

# The Mexican Presidential Elections of the 21<sup>st</sup> of August 1994

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# NOTES, INFORMATIONS ET DOCUMENTS

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## INTRODUCTION

The 21<sup>st</sup> of August, 1994 marked the beginning of a new era in the electoral process of Mexico. This memorable day was the culmination of several events which included: (1) the participation of nine candidates for the presidency nominated by their corresponding political parties (three of whom had well-founded aspirations of winning the election); (2) a number of substantive and formal constitutional reforms on electoral matters; (3) an active involvement of civic groups having the double role of supervising the presidential campaigns and denouncing irregularities in the actions of the candidates as well as those observed during election day; (4) a mass media dedicated to the production of political-electoral news; and (5) a plethora of prestigious national and international observers<sup>1</sup> whose role consisted of attesting to the normalcy, transparency and validity of the elections, or if it were the case, the errors and fraud in the voting. All of the foregoing can surely be considered a first in Mexican history.

### I. EVOLUTION OF THE JURIDICAL STRUCTURES SUPPORTING THE ELECTORAL PROCESS

The events of the 21<sup>st</sup> of August, as is the case with most major social changes, were the result of a long evolutionary process and the development of economic conditions, civic education and the political-administrative government institutions.

While the origin of the present reality dates back several centuries, reference here will be made only to dispositions dating from the post-revolutionary era to this day, as immediate precedents for the issue at hand.

In Mexico's recent history, that is, since 1910, the political rights of citizens as well as the performance of political parties have increased substantially. This has been possible due to diverse constitutional and legislative reforms amongst which the following stand out:

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1. The Mexican Constitution considers elections as a strictly internal matter. According to some views, allowing "international observers" to watch the polls would not be consistent with constitutional precepts, since it would amount to giving foreigners the right to sanction or pass judgement on the organization, process and results of the suffrage. Nevertheless, there was a need to accommodate a growing international interest in Mexico's electoral reforms and democratic development, as well as Mexico's own desire to demonstrate its progress in this field, in a manner consistent with the country's laws and traditions. In order to do so, in 1994 the legal concept [*figura jurídica*] of "Foreign Invited Visitor" was created. By resolution of the General Council of the Federal Electoral Institute in its session of June 18<sup>th</sup> 1994, and published in the *Official Gazette* the 18<sup>th</sup> of July 1994, by-laws were approved to regulate the activities and requirements to be fulfilled by Foreign Invited Visitors. The text of the by-laws is reproduced as Schedule I.

**A. IN RELATION TO THE CITIZEN**

- 1912 – The President of the Republic, representatives and senators to the Federal Congress are elected by direct universal vote. (Art. 81 of the Constitution)<sup>2</sup>
- 1953 – Women are granted full voting rights for all popular elected offices. (Art. 34 of the Constitution)
- 1969 – The required voting age is lowered from 21 to 18 years of age. (Art. 34 I of the Constitution)
- 1972 – The minimum age required to be elected to the House of Representatives and to the senate is reduced from 25 to 21 and from 36 to 30 years of age respectively. (Arts. 55 and 58 of the Constitution)
- 1992 – Ministers of all religious denominations holding Mexican citizenship are granted the right to vote. (Art. 130 of the Constitution)
- 1993 – Article 82 of the Constitution is amended thus abolishing the requirement that an aspiring candidate to the Presidency must be Mexican-born and of Mexican-born parents. Beginning in 1999, any Mexican-born citizen of a Mexican father or mother will be able to aspire to the Presidency as long as he or she has been a resident in the country for at least twenty years.

**B. IN RELATION TO THE COMPOSITION OF CONGRESS**

- 1963 – The regime of the so called “party representatives” is established thus allowing significant political minorities access to congress. (This regime has since been changed).
- 1977 – The principle of proportional representation within the framework of a mixed system is introduced and as a result, 300 representatives are elected by relative majority and 100 by proportional representation. (The number of proportional representatives was later increased).
- 1986 – The number of representatives elected by proportional representation is increased to 200. (Art. 52 of the Constitution)
- 1993 – The number of senators *per* federal entity is increased to four, three of whom are to be elected according to the principle of relative majority and one of whom is to be assigned to the first minority. (Art. 56 of the Constitution)

**C. IN RELATION TO THE STRENGTHENING OF POLITICAL PARTIES  
FOR THE IMPROVEMENT OF ELECTORAL CONTESTS**

- 1977 – Provisions regulating the legal nature, objectives, main functions, prerogatives and activities of political parties, in particular party access to mass media, are promoted to constitutional rank. (Art. 41 of the Constitution)
- 1986 – Public financing is instituted in order to encourage the development of the political party system. (Art. 41, par. 6 of the Constitution)

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2. Unless otherwise stated, the constitutional articles mentioned will correspond to the current Constitution.

#### D. IN RELATION TO ELECTORAL ORGANIZATION

- 1946 – The Electoral Surveillance Federal Commission is created. This institution would later become the Electoral Federal Commission in 1951. (These commissions were later changed).
- 1990 – The Electoral Federal Institute, a public autonomous organization is created and is endowed with legal status and funding of its own. It is composed of members of the Executive and the Legislative powers of the Union, participants of national political parties and private citizens who fulfil particular legal requirements. This institute is responsible for the organization of elections and for the establishment of electoral professional services. (Art. 41 of the Constitution)
- 1991 – Based on the outcome of the 1990 National Population Census during which over 40 million private homes were visited, a new voting register is created.

