

# Mexico's July 2 Elections And Governability<sup>1</sup>

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Constitutional amendments will require a PRI-PAN coalition to pass.

More than two months after the elections, many studies have already been done about voter behavior on both federal and state levels. This election's particularities and the public's behavior at the polls will be subject to a variety of analyses that will eventually allow us to build a profile of the Mexican voter. More than contributing to that task, I want here to share a few preliminary reflections about the issues that will in all probability determine policy and the country's governability for the next three years. These issues

all come under the general heading of the relationship among the distribution of political forces, the president's power and relations between the executive and legislative branches.

## THE ELECTORAL RESULTS, THE DISTRIBUTION OF POLITICAL FORCES AND THE PRESIDENT'S POWER

Vicente Fox's victory last July 2 inspired the trust of Mexicans and foreigners alike. The exemplary way the elections were organized and the difference in vote counts between the two main contenders was enough to avert the feared post-electoral conflicts which until now had unavoidably accompanied the

transmission of power from one party to another in Mexico.

Nevertheless, we should recognize that the immediate acceptance of the outcome by all political actors and the public at large does not validate the widely held view that Fox's mandate was resounding. I think it more accurate—and prudent—to say that the president-elect received a limited or circumscribed mandate, one that calls for moderation. While true that most voters cast their ballots for change, at the same time, most of them used the free exercise of their political rights to limit that change.

A series of aggregate figures back up the idea that we should not exaggerate the mandate at the polls. Vicente

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Fox will be the first president in Mexican history to take office with a plurality of the popular vote (43 percent) but not a majority. He beat Francisco Labastida in 21 states, but the latter took 10 and Cuauhtémoc Cárdenas, one. Fox's will also be the first administration without an absolute majority in Congress, an indication that voters split their ballots. While Fox received 43 percent of the vote, his Alliance for Change received only 38 percent of the ballots for Congress.<sup>2</sup>

Fox's will be the administration with the greatest counterweights in the history of post-Revolutionary Mexico:

1. He will be the president who has to live with the largest number of state houses run by the opposition. When he takes office December 1, the main opposition party, the Institutional Revolutionary Party (PRI), after its recent defeats in Chiapas, Guanajuato and Morelos, will occupy 19 governorships. The Party of the Democratic Revolution (PRD) or local coalitions will occupy 5 (Zacatecas, Mexico City's Federal District, Tlaxcala, Baja California Sur and Nayarit).

2. The president's party will only have a majority in three state legislatures: Aguascalientes, Nuevo León and Guanajuato. By contrast, the PRI has a majority in 18 and the rest of the state legislatures have opposition majorities. This means that constitutional reforms will be difficult since they require the approval of 50 percent plus one of state legislatures.

3. No party will have an absolute majority in the federal Chamber of Deputies. To approve normal legislation, then, the incoming president will need the support not only of his own party, but also of legislators from one of the two main opposition forces. In addition, given the distribution of seats

in the Chamber of Deputies, only a coalition of the PRI and the National Action Party (PAN) will suffice to make up the two-thirds majority needed to pass constitutional amendments.

4. One of the most salient traits of the election results is the president's



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party not having a majority in the Senate. This means that, in contrast with current President Ernesto Zedillo, Fox will not have the Senate as a security valve for pushing through his bills, nor will he be able to stop bills an opposition majority has passed in the Chamber of Deputies against his will. The forging of majority coalitions in the Senate is similar to that of the Chamber of Deputies. The PRI and the PAN together would be able to pass constitutional amendments; the PRD is the key to either of the two other parties passing normal legislation with a simple majority.

Fox will therefore have to negotiate in both places to get either kind of legislation passed. The key words for the next three years will be negotiation, consensus building and alliances.

## EXECUTIVE-LEGISLATIVE BRANCH RELATIONS

Clearly, then, the very map of distribution of political power in Mexico complicates relations between the executive and legislative branches of gov-

ernment. The same could be said of legislators' behavior. Until now, the legislators of the different parties have been highly disciplined and acted as cohesive groups in Congress. The PRI has been the most disciplined, the PRD less so. However, this cannot be taken as a given on the new playing field, which could complicate (but also sometimes unblock) legislative work.

With the new make-up of the Congress and the change in the role the PAN and the PRI will play, it is difficult to predict how legislators will behave and the kind of alliances they will make. The future of the PRI—above all the person or group that manages to bring together and lead the party—will be key variables. It is too soon to know yet how the PRI will regroup once out of

federal office. As Manuel Bartlett, one of its national leaders, said, the party no longer has an undisputed leader or natural head. It has been a party that has never had to make decisions about the central problems of party organization: the selection of its leaders, the

negotiation and making alliances with the PRD to block the presidential agenda, which would amount to a “PRD-ization” of the PRI; c) the more pragmatic road of forging changing alliances.

