

# Exhaustion of the political system in Mexico causes a triggering effect on the public security crisis

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## **R**esumen

El objetivo de este trabajo es plantear la contradicción entre una política de seguridad pública diseñada en el marco de una institucionalidad en cambio y una acción pública con rasgos de retroceso democrático. El tema central toca los aspectos característicos del sistema político, cuyo funcionamiento se sustenta en las relaciones intergubernamentales bajo los efectos de la apertura de participación político-partidista.

El planteamiento se aborda a partir de la formulación interpretativa del neoinstitucionalismo y la concepción sistémica estando presentes en la búsqueda de referencias, datos e información contextual. Con el propósito de abundar en las variables seleccionadas, se toca desde esa óptica histórica, su evolución en el contexto de la realidad mexicana desde inicios del siglo XX, que brindó importantes referencias para sustentar que existen valores, reglas de juego y organizaciones que han influido en la implementación de una política de seguridad pública.

El análisis se contextualiza en el proceso de apertura del sistema político mexicano dado durante los últimos veinticinco años, en donde diversos actores han buscado mantener el status quo que les favorece generando distorsiones en el proceso de decisión en las políticas públicas de seguridad. La transición del sistema político, provocó el cambio de paradigma de las relaciones entre instancias de gobierno y la fragmentación de las mencionadas políticas en seguridad propiciando así, el empoderamiento de la criminalidad organizada a nivel local. La profundidad en el abordaje temático depende de la connotación sustantiva de las variables de la investigación de acuerdo a la delimitación propuesta para la ponencia.

Palabras clave: Sistema político, Transición y seguridad pública

## **Abstract**

The purpose of this work is to raise the conflict existing between the public security policy designed within the framework of the changing institutionalality and a public action with democratic setback features. The main issue refers to the characteristic

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aspects of the political system, which operation is sustained in inter-governmental relationships under the effects of the liberalization of political party participation.

The approach is addressed from the interpretive formulation of neo-institutionalism and the systemic approach in the search of references, data and contextual information. For further details on the selected variables, its evolution within the context of Mexican reality since early XX century, which offered important references to sustain the existence of values, game rules and organizations which have influenced in implementing a public security policy, is approached from that historical point of view.

Such analysis is contextualized in the process of liberalization of the Mexican political system during the last twenty-five years, where different actors have attempted to maintain the status quo to their benefit, creating distortion in the decision process regarding public security policies. The transition of the political system provoked a change of paradigm of relations among government institutions and the breakup of such security policies, fostering the empowering of the local organized crime. The depth of the subject approach depends on the substantive connotation of the variables of research in accordance with the coverage proposed for the lecture.

Key Words: Political System, Transition and Public Security

### **Exhaustion of the political system in Mexico causes a triggering effect on the public security crisis**

#### **Introduction**

The Mexican political regime provides a legal-political structure which worked until the early nineties, with the logics of a presidential system with meta-constitutional powers, Carpizo (1986) which strengthened a dominant regime of a party in power, consolidating a centralized scheme of political, administrative and economic decisions, with the resulting effects on the federal, state and city public administration.

For such analysis, we registered the changes of the political system, which have originated a democratic transition process, modifying the public power relationships and structures. This process has stressed the foundation structure of such system, considered as an issue related to the democratic governance starting from the representations as plurality expression forms.

The territorial distribution of legal jurisdictions, as well as the power jurisdiction, determines that the public security policy should consider exclusive, concurrent and coordination jurisdiction elements. Such distribution is also applicable to other public policy areas, emphasizing that the security policy addresses critical aspects related to sovereignty, complicated issue whenever decentralized actions are discussed.

The nature of the public security policy in a federal regime and notwithstanding its formal capacity, encourages a close liaison with respect to multiple actors of the different government institutions, including private sector agents who put them into practice. within an inter-governmental relationship regime. It is expressed through the need to apply more efficient insecurity combating techniques, as well as the determination of its approach, as an effective State duty.

In this methodology, the efficiency of the public security policy is centered on the current insecurity problems which jurisdiction is shared by the federal, state and city authority. However, it is found that in the process of changes in the political development of the country, where the alternation has been a deep-rooted element, governance is endangered, because it has not been possible to find the formula which induces the plurality which invaded the Mexican State to become effective, for the scope of governance to implement strategies for the attention and control of one of the most relevant problems.

The discussion is centered on the definition of a society which origin and development has been extremely complex and it is struggling to rebuild a nation project, requiring a long scope vision. It is found that the public security policy, in the new agenda, faces problems in assuming its approach, when the situation has different angles which must be demarked for its treatment and co-relation.

The Mexican legal regime shows a highly dislocated diversity of regulations, which does not allow an adequate distribution coupling of the national legal order, providing misaligned problems and in some cases, a contradiction among such regulations. The origin of this problem obeys to several factors, including, but not limited, to the following: unclear demarcations of jurisdiction among laws, including one sole government institution, not to mention when we find concurring authority, with respect to assistance, common interest or any other government coordination causes.

The existence of non-contemplated institutions<sup>1</sup> within the constitutional legal order who discuss and decide on security policies, under a parallel structure between the

federal government and the different states, encourages a functional obstruction since the scopes are duplicated, giving rise to different and even opposite orientations, provokes confusion, scepticism and conflicts among each other in the enforcement of public security policies, particularly among the police corps, resulting in the so-called settlements which contribute to the functional misleading of the National Public Security System designed in a different logics.

Although the allocation of funds to the public security policy is not the focus of attention of this lecture, it is worth mentioning that according to statistical data, the federal expenditure in this regard increased at the rate of 25% per annum in a little over a decade, ten times the PIB percentage. The allocation of federal funds to public security is assigned in two angles: a) the federal government budget and b) state allowances<sup>2</sup>.

Regarding federal public expenditures, starting 1998, the federal government modified certain important coordination aspects, by including Contribution funds in LCF. Therefore, the decentralization agreements and covenants through which funds would be transferred to the different states and cities, it adopts a new legal entity by establishing the obligation of transfer and continuity as a federal law. The application of funds has been accomplished in accordance with the public security state programs, which should derive from PNSP agreed to by the CNSP.

