

STATEMENT OF THE NDI PRE-ELECTION DELEGATION TO MEXICO'S JULY 2, 2000 ELECTIONS

Mexico City, May 12, 2000

I. INTRODUCTION

This statement is offered by an international delegation to Mexico organized by the National Democratic Institute for International Affairs (NDI). The delegation visited Mexico from May 7 to May 12, 2000. In addition to this pre-election delegation, NDI will organize a second pre-election delegation in June 2000 and an international delegation to observe the July 2, 2000 election. NDI will also maintain a presence in Mexico City from May 30 until mid-July in order to continuously monitor the electoral process until its conclusion.

NDI has worked with Mexican civil society groups, including Civic Alliance, on election related matters since 1991, providing technical and financial support in the areas of election observing and electoral reform. NDI and the International Republican Institute sent an international observation delegation to the 1994 presidential elections. NDI also supported Civic Alliance initiatives to monitor state elections in 1996, mid-term elections in 1997, as well as their civic education, media monitoring and accountability programs. NDI is currently working with the three largest political parties in Mexico (Institutional Revolutionary Party - PRI, National Action Party - PAN and the Party of the Democratic Revolution - PRD) in conducting a regional youth leadership training program as well as a legislative strengthening program. This portfolio of Mexico programs has provided NDI with close working relationships and knowledge to build on in conducting its current electoral programs.

NDI is an independent, nongovernmental organization working to promote democracy around the world. NDI has conducted impartial election observation programs in more than 50 countries in the Americas and around the globe. The purposes of this delegation were to express the support of the international community for a democratic election process in Mexico, to assess the evolving political environment surrounding the upcoming elections, as well as the state of electoral preparations, and to offer an accurate and impartial statement of its observations. NDI does not interfere in the election process and, at this juncture, will only make a preliminary statement regarding its findings. NDI recognizes that, ultimately it will be the people of Mexico who will determine the legitimacy of the elections and the resulting government.

SUMMARY OF OBSERVATIONS

The delegation's observations were developed in the course of intensive meetings with representatives of broad sectors of Mexican society who are playing key roles in the electoral process. The delegation is grateful for the warm reception it received from all with whom it met.

Mexico's electoral history is marked by controversy and, more recently, reform. Reforms instituted for the 1994 elections included allowing the participation of national and international election observers, and incorporating election-day safeguards like curtained voting booths, transparent ballot boxes, the posting of site results and providing tally sheets to party representatives. Additionally, a

sophisticated computerized registry of voters was created. This registration system has worked well in both the 1994 and 1997 elections.

Other recent reforms include increasing the autonomy of the Federal Electoral Institute (*Instituto Federal Electoral - IFE*) and implementing direct elections for mayor and city council in Mexico City. As a result, Mexico's political system is more competitive and open, as evidenced by opposition electoral victories at the municipal, state and national level. As a result of the 1996 electoral reforms, the autonomous IFE enjoys the confidence of the major political parties and is considered capable of administering efficient and transparent federal elections.

Despite these reforms, important concerns remain. According to persons who met with the delegation, these concerns include the need for more balanced news coverage, the use of public resources to support the governing parties, vote buying and coercion (*compra y coacción del voto*), and the complaints/dispute resolution process. Most observers believe that unfair and illegal practices are more prevalent at the state and local levels and in the most economically deprived regions of the country. During recent state elections, all parties complained about the distribution of goods and services by local and state governing parties in an effort to buy votes. Recent scandals in Mexico City and Nuevo León have also centered on the issues of the misuse of public funds. The recent incorporation into the PRI presidential campaign of traditional leaders of the "old-guard" who supposedly have engaged in fraud have also increased concerns that the PRI will return to old practices to avoid defeat and thus undermine the reform process.

The 2000 presidential, congressional and state elections present a critical opportunity for Mexico to advance its democratic process. If the opposition were to win, it would be the first peaceful presidential transition of one party to another in Mexico. The recent improvements in the electoral process are encouraging. Public confidence in elections has increased markedly, but more reforms will likely be needed before Mexican citizens and political parties are all fully confident in the process.

Mindful of the progress that has been made in Mexico's electoral process and of the strong desire of Mexicans for genuine democratic elections, the delegation offers its observations as well as recommendations, which appear in the last section of this statement.

