



FORGING NEW SECURITY INSTITUTIONS: MEXICO'S NATIONAL GUARD AND THE CHALLENGES OF IDENTITY AND NEW NATIONALISMS

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Abstract

The election of President Andrés Manuel López Obrador (AMLO) in Mexico in 2018 brought a populist political leader to power under a new political party (MORENA) with a nationalist agenda. One area that AMLO sought to impact immediately was public safety, due to the nation's insecurity and violence spawned by transnational criminal organizations (TCOs) and corrupt public safety institutions. In his campaign, AMLO promised to demilitarize the conflict and take the military out of its public safety role. Yet in his first six months in office, AMLO rolled out a new National Plan for Peace and Security that called for the formation of a new hybrid military/police National Guard to lead the fight against organized crime. More recently, however, the new National Guard has been assigned duties along Mexico's northern and southern borders to help stem the flow of migrants from Central America. Could Mexico's National Guard enhance border security and cross-border security cooperation, or is it likely to result in additional problems amid new nationalisms on both sides of the border, including human rights violations against vulnerable migrants?

This paper examines Mexico's creation of a new security institution along the lines of a Stability Police Force (SPF) in the midst of ongoing public safety and health crises. These crises include: powerful drug cartels; corrupt police forces; mass migration; human rights violations; COVID-19; and a belligerent neighbor in the Donald Trump administration, which insisted that Mexico pay to build a border wall to contain illegal immigration. The methodology employs a SWOT analysis to evaluate the strengths, weaknesses, opportunities, and threats relating to Mexico's National Guard as it seeks to create its own identity and mission area while facing the rising challenge of new nationalisms in Mexico and the United States at the midpoint of AMLO's sexenio (six-year term).

Introduction

The election of President Andrés Manuel López Obrador (AMLO) in Mexico in 2018 brought a populist political leader to power under a new political party (the National Regeneration Movement, or MORENA) with a nationalist agenda. One area that AMLO sought to impact immediately was public safety and security, due to the nation's insecurity and violence spawned by transnational criminal organizations (TCOs) and corrupt public safety institutions. In his campaign, AMLO promised to demilitarize the conflict and take the military out of its public safety role. Yet in his first six months in office, AMLO rolled out a new National Plan for Peace and Security that called for the formation of a new hybrid military/police National Guard to lead the fight against organized crime.¹

More recently, however, the new National Guard has been assigned duties along Mexico's northern and southern borders to help stem the flow of migrants from Central America. This paper considers whether Mexico's National Guard could enhance border security and cross-border security cooperation, or if it is instead likely to result in additional problems amid new nationalisms on both sides of the border, including human rights violations against vulnerable migrants.

This paper examines Mexico's creation of a new security institution along the lines of a Stability Police Force (SPF) in the midst of ongoing public safety and health crises. These crises include: powerful drug cartels; corrupt police forces; mass migration; human rights violations; COVID-19; and a belligerent neighbor in the Donald Trump administration, which insisted that Mexico pay for a border wall to contain illegal immigration. The methodology employs a SWOT analysis to evaluate the strengths, weaknesses, opportunities, and threats relating to Mexico's National Guard as it seeks to create its own identity and mission area while facing the rising challenge of new nationalisms in North America. The argument offered is that while Mexico's National Guard may not prove any more successful than attempts by previous administrations at confronting the country's TCOs, it could prove useful in countering other threats facing Mexico, including pandemics and natural disasters.

Background

Given Mexico's history of corruption in its public safety institutions, including its police forces and the military, security reform in Mexico is not anything new. Whether it's President Vicente Fox (2000–2006) creating the Federal Investigative Agency (which was to be the equivalent of the FBI in the U.S.), or President Enrique Peña Nieto (2012–2018) creating a national gendarmerie, such efforts have come up short in Mexico's attempt to create a more professionalized, less corrupt policing institution in the country capable of combating organized crime.² President Felipe Calderón's (2006–2012) "war on organized crime" elevated the role of the military, equating national security with public security and putting soldiers and marines on the front lines in the fight against transnational criminal organizations. In essence, by sending in the "cavalry," he was committing his strategic reserve to combat these TCOs, leaving the military stretched thin but also subject to the same corrupting influences and charges of human rights abuses that police agencies have faced.