From the data reviewed, variations in the assignment of expenditures were found; while the federal budget increased notoriously in such item, such variations were centered in the FASP, which implies a centralizing trend with respect to the exercise of the budget in such issue. With respect to the transfer of funds, those non-conditioned or “non-labeled” are handled at the sole discretion of the state governments, favoring the lack of transparency. Notwithstanding the foregoing, there has been no impact on the efficient result of public security policies.

### **The public security policy in Mexico within the framework of analysis of its democratic and federal regime**

Democracy in Mexico has the scope and limits stipulated by the Political Constitution through a regime sustained

in an integrating concept set forth in article 3, fraction first, paragraph a. As well as a form of government which determine its features.

By taking up again the rules of law, we may have an integral vision of the democratic concept, leading us to the comprehension of democracy not only as a legal structure and a political regime, but also as a life system based on the continuous economic, social and cultural improvement of the population. The foregoing shall be construed as a valid democratic political regime which is only legitimized through a legal structure, obtained through a democratic education as a life system, allowing our group existence. The importance of the legal system is underlined because it tends to lead and conduct cohabitation and to rule collective behavior. (Ignacio Burgoa, 1970:191).

The concept mentioned above is identified through the concept which sustains that the meaning of regime shall be understood as: the models, formal and informal, explicit and implicit, which determine the access routes to the main government positions, the characteristics of the actors admitted and excluded from such access, the resources and strategies provided for accomplishing the foregoing, and the institutions through which such access is given, and once it is obtained, government decisions are taken. (O'Donnell, 2008).

In accordance with this concept, the regime is a mediation between the State and society; consisting of a set of instruction, rules and practices ruling the access from society to the highest State positions. In a democratic regime, the main institutional channel is formed by political parties freely competing to gain such access.

However, the State, in its democratic form, has different angles or dimensions, representations and practices which intersect in a rather complex manner, according to O'Donnell, who sustains that the State is the basic anchor of the citizen rights without which a democratic regime is non-existing or it becomes a cartoon where elections are held but they fail to satisfy the minimum requirements of competitiveness, equity and institutionalization.

Any reflection on the scope of the democratic regime in Mexico, from the regulating substrate set forth in constitutional article 3, makes us stress on the subjective dimension of citizens, immerse in a democratic public culture in the process of construction. For Salvador Giner (2000), beyond the political representation – of the regulations which rule the government relations and the constitutional and legal framework – there is a cultural universe penetrating both public and private matters.

In this logics of analysis, it is worth quoting Ferrajoli

1 CONAGO National Governor Conference. National General Attorney and Secretary Conference, or state Public Security Officers.

2 Data which may be verified in the documents related to the analysis of federal expenditure assignment at [www.diputados.gob.mx](http://www.diputados.gob.mx) or on the INEGI page.

(2006) when he differentiates the formal democracy and the substantial democracy. Regarding this position, the formal or political dimension constitutes formal regulations on production; while the substantial dimension is the set of substantial regulations on production. Upon such circumstances, its substantial democracy appears as an explanatory concept of constitutional democracies, a security of survival of political democracies and a protective element of basic rights.

The substantive democracy depends on the performance of certain values, implicit with respect to the States purposes, identified in searching the public interest; that is, the individual wellbeing state, free of any threat regarding the integrity of people and the necessary conditions for a human development. Therefore, it is required to mark a threshold which allows the accomplishment thereof; otherwise, they will become an ideal which is impossible to materialize in a general manner. So, we must start by recognizing the need to modify paradigms with respect to the structure of the legal-political regime.

The Mexican democratic regime, is structurally expressed as the form of government provided by the CPEUM, situation which defines the nature and kind of relation existing between the government levels and the entities comprising such government. In the following chapter, we will discuss relevant aspects of the Mexican federalism, as a determining element for the efficiency of public policies.

### **The Mexican Federal State**

The main characteristic of a federal system is the distribution of jurisdictions among the government levels.

There are two concepts of federalism: “decentralized federalism” and “alliance federalism”. In the former, federalism is understood as a set of practices whereby the political and economical activities are distributed within a national territory; that is, the term is a synonym of decentralization rather than a reference to a specific political or constitutional system (Gibson, 2004; 4-5). The second concept respects the Latin meaning of foedus (link, covenant or alliance) and refers to a wide variety of political organizations known for the combination of unit and internal autonomy principles (Gibson, 2004: 5).

Within the neo-constitutional view, the inter-governmental relationships are involved in a permanent institutional change, understood within a historical context involving world transformations, and in particular, within the country. From this point of view, the characteristics of the kind of inter-governmental relations are determined by the kind of government adopted by each regime from the formal and informal standpoint,

identified by the interaction between the institutions and the organizations, since the latter appear as a result of the national situation, marked by the own institutions and, in an effort to accomplish their objectives, they constitute a main source of institutional change. (North, 1993:16)

The core of analysis of the inter-governmental coordination in Mexico is found in the political decentralization, from the limits of autonomy and power of the federal, state and city governments. It implies agreements and negotiations to promote regulation modifications or government programs or projects which may benefit the different regions, and from the administrative decentralization view, as a public policy encouraging the coordination of actions and transfer of duties and budgets among the government levels.

The constitutional range of the regulation establishing the distribution of jurisdictions, provides the following results in the States:

*First, the constitutional regulation may not be amended by a decision of a common legislator; it requires a broad political-party consensus and a territorial consensus, In order to be amended in Mexico, the vote of two thirds of the attending legislators in both Houses of Congress and the favorable vote of more than half the state legislations is required.*

*Second, the infringement of the distribution of jurisdiction scheme turns into a constitutional conflict, which shall be resolved through the constitutional justice system.*

*Third, upon handling the above mentioned conflicts, such distribution may adopt different interpretations, given the complexity of crossing provisions and the prevailing position in courts. (Serna de la Garza, 2008)*

A Federal state implies the prompt organization of the law sources, while it grants to the different states a geographical scope of legal-political autonomy secured other than the federal government, but within the general regulation framework of such government. That implies the possibility of creating its own legal regulations, within the territorial plurality of the current society.

