

The University of Texas at Austin

Presents an International Conference

President Calderon's First 100 Days: Trends and Directions

Friday, April 13, 2007

8:30 A.M. -4:00 P.M.



CONFERENCE PROCEEDINGS

Thursday, April 12, 2007

Lecture: *"The Role of TRIFE in Mexico's Democratic Consolidation"*

Manuel Gonzalez Oropeza, Minister of the Tribunal Federal Electoral del Poder Judicial de la Nación

Friday, April 13, 2007

Conference: President Calderón's First 100 Days in Office: Trends and Directions

Distinguished Mexicans in Texas Lecture Series

Presenter: Dr. Manuel González Oropeza
Minister, Tribunal Federal Electoral del Poder Judicial de la Nación (TRIFE)
Title: "The Role of the TRIFE in Mexico's Democratic Consolidation"
Rapporteur: Erika Grajeda

- TRIFE
- The role of the TRIFE is ultimately to resolve electoral disputes.
- What does the TRIFE do between elections?
- The role of the TRIFE in Mexico's democratic consolidation

19th century: conflicts

1873: Mexico's supreme court system was more advanced than many others in the world; of importance to this discussion is the AMPARO suit. The amparo suit is a Mexican legal institution similar in its effects to such Anglo-American procedures as habeas corpus. It has undergone a long evolution since it was incorporated into the Constitution of 1857. Today, its main purpose is to protect private individuals in the enjoyment of the rights guaranteed by the first twenty-nine articles of the Constitution. During the first Supreme Court resolution, Jose Maria Iglesias, Chief Justice, under the due process law of the constitution, attempted to interpret the meaning of the phrase "competent authority" and use it to deem some authorities illegitimate. Chief Justice Iglesias ruled that the Supreme Court could in fact evaluate the legitimacy of any authority.

Mexican Chief Justices, although they understood the importance of the 1849 case *Luther vs. Board*, refused to apply it in Mexico. They decided this because at the time this decision would ultimately threaten the power of Porfirio Diaz since he came into power via a military coup, without proper elections. As such, Diaz needed to consolidate his power by legitimizing his rule; he did this by resorting to Vallarta, Chief Justice of the Mexican Supreme Court at the time (Vallarta was elected -- Chief Justices were not appointed at that point). During his time as chief justice (1878-1882), Vallarta decided to adopt the *Luther vs. Board* decision, developing the concept of *jurisprudencia*, and establishing the Supreme Court as a real branch of government. During his time as Chief

Justice, Vallarta helped the Supreme Court recover its prestige. He wanted to make the Chief Justice position akin to the Vice Presidency in other nations. It should be noted that in 1857 the vice presidency was eliminated due to the former vice president's attempt to overthrow the president. Ultimately, the chief justice would substitute the president in his/her absence.

Recent Conflicts

Furthermore, in 1987 the first electoral court was established under the executive branch. This guaranteed executive control over elections. During the mid 1990s, particularly with the 1996 reforms, Vallarta's ideas began to decline. The 1997 reforms also made the process of appointment quite onerous and complicated. The *magistrados* or judges, for instance, are to be nominated by the entire bench of the Supreme Court and then ratified by the senate. On the other hand, the justices are appointed by the president and then ratified by the senate. In 1999, for example, the electoral court decided on a case involving the use of pictures on ballots. It obliged the federal electoral authority to erase the picture of the candidate of the PAN from these ballots. The federal authorities had allowed the picture to be placed on the electoral ballot but the electoral court deemed this practice illegal. In 2001, it was established that political parties are not, in fact, authorities; instead, they are entities of public interest, and have a semi-official nature since they are regulated and financed by the state, and their creation is ratified by the state. This process began to open up the path to better control the activities of the parties and protect individual rights and not just the parties. Another important step was when in 2000, an individual requested information about spending and funding of political parties and was denied access. The electoral court later decided that this information was to be open to public scrutiny. Next week an important decision will be made in relation to journalists' access to electoral and political materials and information.

AMIGOS DE FOX: The PRI wanted to force the electoral court to give more information about the sources of private financing of political parties so as to exhaust all the proof available; exhaustion of remedies. Since Fox began campaigning three years before the 2000 election and created the Amigos the Fox foundation, some members of other parties were suspicious of his activities.

Yucatan: force the enforcement of the electoral court resolution.

