

Legislative Agreements Vicente Fox's Dream

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Nelly Salas / Cuartoscuro

The PAN caucus in the Chamber of Deputies.

In his third report to the nation, Vicente Fox highlighted how important it is for political parties with seats in Congress to come to agreements on some of the reforms necessary for the country's development, such as the energy, fiscal and labor reforms and the broad and vague "political reform of the state." First, the president emphasized the pluralism of the new Chamber of Deputies, the Fifty-Ninth Congress, as a reflection of the July 6, 2003 popular mandate at the polls: "In the recent elections, the public voted in a plural Chamber of Deputies, not giving any of the political forces represented here the majority." In effect, the electorate again denied the

absolute majority to all parties, just as it has since 1997—at least according to official figures—which means the government does not have a majority. What is more, the voters decided to deprive the governing National Action Party (PAN) of a large part of their support and strengthen the position of the Institutional Revolutionary Party (PRI). While from 2000 to 2003, the PRI and the PAN had the same percentage of federal deputies (about 42 percent, although the PAN had a few decimal points less, representing three of the lower chamber's 500 seats), since July's mid-term elections, the PAN will only have about 30 percent (151 seats), compared to the PRI's 44 percent (222). The PRI will have 14 percent more deputies than the second largest electoral force, the administration's party,

with a difference between them of a little over 70 deputies. If the executive had difficulties in pushing forward its initiatives during the first half of the presidential term, with the new makeup of the lower chamber, prospects are much more discouraging. This does not mean that agreements cannot be reached, but the PRI will have to be willing. This is why in his report to the nation, the president called on the congressional caucuses to agree to foster structural reforms: "It will be the responsibility of all [the political forces] to come to agreements to articulate this political diversity." Fox tried to underscore this message even more by including it in the traditional "Cry for Independence" ceremony that commemorates the 1810 uprising every September 15, when he shouted, "Long

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live [legislative] agreements for a better Mexico.”

In effect, we are faced with a new divided government, but one in which the governing party is a minority—and for this reason the concept of a minority government is applicable—even a smaller minority than during the first half of the term. Under a presidentialist regime, several alternatives exist between the extremes of the spectrum of the distribution of power: a) a unified government; b) a government with a plurality in Congress; c) a minority government; and d) a divided government.

- a) A unified government is one in which the president’s party has an absolute majority in Congress, though not a two-thirds majority, therefore making it impossible for it to change the Constitution alone, which would be more characteristic of a hegemonic government (which corresponds more to authoritarianism than democracy);
- b) A government with a plurality in Congress, where the governing party does not have an absolute majority;
- c) A “minority government” is one in which the president’s party is a minority in Congress, second, or even third in size; and
- d) A “divided government,” a generic term used to describe all governments that are not unified (that is, all those in which the governing

party does not have an absolute majority in Congress). It is, more precisely, a government in which one opposition party has an absolute majority in Congress and can therefore pass normal legislation by itself. As we go from the first type of government to the other, we get closer to the anarchistic pole of the spectrum of distribution of power (see graph).

Our starting point is that the different kinds of non-unified governments are closer to the pole of dispersed power because the formation of majorities to approve governmental proposals is more complicated, and periods of paralysis or being bogged down are more probable, at least with regard to some essential points on the government’s agenda. Naturally, in countries like Mexico that have two-chamber congresses, more combinations are possible: a unified government in the lower chamber but without a majority in the upper chamber; or a government with a plurality in the upper chamber and minority in the lower chamber; or even a divided government in which the lower chamber is controlled by one opposition party and the upper chamber by a different one, etc. In 2000, the PRI had a clear plurality in the Senate (60 seats out of 128), while the PAN had 48 senators. Thus, together with the five senators of the Green Ecologist Party of Mexico (PVEM),

the PRI’s new ally, the latter was able to get an absolute majority (65 out of 128). And even though in the lower chamber the PRI and its ally, the PVEM, do not make up an absolute majority (they have 48.2 percent of the seats), it would not be difficult for it to bring in the two small parties, the Labor Party (PT) and Convergence for Democracy, which together could give the absolute majority to the PRI-PVEM alliance.

In fact, this possibility was proven not long ago in the case of the proposal to strip PRI Senator Ricardo Aldana, the treasurer of the powerful and corrupt Oil Workers Union, accused of siphoning off U.S.\$150 million from oil giant Pemex to his party’s presidential campaign in 2000, of his congressional immunity. The president of the lower chamber, PAN Deputy Juan de Dios Castro, called for a *juicio de procedencia* (a trial that cancels immunity)¹ whereby the plenary of the Chamber of Deputies would vote on whether Senator Aldana would be deprived of his congressional immunity. However, before the time limit for holding that trial was up, the PRI asked for a vote in the plenary on whether the call for the trial was valid. The majority of the Labor Party and Convergence for Democracy legislators backed up the PRI and the PVEM, giving them more votes than the PAN and the leftist Party of the Democratic Revolution (PRD), thus scrapping the trial. This incident gives

TYPES OF GOVERNMENT AND DISTRIBUTION OF POWER		
Unified government Hegemonic government Concentration of power	Government with a plurality	Minority government Divided government Dispersion of power

an idea of the PRI's capacity for forming an absolute majority that can confront and eventually defeat the other two most important parties, the PAN and the PRD. This, together with the majority that the PRI-PVEM alliance already has in the Senate, must lead us to the conclusion that we are, in effect, faced with a minority government, a situation that does not bode well for the approval of the government's agenda.

