite the PRI obtaining better results that it had in the 1988s elections, it was still following a decreasing trend in its share of the vote from 1961.<sup>15</sup> The PAN achieved the second position in the electoral preference

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<sup>14</sup> At local level, the PRI also showed its predominance as it only lost 10 majority districts from a total of 300.

<sup>15</sup> Ai Camp, R. Politics in Mexico, p.176

and became the second political force.<sup>16</sup> Cardenas' party, the PRD, became the third political force, showing that the electoral strength of the left had significantly eroded.<sup>17</sup>

Many political analysts agree that the PRI's recovery in the 1991 election was explained by an improvement in the image of Salinas' government.<sup>18</sup> Despite the opposition being shocked at the victory of the PRI, many of its members realised that Salinas's political strategy of dealing with corruption and leading important arrests such as La Quina (corrupted leader of PEMEX)<sup>19</sup>, contributed to its popularity in the election. Therefore, Salinas' overwhelming support was due to recognition of a series of strategic actions that contributed to an increase in the level of government support in the first months.<sup>20</sup>

The results of the 1991 elections were welcomed by Salinas and the PRI, not only because Salinas needed this recovery in order to manage the post-crisis period, but more importantly because the PRI regained the capacity for carrying out reforms without the support of others forces. The positive results showed the capacity of the official party to surmount crisis and renew its power and popularity.<sup>21</sup>

Alcocer notes that the 1991 midterm election signified a big step towards the establishment of a system with three major parties (PRI, PAN, PRD), with the inevitable decline and dissolution of the subsystem of minor parties (PPS, PFCRN, PARM)

#### 4.3.1 The functioning of IFE in the 1991 mid-term elections

There are different views regarding IFE's first role in the early stages of the 1991 mid-term elections. IFE was the institution in charge of the organisation of elections, and the

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<sup>16</sup> The triumph of PAN was not a surprise as it had already won the governorship of Baja California in 1989. Its strength would carry on conquering states including a governorship in 1991 and a third governorship post in Chihuahua in 1992.

<sup>17</sup> A member of the PRD claimed that despite the party complaining about the electoral results alleging electoral corruption, for some of its members, a third position in the 1991 mid-term elections was perceived as a success. This was even more significant taking into consideration that the PRD was a newly created party that had emerged from the FDN, the coalition of parties that competed in the 1988 presidential elections and was dissolved soon after the elections. Interview, member of PRD A, Mexico City, October 28 2004.

<sup>18</sup> Ibid.

<sup>19</sup> PEMEX (Mexican Petroleum) owned by the Mexican state.

<sup>20</sup> Camachos said that "*Salinas' decisions and actions were recognised by the general public and increased the support of the government in the first months*". See Manuel Camacho Solis (Head of Government in Mexico City 1988-1993 and ex member of PRI. Noticieros Televisa. Interview of Manuel Camacho Solis in "*Mexico: La historia de su democracia*." Vol. 2. Mexico City: Noticieros Televisa, 2004.

<sup>21</sup> Noticieros Televisa. Jose Woldenberg in "*Mexico: La historia de su democracia*." Vol 2. Mexico City: Noticieros Televisa, 2004.

main achievement of the 1990 electoral reform.<sup>22</sup> In this context, the organisation of elections became the top priority for the government, the PRI and also the IFE itself.<sup>23</sup> In comparison to the 1988 elections the organisation of the first national election was smooth and without major obstacles. In order to prepare the elections in this period, the IFE, which was controlled by PRI, started a national campaign to increase the level of voting, resulting in a 15% increase in participation. The PRI's intention to increase voting participation responded to the fear of increasing abstentions after the mass mobilisation in 1988.<sup>24</sup> However, the performance of IFE in those elections was received with reservations. First of all, the role of IFE was seen as limited and restricted. A former IFE member claimed to me that the limited role of IFE in the election was a result of a shortage of time. Firstly, the IFE was entrusted to create from scratch a new electoral roll, which was to be ready for the election.<sup>25</sup> Secondly, important political actors, such as the PRD were suspicious of the lack of independence of the electoral authority from the government. To the PRD, whose deputies had voted against the 1990 reform, the 1991 results demonstrated the inefficacy of the reform effort and the IFE. Additionally the PRD's members insisted that the official party's apparatus still prevented legal and fair elections.<sup>26</sup> To the PAN which had become the second strongest force, the outcome of the 1991 elections also showed the need for further improvement. Among the main criticisms, was the difference in resources that the PRI enjoyed in comparison to other opposition parties. The critics highlighted the partiality of the media, the irregularities in the formulation of the electoral rolls, the changes in the place of voting precincts and the delays in their opening, the incomplete voting documents, the deficit of secret votes and the disappearance of names from the voting lists. In addition there were delays in reporting the results and more significantly the PRI was in complete control of the electoral process. On the whole, this first stage of the Salinas-sponsored reforms did not leave the opposition fully satisfied.

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<sup>22</sup> Woldenberg notes that despite criticism, the 1989-1990 reform contributed to a significant advance in the organisation of elections. Ibid.

<sup>23</sup> Interview, senior member of PRI B, former PRI's party Chairman, Mexico City, November 9 2004. *"the 1988 presidential election was highly questioned and we realised that people wanted things to be checked. The first subject was the register (electoral roll) and the second was the impartiality of the electoral organisms"*

<sup>24</sup> Interview, Jorge J. Romero, Advisor to President Councillor (IFE), former member of Democracia Social and political academic, Mexico City, 15 November 2004.

<sup>25</sup> Interview, Marco Baños, Executive Director, Professional Electoral Service Executive Board. (IFE), Mexico City, November 16 2004.

<sup>26</sup> Alcocer, J. Recent Electoral Reforms in Mexico, p.61.

### 4.3.2 Post electoral conflicts in 1991

Although IFE celebrated the outcome of its first test at national level which brought credibility to the electoral system, conflicts at local level emerged at the same time and initiated a difficult period for the PRI. Therefore, the PRI recovery and the IFE's performance was overshadowed by allegations of fraud at local level.<sup>27</sup>

During the period immediately after the 1991 elections, irregularities and allegations of fraud were reported at local and regional level. Two major post-electoral conflicts took place in the states of Guanajuato and San Luis the Potosi. These two post-electoral conflicts initiated a process that was later called "*concertación*".<sup>28</sup> Ultimately the post-electoral conflicts in these two states were solved using extra-legal channels, which relegated the electoral path to second place.

The local opposition parties who alleged fraud, rejected the PRI's victory in both governorships. However, the local opposition parties were treated differently. On one hand, in Guanajuato, the victory was disputed by the PAN's candidate (Vicente Fox) and the radical measures taken by PAN as civil disobedience forced the PRI elected governor (Ramón Aguirre) to renounce his post, allowing a panista major to be elected.<sup>29</sup> On the other hand, in San Luis Potosi where the PRI's victory was disputed by the PRD candidate, his protest forced the PRI's elected candidate (Fausto Zapata Loredó) to renounce his post, and an interim PRI governor was put in his place by local congress (González Martínez Corvalá). Soon after, the PRI governor asked for new gubernatorial elections which showed the unstable climate in the state. However, post-electoral protests continued in other states, such as Michoacán, on July 12 1992, when PRD militants supporting the PRD's candidate (Cárdenas) held massive protests claiming electoral fraud.<sup>30</sup> In order to ease tension and re-establish order following the destabilising state elections, Salinas used upper-level negotiations. Salinas intervened in many local and regional elections, which led to a trend of removals and interim

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<sup>27</sup> To see a compilation of the opinions of the political parties on the 1991 elections see *Época*. August 26 1991; (12): 13.

<sup>28</sup> When facing post-electoral conflicts political parties used political negotiation to provide a solution to those conflicts. Sometimes the political negotiations were resolved directly by the president.

<sup>29</sup> The election of the panista member as interim governor of Guanajuato also provoked protests amongst PRI militants who even occupied the building of the Guanajuato state legislature. Domínguez, J. & McCann, A. Evaluation of the electoral process. In: *Democratizing Mexico: Public opinion and electoral choices*. Baltimore; London: The Johns Hopkins University Press, 1996, p.171.

<sup>30</sup> *Ibid*, p.172.

governments.<sup>31</sup> Such extra legal solution to the post-electoral process showed that the progress achieved in electoral law at national level did not correspond at local level.<sup>32</sup> The electoral institutions and tribunals at local level were unable to deal with complex post-electoral conflicts therefore, solutions to the conflicts could hardly be solved legally. Additionally, the uncertainty created through the post-electoral conflicts created the possibility of alternative governments through political negotiation instead of electoral methods.<sup>33</sup> These events in Guanajuato, San Luis Potosí and Michoacán highlighted the need for changes to the electoral arena and once again the electoral issue became the centre of debate among political actors as the recent reform of 1989-90 was perceived as incomplete.<sup>34</sup> The 1991 results gave Salinas enough power to pursue political, economic and social reforms but the electoral arena still presented demands for equity that would produce further reforms.<sup>35</sup>

### **4.3.3 Recuperation of the PRI and negotiations over the liberalisation process**

After the mid-term elections the PRI showed a clear recovery not only in electoral support but also in its positive social perception. There are different opinions about the reason for the PRI recovery but there are two factors to consider. First of all, some political analysts claim that Salinas credibility and legitimacy was due to the fact that the PRI was associated with the only party able to maintain stability. The association between stability and the PRI had been exploited for decades, as it was one of the pillars of the Mexican regime. A natural fear of social unrest and instability among the population was well perceived by the official party who knew the great appeal of its long life party. Secondly, the economic issue was also an important factor. The discontent brought about by economic adjustment and liberalisation policies applied by Salinas that provoked discontent among the traditional PRI base of support did not negate the perception in the electorate that the PRI was the only party able to handle the economy. Furthermore, it is important to acknowledge the assertiveness of Salinas' use of client-oriented politics and social programmes such as PRONASOL and

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<sup>31</sup> Despite Salinas trying to nurture his image as a reformer, the policy of direct intervention was highly criticised not only by the opposition who requested the resignation of key PRI officials but also by local officials.

<sup>32</sup> Interview, Ricardo Becerra, political academic and advisor to the President Councillor 1996-2000 (IFE), Mexico City, 22 November 2004.

<sup>33</sup> Noticieros Televisa. Interview of Alonso Lujambio, in "*Mexico: La historia de su democracia.*" Vol 2. Mexico City: Noticieros Televisa, 2004. Historia de la Democracia.

<sup>34</sup> Woldenberg, J. Ibid. Vol 2.

<sup>35</sup> Ibid. Vol 2.

PROCAMPO which not only alleviated the impact of economic adjustment and liberalisation but also encouraged the PRI vote. The application of these social programmes was another factor that surely contributed to Salinas' strategy of establishing himself as a reformer.<sup>36</sup> Theoretically, the Solidarity programme PRONASOL (Programa Nacional de Solidaridad), was a programme designed to help those affected by the economic crisis, however it became a multipurpose and multifaceted "populist" programme. This populist programme delivered a variety of public works to impoverished districts, providing direct benefit to the peasant. This programme sought to re-establish the state society relations that had deteriorated in the 80s, and also sought to recover the legitimacy that had been lost while taking account of the new social processes and new actors. Despite this programme being identified with the official party, it had a destabilising effect within the PRI, as "distributive populism" added a new threat to the role of the PRI. However, the recovery could also have resulted from the capacity of the official party to adapt and adjust to new political and economic circumstances. This capacity to adjust was due not only to its dominant position but also to the ability of the PRI to renew itself.

#### **4.3.4 Pressures for further reforms: PRI and PAN versus PRD. Division of the opposition**

The results of the midterm election in 1991 gave the PRI the majority in Congress and enough support to carry out its own reforms.<sup>37</sup> However, in the electoral arena the opposition demanded further electoral reforms in other areas such as finance and media.

The pressure for further reforms on electoral issues from the opposition showed the limits of the 1989-90 electoral reform that was perceived as only the beginning of a long reformist period. Salinas realised that negotiating with the opposition was essential for maintaining the legitimacy that had been gained through fighting corruption and initiating social programmes and to maintain, at least at official level, the promise of

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<sup>36</sup>Interview, Francisco Bedolla, Advisor to the Executive Director of Professional Electoral Service, Electoral negotiator and political academic (IFE), Mexico City, 17 November 2004.

<sup>37</sup> Carlos Salinas de Gortari (Presidente de la República 1988-1994) 1 de Diciembre, 1991. Salinas during his annual address to Congress announced his economic projects: "the Mexican economy has recovered its stability, it has transformed its structures and it has grown. The key has been and will continue to be the permanence of economic policy. We are looking for a strict control of public costs, a competitive fiscal system, the reduction of debt, commercial opening and deregulation and the promotion of investments and exports." Data gathered in Noticieros Televisa. "Mexico: La historia de su democracia." Vol 2. Mexico City: Noticieros Televisa, 2004. Historia de la Democracia.

greater reforms towards increasing democracy.<sup>38</sup> Nevertheless, his approach and relationship with PAN and PRD was something very different.

It can be argued that a divided opposition was the only way for the PRI and for Salinas to initiate the series of economic, social and political reforms that they had promised. In addition to this, the distance between the main opposition parties would contribute to the isolation of the PRD. Indeed the hypothesis of the hidden strategy of Salinas seemed to be in place long before the midterm elections. On the one hand, Salinas negotiated with PAN on economic and political matters while isolating and impeding Cardenas to consolidate the left alliance which proved to be very popular in the 1988 federal elections. The decision of Salinas to continue and even intensify the economic liberalisation process that was started by his predecessor, De la Madrid, was well received by the PAN. This agreement in economic policy between PRI and PAN contributed to the division of the opposition. The economic issue made it impossible for a unified opposition, as the PRD (mostly formed by ex-PRI members) was totally opposed to the neo-liberal economic model applied by the PRI. In addition to this, the PRI made sure that the PRD was given a negative image as a party of pro-violence and pro-instability such that fears increased about it. However, many analysts claim that the PRD also contributed to this negative image, by having internal divisions and making political mistakes.<sup>39</sup> Thus, at the same time that the PRI was forging ties with the PAN to separate from the PRD, the official party initiated other measures to undercut its appeal. For instance, the use of a welfare government programme called SOLIDARITY was part of this strategy to cut the popularity of Cardenas with members of the left. Furthermore, it prevented the PRD from establishing links with social movements. This strategy of isolation had an impact on the way in which the PRD's more confrontational approach was perceived. The official party linked the PRD to drug traffickers, described it as simply incompetent and associated the PRD with violence, instability and confrontation. This campaign resulted in not only undermining the reputation of the PRD, especially in the eyes of the middle class and the United States, but also in justifying the use of security forces and repression against the PRD supporters. Another

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<sup>38</sup> Enrique Krauze (Historian and writer) argues that Salinas' regime was a contradiction as he prioritised the economic modernisation over the political modernisation. *Noticieros Televisa*. Interview of Enrique Krauze in "*Mexico: La historia de su democracia*." Vol. 2. Mexico City: Noticieros Televisa, 2004.

<sup>39</sup> For a detailed account of the successive internal disputes among PRD's members see articles by Heberto Castillo, "Relations between PRD and government" in *Proceso*, February 18 1991;(746):14 & "Porfirio, González Guevara, Petroleo" in *Proceso*, February 25 1991;(747):15 and also see article by Vera Rodrigo and Beltrán del Rio Pascal "Disputes for the concession of candidacies within PRD" in *Proceso*, February 25 1991;(747):02.

measure designed to undermine the appeal of the PRD was to target repression at the PRD constituencies.<sup>40</sup> The anti-PRD strategy included sabotaging the effort of the PRD at local governance, which gave the PRD an image of a party unable to run a local government. The PRI and Salinas also prevented former allies in the 1988 elections from joining the PRD.

Overall, the initial division of the opposition highlighted Salinas' ability to temper the inclination of the opposition towards joining forces and acting together, such a task seemed easier than to soften the opposition one by one.<sup>41</sup> Collaboration between the PRI and PAN resulted from the common ground that both parties shared. The hard line political posture of De La Madrid towards PAN changed to a soft line position. Both parties agreed on the negotiation of economic and electoral issues. The collaboration between Salinas and PAN was costly for both parties. On one hand, the PRI was forced to accept some of the PAN's demands at the increasing costs of alienating its basis of support. In addition, despite the negotiations initially resolving dangerous post-electoral conflicts these contributed to the emergence of a party system. Both parties PRI and PAN seemed to benefit from this scheme of negotiation. On the other, the PAN was the party that benefitted from the so-called "*concertacion*", where discretionary negotiations between both parties became more important in settling the result of contested elections than votes.<sup>42</sup> Moreover, the protests that emerged against these extra-legal and ad-hoc solutions due to the lack of consensus over electoral outcomes increased a new style of party competition, based on mobilisation and resistance rather than electoral campaigns.

#### **4.4 The Salinas government: internal division in the PRI**

Despite the fact that the PRI was enjoying victory at most of the state and local contests which seemed to overcome the crisis unleashed by the departure of Cardenas and the CD in 1988, by 1991 internal problems still prevailed. Inside the PRI dissident voices

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<sup>40</sup> Woldenberg notes that during this period approximately four hundred PRD's members were assassinated in mysterious circumstances in for which no one has been brought to justice. Noticieros Televisa. Jose Woldenberg in "*Mexico: La historia de su democracia.*" Vol. 2. Mexico City: Noticieros Televisa, 2004.

<sup>41</sup> The official party tried to control these popular mobilisations in order to prevent more offensive ones. The main objectives of such mobilisations were either to deprive the opposition of electoral victories or to force the government and the PRI to recognise alleged electoral victories.

<sup>42</sup> The victories of PAN in the governorship of Baja California in 1989 and in Guanajuato in 1991 have been claimed to be the result of "concertacion" (extra legal negotiation) between PAN and PRI.

demanded a democratisation of its procedures and for more independence from the government. Salinas faced the difficulty of stopping the internal and electoral decline that the PRI had suffered since De La Madrid. However, a call to unify the party and to safeguard the old alliance was made by Salinas in response to an increasing number of dissidents. It seemed that Salinas faced an arduous task to unify, restructure and refashion his party because of the internal problems between PRI leaders which made it more difficult to increase its popular support.<sup>43</sup> Within the PRI, Salinas intended to weaken the corporate sectors and the old style politicians who had expressed their non-conformity on the economic policy that the government initiated in the early 1980s. Inside the party, Salinas also had to temper the contradictory demands between the old guard and the technocrats, in addition to trying to refocus the party to the task of winning elections. Salinas pursued this task by opting for a combination of positive and negative reforms. Positive measures such as “*concertacion*”, discussed earlier, were used to provide the credibility needed to gain electoral support and ease post-electoral conflicts. However, Salinas used negative measures such as electoral fraud and corruption to reinforce the recovery as De La Madrid had also done. As presidential control over the party increased during the Salinas period, negotiations among PRI members also became more difficult. The trend for presidential control also eroded the internal discipline, which contributed to an increasing disturbance within the PRI and its relation with the ruling elite. It is important to note that Salinas monopolised the power previously held by institutions. His presidential prerogatives led to a situation where traditional norms and rules were constantly challenged. Furthermore, many of his prerogatives such as the removal of governors provoked further problems inside the PRI. These decisions highlighted an important change in the traditional role of the president towards becoming the intermediary between the opposition and the official party, which not only infuriated the PRI members but also encouraged the use of highly destabilising political tactics. Furthermore, the attempt to introduce democratic primaries in the official party in 1991 as a democratic innovation also failed due again, to Salinas’ prerogative power. Salinas’ reluctance to give up his unwritten power to appoint officials for state governorship and congressional seats provoked resistance of imposition not only at local level but also inside the party. Though, Salinas had to face

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<sup>43</sup> Salinas would not lose his legitimacy: Gutierrez Barrios in *Proceso*, September 12 1988; (619): 14-19.

internal disagreement between the two factions, he was more successful in constraining the decomposition of the party which De La Madrid experimented with in his final period. Eventually the departure of dissidents slowed down and even Salinas managed to gain stability within the party between the “old politicians” and “technocrats”.<sup>44</sup> The incorporation of new elements such as the business class and the use of Solidarity programmes<sup>45</sup> to maintain the support from the labour and peasant organisations helped Salinas to further centralise his power and mobilise the vote for the party through a territorial rather than corporate base structure.<sup>46</sup> Once the new PRI began to emerge, the use of negative reforms such as fraud diminished and Salinas was successful in weakening and dividing the opposition. He was especially successful at undermining the PRD. Despite the recuperation of the PRI, the split of the elite led to what Huntington notes as mobilisations and splits within the elite which feed each other.<sup>47</sup> In other words the more factionalism within the elite, the more unstable the regime became and the greater the possibility for the opposition to gain political space. At the same time, as popular mobilisations increased and the opposition advanced, factionalism within the elite became clearer.

#### **4.4.1 Salinas reforms: structural change of the economy, Article 27, the church and NAFTA.**

Between 1991 and 1993 Salinas initiated the so-called structural economic change. Among his economic reforms, one of the most controversial was the reformation of Article 27 of the Constitution, which was approved by Congress and requested by Salinas. The reform of Article 27 allowed the privatisation of the “ejido”, therefore allowing foreign investors to invest in this traditional form of communal land that represented the best example of the Mexican revolution. Salinas also promoted a constitutional reform to recognise the juridical status of the church.<sup>48</sup> However, one of the most important and influential of Salinas’ economic adventures was the initiation of

<sup>44</sup> Handelman notes that Salinas as a technocrat president, favoured political liberalisation. However he set limits, for example he allowed the PAN to win in some local elections (eg. Baja California, 1989) while preventing the PRD from winning at the local level. See Handelman, H. *Mexican Politics, The Dynamics of Change*, p.85.

<sup>45</sup> The two main social programmes initiated by Salinas were the National Solidarity Programme (PRONASOL) and the Programme of Direct Support to the Countryside (PROCAMPO).

<sup>46</sup> See survey on the opinion over Pronasol see study by Covarrubias y Asociados. Pronasol: ¿Propaganda o realidad? *Voz y voto*. August 1993; (6): 26-29.

Survey on PRONASOL: 79% considered that the programme was good.

<sup>47</sup> Huntington, S. *Political Order in Changing Societies*. Virginia: Yale University, 1996

<sup>48</sup> Noticieros Televisa. Interview of Roberto Blancarte (researcher) in “*Mexico: La historia de su democracia.*” Vol 2. Mexico City: Noticieros Televisa, 2004. Historia de la Democracia.

an international economic agreement with EEUU and Canada, NAFTA.<sup>49</sup> In 1993, the North American Free Trade Agreement between EEUU, Canada and Mexico culminated a long reformist period initiated by Salinas during his first years of presidency. This economic agreement was expected not only to open markets in the United States and Canada to Mexican trade but also to secure future Salinas' economic reforms.<sup>50</sup> The trade agreement, like the other reforms in the area of economy and politics that Salinas carried out in order to modernise Mexico was fully backed and supported by the PAN as it coincided with its economic policies.<sup>51</sup>

Salinas was not worried about the decline of the corporative vote as he was pursuing the dismantling of the corporative system in order to carry out the economic reforms and more importantly the entry of NAFTA. The negotiation of a free trade agreement between Mexico, Canada and USA was a personal objective of Salinas. However, this new trade agreement brought new actors and internationalised the Mexican political system. Despite the economic agreement (NAFTA) not attaching an institutional or formal commitment to democratic and human rights standards in Mexico, it produced changes to the practices and strategies of political actors. For example, the USA congress, international press and several universities became a place where the opposition parties deployed campaigns to denounce the government's authoritarian practice. Serrano<sup>52</sup> notes that there was little doubt that NAFTA contributed to the consolidation of the opposition, as the government had to allow opposition electoral victories in order to soften negotiations.

#### **4.4.2 Salinas' second and third stages of reform: 1993 electoral reform and 1994 electoral reform**

The following section contrasts the differences between the 1993 electoral reform which was mainly initiated, pursued and approved by the government and the PAN; and the 1994 electoral reform in which the motives, context and achievement differed greatly. On one hand, the 1993 electoral reform seemed to have followed the pattern of previous ad-hoc reforms which were set up in preparation for incoming presidential elections.

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<sup>49</sup> Interview of Jaime Serra Puche (Minister of Commerce 1988-1994). Ibid, Vol.2.

Jaime Serra explains that the reason for the government pursuing the NAFTA was the fact that Mexico was not receiving much foreign investment; investors started looking elsewhere, such as Eastern European countries after the opening of the "Iron Curtain". Therefore Mexico needed to consider globalisation in order to attract investments.

<sup>50</sup> Dominguez, J. & McCann, James A. *Democratizing Mexico: Public Opinion and Electoral Choices*. Baltimore; London: The John Hopkins University Press, p.180.

<sup>51</sup> See Handelman, H. *Mexican Politics, The Dynamics of Change*, p.153.

<sup>52</sup> Serrano, M. *Rebuilding the State: Mexico after Salinas*, p.23.

Therefore, the 1993 electoral reform was initially set up to prepare the ground for the 1994 presidential elections. On the other, the 1994 electoral reform took place in a different context which was affected by the socio-political impact of an indigenous uprising in Chiapas. The threat of political violence and social instability put enormous pressure on both the main opposition parties and the official party-government to prioritise the negotiation and achievement of consensus, for a new electoral reform for the first time in history, in order to consolidate the democratic means of election.

#### **4.4.3 Prior to the 1993 electoral reform**

By 1993 despite the initial support of PAN for the Salinas' reforms, the electoral issue came to the fore in the political debate due the continuation of post-electoral conflicts at local level and the opposition's demands for more impartiality and equity in the electoral process. It seemed that the credibility of the elections was still poor. In addition to this, the use of fraud at electoral contests forced PAN and especially PRD to protest.<sup>53</sup> Also, Salinas' presidential style in which he challenged established rules of the game and institutions also contributed to the erosion of one of the foundations of the Mexican political system, its multi-faceted discipline.

It is important to note that the 1989-90 reform had created the foundations for two factors: the intensification of the public debate in all political spaces, and in Congress the strength of the opposition and the possibility of the official party to lose elections at local level. Indeed, it seemed that even though the 1989-90 electoral reform was intended to moderate the political debate, in the end, it increased it.<sup>54</sup> Political parties started using Congress as an arena to present their discontent over alleged fraud at local electoral contests, but especially accusations against the use of public funding by the official party.<sup>55</sup> In addition, the lack of transparency and the private funding by business groups to the official party was also criticised. These pressures for further electoral reform forced Salinas to address the electoral issue in his annual speech in November 1992 in which he stated that if the political parties considered it necessary to adapt the

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<sup>53</sup> El Mes (from June 16 to July 15). *Voz y voto*. August 1993; (6): 44-61.

The PRD contested the electoral results of the State of Mexico and in Nayarit and initiated protest mobilisation.

<sup>54</sup> Romera Vadillo notes that the political context surrounding the 1989-90 election contributed to the politicisation of the reform and the idea that it was just the start of many changes. However, for Salinas the first reform was perceived as an instrument for peace. Interview, Jorge J. Romero, Advisor to President Councillor (IFE), former member of Democracia Social and political academic, Mexico City, 15 November 2004.

<sup>55</sup> This demand was specifically presented by the PRD.

electoral legislation he would support it. Again, in this reform, Salinas, though under pressure, acknowledged the need for a new reform highlighting the three areas that he required to progress in the political reform: *“first of all, to make transparent the origin of the party’s funding, secondly to establish electoral campaign ceilings and thirdly modification regarding the use of the mass media and processes that guarantee advances in the impartiality of the elections.”*<sup>56</sup> Therefore, the new reform to be developed was intended to address three issues (party financing, campaign expenses, and the media). Eventually, with the pressure of opposition, Salinas and the PRI initiated a new reform. The modifications introduced in the electoral legislation in 1993 became the second process of reforms during the Salinas sexenio.

#### **4.4.4 The 1993 electoral reform: The negotiations and political actors involved.**

In June 1993, Salinas and the PRI presented their own electoral reform proposal which, to the surprise of the opposition, only included changes to the COFIPE and not to the constitutional amendments. The new reform still responded to the old pattern of PRI dominance over the reforming process in which Salinas himself was taking the initiative. But the new electoral reform would be discussed in other political areas such as Congress and IFE. It is important to remember that the use of new political arenas to discuss political issues such as Congress and the IFE was relatively novel in Mexican politics. Additionally, the emergence of more political spaces also encouraged political parties to participate in the negotiations on electoral reforms. At the same time that the Congress started debating issues such as the distribution of seats in the Chamber of deputies and the design of regulations to control party financing, the IFE organised a public hearing to which several political analysts and experts were invited to discuss the content of the reform. The conclusions of the public meeting were sent to Congress to add to the legislative debate.

The shift in PRI’s support among the opposition was clear when PAN and PRD presented a counterproposal (common agenda) to the PRI’s proposal in June 1993, recommending nine constitutional changes that the PRI had to eventually accept. The opposition expected the reform to carry out constitutional amendments, something that

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<sup>56</sup> Speech to the nation by Carlos Salinas de Gortari (President of Mexico 1988-1994) November 1 1992, in Noticieros Televisa. *“Mexico: La historia de su democracia.”* Vol 2. Mexico City: Noticieros Televisa, 2004. Historia de la Democracia.

the PRI did not want to do. This reform acquired a political significance because for the very first time in the history of electoral reform and disregarding the final outcome, the agenda of the opposition became the centre and reference of the discussion between the political parties.<sup>57</sup> With this reform, PAN and PRD achieved many of their demands after breaking the initial resistance of PRI legislators.<sup>58</sup> In fact, PAN leaders, as well as some factions of the PRD considered the outcome satisfactory.

Finally, the different proposals were discussed by a Plural Commission created in the Chamber of Deputies which was formed by all parties. The purpose of the commission was to achieve consensus for the new reform. The reform was finally drafted jointly by the PRI and the PAN (as the PRD despite joining the debate did not offer concrete suggestions) and was approved by all parties except the PRD who voted against it.<sup>59</sup> The reform of 1993 was significant because it was made possible by a temporary agreement between the PAN and the PRD, although the PRD left the negotiation table at the end.<sup>60</sup> The negotiations between the political parties were rather complicated. Initially the PRI and the government seemed to be willing only to reform the COFIPE, but the opposition did not accept this and asked for constitutional amendments. Eventually, Salinas proposed reforms on party finances. While the first reforms that led to the creation of IFE had concentrated on the management of the electoral system and problems being solved, in 1993 the negotiation centred on other issues such as financial ones.

#### **4.4.5 Content of the 1993 reform: important changes**

The 1993 electoral reform modified 8 constitutional articles and a total of 170 COFIPE's regulations. The restructuring of the Senate<sup>61</sup> and the introduction of regulations on party financing were two more important elements of the reform. These

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<sup>57</sup> See El Mes (from August 19 to September 16). *Voz y Voto*. October 1993; (8): 51-55.

PAN's leader, Peraza, indicated the PAN's proposal for the reform and said that it was false to consider that it was a PRI reform to which PAN agreed. At the same time, the PRD initiated a formal dialogue with government representatives and the PRI.

<sup>58</sup> See El Mes (from August 19 to September 16). *Voz y Voto*. October 1993; (8): 51-55.

<sup>59</sup> The PRD's argument for voting against was disagreements about its form, not its content.

<sup>60</sup> El Mes (from October 18 to November 17). *Voz y voto*. December 1993; (10): 40-45.

The newspaper "El Nacional" noted that Cárdenas said that the reform did not need a "pact of civility" but, just to follow the electoral law. However, another newspaper "La Jornada" reported that Cardenas was in favour of the agreement for a transition to democracy, therefore he was willing to cooperate with Salinas.

<sup>61</sup> For a detailed account of the reform, see Alcocer, J. Recent Electoral Reform. The Challenge of Institutional reform in Mexico, p.61.

issues, that were ignored or delayed in the 1990 reform, became the centre of debate in the reform, especially through pressure from the opposition.

Despite the debate concentrating on other aspects such as party financing and media access, the government's control of IFE remained a reason for the opposition not to fully support the reform. This was especially the case for the PRD, who had voted against these measures because of its views on the government's control over the electoral authority and electoral process.<sup>62</sup>

However, certain amendments to the Constitution, COFIPE and electoral law eventually increased not only the role of IFE and the Federal Electoral Tribunal but also the influence of the opposition in Congress.

First of all, the removal of the Electoral College in Congress led to the suspension of the Congress's system of judging its own members' elections, in other words, the self-validating of elections. In the past, the members of the two Chambers, through self-validation, had approved each member's election, based on the principle of "parliamentary sovereignty" (deputies and senators elected themselves). This function created numerous problems in contested elections such that in the 1993 electoral reform, it was transferred to the Federal Electoral Institute and to the Federal Electoral Tribunal.<sup>63</sup> The elimination of the function of self-validation increased the strength of the IFE due to the function being exercised by electoral authorities. Additionally, the introduction of proportional representation in the senate increased the opposition parties' participation in the IFE. The restructuring of the Senate was one of the two long-standing PAN demands; the second one was to introduce direct elections of the local government of the Federal District (Mexico City).<sup>64</sup> Both were met in this reform. Thirdly, the 1993 reform also introduced important changes in the distribution of congressional seats. The most controversial of these changes was the abolition of the "governability clause".<sup>65</sup> The PRI's ability to approve reforms on its own was restricted by the decision to prevent any party from holding more than two thirds of the Chamber

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<sup>62</sup> According to Pablo Gómez Álvarez, these reforms were cosmetic. See interview of Cuauhtemoc Cardenas in *Voz y Voto*, March 1993;(1):14-18

<sup>63</sup> Noticieros Televisa. Interview of Arturo Muñoz Jiménez (General Director of IFE 1993-1994) in "*Mexico: La historia de su democracia*." Vol. 2. Mexico City: Noticieros Televisa, 2004.

Muñoz notes that since the 1993 electoral reform the Congress' Electoral College made of deputies and senators was eliminated and its former functions passed to IFE.

<sup>64</sup> Alcocer, J. Recent Electoral Reform. *The Challenge of Institutional Reform in Mexico*, p.60.

<sup>65</sup> The 1990 constitutional amendment contained a clause on "governability", which guaranteed the party receiving the most votes in a congressional election the majority of the seats in the Chamber of Deputies. Ibid.

of Deputies seats in addition to the unity of the composition of the chamber of deputies and the acceptance that no party could obtain more than 315 deputies. Therefore, from 1993, and in order to pass constitutional reforms, a consensus between the two political parties would be essential. Although, the abolition of the “*governability clause*” promised a more fair distribution of congressional seats in Congress, the new electoral formula tended to create “manufactured majorities” through the systematic over-representation of the plurality party. Furthermore, this new formula only benefitted the majority party and the second leading party, to the detriment of the other parties. Alcocer argues that the reform showed an “unspoken alliance” between the PRI and the PAN, who agreed to marginalise the PRD while constructing a two-way competition for elective posts.<sup>66</sup>

A more significant aspect of the 1993 reform was perhaps the introduction of regulations on party finances in which financial ceilings were enforced on the levels of both campaign and private funding for the first time.<sup>67</sup> It is important to note that until 1993 there was no electoral law in charge of regulating parties’ private funding. For the first time in history, regulations regarding the funding of political parties and political campaigns were established in the COFIPE, Article 49. This article was set up to regulate both public and private sources of party financing.

The reform established in the COFIPE the different types of legal party financing (public financing, militants, sympathisers, self funding and trusteeships). This was in addition to campaign spending ceilings and the enforced limits to private donations from individual militants and anonymous donations. The reform also prohibited political contribution by government agencies and officials, the private sector, religious institutions, foreign individuals and organisations. It also established for the first time the obligation of the parties to present to IFE an annual report on their incomes and expenses.<sup>68</sup> Legislation about the revision of both public and private income and revenues and political parties’ expenditure was also established. It is important to highlight the importance of this new regulation for the IFE, as it became the administrator of such functions. This was something very important in the world of

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<sup>66</sup> Alcocer, J. Recent Electoral Reform. *The Challenge of Institutional reform in Mexico*, p.62.

<sup>67</sup> See the main points of the 1993 electoral reform in Inés Castro, et. al. *¿Dónde quedó la bolita? Voz y voto*. November 1993; (9): 7-9.

<sup>68</sup> Noticieros Televisa. Woldenberg, J. in “*Mexico: La historia de su democracia.*” Vol 2. Mexico City: Noticieros Televisa, 2004. Historia de la Democracia.

private funding.<sup>69</sup> The reform also established measures regarding access to the media by political parties including the expansion of rules promoting equal access to media coverage by political parties. The cost of propaganda on radio and television was also addressed for the first time. The 1993 reform established that only political parties were allowed to buy time on radio and television for their campaigns and that the IFE would distribute a list of charges to political parties. Despite many of the opposition's demands regarding media access, the reform did not include any major changes.<sup>70</sup> The purchase of advertising and the use of public time on television were the main concerns of the opposition. Eventually the lack of regulation in this area provoked further changes in the next presidential election in 1994. Regarding, the electoral judiciary, one of the most important aspects of the reform was the conversion of the Electoral Tribunal (TRIFE), which had existed since 1990, to a judicial entity<sup>71</sup> with full power to decide on electoral arguments. The Federal Electoral Tribunal became the office for prosecuting electoral crimes and expanding sanctions on such crimes. Among its new powers was the ability to remove party registration in cases of violation of electoral law.<sup>72</sup> This change strengthened the judicial settlement of electoral disputes. Finally, the reform introduced the figure of the national electoral observer; the regulation of which was another demand of the opposition parties. All electoral observers had to ask for accreditation to the local electoral agencies of IFE. Additionally, other measures were established in order to increase the role of the opposition parties during the voter registration process.<sup>73</sup> Changes regarding political coalitions, polling surveys and the establishment of a system to gather preliminary results were also regulated.

#### **4.5 Outcome of the reform: The last of the PRI led reforms**

The negotiation of the reform between the PRI and the opposition did not go as smoothly as expected. At one point, the three main parties achieved consensus regarding some electoral issues but the negotiation soon became too complicated. For instance, the common front of PAN and PRD, in presenting a common agenda, was disrupted by

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<sup>69</sup> Noticieros Televisa. Interview of Alonso Lujambio in "*Mexico: La historia de su democracia.*" Vol. 2. Mexico City: Noticieros Televisa, 2004.

<sup>70</sup> Chapter 6 will cover this issue.

<sup>71</sup> The previous electoral tribunal was only able to apply administrative sanctions.

<sup>72</sup> Noticieros Televisa. Woldenberg, J. in "*Mexico: La historia de su democracia.*" Vol 2. Mexico City: Noticieros Televisa, 2004. Historia de la Democracia.

<sup>73</sup> Political parties were allowed to revise the electoral register prior to the election day.

PRD. The two parties joined forces in order to present an alternative agenda to the PRI's proposal. The PRI nearly accepted the entirety of these proposals but the PRD's decision to abandon the negotiation table generated more problems to reform which had to be achieved by consensus.<sup>74</sup> Additionally, some of the proposals made by the opposition did not obtain PRI's approval. For example, the opposition also highlighted obstacles to reform of the regulation which governed electoral coalitions. Since 1990 it had become more difficult for opposition parties to form coalitions, and it was especially difficult for opposition parties to unite behind a single presidential candidate. The reform of electoral coalition was one of the main demands of the PRD. It is important to highlight that the Cardenas' movement, which challenged the PRI in the 1988 elections, was able to form a coalition. Many analysts thought that the new regulation of multiparty coalition increased the PRI control over the electoral process. Indeed, Salinas was determined to avoid another coalition and targeted real and potential PRD supporters. These regulations prevented the traditional satellite parties of the PRI (the PPS, the PARM) from joining Cardenas. Due to the obstacles involved in forming a coalition, the PRD reacted by calling the reform fixed and declared its clear intention to eliminate the formation of common candidacies similar to the one that had formed the FDN in 1988.<sup>75</sup> In fact it seemed that in 1993 the official party, in order to undermine Cardenas support, adopted a specific strategy for the 1994 elections. The strategy consisted of dividing the opposition thus impeding a possible new coalition on the left.

Overall, the 1993 electoral reform resulted in a legislative exercise in which all parties participated although only PRI and PAN decided to approve it at the end.<sup>76</sup> Additionally, the opposition's participation inside IFE also started attracting public attention.<sup>77</sup> Despite the reform addressing many of the opposition's demands and developing important electoral issues such as party funding for the first time, the reform did not solve the issue of the autonomy of IFE. It is important to remember that the independence of the electoral authority from government control was one of the main

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<sup>74</sup> The PRD expressed its disagreement over the form of the reform but not its content.

<sup>75</sup> See Noticieros Televisa. Interview of Porfirio Muñoz Ledo (President of PRD 1993 -1996) October 15 1993 in "*Mexico: La historia de su democracia.*" Vol 2. Mexico City: Noticieros Televisa, 2004. Historia de la Democracia.

<sup>76</sup>Noticieros Televisa. Interview of Woldenberg, J. in "*Mexico: La historia de su democracia.*" Vol. 2. Mexico City: Noticieros Televisa, 2004.

<sup>77</sup> Interview, Francisco Bedolla, Advisor to the Executive Director of Professional Electoral Service, Electoral negotiator and political academic (IFE), Mexico City, 17 November 2004.

demands of the opposition, especially of the PRD.<sup>78</sup> The control that the government still exercised over the electoral authority was seen as an undemocratic measure that the PRI used in order to maintain its control over the electoral process. In fact, many political actors claim that the 1993 reform can be perceived as cosmetic because it did not differ from previous PRI-led reforms.<sup>79</sup> Originally the 1993 electoral reform was intended to set the legal framework for the upcoming election in March 1994. The official party seemed to be in a very comfortable position. First of all, the positive results of the PRI in the 1991 midterm elections allowed Salinas to initiate reforms in areas such as the agrarian (ejidos), education (decentralisation) and in the relationship with the church.<sup>80</sup> Secondly, the entry of Mexico in NAFTA<sup>81</sup> which was supposed to be the last step taken within the economic reform initiated by De La Madrid and continued by Salinas, not only provided the regime with a new international image but it also increased the promise of economic improvements. By December 1993 the legal and institutional setting under the responsibility of the IFE was ready for the next federal elections in August 1994 in which a new president and Congress was to be elected. Nonetheless, the tranquil situation before these federal elections was disrupted by an unexpected event that not only surprised the country but the world; the sudden outbreak of armed rebellion by the Zapatista National Liberation Army (EZLN) in the southern state of Chiapas. This event forced the government and the political actors to pact in dramatic conditions, a new and more profound electoral reform.<sup>82</sup>

#### 4.5.1 The armed rebellion in Chiapas

The political context that followed the electoral reform in 1993 was interrupted by an Indian-based guerrilla uprising that erupted in Chiapas on New Years Eve 1994, the same day that the NAFTA agreement started functioning. The so-called Zapatista Army of National Liberation (EZLN) declared war on the Mexican government. The EZLN was formed by a group of radical left wing members who were able to develop a social

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<sup>78</sup> During the 1993 reform the PRD and PAN insisted on introducing changes in the structure of IFE. However, the reform did not alter the structure of the electoral authority or the basic process of the organisation of elections.

<sup>79</sup> Noticieros Televisa. Interview of Pablo Gómez Álvarez (President of the National Council of PRD 1993-1996) in *"Mexico: La historia de su democracia."* Vol. 2. Mexico City: Noticieros Televisa, 2004.

<sup>80</sup> For government-church relations, see Alcocer, J. & Rodrigo Morales M. La relación apenas empieza (Iglesia-Gobierno) in *Voz y voto*. September 1993;(7): 5-9.

<sup>81</sup> NAFTA (North American Free Trade Agreement)

<sup>82</sup> Noticieros Televisa. Interview of Woldenberg, J. in *"Mexico: La historia de su democracia."* Vol. 2. Mexico City: Noticieros Televisa, 2004.

base in the indigenous communities of Chiapas.<sup>83</sup> The ELZN was opposed to Salinas' army and claimed that all legal and peaceful paths were closed.<sup>84</sup>

Many political analysts argue that the uprising, which took the government by surprise, showed a lack of legitimacy in the Mexican rules and others perceived the uprising just as a simple rebellion which resulted from the unbearable economic and social circumstances of the Indian peasants.<sup>85</sup> In addition, and as soon as the clash between the Zapatistas rebels and the army started, Salinas' government was confronted by strong and international condemnation of the state's use of the army to repress the rebellion.<sup>86</sup> A myriad of civic groups, Non Government Organisations (NGOs) as well as important sectors of public opinion and political parties requested an ending to the fighting and demanded that the government start political negotiations. Some political groups among the opposition and society perceived the EZLN's demands as justified and legitimate.<sup>87</sup> Woldenberg notes that the threat of violence appeared again after 70 years and meant that not only the government but all political forces would have a firm reaction to it.

Different sections of the government were deeply divided on how to deal with this event. Initially, Salinas dismissed the appeal of the Zapatista rebel uprising saying that the attack was carried out by professional criminals (national violence) and foreign groups who were detached from the Chiapas' problem.<sup>88</sup> A faction inside PRI favoured

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<sup>83</sup> For an account on the Chiapas rebellion there is extensive literature including, Bonfil Batalla, G., México profundo: Reclaiming A Civilization, Austin: University of Texas Press, 1996; Boremanse, D., Hach Winik: The Lacandon Map of Chiapas, Mexico: Institute for Mesoamerican Studies. Albany, NY, 1998., Collier, G. Basta! Land and the Zapatista Rebellion in Chiapas, Oakland, CA: Institute for Food and Development Policy, 1994; Harvey, N., The Chiapas Rebellion: the struggle for land and democracy. Mexico City and Durham: Duke University Press, 1998. Montemayor, C., Chiapas: La Rebelión Indígena de México, Joaquín Mortiz, 1997, Ross, John, Rebellion from the Roots: Indian Uprising in Chiapas, Monroe, ME : Common Courage Press, 1995., Russell, Philips L., The Chiapas Rebellion, Austin, TX : Mexico Resource Centre, 1995, Weinberg, B., Homage to Chiapas: London and New York: Verso, 2000, pp. 97-202.

<sup>84</sup> Comandante Felipe EZLN (1 de Enero, 1994)

*"We are a million and we call on all our brothers so that they are added to this call; that is the only way not to die of hunger before the insatiable ambition of a dictatorship of more than 70 year, governed by a group of power hungry treasonous people that represent the most conservative groups who are prepared to sell their homeland"*

<sup>85</sup> Needler, Martin C. Mexican Politics: the container of conflicts, p.33.

<sup>86</sup> Harvey notes that the rebellion focused attention on the social costs of neoliberal economic reforms and on the discrimination directed against two of the most traditionally marginalised sectors of Mexican society: indigenous people and women. However, in doing so, the EZLN insisted on the centrality of democracy in articulating popular struggles against numerous forms of oppression. Harvey, N. The Chiapas Rebellion: the struggle for land and democracy, p.199.

<sup>87</sup> The leader of the PAN, Luis H. Alvarez, who was also Commissioner of the peace process in Chiapas in 2000-2004, said that the Zapatista had the insight to cut to the heart of the matter, which was the poor conditions of the indigenous people in Mexico. While, Cuauhtemoc Cárdenas said that Chiapas represented a clear expression of a deep crisis of marginalisation of important sectors of the population. See Noticieros Televisa, Historia de la democracia, 2004, Vol. 2. Mexico City, 2004.

<sup>88</sup> See speech of Carlos Salinas de Gortari (President of the Republic 1988-1994) on January 6 1994 in Noticieros Televisa. *"Mexico: La historia de su democracia."* Vol. 2. Mexico City: Noticieros Televisa, 2004.

a military approach, and another faction preferred political negotiation.<sup>89</sup> Finally, despite facing disagreements from those who supported a hard-line reaction, Salinas decided to initiate peace talks with the rebels. It is important to note that Salinas' decision to negotiate came from a desire to reduce the negative press and suppress the international reaction that the Mexican army received after confronting the rebels.<sup>90</sup> The international media not only attacked the response of the Mexican army but also Salinas himself.<sup>91</sup> Additionally, the popular mobilisations provoked by the indigenous uprising not only extended across the country but also had an impact on the political and economic context creating tensions within the government that did not know how to confront the crisis. Ironically, Camacho Solís, a PRI member who had lost the PRI's nomination for presidential candidate to Colosio<sup>92</sup>, headed the faction which favoured negotiation. Eventually, on 10<sup>th</sup> January, Salinas ordered unilateral cease-fire in Chiapas and offered to start political negotiations with the guerrillas and to abandon the reactive policy of repression. Salinas announced an amnesty and reshuffled his cabinet, naming a new Minister of the Interior (Jorge Carpizo) and a special commissioner to achieve the peace in Chiapas (Camacho). In order to gain credibility and support, Salinas substituted the Minister of the Interior with a former human rights supporter, Jorge Carpizo and elected Camacho, who already enjoyed popular support, as the peace commissioner.<sup>93</sup> Finally, by 2<sup>nd</sup> March 1994 the peace commissioner and the EZLN concluded the negotiations and signed a document which contained 32 compromises for peace. This document became very significant because it showed the willingness of both parties to negotiate. In addition, this negotiation also allowed for the continuation of the presidential campaign process.

The rebellion in 1994 forced a new, urgent and democratic negotiation between PRI and the opposition just a few months before the presidential elections.<sup>94</sup> A more profound electoral reform was necessary in order to ensure the upcoming federal elections.

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<sup>89</sup> Noticieros Televisa. Interview of Manuel Camacho Solís (Commissioner for the Peace in Chiapas 1994) in *"Mexico: La historia de su democracia."* Vol. 2. Mexico City: Noticieros Televisa, 2004.

<sup>90</sup> The international broadcasting of mortal casualties including indigenous people, civilians and soldiers brought the attention of the international community and this put further pressure on Salinas to pursue negotiation with the rebels.

<sup>91</sup> See *El Mes. Voz y voto*. February 1994; (12): 57-59.

<sup>92</sup> Donaldo Colosio was the presidential candidate for PRI in the 1994 federal elections.

<sup>93</sup> Noticieros Televisa. Interview of Manuel Camacho Solís (Commissioner for the Peace in Chiapas 1994) in *"Mexico: La historia de su democracia."* Vol. 2. Mexico City: Noticieros Televisa, 2004.

Camacho Solís said that president Salinas wanted him to be flexible and open-minded when negotiating the peace agreement, because of the presence of Human Rights Organisations.

<sup>94</sup> For reactions of the parties to the Chiapas' rebellion see *El Año* (from January 3 to December 8). *Voz y voto*. January 1994; (11): 46-51.

Ironically, this dramatic event which included the Zapatista rebellion in Chiapas and high level political assassinations<sup>95</sup> not only tested the strength of the institution but more importantly forced political parties to achieve a new consensus about the electoral system. The transition to democracy would be accelerated by these dramatic events.

#### **4.6 Outcome and causes of the EZLN uprising and the Internationalisation of Mexican politics**

The Zapatista rebel uprising changed the Mexican political context. First of all, the revolt added to an economic decline which not only damaged public perception of the economic reforms that Salinas proudly carried out but also the credibility of the electoral process and Salinas' political reforms. Understandably, the uprising and the peace negotiation that followed, relegated the presidential electoral campaign to second position. Additionally, not only the national media was paying more attention to the peace negotiation than to the campaign, but also the international media expressed great concern about the conflict and brought to public attention abuses of human rights in Mexico. The national and international media transmitted the news around Mexico and abroad. The PRI and Salinas realised how internationalisation of the conflict could potentially damage the positive image he had produced in order to support NAFTA. It is important to note that the emergence of many social agencies came as a direct consequence of the internationalisation of Mexican politics. This further increased pressure on the government for political change and transitional government. Agencies such as the National Network of Civil Rights Organisations, and other independent organisations such as Alianza Cívica (Civic Alliance) benefitted from the situation as it increased their credibility and role.<sup>96</sup> It can be said that many human rights associations and international agencies assisted in shaping public opinion about the conflict, for example the civic group "San Angel".

##### **4.6.1 Emergence of civil groups**

At a national level the impact of the uprising and violence encouraged political parties and civic and pro-democratic groups to carrying out a deeper democratisation process

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<sup>95</sup> The assassination of the PRI presidential candidate in March, 1994 (Donaldo Colosio), the assassination of the PRI chairman, (Francisco Ruiz Massieu).

<sup>96</sup> Interview, Mario A. Rivera, Coordinator of electoral transparency and access to information. Alianza Cívica, 5 October, 2004.

and exert pressure for further electoral reform. There was a consensus among all political parties that the electoral way was not closed and it was still significant. In fact, it seemed that the EZLN experience justified the idea that violence can be a positive contribution in democratic avenues.<sup>97</sup>

Moreover, Civic-citizen groups showed their commitment to ensuring a democratic electoral process by putting pressure on the president and the parties to sign a document called “20 compromises for democracy”. Later, these compromises were freely incorporated to their campaign programme and then to the government programme.<sup>98</sup>

#### **4.6.2 Salinas’ strategy to hold the crisis: the urgent need for a new electoral reform**

Woldenberg notes that the government wanted to avoid the social and economic instability that emerged from the Zapatista rebel uprising, that added to the dissatisfaction that already existed due to the unequal conditions of electoral competition. As a result of this, Salinas’ government started working in two areas: On the one hand, the government enforced peace negotiations with EZLN and its sympathisers. On the other hand, the government also initiated negotiation with the opposition parties, mainly with the PRD and PAN with a view to a new electoral reform.<sup>99</sup> Some political analysts argue that another reason behind Salinas willingness to negotiate new reforms resulted from the PRI’s concern that the PRD was neither supporting the electoral law nor the electoral authority (IFE).<sup>100</sup>

#### **4.6.3 Agreements for Peace, Democracy and Justice**

Finally, an agreement between eight of the national political parties including the PRD, was signed on 27<sup>th</sup> January 1994 and was called “*Acuerdos para La Paz, La Democracia y La Justicia*”.<sup>101</sup> Salinas himself later acknowledged the relevance of this agreement that the three main parties achieved in order to culminate the process of

<sup>97</sup> Rincón Gallardo argues that the appearance and the initial advance of the EZLN did little to justify the notion that there is a place for violence on the route to democracy. Noticieros Televisa. Interview of Gilberto Rincón Gallardo (Deputy for Mexico City, PRD 1991-1994) in “*Mexico: La historia de su democracia.*” Vol. 2. Mexico City: Noticieros Televisa, 2004.

<sup>98</sup> Noticieros Televisa. Interview of Santiago Creel Miranda, Citizen Councillor IFE 1994-1996, in “*Mexico: La historia de su democracia.*” Vol. 2. Mexico City: Noticieros Televisa, 2004.

<sup>99</sup> For a discussion on the first debate and negotiation between PRD, PAN and PRI after Chiapas see *Agenda posible Voz y voto*. February 1994; (12): 4-20.

<sup>100</sup> Javier Romo, Advisor to President Councillor and political academic and member of IFE, November 2004

<sup>101</sup> The government of Salinas and 8 of the nine candidates for the presidency signed the National Agreement for Peace, Justice and Democracy on 27 January 1994.

electoral reform in Mexico.<sup>102</sup> These agreements included an agenda for peace negotiation and deeper electoral reform, the main purpose of which was to guarantee a clean election and impartiality in the upcoming elections. It intended to create an environment of peace and credibility for the upcoming electoral contest in August 1994. It is important to note the credibility gained in the electoral contests after the uprising. This increase in trust in the election resulted from a common commitment to prioritise democracy over violence. Some members of the opposition had interpreted this invitation as an intention to simulate a pact similar to that which led to the Spanish transition.<sup>103</sup> This pact for peace, democracy and political reform was intended to secure impartiality in the elections. The pact also established the basis of a new reform which took place immediately before the elections. The government and rebels agreed to hold a special session of congress to discuss, amongst other things, electoral reforms, a new agrarian reform law and a law against the discrimination of Indians. The fact that the Minister of Interior was in charge of both national security issues and electoral organisations accelerated the links between Chiapas, the political parties and the upcoming elections. The Zapatista rebel uprising in Chiapas and the NAFTA agreement created a situation that exposed Salinas' presidency more than ever before. The urgent requirement for a deeper electoral reform came as a result of increasing pressure from different sources. First of all, the re-emergence of violence reinforced the conviction among political actors to prioritise negotiations and pacts against more violence. Secondly, one of the EZLN demands was to have greater competition and transparency within electoral contests. Finally, the opposition parties, especially the PRD<sup>104</sup>, considered the previous reform insufficient to guarantee fair and transparent elections and took the opportunity to re-open the electoral debate. Additionally, the opposition parties joined forces with social organisations to protest against the use of fraud, lack of transparency and inefficiency in several phases of the electoral process which put further pressure on the need for a new reform. Basically, Salinas and the PRI recognised that pursuing a new electoral reform by the consensus of all political parties was the

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<sup>102</sup> Noticieros Televisa. Interview of Carlos Salinas de Gortari (Presidente de la República 1988-1994) in "*México: La historia de su democracia.*" Vol. 2. Mexico City: Noticieros Televisa, 2004.

Salinas acknowledged the importance of the negotiation between the three main political parties, PAN, PRD and PRI, as it could lead to the culmination of the electoral reform in Mexico.

<sup>103</sup> Muñoz Ledo said that Salinas used Camacho Solís as a Peace Commissioner to construct consensus among the political parties in a similar way to what had been done in the Spanish Moncloa's pacts. Ibid, interview of Porfirio Muñoz Ledo (President of PRD 1993-1996), Vol 2.

<sup>104</sup> The leader of the PRD, Muñoz Ledo, demanded a new reform.

best way to reduce not only the threat of political polarisation but also the radicalisation of protests by the opposition which could create conflict in the presidential election. The new reform of 1994 was the third reform under Salinas.

#### **4.6.4 Strength of the opposition: PAN and PRD**

The increasing strength of the opposition was a critical factor in the development of more democratic reforms, as this was one of their main demands. Nevertheless, the significance of the electoral debate which started in the mid eighties with the opposition parties, especially the PAN, benefitting from the PRI's loss of legitimacy after the debt crisis and the economic adjustment programmes, was considerable. From the late eighties the PAN started gaining several municipalities and state elections, winning the first governorship in 1989, with Salinas in the presidency. Although some of the PAN's state elections were negotiated with Salinas in an exchange of political support with the PRI. The fact is that by the mid 1990s the PAN had already won most of the northern states and even other non-PAN strongholds. Another reason for the increasing popularity of PAN was its pressure on the government to develop better electoral machines from the mid 1980s onward that eventually contributed to its own competitiveness.<sup>105</sup> Also, the newly created PRD benefitted from the PRI's problems in the late 1980s. Firstly the FDN gained the popular vote that the PRI lost with the economic liberalisation programme, and then again during the 1990s with its popularity in the southern states. The PRD also increased pressure for more profound electoral reforms, especially after being the most affected by electoral fraud and political violence from the late 1980s and especially during Salinas' sexenio. As the main opposition parties realised the significance of participating in elections, the pressure for improving the conditions of electoral competence increased. They also, started participating and being more active in the electoral process by fielding candidates for most municipal and state races, by improving their surveillance capacity during electoral contests which proved to be essential in preventing corruption at the polling stations. By the 1994 elections, 70% of the voting wards had PRD party representatives, and the PAN covered 67% of them.

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<sup>105</sup> Interview, Francisco Bedolla, Advisor to the Executive Director of Professional Electoral Service, Electoral negotiator and political academic (IFE), Mexico City, 17 November 2004.

#### 4.6.5 Acceleration of the reform: more political violence

The negotiations among political parties, to complete a new electoral reform before the presidential election in August 1994, were interrupted by a political assassination that not only traumatised Mexico but also caused a political and economic crisis<sup>106</sup> throughout the country. The assassination of Donaldo Colosio, the PRI's presidential candidate,<sup>107</sup> on 23<sup>rd</sup> March 1994 had an impact on political areas, including the electoral arena. Due to an unexpected economic crisis, triggered by capital flights and political uncertainty, the PRI had to select a new presidential candidate within a short period of time. Eventually, Ernesto Zedillo,<sup>108</sup> former coordinator of Colosio's campaign, was elected, 6 days later. He had to initiate his electoral campaign in the middle of a political crisis. Throughout the period of uncertainty that followed the death of Colosio, the opposition and government tried to inject trust in the electoral process. The negotiations over the new electoral reform become more intensive and the consensus between political parties was achieved sooner than expected. Almost immediately, the more completed electoral reform was approved and ready to be tested in the elections in August 1994.<sup>109</sup>

#### 4.6.6 The reform of 1994: a political answer to a crisis

According to many political analysts, the political impact of Colosio's assassination generated willingness and urgency among the political parties to accelerate the legislative process for the approval of the constitutional reform.<sup>110</sup> Even, the former Minister of the Interior in 1994, Jorge Carpizo admitted years later that the far reaching outcome of reform achieved in that short period of time would have taken dozens of years to achieve without the interest of the oppositions leaders of PRD and PAN (Porfirio Muñoz Ledo and Carlos Castillo Peraza).<sup>111</sup> Other academics highlight the

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<sup>106</sup> Pedro Aspe notes that the political violence forced Salinas to ask for an urgent meeting with the members of the economic pact, to ratify the pact and prevent further problems. Noticieros Televisa. Interview of Pedro Aspe Armella (The Treasury Department Minister 1988-1994) 24 March, 1994 in "*Mexico: La historia de su democracia.*" Vol. 2. Mexico City: Noticieros Televisa, 2004.

<sup>107</sup> The person accused of the assassination was Carlos Salinas de Gortary, brother of the ex-president Salinas. However, the "políticos" or "dinosaurs", the hard-liners inside the PRI were also blamed for his death, as Colosio was seen as too liberal and pro-democracy. Interview, member of PRD A, Mexico City, September 15 2004.

<sup>108</sup> Ernesto Zedillo, had occupied the post of Programming and Budget Secretary in the Salinas' government.

<sup>109</sup> Noticieros Televisa. Woldenberg, J. in "*Mexico: La historia de su democracia.*" Vol. 2. Mexico City: Noticieros Televisa, 2004.

<sup>110</sup> Ibid.

<sup>111</sup> Noticieros Televisa. Interview of Jorge Carpizo (Minister of the Interior 1994) in "*Mexico: La historia de su democracia.*" Vol. 2. Mexico City: Noticieros Televisa, 2004.

Carpizo claims that that the reform was achieved in a very short time because of the political climate that made the opposition, PAN and PRD put Mexico's interests before personal or party interests.

impact that the rebellion in Chiapas had on electoral reform. The rebels' demand for clean elections and democracy in Mexico reopened the issue of the need to have legal and practical reforms in order to favour a fair and lawful transfer of power in 1994. But also the increasing pressure of opposition parties and NGOs, amplified by the international attention to Mexican affairs, forced Salinas' government to favour the political negotiation that eventually ended in a democratic and peaceful agreement.<sup>112</sup> It is important to note that all parties detailed a list that included a vast array of legal and political actions. This agenda of eight points included issues concerning the composition and conduct of the electoral authorities, the creation of equitable access to mass media, the revision of voting lists, and the revision of the financing of political parties and private financing of political parties. It also included the modification of the Penal Code in order to punish restrictions of political freedom, the creation of a special attorney for the prosecution of electoral felonies, and the convocation of an extraordinary period of Congress in order to implement the resulting agreements. The importance of these reforms resulted in all measures being agreed by the consensus of the main political parties. The PRI, PAN and PRD through the "Acuerdos" opened an intense process of negotiation. The PRD leaders agreed, for the first time since 1988, to establish direct and official political negotiations with the government. This accord also showed a different attitude towards the electoral process. The consensus was very important for the process of political negotiation and a channel to its relative success. The government allocated the role of negotiator to Jorge Carpizo, and the national leaders were the counterparts from the political parties. The negotiations involved only the PRI, PAN and PRD, and this provoked protests from some leaders of the minor parties who were not invited to take part in the negotiations. Initially the PRI, PAN and PRD were satisfied with the new arrangements, but soon after the PRD became divided. The PRD had two sectors; one led by Porfirio Munoz Ledo, who supported the negotiations and outcomes, but another sector of the party led by Cuahatemoc Cardenas, the PRD presidential candidate, refused to approve the agreements. Nevertheless, despite the internal division of the PRD, which continued during the whole process, the reform was passed with the approval of PRI, PAN and half of the PRD legislative faction. Some of

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<sup>112</sup> See article of Mauricio Merino. *La Democracia también se pacta. Voz y Voto*. February 1994; (12): 29. He said that the instability created by the Chiapas conflict and the political violence would not produce change until the political actors were forced to sit down and consider a civilised solution, and that it could be an opportunity for a foundational pact.

the agreements were developed into law, while others remained informal because some of the agreements between the federal government and the political parties did not need legislative reform. These informal agreements consisted of almost fifty different specific actions regarding every aspect of the electoral process. Some of those informal agreements were implemented by the President, some by the Minister of the Interior, and some by the General Council of the IFE.

#### **4.6.7 Outcome of the 1994 electoral reform**

The Mexican Congress approved the modification of Article 41 of the Constitution and it was published in the Official Diary of the Federation on 19 April 1994. The reform established that the electoral organisation would be carried out by an autonomous and public body with the participation of executive and legislative branches, political parties and citizens. The inclusion of citizens in the electoral organisation was an innovation that intended to balance the functions of the electoral body. The electoral reform of May 18<sup>th</sup> 1994 resulted in the most democratic and advanced reform achieved to date. The negotiations that achieved consensus over the reform were called “The Barcelona agreements” and consisted of three groups of legal amendments. The most significant changes were the following. To begin with, changes in the composition of Mexico’s highest-ranking electoral body, the IFE General Council proved to be crucial for the future role of the Electoral authority. First of all, the creation of the position of the “citizen council member” replaced the electoral magistrates.<sup>113</sup> The new figure that was to be present not only in the General Council of IFE but also in its local and district counterpart contributed to diminishing the influence of the political parties in the electoral authority. The selection of the “citizen council members”, who were now a group of six citizen councillors, would also be changed. From now on their proposals would be put forward by parliamentary groups in Congress and not by the president as in the past, and its appointment would be by a majority of two-thirds of the Chamber of Deputies. The so-called “*ciudadanisation*” of IFE represented a move toward the autonomy of the agency. In fact, the inclusion of these new figures (citizens councillors)

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<sup>113</sup> Ricardo Pozas Horcasitas (Citizen Councillor of IFE 1994-1996) in *Mexico: La historia de su democracia.* Vol. 2. Mexico City: Noticieros Televisa, 2004.

*“the replacement of the figure of electoral magistrate by a citizen, meant that the individuals selected as citizens councillors were perceived by the populace as more equal, normal citizens, and it was considered that they would guarantee voter’s rights and promote the interests of the people because they would be more in tune with their needs and desires”.*

was considered to be one of the main elements of the reform.<sup>114</sup> Despite the term “citizens” implying the notion of their origin, the new figure was made up of mainly academics with a record of independence and impartiality in any political party that perceived electoral issues in a different way from the employees of the Ministry of the Interior.<sup>115</sup> Secondly, the modification of the COFIPE, after an intense legislative debate in Congress, between the parliamentary groups, established changes in the structure of the General Council of IFE, which also had important repercussions for the IFE’s credibility. The changes in the structure of the General Council were significant. First of all, the number of General Council members was reduced from 21<sup>116</sup> to only 11 voting members. The General Council was now formed by the Minister of Government (the executive representative), four legislators plus the Council president, representatives of the registered political parties and a new figure “the citizen council member” known as “*consejeros ciudadanos*”. The General Council of IFE maintained the Minister of the Interior as the president of the Council and the four legislators. However, the innovation was the decision to endow to the group of six citizens council members the highest voting as the political parties’ representatives lost their right to vote, keeping only their voice. The influence of citizen council member in the decision-making process of the IFE gave the electoral authority extra power at national and district level. In addition to this, it is important to note that the requisites to exercise as “*citizen council member*” were also changed prioritising their independency, impartiality and non party affiliations over other conditions. The most important aspect of the new arrangement within the General Council was the situation that only the citizen council members and the representatives from the executive and legislative had the right to vote on the board of the General Council.<sup>117</sup> Consequently, the “citizens council members” who were proposed by the parties but elected by a two-thirds majority in the Chamber

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<sup>114</sup> Interview, Marco Baños, Executive Director, Professional Electoral Service Executive Board. (IFE), Mexico City, November 16 2004. Baños notes that the citizen councillors provided an unbiased element to the General Council as they were not linked to the PRI in the way that the previous “electoral magistrates” who were selected by Congress and proposed by the president, had been.

<sup>115</sup> A former citizen councillor, Santiago Creel (Citizen Councillor of IFE 1994-1996) claims that what they did was to provide a new fresh, unbiased atmosphere to the Council, with their own vision as common citizens who perceived the electoral issues in a different way from the former civil servants working for the Minister of Interior. *Mexico: La historia de su democracia.* Vol. 2. Mexico City: Noticieros Televisa, 2004.

<sup>116</sup> The General Council before the 1994 electoral reform was formed by the Minister of the Interior as the executive branch’s representative, members from the legislative branch, party representatives and six magistrates.

<sup>117</sup> For a wider analysis of the content of the reform see Woldenberg, J. Los compromisos de los partidos. *Voz y Voto.* April 1994; (14): 35-37. Woldenberg noted that although the impartiality of the “citizen councillors” was a very positive step for the “depoliticisation” of the electoral institution, it was important to monitor the relationship between them and the political parties, as they could come under pressure.

of Deputies held six of the eleven possible votes. Therefore the new members could exercise more influence in the Council than the Minister of the Interior, as the council president no longer held a casting vote and the two PRI's legislators (one deputy and one senator) only had three votes guaranteed. In addition, the political parties also lost the capacity to exert direct influence on the Councils' decisions, although PRI, PAN and PRD kept it through their legislators (two for PRI, one from the PAN and one from the PRD).<sup>118</sup> Due to the PRI having five votes, PAN three and PRD two, no political party would have a safe majority in the Council.<sup>119</sup> This is despite assuming each of the Citizens Councillors would follow the line of the party that nominated them. This model for the structure of the General Council was replicated at each of the 32 local (state) Councils, and for each of the 300 Districts Councils.

Overall, the IFE became more autonomous and gained credibility with the introduction in the General Council of the new figure of the "citizen council member" and their role in the organisation of the electoral process.<sup>120</sup> The autonomy of the electoral authority also contributed to the fact that political parties were represented on the electoral bodies on a parity basis, with one representative per party with voice but without vote. However, the new arrangement did not convince everyone, especially the PRD who still perceived the presence of the Minister of Interior in direct control of the PRI in the electoral authority.<sup>121</sup> A former citizen councillor recognised years later that the reform was incomplete due to the power that the president of the Republic exercised through the Minister of the Interior.<sup>122</sup> Another important aspect of the reform was the recognition of an official role for electoral observers. Back in 1988, the role of electoral observers had become very important. In 1988 a foundation of an NGO called "Asamblea Democrática para el Sufragio Efectivo" (Democratic assembly for effective suffrage) started a phenomenon that was extended in the 1990s and would continue throughout the decade. By 1993, the number of monitoring organisations increased and

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<sup>118</sup> Alcocer, J. Recent Electoral Reforms in Mexico. *The Challenge of Institutional reform in Mexico*, pp.66-67.

<sup>119</sup> Interview, Marco Baños, Executive Director, Professional Electoral Service Executive Board. (IFE), Mexico City, November 16 2004.

<sup>120</sup> Carlos Salinas claimed in a TV interview in 2004 that the control of IFE was given to the citizens, through the "citizens councillor", because neither the political parties nor the government could control. However, this interpretation can be challenged as the IFE was still headed by the Minister of the Interior.

<sup>121</sup> See interview of Cardenas in *Voz y Voto*. March 1994; (13): 42-45.