#### E. IN RELATION TO THE RESOLUTION OF CONTROVERSIES

- 1986 – A mixed system of electoral qualification is established. It made all conflict-solving fall on the Court of Electoral Dispute by means of resolutions presented before the existing Electoral Colleges for their final consideration. In 1990 the authority of the Court was expanded and that of the Electoral Colleges reduced. (This system was later changed).
- 1993 – The Electoral Federal Court, an autonomous organization and the highest jurisdictional authority, is created. Within its legal and constitutional framework, the Court is given final jurisdiction over all claims relating to federal electoral controversies, therefore rendering its resolutions definitive and incontestable. (Art. 41 of the Constitution)

#### F. IN RELATION TO THE INSTITUTIONS QUALIFYING THE ELECTIONS

- 1993 – The Electoral College system that self-qualified the election of representatives and senators was abolished. Said qualification now falls on the Electoral Federal Institute.

Presently, the District Councils of the Electoral Federal Institute determine the qualification of representatives by relative majority.

The General Council of the Electoral Federal Institute determines the qualification of representatives by proportional representation.

The Local Councils of the Electoral Federal Institute determine the qualification of senators.

In controversial issues, the Federal Electoral Court has the power to intervene and make the final determination. (Art. 60 of the Constitution)

The determination of the election of the President remains in the hands of the House of Representatives acting as Electoral College. (Art. 74-I of the Constitution)

These reforms necessarily gave way to the rising of new issues for political debate which can be classified into four main categories: (1) political rights and system of representation; (2) the regime of political parties and condi-

tions for electoral contests; (3) electoral organization; and (4) the means of complaint before the Electoral Federal Court preceding the definitive qualification of the elections.

It is this vibrant climate of political-juridical openness that served as the framework for the electoral process that culminated on the 21<sup>st</sup> of August, 1994.

## II. THE PRE-ELECTORAL STAGE

### A. THE PRESIDENT

From the perspective of the 31<sup>st</sup> of December 1993, it looked as if the last year of Doctor Salinas' administration would be a year of both economic and political consolidation; that he would be able to turn power over to his successor with the inner peace of having maintained the delicate balance demanded of those who exercise power.

Amongst his many achievements, Doctor Salinas was successful in controlling inflation to one digit, improving public finances, introducing more efficient tax collection, renegotiating the public debt, reestablishing international confidence in the economic viability of the country and, with great effort and at considerable cost, gaining the approval of NAFTA. In addition, as a good closing to his term, the candidate of the majority party who would likely supersede him as President had already been nominated.

Everything seemed to indicate that President Doctor Carlos Salinas de Gortari could at least without any false self-complacency, assess his performance with a sense of satisfaction. Conscious of the needs and deprivations that still required attention, he could feel confident that his successor would be able to tend to them supported by the economic-juridical structure left behind by his administration.

Destiny, however, had planned things differently.

In the early morning of New Year's Day a group of hooded and masked individuals who identified themselves as the Zapatist Army of National Liberation, overtook the town Hall of San Cristobal Las Casas, in the State of Chiapas and simultaneously, through a multilingual communiqué to the international media, carried out a *coup* that had worldwide repercussions.

After this incident, nothing was the same. A whirlwind of events followed. Immediate attention had to be given to some political, economic and social problems that had been relegated to a lower priority in order to take care of other issues that the disastrous economic situation of the country at the end of the 80's had clearly shown as more urgent. All of a sudden, disaster struck.

As a result of the initial bewilderment resulting from the uprising, the automatic response of the government to the guerrilla group was to send the Mexican army. However, 12 days after the beginning of the Chiapas movement, as the President recovered from the unexpectedness of the event, he unilaterally decided on a cease fire by the Mexican army. He proposed, as well, the initiation of a dialogue that would lead to the re-establishment of peace in the region.

Nonetheless, the damage had been done as the stability needed to complete the process of a peaceful transition of power had been disturbed. Interests of all types were stirred. Complaints and protests proliferated all over. Deep rooted residual ancestral problems were presented as if they were the result of the indiffer-

ence, corruption and authoritarianism of the present government and the majority party.

Those who engaged in real disagreements and those with unrestrained ambition saw, in the Chiapas movement, the opportunity to advance positions in their pursuit of power. Paradoxes and irregularities took place everywhere.

The emergency was real. The President felt the eyes of Mexico and the rest of the world upon him. The praised Mexican political stability was questioned not only in an election year, but on the very same day that the Free Trade Agreement signed with Canada and the United States went into effect.

It is obvious that the date of the Chiapas blow was not fortuitous. It was carefully premeditated to attack the president's economic policy and to diminish his international achievements. That is why it was so effective and painful.

Why then, it should be asked, did President Salinas decide to opt for a peace dialogue instead of the historical Mexican and Latin American tradition of suppressing any revolt with arms? Two important motivations, both powerful but different from one another, could explain this decision.

The first one — subjective, emotional, intense and blind — was a direct consequence of the President's fear of seeing his hard work destroyed. Nothing would have been more painful than to see how a group of masked individuals who intended to constitute themselves as "the only Mexico" destroyed the foundation he had built to sustain the future development of the country, a foundation that would permit the access to foreign investment and state-of-the-art technologies, thus supporting the creation of new jobs and consequently of competitive progress and well being of the country.

The attack was frontal but the originality of the President's response left this group, momentarily, with nothing on which to sustain its fight. Their assumed commander would later express this sentiment :

We jumped so fast from the military to the political phase that we were not prepared for a dialogue [...] We were prepared for a long and weary process of war, of military encounters, of political dispute over small towns, ideological battles and, later on, if the government coopted them, there would be a dialogue [...] We have quickly passed to a phase that we were not prepared for.<sup>3</sup>

The second reason that would explain the President's decision, and possibly one that agrees more with his intelligence and historical conscience can be found in the fact that the legacies of 1910 and 1968 have been transcendental phenomena in Mexico. They have taught fundamental lessons. By making peace his choice, the President showed, once again, his commitment to modernity and his rejection of extra-logical atavisms.

