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## One Year After National Guard's Creation, Mexico is Far from Demilitarizing Public Security

by Maureen Meyer

One year after Mexico [enacted the law](#) regulating the country's new National Guard on May 27, 2019, President Andrés Manuel López Obrador's landmark security force has fallen far short of becoming a federal body capable of effectively addressing Mexico's security crisis. While the National Guard was launched with great fanfare, since its [official deployment](#) on July 2, 2019, it has yet to bring about a measurable reduction in crime or violence. On the contrary, March and April 2020 registered the [second and third highest](#) homicide rates on record in Mexico.

In what appears to be a tactic recognition of the National Guard's ongoing shortcomings, on May 11 López Obrador issued an [executive decree](#) that expands and formalizes the power of Mexico's armed forces to participate in public security tasks. The move grants soldiers many of the same responsibilities as members of civilian police forces, such as detaining suspects, securing crime scenes, and carrying out arrest warrants. This presents a separate set of concerns, as Mexico's armed forces have a long history of altering crime scenes, torturing suspects, and committing other crimes and human rights violations [with near total impunity](#).

While López Obrador had [affirmed](#) that soldiers should not be in charge of public security operations, his creation of the National Guard and his efforts to expand the role of the armed forces in public security tasks are a significant move away from his campaign promises to return soldiers to their barracks and strengthen civilian police forces. While the reforms creating the National Guard stipulated that it should be a civilian force under civilian direction, the majority of the force's manpower, leadership, funding, and equipment comes from the armed forces. As discussed below, **the López Obrador administration has only deepened the militarized nature of public security in Mexico and made civilian policing at the federal level nearly obsolete.**

### The militarization of the National Guard

Just weeks before taking office, and even after Mexico's Supreme Court struck down as unconstitutional the [Internal Security Law](#) which would have legalized the military's role in public security, López Obrador announced his intention to create a new [National Guard](#) to assume federal policing functions. He proposed that the force should be made up of soldiers and Federal Police agents and operate under the command of the military. On February 28, 2019, Mexico's Congress passed the [constitutional reforms](#) that created the National Guard, while setting a five-year limit on the use of the military in public security tasks. Three months later, on May 27, the law regulating the National Guard [entered into force](#).

The National Guard officially assumed all federal policing functions on December 31, 2019, a decade after the [creation of the Federal Police](#) and 90 years after the creation of Mexico's [first federal police force](#). While the Federal Police was marred by several cases of corruption and grave [human rights violations](#), experts [have argued](#) that it would have been

better to build on the force's achievements and correct its flaws than to dismantle it all together, given the importance of establishing an effective civilian police force at the federal level.

When the National Guard was created, the government expected that most Federal Police agents would move over to the new force, but this has not been the case. Only about half of the Federal Police, some 18,240 agents, decided to join the National Guard. These agents make up less than a quarter of the new force.

The rest of the National Guard's members are soldiers that were transferred over from the army or navy. On April 24, 2020, the Mexican government [reported](#) that 76 percent of the 76,773 deployed National Guard members had been transferred over from these two military branches (50,553 came from the military or navy police and 5,980 were army soldiers on loan to the National Guard). One month later, the [government reported](#) the deployment of 90,091 National Guard members, including 1,920 soldiers from the army and 225 from the navy, but did not provide a breakdown of how many of the other 87,946 members came from the Military Police or the former Federal Police.

The high percentage of the National Guard that is staffed by soldiers raises serious questions about the civilian nature of the force. Moreover, the force's first chief, Luis Rodríguez Bucio, is a recently retired army general and all of the National Guard's commanders are also [former members of the armed forces](#). Another concern is that the majority of the force's funding and equipment [comes from the armed forces](#), and each of the National Guard's recruitment centers are located at army bases. In fact, the Mexican Army and Navy are fully in charge of recruitment operations. In the first five months of 2020, the army has [recruited](#) 14,833 National Guard members, while the navy has recruited 6,337.

## The National Guard's evolving role

Members of the National Guard can be involved in [activities ranging from](#) inspecting backpacks on the metro in Mexico City to working on dismantling criminal groups. They have the power to detain suspects and collaborate with public prosecutors' offices to investigate crimes. In addition to federal crimes, the National Guard can investigate common crimes such as homicide and robbery if the Guard director has signed an agreement with state or local authorities. As WOLA has [highlighted](#) previously, this presents troubling concerns for criminal investigations given the frequency in which soldiers and Federal Police agents [have been implicated](#) in obstructing justice in criminal investigations in the past.