<sup>122</sup> Miguel Ángel Granados Chapa (Citizen Councillor of IFE 1994-1996) in Mexico: La historia de su democracia." Vol. 2. Mexico City: Noticieros Televisa, 2004. "This was an unfinished reform since the power of the president of the Republic represented by the Minister of the Interior remained. The Minister of the Interior had the power to call for sessions of the General Council of IFE and such was the power vested in him that no session could go ahead without his presence."

began to form networks, to co-operate with each other and to attract the attention of the international press and the United States.<sup>123</sup> In 1994 many of these organisations were even funded, financially and technically, by foreign organisations and this created concern in the PRI and in the government. The observer's role was expanded to all areas of the electoral process. The main purpose of these organisations was to observe electoral processes. The PRI was concerned not only about the domestic organisations but also about the foreign observers, which by 1994 seemed to be inevitable.<sup>124</sup> The government resisted allowing foreign observers into Mexico until the resignation of the Minister of the Interior, Patrocinio Gonzalez Garrido, who was strongly against them. However, after his departure the PRI itself admitted that the prohibition of these figures would make foreign observers an issue and that would damage the credibility of the electoral process abroad. The government saw how by having an open door policy, PRI and their allies could invite moderate and pro-PRI observers, at the same time as balancing the ideological mixture of foreign observers. Finally, the reform increased the participation of national observers and accepted international observation through the figure of the "foreign visitor". Amendments to electoral legislation were made in order to include this new figure and to allow international observers that had experienced other transitions to go to Mexico to observe the elections.<sup>125</sup> The General Council of IFE laid down rules for these figures and also had the responsibility for issuing the invitations. The government accepted this figure instead of official foreign observers. In the end, despite not being official, many foreign observers visited Mexico for the 1994 presidential elections. In fact, one of the most important civil organisations, Alianza Cívica, succeeded in obtaining the support of 500 organisations in the country and by inviting 450 observers out of the 900 that were allowed on Election Day.<sup>126</sup> A third significant subject that the electoral reform included was the innovation of opinion polls and a faster mechanism for counting votes. The Mexican political context, especially after the post electoral conflict of the presidential elections in 1988 and the political violence, experienced an increase in the lack of certainty and trust in the electoral

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<sup>123</sup> For a detailed explanation of the proliferation of Mexico see "El Mes" (from June 18 to July 21 1994). *Voz y Voto*, August 1994; (18): 62-65.

<sup>124</sup> The national chairman of the PRI expressed his concern about the presence of electoral observers during the electoral process arguing that they could disturb the activities of the polling booth officials and added that they were not ready for major competition. See *Voz y voto*. July 1994; (17): 32.

<sup>125</sup> Ricardo Pozas Horcasitas (Citizen Councillor of IFE 1994-1996) in "*Mexico: La historia de su democracia*." Vol. 2. Mexico City: Noticieros Televisa, 2004.

<sup>126</sup> Sergio Aguayo, member of Alianza Cívica, 1994. *Ibid.* Vol. 2.

process. Although there was a general consensus among all political parties that consolidating the electoral process was the only way to confirm legitimacy of elections, public opinion was rather confused and continued to be suspicious of electoral processes. First of all, it is important to remember that by 1993-94, post electoral conflicts at local level were still taking place and were contributing to a lack of trust in elections. Furthermore, the relatively tranquil 1991 midterm elections did not match the increasing post electoral conflicts at local level. Additionally, the inefficiency of earlier mechanisms of quick vote counting, such as the one used during the 1988 elections, generated great concerns. Therefore, in the negotiations of the 1994 electoral reform the issue of transparency and cleanness of elections became crucial in order to be able to deal with the uncertainty that events such as the Zapatista's rebellion provoked.<sup>127</sup> From 1994, the "process of quick counting of votes" and "opinion polls" became a regular practice in electoral contest, even increasing their role over time, as they would be used to conclude and consolidate the announcement of the results and the credibility of the election. Many analysts believe that professionalisation of the electoral bodies was the key to easing the conflicts over the organisation of elections and electoral results, even the social legitimisation of the elected. This aspect will be fully analysed in chapter 5. The reform also introduced changes in the formation, publication and auditing of the voting registration lists. It is important to take into consideration that back in 1991 the PAN proposed the use of Photo credentials in the state of Baja California. Initially this was a local proposal, but soon post-electoral conflicts in other regions, due to irregularities regarding voting registration lists, led to an expansion of this idea. By 1994 the electoral census was totally renovated. Finally, a fourth aspect of this reform was the amendment of the Federal Penal Code to control and punish many of the common practices of electoral fraud. The reform established an additional chapter on electoral crimes in the Federal Penal Code. In addition to this, the President reformed the "legislation" of the Attorney General in order to allow the appointment of a special prosecutor for electoral crimes. However, the appointment of a special prosecutor created tension among the political parties who did not achieve consensus about the right person for the post, especially the PRD who claimed that the person appointed enjoyed favouritism from the Minister of the Interior (Jorge Carpizo) who was heading

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<sup>127</sup> Oscar Hinojosa noted that 1994 was characterised by intense competition for the presidency, the emergence of a guerrilla group and the increasing participation of civil groups. Hinojosa, O. Recuento: Cambio de guardia. *Voz y Voto*. July 1994: (17): 59.

the General Council of IFE. The reform of 1994 also included informal agreements that were made public by the Minister of the Interior on the 3<sup>rd</sup> June: A total of 36 informal agreements were discussed and approved by the political parties participating in the reform.

#### **4.6.8 The importance of party financing and media access**

With advances in the professionalisation of the organisation of the elections, the political parties, especially the opposition started to focus more on the issues of party finances and media access, which were considered essential in democratic elections. Since 1991 a series of reforms passed by Congress had given IFE new responsibilities in the financing of political parties and the setting of ceilings for campaign spending. Despite the 1993 reforms establishing a law that regulated both public and private sources of party financing for the first time, the spending ceiling was unrealistically high. As a result the opposition felt that the regulation of party finances and media access in the 1993 electoral reform was insufficient. In fact, the significance of these issues became greater during the presidential campaigns for the 1994 elections, especially the problem of the inequity in terms of media access and campaign funding. Basically, the opposition demanded equal access to media by their candidates for their campaigns. Despite earlier disagreements between the PRI and the opposition, they managed to reach consensus regarding media access and party finances. This unexpected consensus between political parties may have occurred because the election day was only two months away and all political actors involved wished the elections to be the centre of attention again. Also, it seems that all opposition parties agreed that it was important to highlight, during their presidential campaign, the inequity in media access and campaign funding between them and the PRI who enjoyed greater media coverage and funding.<sup>128</sup> First of all, the parties signed an informal agreement which established a package of actions regarding media coverage of electoral campaigns, including the use of official time, political debates, guarantees of access to mass media, and other measures. One of the most original aspects of the reform during the presidential campaign was the televised political debate between the three main party

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<sup>128</sup> A former citizen council member, Ricardo Pozas Horcasitas (Citizen Councillor of IFE 1994-1996) recognised years, later that the 1994 election had very clearly exposed the “inequity” that would change the approach in which the parties participated in the media and participated in public and private funding in the future. “*Mexico: La historia de su democracia.*” Vol. 2. Mexico City: Noticieros Televisa, 2004.

candidates (the PRI, PRD and PAN).<sup>129</sup> Another significant aspect of the reform was the decision to revise campaign expenditure for the first time. From then on, all political parties were obliged to declare all finances including their sources of income and expenditure. This decision proved to increase the significance of party finances in the future, as it showed inequality in terms of funding between the PRI and the others parties.<sup>130</sup> After the elections the inequality and unfairness in party funding became more obvious. It was also decided that local and district councils that had to be proposed by the IFE's committees had the responsibility for setting campaign ceilings.<sup>131</sup> The reforms formal amendments introduced changes within the IFE by increasing the power of the independent citizen representatives, strengthening the laws against electoral fraud and appointing a special prosecutor to prosecute electoral crime. The reforms informal agreements also improved equality in access to the media and accepted the existence of independent audits of the voter's lists and exit polls. The reform also gave official recognition to national election observers and created a role for foreign observers.

#### **4.6.9 The relationship of the political parties.**

Despite achieving consensus in many aspects of the reform, the negotiations of the electoral reform in 1994 took place in a difficult and tense atmosphere. As in previous reforms Salinas' government adopted different approaches towards the two main opposition parties, the PRD and PAN. On one hand the government continued having an unstable and troubled relationship of co-operation and conflict with the PAN. As in the past ad hoc agreements between PRI and PAN allowed important amendments of the Constitution and articles dealing with political representation and elections. There is still disagreement whether the so-called "concertación" between Salinas and the PAN really took place.<sup>132</sup> Despite both parties denying such extra-legal negotiations, the truth is that after PAN won the first governorship in Baja California in 1989, many of its victories were to be recognised during the 1990s.<sup>133</sup> This apparent relationship between

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<sup>129</sup> The debate was aired on prime time television on 12<sup>th</sup> May 1994 just two and half months before the elections. This television experience not only contributed to bringing the election into the public domain as it was watched by millions, but also, showed a political plurality that had been ignored by the media before.

<sup>130</sup> The PRI's expenditure was made public and showed that it was 80% of the total amount spent by all of the parties.

<sup>131</sup> This contrasted with the 1993 electoral reform that established that the campaign ceilings were pre-determined by the executive local and districts committees of IFE.

<sup>132</sup> Hinojosa claimed that the PAN's candidate Diego Fernández de Cevallos would have to explain the practice that had prevailed where there had been collaboration between PRI and the PAN to their mutual benefit. Hinojosa, O. *Una campaña sin mentiras. Voz y Voto*. May 994; (15): 50.

<sup>133</sup> See Shirk, D for a detailed explanation of the evolution of PAN. Shirk, D. Mexico's New Politics, The PAN and democratic Change: London, Lynne Rienner Publishers, 2005.

the PAN and the PRI contributed to the generation of consensus in several electoral issues during the 1993 and 1994 electoral reforms. However, both parties clashed regarding other electoral issues and other matters like corruption and security.

On the other hand, the relationship between the government and the PRD was tense for most of Salinas' period, and continued to be that way during and after the 1994 reform. The PRD and PRI almost never voted for each other's initiatives in Congress. During this time the official party not only encountered difficulties with the opposition but also within its own party.

#### **4.6.10 Comparing the 1993 and 1994 electoral reforms**

Despite Salinas being criticised for concentrating more on his dramatic economic reforms than pushing for the democratisation of the political and electoral context, his role in the 1993 electoral reform gave him a certain level of credibility that contributed to his reformist image inside and outside Mexico. However, for many political actors the 1993 electoral reform is still regarded as a cosmetic reform, for several reasons. First of all, it was mainly dominated by the PRI's proposals and Salinas' dominance, although in the end it had to accept some of the opposition's demands. Secondly, the negotiations between the political parties did not achieve consensus between the three main parties. And finally, and maybe the most important reason, it continued giving the government total control of the General Council of IFE, its main governing body. Therefore, as long as the electoral authority in charge of the organisation of elections was headed by an executive's representative, many political actors disregarded not only the role of IFE but also the efficiency of the reform. Additionally, the context in which the third electoral reform of Salinas (the so called 1994 electoral reform) differed greatly from that of the 1993 electoral reform. First of all, the 1994 electoral reform came as a result of unexpected circumstantial events including the Chiapas' uprising and political assassinations. The PRI's presidential candidate, Luis Donaldo Colosio urged all political parties to consolidate the electoral process against other violent paths. There was a need to achieve agreement in order to inject trust in the electoral process. The decision of both the government and the opposition to negotiate can be explained as follows: On one hand, the dramatic events that took place in the first months of 1994 not only damaged Salinas' image and credibility but also contributed to greater internal divisions within the PRI. Those internal divisions got worse due to disagreements

between PRI members on how to handle the Zapatista uprising and then after the death of Colosio disagreement over his replacement.<sup>134</sup> Internal division also increased when deciding whether or not an electoral reform was the best solution to the political crisis. In addition to this, an increase of drug related violence damaged the notion of the stability of Mexico that Salinas had exported during his economic reforms. Overall, Salinas and the PRI agreed to work towards a peaceful electoral process, even though they had to negotiate again with the opposition. On the other hand, the opposition parties also coincided in the need to negotiate a new electoral reform with the government, not only because of the threat that political violence brought to the electoral arena, but also, because they sought the opportunity to push for reforms to improve their competitiveness in the presidential campaigns. It is difficult to imagine with the dramatic events that took place during the presidential campaign in 1994, that another electoral reform took place. There was a need to confirm the viability, the cleanness and the opening of the electoral process. Finally, the significance of the 1994 reform in relation to the previous one, was the consensus that political parties achieved especially in the negotiation of elite pacts between elites.<sup>135</sup> The government was involved in the negotiation of two elite pacts. The first pact called “Pacto Politico de Civilidad” was agreed in January 1994 and it was signed by all political parties, except the PPS, and reinforced the promise for free and fair elections. A second pact that centred on avoiding post-electoral violence and social expression was negotiated by Carpizo and was signed by all parties, except the PRD. This pact was called “Agreement for civility, concord and justice” and was signed in July.<sup>136</sup> Both agreements were designed to promote change, and restrict the opposition from using destabilisation methods. But even though the PRI used all of these measures, it struggled to run an effective campaign and win the elections.<sup>137</sup>

#### 4.6.11 The IFE in the 1994 electoral reform

The 1994 reform established that the Minister of the Interior was to continue to head the General Council of IFE, therefore, as an executive’s representative its impartiality from

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<sup>134</sup> The “politicos” opted for the selection of Fernando Ortiz Arana, while Salinas supported Ernesto Zedillo, his former budgeting and Education Secretary.

<sup>135</sup> Interview, Marco Baños, Executive Director, Professional Electoral Service Executive Board. (IFE), Mexico City, November 16 2004. Baños said that the intention of the pacts was to break the crisis generated after the Chiapas’s uprising and Colosio’s assassination, which increased uncertainty.

<sup>136</sup> Acuerdo por la civilidad, la Concordia y la justicia. *Voz y Voto*. August 1994; (18): 24.

<sup>137</sup> See content of the agreement in Valdés, Leonardo. Acuerdo de buenas intenciones. *Voz y Voto*. March 1994: (13): 31-33.

the PRI and government was still under suspicion. However, the introduction of the figure of “citizen’s councillors” in the General Council and the regulations on party finances and media access that were agreed in the reform gave IFE a more important role. IFE’s first attempt to promote its more impartial role in the electoral process, was to make a recommendation for more balanced and fair conduct by the media. Another aspect that increased trust in IFE was the presence of the media during the General Council’s session, as manipulation became more difficult.<sup>138</sup> In addition, the presence of the media during the session also resulted from public opinion in the opposition.

#### **4.6.12 The Civic movements: Grupo de San Angel (San Angel’s group)**

The insecurity and uncertainty of dramatic events like the Chiapas’ uprising and the assassination of Colosio, affected the atmosphere of the electoral campaigns and also increased civic groups’ activity, and even led to the creation of a heterogeneous civic group called “San Angel’s group”.<sup>139</sup> This group was formed by academics, politicians, and personalities from different ideologies who met in order to propose different ideas and eventually gave political diversity to Mexican political life.<sup>140</sup>

#### **4.6.13 The 1994 elections and the trust in IFE**

By August 1994, and just weeks before Election Day, the new legal framework to regulate elections was ready to be tested. The moderate success of the negotiations of the new electoral reform allowed the “elections” to again become the centre of public attention, although the day before the elections the atmosphere was tense. The holding of the “elections” also meant that not only the electoral authorities (IFE, TFE) but also the trust among the voters of the political parties and candidates was going to be tested. In fact, many of the changes included in the reform were applied during the electoral campaigns. For instance, all political parties enjoyed more media coverage, although critics argued that its inequality continued.<sup>141</sup>

In the transition to democracy in Mexico, the 1994 presidential elections became very significant because first of all, despite taking place after dramatic political events and

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<sup>138</sup> Interview, Francisco Bedolla, Advisor to the Executive Director of Professional Electoral Service, Electoral negotiator and political academic (IFE), Mexico City, 17 November 2004.

<sup>139</sup> The group was called “San Angel” because they used to meet in a street called San Angel in Mexico City

<sup>140</sup> Carlos Fuentes notes that the motivation of this group was to gather people of diverse political backgrounds in order to propose ideas. *Mexico: La historia de su democracia.* Vol. 2. Mexico City: Noticieros Televisa, 2004.

<sup>141</sup> See article by Alcocer, J. Que los votos cuenten y se cuenten. *Voz y voto.* June 1993; (4): 3.

facing threats of violence, in the end the electoral process took place in relative normality. Secondly, although the opposition denounced some irregularities, overall, the electoral results were accepted and many Mexican and international analysts considered the election to have been the cleanest in the nation's history. More importantly they contributed to an increase in the trust and credibility of the electoral process. In addition to this, the high level of participation also added significance to the elections. For the first time, it seemed that the way the electoral process had developed, the new measures proposed by IFE and the transparency in the counting process, contributed to build up trust in the electoral process. According to Alcocer the importance of these elections lies in the fact that the new structure of the IFE allowed for the first time an electoral process where the government and the ruling party did not control the electoral authorities.<sup>142</sup> Others analysts, however, consider that the presence of the Minister of the Interior obstructed that perception.

#### **4.6.14 The Electoral results of the 1994 federal elections**

The presidential election on 21<sup>st</sup> August 1994 proved to be a real trial, even an experiment for all political parties, government and the general public. There was doubt whether the elections could overcome a dramatic political context characterised by high levels of uncertainty and fear. In the end, the day of the election took place without any serious problems. Surprisingly, the expected abstentions did not happen, as participation levels were high. For the transition analysts, this election is very significant because both political actors with their agreements and voters showed their interest in the elections. Finally, the electoral results gave victory to the PRI presidential candidate, Ernesto Zedillo, who obtained 50.03% of the votes, with a vote range of 49.3% to 50.7%. Despite the PRI not obtaining absolute majority, the contest was not as close as had been anticipated.<sup>143</sup> The surprise was the performance of the PAN, which retained second position with 26.97%, (which it had lost to Cardenas in 1988) relegating the PRD to third place with only 20% of the votes.<sup>144</sup>

The electoral results of the 1994 presidential elections showed a clear division in political preference. Despite the PRI winning the election, 48% of the national vote

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<sup>142</sup> See Alcocer, J. The Challenge of Institutional reform in Mexico, p.66.

<sup>143</sup> See Becerra, R. et. al. La mecánica del cambio político en México.

<sup>144</sup> The official results of the 1994 elections were the following. The PRI gained 17, 333,931 votes; The PAN gained 9, 221,474 votes; The PRD gained 5,901,324 votes; other small parties (PPS, PFCRN, PDN, PARM, PT, and PVEM) obtained 2,069,914 votes.

proved that the opposition parties, especially the PAN were doing well at local level, and were also winning seats at national level. The electoral results allowed the PRI to keep majority in the Chamber of Deputies with 60% of the seats, 300 out of the total 500 representatives. In the Senate, and even with the introduction of Proportional Representation that introduced more plurality, the PRI had an overwhelming majority with 95 of the 128 seats, and therefore it was able to keep 74% of its seats. Indeed the victory of the PRI showed that the party was still able to defend its position in a more democratic context. Many analysts and members of the opposition predicted a defeat of the PRI in the elections, not only because of the negative effects that the political instability had on Salinas' legitimacy but also because of the apparent incompatibility of an official party/or former hegemony party within an increasing democratic context. However, the predictions proved to be wrong, and as in the 1991 midterm elections, the PRI regained votes and credibility. There are several reasons for the PRI's revitalisation. Firstly, the active role of the PRI in the peace negotiations and then in the electoral reform, helped Salinas and the government to gain a national and international reputation as a pro-democratic leader. Secondly, and surprisingly the fear and threat of more violence that the Chiapas' rebel uprising created in Mexico was ingeniously used in the PRI's strategies. The PRI's presidential campaign was criticised for using the so called "fear campaign", in which the PRI presented itself as the only party able to ensure social stability. The most affected political party of this fear campaign was the PRD.<sup>145</sup> Some analysts argued that Salinas government succeeded in the depoliticisation and depolarising of society. However, the latter interpretation can be dismissed as the emergence of a stronger opposition and more politicised society proved. The 1991 midterm elections and the 1994 elections showed that Salinas' measures were successful. However, he failed to alter the structural change initiated by the consolidation of opposition political parties, like the PAN and the rise of new political actors such as Alianza Civica. Finally the PRI, led by Salinas, also benefitted from a new state-business alliance, which contributed to the support of the business

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<sup>145</sup> Cuahtemoc Cárdenas Solorzano admitted in 2004 that the 1994 elections were overshadowed by fear in the country, following the PRI's attempt to gain support by instilling fear about the level of political violence and instability and claiming that they were the only party capable of managing the situation. *Noticieros Televisa*. Interview of Cuahtemoc Cárdenas. *Mexico: La historia de su democracia.* Vol. 3. Mexico City: Noticieros Televisa, 2004.

community, and the support of the agrarian and labour sectors through an effective use of solidarity programmes that Salinas had started during his sexenio.

#### **4.6.15 Outcome of the 1994 election: The problem of inequality is highlighted.**

The 1994 elections were peaceful and the results were accepted by nearly all parties. Nevertheless, in the weeks following the elections the two opposition parties changed their perceptions. On one hand, the PAN protested over several electoral irregularities but admitted that the corrections of such irregularities did not change the final results and declared that the elections were legal and even “a step in the direction of fair elections”. However, the PAN claimed that the elections had taken place under very unfair conditions, claiming PRI to be the only beneficiary of the inequalities. The PAN candidate, Cevallos acknowledged the unfairness and inequality of the elections and explained the difficulties that his party had to face when confronting a state party like PRI.<sup>146</sup> On the other hand, the PRD did not accept the electoral results and alleged electoral fraud. For instance, Muñoz Ledo denounced irregularities in the election day such as multiple voting, mishandling of voters’ lists and irregularities in the counting process.<sup>147</sup> However, the fraud allegations did not reach the same level as they had done in past elections and Cardenas was not able to initiate significant protests as in 1988. The PRD also protested about the inequality in the conditions in electoral competence. A few days after the elections, Cardenas complained about the inequality of the PRI’s electoral campaign in relation to the oppositions.<sup>148</sup> Cardenas also protested against the over-use of television by the PRI. It is important to remember that during the Salinas sexenio the relationship between PRI and PRD was always difficult and political violence by the PRI against the PRD was normal. In addition, several civic organisations such as Alianza Civica also reported fraud, but only at a minor level.<sup>149</sup> Overall, the 1994 presidential elections were considered the most competitive ever. Additionally, the lack of major allegations of fraud showed that the issue of

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<sup>146</sup> Cevallos acknowledged that the campaign had been extremely unequal in terms of financial resources.

Noticieros Televisa. Interview of Diego Fernández de Cevallos (PAN’s presidential candidate 1994) on August 22 1994 in “*Mexico: La historia de su democracia.*” Vol. 3. Mexico City: Noticieros Televisa, 2004.

<sup>147</sup> See interview of Muñoz Ledo “Segunda fundación” in *Voz y Voto*. October 1994;(20):16-21.

<sup>148</sup> Cuahemec Cardenas claimed that the PRD witnessed the inequality of the campaign of the official party with respect to all the others. He also said that the television had been a determining factor in showing the domination of the PRI regime. Interview of Cuahemec Cárdenas (Presidential Candidate, PRD 1994) on August 22 1994. *Mexico: La historia de su democracia. Op. Cit.* Vol.3.

<sup>149</sup> See article about the reaction of Civic Alliance by Pedro Enrique Armendares. Alianza: sus dilemas (after the August 21 1994 election). *Voz y Voto*. September 1994; (19): 23.

“organisation of election” was solved and the trust in elections had increased. However, the relative solution of this issue led to the uncovering of another one: the inequality in electoral competition. This issue became the centre of the electoral debate, especially the concern about party finances and media access. Soon after the elections, all opposition parties agreed that the problem of inequality in electoral competition represented an obstacle for democratic elections. Even worse, the parties felt that PRI’s victory and popularity in the political competition was due to its control of public resources. In fact, the creation of equal conditions in electoral competence became the new issue in the democratic transition.

#### **4.6.16 The role of IFE after the 1994 electoral reform**

The lack of major fraud allegations in the 1994 elections also benefitted the IFE. The IFE, as the electoral authority in charge of organising the elections and delivering results gained trust among the general public. The role of the “citizen council members” was also appreciated by the political parties. One former IFE citizen council member described the impressive credibility that the IFE accomplished in the 1994 elections, and its contribution in reducing abstentions.<sup>150</sup> It is important to acknowledge the increasing role of the IFE in this election as many of the electoral issues discussed in the electoral reform back in March were put into practice. For instance, the publication of a report by IFE for the first time regarding the auditing of parties’ expenditure showed a clear advance in the regulation of the funding of political parties. Despite the fact that audits were limited; it showed a step toward transparency. Although the advances toward transparency were welcomed by everyone, the campaign funding ceiling established by IFE was criticised as being too high and exaggerated. The acceptance of the opposition defeats showed this new perception. Indeed the task of getting reliable results was another challenge of the elections. This was the responsibility of the IFE which, supported by most of the opposition and official party, intended to confirm the transparency and openness of the electoral process. However, it can be argued that during the 1991 and 1994 elections, the IFE was still formulating or re-accommodating

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<sup>150</sup> Noticieros Televisa. Interview of Ricardo Pozas Horcasitas (Citizen Councillor. IFE 1994-1996) in “*Mexico: La historia de su democracia.*” Vol. 3. Mexico City: Noticieros Televisa, 2004.

its institutional purposes because of its dependency on the executive.<sup>151</sup> Additionally the PRD still criticised the functioning of IFE.<sup>152</sup>

#### **4.6.17 Zedillo requests independence of the PRI from the government:**

There is a difference of opinion about the real contribution of president Zedillo in the transition to democracy during his government. First of all, it is important to take into consideration that a succession of events like high level assassinations and a deep economic crisis that followed his election made Zedillo act to pursue change. However, even in his political campaign Zedillo had expressed his intentions to introduce major changes in government.<sup>153</sup> Zedillo thought that in order to maintain stability it was necessary to go through a fundamental political change. As a result of this he promised to strengthen the state of law, limit the power of the presidency, use dialogue to achieve a political consensus, increase the autonomy of organisations that provided official information and even more significantly to increase the political participation of society. Firstly, the incoming president raised the need to reform the PRI internally, in order to democratise it and make it independent from government.<sup>154</sup> Such a request was a major knock to the PRI as the official party had enjoyed that position since its creation. Then, on the day that he took office, he reiterated his intention to pursue deeper democratic change in the country.<sup>155</sup> He also promised to maintain separation between the PRI and the government, including reform within the PRI and creating conditions for the democratic selection of candidates, something that he was very determined to do, and present a complete report on campaign spending following the election.

Therefore, it seemed that he realised that democratisation of the country included a reform of the PRI. Zedillo seemed committed to pursue political reform that would increase trust in his government and made sure that he conveyed that message the day that he took office. Later, during the negotiations on political reform Zedillo confirmed

<sup>151</sup> Interview, Carlos Ravela, Executive Director, Electoral Director Executive Board (IFE), Mexico City, September 8 2004.

<sup>152</sup> PRD's leaders, such as Muñoz Ledo complained about the complicated bureaucratic machinery of IFE who sarcastically referred to it as "IFELANDIA". See interview of Muñoz Ledo "Segunda fundación" in *Voz y Voto*. October 1994;(20):16-21.

<sup>153</sup> See *El Mes* (from July 18 to August 24 1994). *Voz y Voto*. September 1994; (19): 54-57.

<sup>154</sup> Interview, Mauricio Merino, political academic and Electoral Councillor 1996-2000, General Council, IFE, 17 November 2007.

<sup>155</sup> See speech by Ernesto Zedillo Ponce de León (Presidential Candidate of PRI 1994) December 1 1994 in "*Mexico: La historia de su democracia*." Vol. 3. Mexico City: Noticieros Televisa, 2004.

"*Mexico demands a sustained reform that by achieving political consensus eradicates the suspicions, recriminations and mistrusts that provoke the electoral processes.*"

his commitment to advance democracy with the participation and consensus of political parties. These promises contributed to the consolidation of IFE later in the 1996 reform.

#### **4.6.18 Zedillo's presidency: demands for another electoral reform**

Soon after taking office, the incoming president, Ernesto Zedillo, recognised as he did during his campaign, the inequality in the conditions about electoral competition.<sup>156</sup> As he witnessed the other parties complaining greatly about the PRI's advantages during and after the electoral campaigns, he committed himself to pursue a new electoral reform towards fairer conditions. Krauze<sup>157</sup> notes that Zedillo showed great courage by acknowledging the inequality of his own election showing his commitment to democracy. Additionally, the debate over the lack of equality in electoral competition was fuelled by the publication of the PRI campaign expenses that showed shocking differences. Zedillo's promises resulted from a variety of criticisms of inequalities in the previous presidential elections.<sup>158</sup> For instance, the inequality in the political parties' campaign expenditure in the previous elections became a powerful reason to continue with electoral reform. Irregularities in local and regional electoral contests also contributed to the need for further regulation. Woldenberg notes that, despite the IFE, from its creation, addressing the problems concerning the organisation of federal electoral elections, at regional and state level the problem was still a major one. In addition the local electoral institutions still did not guarantee clean elections and did not allow for negotiations among the political forces as had occurred at federal level. Therefore, and although Zedillo won in a cleaner election than Salinas, with more legitimacy than his predecessor, pressures for further changes continued to fuel the debate over electoral reform. With Zedillo as president, electoral reform became a priority on the agenda of the new government and also became a constant issue of negotiation between political parties. In fact, he did not wait long before presenting it as the great project for his sexenio. He encouraged and assisted Congress to discuss the issue of electoral reform and the reform of the Mexican state. Zedillo accepted that a

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<sup>156</sup> Zedillo acknowledged the unfairness of the 1994 elections publicly.

<sup>157</sup> Noticieros Televisa. Interview of Enrique Krauze in "*Mexico: La historia de su democracia.*" Vol. 3. Mexico City: Noticieros Televisa, 2004.

<sup>158</sup> See the challenges faced by Zedillo in his first months in the presidency Alcocer, A. Descontrol. *Voz y voto*, February 1995;(24):3

new electoral reform had to deal with “equality in party competition: the funding of political parties, the funding of political campaigns and the regulation of access to the media. Zedillo called the new electoral reform “The definitive one” and indeed it proved to be definitive for the electoral reform process in Mexico.

#### **4.6.19 Reasons for a new reform: stronger opposition**

The promise of a new political reform by Zedillo was also attributable to a very dynamic political system that got stronger in the 1994’s election. The PRI remained in power, but instead of concentrating only on governing like in the past, this time they had to face an ever stronger opposition, with the PAN as a second political force and the PRD as the third. In addition, the rise of the opposition at state and regional level became another concern for the local PRI, as they saw how the PAN had become the favourite party in many northern and central states during the 1995 state elections. Woldenberg<sup>159</sup> notes that electoral contests during 1994 showed how the PRI had lost strength in some of its strongholds and support in rural areas, while the PRD benefitted from ex PRI votes. At the same time the official party could not avoid the emergence and strength of non-governmental organisations by the mid 1990s, such as Alianza Civica, which not only consolidated its role in the electoral process but also put pressure on the government to pursue political change. Serrano notes that despite the official party showing initial vitality after the elections, the political control exercised by the PRI seemed more incompatible with efficiency in government and dangerous signs of instability appeared. Finally, the PRI had to face other dramatic events that further damaged its image both within and outside the party. The assassination, in September 1994, of Francisco Ruiz Massieu, the General Secretary of PRI provoked another important internal crisis. This high level assassination was very important because not only was he one of the most important members of the PRI but also the intermediary between the “politicos” group and “the technocrats” group, thus provoking another internal crisis as accusation between them threatened to weaken the party. The tension increased, as while the PRI’s internal groups, the “politicos” and “technocrats” made accusations against each other, the investigation exposed the PRI’s elite and uncovered the person responsible, Raul Salinas, brother of the ex-president Carlos Salinas de Gortari.

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<sup>159</sup> Becerra, R. et. al. La mecánica del cambio político en México.

#### 4.6.20 The debt crisis of 1995

The willingness of both Zedillo and the political parties to continue with a new electoral reform was to be challenged by a debt crisis in December 1994 which resulted in being the worst of the recent times. In 1995 inflation was 52% and dropped 6.9%. In order to confront the crisis, Zedillo initiated a programme to overcome the economic crisis, and got the economic support of the US government, the IMF and the World Bank.<sup>160</sup> In order to implement his programmes, Zedillo had to seek the support of the PRI's legislator, action that contradicted his intention to establish distance from the PRI. Many PRI members criticised Zedillo's double moral as he used the PRI to pass his bills in Congress, while trying to distance himself from the party.<sup>161</sup> In addition, the opposition also perceived Zedillo's decision to join PRI as a sign of his lack of real commitment to a real separation between the government and the PRI.<sup>162</sup> Some of the government's measures to confront the crisis were highly criticised and generated a debate and public attention, especially the decision to increase VAT. The PRI and government got condemned not only by the general public but also by the opposition. This economic crisis contributed to further strengthen opposition parties, as they received the support of disillusioned citizens and the business community.<sup>163</sup> A cycle of devaluation, inflation and recession was followed by the PRI losing every election during the six months after the devaluation at the same time as the PAN and PRD started gaining PRI strongholds. Molinar Horcasitas<sup>164</sup> notes that the complicated economic situation in 1995 put pressure on the government to proceed with political reform because that was the only alternative to deal with the situation of the expression of popular discontent – “even if the cost of this reform is the victory of the opposition”.

The third section will focus on the last electoral reform in 1996, the main achievement of which was the total independence of IFE from government control. In this section the

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<sup>160</sup> Despite Zedillo signing an Agreement of unity to confront the crisis with the productive sectors and receiving 18,000 millions dollars from the international community to confront the crisis, the level of trust in the government's capacity to handle the crisis did not increase during this period. See a more detailed account of the 1995 economic crisis in the article by Carlos Acosta in *Proceso*. January 16 1995;(0950):01.

<sup>161</sup> Interview, Ricardo Becerra, political academic and advisor to the President Councillor 1996-2000 (IFE), Mexico City, 22 November 2004.

<sup>162</sup> See interview of Muñoz Ledo (President of the PRD 1993-1996) on March 23 1995 in “*Mexico: La historia de su democracia*.” Vol. 3. Mexico City: Noticieros Televisa, 2004.

<sup>163</sup> For reactions of the business sector to the economic measures presented by Zedillo see article by Alvaro Delgado and Antonio Jaquez in *Proceso*. March 13 1995;(0958):19.

<sup>164</sup> See Molinar Horcasitas, J. *El tiempo de la Legitimidad*.

negotiations between the main political parties (PRI, PAN and PRD) will be analysed along with the real contribution of the IFE in the negotiation process. The negotiation of the new electoral reform between political actors was interrupted by a series of local post-electoral conflicts which polarised the political actors' attitudes towards the reform. As had occurred in the 1994 electoral reform, in 1996 consensus among political parties was essential and it was eventually prioritised in order to achieve a consensus.

#### **4.7 First negotiations of a new electoral reform: the Pinos' agreement 17 January 1995**

The negotiations for a new electoral reform started in the middle of an economic crisis in complex political circumstances. Eventually, an agreement between president Zedillo and the political parties' leaders to take forward political reform was signed on 17<sup>th</sup> January 1995. For many political actors the agreement showed a real commitment by the political parties and Zedillo to advance the transition to democracy.<sup>165</sup> The negotiation of the so-called "definitive electoral reform" took one and a half years to produce results. As in the past, the consensus between political parties proved to be difficult to achieve, but in this case the cause was different: post electoral conflicts forced the opposition PAN and PRD to abandon the negotiation table several times.<sup>166</sup> Woldenberg notes that those post-electoral conflicts that disrupted the negotiation of the electoral reform were a clear indication that an electoral reform was necessary, but at the same time its persistency made the talks difficult.<sup>167</sup> In fact, these local electoral conflicts provoked the departure of PAN from the negotiation table and created reticence in the PRD.

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<sup>165</sup> Felipe Calderón (Party's Secretary PAN 1993-1995) said that "A national political agreement in 1995 was achieved due to PAN's willingness to negotiate with the government in order to avoid a social and political crisis and other forces..."

Porfirio Muñoz Ledo (Presidente del PRD 1993-1996) said "We agree that it was a very good and well done agenda, the first great agenda of the reform of the state that had four components: electoral issues and representation, executive and legislative, federalism, citizen participation and mass media." Mexico: La historia de su democracia." Vol. 3. Mexico City: Noticieros Televisa, 2004.

<sup>166</sup> See Hinojosa, Juan José. El cobro de la mentira. *Progreso*. May 22 1995; (0968-25).

<sup>167</sup> Woldenberg, J. *Ibid. Op. cit.* Vol. 3.

#### 4.7.1 Negotiations of the electoral reform: post-electoral conflicts with PRD

The negotiation of the reform between the government and the PRD was affected by a post electoral conflict in the state of Tabasco in November 1944. The official winner was the PRI's candidate, Roberto Madrazo with 56% of the votes in contrast to the PRD's candidate with 37%. However, this result was disputed by the PRD's candidate, Andrés Manuel López Obrador, who alleged electoral fraud and requested the annulment of the election.<sup>168</sup> Despite the PRD organising protests in the state and even taking several of the PEMEX<sup>169</sup> facilities, the PRI's candidate took up the post in January 1995. The post-electoral conflict in Tabasco grew and provoked a national PRD protest which led to the PRD's candidate organising a rally in Mexico City six months later known as "*caravan to democracy*" which failed to annul the election.<sup>170</sup> In addition to the allegations of fraud, the PRD's candidate, Manuel Lopez Obrador also accused the PRI of overspending in the electoral campaign, and this was an issue that was already in the electoral debate.<sup>171</sup> Ultimately, the post-electoral conflict in Tabasco created tension between PRD and the federal government. As a result of this, the tension affected the negotiation on the electoral reform, and the PRD abandoned the negotiation table. Despite the Minister of the Interior, Esteban Monteczuma meeting the PRD's president Muñoz Ledo, in order to re-establish the debate on political reform, the negotiations broke down. Following these events, and taking advantage of the publicity of the post electoral conflict, the PRD's candidate, Andrés Manuel López Obrador became the leader of the PRD. Alcocer claimed that the difficult relationship between the PRD and the government was a result of its radicalism in its early period which triggered Salinas' repression against it and made it impossible for dialogue to take place between the PRD's leader and the president.<sup>172</sup> Another conflict that put further strain on the relationship between the Zedillo's government and the PRD was the radicalisation of the government in respect of the Zapatista conflict. First of all, the government uncovered the real identity of Marcos, a Zapatista leader<sup>173</sup> along with other prominent members of the indigenous movement. Following this, the government

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<sup>168</sup> Among the reasons given by the PRD to invalidate the elections were electoral fraud, partiality of the electronic and printed media and inequality of the electoral process. For a detailed account of the conflicts surrounding this election see article by Elias Chavez and Armando Guzman in *Proceso*. December 19 1994; (0946): 12.

<sup>169</sup> PEMEX (Petroleos Mexicanos) State oil company.

<sup>170</sup> Thousands of PRD's supporters participated in the rally to the capital which was known as "*Caravan for the democracy*". See Op. cit. *Proceso*.

<sup>171</sup> See *El Mes. Voz y voto*. May 1996; (39): 35-38.

<sup>172</sup> Jorge Alcocer. *Voz y Voto*; June, 1995;(28): 3.

<sup>173</sup> The Zapatista leader was unmasked as a philosopher, sociologist and university lecture from Tampico, Tamaulipas. See *El año. Voz y Voto*. (From January 1 1995 to December 31 1995). February 1996; (36):4-11

initiated military action on the Zapatista zone.<sup>174</sup> The escalation of government pressure against the Zapatista movement caused wide spread protest among social groups and the general public who asked for the continuation of the peace dialogue initiated in 1995.<sup>175</sup> Finally, another event affected the political climate with Zedillo's government: the assassination of dozens of peasants in the southern state of Guerrero, on the 28<sup>th</sup> June 1995<sup>176</sup> which led to the postponement of the Chiapas's negotiation for peace on the 5<sup>th</sup> of July 1995.<sup>177</sup> Additionally, this event prompted Muñoz Ledo to condition the return of the PRD to negotiations by requesting the Guerrero's governor to leave his post.<sup>178</sup> To this conflict, Zedillo introduced changes in his cabinet, appointing Emilio Chuayffet, a former director of IFE, as new Minister of the Interior.<sup>179</sup> Eventually, following internal discussions, the PRD returned to the negotiation table.

#### 4.7.2 Negotiations for electoral reform: Conflicts with the PAN and with the PRI

The relationship between the PAN and Zedillo's government was also affected by several events. First of all, the PAN's victory in the states of Guanajuato and Jalisco in 1995 surprised the PRI and created the perception that alternation was expected at local elections. Therefore, the close victory of the PRI's candidate, Victor Cervera over the PAN's candidate, Luis Correa Mena in Yucatan<sup>180</sup> was challenged by the PAN who contested the official results.<sup>181</sup> This post electoral conflict triggered a series of anti-government actions by the PAN including rallies, meetings and public complaints leading to the refusal of PAN to negotiate the electoral reform.<sup>182</sup> Eventually, the PAN returned to the national political dialogue but with added conditions such as the creation

<sup>174</sup> See declaration by Ernesto Zedillo Ponce de Leon (President of the Republic 1994-2000) on February 9 1995 in "Mexico: La historia de su democracia." Vol. 3. Mexico City: Noticieros Televisa, 2004.

<sup>175</sup> The government's tough response to the Chiapas' conflict contradicted his initial promise of achieving negotiation without violence. For information on Zedillo's promises see article by Guillermo Correa and Julio López in *Proceso*. December 1994; (0944):7.

<sup>176</sup> The assassination of 17 peasants in Aguas Blancas, state of Guerrero and subsequent crimes and repression against PRD's supporters was widely published and criticised not only by human rights organizations but also the national media. For a detailed account of the numerous crimes and repression against PRD's supporters in Guerrero see article by Gloria Diaz and Ignacio Ramirez in *Proceso*. October 2 1995; (0987):14.

<sup>177</sup> The dialogue started again in October 1995 in San Andrés, the Rianza, Chiapas and resulted in agreements on signed rights and indigenous culture with the government in February 1996. Woldenberg, J. *Mexico: La historia de su democracia.* Vol. 3. Mexico City: Noticieros Televisa, 2004.

<sup>178</sup> See *El Año. Voz y Voto*. February 1996;(36):4-11.

<sup>179</sup> See article by Jorge Alcocer on the figure and challenges faced by Emilio Chuayffet in *Proceso*. July 10 1995;(0975): 27.

<sup>180</sup> According to the official results the PRI's candidate obtained 45% of votes over the PAN's candidate, who had 44% of the votes.

<sup>181</sup> The PAN alleged electoral fraud and partiality and illegality of the local electoral tribunal before the Interamerican Commission for Human Rights. See *El Mes. Voz y Voto*. August 1995; (30):43-49.

<sup>182</sup> For a more detailed account of the post electoral conflict in Yucatan see article by Alejandro Caballero and Francisco López in *Proceso*. June 12 1995;(0971):09.

of a body to discuss local conflicts, specially those from Yucatán and Tabasco.<sup>183</sup> Another event that made the PAN to abandon the negotiation table was the post electoral conflict in Huejotzingo, in Puebla, on 12<sup>th</sup> November 1995. This time the PAN's victory was impugned by PRI, resulting in the Electoral tribunal annulling the PAN's victory.<sup>184</sup> The PRI responded saying that PAN had invented the problem in order to abandon the negotiation over the electoral reform.<sup>185</sup> The PAN returned to the negotiation after the PRI's mayor left the post and the municipality was governed by a municipal council led by a panista and.<sup>186</sup> This was seen as a concession from Zedillo that many perceived as another "concertación."<sup>187</sup>

The relationship between Zedillo and the PRI was also difficult from the beginning. Many of the PRI members criticised Zedillo's attitude when he tried to distance himself from the party, but then used it when it was convenient.<sup>188</sup> Despite the discrepancies between the PRI and Zedillo, the PRI supported the president during the process of political reform.<sup>189</sup> In August 1996, the PRI legislators finally approved the reform. By 1996 despite numerous political conflicts the reform continued, which according to Woldenberg was perceived as necessary in order to balance the political situation in democratic conditions.<sup>190</sup> The political parties demanded transparent and competent rules, for equal competition especially access to the media and enough funding for their campaigns.<sup>191</sup> The negotiations between government and political parties accelerated in order for the electoral reform to be ready for the midterm elections in 1997.

### 4.7.3 The 1996 Reforms

During 1995, the opposition won many local elections that not only surprised the opposition but also the PRI. The official party realised that as electoral competition increased, voters started supporting alternative governments. By 1995 the Congress

<sup>183</sup> See El Año. *Voz y Voto*. February 1996;(36):4-11.

<sup>184</sup> Felipe Calderón Hinojosa (Party Secretary PAN 1993-1995) notes that Huejotzingo had been snatched in a totally arbitrary way from the PAN by the then governor Manuel Bartlett, and that marked the definitive breaking of PAN from the government in the process of political reform. *Mexico: La historia de su democracia.*" Vol. 3. Mexico City: Noticieros Televisa, 2004.

<sup>185</sup> Manuel Bartlett Diaz (Governor of Puebla 1993-1999) claimed that the conflict in Huejotzingo was an excuse by PAN to leave the negotiation table of the political reform. *Ibid.* Vol. 3.

<sup>186</sup> Woldenberg, J. *Ibid.* Vol.3.

<sup>187</sup> Bartlett Diaz claims that the municipality was given to PAN as part of the alleged "concertación." *Ibid.* Vol.3. See article by Soledad Loaeza about the consequences of PAN's alleged negotiation with PRI during the Salinas' presidency (concertaciones) in Loaeza, S. La virtud de la oportunidad. *Voz y Voto*, March 1996, (37):20-25.

<sup>188</sup> Mariano Palacios Alcocer (PRI party chairman PRI 1997-1999), *Ibid.* Vol. 3.

<sup>189</sup> Woldenberg, J. *Mexico: La historia de su democracia.*" Vol. 3. Mexico City: Noticieros Televisa, 2004.

<sup>190</sup> *Ibid.* Woldenberg, J. Vol. 3.

<sup>191</sup> *Ibid.*

finally approved the law initiative to open a dialogue among political forces and conciliation with Chiapas. Despite the economic crisis a negotiation table was organised with an agenda which included proposals on electoral reform, regulation of mass media and participation of citizens. However, the discussions over electoral reform were slow and painful, and they were prolonged during 1995 and most of 1996 by the sponsorship of the Minister of the Interior. The negotiation lasted nearly two years and both PAN and PRD abandoned the negotiation table at different stages. During this period, the PRD abandoned the negotiation following post-electoral conflicts and alleged inequalities in campaign expenditures and the PAN even initiated a civil disobedience campaign against the PRI in Yucatan at the same time as it was abandoning the national negotiation table. Eventually, by July 1996 an agreement for political reform was formalised by Zedillo, the Ministry of the Interior and the presidents of the main political parties. It is important to note that constitutional reforms required the support of two-thirds of Congress, therefore the PRI needed the support of opposition parties to have them approved. Therefore for the first time the political parties in both Chambers of Congress approved a constitutional bill for electoral reform. Eventually, the negotiation process between the government and the political parties succeeded. The main aspect of the 1996 reform was that consensus and negotiation among all political forces became essential in the process of electoral reform. In fact the former Minister of the Interior said that the agreement set up two very important premises: the requirement of an ultimate political reform and the need to achieve that agreement with the consensus of all political parties.<sup>192</sup> Consensus between parties became essential for the success of the reform. A common proposal that the PAN and PRD's leaders presented was expressed in a document called "ten points for electoral reform" and resulted in being the first agreement between the two main opposition parties.<sup>193</sup> Paradoxically this novel accord between the two main opposition parties was possible thanks to a series of conflicts between the opposition parties and the government, such the post-electoral conflicts in Tabasco and Yucatan and the lack of consensus on issues related to the IFE.<sup>194</sup> This document showed the PRD and PAN's intention to leave behind the crisis

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<sup>192</sup> Emilio Chuayffet Chemor (Minister of the Interior 1995-1997) in *Mexico: La historia de su democracia.* Vol. 3. Mexico City: Noticieros Televisa, 2004.

<sup>193</sup> The document was signed by Carlos Castillo Peraza (Party leader of PAN) and Porfirio Muñoz Ledo (Party leader of PRD) and supported by the participants of the Seminary of Chapultepec, citizens councillors, parties' representatives and political academics. See "Ten fundamental points of the reform" in *Voz y Voto*. September 1995;(31).

<sup>194</sup> See article by Alejandro Caballero in *Proceso*. August 28 1995;(0982):3.

that had disrupted the negotiation process.<sup>195</sup> It also showed that their main objective was to get rid of the government from the electoral process.<sup>196</sup>

#### 4.7.4 The IFE and its role in the 1996 electoral reform: the Seminary of Chapultepec

From the beginning, the 1996 electoral reform was set up to be an ultimate reform that had to be accepted by all. Therefore, consensus between political parties and the government was essential, especially for Zedillo who did not support bipartisan negotiations.<sup>197</sup> However, as stated before post-electoral conflicts and political violence had disrupted and stopped the negotiation process. It seemed that there was a need for a third group-force to gather the different proposals and opinions that the political parties had presented. For that reason, the citizen council members of IFE had a role in this last reform. First of all, the citizen council members of IFE presented, with independence from the government, a very precise agenda of electoral reform in which they showed the obstacles and the reforms to be carried out.<sup>198</sup> Secondly, the IFE citizen's council members also took part in the so-called "Chapultepec Castle Seminar"<sup>199</sup> in which they discussed their proposal with political parties and acted as intermediaries.<sup>200</sup> The participation of the IFE in the negotiation of the electoral reform contributed not only to the accomplishment of consensus between political forces but also to its image as a more independent body. It is important to note the formation of a discussion group known as "Chapultepec Castle Seminar" which was created in order to urgently push for new and deeper electoral reform.<sup>201</sup> This informal group which comprised members of the General Council of IFE, who were expert on electoral regulation and representatives of political parties, had the responsibility to discuss all the issues of

<sup>195</sup> Carlos Castillo Peraza (PAN leader 1993-1996) August 21 1995. Ibid. Vol 3. "The executive committees of the PAN and the PRD resolved to work together to achieve a solution to the crisis. To that end they determined to publicly subscribe to the ten fundamental points for the electoral reform."

<sup>196</sup> Santiago Creel Miranda (Citizen Councillor of IFE 1994-1996). Ibid. Vol. 3.

<sup>197</sup> Interview, Jorge J. Romero, Advisor to President Councillor (IFE), former member of Democracia Social and political academic, Mexico City, 15 November 2004.

<sup>198</sup> Noticieros Televisa. Interview of Miguel Angel Granados Chapa (Citizen Councillor of IFE 1994-1996) in "Mexico: La historia de su democracia." Vol. 3. Mexico City: Noticieros Televisa, 2004.

<sup>199</sup> "The Chapultepec Castle Seminar" was a negotiation table at which political parties and IFE council members discussed their proposals for the new electoral reform.

<sup>200</sup> Miguel Angel Granados Chapa. *Op. cit.* Vol. 3.

Granados notes that it can be said that during 1995 and part of 1996 the reform was developed in the discussions held in the Castle of Chapultepec, after two IFE's citizen councillors, Ortiz Pinchetti and Creel established an informal table of negotiation and invited political parties and citizen councillors to present proposals. In fact, several proposals of the IFE's citizens councillors and others from the parties were proposed in these meetings.

<sup>201</sup> See article by J. Woldenberg for an overview of the political context during these negotiations. Woldenberg, J. Esperando la reforma. *Voz y Voto*, April 1996 (38):34-36.

electoral reform. The group produced a document, which included 60 points in respect of the opinion of political parties on electoral issues. Eventually, most of the proposals to be approved for the electoral reform were reached in the Chapultepec Castle Seminar and were a combination of the IFE's council members' agenda of July 1996 and the 10 points for electoral reform drawn up by PAN and PRD. Finally, president Zedillo and the leaders of four political parties signed the agreements for the constitutional reform on electoral issues. Immediately afterwards, the Permanent Commission of the Congress called for an extraordinary period of sessions. Then, and after 18 months of intense debates and failed negotiations, in August 1996 18 articles of the constitution were amended and several articles of the COFIPE (Art 42, 43, 44, 45, 46, 47, 48). This reform was particularly significant because it was the first time that an electoral reform was pacted by the political parties and developed, approved and applied in Congress, and not created by the executive branch.<sup>202</sup> The constitutional reform was approved unanimously in the Chamber of Deputies and in the senate. However, the reform of the COFIPE (ley reglamentaria) was approved unanimously in the first part, but in the second part, in both chambers it was only voted by the PRI.<sup>203</sup> In the reform of the ordinary law (Cofipe) the parties disagreed on the issues over coalitions and finances. Despite the reform being essentially approved and accepted by all political parties, the opposition, especially the PRD had reservations. Some members of the PRI also felt that Zedillo granted too much to the opposition, and that he could have used its majority in Congress.<sup>204</sup>

#### **4.7.5 Content of the 1996 electoral reform**

One of the most significant aspects of the 1996 electoral reform was the emphasis on the conditions of electoral competition. This electoral issue had become the central issue of Mexican politics. The legal changes and new institutions established in the electoral reform responded to many demands that had been presented during the long process of electoral reforms. Political parties and the government realised that the electoral process could no longer be a source of conflict. In fact, many analysts argued that elections could be the key to democracy.

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<sup>202</sup> Noticieros Televisa. Interview of Leonardo Valdés (Researcher of UAM) in "*Mexico: La historia de su democracia*." Vol. 3. Mexico City: Noticieros Televisa, 2004.

<sup>203</sup> Woldenberg, J. Ibid. Vol 3.

<sup>204</sup> Manuel Bartlett Diaz (Governor of Puebla, 1993-1999). Ibid. Vol 3.

#### 4.7.6 The autonomy of IFE

A second important aspect was the re-definition of the structure of IFE, which resulted in the total independence and autonomy of the electoral body. The reform created a new figure called “electoral councillors” who became the principal members of the General Council. Now the General Council was formed by eight electoral councillors who were proposed by the political parties and needed the approval of two-thirds of the Chamber of Deputies. The reform also established that the election of the president of IFE was to follow the same procedure as the electoral council followed. In the new IFE General Council political parties and the legislature had representation but without the right to vote. This aspect is very important because citizen council members were the only members with the right to vote in the directive bodies. Finally, the reform also established that the president would have the faculty to propose an Executive Secretary whose functions were the same as those held by the former General Director of IFE. These changes rendered the electoral institution free of any political influence including the executive and political parties for the first time in the history of modern electoral institutions in Mexico. Both political analysts and political actors agree that the most important aspect of the electoral reform in 1996 was the granting of autonomy to IFE, as it lost the executive representative. The total independence of the electoral authority gave IFE the credibility that it did not have before. In fact, as the electoral body became free from government control, the opposition recognised its authority.<sup>205</sup> Many transitions experts also agree that the IFE’s independence from the government provided a clear step from a non-competitive system to a fully competitive system, as the government and its party were unable to change unfavourable results.<sup>206</sup> Another important aspect of the reform was that changes in IFE were recognised and accepted for the first time by the PRD when it became independent.<sup>207</sup> The 1996 electoral reform also approved a new formula for the composition of the General Council of IFE (art. 74). The figure of the citizen council member which was created in 1994 was substituted by a new figure called electoral councillor.

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<sup>205</sup> Felipe Calderón Hinojosa (President of PAN 1996-1999). Ibid. Vol 3. Calderón claimed that the reform of 1996 contributed to an independent and citizen IFE that had the support of all the parties and was able to organise the 1997 mid-term elections without serious opposition.

<sup>206</sup> Jose Antonio Crespo (Researcher of CIDE). Ibid. Vol 3.

<sup>207</sup> Andrés Manuel López Obrador (President of PRD 1996-1999). Ibid. Vol 3.

*“The 1996 electoral reform was very important because it formed an independent council in IFE for the first time that was independent and autonomous. This contributed much to the change in 2000.... and other changes such as in the media.....”*

#### **4.8 In the COFIPE: On the General Council and its presidency: The reform amended Article 73<sup>208</sup>**

Article 74 established the new composition of the General Council: a councillor president, eight electoral councillors, legislative councillors, parties' representatives and the Executive secretary. The new councillor president of the General Council of IFE was to be elected by two thirds of the members of the Chamber of Deputies proposed by the parliamentary groups who needed to be present to vote. The election of the new electoral councillors and the councillor president was very significant not only for its selection process but also for the fact that its selection needed a prior consensus among political parties in the Chamber of Deputies.<sup>209</sup> The very strong emphasis on achieving inter-party agreement and ultimately consensus seems extremely important. That emphasises the "spirit of the electoral laws" as distinct from the formal "mechanisms".

Besides being elected by the consensus of the parties in the Chamber of Deputies, they would also be accepted as mediators in the electoral competitions. In addition, the reform also established that the legislative members in the IFE's General Council could only have a voice and not vote as before, therefore, any presidential input would be impossible.<sup>210</sup> Another important change was the new formula for the composition of the legislative branch (Book One). From now on, any party could not obtain more than 300 deputies nor have more than a percentage of deputies greater than 8 points in relation to its national vote.<sup>211</sup> The Senate also opened to plurality. In each of the 32 entities two senators were elected by the principles of relative majority and the third was assigned to the first majority, and the other 32 were elected by the principle of proportional representation.<sup>212</sup>

Main aspects of the reform:

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<sup>208</sup> Article 73: The General Council of IFE is the superior organ of direction which is responsible for supervising, the fulfilment of the constitutional and legal dispositions in electoral matters, as well as ensuring that the principles of IFE are complied with. The principles are legality, independence; impartiality and objectivity and guide all the activities of the institute.

<sup>209</sup> Miguel Angel Granados Chapa (Citizen Councillor, IFE 1994-1996). Ibid. Vol 3.

Granados pointed out that what fundamentally distinguished these citizen councillors from others was their autonomy and independence as they were selected by all members of Congress and not only one faction. The selection of these "electoral councillors" depended on the consensus achieved between the different parties in Congress.

<sup>210</sup> Interview, Francisco Bedolla, Advisor to the Executive Director of Professional Electoral Service, Electoral negotiator and political academic (IFE), Mexico City, 17 November 2004.

Bedolla considered that the new composition of the General Council contributed to the IFE losing its previous presidential character.

<sup>211</sup> Cofipe. November 1996. Chapter 2. Art. 12(3).

<sup>212</sup> Cofipe. November 1996. Chapter 2. Art. 18.

1) Funding of political parties. One of the main issues in the constitutional reform was the funding of political parties. This issue was already discussed in the previous electoral reform in 1994 but protests over an unrealistic campaign ceiling and unfair distribution of resources provoked further modifications. This time the distribution of funds was to be as follows:

- 70%: proportionally: distributed according to the national voting percentage obtained by each political party represented in both chambers of Congress in the last deputies election).
- 30%: assigned evenly among all political parties represented in Congress.

Therefore the public funding was allocated depending on the votes received. In addition, the reform also established regulation over the origin and expenditure of financial resources and set up penalties for those who exceeded the set limits. The reform also established that anonymous funding was forbidden and parties were obliged to present an accurate administration of their funding in order to increase its transparency.

The reform also established the approval of a regime of party finances favouring the use of public resources over private resources (Art 29). It also established an important increase in the resources coming from public sources and it increased the equality of its distribution. Five modes of financing were established: public financing which had to prevail over the others, financing for militancy, financing for sympathisers, self-financing and financing for performance.<sup>213</sup> It was established that of the total funding that corresponded each year to all political parties, 30% was distributed in equal parts between political parties and the other 70% as a function of the votes of each party in relation to its last election; this was a definition of equality. The increase of public financing was the most controversial aspect of the reform and at the final moment led the PAN and PRD not to support the changes in the COFIPE in particular. Another important aspect of the reform was the increasing role of the IFE, especially its monitoring activity. Despite the PAN and PRD refusing to receive public financing set up by the reform, in time, both parties accepted it. 1) The reform forbade anonymous funding. In addition a auditing commission of IFE was also created to receive and pass reports on campaign expenditure of the political parties. It also guaranteed major equity in media access for political parties during electoral periods.

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<sup>213</sup> Cofipe. November 1996. Title 3<sup>rd</sup>. Chapter II. Art. 49 (1).

2) The reform also introduced changes regarding the mass media, where principles of equality in relation to use of the media were established. Among the changes, the reform increased the free time allocated to parties during campaigns; it introduced proportional distribution of official time to political parties depending on their electoral strength and set limits on television and, radio time and, space contracts, and the duration of campaigns.<sup>214</sup>

3) The reform also increased the minimum percentage required for a political party to register and have representation in Congress, from 1.5% to 2%. In addition, new conditions to form electoral coalitions, which led to “convergence candidatures”, were established and the conditional register of political parties disappeared.<sup>215</sup> However, these changes were criticised and it was claimed that rise of level for keeping registration made it more difficult for new parties to get into the party system. The provisions restricting the formation of electoral coalitions were also criticised and the creation of the category of “national politics groups”, which required only 7000 members to qualify for public funding, was also seen by critics as an attempt to divide society and weaken political parties. Finally, the creation of a centre for research and civil education within IFE represented the intentions of all political parties to continue with the process of electoral opening and electoral transparency.

4) The modification of the Electoral Tribunal was another aspect of this reform. Pre-electoral and post-electoral conflicts at regional levels regarding electoral fraud and corruption had contributed to increasing pressure for extending Electoral tribunal to local authorities. Therefore the constitutional reform was expanded to all areas of the country. The reform also established the independence of the Electoral Tribunal, as it became independent from executive control. It gave the Electoral Tribunal the faculty of validating the presidential election that was done previously by the Chamber of Deputies.

5) Finally, the 1996 electoral reform also opened a new phase for the Federal District as it established the figure of the Head of Government to be elected directly by the inhabitants of the capital from 1997.

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<sup>214</sup> Cofipe. November 1996. Title 3<sup>rd</sup>. Chapter I. Art. 41-48.

<sup>215</sup> Cofipe. November 1996. Title 4<sup>rd</sup>. Chapter II. Art. 58-64.

By 31<sup>st</sup> October 1996 the new General Council of IFE had selected the electoral councillors who were: Jacqueline Peschard, Alonso Lujambio, Emilio Zebadúa, Juan Molinar Horcasitas, Jaime Cárdenas, Mauricio Merino, Jesús Cantú and José Barragán. With this new legal framework the country would regulate the midterm elections in 1997. In the 1997 midterm elections, the PRI lost the majority in the Chamber of Deputies for the first time. The sum of the opposition was bigger than the party of the President. The Congress had to confront the presidential power and the victory of Cardenas in Mexico City. The federal election would not be impugned by anyone, and the centre of political debate turned to the legislative power.

Overall, the 1996 reform represented a radical change in the process of electoral reform in Mexico, as the electoral institution in charge of organising and supervising elections, IFE became totally independent and autonomous. It became the centre where all political parties converged to discuss and debate electoral issues. This reform was unique because in contrast to past reforms, which tried to introduce plurality in congress or give space to excluded minority parties, its purpose was to detach the electoral institutions from the executive branch. In addition it intended to provide material, financial and legal resources to all political parties in order to assure a competitive party system that would become stronger in time.

After the 1996 reform the consensus and agreements between political forces were broken again, the strength and new status of IFE had already established the electoral rules which for the first time were respected by all political forces including the dominant party PRI. The debate over electoral authorities seemed to be over, as the new institution was perceived as reliable by the majority. In fact this new status of IFE allowed for a competitive party system that Mexico had always lacked. Woldenberg notes that the elections of 1997, despite starting within a context characterised by discord and disagreement, political parties were able to compete in equal conditions in respect of not only funding but also access to the media.<sup>216</sup> This had been one of the main demands of the opposition parties in the negotiations previous to the reform of 1996. It is important to note that despite these positive views on electoral reform, other authors disagree about the contribution of electoral reform. For instance, Levy and

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<sup>216</sup> Woldenberg, J. “*Mexico: La historia de su democracia.*” Vol. 3. Mexico City: Noticieros Televisa, 2004.

Bruhn<sup>217</sup> after the 1997 elections argued that although electoral reform contributed to fairer elections, it had not guaranteed the establishment of conditions for free and fair elections. Woldenberg, however, argues that the fact that the PRI lost majority in the Chamber of Deputies in these midterm elections is proof of an effective share of power.<sup>218</sup> Soon after, Mexico witnessed how electoral reforms and negotiations and the importance of the vote had contributed to a radical change in the political context. The conquest of governorship and Congress seats, by opposition parties, confirmed this deep transformation of the Mexican political system, and more importantly the fact that this change was possible due to a combination of massive votes, electoral reforms and clear rules, without violence and by democratic means.

In order to understand the significance of the 1996 reform it is necessary to compare it with previous ones. First of all, the electoral reforms in 1977 and 1986 were important for the transition, but they had been limited because the government and the official party not only took the initiative but also controlled their content. In the 1990-91 and 1993 reforms, changes had to be agreed with the opposition, especially with the PAN. Then in 1994 and after dramatic events in Chiapas the inclusion of all political forces became necessary in order to adapt the new legal frame. However, by 1996 the fact that a consensus among the three main political parties PRI, PAN and PRD was essential to design the new electoral reform was undeniable. Therefore, the 1996 reforms resulted from intense negotiations and public discussion among political parties.

#### **4.9 Conclusion**

After the controversial elections of 1988, the Mexican political system witnessed the dismantling of the hegemonic party system and initiated a process to rebuild electoral life in Mexico. The evolution of the electoral institutions towards greater autonomy and impartiality was not linear but went through a process of political struggles among parties where negotiations over the rules of electoral competition combined, or mixed, with the parties strategies for their own political advancement. Political interests and the need for legitimisation and governance marked the electoral reforms.

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<sup>217</sup> Levy and Bruhn, K. Mexico, the Struggle for Democratic Development, with Emilio Zebadúa, London: University of California, 2001.

<sup>218</sup> *Op. cit.* Woldenberg, J.

The creation of the IFE (Federal Electoral Institute) in 1990 was a significant step towards the building of an independent electoral institution in Mexico. In fact, for many analysts the 1989-90 electoral reform stuck out because with the creation of IFE, it was the first time that the presidential principle of distribution of political posts was challenged.<sup>219</sup> A long process of negotiation between political parties and the government and pressure from civil society contributed to the total independence of IFE in 1996. However, the independence of the electoral authority in 1996 was achieved because other more basic electoral issues had been resolved previously. There was a very important institutional accumulation in the initial years of the IFE.<sup>220</sup> In fact, it can be said that the IFE had three stages. First of all, the IFE was created to solve the original problem in Mexico, the electoral fraud, specifically the manipulation of results on electoral day and the counting of votes. Therefore, the early IFE concentrated fully on resolving the problems in the organisation of elections. The electoral reform process during 1991 and 1994, was centred on resolving the issue of cleaning the electoral process. Once the electoral process became more transparent and reliable the electoral debate centred on other issues. At this point, what IFE did during the successive electoral processes that it organised, was to give certainty to the electoral process.<sup>221</sup> Despite the activity of the IFE, at this early stage not receiving the total trust of all political actors and the general public because of its dependence on the government, the institution increased its role in the electoral process. However, the political parties, especially the opposition, started to challenge the role of the government and PRI in the IFE. Therefore, between 1994 and 1996, negotiations on the electoral reform centred on the issue of autonomy of IFE. The changes in the composition of the General Council of IFE in the 1996 electoral reform,<sup>222</sup> the highest electoral authority, contributed to the independence of the IFE. Once the electoral authority became independent in 1996, the electoral debate centred entirely on party financing, especially legal and illegal funding to political parties and access to the media. These issues had been discussed and regulated since the 1993 electoral reform, but without much success.

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<sup>219</sup> Interview, Francisco Bedolla, Advisor to the Executive Director of Professional Electoral Service, Electoral negotiator and political academic (IFE), Mexico City, 17 November 2004.

<sup>220</sup> Interview, Ricardo Becerra, political academic and advisor to the President Councillor 1996-2000 (IFE), Mexico City, 22 November 2004.

<sup>221</sup> Interview, Carlos Ravela, Executive Director, Electoral Register Executive Board (IFE), Mexico City, November 9 2004.

<sup>222</sup> The 1996 electoral reform is considered to be the key reform, as it provided total independence for the IFE. Interview, Jorge J. Romero, Advisor to President Councillor (IFE), former member of Democracia Social and political academic, Mexico City, 15 November 2004.

Overall it seems that during the 1990s, political parties concentrated more on electoral reform than other issues. Socio-economic events during the late 1980s and early 1990s, such as the introduction of the neo-liberal economic model, the entry into NAFTA, the rebellion in Chiapas and a new economic crisis provoked further internal divisions within the PRI and increased the level of discontent in civil society. Opposition parties took advantage of this discontent. For instance, the PRD benefitted from repeated defections from the PRI and gained the support of many ex-PRI members, and the PAN further increased its voting appeal in urban areas and northern states. It is important to remember that, the same electoral reforms initiated by the regime in order to increase its support, were the ones that introduced constant change to the political system. The role of the opposition parties in the process of electoral reform became very important, especially the PAN and then the PRD. First of all, in the 1980s PAN led an anti-authoritarian mobilisation, which contributed, to the process of political liberalisation. The fact that the official party was forced to initiate this process of liberalisation, meant that negotiations among political parties were not only allowed but essential for the regime. The PAN took advantage of this bargaining power, as it was aware of the difficulty of winning national elections and it gained enough power to obstruct and limit PRI measures. However, PAN used its privileged position to pursue its main objective: electoral reform. Another reason for the PAN's relevance lay in the fact that PAN's strategies corresponded to those of a party in power. A long process of negotiation among opposition political parties and the official party over electoral reforms culminated with the total independence of the IFE in 1996. This last step was negotiated and supported by the main political parties, PRI, PAN and PRD. It can be argued that this process of negotiations and consensus over electoral reform contributed to the transition to democracy in Mexico as elections became the source of legitimacy. Electoral reforms that had initially been initiated by the dominant party to restore legitimacy, unexpectedly changed political strategies of opposition parties by allowing them to win congressional seats and by allocating funding and access to the media to opposition parties. Civil organisations and stronger opposition parties realised how changes in the electoral rules could allow cleaner and more competitive elections. Therefore, the electoral reform became the main issue of discussion between political forces. The PRI's loss of the majority in Congress in the midterm elections in 1997 showed not only the end of the PRI hegemony in the Chamber but also the importance

of the vote to decide political outcomes. Later the victory of the PAN presidential candidate, Vicente Fox in the presidential elections in 2000 proved the impartiality of the electoral institution, since it was the first time that the official party PRI allowed an opposition party to win the presidential elections. This event, explains how IFE achieved such a high level of acceptance among all political actors and the general public after the 1996 electoral reform. However, some political analysts argue that without the good performance of IFE in previous elections (1991, 1994 and 1997), the outcome of the 2000 elections would have been impossible.<sup>223</sup> The choice of gradual change in Mexico had been accepted as the safer option rather than other choices that involved violence and uncertainty. However, this gradual pace of change also delayed a deeper political change that could have taken place earlier.

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<sup>223</sup> Interview, Ricardo Becerra, political academic and advisor to the President Councillor 1996-2000 (IFE), Mexico City, 22 November 2004.

## **5 Chapter 5 Management of the Electoral Process: the First Stage of IFE**

This chapter will analyse the first area of activity on which IFE concentrated after being created; the “management of the electoral process”. It will focus on how changes introduced to the organisation of elections, during the earlier reforms, contributed to increasing the credibility of the electoral process. In this section it will be important to consider the real input of IFE, as the electoral authority, in achieving transparent and reliable elections which were accepted by all. The chapter is divided into five sections. The first section will provide an introductory explanation of the existing Mexican electoral system that IFE initially operated in and a detailed explanation of what IFE did and its main functions. The second section will focus on IFE’s first assignment after being funded as an independent electoral management body: the creation of the electoral roll. The unreliability of the electoral roll in previous elections had been a long standing problem that urged both the government and the PRI to find an immediate solution, especially after the highly contested 1988 elections. This section will analyse the input and role of political parties and the IFE, (that at this earlier stage was strongly influenced by the government) in creating the new electoral roll (Federal Electoral Registry) and in issuing photo credentials for the first time. It will also contain a brief analysis of other significant IFE activities related to electoral organisation, the implementation of which also had an effect on the political parties and the public perception of IFE. These tasks included the installation of polling sites and the selection of polling booth officials by IFE as well as the design, production and preparation of electoral documents. The third section will focus on the creation and further evolution of the Professional Electoral Service (SPE) of IFE as professionalism of the electoral service became another necessary change in order to restore credibility in the electoral process. In this section it will be interesting to see to what extent the eventual independence and autonomy of this service from the Secretariat of Government was expected by the government and by its party, the PRI. It will also be necessary to examine the real pressure exercised by the parties, towards the impartiality and professionalism of the electoral service, as well as the role of IFE in this process. The fourth section will analyse the impact of the newly created Electoral Tribunal in the electoral process, which in 1990 replaced the old Federal Tribunal. The creation of the

Electoral Tribunal not only allowed the judicialisation of conflict resolutions for the first time in history but it also became both supervisor of and complement to IFE's work.

