

Democracy in Action: Four Visions of Mexico's Transition Process

Mexico has undergone a profound period of political change. Ruled for over 70 years by a single party, the country now has a plural and competitive electoral system. Three major parties share power in Congress and in state and local governments. Democracy has brought with it new challenges, however, and placed new issues at the center of the national agenda.

Democratic transitions are never easy, however. In this bulletin, four prominent Mexican scholars and policymakers explore the nature of their country's democratic transition and the challenges it presents for the future. In the first article, *José Woldenberg*, President of the Federal Electoral Institute, emphasizes the importance of ensuring free and fair elections for the democratization of Mexican society. In the second article, *Juan Molinar*, a respected scholar who served as Deputy Secretary of the Interior in President Vicente Fox's administration (2000-2002), analyzes the changing distribution of power in Mexico. In the third article, *Felipe Calderón*, the governing party's leader in the House of Deputies, addresses the difficulties that Congress faces in defining its new role in Mexico's democracy. In the final article, *Rodolfo Stavenhagen*, the U.N. Special Rapporteur for Indigenous Rights and a noted scholar, explores the need to define a new relationship between indigenous communities and the government.

These articles are drawn from presentations made by the four authors at the Woodrow Wilson Center during the period 2001-2002. We are grateful to them for sharing their points of view with us and for allowing publication of their comments.

- *Andrew Selee, Woodrow Wilson Center*

THE PROCESS OF DEMOCRATIC CHANGE IN MEXICO

By José Woldenberg-

President of Mexico's Federal Electoral Institute

I would like to present six propositions about the democratic transition in Mexico and place them in historical perspective.

First, Mexico's democratic transition is a historic period. The transition is not an idea, a preconceived scheme, or the project of any particular political party. No single protagonist, date, reform, or election marks its occurrence. Rather, the democratic transition is a process of greater proportions. It is the story of a modern society that could no longer sustain a single-party system. Mexico had simply become more complex, diverse, and plural; a single party or coalition could no longer contain its interests, projects, and energy. The democratic transition is really the history of this adjustment, of finding a formula for modern political life that goes along with our true social modernity.

Second, the transition had its own internal logic. The history of political struggle in Mexico during the last twenty years can be summed up as follows: multiple, distinct, and authentic political parties went to the polls; they won some legislative seats; from there they promote reforms that gave them greater rights, securities, and prerogatives; then, strengthened, they participate in new elec-



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tions where they won more seats; with this they brought a new set of demands and generated additional electoral reforms. We have called this cyclical, self-reinforcing process the "mechanics" of political change in Mexico. It was not a strategy thought-out by any particular party, ideology or personality, but a process that was put into action by multiple political energies; a process which started out with small gains that over time became substantial. It was like a snowball that never stopped expanding, touching on and altering many other areas of political, social, and cultural life.

Third, the transition developed at first from the periphery and from below. It involved a slow but systematic "colonization of the nation-state" by several political parties. The transition cannot be understood from the perspective of a single change or election. Rather it is a history of hundreds of processes which ended up "pluralizing" the state and eroding the authoritarian practices and culture of the era of one-party rule. Moreover, everything that political theory tells us are inescapable symptoms of democracy (divided governments, shared power, alternating parties, judicial review, etc.) took place first in Mexico's states before arriving on the national scene.

Fourth, the progressive electoral normalization brought with it even greater social, political,

and cultural consequences: the living experience of plurality, competition, shared power, and change in government. The changes in the electoral realm went far beyond this and affected millions. The sense of sharing power became a real and present phenomenon. This showed voters that opposition forces had real opportunities, that voting was a powerful instrument of change, and that change through elections was possible.

Fifth, the transition, which was centered on elections, really went much beyond that and influenced other areas of life. The electoral changes were in reality the instrument for democratic change on a much deeper level. This should be emphasized because we often hear voices criticizing the course of Mexican democracy because of its "electoral" nature. Among

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other things, the electoral processes helped expand liberties at a federal and local level; allowed open criticism, backed by the constitution and by law; changed the work of Congress; and allowed opposition political figures to emerge. Perhaps most significantly, the elections helped develop real citizenship. Neither skeptics nor subject, people knew their vote contributed to the decision among different options. This is both an individual and a collective change for millions of Mexicans who have left behind traditional authoritarian and passive attitudes to influence the direction of their country.

