

Ruling on Mexico vote fails to end dispute

Leftist candidate vows to push for a full recount, despite an electoral court decision experts say is fair.

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MEXICO CITY – Over the past month the slogan of Andrés Manuel López Obrador's fight for a recount in Mexico's July 2 presidential election - "vote by vote, polling place by polling place" - has echoed through streets and hung on walls throughout the country.

So the Federal Electoral Court's refusal to recount each of the 41 million ballots cast comes as a severe blow to supporters of the leftist leader and raises the possibility of prolonged unrest.

At a rally after the long-anticipated court ruling Saturday Mr. Obrador promised to uphold his controversial civil resistance campaign. For a week protesters have set up tents along more than five miles of thoroughfare, tying up traffic, hurting businesses, and angering many city residents.

But to many political observers, the court's unanimous ruling to review just 9 percent of the 130,000 polling places in the face of such massive social pressure - even if the decision leads to more protest in the immediate future - will, in the long run, help legitimize Mexico's electoral institutions.

"This ruling does not mean tremendous victory for one side or another. The real victory is for the rule of law in Mexico," says Todd Eisenstadt, an expert on Mexican election law and author of the 2004 book "Courting Democracy in Mexico." "Facing political crisis, they still made a responsible decision per their own established doctrine and case precedent."

Obrador's rival is free-trade advocate Felipe Calderón, who won the election by 0.6 of a percentage point. His team said Saturday that he accepted the court's decision. But Obrador has long maintained that he will settle for nothing less than a full recount. "We insist that the magistrates rectify their decision, because they have the ability and moral obligation to do so," he told a crowd after the ruling.

A nation divided

The July election has highlighted class and geographic polarization in the country, with the industrial north going to Mr. Calderón's National Action Party (PAN) and Obrador's Democratic Revolution Party (PRD) garnering much of the vote in the poorer south.

It is a schism that has put pressure on the seven-member electoral court, created in 1996 to deal with electoral fraud that had been rampant in a society governed by 71 years of authoritarian rule. This past week's sit-in in Mexico City has reportedly cost businesses and hotels millions of dollars per day. Meanwhile, says Mexico City-based pollster Dan Lund, the PAN has dominated airwaves, dismissing the need for a recount.

"[The judges] were swayed by both and chose the middle ground," he says, by neither certifying Calderón as winner nor choosing a full recount. "It was a good choice."

Indeed, even if the decision appears to diminish Obrador's chances for victory, many experts say the review of 11,800 polling places, set to begin Wednesday, could swing the election in his favor. Arithmetic errors and other irregularities could give Obrador a slight lead. If the local judges who oversee the review find widespread irregularities, the possibility of an annulment also exists.

"This is not a final decision," says Mr. Lund.

The electoral court has until Sept. 6 to certify a winner or invalidate the election.

Legal vs. political concerns

While many here say they are satisfied with the court's decision on legal grounds, some say it is less desirable from a political standpoint. In a recent poll by Ipsos-Bimsa, nearly half the population agreed with a full recount, many believing it would restore people's faith in the legitimacy of the vote.

"I think the decision the court made was a legal and correct decision." But Robert Pastor, director of the Center for Democracy and Election Management at American University in Washington says all parties should have supported a full recount. "From a political standpoint, to dispel any doubts, the best approach would have been a full recount," he says, adding that the ruling will make it hard to get PRD supporters to trust the process as it moves forward.

"Fraud! Fraud!" Obrador supporters chanted Saturday as Obrador took the stage in the main square to criticize the court ruling. Later, Ramiro Morales Perea explained that he has lost faith in the electoral institutions that Mexico has spent so much money creating. "The court has left us with a big doubt," says the retired history teacher from Acapulco who came to Mexico City last week to join the civil resistance campaign. "A full recount is the only way to make the election legitimate in the eyes of the country."

The court's judges ruled that Obrador could not claim a full recount because he did not challenge results in every polling place. "If he had mentioned each and every precinct or ballot box, it would have broadened their jurisdiction," says Mr. Eisenstadt. "The call for a full recount was a mobilization tactic rather than a legal strategy."

For now, many are focused on how far Obrador and his supporters will take their current protest, even if the court eventually declares that Calderón won the election. Mr. Perea says: "If there is not clarity [on who won the election] we will mobilize, with bigger and bigger demonstrations, until they reverse their decision."