

Challenges and Risks for Mexico's Democracy

The strength of Mexico's democratic institutions is being put to the test.

Report from a November 16, 2021, dialogue between
politicians, academics, and analysts

Prepared by Alejandro García Magos

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Mexico
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On November 16, 2021, the Wilson Center's Mexico Institute organized a conference in Washington D.C. in which politicians, academics, and analysts convened to discuss the state of democracy in Mexico. The objective of the conference was to discuss the opportunities and challenges that Mexican democracy faces today based on the analysis of its institutions, processes, and actors.

The conversation was governed by a principle of collective construction of knowledge, which, despite differences in opinion among the participants, made it possible to outline reflections, evaluations and proposals to strengthen democratic rule in the country based on the opinions that were expressed in a personal capacity. The appendix provides a list of participants and their affiliations.

The conference provided a forum to compare ideas from a variety of perspectives, maintaining a constructive and balanced tone at all times with the objective of strengthening Mexican democracy. Following the conference, the Mexico Institute prepared this brief report detailing six areas discussed by the participants concerning key institutions and processes for a healthy democracy. The areas are as follows:

1. The National Electoral Institute (INE): in need of reform or autonomy at risk?

An initial topic that generated discussion among the participants was the need, or lack thereof, of carrying out an electoral reform at this time. On multiple occasions, President Andrés Manuel López Obrador (AMLO) has announced that he will send a proposal for electoral reform to the Congress on this subject. A controversial aspect of his proposal is that it includes the total or partial restructuring of the INE's General Council. It is worth noting that the General Council gained autonomy from the executive power through subsequent electoral reforms in 1986, 1989-1990, 1993 and 1994, achieving total autonomy with the so-called "definitive reform" of 1996.

There was no consensus among the participants on the need of an electoral reform at this time.

On one hand, it was noted that the restructuring of the General Council would not necessarily lead to the loss of the INE's autonomy but potentially reshape its leadership to reinvigorate its direction. This would be an attempt to guarantee the neutrality of the institute and increase public trust in its electoral authorities. Regarding this, it was mentioned that although confidence in INE has grown in the last few years, reaching 61% before the last elections, there is also an important sector of Mexicans that has little or no confidence in the institute.¹ The renewal of its General Council would be an attempt to correct this situation. As one of the participants in favor of the reform stated: "We do not want the disappearance of the INE, but we do want its renewal."

Other participants, however, questioned the feasibility of restructuring the General Council of the INE without undermining its autonomy. Indeed, the reform has the particularity of being promoted by the government and not by the opposition. It should be noted that the aforementioned electoral reforms of the eighties and nineties were government concessions to the opposition, which over the years grew stronger to the point of taking control of the organization of elections away from the government and giving it to an autonomous institution. From this perspective, it is worrisome that the government itself wants to change the rules of the democratic game. As one of the participants expressed: "the restructuring of the Council at this time would effectively eliminate the autonomy of the INE in regards to the executive power headed by AMLO... We do not have the guarantees from MORENA to move for electoral reform. This is not the time."

2. Revocation of mandate: Direct democracy or government manipulation?

There was also no consensus among the participants on the utility of the recall referendum proposed by the president. Initially scheduled for April 2022, the consultation is, according to the INE, "an instrument of participation requested by the citizens to determine the anticipated conclusion in the performance of the incumbent of the Presidency of the Republic, based on the loss of confidence."² The government, however, refers to the consultation as a process of

¹ R. (2021, May 26). Crece la confianza en el INE a pocos días de la elección. El Financiero. <https://www.elfinanciero.com.mx/nacional/2021/05/26/crece-la-confianza-en-el-ine-a-pocos-dias-de-la-eleccion-2/>

² <https://www.ine.mx/revocacion-mandato/>

"ratification" and not revocation. This is inaccurate because it deviates from the question that will appear on the ballot, which was approved by the General Council of INE on October 29: *"Do you agree that Andrés Manuel López Obrador, President of the United Mexican States, should have his mandate revoked due to loss of confidence or should he remain in the Presidency of the Republic until the end of his term?"*