2006 Presidential Election Resolution:

In 2000 for the first time a state election was nullified; the case of Tabasco. It was determined that the state election had been flawed for different reasons. A regular cause for nullification, such as in the case of Tabasco, is that irregularities have to be widespread in the entire state. Thus, the decision was based on the concept of "abstract nullification," in which small flaws are prevalent throughout the entire state. There was also a dispute in the 2002 elections in Ciudad Juarez. Prior to the 2006 presidential elections, there were two precedents, one consisting of a state election and the other being a municipal election. There was nothing on the books regarding the potential nullification of a presidential election. Furthermore, in 1996 it was decided that the electoral

court, and not congress, would determine the outcomes of presidential elections in case a dispute were to arise. However, it should be noted that the interpretative function of the court remains limited -- there are marked differences in this regard in common law and civil law courts. As for the 2006 presidential elections, opposition parties claimed that Fox's support for Calderón and the television spots were decisive in the election. The TRIFE used the idea of abstract nullification so as to only take a small sample of votes, as opposed to having to go through all the votes, to determine if there was a pattern of flaws throughout the entire nation. TRIFE did not find reason to annul 2006 elections. However, we must ask if the concept of abstract nullification is an adequate approach for future electoral resolutions. It must be noted that electoral courts differ sharply with other systems in which state courts decide on electoral matters, such as in the U.S. The TRIFE is in an early stage of formation -- it is relatively young, only 10 years old. The TRIFE and judicial system at large, can be strengthened. For instance, there are basic rights such as the right to vote, to be voted, and the right to affiliate in a political organization. There is also a need to expand the concept of political rights so as to better protect human rights in general and guarantee certain fundamental rights; also, leave the Amparo Suit as it is.

Summary of Discussion / Q & A

Rapporteur: Claudia Arniella

Dr. Kenneth Greene, of the Government Department, opened the discussion with several questions related to Dr. Oropeza's talk. Among his questions were: Do pre-electoral inequities mean an infringement on the fairness of the actual electoral process? Is it fair for one party to advertise more? Is it fair for incumbents to campaign on behalf of candidates for their party? What kind of sanctions can we consider imposing to guarantee fairness? In response, Dr. Oropeza discussed recent activities within the TRIFE that dealt with the question of fairness. In the last few weeks, he said, the TRIFE debated the fairness of the role that national parties play in state politics, as outlined within party statutes. Although the TRIFE does not have jurisdiction to determine a law unconstitutional, they are able to determine the constitutionality of a declaration written as a statute. In response to the issues related to the election process, Dr. Oropeza expressed the difficulty of determining fairness in the pre-election process. Rather, he said, the TRIFE can only make the distinction between the pre-election process and the outcome in determining the fairness of election outcomes.

He highlighted the difficulty of making decisions related to the pre-election process when he mentioned the case of two legislators who published and painted some walls advertising the laws in which they played a role during their tenure. He put forward the example as a case in which there are no clear-cut answers as to the fairness of these types of pre-election activities. Dr. Oropeza's primary critique of the current process of regulation is the slowness of determining the fairness and legality of election procedures. He said that many times, when the TRIFE determines a case or declares something unconstitutional, "the damage has already been done". Likewise, Dr. Oropeza sees the actual voting process as a broken system badly in need of repair. He recounted his own wife's experience as a poll worker -- during which she had to work 16 hours straight with no breaks, and later had to deliver boxes full of ballots after midnight

to a central polling station. As it is right now, far too much weight and responsibility falls upon the one day when Mexicans actually go to the polls. In summary, Dr. Oropeza's responses showed optimism for the potential of the TRIFE to make changes to the system and improve outcomes of elections. However, his presentation made clear that Mexico has a long way to go before the election process can rid itself of its ingrained inconsistencies and leaks that allow corruption to seep in.

Conference on President Calderón's First 100 Days: Trends and Directions

Panel Session:	8:35-9:30 A.M. Opening Keynote, "An Overview of the Transition and the First 100 Days"
Presenter:	Dr. Luis Rubio Director of the Center for Research on Development (CIDAC), Mexico
Rapporteur:	Carolyn Barker

Luis Rubio opened with an anecdote about a man who had just returned home and turned on his light when an earthquake hit. By the time it was over, his house had collapsed. He went outside and there was nothing, at which point he thought, "I would never have turned on the light if I had known what would have happened." In Mexico, Rubio implied that these same thoughts have occurred in many people's minds through the years. But, in stark contrast with last year's election controversy, he underscored that today there has been a dramatic turnaround. In the short time in which Calderón has been in office, he has succeeded in being acknowledged as the president, which is a big feat after what happened. The next question, however, is if he can transform the current Mexican political setting. Whereas the past two presidents have decidedly not been politicians, Calderón is a trained politician. He has entered the presidency at a time in which economic competition and pervasive democracy have created a dynamic economy in some parts and a stagnate one in others. Meanwhile, in politics, he is dealing with two realities with different endings-- one like Al Capone's Chicago while the other is more comparable to the Mississippi of the civil rights era--i.e., crime v. consolidating democracy.