The country has been advancing and its classification as an autarkic and isolationist state has been evolving in order to identify itself with contemporary models where reflection and reason prevail as the superior formula. Nonetheless, the President's position was so uncommon that during the acute moments of the crisis he found himself isolated.

Because of his decision to solve the conflict through peaceful means, he was forced to give in to external pressures that a true authoritarian would never have accepted. Without very clear juridical support, the President named a Commissioner for Peace and Reconciliation in Chiapas.

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3. *La Jornada*, daily newspaper of the 8<sup>th</sup> of February, 1994, pp. 1 and 9.

## B. THE COMMISSIONER FOR PEACE

The traditional process for the nomination of the candidate of the majority party for the Presidency is well known. Every six years, those aspiring to the candidacy try to impress the President with their personal qualities as well as with the political support they carry. It has been said, however, that even though the current President consulted others about the competence of the various aspirants, it was he who, in communion with himself, decided on the person to become the nominee of the majority party. Needless to say, the presidential decision was accepted with a Spartan discipline which inspired awe in Mexicans and foreigners alike.

As this six-year term was coming to an end, there were, as usual, several ministers who thought themselves eligible to be nominated. As was the custom, they all tried to get the support of different sectors that would increase their importance in the eyes of the President. He made his choice as usual, but one of the losing contenders was lacking in self-control and party discipline.

For the first time, a losing aspirant to the candidacy showed his irritation. Firstly, he did not immediately congratulate the nominated candidate as the political-party protocol imposed. Secondly, during a press conference he stated his well-founded hope to have been the one selected. His resentment towards the president was made evident when he declared to the media that Mexico was his main concern and only for Mexico would he stay on in the administration and accept the new office to which he was assigned.

Some of the groups who supported his aspiration were disappointed by his attitude. It was said that he lacked the courage to disengage himself from the majority party and seek the nomination of another party. There was talk about his political immaturity for not submitting with the correct manners, to the presidential decision. There was talk about his future plans, ambitious no doubt, that might shed light on the controversies that his recent attitude had created. But the generally perceived reality was that tension existed between the President and himself.

In this state of affairs, this incident would only have served to illustrate to optimists, the rarities of political play and, to pessimists, the sign of imminent change that any old model must consider in order to survive.

It is within this speculative frame that the Chiapas movement took place. It disturbed the whole political structure that the August elections were designed to test, *i.e.* the new constitutional and legislative provisions as well as the institutions and civic activity derived from them.

In this moment of great need, the resentful minister offered the President his good offices to act as mediator. He proposed himself as a Commissioner for Peace, by special presidential appointment. The commission would have to be — according to this Machiavellian politician — completely disengaged from the government, and free of pay.

The President, at a low ebb, gave in and accepted his resignation as Minister of Foreign Affairs, appointing him in accordance with the imposed conditions. This ostentation of power brought to the forefront, once again and with renewed strength, the political-electoral speculations that surrounded this controversial politician. It was said that once his mission came to an end, he would set himself to the pursuit of the presidency.



Three obstacles existed for those who supported this view. The first one, set out by fraction VI of Article 82 of the Constitution, establishes that a requirement to aspire to the presidency is :

- VI. Not to be Secretary or Subsecretary of State, Head or General Secretary of the Administration, Attorney General, or Governor of any State, *unless he leaves his office six months before election day* [...] <sup>4</sup>

This obstacle had already been surmounted by the newly appointed Commissioner, when the full resignation from his office and pay were accepted.

The second obstacle was of a statutory nature. Article 177 of the *Federal Code of Electoral Institutions and Procedures* establishes :

1. The terms and competent agencies for the registration of candidates in an election year are the following:  
[...]
- d. For President of the United States of Mexico, for the electoral process of 1994 from the first to the fifteenth of March included, by the General Council. <sup>5</sup>

The reply by the Commissioner's enthusiastic supporters to this provision was that by then, the Chiapas negotiation would have been resolved and that the aspiring candidate, on the peak of fame, would be acclaimed by the whole nation. <sup>6</sup>

The third and final obstacle, of political nature, was related to the full fledged campaign of the candidate of the majority party. It was argued that the advantage in time would play against him and would make victory more difficult to achieve. Contrary to this obstacle stood the glory that the Commissioner would obtain through his successful completion of the peace process. To the hero who would bring about such a political achievement should be granted the highest political reward : the Presidency.

Needless to say, all throughout this dislocation of time and events, the official candidate tried to regain the dignity and decorum of an important campaign that promised change, integrity and incorporation of underprivileged groups into the national development plan.

The media paid little attention to these messages. It was on Chiapas that interest was centered. It could not have been any other way.

Preliminary discussions that were to lead to the intended dialogue showed the inability of the system to respond to demands within the established rules. The impossibility to maintain the necessary stability for the dialogue to take place within the state institutions became evident.

The first such institution to be violated was the Constitution.

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4. The emphasis is mine.

5. The usual date for this registration would be from the 15<sup>th</sup> to the 30<sup>th</sup> of January. The exception in this case was due to the constitutional reforms above mentioned which brought about statutory reforms impossible to implement without a time extension.

6. One of the strongest arguments against the nomination of the Commissioner was that he was not a national figure. His political career had not included any office by popular election. He had been appointed by the President to his most important position as Mayor of Mexico's Federal District. This office, even when it related him to the highest concentration of population in the country, did not give him the desired national projection.

It is true that in order to reach a dialogue it is necessary to obtain the consent of the interlocutors, to look for a mediator or moderator accepted by both parties and to designate the place to carry on the conversations. While the Constitution does not of itself oppose any of the foregoing, what resulted in an incontestable violation to the expressed mandates of the Constitution were the following elements :

a. That the insurgents attended the sessions fully armed.