Some conference attendees were in favor of organizing the referendum, pointing out that it is "a novel exercise in participatory democracy, and a way to evaluate and limit presidential power." What is more, this group also holds the opinion that the referendum is also a political success for AMLO as it "gives the initiative back to the president, keeps him at the center of politics, and gives him control of the narrative." These same attendees, however, admitted that "the electoral turnout will not reach the 40 percent necessary to make it binding as established by law." The consultation would therefore be a mere exercise of political participation without any legal consequences.

Similarly, those attending the conference who expressed their opposition to the consultation also stated that it is yet another ploy by AMLO to maintain "a permanent candidacy and mobilize his bases for the local elections of 2022 and the presidential elections of 2024." In the opinion of these attendees, the consultation would kick off MORENA's electoral machinery based on a linguistic and legal misrepresentation. Indeed, the Federal Law of Revocation of Mandate approved in August 2021 had the objective of giving a tool to those citizens who felt aggrieved by a ruler, not to give a ruler the opportunity to electorally mobilize his followers.

The discussion made it clear that that the consultation might not be carried out at all, a possibility that as of the date of publication remains undefined. Although MORENA collected enough signatures to activate the consultation process (equivalent to 3% of the nominal list in at least 17 states) and INE validated them, the MORENA-controlled Chamber of Deputies decided to cut five billion pesos from the budget that the INE requested for 2022.³ The original request accounted for the 3.8 billion pesos needed for organizing the referendum, but the budget cut left

³ Jannet Lopez Ponce. (18 de enero de 2022). INE valida 100% de firmas requeridas para la consulta de revocación de mandato. Milenio. <https://www.milenio.com/politica/ine-valida-100-firmas-consulta-revocacion-mandato>; Victor Chavez. (8 de noviembre de 2021). Morena se la 'aplica' al INE: quiere recortar presupuesto en 4,913 mdp para 2022. El Financiero. <https://www.elfinanciero.com.mx/nacional/2021/11/08/morena-se-la-aplica-al-ine-quiere-recortar-presupuesto-en-4913-mdp-para-2022/>.

only 1.5 billion pesos available for this purpose.⁴ As was pointed out in the conference: "It will be difficult for INE to fulfill the task of organizing the referendum. A judicial process may arise due to the budget cut that may even reach the Supreme Court of Justice of the Nation (SCJN)." In fact, this is what happened, and the Court ruled that the INE must carry out the referendum (without specifying on what date or how quickly).⁵ In order to comply with the ruling, the INE reevaluated its spending plan for the referendum and cut 5 million pesos in low priority expenses before asking the Ministry of Finance for the remaining 1.74 billion pesos to carry out the referendum.⁶ The Ministry of the Interior responded that there are no funds available to support INE, and the Ministry of Finance presented an austerity plan to INE to free funds for the consultation. INE rejected the austerity plan, which it characterized as unviable.⁷

3. "Other facts": do they exist or not?

During the conference, the topic of AMLO's "otros datos [other facts]," was also addressed. As is well known, when faced with certain empirical data that do not favor him (high inflation, high homicide rate, record COVID-19 infections) the president tends to point out that he has "other data" that show that his government is doing things right. The expression "tener otros datos [to have other facts]," has gone viral in Mexico and is already a contribution of AMLO to the country's Spanish phraseology, serving to settle an argument in which neither side is willing to listen to the other.

⁴ Jorge Monroy. (25 de agosto de 2021). INE perfila 3,830 millones de pesos para la consulta de revocación de mandato en 2022. *El Economista*. <https://www.eleconomista.com.mx/politica/INE-perfila-3830-millones-de-pesos-para-la-consulta-de-revocacion-de-mandato-en-2022-20210825-0158.html>; Jorge Monroy. (23 de diciembre de 2021). INE seguirá con la revocación de mandato después de resolución de la Suprema Corte. *El Economista*. <https://www.eleconomista.com.mx/politica/INE-seguira-con-la-revocacion-de-mandato-despues-de-resolucion-de-la-Suprema-Corte-20211223-0067.html>.

