



Revista Análisis
ISSN: 0120-8454
ISSN: 2145-9169
Universidad Santo Tomás

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Revista Análisis, vol. 50, núm. 92, 2018, Enero-Junio, pp. 219-237

Universidad Santo Tomás

DOI: <https://doi.org/10.15332/s0120-8454.2018.0092.10>

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Los usos de las campañas anticorrupción en México*

Nubia Nieto**

Recibido: 24 de julio de 2017 - Aprobado: 19 de octubre de 2017

Resumen

México ha firmado y ratificado las iniciativas más importantes de la lucha contra la corrupción en el mundo. En tanto miembro de la Oede, el G-20, las Naciones Unidas, la Organización de los Estados Americanos, el Fondo Monetario Internacional y el Banco Mundial, México ha acordado luchar contra la corrupción. A nivel nacional, cada presidente, como parte de su programa, ha incluido iniciativas anticorrupción en sus agendas políticas. Sin embargo, los niveles de corrupción e impunidad en México continúan siendo altos, lo cual plantea las siguientes preguntas: ¿Por qué, los políticos nacionales prometen frenar la corrupción al principio de sus gobiernos? ¿Porqué los políticos nacionales que prometen reducir la corrupción al finalizar sus gobiernos se ven envueltos en casos de corrupción? ¿Están los políticos mexicanos verdaderamente comprometidos en luchar contra la corrupción? Este artículo pretende analizar estas cuestiones, y se embarca en una exploración de las campañas de lucha contra la corrupción como uno de los pilares del sistema político mexicano desde el gobierno de José López Portillo (1976-1982) hasta Enrique Peña Nieto (2012-2018).

Palabras clave: campañas anticorrupción, México, gobernabilidad, transparencia.

* Artículo de reflexión. Surge del proyecto de investigación sobre corrupción en México, preparado para una conferencia en la Universidad de Coventry. Reino Unido. DOI: <http://dx.doi.org/10.15332/s0120-8454.2018.0092.10>

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The uses of the anti-corruption campaigns in Mexico*

Nubia Nieto**

Abstract

Mexico has signed and ratified the most important anti-corruption initiatives in the world. As member of the OECD, G-20, and active member of the United Nations, the Organization of American States, the International Monetary Fund, and the World Bank, Mexico has agreed to fight corruption. At national level, every Mexican president, as part of their National program, has included anti-corruption initiatives in their political agendas. However, the levels of corruption and impunity in Mexico continue being high, which raises the following questions: Why do national politicians promise to curb corruption at the beginning of their governments? Why many Mexican Politicians who promise to reduce corruption at the end of their governments are involved in corruption affairs? Are Mexican politicians engaged in fighting corruption? This paper tries to analyze these questions, and it embarks on an exploration of the anti-corruption campaigns as a mainstay of the Mexican Political system since the government of José López Portillo (1976-1982) to Enrique Peña Nieto (2012-2018).

Keywords: anti-corruption campaigns, Mexico, governance, transparency.

* Reflection article. Results from the research project on corruption in Mexico, prepared for a conference at Coventry University. United Kingdom. DOI: <http://dx.doi.org/10.15332/s0120-8454.2018.0092.10>

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Usages des campagnes anti-corruption au Mexique*

Nubia Nieto**

Résumé

L'état mexicain a signé les initiatives les plus importantes dans la lutte contre la corruption mondiale. En tant que membre de la OCDE, le G-20, l'ONU, l'OEA, le Fonds Monétaire International et la Banque Mondiale, l'état mexicain a toujours été favorable à la lutte contre la corruption. Chaque président a intégré cette lutte à ses programmes politiques. Cependant, les niveaux de corruption et d'impunité restent hauts au Mexique, ce qui pose quelques questions : pourquoi, au début de leurs mandats, les hommes politiques promettent de réduire la corruption ? Pourquoi ces mêmes hommes corruption se voient si souvent impliqués dans des scandales de corruption ? S'agit-il d'un engagement réel ? Cet article vise à analyser ces problèmes en explorant les campagnes de lutte contre la corruption comme étant un principe fondamental du système politique mexicain dès le gouvernement de José López Portillo (1976-1982) jusqu'au mandat de Enrique Peña Nieto (2012-2018).

Mots clés : campagnes anti-corruption, Mexique, gouvernance, transparence.