### 5.1.1 The Mexican Electoral System

In order to provide a better understanding of the contribution of the newly created electoral commission (IFE) in the organisation of electoral processes it is necessary to give a brief explanation of the Mexican electoral system. Moreover, in the case of Mexico, the study of the rules of the election (electoral system) is important because most of its political moves toward democracy went through electoral reforms that affected its existing electoral system.<sup>1</sup> In other words, the democratisation of Mexico was achieved through electoral reforms. In general "electoral systems" describe how the political system functions and play a key role not only in elections and representation, but also in parties and party systems, government formation and the politics of coalitions.<sup>2</sup> Indeed, the decision to choose one electoral system over another exerts important influence on the political system's structure. In Mexico, as happened in most electoral systems, the original design of its electoral system resulted from the specific historical and social conditions of the country.<sup>3</sup> After the Mexican revolution, the Constitution of 1917 and its subsequent amendments established, in Article 41, the regulation of its electoral politics.<sup>4</sup> There is a vast amount of literature on Electoral systems and different aspects and typologies. However, for the purpose of this study, it is not necessary to examine this in detail, but it is worth noting some of the fundamental features of the Mexican electoral system at this stage. Prior to explaining the Mexican electoral system it is necessary to provide a general overview of the political organisation. First of all, and according to the Mexican Constitution, "the political organisation of the State is that of a representative, federal and democratic republic."<sup>5</sup> The Federal Mexican State is formed by 31 states and a Federal District (Mexico City), which is the seat of all the Federal Branches. Secondly, the Mexican government is based on the traditional division of legal power among the Executive, Legislative and

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<sup>1</sup> For example the introduction of Proportional Representation in the electoral reform of 1977 which allowed opposition parties to have representation in Congress, contributed to its strengthening in the following two decades. The change encouraged opposition parties to demand more changes in the electoral system.

<sup>2</sup> Farrell, D. Electoral systems. A comparative introduction. p.2.

<sup>3</sup> ACE Website Version 1.0 Copyright 1998-2003 IFES, UN-DESA, IDEA Wed Dec 10 09:46:52 2003 UTC [http://www.aceproject.org/main/english/lf/lfy\\_mx.htm](http://www.aceproject.org/main/english/lf/lfy_mx.htm)

<sup>4</sup> See chapter one for a recollection of events that led to the promulgation of the Constitution in 1917 and the original electoral system.

<sup>5</sup> The Mexican Electoral Regime and the Federal Electoral Process 2003. IFE.

Judicial Branches and both the Federal Branches and those of the thirty-two states mentioned in this model. On one hand, the Executive Branch is formed at federal level, by the President of the Republic, at state levels by the governors and in the Federal District, the Head of Government, who all serve a six year term by direct election and universal suffrage and cannot be re-elected. On the other hand, the Federal Legislature rests on the Congress of the Union, which is composed of a Lower Chamber and a Senate. The Legislative Branch of the thirty-two states has only one chamber called “the Local Congress” and in the Federal District is denominated as the Legislative Assembly. All legislatures serve three years, except for the Senators whose term lasts six years. Finally, the Federal Judicial Branch rests upon the National Court of Justice, which is formed by 11 ministers, nominated by the President and voted by two-thirds of the members of the Senate. The Judicial power of the 32 federal entities rests upon their particular Supreme Court of Justice.<sup>6</sup> As seen in chapters 2 and 3, the division of power mentioned above only took place on paper, as until the late 1980s and early 1990s when a stronger and more organised opposition started winning state elections and seats in Congress, the executive branch headed by the president, dominated and influenced both the legislative and judiciary branches.

### 5.1.2 Election principles

According to the electoral legislation<sup>7</sup> established after the 1996 electoral reform, in order to constitute the representative bodies at national level, two principles were used: relative majority and proportional representation. In addition to this, for the Senate the principle of first minority to allocate one seat per state was also used. As a result, Mexico operates today in a Mixed Member Proportional (MMP) system, as it combines both majoritarian and proportional representation (PR) electoral systems. As Dieter Nohlen notes, the current Mexican electoral system, which is called mixed or “*sistema electoral combinado*”<sup>8</sup>, is the result of a very slow process of continuous electoral

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<sup>6</sup> The Mexican Electoral Regime and the Federal Electoral Process, 2003. IFE.

<sup>7</sup> To see the evolution of electoral legislation through the reforms. See chapters 2, 3 and 4.

<sup>8</sup> Nohlen, D. “Las nuevas tendencias en el desarrollo de los sistemas electorales”. University of Heidelberg. Paper presented in IFE. See content in ([http://www.ife.org.mx/docs/Internet/IFE\\_Internacional\\_CAI/ponencias\\_CAI/Ponencias-htm/NUEVAS-TENDENCIAS.htm](http://www.ife.org.mx/docs/Internet/IFE_Internacional_CAI/ponencias_CAI/Ponencias-htm/NUEVAS-TENDENCIAS.htm))

reform that started in 1977 and in which Proportional Representation was first introduced to the lower chamber.<sup>9</sup>

This denomination resulted from the fact that the President of the United Mexican States, 64 of the 128 senators and 300 of the 500 federal deputies were elected under the principle of relative majority.<sup>10</sup> Additionally, the principle of proportional representation<sup>11</sup> was applied to elect 200 of the 500 deputies and 32 of the 128 senators.<sup>12</sup> Furthermore, the principle of first minority was applied to allocate one seat in the Senate to each state. As mentioned before, a new president is elected every six years through direct election, universal suffrage and re-election is strictly prohibited.

### 5.1.3 The Lower Chamber: Chamber of Deputies

The 500 members of the Lower Chamber are elected for a three-year term and may not be re-elected after an intermediate term. Furthermore, the election of the 300 members of the Chamber of Deputies was achieved through the principle of relative majority where 300 single-member districts, and the election of the remaining 200 members was carried out by means of regional voters' lists in five multi-member districts through the principle of proportional representation. The law also enforced that only those parties that had registered candidates for deputies by the principle of relative majority in at least 200 of the 300 single members districts were entitled to obtain registration on regional lists.<sup>13</sup> In addition to this, the Constitution also enforced that deputies' seats of PR could only be obtained by parties that achieved a minimum of 2% of the total votes cast for regional lists of candidates by this principle in the 5 multi member districts.<sup>14</sup> It is important to note that current legislation allows political parties to register a maximum of 60 candidates to federal deputies by both principles at the same time.

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<sup>9</sup> According to Dieter Nohlen the Mexican electoral system responded to more than one motive. First of all, the proportional representation "sistema segmentado" (segmented system) was introduced in 1977 in response to several critics of the government's exclusion of minority parties. Another motive for changing the electoral system responded to the emergence of new concepts of representation in Mexican society that abandoned the idea of a one party system, and then the evolution of the electoral system also changed after a reform in 1996 which was achieved by consensus among the political parties, where the opposition demanded further changes.

<sup>10</sup> Principle of relative majority: the candidate or candidates obtaining the highest number of votes out of the total votes cast in the corresponding election, automatically obtained the position being contested. The Mexican Electoral System and the Federal Election. 1997. IFE

<sup>11</sup> Proportional representation: positions are distributed among registered candidates, depending on the number of votes obtained by each political party out of the total votes cast in the corresponding election. The Mexican Electoral System and the Federal Election. 1997. IFE

<sup>12</sup> The election principles noted above corresponds to the current electoral legislation, which includes changes and innovations introduced by the Constitutional reform on political-electoral matters approved by Congress of the Union, and promulgated by the Federal Executive Branch in August of 1996.

<sup>13</sup> The Mexican Electoral System and the Federal Election. IFE. 1997, p.37.

<sup>14</sup> Ibid, p.37.

#### 5.1.4 The Senate

The 128 members of the Senate are elected for a period of 6 years, and may not be re-elected immediately after. Between 1993 and 1996 the constitutional reforms introduced important changes to the Senate. First of all, from 1993 the Senate adopted the “two elections” principle, as PR was introduced in the election of members of the upper chamber. The 1993 reform maintained 128 members. It was established that three senators were elected in every one of the 32 states. Two of the seats were allocated through the majority relative principle, and the third one was appointed through the first minority principle.<sup>15</sup> Proportional representation was applied to the remaining 32 seats according to voter rolls in one single national multi-member district. It is also important to note that in 1993 it was established that the Senate renewal changed from every three years to every six years, although this new regulation would start in the year 2000.<sup>16</sup>

Having outlined the main characteristics of the Mexican Electoral System and its election principles, we now move on to the definition of the new electoral commission, IFE, and its functions. (Federal Electoral Commission).

#### 5.1.5 The IFE: an answer to electoral fraud

On August 15<sup>th</sup> 1990 the IFE was created as a public, independent and permanent body responsible for carrying out the state function of organising the Federal Elections. In other words, it was endowed by the state with the authority to organise federal elections.<sup>17</sup> As noted in chapter 3, a succession of electoral reforms from 1990 until 1996 included important amendments to the Constitution in electoral issues, the electoral law (COFIPE) and the IFE. By 1996 the IFE had become the highest authority in electoral matters and its performance became highly professional. However, it is important to draw attention to the fact that initially the first set of reforms created by president Salinas in the early 1990's included the creation of IFE, as an urgent solution

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<sup>15</sup> That is to the party that obtained the second largest amount of votes.

<sup>16</sup> The Mexican Electoral System and the Federal Election. IFE. 1997, p.39.

<sup>17</sup> “According to the Political constitution of the United Mexican States, organising federal elections is a state function performed by a public organisation that is autonomous and independent, called Federal Electoral Institute (IFE), that is endowed with legal status and financing of its own.” The Mexican Electoral System and the Federal Election. IFE. 1997.

to the specific problem of unreliable elections.<sup>18</sup> In other words, it can be argued that the creation of IFE by the PRI government was done entirely to solve the primitive problem of “electoral fraud”, which in the 1988 elections caused unprecedented political turmoil among parties and in the general public. Therefore, the decision to create a new electoral body in 1990 to replace the existing Electoral Commission resulted from pressure exercised by stronger political parties and the realisation of the government of the need for credible and more transparent elections. However, according to a PRI member, the electoral reforms that led to the creation of IFE did not result from a unilateral governmental or PRI decision, but by the PRI detecting restlessness and opposition demands for more transparent elections that it deemed responsible and acceptable.<sup>19</sup> Nevertheless, the reaction and conduct of the electoral authorities in relation to the contested victory of Salinas in 1988 suggested that the electoral framework and electoral authorities operating at that time were unable to cope with new party competition and more politicised public opinion that demanded urgent electoral reforms.<sup>20</sup> Among the criticisms made by political parties, were complaints about electoral mal practices that were encouraged because of badly organised elections at all stages and levels. This traditional inefficiency produced a total lack of credibility not only in the electoral system but also in the government. The credibility of the government and PRI greatly depended on the immediate solution of the problem.<sup>21</sup> Therefore, the first aim of those who had facilitated the creation of IFE,<sup>22</sup> especially the PRI government with the support of PAN,<sup>23</sup> was to organise more transparent and reliable elections. Here, it is worth noting that even IFE, though still controlled by the Ministry of the Interior, expressed its concern about the real possibility of achieving transparent elections, as for that it required technical and operative efficacy that

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<sup>18</sup> Interview, senior member of PRI B, former PRI's party Chairman, Mexico City, November 9 2004. A former PRI's party Chairman argued that the unreliability of the elections was more to do with a “problema de confiabilidad”, the lack of trust that the citizens had in the electoral process.

<sup>19</sup> Ibid. Interview, senior member of PRI B.

<sup>20</sup> Becerra, Salazar and Woldenberg note that the 1988 elections accelerated the process of political change through the electoral via. However they note that at the same time stronger political parties sought the possibility of expansion through the electoral route the current institutional format became insufficient to channel the new intensity and force of the competing parties. Becerra. et. al. *La Mecánica del Cambio Político en México*, p.211.

<sup>21</sup> Interview, Ricardo Becerra, political academic and advisor to the President Councillor 1996-2000 (IFE), Mexico City, 22 November 2004.

<sup>22</sup> IFE is an organ in charge of administering and controlling the electoral process, which could guarantee honesty in the material development of the process and promote changes to the regulations”

<sup>23</sup> Interview, Jorge J. Romero, Advisor to President Councillor (IFE), former member of Democracia Social and political academic, Mexico City, 15 November 2004. Romero notes that despite the 1988 elections triggering the creation of IFE, the pact that led to its creation was only signed by the PAN and the PRI, leaving the most aggravated party, the PRD, out of the negotiation.

promised to be very difficult.<sup>24</sup> It should be pointed out that since the initial creation of IFE, the government and the PRI were unsure whether the new electoral authority could respond to a difficult demand that entailed not only organising impartial elections but also required the ability to reach an acceptable settlement between the different parties at the negotiating table.<sup>25</sup> However, despite initial doubts, only the PAN and PRI decided to negotiate and recognise IFE as a body capable of organising transparent elections, as the PRD still did not accept the new electoral authority because of its link with the government. The absence of the PRD (Cardenas' new party) from the negotiation table is paradoxical as the Left (FDN) had been the most aggravated party in the elections that led to the reforms.<sup>26</sup>

Although there were many reasons for the creation of IFE, there is general agreement that the electoral reform that created IFE, resulted from a general lack of credibility in the political system, in public opinion and amongst the opposition, especially due to inefficient and unreliable electoral processes that also had serious organisational, material and technical deficiencies.

### **5.1.6 Main functions of IFE**

Before analysing the first tasks allocated to IFE, it is important to explain what IFE does and its main functions. First of all, IFE's structure and functions have been altered throughout the various constitutional and legal reforms on electoral issues. One of the main aspects of the IFE with respect to its precedents is its permanent nature. In addition to this, the IFE has legal personality and patrimony<sup>27</sup> of its own and it is organised under a decentralised structure that allows it to exercise its functions throughout the country.<sup>28</sup> Another relevant aspect of IFE is its personnel, as it was the first professional service to operate not only in the electoral authority but also in all government and official bodies in Mexico. The reason for the creation of this service

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<sup>24</sup> Interview, Marco Baños, Executive Director, Professional Electoral Service Executive Board. (IFE), Mexico City, November 16 2004.

<sup>25</sup> Interview, senior member of PRI B, former PRI party Chairman, Mexico City, November 9 2004.

In the beginning the government was concerned with the ability of IFE to organise elections, as the PRI were aware of the complexity of the process of organising elections, since this had formerly been a government function.

<sup>26</sup> Interview, Jorge J. Romero, Advisor to President Councillor (IFE), former member of Democracia Social and political academic, Mexico City, 15 November 2004. "the leftist parties, especially Cardenas' party maintained their claim of having fraudulent elections, therefore they did not recognise the importance of IFE"

<sup>27</sup> COFIPE Art.70 I. The Federal Electoral Institute is a public and autonomous institution, of permanent character....See COFIPE and other electoral dispositions 2002. IFE. Book III, del Instituto Federal Electoral. Titulo I. Preliminary Disposition...

<sup>28</sup> The Mexican Electoral Regime and the Federal Electoral Process. IFE. 2003, p.32.

known as SPE (Professional Electoral Service) was to guarantee a professional and specialised performance of the IFE tasks. The creation, description and evolution of the service will be analysed in the third section of this chapter. As the COFIPE states in Article 65 “The *IFE* is the electoral authority in charge of the state functions of organising elections”.<sup>29</sup> Subsequently, the IFE is directly responsible for all the activities concerning the preparation, organisation, conduction and surveillance of the federal electoral processes, as well as for those regarding the aims that the law has established for it.<sup>30</sup>

Among its main functions include:

- to elaborate and update the Federal Voters Registry
- to determine and revise the Electoral geography periodically, to register national political parties
- to deal with issues concerning the rights and prerogatives of national political parties and groups
- to set the ceiling for campaign expenses
- to register the candidacies for federal election posts
- to design, print and distribute electoral material
- to prepare everything for the polling day
- to select and train the polling booth directive board officers, to regulate the electoral observation and the opinion surveys and polls, to tally the electoral results.
- to declare the validity and grant certificates in the elections for Lower and Upper Chamber members.
- to design and implement permanent civic education programmes.<sup>31</sup>

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<sup>29</sup> COFIPE. Book III Instituto Federal Electoral. Título I. Article 68. 1. IFE 2002.

<sup>30</sup> With IFE, many electoral functions that were isolated in the past, were concentrated in the institution. Such as the permanent updating of the electoral roll, the registration of political parties, the party’s prerogatives, the organisation of electoral processes, the counting process, the electoral training and civic education, amongst other tasks.  
[www.ife.org.mx/portal/site/ife/](http://www.ife.org.mx/portal/site/ife/)

<sup>31</sup> Source: The Mexican Electoral Regime and the Federal Electoral Process. IFE. 2003. Nature and functions of the Federal electoral Institute, p.33.

All of the above functions are distributed among its three main bodies that constitute the IFE; “Directive” formed as councils in a collegiate fashion. “Technical-executive” composed basically by members of the Electoral Professional System, “Executive Boards and Surveillance body” formed mainly and equally by political parties and shaped as commissions. In conformity with the principle of decentralisation, on which the performance of IFE in the organisation of elections is based, these bodies are presented at a central level, at state level (one delegation in each of the 32), at district level (a sub delegation in each of the 300 single-member districts), and in some cases even at a sectional level.

The following table shows the current organisation of the IFE (as set up after the 1996 electoral reform).

**Table: 5.1. Composition of the IFE**

	DIRECTIVE BODIES	EXECUTIVE AND TECHNICAL BODIES	SURVEILLANCE BODIES
CENTRAL BODIES (NATIONAL LEVEL)	GENERAL COUNCIL <ul style="list-style-type: none"> <li>• President Councillor</li> <li>• Eight Electoral Councillors</li> <li>• Legislative Branch Councillors(1)</li> <li>• National Political Parties Representatives(2)</li> <li>• Executive Secretary</li> </ul>	GENERAL EXECUTIVE BOARD <ul style="list-style-type: none"> <li>• President Councillor</li> <li>• Executive Secretary</li> <li>• Six Executive Directors</li> </ul>	NATIONAL SURVEILLANCE <ul style="list-style-type: none"> <li>• Executive Director of the Federal Voters Registry (president)</li> <li>• National Political Parties Representatives(7)</li> <li>• Representatives of the INEGI(8)</li> <li>• Secretary</li> </ul>
DELEGATION BODIES (ONE PER STATE)	LOCAL COUNCILS(3) <ul style="list-style-type: none"> <li>• President Councillor</li> <li>• Six Electoral Councillors</li> <li>• National Political Parties Representatives(4)</li> <li>• Three members of the Local Executive Board</li> <li>• Secretary</li> </ul>	LOCAL EXECUTIVE BOARDS <ul style="list-style-type: none"> <li>• Executive Representative</li> </ul> Representatives of: <ul style="list-style-type: none"> <li>• Electoral Organisation</li> <li>• Federal Voters Registry</li> <li>• Electoral Training and Civic Education</li> <li>• Secretary</li> </ul>	LOCAL SURVEILLANCE COMMISSION <ul style="list-style-type: none"> <li>• Local Representative of the Federal Voters Registry (President)</li> <li>• National Political Parties Representatives(9)</li> <li>• Secretary</li> </ul>
SUB-DELEGATION BODIES (ONE PER SINGLE MEMBER ELECTORAL DISTRICT)	DISTRICT COUNCILS Made up as the local councils	DISTRICT EXECUTIVE BOARDS Made up as the local councils	DISTRICT SURVEILLANCE COMMISSION Made up as the local councils
SECTION BODIES (AT LEAST ONE PER ELECTORAL SECTION)	POLLING SITE DIRECTIVE BOARDS(5) <ul style="list-style-type: none"> <li>• Polling Site Officials (Four holder and three substitutes)</li> <li>• National Political Parties Representatives(6)</li> </ul>		

Source: The Mexican Electoral Regime and the Federal Electoral Process. IFE. 2003.

#### KEY

1. One per parliamentary group
2. One per party
3. Only during the electoral process

4. One per party.
5. Only during the electoral process.
6. Two representatives and one substitute from each party per polling site.
7. One representative and one substitute per party.
8. National Institute of Statistics, Geography and Informatics
9. One representative and one substitute per party.

## **5.2 The first assignment of IFE: creation of the electoral roll**

This second section presents an analysis of the first task undertaken by IFE: the creation of a new electoral role.<sup>32</sup> One of the first and most important tasks that was given to IFE at the beginning of its life was the creation of a new Federal Voters Registry.<sup>33</sup> The modification of the Federal Voting Registry, in the COFIPE (electoral law) in 1990, is today considered to be of great significance. First of all, because it created a new electoral roll using census techniques, and secondly, because the electoral roll that was created for the 1991 mid-term elections is essentially the same electoral roll that is still used today.<sup>34</sup>

### **5.2.1 Antecedents of the electoral roll**

The first important step in the production of an electoral roll, was in 1946 with the first Federal Electoral Law, that established a technical body at national level known as "The Electoral Registry" to carry out the activities related to the elaboration of the electoral census. The same electoral law also set up a Council for the Electoral Roll (Consejo del Padrón electoral), as a technical body dependent on the Federal Commission of Electoral Surveillance whose main functions included the division of the national territory, the setting of the basis of the organisation of the permanent register of voters and the issuing of voting cards. Then in 1951 the Federal Electoral Law created the National Register of Voters, substituting the former Council of the Electoral Roll, which eventually became an institution of public service with permanent functions and whose

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<sup>32</sup> The creation of an electoral roll was set up by the COFIPE as one of the new electoral authority activities. see Article 135 COFIPE, Book IV p.126.

<sup>33</sup> Nuñez notes that until 1823 there was not an electoral register as such. It was established for the first time in primary elections of a new congress that church's registers would be used. Nuñez, A. *La reforma 1989-1990*, pp.91-92.

<sup>34</sup> Interview, Jorge J. Romero, Advisor to President Councillor (IFE), former member of Democracia Social and political academic, Mexico City, 15 November 2004.

director was appointed by the President of the Federal Electoral Commission.<sup>35</sup> The next most important step, was in 1963 when the character of the voting card became permanent. In the 1977 electoral reform the LFOPPE<sup>36</sup> created the “Technical and Surveillance Committee of the National Register of Voters”, which incorporated the participation of political parties.<sup>37</sup> By 1987, this body then known as “Federal Electoral Register” was configured in Article 99 of the Federal Electoral Code, as a technical body in charge of registering the Mexican citizens on the electoral roll and other activities such as revising and updating the roll. The 1986 Federal Electoral Code, set up in the 1986 electoral reform, looked at significant changes to the registry of voters, specifying measures to prioritise the reliability of traditionally neglected electoral lists.<sup>38</sup> Despite the new electoral code instructing a regular process of elaboration, revision and updating of the electoral roll and even with the participation of political parties, both the complexity of such activities and the easy manipulation of them led to general complaint. The unreliability of the electoral roll was the subject of bitter complaint from the opposition, who criticised both the lack of legal regulation and the manipulation of it by political actors. The opposition protested about the manipulation of the electoral roll that had restrained citizens from exercising their right to vote.<sup>39</sup> A new electoral roll became essential in order to simplify the electoral processes that had become highly unreliable and a source of conflict between the government and parties. By the late eighties, especially in the 1988 elections, the problem of the lack of trust in the electoral roll became an issue of debate. It is also important to note, that the 1988 elections opened a debate, not only, on electoral fraud but also on the credibility of the electoral process as a whole, especially because of the pluralism that had been expressed in the polling booths that was so intense that the new government could hardly ignore it.<sup>40</sup>

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<sup>35</sup> See Nuñez Jimenez, A. *La Reforma Electoral 1989-1990*, p.93.

Patiño Camarena notes that the original “Electoral Register” was changed only in minor aspects, as it kept its structure and organisation until 1990. Among the minor changes were its name to National Register of Voters (RNE) and its composition (membership) in 1951, and in the LFOPPE of 1977, a surveillance technical committee was included in the register. See Patiño Camarena, J., *Nuevo Derecho Electoral Mexicano*. Mexico: Instituto de Investigaciones Jurídicas – UNAM, 2006. See <http://www.bibliojuridica.org/libros/4/1833/pl1833.htm>

<sup>36</sup> Electoral law approved in 1977. *Ley Federal de Organizaciones Políticas y Procesos Electorales* (Federal Law of political organisations and electoral processes).

<sup>37</sup> See Nuñez Jimenez, A. *La reforma electoral de 1989-90*, p.93.

<sup>38</sup> See list of reform innovations in Nuñez, *La reforma electoral de 1989-90*, pp. 93-94.

<sup>39</sup> See *Proceso*. May 1985; (654) and *Nexos*. 1989; (23).

<sup>40</sup> After Salinas got into office, in his accepting speech in Congress, he invited all political forces and citizens to debate around three themes to look for consensus: one of them was: “*Strengthening of the organisation and participation of the citizens, through the simplification of the electoral processes, in order to consolidate the democratic advances including the possibility of legal reforms.*” Becerra, R., Salazar, P., Woldenberg, J., *La mecánica del cambio político en México*, p.213.

Indeed, most political activists agreed that the 1988 elections had shown evidence of deficiencies in three aspects: electoral organisation, electoral roll and in the operation of the electoral authority.<sup>41</sup> Therefore, the creation of a new electoral roll became the first step in the process of making elections more transparent and reliable.

### **5.2.2 The debate on the electoral register: the first step**

The debate on a new electoral register came in response to a number of factors. First of all, Salinas' government felt that restoring the credibility of the electoral process was essential not only to legitimise themselves but also to ensure the continuity of elections in the future. In his first presidential speech Salinas emphasised the urgent need for transparent elections.<sup>42</sup> As "transparent elections" became one of the central concerns for both the opposition and for the new PRI government, it was natural that the political debate over electoral reform focused first on the organisation of the elections, particularly through the need for a new electoral roll. The decision by the PRI government to create a new electoral register was arrived at for a number of different reasons. First of all, for the first time, Salinas's government needed to negotiate with the opposition in order to pass constitutional changes.<sup>43</sup> Therefore, it was expected that the content of the first reform was to respond to some of the opposition's demands. One of the opposition's main demands was related to the need for impartial and transparent elections, as it was deemed to be a condition for their own party being able to compete. Furthermore, the parties perceived that most electoral fraud occurred through having an old and inefficient electoral roll that allowed fraud at the polling site.<sup>44</sup> It is worth noting, that the electoral organisation and the electoral roll had been a concern for the political parties in the past, but during the PRI' hegemony the parties had little to say. By the end of the 1980s, when the PRI's hegemony started disappearing, the opposition parties gained support and strength and electoral competition increased and debate on the electoral organisation came into view. The most significant aspect of this related to how to organise elections without governmental interference to control the results, how

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<sup>41</sup> Interview, Ricardo Becerra, political academic and advisor to the President Councillor 1996-2000 (IFE), Mexico City, 22 November 2004.

<sup>42</sup> Salinas's first speech 1 December, 1988 "*the most urgent measure required is in the area of transparent electoral processes.*" Nuñez Jimenez, A. *La reforma electoral 1989-1990*, p.27.

<sup>43</sup> The 1988 electoral results gave PRI only relative majority. The PRI lost the prerogative of passing constitutional law on its own.

<sup>44</sup> Interview, Ricardo Becerra, political academic and advisor to the President Councillor 1996-2000 (IFE), Mexico City, 22 November 2004.

to prevent the manipulation of the vote, and even how to prevent the dead voting.<sup>45</sup> This collective decision resulted mainly from the fact that the parties had blamed the PRI for manipulating the electoral roll in the past<sup>46</sup> and saw an unreliable electoral roll as an impediment for transparent elections. Another reason for the interest of the Salinas' government in creating a new register was the fact that there was urgency to ensure cleaner elections in 1991 in order to legitimise the government. Furthermore, the 1991 midterm elections were quite close to the preceding 1988 presidential elections, and the PRI government could not afford another post electoral conflict like the one in 1988, that was directly connected to electoral fraud.<sup>47</sup> Finally, for the government and the PRI the pressure, for democratic claim, was not only coming from the parties and the opposition alliances, and from a great part of society and public opinion, but there was also an international demand.<sup>48</sup> Therefore, during the negotiations on the first electoral reform in 1989-90, the need for cleaning the electoral processes shaped many of the decisions, including the idea of constructing a new electoral roll. The negotiation during the first electoral reform included among other issues the situation and status of the body in charge of the register, the building of a new electoral roll or the depuration of the existing one, the issue of reliable voting cards and the establishing of proper mechanisms for the updating of the voting lists.<sup>49</sup> Once Salinas had shown his readiness for "electoral cleansing",<sup>50</sup> the reform launched by the government opened discussion and public audiences in the Federal Electoral Commission, in the Chamber of Deputies and even in the states.<sup>51</sup> The debate over these subjects led to different party positions. One of the most common concerns among political parties was the inconsistency of the electoral roll that lacked verification. Indeed the creation of a new electoral roll was

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<sup>45</sup> Interview, Jorge J. Romero, Advisor to President Councillor (IFE), former member of Democracia Social and political academic, Mexico City, 15 November 2004. Romero notes the traditional "death vote", on election day, where names of deceased people not only appeared in the electoral roll but also voted.

<sup>46</sup> Note of the report published by ADESE before the 1988 elections in *Proceso*. July 4 1988; (609): 6.

<sup>47</sup> Interview, Francisco Bedolla, Advisor to the Executive Director of Professional Electoral Service, Electoral negotiator and political academic (IFE), Mexico City, 17 November 2004.

<sup>48</sup> Becerra, R., Salazar, P., & Woldenberg, J. *La mecánica del cambio político en México*, p.213.

These authors note that in the aftermath of the 1988 election, agreements and communication between political actors seemed impossible, as some of them were talking about "constitutional crisis" while others claimed a "simple electoral incident", and in addition to this, the election had been a source of confusion and nonconformity. *Ibid.* p.212.

<sup>49</sup> Nuñez Jimenez, A. *La reforma electoral 1989-1990*, p.96.

<sup>50</sup> Salinas' speech to Congress. December 1988. *"I am calling all political forces and civil society to discuss four topics through which we can achieve consensus: first of all, measures to alleviate foreign debt; secondly, strengthening the organisation and citizens' participation through the simplification of the electoral process including the possibility of electoral reforms in order to consolidate democratic progress, etc."*

<sup>51</sup> Baños notes the level of the response to the government's call for electoral reform, out of the 31 local congresses, 26 organised public hearings to discuss issues to be reformed. Interview, Marco Baños, Executive Director, Professional Electoral Service Executive Board. (IFE), Mexico City, November 16 2004.

perceived as the first step towards the elimination of electoral fraud at the polling site. Therefore, in parallel to the debate on the 1989-90 electoral reform, the Federal Electoral Commission that was still operating,<sup>52</sup> considered the technical possibilities of creating a new list of citizens based on the data of “the XII General Census of Population and Housing of 1990”, to be used in the federal elections of 1991.<sup>53</sup> Finally, as a result of the discussion in the Federal Electoral Commission, the Minister of the Interior, announced his support for the agreement referring to the new creation of an electoral roll and the issue of a new voting card.<sup>54</sup>

### 5.2.3 Creation of the new electoral roll

In the electoral law COFIPE,<sup>55</sup> approved in 1990, it was decided to create a new Federal Electoral Registry. However, prior to the agreements for creating the new Federal Voters Register, the parties presented alternatives on the subject. Eventually the PAN’s proposal of the constitutional Article 36, to develop a National Register of Citizens,<sup>56</sup> that entailed a wider register, was contemplated, but during the legislative process of the electoral law it was agreed not to implement it,<sup>57</sup> choosing instead to create a new electoral roll and new voting card. The proposal to create a new registry of citizens had been first raised by PAN in its 1947 agenda.<sup>58</sup> The creation of this new registration instrument was the first step, after the renewal and construction of other electoral instruments and procedures, within the first electoral reform pursued by Salinas in 1989-90. As the COFIPE provided IFE with the state function for organising elections and for considering the new register (a public interest service), it made sense to allocate the responsibility for creating the new register to IFE. It is worth noting that the Federal Voters Registry consisted of two sections: the section of the General Catalogue of

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<sup>52</sup> The Federal Electoral Commission was the electoral authority before the promulgation of the COFIPE and the creation of IFE.

<sup>53</sup> Nuñez Jimenez, A. La reforma electoral 1989-1990, p.97.

<sup>54</sup> Ibid.

<sup>55</sup> COFIPE (Código Federal de Instituciones y Procedimientos Electorales). (Federal Code of Electoral institutions and procedures)

<sup>56</sup> On May 31 1989 during the discussion and final approval of the COFIPE, the PAN presented its initiative on the Electoral Code to the Permanent Commission. In its Book III it included the establishment of the organisation and functioning of the National Registry of Voters. The service provided by this registry included the creation of a unique citizen’s census and the regular updating of the registry. It also established the issue of a citizen’s identity card and the elaboration, classification, publication and distribution of nominal lists of voters to be used in the electoral processes. Commission on Governing and Constitutional Points. Initiatives: The National Action Party. Book III. pp. 4-5.

<sup>57</sup> The National Register of Citizens was excluded because it was considered that citizenship extended beyond the electoral arena, therefore, the regulation of that body should be established in another juridical area. See Nuñez Jimenez, A. La reforma electoral 1989-1990, p.99.

<sup>58</sup> See El Partido de Acción Nacional: La reforma del estado. IFE. 2000.

voters and the section of the Electoral Roll.<sup>59</sup> The Federal Voters Registry was made up of four fundamental instruments that were clearly differentiated: the general catalogue of voters, the electoral roll, the photo voting card, and the voters lists with photographs.

The COFIPE established that such services and tasks related to the registration of voters would be carried out through a specialised technical area within IFE called “the Executive Direction of the Federal Voters Registry” and its permanent decentralised bodies at state and district levels.<sup>60</sup> In 1990 Article 92 of the COFIPE established the functions of the Executive Direction of the Federal Electoral Registry. The main responsibilities of this board were to: 1) Organise the Federal Electoral Register service, 2) Produce a general catalogue of voters and the electoral roll, 3) Issue photo voting cards, 4) Revise and update the electoral roll, annually, 5) Establish with the federal, state and municipal authorities the necessary coordination, in order to obtain information about citizens who have died and about the loss, suspension or obtaining of citizenship, 6) Formulate the project for division of the national territory into 300 single member electoral districts, as well as the five multi-member circumscriptions that the country was divided into.<sup>61</sup> It is important to note that the Federal Voters Registry was also used by the State’s electoral authorities for the organisation and functioning of their local elections, therefore the IFE and the state governments and authorities had to maintain permanent and signed agreements of cooperation.<sup>62</sup>

In addition to these responsibilities relating to the Federal Voters Registry, the IFE was also in charge of material and electoral documentation, the composition and functioning of the polling booths, the supervision of the electoral roll and the procedures for the initial counting of votes and preliminary electoral results. Some of these issues will be discussed later in the chapter.

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<sup>59</sup> Instrument of the Federal Voters Register: 1) General List of voters – or citizens’ census which contains all the basic information about all Mexicans who are above 18 years old and 2) The Electoral roll, which includes basic information about all citizens who as well as being included in the general list of voters, apply personally for their registration on the electoral roll.

<sup>60</sup> See table 5.1. “Composition of the IFE.” According to the Constitutional legal mandate on electoral affairs, it is its responsibility to grant all services and develop all the activities related to the registration of voters, which it carries out through its specialised technical areas, including the Executive Direction of the Federal Voters Registry (EDFRV) and the permanent decentralised bodies on which the Direction relies at state and district level. The Mexican Electoral Regime and the Federal Elections of the year 2000. IFE.

<sup>61</sup> The Mexican Electoral System and the Federal Elections of the year 2000. Federal Electoral Registry. IFE 2000, pp.1-2.

<sup>62</sup> Ibid.

Overall, the decision to create a Federal Voters Registry was welcomed by political parties and the federal government<sup>63</sup> as its timely composition was considered to be an essential requirement to ensure the transparency and certainty of the electoral processes.<sup>64</sup>

#### 5.2.4 The “electoral roll”: important aspects on the electoral roll

One of the most important features relating to the production of a general catalogue of voters and electoral roll was that IFE created them without taking into consideration any pre-existing registry or list and through the application of a total census method within the whole national territory.<sup>65</sup> The creation of the register started at the end of 1990<sup>66</sup>, with the making of the national catalogue of voters that was obtained through the application of a census technique through house to house visits. The drafting of a new electoral roll became a major task for the IFE as the new census was to contain over 47 million citizens out of approximately 50 million able to vote. Therefore, once those citizens who were included in the general catalogue of votes applied individually for their registration at the IFE, their names were added to a second instrument derived from the first one: the electoral roll.<sup>67</sup> Subsequently, the creation of an authentic and trustworthy electoral roll was only possible by making first a general catalogue of voters using the mentioned total census technique. Furthermore, it was established that all citizens, in addition to applying formally and individually for his/her inclusion on the electoral roll, had to submit an application form including a signature, finger print and photograph.<sup>68</sup>

1) Another important aspect of the new electoral roll was the regulation by the COFIPE in respect of its updating and depuration. The electoral law established that in order to ensure the electoral roll's reliability it had to be subject to control and security instruments that could be supervised and checked not only by citizens but more

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<sup>63</sup> Woldenberg, notes that the creation of the New Federal Register of voters “*was an absolute strategic contribution to the new electoral framework*”, as this intended to include all Mexicans in order to guarantee their political right to vote. Woldenberg, et. al. *La mecánica del cambio político*, p.260.

<sup>64</sup> 1997 Federal Electoral Process. Basic Information. IFE.

<sup>65</sup> Therefore the electoral roll used in the 1988 presidential elections was removed completely.

<sup>66</sup> Marco Baños notes that the issue of the electoral roll had always been one of the most controversial issues, as the electoral roll was the data base of the citizens who could vote and make elections possible. Interview, Marco Baños, Executive Director, Professional Electoral Service Executive Board. (IFE), Mexico City, November 16 2004.

<sup>67</sup> Becerra, R. et. al. *La mecánica del cambio político*, p.261.

<sup>68</sup> Such measures seemed a bit extreme in consolidated transparent electoral systems. However, in Mexico, decades of electoral fraud and manipulation made such “padlocks” (check and balances) a requirement in order to ensure the credibility of the electoral instruments. Interview, Ricardo Becerra, political academic and advisor to the President Councillor 1996-2000 (IFE), Mexico City, 22 November 2004.

importantly by political parties.<sup>69</sup> The electoral law also established that any change in the electoral roll regarding the inclusion or elimination of a name had to be supported by a source document confirming that any change was done by the citizen or, in the case of death, by documents provided by the Civil Registry.<sup>70</sup> Woldenberg notes that despite these measures having a justification because of the initial lack of trust of the parties in the IFE, in time when the reliability of the electoral roll stopped being a concern, these measures became a problem when updating the Electoral Roll.<sup>71</sup> In other words, the IFE could be forced to hold an outdated electoral roll if the citizens or civil registry did not take action.

2) In addition to this, and in order to include the citizens in the annual updating of the electoral roll, it was established to deliver an intense updating campaign which invited those unregistered citizens to do so.<sup>72</sup> The COFIPE also confirmed that this campaign would also be delivered by IFE.

3) Finally, a very significant point regarding the electoral roll was the introduction by law of a National Commission of Surveillance<sup>73</sup> as part of the National Voters Registry of IFE. This commission was set up to allow the political parties to maintain permanent surveillance of the electoral roll and the voting lists. This Commission would also count on computer terminals.<sup>74</sup> This particular arrangement responded to previous complaints from political parties regarding the manipulation of the electoral roll by PRI officials. It is worth noting, that the scheme of National Commission of Surveillance was also applied to the 32 local surveillance commissions (one per state), 300 district surveillance commissions (one per electoral district), and one at national level, was formed by the parties' representatives. Therefore, as the political parties were able to supervise the updating of the electoral roll by IFE, both at national and local level, in time the reliability of the electoral roll was difficult to question.<sup>75</sup> Additionally, the recognition given to the political parties' suggestions regarding the electoral roll appeared to contribute to their backing of this electoral instrument.

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<sup>69</sup> Interview, Mauricio Merino, political academic and Electoral Councillor 1996-2000, General Council, IFE, 17 November 2007.

<sup>70</sup> Arturo Nuñez, A. *La reforma electoral 1989-90*, pp.99-100.

<sup>71</sup> Woldenberg, et.al. *La mecánica del cambio político en México*, p.261.

<sup>72</sup> Nuñez Jimenez, A. *La reforma electoral de 1989-90*, p.100.

<sup>73</sup> Surveillance commissions are bodies in which the national political parties have equal representation and have the task of surveying the work related to the electoral roll.

<sup>74</sup> *Op. cit.* Nuñez Jimenez, A. p.100.

<sup>75</sup> Interview, Ricardo Becerra, political academic and advisor to the President Councillor 1996-2000 (IFE), Mexico City, 22 November 2004.

### 5.2.5 Evolution of the electoral roll: 1991-2000

The electoral mandate to create a new electoral roll in October 1990 not only gave IFE, an enormous responsibility but also placed a considerable amount of pressure on it. First of all, the electoral authority at this stage was still highly influenced by the government, as it was chaired by the Minister of the Interior<sup>76</sup> and dominated by PRI votes. Therefore from the political parties' point of view; the work of IFE was the work of the government. Secondly, as the scandals surrounding Salinas taking office, gave both the president and the government a bad image among the public and political parties, Salinas needed to restore that image by ensuring more transparent elections. This he did by focusing on the close mid-terms elections due in August 1991. Therefore, the IFE confronted its first job under two sources of pressure: one relating to the reliability of the new electoral roll and two, a tight deadline. IFE faced the major task of making up one of the largest data bases in the world,<sup>77</sup> which needed to be completed in only eight months.<sup>78</sup>

As noted earlier the creation of the new roll was done without reference to any previous register or lists instead a census technique (house to house visits) was used. Such a radical measure was necessary to ensure total transparency and validity. This task required nearly 16 million home visits and took approximately nine months. After several audits and verifications of an approximate data base of 45 million Mexicans over the age of 18, the general catalogue of voters (the first step in making the new register) included 42.5 million of them. The information gathered allowed IFE to register 39.2 million citizens, who met the conditions of inscription, on the electoral roll and to issue 36.6 million voting cards, to those who appeared on the voting list.<sup>79</sup> Despite the complexity of IFE's first task, it produced one of the biggest electoral registers in the world in only eight months with the highest international standard in

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<sup>76</sup> Most of the allegations of fraud coming from the opposition during the controversial 1988 elections centred on the obscure actions of the Ministry of the Interior.

<sup>77</sup> There are almost 2 million new eligible voters each year in Mexico, 300,000 deaths, more than 2.5 million changes of address and a significant migratory population. In addition, there are approximately 154,000 communities with less than 2,500 inhabitants dispersed throughout the country, sometimes in highly isolated areas. Despite the difficulties this situation creates, every effort has been made to maintain a precise and updated electoral register. The importance of having an updated and reliable registry has been so great that Mexico has spent approximately 730 million dollars in improving it. This sum is equivalent to having built 48,000 new classrooms or 56,000 new homes. The Mexican Electoral System. IFE. 1994.

<sup>78</sup> The creation of this new roll in less than a year was considered an unprecedented job that gave IFE technical credibility. Interview, Marco Baños, Executive Director, Professional Electoral Service Executive Board. (IFE), Mexico City, November 16 2004.

<sup>79</sup> Ibid.

terms of coverage and reliability.<sup>80</sup> After the new electoral roll was created in 1991, the IFE, particularly the General Council of IFE agreed to carry out a programme of integral refinement of the electoral roll which was carried out between July 1992 and March 1993. This programme of verification detected a level of inconsistency of 4.63% in the register. The decision by the General Council of IFE to refine the electoral roll appears to show an early attempt of the IFE to take a lead in decisions relating to the organisation of elections. After the first draft of the electoral roll for the mid-term elections was finished, the IFE continued to update and work on its development. Initial positive results were soon observed, for example, in 1991, the Electoral Registry registered nearly 87% of Mexico's citizens and the Federal Electoral Registry was able to deliver 81 percent of the voting cards or voters credentials. By May 1994, and in preparation for the presidential elections, the Electoral Register accounted for almost 90% of all citizens.<sup>81</sup> And working with a database of nearly 50 million eligible voters, the IFE managed to inscribe 47.5 millions of them into the electoral census. Regarding the voting cards, a tamper proof credential with photo was also developed to be ready for the elections and delivered to 86% of qualified voters. In addition to the updating of the electoral roll, a total of 36 audits and verification were simultaneously done in order to find out the degree of precision and consistency. The audits and verifications reported a level of trust of over 96%.<sup>82</sup> The updating process delivered by IFE became even more sophisticated in 1993 when political parties were allowed to access the content of the database and its images, source documents and entries on the electoral Roll.<sup>83</sup> This consent was given to political parties and provided IFE with a "consulting role" that improved its image among political parties, as they were able to consult and obtain the information they required. In addition to this, the IFE's performance in respect of the electoral registry was also observed, and at times challenged, by political parties through the national, state and district commissions in charge of supervising the registry (National and Local Commissions of Surveillance).<sup>84</sup> Another interesting aspect regarding the updating of the electoral roll was the first external audit was granted in May 1994 to private firms led by McKinsey, a well known consulting company, the

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<sup>80</sup> The Mexican Electoral System. IFE. 1994.

<sup>81</sup> This compares favourably with voter coverage in the United States (55%) Colombia (79%), Spain or Italy (80%) and Canada, France or Australia (90%). The Mexican Electoral System. IFE. 1994.

<sup>82</sup> Interview, Marco Baños, Executive Director, Professional Electoral Service Executive Board. (IFE), Mexico City, November 16 2004.

<sup>83</sup> The Mexican Electoral System. IFE. 1994.

<sup>84</sup> See table, 5.1. Composition of the IFE.

results of which were announced on June 30 1994. Finally and in preparation for the 2000 federal electoral process, the IFE designed and implemented new plans to update and refine the electoral instruments, including the electoral roll. Ultimately, the original draft of the electoral registry created in 1991, underwent not only 36 independent audits but also the constant supervision of all political parties through the different electoral reforms and elections. Baños notes that the work of IFE in making the new electoral roll was well regarded and accepted by all as it was not contested at any of the national or local elections held after it was created. Indeed, he points out that the significance of this trust was even greater because the electoral roll, created by IFE, was used at local and municipal elections which were organised not by IFE but by their local electoral organs with IFE's collaboration.<sup>85</sup> In addition, the opportunity given to all citizens to check and verify the lists in respect of personal details also contributed to the perception of IFE, among the general public, as a professional and more independent electoral authority. Eventually, all of the refinement techniques applied to the electoral roll and the opening of "windows" (where parties and citizens could supervise the elaboration and updating of the electoral roll) gave the electoral roll credibility that in many ways reflected the effectiveness of the IFE's first task.

### **5.2.6 The issue of a photo credentials**

The issue of a photo credentials<sup>86</sup> was the other main assignment of IFE. Vadillo notes that the issue of a new photo-voting card by IFE went beyond its electoral purposes, as it became in time the only official document of identification for Mexicans.<sup>87</sup> In parallel to the creation of a new electoral law, the IFE also started a process of developing a tamper-proof voter credential with photograph. It is worth noting, that the idea of a photo-voting card was a project that had been considered more than two decades earlier but had never taken shape. However, as the COFIPE established the issue of a new photo credential, everyone agreed that leaving such a task to the Ministry of the Interior

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<sup>85</sup> Interview, Marco Baños, Executive Director, Professional Electoral Service Executive Board. (IFE), Mexico City, November 16 2004. Baños also notes that the IFE provided the electoral roll to all states apart from Baja California, as it had its own.

<sup>86</sup> The photo voting card is the document required in order for citizens to be able to exercise their right to vote. Apart from exceptional cases, a citizen who does not carry and show his/her photo card on the day of the election is not allowed to vote.

<sup>87</sup> Interview, Jorge J. Romero, Advisor to President Councillor (IFE), former member of Democracia Social and political academic, Mexico City, 15 November 2004. Vadillo highlights how important the issue of the photo-credential was for Mexico, as in the past, most of the Mexican population was "without identification". In fact, it became the basic instrument of identification for all kinds of purposes.

controlled by the PRI, was impossible as it could generate uncertainty and mistrust.<sup>88</sup> This new procedure to issue a new voting card which was developed at the same time as creating the electoral roll was established in the new electoral legislation (COFIPE).<sup>89</sup> It is important to note that the decision to create a new voting card also responded to an old opposition demand. The old cards had not been trusted because of their propensity to be falsified. In fact, the National Action Party (PAN) proved that the creation of a new card was necessary in order to ensure the transparency of the process, by implementing it in the state of Baja California.<sup>90</sup> Therefore, the decision to develop a new tamper proof photo credential was welcomed by parties as another step towards the transparency of the voting process. Initially, the objective of IFE was to complete the creation of the two electoral instruments, a new electoral roll and a new photo-credential, before the midterm elections in 1991. It was established by law that those citizens of voting age firstly had to be included on the electoral roll, and secondly, had to acquire a photo-identification voting card in order to vote. The photo voting card was to be obtained free of charge from the IFE. Just before the mid-term elections in 1991, the IFE managed to issue a voting card to nearly 36.6 of the 39.2 million citizens who met the conditions of inscription on the electoral roll. However, despite the fact that the COFIPE included the regulation to include a photo in the voting card, the cards issued for the mid-term elections did not include the photographs of the voters. IFE's members explained later that the lack of photos was entirely due to the time constraint.<sup>91</sup> Therefore, after the federal electoral process ended, the national political parties restated their interest in the inclusion of the photograph as the legal mandate stated. The construction of the new voting cards was started on November 1992 and concluded in July 1994. It is worth noting that in this area IFE started to operate as a more independent body, as in July 1992 the General Council of IFE at the same time as carrying out a programme of refinement of the electoral roll also approved the final model and design of the photo voting card that included new security elements in order to prevent alterations. The incorporation of the photograph in the voting card was

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<sup>88</sup> Interview, Carlos Ravela, Executive Director, Electoral Register Executive Board (IFE), Mexico City, 10 September 2004.

<sup>89</sup> The Mexican electoral regime and the Federal Elections of the year 2000, p.10.

<sup>90</sup> A member of the PAN notes how the issue of the photo voting card in the state of Baja California, the first governorship that an opposition party gained (the PAN had won the states elections in 1989) showed photo voting cards could contribute to the transparency of the electoral process. Interview, Member of PAN A, National Executive Committee, Mexico City, October 28 2004.

<sup>91</sup> Interview, Marco Baños, Executive Director, Professional Electoral Service Executive Board. (IFE), Mexico City, November 16 2004.

perceived as an additional step to ensure the transparency and trust of this electoral instrument. In the end, as part of the complete updating of the electoral roll in 1994, the photo was added to the credential. The IFE managed to cover little over 47.5 million citizens (out of an estimated 50 million), of which 45.8 million or 96% obtained their new photo-identification voting card.<sup>92</sup> In preparation for the mid-term elections in 1997, additional effort was made to reinforce the trust in the electoral instruments; the photo was also added to the voter's lists.<sup>93</sup> This extra measure further amplified the transparency and ensured trust in the voting card when used on election day. The political parties also asked for permanent revision and audits from IFE. By this stage, 53 million citizens were already registered on the electoral roll, out of a total of 55.5 million citizens, and nearly 50 million of them obtained their photo-identification card.<sup>94</sup> Finally, it is important to note that in the elections of July 2<sup>nd</sup> 2000, out of a population of approximately 60 million, the IFE was able to register 58.5 million on the electoral roll and nearly 56 million were in possession of their photo voting card.<sup>95</sup>

Ultimately, the more significant aspect of the issuing of photo-voting cards by IFE was the fact that it became the basic and most accepted identification instrument in Mexico. Vadillo notes that several surveys show how most Mexicans identify IFE with the issue of the photo-credential, because it has allowed them to have an identity and in some ways, some status, therefore contributing to an important cultural change.<sup>96</sup>

Overall, the work of IFE, through the Executive Direction of the Federal Voters Register, in making up a new electoral roll and a new photo-voting credential, was generally accepted by both parties and the general public. In fact, it appeared that the recognition and endorsement of the IFE's registration instruments by the political parties was achieved when the electoral debate started focusing on other aspects.<sup>97</sup> Also, it is important to note that the parties first, through the national and local Surveillance

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<sup>92</sup> Basic Information. The Federal Electoral System. IFE 1994.

<sup>93</sup> The voters list included all citizens that applied for their inclusion and that had in their possession a valid photo voting card. The voters list that was generated, distributed and used on election day included the photographs of all the eligible voters.

<sup>94</sup> The Mexican Electoral System. IFE. 1994.

<sup>95</sup> By the year 2000 the national electoral roll comprised 55,592,388 citizens of which 26,800,334 (48.21%) were men, and 28,792,054 (51.79%) were women.

<sup>96</sup> Interview, Jorge J. Romero, Advisor to President Councillor (IFE), former member of Democracia Social and political academic, Mexico City, 15 November 2004.

<sup>97</sup> Becerra notes that while the electoral instruments of registration were proving to be fair and efficient during presidential elections, the parties started turning their attention to others issues such as media access and electoral funding. Interview, Ricardo Becerra, political academic and advisor to the President Councillor 1996-2000 (IFE), Mexico City, 22 November 2004.

Commission of the Federal Voters Register and secondly, through their own parties, could participate in the updating and incorporating of these electoral instruments, and this contributed to their endorsement. Finally, and as a comment on current electoral debate, many electoral analysts<sup>98</sup> agree that today the tasks related to the Federal Voters Registry and its instruments should not be the responsibility of IFE. First of all, the creation of the electoral roll and issue of photo-credentials by the IFE during 1991 and 1992 were justified due to the lack of trust that the opposition parties and citizens had in the former electoral roll. This accomplishment cost a lot of money and used much of the IFE's time. However, following the 1996 electoral reform the rulers began to realise that the Federal Voters Registry and its responsibilities should be transferred to another body, as the IFE had already achieved its objective of making the electoral process transparent.<sup>99</sup> Secondly, a common opinion among IFE's members is that the objective of issuing photo-credential has been distorted because many citizens only obtained them in order to have an identification card, but not necessarily to exercise their right to vote.<sup>100</sup>

### **5.3 Electoral materials and documentation**

As mentioned earlier in this chapter the IFE, as well as being responsible for the creation and updating of the electoral roll and photo-credentials, also became responsible for a number of electoral tasks that had been mishandled in the past and had contributed to the unreliability of the electoral process. For example the IFE became responsible for the composition and functioning of the polling booths, the material and electoral documentation and the procedures for the initial counting of votes and preliminary electoral results. Despite the fact that for many political analysts the issue of electoral materials is quite peculiar and insignificant, for Mexico, due to the tradition of electoral fraud, it is quite significant. In fact, the performance of IFE in this issue has had a considerable impact on the credibility and reliability of electoral processes.

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<sup>98</sup> Interview, Carlos Ravela, Executive Director, Electoral Register Executive Board (IFE), Mexico City, November 9 2004.

<sup>99</sup> Ravela notes that in parallel to the issue of photo-credentials, the government had been working on developing another identity card known as "curco" (identification card) which was supposed to have multiple uses including voting. However, he thought that this situation was duplicating the effort and the expenses of the IFE. Ibid.

<sup>100</sup> Ibid.

It is worth noting that, for Mexicans the effective preparation of the electoral documentation and electoral materials prepared prior to the elections, are crucial aspects to ensure transparent electoral processes. In order to appreciate the significance of the performance of IFE in these tasks it is necessary to note for example, that before IFE, the preparation and distribution of electoral materials such as “voting ballots” were totally controlled, manipulated and misused by PRI officials.<sup>101</sup> For decades, electoral fraud could be put into effect by many means, including fake “voting ballots”, “duplicate voting ballots” and others. With the arrival of IFE in 1990, all political parties agreed that a cleansing and reorganisation of this process was urgent, therefore the IFE became responsible for the production, distribution and registration of “voting ballots”.<sup>102</sup> It is worth noting that the IFE, although controlled by the Ministry of the Interior, implemented quite successfully many of the new security measures, such as producing ballots with state-of-the-art counterfeit measures and transparent ballot.<sup>103</sup> Another interesting additional security measure that contributed to greater trust in the electoral process was the development and implementation by IFE of a special ink mark to be applied to every voter’s thumb to ensure that no one could vote twice. This special ink, which is used in many countries, has a special significance in Mexico, as it was applied to reduce the possibility of electoral fraud by voting twice.<sup>104</sup> The special ink, as with other electoral materials, was revised and updated by IFE. In 1994, the IFE entrusted production of the new ink to the Geological Sciences department of the National Polytechnic University. The success of the new formula led to its application to both national and local elections and it has even been exported to different countries.<sup>105</sup>

### 5.3.1 The composition, installation and location of the polling booths.

Another important technical task of IFE that contributed to the credibility of the electoral roll, was the composition and functioning of the polling stations. In fact, this

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<sup>101</sup> See ADESE report. *Proceso*. July 4 1988; (609): 6-7.

<sup>102</sup> See transcripts of the discussion between various representatives of political parties on common problems encountered in the preparation and organisation of elections in “Hacia 1991: Conflict and electoral legality. *Nexos*, October 1990; (154).

<sup>103</sup> Interview, Marco Baños, Executive Director, Professional Electoral Service Executive Board. (IFE), Mexico City, November 16 2004. The production, distribution and registration of the ballot paper are functions of IFE, which has to guarantee to follow each of these rigorously. In Mexico today, all ballot papers are numbered and each ballot paper is attached to a document which contains the number of the ballot paper, the entity, the type of election and the electoral district to which the ballot paper corresponds.

<sup>104</sup> *Ibid.* The use of indelible ink on the finger that makes it impossible for a person to vote twice.

<sup>105</sup> *Ibid.*

task, which was an electoral mandate, also became a primary task for IFE in its first stage, as it received pressure from both, the government who wanted to avoid post-electoral conflicts and from the parties who asked for transparent elections. The new institution not only had to eliminate the old system applied by the Ministry of the Interior, in which mostly PRI officials carried out the composition and functioning, but it also had to design a new process for recruiting and training polling officials and preparing and providing all the documents and electoral materials. It is worth noting that the IFE was under considerable pressure while carrying out these tasks because it not only had to fulfil the legal regulations but also had to prove its technical and operative efficacy.<sup>106</sup> As highlighted earlier the electoral law (COFIPE), that set up IFE, established that the new electoral authority was directly and fully responsible for all activities related to preparing, organising and conducting electoral processes, and its main responsibilities included the design, printing and distribution of all electoral material, preparation for the election day and the selection and training of polling site personnel. The Polling site office boards became part of the organic structure of IFE (see table 1). However, and despite the new measures and security systems, the opposition still requested to be present to supervise the activities at the polling site. There was a perception among the opposition parties that, an IFE still highly dominated by the PRI, could not prevent electoral fraud at the polling site.<sup>107</sup> Therefore, by law it was established that the Polling Booth Directive Boards (electoral bodies that are installed on the polling day for the reception and first counting of the votes)<sup>108</sup> were formed by a president, a secretary and two scrutineers as well as three general substitutes, adding to a total of seven members who must be residents of the respective electoral section, but also by political parties or political coalitions' representatives appointed by their respective parties. This decision was praised later by the same opposition who could see the value of joint responsibility in the supervision of the elections, "*so that they may be held according to the principles mandated by the law*".<sup>109</sup> One of the most innovative aspects of the composition of the polling sites was the selection process of their members or "polling site officials" using a means of

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<sup>106</sup> Ibid.

<sup>107</sup> Interview, Ricardo Becerra, political academic and advisor to the President Councillor 1996-2000 (IFE), Mexico City, 22 November 2004.

<sup>108</sup> Polling station directive boards are electoral bodies formed by citizens responsible for respecting and enforcing the freedom and effectiveness of suffrage, guaranteeing vote secrecy and ensuring authenticity in tallying votes during the election.

<sup>109</sup> The Mexican Electoral Regime and the Federal Electoral Process. 2003. IFE

double lottery by electoral mandate.<sup>110</sup> The members would be assigned a specific role in the polling site depending on their education level and after this they would receive two training courses delivered by IFE.<sup>111</sup> In order to ensure the transparency of this procedure, the political parties were allowed to supervise the training courses and their selection. In addition to this, and in order to guarantee the secrecy of the vote it was also arranged that the IFE would supervise the location of the polling sites and the installation of booths or modular elements as the law entitled.<sup>112</sup> Finally, another important aspect of the polling booths was the selection of their location in the electoral sections by IFE. In the early 1990s, voting participation was low, especially after decades of electoral conflict which eroded the value of voting. Baños notes that in order to motivate the participation of voters in elections, the IFE had to make efforts to ease access to voting, including the selection of accessible polling booths.<sup>113</sup> Therefore, when negotiating electoral reform the legislators agreed to ensure that the number of polling booths allocated to each electoral section<sup>114</sup> would allow voters to vote close to their home. It was established by law that each electoral section would have a minimum of 50 and a maximum of 1,500 voters and for every 750 voters or fraction, a polling station would be installed. Furthermore, it is worth mentioning that, the electoral regulation regarding the installation of the so-called “extraordinary polling sites,”<sup>115</sup> was the responsibility of IFE as well. This measure also showed how there was a real attempt by the legislators to facilitate voting by citizens. Finally, the IFE also became responsible for controlling and making sure that the lists containing the exact location of polling sites were published in newspapers at least twice and the names of the members of each polling site were shown on the directive boards.<sup>116</sup> Baños notes, that when in 1991 the IFE started implementing the new activities related to the polling booths including the

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<sup>110</sup> Baños notes that this system of double lottery means that the IFE for every electoral section has to adhere to the following process which takes four months: first, it has to draw 10% of the electoral roll, and train this first group, secondly it needs to evaluate them with a test and finally apply a second draw to the group of potential officials who passed the first test. Then the members of the final group integrate the polling sites. Interview, Marco Baños, Executive Director, Professional Electoral Service Executive Board. (IFE), Mexico City, November 16 2004.

<sup>111</sup> The lottery of the citizens in charge of the polling booths was an original proposal of PRD approved in the 1994 electoral reform.

<sup>112</sup> The law established that the polling sites must be located at accessible places and the installation of the booths had to guarantee the secrecy of the vote.

<sup>113</sup> Interview, Marco Baños, Executive Director, Professional Electoral Service Executive Board. (IFE), Mexico City, November 16 2004.

<sup>114</sup> An electoral section is a basic cell of territorial division for electoral purposes.

<sup>115</sup> These types of polling sites are installed when the geographical conditions of a given section make difficult the access of voters. In order to receive the votes of electors temporarily away from their home address, the installation of up to five special stations per each electoral district is permitted. The Mexican Electoral System, 1994. IFE.

<sup>116</sup> *Ibid.*

selection of their location, composition, etc the new electoral authority was able to confront successfully the opposition of PRI regional sectors.<sup>117</sup> On the whole, despite all of the above and the security measures appearing to be in some ways exaggerated, most political activists and political analysts agree that such checks and balances were necessary in order to meet specific parties' demands and more importantly to guarantee the certainty of the electoral process.<sup>118</sup>

**Table. 5.2 Size and coverage of the bases of the Registry 1991 – 2003**

Year	<u>Electoral roll</u>	<u>Nominal list</u>	<u>Coverage</u>	<u>Total national voting</u>	<u>% Citizens' participation</u>
1991	39,239,177	36,676,167	93.47%	24,032,482	65.53
1994	47,480,159	45,729,053	96.31%	35,285,291	77.16
1997	53,022,198	52,208,966	98.47%	30,080,639	57.61
2000	59,584,542	58,782,737	98.65%	37,603,923	63.95

Source: Reports of the electoral process of 1991, 1994, 1997 and 2000

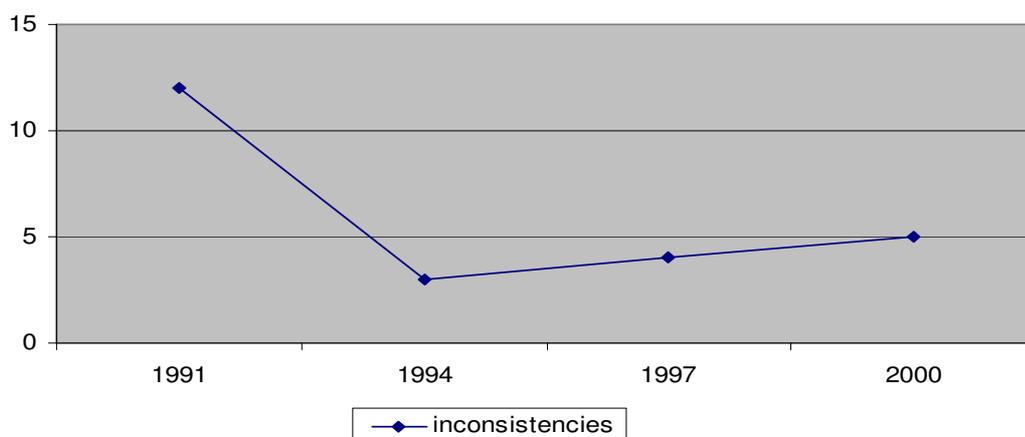
\*Voting lists: lists with the name of citizens enrolled in the electoral roll and in possession of a photo-credential.

The above table shows the comparative results of the Electoral Roll in 1988, 1991, 1994, 1997 and 2000 elections. The figures in the table show that the size and coverage of the electoral roll and voting lists nearly doubled in the period between the 1991 mid-term elections and the 2000 presidential elections. In addition, they also became more precise.<sup>119</sup>

<sup>117</sup> Interview, Marco Baños, Executive Director, Professional Electoral Service Executive Board. (IFE), Mexico City, November 16 2004.

<sup>118</sup> Interview, Jorge J. Romero, Advisor to President Councillor (IFE), former member of Democracia Social and political academic, Mexico City, 15 November 2004. Romero notes that the power to annull polling sites or select the location of polling booths by IFE was essential to ensure the credibility of the electoral processes.

<sup>119</sup> Between 1991 and 1994 the reliability of the electoral roll was questioned and used as a controversial issue. However between 1997 and 2003 it became a national consensual example of efficacy. Interview, Marco Baños, Executive Director, Professional Electoral Service Executive Board. (IFE), Mexico City, November 16 2004.

**Graph 1. Inconsistency rates of the electoral instruments 1991-2000**

The above graph shows the level of inconsistencies (i.e. the number of errors verified by external audits to the electoral roll) during the elections of 1991, 1994, 1997 and 2000.

**Table. 5.3. Efficacy rate in the installation of approved polling sites 1991-2003**

Election	Polling sites approved	Installed Number	%	Not installed Number	%
1991	88 308	88 144	99.81	164	0.19
1994	96 415	96 393	99.98	22	0.02
1997	104 716	104 595	99.88	121	0.12
2000	113 423	113 405	99.98	18	0.02

Sources: Numeralia. Elections 1991, 1994, 1997 and 2000

The table shows that the number of polling sites not installed represents less than 1%, so showing a rate of efficacy near 100%. It also shows how in the first election organised by IFE, the midterm 1991 elections, 88,308 polling sites were installed in the whole territory. However, for the 1994 presidential elections, the IFE managed to install 121,423 polling sites. That means that it increased significantly in proportion to the increase of the nominal list. Baños<sup>120</sup> notes that, this accomplishment is even more remarkable in the case of Mexico, a country with 100 million people, where 65 million are registered on the electoral roll, with the installation of at least one polling site for

<sup>120</sup> Ibid.

every 750 voters in each electoral section. The implementation of all of these activities by IFE before the election day, where the electoral authority needed to show both technical and operative efficacy during the period mentioned, ultimately contributed to the acceptance of the elections by Mexican society and the political parties.

**Table. 5.4. Number of supervisors and electoral trainers between the 1991 midterm elections and the 2000 elections**

Year	candidates	Supervisors	Electoral trainers	Total at National Level
1991	N.D.	N.D.	6,000	6,000
1994	29,578	1,035	10,548	11,583
1997	68,166	1,068	10,627	11,695
2000	61,090	1,591	16,409	18,000

Source: Official Reports of the 1991, 1994, 1997 and 2000 elections. IFE

**Table. 5.5. Observation and surveillance of the electoral process between the 1994 presidential elections and the 2000 elections.**

Year	Total of Electoral Observers	Total of organisations that authorised electoral observers
1994 *	81,620	251
1997	24,391	143
2000	38,433	403

Source: Official Report of the 1994 Election. IFE

#### **5.4 The Professional Electoral Service: The IFE's personnel**

One of the most important aspects of the creation of the IFE as the body in charge of organising elections was its personnel, which not only became professional but also specialised in electoral services. Essentially, the personnel of IFE was the first professional civil service established in Mexico. The recruitment system of the Mexican public administration was traditionally provided through politics, in which the Mexican administration was a system of “political clientelism and personal loyalties” where the civil servants were selected by means of party membership or personal relationships. The fact that the IFE's personnel gradually became a professional body specialised in

electoral services was not only exceptional for the Mexican administration but it was also used as an example for the general professionalisation of the Mexican public administration.<sup>121</sup> Before IFE, elections were organised through the Ministry of the Interior and by a temporary body of staff who became electoral officials during election periods. However, the operation and functioning of those electoral officials was not challenged by political parties nor by the general public until increasing party competition confronted the PRI's hegemony at the beginning of the 1980s. However, and during the 1980's and 1990's, the organisation of elections became more complex. The need for professional electoral staff became imperative, when in the early 1980's the opposition parties started disputing the state elections, in which the PRI had officially claimed victory. During this period the fact that elections were not only organised by the government through the Ministry of the Interior but also prepared and administered by its staff, contributed to the assumption, among parties and voters, of its partiality. Therefore the creation of a special system of recruitment, selection and training and evaluation of qualified staff to provide electoral service called the Professional Electoral Service was created in response to constant complaints from opposition parties who did not trust the impartiality of the electoral personnel formed by members of the Ministry of the Interior. As a result, with the creation of IFE, it was decided that elections would be organised and carried out by this permanent body of civil servants within the IFE structure.<sup>122</sup> This Electoral Professional Service was necessary to ensure not only trust in IFE but also the professionalism of its performance. In fact, the creation of this electoral service the job of which was directly linked to the preparation and organisation of elections, provided a very important step towards the professionalisation of the organisation of elections, and more importantly to the credibility of the new electoral authority. It is important to remember that the previous body in charge of federal elections, the "Federal Electoral Commission" had lost all credibility and was seen as unable to ensure any transparency and accountability in any area of electoral organisation. Prior to the creation of the SPE (Professional Electoral

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<sup>121</sup> Despite criticisms, the importance of IFE's personnel structure is the fact that it is a "professional service" and not a recruitment system based only on personal loyalties. Interview, Jorge J. Romero, Advisor to President Councillor (IFE), former member of Democracia Social and political academic, Mexico City, 15 November 2004.

<sup>122</sup> Within the structure of IFE, the Technical and Executives Bodies are permanent bodies responsible for all administrative and technical tasks necessary for the proper preparation, organisation and development of electoral processes. All these tasks are carried out by professional, permanent and paid staff. The staff is selected, trained and updated through the Professional Electoral Service, established in the Federal Electoral Institute by legal mandate in 1992. Therefore, the Technical-Executive bodies are formed mainly by members of the Professional Electoral Service organised in Executive Boards.

Service) deficiencies in the training of electoral officials and the general functioning of the system were blamed for the difficulties that the government encountered when organising elections. Functions like recruitment, selection and training of officials in charge of organising elections seemed to be arduous tasks which most of the time ended in ad hoc solutions as they had to be done in a very short period of time. Therefore, after adopting the new electoral code (COFIPE) and the creation of IFE in 1990, one of the main objectives was to correct common problems like those encountered when organising elections. The idea of creating a professional electoral service was a novelty because it was the first time that the professionalism of the electoral service was determined as a legal mandate.

Overall it can be said that there were a number of reasons behind the creation of the Professional Electoral Service including the eradication of improvisation, increasing the trust of citizens in electoral institutions and procedures, accomplishing a significant level of electoral services and working towards the self-improving and permanence of the personnel who were encouraged to feel part of the institution.

#### **5.4.1 Evolution of the SPE**

Despite the creation of a professional electoral service for the organisation of elections being envisaged since the creation of IFE in 1990 the process for the composition did not start until December 1992 with the publication of a recruitment notice. The announcement of recruitment for the electoral service was carried out by means of an intense national media broadcasting campaign, which provoked a great interest among citizens as it was unprecedented. The recruitment process ended in May 1993 once the Agreement of the General Executive Board on the selection of candidates was issued.

Therefore, the electoral personnel who participated in the first elections in 1991, were mostly members of the Ministry of the Interior.<sup>123</sup> The participation of this group of officials at the beginning of the life of IFE, was questioned by parties who perceived the PRI's control as being official through the Ministry of the Interior. Therefore, for many political activists the reliability of the 1991 midterm elections where the PRI obtained a comfortable majority were doubted and complaints were generated from the opposition,

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<sup>123</sup> Interview, Marcos Baños, Executive Director, Professional Electoral Service Executive Board. (IFE), Mexico City, November 16 2004.