Federalism responds to the following needs:

*a) Organize geographic spaces both politically and rationally, incorporating parity relations among the different units and, deleting the subordination relations used in other era.*

*b) Integrate relatively autonomous units into a higher entity, safeguarding their cultural features.*

*c) Divide the power to safeguard liberty. As it occurs with the division of the exercise of powers in Legislative,*

*Executive and Judicial, a “territorial” division of power may also be made, implemented through a functional and jurisdictional distribution identifying the possible scopes of each government level. (Carbonell, 2011)*

One of the characteristics of federal systems is the duality between the technical-legal and political aspects which have determined their development. These two angles of federalism offer the possibility of understanding the specificities adopted by each country, in accordance with the own evolution of their socio-political history, since the problems faced by the States are dynamic, and so is their federalism.

The political aspect is a common element of federalism, with respect to the willingness to increase the not always defined powers for the government entities and the drive to extend and preserve their own powers. It is represented by the process of conflict and agreement between federal and state entities, and also in the coordination and cooperation which shall be applied to the duties of the State in a federal regime.

The territorial policy is where local interests create an own identity and unity and individuality, establishing a territorial demarcation for a common history. Regarding State-society relationship, a differentiated loyalty system is created from the citizen toward different government levels, where the authorities area provided a higher action margin enabling them to open escape valves to social pressure, creating alternate means to lead conflicts.

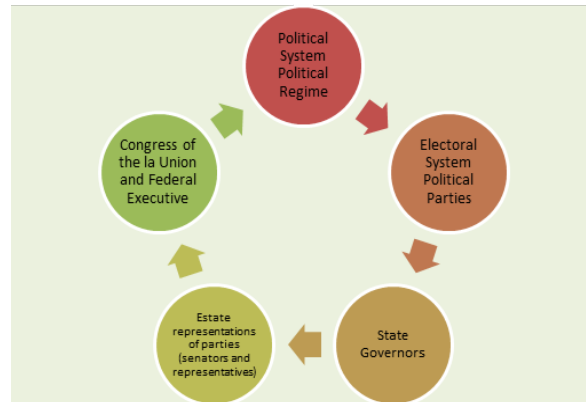
The CPEUM in Mexico, in its article 40, provides the existence of a federal regime; however, reality has shown something else during many years, where a dominant party has prevailed for decades, and a centralism practiced by an irritating presidential system. The breakup of such system and the formation of a multiparty system, has lead to a decentralizing logic which cannot find an adequate institutionality to be conducted. (Serna, 2005:6)

There is no doubt that Mexican federalism has actually undergone significant changes; however, the effectiveness of such progress in some items is questionable, and I mean the absence of public security which diversification of jurisdictions has impeded its control and questioned the institutions represented by the different government entities.

Graph 1 illustrate the possible effects acquired by the regime during the democratic transition process in Mexico from the alternation on the different levels of government. The inter-governmental relationships are submitted to political tension, which is a characteristic

of a party regime. Then, we find how the political system conceives the electoral sub-system, which representation overlaps on the power games which characterize politics.

**Graph 1. Functional circuit of the Mexican Political System**



Own elaboration

**Public security policy context in Mexico within the political transition process.**

In order to analyze the changes originated by the public security policy in our country, from the nineties – when the democratic transition process initiates – we must verify its socio-political and economic environment. The entry of Mexico into the globalization process and free trade through the Free Trade Agreement with the United States and Canada (TLC) marks a significant change in the national economic model.

The deterioration of the political environment as a result of events which caused a commotion in the Mexican society in 1994, and in that same year, the change of the Federal Executive Power within the framework of a conflict between the outgoing and the incoming President, caused an adverse impact on the economy of the country: we refer to the uprising of EZLN, the murders of Cardinal Posadas Ocampo by drug traffic related individuals; the presidential candidate Luis Donaldo Colosio, although his murder was confessed to, and identified, its causes are still a mystery and speculation; the crime of the General Secretary of PRI, José Francisco Ruiz Massieu, in the midst of political vendettas.

In the following stage, we find two phenomena which appear in parallel in connection with the topic of this lecture; changes in the correlation of political forces which are modifying the political system and its respective

controls; and the increase of public insecurity represented by crimes which brutality and audacious methods made the federal government conceive the National Public Security System (SNSP).

Under the institutional change position, the environment surrounding public insecurity problems may only be understood from their environment point of view. In this regard, Fernando Somuano (2010) sustains we have been going through a social convulsion in the last decades, as a result of the development model assumed starting the Consensus of Washington, in addition to the dissemination of global phenomena in the area: drug traffic, terrorism and corruption, as well as the inability of the traditional political systems – parties, government, congress – to manage such breakup situations.

### **Institutional Framework: between theory-formal and reality**

In order to study why the exhaustion of the political system in Mexico has triggered the public insecurity crisis, it is necessary to keep in mind the structure of the political system, from the institutional channel point of view, provided to the State entities, and find out its influence on the characteristics of such public policies.

In an authoritarian political system, its formal and informal structures operate as a monopoly and excluding network of uses and means, which bar the relationships between the own institutions and the citizens for making decisions. Furthermore, in a democratic political system, its configuration provides different angles for the institutions to interact freely, as well as the inclusion of citizen participation in the decisions regarding public policies. As they are ideal systems, their respective reality is found in some part of the continuum of these ends.

The political system, according to Easton (1992) constitutes the set of interactions through which values in a society are assigned by authoritarian means. Such assignment of values rises from an authority, bearing the concept of its legitimacy. It understands political life as a complex series of processes, a system of conduct within a broader environment which impact the proper political system, which in turn reacts to such stimulation. The notions of this idea provide for political interactions of society and constitute a system of conduct, which must be studied within different environments derived from society.

The political life forms an open system, which is subject to continuous changes of form, able to respond to disturbances and adapt to the circumstances. The importance of admitting the idea of change, the ability

to respond and adapt of a political system, according to Easton, constitute the main elements to initiate the study of the political phenomena.

In order to understand the causes of exhaustion of the Mexican political system which provokes a public security crisis, we must identify the characteristics of the subsystems involved: 1) Inter-governmental relationships; 2) Party system; and 3) Public security system. Each subsystem may adopt different forms; however, we may find a link in the antipodes of political systems as to degree, where the institutional structures of each, mutually impact decisions.