* Cet article s'inscrit dans une recherche plus large sur la corruption politique au Mexique et d'une conférence prononcée à la Coventry University, au Royaume Uni. DOI: <http://dx.doi.org/10.15332/s0120-8454.2018.0092.10>

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Conventions against Corruption:

At international level, Mexico is one of the most active countries in anti-corruption initiatives. It has signed and ratified the most important international conventions against corruption¹. The Inter-American Convention against Corruption (IACAC) signed 29 March 1996 in Caracas, Venezuela², adopted by the member countries of the Organization of American States on 29 March 1996, came into force on 6 March 1997 (OAS, 1996). The convention on Combating Bribery of Foreign Public Officials in International Business Transactions of the Organization for Economic Co-operation and Development (OECD) signed on 17 December 1997, came into force on 15 February 1999 (OECD, 2011)³.

The United Nations Convention against Corruption (UNCAC) signed on 9 December 2003, in Merida, Mexico was put into effect on 14 December 2005. It requires state parties to the treaty to implement several anti-corruption measures that focus on five main areas: prevention, law enforcement, international cooperation, asset recovery, and technical assistance and information exchange (United Nations, 2004)⁴.

- 1 The term corruption is taken as the abuse of public power for private purposes. This definition assumes the distinction between public and private roles. In many societies the frontier between both spheres is not very clear, and it seems to be natural to give some gifts in exchange of assigning contracts and jobs. The distinction between public and private spheres seems to be strange and not clearly defined. (Rose-Ackerman, 1999, p.91) The most common forms of political corruption are embezzlement, bribery, collusion, influence peddling, fraud, nepotism, cronyism, and clientelism.
- 2 The Organization of American States (OAS) is composed by 35 countries of the Americas and all of them have joined the Inter-American Convention against corruption. Firstly, 21 members signed the charter: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, United States of America, Uruguay, and Venezuela. Subsequently, 14 member states joined the charter: Barbados, Trinidad and Tobago, Jamaica, Grenada, Suriname, Dominica (Commonwealth of), Saint Lucia, Antigua and Barbuda, Saint Vincent and the Grenadines, The Bahamas (Commonwealth of), St. Kitts & Nevis, Canada, Belize and Guyana (OAS, 1996).
- 3 Countries signatories of the OECD convention on Combating Bribery of Foreign Public Officials in International Business Transactions: Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Chile, Colombia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Oman, Poland, Portugal, Russia, Slovakia, Slovenia, South Africa, South Korea, Spain, Sweden, Switzerland, Turkey, United Kingdom, and United States (OECD, 2011).
- 4 The United Nations Convention against Corruption was signed and ratified by 140 countries: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Belgium, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Canada, Central African Republic, Chile, China, Colombia, Comoros, Congo, Cook Islands, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, European Union, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Holy See, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Moldova, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Lucia, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, South Sudan, Spain, Sri Lanka, State of Palestine, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The Former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe (United Nations, 2004).

At national level, the presidents of Mexico have expressed in public their conviction in fighting corruption, since the government of José López Portillo (1976-1982) to Enrique Peña Nieto (2012-2018).

The anti-corruption rhetoric was a paramount element to introduce neo-liberalism and justify the reduction of the state-owned companies during the government of Miguel de la Madrid Hurtado (1982-1988) and Carlos Salinas de Gortari (1988-1994).

The anti-corruption discourse has played a pivotal role during the campaign of Vicente Fox (2000-2006), then candidate of the National Action Party (*Partido de Acción Nacional*, PAN), and the dramatic defeat of the Institutional Revolutionary Party (PRI) in July 2000.

The government of Felipe Calderón Hinojosa, (2006-2012) belonging to the PAN, also promised to fight corruption and reduce organized crime. Enrique Peña Nieto (2012-2018) proposed an Anti-corruption commission in 2012 as one of his first acts after being elected. In May 2015, Mexico had approved the full creation of a National Anti-corruption System (NAS) in its constitution. However, the levels of corruption in Mexico continue to be high.

Stephen Morris distinguishes some distinctive features of the anti-corruption campaigns in Mexico, which are based on three basic elements: the public (relations) campaign, b) prosecutions of officials of the prior regime, and c) reforms:

“Any anti-corruption campaign contains three essential components: a) the public (relations) campaign, b) prosecutions of officials of the prior regime, and c) reforms. Though all components take place “publicly” and thus contribute to the government’s reformist image, the public campaign encompasses the political rhetoric that creates popular expectations, defines the president’s understanding of the problem, and affixes corruption onto the political agenda. The public campaign plays an important role in nurturing the president’s reformist credentials, determining the political stakes, and mobilizing political support for the anti-corruption effort. Prosecuting prior officials, the second component, also serves to demonstrate the president’s seriousness about tackling the problem, but it has a more significant impact by actually altering the political risks officials face when deciding to participate in a corrupt act. By demonstrating that impunity no longer prevails and by increasing the likelihood of being caught and punished, prosecutions thus strike at the heart of the problem. Finally, reforms address the administrative policies and systems that actually creates the conditions fostering corruption. Reforms may range from changes in the organizational framework of government and changes in administrative procedures to the ethical training of public officials” (Morris, 2001, p.3).