This does not necessarily mean that paralysis will prevail; that will depend on the political-electoral strategy the PRI decides to implement. Paralysis may be the result if the PRI decides to boy-

office is returning to power...It is society that has to more capably foster and guide the changes, but they must be spearheaded by the government, and this government is tied up or proposes a change to what we had before, a retrograde evolution...We want to say to Mexico that we are the change.³

This doctrine of boycott was basically applied during the first half of the term, when the PRI did not support the PAN's change of the president's indigenous bill that would have achieved a peace pact with the Zapatista National Liberation Army (EZLN). The PRI also washed its hands of the fiscal

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cott the executive's initiatives to discredit it before the public and thus open up the possibility of regaining office. This strategy arises out of a premise expressed by PRI Senator Manuel Bartlett, who a few days after Fox took office as president said,

Mexico could have a better time of it if Fox has a bad time....Mr. Fox is our product: he grew because we let him grow....We have to clearly define our profile as a people's party and fight Fox's right-wing regime every day.²

A corollary of this position was stated by another influential PRI senator, Fidel Herrera:

The president won the election and he must assume the responsibilities. We believe that the logic of alternating in

reform the administration proposed in mid-2001, a highly modified version of which was passed with PAN and PRD votes alone. The reform failed because it was not able to boost revenues as needed; in addition, many of its features were eliminated because they were dysfunctional. Thus, the PRI was able to put stumbling blocks in the way of this reform and at the same time avoid its costs. And until now, the PRI has held back the energy reform, even changing its party statutes during its November 2001 eighteenth national assembly, forbidding PRI legislators to vote for a change in constitutional articles regulating the state ownership of Mexico's energy and sub-soil.

The PAN, for its part, wanted to place responsibility for following this boycott strategy on the PRI, and during the mid-term elections for the Chamber

of Deputies called on the public to give it a majority, using the slogan, "Take the brake off change." This was an indirect allusion to the PRI (and partially to the PRD). The election results demonstrate the campaign's failure and the relative success of the PRI boycott strategy. However, that does not mean that the PRI will decide to continue with this tactic. It could try to push for some structural reforms in the second half of the Fox term, not exactly because of civic responsibility to the country, but because its new position of relative strength and the real possibility it has of returning to office could be the incentive for doing so.

The new coordinator of the PRI caucus, Elba Esther Gordillo (who, together with Roberto Madrazo, was on the winning ticket for the PRI's national leadership in February 2002), said, "I agree with promoting and supporting the changes that will benefit the nation, whether it be with the PAN, the PRD or any other party."⁴ The possible reasons for this are: a) At this point, it is in the PRI's interest to demonstrate to the public that it is a responsible party, capable of pushing for and backing the reforms the country requires to advance in its economic and social development; b) Faced with the possibility of regaining the presidency, it would be more rational to have a more appropriate economic and institutional basis for governing the country, for example, through an effective fiscal reform that would give the government more revenue to deal with growing social spending; c) The PRI would try to capitalize on the reforms, even if they were the result of several political parties' efforts, given that it is the driving force in Congress.

Of course, the reforms would essentially be those contained in the PRI's

legislative platform, just as Roberto Madrazo has said:

We are not talking about the same reforms as those presented today, because some of them seem incomplete to us, others inopportune, others lacking in content beneficial to the country and the people. In my view, the reforms are going to benefit the next administration. I think that these three years that the government has wasted in not making the reforms are practically going to make it impossible for the reforms to favor the current administration. We are talking about reforms that are going to be of service to the next administration.⁵

This kind of thinking is part of a positive logic that encourages the three large parties to make pacts to pass re-

forms that will favor the next president. Why? Because all three think that any of them may be the winner in 2006 and may benefit from the reforms once in office. Thus, it is not totally out of the question that some of the structural reforms may be approved in the second half of the presidential term. What is not yet known is how profound they will be. In addition, there is a time limit. Many politicians and observers have said that whatever the reforms are, they will have to be approved relatively soon because the electoral dynamic—which in Mexico is very active and omnipresent—could polarize the parties. There will be 10 elections for governor in 2004. In 2005, the parties will begin their internal processes for nominating their presidential candidates, and 2006 is a presidential elec-

tion year, which will monopolize all the parties' attention. Thus, of the three years left in Vicente Fox's term, the useful time for legislation will really be much shorter. The panorama for concretizing the structural reforms (or some of them), although not dramatically bleak, is not very encouraging either. **MM**

NOTES

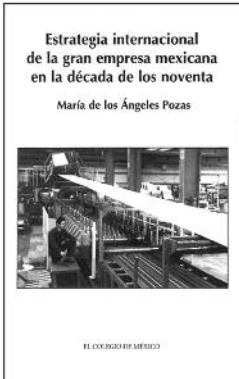
¹ The *juicio de procedencia* is a procedure established by Mexican law to determine whether a political trial against a public servant with immunity, like senators, is in order. [Editor's Note.]

² "Bucareli Ocho", political magazine *El Universal* (Mexico City) 12 November 2000.

³ *Ibid.*, 20 May 2002.

⁴ *Ibid.*, 25 May 2003.

⁵ *Ibid.*, 8 July 2003.



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