### **Inter-government relationships in Mexico**

The Mexican political system was known, as of the nineties, for the ability of the Executive Power to go through the other two powers and other levels of government, with such a power that exceeded its legal institutional authority, cancelling the institutional mechanism created to combat and counterbalance such power (Casar, 1996: 81-82). Within the formal distribution of power, the SPM was placed in a clear predominance of the President of the Nation on the other institutions of the regime, through what Jorge Carpizo (1986) called a presidential system with meta-constitutional powers, consolidating a centralist scheme, other than the current federal regime.

It featured two characteristics; 1) an exaggerated presidentialism; and 2) a dominant party, allowing the presidential model to hold control of the members of Congress, state governments and other electoral branches, through the (PRI) Institutional Revolutionary Party. It also conducted control on the Judicial Power, by appointing Judges and Ministers of the Supreme Court of Justice of the Nation (SCJN). These elements were sufficient to influence the private sphere, including the factual power environment; therefore, the institutional structure provided in the Mexican Political Constitution became inoperative.

In this regard, starting the eighties, we find the term inter-governmental relationships in the own literature of the democratic planning national system, when the incorporation of the political pluralism – late nineties – and the new correlation of forces in the political representation of the different levels of government, started to raise interest in the RIG issue.

In the first place, the political-administrative history of our country was known for the strict centralism prevailing in all those decisions regarding public interest, that is, while from the legal standpoint, the institutional structure followed a federal system,

in the political reality, the duties and power were concentrated in the federal scope.

Mexico has formally been defined under an institutional scheme of federal regime. In the last three decades, there was a decentralizing dynamic process, from conditioning factors obligating political will to initiate the strengthening of the local scopes (state and city), making the proper adjustments in the distribution of political, institutional, economic and territorial terms. This has become a risk factor, since the local autonomy is easily controlled by a group of dominant power.

According to Marcou (1993), there are principles for impeding the deviation of institutions in favor an excluding political group: Freedom of association, submission of local institutions to laws and the extension of functional decentralization. Furthermore, the combination of the territorial and the functional decentralization in some fields, may assure the promotion of interest groups who, under other circumstances, would hardly be heard, and on the other hand, it would allow citizen participation to develop and hold control of its local management.

With respect to Mexican federalism, Mauricio Merino (2010) sustains that its new institutional design has not definitively been resolved or prevented jurisdiction conflicts or the decision dispute among the different levels. However, the country is different these days from the country ending last century. Under such new federalism, the municipal environment plays a definitive role after the reforms of 1983.

Summarizing the characteristics of the changes undergone by the Mexican federal regime, we may say:

There have been advances and setbacks. Relationships among levels of government governments, and also between state and municipal governments, In that regard, as a general rule, the federal government has imposed, and the other levels of government have been submitted; therefore, the resentment and concealment against “superior” levels have constituted an obstacle for the coordinated and efficient operation of public policies.

In that sense, Cabrero (2011) poses several advantages of federalism: a) relative autonomy of each level of government; b) ongoing interaction which creates dynamism and flexibility, and (c) cooperation and competition. Within the coordination model, there are levels which determine the type of relations and centralization in making public policies. Four models have been identified: 1) Hierarchy coordination; 2) Dissemination trend; 3) Donor-receiver and 4) Multilevel government.

Discussing inter-governmental relationships within the context of federalism, provides a higher understanding of the contemporary aspects of the Mexican political system; the concept of federalism is measured in the RIG, or as Wright sustains, they are considered as a conceptual lens; we may observe, clarify and accumulate knowledge of the recent socio-political changes.<sup>3</sup>

### The party system

As of the nineties, the existence of a dominant Party which grouped a vast majority of the sectors of society impeded the development of a plural system of citizen preferences. The closed spaces provided by the electoral law for the creation and continuity of parties, impeded the access to the institutional channels for those political forces which did not share the essence and forms of the party in power (PRI; and the organizations which were able to overcome such legal thoroughness faced inequitable electoral contentions, which only helped to legitimize the structures of power.

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#### 3 Hierarchy coordination model:

Strong hierarchical control and regulations by the federal government. In exchange for such consistency, the proximity of local authorities is disregarded.

Subordinate RIG model with a low level of governmental autonomy. Few choices, or creative thinking, of higher levels for the design of strict regulation mechanisms.

#### Dissemination trend model

Strong autonomy of each level of government; however, there are no coordination instruments to regulate and harmonize each one.

High existence risk of opposing initiatives and fragmented benefits.

Confusion of beneficiaries on the origin of each initiative.

Highly prone scenario to recentralizing politics for the purpose of securing a minimum of consistency.

#### Donor-receiver coordination model:

Much more coordinated based on the inter-dependence following the transfer of certain rights and resources.

While decentralization is limited, powers are gained with respect to a certain balance between local autonomy (and the differentiation of actions) and the integration of a consistent circle of public policy.

Broad and diversified variety of goods and services for citizens, who shall continue running the risk of being contradictory and excluding.

#### Multilevel coordination model:

Higher decentralization with strong coordination instruments.

Broad decentralization; however, it is accompanied by a portfolio of inter-governmental coordination and communication mechanisms which favor mutual adjustments.

There is a mutual recognition in all the levels on the benefits of coordination (recorded in the principles of subsidiarity and crossed regulation).

Goods and services for the beneficiaries are compact, consistent and aligned to the logics of public policy. (Cabrero, 2011)

The elements of the Mexican political system of the XX century were based on two concepts, each with its history, evolution and changes: Presidentialism or the power of the President of the Nation and the official party (PRI), of masses, means of communication, power. Its action programs were limited to repeating what the President used to say in his public presentations; there was no independent platform. There was an absolute submission, and there was no action plan; its goals, objectives, activities were only based on the vague idea of the principles of the Mexican revolution and the government in the Constitution of 1917. In that regard, Mexican society has changed and it is currently expressing its preferences, which together with the transformation of the electoral system, has modified the political map. (Rocha, 2006)

In the elections held in 1997, the PRI lost majority in the Union Congress for the first time- It had to submit to 47.8%; the PAN with 24.2% and the PRD with 25% in the House of Representatives. In the Senate, PRI 60.2%, PAN 25.8%, PRD 12.5% and PT and PVEM 0.8%. Thereafter, not only for amending the Constitution but also for any bill to pass, two or more political forces are required.