The third and, perhaps, most critical ingredient of anti-corruption campaigns, Morris says, involves political and administrative reforms, which encompasses a range of agencies and initiatives inviting specialists, researchers, legislators and outstanding members of the civil society (Morris, 2001).

The anti-corruption reforms are put into place temporarily in each new presidency to show to the Mexican society, international agencies and international organizations their determination to fight against corruption, but the real question of the anti-corruption narrative is how long the new anti-corruption reforms will work, how long will they last or who will they serve to?

The levels of corruption in Mexico

Different international organizations have expressed their concern regarding the high levels of corruption in Mexico. International Transparency ranked México at 95 on a list of 168 countries, with a score of 35 out of 100, where 100 means very clean and 0, highly corrupt (TI, 2016, p.7).

The World Economic Forum's *Global Competitiveness Report* 2016 found that Mexico's weakest link is its institutions, and corruption is the most problematic factor for doing business as shown on the chart 1:

(Chart 1)

According to the OECD, the levels of corruption affects directly the levels of productivity as measured by the ratio of GDP to the capital stock, by 2%, placing Mexico in the lowest levels of productivity in relation to the members of the OECD in terms of Gross Domestic Product (GDP) per hour worked due to the high levels of corruption, as can be observed on the chart 2:

(Chart 2)

The Organization of American States (OAS) points out that the cost of corruption in Mexico is five times higher than in the rest of the world. For the OAS, the losses caused by acts of corruption in the world amount to 2% of GDP, while in Mexico it is up to 10%, which means that the losses due to corruption in the world go from 1.5 to 2 billion dollars (Redacción, 2016, p.6).

The report titled, "Mexico: Anatomy of Corruption" presented in 2015, prepared by the civil organization, "Mexicans against corruption and impunity", indicates that corruption costs the country 906 thousand 358 million Mexican pesos, around 44 thousand 58 million US dollars, which represent 5% of the GDP (Calderón, 2016).

The Confederation of Employers of the Mexican Republic (Confederation Patronal de la República Mexicana: Coparmex) considers that corruption causes losses for one billion 920 thousand million Mexican Pesos, around 93 thousand 331 million US dollars, equivalent to 10% of GDP (Redacción, 2016, p.6).

International and national organizations coincide in classifying Mexico as one of the most corrupt countries in the world. Internally, all political parties, national,

regional and local representatives, and civil organizations condemn political corruption. The anti-corruption campaigns and anti-corruption discourse are trendy, but the levels of corruption and impunity continue to be high in Mexico.

The uses of anti-corruption campaigns:

The anti-corruption narrative has also been part of the political discourses of the candidates to the Mexican presidency of all political parties, as well as in the political discourses of the local and regional governments in the country.

The anti-corruption rhetoric in Mexico covers a range of proposals, which this paper tries to disentangle. During the ruling of the PRI (1929-2000), the anti-corruption discourse was used to mark a distance from the previous administration, even if both belonged to the same party, particularly during the political campaigns and at the beginning of government. The new candidate of the PRI at each presidential election used to blame his predecessor for the social and economical problems, and, of course, for the abuse of authority, corruption, impunity and misuse of the public resources for personal gains.

The dynamic of the anti-corruption campaigns in Mexico have been repeated over and over again since the post-revolutionary regime. During the government of José López Portillo (1976-1982), he emphasized his will to fight against corruption in every opportunity to address a message to the citizens. For example, during the third year of his government, López Portillo stated:

“We are determined to clean the public sector giving the impression that there are just a few stains and vices, unfortunately, the corruption invades all sectors (...) but we started to clean from the bottom up. The morality and efficiency of the public servants ensure the confidence of our institutions and collective consensus (...) All of us condemn corruption (...) we cannot become a country of cynics. Our obligation is to abide by the law and embody it. We cannot become a country of corrupts” (Cámara de Diputados, 1979).

Later on, the government of López Portillo was involved in serious corruption issues. The most known case was Arturo Durazo Moreno (1976-1982), head of the Directorate of Police and Traffic (*Direction General de Policía y Tránsito*) in Mexico City, who was appointed and protected by López Portillo.