II. THE DELEGATION AND ITS WORK

The delegation held meetings with the Federal Electoral Institute (IFE) and leaders from Mexican political, civic, and media sectors. The delegation included election experts and political leaders from four countries. The delegation members were: Luis Alberto Cordero, an elections and campaign expert from Costa Rica; Angel Vivas, a former congressman and member of the Latin American Parliament from Venezuela; Gerardo Le Chevallier, a former congressman from El Salvador and Director for Latin America and the Caribbean at NDI; and Peter Manikas, NDI Senior Associate and a consultant to its programs on elections and political processes. The delegation was joined by NDI Senior Program Officer, Katy Mudge and NDI Program Assistant, Anya McMurray.

An accurate and complete assessment of any election must include all aspects of the election process, including the legal framework, the pre-election period, the voting and counting process, and the post election period in which electoral complaints are processed and the newly elected government is formed.

The pre-election period is especially important in this election because, as mentioned earlier, the major concerns that have been raised involve problems that occur during this period, such as the misuse of government resources to support a political party as well as biased news coverage by the media.

The delegation was charged with several tasks: 1) to assess the legal framework for the elections and the election campaign environment in light of international standards for fair electoral competition and Mexican law; 2) to review the state of preparedness of the electoral administration; 3) to gauge the degree to which the prospective voters are being notified about the electoral process and about the candidates so that they may make an informed choice; and 4) to gauge the degree to which voters feel free to exercise their choice and have confidence in the electoral process to determine accurately and respect the will of the electorate.

III. ELECTION CONTEXT

NDI has had the privilege of witnessing Mexico's elections in 1994, 1996 and 1997. The delegation noted that the 1994 and 1997 national elections, which were accepted by the citizens and political contestants alike as democratic and well-administered, stand in profound contrast to the troubled elections of 1988.

As the 2000 presidential elections approach, the expectations of Mexican citizens for a democratic process are undoubtedly heightening. Political tensions have heightened as well. The past decade has seen a gradual increase in the opposition's strength. Opposition parties have emerged as majorities in municipal and state governments and in the national Chamber of Deputies. The PRI, however, has never before faced the prospect of turning over the presidency to an opposition party, ending its 71 years of political hegemony. The increased political tensions that this fiercely contested election has brought makes it all the more necessary that reasonable steps are taken to ensure that all parties, and the nation's citizens, view the outcome as fair. The upcoming elections will determine if the impressive advances that have been made in recent years to establish a more open, competitive and fair electoral process will continue. If a more level playing field is to be established, further reforms are needed to ensure fair coverage by the mass media and to prevent the misuse of government resources to advance the election prospects of governing parties. The delegation urges all of the political parties and others engaged in the electoral process to continue their efforts in fulfilling the reform agenda.

Election Administration

The IFE is regarded as credible and capable of conducting transparent and well administered national elections. The delegation noted that a diligent approach is being taken in preparing for the elections. This was apparent from the delegation's meetings with electoral officials, political party and civil society leaders engaged in the elections. The IFE and its subsidiary bodies have worked out detailed election plans which they are working hard to implement.

IFE will oversee the selection and training of officials at approximately 115,000 polling places nationwide. These officials have been selected from voter lists based on random alphabetical and birthday selections. There is some concern that these officials will not receive the training necessary to run the voting centers objectively and efficiently, or that party activists might interfere in the selection process.

Another area of concern is that state elections are conducted by state

electoral tribunals that are more vulnerable to political manipulation than IFE. State elections are conducted by state electoral authorities and are governed by state electoral law. Federal electoral law and IFE neither guide nor supersede state electoral law or commissions. The capacity and transparency of election management, as well as the evolution of electoral law varies considerably at the state level. In several states, governors can still influence the staffing of the electoral commissions.

A third concern relates to the electoral tribunal that determines and applies sanctions regarding electoral conflicts. Since 1996, the magistrates of the tribunal have been nominated by the Supreme Court and confirmed by the Senate, ending the former system of presidential nomination. Nevertheless, political parties have been critical of the selection process, asserting that the Supreme Court itself is not truly independent. As a result, tribunal rulings have been attacked as biased in favor of the government. This delegation has not directly assessed the merits of these allegations but was troubled by the lack of confidence parties have in this important tribunal's decisions. The Special Prosecutor for Electoral Crimes or *Fiscalía Especializada para la Atención de Delitos Electorales -FEPADE* is also not generally viewed by many observers as an effective mechanism for combating electoral abuses.

