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Mexico: AMLO More Authoritarian

Mexican president appears increasingly more authoritarian as corruption continues.

BY JOACHIM BAMRUD

Mexican President **Andres Manuel Lopez Obrador** (popularly known as AMLO) is seen as increasingly authoritarian, while his anti-corruption efforts appear to be partisan.

His ruling Morena party is now trying to merge three regulatory bodies -- the Federal Economic Competition Commission (Cofece), the Federal Telecommunications Institute (IFT) and the Energy Regulatory Commission (CRE) -- into one in a move the opposition criticized as a power grab that could jeopardize oversight, according to [Reuters](#). After strong criticism the proposal has been delayed, but not shelved.

Last month, the National Elections Institute (INE) [rejected](#) efforts by the Economy Ministry to hold a referendum on election rules - a clear attack on INE's autonomy.

Meanwhile, AMLO has weakened the public sector significantly by cutting salaries of key executives who left and have been replaced by unqualified loyalists.

The Mexican president has also made attacking independent media a key part of his daily press conferences, accusing them of being "conservative" or belonging to the opposition. In May, an AMLO supporter [threatened to bomb Reforma](#), the leading Mexican newspaper and a frequent target of the president's ire.

Mexico is scheduled to hold congressional and regional elections a year from now – on June 6, 2021 – including a referendum on whether AMLO should continue or not, just as he enters his last three years in power.

Will the referendum be fraud-free and will he win or lose it? Is AMLO trying to become a dictator and what checks and balances are there against him? And how much has AMLO's image as anti-corruption politician been tarnished by recent scandals?

Latinvex asked two leading experts: **Luis Rubio Barnetche**, executive partner of the Mexico City office of [Holland & Knight](#) and **Juan Francisco Torres Landa**, Managing Partner of the Mexico City office of [Hogan Lovells](#).

MID-TERM REFERENDUM

Latinvex: Do you believe AMLO's mid-term referendum on his mandate will be fraud free?

Torres Landa: At this juncture we still have an INE that is independent and not controlled by any political party or the government. However, there are some pending designations of four board members whose tenure came to an end. How, when and who gets appointed to those four positions may tilt the balance of how the INE will behave, but even then it would be unlikely that such mix could alter the outcome of the elections.

The June 6, 2021 elections by definition will be the most important elections that Mexico has ever had in terms of number of posts being run for and significance of positions being voted for. The country will elect 3000+ positions, including 500 representatives, 15 governors, and then hundreds of local representatives and thousands of municipalities.

The reality is that the interest that this election will have for local and foreign organizations will be so important that imagining a fraudulent process is difficult to believe. Even with an INE that may have four persons that are biased with the system, the election will be heavily monitored and have a fierce competition. Hence, I do not think that a fraudulent process stands a chance to survive or go unnoticed.

Those aspects of questionable elections should now be a thing of the past. Mexico has one of the most expensive electoral systems precisely because there is so much background of questionable elections, that it would be very hard to believe that an attempt to win the election by fraud (by any group) could succeed.

Rubio: Although it is premature to provide an opinion on a potential fraud in the mid-term referendum, the reality is that, if the President of Mexico has demonstrated his capacity for anything, it is for political campaigning. In addition, the President's political party, Morena, maintains a very important and solid political base, in contrast to the weakened position of the opposing political parties. All this stands as their strengths for 2021 and which could initially suggest favorable results for his interests.

Latinvex: Will AMLO win or lose if the vote on his mandate?

Torres Landa: It is still too early to tell. Many things will happen in the next 12 months. However, based on what we know to date it is clear that the President's approval rates are facing a steady decline. In addition to many very questionable decisions that have eroded confidence by private investment (foreign and domestic), Covid-19 arrived and has caused a major impact on economic performance. This coupled with a real health crisis has created a real question mark on whether the government is doing what it should do.

AMLO and his government came into power with a huge expectation of substantive changes in sensitive areas like corruption, security, justice and impunity. After 18 months in power the raw numbers speak of a great failure in all major counts of government performance. There is no single area where the government may have a valid claim [of success]. Even on the austerity front there are now herds of persons with huge disappointment when they see that the health system is collapsing and the government is not doing what it should to support medical personnel in the war against the coronavirus.

With a failing economy and the real prospect of a huge recession that will hit hard where there are less resources, one would think that the huge popular support that at some point in time reached 80+ percent, is now going to drop below 40 percent or more. If that materializes in the weeks and months to come, and all indicates it should, there is a great likelihood of Morena losing a lot of the key positions up for voting. But, again, a lot will be driven by what happens in the remaining part of 2020 and whether AMLO can detach himself from the horrible results that the country will face by blaming others for the failures accrued in particular this year.

Rubio: Currently AMLO's approval rate, according to recent surveys, ranges at about an important 50 percent. However, the fact that the President of Mexico commenced a new electoral campaign last week, despite the fact that the pandemic in Mexico is at its peak, can be understood as a sign of concern regarding the challenge that the 2021 elections will entail, including the mid-term referendum.