Baños notes that IFE decided to use members of the previous electoral service in order to benefit from their experience and expertise but tried to avoid any links with the PRI or with other parties.

especially from the PRD.<sup>124</sup> Some of IFE's members, however, defended the use of experienced electoral personnel before the creation of the SPE, as they were the only ones who knew the procedures and were able to organise the 1991 elections.<sup>125</sup>

Despite complaints about electoral mandate, the performance of the electoral officials, who took part in the 1991 midterm elections, was considered as a first step towards their later inclusion in the Electoral Service. In time, and in line with what was established in the COFIPE this specialised group of officials would be renewed according to the circumstances of each electoral period.<sup>126</sup> By 1993, and prior to the presidential elections in 1994, the political parties<sup>127</sup> expressed their disquiet about the SPE being identified with the PRI. Ravela notes that due to the increasing complaints being made about the IFE's personnel, the PRI decided to organise negotiations with the political parties, the Minister of the Interior and the IFE in order to legitimise itself and ensure the success of the 1994 elections.<sup>128</sup> During the negotiations all electoral officials, especially those from the local structures, were analysed and tested for their affiliation to the PRI.<sup>129</sup> There were a number of attempts to rid the SPE of PRI influence and members of the electoral service were challenged and confronted if there was any doubt about their political affiliation. Finally, after the 1996 electoral reform with the arrival of the new electoral councillors, the SPE was again reformed. More importantly, the law established a new "statute" with strict requisites, conditions and controls for the recruitment to the electoral service and thus contributed to the further professionalisation and independence of it. By 2000, only between 15 and 20% of the initial 1991 electoral personnel structure remained in IFE.<sup>130</sup>

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<sup>124</sup> It is worth noting that the PRD did not accept IFE on the grounds of its lack of independency from the government. The PRD maintained this position until the 1994 electoral reform, when it decided to negotiate for the first time.

<sup>125</sup> Interview, Ricardo Becerra, political academic and advisor to the President Councillor 1996-2000 (IFE), Mexico City, 22 November 2004. Becerra quoted Woldenberg, saying that the former electoral personnel of the Secretariat of Government were not just the only ones who knew how to organise elections but were also the best to train the new personnel.

<sup>126</sup> See Professional Electoral Service Statutes.

<sup>127</sup> The complaints about the PRI influence on the electoral service were coming particularly from the PAN and the PRD.

<sup>128</sup> Interview, Carlos Ravela, Executive Director, Electoral Register Executive Board (IFE), Mexico City, November 9 2004.

<sup>129</sup> *Ibid.* The cleansing programme applied during these negotiation tables proved to be quite significant as from having 1500 electoral civil servants in 1991, by 1993 the IFE had eliminated 540 members.

<sup>130</sup> *Ibid.*

### 5.4.2 Normative Basis of the Professional Electoral Service

The creation of the SPE came about as a response to a constitutional disposition which considered professionalisation as one of the main requirements of the Federal Electoral System.<sup>131</sup> However, the set of rules on the organisation, operation and development of this service were contained in the “Statute of the Professional Electoral Service”

### 5.4.3 Composition and recruitment and personnel selection of the SPE: important aspects

The SPE (Professional Electoral Service)<sup>132</sup> consisted of two specialised groups (directive officials and technical officials), whose main goal was to provide the IFE with the qualified staff needed for electoral services, and thus contribute to the fulfilment of professional activities. The directive officials performed managing and supervisory functions and the technical officials performed specialised electoral activities. Both were distributed between central and decentralised bodies. The justification for the professionalisation efforts within the area was the fact that these staff carried out the main activities of the IFE. An interesting aspect of the recruitment process of the Professional Electoral Service was its decentralised nature, which included broadcasting commercial, personal guidance to candidates, receiving applications and revising documents which were shared between local and districts boards. It is worth noting that the decentralisation of the professional service was quite significant in the case of Mexico, as most of the electoral malpractices were commonly applied by local officials. Therefore, the requirements and conditions implemented in respect of the IFE personnel were also applied at local level. However, the law established that the evaluation and final selection of the members of the SPE was the duty of the IFE’s central headquarters in order to ensure impartiality in applicants’ selection.<sup>133</sup>

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<sup>131</sup> Eighth paragraph of Article 41 of the Political Constitution of the United Mexican States and related rules was included in Article 95 of the COFIPE. (Article 95 of the COFIPE established the functions of the Executive Board of the Professional Electoral Service of the IFE, namely formulating the Statute Draft, enforcing the procedures of the Professional Electoral Service, and carrying out programmes of selection, training and development of the electoral staff).

<sup>132</sup> Electoral officials have to follow the ruling principles of the federal electoral processes that are contained in the Political constitution (certainty, legality, fairness, objectivity and independence). It is important to note that the statute of the Professional Electoral Service was ratified by the General Executive Board, the General Council and by the president of Mexico, who issued a ruling announcement in the official Gazette of the Federation on June 29th 1992. The importance of this statute lies in the fact that it “*regulates all aspects of staff management, it also determines the norms for recruiting and selecting staff, as well as the regulation related to the enforcement of sanctions and removals*”.

<sup>133</sup> The Mexican Electoral System and the Federal Election. IFE. 1997, p.109.

With regard to gaining access to the recruitment process, it is important to note that there were three different ways of achieving this: training courses, winning an incorporation contest or passing an incorporation examination. Once the applicant accomplished one of the requirements a provisional nomination was made which would become definitive once the applicant had participated in an electoral process and had passed the annual performance evaluation, in addition to training and development programmes. The introduction of a professional electoral service in IFE was evaluated and recycled on a regular basis and set the basis for a general evaluation system. The main points to be evaluated included general knowledge, discipline, ability for interpersonal skills, initiative, etc.<sup>134</sup> Finally, another characteristic that is worth noting in relation to the Professional Electoral Service is the requirement for all of its members to participate in courses provided by IFE. In order for staff to qualify for electoral services, the IFE organised permanent training and development programmes that were supervised by the parties. On the whole, it can be said that despite its design problems, the creation of the Professional Electoral Service and the eventual efficiency that this electoral service achieved in implementing its administrative and technical activities, became an important element that guaranteed the IFE's legitimacy and credibility.

### 5.5. The Electoral Tribunal

For the purpose of this chapter it is necessary to analyse and revise the development of another electoral institution in Mexico: the Electoral Tribunal. The Electoral Tribunal is "*the jurisdictional body responsible for protecting the political electoral of the citizens and resolving the controversies that emerged in elections*".<sup>135</sup> Between 1989-90 two important elements were introduced in Mexico. Not only was a new electoral law enacted (COFIPE) but also electoral institutions, very different from the previous regime, were established: the IFE and the Electoral Tribunal.<sup>136</sup> Therefore the 1989-90

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<sup>134</sup> The results of this evaluation form the basis to assign a post and or a work field, rank, promotion in the hierarchy structure, and permanence in the Service. Active participation in these programmes is both an obligation and a right for the staff. Besides the recruitment programme for the Professional Personnel, a promotion system has been designed to take into account the following aspects: personal achievement and professional performance, work and research, grades obtained in formation courses and seniority. *The Mexican Electoral System and the Federal Election*. IFE. 1997, p.110.

<sup>135</sup> Anaya Gutierrez, A. *Reflexiones en torno a la evolución y perspectivas de la Justicia Electoral en México in Testimonios sobre el desempeño del Tribunal Electoral del Poder Judicial*. Mexico: El Tribunal, 2003, p.23.

<sup>136</sup> Baños notes how Mexico differs from other countries, such as Brazil and Bolivia, where the electoral administrative organs and the juridical organs are the same thing. Interview, Marcos Baños, Executive Director, Professional Electoral Service Executive Board. (IFE), Mexico City, November 16 2004.

reforms not only led to the creation of IFE as an administrative authority in charge of the organisation of the elections but also to a new jurisdictional institution which was responsible for the control of legality in the electoral process. After successive reforms this jurisdictional organ became the “Electoral Tribunal of the Poder Judicial de la Federación” in 1996, the highest authority for resolving electoral controversies. The role of this institution would prove to be a complement to IFE’s role, as the tribunal would not only be in charge of solving electoral disputes but also of supervising and surveying the legality of the IFE’s activities. The IFE and the existing Electoral Tribunal, the TEPJF (Electoral Tribunal of the Judicial Power of the Federation), which resulted from the previous electoral reform in 1996, are considered by many analysts to be the two pillars of the new Mexican democracy. At the same time that the electoral organisation and procedures were developed, strengthened and updated in order to adapt them to the new party competition and more complex elections that had emerged by the end of the 80s, political parties also demanded a more reliable system of resources and procedures to solve controversies on electoral matters. Therefore, due to the need for more complex rules, not only was a specialised administrative organisation like IFE needed to organise elections but also another juridical body for the resolutions derived from it.

#### **5.4.4 The need for a new Electoral Tribunal: antecedents**

It has been argued that the issue of electoral justice in Mexico did not come to the fore until the end of the 1980’s, when a more competitive electoral system started challenging PRI victories. In fact electoral justice emerged as “a *systematic demand of the different political forces who disagreed with the electoral result that the government offered through the Secretariat of Government, whose president headed the Federal Electoral Commission in both federal and local elections*”.<sup>137</sup> The IFE, the Electoral Tribunal and the electoral justice system went through a process of legal and constitutional reform in order to adapt to a new competitive party system and political plurality that emerged during the 1980s and early 1990s. It is worth noting that the resolution or lack of resolution of electoral controversies by the electoral tribunals and the government contributed to the uncertainty of the outcome of electoral processes. This uncertainty became evident, when more competitive and complex elections incited a long list of unresolved post-electoral disputes which were unable to be solved by legal

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<sup>137</sup> Anaya Gutierrez, A. *Op. cit.* p.23.

and transparent means. Basically, there was a need for an impartial body, which could resolve disputes through using unambiguous and precise rules. In addition to this, the creation of IFE brought about the idea of a complementary body which had also to be independent and impartial in order not only to reinforce Constitutional rules but also to supervise and confirm the decisions and actions of the new electoral authority itself. Indeed it appears that as the IFE was a response to the need for an impartial electoral authority to organise elections, there was also a need to use another impartial electoral body to resolve electoral disputes between parties and between the electoral authority and the citizens. As happened with the creation of IFE, the arrival of the new tribunal was not welcomed by some PRI's members as many of them did not see the necessity for the new Federal Electoral Tribunal (TEPJF) to undertake tasks previously done by the Chamber of Deputies, such as the validation of elections.<sup>138</sup>

#### **5.4.5 Evolution of the Electoral Tribunal and its role**

In order to understand the relevance of the role of electoral justice in Mexico throughout the transition to electoral democracy it is necessary to briefly revise its stages. As noted earlier, the Electoral Tribunal and electoral justice system went through a process of legal and constitutional reform to adjust to the new political context that emerged at the end of the 1980's. Therefore, the current role and institutional status of the Federal Electoral Tribunal changed in parallel to other transformations, which were not only in the party system, which had been forced to abandon its hegemonic character, but also to a change in society which became more politicised than ever. By the end of the 1980s, both parties and society were already demanding an impartial and independent tribunal to solve electoral disputes.<sup>139</sup> It was not until 1986 that there was an institution in charge of dealing with electoral disputes. In fact, both administrative and electoral complaints were dealt with by the Federal Electoral Commission, which was basically a government body under PRI control. As expected, the intrusion of the PRI in the Federal Electoral Commission did not please the opposition parties who questioned its

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<sup>138</sup> Interview, senior member of PRI B, former PRI's party Chairman, Mexico City, November 9 2004. This member of PRI admitted that despite the different points of views regarding the role of the Federal Electoral Tribunal, being the cause for internal conflicts, these were solved internally and never provoked significant divisions or fractures inside the PRI.

<sup>139</sup> The 1996 Electoral reform that produced the current institutional design resulted from a consensus decision, which was made when electoral competition was extremely intense. Woldenberg, J., Orígenes, función y perspectiva del Tribunal Electoral del Poder Judicial de la Federación. In: Testimonios sobre el desempeño del Tribunal Electoral del Poder Judicial. Mexico: El Tribunal, 2003, p.345.

impartiality.<sup>140</sup> Prior to the 1977 electoral reform, final resolutions on electoral matters were provided by the Electoral Colleges which were formed by deputies that had political not jurisdictional features. This arrangement lasted until the 1977 electoral reform when the legislators set the grounds for the structure of a jurisdictional system by implementing the so-called “*recurso de apelación*”, a complaints appeal that could be used in the Supreme Court of Justice against the resolutions of the Electoral College.<sup>141</sup> Woldenberg, notes that despite the existence of this appeal, the reform did not represent a guarantee for the parties and also had deficiencies that made the original problem worse.<sup>142</sup> The same author notes that even with the reform that gave the Supreme Court of Justice of the Nation the right to revise the Electoral Colleges’ resolutions through the so called “*recurso de reclamación*”<sup>143</sup> with the intention of reporting their observations to Congress, the ultimate decision still rested with the Electoral College.<sup>144</sup> In addition to this, the existence of the complaints appeal before the Electoral College of the Chamber of Deputies was not much use for the opposition parties as none of them had nominal seats, all were proportional.<sup>145</sup> Then, within the 1986 electoral reform, a new Federal Electoral Code (CFE) created a new tribunal “*Tribunal de lo Contencioso Electoral*”, known as “TRICOEL”, as an autonomous organ of administrative character with competence to resolve appeals and complaints on electoral matters. The tasks of the new body included the revision of the Federal Electoral Commissions’ activities (antecedents of IFE) and even the right to establish a limit on the Electoral Colleges’ decisions. However, the law stated that the new organ only had an administrative function and could not solve electoral controversies, but could only give recommendations to the Electoral Colleges of both chambers.<sup>146</sup> In addition to this, most of the impugnation presented by political parties alleging irregularities or partiality of the electoral authorities were systematically rejected.

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<sup>140</sup> See article by Oscar Hinojosa, *Proceso*. August 1989; (666): 15.

<sup>141</sup> The Electoral Colleges were formed by deputies. Official Diary of the Federation 6 December 1977.

<sup>142</sup> Woldenberg, J. *Testimonios sobre el desempeño del Tribunal Electoral del Poder Judicial*, pp.349-350. “*The law had defects like the fact that the electoral organs in charge of organising the elections were the same as those in charge of revising the legality of its activities.*”

<sup>143</sup> Resolutions made in cases of substantial violations during elections or during the process of validation of elections.

<sup>144</sup> Woldenberg, J. *op. cit.* pp.349-350.

<sup>145</sup> See Anaya Gutierrez, A., Reflexiones en torno a la evolución y perspectivas de la Justicia Electoral en México. In: *Testimonios sobre el desempeño del Tribunal Electoral del Poder Judicial*, p.24.

<sup>146</sup> The recommendations given by the TRICOEL (Electoral Colleges of the Chamber of Deputies and of the Senate) did not have much effect on the final decisions of the Electoral College, because the element of “self-validation” still existed, where the elected deputies and senators had the power to certify and validate their own election. Interview, Marcos Baños, Executive Director, Professional Electoral Service Executive Board. (IFE), Mexico City, November 16 2004.

However, many political analysts agree that the TRICOEL had a positive aspect as it inaugurated a formula to process electoral disputes that would be improved in future reforms.<sup>147</sup> In addition to this, the law also foresaw the existence of impugnation means for the electoral bodies activities which were subjected to law. The 1989-90 electoral reform, proved to be very important for electoral justice in Mexico, as the “TRICOEL” was substituted by a new tribunal with juridical power, known as the “TFE” (the Federal Electoral Tribunal).<sup>148</sup> The importance of this new body was both, its juridical nature and, its new role of supervising and surveilling the legality of the IFE’s activities. However, the reform maintained the procedure of validating the elections in the Electoral College, called “self-validation”.<sup>149</sup> The reform also established the same legal appeals for both political parties and citizens to impugn electoral activities and the appropriate mechanisms to make them effective.<sup>150</sup> The next important step in the advancement of electoral justice took place in the 1993-1994 electoral reform. First of all, the Electoral Colleges were eliminated along with the controversial “self-validation” of presumed deputies and senators.<sup>151</sup> “Hetero-validation” was established, which was related to the revision in the process of electoral certification. This process of hetero-certification was shared between the IFE and the Federal Electoral Tribunal and consisted of: 1) the revision of the fulfilment of the electoral requisites by the candidates for political posts and the legality of all electoral activities carried out during the elections by IFE and 2) the resolution of electoral controversies, by the TFE (the Federal Electoral Tribunal). It is worth noting that this new arrangement where IFE was in charge of the electoral administrative activities and the tribunal had the faculties to resolve electoral controversies contributed to the re-defining of many of IFE’s activities.<sup>152</sup>

Finally, with the 1996 reform, the Federal Electoral Tribunal became the Electoral Tribunal with federal competence “*Tribunal Electoral del Poder Judicial de la*

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<sup>147</sup> See Woldenberg, J. *Testimonios sobre el desempeño del Tribunal Electoral del Poder Judicial*, pp.349-350.

<sup>148</sup> Paragraph 9 of article 41, established the existence of an autonomous tribunal to function as a jurisdictional organism in electoral matters. The organisation and competence of the Electoral Tribunal is contained in Book VI of the COFIPE 1991, and in Article 264 (1) it was indicated that the Federal Electoral Tribunal was the autonomous legal institution in electoral matters that was responsible for the resolution of legal appeals and electoral disputes.

<sup>149</sup> “Self-validation” is the procedure where the presumed deputies or senators in the elections are part of the Electoral College of each chamber and can certify and validate their own election.

<sup>150</sup> The reform established the periods for appeals, the rules to respect the guarantee of legal audience, the proof that could be presented, etc.

<sup>151</sup> Note that “self-validation” of the presidential elections remained in Congress.

<sup>152</sup> Interview, Marcos Baños, Executive Director, Professional Electoral Service Executive Board. (IFE), Mexico City, November 16 2004.

*Federación*” (TEPJF) and passed from being an autonomous organ to be part of the Judicial Branch of the Federation<sup>153</sup> as a specialised body.<sup>154</sup> The new tribunal was constituted as the highest legal authority on electoral matters, with the exception of actions of non-compliance with the Constitution, which were exclusively reserved by the Supreme Court of Justice of the Nation.<sup>155</sup> Alberto Anaya notes that this constitutional reform was very important because “it provided an integral system of electoral justice, it established the forms for all the electoral rules to be subject to the Constitution, it increased the actions of unconstitutionality in electoral issues and gave to political parties the opportunity to impugn the content of those norms.<sup>156</sup> In addition the tribunal also became in charge of certifying the validity of the election of the president.<sup>157</sup> The role of the Electoral Tribunal increased particularly from the mid-nineties onward when the tribunal started resolving electoral controversies in party finances and campaign spending. The following chapter covers this point in more detail. The most relevant aspects of the 1996 electoral reform which related to the Electoral Tribunal included:

- 1) Like the IFE, the new tribunal lost any link with the executive, and became totally independent, as its members (magistrates, 1 superior and 5 regional) were not proposed by the president, as in the past, but by the Supreme Court of Justice of the Nation.<sup>158</sup>
- 2) The possibility to impugn IFE’s decisions, not only by parties but also by citizens.
- 3) As mentioned earlier, the reform also established that the election of the President of the United Mexican States must be solved in the last instance by the Superior Court of the Electoral Tribunal. After 1996 all federal elections for deputies, senators, and for president had to be validated jurisdictionally, this increased trust, certainty and transparency.<sup>159</sup>

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<sup>153</sup> Also the first paragraph of Article 94 was modified to include the Electoral tribunal in the area of the Judicial Branch of the Federation.

<sup>154</sup> Woldenberg notes that this was one of the most important aspects of the new tribunal because “*despite being independent and autonomous in its decisions and internal administration, it was subject to the norms that regulated the functioning of that branch.*” Woldenberg, J. Testimonios sobre el desempeño del Tribunal Electoral del Poder Judicial, p.350.

<sup>155</sup> The central aspect of electoral justice Article 99 was modified to establish that the Electoral Tribunal will be the maximum jurisdictional authority in the matter, and specialised institution with the exception of what the fraction II of Article 105 of the Constitution stated. Anaya Gutierrez, A. *Op. cit.* p.27.

<sup>156</sup> *Ibid.*

<sup>157</sup> The “validation” of the election of president by Congress had been the object of protests and complaints by political parties.

<sup>158</sup> The final selection of these magistrates depended on the vote of 2/3 of the members of the Senate, who attended.

<sup>159</sup> Interview, Jorge J. Romero, Advisor to President Councillor (IFE), former member of Democracia Social and political academic, Mexico City, 15 November 2004.

- 4) The Electoral Tribunal was also granted the faculty to control the actions and resolutions of the federal electoral authority that violated constitutional or legal rules. This faculty allowed wider jurisdictional control over the norms and activities on electoral issues in order to guarantee its coherence with constitutional objectives.
- 5) The reform also gave the tribunal the faculty to deal with actions and decisions violating political – electoral rights of citizens to vote, to be candidates, and to freely and peacefully participate in the political affairs of the country.
- 6) The new tribunal also received the faculty to deal with federal and local controversies through the Proceedings for the Electoral Constitutional Revision (the Juicio de Revisión Constitucional Electoral).<sup>160</sup> This aspect meant that the tribunal could take final and firm actions on decisions of authorities in the states that were in charge of organising or validating elections, or in relation to controversies during the elections that could affect the development of the election or the final election results as well as the corresponding retribution if these were legally possible.
- 7) Labour conflicts or differences originated between the Electoral Tribunal and its employees, and between the Federal Electoral Institute and its employees.
- 8) Determining and applying sanctions on electoral matters.

Overall the final 1996 electoral reform produced a new judicial system on electoral matters that produced more precise rules that eventually reduced the partiality of the electoral authorities that in the past had generated distrust and uncertainty.<sup>161</sup> In addition, this reform helped IFE to consolidate its role: first of all, the TEPJF was the highest authority on electoral disputes and therefore removed from the IFE the responsibility of taking decisions on electoral matters. Secondly, the new tribunal also provided accountability for the IFE's decisions. Decisions could be appealed or disputed by those who considered it necessary with reference to a different body, a tribunal, who could ratify or confirm IFE's resolutions. Therefore, it appears that the IFE was well complemented with a body from above such as the TEPJF, which was a tribunal of legality, whose main job it was to revise the process when an action was disputed.<sup>162</sup> Woldenberg notes that the new electoral system resulted from a process that moved

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<sup>160</sup> Woldenberg notes that this "revision proceeding" opened the possibility for activities of local electoral authorities to be contested and be solved by a Legal federal organ. See Woldenberg, J. Testimonios sobre el desempeño del Tribunal Electoral del Poder Judicial, pp.352-53.

<sup>161</sup> Ibid, p.347.

<sup>162</sup> Interview, senior member of PRI B, former PRI's party Chairman, Mexico City, November 9 2004.

from a situation where electoral disputes were solved by political bodies that benefitted their own particular interests using poorly defined rules and procedures, to a situation where conflicts could be resolved by professional bodies integrated in the Judicial Branch, and whose decisions were based on specific legal mechanisms established by law.

### **5.5 Conclusion.**

In conclusion, it appears that in the initial stage, while still highly influenced by the government through the Minister of the Interior, IFE concentrated mainly on implementing measures that were demanded by both parties and the general public to ensure transparency in the electoral process (electoral roll, voting card, professional electoral service and electoral organisation). However, and due to the lack of legitimacy of the Salinas' government, it appears that the government itself also wanted IFE to make elections more reliable, despite PRI's local resistance. Soon after IFE started functioning it became obvious that timely composition and permanent updating of the different instruments of the federal registry (General Electors Catalogue, Electoral Roll, Voting Card and Nominal lists, polling booths etc) constituted at this early stage became essential to ensure transparency and certainty in the electoral processes. It seems that most parties apart from the PRD, which refused to support IFE because of its link with the government and the PRI government, were interested in resolving the sources of electoral fraud. On one hand, the parties that gained strength and support wanted to ensure their competence in the party system while on the other, the government wanted to legitimise itself after the controversial 1988's elections. Regarding the Professional Electoral Service, it has been seen that in time it became one of the most tangible steps that the Mexican Electoral System took in order to strengthen democratic processes. The professionalisation of electoral officials became an essential guarantee of the changes which took place in the Mexican political culture. This is especially significant since it stemmed from the participants themselves, who worked directly on the electoral systems. Therefore, the creation of those highly technical organisations and a more professional delivery made it possible to generate trust, certainty and legitimacy that helped the process of democratic transition in Mexico. The legal advance on this issue played an important role in the systematic dissolution of electoral conflicts that were typical in the first part of the 1990's. It is fair to say that with the expansion of the guarantees of legal certainty in the electoral processes a culture of electoral legality had

been created between parties and citizens. Finally, and regarding the tribunal, it can be said that democratic change in Mexico can be confined to three strategic functions: a) The creation of an administrative impartial authority b) the creation of conditions of competence that promoted greater equality amongst contestants and c) the creation of a jurisdictional institution whose resolution of electoral conflicts generated confidence. For example, by the late nineties the electoral litigious differed greatly from those in the past. The electoral controversies went from issues related to electoral fraud, with lack of impartiality and transparency in the organisation of elections to more sophisticated issues like funding and equity. It seems that in the years before the 1996 reform, an authentic party system had been built due to the strengthening of political parties and their presence in all the territories. With IFE, the conditions of electoral competence became more and more balanced, and with every election the predetermined victories, or defeats, diminished. By 1994, political actors started focusing on other issues such as party financing and the issue of electoral fraud diminished and was confined to isolated local elections.

## **6 Chapter 6 The Role of IFE in the Financing of Political Parties**

This chapter continues the discussion of another area of activity of IFE (Federal Electoral Institute): the control of the financing of political parties, including the development of formulas for the allocation of public funds, the regulation of private funding and accountability mechanisms and regulation of broadcasting time on radio and TV and access to media by political parties. Between the electoral reform in 1993 and the so-called “definitive” electoral reform in 1996, discussions between government and political parties started to focus on the area of electoral competition. As with electoral issues discussed in earlier chapters, the debate around the inequality of the conditions for electoral competition amongst political parties was activated by opposition political parties. The inequalities and unfairness in the conditions of electoral competence, such as party funding and media access were identified by the parties as obstacles to their prospects of winning elections. The concern and debate amongst the parties that emerged in the early 1990s on the issue of party finances ran parallel to the continuous discussions on other electoral issues such as improvement of the organisation of elections that had been the subject of negotiation since the first negotiated reform in 1989-90. Therefore the electoral agenda for the 1993 electoral reform was not only intended to ensure transparent and credible elections but also to make the elections more competitive and fair. The IFE had been empowered in each reform by adopting new responsibilities. The aims of this chapter are firstly, to analyse the different positions of both political parties and government during the negotiations and the consequential reforms to the Constitution and electoral law in the area of party funding. Secondly, to examine the real input of IFE in the negotiations and the impact of its work in achieving more equal and competitive electoral contests. Lastly, it is also interesting to examine the extent to which the IFE’s new areas of responsibility played a part in the credibility of the electoral authority and therefore contributed to its independence and autonomy. Those responsibilities increased the role of IFE in the transition to democracy, as they contributed to a more competitive party system where the main political parties were allowed to contest under fair conditions.

The first section of this chapter will examine the evolution of financing of political parties and the fiscal control processes of their public funding up to the 1990 electoral reform, when IFE was created.

This section will show how the issue of party funding did not occupy an important place on the reforming agenda until the party system started to be more competitive, particularly after the 1988 presidential elections. The analysis will seek to determine the gradualist nature of the introduction of regulations on party funding. These were first given as concessions by the PRI government, in the context of a one dominant party system. This eventually became the centre of debate, as a result of demands made by the political parties in their pursuit of guarantees of greater equality and competition in electoral processes. It will also focus on the regulations that moved from being general and illdefined to being specific.

The second section of the chapter will look at how, from the 1993 electoral reform, when the issue of control of party finances was first discussed, a reformist disposition among both government and political parties was initiated to regulate party funding and how this has remained ongoing. This section will highlight the main regulations made in party financing in the 1993, 1994 and 1996 electoral reforms, during which the political actors started focusing their energies on demanding constitutional and legal reforms of financial issues. Along with the analysis of the different regulations approved in the reforms, it is important to examine how the IFE, after gaining more electoral responsibilities in financial matters, became the natural enforcer of the regulations passed by political parties in Congress. This section will also seek to establish whether IFE, or at times members of IFE, acting as mediators between parties and government, contributed not only to the achievement of consensus and agreement on what to reform in financial issues but also to the credibility of electoral processes through its supervisory functions.

The final section of the chapter will seek to compare the evolution of party funding that political parties received between the 1991 midterm election and the 2000 presidential election. It is important to note that the electoral reforms that introduced changes in this respect took place before and after elections, therefore, the content of the reforms was directly related to previous electoral experiences. This section will attempt to establish

whether IFE's activities in such areas contributed to more equitable and competitive electoral processes.

### **6.1 Evolution of party financing in Mexico.**

The regulation of the financing of political parties and fiscal control in Mexico that started in the mid 1990s was an essential factor in the so-called electoral democracy that culminated in the presidential elections in 2000. Indeed, as happened in other countries, in Mexico, the control of party finances and campaign spending limits ultimately became a condition for the advance of democracy.<sup>1</sup> However, it was not until the early 1990s that the inequalities of the conditions for electoral competence became a major issue to be addressed in order to achieve democracy. The delay resulted from the special nature of the Mexican party system during the PRI's hegemony,<sup>2</sup> where fusion between the official party and the state contributed to both the concentration of political activity and public resources around one party. Furthermore, this "hegemonic party system" led to a proliferation of satellite parties that not only lacked incentives for political competition but also held back the development of other serious parties which intended to grow. In a non competitive system there are a number of reasons for the opposition not growing including, electoral fraud through manipulation of votes, coercion, repression and lack of incentives. However, in the case of Mexico the total control of resources by the official party also played a very important role. The parties were simply decorative pieces in a party system without electoral competition. Despite their existence they were precluded from winning the electoral game. Therefore, during the PRI's hegemony, the struggling and powerless opposition could hardly exert any pressure with regard to requesting regulation of their finances. When analysing the challenges that party funding presented to the democratic nations Woldenberg points out that the "*parties' money is a relevant issue, not only due to the sums involved or their sources, but also because the parties have become the spinal cord of the democratic state.*"<sup>3</sup> In this context, it can be said that in the hegemonic party system in Mexico the parties were simply tokens to enable the official party to feign a democracy. "*Porcelaine political parties*", to look at but not to touch or use.

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<sup>1</sup> See article by Jean Francois Prud'homme and Rodrigo Morales. Los fondos de la política. *Voz y voto*. April 1993; (2): 16-23.

<sup>2</sup> For a detailed explanation of the characteristics of the hegemonic party system in Mexico see chapter one. Also see Article by Jean-Francois Prud'homme in *Voz y Voto*. December 1994; (22): 21-23.

<sup>3</sup> Woldenberg, J. Electoral Contests: funding as a challenge for democracy. *Elecciones México*, November 2000-April 2001; (5).

To the all inclusive authoritarian Mexican regime, which invited everyone to participate, strong parties were not that necessary, so their finances were similarly unimportant. In this context, it seems that as long as a party system is not competitive “the issue of party funding” is not a concern of the party in power and there will be no opportunity for the opposition to make it a core issue. Becerra notes, the weaker the political parties in a party system, the more difficult it is to identify deficiencies in the electoral structure of the country.<sup>4</sup> That is why the issue of party finances did not occupy the centre of the electoral debate until the parties were strong enough to demand regulations and measures on the issue. Consequently, in Mexico, the development and strengthening of competitive political parties was related to the regulation of their financing. As a result, the successive electoral reforms from above, that gave concessions to opposition political parties, although not very relevant on their own, were cumulative over time and increased the presence of the parties. As soon as stronger and consolidated opposition parties realised their appeal and potential for electoral victory, they used the electoral reforms to increase their competitiveness. In the race for transparent and fair electoral competition, the parties demanded and negotiated, firstly, reforms on basic problems such as the organisation of elections and the counting process. Secondly, and along with the resolution of the basic electoral issues, the parties identified new obstacles such as inequalities in the conditions of competence, and they focused their energies on reforming this area. In this context, the Federal Electoral Institute, IFE, created in 1990 with the primary objective of organising transparent and credible elections, also evolved in time with the changes in electoral competence. After solving initial problems between 1991 and 1994, it focused its energies on injecting “equity” into the electoral competition.<sup>5</sup> By the mid 1990s and along with an increasing competitive party system, issues such as the regulation of party funding, control of party expenditure and access to the media became the centre of the electoral agenda and the conditions for fair elections that parties demanded.

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<sup>4</sup> Interview, Ricardo Becerra, political academic and advisor to the President Councillor 1996-2000 (IFE), Mexico City, 22 November 2004.

<sup>5</sup> Ibid.

## **6.2 Antecedents: 1963-1990: The first electoral reform of financial issues: 1963-1964**

In Mexico the electoral regulation of financial issues (rules for campaign and party finances) had to wait until the electoral reform of 1962-63.<sup>6</sup> The first reform of the electoral law was passed on February 28, 1963, and included regulations on economic aspects. The reform incorporated the first form of “*indirect public funding*” for political parties. It exempted registered political parties from paying taxes, on rent-lease, purchase-sale or donation contracts; raffles, events and festivals that were organised to obtain money; on revenues, on taxable profit that derived from the sale of property acquired via purchase-sale or donations for the performance of their specific functions; on the sale of printed material related to the dissemination of their principles, programmes and statutes.<sup>7</sup> These exemptions were officially intended to assist small parties increase their presence in Congress and in the party system. However, it was clear that the introduction of those measures resulted more from the need for the government to maintain the legitimacy of the “hegemonic party system” as it had started to erode. This view is shared by most political analysts who perceive these concessions as part of the PRI’s strategy to consolidate its power.<sup>8</sup> In this context, it is worth noting that the 1963 reform also introduced the figure of the “*diputados de partido*”, in order to increase the political presence of the opposition. As noted in chapter three, the creation of this figure was the first step towards the recognition of political parties as important elements in the political system, although it did not change the hegemony of the PRI.

### **6.2.1 Party Prerogatives: exemption of payments for Postage and Telegraph and Access to Radio and Television.**

The next step in party funding was introduced in the 1973 Federal Electoral Law. Along with the addition of new elements to the previous electoral law including greater participation of the political parties in the Federal Electoral Commission.<sup>9</sup> The electoral law also introduced a special chapter on party prerogatives. The law established that for

<sup>6</sup> Lujambio notes that over the first 45 years of the post-revolutionary period, the government did not give any prerogative to the political parties. Lujambio, A. Funding and Fiscal Control of political parties in Mexico. *Elecciones México*. November 2001 to April 2002; (5).

<sup>7</sup> Electoral Law (December 4 1951), reformed (December 28 1963), Art 44 bis. Gerardo Garcia Marroquín *Elecciones México*. November 2001 to April 2002; (5).

<sup>8</sup> Lujambio, A. “Funding and Fiscal Control of political parties in Mexico”. *Elecciones México*. November 2001 to April 2002; (5).

<sup>9</sup> It was established that political parties would be able to designate a representative with a “voice” and “voting” power in the Federal Electoral Commission, local commission and district councils.

a political party to have prerogatives they had to be obtained through the registry in the Ministry of the Interior. The chapter on parties' prerogatives included new types of indirect public funding such as subsidies for postal and telegraphic services, by the state, and free access of political parties to radio and television during electoral campaigns. It is worth noting that this was the first time that the issue of media access had been recognised in the electoral arena.<sup>10</sup> Despite these prerogatives being welcomed by parties who benefitted from being able to officially promote their activities, they were nonetheless too limited. In addition, the regulations on party finances were still nonexistent as the law did not include regulations on important matters such as party or candidate expenditure. It did not force the parties to report their finances and failed to establish monitoring powers for the authorities.<sup>11</sup>

### **6.2.2 The Federal law of Political Organisations and Electoral Processes (LFOPPE) 1977: the introduction of Direct Public Funding, without Rules of Allocation.**

The new electoral law LFOPPE (Federal Law of Political Organisations and Electoral Procedures”) was approved in the 1977 electoral reform,<sup>12</sup> introducing for the first time a model of public funding for political parties. It is worth noting that the consideration of public funding for political parties was directly related to the modification of Article 41 (paragraph 2) of the constitution, which introduced the concept of political parties as “entities of public interest”. Article (41) conferred, on political parties, official recognition within the Mexican Constitution as entities of public interest. The new electoral law established that the parties would have a permanent character and would be entitled to receive prerogatives and rights in order to be able to participate in state and municipal elections and promote civil participation in democratic life.<sup>13</sup> Woldenberg notes that the recognition of political parties as “entities of public interest” was a radical change as the 1917 Constitution (5 February) despite acknowledging Mexico as a democratic federal and representative republic, had not included any

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<sup>10</sup> Lujambio, A. Funding and Fiscal Control of political parties in Mexico. *Elecciones México*. November 2001 to April 2002; (5).

<sup>11</sup> de Swaan, M., Martorelli, P. and Molinar Horcasitas, J. Public Financing of Political Parties and Electoral Expenditures in Mexico. In: *Governing Mexico: Political Parties and Elections*, edited by Serrano, M. Institute of Latin American Studies. University of London. 1998, p.157.

<sup>12</sup> The new electoral law, known as LFOPPE was approved by the Chamber of Deputies on December 19, 1977 by 164 votes in favour and 19 against. The new law substituted the Federal Electoral Law of 1946.

<sup>13</sup> Becerra, R., Salazar, P. & Woldenberg, J. *La mecánica del cambio político en México*, p.108.

disposition on political parties.<sup>14</sup> As a result, for sixty years the electoral legislation had not paid much attention to political parties. However, the new constitutional status of political parties forced the reformers, in this case the PRI government, in future reforms, not only to introduce elements for their promotion and protection but also for the regulation of their participation in elections.<sup>15</sup> The 1977 reform created a precedent for the parties who wanted to develop and increase their competitiveness. In the electoral law of 1977, the LFOPPE extended the rights of political parties, establishing in Article 48 both direct public funding, for the first time, and indirect public funding, without rules of allocation.<sup>16</sup> First of all, it established in relation to direct public funding, that “*in federal elections, the national political parties should count in an equitable manner, on a minimum of elements for the activities designed to obtain the popular vote/suffrage*”.<sup>17</sup> Lujambio notes, that this third chapter represented for the first time, the law recognising the need to provide cash to political parties in order for them to develop their activities.<sup>18</sup> Also Article 45 (paragraph II) established that political parties would be assisted financially or in kind, in order to carry out their editorial activities, e.g. paper, printing and distribution of their publications. Additionally, the law confirmed two previous prerogatives of indirect public funding for political parties, the exemption from payments on taxes and exemptions in postage and telegraph services, which had been approved in previous reforms (1963-1973).<sup>19</sup> Another important aspect of this reform was the introduction of a new political parties’ prerogative which established that “*the national political parties will have the right to have permanent access to the mass media (TV and radio) according to the law*”.<sup>20</sup> In order to control access to the media the government created a new special commission, the “Radio Diffusion Commission,” which depended on the Federal Electoral Commission. Despite the new electoral law establishing various rules for determining the amounts of public

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<sup>14</sup> Becerra, R. et.al. *Op. cit.* p.107.

<sup>15</sup> The constitutional articles state that: “*the political parties are bodies of public interest; the law will determine the specific forms of their participation in the electoral process. The political parties had the goal of promoting the participation of society in democratic life and of organising citizens, to make it possible for them to exercise public power, according to the programmes, principles and ideas that follow and through the universal, free, direct and secret vote.*” Article 41. Paragraph 2 Mexican Constitution.

<sup>16</sup> Lujambio, A. Funding and Fiscal Control of political parties in Mexico. *Elecciones México*. November 2001 to April 2002; (5).

<sup>17</sup> Article 48. Chapter III LFOPPE

<sup>18</sup> Lujambio notes that this third paragraph of this article served as a legal basis for the Ministry of the Government to start providing cash to the political parties. Lujambio, A., *Op. cit.*

<sup>19</sup> Article 48. Chapters IV and V LFOPPE

<sup>20</sup> Article 48. Chapter I LFOPPE.

funding, many political analysts claim that the regulations were unclear and lax.<sup>21</sup> For example, the law did not state the formula to allocate the resources, nor the total amount to be allocated, nor establish any procedure to manage or supervise them or hold to account the resources received by the political parties.<sup>22</sup> In addition the law also failed to provide any kind of control or regulation on private funding or limits to campaign expenditure. Additionally, another aspect of the reform that was not welcomed by the opposition was the empowerment of the Federal Electoral Commission, by giving it authority to distribute the prerogatives. It is important to note that the Federal Electoral Commission (predecessor of IFE), was just a government branch, whose membership mainly constituted priistas. Everyone assumed that the Minister of the Interior, who controlled the Commission, would favour the official party in the distribution of the prerogatives, in addition to the traditional advantages such as equipment, personnel and logistic.<sup>23</sup> Therefore, despite including new discretionary elements it was nonetheless a reform from above. Since it was designed and controlled by an official party, that intended to stay in control of the electoral game, the Electoral Commission, with its discretionary powers, was another instrument of control. Mony de Swaan, Martorelli and Molinar Horcasitas note that as a response to this discretionary authority, the PAN refused the subsidies for nine years.<sup>24</sup> Finally, the reform provided the Federal Electoral Commission with juridical personality and financial support, giving these governmental organisms greater powers. The reform provided the Electoral Commission with not only the ability to establish regulations and sanctions but also exposed it to the possibility of having its decisions challenged by any other institution or tribunal. In section 2, the importance of the accountability of the future electoral authority, the Federal Electoral Authority, IFE, to political parties and society in general will be highlighted. In part the lack of credibility that the IFE initially suffered was related to the old relationship between the PRI and the electoral commissions.<sup>25</sup>

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<sup>21</sup> Alonso Lujambio, 2002, Mony de Swaan, Paola Martorelli and Juan Molinar Horcasitas, 1998; Jean Francois & Prud'homme, 1998.

<sup>22</sup> Mony de Swaan, M., Martorelli, P. & Molinar Horcasitas, J. "Public Financing of Political Parties and Electoral Expenditures in Mexico," p. 157; Lujambio, A. Funding and Fiscal Control of political parties in Mexico. *Elecciones México*. November 2001 to April 2002; (5).

<sup>23</sup> Interview, Emiliano Vargas, Member of PRD, Mexico City, 27 October 2004.

<sup>24</sup> Mony de Swaan, M. et. al. *Op. cit.* p.157.

<sup>25</sup> Interview, Rosa Maria González, member of the Federal Electoral Institute (IFE), Mexico City, 22 September 2004.

### 6.2.3 The Federal Electoral Code of 1987: Direct Public Funding with Allocation Regulation

The Federal Electoral Code was approved in 1987 and was the first legislation to incorporate public funding to parties. The new electoral code stated that political parties had the right to public funding for their activities, in addition to income they obtained from their members' contributions. The new electoral law provided, for the first time, the regulations to determine the total amount of public funding for political parties, a distribution formula and distribution criteria.<sup>26</sup> Even though it was later demonstrated that the law had too many loopholes and lacked precision, it was relevant because "*it was the first time the Constitution granted political parties the right to receive public financing, in order to carry out activities aimed at attracting votes.*"<sup>27</sup> The new formula for the distribution of public funding to political parties established in Art 61 that public funding for their activities would depend on their electoral results in the previous election and the percentages of seats won in the Chamber of Deputies.<sup>28</sup> The law established that the electoral authority "the Federal Electoral Commission" was the body in charge of calculating the formula for the distribution of public funding. The CFE formula consisted of, first of all, a calculation for the "minimum cost of an electoral campaign for a deputy", then the result obtained had to be multiplied by the number of registered candidates of relative majority. The resulting amount was divided into two equal parts, 50% of the financing previously determined was distributed according to the number of votes obtained by each political party in the last election for the federal deputies, (*percentage of votes received by each political party in the last election for deputies of relative majority*) and the other 50% was allocated according to the number of federal deputy seats obtained by each party.<sup>29</sup> Another relevant aspect of the new law was the introduction for the first time of measures in respect of the accountability of political parties. It was established that political parties were obligated to justify annually the use of public funding before the Federal Electoral Commission.<sup>30</sup> However, in reality, the accountability of political parties could not be achieved as there

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<sup>26</sup> Becerra, Salazar and Woldenberg note that the new law reduced the level of discretionary management of public financing that had existed in the past, although it was still limited. *Mecánica del cambio político*, p. 197. The distribution criteria were: three annual distributions, 20% in the first year, 30% in the second and 50% in the election year. Becerra, R. et. al. *La mecánica del cambio político en México*.

<sup>27</sup> The Mexican Electoral System and the Federal Election. IFE. 1997.

<sup>28</sup> Federal Electoral Code 1987, Art 61.

<sup>29</sup> The Mexican Electoral System and the Federal Election. IFE. 1997.

<sup>30</sup> Lujambio notes despite this "*rule marking the beginning of an accountability exercise, there was no record of the delivery of reports by political parties*". Lujambio, A. Funding and Fiscal Control of political parties in Mexico. *Elecciones México*. November 2001 to April 2002; (5).

were no regulations in respect of monitoring or reporting their funding. In addition, the non existence of sanctions, for those parties who did not adhere to the regulations, left a discretionary gap for parties. With regard to the requirements needed for parties to receive public funding, the legislation stated that 1.5% was the minimum percentage required for parties to be entitled to receive it. Overall, the introduction of these criteria for the distribution of public finances would prove to be critical for the development of opposition parties at this time.<sup>31</sup> Indeed, formulas for the calculation and distribution of public funding and the control of them would play an important role in the electoral process of 1988.<sup>32</sup> However, the reform did not introduce enough elements to ensure the transparency of the instruments used to distribute public funding to political parties nor provisions for the reporting and monitoring of party finances. Lujambio notes that the transparency of the new formula was jeopardised until 1989, as the amount of public funding granted to parties in 1987 and 1988 was never disclosed to the public and therefore was unknown.<sup>33</sup> Additionally, from the middle of the 1980s, stronger opposition parties had started complaining about the illegal use of public funding by the official parties, although the complaints did not produce any consideration or initiatives to change the law.<sup>34</sup> It seems that the PAN was the only party to express its disagreement over the distribution model alleging that “*creating too big a dependency of the parties on the electoral authority was dangerous*.”<sup>35</sup> The defects and lack of regulation of this new electoral law would become more obvious when it was applied for the first and last time in the presidential elections in 1988.

#### **6.2.4 1989 COFIPE (Federal Electoral Code of Institutions and Electoral Procedures): looking for transparency**

The approval of a new electoral code on July 14 1989, COFIPE, which resulted from the reformist process that the newly elected president Salinas initiated, increased the relevance of political parties funding by introducing a new formula and criteria for distribution. It is important to remember that the reform was a consequence of the

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<sup>31</sup> Chayffet Chemor, E. Algunas reflexiones sobre el financiamiento. *Mexican Law Review*. 2006; (5): 37. See <http://www.bibliojuridica.org/libros/1/347/5.pdf>.

<sup>32</sup> Becerra, R, Salazar, P. & Woldenberg, J. *La mecánica del cambio político en México*, p.197.

<sup>33</sup> Lujambio notes that the fifth provisional article of the Federal Electoral Code of 1987 established the retroactive application of Article 61, which was the allocation of public funding to parties taking into consideration the results of the 1985 elections, by which the parties would have benefitted. However, the amount of public funding for political parties in 1987 and 1988 remains unknown.

<sup>34</sup> See article by Jean Francois Prud'homme and Rodrigo Morales in *Voz y voto*. April 1993; (2): 16-23.

<sup>35</sup> *Ibid*.

highly contested 1988 presidential elections, which forced Salinas' government to pursue urgent electoral reform to respond to the new electoral context. The most vigorous complaints among political parties were related to the "organisation of the electoral process," including the counting process. Consequently, the participants in the negotiations focused mainly on addressing aspects related to the management of elections such as the creation of a new electoral roll and new mechanisms to count the votes.<sup>36</sup> The creation of a new federal electoral commission, IFE and an electoral Tribunal were created with the intention of ensuring transparent elections. The need for the creation of these two institutions not only resulted from complaints about the handling of elections by the Electoral commission, but also because of concerns about the management of public resources by the official party.<sup>37</sup> Despite the issue of party funding not being at the centre of the electoral agenda, opposition parties accused the PRI of using public resources during electoral campaigns. In addition, it was already perceived among the emerging opposition as having major implications for their competitiveness. With regard to dispositions on electoral finances of the new legislation (COFIPE), the law adopted four criteria for distribution for the first time: The new types of public financing were the following: 1) for "*electoral activities*", which was established according to the total number of votes gained by each political party in senators' and deputies' elections; 2) for "*general activities*" which was distributed equally among all political parties and corresponded to 10% of the total funding for electoral activities. The law then established a third and fourth new type of public funding, one "*for subrogation*", that the State would make of the contributions made by legislators to support their parties, the amount received would be equivalent to 50% of the net annual income of its deputies and senators and the other, for "*specific activities*", which was granted by IFE annually and consisted of the reimbursement, up to 50%, of demonstrable spending carried out by each political party to finance educational and political training, research and publishing activities.<sup>38</sup> Lujambio notes that in relation to the changes to the public financing issues, the most relevant modification was the introduction of a new allocation formula, which despite not being perfect, contributed towards making elections a bit more equitable: "*90% of resources would be allocated in*

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<sup>36</sup> This area has been covered in chapter 5 (making of new electoral roll, new mechanisms of vote counting)

<sup>37</sup> Interview, Francisco Bedolla, Advisor to the Executive Director of Professional Electoral Service, Electoral negotiator and political academic (IFE), Mexico City, 17 November 2004.

<sup>38</sup> The Mexican Electoral System and the Federal Election. 1997. IFE.

*relation to the votes obtained by each of the parties that exceeded the threshold of 1.5% and 10% would be distributed on an egalitarian basis.*<sup>39</sup> Overall, the reform was positive in clarifying the distribution of public funding and opened the debate between the parties, however it was insufficient. First of all, the amount of public funding and the dispositions regarding control of the origin and destination of party funding required large adjustments as they were loose and vague. Secondly, the expenditure limits, introduced for the first time, were unrealistically high,<sup>40</sup> and of no use. Finally, the reform failed to regulate the fiscal control of the political parties, a function that could be performed by the IFE.<sup>41</sup> It is important to note that the 1989-90 reform started an intensive reformist period where the content of the successive reforms would be brought by the parties themselves. Therefore the outstanding regulations of a reform would become the centre of debate, especially from 1993 the financial issues.

### **6.2.5 The IFE and party finances**

Once the IFE was created, as the new electoral authority in charge of the state function of organising elections, it concentrated mainly on the procedures related to the organisation of elections such as the creation of a new electoral roll, the issuing of photo-credentials and the technical preparation for the elections in 1991. Like its predecessor, the IFE was the body in charge of distributing public funding. However, as the IFE was still highly controlled by the government, in 1991 most of its energies were focused on organising peaceful elections. At this early stage, the role of IFE in party finances was limited to the distribution of public finances as agreed by the electoral law. Within IFE, there were no real concerns about financial issues. It appears the high level of control of IFE by the government, not only through the Ministry of the Interior but also through most of its staff, who were PRI members, prevented any independence on the issue of party funding. All operations, energies and resources were concentrated on solving the most basic problem of “electoral fraud”, through cleansing the organisational process.<sup>42</sup> On the whole, the most significant aspect, in this early period of IFE, was the creation of the institution itself. Along with the reform, the parties

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<sup>39</sup> Lujambio “Funding and Fiscal Control of political parties in Mexico”. *Elecciones México*. November 2001 to April 2002; (5).

<sup>40</sup> Mony de Swaan, et. al. *Public Financing of Political Parties and Electoral Expenditures in Mexico*, p.157.

<sup>41</sup> Becerra, R., Salazar, P. & Woldenberg, J., *La mecánica del cambio político en México*, p.259.

<sup>42</sup> Interview, Ricardo Becerra, political academic and advisor to the President Councillor 1996-2000 (IFE), Mexico City, 22 November 2004.

would perceive IFE as the most obvious institution to be empowered to control party finances. Indeed, through the cumulative nature of the electoral reforms, the IFE would acquire more and more responsibilities in relation to the regulation of party finances and the setting of campaign spending ceilings that would define its role in the transition to democracy.

### **6.2.6 Towards transparency, control, accountability and fairness: 1993, 1994, 1996 electoral reforms**

In previous chapters it has been noted that the first electoral reform in 1989-90 under Salinas' government, which for the first time had to be negotiated with the opposition in order to be passed,<sup>43</sup> initiated a process of political negotiation, on electoral issues among political parties, that lasted the whole decade. The Constitutional reform in 1993 was in keeping with traditional practice of reforming before a new electoral contest, as had happened in the 1986, and 1989-90 reforms. On this occasion the forthcoming elections were the 1994 presidential elections. However, this time the electoral debate and its content would be determined by a series of changes in the party system. First of all, the change of the ISI economic model to the neo-liberal model that De la Madrid had started in the 1980s and was continued by Salinas, had an impact on the way public resources were distributed among the political elites, therefore, affecting the PRI itself. The emergence of Cardenas, an ex PRI member, in the 1988 elections, and later the strength of the PRD, resulted from that change, as most of the support came from government ex employees who had abandoned PRI for the PRD.<sup>44</sup> In addition, the cuts in public spending that had nurtured a corporative state, contributed to a more aware society that started being more active and looking for other political parties to support. Secondly, and as a result of the increasing popularity of the opposition, they decided to open the electoral debate. By 1993, and within the second electoral reform under Salinas, the opposition parties, especially the PAN and PRD benefitted from an increasing bargaining power to push for reforms. As expected during the negotiations for the 1993 electoral reform, the introduction in the electoral law of the rules for "the control of party finances" was one of the big issues. In fact, various happenings, during

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<sup>43</sup> It is important to note that since the 1989-90 reform that was initiated by Salinas, all subsequent reforms had to be negotiated between the parties and the government. The first reform in 1989 was negotiated between the PAN and the PRI.

<sup>44</sup> Interview, Jorge J. Romero, Advisor to President Councillor (IFE), former member of Democracia Social and political academic, Mexico City, 15 November 2004. The new PRD supporters were those who suffered economic recession when the government cut public spending.

the 1991 midterm and state elections, refocused the attention on earlier discussions relating to inequalities in the conditions of competence. Discussion centred on the inequalities in the distribution of resources, the high cost of campaigns, the need for control of party funding and access to electronic media.<sup>45</sup> It was clear that the financing issue had become one of the aspects to be discussed in the reform. First of all, prior to the reform, Salinas had expressed his willingness to advance on issues such as: the transparency of the funding of political parties, the need to set campaign expenses ceilings and to work towards the impartiality of the mass media.<sup>46</sup> The initial intention to regulate party funding was a result of several complaints and protests from the opposition parties who, despite enjoying greater support since 1988, could not compete with the PRI's overwhelming financial resources.<sup>47</sup> Furthermore, it was common knowledge that the PRI still relied on traditional sources of funding that it had enjoyed for decades, including government resources, the three sectors (agrarian, popular and labour) and funding from militants and sympathisers, although, with Salinas in power, in a more sophisticated manner.<sup>48</sup> In fact, the need for separating the PRI from the government was essential in order to guarantee equality in elections. According to Alberto Aziz Nassif the 1991 midterm and local elections showed how the inability of the PRI to undertake politics and compete with the opposition "*was compensated by overspending, use of excessive public resources and new techniques for voters mobilisation "political engineering"*".<sup>49</sup> Secondly, there was another matter concerning the parties: the regulation of private funding. At the beginning of 1993 a series of accusations among the political parties, relating to private party funding, focused the discussion on the relationship between money and politics. On one hand, the PRI was accused of abusing its position, as a state party, to request funding from the business sector. A meeting, that took place in March in the house of the ex- secretary of the Treasury Department, between PRI members<sup>50</sup> and prominent business people, and at which President Salinas was present, where the PRI had requested donations of millions

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<sup>45</sup> See article by Jean Francois Prud'homme and Rodrigo Morales in *Voz y voto*. April 1993; (2): 18.

<sup>46</sup> Carlos Salinas, Fourth report to the Government: November, 1, 1992. Congress of Deputies.

<sup>47</sup> The opposition's protests and complaints against the so-called "state party" were common. Among the illicit methods that benefitted the "State party", the PRI, included transfers of money, material aid and personnel, which both civil servants and public organisations offered to it. Becerra, R. at. el. *La mecánica del cambio político en México*, p.287.

<sup>48</sup> See Roman, G. *Partidas y Partidos*. *Voz y voto*. April 1993; (2): 24-27.

<sup>49</sup> See Aziz Nassif, A. *Reformismo Agotado*. *Voz y voto*. June 1993; (4): 26-27.

<sup>50</sup> The meeting took place on the 23 February 1993 in the home of Antonio Ortiz Mena in the presence of President Salinas. There were 25 business people present and Genaro Borrego asked for 75 million pesos for the PRI, in order to form a trusteeship with other sectors. *El Mes*. *Voz y voto*. April 1993; (2): 49.

of pesos, was reported in the national press<sup>51</sup> and triggered a series of protests. The published event provoked dissent not only among political parties but also within traditional social sectors of PRI such as the agrarian and the telephonist union.<sup>52</sup> Despite PRI declaring in a press conference that the “*funding received was not going to influence the PRI’s decision*” and that the objective was “*to give more independency to the PRI*”, the event not only triggered a series of explanations and restating of the sectors involved, including the private sector but also put the issue of private funding in the centre of the debate.<sup>53</sup> The meeting was commented on by the international press adding more controversy to the event and was headlined as a “*cartelización*” of the private sector.<sup>54</sup> The PRD and PAN reacted badly to this piece of news. Muñoz Ledo, the president of the PRD, declared that the meeting of the PRI and the businessmen showed the “*oligarchic*” character of the PRI.<sup>55</sup> The Minister of the Interior, Patrocinio González, also accused the opposition of illegal funding through drug trafficking, money laundering and funding from abroad.<sup>56</sup> On the whole, the succession of events demonstrated the need for strict regulation on both public and private funding. There were two main problems: first of all there was no regulation on private funding and no limits to campaign spending, and secondly, their accountability<sup>57</sup> before the electoral authorities was overlooked. The issue of party funding would maintain a status on the electoral agenda until becoming a condition of its democratic quality.

### 6.2.7 Negotiations towards transparency

Prior to the 1993 reform and taking account of the controversies over party funding, the government, PRI and opposition started to reveal their positions on the subject. Despite

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<sup>51</sup> The newspaper that covered this event was “*El Economista*”. March 12 1993.

<sup>52</sup> See in *Voz y Voto* complaints from various deputies, including Demetrio Sodi and deputies from the agrarian sector who agreed that the PRI should oppose financing of the party by privileged people. *El Mes. Voz y voto*. April 1993; (2): 49.

<sup>53</sup> The leaders of the “Consejo Coordinador Empresarial”, CONCAMI and CONCANACO claimed that the private sector did not have a strategy to support the PRI, and those members who donated money to the PRI did so “on a personal basis”. *Ibid. Voz y voto*. *El Mes.* April 1993; (2).

<sup>54</sup> The Wall Street Journal on February 9 1993, mentioned the dinner and commented that “*they are looking for the illusion of democracy without the risk of democracy*”.

<sup>55</sup> Muñoz Ledo. *Ibid. Voz y voto*. *El Mes.* April 1993; (2): 49.

<sup>56</sup> Patrocinio González, from PRI denounced the fact that some politicians were receiving funding from money laundering to fund their political activities. See *El Mes. Voz y voto*. April 1993; (2).

<sup>57</sup> From 1990 the parties were obliged to inform the IFE annually of their use of public funding, but until 1993 the practice was not consistent. Jean Francois Prud’homme & Rodrigo Morales. *Los fondos de la política*. April 1993; (2): 16- 23.

the positive results of the PRI in the 1991 midterm elections<sup>58</sup> giving Salinas the chance to carry out reforms without the support of any party, the government encountered resistance, especially in the electoral arena. In this context the PAN and PRD in clear disapproval of the PRI's reform proposal, presented a common agenda for the first time.<sup>59</sup> One of the demands in the (PAN-PRD) common agenda was the request for "*regulation of the financial regime of the parties and a guarantee of equality in the time spaces of mass media*".<sup>60</sup> As noted previously, despite the reform being discussed between the four political parties, as a result of opposition pressure in the "Plural Commission" of Congress, it was only approved by PRI, PAN and PARM, as the PRD along with the PFCRN and the PPS had decided not to sign it.<sup>61</sup> It is worth noting that since 1989 the PRD maintained its opposition to dealing with the PRI government. With regard to the regulation of funding it had alleged that the "*government is interested in the transparent use of resources but not willing to establish realistic limits to campaigns and effective control as it could dismantle the PRI's traditional costly campaigns.*"<sup>62</sup> In addition, the PRD did not support the financial structure that the government wanted to apply as it was to the detriment of the intermediate parties, PAN and PRD, the real opposition.<sup>63</sup>

### **6.2.8 The electoral Reform: regulation of private funding and campaign spending ceilings**

Private money constitutes a very important source of funding to political parties in established democracies. In the case of Mexico, although the first regulations had focused on public funding, it was common practice for the main parties such as PAN and PRI to be supported by private funding (from business and supporters). However, due to the lack of control over private funding until 1993, it is impossible to know the real input from this source of funding. However, as party competitiveness grew, disparities in party finances became more evident and the need for regulations

<sup>58</sup> The mid-term elections in 1991 were won by the PRI, obtaining enough seats to initiate reforms on its own. With the positive results, Salinas initiated a period of reform in all areas, including economic, agrarian and electoral. See chapter 3 for electoral results.

<sup>59</sup> See common agenda for constitutional and legal reform in chapter 3 and in Becerra, R. et. al, *La mecánica del cambio político en México*, p.289.

<sup>60</sup> *Ibid.* p.89.

<sup>61</sup> The PRD's reason for not supporting the 1993 electoral reform was not only the insufficient regulations but also the continuation of governmental control in the IFE.

<sup>62</sup> See interview to Muñoz Ledo, PRD's party charmain about the reform, by Hinojosa, O. *Gradualismo, la máscara del autoritarismo. Voz y voto*. June 1993; (4): 16-20.

<sup>63</sup> *Ibid.*

increased.<sup>64</sup> The 1993 electoral reform finally approved regulation of the private financial sources for political parties for the first time. As a result, private financial sources for parties were defined, limited and regulated for the first time.<sup>65</sup> First of all, the COFIPE authorised four different sources of private financing: by militants or by membership,<sup>66</sup> by followers<sup>67</sup> or sympathisers, by self-financing,<sup>68</sup> by financial profits, funds and trusts.<sup>69</sup> With regard to the private source “by militants” the law considered and allowed the “economic contributions of its social organisations”. Within financing by sympathisers, the law allowed anonymous contributions but established that they must not exceed ten percent of that party’s public funds and it also established limits to individual contributions to 1% of the total amount of public funding available to all parties and entity contribution to five percent of that figure.<sup>70</sup>

Finally, the modifications to the COFIPE also introduced campaign spending ceilings for the first time. It was established, by a PRI proposal, that the local and district executive boards of IFE<sup>71</sup> would be the bodies in charge of setting the limits to the campaigns for senators and lower chamber members. Despite having been a concern among the opposition, the issue of campaign spending limits only became crucial after the 1994 presidential elections. Muñoz Ledo argued that the government’s reticence to establish campaign ceilings resulted from its own interest in prioritising the regulation of private funding in order to stop accusation and intimidate the opposition with the threat of fiscalisation of their finances.<sup>72</sup>

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<sup>64</sup> Interview, Ricardo Becerra, political academic and advisor to the President Councillor 1996-2000 (IFE), Mexico City, 22 November 2004.

<sup>65</sup> The Mexican Electoral System and the Federal Election. 1997. IFE, p.118.

<sup>66</sup> “By Militants: It includes all the ordinary and extraordinary obligatory quotas of its members and the donations by its social association whose amounts and periodicity are determined freely by each political party; as well as the voluntary quotas and personal quotas that the candidates of each party give exclusively for their campaigns, which in all cases will follow the limit the internal party body responsible for the administration of finances sets”. The Mexican Electoral Regime and the Federal elections of the year 2000. IFE.

<sup>67</sup> By sympathisers it includes all contributions and donations in cash or kind, provided to political parties given freely and voluntarily by Mexicans individuals or entities other than commercial corporations that are not members of the party. Ibid.

<sup>68</sup> By self-financing, which stems from promotional events; it includes all income obtained by concept of promotional activities, such as conferences, shows, games and raffles, cultural events, editorial sales, and any other similar activity carried out with the purpose of raising funds. Ibid.

<sup>69</sup> By Financial profits: it includes all earning generated through the funds and trusts created by political parties with their own capital, or with the contributions from any source permitted by law. Political parties are impeded from soliciting credits from development banks and non-identified persons. Likewise, the law also establishes annual ceilings similar to those applied to contributions made by followers. Ibid.

<sup>70</sup> The Mexican Electoral System. IFE. 1994.

<sup>71</sup> Executive bodies made up of members of the professional electoral service.

<sup>72</sup> See interview to Muñoz Ledo, by Hinojosa, O. Gradualismo, la máscara del autoritarismo. *Voz y voto*. June 1993; (4): 16-20.

### 6.2.9 Prohibitions and Restrictions to party finances

Another significant aspect of the reform was the regulation on private donations or funding from supporters. The law established limits to this type of funding for the first time. It seems that this resulted from the overwhelming criticisms that the PRI received after news of their infamous "dinner with business men" became public knowledge. However, the PRI itself defended the new measures, arguing that the opposition, especially the PRD would also benefit from foreign funding.<sup>73</sup> With regard to the limitation on private donations, it can be argued that the principle of freedom of information could conflict with the idea of equity in the competition. However, in the case of Mexico, the principle of transparency was essential in order to make credible the intention to regulate political finances.<sup>74</sup> As a result, and together with the establishment of the legal sources of private funding, the electoral law published for the first time the different private and public national and international sources that were not legally allowed to finance political parties. It prohibited any kind of funding or aid coming from different public and private institutions including all federal, state or municipal organisations, from foreign individuals, from religious organisations or ministers and from international organisations. These prohibitions were basically intended to add credibility to the reformist effort of the government which had long been accused of diverting contributions and donations from the public institutions to the PRI.

Finally, one of the most important innovations was the introduction in the Constitution of the obligations of the parties in relation to the management of their resources,<sup>75</sup> both public and private. The introduction of these regulations in the constitution was very important because until 1993 the electoral legislation did not mention anything about the control and monitoring of party funding. In addition there were no regulations to allow the IFE authority to know the origin, destination and use of party funding.<sup>76</sup> Also, their introduction to the Constitution also meant that further regulations could be approved in this area.

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<sup>73</sup> *Voz y voto*. May 1993; (3).

<sup>74</sup> See article by Jean Francois Prud'home and Rodrigo Morales in *Voz y voto*. April 1993; (4): 21.

<sup>75</sup> Art 41 of the Constitution. "the law shall establish the rules to which funding of political parties and its electoral campaigns will be subjected"

<sup>76</sup> Becerra, R., Salazar, P. & Woldenberg, J., *La mecánica del cambio político en México*, p.296.

### 6.2.10 Auditing criteria and other regulations

The creation of an organ to control party finances inside the parties, was put forward by the Ministry of the Interior, in the Plural Commission of Congress, during negotiations for electoral reform.<sup>77</sup> It is worth noting that the PRI's first initiative for the reform of the COFIPE had been the proposal of the creation of a commission for the supervision of party finances. This was not accepted by the PRD and PAN who made their alternative proposal.<sup>78</sup> The obligation of the parties to have an internal office, responsible for managing property and financial resources, was the first sign of the level of complexity that party finances were gaining of increasing party competition. Chayffet notes that in 1991 the parties had to return a big part of public funding for specific activities (such as education and editorial) due to insufficient use or faulty records of the expenses.<sup>79</sup> Eventually the law established that the party's internal office had to report on their total earnings and expenditures. At the same time, the law established the creation of a Commission of Councillors of the IFE in order to collect, audit and pass judgment on the parties' reports every year.<sup>80</sup> The new commission had a fiscal control role as its members (IFE councillors) were empowered to propose to the General Council of IFE the "*approval of regulations to be observed by the parties in the conduct of their accounting practices and the presentation of their reports.*"<sup>81</sup> In this area, PAN went a bit further by asking for an external body to audit party funding.<sup>82</sup> This formula of control of income and expenditure, which is quite normal in countries whose legislation regulates party funding, was novel in Mexico.<sup>83</sup> As many political analysts agree these dispositions were a breakthrough in the area of finance and politics.<sup>84</sup> First of all, because they created a legal structure for the control of party finances (income, expenditure and its use) as the parties were forced to present an annual report to IFE, and also more importantly they introduced the possibility of sanctions by the Electoral Tribunal. Secondly, because they created the basic structure for fiscal control in future

<sup>77</sup> The creation of an organ to control party finances was put forward by the Minister of the Interior, in the Plural Commission of Congress during negotiations for the electoral reform. *Voz y voto*. El MES. April 1993; (2): 48-49.

<sup>78</sup> See Castro, I. at. el. ¿Dónde quedó la bolita? *Voz y voto*. November 1993; (9): 7-9.

<sup>79</sup> Chayffet Chemor, E. Algunas reflexiones sobre el financiamiento. *Mexican Law Review*. 2006; (5): 37. See <http://www.bibliojuridica.org/libros/1/347/5.pdf>

<sup>80</sup> Lujambio, A., Funding and fiscal control of political parties in Mexico. *Elecciones México*. November 2001 to April 2002; (5): 13.

<sup>81</sup> *Ibid.* "*this commission should analyse and pass judgment on the complaints presented against the parties which allegedly contravened the provisions of the Code.*"

<sup>82</sup> *Voz y voto*. El mes. May 1993; (3): 48.

<sup>83</sup> Jean Francois Prud'homme and Rodrigo Morales note that in countries like Canada and EEUU the obligation to publish the political parties' financial reports constitutes an important instrument that not only exercises fiscal control of the parties but also gives credibility to the system. See *Voz y Voto*. April 1993; (2): 16-23.

<sup>84</sup> Becerra, R., Salazar, P. & Woldenberg, J., *La mecánica del cambio político en México*, p.296.

reforms. Nevertheless, the regulation on party finances lacked precision. First of all, Art. 49 of the COFIPE stated that parties only had to inform IFE of the origin and use of their public and private funding, in order to make their financial matters transparent, once a year. Additionally, many analysts considered the formula quite limited as it did not require the publication of the financial reports given to IFE.<sup>85</sup> As a result, the accountability of the parties was only checked by IFE, an institution that was still not perceived as totally impartial, as it was chaired by the executive, through the Minister of the Interior. It was argued that in order for the reports to be taken seriously by the political parties, IFE needed to publish them before being publicly checked. Shortly after the 1994 presidential elections, the issue of the publishing of party funding reports would attract further attention.

Finally, regarding the right to public finances by political parties, the law established that if a party lost its registration, it would not have the right to receive public funding.<sup>86</sup> This regulation was linked to other regulations regarding the causes for a party to lose registration: depending on the number of votes obtained by a political party at the national level.<sup>87</sup> With regard to the rights allocated to registered parties, many analysts argued for the need to establish different formulas for the parties to obtain legal and parliamentary representation. They considered it important to allow small parties to take part in the political system but also to give them consistency in the party system.<sup>88</sup> Overall, the 1993 reform, the second for Salinas and the last bilateral reform negotiated by only the PRI and the PAN, was crucial for the beginning of fiscal control of parties public and private financing and the regulation of private funding. However, it was still considered incomplete and to have too many outstanding issues. First of all, the regulation on private finances needed important adjustment especially in the area of anonymous donations. Woldenberg, Becerra and Salazar mention the “*black hole*” that, for the fiscal control of the electoral authorities, meant that anonymous contributions could reach up to 10% of the total of the public funding to all parties, and also that the

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<sup>85</sup> Jean Francois Prud'homme and Rodrigo Morales note that the right to publish political parties' expenditure and income could clash with ethical issues, such as had occurred in other countries like Sweden which was against the secrecy of the vote. *Voz y voto*. April 1993: (2): 23.

<sup>86</sup> The Mexican Electoral System and the Federal Election. 1997. IFE, p.119.