Durazo Moreno transformed the police institution into a centre of corruption, drug trafficking and arms trafficking. He also sent police officers to rob banks and extort citizens of financial resources for personal gain. During his administration, Durazo built himself a \$2.5 million US dollars mansion on the outskirts of Mexico City, with a horseracing track and a replica of the Studio 54 discotheque in New York. In the Pacific coast resort of Zihuatanejo, his cliff-top retreat, complete with classical columns, was nicknamed the Parthenon –a copy of the Greek Parthenon- (Gunson, 2000).

The anti-corruption campaigns have also been used as a tool to change political priorities and economical models of development. The government of Miguel de la Madrid Hurtado (1982-1988) used the presence of corruption in the public sector as an argument to justify the application of neoliberal policies. The slogan of De la Madrid's political campaign was "For a moral renovation".

"I believe that we must demand a proper behavior of the high civil servants. The government should give an example; many times the corruption phenomenon is produced in the low and intermediate levels of bureaucracy, but there is no doubt the corruption is an example of the high levels of the public administration, either federal, local or municipal (...) We must reform the laws and the systems. We are going to forbid that civil servants use their positions directly or indirectly to promote their own gain and benefit their friends or relatives" (Redacción, 1982)

The administration of De la Madrid ended his government amidst huge corruption scandals. Among them, tolerating the corruption of Joaquín Hernández Galicia "La Quina", leader of the Mexican State Oil Company –*Petróleos Mexicanos PEMEX*-. Hernández Galicia was accused of arms trafficking, sale of positions in the union of PEMEX, nepotism, embezzlement and influence peddling in the labour union and in the public administration (Aristegui, 2009)

During the government of Miguel de la Madrid, Mexico faced one of the worst financial crisis in its history, which caused a devaluation of the Mexican Peso of 3,100%. Inflation rose to 86.7 percent per year, and the purchase power reduced 70%, the Gross Domestic Product (GDP) was contracted 10%, and the minimal wage lost 41 percent of its purchase value (Redacción, 1982).

The catastrophic economic situation in Mexico at the end of the 1980's forced Miguel de La Madrid to adopt neoliberalism. The Mexican neoliberal elite⁵ blamed the import substitution industrialization model and politicians belonging to this doctrine for the high levels of corruption, arguing that the huge size of the state needed to be reduced as condition to diminish corruption. The number of public companies was reduced from 1155 in 1982 to 418 in 1988 and the levels of corruption increased rather than diminished (Redacción, 1982).

Miguel De la Madrid was also accused without any formal charges to orchestrate an electoral fraud against Cuauhtémoc Cárdenas, presidential candidate of the National Democratic Front (FDN), left wing during the presidential elections of 1988.

5 The neoliberal elite is named so for applying the neoliberalism, an economic model based on the liberal doctrine of the 20th century, which promotes open economy, free markets, market deregulation, reduction of the state intervention in public management, privatization of the public enterprises, tax increases, flexible fiscal policies to attract foreign companies, promotion of trade towards exportations, elimination of protectionism. It seeks to transfer economic wealth from the hands of the state to the private sector. This model is also called the "Washington Consensus", because the key mechanisms for imposing fiscal discipline are the US-based International Monetary Fund (IMF), the World Bank, and other financial institutions (Meade, 2010, p. 343).

Miguel de la Madrid, 20 years after leaving the presidency, stated during an interview that he preferred to go down in history “as a corrupt president than losing the elections for his successor” during the presidential elections in 1988 (García, 2009). De la Madrid also said during the same interview that he did not expect Cuahutémoc Cárdenas could obtain a lot of votes. This is why he ordered the Mexican Army to shoot all followers of Cardenas if they tried to enter into the National Palace (García, 2009).

The former president Miguel De la Madrid accepted that his government tolerated abuses and corruption to survive. Among those abuses is the case of Joaquín Hernández Galicia “La Quina”, because he was afraid of social and labor conflicts (García, 2009).

The anti-corruption rhetoric and the eternal promise to curb corruption in Mexico are constant elements, which are repeated in the contemporary history of the country, in order to gain legitimacy and respect among citizens.

President Carlos Salinas de Gortari (1988-1994) took office among scandals of electoral fraud during the presidential elections of 1988 against Cuauhtémoc Cárdenas Solórzano. Once Salinas assumed the presidency, in January 1989 he arrested Joaquín Hernández Galicia “La Quina”, on the grounds of corruption to gain legitimacy among Mexican citizens.

Carlos Salinas promised to respect and apply the rule of law and fight against corruption since he was sworn in as president of the country on December 1, 1988.

