

GLOBAL  EXCHANGE

The Pre-Electoral Conditions in Mexico 2006

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Mexico City, Mexico

Introduction

This report summarizes the findings of a Global Exchange pre-election observation team that visited Mexico from June 3 to 12, 2006, prior to the Presidential Election on July 2. The team of accredited observers evaluated the electoral process to determine compliance with international standards of transparency, fairness, and accountability. Team members hope this evaluation will contribute to strengthening Mexico's democracy.

As late as 1991, a single political party, the Institutional Revolutionary Party (PRI), monopolized the Mexican political system. The party used its exclusive control of all branches of government to dominate Mexican politics. Through a series of reforms leading up to 2000, Mexico transitioned from one-party rule to a political system that is now characterized by the alternation of the presidency and shared legislative power. One key aspect of this reform process was the creation of the Federal Electoral Institute (IFE), which is now entirely independent of the executive branch of government. In addition, new legislation allowed the government to distribute sufficient funds to political parties so they could organize competitive campaigns. Another key to the democratization process was the emergence of independent print and broadcast media.

Global Exchange, a non-governmental organization dedicated to supporting human rights and opposing war and military interventionism, organized this pre-election observation team. Since its founding in 1988, Global Exchange has supported democratic processes by organizing electoral observation teams in more than 12 nations, including El Salvador, Nicaragua, South Africa, Indonesia, Haiti, and the United States. Global Exchange educational programs inform the public about international issues and the role of the United States in international affairs.

This is the ninth Global Exchange observation team to visit Mexico. In 1994 and 2000, Global Exchange organized the largest teams of international observers in Mexico. This team worked with *Alianza Cívica*, the Mexican partner Global Exchange delegations have worked closely with since 1994.

The 2006 team is composed of observers from Canada, Japan and the United States. Its members have had extensive and wide-ranging experience in electoral observation, including observing

elections in Africa, Eastern Europe, Latin America and Asia. Their experience also includes reporting on Mexico since 1988, serving with official election observer teams since 1994, teaching university courses on Mexico, and writing academic studies on the country.

During their stay in Mexico, team members met with representatives of the three major parties, both in Mexico City and in the states they visited. They met with officials of the IFE and representatives of other governmental agencies, including the director of *Oportunidades*, a \$3.2 billion per year program serving the needs of Mexico's poorest citizens. In addition the team spoke with journalists, non-governmental organizations and Mexicans from many walks of life.

After their initial stay in Mexico City, the team divided into two groups, which visited the states of Oaxaca and San Luis Potosi. In these states team members visited areas that had experienced conflict during election times in the past and interviewed representatives of political parties, government social programs, council members of Local IFE offices, *ejido* officials, and various non-governmental organizations.

Electoral Context 2006

Mexico's 2006 presidential elections are taking place in a highly competitive and uncertain climate. With less than a month to go before the election, the number of undecided voters greatly exceeds the narrow gap in the polls between the leading candidates. No one can predict, with any degree of certainty, which of the candidates will emerge as the winner.

There are other factors that add tension to this first presidential level test of Mexico's recent democratic opening:

The intense competition has set off volleys of negative campaigning, unprecedented in Mexican politics. The personal nature of these attacks threatens to undermine the ability of the eventual winner of the election to form the social and political consensus needed to govern effectively.

Perhaps more worrisome, violent confrontations and lethal state repression have marred the presidential campaign season. In early May, a massive security operation in San Salvador Atenco led

to the deaths of at least two protestors and the jailing of dozens more. Another lethal crackdown took place in April against striking miners in Lazaro Cardenas, Michoacán leaving two workers dead and more than forty injured. Both these events have revived images of violence and social conflict that many Mexicans thought they had left behind when they voted to end the 71-year monopoly of presidential power six years ago. The events have also marred the fresh image Mexico gained internationally after the historic elections of 2000.

The teacher strike in the state of Oaxaca also has the potential to impact the election. The demands of the teachers backed up by an ongoing occupation of the center of the state capitol as well as blockades and massive marches carried out by the teachers and their supporters have been rejected by Governor Ulises Ruiz. In response the teachers have threatened to boycott the elections and blockade the headquarters of the state IFE.

In recent days, tensions have been relieved somewhat by declarations by all candidates that they will respect the outcome of the July 2 election and by their stated intentions to sign a “Civility Pact,” known as the *Acuerdo Democrático por la Equidad, la Legalidad y la Gobernabilidad*.