Dr. Rubio addressed three overarching issues:

1. What happened last year (2006 presidential election in Mexico)
2. What President Calderón has accomplished
3. The challenges ahead

1. What happened last year?

The elections were more than a presidential selection—they were about returning to the governing system of the past or moving to a more modern system:

- Andrés Manuel Lopez Obrador took advantage of this—if he had proposed a better economic plan, he could have won.
- His message, however, was strong, loud, clear, and attractive—argued that we could do better and that the technocrats are to blame; it was a concise message that attracted a lot of support even from unlikely places.
- People are fed up with big business telling them what to do and technocrats who have delivered much less than they promised, and the people want to be part of economic growth rather than on the sidelines.
- AMLO's biggest mistake was misunderstanding the electorate—he didn't consider the swing votes—middle income families shifted votes a lot--Calderón fo-

cused his attention on these people—population most at risk of economic crisis.

- Misunderstood what people actually wanted—fed up with bureaucracy.
- At the end, voters did not want to risk another crisis.

2. Calderón's objectives:

- Retake space from drug lords—clean the country
- Reinstate rule of law
- Strengthen president's rule
 - What comes next?*
- Calderón's people have been more focused on his legitimacy than on his actions
- Economic growth, job creation is most important—very little has been accomplished thus far
- Creation of political foundations / negotiation for any change is difficult at this time—there is more willingness between the parties to work together, but stronger institutional structures are needed to force them to do this
- Lots of ancestral problems to deal with—unions, parties, monopolies, drug lords
- None are new problems, issues today are framed differently but are fundamentally not different from before

3. Challenges:

- Calderón is a politician—he understands legislators and is willing to take on some progressive issues; he's willing to negotiate; he knows he is running against the clock—needs institutional reform
 - Congress has been willing to work with him to address insecurity issues
 - Congress currently has a bill to introduce institutional changes—all 3 parties involved in debate--it weakens the presidency and strengthens the legislature (maybe PRI trying to regain strength?)--negotiations are ongoing. How much is the president willing to give up?
 - Yet Congress is willing to give the president the guillotine law—if Congress does not act on a bill that is proposed by the President within 90 days, it will automatically be passed (currently 2000 bills are in the freezer—no force to compel congress to respond to the president)
- How to deliver on the promise of a modern economy—institutional structures; economic issues—poor implementation of policies or poor policies (bank privatization—horrendous incentives)?
 - There has been little effort to deal with the implications of / adjustment to NAFTA—Jan 1 2008 will be last stage of agricultural tariff reduction (powdered milk, corn, and beans)
 - President can no longer force the legislature to follow his mandates
 - Misalignment with resources and demands for funding
- Electoral institution: it was the weak institutional setting that allowed for the controversies- but IFE did survive although a lot of issues were revealed

- End of PRI rule, many of the vested interests that had been controlled are now more independent (media, civil society)
- Many areas of the country with no state presence
- Possibility of creating a national electoral institution that would run elections—separate powers into a new institution that would also check the powers of IFE
- How to launch institutional reform? Who can accomplish this?

Conclusion

Calderón's first few months have been exceptional. He has proven that he can get things done. But what are the limits of cooperation? Mexico has been in an unstable balance for a while—but if it goes in the right direction there can be significant change. The current problems are political not technical; this is the best time to attempt real change. Calderón needs more political skills and popular support. His greatest challenges are social and institutional hindrances – these are not likely to go away. He will need to introduce changes to improve conditions for such reform.

Summary of Discussion / Q&A

Rod Camp:

One possible reform is to revise the non-consecutive election of legislature—any mention of this in Congress?

Rubio: It is a component of proposed reforms but with significant opposition. One challenge is how to address the hybrid system of proportional representation—if this remained and re-elections were allowed, there would be greater problems. He is skeptical that it would work with this mixed system—could be a worse situation.

Kurt Weyland:

Mexico looks more stable compared to South America; expectations for the future of the party system? Realignment of the center-left, center-right party?

