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What Ails Mexican Democracy

Too Much Hope, Too Little Change

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Millions of Mexican citizens will go to the polls on July 1 to elect a new president, just as they have done, like clockwork, every six years since 1934. If experience is any guide, the election will proceed without incident: polls will open on time, observers will pronounce the voting to have been “free and fair,” and the losers will congratulate the winner, even if they also pledge to “continue the fight.” But all is not well with Mexican democracy. Public support for democratic institutions is low, and faith in the democratic process is waning. The current president, Enrique Peña Nieto, has logged some of the worst public approval ratings ever recorded in Mexico—as low as 12 percent, according to one poll from January 2017 ^[1]. His administration is widely blamed for failing to solve Mexico's most vexing problems: civil-war-like levels of violence, high crime rates, blatant corruption and impunity at the highest levels of government, a continuously impoverished countryside, and a long-term failure to extend the provision of public goods across the whole of Mexican territory.

What is to be done?

If Mexicans seek a solution to their country's current political ills ^[2] from among this year's crop of presidential candidates, they are looking in the wrong place. The truth is that electoral competition is not the solution to most of the problems that beset Mexico and other Latin American democracies. In fact, it is likely that much of the democratic malaise in the region results from an undue focus on presidential elections and the campaigns that precede them.

A quick review of the facts related to crime and impunity help to illustrate why so many Mexicans are discouraged. Almost 30,000 individuals have disappeared since 2006, meaning they vanished without trace, and officials routinely decline to open investigations when families ask for help. This feeds the impression of official collusion with criminals, which may explain why only about one in ten kidnappings is reported to authorities. After a steady decline in homicides in the early 2000s, rates tripled between 2007 and 2011, and spiked again in 2016. This past year, 2017, appears to be the most violent on record, with almost 30,000 murders reported to the authorities—a number comparable to the annual death toll in war-torn countries like Iraq and Syria. These numbers are also comparable to statistics from some of the most violent cities in

the United States, such as St. Louis and Detroit. Yet, the major difference lies in homicide clearance rates. About two-thirds of homicides in the United States result in an arrest and indictment, while the rate in Mexico is less than two percent. This glaring discrepancy reveals the systematic failures in the Mexican state's ability to protect its own citizens and is a prominent example of ineffective governance.

In the past, the ritualistic elements of Mexico's electoral cycle helped to sustain the political system, even in the face of poor governance, by providing a veneer of democratic legitimacy while simultaneously curbing the participatory impulses of the citizenry. For example, the scripted familiarity of campaign slogans and promises—which hardly vary from one election to the next—help to momentarily deflect attention from the shortcomings of dysfunctional government institutions and corrupt politicians. This ritual plays out every six years in Mexico, as the drama of competition between candidates sets citizens up for the release brought on by victory or the let-down of defeat on election day. Yet, the new president invariably fails to deliver real change and dashes the expectations that were roused in the long months of the campaign. Under a new administration [3], with little to show for the promises made during the campaign, that same electorate confronts the dawning realization that the status quo reigns, and their disappointment festers until another electoral cycle begins. For years, this pattern has helped to sustain the political system. But it is starting to wear thin.

Mexicans are increasingly aware of the chasm between the vapid superficiality of electoral campaigns and the deep complexities of their country's most troubling political and economic problems. The tone of the presidential race (campaigning officially begins on March 30) makes clear the mismatch. The main candidates have formed party coalitions with bland, poll-tested names like Todos Por México ("All for Mexico") for the ruling party's ostensibly centrist- candidate José Antonio Meade, and Juntos Haremos Historia ("Together We'll Make History,") for left-leaning candidate Andrés Manuel López Obrador. Their official slogans are not much better, and their campaign promises are no different than the standard pabulum that politicians offer to voters every electoral cycle: better salaries for teachers, saving the countryside, and an end to corruption—"in less than six years," promises López Obrador. Ricardo Anaya Cortés, a third leading candidate from a conservative-led coalition, has taken a bold stand in assuring Mexicans that he will not "pay for the wall"—as though any other Mexican politician would agree to such a thing. To be fair, there are significant policy differences among the candidates, as well as differences in their character and abilities. But the electoral campaign will not shed much light on these differences. Rather, the road to election day will predictably be dominated by sound bites, transparently empty promises, and a preference for flash over substance. It is easy to understand why Mexicans have one of the lowest levels of satisfaction with democracy in Latin America. (In one recent study, only Haiti and Venezuela rank lower [4].) It is also clear why they are among the most likely in Latin America to express support for a "strong leader" [5] who would not have to deal with a legislature.

Could support for democracy in Mexico be at a breaking point? Would a contentious outcome in July lead to further degradation in democratic legitimacy, or even to political violence? We do not believe Mexico has reached that point. But one of the main reasons that democratic legitimacy is so precarious is that both citizens and leaders put too much faith in the ability of elections to generate a well-functioning democracy. Improved democratic governance in Mexico will depend on a broader range of institutional reforms. Three areas for improvement are especially pressing: the professionalization of the bureaucracy, improved transparency, and judicial reform.