“With emotion and conviction I vow to respect the General Constitution of the Republic and the laws which it embodies (...) The population is tired of the impunity, the arrogance of the authorities, the evasion of the law by many citizens. It is required to support the Supreme Court of Justice to achieve its goal and establish the power scope of the Constitutional tribunal. It is required to support the judicial power of the Federation to renew the police corporation of the country. We will adjust the structure of the police to guaranty honesty and efficacy. We will fight crimes fast and corruption” (Cámara de Diputados, 1988)

At the end of the government of Salinas de Gortari, corruption scandals reached not only his close friends, but also his family. Raul Salinas de Gortari, eldest brother of the former president Carlos Salinas, was arrested in 1995 by Swiss authorities, who found \$110 million dollars in accounts linked to Raul, on the grounds of money-laundering and connections with narco-trafficking (Grillo, 2013, p. 258).

Another high profile corruption case during Carlos Salinas’ government was the appointment of General José de Jesús Gutierrez Rebollo as the head of the National Institute to Combat Drugs (INCD). He was known as “the anti-corruption czar”. In 1997 he was arrested and convicted of working with drug cartels, money laundering and receiving huge bribes from organized crime (Astorga, 1999).

At the beginning of each government, the new Mexican president coming from the PRI, used to launch a “*cacería de brujas*” - Witch hunt- putting in prison some members of the previous political elite such as relatives, close friends or close public servants in order to create a sense of new beginning based on the rule of law. The government of Ernesto Zedillo Ponce de León (1994-2000) was not the exception, and once he assumed the presidency, he launched a witch hunt against Raul Salinas and some close friends of the Salinas family.

Zedillo stated in several public speeches: “I won’t tolerate the corruption in my government and I will punish with the all force of the rule of law those who deviate public resources” (Vanguardia, 2015)

At the end of Zedillo’s government, his administration was widely questioned on the grounds of human rights violations and corruption. The slaughter of indigenous people in Acteal, Chiapas, on 22 December 1997, and the massacre of Aguas Blancas, Guerrero, on 28 June 1995 were the most representative of his regime. In terms of corruption, his government was characterized by many cases of malfeasance and corruption.

A specific case was that president Ernesto Zedillo named Óscar Espinosa Villareal (1996-2000) as Mayor of Mexico City, and later promoted Espinosa as Minister of Tourism (1997-2000). In 2005, Espinosa Villareal was found guilty of embezzlement, fraud, influence peddling, and responsible for appropriating public resources for personal gain for around 420 million Mexican pesos (Salgado & Castillo, 2005, p.4) about 3 thousand 974 million 460 thousand dollars calculated according to the exchange rate in 2000 when 1 dollar had an average exchange rate of 9.4630 Mexican Pesos (USD/MXN, 2017).

President Ernesto Zedillo was also blamed for tolerating the illicit enrichment of the former governor of Quintana Roo, Mario Villanueva Madrid (1993-1999). In 2010, Villanueva was extradited to U.S. on charges of holding beach resorts in Cancun and other Caribbean islands, accepting \$19 million dollars in bribes from the Juarez Cartel in exchange for allowing the cartel free rein to smuggle Colombian cocaine through the state of Quintana Roo to the U.S, and laundering the bribe money through Lehman Brothers in New York (Esposito, 2010).

Society is familiar with the dynamic of picking up some “*manzanas podridas*”, -rotten apples- but leaving the system untouched and never making the president of the country accountable, even when there was a change of party in the government.

One of the most important promises of Vicente Fox, when he was running for the national presidency was to end corruption and abuses of power perpetrated by the PRI and create a distinctive way to rule.

“Facing the 21st century, Mexico has two big challenges: build a developed nation, very competitive and with advanced technology that generates progress

for the citizens, and set up a society based on the rule of law [...] The State of law exists only in the imagination of some citizens. The reality is that, justice and law are used at the discretion of the executive power, named president, governor or mayor. Now, we propose to apply with “all severity” and fight firmly against corruption” (Fox, 2000, pp 8-28).

Vicente Fox and many candidates of the PAN based their campaigns at national and regional levels on the anti-corruption rhetoric. According to a survey carried out in 2000 by Mitofsky, the anti-corruption program proposed by the PAN obtained 52% approval of the Mexican population in comparison to the programs presented by the PRI, which got 27%, and the projects of the Party of the Democratic Revolution, PRD, which reached 18% (Mitofsky, 2000, p.5).

After a few months of assuming the presidency, Vicente Fox was criticized for setting up discretionary agreements with politicians from the PRI at local, national and regional level as he never launched any formal prosecution against the government of Ernesto Zedillo Ponce de León. Even worse, in 2001 Fox was involved in a corruption scandal called “*The toallagate*” –towels gate-, which makes reference to spending 440 thousands Mexican pesos, about 49 thousand dollars at that time, on luxury towels (Oppenheimer, 2001).