⁵ Elena Reina. (23 de diciembre de 2021). La Suprema Corte ordena al INE continuar con la consulta de revocación de mandato de López Obrador. *El País*. <https://elpais.com/mexico/2021-12-23/la-suprema-corte-ordena-al-ine-continuar-con-la-revocacion-de-mandato-de-lopez-obrador.html>.

⁶ Pilar Cayetano. (12 de enero de 2022). INE avala acuerdo para solicitar a la SHCP mil 738.94 mdp para realizar la revocación de mandato. *Politico MX*. <https://politico.mx/ine-avala-acuerdo-para-solicitar-a-la-shcp-mil-73894-mdp-para-realizar-la-revocacion-de-mandato>.

⁷ Antonio Baranda. (13 de enero de 2022). Dice Segob a INE: 'no tengo dinero'. *Reforma*. https://www.reforma.com/aplicacioneslibre/preacceso/articulo/default.aspx?_rval=1&urlredirect=/dice-segob-a-ine-no-tengo-dinero/ar2330358; Infobae. (13 de enero de 2022). Revocación de Mandato: consejeros del INE rechazaron plan de austeridad del Gobierno Federal. <https://www.infobae.com/america/mexico/2022/01/13/revocacion-de-mandato-consejeros-del-ine-rechazaron-plan-de-austeridad-del-gobierno-federal/>.

In this regard, participants recalled that "the first time AMLO invoked his 'other data' in his presidency was in response to the criticism of the rating agency Fitch regarding the capitalization of Petróleos Mexicanos (Pemex) in September 2019." On that occasion, the president stated in between chuckles, "my adversaries say that every time I disagree with something, I say that I have other data. Yes, I have other data." That would have been the moment when AMLO realized that "resorting to other facts works to defuse criticisms of his government."

The conference addressed the question of whether or not these "other facts" exist. Several attendees were of the opinion that they do exist. As one of them stated: "The 'other facts' is information that the president gathers in conversations with people during his tours." In social science jargon, AMLO's "other facts" would be qualitative data resulting from his observations, talks, and his own interpretation of social reality. Accordingly, one of the attendees pointed out that in Mexico there is "a statistical truth and an emotional truth that compete with each other." This would explain why "people are losing faith in specialists," but also why sometimes "AMLO is perceived as someone who does not live in the real world."

The existence of the other facts would also explain to a certain extent the political polarization in the country since "there is no way to communicate between these two realities [...] AMLO is convinced that the other model is a failure and only his model remains [...] This has broken down communication channels and tolerance in Mexico [...] His logic is: you are either with me or against me."

In connection with the above, some participants pointed out that sometimes "AMLO's statements are taken too literally" and that "other facts should not be taken to the extreme of understanding." As one of them pointed out: "We must learn to separate the political part from the legislative work." Another participant responded that AMLO's rhetoric is not innocuous and entails "economic costs, especially in terms of foreign investment, which although it will not solve Mexico's problems, it could inject dynamism into its economy."

4. Is MORENA an institutionalized political party?

What is the degree of institutionalization of MORENA as a political party? This question was analyzed in detail during the conference. As a matter of principle, it must be said that MORENA as a party was founded in 2014 as a splinter group of the Party of the Democratic Revolution (PRD) under the leadership of AMLO. With the founding of MORENA, AMLO put

an end to 25 years of membership in the PRD, for which he served as its president between 1996 and 2000 and twice as its presidential candidate, in 2006 and 2012. Prior to that, he was a member of the Institutional Revolutionary Party (PRI) for 12 years until Cuauhtémoc Cárdenas recruited him for the National Democratic Front (FDN), predecessor of the PRD, for the 1988 presidential elections. Contrary to the idea that he is a political outsider, AMLO is in fact a professional suit-and-tie politician with 42 years in institutionalized party politics.