Sixth and finally, the transition started a long time ago and was unstoppable in its magnitude. The collective learning took decades and involved all the actors through the mechanics of change. For twenty years the country has seen and practiced political alternation on all levels: municipal, state, and finally presidential. Because of this, on July 2, 2000 everyone involved—citizens and parties, candidates and reporters—offered a scene of great civic virtue, as if they had practiced democracy all their lives. That is why after the elections

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the public feeling was not one of uncertainty or fear but rather of confidence.

Mexico has built a democratic regime. This act of authentic recognition can help us now go beyond the agenda of democratic procedures to address the substantive issues that still remain: poverty and governability under plural conditions. We have only resolved the question of democracy; now we have to address everything else.

THE DEMOCRATIC TRANSITION AND THE DISTRIBUTION OF POWER: CHALLENGES FOR THE MEXICAN POLITICAL SYSTEM

By Juan Molinar-Political Analyst

The Mexican political transition has developed into a paradoxical situation. While the intended outcome of democracy ultimately has been achieved, the process of redistributing political power, preceding and leading to Mexico's regime change was very slow and gradual. This trait presents a contrast between Mexico's democratic transition and that of many Eastern European countries where democratization was characterized as accelerated, revolutionary process. However, the true paradox of Mexico's regime change has been that the redistribution of political power that followed the alternation of the parties in power has been profound. It is quite easy to assert that it has been one of the deepest and fastest political changes that Mexico has experienced in the last century. It may not be a revolution in the purest sense of the word, but the political shift that has occurred in Mexico has certain revolutionary characteristics, particularly in regards to two of the most relevant features of the country's political system: the party and the presidential system.



The Party System in Mexico: From One Into Many. Following the transition, Mexico has evolved into a democratic, multi-party electoral system from the one-party rule of the Partido Revolucionario Institucional (PRI). It is impor-

tant to understand that the maturation and expansion of the party system, which preceded and led to democratization, have been related to the ability to form political parties. While the party system in Mexico currently is passing through a crisis from the political opening in 2000, it remains in relatively good shape and is one of the strongest features of the country's democracy. This situation was not the case a few years ago. The political arena was very closed and tightly controlled such that from 1950 to 1978, the system only had four parties. If someone wanted to organize a political party during that time, he or she had to have the authorization of the government which almost was impossible to attain.

The first change that occurred to the party system's prevailing rules can be dated back to 1977, with the "political reform" (reforma política) of President José Lopez Portillo in which the Left was allowed to register parties and the Communist Party received formal recognition. The second change that happened to Mexican political parties is linked to when there were fair and clean elections for the first time. Both these developments frame the two-and-a-half decades of a very complex, reformist effort in Mexico which ended when the political arena finally was opened to new entrants and elections achieved accepted democratic standards.

The Presidential System: Changing Mexico's Hyper-Presidentialism. A similar opening and process of changes in the executive branch are less clear. Most Mexicans disagree over whether the excessive power that traditionally is granted to the executive, commonly referred to as hyper-presidentialism, has diminished. However, I believe the level of power concentrated in the presidency has experienced a transformation, which has been more profound than most people recognize. To evaluate these changes, it first must be understood how the presidential system in Mexico has been characterized. Since the founding of the PRI, Congress and the governors have been accused of abdicating their power to the office of the executive such that the president has become the sole legislator in the country. Although formally Mexico is a federal country, most of the gover-



nors simply follow the lead of the executive.

Prior to the Fox administration, this observation was quantified by the fact that most of the laws passed by Congress were initiated by the president, of which none were ever rejected or radically amended. The governors in Mexico had a habit of saying "yes" to the president's whims. This practice created a perverse situation where if a politician wanted to do something of certain political relevance, the president must previously had to have approved of it.

Over the past few years, two kinds of changes have occurred that have modified this tradition of presidencialismo. First, a process of political decentralization has developed in Mexico since 1983. It started with the country's municipal reform (1983), which was deepened in 1989 when these subnational governments regained authority and access to fiscal resources from the federal government. This measure was followed by a series of reforms and other acts which made the Banco de Mexico autonomous and independent of the government; created the IFE to organize and monitor elections; strengthened the judicial branch to allow increased jurisdiction by the Supreme Court over certain policy areas; and, increased the transfer of federal resources directly to the states and municipalities.