The dream of good governance and transparency, borne from the democratic transition, soon started to disappear. At the end of the Fox’s government period, he was accused of several scandals of nepotism, embezzlement, corruption and abuse of power, particularly, after his stepsons Manuel and Jorge Bribiesca Sahagún, sons of Marta Sahagún, Fox’s wife, used the position of their stepfather to deprive 150 families of their properties in the area of «El Zapote», in Irapuato, Guanajuato, in North-Central Mexico, to build luxurious resorts. Manuel and Jorge Bribiesca Sahagún were also accused of illegally acquiring houses allocated to the Institute for the Protection of Bank Savings (Alvarez, 2009).

Another case of nepotism during Fox’s government was to benefit from public contracts with the Mexican Oil company -*Petróleos Mexicanos* (Pemex)-, the company “*Oceanografía*”, property of his stepsons Manuel and Jorge Bribiesca Sahagún, sons of his wife Marta Sahagún, for almost 87 million dollars (Saldierna, 2007).

In December 2006, Felipe Calderón Hinojosa (2006-2012) assumed the presidency for six years. Calderón, as a member of the PAN, was also characterized by his constant promises against poverty, crime and corruption. He promised to be a “president of employment” and reduce corruption. Those promises were reflected in the National Development Plan 2007-2012 that was structured in five points: 1) Rule of Law and security 2) Competitive economy and generation of jobs 3) Equality of opportunities 4) Environmental sustainability and 5) Effective democracy and responsible foreign policy (Calderón, 2007).

Despite the promises to fight corruption, the government of Felipe Calderón was also accused of nepotism; for instance, his brother, Juan Luis Calderón

Hinojosa was director of the (OOAPAS) “Organismo Operador de Agua Potable, Alcantarillado y Saneamiento de Morelia” Drinking Water, Sewage and Wastewater Operator of Morelia for 9 years, while his sister Luisa María Calderón Hinojosa was candidate of the government of Michoacán, and she was also accused of corruption once she used excessive public resources expenditure for her political campaign, manipulation and buying votes in the region (Delgado, 2011). The brother of Felipe Calderón, Juan Luis, was also involved in other corruption scandals such as being the person responsible for a debt of 110 million Mexican pesos –around 8 million 842 thousand 160 dollars calculated according to the average exchange rate in 2011, when 1 dollar was equivalent to 12, 4404 Mexican Pesos (USD/MXN, 2017)- when Juan Luis Calderón was the manager of OOAPAS. He is also accused of mismanagement of a public enterprise, use of public resources, and use of state infrastructure for his own business in water companies, and being responsible for disappearing 90 million Mexican pesos in the company (Contraste, 2011) –around 7 million 234 thousand 494 dollars calculated according to the average exchange rate in 2011 when 1 dollar was equivalent to 12, 4404 Mexican Pesos (USD/MXN, 2017).

The achievements at the end of Calderón’s government were not positive at all. Not only was this in terms of the fight against corruption, but also in terms of the increase of violence and poverty in the country. The dimension of corruption is more complex than ever before. In June 2010, during Calderón’s government, the former director of the special operations of the Police of Michoacán, Miguel Ortiz Miranda, “El Tyson”, was found guilty of being the boss of the *plaza* –control area- of the *cártel de La Familia* – the Family cartel- and having participated in the execution of public servants in Michoacán and the attacks against the Federal Police for five years while he was in charge of the special forces of the Police in the state of Michoacán” (Méndez, 2010, p. 18).

The linkages of corruption, narco-trafficking and political elites in Mexico is quite complex and analyzing it would provide material for an encyclopedia. Therefore, this text prefers to describe the use of anti-corruption rhetoric of the Contemporary Mexican presidents.

The anti-corruption campaigns have also been used to disqualify the legitimacy of political opponents, particularly if the opponents are popular and well regarded by the population. In recent years, Andrés Manuel López Obrador, leader of the National Regeneration Movement –Movimiento de Renovación Nacional (Morena)- left wing, has been the target of political attacks due to corruption accusations against close members of the team of López Obrador.

López Obrador has been candidate to the Mexican presidency three times. The first time in 2006, when he competed against Felipe Calderón former candidate of the National Action Party (PAN), later president of Mexico. The second time in 2012, when López Obrador ran against Enrique Peña Nieto, then candidate of the PRI, and the third time in the presidential elections of 2018, competing with Enrique Ochoa, candidate of the PRI. Corruption scandals have reached members of the party of López Obrador and close team members.