In the elections held in 2000, the Institutional Revolutionary Party lost the Presidency of the Nation and also the majority in the Houses for the second time; however, it is not held by the President either, who, as an aggravating circumstance, is the second political force in both Houses, where PAN obtained 40% of the representatives and PRI 42%; in the Senate, PAN obtained 35.9% and PRI 46%.

From 1997 to 2009, no Party held a majority in the Houses. The need of alliances and parliamentary agreements was the way out to impede a legislative paralysis which could lead the country to a governance crisis situation. "The need of agreements did not appear just for the sake of their execution under a reconciliation spirit of politicians, but also for the simple democratic arithmetic" (Woldenberg, 2006) It was not until 2012 when the PRI recovered the majority of the House of Representatives.

### **Public Security system**

Individual rights emerge as the cornerstone of the Magna Carta and the foundation of the State in the Constitution of 1917. Public security is incorporated as a State power to guarantee public order and not as a citizen right, which means that they implicitly remained below the need of defending public security, which, for practical purposes, was interpreted as State security and represented the stability of the regime. (Lopez Portillo, 2001).

All such activities or individuals who threaten public order were considered enemies of State security and were repressed. Another element of the operating public security system was the Attorney General's Office of the Nation who, as the attorney for the nation, in addition to being the legal representative of the federal government in the conflicts among the different states. In addition to being conferred the exclusive authority of criminal action to resolve whether or not to initiate the criminal procedure, holding a huge power on such procedures and validating the great importance of government actions.

From the post-revolutionary and institutionalized period, the dispute among groups for power, the State held very efficient informal instruments, which security force was assigned to police or para-police corps of different nature for the purpose of security or removing union leaders, peasants and individuals, in order to control or repress citizen uprisings. (Favela, 2010)

Centralization of the presidential power consolidated a political system to control the country, through different formal and factual instruments which had been created through institutional channels. However, when such system started to loosen the control structures through electoral reforms encouraged by political pressure of social uprisings and an increasing and taking social consciousness, such system started to open up and to change.

The most representative aspect of such transformations undergone in the last twenty years by the authoritarian regime, is found in the re-accommodation of the functional distribution subsystem, that is, in the levels of government, which main result has been the elimination of meta-constitutional powers of the presidential model. Such change has affected the legislative and judicial powers, as well as the progress in state and municipal government autonomy, which has created a counterweight system provided in the Constitution, which as of this date is materialized as a reality.

In that regard, it is worth reviewing the development of the public insecurity issue, in light of organized crime, its links with power and in connection with the international environment.

Palacios y Serrano (2010)<sup>4</sup> states that while it is true that the United States society has been the main worldwide

4 Refer to the chapter of: Palacios, Marco y Mónica, Serrano. 2010. Colombia and Mexico. Violence of drug traffic. In the Great Problems of Mexico. CV, National Security and Interior Security. Coordinators, Arturo Alvarado and Monica Serrano. El Colegio de Mexico. www.colmex.mx



consumer of illegal drugs, its government has also been the knight of international prohibition, comparing the effects of such situation in Mexico and Colombia, two “source countries”. They emphasize on the fact that “at first sight”, the similarities of Mexico and Colombia as producers and exporters of illegal drugs, to the United States in the first place, are expressed in the political corruption and violence, sometimes antistate, other times among the own criminal organizations en many times in both, under the regularly accepted premise that the illegal nature of the contract and contractors create high proneness to violence and corruption”.

*Three premises are found in the mentioned study, With respect to Mexico:*

*First, the effective centralization of the Mexican State permitted the control of violence in the illegal drug business during the forties (1947-1987). Its authoritarian centralization and the primary and peculiar role of the PRI (the PRI pax), permitted the illegal drug business through institutions such as the Federal Security Direction, DFS (1947-1985).*

*Second, the balance between drug traffic and war has not been combated as in Colombia – whether a real, fabricated or perceived – rather both wars (anti-insurgent and against drug traffic) were unified, resulting in lower levels of violence, but preserving the drug business.*

*Third, the transformations of the Mexican State (from the PRI populism to the neoliberal reforms of 1982 on) match the phasing of prohibition policies of Washington.*

According to Thoumi (2002) and Steiner (1996), illegal drugs constitute a set of entrepreneurial activities which may only be developed under an on-going legality – illegality which leads to corruption; it includes the organization and protection of clandestine crops, peasant type economy and smuggling chemical precursors for processing coca paste- cocaine, the organization of routes for carrying goods and products – input, weapons, chemicals, etc., comprising such transportation networks through safe corridors which allow delivery for international operations. The financial activities form an essential part of such business, mainly money laundering. (Palacios y Serrano, 2010)

They highlight the relationship between the exporting primary economy of some areas in the country involved in growing and processing marihuana and heroine, prior to becoming a cocaine pathway. That situation necessarily led to complicity and conveniences of the authorities in charge of surveillance and maintaining order, within a context where centralization of power encourages an environment of “understood values”, since the intention was not to alter order.

During decades, the Mexican revolutionary State controlled the social area with a larger number of institutional resources, discursive interplay and political and budget instruments. However, upon the crisis of the debt which led to the lost decade of the eighties, the intellectuals adopted the discourse of the philanthropic ogurus; hence, they started to dismantle the populist State, from the own PRI. The burial of the Revolution in hands of the neoliberal intellectuals enabled the drug dealers such as Amado Carrillo and Osiel Cardenas to refine their populist abilities<sup>5</sup>.

During the government headed by Ernesto Zedillo, dark forces which had been expressing themselves since 1994 suddenly appeared, generating great pressure on such government, so he had to promote reforms in the Judicial System and State Attorney, having created the National Public Security System and commencing the militarization of judicial corps, stressing the need of a “true police career based on a regime consisting of economic and social benefits consistent with the significance and risk of their duties”, under the principles of legality, honesty, efficiency and effectiveness, so the federal, state and municipal governments must be coordinated.

