

Enhancing Accountability in Mexico: Civil Society in a New Relationship with the State?

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According to recent reports, the state of democracy in many parts of Latin America is precarious. The Fall 2013 issue of the *LASA Forum* painted a picture of “deeply flawed” democracies with power hyperconcentrated in the executive: a modern *caudillismo* (Gargarella and Villarroel 2013). The July 2013 issue of the *Journal of Democracy* featured a set of articles on Latin America’s authoritarian drift. And the recently released 2013 Latinobarómetro report reveals a region divided by rising inequality in which demands for greater democracy remain unmet. The Latinobarómetro survey reveals a trend of diminishing support for democracy in 7 of 18 countries, and Mexico stands out as the state reporting the lowest overall support for democracy. In 2013, just 21 percent of Mexicans reported being “satisfied” or “very satisfied” with the functioning of democracy. And only 37 percent of those surveyed said that “democracy is preferable to any other form of government,” a shocking drop of 26 percentage points from 2002, when Mexico enjoyed some of the highest support for democracy in the region (Corporación Latinobarómetro 2013, 19, 36).

These reports raise serious concerns about democracy in the region and in Mexico, concerns that revolve around problems of voice, accountability, and equality. This note will highlight a more positive view. I suggest that sweeping concerns about the state of democracy in Latin America should be moderated because of the promise of institutional and civic innovation in the area of accountability. Throughout the region, we can discern signs of twin trends: on one hand, the proliferation of autonomous governmental agencies with specific oversight responsibilities, and on the other, civic associations and civic

networks engaging these agencies to ensure that they fulfill their promise.

Mexico today exemplifies these interconnected trends. Since the 1990s, the Mexican government has created (or reformed and granted autonomy to) an expanding array of public agencies in areas critical for democracy. These include the Instituto Federal Electoral (IFE) and Instituto Federal de Acceso a la Información (IFAI), among others. At the same time, we see changes in civil society. The energies of Mexico’s pro-democracy civic activists in the 1990s were largely focused on elections. After the transition from one-party rule, the civic sector lost focus. Today we see a new focus emerging: from the movement Yo Soy 132 to the work of think-tank-style civic associations such as FUNDAR, the civic sector in Mexico has begun to hone a shared agenda around the themes of transparency and accountability.

The Red por la Rendición de Cuentas (RRC) represents a particularly innovative effort. It is a hybrid type of organization which I call a cross-sectoral network, bringing together civic associations, academics, and state institutions for direct and regular collaboration and discussion in an effort to improve the content, coherence, and implementation of public policies designed to promote good governance, transparency, and accountability. The RRC was founded in 2011 after more than a year of deliberation among a diverse array of social actors interested in addressing the challenge of accountability. It has its institutional home in the Centro de Investigación y Docencia Económicas (CIDE) in Mexico City. Its 75 members include civil society organizations working on access to information and transparency; university research centers; journalists organizations; and a number of

autonomous public agencies, including the IFE, IFAI, Auditoría Superior de la Federación (ASF), and Archivo General de la Nación (AGN); and some (but not all) of the state-level agencies that are the counterparts to these federal agencies. Groups join by signing the network’s declaration of principles and *convenio de colaboración*.

The network’s vision, as set out in the formal agreement among members, is to be “an inclusive and dynamic network capable of aggregating and coordinating action among the largest possible number of academic and social organizations, public institutions, and the media.” Its goal is “the design, implementation and monitoring of a real policy of accountability in Mexico” (RRC 2011). The network is built on the premise that one impediment to achieving accountability and good governance is the fragmentation among the different social actors that work on accountability. It works across branches and levels of government. The RRC provides a unique space in which academic researchers, public administrators, civic advocates, and journalists can share experiences, debate practices, and seek consensus.

Although the RRC has been in existence only a few years, there are already indications of its efficacy in influencing an accountability agenda for Mexico. In 2012, the Senate called on the RRC for testimony to help inform legislative debate on political reforms. Representatives of various member groups of the RRC, each speaking for themselves, gave testimony before the parliamentary groups of the PAN (Partido Acción Nacional), PRD (Partido de la Revolución Democrática), and PRI (Partido Revolucionario Institucional). Participants agreed that this level of access to policy makers was meaningful and might not have been

available without the RRC as the channel. After lengthy debate, the RRC recommendations were incorporated into a package of constitutional reforms related to transparency that was passed by both the Chamber of Deputies and the Senate in late 2013.