In March 2004, René Bejarano Martínez, former leader of the Party of the Democratic Revolution (PRD), congressman, and close team member of the former Mayor of Mexico City, López Obrador (2000-2005), was filmed together with the former secretary of Finance of Mexico City, Gustavo Ponce Meléndez (2003-2004), pocketing bundles of bills given by the Argentinean entrepreneur, Carlos Ahumada, to use this money for gambling in a casino in Las Vegas in the United States (Llanos & Romero, 2004).

In the presidential elections in 2012, López Obrador arrived in second place with 15,896,999 votes against Enrique Peña Nieto, who got 19,226,784 votes and won the presidency. The elections were widely controversial and the unpopularity of Peña Nieto caused several protests with the participation of over 90,000 people rejecting the results of the elections (Ascención, 2012). Peña Nieto was accused of being a “rapist”, “murderer” and “killer”, and the citizens claimed justice for the “Atenco victims”⁶.

The government of Peña Nieto has been embroiled in different scandals of corruption and impunity. On 26 September 2014, 43 students disappeared in the town of Iguala, in the state of Guerrero. They were abducted on the orders of the mayor, José Luis Abarca Velázquez, who was concerned that they would disrupt an event in his town. The students were then handed over by corrupt police to members of the drugs gang *Guerreros Unidos* –United warriors-. The drugs gang is then said to have murdered the students in a rubbish dump and burned their bodies, and two hit men working for the cartel said they had piled the bodies on bonfires (Harriet, 2015).

Another case of corruption that Peña Nieto faced in 2014 was the white mansion, which boasts seven bedrooms, marble floors, a spa, a lift, an underground garage and mood lighting that can bathe the building in pink, violet and orange. Located in an exclusive neighborhood of Mexico City, it has been valued at about \$7 million dollars. The mansion was registered under the name of *Ingeniería Inmobiliaria del Centro* –Real State Engineer of the Centre-, a company owned by Grupo Higa, which is also associated with the Chinese-led consortium that was awarded a \$3.7 billion dollar contract to build a high-speed rail link between the capital and the city of Queretaro. Peña Nieto was accused of favoritism to grant public contracts to Grupo Higa, which is headed by a close friend of the president Peña Nieto, who has been benefiting from contracts worth \$652 million dollars while Peña Nieto was governor of Mexico State between 2005 and 2011 (Tuckman, 2014).

The anti-corruption campaigns have served for political revenge against enemies or dissidents of the regime or government in power. For example, López Obrador

6 Atenco was a massive repression carried out on May 2006 against peasants who protested for the expropriation of their lands for an airport construction. The measures against protesters were the same applied in Congo, Africa, meaning mass rape to women and children, and torture and imprisonment to men by police officers. The mass rape applied in Atenco was used as a weapon of war in order to cause fear and disarticulate the social movement. The responsible for this horrific experience was Enrique Peña Nieto, who was at that time the governor of the State of Mexico (2005-2011) (Amnesty International, Women of Atenco, 2006).

is running for the third time to reach the national presidency in 2018. Every time he runs against the PAN or against the PRI, the enemies of López Obrador try to involve him in corruption issues. In April 2017, the deputy of Veracruz, Eva Cadena, who belongs to the same party of López Obrador, Morena, was filmed receiving half a million Mexican Pesos, around 27 thousand dollars (López, 2017).

The main anti-corruption initiatives in Mexico come from the central government, driven in many cases by the International organization as a requirement to make trade agreements, international co-operation, international diplomacy, international funds or belonging to international organizations. During many years, the Organization for Economic Co-operation and Development (OECD) has expressed its concern regarding the high levels of corruption in Mexico as it ranks in the lowest amongst OECD member countries on the compliance of the rule of law.

The World Justice Project publishes a biennial index that benchmarks countries on the strength of their rule of law, ranking the higher scores to countries with stronger rule of law. Mexico ranks lowest with a score of 0.47 amongst OECD members, which rank on average of 0.73, as can be observed on chart 3:

(Chart 3)

At the beginning of 2017, the OECD had given a recommendation to Mexico in anti-corruption's actions:

"In accordance with the OECD's Recommendations on Integrity, Conflict of Interest and Procurement, the review examined key aspects of Mexico's integrity system, including the institutional arrangements underpinning the system, policies for instilling integrity values, prevention and management of conflict of interest, internal control, audit and enforcement mechanisms, and integrity and transparency of public procurement. The review found Mexico's new laws to be essential; given the unfortunately major role that corruption plays in hindering Mexico's growth, productivity and inclusiveness. However, it also identifies some weaknesses and areas for improvement that need to be addressed if current plans are to result in real impact for the economy and society." (OECD, 2017, p.13)

The National Anti-Corruption System:

The current president of Mexico, Enrique Peña Nieto (2012-2018) as part of the 266 commitments he made during his political campaign to win the presidency, was to create a "National Anti-Corruption System" (NAS) -the *Sistema Nacional de Anti-Corrupción SNA*-. In November 2012, Peña Nieto presented a bill to create the NAS, but the proposal was criticized by experts because of the lack

of coordination between the state and federal entities and most importantly, lacked real autonomy from other branches of power. Afterwards a petition was signed by 634,143 citizens, around 0.80% of the Mexican electorate, in less than a month – over five times the original number required by the parliament to consider a petition. Then, the anti-corruption initiative was re-evaluated more seriously (WEF, 2016).