Rubio: The economy has been stable, but the election was very messy (unstable); it is all relative depending on what you are comparing Mexico with. Elections in Mexico have been more about personality than parties—a better PRI candidate would have had a better chance. If the PRI continues to perform well in legislature, they may end up doing better in future elections—i.e., the PRI could make a come-back. But if they do lose next time, there is a possibility for it to wind down. Mexican electoral law does not allow for a 2-party system—there must be at least 3 (privileges this in the way it was structured)—technically it creates a better structure for negotiation.

(Questioner not identified)

Looking at the PRI voter, if there had been a run-off—which way would they have gone?? Does Calderón need to appeal to both PRD and PRI voters?

Rubio: Calderón would have won easily, but Rubio is skeptical of the second round due to power issues. In France, the 2nd round allows for negotiation between parties to allow for representation, but in South America this has not happened as much. The second round requires significant levels of party negotiation to function well.

(Questioner not identified)

What role will the cabinet play in Calderón's administration?

Rubio: Personality and skills influence this—Calderón has been trying to control them vs. the previous administration when they were all over the place; they need a more unified message; it is too early to tell who will be strong—some don't seem to know what they can accomplish (Minister of Interior)

(Questioner not identified)

What about semi-presidentialism?

Rubio: Most who are pushing for reform want to strengthen the legislature but the presidency also needs strengthening—or a more functional relationship between the two. There is a proposal to have a head of cabinet who would be in charge of addressing Congress (may or may not be confirmed by Congress).

Javier Rojas:

What about the relationship between the president and unions?

Rubio: Politics as usual—Calderón is more willing to negotiate; the union of teachers – leader's power not as strong as before?

(Questioner not identified)

What is the future of the PRD and what would have happened if AMLO had conceded the election?

Rubio: AMLO made a big mistake by mobilizing people; it is in his DNA to not recognize the results; PAN is willing to be seen as a Christian Democratic party while the PRD has more of a role to play as the social democratic perspective, role; if they had won there would be a real serious counterpart to the PAN.

Panel Session:

9:45-11:45 A.M.

"The Rule of Law and Public Security: First Steps"
(Round Table)

Panelists:

Dr. Jorge Chabat, Dr. Roderic Ai Camp, Dr. David Shirk,
and Carlos Heredia

Discussants:

Dr. Kurt Weyland, Department of Government, UT Austin
Dr. Alvaro Santos, Law School, UT Austin

Presenter:

Dr. Jorge Chabat
Centro de Investigación y Docencia Económica (CIDE),
Mexico

Rapporteur:

Angela Howard

Summary Text

Dr. Chabat was one of the contributors for the morning discussion. He had a number of points to make regarding Calderón's first 100 days in office. The main focus of Dr. Chabat's remarks centered around crime and government responses to it. Dr. Chabat argued that security in Mexico began to decrease during the 1970's and 1980's. During this time, Mexico saw increased police corruption and the emergence of the drug trade.

Dr. Chabat then took us through the context of crime during the 1990's. He argued that Mexico continued to experience an increase in crime during the 1990's. During this time, Mexico saw the emergence of large drug cartels and increased guerrilla organizing.

Dr. Chabat argued that government responses to increased levels of crime have largely been reactive rather than proactive. He discussed a number of government actions to curtail crime during the 1990's. These included the following:

- Establishment of the CIA and Human Rights Agency
- Giving courts more autonomy
- 1996 law against organized crime
- Establishment of the Federal Preventative Police in 1992

Dr. Chabat argued that none of these initiatives was effective in increasing security in Mexico during the 1990's.

He went on to discuss Fox's actions after the 2000 elections. He argued that, when the US shifted focus from the war on drugs to the war on terror, Fox experienced pressure to shift Mexico's security focus.

Finally, Dr. Chabat discussed efforts by Calderón to address security issues in Mexico. He outlined the following measures that the Calderón Administration has taken to combat crime:

- Attempting to develop a national criminal code
- Ordered military to assist with war on drugs
- Allow law enforcement to enter homes and tap phones without a judicial order
- Allow police to confiscate property of suspects
- Allow plaintiffs' names to remain confidential in crime cases

Dr. Chabat said that Calderón has focused on combating crime in order to gain legitimacy. But, his efforts have so far been ineffective. Dr. Chabat believes that Calderón is focusing on crime to the detriment of other important issues, and this will eventually cause him to lose legitimacy.

Presenter: Dr. Roderic Ai Camp
Claremont McKenna College
Rapporteur: Leah Nedderman

- The Mexican economy, corruption, and poverty have been the central issues in the past several presidential races. Crime and poverty are closely connected.
- Personal insecurity has reached epidemic levels—this includes: crime, corruption, drug-trafficking, the broader issue of the rule of law, and the efficacy of the justice system.

