EXECUTIVE-LEGISLATIVE RELATIONS: THE CASE OF MÉXICO
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**Introduction**

In the case of Mexico, the problem of interbranch balance and, more generally, of executive-legislative relations is important not only because, as theorists have shown, it has a major impact on democratic stability and on the presidential system's performance, but also because the country has moved into an altogether new political environment—an environment of political plurality—with little or no experience and the regime is still in the process of being reformed. In this sense, the discussion of the interbranch relation and balance may be of the utmost importance in drafting some of the aspects of the pending state reform.

Analyzing executive-legislative relations in Mexico poses certain difficulties not found in other case studies. First, there is the wide gap between formal and informal powers of the executive. Presidents in Mexico are far more powerful than what one would have expected from an analysis of their formal prerogatives. In fact, the analysis of the formal powers granted by the Constitution to the executive and legislative branches is definitely insufficient to understand the interbranch balance of power during the long time dominance of the official party (the Partido Revolucionario Institucional) in Mexico. As it will be shown in this chapter, the explanation to this fact lies more in the party and electoral systems and in the incentives these have created, than in the abuse of power or usurpation of powers by the presidency.

A second difficulty is posed by the fact that the Mexican political system is still moving from a long-standing hegemonic, quasi-single or overdominant party system to a much more plural one where, today, the chamber of Deputies is divided among three important parties (47.8% for PRI, 24.2% for PAN, 25.2% for PRD). The plurality of Congress, in particular of the Chamber of Deputies, is a relatively new fact in Mexican political life. Although most analysts date the liberalization of the political system in 1978 with the first serious electoral reform since 1963-1964, it was not until 1988 when the Chamber experienced a profound change in its composition, a change which allowed, at least as a precondition, the alteration of the balance of power between the executive and the legislative branches of power. The fact that the President's party has lost its majority in Congress means that formal powers will begin to play a larger role as a determinant in executive legislative-relations.

The questions relevant to the analysis of executive-legislative relations may be the same in both periods but the answers are definitely not. While we may offer some more or less clear-cut explanations regarding the determinants of the relation and why they operated in favor of the executive during the period of dominance by the PRI, the same cannot be said regarding the period in which Congress began to
house an important number of representatives from other parties. For this period, the most we can do is to venture some tentative statements regarding the probable future of the relation and suggest, based on other countries’ experience, reforms which may enhance the prospects of a more balanced relation.

Drawing on the work of Shugart, Carey and Mainwaring, three types of power that define the interbranch balance have been identified:

- legislative powers of the executive
- executive powers of the legislature
- partisan powers of the executive

The first two—presidential law-making powers and the legislature’s executive powers—have changed over the years but not particularly in the course of the liberalization of the political system. As will be seen in the next section, most reforms affecting the constitutionally endowed powers have been in the direction of strengthening the authority of Congress. Nonetheless, the greatest transformations in the recent years have come as a result not of the alteration in formal powers but rather as a result in the composition and behavior of Congress which has affected the capacity of the president and Congress to attain their goals through the use of their faculties. (Nonetheless I will be claiming that what is already affecting the balance between the executive and Congress is not so much the alteration of these formal powers but, rather, the capacity of the president and Congress to attain their goals through the use of their faculties.) An example of this is readily available. Now as before, Congress has the power to oppose a presidential bill but while a decade ago the opposition could not gather a majority to do so, now it can work out a coalition to stop a presidential initiative.

The other type of power—the president’s power over his party—has suffered more as a consequence of the changes in the party system and the alteration in the structure of political opportunity of the system, that is, as a result of having moved towards electoral democracy, towards entrenching the principle of electoral sovereignty.

In what follows I present an overview of executive-legislative relations before the opening of the system began and an analysis of the three types of power that have been identified above for both the “classical” and the “transition” periods.

II Congress and the Executive: an unbalanced relation

Although there are few indepth studies which offer hard empirical analysis about the activities of Congress and the behavior of legislators, the picture that emerges from the analysis of executive-legislative relations in the past is one of absolute domination by the executive (see Section III below), of a Congress which has not
been up to the powers granted to it by the Constitution, of a Congress which has had a poor performance regarding its lawmaking and oversight authority.

The explanation to this fact does not lie, I want to argue, in a defective constitutional distribution of power between the two branches, that is, in an exaggeratedly strong presidential format but rather in other features of the political system that have greatly increased the scope of presidential power.

A brief review of the Congress's powers will readily show that the constitutional ordering of the legislative power establishes the independent origin and survival of Congress, allows it to perform the two basic roles for which it was created and endows it with the means to do so.

The independent origin and survival of Congress is “guaranteed” by the Constitution. Articles 41 and 50 to 61 regulate the constitution and composition of Congress. Following the essential characteristics of presidential regimes, maximum separation regarding origin and survival is observed. The terms of the legislature are fixed and in no way contingent on the confidence of the executive.

The law-making authority is ample enough and of the three branches, the legislative is the one with the greatest number of prerogatives in the economic, politico-administrative, judicial and social spheres (see Appendix 1).

Provisions for the checking of the executive appear sufficient and adequate enough to make good the division of powers and to serve the countervailing purpose.

Of all constitutional articles, those regarding the powers of Congress (art. 73) or one of its chambers (arts. 74 and 76) are the ones that have been reformed most. Of the over 300 reforms as of 1997, more than 50 correspond to these three articles. Although along the 80 years that the Constitution has been in place there are cases where reforms have decreased the powers of Congress vis a vis the executive, most have increased them.

To these constitutional articles one must certainly add the electoral law that regulates in a very detailed way the procedures of competition and the distribution of seats. The importance of electoral laws and those that regulate competition cannot be underscored for through them the division of powers established by the Constitution can be greatly altered.

Orozco Henriquez (1988:27-39 and 50-110) gives a detailed account of the evolution of the powers of the Mexican Congress and of the executive. Reforms increasing the power of the executive correspond, mainly, to the first two decades after the Constitution was drafted. Among those reforms which purpose was to strengthen the executive, the following stand out: allowing re-election for the president (reforms of 1927 and 1928 but reversed in 1933); extending the presidential period to 6 years; enhancing the administrative system under control of the executive; expressly delegated powers under paragraph 2 of article 131. However, the legislative branch has increased its powers more relative to the executive. There is not enough space to give a detailed account of the extension of powers of Congress but the following may serve as examples: right of the Permanent Commission to convene Congress to hold extraordinary periods; extending the terms served by Congressmen from 2 to 3 years; right to call before Congress the secretaries of state as well as directors and managers of state enterprises; a number of controls over administrative and
Notwithstanding all these powers the Congress does find limits in its action towards the executive. Congress is constrained in its ability to provide specific direction to policy through legislation and to oversee the policy implementation and regulatory acts of the executive to the extent that the Presidency is also constitutionally provided with extended legislative powers: veto, rights to initiate legislative proposals, rule making authority and decree powers. All these powers place México among those countries that have been qualified as having strong presidentialist regimes, but in no way make it an extraordinary case. Given the wide array of legislative and non-legislative powers granted to Congress by the Constitution it does not seem wise to conclude that the Mexican Congress is constitutionally impaired or poorly equipped to act as an autonomous power.

However, a brief review of the behavior of Congress in post-revolutionary Mexico gives an image of a weak institution, of a subordinated power. Weakness and subordination are patent in the domains where congressional action is expected. Congress in Mexico has played a rather poor role in lawmaking. It is not only that Congressmen are seldom initiators of law proposals but also that they do not play the role of stopping or substantially amending those sent by the executive. The general image that Congress has played a poor role can only be relatively substantiated. In fact, there are very few studies on the behavior of Congress regarding initiatives from the executive. One of them is González Casanova's La Democracia en México (1965) which concludes that in 1935, 1937 and 1941 all (100%) law initiatives sent by the executive to Congress were approved unanimously. The average number of initiatives passed unanimously in the period 1943-1961 was 77% and the average opposition to initiatives was never over 5%. In another study, Goodspeed (1955) records some important initiatives that were blocked in the early postrevolutionary years (1917-1934) and although he accepts that those years saw a more combative Congress he nonetheless concludes that it had a subordinate role vis a vis either the strong man or the President. Regarding the economic matters; the establishment of two instead of just one congressional term; and, very importantly, several electoral reforms. More recently, autonomy was granted to the Bank of Mexico and to the Federal Electoral Institute subtracting from the direct control of the executive these two institutions. It is imperative to mention that beginning in 1997 the Major of Mexico City, which was an appointment reserved to the head of the executive, became a popularly elected post.

This does not mean in any way that the legislative branch of government cannot and should not be strengthened through constitutional reform.

Although a compliant Congress, that is, a Congress that supports permanently all or most initiatives from the executive, is not proof enough of powerlessness or subordination, it is nonetheless striking that term after term during over four decades Congress records a minimum of rejected or substantially reformed pieces of legislation.