— This fact violates Art. 9, first paragraph of the Constitution : No armed meeting has the right to deliberate.

b. That the Mediator was a Catholic bishop.

— This fact violates Art. 130, section e of the Constitution : *Religious ministers cannot associate for political reasons* nor proselytize in favor or against any candidate, party or political association.<sup>7</sup>

c. That the sessions took place in the San Cristobal Las Casas Cathedral.

— This violates Art. 130, section e, second paragraph of the Constitution : Meetings of a political nature cannot take place in temples.

d. The complacent permissiveness with which all public officers allowed these dialogues to take place.

— This fact violates Art. 128 of the Constitution which establishes : Any public officer without exception, before taking charge of his position, will swear to guard the Constitution and all of its regulatory statutes.

To these flagrant violations should be added the doubtful juridical personality of the Commissioner himself to commit the Mexican government to the fulfilment of agreements signed by him.

All these well known and tolerated irregularities do indicate a political will to solve the Chiapas problem at any cost, by peaceful means, but at the same time they show the manifest inability to do so within the established institutional framework.

Notwithstanding, there was no protest from the citizenry. Some editorialists and constitutionalists wrote intellectual opinions about the occurrences, but in general terms, apart from the political gain that the opposition parties tried to obtain, everyone wanted a fast and peaceful solution to the menace that had been felt. Some were even relieved as they watched the telecasts of the peace negotiations from the cathedral on television. Nobody realized the violation of the Constitution or demanded a strict observance of its mandates.

These facts may lead back to the wonderland politics. The nation may return to consider politics as a phenomenon of belief which is only possible when there is a tacit agreement with the people. In this particular case, the citizenry intuitively accepted that peace is a good to foster, even above the law.

Be it as it were, the meetings in the Cathedral continued even after the 15<sup>th</sup> of March, the deadline for the registration of the candidates for the presidency for the 1994-2000 period.

The tension due to the Mexican elections was of such importance that even the *Wall Street Journal* felt the need to explain to its readers that the Commis-

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7. The emphasis is mine.

sioner would still have the opportunity to present his candidacy until the 20<sup>th</sup> of July.<sup>8</sup>

Indeed, fraction b of Article 181 of the COFIPE allows, among other causes, the substitution of candidates due to the resignation of those registered as late as 30 days before elections. Therefore, the undenied possibility of being nominated as a candidate for the presidency made the position of Commissioner an element of additional political pressure instead of one of stabilization.

### C. CONSEQUENCES OF THE ASSASSINATION OF THE MAJORITY PARTY CANDIDATE

In view of the atmosphere of uncertainty that prevailed, the government decided on its part, to rely on elements alien to the traditional process. It accepted the presence of foreign observers, established a special government attorney's office for electoral felonies and solicited external auditing to certify the electoral register that had been disputed by some.

Amidst this feverish activity, on the 23<sup>rd</sup> of March, Attorney Luis Donaldo Colosio, nominated candidate to the presidency by the majority party, was assassinated in Lomas Taurinas, Baja California.

The commotion was tremendous; condemnation unanimous. The opposition parties and the whole nation stood together before the magnitude of the crime. But this new sign of instability, in times of such tension, distressed the President and the majority party. Once again the President and the party had to reevaluate and restate the designation of a candidate to the presidency barely a few months after having done so.

The problem was extremely complex because the date of the assassination prevented the best men in power from succeeding the martyred candidate. As has just been said, the Constitution provides<sup>9</sup> that those officers aspiring to the nomination for the candidacy to the presidency must resign from their offices six months prior to the elections. It is obvious that the time period from the end of March to the scheduled date of the elections on August 21<sup>st</sup> did not amount to six months.

As a result, all of the officers that had been considered for the presidential candidacy were disqualified. Of the most distinguished politicians, those who had been leading the country, those who were active and alert to current circumstances, none were eligible for the nomination.

The crisis was so deep that it was said that the electoral calendar would be changed to allow the participation of the acting government officials of the majority party. It was evident, however, that the moment was not propitious for more statutory changes. Decisions were to be made according to the established times.

Names of all kinds of party members who had relevance at a national level were considered, some of whom were drawn from what appeared to be a remote past. Within the party, pressure groups quickly mobilized trying to influence the designation of the new candidate. "Dinosaurs", the young, ideologists,

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8. *The Wall Street Journal*, March 9<sup>th</sup>, 1994, p. A8.

9. *Supra*, Art. 82 of the Constitution.

professional politicians, intellectuals, professionals, workers, all saw the opportunity to advance their special interests after the vacuum left by the assassination.

The President eagerly strove for prestige, seriousness, skill, commitment with modernity and undoubtedly, a continuity that would capitalize on the postulates set forth by Attorney Colosio.

The President was overwhelmed by these events. Within a few days after the tragedy of Lomas Taurinas, he summoned the members of the Party National Executive Committee and his pertinent cabinet members to a meeting in the presidential residence of Los Pinos. It was there where, in close consultation, the new candidate was designated. The nomination fell on Doctor Ernesto Zedillo Ponce de León, holding no office at the time because he had been acting as the coordinator of the late Attorney Colosio's presidential campaign. Doctor Zedillo had resigned from the Ministry of Education, in due time, precisely to answer the call of his friend and party comrade, to coordinate his campaign.

Meanwhile, the opposition parties, in light of the misfortune suffered by the majority party, saw their horizons widen to objectives they had not even imagined. For the first time, they foresaw as certain the possibility of victory. This made them redouble their efforts all over the country. Then, things that had never been heard of or seen before began to happen in Mexico.