Apart from these more formal and institutional reforms, a second type of change has helped to transform the Mexican practice of hyper-presidentialism. This has been most evident in the declining congressional support for the president and the pluralization of state and municipal governments. The rise in dissent within the Congress against president has been gradual and supported by the expansion of opposition governors to 14 out of 32 states. It is important to remember that the first victory by an opposition party in a state election occurred only 13 years ago in Baja California (1989).

Conclusion: The Next Step in the Transition. The incremental political transition of Mexico, as exemplified by the developments within the party and presidential systems, is best characterized as a resultant of the process of the changes. This trait is most evident in the institutional mechanisms

used and the learning process that occurred among the political elites to open the way to democracy for all Mexicans. These two factors guaranteed the smooth transition that we have had in Mexico over the past 10 years. When Vicente Fox won in July 2000, it was almost anticlimactic because of all the pacts (1963, 1973, 1977, 1986, 1989, 1993, 1994, and 1996) that led up to the creation of a properly functioning electoral system. This characteristic is very unique and is one that few countries share because it was a voted transition, una transición votada, decided by all Mexicans at the polls.

The gradual process preceding and leading to the change of regime can be contrasted with the sudden and deep shift in the concentration of power that followed it in the last few years. In contrast with the government of President Zedillo, the last of the PRI emperors, President Fox is facing a distinctly different panorama. For instance, 60 percent of the congressmen were

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from President Zedillo's party when his administration assumed power while members of the PAN accounted for 41 percent of the seats when President Fox won. A similar political advantage for Zedillo during his presidency in comparison to Fox was evident in the state governorships (29 vs. 7), legislators (30 vs. 3), and municipalities (80% vs. 36%). In this sense, it is a completely different situation that characterizes the distribution of political power in Mexico today, an important change for the negotiations between parties and subnational governments.

This development clearly implies that one of the consequences of democratization has been the dispersion of power and not that a different party has replaced the PRI to control all the instruments—the pulls and levers—of political authority. Such mechanisms have been demolished, allowing for the establishment of a very pluralistic system. The last, and rapid, phase of

the transition has granted us the right to choose for ourselves amongst parties, political representatives, and policies. The challenge that currently remains is how to get effective decision-making power extended to all the government's representatives and at all political levels. In this sense, the problems that the Fox administration, and all of Mexico, will face ahead are about governability and good governance, the consequences of a democratization process that has extended two-and-a-half decades and which has been as conditioned by the past as it has been by the future.

LEARNING DEMOCRACY: THE NEW RELATIONSHIP BETWEEN CONGRESS AND THE PRESIDENT IN MEXICO

By Hon. Felipe Calderón-National Action Party (PAN), Mexican House of Deputies

For decades, Mexico had been looking for a new regime, a true democracy, and a real distribution of power. In 2000, the country took a definitive step in order to achieve these objectives and institute a new democratic regime.

As a result, the Mexican people today can say that they live under a democratic government. One of the most important features of this new reality is that the legislative branch is beyond the reach of the executive; it now exists as a real power on its own. For the first time in history, there is real pluralism in legislature, which means bargaining, negotiation, consensus-building, agreement, and, of course, disagreement given there is no longer one party that has a majority.

Consequently, many observers have thought that with the PAN in power, and without a clear majority of the congressional seats, President Fox would not be able to convince the other political parties to assume the costs of governing. However, an environment of moderation and reasonability has characterized the legislature. Political parties have maintained the level of mutual understanding that it is necessary to cooperate together and share the costs, as well as the



benefits, of all legislative decisions.

While the process of transition has been complicated, we have not had a political or constitutional crisis. We have already approved two annual budgets by consensus among all political parties. Moreover, since the beginning of the present legislative term, over seventy laws or legal reforms have been approved, of which only four have been passed without the support of all the political parties. In this sense, it is hard to argue that a new era of Mexican democracy has not guaranteed political stability and peace.

On the part of the executive, since his very first day in office, President Fox has shown a clear understanding of the new Mexican political reality. In his inaugural address, he used an expression which aptly describes his vision of the situation: "The President proposes, and the Congress decides." Nevertheless, in this new context of equilibrium among branches, the first year of President Fox's government best can be characterized as a difficult, adaptive process. The new cabinet has needed to learn not only how to do their job, but also how to negotiate correctly with the Congress. Overall, this process has been successful, with more than one thousand and five hundred meetings between members of Congress and representatives from all of the Cabinet posts.