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lines of command, the degree of centralization or decentralization of its decision-making bodies and the links among the party leader, the legislative leader and the head of the administration.

In this new situation, the kind of real leadership that the heads of the PRI parliamentary caucuses will exercise—Beatriz Paredes in the Chamber of Deputies and Enrique Jackson in the Senate—remains unclear because they no longer have the resources that PRI party chiefs used to. The conditions and instruments for exercising power in that way have disappeared. Without an undisputed leader—and by that I mean a leader who decides the future of legislators’ political careers—loyalties may be divided. This complicates not only the repositioning of the party but also its relationship with the executive branch.

On another plane, we should analyze what kind of behavior can probably be expected from PRI legislators. Three possibilities are the most likely: a) negotiation and making alliances with the PAN, similar to what the PAN did in the outgoing Congress; b) ne-

gotiation and making alliances with the PRD to block the presidential agenda, which would amount to a “PRD-ization” of the PRI; c) the more pragmatic road of forging changing alliances. Taking one road or another will depend on which group manages to take the reins of the party, if any does. As an opposition party, the PRI will have to think in terms of getting back into office. But ideas about the strategy for doing that may be very different. About this topic, there is no established wisdom. Most of the literature says that, particularly before elections, parties tend to distance themselves from the party in office to two ends: to defeat it or to disassociate themselves from its defeat. In the last legislature, however, the two opposition parties took different routes: the PAN continued to be the PRI’s main ally, above all on economic matters, and the PRD persisted with its confrontational stance.

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How the PAN will behave in the legislature is not without its enigmas either. Fox is not only not the favorite of the opposition; he also has his detractors in the party that put him in office. Although the PAN is the president’s party, we all

know that Fox has never been steeped in its organization or structure. The PAN will now have to face the three things that determine the fate of parties in office: party as an organization, the party in parliament and the party as administration. As in the PRI’s case, the question is whether the congressional caucus will remain cohesive and disciplined, and if it does, whether it will follow the congressional leader, the party leader or President Fox if the three leaders take different positions.

Finally, the PRD also suffered a severe defeat at the polls and very probably will have to review its leaderships, programs and conduct. Its strength lies in the possibility it would have in the event of a PRI-PAN clash of being able to tip the balance of power. It is difficult to predict who it will try to move close to. The PRD idea is that the PRI and the PAN are basically the same and that both are its historical enemies. Initial statements and speeches of some prominent PRD members indicated that the party will persist in its confrontational stance and continue to play the role of an anti-system party. Nevertheless, over the last month, a more conciliatory attitude can be perceived.

To this already complicated panorama, we should add that we still do not know if there will be split-offs from congressional caucuses that could swell the ranks of the small parties, who could benefit from those defections and eventually be able to blackmail the larger ones.<sup>3</sup>

#### THE PRESIDENT’S FORMAL POWERS

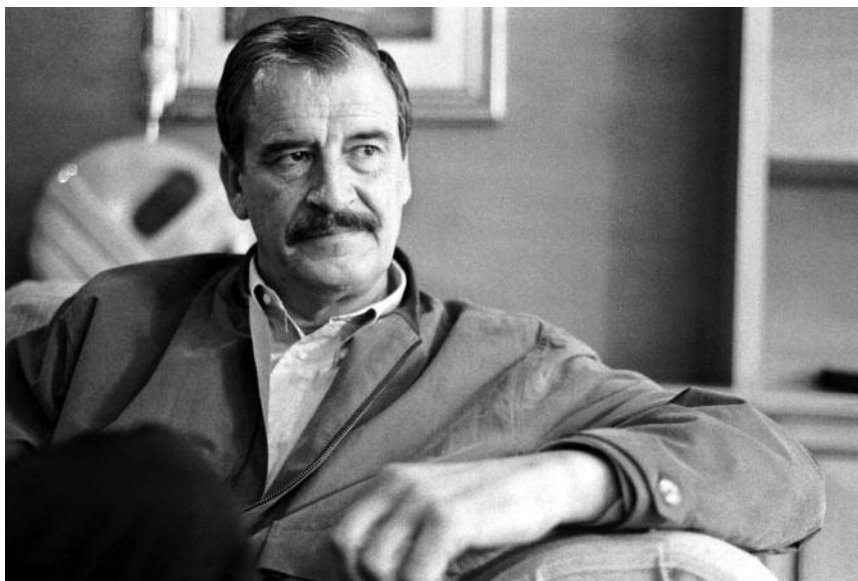
Fox will be one of the most limited presidents in the history of Mexico and the

entire region. Over the last decade, the real prerogatives, both constitutional and extra-constitutional, of the executive branch have been curtailed. First of all is the point mentioned in the last section that the president has lost the power derived from the distribution of political power in Mexico and from his party position. Fox will not enjoy these. To that, we should add the fact that the power of the presidency has been reduced by a series of reforms strengthening the legislative branch as well as the creation of state institutions as opposed to discretionary institutions for each administration. Finally, we have to include the undoubtedly complex discussion of how appropriate and sufficient the president's constitutional powers are, particularly his legislative powers.

