



INSTITUTO NACIONAL DE CIENCIAS PENALES

Magisterio Nacional 113,
Col. Tlalpan, Deleg. Tlalpan
México, D. F., C. P. 14000
Tel. 56552355 ext. 207/249/279

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Democracy and Public Security in Mexico: an Unsolved Dilemma

Martín Gabriel Barrón Cruz®

INACIPE

martin_barron63@hotmail.com

ABSTRACT: The present paper constitutes a reflection on the problems that it faces at present the democracy and the public safety in Mexico. This way the author checks, brief, the history of last Mexican century, and in the first instance he supports that the democracy, in the mentioned country, does not exist because this one can identify as one "democracy to the Mexican one" or since the "constitutional dictatorship". For what he touches to the public safety there is examined the problem of the political "militarization" and of the police services, as well as the challenge that this represents for the "Mexican democracy".

® Profesor Investigador y Maestro del INACIPE. Licenciado en Historia y Maestro en Ciencias Penales con especialidad en Criminología.

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Presentation

This work is divided into two sections. The first section deals critically with the problem of democracy in Mexico, by insisting and asserting that it is still very far from being achieved in the nation due to multiple difficulties and political factors involving democracy. Toward that end, the national situation is again dealt with and exemplified starting with the rise of the “Partido Revolucionario Institucional” (PRI) and its governments over the last 70 years of national history.

The second section analyzes the problem of public security, highlighted fundamentally by juridical-political problems, and the interference of the armed forces in strictly police matters.

As mentioned in both cases, historical aspects are again dealt with to support the analysis of these subjects that are presented as an exhibit to the work. The objective of this analysis is to provide a general overview of certain significant events for those who do not have a grasp of Mexico’s national history.

Mexican style democracy

During the last decade, one of the debates that has drawn the most attention in Mexico in political, academic, and social scenarios, as well as in the media has been the change of the political regime and the nation itself toward “democracy”. However, one has to ask ... what democracy? Or has the country actually changed politically? Do we really live in a democracy today? My position is that the country is not living a democracy. If it does exist, it is very Mexican in style.

Supporting that assertion refers me to the nation’s history of the last century, in order to find the continuity and changes that facilitate explaining the reality that the country is living today, and specifically link it to public security. This is intended to go beyond and move away from misleading party-line positions or dominant politics in the national context.

Thus, we note that a constant factor in the form of governing the country for over more than half a century has been the personal government of presidents “elected” through a vote, therefore, “they govern legitimately” in reliance on the constitution. Such a procedure leads to what Emilio Rabasa coined “constitution and dictatorship”. That is, the president in office becomes a dictator during his administration, and this legitimizes exercising his power in the constitution. This is how the “constitutional dictatorship” comes into being.¹

The main reason for this is that there is an abyss between constitutional juridical formalism, political reality, and Mexican socio-economics. In principle, this abyss stems from the fact that the Constitution of 1917 was not able to contain the predominance of the revolutionary “*caudillos*” headed by the “Sonora Group”, whose principal ringleaders were Adolfo De La Huerta, Alvaro Obregon, and Plutarco Elias Calles. Moreover, Calles even went on to manipulate national politics through his presidential administration (1924-28) and successfully extended during the so-called “*maximato*” (1928-1934) where he appointed presidents Emilio

¹ Los artículos constitucionales han sido retomados de Constitución Política de los Estados Unidos Mexicanos, Prontuario Jurídico de la Procuraduría General de la República, México, Instituto Nacional de Ciencias Penales, Códigos, T. I, 2002. La constitución promulgada en 1917 ha sufrido cerca de 500 modificaciones; por ejemplo, el artículo 73 ha sido reformado más de 41 ocasiones. O bien como diría Mario Vargas Llosa la dictadura perfecta.

Portes Gil (1928-30), Pascual Ortiz Rubio (1930-32), and Abelardo L. Rodríguez (1932-34). Finally, he selected Lázaro Cárdenas as a candidate for the presidency (1934-40).²

Furthermore, he successfully brought together the main ringleaders in 1929 that were spawned by the revolution to form a party that would represent them politically. That was the Revolutionary National Party (PNR), which changed its name to Party of the Mexican Revolution (PRM), and finally to the Institutional Revolutionary Party (PRI). Thus, it has become the official party ever since then and, therefore, the party of the Mexican government.

In these circumstances, the practices of the “constitutional dictatorship” were consolidated by post-revolutionary governments, mainly during the period extending from 1934 to 2000. [See exhibit I] That “constitutional dictatorship” transformed over this long period, and its modern version was known as “*presidentialism*”. Thus, according to Jesus Silva Herzog, the “six-year emperor” came into being. In this new scheme, the president in office took full advantage of exercising the power vested in him by the Constitution of 1917, and transforming it according to his plans and interest, even though the text of the Constitution itself sets forth that Mexican state is democratic, representative, and federal.³

None of this is true because presidential attributions are really an aberration. Furthermore, there are other circumstances and facts which prove that democracy in Mexico is very far from being achieved. Here are some examples to support that assertion:

