

# Debating the Political Regimen

Rubén R. García Clarck\*



Eunice Adorno/Cuartoscuro

Electronic voting board in Mexico's Congress.

One of the main challenges that the democratic transition in Mexico has brought with it is building governability in a framework of a divided government. The party of the president has not had a majority in the Chamber of Deputies since 1997, and in the Senate since 2000. This has been considered a positive expression of political pluralism. However, both inside and outside the country, the difficulties the parliamentary caucuses have in coming to agreements among themselves have been cause for concern. No less worrying have been the frequent differences between the executive and the legislature in

determining and passing the legal instruments and constitutional reforms needed for national development.

The most visible, recurring disagreement between the president and Congress has been around tax issues and the budget. The debate between the executive and the Chamber of Deputies about projected federal spending for 2005 has become so polarized that in late November 2004 it was proposed that the Supreme Court intervene. The problem lies in the fact that the executive does not accept the changes that the lower chamber made to its original proposed budget, and the Chamber of Deputies does not want to incorporate the president's observations into the modified bill. There are two possible outcomes in this controversy: 1) negotia-

---

\* Professor and researcher at the Mexico City University.

tion and agreement between the two parties, or 2) the court finding in favor of the deputies, based on Article 74 of the Constitution, which gives the Chamber of Deputies the exclusive right to approve the budget proposal sent by the executive branch after examining it, discussing it and, if it deems necessary, modifying it.

Parallel to this, a fertile debate is raging about the possible alternatives to the current relationship between the president and Congress. However, it has not been very constructive since it is plagued with mutual recriminations and prone to conflict. In this debate, different proposals about reforms of the country's current political regimen have been made.

Despite how difficult President Vicente Fox's relationship with an opposition Congress has been, his actions have favored the maturation of the presidential regime Mexico arrived at in 2000. As he recently stated, "For the first time, we are experiencing a presidential system, not authoritarian presidentialism. Let us allow this system to mature and produce for us. Let us improve it, yes, but let us give it time to bear fruit."<sup>1</sup> According to Fox, today, that process of maturation requires the political determination of the legislators to ensure that the balance of powers is respected and the right of the executive to direct economic policy is recognized.

What would some of the ways to improve our presidential regimen be? Santiago Creel, minister of the interior and one of the front-runners for the 2006 National Action Party (PAN) presidential nomination, seems to have the answer. In a forum about democratic governability hosted by the Special Commission for the Reform of

the State last September, Santiago Creel proposed a package of reforms to favor cooperation among the different branches of government, the formation of majorities and making legislative work more agile. Among his proposals were a) consecutive reelection of legislators, thus increasing their accountability to their constituents, fostering their professionalization and specialization and allowing them to forge more long-term agreements; b) creating the post of cabinet head, to be ratified by Congress, who would make the work of the executive more ordered and negotiations with the different congressional caucuses more

**Despite how difficult President Vicente Fox's relationship with an opposition Congress has been, his actions have favored the maturation of the presidential regime Mexico arrived at in 2000.**

fluid; c) a "preferential" legislative mechanism that would obligate Congress to legislate on certain reforms considered urgent for the nation, without detriment to congressional rights to deliberate on, modify and pass or vote down bills.<sup>2</sup>

Creel's second proposal, as he himself emphasizes, points to a semi-presidential regimen, a government-by-cabinet. Although the minister of the interior does not stay within the bounds of his boss's recommendation of letting the current presidential regimen mature, he does share, together with the other two proposals, the spirit of improving it.

Other PAN presidential hopefuls like Minister of Foreign Affairs Luis Ernesto Derbez and former Minister of Energy Felipe Calderón have made their own proposals which coincide in emphasizing forming government coalitions. Minister Derbez talks about what he would do as president with a divided government, saying, "It is very probable that in 2006 no one will have a majority and that therefore we continue with a three-party structure....I don't have the bi-partisan system of the United States. I will therefore have to come up with a system very similar to the Chilean one, in which a multi-party system has managed to create a structure that provides incentives for creating what in reality is two poles made up of the left and the right, like what happens in France."<sup>3</sup>

For his part, Felipe Calderón proposes sharing the government with other parties, but without falling into President Fox's mistake of incorporating figures from the Institutional Revolutionary Party (PRI) without a vote. In that sense, Calderón is willing to negotiate including other parties in the cabinet with the prospect of creating a government coalition. This inclusion would be possible as long as it brings votes with it. To complement this, he proposes promoting a leadership that "would allow the government to partner up with and gain support from society to jointly take on the responsibility for problems and solve them," which he dubbed "adaptive leadership."<sup>4</sup>

Together with these political operating strategies, Calderón foresees a series of institutional reforms to favor the legislative experience, legislators' accountability to their constituents, the coordination of public policies, co-

responsibility of the executive and legislative branches and the forging of congressional majorities. These reforms would include: a) consecutive reelection of legislators and mayors; b) a cabinet chief; c) run-off elections for legislators, and d) the reduction of the number of legislators elected proportionally.