<sup>87</sup> “The law stated that a political party would lose its definitive register if it did not obtain a minimum of 1.5% of the national vote in two consecutive ordinary elections. This disposition was not applicable to parties with a conditional register or participating in a coalition during an election, because the political party could lose its register if it did not obtain 1.5% of the national vote in a federal ordinary election. When a political party with a definitive register did not obtain 1.5% of the votes in a federal ordinary election, as the code stated (but had a minimum 1%), it could keep its right and prerogatives under a special regime including public financing.” Ibid.

<sup>88</sup> Prud'homme, J-F. & Morales, R. Los fondos de la política. *Voz y Voto*. April 1993: (2): 21.

overly high limits established for the “individuals’ contributions” were reduced.<sup>89</sup> Secondly, the campaign ceilings set up by the IFE were considered too high, especially the PRI’s proposal for granting 400 million dollars for the presidential campaign, an excess compared with richer countries.<sup>90</sup>

### **6.2.11 Role of the IFE in the 1993 reform**

There are two things to highlight with regard to the role of the IFE in the 1993 reform. Firstly, the proactive position that IFE, adopted for the first time, on mobilising debate and discussion between political actors, in order to initiate the reform. For example, the director of IFE organised a public round-table on electoral reform with a specific agenda including the conditions for competitiveness in electoral processes.<sup>91</sup> Secondly, another significant aspect was the increasing number of responsibilities that the IFE acquired as a result of the modifications to the electoral law and new regulations. It seemed that despite the IFE being perceived as a government branch, for the parties, it became the natural institution to be in charge of controlling party finances. In relation to IFE, the 1993 reform did not change its structure or the basic procedures of the organisation of the elections. However, by introducing mechanisms to control funding its role was expanded in the area of party financing. First of all, the law assigned IFE the tasks of setting ceilings for the spending of political parties, coalitions and candidates for presidential, senators and deputies elections. These were outstanding issues from the 1989-90 reform. Officially, the main purpose of these dispositions was to ensure equality in conditions in elections, in order to prevent disparity in the accessibility to economic resources among political parties and it could affect the acquisition of votes.<sup>92</sup> It is important to note, that the creation of the Commission of Councillors<sup>93</sup> inside IFE, for the collection and revision of financial reports presented by parties, not only set the basis for further regulations in the future in this area, but also presented the IFE members as electoral professionals. From now on, the IFE would be in charge of supervising and monitoring the public and private funding of parties, therefore, forcing parties to be accountable for the first time. This fiscal responsibility

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<sup>89</sup> Becerra, R., Salazar, P. & Woldenberg, J., *Mecánica del cambio político en México*, p.289.

<sup>90</sup> See article by Aziz Nassif, A. *Reformismo Agotado. Voz y voto*. June 1993; (4): 26-27.

<sup>91</sup> *El Mes. Voz y voto*. April 1993; (2): 48.

<sup>92</sup> *The Mexican Electoral System*. IFE. 1997.

<sup>93</sup> Councillors are the members of the General Council, the highest authority in the IFE.

would be added to the task of setting the limits for campaign expenditure,<sup>94</sup> which were also regulated in this reform. However, as noted earlier, the IFE's credibility was still affected by its dependence on the executive, particularly as the Minister of the Interior, was at the same time the President of the General Council of IFE. Even the fiscal functions of IFE were questioned by political parties as the institution responsible for carrying them out was suffering from a lack of credibility.<sup>95</sup> The image of IFE was also affected by the insistence of the PRD that the IFE was a government branch. In fact, PRD's main demand was for the executive to abandon the structure of IFE. Additionally, the PAN had already highlighted the need to modify the powers of the General Council of IFE, as it considered them to be very limited.<sup>96</sup>

Finally, and as an opposing view to those who supported the fiscal control functions of IFE, there are some analysts who thought that this new function of IFE could be negative for the institution. Romero argued that the combination of these two jobs, organising elections and controlling party's financing, made IFE vulnerable to attacks by parties.<sup>97</sup> First of all, because IFE's budget was negotiated by the parties themselves in Congress every year, the parties were able to punish the institution for its function as fiscal controller. And secondly, in the case of IFE investigating irregularities in party funding, all of its decisions whether, in favour or against the parties were likely to be accused of being partial.

### **6.2.12 The 1994 electoral reform: not many changes**

Despite being extremely important, with issues such as the impartiality of the electoral organs, the 1994 electoral reform did not add much to financing issues. As noted in chapter 3, the 1994 electoral reform was an unexpected emergency and reform initiated by the government and supported by the parties when confronting a particular conjuncture. Consequently, the negotiations and consensus centred on aspects such as the new conformation of the electoral organs, foreign visitors, and the issues relating to media access by political parties. With reference to party finances the reform modified the "campaign expenditure ceilings". Specifically the law changed the faculty for setting

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<sup>94</sup> The campaign spending ceilings included all of the elements involved in the propaganda including its logistic costs.

<sup>95</sup> Interview, Alejandro Zapata, Secretary of the National Executive Committee of PAN, Mexico City, 28 October 2004.

<sup>96</sup> See interview to Felipe Calderon, president of the National Executive Committee of PAN. *Voz y voto*. June 1993; (4): 4-6.

<sup>97</sup> Interview, Jorge J. Romero, Advisor to President Councillor (IFE), former member of Democracia Social and political academic, Mexico City, 15 November 2004.

the campaign spending ceilings for legislative campaigns; this passed from being the responsibility of executive boards (local and district) to the local district councils, which were collegiate bodies dominated by the citizen vote.<sup>98</sup>

### **6.2.13 The 1994 presidential election: controversial inequalities in the conditions of electoral competition.**

The electoral results of the 1994 presidential elections, which gave victory to the PRI's candidate, Ernesto Zedillo, with 50.13 % of the national vote were accepted by all parties except the PRD. Most political parties considered that the organisation of the electoral process was, on the whole, reliable and clean.<sup>99</sup> As noted in chapter 4 the electoral results consolidated the position of the two main opposition political parties, PAN and PRD in the electoral arena.<sup>100</sup> Hence the election political party system was re-defined into a system with three strong parties and four small parties. The return of the PAN as a second stronger party and the consolidation of the PRD in the electoral arena had two effects 1) it increased the level of competitiveness among the parties and 2) it generated specific demands for more equality in the conditions of electoral competition. Becerra notes that one of the real problems for the PAN was its lack of funding to buy TV slots.<sup>101</sup> Indeed, increasing presence and strength of the opposition would be critical in future electoral reforms, as they had to be negotiated. As soon as the 1994 election concluded, the debate among the electoral actors centred on the inequity in the political parties' resources during their campaigns.<sup>102</sup> The debate among the parties, on the need for a new electoral reform to introduce fairness in the conditions of electoral competition, was confirmed after IFE made public the conclusion of the revision of campaign expenses and annual income and expenditure, 8 months after the elections.<sup>103</sup> The conclusion given by the Fiscal Commission of IFE, after analysing the

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<sup>98</sup> Becerra, R., Salazar, P. & Woldenberg, J. La mecánica del cambio político en México, pp.330-331.

<sup>99</sup> Of a total of 96,415 polling booths, with participation greater than 35 million voters, only 1,232 complaints were made, and in the case of the presidential election, only 95 resulted in being partially proved. Despite the overall acceptance of the electoral instruments, there were still problems and gaps in aspects such as the electoral roll, nominal lists, etc that were noted in chapter 5. Ibid, pp.370-71.

<sup>100</sup> In the 1994 elections the PAN tripled its national vote, from 17% in 1988 to 26.6%. The PRD obtained 17% of the vote, a result that gave it enough credit to be within the three stronger parties.

<sup>101</sup> Interview, Ricardo Becerra, political academic and advisor to the President Councillor 1996-2000 (IFE), Mexico City, 22 November 2004.

<sup>102</sup> Woldenberg, Becerra and Salazar note that after 1994 several aspects of the electoral framework showed "deformations such as inequalities in the resources of the parties, the impossibility of revising controversial cases in local elections and the consolidation of the autonomy of the electoral organs". Becerra, R., Salazar, P. & Woldenberg, J., La Mecánica del cambio político en México, p.370.

<sup>103</sup> After the political parties presented their report on income and expenses, the Fiscal Commission of the IFE carried out the technical tasks and the account. Ibid.

reports on the parties' income and expenses, showed an enormous inequality among political parties, that benefitted the PRI.<sup>104</sup> The financial report also showed great differences in campaign expenditure among parties. While the PRI was responsible for 71.4% of the total funding expenditure by all political parties in the presidential elections, the PAN only expended 17.8% and the third main party, PRD only 6.05. The minority parties expended around 1% of the total, including PT with 1.15%, PDM, 1.02%, PPS 0.9%, PFCRN 0.87%, PVEM 0.56% and PARM 0.24%. As noted earlier, the Federal Elections of August 21<sup>st</sup> 1994, were the first elections in history in which ceilings for campaign spending were determined and applied. However, the IFE's conclusions also showed that the campaign electoral ceilings set up by it were too high, unrealistic and ineffective. The campaign spending ceiling set by the IFE of 922 million pesos, proved to be too high and unrealistic as in the elections the total expenses of all parties was only 414.7 million pesos.<sup>105</sup> In light of these conclusions, the IFE itself recognised, not only the impracticality of their campaign spending ceilings, but also the clear juridical and technical limitations of the monitoring exercise itself. The biggest obstacle was the fact that the revision of the parties' income and expenses could only be carried out after the "word" of the political parties had been audited.<sup>106</sup>

In view of the bad reputation and dishonesty of Mexican politicians, the "word" of political parties seemed ironic. The outcome of the IFE's report on campaign party funding increased the pressure on the reformers to place the issue of fiscal control and party funding as a fundamental topic in future electoral reform. It was clear that the conditions of electoral competition between parties had to be improved, and the parties did not shrink from pushing for reform in this area. Soon after taking office the new president, Ernesto Zedillo, acknowledged the need for a new reform.

#### **6.2.14 The negotiations during the 1996 electoral reform: the financial issue comes to the fore**

The negotiations of the 1996 electoral reform, between political parties and the government were arduous and long in both the constitutional reform and the legal reform (the reform to the COFIPE). Although the constitutional reform was negotiated

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<sup>104</sup> Report of the General Council of the IFE on the Report of Campaign expenditure, April 7 1995. "The most relevant finding after analysing the reports on campaign expenses was the notable disparity between the PRI and the others parties. PRI expended 71% of the total spent by all parties, nearly three quarters of the total.

<sup>105</sup> Ibid, pp.350-351.

<sup>106</sup> Interview, Ricardo Becerra, political academic and advisor to the President Councillor 1996-2000 (IFE), Mexico City, 22 November 2004.

by consensus and approved by all political parties, the reform to the electoral code (secondary law) was a different matter as the PAN and PRD abandoned the negotiation tables several times, leaving the PRI alone to approve it. The slow pace of the negotiations throughout the 1996 electoral reform was due to a deep economic crisis, local post electoral conflicts and the general knowledge among political actors that any future reform had to be achieved through the consensus of the three main parties.<sup>107</sup> This difficult situation did not help the PRI which acted alone to achieve consensus for its continuation.<sup>108</sup>

### 6.2.15 The Constitutional reform 1996

From the first negotiations in March 1995<sup>109</sup> through the various levels<sup>110</sup> that followed, the discussions among parties and government centred on the conditions of electoral competition. Party financing issues were most predominant, particularly relating to the need to resolve the inequality in the funding of political parties. This was an opposition demand but was also a commitment of the newly elected president.<sup>111</sup> Indeed, it was one of the 10 compromises agreed in “The National Political Agreement”<sup>112</sup> document signed, by president Zedillo and the main parties PAN, PRD, PRI and PT, in order to start the reform. The compromise was “to guarantee not to carry out post electoral protests once the pre elections equitable conditions were fully satisfied”.<sup>113</sup> Also, at the first negotiation table following this agreement, one of the four chapters of the electoral agenda was dedicated to “Electoral Competition” (chapter D). It included criteria and rules for the equal distribution of public funding, auditing and financial control of party

<sup>107</sup> Interview, Francisco Bedolla, Advisor to the Executive Director of Professional Electoral Service, Electoral negotiator and political academic (IFE), Mexico City, 17 November 2004.

<sup>108</sup> Chapter 4 of this project explained the different setbacks that the negotiations encountered, mainly caused by disagreements over local election results.

<sup>109</sup> This first negotiation table was a result of the “*National Political Agreement*” signed by Zedillo and the four party representatives in Congress, in January 1995.

<sup>110</sup> During the reformist period of 1996 several negotiations were organised in order to debate the issues of the future electoral reform. One of the first negotiations to be organised was the so called “Seminary of the Chapultepec Castle organised by members of the General Council of IFE (citizens councillors), which was followed by official negotiations organised by the Ministry of the Interior. See chapter 4 for a summary of the different negotiations.

<sup>111</sup> The new president Zedillo had acknowledged on several occasions the “inequality of the electoral process”. First of all, during his “inaugural speech” on December 1, 1994 when he said “*in order to carry out a definitive electoral reform, we should be willing to deal with all the issues, including party funding, campaign expenditure ceilings and access to media*” Inaugural speech of president Ernesto Zedillo, December 1 1994. In this speech he highlighted the need for a deep reform which should be achieved by consensus. Also during a state visit to the UK on January 29, 1996, he said that the elections were legal but not equitable. Becerra, R., Salazar, P. & Woldenberg, J., *La mecánica del cambio político en México*, pp.373-375.

<sup>112</sup> The reform was agreed between the new president Zedillo, the Ministry of Government and the presidents of the biggest political parties (PRI, PAN, PRD, PT) through the signing of the “agreement for political reform” and approved unanimously by all political parties on 17 January 1995.

<sup>113</sup> Woldenberg, J. *Propuesta de agenda para una nueva reforma electoral. Violencia y política*. Noticieros Televisa. “*Mexico: La historia de su democracia.*” Vol. 2. Mexico City: Noticieros Televisa, 2004.

funding and conditions for a mix system of campaign expenses.<sup>114</sup> Additionally, the opposition parties, for their part, placed emphasis on the concept of “fairness in party finances” being considered. For instance, during the Third Congress of the PRD in August 1995, the PRD showed its interest in dialogue with political forces, acknowledging that a democratic system depended on two minimum conditions: “*autonomy of the electoral organs and fair party financing in the electoral process.*”<sup>115</sup> The principle of “fairness” was also highlighted in the common agenda that the main opposition parties PAN and PRD presented. As noted earlier, the leaders of PAN and PRD presented a common document called “Ten fundamental points for electoral reform”<sup>116</sup> as a starting point for negotiations between parties and government. This document signed and supported by the national presidents of PAN and PRD (Castillo Peraza and Porfirio Muñoz Ledo), was the result of a series of discussions organised by members of the General Council of IFE. Participating in the negotiations were members of the Seminario del Castillo de Chapultepec, citizens councils, specialists and the representatives of PAN and PRD. The series of meetings lasted for months and reached 139 agreements. Among the requirements, they highlighted the need for the introduction of the “*fair play principle*” in the distribution of public funding, the fiscal control of parties’ income and expenses, “*strict limits to campaign expenses*” and “*limits to private donations in cash or in kind*”.<sup>117</sup> Other aspects included in the PAN and PRD’s proposal was that “*private funding cannot exceed public funding.*”<sup>118</sup> In other words, the emphasis on public funding over private funding. Finally, the document also demanded “*punishments*” such as the loss of candidature, the annulment of the election or the loss of registration, for those parties that did not respect the campaign spending ceilings. (101).<sup>119</sup> Within the context of approving the reform through consensus, many of the demands presented by the parties, were considered in the electoral agendas of both the constitutional reform and the legal reform that took place later. For example, prior to the approval of the constitutional reform, on April 2, 1996 the parties (PRI, PRD, PT and the Minister of the Interior) handed to the congress the conclusions of their negotiations on electoral reform which stated among other things “*to favour public funding over*

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<sup>114</sup> Becerra, R., Salazar, P. & Woldenberg, J. La mecánica del cambio político en México, p.383.

<sup>115</sup> PRD, Resolución del III Congreso, Oaxtepec, Morelos, September 1995. Ibid., p.391.

<sup>116</sup> “10 points of the PAN and PRD for the electoral reform”, 21 August 1995, tomado de La Nación, órgano oficial del PAN, 1 de Septiembre de 1995. Ibid. p.391.

<sup>117</sup> *Voz y Voto*, September 1995: (31).

<sup>118</sup> Art. 84 to 101. COFIPE.

<sup>119</sup> *Voz y Voto*, September 1995; (31).

*private sources and increase its amount, and to establish that a proportional part would be distributed 70% proportionally to the number of votes and 30% equally*".<sup>120</sup> As the constitutional reform had to be complemented with a legal reform, among the compromises made by the parties there was also a chapter on "financing" which included more detailed information on the issue highlighting the "*need to generate fair conditions for electoral competence in order to carry out the reform*".<sup>121</sup> For the first time in history, on 30 July 1996, the Constitutional Bill for constitutional reform was approved unanimously by all parties in Congress and in the Senate. Finally, the initiative of constitutional modification, achieved by consensus, dedicated one of its chapters (chapter D) to the conditions of electoral competition. Among its main points was a guarantee by the electoral law, 1) that the parties receive public funding in a fair manner for their support and benefit during elections, with financial support to carry out their electoral activities; 2) to promote conditions of fair play for media access by the political parties 3) to introduce measures to set limits to campaign spending, and donations from sympathisers and to introduce procedures for the control of the origin and use of resources of political parties; 4) to define the various electoral crimes and the sanctions to be applied to those political parties that exceeded expenditure limits.<sup>122</sup>

#### **6.2.16 The reform to the electoral law (COFIPE): the debate over finance increases (COFIPE November 1996)**

Following the constitutional reform, some issues remained outstanding and required further discussion by political parties. The political parties and the Ministry of Government carried out negotiations, in order to complete the second phase of electoral reform: the reform to the electoral law (COFIPE), which included the outstanding issues and "*crucial aspects that remained undefined awaiting specification by the regular law*".<sup>123</sup> As noted earlier, the second round took place in difficult circumstances. First of all, as the negotiations between the political parties and the Ministry of Government continued after the constitutional reform, the political consensus that had been achieved during the constitutional reform disintegrated as the "*reform moved from the general to*

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<sup>120</sup> See conclusions reached in the Ministry of the Interior by the PRI, PRD and PT in the electoral reform and political reform of the Mexico City. IV Chapter: conditions of electoral competence. *Voz y Voto*. May 1996; (39).

<sup>121</sup> See Becerra, R., Salazar, P. & Woldenberg, J. La mecánica del cambio político en México, p.407.

<sup>122</sup> Ibid. p.415.

<sup>123</sup> de Swaan, M., Martorelli, P. & Molinar Horcasitas, J. Public financing of political parties and Electoral expenditure in Mexico, p.159.

*the specific*".<sup>124</sup> The reasons for this are explained in chapter four, but it is worth remembering that they varied from the disagreements over the appointment of the new director of IFE and the nine new members of the General Council of IFE, as the executive finally left the IFE, to the various post electoral conflicts at local level that forced the opposition to stop negotiations.<sup>125</sup> In addition, there was a time pressure, as the new law had to be approved before the beginning of the 1997 electoral process (the mid-term elections in 1997). Despite disruption, the negotiations between parties and the government towards the reform of the electoral law followed its course, and eventually consensus was achieved on all points, except public funding and campaign spending ceilings. Disagreements over the financing model proposed by the PRI not only broke the consensus among parties but also led the PRI to present and approve its own bill on the reform of the electoral law on 13 November 1996.<sup>126</sup> First of all, the opposition parties, PAN, PRD and PT alleged that the amount of money assigned to political parties as public funding by the PRI was too high.<sup>127</sup> Their reactions were quite extreme, for instance the PAN returned part of its public funding allocation to the IFE considering it to be too high.<sup>128</sup> In fact, the PAN's complaint over excessive party funding was a long standing concern and this was not the first time that there had been protests over it.<sup>129</sup> The PRI defended its position, arguing that these high amounts of funding were necessary in order to avoid other sources of private funding coming from illegal sources. However, Romero notes that the introduction of this controversial financing model was a response to the PRI's interest in maintaining its financial level at the same level as it had benefitted from with illegal public funding.<sup>130</sup> Therefore, for the reform to be accepted by the PRI it had to include a huge amount of transparent funding.<sup>131</sup> When, the negotiations broke down, both sides blamed one another. The

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<sup>124</sup> Ibid.

<sup>125</sup> The disruptions to the negotiations on the reform to the electoral law in 1996 can be found in chapter 4 of this thesis.

<sup>126</sup> As the reform could be approved by simple majority, president Zedillo sent his own bill to the Chamber of Deputies which was consequently approved by 282 PRI members against 142 votes of the opposition ("It included changes to more than 150 articles of COFIPE and two other related laws". In the Senate the outcome was identical, and the bill was approved with 89 in favour and 23 against. de Swaan, M. et, al. Public financing of political parties and Electoral expenditures in Mexico, p.160.

<sup>127</sup> Ibid, p.421.

<sup>128</sup> Ibid, p.160.

<sup>129</sup> Interview, Alejandro Zapata, Secretary of the National Executive Committee of PAN, Mexico City, 28 October 2004.

<sup>130</sup> Interview, Jorge J. Romero, Advisor to President Councillor (IFE), former member of Democracia Social and political academic, Mexico City, 15 November 2004.

<sup>131</sup> Ibid.

opposition perceived the PRI as high-handed and the PRI perceived the opposition as uncompromising.<sup>132</sup>

### **6.2.17 Regulations on financial issues: electoral reform (existing regulation until 2007)**

On the issue of party funding, both public and private funding occupied a big part of the initiative that highlighted the main points of the reform. First of all, it is worth noting that despite the legal reform on electoral matters (modification to the COFIPE) only being approved by the PRI in Congress, the content of the reform included many of the opposition demands that had been discussed during the two year negotiation process. It included adjustments and innovations intended to ensure equal conditions in the electoral process, one of the main demands during the negotiations. In fact, the reform proved to be the most advanced in the history of electoral reform, not only for giving the IFE total independence from the executive<sup>133</sup> but also for the fact that its content was negotiated between the political actors, therefore responding to specific opposition demands. The existing law on the financial matters of political parties was extended to cover a wide range of aspects: from 1) the redefinition of public systems in order to ensure a greater equality among political parties, 2) introduction of regulations for transparent handling of the origin and destination of financial resources used by political parties, 3) introduction of new campaign expenditure ceilings and mechanisms for the reporting and monitoring of these funds. Overall, the most important aspect was the introduction of the “principle of fair play” in the electoral law, which had been a long term demand of political parties in the opposition. Basically, they wanted to count in an equal manner and have elements to carry out their activities.

### **6.2.18 Public funding**

The regulation of public funding of political parties had been a priority on the electoral agenda since the 1977 electoral law recognised the national political parties as a body of public interest, and established that the parties were entitled to receive a series of rights and prerogatives. Since 1986 when political parties obtained the constitutional right to

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<sup>132</sup> Interview, Member of PAN A, National Executive Committee, Mexico City, October 28 2004.

<sup>133</sup> Chapter 4 expands on this point.

receive public funding, the electoral legislation established and regulated dispositions that led to a very precise financial regime for political parties.

Then, during the electoral agenda for the 1996 reform three major issues emerged: the imperative of creating equal conditions for electoral competence, the need to make the funding scheme more transparent and most importantly the fiscal regulation of funding, including its origin, administration and use. As a result of the gradualist character of the reform, these demands were only outstanding issues from previous reforms that needed further regulation. Basically, the most important outcomes of the reform were regulations on a more equal distribution of public funding, the lowering of the spending ceiling and the improving of the instruments for strict monitoring of party income.<sup>134</sup>

Regarding the regulations on public funding, the reform finally established that public funding should prevail over other types of funding, such as private funding. The new public financing formula increased public funding destined to parties by 5 times. Among the principal innovations in this area it is worth noting, the constitutional mandate that established, that public funding should prevail over other sources allowed and regulated by law. Secondly, the reform re-defined a system for the distribution of public funding amongst the parties which was not only more equitable but also increased it greatly (disagreement of opposition) in Article 49.7 of COFIPE. The secondary law established a new distribution system that contemplated three different systems for allocating public financing and the conditions for their distribution which were established at constitutional level.<sup>135</sup> The three new concepts of public funding to be distributed by the General Council of IFE were: 1) for permanent ordinary activities, 2) for campaign spending and 3) for specific activities. The formula to calculate the amount of public funding to be distributed was based on the concept of “*minimum campaign costs*”, then, the resulting amount “*is multiplied by the number of candidates to be elected in the next election, and by the duration of their campaign*”.<sup>136</sup> The amount of public funding to be distributed among political parties was going to be more equitable. 1) For the maintenance of permanent ordinary activities, the total amount for this concept was to be determined annually, 30% would be equally distributed amongst all parties with representation in both chambers of Congress, and the other 70% would be assigned

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<sup>134</sup> de Swaan, M. et. al. Public financing of political parties and Electoral expenditures in Mexico, p.168.

<sup>135</sup> The different concepts to grant public financing were only regulated at secondary law and not at constitutional law level.

<sup>136</sup> de Swaan, M. et. al. *Op. cit.* p.161.

according to the national voting percentage obtained by each political party in the last deputies' election.<sup>137</sup> 2) For campaign expenses it was established that during election year a similar amount to the permanent ordinary activities would be given. Therefore, in electoral years the parties would receive double funding. 3) For the specific activities conducted by political parties acting as entities of public interest, the law established support for their educational and political training activities, social and economic research, and publishing tasks. (Article 49.7) In this respect, the law empowered the General Council of IFE to grant and provide up to 75% of the reported expenses corresponding to the previous year.<sup>138</sup> Finally, the law also established regulations for those political parties that obtained their registration after the last election (Article, 49.8): these parties would receive up to two per cent of the total amount granted to political parties to support their permanent ordinary activities, the same amount to support electoral activities in election year; and the corresponding public financing to cover their specific activities as entities of public interest.<sup>139</sup> Regarding the right to receive public funding, the law eliminated conditions relating to the granting of public financing to political parties with a limited and conditional registration, and instead it created a single procedure for a political organisation, to be granted registration as a national political party.<sup>140</sup> Finally, the reform also resolved a long standing problem related to the use of public and government resources in favour of the PRI, which included equipment, personnel and with Salinas the use of social governmental programmes.<sup>141</sup> There was clear reference to government programmes such as PRONASOL and PROCAMPO that, despite being successful in their results, were "*clientalist*" programmes that intended to promote the PRI.<sup>142</sup> According to some sources, among the reform proposals that the Executive sent to Congress in 1996, was an Article that would require the suspension of social assistance propaganda 20 days before election day. However, this proposal was set aside when consensus was broken and it was finally excluded from the final reforms.<sup>143</sup>

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<sup>137</sup> The Mexican Electoral system and the federal elections. IFE. 1997.

<sup>138</sup> Ibid. "*The figures given above are computed and delivered to each political party according to the annually-approved budgets schedule.*"

<sup>139</sup> The Mexican Electoral System and the Federal Election. IFE. 1997, p.123.

<sup>140</sup> Ibid.

<sup>141</sup> The social programmes were PRONASOL and PROCAMPO. Social programmes designed by Salinas to alleviate economic crisis.

<sup>142</sup> Interview, member of the Federal Electoral Institute (IFE) A, Mexico City, September 20 & November 22 2004.

<sup>143</sup> de Swaan, M., Martorelli, P. & Molinar Horcasitas, M. Public financing of political parties and Electoral expenditures in Mexico, p.168.

### 6.2.19 Private funding

The regulation on private funding of political parties became a significant aspect in the 1996 reform. In relation to this issue, it is worth noting that the positions of the parties were very different. The PRI and the PRD expressed their preference for favouring public finances over private funding, while the PAN expressed the opposite.<sup>144</sup> PAN's preference for private funding was due to the fact that traditionally it obtained support from the business class, especially from the northern states that were traditionally conservative. However, despite their differences, the parties achieved consensus in prioritising public funding over private in the reform, and also introduced regulation in the source of funding for political parties. One change from the 1993 reform was the prohibition of funding from non identified persons and the establishment of new limits to funding from participants. Parties were not allowed to receive contributions from anonymous donors, with the sole exception of collections taken in meetings or on the street. It is worth remembering that in 1993 the electoral code (COFIPE) had started regulating, for the first time, the four legal sources for political parties (by the militancy, by followers or sympathisers, by self-financing and by financial profits/earnings). The 1996 reform introduced further limits to private sources of political parties. However, regulations on the contributions from militants and members stayed the same as did the regulations on the other two types of private funding by self-financing (incomes collected by promotional activities such as selling publications, games, raffles, lotteries etc) and by financial profits (revenues generated through their funds and trusts). Adjustments were however, introduced to the sympathisers contributions. For instance, the limits on contributions from individuals and followers were reduced. The law established that political parties could not receive annual donations of an amount more than 10% of the total public financing given to support the ordinary activities of political parties. In the same way, donations in cash provided by any individual or organisation were limited to 0.05% of total public financing to support permanent ordinary activities.<sup>145</sup> It is important to note that, despite these advances, the new model of party funding was criticised for benefitting only the three main parties, as they were

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<sup>144</sup> Ibid, p.161.

<sup>145</sup> The Mexican Electoral System and the Federal Election. IFE. 1997.

the only ones with the economic capability to maintain their presence in the media.<sup>146</sup> The fact that there was no limitation on radio and television advertising, led to a situation where the small and new parties could not compete with the media attention obtained by the three big parties.

### **6.2.20 Legal requirements to establish ceilings for campaign spending**

The new reform resulted from the demand for better and more equal conditions for the electoral context. It introduced to the Electoral Law important changes and adjustments on the matter. The decision to decrease the campaign expenditure ceilings of political parties was welcomed by the parties. Especially the PRD and PAN. It is important to remember that the 1993 reform had established a series of mandates that gave IFE the power to set limits on campaign expenses of political parties. The reform established that campaign spending ceilings should also be applied to the coalitions and candidates during the campaigns. Firstly, the General Council of IFE, was given the authority to set and approve campaign spending ceilings which were applied in federal elections. In the past the General Council had only been responsible for presidential elections, but more recently decentralised directive bodies had been empowered to approve ceilings for senators (local councils) and deputies (district councils) elections.<sup>147</sup> Secondly, criteria and rules to be followed by the General Council were modified in a significant way, to determine ceilings for campaign spending in presidential, senators and deputies elections.<sup>148</sup>

### **6.2.21 Modifications to auditing and fiscal control: existing guidelines**

In order to control and strengthen the reports and accounts presented by the political parties to IFE, the reform adjusted the procedures and mechanisms that had to be followed by the parties when making reports on the origin, destination and administration of their finances. The intention was to make the rendition of budgeting

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<sup>146</sup> Interview, Jorge J. Romero, Advisor to President Councillor (IFE), former member of Democracia Social and political academic, Mexico City, 15 November 2004.

<sup>147</sup> The Mexican Electoral System and the Federal Election. IFE. 1997, p.146.

<sup>148</sup> It is important to mention that the new rules on ceilings for campaign spending for deputies of relative majority included a rule which was to be applied in all the 300 single member districts: the same ceilings were to be applied in all electoral districts. Former rules considered a set of variables (population density and geographical conditions, amongst others) that created important differences amongst districts. Likewise, new and specific rules regarding the setting of ceilings for senator's elections by the relative majority principle were included. In the past, the ceiling for campaign spending of each formula of senators per federal entity was equal to the sum of the ceilings set for each single member district, for relative majority deputies' election purposes. Ibid. p.146.

more transparent and trustworthy. As noted earlier, by a legal mandate in the 1993 electoral reform, political parties had an internal office responsible for collecting and managing their general financing and campaign resources, as well as presenting annual and campaign reports about the origin, amount, and use of income collected from any financial source.<sup>149</sup> From 1993 the parties were obligated to present two financial reports: one on annual expenses and another on campaigns. The reform reduced the time period required for the presentation of annual reports, from 90 to 60 days for both political parties and political groups.<sup>150</sup> Regarding the presentation of Campaign reports, where the parties had to present campaign reports for each electoral campaign, including information on the spending made by the political party and its candidates in the corresponding territory, the law also reduced the period for the delivery of the report from 90 days to 60 days (Article 49a). The law established that each report had to detail the origin of resources, the fulfilment of the corresponding ceiling, established by the General Council for each election, and the amount of money and its destination.<sup>151</sup>

One particular aspect of the reform was the regulation of fiscal control over parties' resources. The law established the creation of a permanent commission to supervise the income and expenditure of political parties and provide clearer monitoring of responsibilities.<sup>152</sup> This is significant, since in the 1994 elections the Commission that revised the annual and campaign expenditure reports was dissolved after completing the examination. The new law envisaged the creation of a permanent commission for the revision of reports which were presented by political parties and political groups on the origin and destination of their annual income and campaigns resources. The new commission was called "*The Fiscal Regulation Commission of the Resources of Political parties and Groups of the General Council of the IFE*". It is important to note that the significance of this new commission was not only that it was permanent and

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<sup>149</sup> Ibid. p.131.

<sup>150</sup> As a result of the reform passed in November 1996, the code accepted national political groups as a means of development for democratic life and political culture and also the foundation for well informed public opinion. Political groups could not adopt the name "political party". They could only participate in federal electoral processes through coalitions with a political party, and they were granted public financing for their publishing activities, political training and education, and social, economic and political research. This period began the last day of the reported fiscal year, and included the total income and ordinary expenses spent in that year. Ibid. p.31.

<sup>151</sup> The following concepts are encompassed within ceilings for campaigns spending: 1) Propaganda expenses: this category included painting walls, large shawls, leaflets, banners, audio systems, political events in hired places, memorabilia and others. 2) Campaign operative spending: this included wages and salaries of temporary staff, temporary leasing of chattel or personal assets, and transportation of material and staff, and travel expenses amongst others. 3) Propaganda spending on newspapers, radio and television: these expenses included messages, advertising and other means to obtain votes. The Mexican Electoral System and the Federal Election. IFE. 1997, p.131.

<sup>152</sup> Article 49.6 COFIPE

formed by the “electoral councillors” of IFE, but also because it was the only commission whose powers were established by the COFIPE.<sup>153</sup> First of all, Article 49.b endowed the commission with the power to develop guidelines with technical bases for the presentation of reports on the origin, amount and use of income received by political parties and groups.<sup>154</sup> The commission had also to examine all the resources used for the activities established by law, and to review the reports on the origin and destination of the parties’ annual campaign resources. Moreover, the commission was able, in the terms established by the General Council, to conduct or coordinate audits directly or through third parties on the financial status of political parties or political groups. (Article 49b). Furthermore, it was also in charge of ordering visits of verification to political parties and political groups in order to ratify their fulfilment of their obligations and the veracity of their reports. Finally, the commission also had the responsibility to present, to the General Council, an evaluation on audits and verifications which informed the General council about any irregularities on the part of political parties and political groups regarding the use of their resources and the rendering of their report, and of the consequent sanctions which would be placed upon them. One further aspect in relation to the fiscal regime is, that according to the law, political parties and groups could challenge decisions made by the General Council before the Electoral Tribunal of the Judicial Branch of the Federation, in the form and terms established by the electoral law.<sup>155</sup> *“At the same time, to be able to carry out its responsibilities the commission had the support of a technical office in which some of the most prestigious accounting firms took part”*.<sup>156</sup>

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<sup>153</sup> The commission has the power to “make decisions and implement them without consulting the General Council. Therefore the commission will continue receiving an annual report during the first 60 days of the year, and one campaign report for each electoral race during the following 60 days after elections.” (article 49a) de Swaan, M, Martorelli, P. & Molinar Horcasitas, J. Public financing of political parties and Electoral expenditures in Mexico, p. 167.

<sup>154</sup> The first guidelines of this type were passed in December 1993 and reformed in October 1996 and January 1997. The current guidelines do not present important changes concerning the timing and quantity of party reports. Nevertheless, they are stricter in terms of financial book-keeping and the documents parties should use in order to prove their incomes and expenses. In other words, emphasis was set not on the quantity of party reports, but on their quality and accuracy. Ibid. p.167.

<sup>155</sup> The Mexican Electoral Regime and the Federal Election of the year 2000. IFE, pp. 13-14 & The Mexican Electoral System and the Federal Election. IFE. 1997, p.133. The commission has 60 days to check annual reports and 120 days to check campaign reports, while also being empowered to request necessary documents to ratify what has been reported by the parties’s accounting offices. In addition, it also has 120 days to write and present a final report to the General Council, in order to impose the corresponding sanctions when deemed necessary by this Council. The Mexican Electoral System and the Federal Election. IFE. 1997, p.133.

<sup>156</sup> de Swaan, M., Martorelli, P. & Molinar Horcasitas, J., Public financing of political parties and Electoral expenditures in Mexico, p.167.

With regard to political parties, the reform made the obligations of the parties in financial matters more precise: They had to allow the IFE's Commission to undertake the audit and its verifications and make important information available. Another obligation related to party prerogatives as the parties had to apply for public funding in order to support their ordinary activities, to support their campaign expenses and to meet the terms of the objectives that the law requested.<sup>157</sup> Despite the positive results of the fiscal control by IFE, political parties, especially the PAN, believed that the fiscal control on party finances was still too limited. Among the problems highlighted by the PAN were the fact that many parties exceeded the campaign ceilings and the interference of local government with their parties.<sup>158</sup> Such problems did not help IFE to consolidate itself.<sup>159</sup>

#### **6.2.22 Administrative offences and sanctions of the 1996 reform**

For many years the effectiveness of the regulations on electoral matters was doubted because of the lack of precise definitive sanctions. An important aspect of the new electoral law in 1996 was that it provided a precise definition of the main types of administrative offences that a political party or group were not allowed to commit. The reform empowered the commission of the General Council to establish the corresponding sanctions. The most common administrative offences were: 1) not complying with the obligation to allow an audit and verification of the resources of political parties and groups, when indicated to do so by the Commission of Fiscal Regulation as well as the refusal to deliver documents about income and expenditure, when requested by the Commission. 2) Accepting donations or economic contributions from people or organisations that were impeded from doing so, or applying for credit from development banks to finance their activities. 3) Accepting donations or economic contributions that exceeded the determined limits from sympathisers. 4) Not presenting the annual reports and campaign reports by the agreed deadlines. And finally 5) Exceeding the electoral campaign spending ceilings set up by the General Council.<sup>160</sup> The IFE was empowered to determine irregularities committed by a political party, gather evidence, and formulate the decision that would be submitted to the General

<sup>157</sup> Becerra, et. al. *Mecánica del cambio político en México*, p.443.

<sup>158</sup> Interview, Alejandro Zapata, Secretary of the National Executive Committee of PAN, Mexico City, 28 October 2004.

<sup>159</sup> *Ibid*

<sup>160</sup> *The Mexican Electoral System and the Federal Election*. IFE. 1997, p.135 & *The Mexican Electoral Regime and the Federal Election of the year 2000*. IFE, p.13.

Council for its determination/consensus. The General Council was empowered to apply the corresponding sanctions, taking account of the circumstances and severity of the offence. The General Council's decision could be appealed at the Electoral Tribunal of the Judicial Branch of the Federation.<sup>161</sup>

### **6.2.23 The IFE in the reform: pushing on financial issues**

As highlighted in this and previous chapters, the 1996 reform proved to be the most advanced in the history of electoral reform. It not only responded to specific opposition demands relating to the introduction of fair conditions for electoral competition, but it also gave IFE total independence from the executive, another long standing demand of the opposition parties and condition for the credibility and transparency of electoral processes.<sup>162</sup> In 1966 the IFE differed greatly from the electoral authority that had been created back in 1990 to organise elections.<sup>163</sup> The perception of the electoral authority by the parties and the general public changed through the accumulation of powers and the input of its members. It is true that between 1990 and 1993 it had been perceived as another branch of the executive and had been largely disregarded. However, from the 1993 and 1994 reforms, after changes to its responsibilities and membership, the IFE began to adopt a more active role in the negotiation process, especially in creating debate over the issues to be reformed. As a result, the IFE entered another phase as it went from focusing on problems such as the organisation of elections and its autonomy from the government to concentrating on “injecting fairness” to the electoral processes.<sup>164</sup> The active and more independent input of the electoral authority started with the election of citizen's councillors as a result of the 1994 reform. Indeed, despite some reservations, the “ciudanización” of the General Council helped IFE to become more accepted by the parties. During the reformist period of 1996 when president

<sup>161</sup> *Sanctions the General Council can impose are the following:*

*A fine ranging from 50 to 5,000 minimal daily wage in Mexico City.*

*Up to a 50% decrease in the rendering of public financing to the party during the period in which the decision is made.*

*Total suspension of public financing to the party during the period in which the decision is made*

*Suspension of the register as a political party or group.*

*Cancellation of the register as a political party or group.*

*The law states that the last three sanctions can be imposed only when the non-compliance or offence is severe or systematic, and in case of recurrence the General Council must apply a more severe sanction. IFE 1997, p. 136*

<sup>162</sup> Interview, Ricardo Becerra, political academic and advisor to the President Councillor 1996-2000 (IFE), Mexico City, 22 November 2004.

<sup>163</sup> Interview, Jorge J. Romero, Advisor to President Councillor (IFE), former member of Democracia Social and political academic, Mexico City, 15 November 2004.

<sup>164</sup> Interview, Ricardo Becerra, political academic and advisor to the President Councillor 1996-2000 (IFE), Mexico City, 22 November 2004.

Zedillo acknowledged the need for a deep reform, the IFE quickly organised negotiations, round-the table events and a forum at which political parties' representatives, academics, and citizens were invited to participate and express their views on the issues to be discussed on future electoral reform. For instance, the so called "Seminario del Castillo de Chapultepec", was organised by a few members of the IFE, whose agenda served as a starting point for the official negotiation between the parties and the Ministry of the Interior. Another example of IFE's input into the parties' negotiations was the assistance given to the main opposition parties, the PAN and PRD who agreed a common ground for them to present a common agenda. The agenda presented by PAN and PRD, "Ten fundamental points for electoral reform", was also used as the starting point for the renewal of negotiations. The discussion contributed to the precise definition of many of the regulations on party financing. In all round the table events organised by the IFE the issue of financial and media access occupied an important place on the agenda. Especially with regard to the need to introduce the "principle of fair play" in the funding of political parties and media access. As the list of demands on electoral matters increased during 1996, the IFE acquired greater responsibilities, especially in the area of party funding. The reform itself confirmed the role of IFE in many areas relating to party finances. First of all, it confirmed the control of the General Council of IFE in distributing public funding among the political parties. Secondly, the new electoral law gave IFE the authority to set and approve the ceilings for campaign spending, which were applied in federal elections (for senators and deputies elections). Finally, the creation of a new permanent commission within IFE called the "*Fiscal Regulation Commission of the Resources of Political parties and groups of the General Council of IFE*" empowered IFE as it became the "fiscal controller of the parties". Consequently, the General Council became the highest authority in charge of the control of party financing.<sup>165</sup> At the same time, IFE became the force behind discussions and negotiations while also receiving more responsibilities, especially those relating to the fiscal control and public and private funding of political parties. Despite the IFE acquiring increased responsibilities and powers in the 1996 electoral reform, it was still being tested and challenged. Soon after the reform, it received criticism for not being strong enough. Mony de Swaam, Martorelli and

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<sup>165</sup> The results of the modification to the electoral legislation that were approved by the General Council of IFE, December 1993, and reformed in 1996 and 1997. See "Normatividad en materia de fiscalización de los recursos de los partidos políticos. IFE. 1997.

Molinar Horcasitas note that the General Council of IFE “*felt trapped between an incomplete law and demands, coming from opposition parties’ representatives and public opinion for further action*”.<sup>166</sup> The complaints about the limited powers of the IFE resulted from a series of agreements of IFE, relating to party financing and regulation of campaign expenditure not being upheld by the Electoral Tribunal.<sup>167</sup> Both documents were rejected by the Electoral Tribunal after the PRI presented an appeal. This provoked protest amongst the opposition who wanted more regulations in this area. However, other decisions made by IFE had been welcomed by all, and thus contributed to its consolidation. First of all, a revision of the 1996 financial reports, in which IFE after finding irregularity issues fined the PRI, PT and PPS, whose appeals in the Electoral Tribunal were unsuccessful.<sup>168</sup> In 2000 after the presidential elections were won by the PAN’s candidate, the PAN was punished by IFE. This time the offence was irregular funding through the so called “Amigos de Fox”, and this cost PAN an enormous sum of money. Later, the PRI was also fined by the IFE for benefitting from illegal funding through PEMEX (the national petroleum industry), known as “Pemexgate”. In both cases, the decision by IFE to punish the parties, despite provoking tension between them and the electoral authority, was accepted by the parties. In contrast to the first two resolutions against IFE’s decision, these later resolutions consolidated IFE’s autonomy in this area.

#### **6.2.24 The evolution of party funding through the elections**

This section will analyse the public funding received by the political parties during the electoral processes of 1994, 1997 and 2000, comparing them to see the advances in the distribution of public funding. It is important to note that the distribution of public funding for each election related to different reforms in the electoral law. For instance the concepts for distribution of public funding used in the 1994 election differed from those used in the 1997 and 2000 elections. As noted earlier, after 1994, with the introduction of campaign reporting, the inequality in the resources of the political parties contesting in elections, became clear and was deemed an issue for urgent correction. In order to be able to compare the discrepancies of the 1994 elections with

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<sup>166</sup> de Swaan, M., Martorelli, P. & Molinar Horcasitas, J., Public financing of political parties and Electoral expenditures in Mexico, p.168.

<sup>167</sup> Ibid.

<sup>168</sup> Ibid.

those of 1997 and 2000 it is necessary to see in detail the distribution of public funding for each election.

### 6.2.25 Direct public funding for 1994 elections

As noted earlier the 1994 elections took place within a legal framework that resulted from the 1992 and 1993 electoral reforms. Back in 1990 the COFIPE established four types of public funding: for electoral activity, for general activity, for subrogation and for specific activities. With the 1993 reform a fifth type of public financing was added, “for the developing of parties.” The law stated that public funding had to be distributed for a three year period in which the agenda for it had to be determined by the General Council of IFE. In this formula the main variable in the calculation was the minimum costs of a campaign. The electoral code established cost and arithmetic operations in order to calculate the different types of finances to be distributed among the parties.

The total public funding for the three year period between 1992 and 1994, granted to the political parties, increased to 422,657,852.27 pesos. It was distributed, following the then electoral formula, among the nine registered parties that participated in the federal elections of 1994. The following table shows the allocation for the three year period 1992-1994 (20% the first, 30% the second and 50% the electoral year) for each political party.

**Table. 6.1. Public financing for the three year period 1992-1994**

Political Parties	1992	1993	1994	TOTAL 100%
	20%	30%	50%	
PRI	44,412,551.16	66,506,923.65	99,424,469.49	210,343,944.30
PAN	14,218,434.32	20,624,578.81	28,966,248.34	63,809,261.47
PRD	9,312,583.54	12,903,092.32	20,713,984.43	42,929,660.29
PFCRN	7,833,769.66	10,225,337.44	15,170,319.27	33,229,426.37
PARM	5,254,687.46	6,190,277.29	9,939,138.87	21,384,103.62
PPS	5,142,179.14	6,120,029.88	9,131,215.25	20,393,424.27
PDM	-----	4,201,801.64	6,349,692.58	10,551,494.22
PT	-----	4,201,801.64	5,977,382.52	10,179,184.16
PVEM	-----	4,201,801.64	5,635,551.46	9,837,353.10
TOTAL	\$86,174,205.27	N\$135,175,644.31	N\$201,308,002.21	422,657,851.79

Source: Report on the 1994 Federal Electoral Process. IFE

As table (6.1) shows the public financing for parties was distributed in instalments at intervals determined by the General council of IFE. The amounts approved for the three

year period 1992-1994 were paid in the first 5 days. As noted earlier, for the amounts for each category the COFIPE (electoral code) established costs and arithmetic operations. As the table shows, the new formula and the criteria for distribution over a three year period to the nine parties registered, required considerable amounts of money. However, the table also shows the great disparity in the public funding that the PRI received during the three year period, especially for the 1994 elections.<sup>169</sup>

In 1994, the total public financing distributed among the six parties on the register after the midterm elections of 1991 was 201,308,002.21 pesos which was spread between 5 categories: electoral activities, general activities, subrogation of the State, specific activities and developing of the parties.

**Table. 6.2. Public financing for the 1994 elections allocated for each party**

PUBLIC FUNDING IN 1994							
POLITICAL PARTY	ELECTORAL ACTIVITIES	GENERAL ACTIVITIES	SUBROGATION OF THE STATE	SPECIFIC ACTIVITIES	DEVELOPING OF PARTY	TOTAL	%
PRI	65,553,759.81	2,834,271.06	19,080,240.00	11,956,198.62	0.00	99,424,469	49.39%
PAN	18,845,757.61	2,834,271.06	4,076,700.00	3,209,519.67	0.00	28,966,248	14.39%
PRD	8,423,748.25	2,834,271.06	1,996,620.00	7,459,345.12	0.00	20,713,984	10.29%
PFCRN	4,806,519.58	2,834,271.06	1,033,620.00	4,795,345.99	1,700,562.64	15,170,319	7.54%
PARM	2,291,432.32	2,834,271.06	674,100.00	2,438,772.85	1,700,562.64	9,939,139	4.94%
PPS	2,112,540.65	2,834,271.06	539,280.00	1,944,560.90	1,700,562.64	9,131,215	4.54%
PDM	0.00	2,834,271.06	0.00	2,098,285.99	1,417,135.53	6,349,693	3.15%
PT	0.00	2,834,271.06	0.00	1,725,975.93	1,417,135.53	5,977,383	2.97%
PVEM	0.00	2,834,271.06	0.00	1,384,144.87	1,417,135.53	5,635,551	2.80%
Total	102,033,758.22	25,508,439.54	27,400,560.00	37,012,149.94	9,353,094.51	201,308,002	100.00%

Source: made by the author, according to the agreements of the General Council of IFE published in January 1994 "Agreement of public funding to political parties in the terms of Article 49 of the COFIPE and Official report of the 1994 elections". IFE

Table 6.2. shows how the PRI received 99,424,469 pesos of the total funding granted to the political parties contesting in the 1994 elections, which was up to 49.3% of the total 201,308,002 pesos allocated for public funding for all the parties. The category of funding for electoral activities shows the largest difference, as the PRI received 65,553,579.81 pesos, from a total of 102,033,758.22 pesos granted for the funding of electoral activities for all parties. Therefore, the PRI received 49.39% of the total

<sup>169</sup> For the 1991 federal elections, the General Council of the IFE calculated a minimum cost of \$77,947,466 for a deputy campaign and \$165,078,286 for a senator. On this basis, the financing for electoral activities over the three year period between 1992-1994 was calculated. Report on the Federal Electoral Process 1994. IFE.

funding, which was more than three times the level of the next party, the PAN, which had 14.39% of the total amount granted for electoral activities. The reason for this was that this category of funding was distributed proportionally and the minimum costs of a campaign for senator and deputy were used to determine the amount of financing for each electoral activity. The amount of financing received by the political parties using this proportional method of distribution can be seen in table 6.3.

**Table. 6.3. Public Funding allocated to political parties.**

Electoral Activity (proportional)	General Activity (equal)	Subrogation of the state (proportional)	Specific activities (proportional)	For developing of parties (equal)	Total
50.69%	12.67%	13.61%	18.39%	4.65%	100%

Source: elaboration by the author using the data from the agreement of the General Council of IFE published in January 1994.

Electoral activity (50.69%) + subrogation of the state (13.61%) and specific activities (18.39%) = 82.69%

General activity (12.67%), for developing activities (4.67%) = 17.3%

Table (6.3) also shows the level of funding for political parties for general activities such as entities of public interest that the parties received. This category was determined taking into consideration the equivalent of 10% of the amount granted for electoral activity, which was distributed annually. Here all parties received the same amount, 2,834,271.06 pesos. With respect to the funding for subrogation of the state, where the parties received up to the 50% of the amounts that their deputies received the previous year, in 1994 the electoral council of IFE approved the amount of 27,400,560 pesos to be distributed among the parties, from which the PRI received 19,080,240.00 pesos, 69.63% of the total. The parties received further funding for their specific activities, funding for education and political education activities, etc, where IFE allocated up to 50% of the approved expenses for each of the parties. In this category the PRI again received the greater amount, a total of 11,956,198.65 pesos, or 32.30% of the total. However the PAN only received 8.67% of the total, and the PRD, 20.15%, as this was related to the expenditure in specific activities of the previous year (1993).

Finally the category for party development was introduced in the 1993 reform, in which 4.65% of the total public funding for all activities was destined to help the minority

parties but did not have a major impact on the overall funding. The parties that benefitted from this category of funding were the PPS, PARM and PFCRN after obtaining between 1 and 5% in previous elections for deputies of relative majority, and also the PDM, PT and PVEM after obtaining their registration in January 1993.

Table 4 shows the campaign expenditure by each political party in the 1994 electoral process.

### **6.2.26 Campaign expenditure in the 1994 elections**

As a result of the 1993 electoral reform, the expenditure by each of the political parties in the 1994 electoral campaigns was reported for the first time to the IFE, through the creation of a special commission made up of the members of the General Council of IFE. It is worth noting that the new members of the General Council of IFE called “citizen councillors”, contributed to greater trust by the political parties.

The commission was to be in charge of receiving, checking and reporting the results to the General Council of IFE. Therefore, once the 1994 electoral process ended the commission passed the reports which contained details of the expenditure of the political parties’ detailed financial reports that contained detailed financial reports on the origin and amount of income, and expenditure of the political parties. The 1994 election campaign expenditure reports included information on three concepts: a) propaganda expenses,<sup>170</sup> b) campaign operative spending<sup>171</sup> and c) propaganda spending on newspaper, radio, and television: these expenses included messages, advertising etc. in order to obtain votes. The expenses incurred during the 1994 electoral campaign showed enormous differences, as the PRI was the party that not only received most but also had the highest expenditure.

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<sup>170</sup> This category included painting walls, large shawls, leaflets, banners, audio systems, political systems, political events in hired places, memorabilia etc.

<sup>171</sup> This included wages and salaries of temporary staff, temporary leasing of chattel or personal assets, transportation of material and staff, and travel expenses etc.

**Table. 6.4 Campaign expenditure 1994**

<b>Party</b>	<b>Expenditure</b>	<b>%</b>
PRI	324,681,340	78.28
PAN	43,003,758	10.37
PRD	19,916,700	4.73
PPS	6,286,604	1.52
PARM	5,319,506	1.28
PT	4,637,703	1.12
PFCRN	4,223,591	1.02
PDM	3,662,530	0.88
PVEM	3,349,219	0.81
<b>Total</b>	<b>414,700,000</b>	<b>100</b>

Source: Report on the electoral process 1994 – consolidated report on the Political Parties's campaign expenses in 1994. IFE, General Council, Mexico, 1994

According to the expenses reports presented by the parties, the PRI expended (78.28%) more than three quarters of the total expenditure.

As noted earlier, the conclusion, of the revision of the campaign reports by the commission of the General Council, showed even greater disparities in campaign expenditure. According to the reports the PRI spent up to 71% of the total money expended in the presidential elections, while the PAN expended 17.8%, the PRD 6.05%, the PT 1.15% the PDM 1.02%, the PPS 0.9%, the PFCRN 0.87%, the PVEM 0.56% and the PARM 0.24%". For the senators elections something similar (77.7% of the total, in the deputies (81.2%) and in the representatives of the Assembly DF (77.7%).<sup>172</sup>

The report for the first time also allowed a split between the cost of the vote for each of the parties, in other words, the relationship between the campaign expenditure and the amount of votes received: for the PAN 3.4, PRI 7.4, PRD 1.8, PPS 9.6, PFCRN 5.2, PARM 2.1, PDM 18.4, PT 2.1 and PVEM 3.0.

During the revision of the campaign expenses relating to the 1994 elections, the Cuerpo Técnico de Apoyo y la dirección Ejecutiva de Prerrogativas y Partidos políticos del IFE carried out a comparative exercise between the expenses of the campaign and the amount of votes received by each party. This is included in the Dictamen of the commission of the Councillors, and shows the following data:

<sup>172</sup> Official report by the IFE's councillors on the political parties' reports of campaign expenses in 1994. IFE, April 7 1995.

**Table 6.5. Relationship between campaign expenditure and votes in 1994.**

Party	President	Senators	Deputies	Relation cost- vote		
	Votes	Votes	Votes	% President	Senators	Deputies
PAN	9,174,298.00	8,683,486.00	8,662,669.00	3.48	0.56	0.60
PRI	17,215,256.00	16,774,821.00	16,853,958.00	7.44	4.79	6.19
PRD	5,855,800.00	5,439,130.00	5,582,437.00	1.85	0.48	0.92
PT	970,390.00	960,889.00	895,617.00	2.13	1.05	1.65
PFCRN	300,193.00	394,591.00	382,228.00	5.19	1.12	5.27
PVEM	300,875.00	431,408.00	471,701.00	3.01	0.67	3.87
PPS	168,058.00	214,360.00	234,525.00	9.63	3.82	14.88
PARM	194,303.00	262,468.00	285,711.00	2.18	3.22	12.46
TOTAL	34,179,173.00	33,161,153.00	33,368,846.00			

Source: Report on the political parties' campaign expenses in 1994. IFE, General Council.

By analysing table (6.5) above we can see how the level of political competition of the parties differs. The previous two tables show inequalities in the different forms of distribution of public funding among the parties and the consequent spending of the parties. Also the deficiencies of the funding system are shown in the level of political competence. The Level of political competence is the relationship between what a party spends and the votes received. This describes a different reality and variable for each party, reflected in the level of political competence. Table (6.5) shows the amount of public resources that each party received from IFE and how the different parties spent it. Despite the PRI spending more money the table shows a low profitability costing between the votes obtained and the expenses incurred in the 1994 campaigns. The PRD declared expenses of 16.5% less than those of the PRI, under the average general expenses and cost of vote, therefore, the PRD was the more economic party. The PT expended up to 70 times less than the PRI.

The experience of the 1994 elections served as a starting point for the reformers who would negotiate the future 1996 electoral reform. The idea was to propose regulations and changes that ensured fairer conditions for the development of the electoral politics in elections.

### 6.2.27 Limits to campaign expenses in 1994

The report presented by the IFE also revealed another factor: the campaign expending ceilings established by the same electoral authority were too high: In fact 922 million pesos was the total amount that any party could spend in all of its campaigns. Yet, the total sum for all the campaign expenses, for all types of elections and between all parties was only 414.7 millions pesos. The reduction of the campaign ceilings resulted from an appeal presented by the PRD to the Federal Electoral Tribunal (TRIFE) in which it questioned the times and processes of the ceiling. The resolution established that the entire General Council had to decide the time and level of the ceiling which was eventually were reduced in a extraordinary session on January 27 1994.<sup>173</sup>

**Table. 6.6. Limits to campaign expenses 1994**

Type of campaign	Ceilings for 1994 elections
Deputies	850,226
Senators	7 970 874
President	134 460 560

Source: Report on the electoral process 1994. IFE

### 6.2.28 Direct public funding for 1997 elections:

1) The midterm elections in 1997 took place under new electoral legislation, approved in 1996. As noted earlier, the 1996 reform introduced changes to the financing regime of the political parties, including the predominance of public funding over private funding and the introduction of three different concepts through which to grant public funding: 1) for permanent ordinary activities 2) for campaign expenses and c) for specific activities as entities of public interest. The new formula applied to the distribution of public funding greatly increased the public resources given to the parties. The 1996 reform replaced the distribution of the three year period of public funding by an annual distribution and introduced a more equal formula for the distribution of public funding for “Permanent Ordinary Activities” where the total amount was determined annually.

1) 30% was allocated in equal parts to all political parties represented in both chambers of Congress (deputies and senators)

<sup>173</sup> See report on the electoral process 1994. IFE

2) The remaining 70% was distributed according to the percentage of votes gained by each political party represented in both the Chambers of Congress in the preceding election for deputies at the national level.

This formula did indeed, improve the conditions of the competition from the 1994 elections where only 17.3% of the public funding was distributed in equal parts in comparison to 30% in the 1997 elections.

**Table 6.7. Distribution of Public funding 1994**

1994	<b>Electoral Activity + Subrogation of the state + Specific activities (proportional distribution )</b>	<b>82.6</b>
1994	<b>General Activity + developing of parties (equal distribution)</b>	<b>17.3</b>

In the 1997 election, each party received an identical amount of public finance for campaign spending to that granted for permanent ordinary activities. The 1996 electoral reform kept the funding category for specific activities as entities of public interest,<sup>174</sup> but it increased from 50% to 75% the proven expenses incurred by the political parties corresponding to the preceding year. The following table show the public funding allocated to the political parties for the federal election of 1997.

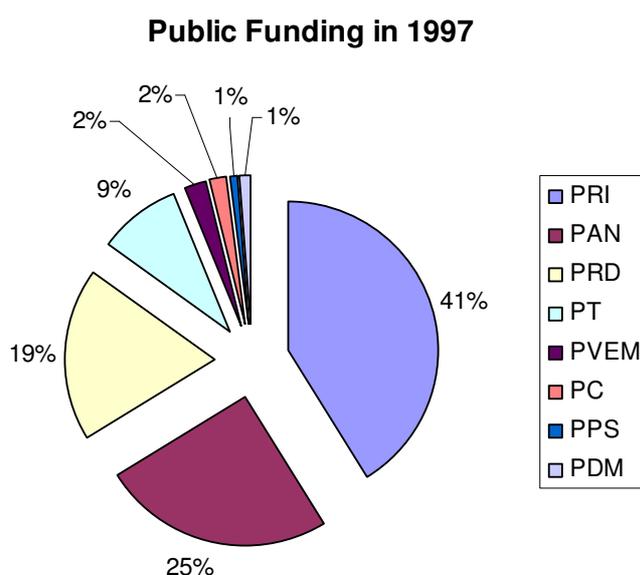
<sup>174</sup> The subsidy granted for these activities depended on the proven expenses calculated annually by the political parties in activities that concerned political training and education, social and economic research and political research, and publishing tasks.

**Table 6.8. Public Funding for the 1997 elections allocated for each party.**

NATIONAL POLITICAL PARTY	PERMANENT ORDINARY ACTIVITIES	CAMPAIGN EXPENSES	SPECIFIC ACTIVITIES	TOTAL	%	With extra prerogatives
PRI	437,011,758.76	437,011,758.76	18,089,139.75	892,112,657.27	42	44.3
PAN	259,956,828.81	259,956,828.81	7,334,453.45	527,248,111.07	25	26.4
PRD	194,531,523.78	194,531,523.78	2,272,992.90	391,336,040.46	18	19.7
PT	92,994,946.66	92,994,946.66	3,947,624.70	189,937,518.02	9	9.4
PC	15,751,920.92	19,689,901.16	2,382,957.21	37,824,779.29	2	
PVEM	15,751,920.92	19,689,901.16	2,151,111.94	37,592,934.02	2	
PPS	7,875,960.46	9,844,950.58	0.00	17,720,911.04	1	
PDM	7,875,960.46	9,844,950.58	0.00	17,720,911.04	1	
TOTAL	1,031,750,820.77	1,043,564,761.49	36,178,279.95	2,111,493,862.21	100	100

Source: Compiled by the author, according to the agreements of the General Council of IFE published in the Official Diary of the Federation on January 31 1997. (Agreement of the General Council of the IFE on the public funding of political parties for 1997).

The new formula of 30% equal distribution and 70% distribution presented a more balanced formula for public financing in the 1997 elections. For these elections the PRI received 42% of the total amount, just under double that received by the PAN.

**Graph 6.1 Public Funding for 1997 elections**

Source: Compiled by the author, according to the agreements of the General Council of IFE published in January 1997. "Agreement of the General Council of IFE on public funding to political parties. 1997"

The new distribution formula that the IFE created for the midterm elections in 1997 showed a considerable increase in public funding for political parties, from 201,308,002 pesos in 1994 to a total of 2,111,493,862.21 pesos in 1997 (1,910,185,860 more than in 1994). First of all, it is worth noting that the 1996 electoral reform had established a more equitable distribution formula: 70% proportional to the votes of each party and 30% to the stricter criterion in equal parts. Secondly, as the number of types of public funding changed from five to three (support of permanent ordinary activities, for campaign expenditure and specific activities), the new formula allowed the parties to invest greater amounts in campaign expenditure and electoral infrastructure than was reserved for the PRI in the past. As a result, the parties received an increase in public funding of up to five times the public funding they had received in the previous election. Although the PRI still received the biggest share, the significant aspect was that the other opposition parties, especially the PAN and PRD, received enough funding to compete with the PRI under fair conditions.<sup>175</sup> The resources enabled the parties to enter into the electoral competition. However, some authors argue that, this new design for financial distribution only benefitted the three main parties, who negotiated the law. Consequently, small and medium sized parties, despite receiving more public funding than in the past, could not compete with the big three, especially when buying TV advertising.<sup>176</sup>

Woldenberg notes that the PAN returned the first instalments as a protest, and the PRD announced that it would use part of its resources for giving text books to public schools.<sup>177</sup> Overall, for the midterm elections in 1997 the parties obtained more resources, which were better distributed, as a result of the new formula 70/30.

Woldenberg notes that according to transitorial Article 6, two thousand million pesos would be able to be added in additional prerogatives after November and December 1996. The total fund for the 1997 electoral process was 2,406,000,000 pesos.

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<sup>175</sup> Interview, Ricardo Becerra, political academic and advisor to the President Councillor 1996-2000 (IFE), Mexico City, 22 November 2004.

<sup>176</sup> Interview, Jorge J. Romero, Advisor to President Councillor (IFE), former member of Democracia Social and political academic, Mexico City, 15 November 2004.

<sup>177</sup> See Becerra, R., Salazar, P. & Woldenberg, J., *Mecánica del cambio político en México*, p.459.

PAN received more than 12 percent of the public funding, the PRI 5 percent less and PT nearly 7 per cent more.<sup>178</sup>

### 6.2.29 Campaign expenditure 1997

**Table. 6.9. Campaign expenditure in 1997**

<b>PARTY</b>	<b>EXPENDITURE</b>	<b>%</b>
<b>PRI</b>	<b>422,340,133.29</b>	<b>35.06</b>
<b>PAN</b>	<b>291,354,176.09</b>	<b>24.18</b>
<b>PRD</b>	<b>278,624,212.50</b>	<b>23.12</b>
<b>PT</b>	<b>128,653,816.25</b>	<b>10.68</b>
<b>PVEM</b>	<b>45,217,257.78</b>	<b>3.75</b>
<b>PC</b>	<b>23,080,054.88</b>	<b>1.91</b>
<b>PPS</b>	<b>11,257,417.81</b>	<b>0.93</b>
<b>PDM</b>	<b>4,076,191.70</b>	<b>0.33</b>
<b>TOTAL</b>	<b>1,204,603,260.29</b>	<b>100</b>

Source: Consolidated report presented by the Commission of Fiscalisation of the political parties presented by the General Council of IFE in relation to the expenses reports presented by the political parties in the 1997 elections. IFE

With regard to the parties' expenditure in 1997 compared to 1994 important changes were registered. The PRI was the organisation that spent the most and reported a decrease in percentage from 78.28% in 1994 to 35.06% in 1997; in contrast the PAN increased from 10.37% to 24.18%, and the PRD increased from 4.73% to 23.12%. The PRD and the PAN increased their expenses significantly from one election to the next.

### 6.2.30 Limits to Campaign expenses in 1997

Campaign expenses ceilings were another aspect of the equity. The ceilings were lower than in the 1994 elections.

<sup>178</sup> Ibid.

**Table. 6.10. Limits to campaign expenses 1997**

<b>Type of election</b>	<b>Limit in thousands of pesos</b>
<b>Deputy for relative majority</b>	<b>676,091.52</b>
<b>Senators for proportional representation</b>	<b>176,265,567.95</b>
<b>Deputy for the legislative assembly of the DF</b>	<b>507,069.25</b>
<b>Head of Government of Federal District</b>	<b>28,556,005.13</b>

Source: Report on the electoral process 1997. IFE.

The General Council established the ceilings for the deputies' campaigns at a decrease of 54% in relation to 1994, and for senators at a decrease of 61%. These measures were intended to restrain parties in their campaign expending.<sup>179</sup> After the Commission of Fiscalisation of the Resources of parties in 1997 all of the reports were revised and, the IFE proposed several recommendations to the parties.<sup>180</sup> Also, the commission found some irregularities in the parties campaign reports of 1997, and applied sanctions.

The revision of the results of this exercise, implemented by IFE for the second time since it had become law, allows us to conclude that the advance in the practice of presenting report on parties' expenditure had been quite important. Also the institution was strengthened as it was organised in a better way to include more control, more transparency of the origin and more use of the resources that were destined to these parties. For those reasons the trust of the citizens and credibility of the parties increased. But it was still necessary to find new instruments to ensure the transparency of the financing of the political parties.

<sup>179</sup> Becerra, R., Salazar, P. & Woldenberg, J. La mecánica del cambio político en México, p.459.

<sup>180</sup> Results of the General Council of IFE in respect of the irregularities found in the revision of the reports on the campaign expenditure presented by the political parties in the 1997 electoral process. See website for agreements January 1998. Section 15. <http://www.ife.org.mx/documentos/TRANSP/docs/consejo-general/acuer-resol/ene98/AOP15300198R.htm>.

### 6.2.31 Public funding in the 2000 election

The 2000 elections were the second elections to be organised under the new electoral law of 1997. Despite using the same regulations for financing, some modifications were the prominence and constitutional mandate of public funding over private funding and 2) The redefinition of the categories of public funding in an attempt to achieve more equity.

**Table 6.11. Public funding for permanent ordinary activities for political parties with representation in Congress.**

PARTY	VOTES	%	30%	70%	TOTAL
PRI	11,438,719	39.960001	80,381,578.13	374,738,929.31	455,120,507.44
PAN	7,795,538	27.232919	80,381,578.13	255,386,251.17	335,767,829.30
PRD	7,518,903	26.266522	80,381,578.13	246,323,531.53	326,705,109.66
PVEM	1,116,137	3.899110	80,381,578.13	36,565,281.85	116,946,859.98
PT	756,125	2.641445	80,381,578.13	24,771,084.34	105,152,662.47
TOTAL	28,625,422	100.000000	401,907,890.65	937,785,078.20	1,339,692,968.85

Source: Table compiled by the author according to agreements of the General Council of IFE January 2000.

The elimination of the category of public funding was based on the minimum percentage of votes required by a party to keep its definitive registration, by virtue of the elimination of the double form of registration and the requirement of 2% of votes for a political party to be registered. 3) The creation of the new body in IFE, the commission of Fiscalisation of resources of the parties and political groups, to ensure better fiscal control of the origin, destination and use of public funding that was granted to the parties. The General Council of IFE approved the agreement for the calculation of public funding in the ordinary session of 27 January 2000 which had been applied for the first time in the 1997 election. After the IFE calculated the minimum cost of campaigns for deputies and senators as it did in 1997, it calculated the amount of permanent public funding for ordinary activities first, and then for campaign expenditures, as it was the year of the election. The third modality, for specific activities, was supported up to 75% of the proven expenses for the previous year. As happened in 1997, public funding for political parties increased even further from the

previous election with a total of 3,064,092,232.97 pesos and a better distribution of funds.

**Table 6.12. Distribution of Public funding for political parties in 2000**

POLITICAL PARTY	FOR ORDINARY ACTIVITIES	FOR CAMPAIGN EXPENSES	FOR SPECIFIC ACTIVITIES	Total	%
PRI	455,120,507.44	455,120,507.44	10,873,263.37	921,114,278.25	30.06
PAN	335,767,829.30	335,767,829.30	21,177,590.59	692,713,249.19	22.61
PRD	326,705,109.66	326,705,109.66	3,442,281.55	656,852,500.87	21.44
PVEM	116,946,859.98	116,946,859.98	13,349,515.35	247,243,235.31	8.07
PT	105,152,662.47	105,152,662.47	7,039,781.38	217,345,106.32	7.09
PARTIDO DE LA SOCIEDAD NACIONALISTA	26,793,859.37	26,793,859.37	4,710,907.52	58,298,626.26	1.90
PARTIDO DE CENTRO DEMOCRATICO *	26,793,859.37	26,793,859.37	1,183,723.45	54,771,442.19	1.79
CONVERGENCIA POR LA DEMOCRACIA*	26,793,859.37	26,793,859.37	414,890.39	54,002,609.13	1.76
PARTIDO AUTENTICO DE LA REVOLUCION MEXICANA*	26,793,859.37	26,793,859.37	0.00	53,587,718.74	1.75
PARTIDO ALIANZA SOCIAL*	26,793,859.37	26,793,859.37	0.00	53,587,718.74	1.75
DEMOCRACIA SOCIAL *	26,793,859.37	26,793,859.37	988,029.23	54,575,747.97	1.78
	1,500,456,125.07	1,500,456,125.07	63,179,982.83	3,064,092,232.97	100

\*Financing for parties that obtained their registration after the last election

Source: Compiled by the author based on the agreement by General Council of IFE January 2000 and official report of the 2000 federal electoral process. IFE.