It is difficult to say how accurate the figures presented by González Casanova are. There is evidence, for example that Cárdenas' initiative regarding the tradeunionization of federal public employees was delayed twice by Congress. In the end it was approved in 1938 but it took the dismissal of those members of Congress that opposed the proposal (Goodspeed 1955:131-132).
budget, an area where the Chamber of Deputies has the last word, Wilkie (1967) reached the following conclusions: "from 1918 to 1928 there was only one change in the budget submitted by the President and approved by the House, and this amounted to only .1%", "... the President could ignore the House and decree his budget in case of an emergency as was done in 1919, 1920, 1921, 1922 and 1924"; the 30s witnessed the last congressional budgetary modifications of any extent in Mexico. In 1932 and 1937 the President's initiative was changed by about 1% and in 1934 it was revised by 6%; "from 1939 to 1953 modifications of .1% to .2% were made", "Congress has abandoned its role as overseer of expenditure since 1954 except for a moment of daring in 1960 when it upped projections .1%" (p.17). He adds that "presidential flexibility to disturb federal funds is maximum" given the existence of a permanently compliant Congress (p.19).

The general image is then that initiatives have traditionally passed either unamended or passed with minor amendments that might have been deemed necessary to incorporate the interests of certain sectors (within the same "revolutionary family") that had not been initially taken into account.

Congressional checking of presidential powers has not been a practice either. As stated above, the legislative branch was endowed with specific and direct powers to check executive acts. This authority covers different areas that go from confirmation of appointments to the power to indict (impeach) the head of the executive for high treason or severe offenses against the common order. However history records that Congress has seldom made use of them. Maybe the most striking example is that regarding Congress power to oversee through the Major Accounting Office the strict observance in the spending of the approved budget (art.73 fr. XXVIII). This agency, that depends on Congress, has always approved the budget even though there are clear cases where the executive has exceeded the approved budget. Carpizo (1978:149) cites the example of 1976 when the executive "borrowed on the credit of the nation" 48.4% in excess of what had been authorized by Congress. No action was undertaken by Congress in spite of the unconstitutionality of this behavior.

There are other examples. As recently as 1988-89 the opposition parties in the Chamber of Deputies, 6 making use of a constitutionally endowed right, requested an investigation of the Federal Electricity Commission and PEMEX and, in a manner that was judged unconstitutional, the PRI deputies decided to block the request.

Finally there is the area of the delegation of powers. Article 49 clearly states that two or more powers shall never be united in one single person or corporation, nor shall the legislative power be vested in one individual except in the case of extraordinary powers granted to the executive in accordance to the provisions of

6Article 93 establishes that 25% of deputies may request that a commission be set up in order to investigate the state of a federal agency or state enterprise.
Article 29 (emergency situations that require the suspension of constitutional guarantees). In 1951 article 49 was amended to include an extra provision saying: In no other case except for the provisions of the second paragraph of Article 131 will extraordinary powers to legislate shall be granted.7

Cases of delegation of powers during the early postrevolutionary period abound. Most of the time delegation did not observe the Constitutional prescriptions. From 1917 to 1940 all presidents made use of this recourse more than once. Moreover they used the extraordinary powers granted by Congress not only for the purposes for which the empowerment was made but also to legislate in as varied areas as education, industry, building of infrastructure, penal and civil codes (Goodspeed 1955).

It is true that after Cárdenas’ period (1934-1940) only once has Congress granted legislative powers on the basis of Article 29 and that was during the Second World War period. However Congress has continued to delegate powers which are deemed unconstitutional by specialists. Apart from the above mentioned second paragraph of article 131, the case of the Ley de Ingresos de la Federación para el Ejercicio Fiscal de 1978 (Income Law) can be taken as a good example of delegation. This law authorized the executive to acquire and spend 50 million pesos in internal debt and 44.5 million pesos in external debt in order to cover the spending needs of the 1978 budget. This same law authorizes the executive to undertake additional financing if, according to the President, there are extraordinary circumstances that may require him to do so (Carpizo 1978:145). Carpizo rightly states that this ordering violates article 73 of the Constitution apart from showing that Congress abdicates its “power of the purse”.

The above brief account exemplifies how the Mexican Congress has repeatedly failed to fulfill the role assigned to it by the Constitution, to underline that it has been unwilling or unable to carry out its constitutional mandate. But an explanation of this is still lacking. The question is, how can we reconcile the claim that Congress is a reasonably well built institution constitutionally speaking with the evidence that far from making good the separation of powers principle it has contributed greatly to its obstruction and has repeatedly forfeited its central roles of lawmaking and checking the executive or, as some would have it, has been

7Paragraph 2 of this article states that the executive may be empowered by Congress to increase, decrease or abolish tariff rates on imports and exports, that were imposed by Congress itself, and to establish others, likewise to restrict and to prohibit the importation, exportation or transit of the articles, products and goods, when he deems this expedient for the purpose of regulating foreign commerce, the economy of the country, the stability of domestic production, or for accomplishing any other purpose to the benefit of the country. It adds that, the executive himself, in submitting the fiscal budget to Congress each year, shall submit for its approval the use that it has made of this power. Constitutionalists have judged this article as unconstitutional and, we may add, as an abdication of the power of Congress in one of the main areas where it could have checked presidential power.
powerless in face of the executive. Surely then the weaknesses of Congress must be found in extra-Constitutional factors.

It has been established, at a formal level, that there are enough constitutional guarantees for the autonomy and independence of Congress. But in practice these are far from sufficient and unless certain political conditions are met, the way is paved for the encroachment of the executive upon the legislative either by way of delegation or abdication.

The question then is why these roles have not been fulfilled, why Congress has delegated or abdicated in a persistent manner its authority and powers on behalf of the executive. The argument I want to put forward is that it has done so because the executive was able to penetrate the representative role of Congress in such a way as to guarantee for itself large legislative contingents and to make it in Congressmen’s interest to act not as a countervailing power of the executive but rather as a permanent ally or agent of it. Put another way, by gaining control over representation the executive set the conditions for Congress to abdicate its lawmaking and checking powers.

Thus, I propose two related answers to the question of why the independence and autonomy of action of Congress was thwarted: i) by interfering in the competitiveness of the system through meddling with party and electoral regulations and, ii) by, once elected, setting up a structure of incentives that make it in the interest of congressmen to serve the interests of the executive.

Without entering into the interesting discussion of the political development of the country in the 3Os and early 40s—in particular of the development of the “official” party from the date of its creation (1929) until its transformation into the well known PRI (1946)— it can be said that the competitiveness of the political system was severely restricted through subjecting political participation outside the “mainstream” to overwhelming obstacles and by legally enhancing the executive’s control over electoral matters. Through political means first and, through more effective and legal means with the passing of the 1946 Electoral Law, the manipulation of electoral results and the decisions regarding who could participate and how participation was to take place were put staunchly under the control of the executive. With it, the main characteristics of the Mexican electoral and party systems were established for years to come: centralization of political and electoral processes in institutions controlled by the executive, a party system composed of several parties with slight chances of getting substantial shares of power and systematic manipulation of elections. By tightening the conditions for competition and participation, by establishing highly unequal conditions, by gaining control over participation.

With this argument I am discarding the idea that the executive has usurped the powers of Congress. Usurpation refers to acts of the Executive where it circumvents or bypasses Congress. The rule in Mexico has been that of delegation or of abdication not of usurpation.

An extensive description of this system and its evolution can be found in Molinar (1991).
the agencies in charge of organizing elections, large congressional majorities for the president’s party were assured.

The party system that resulted was one characterized as a hegemonic, quasi-single or overdominant party system. One in which the majority party could not be effectively opposed —whether in the electoral arena or in the arenas of representation— either by any other one party or a coalition of two or more parties.10

From 1946 until 1963, when the electoral law was relatively relaxed, opposition seats in the House of Representatives amounted to 4.7% in average. Between this last date and the 1977-78 reform, the opposition held 17% of the Chamber. From 1979 until 1987 the presence of the opposition reached 26.3% of the seats in average (see Table 2 below). Not only did the PRI held the absolute majority —until 1988 when the opposition won 48% of the seats— to pass any law but also the two thirds majority needed to alter the Constitution.

Large congressional contingents for the president’s party are not, however, sufficient to ensure an interbranch balance of power that favors the executive. Three other features combined to strengthen the position of the executive vis a vis Congress: i) a highly centralized and disciplined party capable of controlling nominations, ii) the concurrence of presidency of the country and presidency of the party in the same person and iii) the non-reelection clause. These characteristics coupled with few opportunities of career advancement outside the PRI due to the low level of competitiveness of the system constitute a clear case of a set of institutions and norms generating incentives for congressmen to behave as if they had only one constituency, the president, and to create an unbalanced relation between the executive and Congress independently of the formal powers granted to each of them by the Constitution.

Successive politico-electoral reforms (six since 1978) have affected the old equilibrium based on a) a quasi-single party which expresses itself in very large legislative contingents for the president’s party and, b) a high degree of party discipline which translated into high levels of support to the executive’s programs. Through their effects on the party system, these reforms have also altered the president’s partisan powers to control nominations, control the fate of career advancement of congressmen and enforce discipline (see section 3.3 below).