- ▣ Since 1929, the president appointed the person who would exercise control over the *Distrito Federal* (Mexico City), the so-called “appointed mayor” of the city, which led to corrupting the interior governmental structures, particularly if the administrations of Carlos Hank Gonzalez and Oscar Espinosa Villarreal can be placed under scrutiny. This situation changed in 1997 when the Head of the Government of the nation’s capital is elected through a vote because it was incredible that the nation’s capital whose population with a little more than 8 million inhabitants was not able to elect its governing leaders.
- ▣ Starting in 1986, the Chamber of Deputies (House of Representatives) was comprised of 500 deputies [Article 51-55]. However, 300 of them are elected by a free, sovereign vote of the people, that is, they are really the representatives of the people. But the other 200 are appointed according to the proportional representation principle. This practice is colloquially known as “appointocracy”. This system is actually a resource used by the political parties to impose and pay dues to inner groups of power of union, social, labor, and farm worker organizations. This is referred to as “rinsing”. Under these circumstances, an official (or union leader, actor, singer, farm worker, etc.) of first or second level public administration can become a deputy. At the end of his term in office, he can be appointed a senator or vice versa, without necessarily submitting to public scrutiny. This whole political phenomenon is referred to as “Mexican political alchemy”. In other words, the Chamber of Deputies and the Senate, which should

² Bajo el régimen de Cárdenas la política que se instrumentó fue el llamado populismo.

³ Sobre el presidencialismo existe una extensa bibliografía. Entre las críticas se puede revisar Corrales D., Carlos.- Problemas de la Democracia en México Presidencialismo, Inercia política, Poder corporativo, Analfabetismo político-democrático; en página web iteso.mx/~carlosc/pagina/problemademo.htm

represent the interests of Mexico's citizens, are actually a space of political power reserves.

- ☞ Up to 1994, the president had the power to appoint and remove the Supreme Court justices [Article 89]. In practice, the only thing that changed as of that date was that the president now has to submit a slate of three candidates to the senate of the republic in order to choose a Chief Justice of the Supreme Court. In itself, what was introduced was the formula for his nomination, but the fact of the matter is that the president chooses who should watch over the legal interests of the people, not those of the Mexican state.
- ☞ The federal system (federalism) provided for in the Constitution [Article 40] does not exist. This system does coexist with the central government structure "which limits compliance with federal principles. The central government has reduced the capacity to act and decide of state and municipal governments, although they are legally autonomous entities. The states of the republic are subject to a being regulated by the Federal Government (Federacion) for local decision-making, therefore, this same situation reproduces itself in relations between states and municipalities".⁴
- ☞ On the other hand, there is no compliance with the federalist principle that state governments should have a National Guard. In this respect, the Constitution [Article 76] sets forth that the Senate of the Republic may give its consent to the President of the Republic to be "able to dispose of the National Guard outside of their respective states".⁵

As the foregoing shows us in a search for an explanation and, therefore, an understanding of "Mexican style democracy" and "constitutional dictatorship", we should look at the Constitution itself. The Constitution sets forth that not only does democracy consist of "a juridical structure and a political regime, but as a life system founded on constant economic, social, and cultural improvement of the people".⁶ Bearing the foregoing in mind makes it clear that the "governments arising from the Revolution" never adhered to that principle because in more than 70 years, there was nothing more than demagogic discourses. Moreover, poverty has grown in absolute terms, and social, economic inequality is abysmal. Consequently, a significant part of the population is in extreme poverty.⁷

Support is found for this assertion by reviewing and providing a detailed account of certain events of the nation's economic history of the last 50 years. For example, from 1946 to the present, the Mexican peso has suffered various devaluations with regard to the dollar. The

4 Ayala, José.- Economía del sector público mexicano, México, UNAM, 1999, p. 353-354.

5 Para analizar la Guardia Nacional se puede revisar Barrón, Martín.- "Guardia Nacional: ¿posibilidades de utilización?, en Memorias del Foro de Seguridad Pública, México, Instituto de Investigaciones legislativas de la H. Cámara de Diputados, 1998, p. 79-102.

6 Artículo 3, fracción II, inciso a). Dicho texto constitucional fue reformado el 5 y 9 de marzo de 1993. Constitución Política de los Estados Unidos Mexicanos, Prontuario Jurídico de la Procuraduría General de la República, México, Instituto Nacional de Ciencias Penales, Códigos, T. I, 2002

7 La generación de la pobreza está vinculada a diversos factores, entre los que podemos señalar, el crecimiento del gasto público, producto del acelerado procesos de industrialización que se dio en el país entre 1950-1980, por el aumento de la urbanización, de la demanda de bienes públicos, por la instrumentación de políticas de estabilización. Luego se dieron los procesos de disminución del ritmo de crecimiento y la reestructuración del gasto público.

point of departure in this vein is the administration of President Miguel Aleman [1946-52 when the local currency dropped from 4.85 to 8.65.] Then under the administration of Adolfo Ruiz Cortines [1952-58], the peso fell from 8.65 to 12.50 per US dollar. This exchange rate was sustained until the administration of Luis Echeverria [1970-76] when the peso plummeted down to 26 pesos, that is, a devaluation of more than 100%,. This devaluation, along with the dreadful administration of Jose Lopez Portillo [1976-82], led to inflation under the so-called "petrolization" of the Mexican economy, and 150 Mexican pesos were eventually paid for each US dollar. Afterwards, under the Miguel de la Madrid administration [1982-88], the peso was devaluated to the point of actually paying 2,000 pesos per US dollar. In these circumstances, the administration of Carlos Salinas [1988-94] devalued the peso by eliminating three zeros to make it more manageable in foreign exchange terms. Finally, the so-called economic crisis of 1994-95 took place at the end of the Salinas administration and beginning of the Ernesto Zedillo administration [1994-2000].