Another example concerns the Plan Nacional de Desarrollo (PND) for 2013–2018. By law, the president must consult with the public before introducing the PND, but the mechanism for public consultation is not specified. The IFAI encouraged the RRC to participate in the public consultations and suggested that the RRC develop a proposal for a public policy for greater accountability. The RRC brought together representatives of nearly 70 organizations to deliberate and present their proposal in April 2013 (RRC 2013). When the final version of the Plan Nacional de Desarrollo was published in May 2013, some of the exact language from the RRC proposal had been incorporated. The RRC has also been successful in promoting constitutional reform to harmonize right-to-information laws across states and to raise awareness about these new laws among politicians, civil servants, and citizens.

The RRC cross-sectoral network gives Mexican civic associations greater access to policy makers and public agencies than they might otherwise achieve. As Keck and Sikkink (1998) recognized some time ago with regard to transnational advocacy, the network structure allows civic associations to use information and moral argumentation to help shape the agenda and to influence more powerful actors. It works precisely because it brings together diverse actors with different sources of authority. However, access to policy makers is not the only benefit. Staff and leaders of the RRC and of member groups,

when interviewed, highlight the fact that the RRC has helped to build working relationships among actors in the network who otherwise often find themselves in competition with one another, whether for funding, recognition, political resources, or control over policy space. The RRC also draws academics out of their ivory towers and into conversation with the objects of their study.

Finally, it is important to note that the very existence of this network represents acknowledgement from civil society of the significance of institutional reforms in Mexico over the past decade. Despite problems, governmental transparency and access to information have improved, and the guarantor institutions created by the state are increasingly viable. Because institutions like the IFE and the IFAI have their shortcomings, the tendency of civil society is often to see the glass as half-empty. Indeed, civil society throughout Latin America has long defined itself principally in opposition to the state, a stance born while fighting for political space during the region's transitions to democracy. In this sense, a collaborative role for civil society and state, through a network like the RRC, represents a sea change. Critically, support from civic associations, academics, and journalists through the RRC can help reformers within public agencies defend gains against those within government who would see them reduced.

All of this said, when it comes to measuring the impact of civil society on democracy it is important not to exaggerate. As a number of recent studies have documented, Mexican civil society is relatively disorganized and distrustful and its impact is uneven at best (see Layton and Moreno 2010; Somuano 2011). Without making sweeping claims, we can see that the RRC

has at least opened channels of communication between civic associations and public agencies. It has amplified and focused social and political demands for greater accountability. For member organizations, the RRC has enhanced trust and reciprocity and provided allies and access. These are valuable gains.

As Omar Sánchez-Sibony (2013, 8) wrote in the previous issue of *LASA Forum*, “The domestic barriers that can avert democratic breakdowns via a thousand blows are essentially two: the strength and vitality of civil society, and the strength of political institutions.” Through the RRC, civic associations, academics, and journalists in Mexico are engaging with state institutions in an effort to strengthen each other's capacity to foster democratic and accountable policies and practices of governance. There are many well-established civic associations and networks in the region that work on good governance and accountability: Corporación Participa in Chile, Transparencia in Peru, and Poder Ciudadano in Argentina, to name a few. None that I know of have attempted this type of cross-sectoral network design. The experience of the Red por la Rendición de Cuentas provides a useful, if not yet fully proven, model for civic actors in other states as they seek to negotiate the long-standing puzzle of how to develop a collaborative stance vis-à-vis the state without becoming co-opted.

References

Corporación Latinobarómetro

2013 *Informe 2013*. November 1, Santiago de Chile. http://www.latinobarometro.org/documentos/LATBD_INFORME_LB_2013.pdf.

Transformaciones del campo social activista y cambio democrático en Argentina

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Gargarella, Roberto, and Grazia Villarroel

2013 “More Power to the Executive: The State of Latin American Democracies in the Early Twenty-First Century.” *LASA Forum* 44 (4): 6–7.

Keck, Margaret E., and Kathryn Sikkink

1998 *Activists beyond Borders: Advocacy Networks in International Politics*. Ithaca, NY: Cornell University Press.