- Crime is now considered the TOP issue in Mexico's national security. Poverty is considered the backbone of crime. Therefore, crime is the primary concern of the present administration because it stands in the way of economic development.
- The military has replaced civilian forces because these forces have not been successful in handling crime; 61% of Mexican citizens approve of this reliance on the military; 80% approve of the military handling anti-drug trafficking.
- International concerns are tied into crime in Mexico. There have been obvious U.S. adverse effects on regional investment due to questions of the legitimacy of the Mexican rule of law and political stability. Drug-trafficking is another major international issue; for example, the U.S. is the largest market in the world for drugs and Mexico's primary customer.
- Why is poverty so high in Mexico? The reasons include: lack of primary and secondary education, lack of credit in rural areas, lack of social responsibility in the middle and upper classes, and the relatively young age of the population.
- Involving the armed forces in fighting crime demonstrates how serious the issue is for Mexico. Calderón wants to give crime national importance; by increasing the visibility of the military in fighting crime, he is publicizing his commitment to fighting crime. It is also an attempt to increase his legitimacy. Calderón took up the issue of security right away because that was an area where he was least likely to have resistance from his opposition. In other words, since everyone agrees it is a problem, security is an area where he can get widespread support.
- Though Calderón is still struggling to demonstrate his legitimacy, the successful passage of social security reform this early on in the sexenio demonstrates the legislature's potential to work together and with the executive on bipartisan issues.
- Increased competitiveness in the global economy is a MUST for Mexico's economic development. It is critical because by lowering costs in manufacturing (through increased efficiency), it will be able to compete with other nations like India and China for the business of the U.S..
- Civilian oversight of the military has begun to increase, which will be important in the military's success—working together may decrease civilian-military tension.
- Finally, though the relationship between the US and Mexico is asymmetrical (in favor of the U.S.), the U.S. has a vested interest in the economic and social development of Mexico.

Presenter: Dr. David Shirk
San Diego State University
Rapporteur: Michael Reffett

Dr. Shirk began his presentation by describing the major security issues facing Mexico. He put the country's crime rates in perspective by demonstrating that they improved dramatically during the years of the Mexican Miracle before deteriorating during Mexico's economic crises. There appears to be a close relationship between shocks to the economy and crime rates—especially for property crimes. Along with a general increase in all crimes, the past twenty years have also seen an increase in high profile crimes such as drug murders and kidnappings. The other major challenge to Mexico's security is the shifting control of the narcotics trade between cartels. Law enforcement efforts have changed the balance of power between the cartels, encouraging them to fight for different aspects of the trade and fight to exclude new entrants from the market.

Increases in violence and worsening security have increased citizen concerns about their personal security. The country's top two issues at the moment are economic development and the rule of law. Poor performance on security issues increased citizen dissatisfaction with public authorities. Some of this frustration has translated to vigilante justice in certain regions. Mexicans generally have a negative view of the national security situation but view their local authorities positively.

During the Fox administration very little progress was made on security policy reforms. The only proposal to gain significant traction was in the juvenile justice system. Much of Fox's failure can be explained by strategic errors, however. He issued his proposals too late in his term, when he was already viewed as a lame duck, and failed to reach across the aisle for opposition support.

Calderón made security a top priority during his first 100 days. He appointed members of his security cabinet with extensive experience on which he can rely. His policies have focused on several key areas of reform.

- Mexico's criminal analysis system requires major reforms. The country's crime indicators need to be made compatible with one another and accessible to the public. Mexican authorities also need a uniform criminal information system to help identify suspects.
- Calderón has also tried to improve the quality of life for most Mexicans by reducing the incidence of common crimes. This has involved fighting narcomenudeo and drug addiction. The administration has also tried to take back public spaces by increasing security at ATMs and on public transportation.
- There have also been efforts at reforming the police force itself. This has involved strengthening and centralizing police command structures while developing municipal security forces. Calderón has created a national police academy while attempting to improve the investigative capacity of the police.
- The administration's largest and most visible effort has been combating organized crime. Calderón made extensive use of the military to fight these battles in individual states. He introduced harsher sentences, began extraditing drug lords

to the U.S., expanded wiretapping efforts, and increased government attention to piracy rings.

