

Mexican Government Policy.

By Gerardo Reyes

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In 1910, the Mexican Revolution began with the aim of removing President Porfirio Díaz from office. Like all heads of state, Díaz had both successes and failures, but by this time, he had governed Mexico for more than 35 years. His dictatorship ultimately fell due to the Mexican Revolution. This revolution was the first step toward the promulgation of the Political Constitution of the United Mexican States¹, which has been the supreme law of the country since February 1917 and continues to be so today.

Although the Mexican Constitution establishes the division of powers among the executive, legislative, and judicial branches², almost the entirety of the 20th century in Mexico was characterized by strong presidentialism. This meant that the legislative and judicial powers had far less influence compared to the president. Fortunately, by the end of the mentioned century, the legislative and judicial powers gained more relevance, helping to distribute power more equitably among the three branches of government.

Over the years, the system of checks and balances³ regulated by the "Magna Carta"⁴ gradually evolved from theory into practice. This progress coincided with the gradual fading of authoritarianism, as Mexican presidents began to make decisions through social consensus and debate. However, the current presidential term has been marked by a refusal to accept criticism and a tendency to impose decisions without debate.

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One of the first actions of the current president, six years ago, was to halt the construction of the New Mexico City International Airport (NAICM) and begin remodeling an old airport at the Santa Lucía Military Base to convert it into a civil aerodrome. According to a report by the Federal Audit Office (Auditoría Superior de la Federación in Spanish), the negligent cancellation of the NAICM cost the country MXP \$331,996,000⁵. The aim of building a new airport was to alleviate the saturation at the current Mexico City International Airport (AICM), a problem that remains unresolved due to the Santa Lucía airport's distance from the capital and its insufficient facilities.

The hallmark of this administration has been unilateral decision-making, as previously illustrated. When individuals outside of the executive branch demand accountability or challenge presidential orders, they are often met with threats or reprisals. When the executive's actions are inconsistent with the law, the president challenges the law itself, interpreting it to suit his interests. Additionally, he has sought to dismantle the institutions that have constrained him when the law does not align with his projects. Giovanni Sartori might conclude that Mexico is currently experiencing an authoritarian system, where power is exercised without effective separation, domination is imposed through force or the threat of retaliation, and political freedoms are significantly restricted to maintain control over society⁶.

1.- <https://www.diputados.gob.mx/LeyesBiblio/ref/cpeum.htm>

2.- Article 49 of the CPEUM.

3.- Casar, M.A. *Los Frenos Y Contrapesos A Las Facultades Del Ejecutivo; La Función De Los Partidos Políticos, El Judicial, El Legislativo Y La Administración Pública*, Biblioteca Jurídica UNAM.

4.- CPEUM.

5.- <https://elceo.com/economia/cancelacion-de-naicm-costo-331996-mdp-cifra-podria-aumentar-asf/>

6.- Sartori, G. (1987). *Teoría de la democracia. Volumen 1: El debate contemporáneo*. Alianza Editorial.

Despite these troubling trends, this administration enjoys one of the highest approval ratings of recent presidential terms. This is largely due to the state's narrative of "first the poor campaign" and the political use of social programs. Official statistics reveal that in 2022, out of Mexico's 127 million citizens, 55.9 million were living in poverty⁷. The president addresses these citizens daily, promoting his social programs and efforts to achieve economic equity.

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This September 2024 marks the final month of the current presidential term. However, before leaving office, the president plans to send twenty major reforms to the legislative branch⁸. Two of these reforms seek to eliminate the entities that have questioned his mandate, thereby ensuring that the incoming president, who is from the party created by the current president, can govern without institutional checks.

The first of these reforms seeks to dismantle seven autonomous bodies responsible for holding the executive accountable in various areas. The reform aims to abolish the National Institute for Transparency, Access to Information, and Protection of Personal Data, the National Council for the Evaluation of Social Development Policy, the Federal Telecommunications Institute, the Federal Economic Competition Commission, the National Commission for the Continuous Improvement of Education, the National Hydrocarbons Commission, and the Energy Regulatory Commission. The justification for their elimination is that these independent bodies unnecessarily drain state resources, but the true motive is to remove entities that demand accountability from the executive branch.

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Additionally, there is a proposal to overhaul the entire Federal Judiciary. It is no secret that the greatest "obstacle" for the president has been the members of the Supreme Court of Justice of the Nation, as well as federal judges and magistrates, in their exercise of judicial review. Consequently, the proposed amendment calls for the removal of all Mr. and Mrs. Justices, Judges, and Magistrates, and for their replacements to be elected by popular vote, ensuring that those appointed to judicial positions are aligned with the ruling party, thus eliminating yet another institutional check on executive power.

7.-<https://elpais.com/mexico/2024-05-27/balance-social-del-sexenio-mas-de-cinco-millones-de-mexicanos-salieron-de-la-pobreza-subsisten-graves-carencias-en-salud-y-educacion.html>

8.- <https://cnnespanol.cnn.com/2024/06/08/reformas-constitucionales-amlo-orix/>

These two reforms give the impression that Mexico is regressing to the early 20th century when the office of the president held more power than the legislative and judicial branches, despite the Constitution mandating the equality and separation of powers. This situation clearly violates the principle of progressivity.

The principle of progressivity, enshrined in Article 1 of the "Protocol of San Salvador"⁹, an international treaty to which Mexico is a signatory, states the following:

*"The States Parties to this Additional Protocol to the American Convention on Human Rights undertake to adopt the necessary measures, both domestically and through cooperation among states, especially economic and technical, to the extent allowed by their available resources, and taking into account their degree of development, for the purpose of achieving progressively and pursuant to their internal legislations, the full observance of the rights recognized in this Protocol."*¹⁰

The principle of progressivity prohibits legislative actions that restrict, eliminate, or diminish the scope and protection of human rights. The elimination of the seven autonomous bodies and the restructuring of the Federal Judiciary violates this principle, as it undermines the independence of the judiciary and the protection of rights. On the contrary, the principle of progressivity mandates the expansion of human rights protections, calling for the creation of more autonomous bodies and courts to safeguard individuals from governmental overreach¹¹.

The presidential term concluding this September 2024 has been marked by growing authoritarianism, characterized by the concentration of power in the hands of the executive, the erosion of institutional checks and balances, the involvement of the military in civil duties and a general weakening of civil liberties. Over these years, there has been a clear trend toward restricting press freedom, persecuting political opposition, and dismissing the criticisms of civil society. These practices have fostered a climate of fear and uncertainty, undermining confidence in democratic institutions and the protection of citizens' fundamental rights.

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Nonetheless, despite the fact that the president-elect comes from the same political party as the outgoing leader, there is a modest hope that the new administration will take the country in a different direction, with a renewed focus on defending human rights. It is hoped that the incoming government will correct the authoritarian excesses of its predecessor, expand mechanisms for protecting citizens' rights, strengthen the rule of law, safeguard freedoms, and restore faith in the democratic system.

9.- Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights.

10.- Article 1, Protocol of San Salvador.

11.- chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.scjn.gob.mx/10ddhh/sites/default/files/redes-sociales/archivos-adjuntos/principio_de_progresividad.pdf

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