In December 2018, AMLO came into office, originally opposing a further militarization of the fight on organized crime.³ Despite the claim of his predecessor, Enrique Peña Nieto, to have ended the "war on drugs," it was evident that Mexico was losing this fight, as homicide rates continued to rise. Despite success in decapitating the leadership of some of the drug cartels through the "kingpin" strategy, the result has been a fragmenting of many groups into smaller and more deadly rival gangs and an increase in the influence of others (such as the powerful Jalisco New Generation Cartel, known as CJNG) that have contributed to Mexico's growing insecurity. Although Mexico is not in danger of becoming a failed state, Mexico does have failed "states," where these criminal gangs have gained such power and influence over political, economic, and security structures that they have become the de facto governing authorities.

AMLO's National Plan for Peace and Security proposed the creation of a new National Guard, which would replace the Armed Forces in its role of combating organized crime. Yet in March 2020, AMLO issued a decree stating that the Mexican military would continue its public security role for the next four years, admitting that the National Guard had not been successful in demilitarizing the conflict. The decree further expanded the military's role under the law that established the National Guard, *La ley de la Guardia Nacional*, giving the military the authority to conduct public security functions that had been transferred to the National Guard.⁴

Methodology

Does AMLO's decree signify a defeat in his attempt to demilitarize Mexico's efforts to confront organized crime? Or is there still a role for Mexico's National Guard in confronting other threats? SWOT (Strengths, Weaknesses, Opportunities and Threats) analysis is a tool used by business leaders to assess financial decisions regarding new investment or production strategies. It is also used in the intelligence community to provide decision support to policymakers.⁵ Using SWOT analysis, this paper assesses AMLO's decision to reverse his earlier campaign promises to demilitarize Mexico's effort to combat transnational organized crime by remilitarizing it with a hybrid military/police model, which he calls a National Guard. AMLO argued that the new National Guard would allow the Mexican Armed Forces (at some point) to return to the barracks in their current fight against organized crime. Yet that may not have been the only factor in Mexico's decision to create a new security institution, given the rise of new nationalisms on both sides of the U.S.-Mexico border. Mexico's National Guard may, in fact, provide AMLO with another instrument to address other security concerns, such as increased migration coming from Central America, as well as threats posed by natural and man-made disasters. This paper assesses the role of the National Guard at the midpoint of AMLO's six-year term.

Strengths

A key argument made for creating Mexico's National Guard was that a new professional hybrid military/police force would provide a means to demilitarize public security by increasing civilian control of the military forces. The closest example to what Mexico is attempting to create is what is called a Stability Police Force (SPF), similar to the French Gendarmerie, the Italian Carabinieri, or the Spanish Guardia Civil. As Michael Burgoyne notes, "These European forces share many common characteristics including: a powerful historical narrative, community policing experience, military capabilities, organic investigative powers, and a symbiotic relationship with prosecutors. Their combination of military capabilities with community policing provides a potential response to militarized criminal threats and was successful during the historical beginnings of European gendarmerie forces."⁶

Yet Mexico has tried to create national SPFs before. President Vicente Fox (a member of the National Action Party, or PAN, and Mexico's first opposition party president after 70 years of control by the Institutional Revolutionary Party, known as PRI) created the Federal Investigative Agency (AGI), under the Office of the Attorney General (PGR), and the Federal Preventive Police (PFP), which he placed under a new cabinet-level Secretariat of Public Security (SSP). The AGI and PFP were meant to work together as new public security institutions, but since they were under two different cabinet-level agencies, they viewed each other as competitors.⁷ The initial members of the PFP came mostly from the military and were viewed as competition to the Secretariat of Defense (SEDENA) and the Secretariat of the Navy (SEMAR). The effort was fast-tracked during Fox's sexenio (six-year term), resulting in a disjointed federal effort to create new public security institutions to confront Mexico's growing organized crime threat.⁸

Fox's successor, Felipe Calderón (also a member of the PAN), instead turned to the military in his response to the powerful drug cartels and Mexico's surging homicide rates. Ciudad Juárez, Chihuahua, which sits on the U.S. border across from El Paso, Texas, became the epicenter of Calderón's war on organized crime. He eventually declared martial law there in May 2009 and sent in the Mexican Army to take over the governing and security functions of the city. Calderón argued this was necessary due to the corruption of local and state-level officials, including members of the national and state police.⁹ Yet, under Calderón's *mano-duro* (hard-hand) approach toward confronting organized crime and in light of his failure to reduce the continually rising homicide rates, Mexicans were dissatisfied with the militarized response.