It is important to highlight that such political bargaining, negotiating, and decision-making have become more complicated for President Fox because of internal and external developments. One of these factors has been the downturn in the domestic and world economy. The recession in the United States has affected dramatically the health of the Mexican economy, an obvious consequence of the country's economic dependence on its northern neighbor. For example, more than 80% of Mexico's external sector—exports, imports and foreign investment—are linked to the United States. The current downturn once again has confirmed the old Mexican adage that "when the U.S. has a cold, Mexico gets pneumonia."

A second factor of concern for the Mexican government has been over the legislative agenda, particularly the tax reform proposed by President



Fox and Secretary Gil Díaz. The most controversial point of this reform was the decision to establish a new valued added tax (VAT). Technically, it was a good reform, but it had been very unpopular. The proposal, presented to Congress in April 2001, took nine months to discuss, compromising the image of the President and the PAN in the process. Probably the strategy and the political timing of the measure were to blame. After the introduction of the bill, there were elections in 14 states which weakened the electoral performance of the PAN. In the end, however, the tax reform was passed with a political consensus because it was the only measure that could meet the large financial requirements of Mexico's public sector.

A third factor has been how the terrorist attacks on September 11 affected President Fox's program and objectives for Mexican-U.S. bilateral relations. Nevertheless, there is a clear consciousness on both sides of the border that this relationship is vital. If a longer-term view is assumed, it becomes evident that the elements that have brought them together as nations have not disappeared overnight. On the contrary, they are and will become stronger with the passage of time. For example, Mexico has recently become the United States' second largest commercial partner, displacing Japan and coming in behind Canada. Moreover, sharing one of the longest borders in the world ensures that the interdependence between these two countries will grow. The Mexican border is an ever-open revolving door that must be cared for jointly, strengthening bilateral cooperation in areas such as drug trafficking, immigration, and related security issues.

Given these domestic and regional dynamics, what is on the horizon for the relationship between Congress and the Fox government? *First*, it appears that Mexico is arriving at a new crossroads politically. For example, the authorities are investigating if PEMEX diverted more than US\$100 million to the PRI presidential campaign through the oil workers union. *Second*, the Mexican Congress has shown that it is possible to govern together and share the responsibilities for the stability of the country. *Third*, and lastly, it has

become clear that more reforms are needed to promote the prevailing stability. For example, there should be a law to allow legislators to be reelected in subsequent periods. Reelection would increase professionalism, improve the political equilibrium between the branches of government, and develop the elected representatives' technical knowledge and abilities. If this reform, as well as other essential projects, does not prosper, Mexico will have lost an extraordinary opportunity to complete the democratic process of modernizing Congress, one of the most important institutions for a democracy.

POLICYMAKING IN MEXICO'S NEW DEMOCRACY: ACHIEVING PEACE IN CHIAPAS By Rodolfo Stavenhagen-El Colegio de México

To understand the effects of the political transition on Mexican policies, the case of the Zapatistas and the constitutional reform on indigenous peoples serves as a good example. One must remember that President Fox originally campaigned, among other promises, on the issue that he would solve the conflict in Chiapas within 15 minutes, and a majority of Mexicans took him at his word. Once in power, one of his first acts in December 2000 was to send a proposal on indigenous rights to the Congress. There was a sudden sense, both domestically and internationally, that a new window of opportunity for peace had been opened.



This bill, which had been drafted originally by a multiparty commission of the Congress itself, was based on the San Andres Peace Accords signed between the previous Zedillo administration and the Zapatistas in 1996. President Fox dusted off this document, the so-called "Ley Cocopa," and sent it to the Congress as his own initiative. However, it was not to be because the Senate proceeded to make changes and then approved unanimously the new bill which then was sent to the Chamber of Deputies. While the lower house's members were satisfied, certain

social groups were not: the Zapatistas, their sympathizers, and other observers believed that Mexico, once again, had missed its opportunity for peace. Consequently, after their widely heralded march to the capital in March 2001, the Zapatistas broke-off contact with the government and, officially, nobody has since heard from them.

In spite of the fact that hopes for peace in Mexico were dashed, the new bill provided an opportunity for reflection on the political transition that had occurred with the ousting of the PRI in 2000 from the presidency. What happened to the constitutional reform can be best addressed at three different levels of analysis, namely, procedural issues; political processes; and substantive questions.