In sum, what we find in the period of stability of the political system is a combination of institutional and partisan factors that combined to yield an interbranch balance of power that greatly favored the executive. Without

10 The number of parties with representation in Congress from 1949 onwards was as follows: 4 in 1949, 5 in 1952, 4 in 1955, 5 in 1958 and 1961. Thereafter and until 1979 only 3 opposition parties were able to survive the new law and the party system would consist of 4 parties: PRI, PAN, PPS and PARM. The average number of parties jumped from 4 in the 1964-1978 period to 8.3 in the 1979-1985 period (See Molinar 1991:51 and Lujambio 1991:15).
substantially modifying the formal powers of the executive, the transition period is witnessing the erosion of these factors and will lead to the revalorization of formal powers and, most probably, to a redressing of the balance of power between the executive and Congress.

Let us now turn to a more detailed analysis of the factors that determine the interbranch balance in the case of Mexico.

III Factors that determine the interbranch balance of power

3.1 The President’s legislative powers

The legislative powers of the Mexican president do not present themselves as extraordinary if compared to other presidential countries in Latin America and do not seem to place the executive in an advantageous position vis a vis Congress (see Appendix 2).

The power of initiative is shared among the president, federal and local or state legislators. The right of exclusive introduction is granted to the head of the executive only in regards to the budgetary field where the executive must submit the incomes law and the spending budget on an annual basis. However, while countries like Brazil, Chile, Costa Rica, Colombia pre-91 and Uruguay do place restrictions on Congress capacity to amend the budget, in Mexico it has unrestricted authority to do so.\[^{11}\]

The executive in Mexico is endowed with both package and partial veto but its use is restricted to a specific kind of legislation, that of “which resolution is not of the exclusive competence of one of the chambers”. Other legislation cannot be vetoed by the chief executive. Both types of vetoes are also restricted by the possibility of override. Where a piece of legislation is rejected by the executive, the requirement for an override in Congress is two thirds of the votes (art. 72).

The Mexican president is also endowed with decree powers of different kinds and importance. A first type of decree power is essentially regulatory. In the case of Mexico this power should not be disregarded or taken as a mere regulatory capacity, not only because it is a constitutional power but also because although regulatory measures must be subordinated to the law, it is through them that a law is

\[^{11}\] Here a word of caution should be introduced. If we take the incomes law we will find that on an annual basis it empowers the chief executive to authorise additional amount of revenues when, on the executive’s perception, there are extraordinary circumstances that may call for such need. Constitutionalists agree that this practice is unconstitutional and a clear symptom of Congress abdication in this area (Orozco Henriquez 1993:209 and Carpizo 1978:145)
implemented leaving space for the executive to decide on different means and forms
to do so.

A second and stronger variant is that where the authority to legislate by
decree is delegated by Congress. The Constitution establishes two such cases. The
case of states of emergency in which, according to article 29, the president is
allowed to suspend liberties and Congress may, but also may not, grant
extraordinary legislative powers. The other case is article 131 which allows
Congress to delegate legislative powers to increase, diminish or suspend export and
import tariffs and to restrict or even forbid imports, exports and transit of goods
whenever the executive may deem it necessary.

A third variant is where legislative power is directly constitutionally granted
to the executive as in certain health issues in which the president has the power to
issue decree laws.

Thus, all in all, the Mexican Constitution establishes that the executive is
able to perform legislative functions in the following cases: regulatory or statutory
rights (art. 89 fr. I), in states of emergency (art. 29), regarding health issues (art. 73,
fr. XVI), international treaties (art. 76 fr. I) and economic regulation according to
article 131. Some of these presidential powers to legislate are directly endowed by
the Constitution (statutory rights, sanitary measures), others must first be delegated
(legislate in emergency situations), while others are subject to either ratification or
subsequent approval (international treaties and economic regulation).

Finally it is important to mention that, in contrast to other presidential
systems, the head of the executive in Mexico does not have two other important
legislative powers: a) the power to call referenda or plebiscites and b) the power to
convene Congress to extraordinary sessions (art. 67 endows this prerogative to the
Comisión Permanente del Congreso).

Although the legislative powers of the executive do not appear particularly
strong vis a vis other Latin American presidential countries, and the legislature’s
executive powers are extensive enough to check the executive and establish a
relatively well balanced relation with it, in practice we can say that the head of the
executive in Mexico has been one of the most powerful ones in the region.

The indicators to measure the legislative capacity of the executive relate to
the origin of initiatives, the extent to which they are modified and the rate of
approval. We do not yet have a time series that can account for the whole period
under consideration but the data gathered in the last few years serve as a good
approximation to the legislative powers of the president.

Regarding the origin of initiatives, the executive has been the mayor bill
initiator. Figures of approval rates are not yet readily available but those gathered in
the last few years are striking. From selected years of the period 1940-1970 De la
Garza (1972) concludes that no executive bill was defeated on the floor. He rightly
mentions that this does not mean that all executive bills were passed or went
unamended. The Chamber did not act on several and it filed others. De la Garza does not provide figures for the total number of initiatives in these years. Nonetheless he indicates that in contrast to 143 approved bills which originated in the Chamber of Deputies, the executive managed to get the approval for 664 bills.

In the more recent period, 1982-1988, figures reveal that although the executive does not remain as the main bill initiator, the rate of approval for his projects is close to 100%.

<table>
<thead>
<tr>
<th>Table 1</th>
</tr>
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<tbody>
<tr>
<td>Initiatives Introduced and Approved</td>
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<tr>
<td>Chamber of Deputies (1982-1988)</td>
</tr>
</tbody>
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<tr>
<th></th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>SOURCE</td>
<td>Introduced</td>
<td>Approved</td>
</tr>
<tr>
<td>Executive</td>
<td>155</td>
<td>151 (.97)</td>
</tr>
<tr>
<td>Chamber of</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deputies</td>
<td>197</td>
<td>13 (.07)</td>
</tr>
<tr>
<td>PRI Deputies</td>
<td>17</td>
<td>10 (.59)</td>
</tr>
<tr>
<td>Opposition</td>
<td>180</td>
<td>3 (.2)</td>
</tr>
</tbody>
</table>

*Source: Nacif (1995)*

The above figures cannot be explained through the constitutional powers granted to the executive. They have to be related to the president's party legislative contingents and party discipline towards the head of the executive.

The composition of Congress, in particular of the Chamber of Deputies, favored the president's party for nearly six decades. Until the 1988 legislative elections, the opposition parties never got, taken together, over 30% of the seats in the Chamber and never won a seat in the Senate. Table 2 shows the evolution of the lower chamber from 1946 to 1985.
### Table 2: Representation in the Chamber of Deputies

<table>
<thead>
<tr>
<th>Year</th>
<th>PRI</th>
<th>OPPOSITION</th>
<th>TOTAL</th>
</tr>
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<tbody>
<tr>
<td>1946</td>
<td>141</td>
<td>4.1</td>
<td>147</td>
</tr>
<tr>
<td>1947</td>
<td>147</td>
<td>4.2</td>
<td>151</td>
</tr>
<tr>
<td>1948</td>
<td>153</td>
<td>4.5</td>
<td>158</td>
</tr>
<tr>
<td>1949</td>
<td>151</td>
<td>4.6</td>
<td>157</td>
</tr>
<tr>
<td>1950</td>
<td>153</td>
<td>4.8</td>
<td>157</td>
</tr>
<tr>
<td>1951</td>
<td>153</td>
<td>6.6</td>
<td>160</td>
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<tr>
<td>1952</td>
<td>151</td>
<td>6.4</td>
<td>157</td>
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<td>1953</td>
<td>153</td>
<td>6.5</td>
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<td>1954</td>
<td>172</td>
<td>9.0</td>
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</tr>
<tr>
<td>1967</td>
<td>299</td>
<td>11.4</td>
<td>408</td>
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<tr>
<td>1968</td>
<td>299</td>
<td>11.4</td>
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<td>1970</td>
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<td>11.4</td>
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<td>1971</td>
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<td>11.4</td>
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<td>1972</td>
<td>299</td>
<td>11.4</td>
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<td>1973</td>
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<td>1982</td>
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<td>408</td>
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<td>1983</td>
<td>299</td>
<td>11.4</td>
<td>408</td>
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<tr>
<td>1984</td>
<td>299</td>
<td>11.4</td>
<td>408</td>
</tr>
<tr>
<td>1985</td>
<td>299</td>
<td>11.4</td>
<td>408</td>
</tr>
</tbody>
</table>

Things changed when the atypical 1988 election subverted all expectations. The PRI lost 20 percentage points of the votes in the presidential election and 15 percentage points in the Chamber of Deputies election. This resulted in the president's party losing for the first time the majority needed to alter the Constitution and in getting only 9 seats over the simple majority needed to pass laws. The 1991 midterm elections reversed the trend of PRI losing seats. It recovered 12 percentage points and held 64% of the Chamber. In 1994 the opposition held 40% of the Chamber and 26% of the Senate. Finally, the 1997 legislative elections produced the first divided government in PRI's history with 261 (52.2%) seats for the opposition and 239 for the PRI.