The political parties that obtained their registration at a date which was later than the date of the election, had the right to have public funding. 1) 2% of public funding for their permanent ordinary activities 2) the same amount for their campaign expenses as it was an electoral year and 3) the corresponding public funding. In total six organisations received funding. In addition to this public funding, the IFE has other resources that are part of the general prerogatives:

**Table 6.13. Public funding allocated to political parties for developing political campaigns**

Amounts for buying of slots	300.09 million pesos
Financing for National Political Groups	30.01 million pesos

These figures show that the law granted a minimum funding to develop the campaigns and that the parties on the register automatically obtained resources to do their work. For the first time in an electoral process, a coalition (Alliance for Mexico) obtained more public resources than the PRI.<sup>181</sup>

The following graph shows the amount of public funding approved by the General Council of the IFE for the year 2000, including for political parties that had formed coalitions. The political context for the 2000 elections changed as the two main opposition parties decided to compete in coalitions. On 17 December 1999, only days before the approval of public funding, the General council of IFE approved the application for registration of several parties wishing to form coalitions for the elections: PAN and the green party under the “Alianza por México” (Alliance for Change) and PRD, Convergencia, PT, PNS and PAS joined forces under “Alianza por Mexico” (Alliance for Mexico). As a result of this decision, the amount of campaign expenses was apportioned in accordance with size of the coalitions and the same principles were applied to the campaigns for the presidential, deputies and senators elections.<sup>182</sup>

The public funding for the 2000 elections increased greatly, and was distributed more equitably.

<sup>181</sup> Becerra, R., Salazar, P. & Woldenberg, J., *La mecánica del cambio político en México*, p.509.

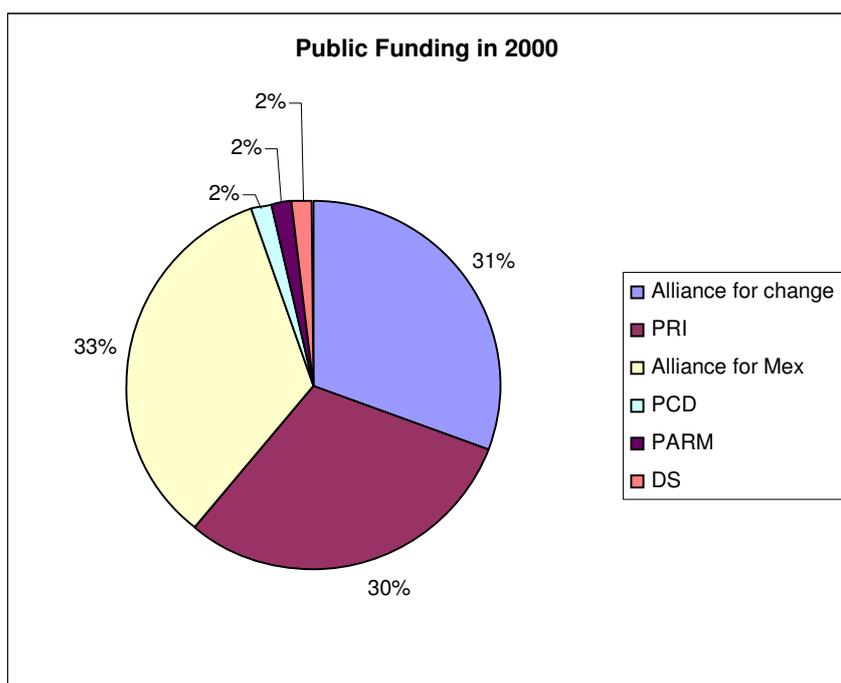
<sup>182</sup> Interview, Mario A. Rivera, Coordinator of electoral transparency and access to information, Civic Alliance, Mexico City, 5 October 2004.

**Table 6.14 Public Funding for the 2000 elections allocated for each party or coalition.**

POLITICAL PARTY OR COALITION	PERMANENT ORDINARY ACTIVITIES	CAMPAIGN EXPENSES	SPECIFIC ACTIVITIES	TOTAL IN MILLIONS OF PESOS	%
ALLIANCE FOR CHANGE (PAN, PVEM)	452,714,688.98	452,714,688.98	34,527,105.94	939,956,483.9	30.67
PRI	455,120,507.44	455,120,507.44	10,873,263.37	921,114,278.3	30.05
ALLIANCE FOR MEXICO (PRD, PT, CD, PSN, PAS)	512,239,350.3	512,239,350.3	16,376,693.9	1,040,855,395	33.96
PCD	26,793,859.37	26,793,859.37	1,183,723.45	54,77,1442.19	1.79
PARM	26,793,859.37	26,793,859.37	-	53,587,718.74	1.75
DS	26,793,859.37	26,793,859.37	988,029.23	54,575,747.97	1.78
TOTAL	1,500,456,124.83	1,500,456,124.83	63,948,815.89	3,064,861,066.10	100

Source: Compiled by the author using data by the General Council of IFE agreement January 2000)

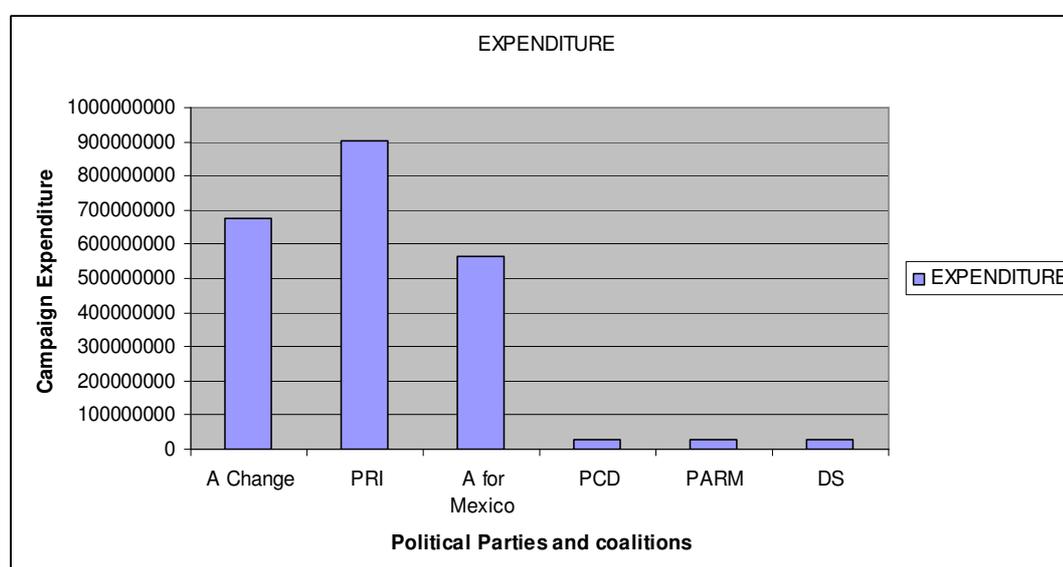
(Graph 2)



**Table 6.15 Campaign Expenditure 2000**

PARTY	EXPENDITURE	%
PRI	901,392,199.91	40.48%
ALLIANCE FOR CHANGE (PAN, PVEM)	673,695,813.30	30.26%
ALLIANCE FOR MEXICO (PRD, PT, CD, PSN, PAS)	566,756,040.46	25.46%
PARM	28,612,639.84	1.29%
PCD	28,027,366.37	1.26%
DS	28,010,494.66	1.26%
TOTAL	2,226,494,554.54	100.00%

Source: The Mexican Electoral Regime and the Federal Elections of the year 2000. IFE



Another interesting aspect of the election was the correlation between the vote and money. In this case, the PRI was the party with the highest expenditure with 40% of the total amount spent by all parties, however it did not obtain the majority of votes.

The votes from the 2000 elections were also counted with more instruments to achieve equality. (See the campaign ceilings.) Only the campaign ceiling for the president increased by 13%. The thousands of deputies and senators had to spend less than previous elections (1997).

**Table 6.16 Limits to campaign expenses 2000**

Type of election	Limit in thousands of pesos	Estimate in thousands of US dollars
Lower Chamber	738,737.72	78
Senators	1,493,285.42	157
Presidential	491,816,870.75	51,770

Source: The Mexican Electoral Regime and the Federal Elections of the year 2000. IFE

**Table. 6.17. Comparison between the campaign ceilings in 1994 and 2000**

	Ceilings 1994	Ceilings of 1994 with costs of 2000	Ceilings 2000	Perceptual change
Deputies	850,226	2,750,977	738,737	-73.15
Senators	7,970,874	25,790,427	12,646,261	-50.97
President	134,460,560	435,058,343	491,816,870	13.05

Source: The Mexican Electoral Regime and the Federal Elections of the year 2000. IFE

The General Council of IFE approved the ceilings. The election confirmed that the most recent reform had achieved at least two objectives: 1) the ceilings to expenses that resulted in a positive impact on the conditions with greater fairness in competence and 2) facilitating the fiscal control of campaign expenditures, which was a complex task for IFE. The ceilings for deputies decreased 73% in real terms and for senators 51%. That meant that the law established a limit to the inequality of the invested campaign resources. In order to verify that the campaign ceiling had been respected the parties' financing was reviewed. For the first time the law allowed for direct audits of the parties. A technical body specializing in the fiscal control of party funding was created and that revised the 100% expenditure on income and media. The regime of sanctions was also improved, and that year the IFE returned to have access to the patrimony of the parties.<sup>183</sup>

<sup>183</sup> Reports on the Electoral process 1997 & 2000. See also Becerra, R., Salazar, P. & Woldenber, J., *La mecánica del cambio político en México*, p.142.

### 6.3 Conclusion

The first three sections of this chapter have shown how the issue of party finances and media access went from being an irrelevant part of the different electoral agendas to becoming the most discussed concern during the final stage of the reformist period. It became apparent that from 1988 an increasingly stronger opposition sought the opportunity to challenge the power of the PRI, and did not hesitate in demanding better rules for a more competitive and fair electoral process. They looked for better mechanisms for ensuring equity and transparency in public funding that was granted to parties. It has been noted that the role of the new electoral authority, did not only adopt a more active role in opening the discussion on financing issues and media access but also became the supervisor and guarantor of the new regulations. The role of IFE can therefore be considered crucial in the building of electoral democracy in Mexico. The IFE, along with the Electoral Tribunal and through the various electoral processes, gained credit in relation to the transparency and credibility, not only among the parties but within civil society as well. After 1993, IFE appeared to start acting more independently, especially in the fight for equal treatment in party funding. The responsibilities of IFE after 2000, in party finances, are a result of cumulative responsibilities that the predecessor of the electoral authority gained through the various electoral reforms. First of all, the legislation gave IFE the function of distributing public resources, with the annual approval of the Chamber of Deputies. The IFE acquired more and more responsibilities until it became not only the administrator of public funding, but also the enforcer of regulations on private funding and the supervisor and controller of the income and expenditure of the parties. The reformist practices, together with the electoral processes, showed that the parties' battle to achieve more equitable conditions in political competence, centred on two essential aspects: a) the financing of the parties and b) access to the media which will be discussed in the next chapter. Both these aspects were incorporated in the electoral processes of 1994, 1997 and 2000, as primary instruments in the development of the political campaigns, obtaining positive results and giving the added benefit of internal strength to its institutions. This contributed to the conformation of the electoral system and the parties. It is important to remember that in the 1988 elections, despite significant competition, the PRI still commanded most of the resources. Then in 1991, with the new electoral law COFIPE was approved and the new electoral authority IFE, whose focus was to organise transparent elections, as the issue

of party financing and media access was not yet a prime issue among political parties. It was not until 1993 that the financing issue and media access became the centre of discussion among reformists, when the first system of income and expenditure of the parties, with its legal limitations and policies, was regulated and applied for the first time.

Overall, the most important achievements of the reforms were: the provision of more equally distributed public funding, a significant reduction in the spending ceiling and the creation of mechanisms to enable closer monitoring of party income and expenditure.

## **7 Chapter 7 The role of IFE in media access by political parties: The issue of media access for political parties**

This chapter will concentrate on the very important aspect of electoral competence that includes access to the media by political parties, another area of activity that was allocated to the Federal Electoral Institute.<sup>1</sup>

Political parties in Mexico have had the right of access to the media for many years. When electoral competition increased in the early 1990s and the character of electoral campaigns changed, it became a fundamental issue on the electoral agenda in order to promote and ensure conditions of fair play in elections. In the new party system that emerged in the 1990s, characterised by stronger opposition parties competing at various levels for electoral posts, electronic media, and TV and radio, became indispensable instruments in electoral campaigns and promotions. However, the limited prerogatives on media access of political parties and the lack of regulation in both their use and coverage created imperfect electoral conditions that only benefitted the official party, the PRI. After the creation of the IFE in 1990, many of the regulations introduced in the electoral law relating to media access and coverage were governed by the electoral institution. Therefore, from 1993, along with the issue of party finances, regulations on media access (a form of indirect funding) were included on the agenda of the successive reforms negotiated between the political parties and government.

The purpose of this chapter is to firstly, examine the evolution of the regulation of media access by political parties, in order to see how it contributed to more plural electoral campaigns and improved the level of party competition. Secondly, to analyse the role of IFE in applying, enforcing and introducing regulations on media access, including its monitoring task, which eventually contributed to the achievement of fairness in the conditions of electoral competition. The first section will concentrate on the evolution of the regulation of media access, through several electoral reforms, until the creation of IFE in 1990. It will show how the significance of media access by

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<sup>1</sup> The law confers four prerogatives on national political parties: 1) permanent access to radio and television, 2) to hold a special tax regime, 3) to have the necessary postal and telegraphic franchises to carry out their functions and 4) to have public funding. The Mexican Electoral Regime and the Federal Elections of the Year 2000. Section 5. IFE, p.3.

political parties increased in parallel to the development of the parties and in line with party funding.

The second section will cover the development of media regulation between the 1993 electoral reform, that granted political parties the right to buy broadcasting time on radio and TV, and the last electoral reform in 1996. This section will focus on the position of the different political actors and the main points discussed during the negotiations, in media related issues that became the centre of the debate after the 1994 presidential elections. It will seek to establish the extent to which the IFE, after gaining more functions and powers in the regulation of media access by political parties, started acting more independently and openly showing its commitment to ensuring equitable access to the media. The third section of the chapter will seek to compare the evolution of media access that political parties received between the 1991 midterm election and the 2000 presidential election, in order to highlight the disparity in media access and coverage. It will seek to establish whether the IFE's activities in areas such as acting as an intermediary in buying commercial time and media monitoring contributed to improvement in the quality of information broadcast by TV and Radio.

### **7.1 Evolution of the prerogatives in radio and television access**

This section will include an account of the development of the regulations on media access, by political parties in Mexico, through the different electoral reforms until the 1990 reform. Unsurprisingly the issue of access to the media by political parties was not considered in the electoral legislation until 1973, when the Federal Electoral Law granted political parties free access to radio and television broadcasting for the first time.<sup>2</sup> This delay was caused by the nature of the "hegemonic party system" that governed Mexico until the late 1960's where both free and paid access to the media was reserved only for the official party, the PRI. In addition to this, the media had no interest in the opposition and was completely closed to political alternatives to the PRI.<sup>3</sup> After the political instability caused by the repression of the students' protests in 1969 and the

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<sup>2</sup> Through a presidential act in 1969, it was established that the State would make use of 12.5% of the broadcasting time of radio and television channels. These transmission times were supplied to the parties through the Inter-secretarial Commission of Radio diffusion of the Ministry of the Interior." *The Mexican Electoral System and the Federal Election*. IFE. 1997, p.159-160.

<sup>3</sup> Interview, Ricardo Becerra, political academic and advisor to the President Councillor 1996-2000 (IFE), Mexico City, 22 November 2004.

successive protests for democracy, the government started giving concessions to political parties, free media access being one of them. Officially, the introduction of this prerogative in the federal Electoral law intended to allow political parties free access to radio and television primarily during electoral periods in order for them to broadcast their electoral platforms.<sup>4</sup> The prerogative granted to political parties stated that “*each political party will have up to 10 minutes of national television and radio broadcasting every two weeks*”.<sup>5</sup> As a result, official air-time reserved for the government was available to political parties. However, regulations were limited and the Government became aware, for the first time, of the importance of the mass media in electoral contests. Legislation followed a presidential act in 1969 that established that the State would make use of 12.5% of the broadcasting time of radio and television channels; these transmission times were allocated to the parties through the Inter-secretarial Commission of Radio Diffusion of the Ministry of the Interior.” Subsequent to this initial step in 1973, the new electoral law created in the electoral reform of 1977, the LFOPPE (the Federal Act of Political Organisations and Electoral Procedures) established that “*free access to radio and TV should be permanent, and that during an electoral period broadcasting time might be increased*”.<sup>6</sup> This regulation was linked to the introduction of a new political parties’ prerogative that established in Art 48, the right of political parties to have permanent access to the mass media (TV and radio).<sup>7</sup> In parallel to the extension of this prerogative, the government created a new special commission to control access to the media called the “Radio Diffusion Commission” which was governed by the Federal Electoral Commission. The permanent character of media access by political parties and its regulation was introduced in the new Federal Electoral Code of 1987. The new code established the right of each party to have 15 minutes per month of broadcasting time and allowed for an increase in time during electoral periods.<sup>8</sup> Additionally, the law stated that all parties had the right to participate in televised debates and radio programmes twice a month.<sup>9</sup> These programmes would be

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<sup>4</sup> The disposal of these official air times was the responsibility of the State to the media; see The Mexican electoral Regime and the Federal Elections of the Year 2000. Section 5. IFE, p.7. & The Mexican Electoral System and the Federal Election. IFE. 1997, p.159.

<sup>5</sup> See The Mexican Electoral System and the Federal Election. IFE. 1997, p.160.

<sup>6</sup> 1997, IFE, p. 159 In the constitutional reform of electoral matters it was established in article 41 paragraph four that political parties would have the right to use the mass media in an equitable manner and according to their electoral strength.

<sup>7</sup> Article 48. Chapter I LFOPPE.

<sup>8</sup> The Mexican Electoral System and the Federal Election. IFE. 1997, p.159.

<sup>9</sup> Ibid. Likewise, it also stated that political parties could request regional transmissions, as long as these programmes did not exceed half of the assigned time for national broadcasting programmes.

coordinated by the electoral authority, through the Commission of Radio-Diffusion.<sup>10</sup> However, this formula was limited as it did not change the marginal presence of the parties on radio and TV and it “*did not consider provisions for increasing the level of infrastructure that they were working within.*”<sup>11</sup> In this context it is worth noting, that for parties such as PAN the biggest problem was the lack of funding to buy TV advertising.<sup>12</sup> Finally, the new electoral legislation approved in the 1990 electoral reform, the COFIPE (Federal Code of Electoral Institutions and Procedures) introduced a formula that increased the broadcasting time for political parties during electoral periods, establishing that such increases would be proportional to the electoral force of each political party.<sup>13</sup> An interesting aspect of the regulation on media access was the introduction of a regulation that guaranteed to keep the tariffs for non-official times, during electoral campaigns, the same as those for commercial advertising”.<sup>14</sup>

Overall, the regulations on media access were quite limited up until 1990. However, after the electoral law of 1990 negotiations between the government and the opposition, were required and the opposition started demanding specific changes in this area. Consequently, the issue of media access became a crucial demand during negotiations in pursuit of strengthening and balancing political parties.

## **7.2 Media access: 1993-1996**

In the period between 1993 and 1996, the issue of access to the media, became a central item in the electoral agenda. The parties participating in the negotiations demanded, not only equal conditions of access to the media during commercial slots, special programmes and publicly financed air time, but also impartial and professional coverage by the media. It was during this period that the IFE adopted a more active role in regulating the use of the media by political parties, and more importantly, acting as an intermediary between media representatives and political parties.

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<sup>10</sup> Becerra, R., Salazar, P. & Woldenberg, J., *La mecánica del cambio político en México*, p.197.

<sup>11</sup> *Ibid.*

<sup>12</sup> Interview, Marcos Baños, Executive Director, Professional Electoral Service Executive Board. (IFE), Mexico City, November 16 2004.

<sup>13</sup> *The Mexican Electoral System and the Federal Election*. IFE. 1997, p.159. The COFIPE established that “*during that period at least one half of the time assigned to each political party might be used for the dissemination of the party’s electoral platform*”

<sup>14</sup> Becerra, R., Salazar, P. & Woldenberg, J., *La mecánica del cambio político en México*, p.260.

The 1991 midterm elections which were the first elections under Salinas' government, and the first organised by IFE, were recognised as legal by most of the parties. However, inequalities in electoral competition, including limited access to the media by the opposition and the partial media coverage of the parties' campaigns triggered a new round of reforms. Partiality of the news programmes was a long standing problem in Mexico. During the PRI hegemony, not only public TV and radio were under government control but also the private media.<sup>15</sup> In addition, the PRI who had access to public resources was the only party able to purchase electoral advertising, thus creating a commercial relationship with the media owners. Because of these constraints, the media, especially the radio and TV news programmes, were heavily criticised for their lack of impartiality. Indeed, during the 1988 Presidential elections the Mexican mass media was highly condemned. Becerra notes, that the lack of media coverage in the "Televisa" and radio news programmes of the most attended public meeting since 1968, addressed by the presidential candidate, Cuauhtémoc Cárdenas, demonstrated how biased the media was.<sup>16</sup> By 1993, inequalities in media access by political parties, especially in resources for purchasing of advertising and partial coverage by media representatives were central issues in the negotiation of the reform. As the changes had to be negotiated, these issues were specific to opposition demands with the clear objective of increasing their level of competitiveness. As stated earlier, the demands relating to issues of party finances and media access were related to the strengthening of the opposition in the party system. As a result, the media was forced to acknowledge the changing situation. Becerra notes, that as long as there was no strong opposition, having a media closed to alternatives to the PRI, was not a big concern. However, when the opposition began to emerge, and the media was criticised the situation changed.<sup>17</sup> In addition to this, changes in the media also resulted from changes in the economic system. For instance, the privatisation of the national television (public channel) by Salinas, led to the emergence of other private TV companies, which were available to

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<sup>15</sup> Interview, Francisco Bedolla Advisor to the Executive Director of Professional Electoral Service, Electoral negotiator and political academic (IFE), Mexico City, 17 November 2004. As the PRI-government used to own the biggest paper factories, the newspaper owners were manipulated and controlled by the PRI. In the case of TV, there was only one TV conglomerate called "Televisa", which was openly owned by PRI members.

<sup>16</sup> Interview, Ricardo Becerra, political academic and advisor to the President Councillor 1996-2000 (IFE), Mexico City, 22 November 2004.

<sup>17</sup> Interview, Ricardo Becerra, political academic and advisor to the President Councillor 1996-2000 (IFE), Mexico City, 22 November 2004.

other parties, but only for the competition.<sup>18</sup> During the negotiations of the reform, the opposition was already concerned with three aspects: the use of air time on radio and TV by parties, the purchase of advertising and the media coverage of political parties' campaigns in the news.<sup>19</sup> Thus, in respect of the issue of media access, the debate for the 1993 electoral reform centred on the regulations for purchasing electoral advertising and the conduct of the news programmes.

### **7.2.1 Main regulation on media: content of the 1993 electoral reform**

The first aspect to highlight in the law was the disposition that “granted political parties the exclusive right to buy broadcasting time to disseminate information directed towards the acquisition of votes”.<sup>20</sup> This was intended to promote fairer conditions for buying broadcasting time on radio and TV. Additionally, the reform established that this right to hire broadcasting time on radio and TV, for electoral campaigns, was limited exclusively to electoral campaign periods.<sup>21</sup> This was the first time that the Electoral Code had regulated on this subject.

Another significant aspect of the reform was the empowerment of IFE by adding an additional role that would be developed in future reforms: the role of being an intermediary between the political parties and the media access. The IFE's “*mediator functions*” would focus on achieving a balance on media coverage and on guaranteeing that all parties would have access to purchase electoral advertising without discrimination or exclusions. Firstly, due to the political parties' demand for improvement in the quality of information broadcast, the reform allowed members of the General Council of IFE to have meetings with the National Chamber of Radio and Television Industry, in order to propose guidelines to be applied on the broadcasting of the political parties' campaign activities in radio and TV news programmes.<sup>22</sup> In this context, in each federal electoral process, the Executive Director of Prerogatives and Political parties, was required to hold a meeting with the Commission of Radio Broadcasting of the IFE and with the National Chamber of Television and Radio Industries, in order to set general guidelines to be applied to news broadcasts involving

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<sup>18</sup> Interview, Jorge J. Romero, Advisor to President Councillor (IFE), former member of Democracia Social and political academic, Mexico City, 15 November 2004.

<sup>19</sup> Becerra, R., Salazar, P. & Woldenberg, J., *La mecánica del cambio político en México*, pp.298-299.

<sup>20</sup> *The Mexican electoral system and the Federal election*. IFE. 1997, p.160.

<sup>21</sup> Report on the electoral Process of 1997, IFE, p.160.

<sup>22</sup> *Ibid.*

information or communication on campaign activities of political parties.<sup>23</sup> The guidelines given to the media representatives included a format for campaign coverage, criteria for objectivity, quality, possibility of correction or clarification of information, rectification, a fair allocation of broadcasting times and an evaluation of the importance of the news generated. This was provided as part of a scheme of communication and joint responsibility between the press offices of the parties and the media, with specifications in the case of information or paid message and with strict respect for the private lives of the candidates, civil servants and party representatives.<sup>24</sup> As a result of this regulation, the IFE started listing the guidelines to be followed by the media during the 1994 electoral campaign. Its intention was to reduce the enormous imbalances in media coverage of different political campaigns through the adoption of agreements on regulations.<sup>25</sup> Secondly, and with the purpose of avoiding inequality among the parties while buying commercial advertising, the law established a mechanism that empowered the IFE, through the Communication Secretary, to act as a mediator in the process of buying air time. Those in charge of granting concessions and licences had to present a catalogue of schedules and available tariffs for the acquisition of air time for use by political parties during two periods.<sup>26</sup> The IFE had to obtain this catalogue of time and tariffs and make it available to parties who, in turn, had to communicate in writing to the stations, channels and schedules in which they had an interest in buying air time. The law established that outside those times the parties were not allowed to contract advertising. This measure was an attempt to prevent any media-concessionary denying the sale of advertising to a specific party and it was also intended to balance the presence of the parties on the radio and television to avoid unfair play. As a result the IFE, for the first time, began to adopt a more active and autonomous role in the political arena by giving recommendations to the media and parties. This not only prompted the political parties to demand more functions from the electoral authority but it also created a different perception of the government institution.

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<sup>23</sup> The Mexican Electoral Regime and the Federal Elections of the year 2000. IFE, p.8.

<sup>24</sup> Ibid.

<sup>25</sup> Between December 1993 and January 1994 the nine parties obtained consensus on a list of general guidelines to be applied on radio and TV during the broadcasting campaigns of the political parties. The achievement of this consensus was significant because political parties agreed on another aspect to be introduced in the Electoral Code (COFIPE). Interview, Rosa M. González, member of the Federal Electoral Institute (IFE), Mexico City, November 2004.

<sup>26</sup> The first is from 1<sup>st</sup> February to 31<sup>st</sup> March of the election year (solely for the purpose of presidential campaigns) and the second from 1<sup>st</sup> April up to three days before the day of the elections (for all federal campaigns). The tariffs may not be greater than those for commercial advertising. Report on the electoral Process of 2000. IFE, p.7.

### 7.2.2 The 1994 electoral reform: the 1994 elections

Following the 1993 electoral reform, the 1994 reform introduced additional changes related to the mass media. It is worth remembering that the decision to negotiate a new reform in 1994, just before the presidential election, was the result of a series of dramatic events, such as the Zapatista rebellion in Chiapas and high class political assassinations, which prompted the parties to ensure the democratic option of choosing elections over other violent methods. Therefore, the reform, which was negotiated by the main political parties contending in the elections and the government, intended to ensure the credibility of the elections. Important changes in the membership of the General Council of the Federal Electoral Institute increased its active role not only in promoting new regulations but also in implementing various measures. Among the most important regulations on media access promoted by the General Council of IFE were: first of all, and as a direct demand from the parties, additional radio-air time was allocated to the IFE's budget, to be distributed among the political parties according to their political strength. It was agreed to grant up to 180% of additional time to each political party to promote their campaign.<sup>27</sup> In addition, and at the final stage of the electoral campaign, the IFE agreed with the National Chamber of Industry of the Radio and Television to broadcast 116 daily radio messages, to be allocated amongst the parties according to their electoral force.<sup>28</sup> Secondly, during the electoral campaign, the IFE urged the media to provide impartial and objective electoral coverage, for which, an agreement exhorting electronic mass media to respect the right of citizens to be informed was approved. Another significant measure was the decision to suspend the broadcasting of parties' propaganda on radio and TV 10 days before the election, with the exception of information relating to the closing of electoral campaigns, as the large television and radio companies agreed to fully cover the live closing campaign of all parties.<sup>29</sup> Furthermore, and in response to another demand of the opposition, president Salinas decided to cancel all broadcasting information and advertising related to the social programmes of the government twenty days before the election.<sup>30</sup>

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<sup>27</sup> 180% of additional time was applied to the time allocated during the 1994 reform. See report on the 1994 electoral process. IFE.

<sup>28</sup> See report on the electoral process of 1994. IFE.

<sup>29</sup> Report on the Electoral Process of 1997. IFE, pp.160-61.

<sup>30</sup> Ibid.

### 7.2.3 Monitoring in the media

The introduction of monitoring tasks on media coverage was one of the most important aspects of the 1993 reform. It not only proved to be efficient in exposing the unequal treatment by the media in the coverage of parties' activities, but showed the need for further reforms in this area. At the negotiation table, the parties used a pioneering monitoring study that calculated the total time that news programmes dedicated to the 1988 elections.<sup>31</sup> The results of the study showed that nearly 90% of the total time dedicated to electoral campaigns in the news was concentrated on Salinas' campaign, leaving just 3% for the PRD.<sup>32</sup> As a result of the PRD's proposal that had been presented in the Commission of Radio diffusion of the IFE, it was agreed to carry out systematic monitoring of the main TV and radio news programmes during the 1994 electoral campaign.<sup>33</sup> Once the monitoring process was completed, the General Council issued its recommendations based on the monitoring. The decision to carry out this monitoring, although promoted by the PRD, was a strategy devised by IFE to put pressure on the media in order for it to be liberated.<sup>34</sup> Along with the monitoring carried out by the IFE, the electoral institution employed the private company Delfos<sup>35</sup> to undertake qualitative monitoring. In parallel, other non governmental organisations, such as "Alianza Cívica" carried out media monitoring.<sup>36</sup> The intention was to verify the conduct of the main television and radio news programmes. The work carried out by several non governmental organisations was grouped around Alianza Cívica ("Civic Alliance") and became very significant as it preceded and exemplified the work that IFE would develop.<sup>37</sup> As was anticipated by the opposition, the results of the different monitoring processes showed partiality and inequality in media coverage during the

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<sup>31</sup> Interview, Ricardo Becerra, political academic and advisor to the President Councillor 1996-2000 (IFE), Mexico City, 22 November 2004.

<sup>32</sup> Interview, Ricardo Becerra, political academic and advisor to the President Councillor 1996-2000 (IFE), Mexico City, 22 November 2004.

<sup>33</sup> See PRD proposal. Report on the Electoral Process of 1994. IFE.

<sup>34</sup> Interview, Rosa María González, member of the Federal Electoral Institute (IFE), Mexico City, 4 October 2004.

<sup>35</sup> In the ordinary session of the General Council of IFE on 18 June 1994, a first exhortation to the media was conducted according to the approved guidelines and was agreed at the same time as that of the Commission of Radio. These were advertised and won by the company Delfos Communication.

<sup>36</sup> For the report on the monitoring carried out by Alianza Cívica, see Monitoring report on the electoral campaigns on radio and television during the 1994 and 1997 elections. Cuaderno de Trabajo, 2000.

<sup>37</sup> It worth noting that Civic Alliance, since its creation in 1994 was involved in tasks related to electoral observation and campaigns for the promotion of electoral reforms. It was also one of the first organisations to demand electoral transparency and free access to information. For a more detailed information about this organisation see <http://www.alianzacivica.org.mx/quienes.html>

1994 elections. The monitoring carried out by the IFE showed that in the first period of analysis the PRI occupied 49% of the total coverage.<sup>38</sup> It also showed that the media was unaware of, or failed to follow, the guidelines given by the IFE. Also, similar to the IFE's results,<sup>39</sup> the six weekly reports on media monitoring carried out by "Delfos" demonstrated that the PRI commanded more than 40% of the attention in the news.<sup>40</sup> Following the two periods of monitoring, IFE prepared a report "on the fulfilment of the general guidelines applicable in the radio and television news programmes" and with its partial results, the General council tried to rectify or re channel the media that had not followed the public recommendations.<sup>41</sup> The monitoring results put pressure on the main media owners, who decided to grant time (three programmes of 15 minutes in primary timetables) free to all parties taking part in the 1994 election. Becerra notes that in the case of Mexico, the more impartial and independent media were a product of the same process of transition, as the electoral strength of the parties and the electoral system had to develop before the media did.<sup>42</sup> This seems to invert the causal process of cause and effect in change. Finally, another aspect of the electoral campaign that proved to be a break through, in the significance of the media in elections, was the decision to hold the first televised debate between the three candidates of the main political parties. This was a political agreement without precedence; the three candidates of the 1994 election (Zedillo, Fernández de Cevallos, and Cárdenas) agreed to have a debate on television to put forward their programmes and ideas.<sup>43</sup> The day before the debate, the three presidential candidates of smaller parties, also obtained air time on television, both private and public, to conduct their own debate.

In general, the reform and the electoral campaign that followed, contributed to the acknowledgment among parties, government, media and the IFE itself, that more regulation in this area was needed. Among the parties, the agreement on pushing for more reforms in this area was in place. For the government, the issue was a concern, as it could become a problem in the coming reforms. And finally, for the IFE, it was a

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<sup>38</sup> Interview, Ricardo Becerra, political academic and advisor to the President Councillor 1996-2000 (IFE), Mexico City, 22 November 2004.

<sup>39</sup> After 22 June 1994, that work was initiated (list of programmes and news analysed). A month later on 20 July the first fortnightly report was presented that revealed an unequal distribution in the news programmes. (Mec pp. 343-344)

<sup>40</sup> See Becerra, R., Salazar, P. & Woldenberg, J., *La mecánica del cambio político en México.*, p.340.

<sup>41</sup> *Ibid.*, p.341.

<sup>42</sup> Interview, Ricardo Becerra, political academic and advisor to the President Councillor 1996-2000 (IFE), Mexico City, 22 November 2004.

<sup>43</sup> For the opinions on the televised debate between the PRI, PRD and PAN candidates see *El Mes* (from April 17 to May 18). *Voz y voto*. June 1994; (16): 46.

major problem that needed to be resolved as a matter of urgency. First of all, the IFE could not afford confrontation among the parties based on inequality of media access and coverage, as it had been established that IFE's objective was to ensure fair elections. Secondly, among the increasing responsibilities of the electoral authority, the implementation of fair media access and treatment were the issues most demanded by political parties.<sup>44</sup>

#### **7.2.4 The media regulations in the 1996 electoral reform**

As occurred with party finances, by the 1996 electoral reform, the issues of equal conditions in media access and media coverage were at the centre of the negotiations.

First of all, the existing formula for distribution of air time, that established an increase in broadcasting time during electoral times according to the parties' electoral strength, was substituted by a more precise and balanced formula. The new formula for regulating political parties access to radio and TV during electoral periods was the following: 30% of free additional time to be distributed evenly between parties with parliamentary representation and the remaining 70% to be distributed according to their political strength.<sup>45</sup> Additionally, and with reference to this, it was agreed that the radio and television concessionaries must transmit the programmes of the parties and the IFE at peak audience times.<sup>46</sup> In addition to the new distribution formula for broadcasting time, the law introduced two important regulations intended to increase the publicity of the parties' candidacy in the electronic media during electoral periods. In addition to the free 15 minutes monthly that each political party had on a permanent basis, the law established the following free air time for all parties: 1) For presidential elections, the assignment of up to 250 hours of transmission on radio and 200 on TV, 2) For intermediate legislative elections, these amounts would be cut in half to 125 hours on radio and 100 on TV, and 3) the law established that the IFE would also obtain up to 10,000 promotional minutes on radio and 400 on television, with a period of 20 minutes to then be distributed among the parties.<sup>47</sup> The law established that these times could

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<sup>44</sup> Interview Francisco Bedolla. Member of IFE. Bedolla notes that these parties' demands for fairer media treatment were first presented in an informal meeting inside IFE. These issues were then discussed in the General Council of IFE. This showed how IFE started to promote this process. See IFE: Esperando a Godot. *Voz y Voto*. Abril 1994; (14): 50. Session of the IFE (February 28) and ordinary session (March 1994).

<sup>45</sup> The Mexican Electoral System and the Federal Election. IFE. 1997, p.161.

<sup>46</sup> Becerra, R., Salazar, P. & Woldenber, J., La mecánica del cambio político en México, p.440.

<sup>47</sup> The Mexican Electoral Regime and the Federal Elections of the year 2000. IFE, p.7., Becerra, R., Salazar, P. & Woldenber, J., La mecánica del cambio político en México, p.440.

only be used during electoral periods and for campaign activities. Another aspect of the reform was the introduction of a new procedure for the allocation of broadcasting time, in situations where more than one party was interested in contracting the same time schedules or channels.<sup>48</sup> The law set up an equal procedure controlled by the IFE, where the available time would be divided between the parties.<sup>49</sup> This formula was clearly intended to promote “equity” in the conditions of competence, as it did not benefit the stronger parties. In reference to the behaviour of the mass media the reform and, as a direct consequence of the monitoring tasks in 1994, the law reinforced the success of the monitoring task of the IFE. First of all, the law allowed the Commission of Radio Broadcasting to carry out sample monitoring of transmission times of political party campaigns in the media news programmes. The idea was for the Commission to report on this to the General Council of IFE.<sup>50</sup> Secondly, the law prohibited a third party from acquiring air time for propaganda either in favour or against any political party.<sup>51</sup> Nonetheless, while acknowledging the positive outcome of the new law, the issue of media regulations was still a concern among parties. Firstly, as a result of the large amount of money that was allocated to parties in the 1996 reform to spend on campaigns, electronic media, especially TV, became the most used instrument to promote electoral campaigns. This caused a new context of “electoral marketing”, as up to 70% of the total funding that the parties received was spent entirely on TV. The so called “*fiesta del dinero*” generated illicit relationships between the media and the parties.<sup>52</sup> Among other complaints was the criticism of the over-use of the media in politics, as it not only presented partial information but also increased the cost of electoral campaigns enormously.<sup>53</sup> For instance, the PAN, in its criticism of the lack of regulation of the mass media, supported the idea of adopting a model similar to the European system that included stricter regulations on the use of the mass media and

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<sup>48</sup> “Once the procedure for distribution and assignment is concluded, the IFE should make known to each political party the corresponding times, stations, and channels so that it may proceed directly to its acquirement, informing simultaneously to the people in charge of issuing the concessions and permits for the times and schedules that each party is authorised to acquire.” The Mexican Electoral Regime and the Federal Elections of the year 2000. IFE, p.8.

<sup>49</sup> Becerra, R., Salazar, P. & Woldenber, J., *La mecánica del cambio político en México*, p.441.

<sup>50</sup> The Mexican Electoral Regime and the Federal Elections of the year 2000. IFE, p.8.

<sup>51</sup> *Ibid.*

<sup>52</sup> Interview, Jorge J. Romero, Advisor to President Councillor (IFE), former member of Democracia Social and political academic, Mexico City, 15 November 2004. Romero notes that as the biggest parties were able to spend an enormous amount of money on TV (and the law allowed it), the media concessionaries supported the parties positive media coverage on the news programmes in exchange for an advertising contract.

<sup>53</sup> Interview, Alejandro Zapata, Secretary of the National Executive Committee of PAN, Mexico City, 28 October 2004. Zapata comments on the need for stricter regulation of the mass media, citing Giovanni Santory’s book “Homobidis”, that said that everything is what the media says it is.

encouraged the media to be more balanced.<sup>54</sup> Other critics favoured the idea of introducing a “*bolsa de medios*”, a limited amount of broadcasting time for each party, regulated and controlled by the IFE.<sup>55</sup>

In the section relating to the stipulation that regulated campaigns, the law gave political parties, candidates and coalitions the right to clarify any information presented by the mass media during electoral campaigns, whenever they considered that this information had misrepresented certain facts or situations related to their activities or personal traits”.<sup>56</sup>

### 7.2.5 The IFE and the media

On examining the content of the successive electoral reforms that took place between 1990 and 1993, it becomes clear that attention on the issues of media access and party funding changed from being residual to being the centre of discussion. Along with increasing party competition and as a result of changes in the promotion of modern political parties, the nature of electoral campaigning also changed. The use of electronic media, Radio and TV became the most sought after and used instruments for political campaigns. As the electoral reforms from 1990 had to be negotiated with the opposition, many of the modifications to the electoral law and new regulations were responses to demands from the opposition. Two of the most common demands from the opposition were for greater equality in access to the media and greater objectivity in media coverage. Over time and as a result of the various electoral reforms of the IFE, the electoral authority acquired responsibilities relating to the administration and distribution of broadcasting time. In 1993, in response to a request from those who took part in the negotiations, the IFE became a “mediator” between the parties and the media. This new role increased IFE’s credibility as an autonomous body. First of all, since the parties negotiated these regulations which empowered IFE, it was apparent that they already trusted it. Secondly, by receiving such important responsibilities the exigency of IFE became more effective. In addition to this, another aspect that increased trust in IFE was the 1993 decision to empower IFE to acquire slots in the media that were to be

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<sup>54</sup> Ibid. Zapata on this point suggested that he would even support radical measures such as the total prohibition of electronic media in electoral campaigns

<sup>55</sup> Interview, Ricardo Becerra, political academic and advisor to the President Councillor 1996-2000 (IFE), Mexico City, 22 November 2004.

<sup>56</sup> The Mexican Electoral System and the Federal Election. IFE. 1997, p.161.

distributed amongst the parties.<sup>57</sup> It could also be said that the different activities carried out during the 1994 elections, such as the monitoring of media coverage, allowed the electoral authority to gain credibility among the parties, especially the opposition. It is worth noting that the IFE's reports on news coverage monitoring in the 1994 elections showed a clear inequality in media access. Such reports were welcomed and analysed by the parties, who perceived the electoral authority as more professional than before. It is worth remembering that the opposition, especially the PRD, did not trust IFE's ability to perform as an impartial electoral authority because of its connection with the government. Nevertheless, many of IFE's activities before it became independent from the executive were accepted. It seems that in 1994, once the "citizens councillors" substituted the "magistrate councillors" in the General Council of IFE, their tasks became more welcome. By the time of the last electoral reform in 1996, the IFE was responsible for distributing official time on radio and television through the Radio Diffusion Commission. It was also acting as a mediator in buying commercial air time from media concessionaries. The intention of allocating these tasks to the electoral authority was to ensure equal conditions for all parties, regardless of popularity and resources, in order for them to broadcast their message to obtain votes. The reformist practices of the legal frame, together with the electoral processes, showed that the parties, the government and the IFE intended achieving fairer conditions in the political competence, through dealing with two important aspects: a) financing of the parties and b) access to the media. All the cumulative regulations that were negotiated and then approved were applied to the electoral processes of 1994, 1997 and 2000. This contributed to the conformation of an electoral system with more balanced access to the media by political parties and more impartial media coverage.

### **7.2.6 Access to the media in the electoral processes**

The following section will show comparative analyses in respect of the process of achieving access to the media by the contesting parties during the 1991, 1994, 1997 and 2000 elections. It is important to remember that in the 1988 elections, despite being highly contested, the PRI still commanded most of the resources that were used in the

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<sup>57</sup> "This function given to IFE was a direct demand of the parties and it showed how the parties started using IFE as a channel to process consensus on electoral matters". Interview, Isabel Hernández, member of the Federal Electoral Institute, Civic Education (IFE), Mexico City, 3 November 2004.

media.<sup>58</sup> Then in 1991, with the new electoral law COFIPE approved the new electoral authority IFE and the aim was to organise transparent elections, as the issues of party financing and media access were still germinal among political parties. It was not until 1993 that the financing issue and media access became the centre of discussion among reformists. In 1994 the first system for regulating income and expenditure of the parties, with its legal and political limitations was applied. In order to examine the extent to which the new regulations on party financing and media access improved the conditions of competition in the electoral process, it is necessary to analyse the federal electoral processes of 1994, 1997 and 2000. A comparative analysis will be presented firstly of the public funding received by political parties and campaign expenditure ceilings in the elections, and secondly of media coverage of the parties during elections.

### **7.2.7 The involvement of IFE in the media.**

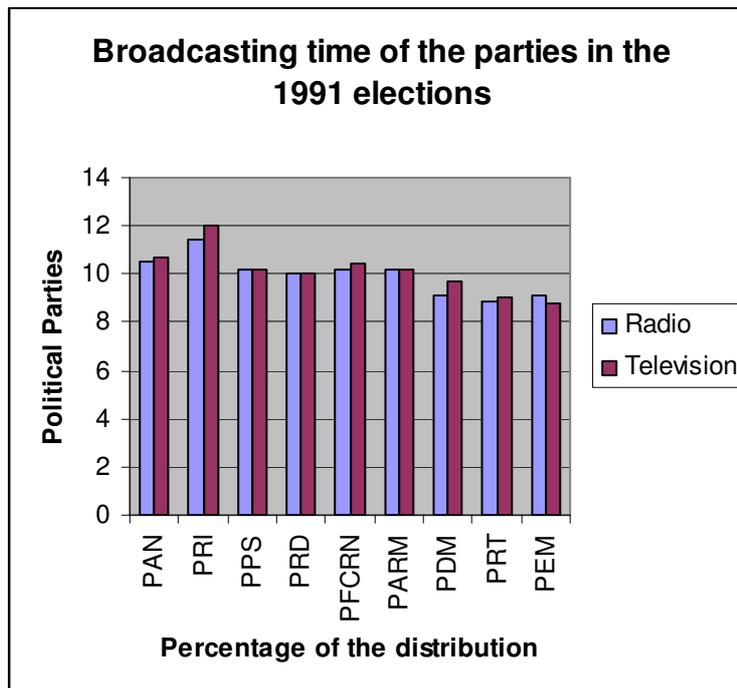
IFE's first involvement in relation to the media and political parties began in the midterm elections of 1991. The IFE, through the Executive Board of Prerogatives and Political Parties and the Commission of Radio Diffusion, assumed responsibility for the administration and regulation of broadcasting time granted to the parties to advertise their campaigns. However, at this time, as a result of the recent controversial 1988 elections, both political actors and the IFE were more focused on aspects relating to the organisation of the process such as transparency and the counting process. The issues of media access and coverage were not major concerns. There are few studies on access to the media. The study carried out by Sanchez Gutierrez, on the distribution of broadcasting time in the electoral campaign in 1991, found that there was a balanced distribution of official broadcasting time among parties.<sup>59</sup> Section three of this chapter explains the background and existing legislation relating to media access by political parties covering the period between 1973, when the first legislation granted political parties free access to radio and television broadcasting and the 1996 electoral reform that introduced a more balanced and accurate series of regulations in this area. Despite regulations in this area, the issue of media access was not a main concern until

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<sup>58</sup> During the 1988 elections, TV and radio were practically closed to the opposition parties. The press was also manipulated by the PRI, although there were still some independent journals and newspapers such as Progreso. Interview, Mauricio Merino, political academic and Electoral Councillor 1996-2000, General Council (IFE), 17 December 2007. See *Proceso*. June 20 1988; (607): 28-30. Critics suggested that the TV and radio owners favoured Salinas giving him free airtime and opportunities for propaganda.

<sup>59</sup> See Sánchez Gutiérrez, A., *Los partidos políticos: la competencia de 1991*, in Arturo Sánchez (coord). *Las elecciones de Salinas, un balance crítico a 1991*. México: Plaza Valdés-Flacso, 1992, pp.117-118.

the last two electoral reforms', where negotiations between parties concentrated on ensuring equal opportunities in the electoral contest, based on the rights and prerogatives of the political parties. From 1993 efforts focused on defining guarantees and conditions of access to the mass media by political parties", and the IFE became both the enforcer and the supervisor of the right application of these regulations. The following section analyses the monitoring tasks carried out by the IFE during the 1994, 1997 and 2000 elections, in order to see how the electoral authority went from being supervisor of this task to being the main enforcer.



Source: Sanchez Gutiérrez, Arturo

**Table 7.1. Broadcasting time of the parties in the 1991 elections.**

Party	Radio %	Television %
PAN	10.5	10.7
PRI	11.4	12.0
PPS	10.2	10.2
PRD	10.0	10.0
PFCRN	10.2	10.4
PARM	10.2	10.2
PDM	9.1	9.7
PRT	8.9	9.0
PEM	9.1	8.8

Source: Monitoring report on the the political parties' electoral campaigns on radio and television news programmes carried out by IFE in 1994-1997. Executive Board of Prerogatives and Political Parties. IFE April 2000. Cuaderno de Trabajo Número 1.

Sánchez Gutiérrez acknowledged that equal distribution of broadcasting time was not matched in media coverage of political parties in news programmes.<sup>60</sup> Following the elections and along with the increasing significance of the issues of media access and coverage, during the 1993 and 1994 electoral reforms the need for introducing monitoring activities became essential. As noted earlier, following the elections and taking account of different proposals from various political parties, in the 1994 electoral reform a new mandate was added to the electoral code, "COFIPE". The mandate stated that the IFE had to hold meetings with the National Chamber of Radio and Television Industry to set general guidelines on the broadcasting of the political parties' campaign activities to be applied in radio and television news programmes. The General council of IFE signed an agreement, on 18 June 1994, which formulated recommendations to the media representatives relating to the diffusion and broadcasting of political parties' campaign activities for the 1994 elections.<sup>61</sup> This agreement exhorting the electronic mass media to respect citizens' rights to be informed was approved in order to render

<sup>60</sup> See Sánchez Gutiérrez, A., *Los partidos políticos: la competencia de 1991*, p.19.

<sup>61</sup> General Council. IFE. Agreement signed in June 1994. IFE.

information truthful and balanced in news programmes. This was a response to the demands of political parties in relation to the lack of adherence of most radio and television news programmes to the general guidelines relating to information on campaign activities.<sup>62</sup> As a result, the General Council of IFE instructed the Commission of Radio diffusion to verify the news coverage during the electoral campaigns of the 1994 elections, which had started on March 19. The monitoring process to be carried out by IFE covered seven radio and nine TV news programmes and was to be completed by 30 June 1994.<sup>63</sup> The objective was to check whether the media followed the IFE's guidelines given to the electronic media through the National Chamber of the industry of TV and Radio, in respect of balanced, impartial and objective coverage of the candidates and political parties contesting in the elections.<sup>64</sup> The resulting report from this first period of monitoring, carried out by IFE between 22 June and 5 July and presented in its session on 20 July, showed that most of the media failed to comply with the guidelines.<sup>65</sup>

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<sup>62</sup> Report on the Electoral Process of 1994. IFE, p.223.

<sup>63</sup> The monitored television news programmes were the following: 24 Horas (Channel 2), Hechos (Channel 7), Para usted (multivisión), Muhas noticias (Channel 9), Enlace (Channel 11), Por por Punto (Channel 5), 24 Horas de la tarde (Channel 2), Al despertar (Channel 2), A primera Hora (Channel 13). The monitored news programmes of radio were the following: Monitor (Radio Red), Informativo Panorama (Estéreo Rey), Enfoque (Estéreo Amistad), Buenos días (Estéreo Cien), Enlace (Radio Mil), Línea Directa (Radio Uno). Monitoring report on the electoral campaigns on radio and TV, 1994-1997, IFE, p.27.

<sup>64</sup> Monitoring report on the political parties' electoral campaigns on radio and television news programmes carried out by IFE in 1994-1997. Executive Board of Prerogatives and Political Parties. IFE April 2000. Cuaderno de Trabajo Número 1, pp.25-28; Report on the Federal Electoral Process, 1994, p.224.

<sup>65</sup> See Becerra, R., Salazar, P. & Woldenberg, J. La mecánica del cambio político en México, p.344.

**Table. 7.2. Radio and Television coverage of political parties June 22 – July 5 1994**

Party	Global	Television %	Radio %
PRI	41%	35.4	44.2
PRD	18.70%	14.6	21.1
PAN	17.80%	15.6	19.1
PT	8.70%	6.9	9.8
PVEM	3.30%	7	1.1
PPS	2.90%	6	1
PDM	2.80%	5.7	1.2
PFCRN	2.50%	4.8	1.2
PARM	2.20%	4	1.2

Source: Becerra, Salazar, and Woldenberg, *La mecánica del cambio político en México*, p.344.

It is worth noting, that despite the results, the political parties accepted the IFE's report as impartial and of good quality and empowered the General Council of the IFE to undertake another three monitoring programmes before August 16, including an analysis of the information generated about the electoral campaigns.<sup>66</sup> The three quantitative "monitoring programmes" were undertaken by the Commission of Radio diffusion while the qualitative assessment was the responsibility of a specialised company called Delfos Comunicación. Subsequently, the General Council again exhorted the media to conduct their coverage with objectivity and responsibility while respecting the rights of the participants in the electoral process and to allow parties the opportunity to clarify factual information.<sup>67</sup> The General Council on its session on August 6, decided to extend the monitoring process from 22 June until 20 August (the election day). Again, through the Executive Direction the IFE organised a series of monitoring processes and the results had to be presented to the General Council every fortnight.<sup>68</sup> It is important to note that this was the first study of this type carried out by

<sup>66</sup> Report on the Federal Electoral Process of 1994, p.223.

<sup>67</sup> Ibid.

<sup>68</sup> Monitoring report on the political parties' electoral campaigns on radio and television news programmes carried out by IFE in 1994-1997. Executive Board of Prerogatives and Political Parties. IFE April 2000. Cuaderno de Trabajo Número 1, pp.25-28. The monitoring tasks would have to take into consideration aspects such as the presence or absence of a block of electoral news, the duration of the news related to every party, the time and place of appearance of each party in relation to the others, the number of times a party appeared in the news programmes during the week,

IFE with the purpose of improving the quality of competition amongst the parties in relation to the broadcasting of their campaigns.<sup>69</sup> On completion of the different monitoring<sup>70</sup> the results were delivered to the General Council for their analysis. The distribution of time dedicated to each political party through news programmes including the sampling during the period of the monitoring (between June 22 and August 16) is shown in percentage terms, in the following table.

**Table. 7.3. Radio and Television coverage of political parties June 22 – August 16**

Political Party	Global %	Radio %	Tv %
PRI	33.4	35.0	30.8
PRD	23.7	26.1	19.5
PAN	19.7	21.7	16.3
PT	7.7	6.9	9
PVM	5.3	3.4	8.3
PPS	2.2	1.2	3.9
PDM	3.4	2.4	5.1
PFCRN	2.7	2.0	3.9
PARM	1.9	1.1	3.2

Source: Monitoring report on the political parties' electoral campaigns on radio and television news programmes carried out by IFE in 1994-1997. Executive Board of Prerogatives and Political Parties. IFE April 2000. Cuaderno de Trabajo Número 1.

The total times given in the “global report on monitoring of radio and television” by the Commission of Radio-diffusion of IFE, in the period from 22 June to 16 August 1994.

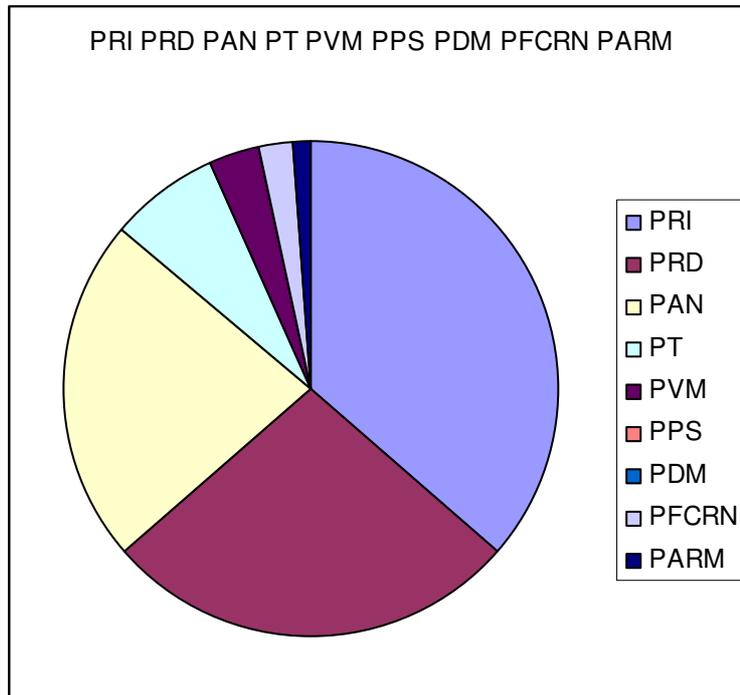
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the distinction between the coverage, informative notes, interviews, analysis of specialists, special programmes and time dedicated to the debates, the number of different notes for parties, and the treatment of information for each party: Radio (quotation and audio, quote and voice, and only quote) Television: voice and image, quote and image, only voice, only image, only quote.

<sup>69</sup> Report on the Federal Electoral Process of 1994, p.224.

<sup>70</sup> The results of the monitoring process carried out by the Commission were handed in to the General Council. These documents were eight weekly reports with intervals from Wednesdays to Tuesdays ( 22<sup>nd</sup> to 28<sup>th</sup> June; from 29<sup>th</sup> June to 5<sup>th</sup> July; from 6<sup>th</sup> to 12<sup>th</sup> July; from 13<sup>th</sup> to 19<sup>th</sup> July; from 20<sup>th</sup> to 26<sup>th</sup> July; from 27<sup>th</sup> July to 2<sup>nd</sup> August; from 3<sup>rd</sup> to 9<sup>th</sup> August; from 10<sup>th</sup> to 16<sup>th</sup> August;), four fortnightly reports (from 22<sup>nd</sup> to 5<sup>th</sup> July, from 6<sup>th</sup> to 19<sup>th</sup> July; from 20<sup>th</sup> to 2<sup>nd</sup> August; and from 3<sup>rd</sup> to 16<sup>th</sup> July), an aggregate with the monitoring of 17<sup>th</sup>, 18<sup>th</sup>, 19<sup>th</sup> of August and a comparative report on the four fortnights that covered the research. Report on the Federal Electoral Process 1994, p. 224.

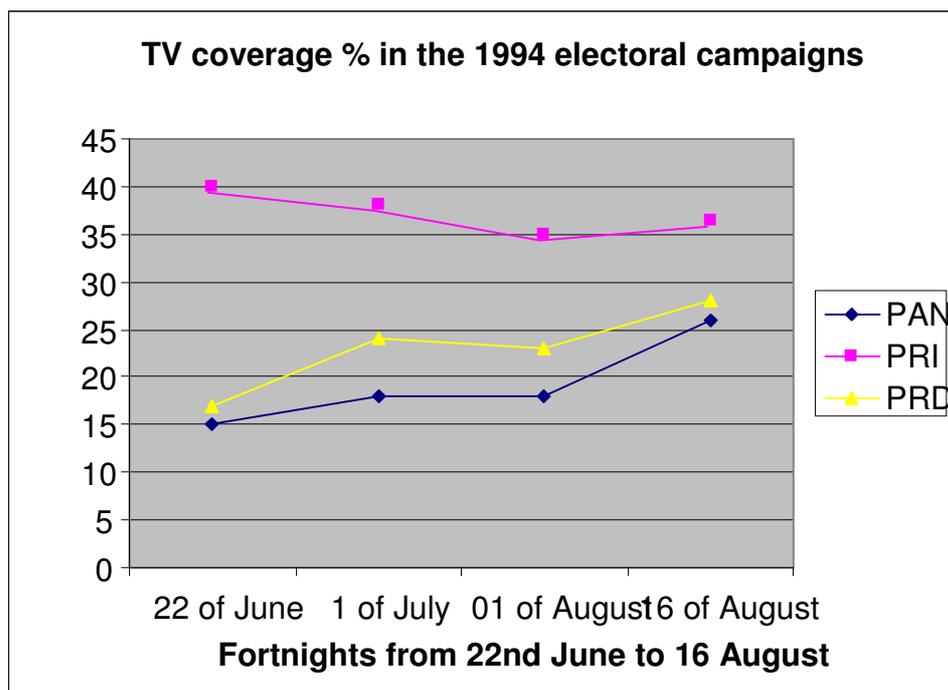
**Report of media coverage by IFE**



Source: created by the author based on the data by R. Becerra, P. Salazar and J.Woldenberg. La mecánica del cambio político en México, p.344.

The graph above shows that the three main parties, PRI, PAN and PRD received similar media coverage both in radio and television. However, the tendencies of media attention altered during the different periods of the monitoring process.

The following graph illustrates the evolution of TV news coverage of the three main parties PRI, PAN and PRD in 1994 .



Source: R. Becerra, P. Salazar and J. Woldenberg. *La mecánica del cambio político en México*, p.345.

The graph shows that although the PRI received almost double the amount of media time at the beginning of the campaign in June, the gap closed progressively, until reaching a difference of only 8 percent between the campaigns of PRI and the PAN, and a significant increase in time taken up by the PRD.<sup>71</sup>

The coverage time dedicated to the PRI showed a general decreasing tendency, but with reversions, during the sixth and seventh weeks (27 June and 9 August). In contrast to the first week, during the eighth and last week of monitoring, TV gave the PRD and PAN more time in its news programmes than it gave to the PRI.<sup>72</sup> The PRD and PAN showed a progressive but irregular command of space over the four fortnights. In the case of radio, monitoring showed that the media coverage was more stable and there was a tendency towards a more equal coverage among the three main parties' campaigns.<sup>73</sup> The PRD and the PAN achieved a percentage of time relatively much

<sup>71</sup> Becerra, R., Salazar, P. & Woldenberg, J., *La mecánica del cambio político en México*, pp.344-445.

Woldenberg notes the command of space by the PRD occupied 26% of the total time, greater than the coverage of the second force, PAN. (The irregularities and temporary breaks in the trends in the graph can give a distorted image of the PAN, as there was a period when the panista candidate temporarily retired from public duties, thus leaving the media short of coverage.

The fortnightly reports revealed a systematic decrease in the space given to the PRI (41%, 37%, 31% and 30% in the respective fortnight), that result was repeated in both TV (35%, 32%, 31% and 27%) and in radio, except in the fourth fortnight in which the tendency ceased but was not reversed (44.2%, 34%, 31% and 33%).

<sup>72</sup> Report on the Electoral Process of 1994. IFE, p.226.

<sup>73</sup> Ibid.

greater on television.<sup>74</sup> In relation to the monitoring of the news programmes on TV and Radio in respect of the six smaller parties (PT, PVEM, PPS, PDM, PFCRN and PARM) the tendency to give them a reduced amount of attention in the media was constant, especially on radio. TV therefore, maintained a more favourable position in relation to the time allocated to party campaigns.<sup>75</sup> The overall evidence from the news programmes coverage shows that between 10<sup>th</sup> and 16<sup>th</sup> August, the campaign closings were the most equal/balanced. Among the positive aspects in this critical period was the broadcasting of campaigns from the same parties on regional TV channels, an advance on the previous electoral processes. However, at national level the PRI's campaign closing was covered much more than the others.<sup>76</sup>

In respect of the qualitative monitoring, the study was carried out by the company DELFOS, that was employed by the IFE and presented six weekly reports on parties' media coverage in news programmes between 11 July and 19 August. The objective of this qualitative monitoring was to detect the existence or lack of favourable or unfavourable editorial comment added to the information by radio or TV presenters in news programmes.<sup>77</sup> In general the conclusions of Delfos were similar to those of IFE. Its evaluation was interesting: only one party, the PRI, commanded more than 40% of the attention on the news. It is important to remember that the information gained through the monitoring carried out by IFE and Delfos, was published in a report by IFE that resulted in general guidelines being introduced for Radio and TV programmes. Subsequently, the IFE attempted to bring into line those sections of the media that did not adhere to the guidelines.<sup>78</sup>

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<sup>74</sup> The general data shows important differences not only between the types of media (radio and television) but also between the different news programmes of the same media. For example, during the critical week from the 8<sup>th</sup> August to 12<sup>th</sup> August, the news programmes "Hechos" of TV gave comparable coverage to the principal parties: to the PRI it gave 30.7% of its space, to the PRD 30.3% and to the PAN 36%. In contrast, a different news programme "24 Horas de la Noche", gave 29.9% to the PRI, almost double the 15.4% that it gave to the PRD. It gave only 8.5% to the PAN and inexplicably gave 12.3% to the PFCRN and 11.6% to the PVEM.

<sup>75</sup> Woldenberg notes that in general (aggregating TV and radio) the evolution of the small parties followed these percentages: 3.7%, 3.1%, 5.3% and 3.7% in the four respective fortnights, having an average global coverage of 3.9% through the period. In addition television maintained a more favourable posture than radio in relation to the times that it gave to the campaigns of these parties; their monitored percentages were the following: (TV) 5.7%, 6.5%, 6.2% and 4.5% in the four respective fortnights, giving an average global through the two months of 5.6%; and in radio the times are: 2.4%, 1.4%, 4.5% and 2.9%, with a global average of 2.8%. Becerra, R., Salazar, P. & Woldenberg, J., *La mecánica del cambio político en México*, p.347.

<sup>76</sup> Report on the Federal Electoral Process of 1994. IFE, p.226.

<sup>77</sup> Report on the Federal Electoral Process of 1994, p.226. In the five week period (from 11<sup>th</sup> July to 12<sup>th</sup> August) qualitative monitoring analysis of radio and television news programmes revealed that 3,446 were not edited and 435 were edited.

<sup>78</sup> See Becerra, R., Salazar, P. & Woldenberg, J., *Mecánica del cambio político en México*, p.341.

Initially, editorial notes were not much in evidence. However, during the 5 weeks of monitoring process it was observed that radio was more inclined to edit information. Secondly, in relation to the bias of the comments, during the first three weeks of the study, a tendency to favour PRI was noted, while the majority of comments on other parties were unfavourable. In the last fortnight all parties received unfavourable comments in equal amounts.<sup>79</sup> Finally, there was no evidence of intrusion on the private lives of the candidates and during the five weeks the parties did not present complaints to the Commission of Radio diffusion relating to the refusal to broadcast clarification on transmitted information.<sup>80</sup>

In parallel to the IFE monitoring through the company DELFOS, the Academia Mexicana de Derechos Humanos and Alianza Cívica (non government organisations) carried out monitoring of six news programmes on television.<sup>81</sup> The aim of the study was to analyse aspects such as, the definition of the informative notes selected within the media, the authors of the notes, the type of material by which they were supported, and the place where the information was generated. The results were as follows.

**Table. 7.4. Radio and Television coverage by non Government Organisations. 1994**

Parties	Television coverage
PRI	29.0%
PRD	19.7%
PAN	14.4%
Rest of the parties	10.4%

Source: Monitoring report on the political parties' electoral campaigns on radio and television news programmes carried out by IFE in 1994-1997. Executive Board of Prerogatives and Political Parties. IFE April 2000. Cuaderno de Trabajo Número 1.

The conclusions of the study were quite similar to those provided by IFE, as the PRI had been shown to have received more media coverage than the other main parties.

<sup>79</sup> Report on the Federal Electoral Process of 1994, p.226.

<sup>80</sup> Ibid.

<sup>81</sup> Monitoring report on the political parties' electoral campaigns on radio and television news programmes carried out by IFE in 1994-1997. Executive Board of Prerogatives and Political Parties. IFE April 2000. Cuaderno de Trabajo Número 1. The news programmes analysed were: 24 horas, Hechos, Enlace, Para usted, Al despertar y Muchas Noticias in Mexico City.

From the above figures it can be seen that there was partiality in the time dedicated to the parties in news programmes.<sup>82</sup>

In addition to the actions taken by IFE to address the conduct of the media, the publication of the conclusion of the monitoring by the offices of the Ministry of the Interior, resulted in the owners of the two biggest TV channels deciding to grant time (three programmes of 15 minutes in prime slots) free to all parties competing.<sup>83</sup> Finally, there was political agreement to grant up to 189% of additional time for electoral radio and TV programmes for the parties. This was in addition to the agreement between IFE and the National Chamber of Industry of Radio and Television to broadcast 116 daily messages distributed amongst the parties according to their electoral strength.<sup>84</sup>

The response of the media can be explained by the context of exigency that put pressure on them to conform. The 1994 elections had shown that there were already institutional means to carry out precise and rigorous monitoring of the conduct of the media and the air time that it gave to politics and that instruments existed to address and correct the irregularities detected in the mass media. It was therefore possible to achieve more democratic standards and to correct the behaviour of powerful institutions.

### **7.2.8 The federal electoral process of 1997 and the media.**

As noted in section 7.2.2 of this chapter, the 1994 elections witnessed two important changes in the conditions of the political system including more competition in electoral processes and the use of electronic media as part of the marketing strategies of the political parties. By 1997 and in preparation for the mid-term elections, the media was central in all electoral campaigns. As a result of the different cumulative regulations in media access, the parties had greater opportunities for accessing the media. First of all, the new formula for distribution of broadcasting time by the IFE approved in 1996, that established 30% distribution of broadcasting time on an equal basis, and 70% in relation to a party's electoral strength, contributed to a more balanced distribution.<sup>85</sup> Moreover, from 1996, parties could access radio and TV through various means including through

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<sup>82</sup> Acosta Valverde, M. Martínez Torres, M., Parra Rosales, M. & Paula, L. (comps). *Las elecciones de 1994 en México vistas por los medios de comunicación: 18 de Julio al 31 de agosto de 1994*, Academia Mexicana de Derechos Humanos Alianza Cívica 1995.

<sup>83</sup> See Becerra, R., Salazar, P. & Woldenberg, J. *La mecánica del cambio político en México*, p.341.

<sup>84</sup> *Ibid.*

<sup>85</sup> As a result of the formula of distribution (70% proportional to votes and 30% equalitarian), the party with less time granted by the IFE had 10.58%, and the one that obtained the most had 18.5%. *Ibid.* p.460.

“special programmes”, through “permanent programmes”, through complementary times additional to those programmes, through promotional slots and by buying themselves broadcasting time with their own resources.

The following table shows the improvements in the 1997 election in relation to the previous election in 1994.

**Table. 7.5. Comparison of access to media by parties 1994 and 1997 elections**

	1994	1997
Permanent times	114 hours	906 hours
Special times	25 hours	208 hours
Promotional slots	5 684	16 792
TV channels	2	20
Radio Frequencies	16	100

Source: Compiled by the author based on reports of the electoral processes 1994-1997. IFE.

The table shows that both permanent and special times increased considerably. As did the number of promotional slots, that increased three fold in 1997. In addition, the increase in the number of TV channels and Radio Frequencies also shows how the media position focused on electoral campaigns.

Another important aspect of the 1996 electoral reform was the legal mandate that established the carrying out of monitoring by the IFE. As noted earlier, the 1997 elections took place under the new legislation approved within the 1996 electoral reform. The new reform regulated the carrying out of sample monitoring on the conduct of the news programmes in all of the 31 states and in the Federal District. Taking as a precedent the agreement of the General Council of IFE, approved in June 18 1994 and other related agreements on media monitoring, the 1996 reform (22 November) established in Art 48, paragraph 48 of the COFIPE, a mandate for the Commission of Radio Diffusion of IFE to carry out sample monitoring of political parties' campaigns in

the news programmes of the mass media.<sup>86</sup> The purpose was to monitor the quality of the news coverage of the campaigns in the 300 districts of the country.