- The judicial sector requires potential reforms as well. Calderón wants to create a “modern” judicial system featuring prosecutorial independence, oral trials, and adversarial procedures. This proposal is controversial because many view it as the “Americanization” of Mexican justice.
- Government transparency and accountability must expand to coincide with increased security efforts. Transparency laws should be standardized at the state level and federal oversight powers expanded.
- Calderón also hopes to expand victim protections by imposing harsher sentences and increasing programs of victim assistance.

Despite the security efforts of the past two administrations, a number of “focos rojos” remain. The first of these is the militarization of antidrug efforts. The military may become more corrupt from its exposure to the drug trade and it can only lose the high level of public support it currently receives. There are also major failings in the legal system. There is no registration process for lawyers, thus no quality control. A strong legal profession will provide the best check on policing methods. Finally, the prison system remains a major weakness in Mexican security. Prisons are overcrowded and criminals are able to continue directing their operations from within prison walls.

Mexico also has some bright spots in the security arena. There has been a general leveling off of the country’s crime rate, as crimes associated with the economic crises declined. Calderón has also received good marks for his security efforts. The public widely supports his policies in this area, believing his counterdrug programs have been successful and supporting the military’s role in the process. Some states have also reformed their judicial systems at a much faster rate than the federal government. The states most successful in this area may show the federal government the best methods for future reforms.

Panel Session: 2:00-4:00 PM
“Whither Political Reform in Mexico: The Imperatives and the Pragmatics Arising from July 2nd” (Roundtable)

Panelists: Dr. Peter Ward, Dr. Hector Robles, Dr. Alejandro Poiré, and Lic. Carlos Heredia

Discussants: Dr. Ken Greene, Department of Government, UT Austin
Dr. William Glade, Department of Economics, UT Austin

Presenter: Dr. Peter Ward
LBJ School of Public Affairs

Title: “Institutional Political Reforms: Thinking about the Big and Not-So-Big Pictures”

Summary Text Provided by Dr. Peter Ward

Professor Ward began his presentation with an explanation that this conference offered a capstone to two semester-long classes on Mexico, in particular a graduate seminar that examines the democratic transition and consolidation through a particular optic. On this occasion the prism was to be that of the first 100 days of the new administration, but given the closeness of the July 2nd elections and the challenge to the institutions that it and the post electoral aftermath posed (“To Hell with Your Institutions”), the class was taking an institutionalist perspective that looked at 2006 as well as the first semester of the Calderón administration.

At the outset (last Fall), it was envisaged that Mexico’s democracy was on the brink of collapsing – or in the cartoon presented – the country was about to topple over the precipice. However, as Dr. Luis Rubio and others had shown in earlier presentations, those legitimate early concerns were now being dispelled by Calderón’s success in taking the reins of power, and by the PRD’s (AMLO specifically) apparent lack of traction in mounting a serious ongoing challenge and carrying through the momentum of the last four months of 2006.

In terms of analyzing the political reform imperatives, Dr. Ward suggested that one should start by looking at some of the broad brush reforms, and while these are unlikely to get onto the legislative debate agenda, nevertheless they form part of a discussion both in and outside Mexico. Authors here include Giovanni Sartori, Arturo Valenzuela, Al Stepan, Bruce Ackerman et al. Within Mexico, too, these ideas are being talked about at academic fora.

Specifically Dr. Ward proposed that Mexico might consider more dramatic changes and reforms that would move towards a more semi-presidentialist or semi-parliamentary structure. Now that Mexico’s presidentialist system is operating according to its more formal structure (Shugart and Carey characterize it as a relatively weak executive system), with the heavy centralism and presidentialist controls being balanced by checks and balances, the traditional operationalization of the system is becoming difficult. The gridlock between the two branches is evidence of this. Thus, maybe Mexico should

seek to create what Ackerman calls a one-and-a half house system, in which the powers of the upper chamber are limited. The Senate in Mexico is unrepresentative in the way in which it is integrated, giving equal weight to very small states as to very large ones. Also its ability to block law making undermines the role of the lower house. Ward pointed out that the possible greater effectiveness of onehouse systems could, in fact, be examined at the sub-national level given that state governments are unicameral. This would be a great research project for students. Other hybrid elements might include a “prime minister” type position who would head a cabinet that would represent the parties and vote more directly in a power sharing arrangement (if not a coalition).

However, Dr. Ward also recognized that while discussion of these broad alternatives is healthy, they were unlikely to unfold into reality. More likely are the reforms to institutions that other colleagues on the panel will address and which, in part at least, are already before Congress.

