

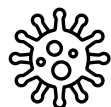
A NEW VIRUS

*New powers for the armed forces
that do not correspond to them*



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SYNTHESIS

The Mexican Armed Forces have been used to carry out public security tasks since the beginning of Felipe Calderón's administration. This decision was upheld by Enrique Peña Nieto and reinforced by the current president Andrés Manuel López Obrador. Even though both the army and the navy requested a legal framework that would give them certainty in their complementary performance in public security tasks since 2007, it was not until AMLO's (Andrés Manuel López Obrador by his acronym in Spanish) arrival that the necessary legal transformations were carried out

to comply with the requests of the FFAA (Armed Forces for its acronym in Spanish). But in addition to consolidating the militarization in the security field, the president of Mexico chose to intensify a process of militarization of the entire country, assigning SEDENA (Ministry of Defense for its acronym in Spanish) and SEMAR (Ministry of the Navy for its acronym in Spanish) at least 13 new tasks that, in principle, correspond to administrative branches of the federal government and represent significant amounts of money.

THE NEW NORMAL FOR THE FFAA IN MEXICO

The army has complained about various occasions about the responsibilities assigned to it in the fight against organized crime. In response, SEDENA requested, since the Felipe Calderón administration, a legal framework that would allow it to carry out a series of tasks that into reality it was already performing at its discretion.¹ Enrique Peña Nieto gave the armed forces the Internal Security Law that regulated their actions in matters of what was then called, as the law itself says and to say of its proponents, “internal security”, but in the opinion of many specialists, they were exclusive tasks of public safety. Despite the approval of this law and its subsequent publication in the Official Journal of the Federation on December 21, 2017,² the Supreme Court of Justice of the Nation declared it unconstitutional in November of 2018.³

The arrival of AMLO to the government began a series of important constitutional, legal, and institu-

¹ News article during Calderón’s six-year term which certifies of the request <https://tinyurl.com/y6aspfk8>.

² Decree by which the Internal Security law is issued in the DOF (Official Journal of the Federation by its acronym in Spanish) <https://tinyurl.com/y5epp8w3>.

³ Document that records the 117th public session that talks about the decree of unconstitutionality made by the SCJN (Supreme Court of Justice of the Nation) <https://tinyurl.com/y37j5gka>.

tional changes that affected the armed forces. Although López Obrador had promised that the army and navy should be gradually withdrawn from public security activities, in November 2018, already as elected president, included in his National Plan for Peace and Security⁴ both the participation of the Fuerza Armada Permanente (Permanent Armed Forces) in complementary public security tasks, such as the creation of the national guard which, as it turned out later, is mainly made up of the military. The president did not take long to take back his words and use the armed forces to combat, or at least retain, the conquest that certain criminal groups have of the national territory. Meanwhile, the head of the Federal Executive decided to give a series of prerogatives to both the army and the navy. These prerogatives were granted through the transfer of responsibilities that give operational power to the FFAA and which in turn imply the disappearance of civil institutions such as the Federal Police. All of this together seems to make up a long-term expanded militarization project that, although it did not start in this government term and constitutes a cyclical process, has been recently pronounced.

⁴ Annex to the AMLO’s National Peace and Security Plan <https://tinyurl.com/yxo5upbh>.

As acting president, López Obrador not only legalized and consolidated the participation of the armed forces in public security tasks⁵ but also increased the obligations they must comply with for the Mexican State in terms of infrastructure, support in social policy, and combat organized crime. Among the tasks that enter the expansion of the catalog of responsibilities of SEMAR and SEDENA are, at least, the following: in terms of public infrastructure, the construction of the Felipe Ángeles Airport at the Santa Lucía military base, the construction of 2,700 branches of the Banco del Bienestar (Welfare Bank), the construction of barracks for the national guard, the remodeling of 32 abandoned hospitals, and the construction of 2 sections of the Mayan Train. In matters of national security, the fight against huachicol (theft and illicit sale of motor fuel, primarily gasoline and diesel), the implementation of the surveillance plan on the northern and southern borders, and the control of ports and customs. In terms of social policy, the distribution of fertilizers, monitoring the delivery of resources from social programs. In deeds, the president has entrusted the FFAA with duties that in some cases could incur illegal acts.

⁵ <https://tinyurl.com/y7ru943g>.

The tasks that constitute illegalities, violate human rights and imply intrusions of competence are:

the construction of the Felipe Ángeles Airport in Santa Lucía and the implementation of the surveillance plan at the Mexican borders to detain migrants.

