

## CHAPTER I

### LOCAL GOVERNMENT: FROM THE CREATION OF THE *CABILDO* TO THE MODERN DAY *AYUNTAMIENTO*

#### **Colonial government and the creation of the *cabildo***

In order to understand the current condition of local government and the distribution of power among the levels of government in Mexico one must first understand the historical process from which they result. Within this prior understanding of the events that have taken place lies the key to being able to make objective suggestions about what should be done in order to improve the conditions of local government. One could go back to the time of the first cultures that ever existed on what is now Mexican territory in order to identify the reasons for the current conditions of both local government and distribution of power. However, this chapter will focus mainly on the evolution all forms of government that have existed on Mexican territory since the arrival of the Spanish colonizers.

This chapter identifies the main events in Mexican history within which lie the origins of contemporary local government and have shaped it throughout the last five hundred years of its existence. This will allow us to understand the logic behind many of these events, which in turn will enable us to comprehend the logic behind the solutions that will eventually be proposed.

Before the arrival of Spanish colonizers and the defeat of the Aztec empire in central Mexico, much of the region functioned under a system controlled by the central power that resided in the Aztec city of Tenochtitlan. Even though the surrounding cities and groups remained autonomous to a certain extent, they all had to offer tribute to the Aztecs and obey their rules.

The conquest on behalf of Spanish forces brought along with it the establishment of the Iberian political system that existed at the time in Spain, and that was completely alien to the recently conquered territory and its society. The implications therefore were very significant. First of all, this represented the forceful implantation of a system that was a result of years of evolution into a different social and political reality to that of Western Europe throughout the Middle Ages. Secondly, this system would therefore evolve in order to adapt to the new context which would in turn create a different system with its own traits and weaknesses.

The governmental structure that the Spanish Crown decided to establish in the newly colonized territory fitted the needs of a colonizing force that was trying to establish a firm control over the population and effectively administer its territory. As highlighted by Mauricio Merino, in the system introduced by the Spanish colonizers, local government was of great use for the Crown as a means for social and political organization. It had learned so after having taken back the Iberian peninsula from the Moors and gone through the expansion of absolutism (pg. 50). The basic unit of local government, the *cabildo*, proved to be an effective tool in the organization of native communities in the name of the king and of the administrative hierarchy of the Crown. In the practical sense, it was logical for the Spanish Crown to establish local governments or *cabildos* all over the newly conquered territories.

The establishment of local governments came naturally to all of those Spanish settlers in the immediate years after the conquest as a result of the strong tradition of urban government inherited from Spain. An example of this was the foundation of the first *cabildo* ever to be installed in the New World after the landing of Hernán Cortés in what is today known as the state of Veracruz on the Gulf of Mexico. The Villa Rica de la Vera

Cruz, founded on April 22, 1519, was based on the traditional model of local government taken from Spain and it was soon to become the model for the creation of other *cabildos* all over the newly conquered territories. The rest of the Spanish colonies followed the same model while installing the traditional posts within the *cabildos* such as the *alcade* (mayor) and the *regidores* (members of the city council). The number of posts established for each *cabildo* varied according to the importance of the place where they were established and the size of their population. For example, Tenochtitlán, the Aztec capital and what would later be known as Mexico City was given 12 *regidores* or otherwise known as city council members (Porras, 33).

Despite the logical reasoning behind the introduction of this government system, the implications this process has had can even be noticed today, because it was a process that represented the “transferring of an institutional history –if there exists such expression- that had not yet taken place in the territory to be governed” (Merino, 39). In the same manner it has been pointed out that the result of this process was the establishment of “a colonial system of local government that was manufactured, it didn’t evolve through a process of urbanization” (Nickson, 8). This artificial implantation of a system coming from a foreign source has proven to be, until modern days, one of the fundamental reasons for deficiencies present in the Mexican government structure.

Still, the first fifty years of colonization can now be seen as the heyday for local government structures due to the degree of autonomy they possessed and the importance that was given to them. It was a period of strong self-governing groups, that included the *cabildos*, before the imposition of a stronger centralist government that would eventually take place. These government cells that were created during that period can be considered as “the forerunner of the local government councils of the postindependence period”

(Nickson, 7), which are in fact very similar to the modern day *cabildo* that exists in municipal government.

As already mentioned, when settling into new territories, colonizers automatically set up their municipal governments while recreating the Spanish institutions that they knew previously. As a result, by the end of the sixteenth century, there were more than 250 *cabildos* established throughout all of the Spanish colonies. This quick expansion of local governments throughout the territory allowed the creation of certain patterns that became characteristic of the government structure of the colonial period that can now be clearly appreciated.