Inter alia these include:

Energy Sector. Some institutional reform likely, but will not open up to privatization. However, recent announcements regarding reserves sufficient only to 2016 will concentrate the mind on: a) greater efficiency with PEMEX; and b) to pursue other forms of taxation and fiscal income.

Several Constitutional reforms – already sent to Congress

- Reelection
- Maybe runoff elections?
- Reduce plurinominal representation – the current segmented 200 seat PR arrangement is an anachronism, and actually unrepresentative
- Create a Vice President position?

The need to strengthen Electoral Rules & proprieties (given the attack ads last year), and to give IFE more “teeth”

Federalist Reforms

Finally Dr. Ward suggested that consideration might also be given to constitutional reforms that would either create a new Metropolitan tier of government and governance, and/or would enhance genuine collaboration between jurisdictions. Mexico City for example has some 38 municipal type jurisdictions spread across its two state entities. The metropolitan area of Guadalajara and Monterrey also comprise several municipalities.

And at the city (municipality) level institutional strengthening is required to give councilors greater autonomy – maybe through direct sub-district elections with the mayor being elected at large. In short, there is a need to empower local representatives and to strengthen role of the cabildo.

Presenter: Lic. Carlos Heredia
Office of the Governor Lázaro Cárdenas Batel
State of Michoacan, Mexico

Rapporteur: Hortencia Jiménez

Carlos Heredia began his presentation by noting that the *LA Times* made the best description of Lopez Obrador. The quote reads, “they hate him but they made them.” Heredia was referring to how Mexican elites and owners hate Obrador because he reminds them that they control a country that is polarized and neglect the fate of 70% of the Mexican population. Heredia notes that Mexican elites do not want to alter the power structure because it will affect their position. He says that there is an issue with monopolies; that the power structure is permeated by monopolies that are in control (Mexican elites). The real power is the power of a few Mexicans when it comes to economic politics. This power structure does not work for institutions because they have been built to accommodate and perpetuate inequality. He says that the sources of economic and political power are almost identical and are intertwined. That is, when we talk about political reform we need to talk about the transformation of the middle class.

He noted that the 2006 elections showed an extremely polarized country. The former candidate of the PRD took up the issue of monopolies and inequality, the former being the number one issue confronting the Mexican economy and its future. Heredia said that president Calderón will not change this monopoly structure. Thus, Mexican elites have been calmed and appeased because Calderón became president. Heredia underscored the fact that when we are talking about power we are not talking about who is the president. This goes to the heart of his talk, that monopolies control (to some extent) president Calderón. He said that the formal structure does not correspond to who is in command. Thus, political reform, the transformation of the formal structure or transformation of political structure is necessary. Moreover, Heredia said that dismantling the corporatist structure is the real challenge.

Presenter: Dr. Hector Robles
Ayuntamiento de Zapopan, México

Rapporteur: Marina M. Zolezzi

Political culture in Mexico has shown that the two institutions that have received the lowest levels of public confidence are the politicians and police. On the other hand, professors and priests in Mexico have received the highest levels of public confidence.

Due to the fact that there was a low public confidence in politicians and a high public confidence in professors, Dr. Robles wanted to share that although he is a PRlista, or ‘a politician with 70 years of corruption’ (there was laughter from the audience), he does hold a PhD from the LBJ School of Public Affairs and is a professor at the ITESM, Guadalajara. Dr. Robles mentioned that he had planned to speak as a scholar but had warned the audience that perhaps “his PRlista side would come out” (there was laughter from the audience).

Dr. Robles's main argument for the discussion was that political reform needed to take place at the state and local level. His main argument was supported by five major points that are listed as follows:

Problem with Political Representation:

The public in Mexico, civil society, no longer feel represented by their government. There is a need to create new forms of mechanisms for political participation since there are practically no formal mechanisms, especially at the local level. For example, the public thinks that the voters vote for a Municipal President, but they actually vote for a 'planilla' or a list of regidores where the first name on the list becomes the municipal president. The party that wins the elections has all the seats represented on the list. To be a regidor in Mexico one only needs strong support, since regidores are not elected on a territorial basis. Talk about democracy, the closest representative figures for the people do not actually represent anyone; thus, the regidores only serve the political party because the public don't "vote" for the regidores. It is clear that at this level, citizens do need a figure to create a metropolitan government.

