

GOVERNANCE IN MEXICO

A LACK OF EXPERIENCE AT THE LOCAL LEVEL

AFTER SEVEN DECADES of single-party domination in which a virtually unchecked president dictated government at all levels, Mexico is undergoing a period of dramatic reform. Moving away from a highly centralized system controlled by a hugely powerful president toward a government that more closely reflects the federalist system outlined in the constitution, Mexico is experiencing significant changes that will continue to impact governance for years to come. The processes of democratization and decentralization, which began slowly in the 1970s, have since expanded the opportunities for local governments to engage in policymaking and for citizens to interact with government authorities. For the first time since the Constitution of 1917 was enacted, local government officials and citizens are learning to engage each other in the democratic process.

While reforms have led to a more democratic and decentralized system, the new government structure represents a significant challenge for developing effective, participatory local governance. Without established modes of participatory governance, local government officials need to learn how to become true policymakers and how to incorporate public input into their decision-making processes. Citizens, who have a historical distrust of government and little experience with public participation, should accept their role in governance and learn effective modes of participation. Because of a lack of experience, the public sector and citizens need to develop the skills and patterns of participation required for good governance, including increased local government capacity and enhanced civil society participation. To facilitate these changes, government will need to be more transparent and accountable. Increasing transparency will allow citizens to hold the government accountable for its actions as well as enhance public participation. Additionally, the government will be able to showcase its successes in helping to improve the image of the public sector. With improved capacity and public participation in

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local governance, as well as increased transparency, the recent reforms that sought to bring government closer to the citizenry could aid in increasing government responsiveness to its people.

This paper will address challenges in improving local governance in Mexico by examining its current status and the actions that need to take place in order to establish patterns of good governance. The first section will provide background on social and economic conditions in the country in order to reveal the environment faced by political actors. Next, the paper will outline modern government structure focusing on its historical legacy, the democratization and decentralization processes, and the role of local governments today. The following section will describe Mexican civil society and reasons for the current low levels of public participation in governance. The final section will summarize the current state of local governance in Mexico and analyze the ways in which government and citizens can work to improve governance. Through a description of the present situation and recommendations, this paper will reveal how local governance has progressed in recent decades and the challenges that still exist in achieving good governance.

ECONOMIC AND SOCIAL CONDITIONS

In comparison to other developing countries, Mexico is highly developed and urbanized. Although Mexico is an upper middle-income country,¹ approximately 40 percent of the current population lives in poverty.² Mexico's gini coefficient was 0.4761 in 1998, indicating relatively high levels of inequality.³ Regional inequalities also present challenges for improving the quality of life for many Mexicans, with the northern and urban areas generally better off and the southern regions more poor, particularly the southern states of Oaxaca, Chiapas, and Guerrero. While Mexico is relatively more developed than most nations, inequality limits the ability of many Mexicans to meet basic economic needs.

Like much of Latin America and the developed world, Mexico is mostly an urban nation. Mexico experienced swift urbanization in the second half of the 20th century as many rural migrants moved to the cities in search of employment. Mexico City, in particular, grew extremely fast, because economic growth during the government-led import-substitution industrialization (ISI) period was based in the capital. While second-tier cities are now growing steadily in Mexico, the capital has long been the

dominant urban center. Rapid urbanization has led to an extreme diversity of living conditions. While 25.3 percent of Mexicans live in 196,308 rural communities across the country, 29.7 percent live in the seven metropolitan regions with more than one million inhabitants (including Mexico City).⁴ Small- and medium-size cities are comparatively rare: only 11.2 percent of the population lives in urban settings that range in size from 15,000 to 99,999 residents.⁵ While local governance must address the needs of large urban settlements and rural communities, issues of smaller cities are less prevalent. Though some issues of local governance apply to all communities, the differing social settings that exist across Mexico will clearly impact local governance as diverse regions attempt to meet the needs of their populations.