The impact generated by the collapse of the economy, the lack of confidence in the Government on the part of the national and international private sector, the increase in unemployment and violence in the country, stand as the most important "counterweights" to influence the mid-term referendum. The handling of these problems will undoubtedly carry an important weight in the 2021 results.

DICTATOR PLANS?

Latinvex: Is AMLO trying to become a dictator and what checks and balances are there against him?

Torres Landa: I could not say outright that he is by design trying to become a dictator, but it is true that if one applies a test to determine what are the steps required to get to a dictator status, he is certainly walking in that direction. A dictator disposes of checks and balances, eliminates relevance of other powers, gets rid of independent agencies, does not interact with opposing political forces, disregards rule of law, and in general acts without support of experts or best practices. All of these factors are present in the AMLO government.

The question now is whether AMLO will stop those conducts or if he is going to push the pedal and thus give further credibility that he is in fact threatening the foundations of the democratic system that Mexico has built with so much pain and effort over the past few years. We must say that this is the system that allowed AMLO to enter power and that as a huge paradox he is now compromising.

There are not many checks and balances left. I only see a few remaining: the Supreme Court, the Bank of Mexico, the US government, and sheer reality (including the impact of what rating agencies say about Mexico). Among these factors the Supreme Court stands out. There are over 10 cases awaiting trial where the judicial authority must rule on the constitutionality or not of key decisions by AMLO's government. Those decisions will determine if Mexico still has a credible and independent judiciary, or if as has been seen with other bodies, they have now been coopted and taken over by the President's overwhelming power as is shown in Congress and many other areas of government. The jury is out, literally on what chances Mexico has not to

become a one-man show.

Rubio: As mentioned, AMLO is a President who enjoys broad popular support and a weak and divided opposition. Although his power in the Mexican Congress is not absolute, there have been some major reforms to the legal system, for example, the creation of the National Guard and the Austerity Law. These constitute examples of some the main issues that Congress passed in favor of the President during the first months of his new administration. Thus, the general impression is that the Congress is willing to discuss and approve practically everything the President asks for.

In addition, AMLO has been known for his disregard for Mexico's democratic institutions. For example, he refused to back a reform that was endorsed by civil society groups to create the position of an independent Attorney General arguing that the idea of having the Attorney General report to Congress rather than to the President himself was part of an ongoing plot against him meant to prevent him from ending problems like corruption.

In conclusion, AMLO truly believes that he is a figure of change and that his government will establish a strong executive wing with centralized decision-making power to resolve the country's challenges.

CORRUPTION

Latinvex: How much has AMLO's image as anti-corruption politician been tarnished by recent scandals?

Torres Landa: Facts speak for themselves. The fight against corruption was among the three most important campaign slogans. AMLO was clearly able to convince the electorate that corruption would end in Mexico and that those responsible for irregular acts would be prosecuted. None of this has happened.

The anti-corruption system has not been given the resources or even the appointments to make it work. What little activity we see to attack possible culprits of theft or irregular activities seem to be directly driven by politically-driven attacks on enemies of the government. The UIF [the Financial Intelligence Unit] has been seen as the agency in charge of going after disliked persons, but not having a consistent approach of being independent, working with other agencies, or following strict due process.

The federal government has now been evidenced as having allocated significant supply contracts for huge projects through direct awards and not in public bids. Direct awards account for close to 80 percent of all purchases made by the government. There is no way that such pattern can be seen as a viable one if the idea is to curb corruption and adopt best practices. Add to this that many of the big projects have been assigned to the armed forces and the combination is lethal from a transparency standpoint.

A good example is the Tren Maya recent construction start. There are seven parts of the project and they have been assigned to specific groups that have aligned themselves to become the beneficiaries of huge spending. Other than benefitting those groups and meeting the President's own preferences,

nothing suggests that the process is improving of that corruption is void. The opposite is true.

Rubio: According to the National Survey of Government Quality and Impact 2019, carried out by the Statistics and Geography National Institute (INEGI by its acronym in Spanish), while the perception of corruption in government institutions decreased, from 91.1 percent in 2017 to 87 percent in 2019, the prevalence rate of corruption and the incidence rate of these type of acts increased in the same period.

The INEGI revealed that 15,732 people per 100,000 citizens had experienced some act of corruption with a government official, when in 2017 the figure was 14,635, showing that the acts of corruption per 100,000 citizens increased in 19.2 percent. Certainly, this does not comply with the objectives brandished by President López Obrador, who has repeatedly indicated that his government will not tolerate any act of corruption.

At the same time, the 2020 Capacity to Combat Corruption (CCC) Index shows that Mexico maintains a poor ability to detect, punish and prevent corruption. In 2020 Mexico obtained an overall score of 4.55 which, along with the scores for all three sub-categories evaluated, remained notably similar to last year's, even a little bit lower in some sub-categories. Additionally the CCC Index states that AMLO has mostly cast his anti-corruption campaign around his personal ability to eradicate the problem, while practically ignoring the National Anti-corruption System. Conflicting with his message and anti-corruption campaigns, AMLO has increased the use of discretionary spending in public contracts, and disregarded controls to improve governance, among other worrisome trends.

Notwithstanding the above, AMLO's popularity and perception as an anti-corruption politician has not been seriously affected.

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