<table>
<thead>
<tr>
<th>Year</th>
<th>PRI</th>
<th>OPPOSITION</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1988</td>
<td>260</td>
<td>240</td>
<td>500</td>
</tr>
<tr>
<td>1991</td>
<td>320</td>
<td>180</td>
<td>500</td>
</tr>
<tr>
<td>1994</td>
<td>300</td>
<td>200</td>
<td>500</td>
</tr>
<tr>
<td>1997</td>
<td>239</td>
<td>261</td>
<td>500</td>
</tr>
</tbody>
</table>

These numbers have not yet translated into a profound change in the figures regarding the origin and rate of approval of initiatives but some changes can already be observed. If we contrast Table 1 with Tables 4 and 5 it becomes clear that the executive still has a rate of approval close to 100%. Nonetheless, the rate of approval of initiatives coming from the Chamber of Deputies has passed from 7% in 1982-1985 to 26% in 1991-1994.\(^\text{12}\)

\(^{12}\) The figures on initiatives are drawn from the research done by Cecilia Martínez Gallardo for her BA thesis *The Evolution of the Committee System in the Chamber of Deputies, 1824-1997*. 
Table 4
Initiatives Introduced and Approved
Chamber Of Deputies (1988-1997)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>SOURCE</td>
<td>Introduced</td>
<td>Approved</td>
<td>Introduced</td>
</tr>
<tr>
<td>Executive</td>
<td>85</td>
<td>82 (.96)</td>
<td>129</td>
</tr>
<tr>
<td>Chamber of Deputies</td>
<td>209</td>
<td>49 (.23)</td>
<td>125*</td>
</tr>
<tr>
<td>PRI Deputies</td>
<td>19</td>
<td>6 (.31)</td>
<td>34</td>
</tr>
<tr>
<td>Opposition</td>
<td>190</td>
<td>43 (.23)</td>
<td>89</td>
</tr>
</tbody>
</table>

* Two initiatives were introduced by local congresses (1 approved, 1 pending)
** Two initiatives were introduced by local legislatures: 1 by the ALDF (approved) and 1 by Yucatan's Local Congress (not approved)

Table 5
Initiatives Introduced and Approved
Chamber of Deputies (1997-2000)

<table>
<thead>
<tr>
<th>SOURCE</th>
<th>1997-2000*</th>
<th>1997-2000*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduced</td>
<td>Approved</td>
<td>Approved</td>
</tr>
<tr>
<td>Executive</td>
<td>48</td>
<td>47 (.98)</td>
</tr>
<tr>
<td>Chamber of Deputies</td>
<td>62</td>
<td>9 (.14)</td>
</tr>
<tr>
<td>PRI Deputies</td>
<td>6</td>
<td>0</td>
</tr>
<tr>
<td>Opposition</td>
<td>53**</td>
<td>8 (.15)</td>
</tr>
</tbody>
</table>

* These numbers refer to the first period of the Legislature (Sept.-Dec. 1997). Some bills are still to be discussed in the Chamber in subsequent periods.
** Bills introduced by the ALDF, by various parties, and by committees taken into account
Source: Periódico Reforma (Dec. 19, 1997)

The consequences of an altered composition of Congress can also be seen in the initiatives or bills that reach the Legislature. Over the whole period (1952-1997) the executive has been the most active initiator of legislative bills. However, bill introduction by party fractions in Congress has grown greatly as opposition parties have gained greater spaces in the Chamber of Deputies.
Table 6
Bills Initiated by the Chamber of Deputies, 1946-1997

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bills Initiated</td>
<td>37</td>
<td>40</td>
<td>105</td>
<td>197</td>
<td>352</td>
<td>209</td>
<td>132</td>
<td>165</td>
</tr>
</tbody>
</table>


Three other changes seem to be developing as a consequence of the growing importance of opposition parties in the Chamber of Deputies. Table 1, 4 and 5 above show first, that from 1982 the greatest number of initiatives have been introduced by the Chamber of Deputies and not the executive; second, that within the Chamber of Deputies it is precisely the opposition which is by far the more active as initiator of bills; third, it is worth noting that it was precisely during the 54th Legislature, when the president almost lost the majority in Congress, that the executive submitted the least proportion (29%) in the number of bills in its whole history.

These changes may not seem substantial yet but they do point to a beginning in the transformation of executive-legislative relations. On the other hand, some other changes can be recorded if we move away from the analysis of the number of initiatives presented and approved. It is interesting to note, for example, that Salinas’ project included from the start, a number of reforms that were to alter longstanding traditions such as State-church relations, agrarian property rights and the economic and financial institutions of the state. Nonetheless, given the narrow majority of his party in the first legislature of his administration (1988-1991), he was forced to postpone the introduction of constitutional reforms for fear of defeat.

Similarly, during the first legislature of Zedillo’s administration (1994-1997) the president has faced some difficulty rallying not only the opposition’s support but also that of his own party. This was the case with two important presidential initiatives: one referring to the privatisation of the petrochemical industry and the other one that modified the pensions system of the country. In both cases, and with the projects already in Congress, the President had to modify his original position in order to get the initiatives approved.

Finally, in July 1997, with the installment of the first divided government since the creation of the PRI, the president had to strike an alliance with an opposition party in Congress in order to pass the budget bill. It seems clear that, even in absence of a reform in the distribution of formal powers, the dominance of the executive over the legislative branch has already suffered as a result of the altered composition in Congress.

13 Although the PRI held the simple majority in the Chamber of Deputies (52%), it needed 70 opposition votes to amend the Constitution.
Finally there are a number of other changes that have a good chance of making Congress more plural and stronger. An example of these is the participation of the opposition in the committee system within the Chamber of Deputies. In the past, the participation of the opposition in the committees was negligible. This was not only because it held few seats, but also because the so called *Gran Comisión*—controlled by the majoritarian party—had the authority to determine the membership of committees. This authority is politically important for it is in the committees that the resolution to submit a bill to the plenary session of the Chamber is taken by a majority of votes. Since its creation in 1929 and until 1988, the PRI not only dominated each committee but held the presidencies of them all. It was not until 1988 that the PRI gave up the presidency of four out of 39 committees, with another eight following in 1991 and sixteen more in 1994. In the present Legislature (1997-2000) the opposition forced a resolution upon the PRI fraction to divide the presidencies of Committees and their composition in proportion to the seats held by each party. This resolution resulted in the following distribution of Committee presidencies:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>PRI</th>
<th>PAN</th>
<th>PRD</th>
<th>OTHER</th>
</tr>
</thead>
<tbody>
<tr>
<td>1988</td>
<td>35</td>
<td>2</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>1991</td>
<td>37</td>
<td>3</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>1994</td>
<td>32</td>
<td>9</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>1997</td>
<td>28</td>
<td>14</td>
<td>14</td>
<td>4</td>
</tr>
</tbody>
</table>

*Source: Lujambio (1996), Reforma (1997)*

These developments show that Congress—especially the Chamber of Deputies—has begun to acquire an importance that would not have been dreamt of just a few years ago. Again, these changes have been the result of political necessity, of the opposition having gained bargaining power *vis a vis* the union of the PRI and the executive.

The large contingents of the president’s party in the Chamber of Deputies have also affected the veto and emergency powers. None of these instruments have been widely used since 1946. The last time emergency powers were used was in 1942. With respect to vetoes the only sound information available comes from Weldon’s work (1997) but it only covers the 1917-1946 period. His information reveals that after Cárdenas term the use of this instrument declined drastically (from

\[14\] Information on the committee system has been taken from Lujambio (1995a:183-204).
33 vetoes to 5) and shows that, given the large majorities of the president’s party, he has had no need to turn to this power in order to push through his agenda.

### Table 8

Veto Use, Overridden and Approved
1917-1934

<table>
<thead>
<tr>
<th>President</th>
<th>Years</th>
<th>Total Vetoes</th>
<th>% Overridden</th>
<th>% Approved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carranza</td>
<td>1917-20</td>
<td>14</td>
<td>35.7</td>
<td>64.3</td>
</tr>
<tr>
<td>De la Huerta</td>
<td>1920</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Obregón</td>
<td>1920-24</td>
<td>13</td>
<td>30.8</td>
<td>69.2</td>
</tr>
<tr>
<td>Callés</td>
<td>1924-28</td>
<td>45</td>
<td>8.9</td>
<td>91.1</td>
</tr>
<tr>
<td>Portes Gil</td>
<td>1928-30</td>
<td>42</td>
<td>45.2</td>
<td>54.8</td>
</tr>
<tr>
<td>Ortiz Rubio</td>
<td>1930-32</td>
<td>45</td>
<td>33.3</td>
<td>66.7</td>
</tr>
<tr>
<td>Rodríguez</td>
<td>1932-34</td>
<td>32</td>
<td>43.8</td>
<td>56.3</td>
</tr>
<tr>
<td>Cárdenas</td>
<td>1934-40</td>
<td>33</td>
<td>6%</td>
<td>94%</td>
</tr>
<tr>
<td>Avila Camacho</td>
<td>1940-46</td>
<td>5</td>
<td>0%</td>
<td>100%</td>
</tr>
</tbody>
</table>

*Source:* Weldon (1997)

The only other source is Carpizo (1978) where he reports a total of 53 vetoes in 22 years (1947-1969) but he does not offer figures regarding their approval or override. There have been no vetoes since 1970.