An important element of electoral organization is IFE's ability to conduct voter education. For the first time during an electoral period, in March the *Cámara de la Industria de la Radio y la Televisión -CIRT*, or private radio and television association, decided against providing IFE with free radio and television time for a voter education campaign. They claimed that IFE's autonomy made it ineligible for free time allotted to the state. The Ministry of the Interior was slow to react on behalf of the IFE. The ban on IFE civic education advertisements was eventually lifted on May 4, 2000.

Campaign Finance Reform

Enforcement of campaign finance regulations has been hampered because the election code only allows for audits at the conclusion of the campaign. Even then, IFE does not have access to the candidates' financial records, nor the power to demand full disclosure. Sanctions and penalties can also be appealed until well after the elections are over.

Use of State Resources

Mexico's law prohibits public officials from acting on behalf of any candidate's campaign, nor can they lend goods, services, buildings or equipment for use by any candidates in campaign activities. In recent months, public officials have been accused of unfairly and illegally supporting candidates. Controversy has also surrounded the use of state and federal social funds including the PROGRESA and PROCAMPO programs which provide cash subsidies to recipients. The governing party, it is alleged, increases spending of these funds in electoral years to induce favorable votes. It has also been alleged that the governing party coerces voters by threatening to end funding for projects. A recent poll conducted on behalf of Civic Alliance indicates that 47% of PROGRESA recipients perceive that the programs would end if the PRI were to lose.

Distinguishing between legitimate government expenditures and the use of public resources to advance electoral prospects is difficult. The law does not prohibit the distribution of gifts if doing so does not influence voting. Since voting is confidential, it is difficult to prove that coercion has taken place.

The Chamber of Deputies decided to tackle the issue of electoral abuses by establishing a watchdog commission to oversee public spending during the 2000 election year. The 30 member commission has the power to seek legal action against officials suspected of diverting public funds to finance political campaigns. On May 12, the Commission plans to open offices nationwide to receive citizen complaints, train citizens to report the possible misuse of public resources for electoral purposes, and establish cooperative agreements with nongovernmental organizations. Once the claims are collected, the Commission facilitates the prosecution process by sending them to the appropriate state agency for investigation. The Commission will be in place until the current congress ends August 30, 2000. The Commission's mandate and work plan have been hampered by budget cuts, which have forced them to abandon plans for a civic education campaign and to limit the number of staff. State agencies have been forbidden to sign agreements with the Commission. The president of the Commission has also been a recipient of threats.

Campaign Environment

The delegation was impressed with the vigorous and open campaign that is taking place. There is great public interest in the campaign and media coverage, though biased, is more objective than in the past and is extensive. Public opinion polls routinely chronicle shifts in the electorate's mood and it is clear that the presidential race and many congressional races are closely contested.

Election Monitors

Mexico benefits from the presence of nonpartisan domestic election observers that are monitoring the campaign period and election day. These civic organizations, including Civic Alliance, are playing an important role in helping to increase confidence and participation in the election process. During the pre-election period, these groups are monitoring access to the media, voter coercion, the use of public funds and conducting civic education and voter mobilization campaigns. On election day, they will monitor the voting process with observer networks of thousands of volunteers and international observers. The delegation was pleased to see that civil society observation efforts are addressing the pre-election period. The activities of domestic nonpartisan election monitors have done much to build public confidence in elections and their surrounding political processes. However, the delegation is concerned about special visa requirements for international visitors that may impede their ability to participate in the process.