In addition to this, the Commission of Radio Diffusion of IFE, issued to the National Chamber of Industry of Radio and Television, a list of 10 general guidelines to be applied to information on political parties' activities broadcast on TV and radio news programmes.<sup>87</sup> For the 1997 elections, the Commission of Radio-Diffusion of the IFE agreed to carry out two types of monitoring, one at national level and the other at Federal District level.<sup>88</sup> The first one considered a sample of 266 news programmes, 163 on radio and 103 on television. The objective was to measure the times allocated to each party competing in the midterm elections in the 32 states.<sup>89</sup> For the first monitoring task of the deputies and senators campaigns the IFE chose a company based on an open public competition between companies who specialised in media analysis able to cover the five electoral districts and the largest number of news programmes of high rating.<sup>90</sup>

The second monitoring of media coverage of electoral campaigns for the election of Head of Government in FD and the Legislative Assembly of the Federal District was done by the Commission of Radio Diffusion of the IFE and elaborated by a special team set up for that purpose.<sup>91</sup> It took place in FD (between 16 March and 2 July 1997), and like the first, its aim was to measure the amount of time that 19 radio and 15 TV news programmes dedicated to each party competing in the election of Head of Government in the FD. It is important to remember that in 1994 the IFE worked in the FD with a sample of 8 TV and 6 radio news programmes.<sup>92</sup> These two monitoring processes showed the extension of IFE's work as it covered both the electoral campaigns for the

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<sup>86</sup> Monitoring report on the political parties' electoral campaigns on radio and television news programmes carried out by IFE in 1994-1997. Executive Board of Prerogatives and Political Parties. IFE April 2000. Cuaderno de Trabajo Número 1, p.29.

<sup>87</sup> This list of guidelines included 9 of the guidelines considered in June, 18 1994 for the 1994 elections and an additional point. The guidelines are the following 1) objectivity, 2) uniform quality in the management of information, 3) right to clarify, 4) special section of the political campaigns, 5) equal management of broadcasting time, 6) importance of the news, 7) responsibility of the parties and the media, 8) specifications of paid information, 9) respect for private life, 10) distribution of the guidelines and monitoring of their performance. Ibid.

<sup>88</sup> The variables considered in both monitoring were related to the guidelines of the Commission: 1) handling of the times 2) uniform quality in the management of the information 3) objectivity 4) importance of the news, and 5) special section for the campaigns activities in the news programmes. To see the criteria to be monitored in each of the variables see Monitoring report on the political parties' electoral campaigns on radio and television news programmes carried out by IFE in 1994-1997. Ibid. pp.30-33.

<sup>89</sup> Ibid. p.30.

<sup>90</sup> Ibid & Becerra, R., Salazar, P. & Woldenberg, J. La mecánica del cambio político en México, p.460.

The IFE created a competition in which where several marketing companies specialised in media analysis took part, giving the task to a company called Marketing Solutions and Group Industrial MUSA, S.A. de CV.

<sup>91</sup> Monitoring report on the political parties' electoral campaigns on radio and television news programmes carried out by IFE in 1994-1997. Ibid.30.

<sup>92</sup> See Becerra, R., Salazar, P. & Woldenberg, J. La mecánica del cambio político en México, p.460.

Head of Government of the DF and the electoral campaigns for senators and deputies in 300 electoral districts.<sup>93</sup>

It is important to note that the new regulations, and monitoring, created a level of exigency that contributed to more equitable treatment by the media. However, equality was greater in the FD than at National Level.

On completion of the monitoring process, the Executive Board of Prerogatives and Political Parties of IFE presented the conclusions of the monitoring of the time dedicated on radio and TV programmes, to each party during their electoral campaigns in 1997.

The following table shows the results obtained by the monitoring in the Federal District and at National level in the 1997 midterm elections.

**Table. 7.6. Media coverage in Mexico City and in the country during the mid-term election in 1997**

Party	Federal District		National	
	Radio%	% television	Radio%	% television
PAN	26.73	23.94	22.65	20.86
PRI	29.5	24.08	42.77	41.32
PRD	27.64	24.83	22.07	17.71
PC	3.71	5.18	1.75	3.53
PT	4.37	5.64	5.47	10.37
PVEM	4.71	7.65	2.45	2.28
PPS	1.24	3.61	1.45	1.91
PDM	2.11	5.08	1.39	2.02
Total time	321 h 11'31"	62h 42'14"	616h 50'55"	258h 13'43"

Source: Executive Board of Prerogatives and Political Parties. IFE. April 14 1999, p.5.

<sup>93</sup> Ibid.

The table shows that the tendency to dedicate broadcasting time to the three main parties continued in the 1997 midterm elections. Although at national level the PRI received nearly double the attention that the PAN and PRD did. Another interesting finding of the monitoring in the FD was the general increase of media attention in all parties due to the fact that it was the first election of this type.<sup>94</sup>

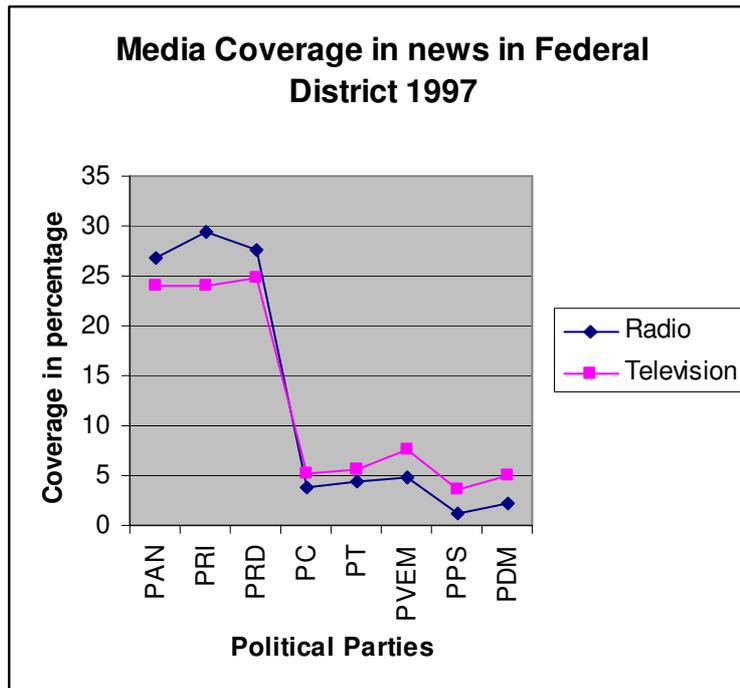
Examination of the two graphs below, shows that aggregated data gathered in more than four months revealed that there was a contrast between the coverage of parties at national level and in the Federal District. First of all, the monitoring demonstrated that the three main parties received similar media attention in the news in the FD. Woldenberg notes that from 16 March to 21 June the amount of time dedicated to the political campaigns in the electronic news programmes of the FD was impressive: 273 hours and 40 minutes on radio and 54 hours and 26 minutes on TV.<sup>95</sup> In the FD, the total distribution of time dedicated to each party on radio and television, was : PAN, 25.45%, PRI, 26.22%, PRD, 26.11%, PC, 4.47%, PT 5.2%, PVEM, 6.49%, PPS, 2.47 and PDM, 3.58%.<sup>96</sup>

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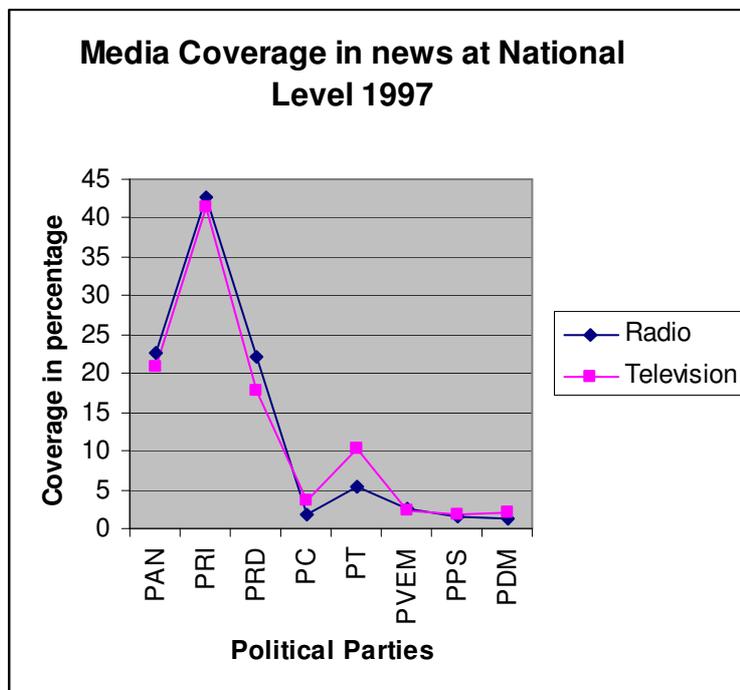
<sup>94</sup> Monitoring report on the political parties' electoral campaigns on radio and television news programmes carried out by IFE in 1994-1997. Executive Board of Prerogatives and Political Parties. IFE April 2000. Cuaderno de Trabajo Número 1, p.36.

<sup>95</sup> See Becerra, R., Salazar, P. & Woldenberg, J., *La mecánica del cambio político en México*, p.462.

<sup>96</sup> Monitoring report on the political parties' electoral campaigns on radio and television news programmes carried out by IFE in 1994-1997. Op. cit. See also Becerra, R. et. al. p.462.



However, at national level in the rest of the country the monitoring took place between 16 April and 31 May. This showed that the time dedicated to the principal parties, by most of the media was not as balanced as in the capital, as coverage was concentrated on the PRI. Despite this, it is important to recognise that there were improvements in relation to the preceding elections: PAN, 20.96%, PRI, 41.76% and PRD, 21, 48%.<sup>97</sup>



<sup>97</sup> Ibid.

The midterm elections in 1997 experienced a new electoral context that presented a more stable party system that was ready to benefit from the new regulations of the 1996 electoral reform. As soon as the parties started benefitting from greater public funding and a more balanced distribution of media access it was clear that most of the funding would go to electronic media companies. Indeed better distribution of public funding and clearer spending ceilings allowed even small parties to access radio and TV. The intention was to open the media to all parties in order for them to compete under fair conditions. However, the issue of the conduct of TV and radio news programmes was still a concern among the parties and the government. The inequalities that were observed in 1994 encouraged the reformers to empower the IFE to introduce equality and fairness in the conditions of competence. It is important to note the significance of the electoral mandate that empowered IFE to carry out systematic monitoring. First of all, the IFE became a central institution in the relationship between the media and politics. As the monitoring was intended to evaluate the conduct of radio and television news programmes, the media became responsible to the IFE, and more importantly to the parties themselves. The guidelines prepared by the IFE in collaboration with the National Industry of Radio and Television were applied to Radio and Television news programmes and that contributed to the consolidation of the IFE as a more credible institution that had the clear intention of preventing partiality and unfair treatment. Clearly, this also resulted from increasing demands from a better informed and more politicised society that acknowledged the role of the media in electoral campaigns. Despite the inequalities registered in the national monitoring which highlighted that the PRI received more coverage than any other party, the political parties showed that they had the ability and that conditions existed for them to compete more equally and this was reflected in the media. The increased equality, especially evident in the FD, was a positive change related to the time dedicated to each political party.

At the other end of the spectrum, there were those who claimed that the existing legislation was deficient in respect of access to the media by parties, especially in pre-campaigns. During the campaigns in 2000 they asked that new variables and methods of measurements be introduced to establish how parties were treated by the TV and radio.

### 7.2.9 The federal electoral process of 2000: Monitoring

The use of electronic media to promote and publicise parties' electoral campaigns had been increasing since 1990 and was at its peak by the presidential elections of 2000. According to data given by the Executive Board of Prerogatives and Political Parties, in 1994 the parties expended 25% in propaganda in press, radio and television, increasing to 55% in 1997, and for the year 2000, reaching 65 -70%. Woldenberg, notes that for this electoral process, the parties obtained more than 3 thousand million pesos of public funding, from which a great part was used to buy advertising media slots.<sup>98</sup> As happened in 1997, in the 2000 elections, the role of the media in electoral campaigns increased even more than in the past. The political parties had media access through acquiring slots on radio and TV themselves, but as had already been established in the 1996 reform and applied in the 1997 midterm elections, the parties had other sources of broadcasting time. First of all, the parties could access the media by using their prerogative of free monthly transmissions. As the electoral law had established, these permanent times were increased during electoral campaigns. Therefore, the parties officially had free time of 1620 hours on radio and more than 420 hours on television.<sup>99</sup>

The table below shows the percentage of time allocated to parties and coalitions by the IFE:

**Table. 7.7. Percentage of assigned times provided to the parties and coalitions by the IFE in the 2000 elections.**

	Alliance for Change	PRI	Alliance for Mexico	PARM	PCD	DSPPN
Radio	20%	19%	18%	14%	14%	14%
Television	22%	25%	20%	11%	11%	11%

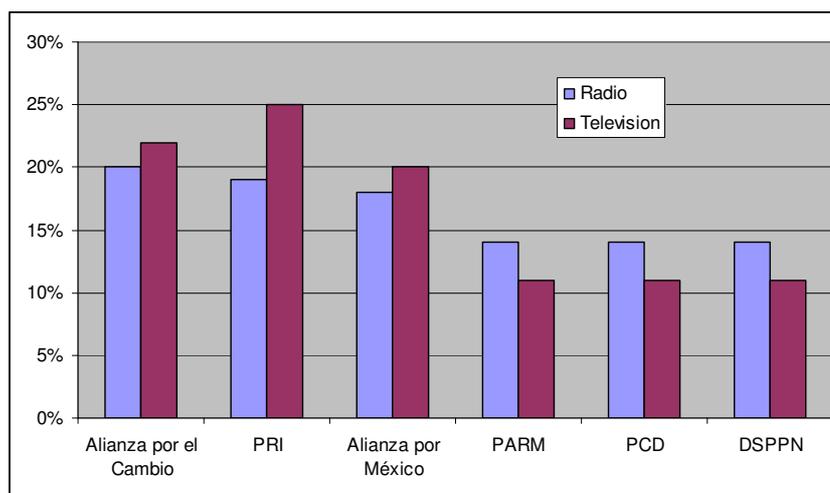
Source: R. Becerra, P. Salazar & J. Woldenberg. *La mecánica del cambio político en México*, p.524.

The promotional slots bought by the IFE to be used by parties, allowing them to use radio and television stations.

<sup>98</sup> Becerra, R., Salazar, P. & Woldenberg, J., *La mecánica del cambio político en México*, p.524.

<sup>99</sup> *Ibid.*

## Broadcasting time in percentage of the political parties and coalition in 2000



Source: Compiled by the author using data from R. Becerra, P. Salazar & J. Woldenberg, J. La mecánica del cambio político en México.

A very important aspect of the 2000 elections was that never before had the IFE given such an amount of broadcasting time and space to parties and it had never been so well distributed. Also, the parties could buy slots and time using their own resources, according to their preferences and their campaign strategies.

### 7.2.10 Monitoring and the IFE

After the monitoring exercises, carried out by the IFE in 1994 and 1997, it was accepted that monitoring was a very important instrument to ensure the fairness of the electoral process in 2000. It is worth noting, that since 1994 the news programmes on radio and television had become the main vehicles for providing information on the development of campaigns.

From January 19, the first day of the electoral campaign, until June 29, the news programmes on television and radio (222 that the IFE verified), transmitted a total of 2650 hours. Never before in elections had so much attention been given to broadcasting electoral acts, proposals and positions. As established in the electoral legislation, one of the most important tasks for the IFE was to achieve fair treatment on radio and TV news

programmes for the parties and the candidates in the campaign, in order to achieve conditions of impartiality.<sup>100</sup>

For IFE it was intended that the monitoring be an instrument to positively influence radio and television programmes in respect of the dissemination of information about the campaigns of political parties and coalitions.

In order to accomplish this, on the Executive Board of Prerogatives Political Parties requested from the Centre of Education a methodological proposal to carry out the monitoring tasks for the 2000 elections.<sup>101</sup> Once the IFE initiated the process of another monitoring exercise, the president of the Commission of Radio Diffusion of IFE requested from parties a list of the news programmes at local and national level that, from their importance and coverage, should be included in the sample.<sup>102</sup> The IFE's monitoring covered 222 news programmes, 134 radio and 88 television in 32 entities. The monitoring started with the campaign on January 19 and ended on June 29, three days before the election. Its basic functions were to inform the parties and the media about the quality and fairness of the coverage of the campaign.<sup>103</sup>

The total time allocated to each party or coalition on radio and in television is shown in the following table.

**Table. 7.8. Total time allocated to each party or coalition on radio and on TV. 2000 Elections.**

Alliance for Change (PAN, PVEM)	27.4
PRI	39.8
Alliance for Mexico (PRD, PT, CD, PSN, PAS)	20.1
PCD	4.0

<sup>100</sup> Monitoring report on the political parties' electoral campaigns on radio and television news programmes carried out by IFE in 1994-1997. Executive Board of Prerogatives and Political Parties. IFE April 2000. Cuaderno de Trabajo Número 1, p.41.

<sup>101</sup> Ibid.

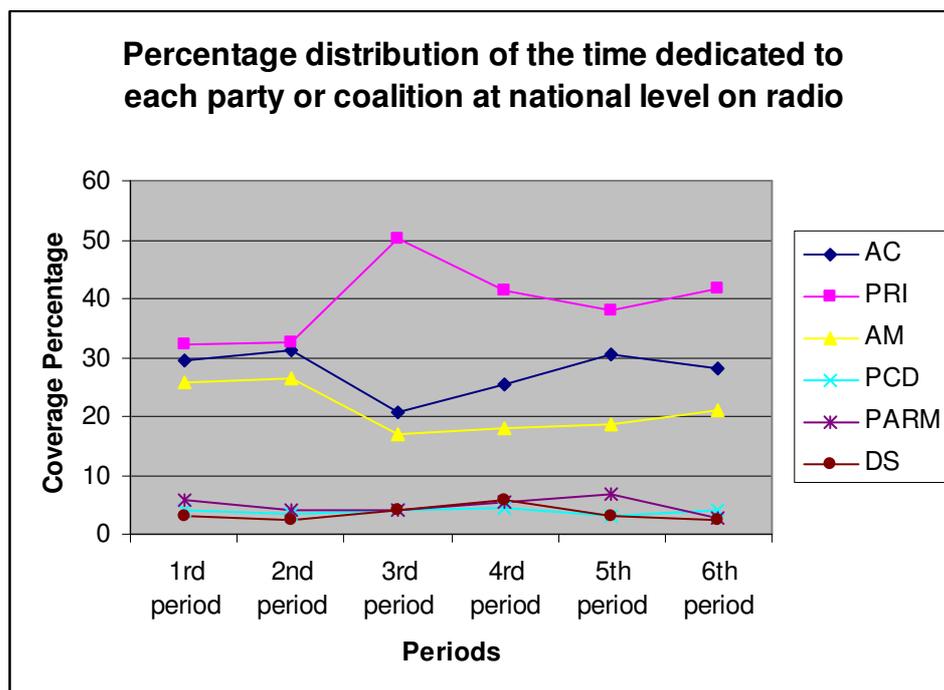
<sup>102</sup> Ibid. p.42.

<sup>103</sup> Becerra, R., Salazar, P. & Woldenberg, J., *La mecánica del cambio político en México*, pp.512-513.

PARM	4.9
DS	3.5

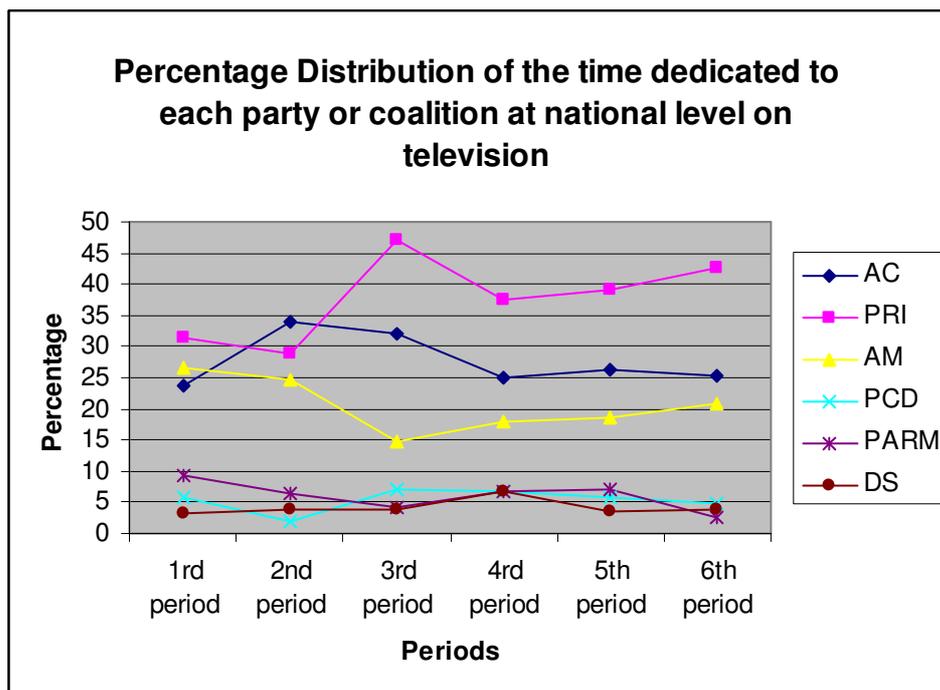
These results show two important aspects: first the relevant advantage of the PRI over the coalitions of AC (Alliance for Change) and AM (Alliance for Mexico), and secondly, the discriminatory treatment of the small parties such as PCD and DS (Social Democracy), that had recently registered.<sup>104</sup> The discriminatory treatment by radio and TV of the parties of recent registration was constant throughout the campaign. This has been criticised by the parties and even by IFE members as it did not uphold their intention to produce fair elections.

Despite the PRI campaign attracting major coverage in the media, coverage was not steady and fluctuated through out the six periods.



Source: Compiled by the author using data from R. Becerra, P. Salazar and J. Woldenberg, *La mecánica del cambio político en México*, p.526.

<sup>104</sup> It is important to note that the percentages above were obtained using the sum of the time broadcaste by the news programmes in each entity, without undertaking a comparison in the ratings of the programmes, their reach and coverage, therefore the data is not weighed up or adjusted. It is fair to highlight that the news programmes of national impact that were broadcast from Mexico City, showed a balanced coverage between the three main parties and coalitions through the campaign. See Becerra, R., Salazar, P. & Woldenberg, J., *La mecánica del cambio político en México*.



Source: Compiled by the author using data from R. Becerra, P. Salazar and J. Woldenberg, *La mecánica del cambio*, 2000, p.526.

The various monitoring tasks carried out by the IFE showed that 90% of the news programmes were not subjective in approach. This was an indication that the media had been more impartial than ever before. It is important to acknowledge that IFE was responsible for this positive achievement. Apart from the fact that the electoral legislation included all of the checks and balances, the success of IFEs work in the area of free time distribution and monitoring contributed to the creation of a context of exigency. When the media became under pressure from the IFE, the parties and the general public, the tendency to provide biased information diminished.

### 7.3 Conclusion

The development of parties was related to the cumulative reforms, that not only strengthened parties, by giving them more prerogatives, but also gave them the opportunity to compete in fair conditions. Along with the most important outcomes of the reforms, including the provision of more equally distributed public funding and the mechanisms for monitoring of party income and expenditure, parties also highlighted another area that required attention. As had been the case with public funding, where only one party, the PRI had benefitted, the same was said of the media favouring that

party. As the first regulations on media access took place in the 1993 and 1994 electoral reforms and were applied during the midterm elections of 1994, the increasing role of the media in modern electoral campaigns intensified the need for further regulations. The 1994 elections were highly competitive and already began to create new institutional and legal conditions for equal access to the media. Then with the 1996 electoral reform, parties with increasing popularity and roles asked for further reforms on the issue of media access, especially in relation to the way that news programmes covered parties' electoral campaigns. In this respect, IFE through its official tasks of distributing free broadcasting time and being an intermediary in the purchase of time and slots on radio and TV, contributed to the democratisation of these matters. But more importantly its task of ensuring fair elections, through the carrying out of monitoring tasks, contributed to more balanced treatment from the electronic news programmes. The new legislation on media access, in addition to ensuring the role of IFE as mediator, supervisor and authority between parties and politics contributed to the creation of common ground for an equitable election. The most important result was to open the media to all parties without exceptions or exclusions, neither for lack of resources nor for political partiality. As a result, it can be said that most of the factors that emerged from the electoral reform of 1996 proved to be valid.

## 8 Chapter 8 The Role of IFE in Civic Education in Mexico

The discussion now turns to an examination of one more area of activity of the Federal Electoral Institute (IFE): civic education.

After analysing the role of the Federal Electoral Institute in the areas of organisation and management of the electoral process in party finances and media access by political parties, it is necessary to examine a third area of activity undertaken by the electoral authority: the implementation of programmes of civic education and the promotion of the vote.

The transition to democracy in Mexico came about gradually through the long and slow process of electoral reforms which were used as active elements of democratisation. Therefore, changes were made essentially in the electoral and party system. By the late 1990s these electoral reforms successfully created a balanced party system with open competition between the main political parties. In addition to this, advances in the electoral legislation and electoral institutions allowed more transparent, credible and fair elections. In contrast to other cases, the process of political change in Mexico was based on openings, recuperation of institutions and elections, where the votes gained more and more relevance.<sup>1</sup> However, despite the authoritarian regime being dismantled through electoral reforms, the electoral character of the transition had proved to be an obstacle for the consolidation of democracy. Therefore, the 2000 presidential elections not only witnessed an alternation in power for the first time in history but also opened the debate on whether the alternation culminated the transition to democracy or simply started it.<sup>2</sup> Given the context, the political plurality achieved as the system passed from a hegemonic party system to a multiparty system was not followed by a totally democratic attitudinal change among political actors and society itself. Therefore, despite the 2000 elections closing an important cycle in which plurality and a party

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<sup>1</sup> Interview Mauricio Merino. Merino notes that in Mexico it is essential to understand “the electoral dimension” of its transition, paradoxically in a country where “elections” were mere instruments of legitimacy of the official party. Interview, Mauricio Merino, political academic and Electoral Councillor 1996-2000, General Council (IFE), 17 December 2007.

<sup>2</sup> This makes reference to the “double defeat criterion” discussed by Linz, J and Stepan, A. Problems of Democratic Transition and consolidation. Those who supported the idea of an alternation in power as the proof of the end of the transition had a limited view of democracy in the electoral process. Those who thought that the transition had just started put an emphasis on the political institutions, as perceived by the democratic regimes, not only from the electoral point of view, but also from the values and structures of a democracy.

system were finally installed, democracy as a process had just started then.<sup>3</sup> The consolidation of democracy in Mexico was facing challenges directly related to the electoral character of the political change. Firstly, none of the Mexican political institutions, except the newly created electoral institutions, were designed by a democratic regime.<sup>4</sup> Therefore, when plurality was introduced in Congress and the president lost hegemony in the decision making process, governing party and opposition parties faced a new situation. The activation of Congress and the competitive party system created a new context where political parties were forced to achieve consensus in order to ensure governability.<sup>5</sup> In addition, the emergence of “a *divided government*”<sup>6</sup> at both Federal and state level, and the initial inability to achieve consensus amongst political parties challenged democracy.<sup>7</sup> A final challenge facing democracy was an ambiguous political culture, which shared democratic and authoritarian features. Democratic features, that had been adopted in the last twenty years and authoritarian features that were attached to its old political system.

This chapter is dedicated to the role of the electoral authority in consolidating democracy in Mexico and promoting the “*vote*” through the implementation of civic education programmes. The promotion of civic education is one of the permanent tasks to which the IFE is committed.

This section will analyse the role and the potential of Civic education in promoting a new democratic political culture and forming “*citizens*”. In order to analyse this, it is necessary to distinguish between the “*political culture*”, inherited from the old regime, and the new type of “*citizens*” that the IFE intended to promote. It is also necessary to highlight some of the extensive literature on political culture in Mexico that has been developed since the 1960s.

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<sup>3</sup> See Merino, M. *La transición Votada, Crítica a la interpretación del cambio político en México*. México: Fondo de Cultura Económica, 2003, p.28.

<sup>4</sup> Becerra notes that the consensus achieved at times between political parties in Congress while negotiating the electoral reforms during the 1990s disappeared with the alternation in power. It seemed that with the new president, all parties radicalised their positions and turned Congress into a “boxing ring”. Interview, Ricardo Becerra, political academic and advisor to the President Councillor 1996-2000 (IFE), Mexico City, 22 November 2004.

<sup>5</sup> Javier Romo notes that the “divided government” not only challenged the exercise of power of the president but also created a new dilemma in the institutional framework. Interview, Jorge J. Romero, Advisor to President Councillor (IFE), former member of Democracia Social and political academic, Mexico City, 15 November 2004.

<sup>6</sup> “*Divided governments*” refers to a local or national government in which the political party of the president does not have majority in Congress. It is important to note that since the early 1990s many state and municipalities have been experiencing “divided governments.”

<sup>7</sup> This dilemma is normally used as the excuse to consider that the transition just started with the 2000 elections.

The first part of this chapter seeks to address why civic education is essential in strengthening democracy in Mexico. The second part shows the various responsibilities of IFE within the area of civic education in its pursuit of constructing a democratic culture and creating “*citizens*” ready to live in a democracy. Among its main responsibilities are the efforts to promote voting amongst Mexicans. This part will analyse the various research studies on values, perceptions and attitudes amongst the citizens, that the IFE carried out, in order to identify the best strategies and approaches for its civic education programmes. The real contribution of the IFE’s civic education programmes to the democratic culture and citizen participation in Mexico is difficult to measure. However, the increasing involvement of the electoral authority in this area and the increasing number of citizens involved in its programmes shows that the institution is trusted. Changes were not only required in the views and perceptions of the general public but also in the political elite, which still used non democratic practices.<sup>8</sup> This is a very high standard, even for consolidated democracies such as those seen in the USA and the United Kingdom.

### **8.1 Civic education and political culture: changing the political culture**

In Mexico today, Civic education has become a priority on the public agenda as it is perceived as an essential tool to ensuring the consolidation of the new democratic order. The interest in the issue of Civic Education was initially brought about by a series of Human Rights Organisations that emerged in the 1980s and civil organisations and groups that were involved in such tasks as electoral observation.<sup>9</sup> After the IFE was created in 1990, following a constitutional and legal mandate, the area of civic education was allocated to the electoral institution, with the intention of increasing the role of civic education in the consolidation process of the Mexican democracy. Therefore, in addition to the function of organising elections and other electoral activities, the electoral authority was also responsible for the promotion and consolidation of new democratic values and attitudes among the citizens through civic

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<sup>8</sup> The use of non democratic practices such as intimidation, corruption and bribery is still common amongst political parties’ members. Interview, Francisco Bedolla, Advisor to the Executive Director of Professional Electoral Service, Electoral negotiator and political academic (IFE), Mexico City, 17 November 2004.

<sup>9</sup> Interview, Isabel Hernández, member of the Federal Electoral Institute, Mexico City, 13 September 2004. Isabel Hernández notes that among the civil organisations, Civic Alliance was one of the pioneers in pursuing electoral observation.

education programmes.<sup>10</sup> These different functions of IFE distinguished the institution from other electoral commissions, whose tasks were mainly electoral. The objectives intended for this function are to contribute to the development of democratic life, to cooperate in the promotion and diffusion of the political culture and in the promotion of votes. It is in this context of democratic consolidation that Civic education has its main role in re-building the political culture and the process of constructing the citizenry.

### 8.1.1 Changing the political culture

The mixed political culture in Mexico was shaped during the transition and continued to change afterwards in accordance with the nature of the former authoritarian regime and the transition itself. First of all, the inclusiveness of the Mexican authoritarian regime produced a type of citizen participation limited only to the corporatist networks and party membership, which resulted in an authoritarian political culture.<sup>11</sup> Secondly, during the processes of liberalisation and democratisation, electoral issues such as “elections” and the use of the “vote” by the citizen, received greater attention than creating real democratic institutions. As a result, the country experienced a political change in the party system and electoral arena that was not extended to other political institutions.<sup>12</sup> However, and accepting that the transition to democracy culminated between 1996 and 2000, it became evident among political actors and analysts that the consolidation of the Mexican democracy required to build a more democratic civil society in order to ensure its future.<sup>13</sup> Yet, the electoral nature of its democracy presented problems for the creation of a democratic civil society. As shown in earlier chapters, the political changes in Mexico took place through a long period of electoral reforms, creating an electoral democracy. Aspects of the resulting Mexican democracy, have divided political analysts who still today do not agree on the democratic nature of the Mexican regime. Benítez Manuat notes that in the 1980s the Latin-American political sciences developed the idea that “*democracy was synonymous with free and*

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<sup>10</sup> COFIPE, art 96 (current Mexican electoral law).

<sup>11</sup> Studies on the relationship between the authoritarian political system and the political culture in Mexico will be discussed later.

<sup>12</sup> According to a survey carried out by the IFE and the UNAM (Autonomous University of Mexico) in 1999: “*the vote has connotations that go beyond party competition and express an intense relationship with political change*”. Ciudadanos y Cultura de la democracia. Reglas, instituciones y valores de la democracia. Meyenberg, Y. & Flores Dávila, J. Mexico: IFE – UNAM, 2000, p.111.

<sup>13</sup> The acceptance or not of the end of the transition to democracy in Mexico is more a personal perception than an objective one. The author opted for considering the year 2000 as the end of the transition to democracy.

*competitive elections where political parties were the main actors*".<sup>14</sup> This perception of democracy created a debate on whether or not the achievement of electoral democracy was enough for the success of the transition, leading to two different perceptions: "*political electoral democracy*" and "*fundamental democracy*".<sup>15</sup> Those who support the latter idea of democracy, think that solely achieving "*electoral democracy*" is not enough for the transition to succeed, as the social and economic aspects need to be addressed at the same time.<sup>16</sup> In the case of Mexico, the so-called "*technocrat presidents*," De la Madrid (1982-88) and Salinas (1988-94) initiated a large economic transformation during the 1980s and early 1990s, whose negative consequences eventually triggered political changes and accelerated the political transition. However, this political transformation focused mainly on electoral issues, confirming the gradual nature of the transition through electoral reforms.<sup>17</sup> It seems that the eventual plurality introduced in the party system was not followed by a new "*democratic*" political culture. However, several studies show that between the 1950s and 1980s there was a change in the general public towards democratic values, although this did not bring a democratic regime.<sup>18</sup> Dominguez and McCann argue that by the early 1990s, the citizens already showed clear sign of democratic attitudes and exerted pressure to reform the political process.<sup>19</sup> As occurred in other situations of political change towards a more democratic regime, the stability not only depends on the good functioning of the institutions but also on other factors related to the perceptions, beliefs and views that come with the political context such as, the democratic or authoritarian character of the political culture.<sup>20</sup> In addition, the building of a democratic "*political culture*" appears to increase in cases of transition to democracy and consolidation processes as it is widely accepted that democracy as a form of government is more

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<sup>14</sup> Benítez Manaut, R. *América Latina: reforma del Estado e instituciones para la consolidación de la democracia in La construcción de las instituciones para la democracia en América Latina*. Mexico: Executive Board of Electoral Training and Civic Education, 1998, p.29.

<sup>15</sup> Ibid. pp.29-30. Manaut explains the differences between the two concepts: the "political electoral democracy" which perceives the "electoral systems" as the key to the transition and the impossibility of achieving a democracy at all levels due to economic crisis and change of the economic model. On the other hand, the "integralist democracy" or full democracy which perceives the electoral democracy as a condition for the transition, but not enough for a total change in society.

<sup>16</sup> Ibid. p.30.

<sup>17</sup> Interview, Jorge J. Romero, Advisor to President Councillor (IFE), former member of Democracia Social and political academic, Mexico City, 15 November 2004.

<sup>18</sup> Domínguez, J. & McCann, A. *Norms of Mexican citizenship: Are Mexicans "democrats"*. In: *Democratising Mexico: Public opinion and electoral choices*. Baltimore and London: The Johns Hopkins University Press, 1996, pp. 49.

<sup>19</sup> Ibid.

<sup>20</sup> *Ciudadanos y Cultura de la democracia. Reglas, instituciones y valores de la democracia*, p.7.

efficient and stable with a democratic political culture.<sup>21</sup> Although in many processes of transition to democracy the “*political culture*” is not necessarily a decisive factor for its success, this situation changes in the period of consolidation. With reference to a democratic political culture, Diamond, Linz and Lipset note that strong and stable countries tend to have the most democratic political values.<sup>22</sup>

### 8.1.2 Political culture and citizenry in consolidation to democracy

Before analysing the political culture in Mexico it is necessary to define the concepts of political culture and citizenry. There are several definitions and categorisations of the term “*political culture*.” In general, political culture can be defined as the group of “*beliefs and values concerning politics that prevail within both the elite and the mass.*”<sup>23</sup> These beliefs and values are acquired through their own individual experience and also through channels including tradition, family, education and social communication.<sup>24</sup> Therefore, in order to study the political culture of a country it would be wise to analyse first the social agencies responsible for transmitting values and ideas that shape that political culture. Almond and Verba introduced a more specific definition in their study “*the Civic Culture*”.<sup>25</sup> These authors claimed that the term “political culture” “*refers to the specifically political orientations – attitudes toward the political system and its various parts, and attitudes toward the role of the self in the system.*”<sup>26</sup> Within the sphere of politics, Almond and Verba differentiate three types of orientation in political culture that allow a better analysis of specific problems in this area: one orientation refers to the knowledge that individuals have of politics; a second orientation is related to the attitude that individuals have towards political actions or political institutions and a third orientation is related to the opinions on the aims of politics.<sup>27</sup> Overall, the importance of the political culture lies in the fact that those views and perceptions configure the frames of reference of the political attitudes and behaviour of

<sup>21</sup> The interest in the issue of political culture has increased in parallel to processes of political change especially in Latin America and East Europe. Estrategias, programas y actividades de Educación Cívica. IFE. 2000, p.10.

<sup>22</sup> Diamond, L., Linz, J. & Seymour Martin Lipset. Politics in developing countries: comparing experiences with democracy. London: L. Rienner Publishers, 1995, p.18.

<sup>23</sup> Ibid. p.19.

<sup>24</sup> Estrategias, programas y actividades de Educación Cívica. IFE. 2000, p.26.

<sup>25</sup> In the book “The Civic Culture” a comparative study of the attitude and political behaviour in five countries, carried out in order to propose a method of observation of the political culture applicable to all political realities. Ciudadanos y cultura de la democracia: reglas, instituciones y valores de la democracia, p.7.

Almond, Gabriel A. & Verba, S., The Civic Education. Princeton, N.J.: Princeton University Press, 1963.

<sup>26</sup> Almond, A. and Verba, S. Civic Culture. Princeton, N.J.: Princeton University Press, 1963, p.12.

<sup>27</sup> Ibid. See also Ciudadanos y Cultura de la democracia. Reglas, instituciones y valores de la democracia, p.7.

the different political groups and citizens. As stated by Diamond, Linz and Lipset, theorists have identified the different values and beliefs that are crucial for stable and effective democracy. Along with these values are the beliefs, among the elite and general public, about the legitimacy of democracy; acceptance of the existence of opposition parties, cooperation among political competitors, civility of political discourse, and participation and political efficacy etc.<sup>28</sup> In the context of a new democracy, and in relation to democratic political culture, the concept of “*citizen*” also becomes quite significant. Under a democratic regime, ideally the “*citizen*,” in addition to being a member of a political community, is an essential actor. In general, a citizen is an individual, over 18 years old, who is subject to rights and obligations, which form part of a country. In a democratic society the “*citizenry*” is understood as the group of persons that live and share a public space.<sup>29</sup> As they have to live together, they are forced to share norms, rights and obligations of an ethical, moral and juridical nature and need to comply in order to carry on a common life. There are a number of different models of definitions and views on the responsibilities and rights that the citizenry should have in a democracy.<sup>30</sup> T. H. Marshall notes that the status of citizenry has three elements: a civil element that guarantees the citizen the rights to exercise his/her individual freedom, a political element that allows the individual the right to participate in government such as voting, and a social element through which a citizen has certain rights that allow him/her to be treated equally, including their right to enjoy a certain degree of welfare.<sup>31</sup> Overall, the various interpretations on the model of citizenry in a democracy can be gathered into two basic concepts: minimalist and maximalist. The first notion states that “*citizenry*” is a juridical status and perceives the citizen as an entity with a certain civil status; however, the second conception states that “*citizenry*” is not only a juridical status but also a cultural and political identity.<sup>32</sup> Therefore, within the second perspective the citizen, in addition to his/her legal rights also “*has a moral sense of self as a member of a community, with a democratic culture and a sense of responsibility over the general interest*”.<sup>33</sup> Under this second approach the “*citizen*”

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<sup>28</sup> Diamond, L., Linz, J. & Seymour Martin Lipset: Politics in developing countries: comparing experiences with democracy, p.19.

<sup>29</sup> Estrategias, programas y actividades de Educación Cívica. IFE, 2000, p.7.

<sup>30</sup> See Beiner Ronald (ed). Theorizing Citizenship. Albany: State University of New York Press, 1995.

<sup>31</sup> T. H. Marshall, Citizenship and Social Class and Others Essays, Pluto Press. London, 1991.

<sup>32</sup> Strategies, programmes and activities of Civic Education, IFE, 2000, p.4. Concepción Naval notes that this first conception perceives the citizenry as a juridical status. Naval, C., Educar ciudadanos: la polémica liberal comunitarista. Navarra: Ediciones Universidad de Navarra. EUNSA, 1995.

<sup>33</sup> Ibid. p.5

acquires a new role, and is expected not only to access his/her social, economic and civics rights but also to claim changes from those who govern.

### 8.1.3 Political culture in Mexico: early studies

In Mexico, the slow and gradual process of democratisation of the last forty years entailed a change in public attitudes and a big cultural change.<sup>34</sup> There is extensive literature on political culture in Mexico.<sup>35</sup> However, the findings varied depending on the period when the survey was done. Therefore, it is necessary to distinguish between research completed during the PRI's hegemony between the 1940s and the late 1970s and studies carried out during the political and economic changes in the 1980s and early 1990s, and more recent surveys from the late 1990s to the present time. Most of the empirical work in this area has been focused on assessment of authoritarian and democratic values and their relationship to the political system. Before analysing the existing political culture in Mexico it is necessary to revise some of the early studies in this area. For the first period until the late 1970s, it worth mentioning the pioneering study by Almond and Verba, on the political values and beliefs of Mexicans. For many political analysts, their cross-national survey study "Civic Culture" is considered to be a crucial source to understanding the Mexican political culture and a clear breakthrough from early studies, which were mostly based on subjective interpretation.<sup>36</sup> Almond and Verba surveyed the opinions of Mexicans who lived in communities larger than ten thousand in order to explore their attitudes and behaviour which could exert influence on their political participation. They found contradictions and imbalances in the political culture. For instance, Mexicans scored the lowest of all five countries, (USA, UK, West Germany, Italy and Mexico) when asked to what extent they see their lives as related to the activities of government, up to 66% attributed no effect to their national

<sup>34</sup> Woldenberg notes that despite its complexities and contradictions, in recent times Mexico has experienced a real renovation process in political culture. Woldenberg, J.: *Elecciones México*. 2002; (6):1-2.

<sup>35</sup> Almond, G. and Verba, S. 1965. *The Civic Culture*. Princeton: Princeton University Press, 1965; Fagen, R., and Tuohy, W. *Politics and Privilege in a Mexican city*. Stanford: Stanford University Press, 1972; Segovia, Rafael. *La Politización del niño mexicano*, 2 ed. Mexico City: El Colegio de México, 1982.; Booth, John, A., and Mitchel A. Seligson, 1984. *The political culture of Authoritarianism in Mexico: A re-examination*, Latin American Research Review 19:106-124; Álvarez Gutiérrez, *¿Cómo se sienten los mexicanos?* 1987; Hernández Medina, A. and Narros Rodríguez, L. (eds). *¿Cómo somos los Mexicanos?* Mexico: CREA, 1987; Los Angeles Times poll, August, 1989 ;World Values Survey, 1990\_Confidence in Government, Mexico, United States, and Canada, 1981 and 1990:William Flanigan and Nancy Zingale, *Political Behaviour of the American Electorate*, 17<sup>th</sup> ed. Washington, D.C.: Congressional quarterly Press, 1991; *Este País*, August 1991.

<sup>36</sup> Despite *Civic Culture* by Almond and Vera being a breaking point for the study of political culture in Mexico, their study would be criticised for having methodological and substantive weaknesses. See the critique by Craig, Ann L. and Corneliu, Wayne. A. *Political Culture in Mexico: Continuities and Revisionist interpretation*. In: Almond, G. & Verba.S. (eds.) *The Civic Culture revised*. USA: Little Brown and Company, 1980, pp.325-393.

government.<sup>37</sup> Therefore their awareness of the significance of government was low. However, such findings conflict with the finding that they expressed a significant willingness to express political opinions, despite their low level of political information. Another interesting aspect was the high degree of political pride that was shown by the Mexicans, which they mainly related to the Mexican Revolution and the presidential political system.<sup>38</sup> Almond and Verba related the impact of the Mexican Revolution to individual's attachment to the political system, and it depends to some extent on the continuing symbolic identification with the Mexican revolution.<sup>39</sup> Finally, in respect to political participation and competence, they also found a lack of connection between individual's political participation and their evaluation of the output of the government.<sup>40</sup> Then when analysing intra-sources of variation they found that education played an important role in political attitudes, where highly educated people were more likely to discuss politics with a range of people. With regard to gender, they found it made a difference in political attitudes, where women were less likely to discuss and participate in politics, while social class did not matter. (See Dominguez & McCann).<sup>41</sup> Another work that it worth mentioning is the study by Richard Fagen and William Tuohy in 1966, of the city of Jalapa, in which, in contrast to previous studies, they revealed democratic values among the respondents.<sup>42</sup> However, these authors found that respondents appeared to be less democratic when asked about the rights of minority groups such as women, opposition groups and the illiterate. (See Dominguez & McCann).<sup>43</sup> In respect to demographic variables, in contrast to Almond and Verba, these authors found that social class had an effect in political culture, where lower classes tended to support less democratic practices than the higher classes.<sup>44</sup> The comparative study of the political culture among the migrant poor in Mexico City between 1970 and 1972 by Wayne Cornelius also added valuable knowledge to the area of political culture in Mexico. In this study Cornelius argued that there was a relationship between

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<sup>37</sup> Almond, A & Verba, S. Civic Culture, p.47.

<sup>38</sup> Ibid. p.66.

<sup>39</sup> Ibid. p.67.

<sup>40</sup> Ibid. p.196.

<sup>41</sup> Quoted by Dominguez, J & McCann, J. Democratizing Mexico: Public opinion and electoral choices. Baltimore and London: The Johns Hopkins University Press. 1996. p.26. See Almond, A & Verba, S. Civic Culture.

<sup>42</sup> Fagen, R. and Tuohy, W. Politics and Privilege in a Mexican City. Stanford: Stanford University Press, 1972, pp. 122-27.

<sup>43</sup> Quoted by Dominguez, J & McCann, J. Democratizing Mexico: Public opinion and electoral choices. Baltimore and London: The Johns Hopkins University Press. 1996. p. 27. See Fagen, R. and Tuohy, W. Politics and Privilege in a Mexican City.

<sup>44</sup> Ibid.

authoritarianism and participation. He claimed that the particular features of the context in which a migrant labourer lived had an impact on determining his political attitudes.<sup>45</sup> He also found out that the urban poor's political activity was focused on direct petitioning for assistance to the government or urban bosses, with their main demands being land possession and public services.<sup>46</sup> In 1978-79 Booth and Seligson studied the political attitudes of middle and working-class Mexicans in seven cities. Their central question was whether Mexican people were politically authoritarian. Therefore, they challenged the relationship between political culture and political structure. They claimed that "*they found a largely democratic political culture within an essentially authoritarian regime*", adding that their data couldn't explain the authoritarian nature of the political system as the consequence of an authoritarian mass political culture, and concluded that middle and working class people strongly support basic civil rights.<sup>47</sup> Finally, in 1982 Hernández Medina and Narro Rodríguez conducted a national survey on particular political values. In their conclusions, consistent with Almond and Verba, they found that education and gender had an effect on political values, where women and less educated people were less likely to be interested and to participate in politics than males and university graduates. However, in contrast to Almond and Verba, those authors found the variable of social class important in determining where individuals with a higher socio-economic status were more likely to have democratic values like political participation than those of lower classes.<sup>48</sup>

#### 8.1.4. Political culture and "citizenry" in Mexico

According to recent studies, the new political culture and citizenry that exists today has emerged out of political changes that were not necessarily democratic. The existence of an old authoritarian political culture rooted in the society is one of the main problems for the new democratic system, especially when planning to build a new citizenry and political culture. There are several obstacles to the creation of a democratic political culture that are necessary when consolidating the democracy. First of all, the

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<sup>45</sup> Cited by Cornelius in *Politics and the migrant poor in Mexico City*.

<http://www.popline.org/docs/0595/017907.html>. Stanford, California, Stanford University Press, 1975, p.319. POPLINE Document Number: 017907 (20/04/08)

<sup>46</sup> See Cornelius, W. *Politics and the Migrant Poor in Mexico City*. Stanford: Stanford University Press, 1975.

<sup>47</sup> Cited by <http://links.jstor.org/sici=0023-8791> (18/05/08) *The Political Culture of Authoritarianism in Mexico: a re-examination*. Booth, J & Seligson, M. *Latin American Research Review*, Vol. 19, No. 1 (1984). Pp.106-124

<sup>48</sup> Hernández Medina, A. & Narro Rodríguez, L. eds, *Cómo son los mexicanos*. Mexico: Centro de Estudios Educativos, 198 In: Domínguez, J & McCann, J. *Democratising Mexico: Public opinion and electoral choices*. Baltimore and London: The Johns Hopkins University Press. 1996, p.26.

“*hegemonic party system*” which lasted over seventy years, exercised a profound effect within the society.<sup>49</sup> The authoritarian regime and the official PRI, not only used the principles of the Mexican Revolution (1910-1917)<sup>50</sup> but also the “*democratic appearance of the regime*” to support their legitimacy. The Mexican regime used the regular holding of elections, the presence of political parties and the economic bonanza to pretend that the authoritarian regime was a democratic regime. In particular, during the PRI hegemonic, the Mexicans’ only political participation was under the control of the regime’s corporative structures, which not only exercised a political influence but also alienated their citizens’ rights of political participation. During the PRI’s hegemony, political participation and social movements outside the PRI’s control and corporatist sectors were almost non-existent and diminished by the regime.<sup>51</sup> Yet, when the process of political change was accelerated at the beginning of the 1990s and started shaping new political attitudes and perceptions especially in the area of voting participation, the influence of the authoritarian values were quite rooted in society. Therefore, the resulting new political context characterised by party competition, political plurality and consensus at a political level was accompanied by ambiguous attitudes and opinions about politics. Secondly, the process of political change through electoral reforms put the emphasis on procedures that ensured elections and voting, but without a definition of a frame of reference for the building of a new political identity.<sup>52</sup> Indeed the association of democracy with free and fair elections, despite being positive for democratic political culture, proved to be insufficient for its creation. In addition to this, as occurred in other cases, in Mexico the process of political change created high expectations among the popular classes, who expected to improve their social and economic welfare.<sup>53</sup> However, especially in unstable economies, such improvements are difficult to achieve. Soon after the 2000 elections, the inability of the government to solve endemic problems such as corruption, lack of jobs and social insecurity, caused wide discontent among the population. In this context, the democratic elections and free elected government that emerged after the transition were perceived as changes that

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<sup>49</sup> See chapter 1 for a wider explanation of the Hegemonic party system.

<sup>50</sup> The principles of the Mexican Revolution were mainly “social justice” and “economic growth and stability”.

<sup>51</sup> Interview, Jorge J. Romero, Advisor to President Councillor (IFE), former member of Democracia Social and political academic, Mexico City, 15 November 2004.

<sup>52</sup> Ciudadanos y Cultura de la democracia. Reglas, instituciones y valores de la democracia, p.11.

<sup>53</sup> Interview, Alejandro Zapata, Secretary of the National Executive Committee of PAN, Mexico City, 28 October 2004.

only benefitted their protagonists.<sup>54</sup> Because economic and social changes did not happen overnight, the positive expectations of the citizens turned into disappointment.<sup>55</sup> It appears that frustration on unresolved promises and a lack of economic and social incentives influenced a passive citizenry that were not only non-cooperative but even non-democratic. In this case, the clash between great expectations and the lack of action by the new government further contributed to the lack of trust not only in politicians but also in the new institutional change.<sup>56</sup> This disappointment is normal in most transitions. Finally, another obstacle to the creation of a solid democratic political culture was the existence of an authoritarian political culture not only in the governmental institutions but also amongst the people. The different perceptions and ambiguous approaches towards the new democratic context impeded the normal functioning of the democratic institutions but more importantly it delayed the overall consolidation process. In Mexico, it seems that the electoral democracy had to be extended to a more integral one, in order to ensure “*governability*” and more importantly consolidate the democratic regime that had just started operating. It is in this context of political change which seeks consolidation of the democracy, that the IFE, following the constitutional mandate, committed to contribute to the development of democratic life through the promotion of values of a democratic political culture. This process began to operate soon after it was created.

#### **8.1.4 Contradictions of the Mexican political culture**

Contradictions in the political culture in Mexico, which combines the features of authoritarian logic with democratic logic, make consolidation more difficult. The results of a survey carried out by IFE in December 1999 confirmed this mixed political culture. The survey was carried out in order to investigate the perception of the population on the role of citizens in democracy, in politics, and in power and authority. The conformation of the political culture.<sup>57</sup> The survey revealed a contradiction in Mexican

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<sup>54</sup> Interview, Francisco Bedolla, Advisor to the Executive Director of Professional Electoral Service, Electoral negotiator and political academic (IFE), Mexico City, 17 November 2004.

<sup>55</sup> Interview, Alejandro Zapata, Secretary of the National Executive Committee of PAN, Mexico City, 28 October 2004.

<sup>56</sup> Ibid.

<sup>57</sup> The survey was based on thematic fields that intended gathering basic information to find out how rooted the democratic values were in the population including their perception on legitimacy, values in the changes of politics. The study also analysed the division of power, delegation of authority, citizen supervision, party systems and its links with society, the electoral experience, the reasons for voting, the self perception of the citizen on their membership

political culture. First of all, the study showed a conflict between the high values that people gave to “*voting*” and their desire for a strong leader. 80% of people interviewed believed in the power of “*the vote*”, while 76% of people interviewed favoured a strong leader. The results can be explained by the authoritarian past that created the idea that only strong leaders could resolve problems. However, the preference for an elected leader and the high rating of the vote came in response to the considerable electoral reform that had been experienced that had made democratic change a high priority. The positive perception of the value of the vote was also in contrast to a poor view of politics and institutions. The survey showed that perceptions about politics indicated that there was not only a lack of interest but also a lack of knowledge, and trust in their methods, instruments and institutions. For instance, up to 48% of the interviewees said they had little interest in politics and 24% said that they were not interested at all.<sup>58</sup> The low interest in politics was also evident in the family sphere and in their perception of public institutions.<sup>59</sup> Regarding perceptions on politics, the researchers Yolanda Meyenberg and Julia Flores, found that the views of citizens on political institutions were weak and confused. According to the survey, most interviewees showed a lack of trust in politics as a useful activity for society, along with a lack of trust in government institutions and authorities.<sup>60</sup> In relation to this finding, the authors of the survey noted that for a democracy to function it is necessary that the citizens are not only interested in politics but also have a desire to participate and be informed about politics. Another striking discovery in the study was the significance of the “*idea of fraud*” among the population, which was not only related to electoral fraud but also to a general lack of trust in politicians.<sup>61</sup> According to the study, the “*idea of fraud*” was perceived as common practice by significant sectors of the population, but “*fraud*” was also associated with elections and irregularities among the more educated population, and therefore perceived as false promises by the politicians.<sup>62</sup> As a result, the relationship between fraud and politics had an impact on the image of politicians, who were

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and political efficacy. They also observed the disposition to participate (essential element of democracy) and how assimilated the rules were and the level of comprehension that citizens had of them.

<sup>58</sup> Civic Education. Three-year Plan (2001-2003). IFE. April 2001, p.29.

<sup>59</sup> In relation to the political institutions, the requirement of rating between 0 and 10, where 0 is no trust and 10 is a lot of trust, the major frequencies – assigned to deputies, governors, municipal presidents, president of the republic and political parties – was a rate of 5. Ibid. p.25.

<sup>60</sup> Ibid. p.26.

<sup>61</sup> Flores, J. & Meyenberg, Y. Ciudadanos y Cultura de la democracia. Reglas, instituciones y valores de la democracia. December 2000. 1 Edition. IFE – UNAM.

<sup>62</sup> Strategies, programmes and activities of Civic Education, IFE, 2000, pp.23-24.

perceived as distant figures who were detached from reality. Furthermore, this also contributed to a lack of interest by the general public in participating in politics or even being informed.<sup>63</sup> As expected, this lack of trust had a negative effect on the relationship between citizens and political actors. For example, the survey showed that only 30% of those interviewed considered that the main function of the government was to impart justice. However, 25% said that the government should solve social problems, 20% said that the government should promote the developing of the economy and 17% said that the government's main functions should be to ensure security.<sup>64</sup> The poor perception of politics was also highlighted by the low participation of people in social and political organisations.<sup>65</sup> A second important finding of the survey was the relatively high percentage of citizens that accepted different principles of legitimacy from that of the political power. For example, there was a contradiction between the ideas of having a government with laws and the preference for a strong leader.<sup>66</sup> With reference to the state of law, most citizens accepted the obligatory character of the law; although for a considerable percentage the law should not be followed nor change if it was considered unfair. For instance, 44% responded that people should always obey the law, but at the same time 29% revealed that the laws should change, and 24% considered that they were within their right not to obey them and to modify them when "*they think that it was unfair*".<sup>67</sup> On the other hand, 86% of the interviewees believed that they must denounce the civil servants who charge for a service that should be free, while 12% thought that "*it isn't worth it*".<sup>68</sup> Regarding, the process of change, the survey revealed that there was a strong tendency towards change, but a gradual change. The study showed that up to 86% of these interviewed were in favour of a gradual change. In relation to this, 78% preferred the parties to take time making important decisions. In some ways, this demonstrates that even after the transition, most Mexicans still did not support radical solutions and preferred the political parties to undertake dialogue. However, the survey confirmed that essential democratic aspects such as respect,

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<sup>63</sup> Ibid.

<sup>64</sup> Civic Education. Three-year Plan (2001-2003). IFE. April 2001, p.25.

<sup>65</sup> Ibid. p.30.

<sup>66</sup> Ibid. p.25. The perceptions on power and authority were as follows: 60% of the interviewees declared that they were more willing to choose, as a leader, a person who they knew and always applied the law, while 31%, would prefer that someone respect the traditions of the community. However, 76% subscribed to the idea that it is necessary to have a strong leader.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid. p.26.

tolerance and political plurality all obtained a low rating.<sup>69</sup> With reference to the lack of tolerance it is worth highlighting that 41% believed that in order to “*create a big nation*” it is necessary for citizens to have the same ideas and values. However, 54% agreed that having different ideas and values was acceptable.<sup>70</sup> Relating to the tolerance between individuals, the survey showed negative results. For instance, 66% said that they would not live with homosexuals; 57% would not accept living with a person with aids; 56% would not live with a person of different race, and, 51% would not live with a person with different political ideas. Finally, another conclusion was the contradiction between the increasing belief of the citizens in their capacity to influence public matters and their lack of trust and “*distance*” from politics. For example, 51% of the interviewees believed that they could influence the decisions of politicians a great deal, 33% of them considered that they could influence a little, and only 14% thought that they had no influence at all. In relation to the role of citizens in politics, it was asked who should ensure that politicians obey the law: the highest percentage (46%) thought that citizens should be in charge of such a role. This demonstrated that despite the lack of trust in politics, the self-perception of the citizens and their political efficacy they had relatively positive values that could be developed. In addition, it is important to note that the views on “*citizenship*” have an impact not only on the political system but also on the conditions of the exercise of power. For example, according to the survey, 81% relate their quality as “*citizen*” to their political rights. Consequently, 70% of the interviewees said that having rights and obligations made them a citizen and 11% considered that the ability to vote, was what made them citizens. Having rights and obligations not only refers to a legal status, but also implies a sense of belonging to a society. In this sense, civic education has the task of implicating the citizens in the performance of the law, and also in the exigency towards the governors and representatives for them to respect them.<sup>71</sup> In general, the study showed mixed perceptions on politics, institutions and even on the participation of citizens in a democracy.

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<sup>69</sup> Civic Education. Three-year Plan (2001-2003). IFE. April 2001, p.25. With regards to the fundamental values for democracy, such as tolerance and respect, in general, the results showed that they are not yet consolidated. For example, in relation to tolerance it was observed that a high number of answers given by interviewees were negative in respect of living with a homosexual person (66%) or an aids victim (57%). It was only slightly better in respect of attitudes to living with people of different races (56%), of other religions (49%) or with people of other political ideas (51%).

<sup>70</sup> Civic Education. Three-year Plan (2001-2003). IFE. April 2001, p.25.

<sup>71</sup> Ibid. p.26.

## 8.2 Civic education

There are different ways to define Civic Education. Among the various definitions Civic education is mostly related to the formation of political culture. For instance, it can be defined as a group of theoretical and methodological rules and didactic techniques that seek to influence positively the process of formation of political culture in a democratic way. In this sense, Civil Education is defined as an integral and continuous process of human development, which intends to make an impact on the preparation of conscious citizens and train them better to participate politically. Consequently, Civic Education has the objective of “training citizens” as members of a community. Alanís gives a more specific definition of civic education as “*a formative process for citizens using resources from the fields of formal and informal education to promote democratic values and related attitudes and behaviour.*”<sup>72</sup> This concept portrays Civic Education as a process that takes place informally, first within the family and later more formally, at school. Civic education becomes very important, especially during childhood as the social dynamics between children are first shaped at school, where parents along with teachers become the authority figures.<sup>73</sup> The strategies of civic education can be efficient if they appeal to the resources of formal and informal education in promoting values, practices and institutions of democracy. It can be said that civic education should have two levels that expand during the life of the individual: one instructive level and another “*formative*”.<sup>74</sup> Finally, when Civic Education is perceived as an area of activity, that area should include three essential aspects. The first aspect is civic knowledge which refers to ideas, information and experiences that individuals should have in key concepts in order to be responsible and effective citizens.<sup>75</sup> A second point of Civic Education is the values and requirements that refer to specific ways of seeing the world including habits and attitudes related to respect of human dignity, the

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<sup>72</sup> Alanís, Maria del Carmen. *Elecciones Mexico*; May 2002 (6):10.

<sup>73</sup> Ibid.

<sup>74</sup> The instructive level should be part of the first years of life and its objectives should centre on the acquisition and learning of the structures of the local, regional and state community, and the basic characteristics of the constitutional and legal framework. Then, during the formative period, the objectives should focus on the development of attitudes of cooperation, the fulfillment of laws and the exercise of their rights. *Educación para la democracia: algunas campañas y experiencias de educación cívica en América Latina*. Executive Board of Electoral Training and Civic Education. IFE. Cuaderno de Investigación Número 1. June 2000, pp.39-40.

<sup>75</sup> The civic knowledge of an individual includes knowledge about institutions of democracy and the role of the citizens in them. The citizens must note the implications of the vote and elections, government, etc... and also the structure of the state and municipal powers, electoral institutions, parties and political groups.

understanding of tolerance, plurality, general equality and politics. Finally, the last aspect is civic skills including intellectual abilities, operatives, dialogue, construction of consensus, citizen organisation, formulas for participating etc.<sup>76</sup>

### 8.3 The importance of Civic education in the transition to democracy.

If Civic Education is understood as a means to influence the process of configuration of political culture in a democratic sense, civic education programmes operate better in democracies, processes of democratisation and transitions.<sup>77</sup> In this context, the relationship between political culture and civic education should be taken into consideration. Political culture is perceived as a group of perceptions, values, and attitudes of the population in relation to politics that has become a starting point in applying programmes of civic education. Political culture, as the group of beliefs and values concerning politics that exists within the mass and the citizens, can also be considered a precondition that favours democracy. Diamond, Linz and Lipset found evidences of the correlation between features of democratic culture and democratic stability while researching for their comparative study in politics in developing countries.<sup>78</sup> Thus, it seems that the more stable and stronger a democracy becomes the more chance there is to adopt democratic values and beliefs. Several experiences of civic education campaigns in Latin America showed that in democratic or transition contexts citizens are more receptive and motivated to participate and to be educated civically.<sup>79</sup> During processes of political change and institutional transformation, the practice of democracy can contribute to creating a positive attitude among the people, even when their initial view of democratic values is low.<sup>80</sup> Therefore, it can be argued that during political openings, new practices and activities to promote civic education can be welcomed and seen as part of the overall political change that they are already experiencing. Expectations generated during circumstances of political change such as elections, government reshuffles and transitions, can make the programmes of civic

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<sup>76</sup> Civic Education. Three-year Plan (2001-2003). IFE. April 2001.

<sup>77</sup> Strategies, programmes and activities of Civic Education, IFE, 2000, p.26.

<sup>78</sup> Diamond, L., Linz, J. and Lipset. *Politics in Developing Countries: Comparing experiences with democracy*, p.19. "Those countries that have been the most strongly and stably democratic also appear to have the most democratic political values and beliefs".

<sup>79</sup> Educar para la democracia: algunas campañas experiencias de educación cívica en América Latina. IFE. June 2000, p. 33. Therefore, the character of "change", the change from authoritarian to democratic rule and the route towards a democratic and participative society are the best contexts for civic experiences, e.g. Nicaragua, Paraguay, Chile and Colombia.

<sup>80</sup> Ciudadanos y Cultura de la democracia. Reglas, instituciones y valores de la democracia, p.19.

education more effective.<sup>81</sup> However, the motivation to participate and adopt new attitudes may vary depending on how deep the previous values are rooted in the population.

In the context of political change toward democracy, Civic Education can be useful in creating a political culture with democratic values among the population. As part of this process of cultural change the individual can be educated as a responsible citizen in a context of freedom and respect for human dignity; promote solidarity and social co-responsibility for the building of democratic order.<sup>82</sup>

### 8.3.1 Target groups of Civic education and programmes in Mexico

In the Latin American context, most of the civic education campaigns have been directed at citizens, who became the primary actors.<sup>83</sup> However, the target group of a civic education campaign may vary depending on the specific purpose of each programme. First of all, the ideal goal of a Civic Education programme should be to seek to influence spaces of basic socialisation such as school and family.<sup>84</sup> Programmes of civic education in these spheres should have a permanent character, as the school is a privileged place of socialisation, acquisition of universal values, personality and a social conscience.<sup>85</sup> At this stage it is necessary to carry out various activities starting from the designing of study programmes, the production of didactic materials and training programmes for teachers. Secondly, depending on the purpose, a programme of civic education should extend to work in other areas outside primary and secondary education such as community spaces. And finally, a third element to be considered when designing a programme is the mass media. The inclusion of the media in programmes is

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<sup>81</sup> Interview, Javier Romo, Advisor to President Councillor 2003-2010 (IFE) and political academic, Mexico City, 12 November 2004. The competitiveness that emerged during the 1988 elections triggered an interest in elections that lasted for a decade. However, despite political mobilisations, few people believed in the real value and worth of their votes. In this context, the IFE initiated campaigns of promotion of votes that eventually became a permanent activity. Such campaigns proved to have an impact in voting participation especially during the 1991 and 1994 elections.

<sup>82</sup> Civic Education. Three-year Plan (2001-2003). IFE. April 2001.

<sup>83</sup> Educar para la democracia: algunas campañas experiencias de educación cívica en América Latina. IFE. June 2000, p.42. "*Civic education is related to the relationships that people have amongst themselves and with authority within different spheres: the local community, the school, the family, social groups and the national community.*"

<sup>84</sup> Alanís notes that "The school offers better conditions because its favours a systematic process in the long term, supported by contents of the subjects included in the programmes and the way in which these contents are taught. Alanís, Maria del Carmen. *Elecciones Mexico*; May 2002 (6):10.

<sup>85</sup> Educar para la democracia: algunas campañas experiencias de educación cívica en América Latina. IFE. June 2000, p.41.

quite significant, as it has become the primary source of information for most people<sup>86</sup>. In the case of Mexico, the programmes of civic education are mainly focused on children, young people and women.

### 8.3.2 Civic education in Mexico: reasons for its application

After Mexico experienced a political change which resulted in more competitive, clean and fair elections and greater political plurality, only a few people believed that the country had achieved a full democracy, as the political culture remained ambiguous. For those who thought that the process was incomplete, Civic Education programmes, seemed to be the best instrument to promote and strengthen new democratic values and attitudes; in other words, a new democratic culture in Mexico.<sup>87</sup> As noted earlier, various studies on the political culture between 1999 and 2001 showed the need for the implementation of Civic Education.<sup>88</sup> As the electoral character of the transition restricted most of the changes on electoral issues, the electoral mobilisation had very little impact on the existing political culture inherited from the authoritarian regime. There are various reasons that justify the need for civic education programmes in the consolidation of democracy in Mexico. First of all, as a precondition to democracy, the creation of a democratic political culture becomes essential not only to reduce dangerous political polarisation but also to restrain common non democratic practices.<sup>89</sup> Therefore, programmes of Civic Education can be used by the government to ensure stability. It is important to remember; that the authoritarian past of the regime shaped the political culture not only of the people but also of the political actors, who despite participating in democratic institutions, needed to learn democratic practices.<sup>90</sup> For instance, despite most members of political parties accepting in theory the importance of political negotiation and consensus, most of them showed intolerance when

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<sup>86</sup> The media has to remain open to new possibilities of political reflection and public debate and, if possible, it should also draw up ethical and discursive codes of action. Alanís, María del Carmen. *Elecciones Mexico*; May 2002 (6):10.

<sup>87</sup> Woldenberg, J., *Elecciones Mexico*; May 2002; (6):2. "Civic education can be perceived as a vehicle to teach how to live in a different political world"

<sup>88</sup> Ciudadanos y Cultura de la democracia. Reglas, instituciones y valores de la democracia, pp.1-7. The analysis of political culture includes the establishment of the links between the values, the rules and the institutions that allow the distinctive features that define the political character of the inhabitants of a country.

<sup>89</sup> Interview, member of the Federal Electoral Institute (IFE) B, Mexico City, 19 October 2004.

<sup>90</sup> Interview, Jorge J. Romero, Advisor to President Councillor (IFE), former member of Democracia Social and political academic, Mexico City, 15 November 2004.

disagreeing in Congress.<sup>91</sup> It can be argued that Civic Education can also be applied to political elites, especially when learning how to engage in dialogue and negotiate while accepting different positions.<sup>92</sup> In addition to this, another reason for the application of civic education programmes is the lack of democratic values such as social and political tolerance among the people. Finally, the traditional low level of social organisation outside politics in Mexico, contributed to a passive attitude by citizens towards politics.<sup>93</sup> It is important to note that in the past, despite such passiveness, Mexicans always showed high frequency in their willingness to discuss politics, although not necessarily to act.<sup>94</sup> Mexico also experienced a weak process towards direct political socialisation. Consequently, the adequate socialisation of politics was affected not only by cultural factors but also by the lack of education and media access. For instance, big social groups such as women, ethnic minorities and the non educated citizens were commonly marginalised from these processes.<sup>95</sup> Therefore, areas of Mexican political socialisation have been limited and differentiated. For example, until recently, the public only discussed politics in private circles, as politics was perceived as the job of politicians in which the public could have no impact or influence.<sup>96</sup>

### 8.3.3 Civic Education and the IFE

Initially, the interest in Civic Education in Mexico, among social institutions and political actors, was a response to various factors, including the emergence of Human

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<sup>91</sup> Interview, Ricardo Becerra, political academic and advisor to the President Councillor 1996-2000 (IFE), Mexico City, 22 November 2004.

<sup>92</sup> Ibid.

<sup>93</sup> This should not be mistaken for participation in voting. In critical circumstances, people's desire for change moves them to participate in elections.

<sup>94</sup> Almond, G. and Verba, S., *Civic Culture*, p.62.

<sup>95</sup> This was shown by using a question designed to observe the grade of primary socialisation. When you were a child did your family talk about politics? Only 22% said yes, while the majority, 70.3% said they didn't. When the younger generations, between the ages of 18 and 30, were asked the same question, 26% replied yes, while those aged over 41 years showed a minor grade of primary socialisation towards politics (18.3%) and more in the case of men (22.4%), than in women (21.6%). Additionally, professionals appeared to have an early primary socialisation towards politics with 49.5% showing political socialisation, while in other areas the following figures were evident: 40.7% of the private company managers, 40.5% of students, 17% of the unemployed, 18.1% of dependent workers and 12.5% of civil servants. The increase in socialisation was seen at the same time as increases in the level of education, therefore the early socialisation increased from 14.2%, among people without education, to 37.9% among those that had an unfinished university education. *Ciudadanos y Cultura de la democracia. Reglas, instituciones y valores de la democracia*, by Julia Flores Dávila and Yolanda Meyenberg, p.19.