As in many Latin American countries, Mexico's bureaucracy has long been inefficient, indecisive, and susceptible to various forms of corruption [6] like patronage appointments and personal enrichment. As such, the country's most promising young professionals have often eschewed careers in the public sector. Mexico's solution was to create a more professional civil service program in 2003. Admission to the program is competitive, and professional advancement is dependent on continued training; those who do not progress could be weeded out. There has been a comparable shift with respect to transparency. In the past, it has been impossible for Mexican citizens to access the sort of information needed to hold the government accountable, whether it be routine information on salaries and budgets, or more sensitive information on public security and human rights. In 2002, the administration of Vicente Fox passed the Ley de Transparencia ("Transparency Law"), a sweeping reform that released to the public several decades' worth of government documents, including intelligence reports related to the 1968 massacre of students in Mexico City on the eve of the Olympics. The law also established a publicly accessible clearing-house of federal government information, including a web portal through which individuals can file requests for additional information and view the salaries of federal officials, among other things.

These reforms have potential, but their scale is far too limited and their impact so far has been minimal. Both programs are only in force at the federal level and they have not been duplicated at state and local levels, where government performance typically lags. This is both a top-down and bottom-up issue. The culture promoting entry into the civil service has failed to trickle down to state and local agencies. Mexico needs systematic change to promote the professionalization of the bureaucracy from top to bottom. At the same time, citizens need to take advantage of the channels opened by the Ley de Transparencia to hold government officials accountable for abuses and to demand more comprehensive access to state- and municipal-level data. Increased transparency under this law cannot be taken for granted, since officials have attempted to circumvent the law and limit its applicability on several occasions. For example, public access to the files from intelligence agencies, which included information on the 1968 massacre, has been gradually restricted since 2012 to the point where the files have essentially been reclassified. Neither bureaucratic reform nor increased transparency are issues that will dominate a presidential campaign. Solidifying the gains made to date, and building on them, will require sustained pressure from the Mexican public as well as committed action from within the government.

Yet the single most pressing issue for the future of Mexico's fragile democracy is the renovation of the judiciary. The combination of rampant impunity, the lack of accountability, and the failure of law enforcement, including the judicial branches, to counter the security crisis afflicting large swaths of the country renders this the most difficult issue to tackle. There have been some positive signs, including the arrest of several current and former governors on charges of corruption [7], the recent push for more independence in the attorney general's office, and Peña Nieto's establishment of the National Anti-Corruption System, a blue-ribbon watchdog commission to combat corruption. Yet the president has also stoked perceptions of corruption and impunity by blocking this same commission—which he created—from investigating several cases that involve his own political allies. His administration is also mired in scandal for deploying spyware to intimidate journalists and human rights activists. So, while reform has occurred sporadically, the negative signs often seem to outweigh the positive ones. For example, the United Nations' High Commission for Human Rights and the Inter-American Commission on Human Rights, among others, have expressed concern that the Law of National Security, which came into effect in December 2017 and expands the authority of the military to police civilians, will lead to even greater human rights abuses because of weak accountability mechanisms and the lack of regulation of the military's use of force. If anything, passing such a law takes away

incentives to reform the judiciary and the police, since it militarizes policing functions that should be handled by civilian staff with civilian oversight. The United States should oppose such changes, especially given its role in supporting Mexico's struggle for security under the Mérida Initiative, a bilateral security agreement signed in 2007. Most resources from the agreement have been reserved for military and intelligence cooperation, with limited results. Instead, resources within the initiative should be committed to reforms of the criminal justice system beyond mere technical assistance and training.

The adoption of democratic institutions has been the most salutary political development in the history of Latin America. As rule by despots and military juntas—or, in the Mexican case, by a hegemonic party that held power for over 70 straight years—has given way to rule by competitive elections, most countries in the region have prospered economically and have improved the prospects for liberty and human flourishing. Elections have been indispensable to this transformation, but they are only one piece of the puzzle. Their value lies in their ability to produce the peaceful transfer of power and to reinforce norms of democratic competition. In and of themselves, elections do not solve social problems. Nor do they do much to strengthen other institutions critical to democracy and the rule of law. In many ways, Mexico is moving in the right direction. But for every encouraging sign, like the extradition of a drug lord to face justice in the United States, there are many more challenges, like the assassination of journalists and the failure to find the truth about the disappearance of the 43 students of Ayotzinapa. The challenges are immense. If they are to be met, it will be through deep institutional changes propelled by sustained public pressure for more transparency, accountability, and rule of law. Partisan political activity and electoral participation will not suffice. Putting too much faith in elections—even a momentous one as Mexico is about to experience—will only lead to frustrated citizens, democratic malaise, and a continuation of the status quo.

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