3.2 Legislature's executive powers

Congress in Mexico has few powers regarding the appointment and dismissal of high level public servants. The executive in Mexico can freely appoint and dismiss most of the cabinet members and other close collaborators. In fact, the President's prerogatives regarding appointments may be divided into three categories: those in which no constraints are provided (Secretaries, Attorney General, Head of Government of the Capital City, Attorney General of the Capital City and other employees not included in the following restrictions); those that need the Senate's approval (diplomatic agents and general consuls, colonels and other high officials of the National Army, Navy and Air Force, the Supreme Court Ministers and the superior employees of the treasury); those that have to be appointed in accordance

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15 The 1994 reforms changed this appointment power. As of the year 2000, the Senate will have to ratify the naming of the General Attorney.

16 This important appointment power has recently (1996) been withdrawn from the presidency. Beginning in 1997 the citizens of the capital city will elect for the first time their Head of Government.
with secondary laws that rule over the National Army, Navy and Air Force. Of these, the practice of approving the top employees of the Treasury is simply not observed. The rest are observed but cases of conflict over appointments have been exceptional.

Like all other presidential constitutions, the Mexican provides for the possibility of ousting the President in extreme situations. Although ambiguous regarding the situations under which the President can be dismissed, article 108 states that the chief executive, while in office, can be indicted only for treason to the nation *(traición a la patria)* and serious common crimes *(delitos graves del orden común)*. The procedure is that the Chamber of Deputies must make an accusation before the Senate which, in turn, has the right, through resolution of two thirds of the members present, to impose the ensuing sanction.

The Mexican constitutional order does not provide for either votes of censure or non-confidence. However there are three norms that refer to the legislature’s executive power. The first is that cabinet members —among other top public servants— can be summoned by Congress if this body should need information regarding the activities of the departments headed by them or when a particular law is being discussed (art. 93). This prerogative does not imply either the possibility of Congress issuing a public statement or that of recommending, let alone prescribing, the dismissal of the incumbent. Since the purpose is only to get information and the decision on the course of action to follow remains with the executive, there is no real curtailment of the latter's power of naming his cabinet.

During the first five decades after the Revolution (1920 to 1970) this power was rarely deployed. Thereafter, beginning with President Echeverría (1970-1976), both chambers have been regularly summoning most members of the cabinet to question them on their policy areas. Although Congress may not issue any binding decision regarding the dismissal of a cabinet member, this power can be effectively used to either strengthen or weaken the stand of a minister.

A second executive power granted to the legislature is that prescribed by articles 108 to 111. In the chapter dedicated to the Responsibilities of Public Servants, political, administrative and penal offenses are considered. Political offenses are said to be those through which acts of public servants may go against the public interest. This is, again, a very general precept and, in spite of its regulation through the *Ley Federal de Responsabilidades de los Servidores Públicos* (art. 7) its interpretation remains the authority of Congress. Public servants accused of such offenses will be subject to political judgment and its sanction:

\[\text{The Ley Federal de Responsabilidades de los Servidores Públicos typifies the following: attacks on democratic institutions and on the republican, representative and federal form of government; grave and systematic violations of individual and social guarantees; attack of the freedom to vote; infringement of the Constitution or federal laws; grave or systematic violations of plans, programmes or budgets of the public administration.}\]
dismissal and disqualification to carry out public functions. Again, in order to proceed, the Chamber of Deputies must accuse the incumbent before the Senate. The Senate will then decide by two thirds of its present members whether the incumbent is guilty and which sanctions are to be applied. Since 1946, no member of any presidential cabinet has ever been subject to political judgment while in office.

In budgetary matters the Mexican Congress does not seem impaired. Its authority to approve, modify or reject the Incomes Law and the Budget Project (Ley de Ingresos and Presupuesto de Egresos) constitutes a powerful instrument to intervene in policy formation. In contrast to other countries where Congresses face restrictions in relation to the type of amendments they can propose to the budget, in Mexico the Chamber of Deputies—in regards to expenditures—and both chambers—in regards to the Incomes Law—has no constraints except that which states that a balanced budget must be provided for. Moreover, according to most interpretations, the president does not have a veto power over the resolution of the Chamber of Deputies with respect to the Presupuesto de Egresos for it is a bill that has to be approved only by one chamber.\textsuperscript{18}

In spite of Congress' power of the purse, it has chosen not to make use of it. I have already quoted Wilkie's work (p. 6-7 above) which shows that Congress has been absolutely compliant to the president's budgetary projects. More recent studies confirm this view. From 1970 to 1993 the Presupuesto de Ingresos has always been approved mainly with the votes of the president's party and with little or no modifications.

\begin{table}[h]
\centering
\begin{tabular}{|c|c|c|c|c|}
\hline
Year & % of quorum & % of votes in favor & % of votes against & % of opposition in the Chamber of Deputies \\
\hline
1970 & 68 & 100 & 0 & 16 \\
1972 & 70 & 90 & 10 & 16 \\
1974 & 75 & 100 & 0 & 18 \\
1976 & 90 & 100 & 0 & 18 \\
1978 & 83 & 100 & 0 & 18 \\
1980 & 78 & 79 & 21 & 25 \\
1982 & 83 & 77 & 23 & 26 \\
1984 & 61 & 97 & 3 & 26 \\
1986 & 74 & 75 & 25 & 28 \\
\hline
\end{tabular}
\caption{Budget Approval, 1970-1993}
\end{table}

\textsuperscript{18} For a discussion of this issue, see Weldon in this volume. The 1997 debate of the Budget project opened the discussion about what would happen in case Congress rejected the presidential bill. There were rumors about the possibility of the president attempting a veto. However, since the project was finally approved, it is still not clear whether the Supreme Court would have sustained the presidential veto or ruled against it.
The one exception to this pattern has been the negotiation of the budget in 1997. The installment of a divided government opened the possibility of having a gridlock in relation to the budget if no coalition could be formed. Congress (or one of its chambers) had to vote five laws in budgetary matters: the Value Added Tax Law, the *Miscelánea Fiscal*, the Incomes Law, the *Ley de Coordinación Fiscal* and the *Presupuesto de Egresos*. In the first round both the VAT Law and the *Miscelánea* were defeated on the floor. In the second round the VAT Law was defeated again. The Incomes Law and the *Presupuesto de Egresos* were approved at the last minute with a coalition of PRI and PAN and the votes of PRD, PVEM and PT against. Finally the *Ley de Coordinación Fiscal* was approved almost unanimously (4 abstentions).

On the side of oversight, Congress is endowed with the power to supervise, through a committee drawn from its body —the *Comisión de Vigilancia*—, the correct performance of the functions of the Major Accounting Office. Through auditing the government agencies, the MAO is to elaborate an annual statement confirming whether the executive has exercised the spending budget according to the criteria and amounts stated in the law.

Data are very scant regarding the activities of the Major Accounting Office. Ugalde (1996) concludes that the performance of the MAO has been poor whether we attend to the recommendations issued by this body or the sanctions imposed by it.

Finally, the last paragraph of Article 93 (added in 1977) allows Congress —by petition of 25% of the deputies or 50% of senators— to install special commissions to investigate the workings of decentralized organisms and state owned enterprises. The use of this power has been severely curtailed by the PRI majority in Congress in a manner that has been judged unconstitutional. According to Ugalde (1996), in the 18 years since this paragraph was introduced the Chamber of Deputies has attempted to create a commission on seven occasions. On three of them, the

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19 It also opened the discussion on the interpretation of the Constitution in budgetary matters and of the need to reform it in order to avoid future deadlocks.

20 He found that from a total of 2,800 audits performed in the 1975-1988 period only 257 sanctions were decreed but has no data on whether these were, in fact, imposed. On the other hand, only around half of the recommendations issued to the audited agencies were attended to.
attempt was successful (TELMEX 1979, Banpesca 1989 and CONASUPO 1995). The other 4 attempts were blocked through dubious means.

All in all it can be concluded that Congress has not deployed the authority conferred to it in regards to oversight functions and that the executive has rarely found obstacles to his actions by way of the effective checks that Congress can provide.

It comes as a conclusion of this and the preceding section that, although formal powers did not determine executive-legislative relations during the longstanding period of PRI dominance, they will become crucial in defining the balance of power in the years to come. To this, one should add the last type of power in the determination of the relation mentioned in the Introduction: the president’s partisan powers.

3.3 President’s partisan powers

The president’s power over Congress may need large contingents but this is not sufficient. Without the president’s partisans powers he or she may find themselves powerless to push through their programs. Not only the composition but the behavior of members of Congress is crucial in determining the balance of power between the two branches of government. The behavior of congressmen, specially of those belonging to the president’s party, has been determinant in the limited role played by Congress and in its domination by the executive. In the end, presidents in Mexico have had enormous autonomy to govern, to pursue the program they have thought fit, because checks and oversight from both the Congress and the party have been absent.

