



Education funding in Mexico City sparks constitutional debate

Mexican government to make its capital city pay for costs of primary education

BY MEDARDO TAPIA URIBE

A constitutional conflict in Mexico has erupted over school funding for Mexico City. For decades, the city had special status under Article 122 of the Mexican constitution. This special status provided the city funding for elementary schools from the government of Mexico. But a constitutional amendment now before the Senate could require Mexico City's government to pay for the costs of its schools. The city would then face a difficult choice: raise local taxes, cut school programs, or eliminate other services.

There is also a political side to the conflict. The proposed amendment is also a way of taking the Mayor of Mexico City down a peg or two before next year's presidential election. The mayor, Andrés Manuel López Obrador of the left-of-centre Democratic Revolutionary Party (PRD) was in the lead in opinion polls as a candidate for president. President Vicente Fox, elected in 2002 for the right-of-centre National Action Party (PAN), cannot run again for the elections in 2006. And another candidate, Roberto Madrazo, of the Institutional Revolutionary Party (PRI) was running second in the polls.

This proposed reform made the federal pact such a focus of discussion that the mayor and his party, which have a majority in the Mexico City legislature, threatened to break the city's fiscal agreement with the government of Mexico.

Federal power and partisan politics

What began as a movement towards a stronger federalism in Mexico was often blocked or diverted to political ends, whether by the PRI, in power for more than 70 years, or by PAN, the current governing party.

The argument for the federal government paying for education in Mexico City has been made on grounds of fairness, cultural pluralism and national ethnic and territorial diversity. The rationale for the reform of Article 122 goes as follows: the capital of the country needs to have a number of fiscal privileges in the educational field compared with the 31 states of Mexico. But the history of the past 70 years is one in which the central government

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Mexico City Mayor Andrés Manuel López Obrador.

gave mere administrative authority over education to the constituent units instead of real powers.

When the bill to reform Article 122 was presented in the Chamber of Deputies these two critiques surfaced again. The Mexican government was accused of "punishing" Mexico City, ignoring the fact that constitutionally the federal government has treated Mexico City as an exception, leaving it under the direct authority of the President of the Republic. Mexico City has only had a representative assembly since 1987, and not until 1997 were the citizens of that city able to elect their mayor, who until that date was appointed by the President.

Is constitutional change necessary?

Critics have called the reform of Article 122 "unnecessary", because since 1973 the Federal Law on Education said that Mexico City must spend 15 per cent of its budget on education. This principle was reinforced in the General Law of Education of 1993, "to contribute to the financing of educational services", this time without specifying a percentage.

With the second federalization, carried out in 1992 with the Accord for the Modernization of Elementary and Teacher Training Education, all the constituent units of the country agreed to decentralized administration of these educational services. Mexico City was exempted for the same historical reasons. The constituent units were not allowed to contribute significantly to plans and programs of study, textbooks, evaluation systems, or to training and upgrading of elementary school teachers. This second federalization did not permit effective local control.

The revision to Article 122 has been approved by the Chamber of Deputies and is awaiting the decision of Senate. If the revision passes, the Mexican government will withhold the portion that it used to give to Mexico City for education to other states. That states that will get Mexico City's share will be those that now spend more than the national average – in particular, Nuevo Leon and the State of Mexico. This formula will not benefit the most needy states like Chiapas and others that have the largest indigenous populations. The fact that Mexican primary education needs to be improved – and extra money to do so – is not in question. In 2003, in the results of a world-wide evaluation called PISA, 15-year-old students in Mexico came 37th out of 40 nations studied.

This controversy has become a debate about federalism, not a debate about education. It is not proving to be a way of dealing with the educational problems of quality and fairness. ☺