Article

Mexico: Internal security, surveillance, and authoritarianism

Nelson Arteaga

Facultad Latinoamericana de Ciencias Sociales, Mexico.
nelson.arteaga@flacso.edu.mx

Abstract

The recent violence linked to drug trafficking in Mexico has been dealt with by the federal government by increasing police presence on the streets and involving the army in public safety activities. This has not decreased violence but has increased cases of human rights violation, and the capabilities of non-regulated surveillance and monitoring of the population. Thus, the new internal security law suggests that the police and the army will be able to “develop intelligence activities” by “any information gathering method.” They will also be able to require information from other authorities that they consider necessary to ensure “constitutional order,” as well as the “continuity” and “survival” of State institutions. The law has generated a wide public debate that contrasts two competing discourses.

Introduction

For seventy years (1930-2000), Mexico was characterized by having a political regime of a hegemonic party—through the Institutional Revolutionary Party (PRI)—which furthered its domain thanks to a complex institutional framework of a patrimonial and corporate nature that did not hesitate in using violence as a means to stop any expression of political dissidence (Adler-Lomnitz, Salazar and Adler 2004). This capability for social control relied on an intelligence and police apparatus that kept tight surveillance on the population, particularly over people and groups which were deemed a threat to the political regime (Knight 2014). As the democratization processes eroded the authoritarian system, the role of the intelligence and surveillance bureaus was questioned to the point that their coercive functions were partially dismantled (Pansters 2012). Paradoxically, as the country was democratizing, criminal groups linked to drug cultivation and traffic expanded their violence across the length and breadth of the national territory. It was then that the State shifted its gaze from political dissidence to criminal groups.

When the PRI left the presidency of the country in 2000, a part of the citizenry linked the strengthening of democracy to the expansion of crime and violence in the country. As a matter of fact, in the 2012 elections, the current PRI candidate proposed that, were he to step into the presidency, he would reestablish the strength the State had lost due to political alternation. This proposal was feasible because, as Davis (2010) suggests, the democratic transition eroded but did not completely dismantle the authoritarian structures of the post-revolutionary regime. This earned him a significant number of votes that allowed PRI to get back into the presidency of the republic that same year (Olmeda and Armesto 2013). Nevertheless, the president of the republic had to face the fact that it was not easy to revive authoritarian structures and practices in a democratic context. However, the president was activating segments of the authoritarian regime (although

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sometimes civil society was sufficiently active to curb the actions of the president). One of the mechanisms activated was an increase in the use of the armed forces for public security. The presence of the army has been increased in public safety activities ever since. Thus, while in 2012 there were 75 military bases for this purpose, with 1,680 military elements stationed therein, by 2016 there were already 142 bases with 3,386 soldiers (Villamil 2017). While such military presence has not decreased the violence lived in the streets of the country, an increase in human rights violations has been noticed. Since 2006, the National Human Rights Commission has received a total of 10,000 reports of abuse committed by members of the army, of which 2000 have been filed within the last two years (Human Rights Watch 2017). The presence of the military has also been coupled with an increase in regulated and non-regulated surveillance capabilities of the federal government on the population.

Certainly government actions directed towards expanding the technical and operating capabilities of surveillance already have a history in the country (Guzik 2016). By the end of the 1990s, the federal government pushed forward a series of projects meant to bridge the technological gap in terms of surveillance. The first efforts were directed towards building up a data bank in order to deal with 50 million fingerprints, facial and anthropomorphic traits of 5 million people (Programa Nacional de Seguridad Pública 1995-2000, 1996). A system was put in place during the first years of the current century—already in the context of the first political alternation that ended the regime of the hegemonic party—in order to “concentrate and harmonize” the data that the State had in its possession. Subsequently, the Mexico Platform was installed; a system meant to fight the “war on crime” based on a broad support of surveillance technologies (Arteaga 2009). This platform was linked, years later, to the Merida Plan, supported by the United States; the goal was that this interconnection would provide Mexico with the necessary infrastructure in order to monitor electronic communications, and align the country’s surveillance with the United States and Canadian systems (Arteaga 2009; Fyke and Meyer 2008).