The first of these was the undemocratic nature of these local governments. Soon after they were created, *cabildos* became highly elitist institutions that were governed exclusively by *criollos* (people born on colonial soil to Spanish parents) while excluding important social groups such as the indians, the *mestizos*, recent immigrants and the lower strata of the population (Borja, 27). They became oligarchic institutions that allowed room only for the wealthy and powerful, and thus became an important tool in the conservation of the status-quo that benefited the wealthy peninsular elites of the time. The idea that the *cabildo* should only benefit the urban population quickly became rooted in society, leading the way to the creation of a local government structure that favored the rich, much as it does today. The composition of the *cabildos* reflected the undemocratic nature of these. Being many times made up of wealthy landowners and Spanish citizens, many of the posts within the *cabildos* were sold in order to increase revenue for the cities. As a result, the council that was supposed to represent society was transformed into an arena for the defense of self interests of an elite. "Municipal office became private property...local administration became synonymous with local elite interests" (Nickson, 10).

Consequently, local governments became inefficient and were rarely able to deliver the services they were supposed to. As pointed out by Jordi Borja, local administrations had a lagging capacity and tradition with respect to the provision of public services. At the time, all major construction and political and governmental functions were taken on by the central power of the Crown and were rarely the result of the decisions taken at the local government level (27). In general, *cabildos* showed a strong administrative incompetence and became gradually symbolic as they became the lowest tier in the administrative hierarchy. In addition to this, the autonomy of the council became increasingly limited by the power of the Crown. Not only was there an official representative of the Crown in all of the *cabildos* that decided whether to ratify or not the decisions taken by the council, but also, local governments were being limited in their capacities to act as their powers of taxation and freedom of expenditure were slowly taken away. The central authority decided to cut down the autonomy of local government structures and increase direct control over the territory and its people (Nickson, 11). Throughout this process one can identify the beginning of the centralist tradition that currently exists in Mexican government and the origin of many of the deficiencies existing in the *cabildo* and local government today.

The last of these patterns that developed throughout the initial phases of the colonial period was the marked division between the Spanish colonizers and the indigenous colonized. This relationship came to be reflected in the composition of the cities and urban centers as municipalities that were established structurally mirrored the relationship between the Spanish invaders and the indigenous. The center of the municipality was usually the location of all the political, administrative and economic headquarters. This zone was known as the *cabecera*, while the surrounding neighborhoods were usually inhabited by the local indigenous in an apartheid-like manner (Nickson, 9). The governmental system that

was established was only intended to benefit the urban elites living in the *cabeceras*, while the rest of society was confined to the peripheries of both urban centers and national life.

### **The Bourbon Reforms**

One of the main transformations in the status of local government during the colonial times took place with the introduction of the Bourbon Reforms. “The efforts carried out on behalf of the House of Bourbon... not only modified the idea that had lasted for almost three centuries on the internal governance of cities, but also had a permanent impact on its future development” (Merino, 50). What took place between 1759 and 1788 (reign of Charles III) was to be one of the most influential events in the creation of post-independence Mexican political and governmental institutions, including local government.

The reforms that were put in place by the Bourbons in all of the Spanish Empire were the result of a new conception of the role of the State. They considered that all the power that had once been delegated to other institutions, groups and levels of government had to be reabsorbed by the Crown while determining the political, administrative and economic direction of the kingdom (Florescano and Gil quoted in Merino, 50).

The reforms intended the Crown to take on a renewed control of the colonies by reorganizing them through what can be seen as a centralizing effort on behalf of the existing government. A restructuring phase took place with the objective of creating more efficient and less corrupt local government structures and practices by having a more direct influence and control on them as well as on their elected officers. Two of the main changes that took place were the elections that were held in order to elect public figures meant to replace the prior system in which public posts were sold, and the more vigilant control of the Crown over local authorities through the creation of *intendencias* (territorial

administrative divisions) headed by Spanish-born *peninsulares*. But despite the common perception that the Bourbon reforms failed largely in part because of how rooted the previous system was and because of the decay of the colony that came even after the reforms were carried out, the modifications that were put in place on behalf of the Crown had both positive and negative impacts on the *cabildos* and their authority.

Rather than removing the faculties of the *cabildo*, the intendants (*intendentes*) constantly pressured the *cabildo* to undertake its neglected responsibilities. In doing so, the intendants aroused the *cabildo* from its lethargy, and the Bourbon Reforms led to its political revitalization (Lynch quoted in Nickson, 13)

As a result, despite the fact that they were being increasingly controlled by the Crown, *cabildos* often became strengthened and given a wider margin of autonomy through increased powers of taxation and financial independence. Francois Xavier Guerra pointed out with regards to the Bourbon Reforms that

...they took two opposite directions that at a first glance may seem contradictory. On the one hand they tended to democratize the *cabildo* with the creation of new posts that were filled through elections of the *vecinos*, and on the other, they debilitated the autonomy of the *municipios* by the imposition of a more strict control and by transferring the main decision making capacity to the hands of royal public figures. (quoted in Merino, 56)

Still, these reforms had a limited impact on the nature of the colonial system of government in real terms. In most cases, those who had bought their way into local government still had more power over local affairs than those that had been officially elected. In addition to that, local authorities frequently came into conflict with the central authorities that were constantly vigilant of their actions and decisions, thus creating an unstable political

atmosphere. But even though the direct consequences of the reforms were rarely felt by the ordinary citizen and it was hard to tell the difference at that time, looking back we can now say that they did have a definite impact on the nature of the relationship among the levels of government and on the future role to be played by local government. In his book, *Gobierno Local, Poder Nacional*, Mauricio Merino points out that the Bourbon Reforms were one of the most important elements that set the stage for the prior alterations set in place by the adoption of the Constitution of Cadiz in 1812, merely a decade after the completion of the reforms.