A total of 82,136 million pesos will be allocated for the airport project.⁶ SEDENA will be in charge of the megaproject, which may constitute a legal offense since in Mexico it is not allowed for a military institution to build a civilian airport and although the president has commented that the airport will also be a military one, it is known that the grand majority of flights will be commercial. Article 10 of the Airports Law esta-

⁶ Second trimestral report on the economic situation, public finance and public debt.



Image: Military in the construction of the Santa Lucía airport.
Photo: Cuartoscuro at <https://tinyurl.com/y297oj83/>



Image: National Guard prevents migrants from crossing. Photo: Hérica Martínez/AFP/Getty Images. At <https://tinyurl.com/y5os9qko>

blishes that airport concessions will be granted only to commercial constituted companies according to Mexican law and will include administration, operation, exploitation, and, where appropriate, construction activities. Likewise, Article 10 Bis of the same law obliges the interested commercial company to obtain a concession title and Article 11 clarifies that airport concessions will be granted through public bidding.⁷ As is known, none of this has happened.

⁷ <https://tinyurl.com/y459wuze>.

Moreover, the implementation of the border surveillance plan is a result of pressure by the US government. This threatened to raise tariffs for Mexican products if the government headed by López Obrador did not drastically reduce the flow of irregular migrants coming, mainly, from the northern triangle bound for the United States. Although border protection is a national security issue, the strategy applied by the Mexican government was based essentially on the use of the national guard and the army to mas-

sively detain migrants.⁸ These arrests experienced a 99% increase between 2017 and 2019 nationwide. While in 2017 there were 93,846 arrests, in 2018 there were 131,445 and 186,750 in 2019. June 2019 is the month with a historical record of arrests, exceeding 30 thousand registries. Many of these arrests take place in contexts that violate the human rights of the detainees, as reported by the CNDH (National Human Rights Commission by its acronym in Spanish) and various organizations concerned about the protection of migrants.⁹

8 Immigration Containment: Injuries to Human Rights, during the Pandemic in Mexico, the dimension of the tragedy. Pp. 206-219. Available at: <https://tinyurl.com/y2cokxvn>.

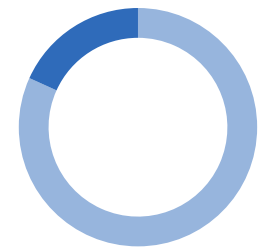
9 CNDH. Special Report. Situation of immigration stations in Mexico, towards a new alternative model to detention (2019). Available at: <https://tinyurl.com/ybuz6vam>.

THE FFAA AND THE 4T'S (FOURTH TRANSFORMATION) PRIMARY PROJECTS

Altogether, the armed forces carry out 13 activities that in principle correspond to other administrative branches, specifically the Ministry of Transport and Communications, Citizen Security and Protection, Welfare, Health, Tourism, and Government. It cannot be ignored that the fact that by employing the army and the navy for various activities that correspond to the dependencies of the Federal Executive Power, capacities are sacrificed in the areas that by law correspond to the FFAA.

Among the 13 complementary activities mentioned above, the Mexican government will allocate 61,795 elements of the armed forces, that is, 22% active members. Of these, 54,314 military personnel and 1,600 sailors are being assigned to security tasks. In 2019, Mexico had 358,500 registered military personnel and 277,000 active members.¹⁰ The elements assigned to the new tasks entrusted by López Obrador represent 15% of the registered total and 19.6% of the active members. It is worth noting that both Enrique Peña Nieto and Felipe Calderón had fewer mem-

¹⁰ <https://tinyurl.com/y357pfd5>.



22% OF THE ACTIVE ARMED FORCES ARE PERFORMED IN 13 COMPLEMENTARY ACTIVITIES

bers of the FFAA for public security tasks than López Obrador for the new tasks of the army and navy. Peña Nieto mobilized 54,980 elements for security tasks out of a total of 383,575 registered elements of which 273,575 were active. On the other hand, Felipe Calderón had 52,807.