In the last three years, surveillance has gained considerable weight in the country, not only because it is considered to be a key factor for fighting criminal violence, but because it is believed to be able to contribute to partly restore the old capabilities of social control by the State. The recent Internal Security Law, presented in the Chamber of Deputies—and widely supported by the president of the republic—enables us to look at how the shift towards authoritarianism and surveillance in Mexico are linked, as well as the public debate built around them.¹ The law seeks to regulate the acquisition of information by the federal police and the army through any procedure or surveillance device. This expansion in the use of surveillance is justified in the law proposal, pleading that there are threats to the State and its institutions that do not stem exclusively out of the war between States or the conflicts over government control, but out of “new threats and other challenges.”

These new threats are linked, according to the arguments provided in the introduction of the law, to the expansion of global terrorism, organized crime, international drug trafficking, human trafficking, cyber-attacks on government data centers, corruption, money laundering, and weapon trafficking. These are considered as “violent actions” that break the continuity of the institutions, the integrity of the federation, and democracy. “Extreme poverty and social exclusion” are also mentioned as factors that weaken social cohesion, and breed political instability. Finally, it is mentioned that natural disasters—droughts and floods—and human disasters—“pandemics like the HIV”—jeopardize internal security. According to the law proposal, these threats infringe on constitutional order and the continuity of the State, but not on public safety—that is to say, the safety of the citizenry and their goods.

The law project considers that the goal of internal security is to ensure the continuity of the institutions, “rule of law,” and “democratic governability.” Thus, the use of any “data recollection methods” for the purpose of processing, organizing, and exploiting the latter for decision making is justified, according to the

¹ See: http://sil.gobernacion.gob.mx/Archivos/Documentos/2016/11/asun_3441153_20161104_1478014676.pdf.

law. The Armed Forces—Military, Navy, and Air— as a “last resort” of “national power,” are considered to have a relevant role in the data recollection process, therefore not only should they be allowed to generate their own information, but additionally, any authority is bound to provide them with the information they need. These new surveillance capabilities granted to the army by this law are the ones that have generated a wide debate in the public opinion in Mexico.

Critics of the law state that it is dangerous for the Armed Forces to be able to intercept communications of persons or groups without any judicial control, and without having a mechanism of accountability (Red en Defensa de los Derechos Digitales 2017). It is questioned that, with the excuse of someone being suspicious, the information on its person and goods be collected, in the sense that it represents a clear violation of the right to privacy, as well as other human rights (Atilano 2016; Salazar Ugarte 2017). On the other hand, it is argued that the law amplifies the authoritarian capabilities of the presidential figure: insofar as the president of Mexico is the supreme chief of the Armed Forces, and that he possesses meta-constitutional powers—which give him the ambiguities and contradictions of the constitution itself—there is a lack of mechanisms that allow the when, how, where, and who is being monitored, to be transparent (Benítez Manaut 2017). Therefore, it is argued that the law seeks to defend the security of the State above the protection of its citizens (Zambrano 2017), which is worrisome, since it has been proven, in several occasions, that the Armed Forces have committed extrajudicial executions against citizens, with the excuse of protecting the safety of the population (de la Peña 2017).

Advocates for the internal security law argue, on their part, that it allows military activities to be monitored in terms of security, and it sets a legal framework in order to deploy activities of surveillance and data recollection (Cárdenas 2017). The law is considered to be a necessary measure to contain a criminal violence that is believed to have surpassed the government’s civil mechanisms (Curzio 2017). There are those who consider that the approval of the law is the only way to ensure the governability of the country, since only wide surveillance of society is able to prevent the country from falling into chaos (Sesma 2017; Fernández Menéndez 2017). There are even opinions that state that the anger and weariness of the population—be it due to different cases of political corruption, conflicting election processes, or the increase in living expenses—can result in the creation of social movements that “threaten the State,” which forces the government to strengthen its surveillance capabilities, in order to “search” the citizens that are willing to “intimidate” the State’s institutions (Ibarrola 2017). However, while this suggests that the law can be utilized to repress expressions of social criticism against the government, those who defend the law do not consider it to infringe upon human rights, because the law itself clarifies that the military forces and the federal police are bound to respect them (Camacho Quiroz 2017).