Lack of Coordination between National, State, and Local Levels in Electoral Attempts:

National elections do affect local and state elections. If there is a strong effect of national elections on local elections (voting preference), perhaps one does not want to have simultaneous elections. If one is trying to separate state politics, tying it to the national level is perhaps not the best thing. On the other hand, the huge amount of resources that each particular party has to mobilize itself makes it clear that one would want to align the elections. Political parties do need to supervise the casillas; for example there were 3,000 casillas in Jalisco with 4 people in each casilla supervising the voting process. If you do the math, a lot of money was spent on the electoral process. The costs associated with the electoral process would be reduced if the elections are aligned.

Problem of Financing Political Parties and Campaigns:

Financing is heavily regulated, the problem is clearer at the local level. Financing political parties and campaigns is dangerous because the types of organizations that offer support may not be accountable to the people. In regards to campaigning, at least at the local level, pre-campaigns have become the main technique in winning elections, thus creating a greater burden on finance.

Role of the Media:

Most people at the local level know what is going on in their municipio only through the press and television. The media greatly impacts the type of information that the public receives. For example, there was a negative campaign, "Guerra sucia," in Guadalajara. The magazine Proceso was passed out on a campus, with the cover page portraying a face of a man with a bullet coming out of his head and was titled "PRI candidates tied to drug dealing." The fine for this misrepresentation was 30,000 pesos for the PAN.

Fiscal Federal Reform Needed to Move Forward:

Local levels heavily depend on the national government for their fiscal needs. There is a need to strengthen the financial situation at the local level. Calderón needs to put local and state levels on the agenda.

Ending Remarks:

Dr. Robles reaffirmed that in order for political reform to take place, the transformation of Mexico needs to come from the local and state levels. Dr. Robles wanted to discuss the role of the church, but mentioned that this topic “could get messy.”

Presenter:	Dr. Alejandro Poiré Director General of Political Analysis, Office of the President, Mexico
Rapporteur:	Erin Daley

Poiré suggests that when discussing political reform, we need to look at how to effectively produce reforms, but suggests that we often forget to ask the truly important question, which is: why do we want political reform? He suggests that changes to the institutional structure will perhaps not be the area that makes the greatest difference in Mexico and that political reform must not be oriented to politicians' interests, but should instead be oriented to citizens' interests.

Poiré suggests that under the current system, while politicians seek to create good policy and also to gain the trust of its citizens, public debate often focuses on the interests of politicians more than it should and the citizens' interests do not gain enough attention. He highlights the issue of inequality, which manifested itself clearly after the July 2006 presidential election with the polarization of the Mexican population. While there is clearly a huge level of inequality within Mexico and Mexico also faces problems of political representation, Poiré points out that these are seldom the topics that politicians focus on in public debate.

He also recognizes that the current institutional political structure in Mexico in which there is no majority government, a division of power at the federal level and a dispersion of power within the political parties has produced varied results over time. Many politicians worry about the problem of a divided congress and gridlock, which could lead one to conclude that institutional reforms are necessary to allow important legislation to pass. However, Poiré suggests that maybe it isn't the institutional structure that will make the biggest difference, pointing to the following three significant reforms that have begun to take place since Calderón took office that are creating positive changes: The significant reform to the pension system of ISSSTE. This reform will mean significant fiscal costs to the government in the short run, while over the long run the cost will be pushed to the workers. While similar reforms have been posed in the past, at this moment, it was possible to negotiate with the legislature and the unions and it passed even though the institutional structure remained unchanged.

The major social reform of moving towards universal health coverage. Currently a program has been funded to allow everyone born since December 1, 2006 to have health insurance throughout their entire lifespan. This program will be funded for the next five to six years, but it represents a major policy dilemma in the long run

Constitutional reform in the level of transparency. This reform will make the states subject to the same requirements as the federal government with respect to transparency.

The real problem is not in politicians problems in relating to each other – it is how we subject these relationships to some degree of citizen control. While acknowledging that these are the hardest reforms to pass, Poiré suggests that some of the most important reforms necessary to make a greater difference in terms of equality and government responsiveness to the citizens include reforms related to issues such as reelection, improved electoral management in states, improved oversight in campaign financing and state and federal level accountability. He discusses some of the problems with passing such reforms from a politician's perspective. For example, there may be some level of concern about issues of legitimacy for those who end up benefiting from reelection reform legislation that they help pass. However, he also suggests that many politicians may be more concerned that someone else would benefit from the legislation.

Poiré concludes that while institutional factors such as executive-legislative relations can certainly be improved, this is not at the heart of political reform. Instead, the area where true reforms are needed and where improvements have not been made is in being accountable and responsive to citizens. He emphasizes that the need is very clear at the federal level and that, while there is a high degree of variation at the local level, in many cases it is needed there as well.