### **The Constitution of Cadiz**

Another of the important political events that shaped the role to be played by local governments was the Constitution of Cadiz, that was written once the struggle for independence had begun on Mexican soil. As result of the pending menace represented by the invading forces of Napoleon, a new government had been created in the Spanish kingdom. This government convoked a Congress that was to gather in the city of Cadiz in 1811 with the intention of establishing new guidelines for the incoming government, including the nature of the relationship between Spain and its colonies. A group of *criollos* from Mexico, went with the intention of defending the country's interests and lobbied for a number of causes. As a result, the whole nature of the regime changed, favoring the interests of the social classes and groups that had traditionally been put under the authority of Spanish *peninsulares*.

The Constitution introduced for the first time the concept stating that "originally, sovereignty resides in the hands of the people", and thus power was automatically taken away from the king and transferred to the nation and the executive branch of government.

One author describes the constitution as a “a liberal constitution meant to defend the rights of individuals, the freedom of speech in political matters and judicial equality between the Spanish and the Americans” (González, 1994, 91). Despite the fact that the Constitution was put into place during the final days of the colony and was only officially enforced during three months, it represents the most important change with regards to the ideas and the political tradition of the colony.

This shift had several implications for the *municipios* and their governing bodies. First, it implied that under the more republican system of government, *municipios* would no longer function as autonomous political institutions under the authority of the Crown. They would instead become an administrative division of the executive branch of government trying to enforce the constitution and the new regime. Francois Xavier Guerra has described this change by saying that “the *municipios* of Cadiz are no longer bodies with specific rights, but are now administrative divisions of a nation made up of equal citizens” (quoted in Merino, 58). One of the main worries of those who drafted the constitution was the territorial fragmentation and federalization of the country, for which reason they made sure that all territorial divisions and administrative units were defined as part of a central power invested in the executive.

The second implication had more to do with the people that made up the *cabildos* and occupied the local government posts. The Constitution reaffirmed what had already been intended by the Bourbonic reforms by taking away local power from elites that traditionally bought their places in government, and instead promoted a more democratic system of elected representatives. Additionally the country became more homogeneously divided into *municipios* as they became the basic unit of territorial division and were assigned specific duties and responsibilities. Officially then, local governments became the representatives of

this new sovereignty that had been handed over to the people, all within the framework of an executive branch of government that maintained control over the whole of the system, although in practice things didn't always work in that way.

These were the conditions under which local governments existed at the end of the colonial period in Mexico and the status they had with regards to the whole of government at that time. As can be seen, the *cabildos* that were established from the very beginning of the colonial period by the Spanish settlers soon became a basic political unit throughout the empire that played an important role in the colony's political life. Despite this, *cabildos* increasingly lost power to the Crown, which continuously struggled to keep a firm hold on the decaying colony, and they became corrupt institutions that were useful only in promoting the interests of the wealthy urban elites. A rhetorical basis was laid by the Spanish giving significant importance to local governments within the system, but as it can now be seen, "the colonial period left a local government legacy that was more apparent than real" (Borja, 27).

### **The post-independence period**

During the fight for independence, the *cabildo* gained a certain amount of importance due to the fact that it became the means by which popular sentiment was expressed in favor of independence away from the Spanish Crown. As mentioned by Nickson, the first separatist sentiments were articulated through the *cabildo* as it remained one of the only colonial institutions in which *criollos* were well represented and that retained a certain degree of autonomy (14).

What came after Mexico obtained its independence from the Spanish Crown is fundamental in understanding the nature of local government in modern times. This was the period

during which the Mexican nation-state was formed and thus leaders at the time were faced with fundamental decisions on how government should be run and what it should look like. Part of this dilemma was the role to be given and the authority to be delegated to the municipalities and local governments during the creation of the Mexican state.

This was also the period that laid the basis for what is now known as Mexican federalism, which also gives special insight to the kind of relationship that was to be held between the central and peripheral regions of the country, and also the higher and lower levels of government. As we shall see, the Mexican experience with regards to the creation of the nation-state was quite different from the experiences encountered by many of the western European countries. It was a process that had to be carried out quickly and effectively in spite of the fact that the newly independent country had not been given the opportunity to develop on its own. Instead, it had lived under a foreign regime which in turn implied foreign values and perspectives on society and individuals as well as on the role of the state. As a result, the system that arose from this early post-independence period was ill-defined and weak, and does not represent a solid historical background for the current government system.

The modern state that arose after independence was built on strong centralizing forces. There were many reasons for this having taken place. First of all, there were those reasons that had also existed during the creation of the western European states in earlier centuries and that had to do with the necessity to centralize power for economic and administrative reasons. There was also the fact that in order to create a unified political entity there has to be a centralizing effort carried out in which the central power establishes a homogenous basic infrastructure and administrative scheme and creates cohesion in the newly born nation. It is important to mention that, as opposed to what is happening today in Mexico,

centralization at that moment was fundamental in the effort to consolidate the state and avoid it from collapsing.