From the start, the Fox administration will begin to reveal the problems besetting our institutional structure as a whole (the system of government, the kind of powers each branch has, electoral rules, the party system, etc.) and the need to reform it. Although this must be analyzed in more depth, we should remember that precisely because the Fox presidency will be extremely limited and because one of the focal points of politics will be the relationship between executive and legislative branches, Mexico's chief executive does not have prerogatives or instruments that will allow him to easily move his agenda forward and change the status quo. This is undoubtedly a question that will cause controversy because Mexico is just coming out of a long period of pure presidentialism. Sooner or later, however, we will have to evaluate whether Mexico's presidential arrangement—particularly the first executive's legislative powers—requires revision.

A quick review of the executive's legislative powers in other Latin American presidentialist systems shows that the presidents of Argentina, Brazil, Chile, Peru and Ecuador are more powerful than Mexico's in the sense that, even with divided governments

cludes the division of the branches of government, a distribution of political power in which no force has a majority and an overall crisis (or the historic memory of a crisis). To give one example: when the Brazilian Constitution was drafted in 1988, everyone remem-



Antonio Nave/AE

Fox's presidency will be the most limited in modern Mexican history.

or administrations without a majority in Congress, they have more possibilities of implementing their political promises.

In fact, most of the constitutions drafted or redrafted after the mid-1980s incorporated or reincorporated the power of the president to legislate by decree in differing degrees, also giving their first executives the power for setting the legislative agenda (areas in which only the first executive can present bills and the right to have presidential bills discussed first and expedited) without violating the principle of the division of powers. In general, we could say that these kinds of powers exist when three factors coincide: an institutional arrangement that in-

cluded the fact that the 1964 government had fallen because the president was hamstrung by the legislature. In other cases in Latin America, presidents begin to use emergency powers or to govern by decree in crisis situations (for example, when confronted by hyperinflation) on the basis of powers implicit in the institutions and legislation, powers which are later formalized. These powers have been used frequently and seem to provide stability to Latin American presidentialist systems. This question is a very delicate one, and if discussed, we must keep it in mind that an effective presidency cannot be sought at the expense of endangering freedom and democracy. The idea is to have a strong but limited presidency.

## A FINAL NOTE

We are learning to live in a democracy and we must learn that when democracy leads to pluralism, as it almost always does, the only way ahead is through deliberation, negotiation and forging agreements. For some, divided governments or administrations without a congressional majority are a matter for alarm because they lead to paralysis and the tendency to yield to the temptation of authoritarianism; because they impede coherent governmental action and are the shortcut to ungovernability; because, as political scientist James MacGregor Burns says, they take away the means leaders need to effectively lead.<sup>4</sup> For others—and I include myself—they are the opportunity to design better public policies, to

achieve more broadly accepted policies, to limit the presidency. In brief, they present us with the opportunity to avert “government action precipitated by a majority that could violate the rights of a minority,” as James P. Pfiffner<sup>5</sup> puts it. They open up the prospect that fundamental policy changes can only be made when there is an extraordinarily broad consensus.

Whatever happens, Mexico is now going through its second experience of an administration without a legislative majority, when the principles underlying the presidential system can finally come to the fore: the division of power and checks and balances. We should remember that there is no better limit on government officials than the ballot box and checks and balances. Both have been recently

achieved. Both can be incentives for a more efficient, responsible exercise of power. ■■■

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## NOTES

<sup>1</sup> This essay is based on a lecture given at the Institute for the Democratic Transition, July 8, 2000.

<sup>2</sup> The 5.5 percent difference between these two is not due exclusively to split ballots since it may include the effect of the votes cast for the five presidential candidates and for Congress. According to my calculations, 82.2 percent of the electorate voted a straight party ticket and 17.8 percent split their ballots.

<sup>3</sup> This was the case of the Labor Party (PT) in the Fifty-seventh Congress when it held the deciding vote on more than one fiscal bill in the last budget negotiation in November 1999.

<sup>4</sup> James MacGregor Burns, *The Deadlock of Democracy* (New Jersey: Prentice Hall, 1967).

<sup>5</sup> James P. Pfiffner, “El gobierno dividido y el problema del ejercicio del poder,” *Democracia dividida. Cooperación y conflicto entre el presidente y el congreso* (Mexico City: Editorial Heliasta, 1995).