In the ranks of the Institutional Revolutionary Party (PRI), the main opposition party in the Congress, some of its legislators like Enrique Jackson and Manlio Fabio Beltrones agree with Santiago Creel that making the political regimen semi-presidential is a good idea. Beatriz Paredes, president of the PRI's Colosio Foundation, the party's main think tank, has come out in favor of two rounds of voting for the presidency to give the office more legitimacy in the context of a multi-party system in which it is improbable that any presidential candidate get an absolute majority in the first round.

Since there have been no statements by PRI presidential hopefuls, who have only very recently begun to surface, we should make reference to some proposals by PRI member Miguel Ángel Núñez Soto, the governor of Hidalgo who also participated in the September forum. Núñez Soto replied to the proposal of creating the figure of cabinet chief with the argument that according to current legislation, the functions of that post should be fulfilled by the minister of the interior. Instead, he proposed that the president's cabinet be ratified by the Senate. In addition, he demanded that the Senate and the Chamber of Deputies both decide the national budget, arguing that everywhere else, both chambers of the legislature decide about the budget. Lastly, to contribute to the for-

**One of the main challenges that the democratic transition in Mexico has brought with it is building governability in a framework of a divided government.**

mation of a majority, he came out for reducing the number of legislators elected proportionally since they represent their parties more than their states, and increasing the minimum percentage needed for a party to retain its legal status to five percent of the popular vote.<sup>5</sup>

On the left of the political spectrum, the Party of the Democratic Revolution (PRD) presidential hopefuls Cuauhtémoc Cárdenas and Andrés Manuel López Obrador say a social consensus must be forged about institutional reform or agreements among the different branches of government before they are actually implemented. For Cárdenas, any transition to democracy requires, among other things, the approval of the broadest possible sectors of society, that is, "arriving at clear, general consensuses about the new rules that are to govern relations in society."<sup>6</sup> He also warns against the risks of a presidential regimen in which the executive is incapable of "establishing and fostering expeditious dialogue and close communication with Congress," or a semi-parliamentary system in which legislators "turn their endeavor into a permanent assembly, disrespectfully riding roughshod over the other two branches of government."<sup>7</sup> In either type of regimen, the

important thing for the founder of the PRD is true collaboration and balance among the branches of government.

In his controversial book *Un proyecto alternativo de nación* (An Alternative National Project), Andrés Manuel López Obrador, current mayor of Mexico City and the front-runner in all the polls, proposes the following about the relationship between the executive and legislative branches in Mexico:

Today, the Congress is a very uncertain space, without a definitive course because of the diversity of its members and the balance among them, but with the capacity fundamentally to oppose, mediate or change presidential bills.... In this context, although there will always be conflicting interests, room for negotiation must be sought to come up with common policies together with the legislative branch. The executive must ensure that its bills enjoy broad support in society and that basic agreements be reached beforehand with deputies and senators.<sup>8</sup>

Another presidential hopeful who should be mentioned is Jorge G. Castañeda, the Fox administration's former minister of foreign affairs. In his book *Somos muchos: Ideas para el mañana* (We Are Many: Ideas for Tomorrow), Castañeda has made an interesting comparison between the presidential regimes in the United States and Mexico.<sup>9</sup> For Castañeda, the factors that have historically made the U.S. regime function are its political actors' spirit of compromise and its society's exclusionary homogeneity. By contrast, in Mexico and Latin America, these factors have not existed, and, in addition, the presidential regime has been created in an authoritarian context.

We should add the party system as a third factor that contrasts the two country's regimens. The two-party system in the United States, as Minister Derbez says, favors the presidential regimen, while the multi-party system makes it more difficult in our countries.

As an alternative to dysfunctional presidentialism, Castañeda proposes the semi-presidential option, which combines a strong presidency (the guarantee of national unity when faced with centrifugal forces), reinforced by a second round of voting, and a governing majority in Congress, which would be a democratic brake to any temptation of authoritarianism. This majority would also be favored by a second round of voting in legislative elections and the reduction of proportionally elected legislators, without under-representing minority parties. But in Castañeda's proposal, the parties would have to be reformed to compete with independent candidates.