There were also other more specific reasons that also came up in other newly independent states in Latin America. One of these was that the politically predominant groups that were created during colonial times had an interest in consolidating the power of the state while impeding the creation of civil society, social movements and organized participation on behalf of society. They had an interest in maintaining the status quo that was favorable to them. Additionally, there was the creation of a strong political and military center in order to define the country geographically and prevent external threats from becoming a serious problem. This also helped the effort going against many of the local and regional elites and leaders (*caudillos* and *caciques*) that in holding significant amounts of power posed a problem to the creation of a unified state (Borja, 28). All of this led to the creation of an extremely powerful center that became the pivot to the later political, economic and social development of the country. It was the beginning of what would eventually become an over-dependence of a country on its capital city and the political institutions found within it.

As a result of all of this, the years that followed the independence which included the effort to create a unified state were a time during which local government was grossly neglected as the country strove to ensure national consolidation through centralization. As mentioned by Guillermo de la Peña, “the consolidation of the state implies the minimization of other more independent powers within the territory” (quoted in Merino, 34). Logically, during this point in history, local governments were seen as being too autonomous and as a threat to the unification of the state. A clear example of this effort to reduce the autonomy of municipalities was the *Ley de Municipalización* (Municipalization Law) that was created in

1822 by the legislature of the first Mexican empire created after independence. As established by Rodolfo Pastor in one of his publications,

...the law turned the new municipal corporation into a simple administrative agent, an executor of the measures that were taken by the state and federal governments, taking away from the *cabildo* its administrative autonomy and its traditional judicial capacities... (quoted in Merino 95)

Once again, the new political elites seemed to emulate their predecessors in establishing a highly centralized system such as that which had existed during the colonial period and still existed in Spain. At the same time, the elimination of municipal autonomy took away power from two important social groups, the indigenous and the *criollos* that had gained from the democratic reforms carried out during the final years of the colonial system. These groups, upset by the effects of the new municipal law, were to start a new movement defending the freedom of the municipality (*municipio libre*) that gained importance during the years of the Mexican revolution.

The fact was that during the time when a project should have been created based on the situation and reality existing at that moment in time, everybody seemed to be planning the future based on experiences from other regions of the world or other periods in time. Some thought it would be best to create a nation based on the ancient Greek and Roman forms of government, others thought it best to follow the example of the United States and some even proposed going back to a format based on the old Aztec system (González, 96). Besides this, while nobody seemed to take into account the situation the country was facing after a decade of fighting and three centuries of foreign rule, they also forgot to add local governments in the plans for national life after independence. This too would have

permanent negative effects on the development and creation of a solid and effective government in the country.

### **Federalism**

The solution that was found to the problems of cohesion and administration the country was facing at that time came from a scheme following the basic principles of federalism. After a failed effort to create a centralized monarchy under the reign of Agustín de Iturbide, an assembly came together to write the country's first constitution, which established a federal and republican system of government. The constitution of 1824 divided Mexico into 19 states and 5 territories. The federal government would be made up of the three classic branches, the executive, the legislative and the judicial. In this way, the foundations of modern-day federalism were laid down by this constitution.

The source and inspiration of Mexican federalism has been a source of controversy. Traditional currents of thought set the US Constitution as the model after which the Mexican Constitution of 1824 was written and thus the model after which Mexican federalism was created. But the true source of Mexican federalism proves to be much more complex than that.

The conception of Mexican federalism was born from the controversy that arose between the center and periphery in the country after independence, the dispute between centralists and federalists. In the long run, federalism proved to be the best and most practical solution to the problems that the country was facing at that time, which included the possibility of fragmentation of a huge and dispersed territory that was increasingly controlled by local and regional leaders. This solution that was put in place was distant from the traditional model coming from the theory of federalism which asserts that federalism arises as a result

of an agreement amongst independent and sovereign states. As a result, we can see that as opposed to what took place in the United States, federalism in Mexico sprang from the need to solve a spreading political crisis in the territory and not from a historical political agreement between sovereign states. Nettie Lee Benson drew attention to the fact that

Contrary to the common belief that federalism was suddenly forced upon a unified country, impractically splitting it asunder, it was adopted in Mexico in 1823 because it was the only possible way to unite and solidify a country which, under the influence of a Spanish institution, had broken up into independent provinces that were verging on becoming independent states or nations. (quoted in Rodríguez, 18)

In this sense, it can be stated that from its very conception the struggling Mexican federal system can be defined as somewhat artificial. The type of federalism that sprang in Mexico was ingrained with certain historical and social characteristics of the Mexican state. This gave way to the creation of what Victoria Rodríguez has defined as “Federalism a la mexicana”, a hybrid form federalism resulting from Mexico’s own historical traits and traditional federalist ideology.