The number of signatures gathered for the NAS, nicknamed “*Ley 3 de 3*” (Law three out of three), is historic in Mexico’s political history – not only because of the number of people mobilized, but because it represented the *de facto* destruction of a monopoly that often corrupt political parties had on the national political agenda.

The “*Ley 3 de 3*” is named like this, as it demands that public servants mandatorily publish three declarations: 1) asset declaration, 2) declaration of possible conflict of interest, and 3) proof of fiscal standing.

On May 27, 2015, the Mexican Government amended the country’s Constitution to allow the reforms on the NAS. On July 18, 2016, President Peña Nieto signed into law new anti-corruption legislation as part of the system. The Mexican Senate is now overseeing the selection process for the newly-established National Anti-Corruption Prosecutor. And the General Law of Administrative Liabilities, a key component of the NAS, will enter into force on July 19, 2017 (Ellis, 2017).

The NAS provides for severe sanctions against individuals and entities that are found to have engaged in bribery, collusion, and influence peddling, among other acts. For instance, individuals face sanctions of up to twice the amount of the acquired benefits, temporary ineligibility to participate in procurement, leases, services or state-owned projects, and compensatory and/or punitive damages. Legal entities face similar sanctions—up to twice the amount of the benefit—and could be deemed ineligible to participate in the aforementioned projects for up to 10 years. Entities could also be subject to suspension of activities, partnership dissolution, and compensatory and/or punitive damages (Ropes & Gray, 2016).

The NAS offers partial defenses, such as the existence of a current compliance or integrity program that includes effective reporting and whistleblower protection tools. Entities may also receive credit for self-reporting misconduct and collaborating with government investigations. Along with the promulgation of stringent sanctions, the National Anti-Corruption System also created the role of independent anti-corruption prosecutor—the first of its type in Mexico’s history—to operate independently from the Mexican government. Importantly, the National Anti-Corruption System is designed to enhance cooperation across federal, state, and municipal enforcement authorities and foreign authorities including the U.S. government (Ropes & Gray, 2016).

Final comments:

The contemporary history of the Anti-corruption rhetoric of Mexican governments is full of flourishing language to fight against corruption, embezzlement, bribery, collusion, impunity, influence peddling and administrative misconduct, however the high levels of corruption, narco-trafficking, violence and the mixture of all of them have caused 47,000 and 70,000 deaths in 2006 and 2012 (Grillo, 2013, p.253)

The National Anti-Corruption System is a great achievement, however there are some limitations. The final anti-corruption reform does not have a mandatory requirement for private citizens to present their three declarations, only for officials. Furthermore, it allows officials to disclose their assets in private documents, not in public as civil society groups had first proposed, if they believe their privacy may be violated (Wilson Center 2016).

But even if not all transparency requirements were achieved, we must understand this event as a win for Mexico as it is a country riddled by corruption, and we need to wait and see how corruption will operate in the coming years or if this phenomenon will be curbed. Furthermore, 2016 will be remembered as the first time in which Mexicans peacefully forced their Congress to inaugurate a new vision of democracy, one with full citizen participation (Wilson Center, 2016)

The political corruption in Mexico is systemic and attacks all political parties and all entities of the judiciary, legislative and political powers. The profound roots of corruption in Mexico have facilitated the flowering of other phenomena such as drug trafficking, trafficking of human organs, trafficking of children, trafficking of human beings for the purpose of labor or sexual slavery and trafficking of animal and plants in process of extinction (Nieto, 2013, p.139). The use of the anti-corruption narrative has been present in all Mexican presidents, particularly after the government of José López Portillo until nowadays, without real impact to curb corruption.

Mexico has a long way to go in fighting against corruption, and many challenges ahead. But Mexico is in a key moment to accomplish a project of development and social engineering, and it has the human and natural resources for doing so. Certainly, it is the lowest among the OECD country members in terms of compliance of the rule of law, but it is the highest in terms of the energy of their youth, and creative force of its people, which can determine the future of this country and the degree of tolerance towards political corruption.

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