

# STATEMENT OF THE NATIONAL DEMOCRATIC INSTITUTE SECOND PRE-ELECTION DELEGATION TO MEXICO

*Mexico City, June 9, 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 June 4 to 9. In addition to this pre-election delegation, NDI conducted a similar election assessment mission in May and will organize an international delegation to observe the July 2, 2000 elections. A representative of NDI will also reside in Mexico City to continuously monitor the electoral process until its conclusion.

NDI has worked with Mexican civic groups on election related matters since 1991, providing support in the areas of election observing and electoral reform. NDI and the International Republican Institute jointly sent an international observation delegation to the 1994 presidential elections. NDI is currently conducting a regional youth leadership training program and legislative strengthening program with the three largest political parties in Mexico: the Institutional Revolutionary Party (PRI), National Action Party (PAN) and the Party of the Democratic Revolution (PRD).

NDI is a nongovernmental organization working to strengthen and expand democracy worldwide. 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. 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.

## **II Summary of Observations and Recommendations**

Mexico is at an important juncture in its political history. For the first time in 70 years, voters will cast ballots in elections whose outcome for the presidency is uncertain. Public opinion polls show an extremely close race between the candidate of the ruling PRI, Francisco Labastida, and the Alliance for Change - PAN candidate, Vicente Fox. The electoral advances seem to parallel the economic and political opening that has taken place in Mexico in recent years. In contrast to past presidential elections, electoral reforms have given political actors confidence that the Federal Electoral Institute (IFE) is committed and capable of administering democratic elections. The media is providing more balanced coverage of candidates. The PRI has also adopted a new more democratic candidate selection process.

Unfortunately, it is widely believed that the closeness of the election has led to certain practices, particularly by the ruling party, that are reminiscent of past elections. According to denunciations by independent and opposition sources, federal assistance programs, such as PROGRESA and PROCAMPO, are being used to illegally

influence voters. Since the first NDI mission in May, IFE, the daily newspaper Reforma and the Academia Mexicana de Derechos Humanos have also reported that the significant bias in media coverage has continued.

These issues threaten to undercut the significant democratic advances that have bolstered the legitimacy of the election process. International experience demonstrates that extraordinary steps by a government are often needed to establish confidence in the genuineness of a country's political and electoral process. Governments in these circumstances must go beyond minimum requirements for democratic elections. This lesson appears to be applicable in Mexico.

The delegation was impressed by the uniform confidence expressed in the ability of the IFE to administer transparent and fair elections. However, the confidence enjoyed by the IFE at the national level does not extend to the state and district level authorities. While changes cannot be made before the election, state and local authorities should consider adopting the reforms that have provided the IFE with the credibility it enjoys -- such as complete independence from state and local governments and a nonpartisan governing council and civil service.

Nonpartisan election monitoring organizations like Alianza Civica, COPARMEX and the Academia Mexicana de Derechos Humanos have made important contributions to the electoral process - particularly in the pre-election period. These organizations will continue to play an important role on election day by fielding networks of volunteer observers and conducting "quick counts" to provide independent verification of the results.

In the area of campaign finance, the IFE has requested that the political parties provide periodic information on campaign expenditures during the election period. This is an important step toward increasing transparency and disclosure in the party finance system. In the same vein, in the future, consideration should be given to having the political parties provide similar information during the primary process.

The delegation heard testimony that the major political parties have used government resources to benefit their candidates. These practices violate Mexican law and undermine public confidence in the election process. One of the institutions established to address these abuses, the Special Prosecutor for Electoral Crimes (FEPADE), is perceived as lacking in political will and plagued by inefficiency. For future elections, however, legal reforms that help to better define electoral crimes may serve to strengthen FEPADE. In addition, increasing FEPADE's staff, budget and autonomy from any government body would help bolster the agency's efforts and credibility.

### **III The Delegation and its Work**

The delegation met with the representatives of the IFE, political parties, civic groups, the media and business sectors. The delegation included election experts and political leaders from four countries: Felix Ulloa, former magistrate of the Supreme Electoral Tribunal of El Salvador; Fausto Rosario, a journalist from the Dominican Republic and communications director for the civic organization Participación Ciudadana; Angel Vivas, NDI's representative in Mexico and a former congressman from Venezuela; Gerardo Le Chevallier, former vice minister from El Salvador and director for Latin America and the Caribbean at NDI; and Matt Dippell, deputy director. NDI Senior Program Officer Katy Mudge and NDI Program Assistant, Anya McMurray also joined the delegation.

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 particularly 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 and 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.

#### **IV Observations and Recommendations**

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. Election Administration*

The delegation was impressed by the uniform confidence that political parties, civic groups, journalists and others expressed in the ability of the IFE to organize democratic elections. The IFE was broadly viewed as a capable, nonpartisan organization committed to administering a transparent and fair electoral process. Key electoral reforms -- including separating the IFE from the Interior Ministry and establishing a nonpartisan governing council -- have helped the IFE become a respected, autonomous organization.

The confidence enjoyed by the IFE at the national level, however, does not extend to all state and district level authorities. Federal electoral law and IFE neither guide nor supersede state electoral law or commissions. To address this issue, the same reforms should be implemented that have provided the IFE with the credibility it now enjoys. These steps could include: 1) making these entities independent of state and local governments; 2) selecting nonpartisan board members and civil servants; 3) increasing collaboration and training with the IFE; 4) ensuring that representatives of political parties and national and international observation groups can freely monitor the activities of state and district level authorities.