By May, there were talks about the democratic possibilities based on the alternation of parties in power who would respect the pluralism of the people. By the beginning of June, the Minister of Defense reaffirmed the institutionalism of the Mexican Army that would accept whomever the winner was. Contrary to all past experience, it was said that if the majority party won by a slight margin, nobody would believe it, while the opposite would be readily accepted.

Even the minority parties reached a disproportionate importance. Although none had the possibility of winning, together they could divert enough votes to affect the final outcome of the election. This is how tight the electoral contest was perceived to be. Some entrepreneurial caucuses even stated that they would accept the alternation of parties in power.

But what consequences would that bring and how would this alternation of parties in power be orchestrated? In such a case, there was talk about stages of transition. It was accepted that no winning opposition party would be able to govern by itself. No party had the capacity to do so at a national level. If the rightist opposition party won, it would need the popular support of the leftist opposition party; if the leftist party won, it would need the backing of its opponent, mainly to avoid scaring away national and foreign capital.

The political lexicon began to change. Words like alliances and party coalitions were heard along with the possibilities of settlements on positions between allies or coalitionists. Suddenly the Mexican political language resembled more the European than that of our neighbor to the North.

A peculiar phenomenon took place. Instead of the politicians, it was the intellectuals who took upon themselves the task of proposing transition plans that would cover all eventualities. As Arturo Cano, in a clever article, stated :

The intellectuals step forward, they stick out their heads or articles to appear as guarantors, as figures, as moral leaders. If Vaclav Havel could do it [...] <sup>10</sup>

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10. A. CANO, "El Color de la Incertidumbre", *Reforma Newspaper*, Enfoque Supplement, August 7<sup>th</sup>, 1994.

The San Angel group produced a document called "The Hour of Democracy". In the eighth point it requests :

To convene a democratic modernization agenda based on the "20 Commitments for Democracy," that may identify the necessary changes in the economic, social and political spheres, as well as the agreements that a government of national concord must conclude in order to construct a new project of a Nation.

The text implies that the government of national concord and the new project of a Nation would be the result of the reunion of different party interests that should coexist, independently from the party who may circumstantially be in power. This proposition never reached a consensus.

An awareness surfaced of the difficulties in reaching a formula that could lead to a peaceful transition derived from the alternation of parties. There was talk about uncontrollable disturbances that would make the country ungovernable.

In a survey conducted by the *Reforma* newspaper, it was found that half of the Mexicans believed in the possibility of post-electoral disturbances while six out of every ten considered that the losing parties would not accept defeat.

Days before the elections, the political forces were dispersed. Coalitions and alliances were to be planned afterwards. It was a game of everyone against everyone and each to its own. No party manifested any political will to give in, *a priori*, its political potential in exchange for secure positions in the next administration. The hope to reach a point of concord to guarantee the so much publicized state of law vanished. The citizenry, bewildered and perplexed, observed.

And what about Chiapas?

The negotiations in the cathedral had resulted in a document called "Commitment for Peace and Dignity in Chiapas" that contained agreements that were reached in relation to the thirty four demands of the insurgents. The Commissioner, after pointing out certain objections, took it to the President with the purpose of consolidating the government response. The Commissioner returned to Chiapas with the government's response and always with the bishop as mediator, turned it over to the insurgent commander who, in principle, seemed satisfied.

However, when the government's document was taken to the different Indian communities to be read and, in its case approved, the rejection was total. The insurgent caucus mistrusted, not only the government's counterproposal, but its own commander as well.

Rumors of conflicts between the movement leaders were unleashed. The rumors claimed that they felt betrayed by their commander and suspected him of having sold himself to the government. This incident almost cost the commander as well as the bishop the roles they had been playing and even their lives.

The mishap in the conversations for peace showed that an agreement would not be concluded in a short time. In order to achieve peace, infinite patience was needed along with an overly careful and detailed labor that could smooth the existing rough edges until it created an atmosphere of mutual trust where reasonable expectations on both sides could finally crystallize.

It was in the middle of this delicate situation that Attorney Colosio was assassinated. Curiously, the day prior to the assassination, in a declaration that relieved many, the Commissioner had just proclaimed the preeminence of his com-

mitment to peace over his political aspirations. However, the assassination changed everything. The declaration made twenty four hours earlier seemed remote.

A new and powerful option emerged in the electoral panorama. The Commissioner seemed to some, the only leader with the agglutinating power who would be able to save the party from the harm it had suffered. Still, there remained an unavoidable condition : the successful conclusion of peace in Chiapas. Only this achievement could provide the Commissioner with the heroic aura and the necessary national projection to justify his nomination over any other party fellow.

Unfortunately, he was unable to carry on a second round of negotiations, even in the cathedral. In this sense, it could be said that the insurgents voted against him.

The Commissioner, seeing the possibility of the successful conclusion of his mission becoming more distant each and every day, thus precluding the possibility of any participation in the electoral contest, resigned his commission on the 10<sup>th</sup> of June and announced his definitive retirement from politics for the rest of the year. Hence, the thesis that sustained the idea of his unifying and cohesive ability before the debacle that followed the assassination of the majority party candidate will remain forever uncertain.

On the thirtieth of July, as a result of the first conversations with the new Commissioner for Peace, the bishop announced an agreement that elections would take place in the zone controlled by the insurgents.

### III. THE ELECTORAL JOURNEY

#### A. THE CITIZENRY

On the twenty first of August, as a flat denial to all those defeatists who whined, imagining catastrophes, the Mexican citizens massively came to the polls to exercise their constitutional rights, saved the day, and were covered with glory.

With 77.73 % of eligible voters having casted their vote, there was little doubt left, even for the skeptics, of what the will of the people was. This can be summarized in one proposition : to find institutional solutions to the problems that may arise.