GOVERNMENT STRUCTURE

For 71 years, until the election of President Vicente Fox in 2000, a single political party, known today as the Institutional Revolutionary Party (PRI), controlled Mexico. Although Mexico has officially been a federalist democracy since 1917, the semi-authoritarian political system that developed in the 20th century was characterized neither by political checks and balances nor free and fair elections. Instead, the president controlled virtually every aspect of government, despite the presence of a constitution that established three levels of government, independent states, and "free municipalities." Essentially, the PRI and the government were indistinguishable. Because of the domination of the president and the PRI party, both horizontal and vertical checks and balances were virtually non-existent until recent democratization reforms, which began slowly over the past few decades and culminated in the election of Fox.

During the PRI regime, the executive branch dominated political activity, despite the existence of three independent branches of government, as outlined in the constitution. Although the explicit constitutional powers of the president are limited, over time the position of the president accumulated enormous informal powers. In contrast to the executive, the legislative branch holds relatively strong constitutional powers, but traditionally has been weak, enacting rather than initiating law.⁶ However, this began to change as democratization and decentralization reforms began to improve the fairness of elections and enhance the powers of the legislative and judicial branches and lower levels

of government. (The details of the reforms will be discussed below.)

Today, unlike in the past, with expanding electoral competition, executive leaders and legislative majorities in the national and state legislatures represent different parties requiring compromise between groups. Political leaders have yet to develop productive means of negotiation with opposing parties. As the PRI-dominated national Congress exerts new powers, it has reached a stalemate with President Fox, who is a member of the moderate-right National Action Party (PAN). On the national and state levels, as the democratization process continues, the effectiveness of leaders in working across parties will continue to grow in importance.

An important feature of the Mexican democratic system is the fact that no elected officials in the legislative or executive branches can be reelected. This rule is an ideological remnant of the Mexican Revolution (1910-1920), which was a reaction against the 30-year dictatorship of Porfirio Díaz. In order to limit the power of future political leaders, promoters of the revolutionary ideology espoused a ban on reelection. Since the 1930s, this rule has been firmly in place, limiting executives from any reelection and legislators from consecutive reelection.⁷ This legal rule limited Mexican presidents to a single six-year term, despite their historically broad and overarching powers. However, many political observers today contend that the no-reelection law severely limits the relationship that constituents have with their elected officials because voters cannot reward or punish elected officials at the ballot box. This system forces voters to focus on political parties in making their voting choices, which in turn dramatically strengthens party power. By curbing opportunities for relationships between voters and elected officials, the no reelection rule hinders participation of citizens in government at all levels.

DEMOCRATIZATION AND DECENTRALIZATION

The processes of democratization and decentralization that Mexico underwent in recent decades

will continue to shape the outcomes for local governance. Political reforms began in Mexico in the 1970s, when the PRI still maintained political control. The party itself initiated the reforms because the country's lack of democracy was increasingly obvious and party leaders saw a need to improve the image of the party. Thus, the PRI began reforms to make Mexican elections appear more competitive by encouraging opposition participation without any real intention of renouncing power.⁸ In particular, the electoral rules and the composition of the national Senate and Chamber of Deputies were altered to allow more

opposition representation with the intention of keeping PRI majorities. Still, over time the reforms amounted to substantial structural changes, some of which promoted democracy. Additionally, some of the more recent reforms, particularly

the creation of independent agencies to monitor elections and supervise transparency, have been crucial in the Mexican transition to democracy.

Also beginning in the 1970s, decentralization reforms began because of a realization that Mexico had become too centralized within Mexico City.⁹ The city's rapid growth in the mid-20th century created a concentration of people and wealth in the capital, leaving much of the country behind. In the 1980s, decentralization gained greater momentum as the PRI again initiated reforms to reallocate power to lower levels of government. By decentralizing, the PRI hoped to limit the concentration of power in the president while still maintaining control of government across the country. The combination of electoral and decentralization reforms and a changing social environment have slowly contributed to increasing democracy in Mexico.