Layton, Michael, and Alejandro Moreno

2010 *Filantropía y sociedad civil en México: Análisis de la ENAFI 2005–2008*. Mexico City: Instituto Tecnológico Autónomo de México.

RRC (Red por la Rendición de Cuentas)

2011 “Declaración de principios y bases de actuación de la Red por la Rendición de Cuentas.” May 18, 2011. <http://rendiciondecuentas.org.mx/declaracion-de-principios-y-bases-de-actuacion-de-la-red-por-la-rendicion-de-cuentas/>.

2013 “Consulta de la Red por la Rendición de Cuentas para el Plan Nacional de Desarrollo 2013–2018.” April 2013. http://rendiciondecuentas.org.mx/wp-content/uploads/2013/04/PLAN-NACIONAL-DE-DESARROLLO_RRC.pdf.

Sánchez-Sibony, Omar

2013 “Democratic Breakdowns via a Thousand Blows in Latin America.” *LASA Forum* 44 (4): 8.

Somuano, Ma. Fernanda

2011 *Sociedad civil organizada y democracia en México*. Mexico City: El Colegio de México.

Lo que identifica a las democracias modernas no es sólo el marco institucional del régimen político, sino, de manera sustantiva, los derechos que constituyen el status de ciudadanía. La enunciación normativa de derechos civiles, políticos y sociales, siguiendo el andamiaje histórico-conceptual de H. T. Marshall, es fruto de luchas sociales que, a través de nuevas interpretaciones de la vida social, redefinieron las fronteras de la libertad y la igualdad, a partir del reconocimiento del carácter público y legal a las relaciones entre particulares (Marshall [1950] 1998; O’Donnell 2010). Reformas constitucionales recientes ampliaron las listas de derechos en varios países de la región, acogiendo un acumulado de luchas sociales previas, en particular, mediante procesos constituyentes de carácter participativo, como sucedió en Bolivia, Ecuador, Venezuela, y había ocurrido antes en Brasil. La reforma de la Constitución argentina, en 1994, recibió el influjo del movimiento de derechos humanos, actor protagónico de la refundación democrática y de su articulación institucional, e incorporó al plexo constitucional un extenso catálogo de derechos, principalmente mediante la importación de tratados internacionales. Entrado el siglo XXI, este reconocimiento constitucional de derechos viene representando un paso fundamental en los avances logrados por nuevos movimientos sociales, mediante su apropiación.

Se plantea aquí la existencia de cambios en el campo organizativo y el perfil activista de los movimientos sociales en Argentina, como un factor clave de la inscripción de un número creciente de demandas colectivas bajo la exigencia de cumplimiento de derechos. Se argumenta también, a partir de algunos ejemplos, que en tanto la incidencia legal, como herramienta de los movimientos sociales,

ha tenido éxito, su impacto ha ido más allá de las medidas concretas alcanzadas, para abarcar aspectos tanto formales (procedimentales) como sustantivos (semánticos) de la ciudadanía y la democracia. La nota está dividida en dos secciones. En la primera, se hace referencia al pasaje de la protesta social, como formato de acción colectiva preponderante en la década de los noventa, a la conformación de nuevos movimientos y movilizaciones sociales, progresivamente orientados hacia la acción legal, en el presente, subrayando tal discontinuidad. En la segunda sección, se señalan condiciones y efectos de la movilización socio-legal contemporánea.

De la protesta social a la acción legal

Hacia fines de los años noventa, distintos ciclos de protesta social contra las consecuencias de la política pública implementada por los sucesivos gobiernos a lo largo de la década, recorrieron el país. Para la sociología política, la noción de protesta —en contraste con la de movimiento social— apunta a la ausencia de una fundamentación transformadora que unifique y dote de sentido a la acción colectiva, lo cual no significa que la misma no produzca identidades, demandas y efectos (Schuster 2005). En la Argentina finisecular, la protesta social emitía un mensaje inclusivo (no quedar afuera de la Ciudad), pero distaba de producir nuevos vectores de inclusión, en un momento en que la ciudadanía socio-laboral estaba en crisis y su articulación al formato estatal y corporativo de creación de derechos —en la tradición inaugurada por el peronismo en la primera mitad del siglo XX— permanecía viva en el imaginario de los actores de la protesta. Tras las movilizaciones de 2001, que confluyeron en el descrédito generalizado de la *clase*