Media Fairness

Each political party has the right to 15 free minutes of television and radio broadcasting each month. Political parties with representation in congress receive additional free air time. IFE, civil society groups and the newspaper Reforma have increased efforts to monitor the quantity and quality of media coverage. IFE also serves as an intermediary between political parties and the stations in purchasing and selecting air time, in order to ensure party access to media. In a change from past practices where the media blatantly favored PRI candidates (the owner and founder of the Televisa media empire once referred to himself as a "soldier of the PRI"), initial IFE and Reforma media monitoring reports reflected more equal coverage of candidates. However, the PRI received more favorable news coverage than the other major parties. The most recent report, also reflects a clear trend towards greater coverage for the PRI. Concerns remain that the two major television networks, Televisa and TV Azteca, are biased in favor of the PRI. Regional media also tends to be biased in its support of the governing party. Some sources indicated that media bias is actually worse at the regional level and on television than during the

IV. OBSERVATIONS AND RECOMMENDATIONS

The delegation was impressed with the progress that has been made in gaining public confidence in elections over the last six years and appreciated the active engagement of Mexican citizens, political leaders, elections officials in discussing ways to approach issues affecting the election process. The delegation was encouraged by the occurrence and the public's interest in the recent presidential debate in which all six presidential contenders participated.

The delegation also commends the efforts of the IFE, political parties and civic sectors to resolve problems that have arisen in the election process. With these factors in mind and in the spirit of international cooperation, the delegation respectfully offers the following recommendations, which it believes could help promote confidence and participation in the elections.

1. The Training of Casilla Officials and Political Party Polling Agents

IFE should continue its efforts to ensure that casilla officials are properly trained. Political parties should contribute to the credibility of the elections by training their party poll watchers and deploying them to as many casillas as possible on election day. The parties should also develop reliable reporting networks so that they can make effective use of complaint mechanisms.

2. State Electoral Councils

In order to ensure the credibility of the state electoral process, reforms should be considered that would lead to greater consistency in state electoral and federal election practices. Concerns regarding state electoral councils will be further outlined in a forthcoming report by the International Republican Institute.

3. The Electoral Tribunal Selection Process

The process of selecting magistrates for the Tribunal should be reviewed and a selection process that is accepted as fair by all the political parties should be adopted.

4. Civic and Voter Education

Due to the important role of voter education in the election preparation process, the delegation recommends that both government and private media provide IFE access to free state air time in order to conduct its civic education campaign through election day.

5. Campaign Finance Reform

Additional campaign finance reforms should be considered that would allow for the auditing and stiffer sanctions of violations during the campaign process.

6. Use of State Resources for Electoral Advantage

State resources are the property of the citizenry and should be used for their general benefit rather than for the political advantage of any political party, whether at the national, state or municipal level. There are certain natural benefits of incumbency that exist in any country, but illegal use of government vehicles, offices and government workers at any level for partisan election activity undermines public confidence and increases cynicism about electoral and political processes. Effective measures should be undertaken to further define and prevent the misuse of state funds and resources in support of any political party or candidate. IFE, the Special Prosecutor for Electoral Crimes and the Special Congressional Commission to Oversee Public Spending all have important roles to play in combating the misuse of government resources. The delegation believes that the budgets of

these agencies be reviewed and sufficient funds be provided to fulfill their responsibilities.

7. Media Access and Coverage

Many observers believe media bias to be the most important problem affecting the fairness of the election. It is hoped that in the remainder of the campaign, the representatives of the media will exercise their responsibilities to provide accurate, equitable and unbiased coverage of the candidates, political parties and issues of import to the electorate as they decide who to support at the ballot box. This responsibility extends to the publication in the mass media of results of accurate public opinion surveys. We urge all news media to review their coverage of the campaign and take steps to ensure that news coverage is equitable and unbiased.

In the longer term, consideration might be given to reforms such as placing the broadcasting media under an independent authority to ensure that broadcast concessions are awarded in a fair and nonpartisan manner, and developing grievance mechanisms so that parties and their candidates can seek a hearing on their complaints of media bias.

8. Election Observers

The delegation recommends that the IFE and immigration authorities continue to pursue a flexible policy to facilitate accreditation of Mexican and international election observers. Immigration authorities should consider ceding to IFE greater authority regarding special visas for international visitors, making the accreditation and visa process a one-step process.

The delegation greatly appreciates the hospitality extended to it by representatives of the Electoral Commission, the government, the media, political parties and civil society. The delegation could not have accomplished its tasks without the generous cooperation of those with whom it met. NDI remains committed to assisting those who are working to advance the democratic process in Mexico. NDI will continue its activities in Mexico through the work of a second pre-election assessment mission, an international observation delegation on election day and staff presence in the pre-electoral, election and post-electoral period. Further reports will be issued as part of these efforts.

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