This system has throughout its existence been very limited. Lloyd Meham has even stated that “federalism has never existed in fact in Mexico. It is an indisputable commonplace that the Mexican nation is now and has always been federal in theory only; actually it has always been centralistic” (quoted in Rodríguez, 18). This form of federalism cannot be explained by the same parameters belonging to the federal systems found in European countries and the United States, and is in a large measure the reason for which power belonging to local government has gradually eroded since the establishment of the Mexican state.

As to the source of inspiration for the assembly that created the constitution in 1824, there seems to be increasing consensus that despite the fact that they surely had admiration for the American model of federalism, the basic reasons for the adoption of federalism lies elsewhere. The momentum for dividing the territory into states and establishing a federal system that gave authority and power to intermediate units of government came from the efforts that had been carried out during the last years of colonial times, especially the Constitution of Cadiz. Within it we can find that it had previously created specific territorial divisions and had assigned them specific duties and powers. This effort was politically centrifugal in nature, like the document created in 1824. The federal constitution and many of the state constitutions which were written later on bore resemblance to the Constitution of Cadiz which had been put in place two decades earlier but had survived for less than a year. As a result, rather than stating that Mexican federalism was created in the United States, it has to be said that its true origins are to be found in Spain and in the events that took place between 1786 and 1812, including both the Bourbonic Reforms and the Constitution of Cadiz.

The states that were created under the new constitution, were at the same time divided into municipalities that kept similar structures to those which existed during colonial times. The post of *presidente municipal* (city mayor) was created to head local government structures which still included a local government council called a *cabildo*. In general, the structure of local government remained the same, but their levels of autonomy were strongly decreased. They became subdued to both state and federal authorities. In certain authors' opinions, it was during this period time that local government underwent the strongest suppression, while the intermediate level of government was given new attention.

### **The Reform period**

From the creation of the 1824 constitution establishing a federal system to the middle of the nineteenth century, which ushered in the most important liberal reforms in the country's history, the political scenario in Mexico was characterized by the dispute between centralists and federalists. It was a constant power and ideological struggle between these two groups that can be linked only to a certain extent to the friction existing between the liberals and conservatives of that time. During this period, the centralizing tendencies remained, though to different extents depending on which group was in power. Local government became totally suppressed in 1836 with the abolition of the constitution at the time centralists came to power. At that moment, the federal division of the country was substituted by a centralized system which gave all importance to the central government. As has been put by Andrés Lira González, once Mexico became independent, local government was strongly neglected (55). The Constitution of 1824, which was reinstated in 1847, didn't make any important reference to local government because it considered it as part of the internal jurisdiction of the federation's states. The centralist laws of 1836 only mentioned municipalities and municipal councils as units within the territorial divisions created at that time, the so-called *departamentos*. It thus became an administrative system without real municipal government.

To understand the relevance of the liberal movement for the transformation of government and the political system, one must first understand the thinking of the liberals that came into power and set forth the reforms. In the first place, liberals found there was great antagonism between the historical foundations of the country and its future growth. This represented a turning point away from traditional political thought that had existed until that moment. They believed in guiding the country into the future based on a strong set of

ideals that included “representative democracy, independent governmental powers and true federalism” (González 1994, 110).

The liberal laws of 1856, and the liberal constitution of 1857 shed new light on to the *ayuntamiento* and the *municipio*. For the first time in the country’s history the term *municipio* was used to define the smallest territorial and administrative division of government. The liberal nature of this constitution resulted in an emphasis given to the sovereignty to be held by the population. This sovereignty was to be in turn conveyed by society unto government, especially at the local level. The *municipio* is mentioned briefly in Article 31 of the constitution, which establishes the obligation of citizens to contribute to the public spending of both federal and local government. Further evidence of the municipality becoming slightly stronger comes from other spheres. Municipalities were constantly mentioned in common legislative work done in both legislative chambers, in official documents created during the reign of Emperor Maximilian, and in many of the state constitutions that were drafted at the time. During the second empire that existed on Mexican soil after the country became independent, headed by Maximilian of Hapsburg (1864-1867), many municipalities were created within military districts, and in many cases, became much more efficient administratively. In some cases, as states drafted their constitutions they created a fourth branch of government, the municipal one. Such was the case in the states of Tlaxcala and Hidalgo. These states pushed for the sovereign representation of the people through their local leaders (González, 1987, 63).

Despite these facts, centralizing tendencies were still the norm in what was taking place. The *municipio* and its governing body, the *ayuntamiento* were still seen as administrative units that were extensions of the will of the of upper and intermediate levels of government.

The arrival of Porfirio Díaz on the political scene in 1877 represented another great blow for the autonomy of local governments. His quasi-dictatorship added to the establishment of a system based on an overwhelmingly strong presidential figure that shifted all power towards the center. This period marked the beginning of what is called *presidencialismo*, the over-dependence of a system on the executive branch of the federal government. Porfirio Díaz also had a tendency to negotiate with strong local leaders that were willing to give up the autonomy of their localities and regions in exchange for certain benefits coming from the center. As mentioned by Victoria Rodríguez

...in addition to federal executive control, the Díaz regime also solidified its regional control by sharing the country's newly acquired wealth with local regional bosses. Most of these bosses were happy to exchange local autonomy for a share of revenues brought on by the modernization of the country's economy and by its political stability (19).