The citizenry, showing a maturity that nobody had imagined, came to the rescue of the political *impasse* that the country was going through. It is hoped that the government, the political parties and all spurious interests behind destabilizing movements, make the citizens' claim their own. It is there where hope lies.

Could we conclude then, that the electoral journey took place with no setbacks?

Not at all. On the day of the elections, irregularities of all types occurred; most were committed by this same citizenry that had shown a manifest will to participate though still inexperienced. These irregularities were the consequence of a lack of experience of some poll officials, ignorance on the part of citizens and lack of proper training of the party representatives.

There were people who came to the polls with their children and took them in to cast their secret vote. When this was pointed out to a party representative, he happily replied : "This is civic training for the young". In this case, neither the voter nor the party representative abided by the law but there was no intentional deceit or political harm.

There were people who did not know what to do with their ballots because it was the first time that they had voted. They anxiously asked the polls' officials and poll watchers, but these refrained from providing information that could be interpreted as proselytist. The voters discharged their duty as best they could, perhaps without having — because of their ignorance — correctly manifested their political standing.

There were people who proudly confessed having crossed out the emblem of a certain party for it not to win. There were people who with great civic fervor complained of the lack of nominal lists in the special booths, when these booths, by their very nature, could not have them.<sup>11</sup>

There was a personal misfortune with the death of a citizen, a few steps away from the booth where he was to vote. The commotion caused by the incident forced the president of the poll in question to move the booth fifty meters away from its original location so as to carry on the voting in an orderly manner. This change was denounced as an irregularity.

Among the most reported irregularities due to shortcomings of electoral officials were the delay in the installation of the booths, the change in location of booths, and the confusion observed in some booths when the voter attended without a voter's credential but with the corresponding certification from the Federal Electoral Court.

The most noticeable planning error from the Federal Electoral Institute consisted in not having supplied the special booths with enough voting ballots (there were only 300). It should however be noted that the decision to reduce the number of ballots was unanimously voted by the IFE General Council in a session on the 28<sup>th</sup> of February after a proposal from the PRD party representative. On that occasion it was debated whether to leave the original number of 750; the political parties did not accept. There was then a proposal to reduce the number to 500; again the proposal was rejected. A final proposal of 350 was made but the final number accepted was 300.

What is fundamental to underscore is the difference between irregularity, error and fraud. In the first two cases, ill will or intentional deceit are not present while, in the third case they must necessarily be present.

In any event, it is not time for self-complacency. It is time to revisit. But contrary to the absolute estrangement intended by some, the citizenry chose reform over violence. It is hoped that this lesson in civility will be fully assimilated.

## B. THE RESULTS

On the same 21<sup>st</sup> of August, the first exit polls results were made public. The National Council of Electoral Observance Associations published a whole page with the following note :

The National Council of Electoral Observance Associations is proud to have covered this electoral journey, that the Mexican society has turned into a civic celebration. With this, it is evident that the Mexican people wish peace, know how to live in democracy, and have a very high regard for their freedom.

We Mexicans, proved ourselves that we know how to act civilly, without violence, with tolerance and always having in mind the high values that have forged our

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11. Special booths were meant for people voting outside of their home district or state.

nationality. History will be pleased with our generation because it is an example of social conviviality.

Let us remember in this act that the people of Mexico would not forgive actions that may alter social order and lead us to violence from any person, social group, political party, candidate or other organizations.

In this crucial moment in the history of our country, our social commitment reflects on the formality with which we covered the whole electoral process, countrywide. It allows us with full moral authority — to announce that the results of our sample, scientifically designed, expresses the following estimate, in the national sample and for the first three political powers of the country.

It is convenient, however, to state clearly that the only official results will be those disclosed by the FEI in due time :

**PRD: 17.63 per cent.**

**PAN: 26.67 per cent.**

**PRI: 50.49 per cent.**

[...] The people of Mexico coherent with their historical patrimony have determined in this transcendental civic journey, that their maturity has allowed them, as in their most difficult moments of definition, to show themselves and the world, their certainty of being able to live in democracy, constant perfectibility and fundamentally in peace, freedom, concord and harmony.

**ASOCIACIÓN CULTURAL GRAN LOGIA VALLE DE MEXICO, A.C.  
CENTRAL REIVINDICATORIA DE ACCIÓN SOCIAL  
CLUBES DE ROTARIOS DE MEXICO  
CONSEJO NACIONAL DE DERECHOS DE LA MUJER  
FRENTE MEXICANO PRO DERECHOS HUMANOS  
FUNDACIÓN PARA LA DEMOCRACIA  
UNIVERSITARIOS POR LA LEGALIDAD**

On the 28<sup>th</sup> of August, the Federal Electoral Institute made known the official results :

<b>No cancelled votes included</b>		<b>Cancelled votes includes</b>
<b>PRI</b>	<b>50.18</b>	<b>48.77</b>
<b>PAN</b>	<b>26.69</b>	<b>25.94</b>
<b>PRD</b>	<b>17.08</b>	<b>16.60</b>

These figures dismiss several predictions that their prophets will find hard to digest, such as :

1. The more the votes, the larger the number of votes for the opposition.
2. The increase of voters in urban areas would benefit the opposition.
3. The fear instilled in civil society and political instability would favor the opposition.
4. The larger participation of voters would result in a tighter vote.

The entrepreneurial sector, that had proclaimed its acceptance to alternation of parties in power, declared on 22<sup>nd</sup> of August that the virtual triumph of the majority party candidate was free of doubt and that the normal irregularities of the electoral process did not blur this election.