Vote-Buying and Voter Coercion

So-called “*compra y coaccion del voto*” are perceived to be acute problems in certain parts of the country in the 2006 electoral cycle. According to Article 403 Paragraph 6 of the Mexican Electoral Penal Code (CPE), vote-buying is “the solicitation of votes in exchange for pay, gifts, the promise of money, or other compensation during electoral campaigns or on election day.” Articles 403 to 407 define different types of coercion of voters by individuals, poll workers, party officials, candidates, and public servants. Despite these definitions, there is widespread confusion about the legality of many activities involving the distribution and use of state resources and undue influence exerted on voters by the state. According to experts in Mexican electoral law and policies, including both members of civil society and electoral officials themselves, the legal norms regarding vote-buying and voter coercion are vague and therefore extremely difficult to identify and enforce. In addition to potentially violating Mexican electoral law, such tactics also seriously impede the conduct of free and fair elections.

Compra y coacción del voto plagued Mexican elections for decades. During its seventy-one year reign in Mexico, the PRI continually resorted to both vote-buying and voter coercion in order to retain power at all levels of government. Under PRI rule, communities witnessed a broad array of strategies such as promises of increased spending on social programs, the threat of removal of social assistance, and the distribution of both cash and in-kind benefits such as building materials, food, utility services, and agricultural inputs. PRI officials found numerous ways to manipulate voter registration lists and voter credentials to coerce and induce voters into voting for the “official party.” These tactics were particularly effective in rural areas among the marginalized communities who were especially vulnerable due to pervasive poverty and illiteracy. PRI leaders also took advantage of indigenous peoples, capitalizing on language barriers and these peoples’ unfamiliarity with the procedures for selecting leaders and making decisions in the dominant political system.

In this visit, delegates heard numerous allegations by electoral officials, party representatives, community advocates, and ordinary citizens of incidents of vote-buying and voter coercion in the current campaign. While they were unable to substantiate many of these claims, a significant number appear to have sufficient merit to warrant concern. Several officials explicitly expressed concern about the use of cellular phones with digital cameras in the voting booths to verify votes for particular parties or candidates. Given the different kinds of vote-buying and coercion, the delegation distinguished between the following types of allegations:

- 1) Those alleging illegal or unethical behavior on the part of a candidate or official of a party currently in power. These involve the use of state funds for political campaign purposes and encompass the majority of the allegations.
- 2) Those alleging illegal or unethical behavior on the part of candidates or officials of parties competing in the elections but not currently in power.
- 3) Those involving non-state actors. These claims represent a small minority of the allegations, but due to the number of potential voters involved, they could constitute a significant percentage of votes in a given district.

In the Milpa Alta precinct of Mexico City, the PRD candidate for Precinct Director, José Luis Cabrera, has filed two complaints to the Special Prosecutor for Attention to Electoral Crimes (FEPADE) against the precinct for illicit use of state resources. One complaint involves the continued promotion of public works within forty days of the election, actions prohibited by the Neutrality Agreement. A second complaint alleges that precinct employees attended campaign events for the PRI candidate during work hours – an illegal use of public employee salaries.

According to the Local Council of the IFE in Oaxaca, as well as party representatives, community members, and NGO personnel, the southern state of Oaxaca exhibits incidences of *compra y coaccion del voto* unrivaled in current Mexican politics. Due to the inordinate number of beneficiaries of social assistance programs in Oaxaca (50% of Oaxaca residents are enrolled in *Oportunidades*), and particularly the number of federally funded programs, opportunities for malfeasance abound. Federally funded programs administered by state and local officials are particularly vulnerable to manipulation. In addition to such opportunities, social conflict arising from land disputes, popular mobilizations, state repression, and armed insurgencies create highly adverse conditions for elections.

In San Blas Atempa in Tehuantepec municipality of Oaxaca, delegates heard numerous allegations of the manipulation of various federal social assistance programs by local PRI authorities for partisan activities prohibited by the electoral code. Residents described political manipulation of programs involving cash assistance, health services, home construction materials, and other in-kind benefits. Of greatest concern to delegates were repeated allegations of political favoritism and possible voter coercion arising from the manner in which a cash benefit for elderly poor called *Tercera Edad* is currently administered. Rather than benefits being distributed by a non-partisan third party, *Tercera Edad* monies are disbursed from the home of a state Deputy of the PRI who also happens to be a local cacique and PRI candidate for Federal Deputy. Given the ongoing political violence and conflict (recent assassinations, political prisoners, and numerous residents under arrest warrants), non-PRI residents of San Blas said that they feared to ask for cash benefits due them because of threats to their personal security. With elections less than a month away, such manipulation may constitute an attempt to coerce non-PRI beneficiaries of social assistance programs into voting for PRI candidates.