With this background, it would be expected that President AMLO would dedicate part of his time to making MORENA a political institution that transcends him. During the conference, however, the most widespread opinion among the participants was that AMLO does not seem to give great importance to his party: "In these last three years it has been clear that MORENA was his personal vehicle to reach the presidency, and now that he is unable to seek reelection, it is of no use to him." From this point of view, some observed that MORENA "is no different from the 'taxi' parties we see in other Latin American countries, which are used by charismatic politicians to reach power and then simply are discarded."

In addition to the above, it was also noted that "there is a possibility of a rupture in MORENA on the road to the 2024 presidential elections." A particularly sensitive point is that as of today there is no agreement on the selection process for the party's official presidential candidate. Time is of the essence, as there are already three pre-candidates in the race: the head of government of Mexico City, Claudia Sheinbaum; the Secretary of Foreign Affairs, Marcelo Ebrard; and the leader of MORENA in the Senate, Ricardo Monreal. At the moment there is an internal struggle within MORENA between those who demand open primary elections to choose the candidate, Monreal and to a lesser extent Ebrard, and those who prefer to decide based on opinion polls, Sheinbaum and AMLO. Failure to reach an agreement that satisfies the contenders could complicate the succession for the ruling party as one of the participants noted: "sectors of MORENA could ally with other parties around a non-conformist candidacy, which would result in more than one candidate emerging from MORENA's ranks."

5. Is Mexico's party system experiencing a crisis of political representation?

During the conference, two practices in current party politics in Mexico that potentially destabilize the party system were discussed. First, electoral alliances between parties on the right and the left that entail the risk of diluting partisan identities. Secondly, the constant "chapulineo,"

or floor-crossing, of deputies and senators who, like *chapulines* or grasshoppers, jump from one party to another according to their convenience.

Let us remember that in the 2018 elections, the party system that had been in place in Mexico since 1991 collapsed. This was a tripartite system in which the electorate was divided roughly into thirds: on the right the National Action Party (PAN), in the center the PRI, and on the left the PRD. This party system culminated Mexico's democratic transition (1977-1996) and for 25 years articulated the country's social, political and regional cleavages. All this collapsed with the emergence of MORENA in 2018. In the opinion of one of the attendees, today "Mexican parties are weaker than before the transition [...] Look at the problems they faced to have representatives in all the polling stations of the country during last year's mid-term elections."

With these precedents, it was pointed out that it is no coincidence that parties today join in ephemeral and opportunistic alliances as a short-term remedy in specific electoral races. This strategy, however, can be "counterproductive in the long term, as it leads the parties to irrelevance". In this same sense, it was mentioned that the parties today are devoid of proposals and that "on the side of MORENA the only thing they can offer is AMLO, while on the side of the *Va por México* alliance (PAN-PRI-PRD) the only thing they could offer is an anti-AMLO." One of the attendees provided the following warning: the crisis of political representation of the parties, their dissolution in non-ideological "big tent" alliances of all stripes, and their positioning exclusively around a personalist figure "were situations that were seen before the total collapse of the party system in Venezuela in the nineties."

In addition to this, there is the problem of the "chapulineo" in Congress where "deputies change parties based on the benefits they may receive for doing so, such as access to certain commissions, public resources, or media visibility." All of which is detrimental to the political identification that may exist between voters and parties.

Some attendees, however, defended alliances and "chapulineo" as informal mechanisms to reach agreements outside the legislative arena and ways for minority groups to viably contest the majority. Looking ahead to the 2024 elections, these political practices would also have the potential to break the polarizing impasse in which AMLO has plunged the country. This last point was exemplified with some historical episodes in Mexico where seemingly irreconcilable

enemies – Agustín de Iturbide and Vicente Guerrero, for example – ended up as allies and put an end to civil conflicts.

