

TERRUM

2024: A VIEW TO A YEAR.

By Julio Vargas


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L A T A M

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"DILIGITE JUSTITIAM QUI JUDICATIS TERRAM." "Ye who judge the earth, give diligent love to justice"

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Going back through our TERRUM publications during this year that is coming to an end, and as a summary of the many topics addressed, sadly I will update the most relevant referred to what is going on in Mexico's political field, our new President, its decrees, or not necessary hers but adopted or endorsed from former President Andrés Manuel López Obrador (AMLO).

"The disappearance of these organisms have serious and direct impacts on governmental transparency, accountability and the balance of powers in the country. These agencies will cease to be autonomous and will become part of the country's executive branch through the secretariat of state that are part of such branch."

During the ending year we wrote regarding the resignation before its term of the President Minister (Justice) of our Nations Supreme Court; miscellaneous tax resolutions; an "infeasible" severe and crazy reform to the complete judicial power, known as the judicial reform; other proposed constitutional reforms that attempt to eliminate several regulatory autonomous agencies and organizations; the consequences of the construction of a train in the Mexican precious mayan jungle; eternal challenges in delegations of the National Immigration Institute in Mexico city's international airport regarding inadmissible passengers and responsibilities between carriers and authorities; a look to concessions and allocations in the context of airports and air transport; point of views regarding our new first female president their policies and plans during her term; the destruction of the judicial power and the attempt to submit it to the executive and legislative powers of whatever is left erasing the necessary independence and balance that must exist among the 3 powers; attempts to reform the legal basis of private property in Mexico city and the new superpowers granted to congress to reform our constitution at will.

I wish I could write about the opposition parties, we the people and basically the majority of Mexican individuals and real new leaders that strongly stood up and fight back all of the referred reforms to keep our nation protected under a democratic federal republic system, sadly there is not much in this regards since the opposition parties so far have demonstrate they are completely use and powerless against the everyday more common authoritarian left wing governments in power these days in Mexico.

Mostly all of the addressed topics have been handled by the ruling party leader in our congress, consistently continuing its path and have become law, a reality or in cases were certain good credited autonomous agencies have now been officially extinguished or eliminated as autonomous organizations and now submitted completely to any of the government secretariats.

Such are the cases regarding the mayan train, which construction has destroyed millions of kilometers of the mayan virgin jungle, ancient cenotes, and archeology searched by different status.

Similar fate have experienced the supreme court and in general the judicial power, the constitutional reform to allow the removal of personnel.

In this sense, we have now that the approved reform of the judicial system which contemplates, among other issues the dismissal of all federal and local judges, magistrates and Supreme Court Ministers (Justices) beginning in June 2025 and ending by the end of 2027, these judges will be substituted by new ones elected by popular vote of the Mexican citizens. By June 2025, the Mexican citizens will have to elect around 850 new judges, some of the new requirements are to hold a law degree and 5-year experience in any legal field and a letter of recommendation from the applicant's neighbor. As we can see, the stroke of a pen, the judicial career and the system of evaluations and exams to aspire to the position of judge disappears, giving way to the election by popular vote wisdom. Also now, the new judges will be supervised by a new committee made up mainly of people related to the party with a supermajority in Congress, Movimiento de Regeneración Nacional (MORENA). The cost to the government just to prepare such size of election on 2025, with taxpayer's money, obviously, is ridiculous.

Some of the other relevant initiatives that have been approved with the supermajority vote in congress, order the disappearance of most of the autonomous and regulatory agencies in Mexico, such as:

- Federal Economic Competition Commission (COFECE),
- Federal Institute of Telecommunications (IFT),
- National Institute of Transparency, Access to Information and Protection of Personal Data (INAI),
- National Council for the Evaluation of Social Development Policy (CONEVAL),
- Energy Regulatory Commission (CRE)
- National Hydrocarbons Commission (CNH)

The disappearance of these organisms have serious and direct impacts on governmental transparency, accountability and the balance of powers in the country. These agencies will cease to be autonomous and will become part of the country's executive branch through the secretariat of state that are part of such branch.

It must be clarified that all the referred law initiatives that were discussed during the year 2024 correspond to former President AMLO, but since he did not had in congress supermajority of required votes during his term in office, they were not approved. However, as a result of this year's elections, the new Mexican government was formed with the first female President and the congress was formed by a supermajority of the MORENA party from which the new President emerges.

With this controversial supermajority, all the aforementioned initiatives which were approved by the new congress without further study or analysis, leaving clear evidence that the new Mexican government including its new female president are still managed and ordered by former President AMLO. The new government has shown absolutely no independence, difference or vision of the country different from that of the former president. Millions of Mexicans have only the illusion to live better, but the truth is they continue to live without really feeling or seeing any improvements in their quality of life.

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Julio is a partner and heads the litigation group. His expertise in financial litigation gives him a unique understanding of the delicate matters surrounding the intricate matters involving contractual default and insolvency. Mr. Vargas has over 25 years of experience in financial litigation, heading the legal practice of a major Mexican bank before joining Sierra LATAM.

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Education

- Attorney at law by Instituto Tecnológico Autónomo de México

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Publications

- Julio has written multiple articles related to aircraft finance and leasing in COELUM and TERRUM

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