As a result of this, municipalities lost all importance, as they were only allowed to carry out certain judicial tasks having to do with the administration of limited public services. The new regime took away all political representation from the *ayuntamientos* that could have served as means for the expression of public opinion against it. The *municipio* was stripped of all its capacities to represent its constituents, and thus became a very hollow institution. All of this laid the basis for the creation of a strong popular discontent that would lead the way to the outbreak of the revolution that took place at the beginning of the twentieth century and marked a turning point in Mexico's history.

### **The outcome of the Revolution**

The turn of the century painted a grim picture for local governments. The municipalities that were brought into the new century were weakened institutions that had suffered the neglect of over a hundred years of centralized government. *Ayuntamientos* were strongly limited in their capacities to represent and govern the people living within their jurisdiction. The system functioned around the center of political power that had not been able to get a firm hold on the country's situation until the arrival of the dictatorship headed by Porfirio Díaz.

The Revolution is traditionally seen as a period during which municipal authority was rescued, as the political forces that overturned the system and came into power were known to be favorable to the reinvigoration of local authority. But when taking a closer look at the priorities of the revolutionaries, the *municipio* can only be seen as a secondary issue. As stated by Mauricio Merino,

...amongst the many ideas that found their place within the Mexican Revolution, those referring to the *municipio* were only considered as a secondary subject. None of the fundamental documents written by the revolutionary groups –examined between 1906 and 1917- valued it as a privileged subject (214).

Mainstream history regarding the Revolution gives great importance to the demand that was presented during the Revolution for a *municipio libre* (free municipality), despite the fact that this cause only came after a series of other causes for which the revolutionaries were fighting for. Amongst these were the redistribution of power and the agricultural crisis the country had got into. Within the programs and manifests that were published during that period, the idea of a strong autonomous municipality was rarely mentioned at all. The issue relating to local government was only presented as one of the many problems that had to be

solved, but it was never presented as a central issue during the revolutionary struggle. In other words, the main revolutionary actors didn't take advantage of the opportunity that was presented during that time to reinvigorate the most important political institution in the country's history (Merino, 217). Consequently, the resulting political and economic system that was established after the Revolution was unsurprisingly centralized. Victoria Rodríguez states that after the Revolution took place, "the new state slowly but firmly took over the control of local governance and, to support this control, created a series of centralized institutions" (19).

Still, it is not to be thought that local government was completely neglected by the revolutionaries. The constitution created in 1917, which still exists today, gave a new status to the *municipio* and the *ayuntamiento* in its Articles 27 and 115. It is important to know that the status awarded to the municipality in this document is the basis for what local government looks like today. Within it, the liberty of the *municipio* was officially recognized while remaining an administrative unit following the tradition established by the liberals. Once again, the responsibility for the growth and development of the country was transferred to the federal government, leaving behind municipalities as hollow entities. The 1917 constitution thus set forth the basis for the future evolution of the country's government characterized by a high degree of centralized power and weakened local government structures. Albeit recognizing municipalities as independent institutions, it also officialized the limited capacities and authority belonging to them resulting from a process of gradual reduction of importance that had started since the end of colonial times.

"Ironically, what began as a movement against the concentration of power in the hands of Porfirio Díaz concluded in a similar concentration of power, in different hands". (Merino, 239)

### **Local government during the twentieth century**

The eighty years of local government life that followed the creation of the 1917 constitution followed the guidelines established by in Articles 27 and 115. This time round, local governments were to become the property of state governors and the new political institutions that were created after the Revolution (Merino, 257). The importance and autonomy of local governments vis-à-vis central and intermediate levels of government remained the same while the centralizing tendencies continued to be the norm. *Ayuntamientos* have ever since been limited in the distribution of a set of public services required by societies while depending financially on budgets approved by state legislatures. They also function under the laws and control of both the state in which they exist and the federation.

Postrevolutionary centralization of power was carried out through a series of political institutions, the most important of which was the *Partido Revolucionario Institucional* (Institutional Revolutionary Party). Having started out as the *Partido Nacional Revolucionario* (National Revolutionary Party) in 1929, this institution was to become the safe keeper of the new political and economic system resulting from the Revolution. The party became the icon for the concentration of power within one same political structure as it rule the country single-handedly for over 70 years. According to Lorenzo Meyer, “it was a party that was born not to fight for power, but to administer it without sharing it” (quoted in Rodríguez, 19).

Centralization of power and the anachronism of local governments was reinforced by several other political, social and economic phenomena. The first of these was the concentration of power in the hands of the head of the executive branch of government, the president. The clearest example of this having taken place in Mexican history can be found

in the presidency of Lázaro Cárdenas (1934-1940). As mentioned by Victoria Rodríguez, “by the end of his administration the authoritarian features of the state had been firmly established” (Rodríguez, 19). Soon after, the presidential figure became completely uncontested. No other political institution in the country could go against the will of the president.