Despite the implementation of several federal electoral reforms, the rise of electoral competition in Mexico had its early beginnings at the local level with opposition governments winning municipal and then state elections. Some suggest that outside political and economic conditions, rather than internal reforms, prompted more meaningful opposition and democratization.¹⁰ The economic crisis in the early 1980s, the declining legitimacy of government, and the president all allowed opposition parties,

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particularly the PAN, to gain state and local executive positions.¹¹ From 1982 onward, opposition parties were able to win a substantial number of municipal governments.¹² While in some cases the early local opposition wins seem devised by the PRI to give an impression of democracy, a genuine increase in electoral competition did occur.

Unlike some of the earlier, ambiguously democratic reforms, in the past decade, a few clearly democratic reforms have allowed Mexico to take impressive steps toward a more democratic political system. One of the most important democratic reforms in Mexico was the establishment of the Federal Electoral Institute (IFE) as an independent body to ensure that all federal elections were free and fair. The IFE became fully independent of government in 1996, and since that time has been crucial in ensuring that truly competitive elections are able to flourish

after decades of PRI party interference.¹³ Before the IFE was created, the dominant party often participated in ballot-box stuffing, bribery, and intimidation, and sometimes participated in repression to manipulate election results.¹⁴

Another important advancement toward democracy occurred in June 2002, when President Fox signed the first national freedom-of-information law, which guarantees the rights of the public to information regarding the government. The law required the creation of the Federal Institute for Access to Public Information (IFAI), which is designed to help government agencies in publishing open information, provide technical assistance, establish guidelines for maintaining personal information, and oversee responses to potential violations of the law.¹⁵ Currently, however, the law pertains only to the federal executive branch; while over half of states have passed some freedom-of-information laws since the passage of the federal law, transparency law is uneven across branches and levels of government. These two reforms represent crucial enhancements in Mexican democracy, allowing the country to move from a nominally democratic political system toward democratic consolidation.

Just as the earliest reforms of political procedures did not produce much substantial change in democracy, the first decentralization reforms of the 1970s were much less meaningful than those of later decades. Until 1982, most decentralization efforts

were administrative changes that failed to redistribute decision-making power, or were regional development efforts to rectify problems associated with Mexico City's primacy.¹⁶ In contrast with his predecessors, President de la Madrid (1982-1988) made decentralization a top priority. His municipal reform plan, which became the Municipal Reform of 1984, was a major decentralization effort aimed at returning the autonomy that municipalities officially always had under the constitution.¹⁷ The reform amended Article 115 of the constitution to

enhance municipal autonomy in finance management, collection of taxes, lawmaking and governance, provision of public services, and urban development planning.¹⁸

Decentralization continued under President Zedillo (1994-2000) through his New Federalism program, in which the government initiated comprehensive reforms to strengthen the federal

system by reinforcing vertical and horizontal separation of powers. The broad initiative included efforts to better separate the executive, legislative, and judicial branches, reform the judiciary, reduce presidential powers, strengthen state and local institutions, expand autonomy for state and local government, separate the PRI party from government, and reform the government system for revenue-sharing.¹⁹ Thus, while decentralization was a major component of Zedillo's New Federalism, he worked to democratize at many levels, thereby limiting encroachment of the national executive on other government sectors. Zedillo, a PRI president who believed that the president should exercise only those powers explicitly granted to him by the constitution, presided over the development of the IFE, and, in 2000, peacefully handed over power to President Fox of the PAN.

The democratization and decentralization reforms that have taken place in Mexico have dramatic implications for local governance. By enhancing democratic practices, the political reforms, which started off slowly but eventually produced significant change, have opened opportunities for participatory local governance by enhancing the powers of state and municipal governments and expanding the voice of the public.

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PUBLIC SECTOR AT THE LOCAL LEVEL

With the implementation of decentralization reforms and the rise of electoral competition in Mexico, the role of the public sector at the local level has transformed in recent decades. Local governments now have more institutional power and are no longer tied to the PRI political hierarchy as they were in the past. Since the first municipal presidents and governors from opposition parties, local leaders have been increasingly able to make decisions independently of the president. However, additional independence does not necessarily mean superior performance. Local governments must learn to accomplish new tasks with less guidance. Clearly, as local governments gain new responsibilities and receive less direction from higher levels of government, the capacity of local governments to perform their functions must progress appreciably.