As can be seen, we Mexicans have endured more than 4 economic crises over a period of time less than 50 years. This is why the public debt has increased drastically. [See exhibit II]

The consequences of the constant crises have left most of the population in varying degrees of poverty. In order to explain this phenomenon, various studies have been conducted highlighted by the study performed by the CEPAL (1984). The CEPAL study shows that 4 out of every 10 Mexicans were poor, and "in this context of poverty, two and a half out of every 10 fellow Mexicans were moderately poor, while 1.3 were in destitute poverty".⁸

In short, this has been the economic legacy that governments run by the Institutional Revolutionary Party (PRI) have left to the Mexicans. This is why a large part of the population warily voted against the PRI in the 2000 elections, for a candidate not associated with that party, and "elected" Vicente Fox ,9 but not as the result of a true democratic process.

Public security¹⁰

On the other hand, the enormous weakness of the Mexican economy has affected the population in general, thus bringing about various social phenomena, underscored by the social and political uncertainty generated which, in turn, created a problem of governability

8 Barrón, Luis y Trejo, Guillermo.- La pobreza en México: la paradoja de la política social. Dicho documento puede consultarse en la página web www.cidac.org/libroscidac/mexico-cambio/Cap-16.PDF, p. 661. Los autores retoman a su vez los estudios de Enrique Hernández Laos: "La evolución de la pobreza y su combate desde Solidaridad", en Solidaridad a Debate, El Nacional, México, 1991, p.173.

Gordon, Sara.- Pobreza y patrones de exclusión social en México, Instituto Internacional de Estudios Laborales, Programa sobre las Instituciones Laborales y Desarrollo, 1997.

9 Por cultura del recelo podemos entender "la inmensa desconfianza acumulada, pero también una especie de negativismo político generalizado conspiran para que buena parte de la sociedad persista en una visión pesimista, escéptica, incluso en ocasiones catastróficas sobre nuestro porvenir como país". Cfr. Salazar Luis, revista Nexos, No. 229, enero, 1997, p. 9. Además se puede revisar Hernández R. José.- 2 de julio: una nueva oportunidad para pensar y construir la democracia en México, página web: www.filosofiyderecho.com/rtd/numero4/democracia2.htm.

Uno de los problemas de la elección del año 2000, fue la cantidad de votos con los cuales Vicente Fox llegó a la silla presidencial; ya que del total del padrón electoral sólo votaron por el 15,988,544,

10 Una de las dificultades que se presenta para abordar analíticamente la seguridad pública es que no existe una definición de dicho término ni en la Constitución, ni en las leyes secundarias, como he descrito en el artículo "Aproximaciones históricas a la seguridad Pública en México" en Iter Criminis, Revista de Ciencias Penales, INACIPE, N° 7, julio-sep 2003.

and, along with this, a problem of public security. ¹¹ The problems involving governability in Mexico between 1982 and 1995 are underscored by the following:

- a. Economic insolvency to pay the foreign debt in 1982.
- b. A spin-off of the PRI in 1987.
- c. A strike at the National University.
- d. Constant protest marches of teachers, farm workers, and students against governing leaders.
- e. An electoral fraud in the 1988 presidential elections.
- f. An armed uprising of the Zapatista National Liberation Army (EZLN) in 1994.
- g. Assassinations of Cardinal Posadas Ocampo [1993] and presidential candidate Luis D. Colosio [1994], which brought to light the inability and corruption of the law enforcement system and administration of justice.
- h. Corruption of law enforcement bodies (Arturo Durazo).
- i. The growing link between drug traffickers and law enforcement and military bodies.

All of this simultaneously led to an “increase” in criminal activity. Mexico City, for example, suffered an increase of as much as 150% in the number of crimes reported to the police by its residents over the last quarter of a century. A record high of 255,000 cases was reported in 1997. The proportion of violent crime increased by nearly 180% between 1982 and 1999. By 1999, nearly half of the crimes committed were violent and that proportion surpassed the national average and was even twice as much as the international average.”¹² By the year 2000, the most frequently committed crimes were homicide, robbery, and injuries. [*See exhibit III*]

Thus, it should not surprise us, in order to bring down insecurity in political terms, that the wording of the constitution was amended in 1994, as follows: “Public security is a duty that the Federal Government, Distrito Federal (Mexico City), States, and Municipalities are

11 Un problema importante de resaltar es que la seguridad pública es un concepto subjetivo, es “un estado de conciencia en el cual el individuo, sea el más importante político mundial o un ciudadano medio, se siente libre de daños por parte de otros [...] un Estado (o sus líderes y ciudadanos) se sienten seguros cuando nada adverso puede sucederles por parte de otros Estados o por parte de actores no estatales extranjeros”. Art, Robert.- “Security” en Krieger, Joel.- The Oxford companion to politics of the world, Oxford University Press, New York, 1993, p. 819. Cfr. Aguirre, Mariano.- “El debate sobre la seguridad en la globalización”, en FASOC, año 15, N° 4, oct-dic., 2000, p. 5.