Enrique Peña Nieto returned the PRI to power in 2012, campaigning on a platform of demilitarizing the conflict with TCOs by removing the military from its lead role. One step he took to do this was to create the National Gendarmerie as an alternative to using the military in this fight. However, the new security force was placed under the Secretariat of the Interior, while both SEDENA and SEMAR continued their efforts to create larger military police and marine units capable of countering criminal threats. Moreover, as a result of opposition from Congress as well as nongovernmental organizations (NGOs) and human rights groups, the public security role of the National Gendarmerie was reduced and instead carried out by military police (PM) units. As Iñigo Guevara Moyano notes, "Through the PM it was SEDENA—and not the Gendarmerie, the PF, or the CNS [National Commission for Security]—which positioned itself to become the basis of Mexico's future public security guarantor."¹⁰

One of AMLO's goals in creating the National Guard appears to have been to avoid the errors of these previous efforts and create a new public security institution that would be able to stand apart from the military and be viewed as a counter to either SEDENA or SEMAR, under a civilian secretariat. The National Guard would also be trained to conduct community policing roles and missions, vice traditional military combat operations. Ideally, it would be better equipped to protect and defend the population from criminal threats, and would build trust within the communities it served. Soldiers and marines are trained to conduct combat operations, not to police civilians, and they can have difficulty

distinguishing between noncombatants (civilians) and combatants (criminal gang members). The military can also be viewed as an occupying force domestically and does not always have the trust of the local officials. If National Guard members (like those in the United States) were to be recruited from and serve in the states they lived in, they would be more likely to develop community-oriented policing skills and identify themselves as serving their local communities and families. While the domestic use of the military may be necessary at times due to corruption and the failure of local authorities to confront criminal threats (as Calderón argued in the case of Ciudad Juárez), it is best done as a temporary augmentation force to local public security forces during a crisis.¹¹

Weaknesses

One of the biggest weaknesses facing AMLO's National Guard is that such measures have been implemented before. In previous sexenios, Mexico's presidents tried to enact public security reform by creating new institutions and were met with similar results. What may have begun with good intentions were met with opposition by the military institutions (SEDENA and SEMAR) that felt most threatened by a new security force. This is due to the fact that Mexico's military does not currently have an external threat, and thus does not perform the normal functions of national defense. Since the end of World War II, the Mexican military has primarily focused on internal threats to national security, and Mexico's political leaders have failed to produce a comprehensive national security strategy.¹²

In his creation of the National Guard, AMLO did attempt to address this challenge by placing the force effectively (though not officially) under the control of SEDENA, rather than fully under the control of another cabinet-level agency that would provide civilian control, thus avoiding the pitfalls of previous reforms viewed by the military as threats to its roles and missions. In essence, it appears that AMLO wanted the National Guard to become a fourth branch of the military, alongside the Army, Air Force, and Navy.¹³ The only way this could work is if Mexico were to finally create a Ministry of Defense with a civilian head that would control SEDENA and SEMAR.¹⁴ Currently, SEDENA and SEMAR are both cabinet-level agencies led by military officers who report directly to the president. Keeping the National Guard under the operational control of SEDENA will continue to relegate it to a second-class service status, since the Air Force is already subordinated to the Army.