During a press conference, the leaders of the Consejo Coordinador Empresarial (CCE), of the Confederación Patronal de la Republica Mexicana (COMPARMEX), of the Cámara Nacional de la Industria de la Transformación (CANACINTRA), and the Confederación de Cámaras Nacionales de Comercio



(CONCANACO), requested the political parties to solve their disagreements through legal channels and rejected any violent situation or provocation.<sup>12</sup>

The foreign media, on their part, accepted the preliminary results of the Mexican elections. In their reports of the 22<sup>nd</sup> of August it can be seen :

**New York Times :** Mexicans voted in historical numbers with few reports of problems. Early indications of exit polls showed Zedillo ahead of the contest.

**Washington Post :** Massive and orderly attendance to the polls stood out. The Post gave the PRI 45 %, the PAN 30 % and the PRD 20 %. Some irregularities in the process were mentioned.

**C.N.N. :** Through Senator John McCain, possibly the most influential member of the international observation teams, it was reported that the results have been good and efficient.

In the early morning of the 22<sup>nd</sup> of August, the television network reported that Zedillo appeared to be the winner with 50 % of the votes.

The Mexican *intelligentsia* was devastated :

The distance among social reality, the acting reality in the ballots and the hypotheses of a good part of the *intelligentsia* was such that there was someone who affirmed that in order to achieve democracy, this country should change its people.<sup>13</sup>

Soledad Loaeza, an academic from El Colegio de México explains :

[...] that there is a great distance between the cultural elites and the rest of society. This often proves scandalous for many members of the Mexican cultural community who are forced to realize that they are not necessarily leaders of opinion.<sup>14</sup>

So "if Vaclav Havel could", it was not for being an intellectual but a politician.

The message that the results of the elections seem to have for the opposition political groups as well as for the intellectuals is that one cannot systematically question every process that does not lead to the success of one's own interests. To honor is to honor thyself.

### C. THE OBSERVERS

#### 1. International Reports

##### a) *International Mission*

On the 30<sup>th</sup> of August, 1994, the president of the Democratic National Institute, and the vice-president of the International Republican Institute of the United States, members of a mission that included 70 representatives of 14 countries that visited 26 entities of the country expressed the following in a press conference :

- a. That Cuauhtemos Cárdenas had approached them to denounce electoral fraud. That he was asked for proof on which he based his assertion. That up to this day (August 30<sup>th</sup>) they had not received any evidence that could change their opinion.

12. *La Jornada*, daily newspaper, August 22, 1994, p. 5.

13. G. PEREZ FERNÁNDEZ DEL CASTILLO, "Leyendo las Elecciones", *Reforma Newspaper*, Supplement Enfoque, September 4<sup>th</sup>, 1994.

14. J. KREIMERMAN, "Voto Razonado o Miedo", *Diario Reforma*, 8A, August 27, 1994.

- b. That the electoral message for the Zapatistas is that in the democratization process there is no space for an armed organization.
- c. That the concept that the government party could win the elections again does not invalidate these results.
- d. That the elections were free, fair and transparent and they took place in an orderly fashion.
- e. That the difficulties in the special polls that only had 300 ballots were not intentional or intentionally deceitful. It had been due to a miscalculation of the authorities who underestimated the number of citizens who were to be travelling and would cast their vote in the said special polls.
- f. That they could not assert that there had been any intimidation for not finding any such evidence.
- g. That the level of irregularities that took place does not affect the result of the elections.

*b) Rigoberta Menchú*

Ms. Menchú, the Nobel Peace Prize recipient in 1992, after visiting many polls, said that the only irregularity she found had been the discontent of people due to the lack of ballots in the special polls.

## **2. National Reports**

*a) Register List Audit*

In accordance with the Federal Electoral Institute General Council, on the day of the elections an audit took place to corroborate that the lists handled in the polls corresponded to the lists previously turned over to the parties for their revision. The verification work, through a computerized system, was carried out by SHL Systemhouse, the same enterprise in charge of auditing the Register List.

The nominal lists used during the electoral journey of the 21<sup>st</sup> of August coincided perfectly with the Register lists edited on the 30<sup>th</sup> of June and were delivered to the political parties on magnetic tapes for their revision.

*b) Alianza Civica Observación 94*

There is no doubt that the most participatory civic group in these elections was Alianza Civica. It was also the group that counted with the most human, technological and economic resources as well as with first class international consulting.

On the 22<sup>nd</sup> of August, an eight column article entitled : *PROOF OF FRAUD LACKING*<sup>15</sup> stated :

Alianza Civica of the Federal District affirms that there is not sufficient proof that in Mexico City there was a deliberate and well instrumented campaign of fraud.

It manifests, however, that the great irregularity was the lack of ballots in special polls.

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15. All important daily papers such as *La Jornada*, *Reforma*, etc.

On the 27<sup>th</sup> of August, in another eight column article entitled : *THERE WAS FOUL PLAY, ALIANZA CIVICA*<sup>16</sup>, it was written that :

Alianza Civica Observación 94, of the State of Mexico affirmed that even when there was foul play in the 21<sup>st</sup> of August elections, it does not disqualify the process, but demands that each and every irregularity be explained and corrected [...] We do not say that the number of abnormalities is enough to annul the elections [...] yet, even though only tens of people were unable to vote, their rights were violated [...] We consider that a great part of the abnormalities in the polls were due to the inability of the officials.