Por otra parte, es conveniente señalar que “en el Estado democrático, la definición de la seguridad está reglamentada y encuentra legitimidad en los marcos institucionales (la Constitución) y en el mandato que reciben los legisladores y los gobiernos [...] esta interrelación entre el marco constitucional, la legislación y la gestión del gobierno deberá reflejar el mayor grado posible de consenso entre instituciones del Estado y la sociedad para alcanzar una percepción común de seguridad”. Aguirre, Mariano.- “El debate sobre la seguridad en la globalización”, en FASOC, año 15, N° 3, jul-sep., 2000, p. 5

Ya que “los desafíos a la seguridad de los Estados no se refieren solamente a la posibilidad de conflictos militares tradicionales. La seguridad posee muchas y diversas dimensiones, cada una de las cuales suponen herramientas diferentes que el Estado diseña para proveer la seguridad”; los conceptos de seguridad “y otros similares, rescatan [...] que más que pensar en la seguridad del Estado, debe pensarse en la seguridad de los individuos, retomando la visión más clásica de la teoría política: justamente, el Estado ha sido creado en función del bienestar de los ciudadanos, y no a la inversa”. Donadio, Marcela.- “Las opciones de la seguridad estratégica para los países del Cono Sur”, en FASOC, año 15, N° 4, oct-dic., 2000, p. 5

Y “un peligro en el debate de seguridad es su ampliación conceptual. No todo tema importante es un tema de seguridad. Tampoco todo tema de seguridad es per se un tema importante. El concepto de seguridad debe vincularse al uso de la fuerza”. Rojas, Francisco.- “Repensando la seguridad en América Latina: nuevas demandas conceptuales”, en FASOC, , año 15, N° 2, abr-jun., 2000, p. 3.

Sobre el problema de gobernabilidad vinculado a la seguridad pública en la presente administración foxista puede revisarse Preciado, Jaime.- La gobernabilidad democrática en el México post-priísta, página web www.unesco.org/most/dp60mexico.htm#preciado

12 Propuestas para el Plan de Seguridad Pública 2001-2006 del Distrito Federal presentado por la COPARMEX, el 31 de agosto de 2001.

responsible for in their respective legal jurisdictions provided for herein. The order of law enforcement institutions shall be governed by principles of legality, efficiency, professionalism, and honesty [and] they shall be coordinated in the terms provided for by law in order to establish a national public security system”.¹³

In order to comply with that constitutional precept and bring down crime, the federal government has adopted a formula of more law enforcement officers, more patrol vehicles, more jails, and greater punishment of criminal behavior and acts. ¹⁴ Thus, between 1996 and 2000, funds were allocated to the National Public security System in the amount of “31 billion 66.4 million pesos, of which 15 billion 908.1 million pesos [...] were allocated to state entities and the Distrito Federal, that is, 51.2 percent of the total. On the other hand, federal entities including the Preventive Federal Police received 15 billion 158.3 million pesos, which accounts for 48.8 percent of that amount. Furthermore, states committed themselves to earmarking 6 billion 177.9 million pesos to the System [...] which, together with federal contributions, amounted to 37 billion 244.3 million pesos”.¹⁵ **[See exhibit IV]**

But such “measures do not achieve the success pursued, regardless of the amount of resources earmarked toward that end and how efficiently they are used. Crime does not go down, but rather it seems to increase [...] The forms chosen to face crime are not associated to doctrine or political ideology of the government that puts them into practice. Regardless of the (political) tendency of the government, the actions and programs promoted are the same. There are no policies to fight crime conceived as articulating multi-sectorial actions according to a reasoned, coherent scheme based on an adequate diagnosis, as well as doctrinal tendency of the respective government that strives to face crime with a long-term vision by the State”. ¹⁶ Moreover, this has given rise to “longer and more severe punishment and, therefore, explosive growth in the number of persons recruited”.

At the same time, the government has sought to equip law enforcement bodies with all “scientific” elements to bring down crime. However, Mexican law enforcement officers have severe shortcomings, underscored by the evident lack of ability to fight delinquency and enormous internal corruption. In addition to the foregoing, we have to point out that the citizenry is mistrustful of the various law enforcement bodies, as well as of the governing leaders. In other words, the population neither believes in the police nor in the politicians. Perhaps this is why Mexican politicians have contradictorily and undemocratically decided that in order to fight insecurity, it is necessary to use the armed forces. Consequently, they have become more present to a greater degree and intensity. This has become confused with the concept of peace and security. The need for armed protection against possible aggression has further become associated with security. But aggression from who?