NUMBER OF MILITARY PERSONNEL PERFORMING PUBLIC SAFETY TASKS

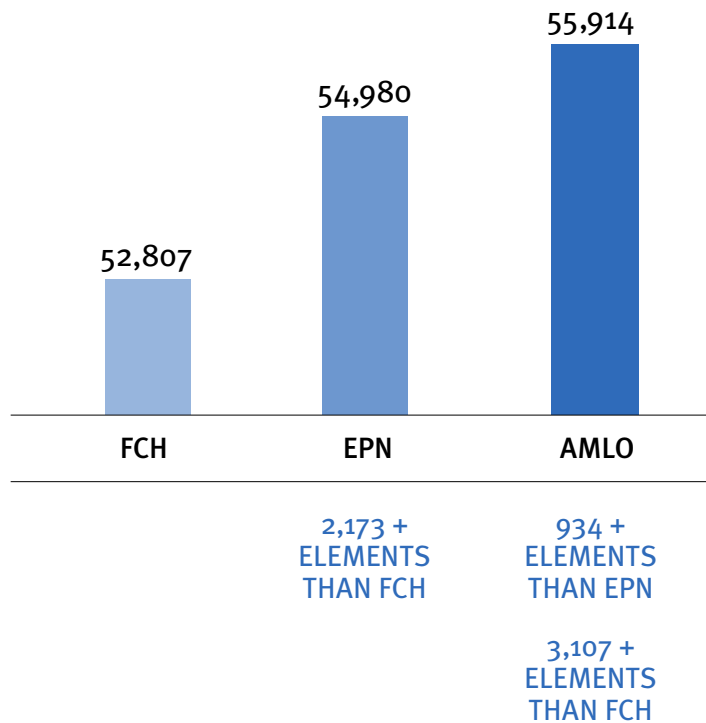


Image: The President in the green light of the Mayan train at <https://tinyurl.com/y3r05yyb>

Just as the tasks have increased, the budget for the FFAA as a whole has also been expanded in a context of austerity in which many agencies and autonomous constitutional bodies have suffered cuts. In 2020, SEDENA was assigned 94,280 million pesos, that is, some 87,269.40 million pesos deflated as of January 2018, which represents real growth of 7.71% compared to 2018. That means they received this year, in nominal terms, 13,006 million pesos more than two years ago. Furthermore, SEMAR went from receiving 31,306 million pesos in 2018 to 33,558 million pesos in 2020. In addition, in the Expenditure Budget Project of the Federation 2021, 14,034 million are contemplated for the armed forces and 35,671 million for the national guard, a record.

In addition to the budget increases that the FFAA has experienced in the last two years, the tasks to be carried out by the army and the navy represent very significant amounts of money. Only five of the work projects under their responsibility: the construction of the Felipe Ángeles Airport, the national guard bases, the Welfare Bank branches, hospitals, and two sections of the Mayan Train, equivalent to 92 thousand 978 million pesos in 2020, although the final amounts for each work are not yet known.

TABLE 1. ARMED FORCES BUDGET				
MILLIONS OF PESOS, DEFLATED AS OF JANUARY 2018				
	2018	2019	2020	CLASSIFICATION
SEDENA	81,021,903,813	93,670,187,410	94,028,694,246	
SEMAR	31,305,775,196	32,083,375,192	33,557,785,594	Not available
GN (National Guard by its acronym in Spanish)	Does Not Apply	Because the GN resources came from the Federal Police, SEDENA, and SEMAR, the true amount is not clear.	29,000,000,000	Not available
PF (Federal Police by its acronym in Spanish)	27,571,928,196	26,233,830,213	448,740,461	Mayan Train Project

Source: In house-product with data from PEF 2018,2019, 2020, and PPEF 2021.

**TABLE 2: COSTS OF INFRASTRUCTURE PROJECTS TO BE CARRIED OUT BY THE FFAA
(MILLIONS OF PESOS)**

AMOUNT 2020	CLASSIFICATION	THE FINAL COST OF WORK	CLASSIFICATION
Felipe Ángeles Airport			
82,136	Construction of the Santa Lucia International Airport	82.136	Construction of the Santa Lucia International Airport
Hospitals			
35.5	Hospitals	Not Available	Not Available
Construction of bases for the national guard			
8,566	Construction of facilities to support public safety tasks	Not Available	Not Available
Mayan Train			
1,006	Pre-investment studies for the construction of the Mayan Train railway line.	156	Mayan Train Project
248.4	Pre-investment studies for the construction of Development Poles along the Mayan Train Route.		
949	Acquisition and conditioning of the railway between Palenque and Campeche.		
Welfare Bank Branches			
35.5	Construction of branches of the Welfare Bank in various states of the Republic.	Not Available	Not Available
22.2	Construction of 10 branches of the Welfare Bank in the Mexican Republic.	Not Available	Not Available
TOTAL			
92,978.2	— —	Not Available	— —

Source: Own elaboration with information from the second quarterly report on the economic situation, public finances and public debt.