6. Press freedom at risk in Mexico?

During the conference, the degree of freedom of the press in Mexico today was also discussed, as well as the effect of the President's daily conferences, popularly known as "mañaneras," or morning press conferences. When AMLO was the mayor of Mexico City (2000-2005), he offered 1,316 morning press conferences to provide information on his government's actions and criticize the federal government then headed by Vicente Fox (2000-2006). So far in his six-year term, AMLO is on track to surpass his record of morning press conferences, but with a notable difference: the object of his criticisms are now political actors, groups, and institutions that he considers his enemies such as the middle classes, business groups, non-governmental organizations, academics, and markedly the independent press. There is even a weekly section in his conferences entitled "Who's Who in Lies" where journalists and communicators who are critical of him are publicly named and disparaged.

Those present voiced concern regarding the tone of these morning conferences: "It is disheartening the effect on society that the hate speech and anger from the presidency has had [...] AMLO could have achieved whatever he has achieved without the need to hate." Related to the above, it was mentioned that AMLO's criticisms to neoliberalism are not in reference to the "Washington Consensus" but to "the individualistic and materialistic values of some social strata that he considers vacuous and morally wrong." In the opinion of some of the attendees, freedom of the press in Mexico is indeed threatened by a climate of tension, polarization and self-censorship: "many people are not saying what they think."

At the same time, however, it was noted that it would be impossible and undesirable to regulate the president's speech: "his hate speech is harmful, but democracy is a game of disparaging others." In this regard, it was also said that independent actors and the press "have survived and learned to defend themselves from the president's harsh speech." It was also mentioned that the advances in terms of freedom of expression that Mexico experienced during its democratic transition (1977-1996) are irreversible. This freedom is manifested mainly in a myriad of new media outlets that emerged during the transition, and which continue to grow with the new technologies.

Conclusion

The state and future of the democratic regime in Mexico is today uncertain. Mexico is not the only country in this position. We have seen in recent years that democracies are fragile and their institutions are as effective as the actors that they regulate stick to the rules. Beginning in 1977, a generation of Mexicans, from all political parties, decided to create democratic institutions and adhere to their rules in order to guarantee social peace. Thus, while in 1976 elections were organized by the executive power through the Ministry of the Interior, from 1997 to date they have been organized by INE (formerly the Federal Electoral Institute, IFE), which is completely autonomous from the executive branch. Since then, there have been four successive governments from three different parties.

No democracy emerges once and for all without challenge, and the current generation of Mexicans will have to ratify the democratic pact and the institutions that were created between 1977 and 1996. That responsibility is theirs alone. From the perspective of the participants in the event, the outcome is uncertain.

Appendix: List of participants

The participants to the event were as follows:

Sen. Claudia Ruiz Massieu, Senator from the national list (PRI)
Sen. Miguel Ángel Mancera, Senator for Mexico City (PRD)
Sen. Oscar Ramírez Aguilar, Senator for Chiapas (MORENA)
Sen. Noé Fernando Castañón Ramírez, Senator for Chiapas (MC)
Sen. Nadia Navarro Acevedo, Senator for Puebla (PAN)
Sergio Alcocer, Consejo Mexicano de Asunto Internacionales
Sergio Aguayo, El Colegio de México y Harvard University
Kate Bruhn, University of California – Santa Barbara
Joy Langston, Centro de Investigación y Docencia Económicas A.C. y El Colegio de México
Antonio Garrastazu, International Republican Institute
Alejandro García Magos, University of Toronto and Global Brief
Duncan Wood, Wilson Center
Amb. Earl Anthony Wayne, Wilson Center
Andrew I. Rudman, Wilson Center
Cecily Fasanella, Wilson Center
Ricardo Mora-Téllez, Wilson Center