¹³ Artículo 21 constitucional que fue reformado el 31 de diciembre de 1994. Constitución Política de los Estados Unidos Mexicanos, Prontuario Jurídico de la Procuraduría General de la República, México, Instituto Nacional de Ciencias Penales, Códigos, T. I, 2002. Para dar vigencia al sistema se emitió la Ley que establece las Bases de Coordinación del Sistema Nacional de Seguridad Pública [11, diciembre 1995].

¹⁴ Una análisis detallado de la inoperatividad del sistema de seguridad pública en México a partir de la revisión de la asignación presupuestal destinada a los estados de la republica es el de Arango, Arturo “Análisis de los criterios de asignación para la distribución del Fondo de Aportaciones para la Seguridad Pública en los estados y del Distrito Federal”, inédito.

¹⁵ Plan Nacional de Desarrollo 2000-2006, apartado V. Orden y Respeto.

¹⁶ Prado, Francisco.- “La criminalidad en América Latina” en Revista de Occidente, año LVI julio-septiembre, página web www.revistaoccidente.cl/374.

Thus, the armed forces carry out police action and discharge police duties. In turn, this subordination has made the Armed Forces participate in Mexico's internal political struggle, thereby violating Article 129 of the Constitution which sets forth: "in times of peace, no military authority may discharge more duties than those that are directly connected to military discipline. There shall only be fixed, permanent Military Headquarters at castles, forts, and warehouses that rely directly on the Federal Government, or at camps, barracks or deposits established to station troops outside of towns".

In order to violate that Article of the Constitution, the "six-year dictator" at that time, Ernesto Zedillo, ordered the Supreme Court to legitimize the involvement of the armed forces related to public security. Toward that end, the Supreme Court issued five caselaw extracts to support that the armed forces "can participate in civil actions that further public security to aid civil authorities, without requiring the declaration of suspension of individual guarantees". 17

Consequently, we are immersed in a growing trend of increasing military forces for security, and in creating new public security entities. In view of a society clamoring for greater public security, public spaces are being privatized. [See exhibit V] However, such a scheme draws attention to the danger of militarization as the security services [above all, the army and police] tend to assume that "security is their business". 18

However, it is necessary to point out that the Mexican army "has played an increasingly more active role in public security matters, ranging from fighting rebels to the war against drugs [...] Even though the Mexican Army has been involved in anti-drug operations since the forties, it was not until the eighties when, for the first time, the government began to largely resort to the military to fight drug trafficking. In 1987, President Miguel de la Madrid declared that drug traffic was "a problem of national security". In 1996, President Ernesto Zedillo invited all high ranking military officials of the nation to join the National Public security Board, thereby conferring a direct role upon the armed forces in establishing a public security policy and anti-narcotics activities. More recently, in January 2001, President Vicente Fox declared his intention to unleash a "war without barracks" against drug traffickers".19

17 Las citadas tesis son XXV/96, XXVII/96, XXVIII/96, XXIX/96 y XXX/96 del Pleno de la Suprema Corte de Justicia de la Nación; en, Semanario Judicial de la Federación y su Gaceta, Novena Época, Tomo III, México, marzo de 1996.

18 Moller, Bjorn.- Seguridad Nacional, Societal y Humana: el marco general y el caso de los Balcanes, en FASOC, año 15, N° 4, oct-dic., 2000, p. 16.

El principal problema es que "las fuerzas armadas y las policiales, son por recta doctrina los únicos facultados para el uso legítimo de la fuerza, que se aplica siguiendo las disposiciones de la Constitución y las leyes. Esto supone que la fuerza se legitima al ser empleada para defender los intereses de la nación. En consecuencia se plantea la cuestión acerca de cuáles son los intereses de la nación y cómo se han expresado". Castro, Carlos.- "Las relaciones cívico militares en Chile", en FASOC, año 14, N° 4, oct-dic., 1999, p. 18.

Un excelente análisis sobre las fuerzas armadas mexicanas es el de Moloznik, Marcos.- "Presente y Futuro del papel de las Fuerzas Armadas Mexicanas. Aproximación al debate sobre el rol del instrumento militar en la democracia", en Security and Defense Studies Review Vol. 1 Spring 2001.

19 Human Rights Watch.- "Injusticia militar. La reticencia de México para sancionar los abusos del Ejército", en página web www.hrw.org/spanish/informes/2001.

El problema de la Seguridad Nacional es "esencialmente de nivel político, considerando los ámbitos que barca. En efecto, son dimensiones de la seguridad, primero la seguridad interior, en lo que se refiere a la manutención del orden interno y de la tranquilidad pública del país. Por tanto, podemos afirmar que la seguridad pública es un tema de Estado". Pinochet, Alfredo.- "Comunicación social en la seguridad pública", en Revista de las Fuerzas Armadas del Ecuador, en página web www.fuerzasarmadasecuador.org

As can be seen, the meaning of the concept of national security and public security was changed, reinforced by arguments that a change was made in the new administration “to build – not to destroy – a new era of democratic cooperation, public security, and Government of Laws”.²⁰ This is why effective “December 1, 2000, there is a new concept of national security grounded in democracy as one of its governing principles. The decision-making process was restructured by the Executive Branch by creating the Presidential National Security Advisor, as well as the ministerial coordination carried out through the Commission of Order and Respect. That Commission contributes to the effort of coordinating and unifying criteria, doctrine, objective, and lines of action in order for the Presidency of the Republic to define a clear vision and mission on the objectives of preserving national security and public order, thereby eliminating duplicated efforts, as well as bureaucratic inefficiency and inertia”.²¹

Analyzing the foregoing assertion allows us to confirm two things. First, “presidentialism” did not change at all, even though the current president stated that he is from a party other than the PRI. As confirmed, it is the presidency that coordinates and unifies criteria, doctrine, objectives, and lines to define national security and public order. In other words, decisions are vertical and this consolidates the power of the “six-year dictator”.