While the proposal of the government of President Fox (2000-2006) emphasized in the dimension of “the human being” as the core of public polices – connotation which implies an integral vision of government action -, he continued strengthening the logics of military response with respect to the increase in violence and insecurity, although under a dismembered, inexperienced and inefficient security structure. The increase in criminal acts, their intensity and modes is the evidence thereof. Regarding the administration of Felipe Calderón, the public security policy was the center of attention, having declared that his government would combat organized crime through the well known reforms and resources committed to such purpose; and its results.

#### **Police corporations as structures with a direct impact on the implementation of security polcies.**

Nationwide and in general, the legal framework the main issues of interest with respect to security are ruled by the legal framework; however, upon implementing public security strategies, deficiencies located in the absence of a multi-factorial vision have been identified with respect to the origin and development of its crisis.

5 Upon perceiving the pressure of order forces, Amado Carrillo offered to contribute in paying the foreign debt of Mexico. Osiel Cardenas, leader of the Gulf Cartel, invested had earlier invested in social politics for the purpose of gaining charm with the population. The distribution of home appliances in Matamoros, his native city, for mother’s day. Became a tradition. (Scherer, 2008: 14-15)

There have been substantial changes in their understanding and operation, although based on the operation of police corps.

The origin of such decomposition is not identified within the scope of the police corps, beyond the traditional cases of corruption such as bribery, conspiracy and cover-up; it is not clear that provided it is through “dismissal measures”, it is not guaranteed that there will no longer be any unlawful conduct within such security structures and much less the existence of incentives, for those outstanding officers or corps as to efficiency and honesty.

The main motivation for the PFP Law was that it shall respond to the need of coordinating the entire institutions involved in public security, unifying and restructuring the administrative police of Immigration, Federal Fiscal, Highway Patrol which as of that time were under the Secretary of the Interior, Treasury Department and Communication and Transportation, respectively.

It was in the year 2002 when the judicial or state police was reformed, having created the Federal Investigation Agency (AFI) for the purpose of turning federal crime investigation into a professional activity. However, the criminal records have increased and also the conspiracy and corruption reports.

One of the coordination mechanisms was the creation of Boards comprised of the different authorities involved in public security; also Conferences of State Attorneys, security ministers and presidents of higher justice courts. Such authorities, the same as CNSP, operated as forums where security policies were conceived and decided; advances were reports and the different problems were studied. Within such strategy, significant funds were provided through the allotment guidelines, having created the System for integrating national public security statistics and the criminal and police data bases, as well as weapons and equipment for the corporations.

The SSP inherited many of its duties of the Secretary of the Interior, regarding public security: the executive secretary of SNSP, the PFP, the Tutor Board for Minors and the Social Rehabilitation System. The budget increased to 25.3 million pesos in 1996 to 13,58,4 million pesos in 2001<sup>6</sup>. The SNSP assigned significant funds to the different states through FASP<sup>7</sup>. Notwithstanding the amount of

funds, there was no encouraging advance in combating insecurity, which is quite despairing.

While it is true that crime statistics were integrated more accurately starting the year 1997, the problem is found on items where information is incomplete and under an inadequate systematization. This obeys to the fact that each jurisdiction has its own method for collecting and organizing criminal records and a wide diversity of names for the criminal typology; the absence of data in the preventive police scope, because they keep no statistical record of the information they handle; the only information available is when the crime is reports with the Public Prosecutor. Therefore, the insecurity problem in Mexico is characterized by its incomplete information. (Pérez, 2004)

### **Final Considerations**

First. After two decades of an increasing public insecurity situation and within a process of changes in the political system, it is clear that the “good intentions” and proposals for public policies have not been sufficient for lowering the violence and insecurity indexes and making any progress in their democratic development. The complex process underlying the design, adoption and implementation of the public security policy has been particularly important, because it gave rise to turn security corps into a professional activity, in an attempt to coordinate efforts among the different levels of government and promoting an enacted and gradual effectiveness criminal reform.

However, decision processes include a diversity of actors – from the federal executive power, congress, state and municipal governments – who interact in different scenarios and dimensions, becoming key players given the role they play, the incentives encouraged and the interests they represent. The features of those scenarios where they interact and the nature of the relationships where they are directly or indirectly involved in, determine their operation and notwithstanding their shared objectives, they vary as to motivation and purposes.

The incidence of political institutions in wording processes regarding the public security policy, is only understood systemically. The complexity of legislative processes – just to mention this power in charge of amending laws and budget approval activities – confirms the capacity of intervention of multiple actors and the diversity of negotiation rules, proving a portion of the decision process.

The characteristics a government system adopts through its history, determine the feasibility and efficiency of

6 Arango Durán. “The tragic distribution of public security funds”. *Iter Criminis*, No. 7, 2003, p.29

7 Resolution providing the criteria for the assignment and execution of the distribution of funds from the Fund of Contributions for Public Security for the States and the Federal District (FASP)”, *Federal Official Gazette*, January 30, 2004.

its public policies. The willingness and capacity of coordination by the institutions who intervene in their wording and implementation, is a key action to warrant its rhythm and progress.

From its origin, our political system rises as a cultural duality determined by dominance/submission, which has not allowed the permeation into such culture even in the most important transformations, to have any influence on the citizen behavior; hence, in the dominant political class which has reproduced it in cosmetic changes only.

Second. The institutional design under which the public security policy is enforced crosses through the federal regime, where we find the importance of inter-governmental relationships which are – starting from the provisions of law setting forth the foundations for the operation of SNSP – the channel through which the strategies conceived in the entities established by the system are processed. However, the experience lived in the last decades shows that such channel failed to warrant the coordination and coupling required, since evidence shows that behind the legal-administrative structures, the political policy determines the actions of the institutions involved.

Public security is one of the scopes of public policy where there is a great doubt on the concentration of “crucial management” elements of the own policy applicable. Centralization of the security corps in the authoritarian system and the respective need to establish a clear control of such duty, encouraged institutional conditions which are not easily adapted to a “democratic logics”, mainly caused by the absence of clearness with respect to conceptual and operating alternatives, so behaviors remain within the same dynamics as a result of institutional inertia.