Partisans powers depend mainly on the number of parties in the political system, electoral rules and the internal rulings of the party. In the case of Mexico, all these determinants concur to incentivate (to reward) party discipline and loyalty towards the leader of the party, the president in turn.

The PRI has been a highly centralized, cohesive and disciplined party dominated by the executive. Discipline towards the executive has depended on a series of institutions and political practices among which the following two stand out: a) the non— or semi-competitive character of the system, which has determined a high degree of certainty of success for PRI candidates and severely restricted options outside the official party; b) control by the executive over the candidate selection process and, thus, over the circulation of political cadres for administrative, party and elective office.\(^{21}\)

\(^{21}\)The non-immediate reelection clause —especially in a context of very reduced competitiveness— has also been a crucial factor in weakening the party, for it does not allow congressmen to develop an independent and continuous base of support. I will not develop this point for, as yet, this institutional feature is still in place and so are its consequences. The rate of reelection for the 1934-1997 period was 13.3% (Campos 1996).
Both of these are slowly being eroded—and with them the traditional pattern of party-executive relations—by the transition to a more democratic polity in which a competitive system has slowly but steadily established itself as the means for deciding who is to govern the country.

The introduction of competitiveness and the growth of opposition have meant not only that the exit option is open but also that the guarantee of success can no longer be sustained. In a competitive context, incentives to cooperate or to assume a subordinate position diminish because the capacity to control patterns of career advancement is greatly reduced.

Until very recently, the structure of political opportunities of the country was practically dominated by PRI candidates and the distribution of available offices was clearly under the control of the executive. The formal size of the structure of political opportunities is equal to the number of offices available at any point in time; and the distribution of them among parties is strongly related to the competitiveness of the system and to the prevailing electoral rules.

The following Table shows the size of this structure and the dominance and gradual loss suffered by the PRI.22

22 To these elected posts one would have to add the large number of administrative posts available for the executive to distribute.
### Table 10
Structure of Political Opportunity
1982-1997

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>PRI</td>
<td>%</td>
<td>Total</td>
<td>PRI</td>
<td>%</td>
<td>Total</td>
<td>PRI</td>
</tr>
<tr>
<td>Presidency</td>
<td>1</td>
<td>1</td>
<td>100%</td>
<td>1</td>
<td>1</td>
<td>100%</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Senate</td>
<td>64</td>
<td>64</td>
<td>100%</td>
<td>64</td>
<td>60</td>
<td>94%</td>
<td>128</td>
<td>95</td>
</tr>
<tr>
<td>Deputies</td>
<td>400</td>
<td>296</td>
<td>74%</td>
<td>500</td>
<td>260</td>
<td>52%</td>
<td>500</td>
<td>300</td>
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<tr>
<td>Governorships</td>
<td>31</td>
<td>31</td>
<td>100%</td>
<td>31</td>
<td>31</td>
<td>100%</td>
<td>31</td>
<td>28</td>
</tr>
<tr>
<td>State Legislatures</td>
<td>589</td>
<td>448</td>
<td>76%</td>
<td>809</td>
<td>558</td>
<td>69%</td>
<td>984</td>
<td>590</td>
</tr>
<tr>
<td>Municipal Presidencies</td>
<td>2394</td>
<td>2322</td>
<td>97%*</td>
<td>2387</td>
<td>2148</td>
<td>90%</td>
<td>2412</td>
<td>1520</td>
</tr>
<tr>
<td>Total</td>
<td>3479</td>
<td>3162</td>
<td>91%</td>
<td>3792</td>
<td>3058</td>
<td>81%</td>
<td>4056</td>
<td>2534</td>
</tr>
</tbody>
</table>

* This figure is approximate for it excludes the municipalities of four states for which I could not find the relevant information.

The evolution of this structure and of the position of the PRI within it shows the impact of the growing competitiveness of the system in the dominant party. The political consequences of this change cannot be underestimated. While in 1982 nearly 95% of PRI candidates attained the posts for which they were nominated, in 1994 this average went down to 62% and to 54% in 1997.

The total range of opportunities has increased slightly over the years (16%). In spite of this increase, the PRI has continued to lose positions over the last fifteen years. If we were to take a larger span of time the contrast would be even greater. While in 1961 the PRI held the 90.2% of Congress, in 1988 it held just over 50% (276 out of 500 deputies) and in 1997 less than 50% (239 out of 500).

To this it must be added that, in the event of a PRI candidate not winning a nomination, he or she does have an exit option which was very limited in 1982 and practically non-existent a decade earlier.

The existence of potentially successful options has affected the dominant party in various ways: a) it has diminished the vote totals for the PRI; b) it has strengthened opposition parties by drawing to them not only votes but also party members; and c) it has lowered the costs of defectors from the PRI. In fact, as will be argued below, the exit option has been taken by a considerable number of PRI members over the last ten years.

These two elements —reduction of the degree of certainty and exit options— are likely to erode party discipline and alter party-executive relations, for the main source of power of the executive over the party was precisely the large number of offices at his disposal to distribute, the degree of certainty he could offer and the absence of alternatives to most politically inclined persons. Loyalty and discipline can also be solicited by promising future jobs in non-elective office. However, as the system becomes more competitive there is ever less guarantee that the PRI will continue to win the presidency. If the President cannot guarantee success in elective public office the patterns of career advancement suffer and autonomy of the party vis a vis the executive has a greater chance to develop.

The second factor which has determined discipline towards the President —control by the executive over the selection of candidates— is also likely to be transformed by the growing competitiveness of the system, although, in this case, the electoral system plays a greater role.

The electoral system affects the control over nominations in two ways. On one hand, it determines whether candidates require a nominator's seal of approval. On the other, it determines to what degree control of this seal is an effective tool for leaders (Morgenstern 1997:12-13). In Mexico, both these variables conjoin to give maximum importance to the nominator.

Mexico belongs to that kind of system where there is an official nominator of candidates. The system does not allow candidates to participate without party approval. Although electoral laws do not regulate intraparty rules for the selection
of candidates that are to run for elective office, they forbid the presentation of independent candidates, that is, of candidates with no party label or one which is not formally registered. Additionally, since there is no intraparty competition, the role of the nominator is even more effective.

If we turn not to external electoral regulations but to internal party regulations, it is easy to see that the latter favor the strength of the selector as against voters (as in the case of systems that mandate primaries or allow intraparty competition) or, even, party members.

Formally, the PRI admits several mechanisms for the selection of its candidates to elected posts: Political Council, Convention, direct consultation of the bases and customary practices. Nonetheless in all cases, the National Executive Committee (CEN) has the authority to approve the convocatorias for the selection of candidates and thus the authority to decide on the method of selection. In practice, no candidate can hope to win the nomination and advance his or her political ambitions without the support of the National Executive Committee of the PRI and, since this party structure is controlled by the head of the executive, no priista is able to advance in his or her political career and move among the different tiers of the party—party organization, legislative party and party in the administration—without the blessing of the President.

In spite of having a system which gives the nominator a crucial role and places in his/her hands an effective tool to enforce discipline, we can still predict that the opening of the system to competition will not only affect the strength of the nominator, but may even alter the position of the head of the executive as the “supreme nominator”.

Increased competition is bound to alter both control of candidate selection and discipline for two main reasons. First because the “exit option” can readily be used if a PRI member is not blessed with a nomination. Second, because in a competitive context the nominator is forced to select a candidate with good chances

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23Within presidential regimes, the USA and Colombia exemplify two systems in which no “nominator’s seal of approval” is needed. In the first case because primaries effectively replace it and, in the second, because parties cannot prevent candidates or lists from participating in an election under any label they like (Morgenstern 1997:13).

24Mexico’s electoral system is a mixed one in which 300 deputies are elected on a plurality basis and 200 under proportional representation. These last are chosen from a closed list thereby enhancing the role of the selector. Although in the case of the 300 deputies elected under the principle of plurality, the representatives are more closely tied to the voters, the impossibility of getting a nomination without the party label and the non-immediate reelection clause mitigate the importance of the voters and increases that of the nominators.

25The role of party members in the selection of candidates is enhanced in parties where a variety of primary within party affiliates is held. That has been the case in the Partido de la Revolución Democrática (PRD) for some selection processes.

26For a study on the formal rules of candidate selection see Langston (1996).
of electoral success, that is, he or she is constrained by the expected preferences of voters.

The changes in the Mexican political system are still too recent to yield definite conclusions but there is some empirical evidence that these arguments do indeed apply.

As argued before, the exit option has been taken by a considerable number of priistas over the last ten years. Although exit from the party is not always explained by failure to win nomination, this reason figures prominently in the most recent resignations from the PRI. This was the case of Raúl Castellanos (Oaxaca), Juan José Roca, Juan José Rodríguez Pratt and Manuel López Obrador (Tabasco), Rosa María Martínez Denegri, Guillermo del Río, Yolanda Valladares and Layda Sansores (Campeche), Iván Camacho (Chiapas), Luis Eugenio Todd (Nuevo León) and José Ortiz Arana (Querétaro). All of these were local PRI leaders who on average had over 17 years of affiliation and participation within the PRI. To these cases one must add the Corriente Democrática split from the PRI in 1987 which among other factors can be explained by the disagreement of this group with the nomination processes of the party and that of Manuel Camacho (former Mayor of Mexico City) who failed to get the party nomination for the presidency.

