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Weaponized Incompetence: The endless fight between power vs knowledge in Mexico's public service.

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

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“Weaponized incompetence” in a government context, often refers to the strategic and purposeful refusal or feigned inability of a group or individual to perform duties, thereby shifting responsibility to others. This strategy is used to maintain power, avoid accountability, and obstruct the progress of collective goals or the work of others.

Since 2018, Mexico has experienced several signs of systematic, continuous and evident incompetence used as a weapon to weaken the legal framework that was once built to protect and serve Mexican citizens or as the party in power likes to call them “the good people”; some of these signs can be easily identified as follows:

- **Avoiding responsibility:** There have been numerous claims that the governing party does not need to know how to do something, or if they do, it is too complex due to the lack of action or corruption in previous governments, shifting the burden and blame to others.
- **Shifting blame:** By feigning incompetence, lack of resources, a totally corrupt system, and very little scope of action, this group can avoid responsibility for failing to act or for poor performance. This enables them to continually point to “others” who are supposedly better equipped to handle the task, while they retain control without taking any real steps to “correct” or “redirect” the issue.
- **Maintaining power:** By obstructing or refusing to participate in processes, groups can cause gridlock and dysfunction, which can then be used to argue that the existing system is broken and needs to be replaced by them.

Former president Andrés Manuel López Obrador was adamant in stating that public servants appointed during his presidency should be selected based on a principle of 90% honesty and 10% competence and experience in performing their duties¹. However, this principle, while it may appear harmless and people-oriented, conceals a fundamental issue: if public servants are aware that they are not properly qualified to hold the positions to which they have been appointed, are they truly adhering to the principle of honesty promoted by López Obrador's presidency, and is this principle still being upheld by the current President, Claudia Sheinbaum?

To answer this question, we must examine the obligations and standards outlined in federal regulations regarding responsibilities and professionalization of public service:

1. **The Political Constitution of the United Mexican States** (Title Four, Article 109) states that public servants will face sanctions for acts or omissions that violate the principles of legality, honesty, loyalty, impartiality, and efficiency. These principles underpin the obligation to act with knowledge and professionalism².
2. **General Law of Administrative Responsibilities** (LGRA)³ serves as the current framework law in administrative matters.
 - 2.1 Article 7 of the Law sets out the principles guiding performance, including legality, objectivity and professionalism, and states that public servants must “know and comply” with the regulations that govern their duties, powers, and responsibilities.
 - 2.2 The Title of obligations and misdemeanors outlines at least two related scenarios involving administrative liability.
 - a) **Minor misdemeanors** for failing to fulfil duties or performing them so negligently that it affects the service's efficiency.
 - b) **Serious misconduct** in cases such as:

1.-<https://www.eluniversal.com.mx/nacion/los-servidores-de-mi-administracion-deben-tener-90-honestidad-y-10-experiencia-amlo/>

2.- <https://www.diputados.gob.mx/LeyesBiblio/pdf/CPEUM.pdf>

3.- <https://www.diputados.gob.mx/LeyesBiblio/pdf/LGRA.pdf>

- **Abuse of functions** (when powers are exercised arbitrarily for one's own benefit or that of third parties).
- **Improper hiring** (for those who authorize or promote the appointment of individuals barred or disqualified by law). If the lack of "preparation" is normatively provided for as a legal requirement for the position, its omission may be considered part of this deficiency concerning the appointee.

In short, the LGRA requires professional knowledge and performance, and it stipulates administrative sanctions if the appointment or performance contravenes these standards.

- 3. Law on the Professional Career Service in the Federal Public Administration⁴ and its Regulations⁵**
- both govern admission based on merit, profiles, and the accreditation of knowledge for positions within the system. The Regulations even stipulate dismissal if mandatory training is not accredited, emphasizing that holding a position without the appropriate profile and preparation is incompatible with professional service in the public administration.

In summary, there are specific legal provisions that regulate the admission of public servants through knowledge and skills exams, explicitly stating that permanency depends on the accreditation of training or updating, the certification of skills, and the ongoing evaluation of performance. In the absence of such certifications, among the consequences provided in the Law is separation from the public service.

"Occupying a position without the profile and preparation is incompatible with professional service in the public administration."

Building on the question raised above, it can be inferred that both appointing unprepared personnel or people that do not meet the required profile and skills to properly exercise their duties, and accepting this practice—where these unprepared personnel exercise functions and powers in the public service by these unprepared personnel, can be regarded as a flagrant act of corruption and weaponized incompetence.

In recent months, we have witnessed two of the most dangerous consequences of having unprepared public officials in key roles within the Federal Government: the reshaping of the Judicial Branch with judges, magistrates, and ministers who were elected under somewhat shady parameters, and the substantial reform to the Amparo Law.