Another weakness facing the National Guard (and the military overall) is that it still lacks judicial accountability for its actions. The military expects a certain level of autonomy and impunity from civil prosecution despite the 2014 changes in the Uniform Code of Military Justice (UCMJ) authorizing civil prosecution, citing its own judicial punishment through its UCMJ equivalent.¹⁵ Since Mexico's military does act domestically in a public security role, exercising policing authority against criminal threats, one would think it would be held accountable for civil law and human rights violations. However, the PGR has not been responsive to human rights abuse cases involving military members, with 97% of cases investigated going unpunished.¹⁶ Regarding the National Guard in particular, Maureen Meyers further notes that "Between July and November 2019, the CNDH [Mexico's National Commission on Human Rights] 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 CNDH received complaints against the National Guard for accusations of forced disappearance, cruel and inhuman treatment, and arbitrary detention.”¹⁷

The National Guard, as a federalized military/police force, will likely remain unaccountable to local authorities as long as it is under the operational control (OPCON) of the military.¹⁸ Local and state police would likely continue to be subordinated to the military when deployed to their states or municipalities (not the National Guard). There continues to be a lack of trust in the military by local authorities due to its ability to act with impunity and limited transparency. This was the concern mentioned by state officials in Chihuahua when then-President Calderón declared martial law in Ciudad Juárez and sent in the military in 2009.¹⁹ Furthermore, military oversight of local policing has not proven to end corruption, but may actually have the reverse effect on soldiers and marines involved in counter-drug operations. Placing soldiers in situations where they can be co-opted by local criminal organizations has been a concern of most militaries (including the U.S. military).²⁰

A major weakness of any institutional reform is the lack of sufficient financial resources to carry it out. Mexico’s published defense budget is \$6.5 billion. This is about .5% of GDP (2% of the federal budget) dedicated to funding a military force of 270,000 personnel, the 17th-largest in the world.²¹ Given that Mexico is the world’s 12th-largest economy, obtaining a larger slice of the federal budget is required to stand up a new military service. Otherwise, should it come at the expense of the other traditional military services resources, proverbially “robbing Peter to pay Paul” will limit the capabilities of Mexico’s National Guard. According to the Government of Mexico website, the budget for the National Guard is \$1 billion (U.S. dollars).²² However, it is not clear if these funds are allocated to the Secretariat of Security and Civilian Protection or come from SEDENA for the operational costs of the National Guard.

Opportunities

Creating a new Mexican National Guard presents an opportunity to forge a new national identity apart from the military—one that responds to the new nationalisms that are emerging in both the United States and Mexico. When Donald Trump was elected president of the United States in 2016, his rhetoric toward Mexico and his “America First” agenda caused great concern in Mexico. Rather than emphasize the importance of the bilateral relationship as his predecessors had done, Trump pursued a more confrontational approach to U.S.-Mexico relations, even threatening to send U.S. military forces to Mexico to deal with the “bad hombres” of transnational criminal organizations as well as construct a wall to keep illegal immigrants from crossing the border.²³ Thus far, the Biden administration has taken a more accommodationist position toward Mexico, trying to work with AMLO’s administration to confront the humanitarian crisis that continues at the U.S.-Mexico border.

The 2018 election of AMLO, a populist, leftist candidate who had run twice before for president, can be partially attributed to the rise of nationalism in Mexico and the desire for a leader who would be willing to stand up to President Trump and defend Mexico's sovereignty. AMLO campaigned on the perceived weakness of the Peña Nieto administration and the PRI toward Trump, promising to protect Mexico's interests.²⁴ However, as president, AMLO was very deferential to Trump, primarily due to Mexico's need for the ratification of the U.S.-Mexico-Canada Agreement (USMCA) to replace the North American Free Trade Agreement. His critics argued that he was doing Trump's bidding on border security by using the National Guard as a deterrent force to stop Central American migrants from entering Mexico.²⁵ In his first trip to the United States in 2020, AMLO's visit (made primarily to celebrate the ratification of the USMCA) was undercut by the absence of Canadian Prime Minister Justin Trudeau. Trump also used a Rose Garden press briefing with AMLO as a campaign event, praising AMLO and Mexico rather than excoriating Mexicans to justify the need for building the border wall.²⁶

AMLO's deployment of the National Guard as a border security force along Mexico's northern and southern borders has caused concern among its members due to the change in its original mission to confront organized crime. Since the personnel initially recruited to the National Guard came primarily from the military (soldiers and marines), they had been trained in conducting military operations and counter-drug missions. Being deployed as border guards, keeping migrants from entering the country, has placed the members in a difficult situation, one they were not prepared or trained to do.²⁷ It further raises concerns over the potential for human rights abuses by the National Guard, partly due to the fact that the new security force was rushed into operation—primarily to support Trump's call for Mexico to do more to stop migration or otherwise face new tariffs.²⁸ Under the Biden administration, Mexico has increased efforts to stem the flow of Central American migrants coming into Mexico and headed for the United States, once again raising concerns about human rights abuses by the National Guard in carrying out this mission.²⁹