Regarding the nomination of governor candidates the contrast between the Salinas and Zedillo terms is also revealing. Centeno (1994:91, 92 and 169) shows that even before the 1991 elections, almost one third of governors had worked with Salinas in IEPES and SPP prior to 1988 and had close personal ties with him. Zedillo faced five gubernatorial elections in 1995 (Jalisco, Guanajuato, Yucatán, Baja California and Michoacán) and seven more in 1997 (San Luis, Colima, Campeche, Sonora, Nuevo León, Querétaro and, for the first time in post-revolutionary history, the Federal District itself). Not one of the candidates that ran for the governorships in 1995 or 1997 belonged to Zedillo's camarilla, worked for him in previous years or formed part of his personal network. The same can be said about the removal of governors. While Salinas established a record at removing governors, Zedillo is said to have been unable to remove governor Madrazo from Tabasco in spite of a media campaign against him and the demonstration of fraud in the electoral process that secured him the governorship.

A thorough inspection of Proceso weekly journal for the 1987-1996 period yields a figure of around 30,000 priista defectors. This figure is extremely inflated for it accounts not only for priistas who had regular participated in the party (what is called militancia) but rather for sympathizers or "clienteles" of party leaders that left the PRI and claim that their followers are leaving the party. Examples of this kind of defectors are the allegedly 5,000 priistas in Tabasco that left the PRI when Manuel López Obrador resigned from the party and affiliated with the PRD or the 4,000 that abandoned the party when José Mendoza was favoured over Irma Piñeiro in Oaxaca (Proceso No. 915, May 16, 1994).

There are several accounts of the causes of this important split from the PRI. The most comprehensive ones are Bruhn (1993) and Garrido (1993).
It is possible to interpret these events in a number of ways. One is that, in the face of the opening of the system and in order to attain as many votes as possible, the President himself made a personal decision, if not to democratize the selection process, at least to allow more leeway to the PRI apparatus, especially at the local level. This interpretation is based on the repeated assertions by the President regarding the “healthy distance” between the PRI and the head of the executive and the idea that he will impose “no directives” on the party from Los Pinos (the presidential residence).

Another interpretation is that he no longer has the power to impose candidates of his own liking and, if he did, would face a rebellion from different sectors of the party. This argument was upheld by political journalists when Cervera Pacheco (considered a hardliner and undemocratic candidate) “won” the nomination for Yucatán and, more recently, when Manlio Fabio Beltrones (February 1997), the present governor of Sonora, was able to impose his candidate (López Nogales) over Bulmaro Pacheco who was considered the candidate of the “center” and when a local candidate (González Kuri) received the nomination for Campeche against Carlos Sales who was favored by Zedillo.

These few examples show that the once unquestioned power of the president to choose and impose candidates of his liking is being eroded. Furthermore, the fact that the two governors who won their governorships in 1995 and the four who attained office on July 1997, will not owe their posts to Zedillo casts some doubt on the prospect that governors will in the future prove nearly as compliant with the wishes of the head of the executive as they have had reason to be in the past. The basis for sustaining the traditional unobstructive behavior and discipline that governors have shown towards the head of the executive are rapidly disappearing.

Further evidence of the changing relation between the executive and the party can be drawn from the last General Assembly of the PRI (September 1996). There is some dispute over just what occurred in this Assembly; but the clear end result was that the party imposed a number of restrictions upon the nomination process and over the requisites candidates must fulfill before being nominated.

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29 The idea of the President maintaining a “healthy distance” from the party was originally advanced by Zedillo in a meeting with the state party presidents on August 3, 1994; but it derives from a speech given by Colosio on March 6, 1994 in which he demanded that the government should stop assuming the responsibilities that belonged only to the party (Intervención de Luis Donaldo Colosio durante el Acto Conmemorativo del LXV Aniversario del PRI el 6 de marzo de 1994).

30 Speech by Zedillo at the XVII PRI National Assembly, September 22, 1996.

31 The other three—Baja California, Guanajuato and Jalisco— were won by PAN candidates.

32 The other 3—D.F., Nuevo León and Querétaro— went to opposition parties.

33 This point is of the utmost importance because all governors have a seat in the Consejo Político Nacional and, since the party reforms of September 1996, this is the body in charge of selecting the future PRI presidential candidate.

34 For a review of the Assembly see González Compeán (1996).
The most important general resolution of the Assembly regarding candidate selection was that to become a presidential or governorial candidate a PRI member must have held a post in the party structure itself and have previously held an elective office. This need not mean that the head of the executive has been dispossessed of his unwritten right of being the ultimate "selector"; but it has definitely reduced the universe from which he can choose and, moreover, it has reduced the chances of the so called technocrats—or party outsiders—attaining the most important executive posts.

It must be pointed out, however, that the methods of selection themselves did not change and that the ultimate formal authority to nominate candidates remains within the CEN, for it is this party organ that has to approve and authorize the Convocatorias for the selection of candidates (art. 153) at all levels.

In any case, there are signs that point to the future strengthening of the party structure or, as Colosio would have had it, of the party "assuming the responsibilities that belong to it".

External rules—the country's electoral rules—as well as party rules still allow for a determinant role for a "selector" with the necessary tools to induce discipline. Internal party rules have always given to the CEN formal control over the selection of candidates. However, through the unwritten rules of the PRI system, this control passed in practice to the head of the executive and constituted one of the bases of stability within the PRI and of the disciplined submission shown by the party towards the executive. With the changes in the electoral competition system the conditions are being set for the party to assume the role of determining who the candidates will be, and thus transforming its prior subordination to the President.

Although some analysts have questioned the importance of the new competitive context in the recent changes in the PRI and in the relations between party and executive, I have sought to demonstrate the preeminent importance of these factors. Even the outcome of the XVII Assembly cannot be understood without considering the increased competitiveness of the system and the very serious electoral challenges which the PRI has faced in the period since Zedillo assumed the administration in December 1994. In 1995 the PRI lost three out of five governorships, and during the local electoral processes of 1996 the PRI managed to

35 Article 144 of the new Statute states that candidates for the presidency and the governorships must demonstrate that they have "been a party cadre, a party leader and have held elective office through the party, as well as having ten years of militancy" (PRI, Comité Nacional Ejecutivo, Documentos Básicos, 1996).
36 These locks together with the resolution of abandoning "social liberalism"—Salinas's ideological legacy to the party—and reassuming "revolutionary socialism" are deemed to be victories of the politicians over the technocrats.
37 Hernández (1996) holds that the major variable in explaining the recent changes and difficulties the PRI is facing is the lack of clarity in the President's handling of the PRI.
get "only" 47.6% of the total of votes against 52% for the opposition.38 The outcome of the coming July 1997 yielded the first divided government in post-revolutionary history and the PRI suffered the defeat of three of the seven governorships.

In a situation with a far from comfortable majority, the behavior of PRI Congressmen becomes crucial. Lack of discipline can complicate and compromise the executive will; it can curb presidential strength.39 Just as opposition parties gain bargaining power once competitiveness allows them to reach elective office, so too do Congressmen. As no other political development, this one is bound to alter the balance of executive-legislative relations.

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39For two revealing case studies (Brazil and Venezuela) of the relationship between presidential strength and party discipline see Mainwaring (1997) and Crisp (1997).
**IV Conclusions**

Constitutional powers do not allow us to qualify Mexican presidentialism as exceptional or to differentiate it from other systems. Neither do they allow us to differentiate between the period of hegemony of the PRI and the more recent period in which the president’s party has lost the overwhelming majorities it used to enjoy. The real difference between México and other systems had always been the nature of the party system which was based on the uncompetitiveness of the political system, or, to put it more strongly, on the non-observance of the principle of electoral sovereignty.

Under what we can call the classical period we had a quasi single party system which guaranteed very large majorities for the president’s party. This, combined with an extremely high degree of discipline due to extremely high partisan powers, resulted in a balance of power which favored the executive to such a point that the autonomous action of Congress was effectively annulled.

The still mild (but potentially great) transformations observed in executive-legislative relations have been more the consequence of the opening of the politico-electoral system than of any change in the formal powers of these two branches. From 1978 to 1996, Mexico has enacted six electoral reforms. Each of them (with some exceptions) has had the effect of approaching the ideal of electoral democracy and of altering substantially the party system and the structure of political opportunity of the country thereby altering the partisan powers of the president.