The same day, in another article entitled : *ALIANZA CIVICA, FLOATING QUESTIONS AND CONCRETE ANSWERS*<sup>17</sup>, one of the main leaders of Alianza Civica stated :

1. No. Alianza Civica is not part of the PRD, or any other party, nor is it associated with any [...]
2. Yes. Alianza committed itself to observe and inform society of what took place during the electoral journey [...]
3. Yes. There were grave faults in the electoral process, specific crimes in specific places and areas.
4. No. We do not have elements nor do we intend to impugn the result of the elections, because that is not the purpose of Alianza Civica and because with the information we have received so far, there is no basis to doubt the triumph of the PRI.
5. Yes. What we do demand is that the election cleanses itself, by means of two criteria or principles which are very easy to understand and apply. Firstly, in order to fulfil the promise and commitment made by Attorney Colosio, in the sense of not admitting one single false vote, the candidate to the PRI must renounce all the votes credited to his party in those polls where there were violations of the secret vote, pressure over the voters and where there were more votes than the number of voters registered. Secondly, there must be a commitment to punish those who are found to be materially or intellectually responsible for the said crimes.

On the 19<sup>th</sup> of September, in a four column article entitled *PROOF OF FRAUD LACKING. ALIANZA CIVICA ADMITS IT CANNOT MAKE AN ESTIMATE OF THE IRREGULARITIES IN THE ELECTIONS*, it was said<sup>18</sup>:

Alianza Civica Observación 94 does not have analytical instruments and lacks the methodology to make an estimate of the impact that the reported irregularities of the 21<sup>st</sup> of August had over the final results of the voting [...]

It is definitive that it was a stained election [...] Alianza Civica cares to know how it was won [...] the number of irregularities does not change the final result, but it does change the percentages of the votes [...]

*The conclusion is the lack of civic culture and the need for an understanding that in order to have a democratic culture there must be a solid civic one. The citizen must know his rights and know how to defend them.*<sup>19</sup>

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16. *Ibid.*

17. *Ibid.*

18. *Ibid.*

19. The emphasis is mine.

#### IV. CONCLUDING REMARKS

The conclusion of Alianza Civica is correct but partial. It implies that the citizens must know and defend their rights against the authorities. It would be better to eliminate the implicit confrontation in the conclusion by seeing that all political actors, citizens, parties and government are educated in the exercise of their respective functions and prerogatives. Only this collective education will be able to untie the knots that today group legitimate rights and illegitimate pretences, fights for freedom based on manifest libertinism and just claims of social justice next to utopian demands that neither the Mexican state or any other state could ever satisfy.

It has been said, reiteratively, that the elections of the 21<sup>st</sup> of August were the cleanest ever in Mexico. It could also be sustained that they were the purest. As a product of the special circumstances that converged in their celebration, a civic spirit emerged, with a will to do well.

Maybe the urge of these alliances and civic groups to observe, investigate and inform forced them to manifest their findings through sensationalist headings, as a means of showing that they were fulfilling their duty.

The great enemy was the government. Any endorsement of its performance would discredit their judgments. For the first and maybe only time, the civic groups had no other objective than to denounce government performance.

In these elections, the enemy to defeat was identified with government actions and party practices which led to anticipate fraud in the ballots as well as the filling of the polls. Together as one, the civic groups persisted in giving the Register list transparency and to carefully watch the polls the day of the elections. On this occasion, the dedication and efforts of these civic groups focused on a common objective. From this came the purity of their intentions.

In time, these same groups will become politicized and each will look after the interests with which they will identify. They will lose strength but gain in balance.

To pretend to blame the government for all political ills that afflict the people is not wanting to acknowledge, maybe for lack of awareness, the prevailing paternalism in civic groups and opposition parties alike. In the process of purification, all must contribute. It is to be remembered that corruption manifests itself only in the presence of the corrupter and that while it is easy to make demands, it is difficult to give.

To the extent that the different performers assume their responsibility, there will be a gain in political maturity. This maturity will allow a dialogue free of abuse in which by respecting citizens' rights, peace and order will be achieved. It seems that the 21<sup>st</sup> of August produced the awakening and commitment to assume this new reality.

## Schedule I

By-laws regulating the activities and requirements to be fulfilled by Foreign Invited Visitors. Resolution of the General Council of the Federal Electoral Institute of June 18<sup>th</sup>, 1994.

Article 1. A foreign invited visitor is any moral or physical foreign person interested in Mexican federal elections who has been duly registered at the Federal Electoral Institute according to these bases :

Article 2. The General Council will issue public summons (*convocatoria pública*) to all foreign moral or physical persons who are :

- a. Representatives of international organizations.
- b. Representatives of continental or regional organizations.
- c. Representatives of legislatures of other countries.
- d. Representatives of electoral agencies of other countries.
- e. Representatives of agencies specializing in cooperative activities as well as in providing electoral assistance.
- f. Representatives of private or non governmental institutions or associations whose activities delve in political electoral issues or in the defense of human rights.
- g. Foreign celebrities who enjoy a prestige and recognition for their contributions to peace and international cooperation in activities relative to politics, elections and human rights.

Article 4. All applicants for FIV status must fulfill the following requirements :

- a. They must enjoy a prestige based on their integrity and impartiality in electoral issues and the defense of human rights.

- b. They must not have any economic or expect any profit from their activity.

- c. They must prove, conclusively, that they have the power to represent any given organization.

Article 7. FIVs must comply with the following :

- a. They cannot in any way involve themselves in Mexican political issues.

- b. They cannot interfere, in any way with the work of Mexican electoral authorities or with the activity of the different political parties, candidates or citizens.

- c. They must act, at all times, in a impartial, serious and responsible manner.

Article 9. Infractions to the law by FIVs.

1. FIVs who do not comply with the above mentioned provisions will have their permits canceled by the corresponding electoral authority.

2. In the case of non compliance mentioned in the above paragraph, the corresponding electoral authority will give notice to the Secretary of the Interior (*Secretario de Gobernación*) and to all other competent authorities in order for them to decide on the desirability of permanence in Mexican territory of FIVs who contravened both the Constitutional and statutory provisions regulating their status.