As can be noted, the critics, as well as the advocates for the law, have relied on democratic principles and values to support their arguments. For the former, the strengthening of the surveillance capabilities of the State infringes upon the weak democratic institutions in the country, strengthening the authoritarian nature of the Mexican State, where every citizen is considered a potential risk for the internal security. For the latter, the law ensures a framework for action that allows the surveillance to be carried out in accordance with regulatory, transparency, and equity standards. According to the critics of the law, the power to monitor the population that the government grants itself allows for the bolstering of the authoritarian order in the current government, while its advocates argue that it is central to maintain democratic order.

These arguments for and against the internal security law take place in a social context where democratic institutions and principles are not quite valued by Mexicans. According to the report on the decline of democracy in Latin America, published by Latinobarómetro (2016), half the population in Mexico do not support democracy as a form of government, and believe an authoritarian system is better if social matters are solved through it, even if that goes against people’s liberties and rights. Opinions that have a significant weight in the way society measures the possible negative effects of surveillance. For example, such assessments make it difficult to look at how surveillance can restrict privacy, erode the performance of

democratic institutions, and breed mechanisms of social classification and discrimination. If we add that there is a cultural frame in Mexico that takes the unequal relationships of power as legitimate (Arteaga 2010), the authoritarian sedimentations make it difficult for civil society's organizations to convey convincing arguments to the citizenry about the negative effects of surveillance. This proves to be more complicated if the arguments for and against the law are considered to be made out of democratic principles and values: some support the idea from the current government of restoring the old authority and surveillance capabilities of the Mexican State on behalf of the democratic institutions, while others, with the same values and principles, oppose the law on behalf of social and civil liberties.

The opposing factors allow a look at the dispute in regard to the importance that surveillance has in the current composition of the Mexican State. A dispute that, while present in other national contexts (Keller 2017), develops particular significance in the case of Mexico: the events of violence that have left a mark on the country, the authoritarian traits of its political regime, and the weak social support that the democratic institutions have, are central to understanding the expansion and intensification of surveillance on the population. Moreover, let us not forget that the connection between surveillance and a shift towards authoritarianism in Mexico is marked by the nostalgia of a sector of society to go back to the times where the State control over society ensured an apparent state of peace and order.

The current government has taken steps to revitalize some of the structures of the old authoritarian regime, particularly by strengthening the presidential figure: the president would have greater meta-constitutional capabilities with the domestic security law being discussed in the country. I believe that the Mexican case is a sign that democracy can undergo processes of authoritarian regression. This does not necessarily mean the end of democratic institutions as a whole—such as free elections or the permanence of critical mass media—but it means strengthening the mechanisms for exercising power that exclude dialogue, transparency and social agreement.

From my standpoint, the presidency reactivated its ability to exercise power in an authoritarian way by allowing the army to operate surveillance devices without mechanisms of supervision and transparency. A longing that is openly questioned by a part of society that resists going back in time. Thus, while the expansion and intensification of surveillance heightens when a government shifts to authoritarianism, there are always critical positions that question such a shift. This shows that Mexico is experiencing a process in which a sector of society tries to defend the achievements of democratic transition in the face of the current government's attempts to revive authoritarian structures and practices. Which makes me think that the analysis of the relationship between surveillance and authoritarianism, as shown by the Mexican case, should also consider the way in which a sphere of values and institutions is defined, where the capacity for social criticism and democratic integration is unfolded, at the same time.

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