Third. The main justification for proposing a re-organization of police corps is the need to condition a watershed between a traditional police activity and one where its disciplinary, organization and functional modernization contemplates a deep transformation to protect citizen security, which is implicitly related to discipline and respect for Human Rights, as well as the efficient performance of their preventive and investigative duties.

Within a democratizing process and upon the needs of institutional changes for reducing criminal records, police corps require the communication channels to be cleaned up for the attention to the community. Its professionalization and its investigation and judicial processes represent, under a legality and service ethics culture, the first step of a real transformation process.

Efficiency of the public security policy constitutes a bargaining factor for democratic governance. The dilemma appears within the police re-organization in crucial times of violence in society, since they favor the trend to creating authoritarian and centralized models. Vogler (2003). The foregoing may mean the difference between enhancing social conditions, withdrawing from the objective of having a modern and democratic police, or, to simply penetrate the darkest scenario of a failed State.

*According to Torrente (2001), a police model is a concept meeting organization, social, political and economical policies, a building which relates organizations, social environment and the world of ideas. Following this approach, police models may be classified under two angels: those which main axle is legality and law compliance (rational-bureaucratic) and those subject to the influence of the community, police and the authority, as well as the legality within the definition of its duty and function (community model). (Tudela 2007).*

The definition and proposals of police models represent a growing need of current society. The growing insecurity environment is a difficult to understand problem which tends to advance to higher stages of democracy and development. Mexico has had to choose between the proposal of higher trust and autonomy for police corps or reinforcing centralization and even militarization of the police duty.

The “sole command police model” lies on certain considerations which do not contribute in consolidating the *citizen security* concept. In the *first* place, the technological aspect is privileged in the strategies against crime, starting the Mexico platform; *second*, it lies on unifying the state and municipal police to warrant the sole command, that is, one sole corp within each state, which implies a capacity centralized in its structure, and; *third*, the “model” concentrates the preventive and investigative police in what is called “state police corp”, including great power and autonomy for the state police.

In connection with the consideration provided for the efficient operation of the RIG, the definition of centralized schemes of police corps is paradoxical, by virtue of the federal pact and conceiving a free municipality set forth in the Constitution. The regional diversity of structures and public security service is expressed in each municipality. Hence, we need to find a model combining the advantages of decentralization and the joint cooperation among the institutions of the levels of government involved.

The class of police model shall be consistent with the implicit guidelines of the political system of the country at issue; therefore, the “sole command police model” is not

applicable either to the structures of our political system or its decentralizing and democratic trend.

The current public security policy requires a police model where the operative logistics of investigation, prosecution and indictment processes of those violating the law is supported; for that purpose, it shall include police corps acting under scientific support, where the intelligence and counterintelligence schemes which allow their action forcefulness, while providing a community service initiative in order to resolve situations of any nature.

Zepeda Lecuona (2010):

*“More than a police model, we may say that we have an inertial model of police practices developed throughout decades in a scarce citizen participation environment, a dominant political system and an inquisitorial and arbitrary procedural system. As mentioned earlier, the police has been limited to a selective application of administrative regulations, assisting criminal matter authorities.”* (Moloeznik, 2011).

Fourth. The democratic consolidation process has gone through a context known for two critical situations:

1. Institutions with serious structural problems, absence of adequately qualified human resources, shortage of material resources and a deficient and far from transparent organization, causing an institutional weakness, and;
2. A political class with serious and legendary restriction for satisfying the needs of current times, featuring irresponsible conducts regarding electoral conditions and submitted to rare interests within the party structures and the state organization.

This democratic consolidation process has been overwhelmed by structural and attitude difficulties, complicating the management of clear, consistent, opportunity policies, which may be significant on the medium and long term, opposing the urgent need of a solid and effective institutional construction. In public security, this need is critical not only in connection with the absence of a clear sector policy permitting the continuity of residual elements of authoritarianism which are expressed through different aspects of public management, which in my opinion represent a potential threat against the consolidation efforts of the democratic regime.

The combination and non-satisfied expectations and unstable legitimacy, creates non-governance problems expressed through anomie situations as those observed in recent years, related to executions and the appearance of “community police” upon the failure of the State. In

this kind of scenarios, the transformation of the security institutions pursuant to new conceptual frameworks, is convenient not only for increasing their efficiency but also for contributing in favor of consolidation possibilities toward a democratic system.

A higher warranty to count on a citizen security system is found in the freedom and fundamental right context provided by a democratic State. The construction of human security, as well as the respective approaches for obtaining and assuring such security have a sociopolitical component for the governance and stability of democracy, which calls for an adequate inter-relation of the security policy inspired in a broad vision of citizen security in and for democracy.

### **Bibliography and webgraphy**

Burgoa, Ignacio (1970). The State. Editorial Porrúa S.A. México. Taken from: Ramos, O. Marcos, Constitutional Characteristics for Determining a Democratic System. Ed- UNAM. Referred to 20/12/2014 <http://biblio.juridicas.unam.mx/libros/5/2123/42.pdf>

Cabrero, M. Enrique (2011). Public security and inter-governmental relationships. Responsibility or ability Problems? Within the seminar “Federalism and public security in Mexico”. CIDE El Colegio de la Frontera Norte-

Casar, Ma. Amparo (1996). Political-institutional support of the presidential power in Mexico, *Politics and Government* 3 (1): 61-92.

Carbonell, S. Miguel (2011). The Federal State in the Mexican constitution: Introduction to its problems. *Legal Magazine, Mexican Gazette of Compared Law*. Virtual Legal Library, Instituto de Investigaciones Jurídicas of UNAM. Referred to 19/12/2014 <http://www.juridicas.unam.mx/publica/rev/boletin/cont/91/art/art4.htm>

Carpizo, Jorge (1986). *Mexican Presidentialism*. Mexico S. XXI.

Easton, David. 1992. *Political analysis scheme*. Amorrotu, Buenos Aires.

Favela, G. Margarita (2010). *Political system and social protest: from authoritarianism to plurality*. The Great Problems of Mexico, VI Social Demonstrations. First Edition. El Colegio de Mexico. Mexico.

Ferrajoli, Luigi (2005). *Fundamentals of fundamental rights*. Madrid. Trotta.