<sup>96</sup> For example, according to the Survey carried out by Julia Flores Dávila and Yolanda Meyenberg, 75% showed their disagreement with the idea of priests talking about politics. Only 16.2% said that they agreed with priests talking about politics, 4.1% only agreed in part, and 75.7% said they totally disagreed. The answers to this question demonstrated not only the rejection of interference of politics in private ambits, but also a long socialisation of the secular culture of the Mexican state, that saw the separation between the state and the church. *Ciudadanos y Cultura de la democracia. Reglas, instituciones y valores de la democracia*, by Julia Flores Dávila and Yolanda Meyenberg, p.19.

Rights Commissions, the involvement of civil organisations in electoral observation and the introduction of the subject of “*civic education*” in the programmes of the educative system.<sup>97</sup> Most of the civil and non governmental organisations that emerged from the mid 1980s onwards started working in the defence and promotion of political and civil rights.<sup>98</sup> However, as many analysts agree, the creation of IFE in 1991 and the introduction of Civic Education as one of its main areas of activity was the factor that defined Civic Education as an essential part of the democratic construction.<sup>99</sup> However, the current role of this area of activity in the electoral authority was not considered until the 1996 electoral reform. Previously, civic education was like an accessory activity which was limited to electoral periods.<sup>100</sup> The decision to include civic education as an IFE function resulted from the idea that elections had to be accompanied by informed, free and conscious participation by the citizens, not only during elections but also during other public spaces.<sup>101</sup> The 1990 electoral reform established by constitutional and legal mandate that IFE, through its Executive Board of Electoral Training and Civic Education, had the responsibility of “*elaborating and proposing programmes of civic education and electoral training...and orienting the citizens in the exercise of their rights and fulfilment of their political electoral obligations.*”<sup>102</sup> In addition to the function of organising elections, the IFE officially became responsible for helping with the development of democratic life. Conforming to the constitutional principles and requirements that the electoral law (COFIPE) provided, the IFE had the responsibility to guide citizens on their political and electoral obligations and to promote democratic culture. In order to do this, the electoral authority had to design, promote and implement programmes of civic education. However, due to the enormous work involved in carrying out programmes of civic education, it was also established that the electoral activity had to actively promote agreements and common projects relating to civic education with other institutions and organs. Overall, the main tasks of IFE in this area included designing, promoting and applying programmes of civic education to inform

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<sup>97</sup> Strategies, programmes and activities of Civic Education, IFE, 2000, p.24.

<sup>98</sup> Written interview with Jose Luis Barajas, ex member of Alianza Cívica.

<sup>99</sup> Interview, Jorge J. Romero, Advisor to President Councillor (IFE), former member of Democracia Social and political academic, Mexico City, 15 November 2004. “In some ways, taking into consideration the authoritarian past of the government, both government and political parties agreed that civic education needed to be allocated to an institution outside the government. Although at this early stage this matter was not a priority in their proposals.

<sup>100</sup> Strategies, programmes and activities of Civic Education, IFE, 2000, p.25.

<sup>101</sup> Ibid.

<sup>102</sup> COFIPE, Article 96, Point 1, section a & d.

citizens of their political and electoral rights and obligations and to promote and disseminate democratic values. Such programmes were to be applied in both the formal and informal spaces of education. This “*formative*” feature of the IFE differentiated the institution from other electoral commissions. In the long run, the purpose of IFE was to open a communication channel to disseminate the culture of democracy in order to consolidate civic culture in the population. IFE started operating in the area of civic education in the second semester of 1991, after the midterm elections were completed in order to elect members of the Congress. The allocation of this area of responsibility to the IFE provoked initial complaints among political actors.<sup>103</sup> Most of the complaints were related to the control that the PRI government still exercised inside IFE through the Minister of the Interior in the General Council.<sup>104</sup> At this early stage, the IFE was perceived as a government body; therefore, for most people its civic education activities were seen as governmental programmes. Additionally, the political education received in schools during the PRI’s hegemony had been totally dominated by the partial interpretation of the regime. In time, the relative success of initial civic education campaigns in the mid 1990s, including the updating of the electoral roll and the promotion of the vote, increased trust in the institution although it was limited.<sup>105</sup> However, it was not until the electoral authority became independent in 1996, that the institution started being fully trusted. The trust and consistency of the IFE became very important for its programmes of civic education to be successful. Previous experiences in Latin America had proved that among the most successful civic education campaigns were those promoted by trusted and experienced social, political or public figures.<sup>106</sup> Despite the IFE initiating programmes of civic education, it was understood that because of the size of the group in a highly populated nation, the IFE had to collaborate with other civic institutions in respect of providing civic education. The collaboration

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<sup>103</sup> Initial complaints emerged, despite the electoral code establishing that in order to ensure the IFE’s legitimacy and commitment, civic education promoted by the electoral authority should be independent from party influences and unbiased and it should be of general interest and appeal to the whole population to participate. Strategies, programmes and activities of Civic Education, IFE, 2000, p.25.

<sup>104</sup> Interview, Jorge J. Romero, Advisor to President Councillor (IFE), former member of Democracia Social and political academic, Mexico City, 15 November 2004. As the reform was negotiated between the PAN and the PRI, other political parties such as the PRD were suspicious about the IFE function.

<sup>105</sup> A survey conducted by Covarrubias y Asociados between January 18 and January 22 1993, showed that only 7% of those questioned knew that IFE was responsible for organising elections and it also showed that up to 48% of respondents had not confidence in the electoral results and only 11% accepted it. See survey “IFE, el gran desconocido” in *Voz y Voto*, May 1993 (3):28-29 and “La credibilidad en las elecciones” in *Voz y Voto*, March 1993 (1):22-24.

<sup>106</sup> Educar para la democracia: algunas campañas experiencias de educación cívica en América Latina. IFE. June 2000, p.41.

conducted by IFE, through its Executive Board of Training and Civic Education, resulted in a strategy that entailed the participation of other institutions with the objective of extending and increasing the impact of national civic education.

### **8.3.4 Objectives of IFE in the area of Civic Education.**

One of IFE's main goals was to generate, in society, a social demand for democracy, making this a more desirable option than other forms of government. In order to create this social demand for democracy, the IFE acknowledged that society needed to understand democratic values, principles, institutional mechanics and historical evolution.<sup>107</sup> The IFE said that it was committed to explaining to the citizens the practicality of politics and informing them about their political obligations that are part of a democracy. IFE claimed that its intention was not only to promote participation in politics and public matters among the citizens, but also to reduce the existing negative perception of politics. Alanís Figueroa notes, that gaining civil skills is part of civic education. Among the civic skills is the ability to organise, to identify problems, to be able to debate, to offer possible solutions, to be able to make a dialogue, to discuss, to listen and to negotiate, to reach agreements and to elect civil representatives and make politicians accountable.<sup>108</sup> IFE claims that another of its goals was the promotion of "governability" that aimed to educate in democratic values and practices in order to generate responsibilities that balanced the different demands and eased conflicts.<sup>109</sup> There were three main objectives that the IFE declared to follow: a) to contribute to promote the values and attitudes that allow the slow settling of a democratic way of life through the extended promotion of democratic fundamental values, through the media, and through basic socialisation where the political culture is formed, like the family, school and the community; b) to favour high levels of interest among citizens in politics and c) to promote the participation of more informed and responsible citizens in electoral political matters.

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<sup>107</sup> Alanís, María del Carmen. *Elecciones Mexico*; May 2002 (6):10-11.

<sup>108</sup> Ibid.

<sup>109</sup> Strategies, programmes and activities of Civic Education, IFE, 2000, p.27.

### 8.3.5 Programmes of civic education by IFE

In order to design and develop the institutional civic education programmes, the IFE carried out various studies on the political culture in Mexico. The conclusions of those studies gave IFE important information for establishing priorities and objectives for its campaigns of civic education. Initial research on the existing political culture showed areas that IFE needed to work on. For instance, the obvious contradictions in the political culture of Mexico which showed both authoritarian and democratic elements, was evidence of the need for political socialisation. As a result of this contradiction, the IFE was advised to develop programmes and projects of civic education aimed at having an influence on the political socialisation of citizens. Those programmes were intended to inform people about the different democratic institutions, norms and practices as well as the respect of legality.<sup>110</sup> In addition to providing information, the electoral authority was also advised to communicate matters that were related to everyday life situations, in order to revive the collective identity.<sup>111</sup>

### 8.3.6 IFE as a promoter of civic culture

The promotion of social responsibility was one of the main activities of IFE. With regard to this, the IFE became responsible for designing, printing and delivering civic education programmes oriented to two types of target groups: those with academic training and the general population.<sup>112</sup> As the IFE organised conferences and talks on the subject of civic education, the electoral authority emerged not only as a promoter and diffuser of civic culture, but also as a promoter of ideas and knowledge that nurtured the contemporary debate on democracy.<sup>113</sup> Additionally, the early printed material given to the general population became promotional material that even today, is in demand.<sup>114</sup>

<sup>110</sup> That resulted in being of great relevance to the population, for example on the matter of politics, it recommended emphasis on politics as an activity that involves everyone, and implies a commitment to social welfare. *Educación para la democracia: algunas campañas experiencias de educación cívica en América Latina*. IFE. June 2000, p.28.

<sup>111</sup> *Ibid.*

<sup>112</sup> Programmes for the first group included research projects and conferences. Eg. “Cuadernos de Divulgación de la Cultura democrática”. Programmes for the second group included leaflets and posters. eg. “Knowing the civic history of Mexico, etc). *Civic Education. Three-year Plan (2001-2003)*. IFE. April 2001, p.11.

<sup>113</sup> For example, events such as the “*Foro of Educación Cívica y Cultura Política Democrática*” in 1998 were organised by the IFE, with the three federal governments: DF, Estado de Mexico and Jalisco, and civil institutions such as: Asociación Nacional de Universidades e Instituciones de Educación Superior, Fundación SNTE para la Cultura del Maestro Mexicano, A.C., Causa Ciudadana, Centro de Estudios Educativos, Asociación Mexicana para las Naciones.

<sup>114</sup> *Civic Education. Three-year Plan (2001-2003)*. IFE. April 2001, p.11.

### **8.3.7 First activities of IFE: 1990 -1993**

The first civic education programmes carried out by IFE in the early 1990s were quite limited and were focused mainly on the promotion of the vote.<sup>115</sup> Between the creation of the electoral authority and 1993, the main area of work was the design of activities linked to the civic-political history of Mexico. Printing materials such as leaflets and posters were used to provide information about significant events and people in the nation's history. Then from 1993 onwards, the IFE started a new phase in the area of civic education and expanded its programmes. In this new stage, the issues of democratic values and democratic practices were introduced and prioritised in the programme, without abandoning the part on civic political history. The IFE organised four areas of work: 1) divulgation of democratic culture to citizens, b) civic education for children and young people, c) information and bibliographic services, d) and promotion of the vote.<sup>116</sup> It was established in different phases, and the IFE carried out research, planning and evaluation. There was also consultation in the area of Electoral Training and Civic Education. IFE's initial activities were focused on the task of developing a strategy of civic education directed at different groups, such as children, young people and other previously determined target groups.

This strategy incorporated the publication of various materials and promotional activities. In parallel, the Electoral Training and Civic Education Board of IFE put into practice programmes, not only directed at the IFE's electoral service, but also at the academic community, such as magisterial conferences, journals and books directed at university students, social scientists and politicians.

### **8.3.8 The IFE and education**

When IFE was created, it was established that it had to collaborate with educational institutions. The programmes were to be delivered not only by the vocals of the Electoral training and civil education of the electoral institution, but also by promoters and instructors of other institutions and civil organisations and by teachers who were part of the national education system. After the IFE delivered the first civic education programmes they were quickly adopted by the education authorities. In order for these

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<sup>115</sup> Interview, Member of the Federal Electoral Institute (IFE) A, Mexico City, 10 September 2004.

<sup>116</sup> They also introduced various activities of support to the aims of the programme. It was an investigation of the political culture and relationship between institutions and the editorial production and design. Civic Education. Three-year Plan (2001-2003). IFE. April 2001, p.11.

programmes to be implemented in schools, the IFE assumed responsibility for training teachers in civic education and designing text books on the subject. In relation to this, various agreements were signed with the education authorities, including universities. The IFE would functioned as a moderator during the implementation of programmes in formal and informal education applied by teachers and social promoters. Examples of the programmes introduced include: “Rights and Values of the Mexican Infancy” or “Us, the Young People”, “Citizen’s Project” and “National Week in support of the Rights of Children.”<sup>117</sup> Another project was the “Seminary of Civic-Electoral participation of children and young people”, in which various children’s elections that took place in 5 continents were analysed, with the participation of the Electoral Tribunal of the Judicial Branch of the Federation and the United Nations Fund for Children. One of the better known programmes in the area of education was “Civic Survey” (Jornadas Civicas), a programme of civic education delivered by the local structure of IFE that achieved an audience of up to 3 million children, young people and adults.<sup>118</sup> It was the first attempt to use a programme of civic education in the scholar space. The programmes applied in primary and secondary schools were extracurricular and their purpose was to enforce and complement the programmes and official content of the subject of Civic Education.

The application of these programmes included surveys given to the IFE trainers, teachers and children, which were followed by both qualitative and quantitative evaluations, as well as evaluations directed at the analysis of the acceptance of the editorial collections that fed the different programmes. One of the main intentions was to promote, within the children and young people populations, the formation of values and practices that are acquired through the realisation of a group of activities that result from four pedagogic principles.<sup>119</sup> This plan was initially devised in 1993. In this specific project, the IFE looked for the approval of the sample programmes and evaluated the materials provided by the education establishments. In 1995 after the initial plan had been approved by the Education Secretary it was later re-designed and finally applied. Despite initial reservations by the education authorities, they accepted

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<sup>117</sup> Strategies, programmes and activities of Civic Education, IFE, 2000, pp.32-33; Rights and values of children and youth. National week in favour of Children’s rights.

<sup>118</sup> Strategies, programmes and activities of Civic Education, IFE, 2000, pp.32-33.

<sup>119</sup> The main activities of the programmes included the elaboration of drawings, murals, participation on forums, in debates, and in reading groups as well as a “mock voting” and didactic games. Civic Education. Three-year Plan (2001-2003). IFE. April 2001, pp.12-14.

the programme. Indeed, in 1996 schools began to request the application of “*Jornadas Cívicas*”. In order to ensure the theoretical support, methodology and didactic materials of the programme, IFE carried out an internal evaluation using questionnaires directed at teachers and students. The programme also had an external evaluation in 1995, by the Centre for research and educative and social development, which carried out a diagnostic evaluation of the programme. The implementation of the “*Jornadas Cívicas*” contributed not only to the process of learning democratic values but it also established a more precise didactic strategy. Another significant project carried out by IFE, in the area of political culture and children, was a study on the effect of the 1997 elections on the political culture of children. The study was called “*Evaluation of the impact of campaigns of civic education of the IFE in the 1997 elections*” and it was carried out in September 1998. The objective of this study was to examine the extent to which the campaigns of civic education applied to schools had reinforced or transformed the impressions that children and young people had of the democratic culture. With reference to the civil education of children the IFE organised the “*1997 children’s elections*”. This project consisted of a simulated election where children voted on their main concerns. The results of this exercise were significant because they put the issue of childrens’ rights on the national public agenda and mobilised institutions to carry out initiatives in favour of children. The application of various programmes of Civic Education for children and young people eventually increased and gained the recognition of the education authorities. Additionally, due to new forms of application, the programmes also generated a national demand. After the project concluded, it proved to have been more effective in primary and secondary children than in older groups. The evaluation also showed that the programme was more efficient in transmitting information than in generating new attitudes and behaviour.<sup>120</sup> It also revealed that in its application the psycho-pedagogic principles of the programme tended to diminish, showing the need for operating changes in its methodology as in “*Workshop of Training of Tutors and in the respective manual*”.<sup>121</sup>

In 1996, the IFE began to work on the rights of children, which increased the issue of civil education for children. On this subject, the IFE developed a significant programme

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<sup>120</sup> Interview, (anonymous), member of the Federal Electoral Institute (IFE) B, Mexico City, 19 October 2004. “*The results of this project surprised the IFE as it expected a major impact on children’s attitudes. However, this exercise showed that the family’s influence in the formation of their attitudes was much greater than the interaction at school.*”

<sup>121</sup> Civic Education. Three-year Plan (2001-2003). IFE. April 2001, pp.14-15.

for children in civil education called “*Programme for the rights and values of Mexican Youth.*”<sup>122</sup> The purpose of this programme was to increase the institutional relationship between the IFE and other institutions and social organisations and agree a plan to teach democratic values and practices to children. The IFE asked other institutions and civil organisations to plan, design and develop a programme of civic education. The collaboration between the IFE and another five institutions resulted in a programme of Inter-institutional Action.<sup>123</sup> This civic education programme was extracurricular and included two manuals of didactic support for teachers and was designed for fifth and sixth grade primary school children. After its first application, this programme was included in the Catalogue of Projects and Support Services activities of the Basic Education of Mexico City. The programme was applied by the local organs of the IFE in the second semester of 2000. Overall, the programme was accepted by teachers and the education authorities and proved to be a very useful instrument for the support of teachers working on issues of rights and obligations. The pilot test also showed that the Manual of Training for teachers was too long and that some lectures repeated the information, which added to the dynamic of the course.<sup>124</sup> An additional project in the area of civic education to children was “*We, the youth, citizen project*”, which was developed by IFE and the Sub secretary for Education Services of the Federal District in 1998.<sup>125</sup> The objective of this programme was to trigger the interest of young people in the problems of the community. It also intended to involve secondary school children in identifying possible solutions to common problems in the community in order for them to design a plan of action to persuade the authorities to turn them into public policies.<sup>126</sup> After the programme was completed, according to the participant teachers, the students became more interested in the problems of their community and gained a better understanding of their ability to influence change. Despite positive results, the evaluation of the programme showed that the training course for instructors had to be improved and the teachers’ manual had to include a better explanation of the key

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<sup>122</sup> Rights and values of Mexican Children.

<sup>123</sup> The IFE collaborated with five other institutions including UNICEF, the Ministry of Public Education (SEP), the National System for the Overall Development of the family (DIF), the National Commission of Human Rights (CNDH), and the Human Right Commission of Mexico City.

<sup>124</sup> Civic Education. Three-year Plan (2001-2003). IFE. April 2001, p.16.

<sup>125</sup> It was designed by the Centre for civil Education.

<sup>126</sup> The programme was carried out in two phases. The first phase took place in 1999 when the personnel of local IFE and the teachers of Jalisco, Yucatan and Mexico City were trained. The second was developed in 2000 in which the states of Sinaloa, Nuevo León, Guerrero, Veracruz, Tlaxcala and Morelos participated. Then in August 2001 it was carried out in the State of Mexico at local level.

concepts of public policy.<sup>127</sup> Finally, one of IFE's most significant programmes regarding the civic education of children was the "*Children and Youth Survey in 2000.*" This programme was carried out on presidential election day, July 2 2000, making the election day also a civic day for children, and thus contributing to the democratic development of the country. The tasks involved in this programme were implemented by IFE, along with a group of experts and representatives from public, private and social institutions.<sup>128</sup> The main aim was to find out the views that children had on the rules, the exercise of authority in the family, the school, the community and the country.<sup>129</sup> The results and information gathered in the survey were to be used to design programmes, policies and activities, to foster and strengthen the democracy.<sup>130</sup> The objective of this survey was to encourage awareness in children and young people about their legal rights and obligations. It was also intended that the children consider the surveys as a legitimate means to express their opinions and preferences, while respecting the opinions of others. Consequently, this survey was not only a learning process about civic rights and obligations among children and young people but also a process to reinforce the practice of democratic values.<sup>131</sup> The target audience of the survey was children between the ages of 6 and 17 who were invited to participate in a survey that included democratic values and practices and other public problems such as alcohol, drugs and AIDS.<sup>132</sup> The survey was promoted through the use of mass media such as radio, print, and TV. Promotional material, such as posters, brochures and videotapes produced by the IFE, and other participating institutions, were sent to the Local and District Boards and the participating organisations. The electoral material was distributed throughout Mexico's 32 states while the polling site volunteers were trained to implement the programme.<sup>133</sup> Both the qualitative and statistical information gathered

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<sup>127</sup> Civic Education. Three-year Plan (2001-2003). IFE. April 2001, p.18.

<sup>128</sup> The institutions involved were the Ministry of Public Education, the National Commission for Human Rights, the National System for the Overall Development of the Family, the National Indigenous Institute, United Nations Children's fund, and other state government and public local bodies. IFE Children and Youth Survey 2000

<sup>129</sup> IFE Children and Youth Survey 2000

<sup>130</sup> Ibid. p.6.

<sup>131</sup> Ibid.

<sup>132</sup> Target audience and Ballot Design: those who participated in the survey were young people between 6 and 17 years of age. Because of the differences in perceptions and environments, the overall group was divided into three ranges: 6 to 9, 10 to 13 and 14 to 17. The survey's topics were the same for the three groups, but each group had its own ballot, based on cognitive and emotional development. IFE Children and Youth Survey 2000

<sup>133</sup> Elecciones México. Children and Youth Survey 2000. IFE, p.3.

"Approximately 60,000 volunteers were recruited and trained to ensure the smooth operation of the polling sites. There were two kinds of volunteers: the officials, who were individuals over 18 years and the guides, youths from 14 to 17 years of age, who were in charge of assisting the officials in the tasks of installation, registration and orientations to participants, the filling out of electoral records and the composition of electoral packages. Activities

from this survey was very useful. According to the IFE, the project satisfied several goals including the creation of space in which young people could exercise their right to participate and express themselves, in addition to putting these population groups in touch with the values and procedures typical of a democratic system.<sup>134</sup> It also gathered information from children on issues that affected them directly, particularly those related to human interaction, the creation and respects of regulation, and the enforcement of authority. The researchers<sup>135</sup> from the National University of Pedagogy concluded that “*children wish to be known in the public space as interlocutors worthy to being considered in the decisions that affect their daily lives as members of a community, family, school and country*”.<sup>136</sup> The survey showed that the concept of political culture among children was more critical when moving from the private to the public ambit and with increasing age. Younger children valued the family more than the country. The perception on “childhood” was also more positive among young children than teenagers. Regarding the issue of gender equality, most of the 6 to 13 year olds (between 78% and 86%) shared the same opinion in the sense that in both the family and school they felt that were treated equally. However, this perception of equal treatment decreased among 14 to 17 year olds. In the same way, children perceived that rules were respected more in the family than in school or in the country. These responses showed that “scepticism” increased in older groups and conforming passed from the private to the public ambit. In this last context, 7 out of 10 children observed that in the context of the country, they were not taken into consideration when elaborating the rules. A similar proportion thought that rules and laws were not applied the same way. They also thought that most adults did not respect them. The survey also demonstrated that the older the children got, the less willing they were to take decisions. With reference to authority, younger groups perceived more violence and abuse than

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on July 2: there were 14,307 polling sites for children and young people through Mexico, in urban and rural areas, as well as in indigenous communities. About, 4,000,000 girls, boys and teenagers participated in this survey”

<sup>134</sup> IFE. Children and Youth Survey, p.6.

<sup>135</sup> Aurora Elizondo, Corina Fernández and Lucía Rodríguez, from the National University of Pedagogy.

<sup>136</sup> Civic Education. Three-year Plan (2001-2003). IFE. April 2001, p.29.

It was observed that the children thought that there was more collaboration in the private ambit (86% for example, in the family) than in the public (only 45% recognised that collaboration existed in the country). While 84% and 81% respectively, perceived opportunities for developing inside the family and school context, the percentage decreased from around 65% and 64% within the community and the country. For example, in the school, 80% of the children between 6 and 9 years considered that they did participate in the decision taken, while in the groups between the ages of 10 to 13 and 14 to 17 years, only 73% and 58% respectively thought the same. And the same, when passing from the private to the public ambit, from the family to the country, they thought that the possibilities for participation decreased: the young affirmed that it was greater in the family (77%), a bit lower in the school (58%) and in the community (50%) and much lower in the country (32%).

older groups. However, in the context of the country, 1 out of 3 youths thought that they were treated with more violence. In general, the 14 to 17 year old group recognised, in a positive way, the existence of democracy. This was shown in the high values that they gave to elections (9 out of 10 considered this important throughout the country and 3 out of 4 in the school). However, regarding the political parties, only 47% of this population group considered that political parties took their interests into consideration.<sup>137</sup>

### 8.3.9 Civic education for adults

In relation to adults, the IFE developed a series of programmes and workshops intended to promote “*citizen values*” in adults. In 1998, the IFE through the Executive Board of Electoral Training and Civic Education designed a “*Workshop for Citizen Education*”. A year later, it started training vocals of IFE’s local branches and professionals. The purpose of this workshop was to promote the participation of citizens in political and public issues. This particular project was part of the programme of civic education presented by the IFE that was carried out in collaboration with other institutions and was intended to help to generate “*citizen values*” in adults. It was delivered by the local and district IFE boards, into different states’ government personnel, to national political groups, to universities, to councils and to civil and political bodies.<sup>138</sup> In reference to the IFE’s activities in promoting the vote and participation in the electoral process, the IFE developed several campaigns between 1991 and 1994. However, in 1994 the electoral authority, in collaboration with the Coordination of Social Communication, organised the most significant campaign on the issue of promotion of the vote. In this campaign, the IFE’s Executive Board performed a vital role by making and issuing posters on democratic values and the promotion of the vote, and elaborating scripts for radio and television to be used by the National Chamber of the Industry of Radio and Television. Later, for the midterm elections in 1997, the Executive Board of Electoral Training and Civic Education designed the general strategy of the campaign, which included sub campaigns of composition of directive boards, promotion of the vote, and were in favour of a free and secret vote. However, this campaign encountered various problems during the broadcasting, including a low allocation of official times, a lack of

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<sup>137</sup> Civic Education. Three-year Plan (2001-2003). IFE. April 2001, p.29.

<sup>138</sup> Ibid, p.20.

commitment to the General Direction of Radio, Television and Cinematography's guidelines by the radio stations, and the broadcast of the campaigns in low viewing time. Despite these various difficulties, the audience reviews revealed that the campaign had an impact on the target groups with good comprehension and retention of key messages.<sup>139</sup> Finally, in 1991 the Executive Board of IFE created a central library which became an important source of resources for both the IFE and other academic institutions. In 1993 a National Network of Libraries was created. In this way, the central offices of IFE supported the local ones.

### **8.3.10 The International activities of IFE**

The international activities of IFE were introduced in the 1993 electoral reform. Initially, the activities were focused on institutional promotion and reception of foreign delegations. However, by 1994 IFE started to cooperate with other countries on common projects. In particular, it is worth noting the technical assistance received from the United Nations in respect of electoral activities in 1994. This was the first step in the internationalisation of IFE as it was subsequently invited to participate in international projects of technical assistance to others countries. Since 1994 IFE has signed agreements with various organisations including the International Foundation for Election Systems (IFES).<sup>140</sup>

Of note is the agreement in 1999 to create the Partnerships of Electoral and Democratic Development, together with the United Nations Electoral Assistance Division, IFES, international IDEA, and Elections Canada. As a result of this, IFE was invited to participate in the directive councils of the international missions organised by the UN. Most of the assistance requested from IFE has been related to technical assistance on electoral procedures. For instance, for the Independent Electoral Commission of Iraq, carried out in 2005, the IFE contributed to the making up of technical reports on the updating of the electoral roll and certification of political parties and candidates.

The promotion of democratic culture and values is also part of the IFE's international activity. Since 1993, the IFE has organised and co-sponsored many international forums. It has also been invited to participate in several forums held abroad, usually to

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<sup>139</sup> Civic Education. Three-year Plan (2001-2003). IFE. April 2001, p.12.

<sup>140</sup> See list of agreements signed by IFE with other international institutions at: [http://www.ife.org.mx/documentos/preguntas/VII\\_INTERNATIONAL\\_ACTIVITIES\\_OF\\_THE\\_IFE.pdf](http://www.ife.org.mx/documentos/preguntas/VII_INTERNATIONAL_ACTIVITIES_OF_THE_IFE.pdf)

provide information on the Mexican political and electoral system.<sup>141</sup> IFE has also been involved in comparative international studies that have contributed to the strengthening of inter-institutional cooperation. The IFE collaborates as a regional centre for the composition and updating of all information related to Central America and Caribbean countries. This collection may be viewed at: [www.epicproject.org](http://www.epicproject.org).<sup>142</sup>

#### **8.4 Conclusion**

The role of IFE in the area of Civic Education in Mexico has changed through the years. From its creation in 1990 until 1993, the electoral authority focused mainly on electoral activities such as the promotion of the vote and updating the electoral roll. In this earlier period, when the IFE was chaired by the Minister of the Interior, the political parties perceived IFE's campaigns as suspicious, claiming them to be partial and fraudulent. When the IFE became totally independent, with the reform of 1996, its activities for the promotion of votes were perceived in a more positive way by the parties and by the general public. On the other hand, the incursion of the IFE in the field of civic education at school was also perceived with reservations by education authorities. However, after the first projects obtained high rates of participation and positive feedback, the institutional work of IFE and its delivery of courses to teachers and students became popular and gained interest and pedagogic recognition from authorities. The first programmes that were directed to children started in 1993, when the recognition of IFE's role increased, especially among teachers. In particular, the production and distribution of different editorial collections for children by IFE had been successful. The evaluations revealed that teachers saw these materials as useful for their job and adequate for the formation of civic values. However, specific aspects such as teacher and instructors' training needed improvement in order to have a greater impact. The IFE also recommended that teachers use the didactic materials produced by the electoral authority with other techniques and also for these to be part of their daily activities and not only used once a year.<sup>143</sup>

With reference to the programmes of civic education for adults, both public and civil institutions received the work of IFE positively. The collaboration established between the IFE and different social and civil organisation was crucial in this acceptance. One of

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<sup>141</sup> Ibid.

<sup>142</sup> Ibid.

<sup>143</sup> Civic Education. Three-year Plan (2001-2003). IFE. April 2001, p.23.

the most valuable activities of IFE in this area was the design, production and distribution of materials promoting democratic principles, institutions and values, as part of its objective to create a democratic political culture. Another important activity of IFE that gained recognition was the promotion of democratic values through the organisation of conferences, forums and surveys. The IFE showed itself to be a generator of ideas, projects and materials, and to be a promoter of programmes of citizens formation and actions of promotion of democratic culture. Through this tasks, the IFE triggered discussion and public debate on issues of civic education that had been ignored in the past. In relation to the international activities of IFE, its efforts on institutional promotion through the elaboration and distribution of information documents and the reception of foreign delegations interested in learning about the Mexican electoral system were widely accepted. In recent times, the IFE's active participation in a wide range of technical and cooperation assistance to other countries, has contributed to the popularity of the electoral authority not only as an electoral commission but also as an electoral consultant body. However, the real impact of IFE's campaign of Civic Education is difficult to measure. Apart from the surveys on political culture carried out by the IFE in 1999 and 2001, there is no form for evaluating the immediate effect of the different aspects of civic education. This is because the political culture is influenced by many different factors including the media, the behaviour of the parties and the government.

Overall, according to the IFE and external academic sources the civic campaigns developed by IFE, did increase the knowledge and awareness of certain civic education issues in the target groups for both children and adults, but, they had a lower impact on creating values and developing civic abilities. However, programmes such as the Citizen Project, which focused on the developing of civic skills and the Workshop for Citizen Education, had greater impact. The impact was related to internal problems of the programmes, in particular to their methods and concepts, and operative and logistic problems. Another concern regarding the role of IFE, was the fact that for many sectors its responsibilities were still not really clear. In addition, the relationship between local education activities and the IFE was still weak and it was struggling to sign agreements on collaboration.<sup>144</sup> Finally, the increasing importance that had been given to the activities of IFE in the area of Civic Education did not result in an increase in financial

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<sup>144</sup> Civic Education. Three-year Plan (2001-2003). IFE. April 2001, pp.21-22.

and human resources. As a result, the IFE found great difficulty in carrying out its projects. Given the infrastructure of the IFE, it was impossible to cover all the population in the application of the civic education programmes. For that reason, some of the programmes that required systematisation and permanency in their application did not produce the anticipated results.

## Overall conclusion

Between 1977 and 2000 Mexico experienced a transition from an authoritarian regime with a hegemonic party to a multi-party regime with competitive, fair and transparent elections. This process of political change has been interpreted in different ways depending on the approach by which it is analysed. The first chapter of this study gave an account of some of the most well known explanations of the Mexican political change given by scholars who still continue to discuss the subject. However, evidence gathered in this study suggests that, despite the different views, it is widely accepted today that there was indeed a transition to democracy and this transition was of electoral nature. The political change started in the political arena but expanded to other areas of political life. The regime went from being a one party to a multi-party regime. The government branches, legislative and judiciary, which were dominated by the executive, became totally independent from each other and started functioning. At a local level, state and municipal government, that had been subordinate to the presidency in the past, became active institutions contributing to a more active federalism.

My interpretation of Mexican political change, shared by others, is that the Mexico transition was a gradual and long process of political change that concentrated exclusively on electoral issues, leaving for later other political agreements that modified the remaining political institutions. This political change was based on interaction between the electoral and political party systems that allowed them both to increase in strength. In my view the introduction of Proportional Representation in Congress, during the 1977 electoral reform, was the key to the political change as it opened the door to political representation for the opposition allowing interaction between the electoral and party systems. The reform was an essential step to regulate the existence of political parties and elections that became more and more competitive. After this reform, every modification to the electoral institution and its procedures contributed to strengthening the opposition parties, which in turn encouraged them to push for further reforms to create more sophisticated methods and institutions to regulate their own competence, until all participating actors accepted “the rules of the game.”<sup>1</sup>

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<sup>1</sup> This circle of reforms-stronger parties-reforms was called by Becerra, R., Salazar, P. & Woldenberg, J., La mecánica del cambio político.

Evidence gathered in this study, confirms the double significance of electoral reforms in the process of political change in Mexico. On the one hand, the first significant reform in 1977 was a liberalising measure used by the ruling PRI-government to recover electoral legitimacy and ease the pressure for change, which proved to be an effect of a process of political and social change that had originated in the previous decade. While on the other hand, the outcomes of the 1977 electoral reform led to a slow but irreversible continuous process of political change including electoral reforms, strengthening of parties, and phenomenon of alternation at local level, that intensified in the 1990s. If the 1977 electoral reform was an essential step in initiating the process of change, the political crisis that emerged from the highly contested 1988 presidential elections greatly accelerated it.

As chapter three of this thesis outlines, it was the first time that the official party was challenged by an opposition party at presidential level. The contender was the Party of the Democratic Revolution (PRD), that emerged at the end of the 1980's as a result of a PRI split. The controversy over the official electoral reform results showed, more than ever before, that the existing electoral rules and institutions could not respond to the new political plurality. The newly elected president, Salinas responded to the political crisis with a new electoral reform promising to clean the electoral processes. This first reform initiated by Salinas, seems to have been an extreme measure not only to legitimise the regime but more importantly to avoid major civil unrest that could have led to civil war. As shown in chapter four, it appears that neither Salinas nor the PRI of that period knew the potential consequences of this first reform. This study suggests that despite the president announcing the dismantlement of the hegemonic party system and promising major electoral reform, it was not understood that this would accelerate the transition to democracy.

The first reform negotiated between the PRI and the PAN in 1990, established the ground for future negotiations between the parties and government. Four major electoral reforms took place in less than seven years. In each of the four reforms between political parties and the government the nature of electoral institutions and rules became the centre of negotiations. This development makes the Mexican case historically unique, as the ruling government and official party and the opposition managed to agree and implement four major electoral reforms in less than ten years that set the electoral rules to build up electoral institutions that not only guaranteed competitive and fair

elections but more importantly contributed to the defeat of the hegemonic party in democratic elections.

Consequently, the successive electoral reforms mostly initiated by the government or dominated by the PRI views, had a snowball effect that none could have predicted. There was an uncontrollable and unexpected expansion of the consequences of the electoral reforms. For instance, comparison between the agenda of the 1977 electoral reform and the 1996 reform provides evidence of how the electoral reform expanded. Just five points were discussed in the agenda of the 1977 reform, while forty-five points were discussed in 1996.

Finally, another significant aspect highlighted in this study is the fact that the electoral character of the transition is what created the problem for its consolidation. The current debate in Mexico is the quality of the democracy. This suggests that political change through electoral pacts is not enough to ensure its consolidation. In the case of Mexico, electoral reform allowed a change of government, but neither the political class nor the political forms of relationship changed. As a result, authoritarian and democratic political practices co-exist. The contradictions resulting in the electoral character of the democracy are highlighted in Chapter eight of the study.

The second question posed in the study relates to the role of the Federal Electoral Institute in the transition to democracy in Mexico. This question is analysed in Chapter four of the study. The creation of the Federal Electoral Institute in 1990, as the body in charge of organising and supervising elections, was the result of a political crisis generated by the 1988 presidential elections. In fact, it was the lack of credibility of the institutions in charge of organising the electoral processes, experienced during the 1988 presidential elections, that led to the creation of a brand new electoral code (COFIPE) and electoral institutions.

This research has shown that the role of the Federal Electoral Institute in the transition has to be considered on two dimensions.

First of all, IFE was created as a result of relatively severe political conflict at the time of its creation, but later became the generator of change itself. IFE became the “vehicle” through which conflicts, disputes and political energies between political parties and the government were channelled. Even though the IFE was created with the constitutional principle of being an autonomous and impartial institution it was not until the 1996

electoral reform that such characteristics were applied. As a result, the IFE played different parts in the process of democratisation depending on how independent it was from the government.

In the period between 1990-1994, the overwhelming presence of the government in the institution provoked mistrust of the institution, particularly by the PRD. During this time most of the criticism was related to the presence of the Minister of Government in the major decision making body of the institution, the Electoral Council, and the control of the majority of votes by the PRI.

The second stage of IFE began in 1994, with the introduction of the figure of “citizen electoral councillors”, and lasted until 1996. This injection of independence to the IFE was the result of a political crisis generated by events such as the Zapatista rebellion in Chiapas and high class political assassinations. As chapter three indicates, the negotiations of the final electoral reform between 1994 and 1996 were long and arduous and the political parties abandoned the negotiation table several times. During this period the IFE became an active element in the negotiation of electoral reforms, in particular the efforts of the “citizens councillors” in calling for and ensuring negotiations between the political parties.

It was at this time that the IFE became the “vehicle” through which political energies were channelled. With the approval of a new reform in 1996, which gave total independence and impartiality to the electoral institution, the IFE began a new era that lasted between 1996 and 2003. It has been established that the IFE played an essential role in the 1997 midterm elections and the 2000 presidential elections which experienced an alternation in power for the first time. The alternation was not due to the IFE, but because the electoral results were accepted without resistance from the PRI and without conflict. It seems that the alternation in power, first in the capital FD in 1997 and then in the 2000 presidential elections, was an essential factor for the IFE to gain the recognition of both parties and the general public.

However, the analysis in this study shows the achievement of a transparent and peaceful alternation was not only a result of IFE but also a result of an Electoral Tribunal (TEPJ). Chapter four analyses the evolution and role of the electoral tribunal as the arbitrator in electoral disputes and the provider of the final certification of elections.

In order to assess the credibility of the electoral authority it is necessary to distinguish the two levels of IFE: its political dimension (represented by the General Council) and its technical operative dimension (formed by the professional electoral service).

On the one hand, the political dimension of IFE as a mediator in the electoral game remained open to challenge. The consensus achieved between the political parties in selecting the members of the General Council of IFE in 1996 was perceived as a political pact that turned IFE into a guarantor of democratic elections.<sup>2</sup>

However, in more recent times, the lack of agreement in 2003 between political parties in achieving consensus to select the members of the General Council of IFE, led to the break up of this pact, affecting the credibility and impartiality of the institution. The findings of my research suggest that the operative and administrative functions of IFE have been successful and the institution has credibility and trust. Regarding the question of whether its roles expanded beyond original expectations, this study found that the impartiality of the IFE in 1996 was a loss to the PRI. As the PRI was accustomed to having control over the electoral organs, when it was forced to accept the impartiality of the electoral body, it was perceived as a defeat. However, in order to make this statement it is important to consider the nature of the official party and the type of political regime in place. As indicated in chapter two of this study, the official party was never a homogenous organisation despite the internal discipline. In other words, it was a sea of different interests.

In this way there is a clear difference between the PRI of Salinas (1988-1994) and the PRI of Zedillo (1994-2000). This study suggests that despite resistance within the party, Zedillo pledged for the impartiality of the IFE, therefore the independence of the electoral institution in 1996 was perceived as a personal success. The main areas of activity of the IFE have been analysed in chapters five, six, seven and eight of this study. The study shows that the IFE in its first stage between 1991-1994 concentrated mainly in resolving the specific problem of the organisation of electoral processes.

In this first area, the elaboration of a new electoral roll and issue of photo-credentials and the developing of a new process of vote counting became the major issues to be addressed. Perhaps IFE's most important task was the elaboration of a new electoral roll

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<sup>2</sup> Such political pacts guaranteed that the electoral rules negotiated there were respected. The electoral councillors were proposed by the parliamentary groups in Congress and voted by 2/3 of the members present in the chamber of deputies or the permanent commission.

using a new census technique that ensured its objectivity. Another important step taken in this area, was the creation of the SPE (Electoral Professional Service) which started operating in 1994, not only because it ensured the professional organisation of elections, but also because it was the first and unique body of civil servants who were regularly assessed and evaluated.

Another element to be highlighted in this area is the elaboration of the Programme of Preliminary Electoral Results (PREP), which ensured the delivery of electoral tendency just a few hours after elections were completed.

Once the IFE finished resolving problems related to the organisation of elections, it started focusing on other issues such as the regulation of party finances and media access. Chapter six and seven of the thesis analyse IFE's role in the legislation and measures taken in the area of party finances and access to the media. The study shows that the issue of party finances and media access only became relevant once earlier issues related to the organisation of elections were solved, in the period between 1994-1996. It was the increasing competition of the opposition that made the opposition parties push for reforms in this area. It seems that the more competitive political parties became, the more important the issue of party funding and media access also became. In relation to the role of the electoral authority in this area, my research shows that it contributed to the discussion on party funding and media access and monitoring among political parties. Maybe the most important role was the monitoring of party finances and the media.

In this area the IFE is in charge of reviewing the expenditure and income of the parties and political groups, including private donations to the parties. This fiscal aspect of the institution differs from others in the world, as it made it accountable for party finances which are under public scrutiny. For instance, the IFE published on the Internet the names of all private donors to the parties and also the final reports on the income and expenditure of the parties, including the sanctions applied for mismanagement of funding or errors in their accounting. These publications had a positive effect on reducing corruption as the consequences of not complying were severe. There were outstanding issues to be resolved in this area, including a reinforcement of the fiscal role of the IFE, the fiscal control of the resources used by the pre-candidates during internal elections and improving the relationship between IFE and the parties and the media.

Finally, Chapter 8 examines the role of the IFE in the area of civic education. This is related to the fact that political changes took place in the electoral arena. Here the IFE encountered a major challenge, as creating and promoting a democratic political culture is a very difficult task to carry out, especially in a country where the political culture has both authoritarian and democratic characteristics. However, the programmes promoting civic education for children and adults including campaigns for voting are regarded as a major role of the IFE today.

Finally another aspect to be highlighted is its participation in a wide range of technical and cooperation assistance to other countries.

Today, IFE is an electoral institution characterised by its complexity. The lack of credibility of the electoral process made political parties push for the introduction of complete transparency of its activities at all levels of the organisation. For instance, parties were allowed to supervise all the steps taken in the organisation of elections, including the elaboration of electoral roll, nominal lists, the selection of poll booth officials and their training, the design and production of the electoral materials etc. As a result, the increased transparency required by the organisations of the electoral process contributed to IFE's credibility. The reforms were demanded by the parties and were created on an ad hoc basis in response to specific problems as they emerged at the time.

Overall, the IFE today is an organisation that is more than simply an electoral commission that organises and supervises elections. The IFE acts as a promoter of democratic values and practices while also being an audit agency for parties and it also investigates areas of possible electoral crime.

## **Appendix A**

With the objective of examining the different views of the political elites on the role of electoral reforms and the electoral commission (IFE) in the transition to democracy in Mexico, qualitative data was collected in the form of semi-structured interviews between September and mid November 2004. The purpose of interviewing participants from political parties and the Mexican government, who had been involved in the negotiation of the various electoral reforms between 1988 and 1996 was to obtain an indepth analysis of the different attitudes and expectations of electoral reform and the methods of negotiation that were utilised in the process. In addition, these semi-structured interviews were also intended to examine participants' evaluation of the subsequent development of electoral reforms and IFE, in the context of their expectations. Furthermore, in order to carry out an indepth analysis of the functions of IFE and its evolution, qualitative data was collected in the form of semi-structured interviews with present and former members of the IFE. This data was complemented by less structured interviews with members of NGO's and pressure groups who had an active role during the negotiation through their pro-democratic protests for electoral cleansing and competitive elections.

A total of 19 respondents were interviewed in depth, with a maximum of two hours per interview and an approximately total interviewing time of forty three hours. Some respondents were interviewed more than once. The sample was constructed as follows: eleven members of IFE, two members of PRI, two members of PAN, two members of PRD and two members of Civic Alliance. Two models of semi-structured interviews of members of political parties and former members of the government are appended. Other methodological approaches were used as a supplement to the interviews, including analysis of law and official documents, party proposals over electoral reform, data collected in open debates, party literature, news papers, political journals, periodicals and secondary sources. Those interviewed were useful in being able to recommend relevant documents.

### **A.1. Selection of research methodology: semi-structured interview**

As one of the purposes of this study was to collect information about the attitudes and expectations of those who participated in the negotiation towards electoral reform and

the negotiation process, in other words, the decision-makers and the decision-making process, the most appropriate research technique to use was that known as elite interviewing. According to Burnham this type of research technique is characterised by the target group examined, being an elite, and the use of semi-structured interviewing.<sup>1</sup> This type of semi-structured interview was useful as it was flexible and allowed for follow up questions to be asked, that could provide valuable information and further discussion of the topic. Fully structured interviews were not used due to the fact that open ended questions have greater potential for eliciting wider information. As the respondents interviewed were mainly members of the Mexican political elite who had taken part in the decision-making process, it was important to maximise the benefit of their experiences and knowledge. Open questions allowed them to expand their answers and add information that had not previously been considered and thus open new lines in the research. Ideally, this study would have benefitted from a questionnaire given to a wider sample of the public in order to examine their views on the impact of the electoral reform and the role of IFE in the transition to democracy. However, this was not feasible due to the author's limited financial resources and time.

## **A.2. Selection of the samples**

I will now explain how I decided on who I would see, how I got access and arranged interviews, how I conducted the interviews and how I analysed the results. The first sample was based on current members of political parties who had participated in the negotiations of electoral reform. First of all, prior to contacting the potential respondents, I read secondary sources and visited websites in order to identify relevant members of the political parties and the government. Information gathered through these sources was complemented by assistance from my supervisor of studies who, as an expert in Mexican politics, already knew some relevant people who could be accessed in order to begin the field work. Thereafter, I decided to use a technique known as "snowball" or "referral" sampling. Burnham notes that this technique consists "*of starting out with a few key informants and then asking them to name other key individuals relevant to the study*".<sup>2</sup> This technique is useful for various reasons. First of

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<sup>1</sup> Burnham, P, Gilland, K, Grant, W & Layton-Henry, Z. Research methods in politics. New York: Palgrave Macmillan, 2004, p. 205

<sup>2</sup> Burnham, P. et al. Research methods in politics, p.206.

all, it is important to note that despite the Mexican political community being expanded beyond the former official party, PRI, access to political party members of high hierarchy is still difficult for members outside the political elite. Secondly, as political instability still prevailed and the new correlation of forces were still defining positions some members of the political community seemed to be suspicious or at least cautious about the intentions of foreign researchers and journalists. Therefore, the author realised that a more personalised and direct approach was needed in order to obtain an interview. After scheduling a few appointments with initial contacts a process of networking began. The referral method proved to be quite successful to begin with as most responded positively to the contact. Planning initial meetings became crucial for the author, as it allowed for the preparation of the interview in terms of the design of the semi-structured interview, preparation of a tape-recorder and planning of the journey in Mexico. In addition to this technique to contact key actors, other potential interviewees were contacted by email and then by telephone. The latter technique was more successful with members of the electoral commission, IFE and with academic and political analysts as they seemed to be either less busy or more interested in the topic, than members of political parties. On a few occasions meetings with party members were postponed and even cancelled. However, one of the interviews cancelled was carried out by phone after the author left Mexico. Despite the problems with cancellation, most of the respondents interviewed were generous with their time once they agreed to the interview. The average time of each interview was between one and a half and two hours. Prior to each meeting, the author designed a semi-structured interview targeted to the specific person to be interviewed. Due to the limitations in time it was important to ensure that the questions asked were well informed and could not be found in other published sources. All the semi-structured interviews were conducted in the workplace of the interviewees, ranging from government offices to universities. Only one interview took place in a café and one was done on the telephone. All the interviews were based on a one to one meeting and were recorded using a tape recorder. Back up notes were also taken. All interviewees were asked at the beginning of the meeting for their permission to use the tape recorder. All respondents agreed to be recorded and seemed to feel comfortable with the recording. Although it may be said, that more cautious and less direct answers from certain members of political parties

were due to them being recorded. After completing the semi-structured interview and the ensuing discussion, the author transcribed the content in order to analyse it.

### **A.3 The composition of the sample**

The socio-economic characteristics of the interviewees are the following. The members of the political parties were male. This was expected in view of the traditionally male dominated Mexican society, where the decision-making process is generally left to men. However, the sample of IFE's former and current employees was more balanced, as many women have already attained important positions in the commission.

### **A.4 The semi-structured interviews**

The semi-structured interviews elaborated for the different types of respondent followed a flexible format depending on the person to be interviewed, the role in the negotiation and their knowledge of the topic. As a result, the semi-structured interviews did not follow a common plan and were adapted according to the circumstances. Respondents (members of political parties and the former government) were asked 32 questions on their attitudes and expectations of electoral reform and the creation of IFE. Semi-structured interviews were also designed for the members of IFE. The design of the interviews was discussed with the supervisor of studies. Full copies of the various semi-structured interviews are attached at the end.

Despite there being a basic design, it is important to note that some of the questions were re-designed as the research progressed, taking account of new themes that emerged. Also, adjustments were made between interviews, following an initial review of the information gathered in interviews. This was in keeping with Burnham's view that it is important that the research design is flexible while still being informed by an over-arching theoretical framework and a central research question.<sup>3</sup>

The format of the semi-structured interviews for members of political parties and the government was based on a list of topics.

The semi-structured interview of members of political parties and political analysts was divided into three sections: 1) their general attitudes towards, and expectations of

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<sup>3</sup> Burnham, P. et al. "Research methods in politics, p. 219.

electoral reform, 2) their methods of negotiation with each other, 3) their views and expectations of the 1989-90 reform and the creation and evolution of IFE, 4) the role of IFE during the various electoral reforms and electoral processes between 1988 and 1996. 5) the main areas of activity of IFE.

The semi-structured interviews with present and former members of the IFE to discuss its functioning and evolution shared some of the questions posed to members of political parties, and some more specific questions related to their area of speciality within the IFE.

The questions included in the semi-structured interviews were broad and general as it was quite important to allow respondents to open new topics and provide information that previously had not been considered and could be relevant to the study. Despite most of the respondents answering the specific questions and expanding on them, some tried to avoid answering specific questions and to change the topic. In these circumstances, the author attempted to frame the questions in a different way.

Before embarking on the interview, the author provided an explanation of the context of the research and what was hoped to be gained from the interview, in an attempt to create a good rapport with the respondent. The first topic to be discussed related to the attitude of their party towards electoral reform after the controversial elections in 1988. The first question (hereafter “Q.1” etc.) addressed the general attitudes towards and expectations of electoral reform after the 1988 presidential elections and the new presidency with Carlos Salinas in power, in order to assess the extent to which electoral reform was part of the agenda of the party or whether it was more an improvised response to a political crisis. In the case of the former governing party, PRI, it was important to understand its role and to gain an understanding of its motives for initiating the reform. For the opposition parties, this question was also crucial as they came to the debate over electoral reform with different hopes and expectations. It was interesting to compare the expectations of the opposition parties to the reform. The right wing PAN, had launched a campaign against electoral fraud and the need for electoral reform in the 1980s, therefore it was important to assess its attitudes to the PRI’s proposal for reform. The leftist opposition, the FDN/PRD had come to the debate with similar complaints about the prevalence of corruption but evolved a different set of demands on the process of electoral reform. This topic sought to achieve an awareness of how the electoral reform

related to the political context. Q.2. and Q.3. related to the motivation of the parties to negotiate on electoral reform. These question sought to establish why at that time electoral reform became a major feature of political debate and legislation. Q.4. asked who decided to negotiate inside the party and whether Salinas' decision to pursue electoral reform was a common and joint decision of the PRI elite or was a more personal resolution.

The second topic related to the methods of negotiation adopted by the various parties in respect of legislation. Q.5. asked about the methods of negotiation between the government and the parties. This question intended to establish whether the parties had different approaches towards the other parties when establishing lines of negotiation. Q.6. and Q.7. related to whether there were different tendencies within the party on the issue of electoral reform. In the interview of PRI's members, this question attempted to establish the extent to which several tendencies, which had emerged in the 1980's ranging from the metropolitan reform-minded modernisers to the mainly rural based were still divided over the issue of electoral reform and if they had concerns about the implications of the reform. Q.8., Q.8.1. and Q.8.2 related to the different approaches that the PRI-government adopted during the negotiations. These questions tried to find out whether the PRI-government was intentionally more willing to negotiate with the PAN while isolating the PRD. The same questions were posed to the other opposition parties, PAN and PRD. To PAN and PRD, the question Q.8, Q.8.1. and Q.8.2 related to the reasons for negotiating or not with the PRI-government. These questions were intended to see the differences in the main opposition parties' attitudes toward the outcome of electoral reform.

The third topic related to the 1989 electoral reform and the creation and evolution of the electoral commission, the IFE. Q.9. related to the expectations of the parties after the 1989-90 new electoral reform was finally approved by the PRI and PAN. Q.10 asked whether the outcome of the reform responded to their initial hopes in the reform. Q.11 asked their expectations of the role of the newly created electoral commission in the long term. For the PRI, this question was crucial, as it was interesting to see the extent to which the future evolution of IFE was expected or not by its creators. For the opposition, this question sought to establish whether they perceived the electoral

commission as a potential opportunity for their electoral competence in the future or whether it just represented another governmental agency. Q.12. asked for their opinion on the initial role adopted by the IFE and its first works after being created. Q.13 asked for their views on the input of the government in the IFE. Q.14 asked what specific interests and requirements of the government and the parties were represented in the IFE. Q.15 related to the independency of the IFE and was asked in order to establish what caused the independency of the electoral commission and whether this outcome was expected or not. Q.16. asked about their views on the evolution of the electoral commission through the reforms. Q.17 related to what the main changes in the IFE were and how controlled they were. Q.18 asked whether the IFE adopted more powers than those established by legislation in order to see how the parties perceived the evolution of IFE. Q. 19 related to the relationship between parties and the IFE. In the case of the PRI it was interesting to see whether there were any divisions or disagreements between the PRI's elite and the IFE general council. Q.20 asked their opinion of their parties in the transformation of the IFE. Q.21 asked a general question about the contribution of the IFE in the transition to democracy. This was in order to see how they viewed the role of the IFE in the wider context of political change and to establish the real contribution of the institution.

The fourth topic related to the role of IFE during the successive electoral reforms and the electoral processes between 1991 and 1996. Q. 22 asked about their opinion on the functioning of IFE immediately after it was created, especially during the 1991 mid-term elections where the institution was first tested. Q.23 related to how they perceived the role of IFE in the subsequent electoral reforms in 1993, 1994 and 1996. This question was to find out whether IFE had an active role in creating consensus among the participants or whether its role was less prominent. This question allowed for subsequent questions related to the socio-economic aspects that surrounded the reforms at this time, such as the local post-electoral conflicts, the Chiapas' uprising and the economic crisis. In this context, the parties expressed their opinion on the impact of the various socio-economic and political crises on the electoral reforms and in the IFE itself. Q.24 asked about the role of the IFE in the 1994 and 2000 elections and Q.25 asked for their description of the contribution of IFE in the alternation of power in 2000, where the opposition party, PAN won the presidential elections for the first time in 70 years.

Q.26 asked about their confidence in the work of IFE in the case of close elections. Q.27 related to electoral changes in more recent elections. Q.28, Q.29 and Q.30. related to possibilities for improvements of the IFE and its current role.

The fifth topic was related to the main areas of activity of IFE: the management of the electoral process, the financing of political parties, including the development of formulas for the allocation of funds, the regulation of broadcasting time on radio and TV, and the efforts made to improve participation rates, including political and civic education for adults and children. The questions posed in relation to the functions of IFE depended on the knowledge and experience of the person interviewed. Consequently, the author did not follow a structure or semi-structured format for this topic, but asked specific questions related to each of the areas. However three last general questions were asked. Q.31 was related to the extent to which the emergence of a more independent media in the 1990s made electoral fraud a constant issue of discussion amongst political parties. Q. 32 related to the impact of early reforms on party financing in future demands made in respect of the limits on campaign spending and more equal distribution of resources to political parties. Finally, Q.32 asked about their opinion of the IFE's efforts in increasing the participation rate in elections.

The format of the semi-structured interview for members of the IFE was a list of questions related to the creation of IFE, the negotiations between political parties and their views about the institution. Some of the question coincided with the ones asked of members of political parties but others were more specific. The full interview is appended at the end.

**An English version of the original Spanish basic structure of the interviews is given below:**

## **THE ROLE OF THE IFE IN THE TRANSITION TO DEMOCRACY:**

### **Government members and PRI members**

After the Federal elections in 1988, the revision of electoral law became a pending issue and a new electoral reform started.

#### **First topic: Attitudes towards electoral reform**

- 1) As the party in government, what were the attitudes towards the electoral reform?
- 2) Why did your party decide to initiate an electoral reform?
- 3) What was the main motivation for the PRI, as the governing party to propose a major electoral reform?
- 4) Who decided to negotiate inside the party? How important was the input of Salinas in such a decision?

#### **Second topic: Methods of negotiation**

- 5) How would you describe the methods of negotiation of the government with each other over legislation?
- 6) What were the different tendencies within the party on the issue of electoral reform?
- 7) Were there elements within the party who had any reservations over the possible implications of the reforms?
- 8) Do you think that the PRI was more prone to negotiate with the PAN than with the PRD?
  - 8.1) For the PRI only: Did you receive any invitations from the PRD to negotiate over electoral reforms?
  - 8.2.) Did you receive any pressure from the opposition in specific matters?
  - 8.3.) Why did the parties, especially the PRD and PAN abandon the negotiation table several times?

#### **Third topic: The IFE**

Once in 1990, the new electoral law COFIPE was approved and the new electoral commission (IFE) established.

- 9) What were the expectations over the new reform?
- 10) Did the results of the electoral reform match your expectations?
- 11) What were the views of the party on the potential role of the new electoral commission in the long term?

- 12) What is your opinion of the role adopted by the IFE when it was first created? What functions were expected?
  - 13) What is your opinion of the role of the PRI-government in the IFE?
  - 14) As the IFE was established through legislation Which PRI's interests were represented in the IFE?
  - 15) Was there a key event for the total independence of IFE in 1996?
  - 16) What is your opinion on the evolution of the IFE between the first reform in 1989-90 and the last reform in 1996?
  - 17) What has been the most important change in IFE?
  - 18) Do you think that IFE adopted more powers than those set by legislation in a more creative way? Do you think that IFE accumulated more functions that initially expected? Why or why not?
  - 19) How would you describe the relationship between your party and the IFE?
  - 20) What do you think was the contribution of the PRI-government and political parties in the transformation of the electoral authorities in Mexico?
  - 21) What was the contribution of IFE to the process of transition from your point of view?
- 21.1) How would you describe electoral competition before the creation of IFE and the major electoral reforms that cleaned electoral processes?

#### **Fourth topic: the role of the IFE in reforms and electoral processes**

- 22) What is your opinion about the functioning of IFE before, during and after the mid-term elections in 1991?
- 23) How would you describe the role of IFE during the 1993, 1994 and 1996 reforms?
- 24) And the role of IFE in the 1994 and 2000 elections?
- 25) How would you describe the contribution of IFE in the peaceful alternation in power in 2000?
- 26) How confident is your party in the work of IFE in the case of a close difference in the polling booths?
- 27) In the 2003 middle-term elections the PAN obtained fewer votes than in 2000 and the PRI showed recuperation. Why do you think these changes happened?
- 28) What area of IFE do you think the electoral commission should improve?
- 29) How would describe the role of IFE at present?
- 30) Do you have any suggestions about how to improve the IFE?

#### **Fifth topic: The areas of activities of the IFE (management of the electoral process, the regulation of financing of political parties and media access and the programmes to improve participation rates and civic education to adults and children.**

- 31) Do you think that the emergence of more independent and critical media made the issue of electoral fraud a constant source of debate?
- 32) How important were the initial reforms on party financing for future demands in respect of limits on campaign spending and more equal distribution of resources to political parties?

33) How much has the IFE increased the level of participation in voting?

### **THE ROLE OF THE IFE IN THE TRANSITION TO DEMOCRACY:**

#### **Members of PAN and PRD. Former opposition.**

After the Federal elections in 1988, the revision of electoral law became a pending issue and a new electoral reform started.

#### **First topic: Attitudes towards electoral reform**

**Either** The PAN has always emphasised the importance of democratic elections. However, after the controversial federal elections in 1988, which were highly contested, this demand became more obvious.

**Or** The PRD, after the 1988 elections, came to the table with complaints about the prevalence of corruption and electoral fraud.

- 1) As a party, then in opposition, what were your attitudes on a new stage of electoral reforms?
- 2) Why did the PAN concentrate its demands on electoral reform?
- 3) What was the main motivation for your party to negotiate a major electoral reform with the PRI?
- 4) Who inside the party decided to negotiate?

#### **Second topic: Methods of negotiation**

- 5) How would you describe the methods of negotiation with the government and other parties relating to the electoral reforms?
- 6) What were the different tendencies within the party on the issue of electoral reform?
- 7) Were there elements within the party who had reservations over the possible implications of the reforms?
- 8) Do you think that the PRI was more prone to negotiate with the PAN than with the PRD?

8.1) For the opposition: Did you receive any invitations from the other opposition parties to negotiate over electoral reforms?

8.2.) Why did the parties, especially the PRD and PAN abandon the negotiation table at several times?

8.3) Why did your party (PAN) adopt an active role in negotiating electoral reforms with the PRI-government? Or Why did your party (PRD) refuse to negotiate at most of the negotiation tables?

#### **Third topic: The IFE**

Once in 1990, the new electoral law COFIPE was approved and the new electoral commission (IFE) established.

- 9) What were the expectations of the new reform?
- 10) Did the results of the electoral reform match your expectations?
- 11) What were the views of your party on the potential role of the new electoral commission in the long term?
- 12) What is your opinion on the role adopted by the IFE when it was first created? What functions were expected?
- 13) What was your opinion in respect of the role of the PRI-government in the IFE?
- 14) What were your demands respecting the institution?
- 15) Was there a key event for the total independence of IFE in 1996?
- 16) What is your opinion on the evolution of the IFE between the first reform in 1989-90 and the last reform in 1996?

16.1) With the creation of IFE and its consequent evolution, do you think that the PAN/PRD obtained more than it hoped, or less than it expected?

- 17) What has been the most important change in IFE?
- 18) Do you think that IFE adopted more powers than those set by legislation in a more creative way? Do you think that IFE accumulated more functions than initially expected? Why or why not?
- 19) How would you describe the relationship between your party and the IFE?
- 20) The contribution of the PAN/PRD in the transformation of the electoral authorities in Mexico?
- 21) What was the contribution of IFE to the process of transition from your point of view?

21.1) How would you describe electoral competition before the creation of IFE and the major electoral reforms that cleaned electoral processes?

#### **Fourth topic: the role of the IFE in reforms and electoral processes**

- 22) What is your opinion about the functioning of IFE before, during and after the mid-term elections in 1991?
- 23) How would you describe the role of IFE during the 1993, 1994 and 1996 reforms?
- 24) And the role of IFE in the 1994 and 2000 elections?
- 25) How would you describe the contribution of IFE in the peaceful alternation in power in 2000?
- 26) How confident is your party in the work of IFE in the case of a close difference in the polling booths?
- 27) In the 2003 middle-term elections the PAN obtained fewer votes than in 2000 and the PRI showed recuperation. Why do you think these changes happened?
- 28) What area of IFE do you think that the electoral commission should improve?
- 29) How would describe the role of IFE at present?
- 30) Do you have any suggestions about how to improve the IFE?

**Fifth topic: The areas of activity of the IFE (management of the electoral process, the regulation of financing of political parties and media access and the programmes to improve participation rates and civic education to adults and children.**

- 26) Do you think that the emergence of more independent and critical media made the issue of electoral fraud a constant source of debate?
- 27) How important were the initial reforms on party financing for future demands in respect of the limits on campaign spending and more equal distribution of resources to political parties?
- 28) How much has the IFE contributed to increasing the level of participation in voting?

## **THE ROLE OF THE IFE IN THE TRANSITION TO DEMOCRACY**

As a member/former member of the IFE

- 1) Prior to the creation of IFE, how did the three main parties PRI, PAN and PRD approach the reforms?
- 2) Can you describe the main conflicts and differences in the parties over electoral reform during the negotiations and the creation of the new institution?
- 3) What is your opinion about the different demands of the parties?
- 4) Which of the main parties resisted more?
- 5) Do you think that there was a pact between the PRI and the PAN to negotiate while isolating the PRD?
- 6) What led to the creation of the IFE?
- 7) When the IFE was created, what were the expectations in the political and social context?
- 8) What is your opinion of the relationship between the IFE and the political parties?
- 9) What kind of reception did the electoral commission receive when it was first created?
- 10) Has the body acquired extra-legislative powers or has it interpreted its legislative powers in new or creative ways?
- 11) Do you think that the accumulation of functions was expected by those who participated in the negotiations?
- 12) Do you know if there was a division between the elite of the PRI and the IFE's main decision-making body during the evolution of the IFE?
- 13) Was it more difficult to advance in the early reforms or the late reforms?
- 14) Since the IFE was created what has been was the key factor for the strengthening of it?
- 15) What was the major change in IFE from the point of the view of the institution?
- 16) What was the greatest challenge to IFE? or what were the threats to its credibility?
- 17) Did the IFE receive any pressure from a more critical media?
- 18) As a member of the electoral commission, what were the attitudes of the staff at the beginning and their expectation for the future?
- 19) Did you perceive that the new law was more independent, than what you expected?
- 20) What is your opinion on the role of IFE in the transition to democracy?
- 21) Do you think that the creation of the IFE was part of a process, or was it a key player in the transition to democracy?
- 22) How did the modification to party financing and media access contribute to more competitive elections?

**Functions of IFE**

- 23) How important were the creation of a new electoral roll and the issue of photo-credentials for the electoral processes after the IFE was created?
- 24) What are the main aspects of the Electoral Professional Service?
- 25) How were they recruited and are there any patterns of experience/education of its personnel?
- 26) How did the regulation of media access in election campaigns contribute to more transparent elections?
- 27) Once the financing of party funding and the fiscal control, and access to media started, how did they impact on the competition in the electoral processes?
- 28) What is the pending reform of IFE?
- 29) Do you think that the alternation in power in the presidential election in 2000 would have been possible without an independent IFE?
- 30) Has the alternation marked the end of the transition?

## Appendix B

**Table 1: Political reforms 1953-1996**

Year of the reform	Presidential Administration	Object of the reform
1918	Venustiano Carranza	New Electoral Code
1920	Adolfo de la Huerta	Electoral Code Amendment
1921	Álvaro Obregón	Constitutional Amendment and Electoral Code Amendment
1927	Plutarco Elías Calles	Constitutional Amendments
1928		Constitutional Amendments
1931	Pascual Ortiz Rubio	Electoral Code Amendment
1933	Abelardo Rodríguez	Constitutional Amendment
1942	Manuel Ávila Camacho	Constitutional Amendment and Electoral Code Amendment
1943		Electoral Code Amendment
1946	Miguel Alemán	New Electoral Code
1949		Electoral Code Amendment
1951		New Electoral Code
1953	Adolfo Ruiz Cortines	Constitutional Amendment
1954		Electoral Code Amendment *Women's vote
1963	Adolfo López Mateos	Constitutional Amendment and Electoral Code Amendment *Party deputies
1969	Gustavo Díaz Ordaz	Constitutional Amendment and Electoral Code Amendment * Right to vote for 18 years old
1972	Luis Echevarría Álvarez	Constitutional Amendments
1973		Constitutional Amendment and New Electoral Code
1974		Constitutional Amendment *right to be elected deputy changed from 25 to 21 years old, and for senator from 35 to 30 years old
1977	José López Portillo	Constitutional Amendment and New Electoral Code *Integral Electoral System
1986	Miguel de La Madrid	New Electoral Code *Integral Electoral System
1990	Carlos Salinas	Constitutional Amendment and New Electoral Code *Integral Electoral System
1993	Carlos Salinas	Constitutional Amendment and Electoral Code Amendment *Integral Electoral System
1994	Carlos Salinas	Constitutional Amendment and Electoral Code Amendment "ciudadanización of the electoral commission"
1996	Ernesto Zedillo	Constitutional Amendment and New Electoral Code *Integral Electoral system

**Glossary**

PAN	National Action Party
PRD	Party of the Democratic Revolution
PRI	Institutional Revolutionary Party
PNM	Mexican National Party
PPS	Social Popular Party (former Mexican National Party)
PARM	Authentic Party of the Mexican Revolution
PVEM	Green Ecologist Party of Mexico
PT	Workers Party
PCM	Mexican Communist Party
PC	Convergencia Party
PDM	Democratic Party of Mexico
PFCRN	The Cárdenas Front of the National Reconstruction Party
DS	Social Democracy
DF	Federal District (Mexico FD)
LFOPE	Federal Electoral of Political Organisation and Electoral Processes
COFIPE	Federal Electoral Code of Electoral Institutions and Procedures
IFE	Federal Electoral Institute
SPE	Professional Electoral Service
RFE	Federal Electoral Registry
TFE	Federal Electoral Tribunal
TEPJF	Electoral Tribunal of the Judicial Power of the Federation
NAFTA	North America Fair Trade Agreement
CNC	National Peasant Confederation
CTM	Mexican Workers Confederation

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**Bedolla, Francisco.** Former advisor to the President Councillor 1996-2000, General Council. Federal Electoral Institute and political academic. (1)

**Camacho, Beatriz.** Coordinator. Civic Alliance. (1)

**Hernández, Isabel.** Member of the Federal Electoral Institute. (3)

**González, Rosa M.** Member of the Federal Electoral Institute. Documentation. (3)

**Merino, Mauricio.** Former electoral councillor 1996-2000, General Council. Federal Electoral Institute and political academic. (2)

**Ravela, Carlos.** Executive Director. Electoral Register Executive Board. Federal Electoral Institute. (2)

**Rivera, M. Alberto.** Coordinator. Civic Alliance. (1)

**Romero Vadillo, Jorge.** Former member of the DS (Democracia Social) and advisor to President Councillor, Federal Electoral Institute. (1)

**Romo, Javier.** Advisor to President Councillor. Federal Electoral Institute. (1)

- Vargas, Emiliano.** Government official and member of PRD. (2)
- Zapata Perogordo, Alejandro.** National Executive Committee Secretary. PAN. (1)
- Member of PRI A.** Former PRI member. Portillo's administration. Requested to remain anonymous (1)
- Member of PRI B.** Former PRI party's chairman. Requested to remain anonymous (1)
- Member of PRD A.** Requested to remain anonymous. (2)
- Member of PAN A.** Member of the National Executive Committee. Requested to remain anonymous. (1).
- Member of the Federal Electoral Institute A.** Requested to remain anonymous (3)
- Member of the Federal Electoral Institute B.** Requested to remain anonymous (3)

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