On May 20, 2020, the Mexican government provided limited [information](#) about the number of soldiers and National Guard members that are deployed in different security activities, such as migration enforcement, drug eradication, and guarding oil pipelines. However, it is not clear from the government's information which force is in charge where or how joint operations are taking place.

What the numbers do make clear is that even before López Obrador's May 11 executive decree, the military was leading the vast majority of Mexico's federal security efforts. A little over half of the 150,731 federal security agents deployed across the country belong to the [Mexican military](#) (61,252 from the army and 15,450 from the navy).

The National Guard [was first deployed](#) to Mexico's southern and northern borders to assist in the detention of migrants in response to threats and pressure from the Trump administration to do more to stem the flow of migration to the United States. In October 2019, the Mexican government [reported](#) that it had deployed some 12,000 federal agents, including National Guardsmen, in the southern border zone, and almost 15,000 federal agents to Mexico's northern border states.

In the southern state of Chiapas, agents are stationed at different parts along the border and at the Suchiate river, and they often accompany officials from Mexico's National Migration Institute (*Instituto Nacional de Migración*, INM) at checkpoints and in other migration enforcement operations. At the U.S.-Mexico border, agents have [impeded](#) migrants and asylum seekers from crossing into the United States.

The use of the National Guard for migration enforcement has been criticized for deviating the force from its primary security functions, while also raising human rights concerns given the lack of training provided to guardsmen on how to interact with vulnerable populations like migrants. Last July, Mexico's National Human Rights Commission (*Comisión Nacional de los Derechos Humanos*, CNDH) [condemned](#) the National Guard for threatening and [harassing migrant shelters](#) in Sonora and Coahuila. More recently, the CNDH, the [Inter-American Commission for Human Rights](#) (IACHR), and numerous national and international human rights organizations criticized the National Guard's response to the January 2020 migrant caravan for its excessive use of force against the migrants in the caravan, including women and children.

## Human rights violations, corruption, and lack of strong accountability mechanisms

While the National Guard has not yet been implicated in as many cases of grave human rights violations as the armed forces and former Federal Police, the new force is not without critique. Between July and November 2019, the CNDH reported receiving [32 complaints](#) of human rights violations committed by members of the National Guard, including accusations of migrant abuse, torture, and arbitrary detention. In the first two months of 2020 (the most recent data available), the CNDH [received complaints](#) against the National Guard for accusations of forced disappearance, cruel and inhuman treatment, and arbitrary detention.

Members of the National Guard have also been implicated in cases of extortion and have been accused of having ties to organized criminal groups. In mid-April, [photos circulated](#) on social media of National Guardsmen eating at a restaurant in Puebla with members of a family-based organized criminal group involved in oil theft and drug trafficking. In early May, [a video surfaced](#) of members of the National Guard extorting a criminal known as “El Cholo” in Sonora. In both cases, the head of the National Guard, Luis Rodríguez Bucio, condemned the acts and affirmed that the force’s internal affairs unit would investigate the accusations.

The [guidelines](#) set forth for transferring the Federal Police’s human, material, and financial resources to the National Guard stipulate that the National Guard would inherit the Federal Police’s internal affairs unit, along with any of its open investigations.

Before the Federal Police was dismantled, its [internal affairs unit](#) had made important progress in strengthening its capacity to carry out effective investigations. Despite making steps in the right direction, the internal affairs unit still had its weaknesses. One was that it invested the majority of its time and resources into investigating minor infractions, [while largely neglecting](#) more serious irregularities and allegations of abuse. To guarantee accountability for guardsmen who engage in corruption or violate human rights, it’s paramount that the internal affairs unit shift its priorities.

The National Guard’s internal controls should be accompanied by strong external oversight mechanisms. One way the Mexican government should do this is by establishing an independent observatory to monitor and recommend improvements in the National Guard’s accountability mechanisms and its use of force. In November 2018, the Inter-American Court on Human Rights issued a [ruling](#) ordering the Mexican government to create such a mechanism for the Federal Police. The ruling came after the human rights court heard a case involving the arbitrary detention and sexual torture of 11 women in the town of San Salvador Atenco, in Mexico State, at the hands of state and federal police agents in May 2006.

The human rights court ordered that the government establish a federal independent observatory, with civil society participation, to monitor accountability and the use of force by members of the Federal Police and the police of Mexico State. Since the National Guard has assumed the Federal Police’s role, the Inter-American Court’s order to establish the independent observatory now applies to the National Guard.