Another opportunity for Mexico's National Guard is that it could come to resemble the U.S. National Guard model of members working for the state governors, rather than in a federalized role under the military. In the U.S. National Guard model, members are "citizen-soldiers" as opposed to professional soldiers. National Guard service in the U.S. is in addition to other employment, although it can be full-time for special units such as the Weapons of Mass Destruction Civil Support Teams (WMD-CST), which have a domestic counterterrorism role. A localized National Guard in Mexico could benefit state and local communities through its "value added" to them, making them less dependent on federal resources. Additionally, although different from the U.S. model, Mexico's National Guard could also take on infrastructure projects, such as maintaining roads, bridges, etc., to improve the economy, education, and public health, and could provide opportunities for youth employment, countering recruitment by TCOs and reducing demands for federal assistance.

A National Guard that integrates other public safety elements (police, fire, and rescue) into its leadership and service member roles could also foster a new identity addressing threats from an “all hazards” perspective. A state-level National Guard would provide state and local authorities with forces readily available to respond to natural disasters and other man-made threats they may face, as well as able to augment public safety and security roles and missions. In this regard, the National Guard could be viewed as part of the first response to a crisis, and be an alternative to the federal military coming in after a disaster with support that might or might not be appropriate for the situation.

The U.S. National Guard is also part of a federalist model of government (such as exists in Mexico). It is part of the military, along with the reserves. It can be federalized to support active-duty missions under Title 10 of the U.S. Code when activated by the president (most often to support overseas combat operations). Most of the time, it operates under state governors under Title 32 of the U.S. Code and can be activated for state roles, border security, disaster relief, law enforcement, counter-drug operations, etc. Funding for the National Guard comes from both federal and state budgets. Since Mexico is also a federal republic, it does have state governments that could provide the local leader of the National Guard forces in the state (the state adjutant general appointed by the governor). However, Mexican governors do not have the same level of autonomy or budget authority that U.S. governors do. And, given Mexico’s history of regional conflict and the rise of revolutionary “generals” in states that overthrew Mexico’s national political leaders, giving state governors direct control over their own military could raise concerns.³⁰

Mexico’s active-duty military performs disaster response rolls as part of DN-III-E, its operational plans to provide direct support to civil authorities.³¹ The military has responded to hurricanes, floods, earthquakes, and other natural disasters in Mexico. Placing the National Guard in this role with a main responsibility to support state and local governments would free up the active-duty military to focus primarily on confronting other internal threats to national security. The active-duty military also performs other missions, such as reforestation, airport construction, seaweed cultivation, education, and combating fuel theft.³² These noncombatant functions currently performed by the military could be transferred to the National Guard as well. Working under state and local civilian authorities to perform such missions, the National Guard could be viewed less as a separate military response to Mexico’s security and developmental challenges and more as a part of a “whole of government” response to further coordination and cooperation between Mexico’s government and NGOs.

Threats

When the National Guard was first proposed by AMLO, his intent was to create an SPF like Spain’s Guardia Civil and place it under the civilian Secretariat of Security and Civilian Protection (SSPC) and not under SEDENA (military control).³³ Like the Guardia Civil, it would have had a policing and investigative function in addition to its military hierarchy and structure. The greatest threat at the time was that military would view the National Guard as a threat to its budget as well as its ongoing public safety missions focused on

internal security. Mexico's military does not have a traditional external national security focus. The only real threat from another nation is the United States, and the Mexican military does "train" for the possibility of a U.S. military invasion. The stand-up of the U.S. Northern Command and the stationing of the 1st Armored Division in El Paso at Fort Bliss contributed to this perception.³⁴