The proposals we have presented have stirred up a commotion in public opinion, particularly among academics, spurring a wide gamut of opinions that go from agreement to total rejection. Perhaps the greatest consensus is around the matter of consecutive reelection for the legislature.<sup>10</sup> Opinions vary about the other proposals. For example, there are those who consider the semi-presidential option inviable,<sup>11</sup> and others who defend the cabinet government in the presidential system.<sup>12</sup> The second round of voting is seen as a double-edged sword when it is used only for presidential and not legislative elections as well since while it legitimizes the president, at the same time it fragments Congress, which could lead to an authoritarian presidency, which would be even worse if combined with

The frequent differences  
between the executive  
and the legislature in determining  
and passing constitutional  
reforms needed for national  
development have been cause  
for concern.

an independent candidacy (remember the cases of Collor de Mello, Fujimori and Bucaram).<sup>13</sup> On the other hand, some analysts consider invoking the popular will as the ultimate criterion for the executive in its relations with the legislature as a way to undervalue institutional reforms.<sup>14</sup>

Certainly, the debate about Mexico's presidential regimen has not been completely played out with the positions and opinions presented here, but these are a sample of the importance the matter has been given in Mexico. We can expect greater interest in this issue as well as a deepening debate and, above all, the inclusion of different proposals for reform, enriched by forums of consultation with the public, both for today's legislative agenda and the 2006 electoral platforms. These tasks are the responsibility and inescapable commitment of the political actors for creating the conditions that will allow us to create—unhurriedly but without pause—an efficient relationship between the president and Congress, a matter key to democratic governability and the consolidation of democracy in Mexico. ■■■

NOTES

<sup>1</sup> *La Jornada* (Mexico City), November 28, 2004, p. 9.

<sup>2</sup> Santiago Creel Miranda, "Reforma del Estado. Una democracia eficaz," *Reforma* (Mexico City), October 10, 2004, p. 6.

<sup>3</sup> *Reforma* (Mexico City), November 28, 2004, p. 5A.

<sup>4</sup> *Reforma* (Mexico City), December 5, 2005, p. 9A.

<sup>5</sup> Boletín 1211 de la Cámara de Diputados, September 30, 2004.

<sup>6</sup> *La Jornada* (Mexico City), November 26, 2004, p. 14.

<sup>7</sup> *Ibid.*

<sup>8</sup> Andrés Manuel López Obrador, *Un proyecto alternativo de nación. Hacia un cambio verdadero* (Mexico City: Grijalbo, 2004), pp. 123-124.

<sup>9</sup> Jorge G. Castañeda, *Somos muchos: Ideas para el mañana* (Mexico City: Planeta, 2004). See particularly Chapter 4, "Instituciones" (Institutions).

<sup>10</sup> See the book compiled by Fernando Dworak, *El legislador a examen* (Mexico City: Fondo de Cultura Económica, 2003). Also of note is Pedro Joaquín Coldwell's observation in the sense that "qualified academics and researchers...have said that consecutive reelection of senators and deputies is the ideal means for contributing to, among other things, the professionalization of legislators, to increasing their relations with their constituents and their accountability as public representatives." See Pedro Joaquín Coldwell, "La reelección inmediata de los legisladores mexicanos," José Luis Hernández and Cuicatláhuac Bardán, comps., *La agenda electoral en la consolidación democrática* (Mexico City: Universidad Iberoamericana/LIX Legislatura del Senado de la República, 2004), p. 91. Coldwell refers to authors like Alonso Lujambio, José Woldenberg, Benito Nacif, Diego Valadés, María Amparo Casar, Federico Estévez, Jaime Cárdenas, Alejandro Poiré, Juan Mollinar, Miguel Carbonell, Luis Béjar, José Antonio Crespo, Jean François Prud'homme and Benjamín Hill.

<sup>11</sup> This is the opinion of the former electoral councilor and IFE member, Alonso Lujambio. *Reforma* (Mexico City), November 7, 2004, p. 15.

<sup>12</sup> Diego Valadés, "El gobierno de gabinete en el sistema presidencial mexicano," *Este País* no. 164, November 2004, pp. 18-20 and 22.

<sup>13</sup> See the opinions of Gabriel Guerra in *Reforma* (Mexico City), November 7, 2004, p. 14, and Xihui Guillermo Tenorio, in *Reforma* (Mexico City) October 24, 2004, pp. 8 and 14.

<sup>14</sup> See the opinions of Luis F. Aguilar and Jorge Alcocer in *Reforma* (Mexico City), October 24, 2004, pp. 8 and 14.