First, the procedural issues are related to the fact that President Fox's initiative, the so-called Cocopa document, was never a legal text in the technical sense and was hardly designed to be approved without a debate in the Congress. Very few observers expected to see what took place in the Senate because after only a few days of debate the upper chamber drew up a brand new Article II for the Constitution of Mexico, in which it included some of the points of the Cocopa initiative, deleted others, and added several further points regarding indigenous populations.

The major changes that the Congress made to the "Ley Cocopa," by actually drafting a new constitutional article signals that something novel is happening in Mexico. In fact, as observers have noted, the Mexican Congress is a "new kind of animal." It is no longer the subservient tool of the Executive, reacting automatically to the whims of the President. For the first time, Congress seems to be more oriented towards its own constituencies. It recognizes the need to have inter-party alliances if it wants to proceed with major legislation. In other words, all the political players in Mexico are now involved in a learning process—how to legislate effectively. Mexico is strengthening democratic governance not only through transparent elections but also by managing consti-

tutional, institutional, and legislative processes in a formally democratic manner. This has not occurred in Mexico before and perhaps the "Ley Cocopa" can be seen as one of the first casualties of this learning process.

This leads me to the *second* point I wish to make, regarding the political processes involved. The PRI, while it lost the presidency, still controls the Senate and the House. For the two-thirds majority required to pass a constitutional reform, the PAN and the PRI joined forces easily to support their own view of how to incorporate indigenous rights into the Constitution, though on other issues they have yet to build a consensus. Moreover, Fox's own party, the PAN, voted against his bill. This fact led many observers to say that President Fox does not even control his own constituency—or his own party does not agree with him. The same tension has appeared over other legislative issues as well. It should also be noted that most of the legislators of Mexico's third major party, the PRD, went along with the majority formed in the Congress on the issue.

Others argue that only through effective autonomy will indigenous rights be protected and democratic governance consolidated.

The *third* analytical level relates to substantive questions that reflect on a long-term and broader consideration of the "Ley Cocopa." The newly written Article two of the Constitution contains many topics that constantly have been on the agenda regarding human rights for Mexico's indigenous peoples. The first point is how to determine who is the bearer of these rights. The second point is about the self-determination of peoples because this concept, which had been agreed upon in the San Andres Peace Accords, is reduced in the new constitutional article to the autonomy of local communities. A third point of reflection is on how the new constitutional article translates into effective legal instruments.

A closer look at Article II reveals that major changes were made to the San Andres Accords,



and the original Cocopa text. Moreover, the interpretation of the concepts of self-determination and autonomy has been left to the state legislatures. It is important to note that autonomy can mean various things to different people. In Mexico, there has been a debate on this issue of autonomy and those who are against any kind of legal recognition of autonomy argue it will mean the breakup of the state, the Balkanization of the country, and the loss of national sovereignty. Others, in contrast, argue that only through effective autonomy will indigenous rights be protected and democratic governance consolidated. There are many more controversial points in Article II and it seems that few constitutional reforms have provoked such a polarized debate in this country.

A series of questions and uncertainties have surrounded the reform. What is likely to happen now? Once the constitutional amendment is ratified, what types of reforms will state legislatures pass on indigenous rights? More importantly, how will it change the daily lives of indigenous peoples and the country's perception of itself?

After the formal ratification process was completed in August 2001, over three hundred appeals were lodged by indigenous municipalities in the Supreme Court demanding the annulment

or repeal of the constitutional reform on a number of procedural and substantive grounds. In the summer 2002 the Supreme Court had not yet reached a decision on these constitutional controversies, with the whole process being yet another "democratic first" in Mexico's transition.

I am hopeful that all of these issues will be addressed in a mutually respectful, tolerant, and civil way by using the political system. While the system is the same, the political opportunities offered to the actors are different from six years ago, or even two years ago, when Fox was elected. Mexico has not really come to grips with that shift yet. It remains one of the major tasks of learning how to improve the legislative process in the country.

The manner in which the issues of the Zapatistas and the "Ley Cocopa" were handled by the Congress can be best characterized as a pre-democratic transition stage marked by "hangovers" from the old regime. The polemic case of the "Ley Cocopa" demonstrates the naïveté on the part of many Mexicans in thinking that because the PRI had been voted out of office everything was changed. Obviously, it has not and there are new challenges for the country's principal actors, not only political parties but also the more organized sectors of civil society as well.

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