

A First Step Toward Legality and Certainty

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The constitutional changes agreed on in the electoral reform have concluded. The road to the accords among the political parties with representation in Congress had its share of stumbling blocks and inertia that slowed down the work. Fortunately, despite their limitations, the results met with an important number of the demands made by the public about elections. Undoubtedly, the never-ending changes in reality will force new reforms in this area sometime in the future, but for the time being we have a renewed framework which strengthens legality and certainty about the next elections.

The delicate national situation, a result of the severe economic and financial crisis, of the exhaustion of the institutional underpinnings of the system and the existence of groups which refuse to change have all forced us to find new ways of making decisions and thus foster democratic transition. Including the main political actors—be they parties or citizens—and consensus are principles that the reform of the state must incorporate.

It is important to point out that electoral reform is only one part of the reform of the state, and other important topics, such as federalism, the division of powers, public participation, indigenous rights, etc., are still on the agenda. All together, these points will delineate the new political system that the democratic transition in our country demands.

It is worthwhile to enumerate the electoral reform accords which, because of their scope and significance, will have a profound effect on the next elections:

1. The bodies responsible for organizing elections will be substantially rooted in the citizenry, strengthening their autonomy and independence. This means eliminating representatives of the executive branch in the General Council of the Federal Electoral Institute.

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2. The Federal Electoral Tribunal will be incorporated into the judicial branch, strengthening the latter and allowing it to intervene, even if in a limited fashion, in different aspects of electoral justice. This means the renovation of structures and legal recourse which will better guarantee legal election results.
3. It is important to underline that the reform has raised the protection of the political rights of individuals and political parties to the constitutional level: Mexicans will join the political party of their choice freely and as individuals, eliminating collective membership.
4. With the electoral reform, competition among political parties will also be more egalitarian. Steps were made toward a less uneven distribution of funds for political activities and establishing equity and equality in media access.
5. The introduction of plurality into the Senate, paralleling that which already exists among political parties, implies that the reform has certain integrating qualities, since it makes it possible for growing political forces to participate more in the nation's fundamental decisions.
6. One of the most significant advances is the restoration of political rights to residents of Mexico City, who from 1997 on will be able to elect the head of their government by free, universal, secret and direct ballot.

Other indispensable changes will also be made in the Federal Code of Electoral Institutions and Procedures (COFIPE). Negotiations did go forward in this area, as is shown by the 79 agreements for enabling legislation signed by the political parties and the Minister of the Interior. Some of these points will have to wait for a better time to be implemented (for example, the referendum, the citizens initiative, balloting by citizens residing abroad, etc.). Others will legally formalize practices already tested during the 1994 elections (numbered ballots, the selection by lot of the officers of polling places, etc.). The remainder will be implemented according to the constitutional reforms passed.

With regard to the latter, and with the aim of supporting current efforts, I would like to make the following comments:

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- a. The continued overrepresentation of the largest electoral force in the Chamber of Deputies obliges us to seek a formula that will distribute evenly among the political parties with the right to congressional seats the number of votes that each seat represents. In this manner, overrepresentation will not prejudice the political parties with a smaller percentage of the votes.
- b. It is important to recognize that in a country like ours, with an enormous social deficit and a profound economic crisis, it is a mistake to increase funding ceilings for political parties. For that reason, ceilings on campaign spending should be carefully defined, just as other party spending should be limited.
- c. The list of candidates for proportional representation in the Senate should be dealt with in a way which will not upset the balance of representation of the states and at the same time affect as little as possible the order decided upon by the parties.

We should mention, however, that the reform also has its limits. The Labor Party cannot but point to different items that were part of its initial proposals which were included neither in the constitutional reform nor in the 79 agreements for enabling legislation. From our point of view, had they been included, there would have been a more significant advance toward democracy in the sphere of national politics. Despite this, we will not falter in promoting new proposals like the plebiscite, the right to recall and the participation of citizens' organizations or associations in elections through coalitions. *Viii*