The structure of local government in Mexico is a city council system with an elected mayor, known as the municipal president, at the head of the council. Citizens vote directly for a mayoral candidate, but the make-up of the city council is determined by the percentage of votes received by each party in the mayoral election; therefore, each mayoral candidate essentially represents a slate of council members in the election.²⁰ The Mexican local government structure creates a strong mayor system because more council members are from the mayor's party than any other party.²¹ The city council members serve as local legislative representatives, with each focusing on a particular policy issue as determined by the mayor.²² The size of the municipality and state laws determine the size of the city council.²³ Each mayor appoints a head of staff, secretary, and treasurer, as well as other executive positions according to local needs.²⁴

The challenges facing urban and rural municipalities vary considerably. Regional coordination is difficult in many urban areas because many cities have grown beyond their municipal boundaries. The Mexican municipal structure does not facilitate coordination as no municipality has higher authority than any other to determine regional needs. In particular, the Mexico City region presents a chal-

lenge because the urban area expands beyond the federal district to municipalities in other states, and the non-state status of the federal district keeps the federal government more involved in local affairs. Also, the rapid urbanization that occurred in past decades in the major urban centers led to very poor informal housing settlements that are inadequately serviced by the government. In rural areas, low levels of infrastructure and technical capacity limit the ability of local governments to carry out their tasks. While coordination was easier when the federal government and the PRI dictated policy and carried out most functions, today intergovernmental relations and capacity building is crucial for government performance at the municipal level.

During the PRI regime, governors and municipal presidents had largely political rather than administrative roles. The central function of local elected executives was to limit social unrest and maintain regional electoral support for the PRI.²⁵ The first local governments, which were led by the opposition PAN in northern Mexico, were not subject to orders from the PRI hierarchy; since these PAN leaders had little experience governing, they struggled to balance their partisan roles with elec-

toral responsibilities. "Although inevitably mistakes were made, perhaps the biggest criticism is that [the *panista* governments in Chihuahua] were overly *apolitical* and pragmatic in their governance. Either due to inexperience or to their roots in private enterprise, the *Panistas* often displayed a considerable naiveté."²⁶ Today, local leaders of all parties must manage party responsibilities as well as substantial governing roles. Finding an appropriate balance has proven to be difficult for inexperienced local leaders.

The Municipal Reform of 1984 clarified which public services are to be carried out by municipalities. Previously, because of constitutional ambiguity and the inability of municipal governments to carry out public services, the state and federal governments generally headed the provision of public services.²⁷ Nevertheless, needs frequently were unmet—a situation which the reforms tried to address by specifically outlining the services to be provided by municipalities, such as water, streets, elementary education, and public safety.²⁸ Although the roles

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of municipal governments are now more clearly defined, many municipalities still do not have the technical capacity, equipment, trained personnel, or financial resources to carry out many of their functions.²⁹ Rural municipalities with low levels of infrastructure and minimal resources generally have the hardest time providing services. Thus, with the reassignment of duties, many municipalities either reduced service quality or developed a dependent relationship with their state government for service provision.³⁰

Clearly, with increasing political and institutional independence, financial independence remains an important issue for local governments. Often, fees for public services do not adequately cover their costs, creating a financial drain on municipalities.³¹ In many municipalities, fees are very low because the state or federal government traditionally subsidized public services, and community members are not accustomed to their costs.³² While the Municipal Reform gave municipalities the exclusive right to collect property taxes, this reform has not provided much fiscal independence. As in the case of public services, a lack of administrative infrastructure forces many municipalities to depend on their state government to collect local taxes.³³ Often, states keep a portion of the revenues as a fee for collecting the taxes, leaving the municipalities vulnerable to state manipulation.³⁴ Also, the system for transferring federal funds to the local level supports municipal reliance on having state governments decide how to distribute the federal funds between municipalities.³⁵ These situations leave supposedly autonomous localities dependent on state government decisions for federal resources.