The municipality of Aquismón is located just south of Ciudad Valles in San Luis Potosí state and is currently under PAN leadership. While in the municipality, the delegation spoke with officials of the PRD/ PT coalition as well as the PRI. Although allegations of vote-buying and voter coercion were made by all party representatives against others, the delegation heard a concrete example of vote-buying and pressure to vote in favor of the PAN from a PRD supporter, in the offices of the PRD. Anastacia Hernández Rodríguez told the delegation that in her community, Tampaxal, representatives from the PAN had visited her barrio of La Cruz in May and June and handed out building materials. She said that when receiving the materials the PAN officials made it clear that it was “under the condition...that we change our vote and with acts of intimidation, that if we didn’t vote for the PAN, things would go very bad for us...”. Hernández responded to the PAN officials that she would be going to vote for whom she preferred, but she told the delegation that people in her community might accept the materials offered because of the financial hardship they have experienced following the reduction of PROCAMPO subsidies for coffee and other goods. The PRD candidate, Rosendo Rojas, told the delegation that this example of vote-buying and voter coercion was being documented and soon would be formally presented as a complaint to the FEPADE, although he was not confident that the FEPADE would take action on this case.

The most extensive case (both in documentation and quantity of money) of use of state funds for campaigning in favor of the PAN was brought to the delegation’s attention at the PRD offices in Mexico City. PRD representatives alleged that the National Federation of Producers in Agriculture, Forestry, and Fishing (FENPA) had been awarded substantial additional budgetary allocations under the condition that a portion of this funding be transferred to the personal bank account of a Federal Deputy for the PAN, and then diverted to the PAN presidential campaign. Upon hearing of this case, the delegation arranged a meeting with Arnulfo Montes Cuen, President of FENPA. Following is a summary of the statement provided to the delegation by Montes on June 10, 2006.

According to Montes, in July of 2005 the Secretariat of Social Development (SEDESOL) allocated 15 million pesos to FENPA for its rural housing programs benefiting rural poor around the country. Shortly thereafter, he was contacted by the same SEDESOL representative and told that FENPA would receive an additional 40 million pesos for its

budget, at which time he and other FENPA staff proceeded to prepare the documentation required for SEDESOL to disburse the funds.

After the documentation was submitted in late 2005, in February 2006 Montes was told that the funds were ready. However, upon arriving to SEDESOL on February 2, 2006, he was instructed that in order to receive the funds he would have to meet immediately with PAN Federal Deputies Jorge Luis Preciado Rodriguez and Jose Isabel Trejo Reyes at the Hotel Fiesta Americana. They told him that the money was ready to be released to FENPA on the condition that he deposit 27.5 million pesos in cash into two bank accounts, one of which was in Preciado's name. Montes refused. Two days later he was abducted in Cuernavaca, Morelos by police from the state of Sonora, held *incommunicado* for five days, and transferred to a prison in Sonora where he was held on fabricated charges and held on 200,000 pesos bail. After paying bail he returned to Mexico City to denounce his abduction and initiate legal proceedings before the appropriate institutions.

During Montes' detention, the FENPA offices in Mexico City were broken into and most of the documentation stolen. Upon his return Montes also discovered that SEDESOL allocations for FENPA had been transferred to an organization called *Huehuetépetl Comunitaria*, a newly registered non-governmental organization. After extensive investigation, including an interview with the SEDESOL director who said that the orders to give the money to *Huehuetépetl* had been directed by PAN Federal Deputies, Montes discovered that 17.5 million pesos of the 55 million pesos granted to *Huehuetépetl* has been transferred into the bank accounts of eight PAN representatives. The remainder of the money has been passed to individual representatives in those states.

The case has been submitted to the Attorney General's Office (PGR) and is currently under investigation by the FEPADE. Seven complaints have been filed to various legal authorities in the case, though none of the complainants had received a response at the time of this writing.

