

# TERRUM

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## Army in Disguise: Military Police or Police with Military Formation?

By Manuel Basualdo

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

## Army in Disguise: Military Police or Police with Military Formation?

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This is a question that every Mexican should be asking: Will the National Guard be composed of civilians with military training, or military personnel with police training? Is there a real difference between the two? To explore this issue, let us begin by reviewing the National Guard Law (Ley de la Guardia Nacional), specifically Chapter Two, Article Four, which states:

The National Guard is a professional public security force, of a permanent nature, composed of military personnel with police training, under the authority of the Ministry of Defense.<sup>1</sup>

In other words, the National Guard will be composed of military personnel, whether from the Army, Navy, or Air Force, who receive “police” training. This effectively transforms the National Guard from a civilian-led institution into another branch of the Mexican Armed Forces. This directly contradicts Article 21, paragraph 10, of the Mexican Constitution, which mandates that public security institutions must be professional, disciplined, and civilian in nature<sup>2</sup>. Nevertheless, the Mexican Senate approved the law without proper analysis of this contradiction.

**“The National Guard is a professional public security force, of a permanent nature, composed of military personnel with police training, under the authority of the Ministry of Defense.”<sup>1</sup>**

Although the National Guard is composed of military personnel, its principal mission is to preserve, protect, and promote social security and the rights of the people, mainly through crime prevention. While this sounds commendable, legal experts have raised significant concerns over certain powers granted to the National Guard, such as the authority to conduct investigations and collect intelligence through any means deemed necessary for the purpose of crime prevention or response to serious violations.

However, the greatest concern is the extent of surveillance authority conferred upon the National Guard, particularly its power to compel telecommunications companies to share data and geolocation information of mobile devices. Even more alarming is its capacity to intercept private communications and monitor public data, including internet activity<sup>3</sup>.

### Those Who Forget Are Doomed to Repeat History

In 2019, when the National Guard was created, President Andrés Manuel López Obrador portrayed it as a historic milestone and a fulfillment of his campaign promise to withdraw the Armed Forces from the streets and return them to their barracks.

1.- Article 4, National Guard Law. <https://www.diputados.gob.mx/LeyesBiblio/pdf/LGN.pdf>

2.- Article 21, paragraph 10, Mexican Constitution. <https://www.diputados.gob.mx/LeyesBiblio/pdf/CPEUM.pdf>

3.- Diputados avalan nueva ley de la Guardia Nacional; concretan su militarización, M. Pérez, (June 06, 2025) - <https://www.eleconomista.com.mx/politica/diputados-avalan-nueva-ley-guardia-nacional-concretan-militarizacion-20250625-765231.html>

At that time, the main concern surrounding the creation of the National Guard was its structure. After considerable debate in the Senate, a compromise was reached: the National Guard would be a civilian-led public security force, without military personnel or training. And so it was, briefly.

By 2021, several legislative reforms were approved that altered its original structure. The most significant change was placing the National Guard under the control of the Ministry of Defense.

Three primary justifications were given for this reform<sup>4</sup>:

1. To resolve administrative inefficiencies and access additional government resources.
2. To address the lack of adequately trained personnel, as well as limited firepower and strategic placement of military bases.
3. To counteract the increasingly sophisticated organization and resources of criminal groups.

However, these reforms were labeled as “temporary” measures under President López Obrador’s National Security Strategy, a strategy that President Sheinbaum has pledged to continue. This raises the question: is this strategy truly in the best interest of the Mexican people, or are there hidden interests behind it?

Since López Obrador took office, Mexico has witnessed major structural changes in government, especially in the role of the Armed Forces. Today, the military oversees public infrastructure, manages customs and border security, and operates key airports such as Mexico City International Airport (AICM) and Felipe Angeles International Airport (AIFA), functions that traditionally fall outside the military’s scope.

So, is the National Guard now performing tasks originally assigned to the Army and Navy?

## National Guards Around the World

With the creation and recent reforms of the National Guard, Mexico appears to be attempting to emulate law enforcement models from other countries, especially those of global powers like the United States, France, Italy, Russia, and Spain<sup>5</sup>.