Ferrajoli, Luigi (2005). *Past and future of Law State*. In

- Carbonell, Miguel (2007). Neoconstitutionalism. Ed. Trotta, Madrid. Pp 13-30.
- Gibson, E.L. (2004). Federalism and Democracy in Latin America. Baltimore, Johns Hopkins University Press. Taken from: Laura Flamand. 2010. Federal System and Autonomy of State Governments.: Advances and Setbacks. In *The Great Problems of Mexico XIII. Public Policies*. El Colegio de Mexico.
- Lopez Portillo, V. Ernesto (2001). Public security and democracy: Toward citizen security, strengthening power against freedom. In: A. Alvarado (coord.)
- Marcou, Geerard (1992). State Decentralization and Democratization. Lecture at the second International Conference. Toluca, Mexico July 27-30.
- Merino, Mauricio (2010). Federalism and Subnational Policy: Mexico. V Congress of the Investigator Network of Local Governments. Referred to: 6/01/2015 [http://www-puec-unam.mx/PONENCIAS\\_IGLOM/VI\\_innovacion\\_institucional\\_y\\_gestion\\_aplicada/mesa\\_VI\\_ponencia14.pdf](http://www-puec-unam.mx/PONENCIAS_IGLOM/VI_innovacion_institucional_y_gestion_aplicada/mesa_VI_ponencia14.pdf)
- Merino, Mauricio (2010). New Federalism, new conflicts. The great problems of Mexico. XIV. (coord. Soledad Loaeza and Jean-Francois Prud'homme. Institutions and political processes. El Colegio de Mexico. Mexico 2010. [colmex.mx/16tomos/XIV.pdf](http://colmex.mx/16tomos/XIV.pdf)
- Moloeznik, Marcos P. (2012). Considerations on the "new police model of state sole command". *Estudios Jaliscienses* 88. May 2012. Guadalajara, Jalisco.
- O'Donnell, Guillermo (2008). Some thoughts related to democracy, the State and its multiple angles. Published in the CLAD Magazine, Reforms and Democracy. No. 42 (Oct. 2008). Caracas. [www.clad.org.ve](http://www.clad.org.ve).
- Palacios, Marco and Monica, Serrano (2010). Colombia and Mexico: drug related violence. In the Great Problems of Mexico, XV. National Security and Internal Security. Coordinators. Arturo Alvarado and Monica Serrano. El Colegio de México. Mexico D.F.
- Pérez, G. Gabriela (2004). Diagnosis of public security in Mexico. *Fundar. Analysis and Research Center A.C.* Mexico, D.F.
- Pontifes, M. Arturo (1999). Inter-governmental relationships. *Mexican Gazette of State and Municipal Public Administration*, INAP. Mexico.
- Rocha, Ma. Dolores (2006). Challenges of the Mexican Political System, related to Resolutions and Accountability. Lecture given in XI International Congress of CLAD on State Reforms and Public Administration. City of Guatemala, Guatemala. November 7-10, 2006.
- Serna de la Garza. Jose M. (2008). The Mexican federal system. *Legal Analysis*. Ed. Legal Investigation Institute of UNAM, First Edition. Mexico, D.F.
- Somuano, Maria Fernanda (2010). Social demonstrations and Political Parties in Mexico: A volatile and complex relationship. *The Great Problems of Mexico, VI Social Demonstrations*, First Edition. El Colegio de México, México, D.F.
- Tena, R. Felipe (1991). *Mexican constitutional law*. 24ed. Porrúa. Mexico, D.F.
- Thouni, F.E. (2002). *Illegal Drugs, Economy and Society in the Andes*. Washington, D.C. The Wilson Center-The Johns Hopkins-University Press. Taken from: Palacios, Marco and Mónica, Serrano. 2010. Colombia and Mexico: drug traffic violence. In the Great Problems of Mexico. XV. National Security and Internal Security. Coordinators, Arturo Alvarado and Monica Serrano. El Colegio de México, México.
- Torrente, Diego (2001). *Deviation and crime*. Ed. Alianza, Madrid. P 323
- Tudela, Patricio (2007). Police reform, COP and POP: Latin American expectations for application and paradigms of police management addressed to the community. Date: May-June 2007, <http://www.cimaibroamerica.com/>
- Vogler, Richard (2003). Angloamerican expectations on police and State of Law. Implications for Latin America. Pp 15-42. Kai Ambos, Juan Luis Gómez and Richard Vogler, *Police in Latin American States of Law*. Bogota. Legal Editions Gustavo Ibáñez. Taken from: Patricio Tudela. 2007. Police Reform, COP and POP: Latin American expectations for application and paradigms of police management addressed to the community. Date: May-June 2007, <http://www.cimaibroamerica.com/>
- Woldenberg, José (2006). *After Transition. Governance, public space and rights*. Ed. Cal y Arena. Mexico, D.F.
- Zepeda. L. Guillermo (2010). Mexican police within a reform process of the criminal justice system. *Centro de Investigación para el Desarrollo A.C.* Taken from: Marcos P. Moloeznik (2012). Consideration on the "new police model of state sole command". *Estudios Jaliscienses* 88. May 2012. Guadalajara, Jalisco.

**List of Abbreviations**

AFI	Federal Intelligence Agency	PRI	Institutional Revolutionary Institute
CPEUM	Political Constitution of the Mexican United States	PRD	Democratic Revolution Party
CNSP	National Board of Public Security	PAN	National Action Party
CONAGO	National Conference of Governors	PVEM	Green Ecologist Party of Mexico
CNPJ	National Conference of State Attorneys	PT	Labor Party
DFS	Federal Security Direction	PANAL	Social Alliance Party
EZLN	Zapatist Army for National Liberalization	PIB	Gross Domestic Product
FASP	Contribution Fund for Public Security	PNSP	National Public Security Program
GMN	Multilevel Governance	PND	National Development Plan
INEGI	National Statistics and Geography Institute	PFP	Federal Preventive Police
LCF	Fiscal Coordination Law	RIG	Inter-governmental Relationships
PGR	General Attorney of the Nation	SNSP	National Public Security System
		SCJN	Supreme Court of Justice of the Nation
		SESP	State Public Security System
		SNCF	National Fiscal Coordination System
		TLC	Free Trade Agreement