The second phenomenon that led to the weakening of local governments has to do with the economic model that Mexico decided to follow early in the 1940s. The state-led strategy of import-substituting industrialization was a catalyst for rapid urbanization and mass immigration from rural areas to urban centers. What this led to was the increasing demand for public services that were traditionally delivered by local governments, which could no longer provide them because of their limited capacities. Having realized this, central government decided to take on the task itself instead of expanding the capacities of local governments in charge of administering growing urban centers. This started a process of what Andrew Nickson calls “demunicipalization” in which “the process of central government encroachment concentrated on those larger urban areas of strategic importance where new industries were located” (17).

Finally, local governments became even weaker because they became completely discredited by society. This has led to the creation of a vicious cycle that represents one of the main obstacles if Mexico is to grow out of the habit of neglecting the importance of local government structures. Having realized that nothing could get done through the intervention of local representatives, civil society simply stopped asking and participating, while starting to do things through its own initiative and organizations. Consequently, one of the most devastating side effects of the over-concentration of power in central

government has been the elimination of any form of active participation on behalf of civil society in Mexico's political life.

### **Local government and decentralization in the last two decades**

Over the past two decades, local government and decentralization have been given a more privileged position in the Mexican political agenda, something which has opened the way for new predictions on the role that they might play in the near future. The end of the twentieth century brought with it a renewed impetus that highlighted the importance of local government in Mexico's social, economic and political development. As mentioned by Victoria Rodríguez,

After being neglected for decades, in the mid-to late 1980s the municipality suddenly caught the attention of analysts, academics, policymakers and politicians... (they) suddenly found themselves attracted to the lowest tier of government and expanded their fields to incorporate local government (preface xvi).

This phenomenon was part of a general tendency existing in developing countries, especially those in Latin America, that emphasized the importance of decentralizing power from national governments and delegating authority to local government structures in order to promote growth and development. It seems as though that while at one point in time centralization was necessary for the survival and consolidation of the State, the opposite has been considered true for the last twenty years. A new vision has emerged which considers national government as an articulator of efforts carried out on behalf of states and municipalities.

This new attitude is reflected in reforms that have taken place in Mexico since the eighties favoring a strengthened federalism and the reduction of power concentrated in the hands of

the highest level of government. The first of these was the amendment to Article 115 of the Mexican Constitution regarding local governments' autonomy and obligations that was introduced by President Miguel de la Madrid. During his six years in power, de la Madrid carried out the first serious efforts to decentralize the Mexican State. It should be taken into account though, that one of the fundamental reasons for which decentralization was pursued during this time was because of the lagging capacity of the central government to fulfill its role amidst a growing economic crisis. The resulting decentralization that was put in place wasn't necessarily done so with the intention of strengthening local governments, but was instead carried out in order for the federal government to survive an overwhelming crisis that became unmanageable.

Contrary to this and as can be read in an official government publication of the time, official rhetoric on behalf of the government federal government justified the actions being taken by saying that,

...the centralization that in an earlier period allowed the country to accelerate its economic growth and social development has outlived its usefulness and become a serious limitation on the country's national project... Centralization has seized from the municipality the ability and the resources needed for development and, without question, the moment has come to stop this centralizing tendency (Cámara de Diputados, 8-9).

The main provisions intended for local governments contained in the amendment were a greater degree of autonomy from federal and state control, a larger responsibility the provision of basic urban services, more financial resources, and the obligation to follow the principle of proportional representation in local politics and government composition. Additional decentralizing efforts of the time included multiple administrative reforms and a

mayor overhaul of both the education and health systems intended to give greater responsibilities to lower tiers of government.

The results of this first decentralizing effort were to a large extent mediocre. After the reforms were introduced and the programs put in place, federal and state governments were still making the most important decisions regarding the provision of basic urban services and financial independence of local governments. Control of local governments was shifted from the federal government to the state government while the degree of municipal autonomy remained the same (Nickson, 201).

Many of the efforts that originated in the de la Madrid administration were picked up by his successor, President Carlos Salinas de Gortari. During his presidency (1994-2000), Salinas de Gortari also emphasized on the need to decentralize the state and, as a result, set in place a series of programs reinforcing this point of view. The most important of these was the *Programa Nacional de Solidaridad* (PRONASOL) which was the most ambitious of all of his welfare and regional policies. PRONASOL came about as a program intended to fill in the gaps created by the retreat of the liberal state and was directed at the underprivileged sectors of society. As a mix of State sponsorship and civil participation, PRONASOL rapidly gained popularity throughout the country as its results quickly came about and were rather visible. The program also had a strong decentralizing impact on the country as it promoted citizen participation in local government structures and increased the control that local governments had on public spending and programs being carried out. In addition to this, the creation of the *Fondos Municipales de Solidaridad*, which was the municipal subprogram, allowed for the channeling of federal funds into local governments and considerably increased their levels of autonomy.