Take, for instance, the U.S. National Guard (ANG). It serves as the primary combat reserve for the U.S. Army and Air Force, and it is activated for emergencies such as natural disasters, homeland security, pandemics, and civil disturbances<sup>6</sup>. While under the Department of Defense, each state controls its own National Guard unit, which reports to the state’s governor. The ANG may also be deployed abroad as part of the armed forces<sup>7</sup>.

While the Mexican National Guard may seem structurally similar to the ANG, significant differences exist. Most notably, the ANG is state-controlled, while the Mexican National Guard reports solely to the federal Ministry of Defense.

4.- La metamorfosis: Guardia Nacional, seguridad pública, militarización, L. M. Mondragón, (Oct 04, 2022), <https://comunicacionsocial.diputados.gob.mx/revista/index.php/desde-el-pleno/la-metamorfosis-guardia-nacional-seguridad-publica-militarizacion>

5.- Las Gendarmerías en el Mundo, Unknow Author, (August 08, 2014), <https://www.milenio.com/policia/las-gendarmerias-en-el-mundo>

6.- Army National Guard, US National Guard, <https://www.nationalguard.mil/About-the-Guard/Army-National-Guard/>

7.- See note 6



Another comparison can be made with France's National Gendarmerie (NGF), a branch of the Armed Forces under the Ministry of the Interior. It works alongside the National Police in policing rural areas, crowd control, and conducting criminal investigations<sup>8</sup>.

While both the NGF and Mexican National Guard are military in nature, the NGF shares responsibilities with the National Police. By contrast, the Mexican National Guard has powers to conduct criminal investigations independently, alongside federal prosecutors.

After analyzing the U.S. and French models, the contrast with the Mexican National Guard becomes more pronounced and concerning, particularly given the constitutional contradictions in Mexico regarding the military's involvement in civil law enforcement. This begs the question: can the National Guard truly guarantee the protection of fundamental human rights, both domestically and under international law?

While the National Guard is a common institution in many leading democracies, its implementation in Mexico lacked the necessary consideration for citizens' rights and public input. Instead, it was the result of an arbitrary executive decision by President López Obrador, who claimed it would "rewrite history," while in reality marginalizing the very people who supported him most, Mexico's most vulnerable communities.

Although civil organizations have tried to obtain an "amparo" seeking major protection against the measures taken on the National Guard Law, this have been rejected by the Supreme Court, allegedly because the "amparo" was not protecting a national interest, instead it was only taking care of an "individual" right<sup>9</sup>.

A democratic republic should be governed by and for the people, not by corrupt politicians seeking to impose their will over the needs of the nation. Yet here we are, witnessing the erosion of democratic ideals.

*This is how democracy dies... with thunderous applause.*

- George Lucas

8.- Gendarmería Nacional 2024, Ministerio del Interior, (2024) [https://www.google.com/url?sa=i&url=https%3A%2F%2Fwww.gendarmerie.interieur.gouv.fr%2F-content%2Fdownload%2F45443%2Ffile%2F2024-169%2520Livret%2520Gendarmerie%25202024-ESP%2520V2.pdf&psig=AOvVaw0OV3pIVP9sX5amdz-pW\\_tn8&ust=1753811472076000&source=images&cd=vfe&opi=89978449&ved=0CAcQr5oMahcKEwjz9f\\_juCOAxUAAAAAHQAAAAQBA](https://www.google.com/url?sa=i&url=https%3A%2F%2Fwww.gendarmerie.interieur.gouv.fr%2F-content%2Fdownload%2F45443%2Ffile%2F2024-169%2520Livret%2520Gendarmerie%25202024-ESP%2520V2.pdf&psig=AOvVaw0OV3pIVP9sX5amdz-pW_tn8&ust=1753811472076000&source=images&cd=vfe&opi=89978449&ved=0CAcQr5oMahcKEwjz9f_juCOAxUAAAAAHQAAAAQBA)

9.- Comunicado: Segunda Sala de la SCJN cierra puerta a sociedad civil para reclamar la Ley de Guardia Nacional, México Unido Contra la Violencia (2023) <https://www.mucd.org.mx/2023/06/comunicado-segunda-sala-de-la-scn-cierra-puerta-a-sociedad-civil-para-reclamar-la-ley-de-guardia-nacional/>

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