In the second place, there is an enormous contradiction between what is national security and public order,²² which are understood as synonymous, as if public order were the same as public security. But the three concepts are completely dissimilar in both theory and practice. Under this terrible conceptual, operative confusion is how the Ministry of Federal Public security functions. This ministry faces an intellectual, institutional, and operative challenge to connect and establish what type of security concepts (National, Interior, Public, and Citizen) its actions belong to.²³ Toward that end, “it will be necessary to form a new conceptual chain,

20 Versión estenográfica de las palabras de Vicente Fox Quesada, durante la Sesión Plenaria del Foro Económico Mundial, en el Auditorio del Centro de Congresos de Davos, Suiza, 26 de enero de 2001, Presidencia de la república, World Economic Forum, 2001.

Existe actualmente una amplia literatura en torno a la democracia y su vinculación con la seguridad pública entre ella se puede revisar: Dader, José.- La democracia débil ante el populismo de la privacidad: terror panóptico y secreto administrativo frente al periodismo de rastreo informático en España, Madrid, Universidad Complutense, Facultad de Ciencias de la Información, Análisis 26, 2001, p. 145-168. Saín, Marcelo.- “Democracia, Seguridad Pública y Policía. La reforma del sistema de seguridad y policial en la Provincia de Buenos Aires”, Seminario las reformas policiales en Argentina, Centro de Estudios Legales y Sociales, Buenos Aires, diciembre de 1998. Dammert, Lucía.- Violencia Criminal y Seguridad Pública en América Latina: La situación en Argentina, en Universidad Siglo 21, Serie Investigación/Ciencias Sociales, Junio 2000. Arévalo, Bernardo.- “Seguridad, Desarrollo y Consolidación Democrática: Una perspectiva desde la Sociedad”, intervención en la Conferencia Seguridad y Desarrollo: Retos en América Latina y El Caribe, Banco Interamericano de Desarrollo y Organización de Estados Americanos, septiembre 2002. Salinas, Mauricio y Hoecker, Loreto.- “La seguridad pública desde la perspectiva de la seguridad humana” en Gobernabilidad y Seguridad Sostenible, N° 6, agosto 2002, página web www.iigov.org/seguridad/?p=6_02

21 Fox, Vicente.- Primer informe presidencial, página web

informe.presidencia.gob.mx/Informes/2001Fox1/cfm/tplInformeDoc.cfm

22 Quizá el concepto de orden público aquí “está concebido como una circunstancia de hecho y como un fin del ordenamiento político estatal y en tal sentido aparece en la legislación administrativa, la policía y penal como sinónimo de convivencia ordenada, segura, pacífica y equilibrada, es decir normal y propio de los principios generales de orden expresados por las elecciones de base que disciplinan la dinámica de un ordenamiento. En esa hipótesis OP constituye un objeto de reglamentación pública y, sobre todo, de tutela preventiva, contextual y sucesiva o represiva”. Guisepppe de Vergottini.- “Orden Público” en Bobbio, Norberto; Matteucci, Nicola y Pasquino, Gianfranco.- Diccionario de Política; México, Siglo XX Editores, undécima edición 1998, p 1086.

23 Los documentos que dan vida a la citada Secretaría son: Ley General que establece las Bases de Coordinación del Sistema Nacional de Seguridad Pública; Ley de la Policía Federal Preventiva; Reglamento de la Policía Federal Preventiva; Reglamento Interior de la Secretaría de Seguridad Pública; Manual de Organización General de la Secretaría de Seguridad Pública, en Diario Oficial, 11-XII-1995 y reformada el 30-XI-2000; 4-I-1999 y reformado el 30-XI-2000; 26-IV-2000; 6-II-2001; 3-I-2002. Y finalmente el Programa Nacional de Seguridad Pública 2001-2006. Diario Oficial, 14 de enero 2003. Dicho programa aunque señala que abarca del 2001 al 2006 apenas fue presentado hace unos meses, por lo cual está completamente desfasado en tiempo.

capable of acquiring substantive dimensions of the paradigm toward which it is organizing security”.²⁴

On the other hand, there is a hard question to answer, namely, why does public security now form part of military missions? Reasons can vary. Some of these can be “to militarily support democracy”, “end of the cold war”, “the breaking up of centralized economies”, “regionalism”, and others.