In such a large and diverse country, local governments vary widely in terms of resources, infrastructure, and social setting, thus affecting local governments' abilities to carry out their responsibilities. Regional, political, and ethnic cultures can also considerably influence local government. Local political bosses, or *caciques*, who have existed in Mexico since before the PRI, still exist in remote areas of the country and limit the expansion of democratic practices elsewhere in the nation.³⁶ Since the IFE has jurisdiction only over national elections, repression and fraud may still influence state and local elections in regions that continue to be PRI strongholds.³⁷ Also, in largely indigenous communities, local customs known as *usos y costumbres* are used to elect local leaders, rather than the modern voting system used in the rest of the country. In Oaxaca, local community members gather in assemblies to choose leaders based on past community

achievements.³⁸ The leaders are then registered as the local PRI candidates and elected through official municipal means.³⁹ While supporting indigenous cultures, this system often keeps the PRI in power and closely connected to indigenous communities in the region. Additionally, some indigenous communities establish parallel government structures that are distinct from the local municipal structure. For example, in the state of Puebla, indigenous communities can form a *junta auxiliar*, a three-person body of community members, to govern their local affairs.⁴⁰ Although the state recognizes the positions of the members of *junta auxiliar*, "[T]he state leaves an ambiguous arena for them to act within their communities."⁴¹ These examples reveal that regional specifics as well as broad patterns shape local government models.

PUBLIC PARTICIPATION AND CIVIL SOCIETY

Mexico has significantly lower levels of civic involvement compared with consolidated democracies and will need to enhance levels of public participation to improve local governance. A distrust of government exists among many Mexicans after a long history of corruption and electoral fraud. During the PRI era, the failure of citizens to participate in elections, rather than political opposition, was the main obstacle to demonstrating public party support.⁴² Because the party and the government were previously indistinguishable, public distaste for PRI corruption is linked with public disapproval of government and vice versa. As Figure 1 demonstrates, public confidence in public institutions is particularly low in comparison with that of the United States except in the cases of church and family. Government and political institutions, including the courts, congress, police, and political parties, are not trusted by a majority of the Mexican public. Thus, public participation in these institutions has been limited by the unfavorable impression most Mexicans hold.

PRI-supported civic groups, particularly unions, have dominated community organization around mutual interests. Corporatist relations with community groups often facilitated party influence over the public, which assured that all public negotiations would occur within the PRI party structure. By supporting certain groups and rewarding them with official recognition and access to the government, the PRI ensured that the party controlled dialogue about public concerns.⁴³ Unions, which are closely connected to the PRI, are the best ex-

ample of Mexican corporatist organizations; this has led to low public confidence levels in these organizations today.⁴⁴ The presidential election of 2000 broke the traditional corporatist ties between government-controlled organizations and the PRI on the national level, but some ties still exist at the state and local level.⁴⁵

A new group of civic organizations in Mexico untainted by historical ties to the PRI includes the growing nongovernmental sector. Popular social movements have grown in Mexico in recent decades, especially during moments of national crisis, such as the student massacres at Tlatelolco in 1968 and the Mexico City earthquake of 1985. However, growth of institutionalized nongovernmental organizations (NGOs) is a newer phenomenon. Of the 5,000 NGOs in Mexico by the mid-1990s, half were in Mexico City and another 25 percent were in just four other cities.⁴⁶ Although NGOs are less established in Mexico than in some countries, their presence is increasing. The reality that civic participation through NGOs is on the rise and corporatist relations between public interest groups and government are on the decline demonstrates a positive trend in Mexican civil society, which will create a trend toward greater civic engagement. However, the overall reluctance of Mexicans to trust public institutions may continue to hinder public participation in governance.