Both actions fiercely promoted by the Executive Branch are already having several deep repercussions in carrying out Justice that go from delays in the current processes to the imposition of ominous fines and reckless actions carried out by the newly elected Judges whenever their capacity is questioned. In addition to this, having the political party in power with an overwhelming majority in both the Senate and the Representatives Chambers, the lack of a strong opposing party and the systematic silencing and censorship of divergent voices can draw a clear line between the weaponized incompetence by the Mexican Public Administration and the violation of human rights, considering that it is most important for the system to have unprepared public servers as long as they remain loyal to the party.

These circumstances directly lead to the widespread violation of the human right to good governance for those of us who are subject to this deficient regime, since, according to the parameters set by the United Nations High Commissioner for Human Rights, good governance and human rights are linked in four areas: i) democratic institutions; ii) public service delivery; iii) rule of law; and iv) anti-corruption⁶. The Mexican government has failed

4.- <https://www.diputados.gob.mx/LeyesBiblio/pdf/260.pdf>

5.- https://www.diputados.gob.mx/LeyesBiblio/regley/Reg_LSPCAPF.pdf

6.- <https://www.ohchr.org/en/good-governance/about-good-governance>

in all these areas, as effective protection of human rights requires good governance that develops institutions, an enforceable legal framework, and a responsible, reliable, and knowledgeable administration to safeguard them.

Concerning the creation of democratic institutions, they must be established so that citizens, social groups, and communities can participate in decision-making and have their views heard, not only through voting. Regarding public services, good governance implies the State's real technical capacity to meet its obligations to provide essential public goods and services such as health, education, and food. On the rule of law, the government should create, reform, and comply with laws in accordance with national and international legal frameworks to strengthen institutions for the benefit of the people. Finally, with regard to anti-corruption measures, a competent government must operate through clear rules regarding appointments, accountability, oversight bodies, and transparency in its functions, with each aspect being accessible to all citizens⁷.

Nevertheless, the current government constantly neglects its constitutional obligations to provide and secure access to its constitutional and human rights for every individual by appointing public officials who do not meet the minimum requirements established in the Law to exercise their duties. This willful disregard of both domestic and international law is protected by the constant changes made by the Legislative Branch to the legal framework and by outrageous amendments to the Constitution, allowing the appointment of public officials that have several allegations of corruption and other criminal conduct, or those who have openly admitted ignorance of their duties and obligations and the proper exercise of the public office they have assumed. This not only violates human rights such as legality and good governance but also impacts the enforcement and exercise of human rights related to transparency and petition by abolishing autonomous entities that protected the people's right to access public information. Freedom of expression, information, and association has been curtailed and ultimately suppressed by repressing anyone who disagrees with the regime in power, whether through police forces, state-controlled media outlets, laws tailored to their interests, or, most concerning, by utilizing the authority granted to these officials to initiate investigations and criminalize any dissenting voices.

The clearest example of weaponized incompetence in a government context is the cancellation of the New Mexico City International Airport at Texcoco, alleging several acts of corruption from the previous regime, without listening or even considering a series of national and international experts (Pilot Colleges, IATA, etc.) that provided documental evidence of the risks and potential impact on the fares paid by passengers⁸.

Not only did the Government disregard the recommendations made by experts, but it also publicly stated that they did not seem competent enough to issue an opinion, considering that the Airport was planned in the previous regime based on their expert opinion and that the country was left in pieces, hence, they could not be taken seriously enough⁹.

Certainly, honesty and integrity are ethical requirements inherent to the duties of anyone providing services to the government and, generally, to any sector or activity. However, this should not imply a complete disregard for the good performance and professional experience of public servants or officials, which serve the public interest, as the proper functioning of the State relies on them. Ignorance of these responsibilities directly and indirectly breaches the human rights of society as a whole.

"Those who stand at the top determine what is wrong and what is right."

-Eichiro Oda

6.- <https://www.ohchr.org/en/good-governance/about-good-governance>

7.- Aguilera-Izaguirre, G. Buen Gobierno y derechos humanos en México. UAEM, México, 2020.

8.- <https://www.eluniversal.com.mx/cartera/infraestructura-aeroportuaria-inquieta-iata/>

9.- <https://www.eleconomista.com.mx/empresas/AMLO-pone-en-duda-sugerencias-de-la-IATA-20190304-0160.html>

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Nebai has over 17 years of experience both in the public and private aviation and airport sector, working as a government officer at the now Civil Aviation Federal Agency and Aeropuertos y Servicios Auxiliares; in the private sector, she has been negotiating contracts with airport groups, assisting in various litigations related to aviation accident investigations. Likewise, she has been responsible for carrying out the necessary procedures for the start of operations of several foreign airlines in Mexico, from the incorporation of a permanent establishment in Mexico to the monitoring of their regulatory obligations; addressing requirements from immigration, tax, and jurisdictional authorities, as well as studying the various proposed reforms regarding passenger rights.

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