The argument for the first reason is that toward the end of the nineties, it was necessary “to consolidate democratic governments that function in the midst of social discontent, economic reforms, and international insecurity. In order to speak of developing institutions or administration of justice, it is necessary to discuss the dividing line between civil and military authority at some time. Will military personnel accused of committing human rights abuses be tried in civil or military courts? Who will decide the policy to stop drug traffic or weapons spending levels? [...] The answers [...] are controversial (...) Liberal traditions highlight the subordination of the military to civil authority in all subjects, while granting military personnel all types of political rights belonging to the citizenry. The traditions of members of corporations stress military autonomy in military circles, which limits [...] civil authority in military affairs [...]”.

As discussed above, the constitutions of Latin American countries have given the military the right to form “part of bodies” with a strong political influence. “However, the attitudes of bodies kept vigorous. Nowhere have the proven to be more powerful than among the military whose duty consists of defending the nation / state against its enemies, and who probably believe that freedom makes no sense if there is no social order”.²⁵

However, the new challenges that will have to be faced between civil – military relations are underscored by the fact that the military will have to accept that democracy is not anarchy, and human rights are essential for their own dignity and honor. Moreover, civil authority is the only source of legitimacy.

In order for the above to be successful, it is necessary to fight impunity efficiently, insofar as “the abuse of power and privileges, corruption, human rights violations are evils that know no nationality, marital status, or uniform. Impunity, whether the defendant is a civilian or military person, causes the authority of the state to be highly unstable”.²⁶

²⁴ Rojas, Francisco.- “Repensando la seguridad en América Latina: nuevas demandas conceptuales”, en FASOC, , año 15, Nº 2, abr-jun., 2000, p. 5-6.

Por ejemplo en la seguridad ciudadana “parece no haber posiciones contrarias acerca de la idea de que el Estado debe intervenir para garantizar la tranquilidad de las personas y el desenvolvimiento normal de las actividades económicas. Garantizar la seguridad ciudadana ha llegado a ser una de las preocupaciones centrales de muchos gobiernos y una de las demandas más sentidas de su población”. Pinochet, Alfredo.- “Comunicación social en la seguridad pública”, en Revista de las Fuerzas Armadas del Ecuador, en página web www.fuerzasarmadasecuador.org

²⁵ Einaudi, Luigi R.- “La política de la seguridad en el hemisferio occidental” en Military Review, Edición Hispano americana, Vol. LXXVII, Nº, 5, Sep./Oct. 1997, Revista profesional del Ejército de los Estados Unidos, Publicada por la Escuela de Comando y Estado Mayor, Fort Leavenworth, Kansas. p. 41-53

²⁶ Ídem. p. 48

This is why it is mandatory to debate the role played by the armed forces in a society such as the Mexican “democratic” society, and subordination of the armed forces to civil authorities, in order to correctly establish which constitutional mission is assigned to the armed forces, and whether or not to delimit concrete scopes of performance relative to defending exterior security and national sovereignty.

All of this statement of the issue shows that there is ambivalence in Mexico between police and military duties, which leads to “significant confusion in the inherent duties of civil police and inherent duties of national defense that used to be discharged by the army”.²⁷ [*See exhibit VI*]

Conclusion

This presentation allows us to synthesize the following:

1. One can not say that Mexico is a politically democratic country.
2. It is mandatory to Amend the Mexican Constitution to remove power from the “six-year dictator” and make the balance of powers more equal.
3. The political changes in the country have to be consolidated.
4. Existing corruption has to be reduced in the various levels of the Mexican government (police, district attorney, judges, magistrates, and public officials).
5. The theoretical and practical concept has to be cleared up with respect to public security.
6. The armed forces should not be involved in public security.
7. The missions that should be carried out by the Armed forces should be discussed.

²⁷ Chinchilla, Laura.- “La experiencia de la desmilitarización en los países americanos”, en Paz y seguridad en las Américas, N° 12, julio 1997. Véase página web www.eurosur.org/FLACSO/paz12

ANEXO I

PRESIDENTES DE MÉXICO 1934-2000

ANEXO II

DEUDA DEL SECTOR PÚBLICO 1970-1985²⁸

Año	Saldo deuda	Incremento %	Montos	
			Corto Plazo	Largo Plazo
1970	4262.8	12.8	1002.8	3259.2
1971	4545.8	6.6	991.4	3554.4
1972	5064.6	11.4	742.4	4322.2
1973	7070.4	39.6	1338.6	5731.8
1974	9975.0	41.1	1994.2	7980.8
1975	14449.0	44.9	2837.0	11612.0
1976	19600.2	35.7	3676.8	15923.4
1977	22912.1	16.9	2726.8	20185.3
1978	26264.3	14.6	1236.6	25027.7
1979	29757.2	13.3	1442.2	28315.0
1980	33812.8	13.6	1490.8	32322.0
1981	52960.6	56.6	10753.9	42206.7
1982	58874.2	11.2	9325.5	49548.7
1983	62556.2	6.3	9777.5	52778.7
1984	69377.9	10.9	383.5	68994.4
1985	72080.1	3.9	454.1	71626.0

²⁸ La economía mexicana en cifras, México, Nacional Financiera, 7ª ed., 1988, p. 271.