Despite the progress that was made during this period thanks to PRONASOL, there were also drawbacks brought about by the program. Frequently, states and municipalities were skeptical about taking on new programs and responsibilities because they had no way of making sure that the new responsibilities delegated to them would be sufficiently funded by the federal government. On top of this, the operation of the program and many of the institutions that were created along with it such as the *Secretaría de Desarrollo Social* (SEDESOL) remained highly centralized, especially in areas such as health and education. An example of this was the centralization to federal government hands of resources and authority to build, administer and maintain hospitals that resulted from PRONASOL.

As opposed to the Salinas presidency, where decentralization revolved around PRONASOL, the main decentralizing strategy during President Ernesto Zedillo's term (1994-2000) was enforced through a program called *Nuevo Federalismo* (new federalism). By the mid nineteen nineties, decentralization had become a mayor topic on the Mexican political agenda, and became a central theme in political discourse. Unfortunately in this case, as has consistently happened throughout Mexican history, words spoken by politicians and government officials didn't match their actions. In spite of this, *Nuevo Federalismo* did have an important impact on the relevance of local government and the distribution on power within the Mexican federation, especially at the intermediate level of government.

The *Nuevo Federalismo* program was set up with the intention of overhauling several important areas such as the judiciary, the revenue-sharing system between states, localities and the federation, separation among government branches, the power residing in the presidency, institutional strength of state and municipal governments, and the electoral system. It was a decentralizing strategy based on a thorough reform of the state. The

program allowed both states and municipalities to augment their revenues by increased allocation of resources from the federation and the opportunity of expanding their income through taxation and other mechanisms. States were also given wider margins of discretion for the managing of federal funds that were assigned to them through *Ramo 26* (the term used for what used to be known as PRONASOL). Finally, the program strengthened local government's administrative capacities through a renewed strategy to increase efficiency and professionalism of local officials (Rodríguez, 84). In spite of this, those who benefited the most from the *Nuevo Federalismo* program were the states and not local governments. One of the most important flaws in the decentralizing strategy followed by President Zedillo was the fact that it only redistributed power from the federal government to the intermediate level of government, once again neglecting the importance of local government.

Under the current administration *Nuevo Federalismo* has been renamed and redrafted into the *Programa Especial para un Auténtico Federalismo 2002-2006* which is a general framework for President Fox's decentralization strategy. Within the program, proposals are divided into six main categories: the consolidation of political decentralization of the federal public administration, promotion of genuinely federalist intergovernmental relations; acceleration of a transition into a National System of Fiscal Coordination; the strengthening of state and municipal governments; promotion of transparency in public spending; reinvigoration of mechanisms for participation of civil society, and the creation of a true federalist political culture (Programa Especial para un Auténtico Federalismo, 24). The program is also responsible for the creation of the *Instituto Nacional para el Federalismo y el Desarrollo Municipal* (INAFED) a public institution in charge of coordinating the federal government's decentralizing projects and efforts. Its objective is to

“facilitate the transition from centralism into authentic federalism through the participation of a legitimate and permanent institution that coordinates the efforts on behalf of federal government and promotes intergovernmental relations” (Programa Especial para un Auténtico Federalismo, 175).

After having analyzed the efforts carried out over last twenty years by the federal government in order to decentralize the State, one can come to understand where the country stands at today with respect to distribution of power and the importance of local government. The wide range of programs created to decentralize the State, from Miguel de la Madrid’s reform of Article 115 to the current administration’s *Programa Especial para un Auténtico Federalismo*, have shed new light on the importance of decentralization for the consolidation and development of the country and have shown the importance given to the issue in the country’s political life. In spite of this, many of the results that were intended to be obtained by these programs never were. There are a number of reasons for this taking place the most important of which are the lack of a strong political will on behalf of the governing elite, an outdated legal and structural frame, and the strong historical legacy that has stiffened any serious effort to decentralize and empower local governments. The problems facing the country on this issue are still numerous and it will take a strong reform of the state if additional degrees of decentralization are to be achieved. Still, as argued by Victoria Rodríguez at the time she wrote her book *Decentralization in Mexico: From Reforma Municipal to Solidaridad to Nuevo Federalismo*,

...the evolution of economic and political events during the last fifteen years has inexorably led to the implementation of a genuine, de facto decentralization that, while not necessarily implying the central government’s abdication of power, has benefited, in different ways, both the states and the municipalities (preface xviii).

In my opinion, under the current conditions existing in Mexico much can still be done in order to decentralize the state and make the *ayuntamientos* the strong and independent institutions they were meant to be. The decentralizing efforts carried out over the last two decades have only begun to alleviate the over-dependence on central government and neglect of municipalities that took place over the 500 previous years. The first steps that need to be taken involve reducing the concentration of power and responsibilities in the hands of federal government and transferring them to local governments. Subsequently, local government structures need to be modified in order increase their possibility of successfully handling the authority transferred to them.

The following chapter will examine the concept of decentralization in order to identify the type of decentralization best suited for Mexico's current conditions and the main problems that need to be tackled in order for it to be effectively implemented. Experiences that have been undergone by other countries will be analyzed and used as a reference for the prescription of a decentralizing formula for Mexico.