Beyond the money coming from other agencies, the budget seems to be in charge of the military. If the amount of the national guard, made up mostly of military personnel, and the amounts that this year were assigned to advance the infrastructure projects included in table 2, are added to the army and navy's formal budget, they reach 249,585 million pesos. It is worth emphasizing that the armed forces have not been characterized by their spirit of transparency and accountability. In fact, after the filing of 150 injunctions by the #NoMásDerroches (No More Squandering) collective, SEDENA decided to reserve information related to the construction of the Santa Lucía Airport for five years, arguing that it is a matter of national security. Like this task, it is not clear to whom the army will report the various activities entrusted to it.

The argument that the head of the Federal Executive has repeatedly used to justify such amount of responsibilities assigned to the armed forces is that they will be able to end the corruption that existed in those areas and, therefore, significant savings would be obtained. So much so that it has even placed active members of the armed forces in civilian positions, such as the case of Admiral Romel Eduardo Ledezma Abaroa, who since September 2 was appointed

The budget of the national guard, the army and the navy seems to be in charge of the military, they reach 249, 585 million pesos.

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Image: The President at the inauguration of the National Guard. Photo: Alfredo Estrella/Agence France-Presse — Getty Images. At <https://tinyurl.com/y6gynx3>

as head of the Directorate of the Integral Port Administration of Veracruz, by replacing a civilian, or the General of Division, Jens Pedro Lohmann Iturburu, appointed a new head of the Dirección de Administración y Finanzas del Instituto de Seguridad y Servicios Sociales de los Trabajadores del Estado (Directorate of Administration and Finance of the Institute of Security and Social Services of State Workers).

Beyond the fact that the president does not use any argument to support such an assertion, the numbers do not show relevant savings. Although López Obrador has commented that more than 100 billion pesos will be saved with the new Santa Lucía Airport, since while the Texcoco airport would cost around 300 billion pesos, the one in Santa Lucía will only cost 82 billion, in reality, the cancellation of the NAIM had a real cost of 120 billion pesos without counting the value and use of the land currently occupied by the AICM (Mexico City International Airport by its acronym in Spanish).¹¹ Similarly, although it is known that for the Mayan Train an amount of 156 billion pesos has been budgeted, it is not known how much it would cost if the private initiative took over the construction, since no formal financial project has been presented. Besides, the initial proposal to finance

¹¹ <https://tinyurl.com/y5hawb32>.

only 10% of the project with public money was rejected and the government will end up taking over 70% of the cost of the work to avoid incurring debt in the financial markets.¹²

One of the various documented cases that contradict the president's comment on the importance of including the army in tasks in which there was corruption, is the one related to the opacity of military tasks in construction tasks at the Texcoco airport. In its 2018 report, the Superior Audit of the Federation reported that SEDENA did not verify an expense of 389 million pesos for the construction of the perimeter fence of the Texcoco airport. Also, Aristegui Noticias documented that the perimeter fence of the Texcoco airport, built by SEDENA, had had an 89% surcharge and that, shell companies had been used to triangulate money. It was budgeted that the project would cost 1,547 million pesos, but it ended up costing 2,930 million. Also, the fence was delivered with a delay of 531 days. Likewise, on August 24, 2020, the newspaper El País published that, between 2013 and 2019, the Mexican army paid 2,371 million pesos to 250 companies that were later declared shell companies by the SAT.¹³

¹² <https://tinyurl.com/yyhlqrg4>.

¹³ <https://tinyurl.com/y289reum>.



Image: NAICM perimeter fence. Proceso / Eduardo Miranda at <https://tinyurl.com/y4u5kysp>.

In this sense, the premise that the armed forces will put an end to corruption does not seem to hold, but on the contrary, everything indicates that the president is convinced of progressively militarizing the civil tasks of the Mexican State, to carry out his nation project. It cannot be ignored that granting large resources to military corporations is a very attractive way to guarantee loyalties until the end of the administration. López Obrador's tactic is similar to that used by Salinas de Gortari when he hit the oil union and Felipe Calderón when confronting drug trafficking. In both cases, the respective presidents granted indirect benefits to the armed forces to ensure their support, one of the best known was the

scholarship plan for the education of the children of the military that began in Calderón's administration.

A very relevant note is that the prerogatives given to the FFAA by the current president were accompanied by what in deeds was an apparent disintegration of the armed forces. Large elements of the army and navy were transferred to the national guard, which already has almost twice as many elements as the navy. This decision allows the president to have greater control over the armed forces by internally deconcentrating part of its power. But this strengthening of the military power could end up surpassing civil power, meanwhile, the attributions to the army, the navy, and the national guard will be permanent for the rest of the six-year term, the correlation of political forces can be modified in 2021.



