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# Mexico City's "crowdsourced" constitution

## A progressive bill of rights shaped by citizens themselves sends shudders through the country's conservative heartlands

Constitutional reform may sound like a subject best confined to dusty university bookshelves, but in Mexico City it's proving quite explosive. The Mexican capital's new constitution – all 71 articles of it – reads like a progressive manifesto. The document guarantees equal rights for minorities and LGBT+ residents and includes provisions for parental leave, animal rights and free time, along with strict transparency rules for public officials. Medicinal use of cannabis and the right to "die with dignity" are in there too.

The constitution is the brainchild of Mexico City's mayor, Miguel Mancera of the left-wing Partido de la Revolución Democrática (PRD) that has controlled the city since 1997. He represents a bustling metropolis of over 20 million people, where pockets of wealth nudge up against sprawling slums, and where the average commute takes two hours each way. Considered a liberal Gommorah by those in Mexico's conservative heartlands, the capital was the first city in the country to introduce a minimum state pension, and also the first to legalise abortion. Controls over policy and spending have been hard won, and Mancera says the new constitution is needed to protect them from central government interference. He's also hoping the initiative will boost his approval ratings – currently languishing below 30 percent – and provide him a strong platform ahead of the 2018 presidential elections, for which he harbours his own ambitions.

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Citizens have also played a large part in shaping the constitution by submitting their own petitions online. A committee of legal experts, academics, politicians and activists drafted the document and a second committee decided which petitions to accept. Francisco Fontano, a 29-year-old travel agent, proposed that the city

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guarantee a minimum amount of green space per resident. His suggestion now forms part of article 18. The city's residents will also have the right to kick out politicians half way through their term, and initiate legislation if they gain sufficient support from the electorate. Citizens will head an anti-corruption body that lays down standards for public office, and nominate candidates for the public prosecution. Meanwhile, boroughs will be obligated to dedicate 22 percent of their budget to infrastructure and public services by 2022.

"It was a hard slog and no-one got everything they wanted," admits Alejandro Encinas, chairman of the constitutional council. "But we can be proud of the final result." Mancera, for instance, had to renounce his pet project, a basic guaranteed income for all citizens, in the face of strong opposition from Christian-democrats and centrists. Initiatives such as a maximum 40-hour week, extending the vote to 16 year olds and a pension fund for freelancers also ran aground, while a proposal to enshrine the "right to a life in dignity" was rejected as too vague. A mechanism to limit property speculation and a ban on social segregation likewise failed to get sufficient support.

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Experts say parts of the draft constitution remain unclear: how can it guarantee the "right to a pristine environment" in one of the continent's largest, and most polluted, conurbations? Moving the city's commuters from cars to trams and trains would take extraordinary levels of investment.

The constitution was originally due to come into force in September. That deadline is looking increasingly unlikely, as everyone from the president and his PRI party to the Catholic church attempt to block parts of the bill in the Supreme Court. Mexico's archbishop, Cardinal Norberto Rivera, has called the constitution "murderous" for legalising abortion and euthanasia; President Enrique Peña Nieto says it interferes in federal affairs; while the far-left say the document isn't radical enough. For civil society activist Guillermo Andrade, the new settlement "studiously avoids the biggest issues, such as precarious salaries, a lack of housing, deficient water supplies and poor security."

“Driven by party-political motives, the conservative establishment is carving up the world’s most advanced constitution, rendering it toothless,” fumes Clara Jusidman, a member of the civil society’s constitutional council. She says that’s because its principles run counter to the way the PRI operates – “[through] corruption, immunity from prosecution, the concentration of wealth, and nepotism”.

“[The President] says we support polygamy just because we want to recognise families of all types,” she complains.

Marti Batres, from the left-wing Morena party, says the government want to side-line the constitution, because it would confound its aims of privatising the capital’s water supply.

While the PRI delegates, following Peña Nietos, left a cross-party alliance established to defend the constitution, the Christian democrat PAN party has put its weight behind the project: “The whole process and everything that we have passed in the new settlement has been decided on democratically; the court must recognise its legitimacy,” states Mauricio Tabe, chairman of the party’s Mexico City branch office.

Mexico’s 1917 National Constitution was one of the most progressive of its age – forbidding slavery, setting out social rights, guaranteeing a secular education based on scientific principles and limiting the power of the Catholic church. The new constitution, when it comes into effect, looks set to make history once again.

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