ANEXO III

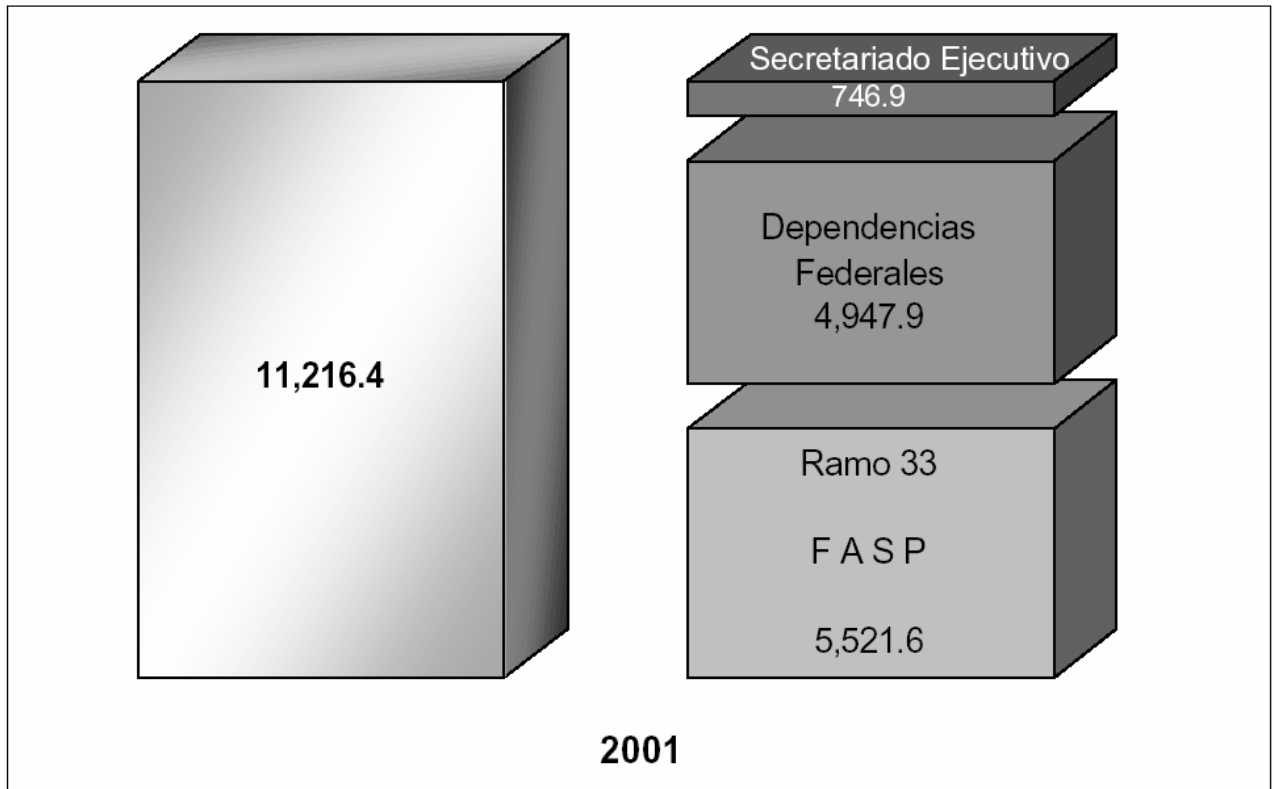
ESTADÍSTICAS DE SEGURIDAD PÚBLICA EN EL DISTRITO FEDERAL²⁹
DIC. 2002-ENE. 2003

Concepto	Total	
	Dic. 2002	Ene. 2003
Detenidos M. P.	31,117	3,417
Detenidos Juez Cívico	179,383	20,355
Promedio diario detenidos	779	766
Total Infracciones viales	1,367,694	143,103
Operativos de seguridad	1,201,860	99,183
Promedio de operativos por día	3,293	3,200

²⁹ Fuente Secretaría de Seguridad Pública del Distrito Federal.

ANEXO IV

**RECURSOS FEDERALES PARA EL SISTEMA NACIONAL DE SEGURIDAD PÚBLICA
A NIVEL FEDERAL, ESTATAL Y DEL DISTRITO FEDERAL**
(millones de pesos del 2001)



ANEXO V

CUERPOS DE POLICIA EN MÉXICO

Federales	Estatales (32)	Privadas (D. F.)
Policía Federal Preventiva	Policía Judicial Estatal	Policía Auxiliar
Agencia Federal de Investigación (antes Policía Judicial Federal)	Policía Municipal o Preventiva	Policía Bancaria Industrial
Policía Federal de Caminos	En total hay registradas 147 Policías Preventivas Estatales o Municipales	Más de 150
Policía de Inmigración		
Policía de Aduanas		
Policía Fiscal Federal		

POLICIAS REGISTRADOS POR LA S. S. P. 378 MIL ELEMENTOS

ACADEMIAS REGIONALES POLICÍA FEDERAL

Michoacán
Nuevo León
Estado de México
Sinaloa
Veracruz

ANEXO VI

POLICÍA DE LA CIUDAD DE MEXICO