Although the formal powers assigned to each branch have not changed drastically, the politico-electoral reforms have had the effect of altering the capacity of the president and Congress to deploy their constitutionally endowed powers and have changed the incentives of congressmen to behave in a compliant manner towards the executive.
APPENDIX 1
Congress’ Constitutional Powers

ECONOMIC

- To levy the necessary taxes to cover the Budget.
- To levy taxes on foreign trade, on the utilization and exploitation of natural resources, on institutions of credit and insurance companies, on public services under concession or operated directly by the federation.
- To levy special taxes on electric power, tobacco, gasoline and other products derived from petroleum, matches, maguey products, forestry exploitation and beer.
- To create and abolish public offices and to fix their salaries.
- To fix the bases upon which the president may borrow on the credit of the Nation; to approve such loans and to acknowledge and order payment of the national debt.
- To legislate throughout the Republic on hydrocarbons, mining, the motion picture industry, commerce, games of chance and lotteries, credit institutions, electric and nuclear power, financial services, to establish a single bank of issue and to enact labor laws.
- To enact laws on economic and social planning.
- To enact laws on the promotion of Mexican investment, regulation of foreign investment and transfer of technology.
- To examine the public account (cuenta pública) which the executive branch must submit to it annually.
- To approve the annual budget of expenditures (Chamber of Deputies).

POLITICO-ADMINISTRATIVE

- To make all laws which shall be necessary and proper for carrying into execution the powers of the three branches of government.
- To admit new states and territories into the Federal Union and to form new states within the boundaries of existing ones.
- To legislate on all matters concerning the Federal District except those reserved to the Legislative Assembly.
- To issue the Federal District’s statute of government.
- To legislate in regards to the Federal District’s public debt.
- To grant leave of absence to the President.
- To constitute itself as an electoral college and designate the citizen who is to replace the President as either an interim or provisional substitute.
- To accept the resignation from office of the President.
- To declare war.
- Approve the suspension of guarantees, declared by the President, in the event of invasion, serious disturbance of the public peace, or any other event which may place society in great danger.
- To make laws that regulate the organization, maintenance and service of the armed forces, navy and air force.
- To prescribe regulations for the purpose of organizing, arming and disciplining the National Guard.

**SOCIAL**

- To establish, organize and maintain throughout the Republic rural, elementary, superior, secondary and professional schools and schools for scientific research, of fine arts and of technical training.
- To enact laws and coordinate actions on environmental issues.

**JUDICIAL**

- To define crimes and offenses against the federation and to prescribe the punishments to be imposed.
- To grant amnesties for crimes within the jurisdiction of the federal courts.
- To constitute itself as a grand jury to take cognizance of crimes and offenses of the officials which the Constitution expressly designates.
- To enact laws for the establishment of administrative tribunals.

**OVERSIGHT AND APPOINTMENT**

- To ratify the appointment of the Attorney General, ministers, diplomatic agents, consuls general, superior employees of the Treasury, colonels and other superior chiefs of the national Army, Navy and Air force (Senate).
- To designate the ministers of the Supreme Court from a list submitted to it by the President (Senate).
- To review through the Mayor Accounting Office (Contaduría Mayor de Hacienda) the strict observance in the exercise of the approved budget (Chamber of Deputies).
- To supervise, through a committee drawn from its body, the correct performance of the functions of the Mayor Accounting Office (Chamber of Deputies).
- To name the chiefs and employees of the Mayor Accounting Office (Chamber of Deputies).
- To set up committees in order to investigate the performance of decentralized agencies and parastatal firms.
- To call before Congress and acquire information from the heads of ministries, decentralized agencies and parastatal firms.
### APPENDIX 2
Presidential Formats in Latin America*

<table>
<thead>
<tr>
<th>Country</th>
<th>Type of Election</th>
<th>Term (years)</th>
<th>Reelection</th>
<th>Vice-presidency</th>
<th>Assembly Terms (years)</th>
<th>Assembly provisions</th>
<th>Term of Deputies</th>
<th>Reelection provisions</th>
<th>Term of Senators</th>
<th>Reelection provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Argentina</td>
<td>Direct</td>
<td>4</td>
<td>yes</td>
<td>yes</td>
<td>2</td>
<td>-</td>
<td>4</td>
<td>yes</td>
<td>6</td>
<td>yes</td>
</tr>
<tr>
<td>Bolivia</td>
<td>Direct</td>
<td>4</td>
<td>no immediate</td>
<td>yes</td>
<td>2</td>
<td>-</td>
<td>5</td>
<td>yes</td>
<td>5</td>
<td>yes</td>
</tr>
<tr>
<td>Brazil</td>
<td>Direct</td>
<td>4</td>
<td>no immediate</td>
<td>yes</td>
<td>2</td>
<td>-</td>
<td>4</td>
<td>yes</td>
<td>8</td>
<td>yes</td>
</tr>
<tr>
<td>Chile</td>
<td>Direct</td>
<td>6</td>
<td>no</td>
<td>no</td>
<td>2</td>
<td>-</td>
<td>4</td>
<td>yes</td>
<td>8</td>
<td>yes</td>
</tr>
<tr>
<td>Colombia</td>
<td>Direct</td>
<td>4</td>
<td>no</td>
<td>yes</td>
<td>2</td>
<td>-</td>
<td>4</td>
<td>yes</td>
<td>4</td>
<td>yes</td>
</tr>
<tr>
<td>Costa Rica</td>
<td>Direct</td>
<td>4</td>
<td>no immediate</td>
<td>yes</td>
<td>1</td>
<td>4</td>
<td>no immediate</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Dominican Rep.</td>
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<td>2</td>
<td>-</td>
<td>4</td>
<td>yes</td>
<td>4</td>
<td>yes</td>
</tr>
<tr>
<td>Ecuador</td>
<td>Direct</td>
<td>4</td>
<td>no</td>
<td>yes</td>
<td>1</td>
<td>4</td>
<td>yes</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
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<td>1</td>
<td>3</td>
<td>yes</td>
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<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Mexico</td>
<td>Direct</td>
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<td>no</td>
<td>2</td>
<td>-</td>
<td>3</td>
<td>no</td>
<td>6</td>
<td>no</td>
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<td>Nicaragua</td>
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<td>-</td>
<td>-</td>
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<td>5</td>
<td>yes</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
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<td>Direct</td>
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<td>unlimited</td>
<td>yes</td>
<td>2</td>
<td>-</td>
<td>5</td>
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<td>5</td>
<td>yes</td>
</tr>
<tr>
<td>Peru</td>
<td>Direct</td>
<td>5</td>
<td>yes</td>
<td>yes</td>
<td>1</td>
<td>5</td>
<td>yes</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Uruguay</td>
<td>Direct</td>
<td>5</td>
<td>no immediate</td>
<td>yes</td>
<td>2</td>
<td>-</td>
<td>5</td>
<td>yes</td>
<td>5</td>
<td>yes</td>
</tr>
<tr>
<td>Venezuela</td>
<td>Direct</td>
<td>5</td>
<td>after ten years</td>
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<td>2</td>
<td>-</td>
<td>5</td>
<td>yes</td>
<td>5</td>
<td>yes</td>
</tr>
</tbody>
</table>

*Source: Mainwaring and Shugart (1997) and Cárdenas (1997)*

1. In case of no absolute majority, Congress elects the President from the two forerunners
2. Four years for federal representatives and two for provincial representatives
3. Two vicepresidents
### APPENDIX 2 (Cont.)

Presidential Formats in Latin America

<table>
<thead>
<tr>
<th>Veto Power</th>
<th>Override</th>
<th>Referendum/Popular Init.</th>
<th>Introduction of Legislation</th>
<th>Exclusive Introduction</th>
<th>Decree Legislation</th>
<th>Cabinet Approval</th>
<th>Dismissal of Cabinet Members</th>
<th>Dissolution Powers</th>
<th>Impeachment</th>
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<tbody>
<tr>
<td>Argentina</td>
<td>A/B</td>
<td>2/3 both</td>
<td>yes</td>
<td>yes</td>
<td>no prov.</td>
<td>yes</td>
<td>no</td>
<td>yes</td>
<td>no</td>
</tr>
<tr>
<td>Bolivia</td>
<td>A</td>
<td>2/3</td>
<td>no prov.</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>yes</td>
</tr>
<tr>
<td>Brazil</td>
<td>A/B</td>
<td>abs. maj. both</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>yes</td>
</tr>
<tr>
<td>Chile</td>
<td>A</td>
<td>2/3</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>yes</td>
</tr>
<tr>
<td>Colombia</td>
<td>A/B</td>
<td>abs. maj. both</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>yes</td>
</tr>
<tr>
<td>Costa Rica</td>
<td>A/B</td>
<td>abs. maj. both</td>
<td>yes</td>
<td>yes</td>
<td>no prov.</td>
<td>yes</td>
<td>no</td>
<td>yes</td>
<td>no</td>
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* A = package, B = partial

* Only by delegation

* Initiated by the signatures of 1% of the electorate, distributed among at least five States, with no less than 0.03% of the voters in each

* The President may call a plebiscite to decide on the points of disagreement between him and Congress

* Except for budget

* Organized by the Supreme Court

* Exclusively annual budget bill

* If President appeals, a 2/3 majority is needed to sustain dismissal

* Only for fiscal and administrative matters. While Assembly is in recess the executive assumes delegated legislative faculties

* Decree powers limited to income law and annual budget

* During the first four years

* 25% of all registered voters may petition for a referendum against a law (except tax laws and laws exclusively introduced by the executive) within one year
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