Electoral Institutions and Administration

The three main institutions of the Mexican electoral system are the Federal Election Institute (IFE), the Special Federal Prosecutor Office for Electoral Crimes (FEPADE), and the Electoral Tribunal of the Federal Judiciary, known colloquially as TRIFE. Broadly speaking, the first is the main administrative organ of the electoral system and is an independent body, the second deals with crimes under election law and is an agency within the PGR, and the third handles cases relating to the administrative decisions of the first and is part of the federal judicial branch of government. The remarks here relate mainly to the first two.

The delegation recognizes the critical work of the IFE, an institute that has become a model for developing democracies worldwide. A wide range of interview testimony gave evidence of the high regard and confidence placed in IFE by Mexican party and state officials as well as civil-society representatives. This confidence referred especially to the electoral registry, the ease of access to polls by party representatives, and the anticipated conduct of the process on election day. IFE photo credentials and other measures have vastly increased the accuracy and security of the voter rolls. The institute trains local citizens, chosen by lot, as IFE functionaries to run polling locations and count the ballots on the day of the election. Citizens can also play a role in the process as citizen observers or as representatives from a political party. In such cases they can either register with their local party to be an official representative or can become a designated observer through a local NGO. Finally, the delegation welcomes IFE's recent efforts to reach out to historically excluded monolingual indigenous communities by providing materials and education in indigenous languages for voters and polling-place officials.

However, the delegation did hear some criticisms. Among these were criticisms related to the context IFE inhabits. For one, it was widely recognized that, whatever its causes, the lack of representation of one of the major political parties on IFE's General Council unfortunately called into question, to some extent and among some interviewees, its reputation for neutrality. A few interlocutors related this to the wholesale change of the Council in 2003. Nevertheless, all of this was balanced by expressions of confidence in the quality of the institution and its General Council. One paradoxical result of IFE's achievements may be that it has outpaced changes in political culture, especially in the countryside. In one town in San Luis Potosí, for instance, an official in an

opposition party, after describing IFE's failure to prevent a local health official from parking his decal-covered truck near the entrance to the clinic, said "if there's conflict around here, we'll hold the IFE responsible."

Furthermore, both in the capital and in the two states visited, some party officials and civil society representatives argued that the institute responded differently to negative "spots" run by the PAN compared to ones aired by the coalition of PRD, PT and *Convergencia* parties, known as the *Coalición por el Bien de Todos*, and that this inequity negatively affected the tone of the campaign. Meanwhile, PAN party official Geraldo Prieto Tapia worried that IFE's action to disallow spots could be the first step on a slippery slope to censorship.

Both national and local actors marveled bitterly at the vast expense of the campaign. However, the delegation recognizes the original intent of generous public funding for campaigns—to insulate the electoral process from private contributions.

A few concerns related to the location of polling places. In San Luis Potosí, the delegation heard concerns about the lack of polling stations in rural areas. These rural voters might need to depend on the transportation of an individual or party and could thereby be vulnerable to pressure or coercion to vote in a certain way. In the highly conflictive community of San Blas Atempa, Oaxaca, two polling stations are alleged to be located on properties owned by the state-level deputy who is also the PRI candidate for Federal Deputy.

In some places an increasingly tense social climate could discourage citizens from participating in the process. Representatives of one political party in Oaxaca have been trying to guard the names of their polling station representatives before the election in an effort to shield these party representatives from threats or violence.

The delegation encountered more serious worries about FEPADE and the process of filing formal complaints regarding violations of electoral law. The delegation noticed a fair amount of confusion about the process for submitting such complaints to the appropriate electoral body, both among citizens as well as party representatives. A survey done by a group of civil society organizations,

Comité Conciudadano de Seguimiento del Proceso Electoral, found that as of the spring of 2006, only a quarter of beneficiaries of the social assistance programs *Oportunidades* and *Empleo Temporal*, a group that historically has been vulnerable to coercion, knew how to present an elections-related complaint. The delegation to San Luis found that several candidates and campaign managers did not know where the local FEPADE office was or how to contact it. Few even admitted to knowing the function of the FEPADE. Additionally, the delegation heard from multiple sources that many citizens resist submitting a formal complaint because of fear of retaliation. One prominent newspaper editor in Ciudad Valles opined that people were afraid to enter the FEPADE office to file a formal complaint because they were intimidated by the fact that the office was housed within the PGR offices. In the capital, a national party official considered that FEPADE was too small for its responsibilities. Silvia Alonso, director of *Alianza Cívica*, expressed concerns about FEPADE's independence given that it is administered within the PGR.