##### *2. Prosecution of Violations of Electoral Law*

The 1994 electoral reforms established the office of the Special Prosecutor for Electoral Crimes (FEPADE). Once viewed as a promising mechanism for addressing violations of electoral law, the delegation found general disappointment in the ability of FEPADE to prosecute violations of vote-buying and voter coercion. The institutional void caused by the inability of FEPADE to carry out its mission led the Mexican Chamber of Deputies to establish a watchdog commission to oversee public spending during the 2000 election year.

To help prosecute those who may be responsible for electoral abuses, the delegation recommends that the staff and budget of

FEPADE be increased to expedite the processing of complaints. FEPADE should also organize public education campaigns about its role and establish offices at the state and district level. After the July elections, consideration should also be given to increasing the autonomy of FEPADE by separating it entirely from any government body. FEPADE would also benefit from legal reforms that would better define what constitutes an electoral crime. This lack of specificity is reportedly hampering FEPADE's ability to investigate and prosecute potential violations.

### *3. Political Party Financing*

Mexico has taken important strides in leveling the electoral playing field through public financing of political parties and election campaigns. This financial support has reduced inequities that have traditionally undermined confidence in the election process. In some instances, however, loopholes in finance regulations enable parties to violate the letter and spirit of party finance laws. The IFE has requested that parties provide information on campaign spending periodically during the election period. This process will hopefully make it possible to promptly address violations that provide unfair electoral advantages. Disclosure regulations in place for the general elections could also be applied in primary elections.

### *4. National Observers*

Mexican election observer groups, such as the Alianza Civica, COPARMEX, and the Academica Mexicana de Derechos Humanos, among others, are playing a critical role in safeguarding the election process and bolstering public confidence in the elections. These groups are acting in an independent and nonpartisanship manner - principles that ensure the effectiveness and credibility of their efforts. The work of these groups in the pre-election environment has been particularly important in highlighting key issues affecting the elections. These organizations will continue to play an important role on election day by organizing networks of thousands of volunteer observers and conducting "quick counts" to provide an independent verification of election results.

### *5. Political Party Pollwatchers*

Political parties are recruiting and training pollwatchers who will be deployed at voting stations throughout the nation on election day. By "defending" their vote, parties will also increase confidence in the process and help verify election results. Parties have expressed concern about deploying pollwatchers in areas of the country that lack security. All efforts should be made by law enforcement agencies, the IFE, religious groups, and national and international observers to provide support for pollwatchers in these zones. The political parties may also consider adopting a code of conduct and organizing joint training sessions for pollwatchers to facilitate cooperation.

### *6. Use of State Resources for Electoral Advantage*

In a democracy, state resources should be employed for the benefit of all citizens rather than a particular political party. The delegation received information that the three major parties have used government resources to benefit their candidates in the states where they govern. These practices -- including the use of government vehicles, offices and workers for partisan election activities -- violate Mexican law and undermine public confidence in the election process. The close nature of the presidential race, combined with the impact that these practices could have on the outcome of the election, is particularly worrisome.

PRI officials have reportedly stated openly that social welfare and agricultural support programs are designed to influence voters in favor of the ruling party. A former senior government official was recently quoted as saying that "Federal social programs like PROGRESA,

Alianza Para el Campo, and the budget of Ramo 33 are resources and programs of PRI governments and we are going to use them to win the presidency." He later clarified that these practices are permissible as long as they are "in accordance with the law." However, these and other announcements have created anxieties that undemocratic practices from previous elections may emerge in the days remaining before the election.

A recent poll commissioned by the Alianza Civica and the Dallas Morning News, showed that 47 percent of federal assistance recipients believe that support programs would end if the PRI loses the election. Public service announcements made by the IFE reminding citizens that their vote is secret are an important tool in educating citizens about these issues and preventing electoral abuses. As noted in NDI's first pre-election statement, it is regrettable that the broadcast of these announcements was delayed for several months.

The delegation recognizes that there are certain natural benefits of incumbency that exist in any country. However, as stated before, in extraordinary circumstances the government has to make exceptional efforts. Therefore, the immediate suspension of the inauguration of public works projects and the broadcast of advertisements praising government programs would be appropriate. This suspension would be in effect for the remainder of the campaign and would help the public distinguish between the activities of the Mexican state and the ruling party.

#### *7. Media Coverage*

Media coverage in Mexico has become more open, independent and balanced in recent years particularly when contrasted with the coverage of the 1988 and 1994 presidential elections. Despite these advances, the coverage provided is still inconsistent with fair coverage of an election campaign. The previous NDI mission identified the issue of media bias in May. Unfortunately, the situation has not improved sufficiently over the course of the campaign.

The IFE has reported that television and radio broadcasters dedicated 50 percent of their coverage to the PRI during the period of March 12 to April 8. This represents a spike of more than 20 percent from the previous period and amounts to more than the total coverage received by the leading opposition candidates combined. In the period of April 9 to May 6, PRI coverage dropped to 40 percent of total coverage, some 15 percent higher than the coverage received by Alliance for Change - PAN and 22 percent higher than the Alliance for Mexico. Given this inequity, a concerted effort should be made to provide media access and balance in the last days of the campaign.

#### *8. NDI Recognition*

The delegation greatly appreciates the hospitality extended to it by representatives of the IFE, the government, the media, political parties, the business community and civil society. It could not have accomplished its tasks without the generous cooperation of those with whom it met. NDI is also grateful to the volunteer advisors who make this work possible, such as Dr. Felix Ulloa and Dr. Fausto Rosario.

NDI will continue its activities in Mexico, including 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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