The media will play a role in the continuing development of public attitudes about government. While the media is increasingly independent, access to information is still limited for many Mexicans. For example, just two corporations, Televisa and Azteca, control Mexican television, which strongly influences political views. While this is an improvement from past decades when Televisa held a monopoly and an openly PRI bias, the situation is still not ideal for expanding public dialogue.⁴⁷ Although national newspapers exist in Mexico with a variety of ideological leanings, self-censorship still exists among publishers who fear upsetting sources or advertisers.⁴⁸ As government aims to incorporate the public into governance, the media will play a role in shaping public attitudes and therefore individuals' decisions. Whether the citizenry participates

in governance in years to come will be influenced by government reforms and actions as well as the media's depiction of government.

LOCAL GOVERNANCE ASSESSMENT

While the democratic transition and decentralization have created new opportunities for local governance to occur, good governance is not yet a reality in much of Mexico. After a history of federally dominated, one-party rule, both local governments and citizens need to take part in developing a culture

of participatory local governance. Local governments need to improve their capacity to carry out their functions and incorporate public input into decision-making processes. The public needs to accept its role in governance and take on the responsibilities

associated with public participation. Though much needs to be done in order to achieve truly participatory local governance, recent progress has brought Mexico closer to achieving effective governance.

The democratic transition has created a new reality for governance. While this transition is far from complete, the end of the PRI regime, the increasing fairness of elections, and the enhanced transparency of government all are vital steps in producing a government that is more responsive to local needs. Nevertheless, democracy in Mexico is uneven and local leaders are inexperienced in working with the public and deciding policy. Though federal election and transparency rules have been changed, at the local level political bosses still may have significant power. While the expansion of democratic practices is occurring, the democratic transition is still far from complete.

Also, decentralization has expanded opportunities for local governments to enhance governance, but the capacity of governments to carry out tasks remains limited in many areas. In both urban and rural areas, Mexico's stark inequality hinders effective governance. A history of rapid urbanization and informal settlements has created huge urban communities with minimal services. A lack of infrastructure and technical capacity limits the ability of rural governments to carry out their newly

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acquired duties. The reliance of municipalities on higher levels of government diminishes efforts to bring government closer to the people through decentralization. However, local governments are learning skills over time and giving up some of the patterns that they held during the PRI era.

Along with effective government, good governance requires active civic participation in public affairs; unfortunately, the long-held distrust of public institutions presents a major barrier to participatory governance in Mexico. The election of President Fox just five years ago has not eliminated distrust among the Mexican populace, which endured 71 years of corrupt, single-party rule. For public participation and attitudes to improve, the government will have to demonstrate long-term honesty and efforts to better its performance. While the public is still reluctant to participate in local governance, continued democratization, the NGO sector, and the media could improve public perceptions and participation.

Economic inequality is another factor that will continue to limit the political participation of a significant sector of the population. With many Mexicans still living in poverty, a substantial percentage of the population does not have the time or energy to participate in governance because they must focus on daily survival. If inequality persists in Mexico, many will remain outside of public dialogue.

Clearly, both government officials and the public in Mexico lack experience with participatory local governance, but recent democratization efforts have opened opportunities for enhanced governance. If democratic reforms continue, the government could improve its abilities to carry out its tasks and demonstrate to the public its changing role. Likewise, if the public sees genuine reform in government, its willingness to participate in governance should increase.

Though significant steps are still needed, this paper has demonstrated evidence of increasing democratization and chances for improved local governance in Mexico in recent years. While truly good local governance has generally not been achieved, the country has adopted many of the democratic reforms required for good governance. Without the changes of recent decades, virtually no possibility for participatory local governance would exist. Instead, today, despite considerable challenges, if government continues to democratize and the public responds to these changes, opportunities for positive public sector and civil society interactions could grow significantly to enhance lo-

cal governance. Conversely, if new political leaders follow corrupt PRI patterns, local governance will continue to falter. While predicting future outcomes is difficult, at least local governance in Mexico today has a foothold in democracy.

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