## López Obrador’s militarized approach to public security

A transitory article in the constitutional reforms establishing the National Guard provided a legal framework for the armed forces to continue participating in public security tasks for up to five years while the National Guard becomes fully operational. The article [states](#) that the use of the military in public security operations must be “extraordinary, regulated, supervised, subordinate, and complementary” in order to comply with a 2018 [ruling](#) that the Inter-American Court issued against Mexico for a case known as the “Alvarado case.” The case involves the forced disappearance of three members of the Alvarado Espinosa family by Mexican soldiers in the state of Chihuahua in 2009.

However, the executive decree that López Obrador signed on May 11 to expand the powers of the armed forces does not include language that guarantees compliance with these concepts, apart from establishing 2024 as an end date for the military’s role in public security operations. According to the decree, soldiers can be deployed anywhere in the country, for any security purpose, and they will only be subject to their own internal controls. All this increases the risk that actors in the armed forces who commit human rights violations will never be held accountable.

Furthermore, since the decree gives the armed forces the power to carry out investigative tasks that correspond to police institutions, it makes clear that the military will not play a “subordinate” role to civilian institutions. The Mexico branch of the [UN Office of the High Commissioner for Human Rights](#), the CNDH, and several other [human rights organizations](#) and security experts have expressed concerns about the recent decree for these reasons.

As WOLA has [highlighted](#) in the past, the Mexican government’s increasing dependence on the armed forces for public security tasks has come at the expense of strengthening civilian police institutions. The deployment of Mexican soldiers across the country to patrol streets and crack down on organized crime has also failed to reduce crime and violence. In

fact, [research shows](#) that the decision to deploy the military to confront organized criminal groups is a primary factor behind the increase in violence in Mexico since 2007.

Militarization has also come at a high cost for human rights in Mexico. Between January 2007 and September 2019, the CNDH issued 159 recommendations for human rights violations perpetrated by members of the armed forces. The recommendations [are in response to](#) cases of arbitrary killings, illegal use of force, torture, and forced disappearances.

In a recent development, a former member of the Mexican Navy [was arrested](#) in March 2020 in relation to the emblematic case of the 43 disappeared students from Ayotzinapa on charges of torture, obstruction of justice, and abuse of authority. Documentation by the UN High Commissioner for Human Rights found evidence that Mexican marines were also behind the torture of another detainee in the case, which [resulted in the victim's death](#).

The vast majority of human rights violations committed by soldiers are never adequately investigated and sanctioned. A November 2017 [WOLA report](#) found that 97 percent of the crimes and human rights violations committed by soldiers against civilians that were investigated by the federal Attorney General's Office between 2012 and 2016 had yet to be punished by the time of issuing the report. Of the 505 criminal investigations that were launched, only 16 convictions had been secured.

Under López Obrador, the military's role also goes beyond public security. He has given the Mexican Army the responsibility of constructing several large-scale development projects, including [a new airport](#) near Mexico City, parts of a new train network known as the [Mayan Train](#), which will connect popular tourist destinations in southern Mexico, as well as [2,700 new banking centers](#) that will form part of the government's newly created "Bank of Well-Being."

## Looking ahead

On May 14, López Obrador [affirmed](#) that Mexico needs the "discipline, the professionalism of the navy and the army in order to confront the problem of insecurity and violence." This fails to take into account that the militarization of public security over more than a decade—since former President Felipe Calderón initiated the massive deployment of soldiers across the country in 2006—has failed to curtail violence and has instead led to widespread human rights violations.

The best way to address insecurity in Mexico and to combat criminal organizations is to conduct serious investigations that end in convictions and to strengthen civilian police institutions. Police and prosecutors' offices, not soldiers, are tasked with interacting with the civilian population to prevent crime and violence and to carry out investigations and legal prosecutions.

The constitutional reforms that created the National Guard appeared to take a step in the right direction by establishing that the new force would be a civilian force under civilian leadership, but a year after its creation, the López Obrador administration has shown that this commitment only exists on paper. This new force, and López Obrador's May 11 executive agreement, further cast doubts on the future of national civilian policing in the country, as well as civilian oversight over soldiers carrying out public security tasks. Rather than cementing the military's role in public security, López Obrador should take firm steps to strengthen Mexico's criminal justice and civilian police institutions, as the most effective way of building effective, rights-respecting security policy in Mexico.

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