One anecdote from a Tenek community near Aquismón, San Luis Potosí offers reasons for both concern and hope: when a candidate from the local ruling party dropped in on a meeting of *Oportunidades*, two citizens demanded that the meeting be postponed until he left. In the interim, another phoned the FEPADE office in Ciudad Valles. The official they contacted recommended that they videotape the meeting and the candidate, or lacking a video camera, to take photos—passing the responsibility to the citizens. Deciding to prevent a crime rather than investigate one, the community postponed the meeting.

Media Coverage and Access

Although concerns remain, one of the areas that both reflects and contributes to the strengthening of democracy in Mexico is the evident improvement in media coverage and independence. Today the media in Mexico provides more equitable coverage of politics and more access to opposition parties than in the past. While media access and coverage was a topic of major concern during previous presidential election processes, the individuals interviewed during this delegation did not emphasize the media as a significant cause for concern. Criticism of the three principal presidential candidates can be found on a regular basis in the Mexican media, particularly in the national newspapers. The IFE reported to this delegation that the national broadcast media has provided access to all political

parties in an equitable manner. The IFE, as well as civil society organizations such as *Alianza Cívica*, have contributed to these improvements through their media monitoring projects.

Despite the improvements, however, concerns persist regarding the role of the media in the electoral campaign. For example, the delegation is concerned that the television news coverage of the campaigns has exhibited a bias against the *Coalición por el Bien de Todos*. The IFE's media monitoring project has collected statistics regarding positive, negative and neutral coverage of each of the political parties in the broadcast media between January 19 and April 30, 2006. According to the data, Televisa – one of the two dominant television stations – mentioned the PAN in a negative manner 25 times, the *Alianza Por México* (a coalition of the PRI and the *Partido Verde Ecologista de México*) 46 times, and the *Coalición por el Bien de Todos* 91 times. TV Azteca, the other major television network in Mexico, mentioned the PAN in a negative light seven times, the PRI/*Alianza Por México* eight times, and the *Coalición por el Bien de Todos* 23 times. The apparent bias is particularly significant considering that the vast majority of Mexicans receives its news from television and radio rather than newspapers.

Mexican and international observers have criticized the high level of campaign expenditures in Mexico. The bulk of that funding, which is largely provided through Mexico's public campaign finance system, has been used to purchase commercials in the broadcast media. According to the data provided to the IFE by the three major presidential campaigns, between January 19 and May 15, 2006, the campaigns dedicated 72% of expenditures to television and radio costs.

Mexican citizens who criticized the quantity of spending on television and radio commercials noted two concerns: that publicly provided funds should be devoted to other campaign activities and that political commercials have displayed personal attacks and a negative tone that is relatively new to Mexican politics. The political parties have presented several official complaints to the electoral authorities about negative commercials that they believe violate election laws. In response, on both April 21 and May 22, the IFE ordered the PAN to cease airing certain commercials regarding Andrés Manuel López Obrador. Although the IFE allowed the PAN to continue using a commercial that described López Obrador as “a danger for Mexico,” the Electoral Tribunal ordered the PAN to remove it.

Other media issues may merit further investigation. The IFE has not been able to confirm whether the television and radio stations in the states are providing equal access to all political parties. Although representatives of the PRD asserted that the images used in the press favor Felipe Calderón over López Obrador, the delegation has not received documentation regarding this concern. Additionally, analysts have speculated that the PAN has been offered more affordable advertising rates than the PRD, although an adequate examination of this issue has not been undertaken.

Recommendations

1. Clarify the electoral laws regarding vote-buying and voter coercion, the use of public resources, the jurisdiction of electoral authorities and other election issues.
2. Strengthen the safeguards in federal social assistance programs to ensure that they are not used to influence voters inappropriately.
3. Improve civic education programs regarding the process for filing complaints of election crimes and irregularities.
4. Ensure that the composition of the IFE General Council reflects the impartiality, nonpartisanship and prestige of the institute.
5. Ensure that federal and state election authorities have the resources and obligation to investigate and respond to official election complaints in a timely and effective manner.
6. Remove the FEPADE from the PGR to ensure its independence.
7. Respond to citizen concerns regarding the high level of campaign spending.

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