Since Mexico's National Guard has effectively been placed under the operational control of SEDENA, the threat is no longer external, but internal, meaning SEDENA could marginalize its operations (and budget) in order to protect the military's traditional roles, missions, and funding for new military equipment. If the responsibility for countering TCOs is taken away from the military (and the Army in particular), it could threaten the military's identity and role in politics and society, leaving it without a real mission or focus. This is supported by AMLO's announcement in May 2020 that the military would continue to be involved in countering TCOs (like CJNG, the Sinaloa and Jalisco cartels, etc.).³⁵

The commander of the National Guard, Major General Luis Rodríguez Bucio, is a 45-year Army veteran. His last assignment was as chairman of the Inter-American Defense Board at the Organization of American States (OAS) in Washington, D.C. Before that, he headed Mexico's anti-drug-trafficking investigation unit and had worked with Mexico's Center for Investigation and National Security, Mexico's equivalent of the CIA. He also received his doctorate in national security studies at the Navy's Center for Naval Superior Studies and served as a military attaché to Germany.³⁶ His nontraditional career and academic credentials are likely to ensure that he is not viewed as a threat to the current secretary of defense, Lieutenant General Luis Crescencio Sandoval González, or other senior staff at SEDENA.

If the National Guard were subordinated to the state governors, National Guard forces could come to be viewed as state militias, which could be co-opted by the state or local authorities and used for political purposes. Mexico has a painful history of regional caudillos and private armies combating each other for control of the country's political and economic power. No one wants to return to the days of the Mexican Revolution. Yet TCOs have taken on a similar role, resembling regional armies under powerful bosses who exercise political and economic power in their respective states.

Another threat the National Guard faces is the loss of funding through the military as a result in changes to the Mérida Initiative, which began under the George W. Bush administration in 2008. Mérida has been good for both countries. Its \$3 billion in funding since 2007 has actually provided the United States a means to accept some responsibility for creating the situation in Mexico with its market for drugs. It has also increased trust and cooperation between law enforcement, military, and intelligence agencies in both countries due to information sharing, training, and logistical support.³⁷ The problem has been an inability to quantify that success as the death toll continues to rise. It is only seen as a failed policy, one that AMLO himself has questioned.

One factor in Mérida Initiative funding is that, unlike in U.S. counter-drug programs like Plan Colombia, there has been no distinction made in how funds can be dispersed (e.g., National Guard versus active-duty military and/or police receiving support). In Colombia, counter-drug support was initially limited to the Colombian National Police (CNP) due to their counter-drug mission and not extended to the Colombian military (COLAR), which was fighting a counterinsurgency against the Revolutionary Armed Forces of Colombia. After 9/11, the U.S. redefined the threat in Colombia as “narcoterrorism,” which meant the same funding could be used by police and military (e.g., the use of Blackhawk helicopters by both the COLAR and CNP, etc.).³⁸ In May 2019, AMLO announced that he would no longer accept Mérida Initiative funding from the United States. It was not clear if he meant all money or just those funds going to the military. What AMLO may not have been aware of is that, under President Obama in 2013, the Mérida Initiative was amended to mostly support judicial reform and other nonmilitary functions as part of the fourth pillar of Mérida, which targets the root causes of violence and supports the building of strong communities—which is what AMLO has said he wants to focus on.³⁹

The Mexican military also views AMLO himself as a threat. As a former member of the leftist Democratic Revolutionary Party and now the leader of a new party, the National Regeneration Movement (MORENA), AMLO does not come from either of Mexico’s traditional political parties, the PRI or the PAN, and was a concern to the military before he became president. Once in office, AMLO’s decision to disband the military’s presidential guard units, as a means to remove the stigma of past presidents being propped up by the military, was viewed as a threat to the military’s traditional role as the guarantor of the state. His decision denied the important ceremonial role the presidential guard units have played in showing the military’s loyalty to the president of the republic, loyalty that the president is then expected to return to the military through support of its relative autonomy.⁴⁰ Moreover, AMLO chose to live in the National Palace and not at Los Pinos (Mexico’s equivalent to the White House). This created a real security dilemma for the military in terms of being able to protect the president, who wants to be more visible and accessible to the public.⁴¹

Figure 1. Summary of SWOT analysis of AMLO’s decision to create a Mexican National Guard

<p>Strengths</p> <ul style="list-style-type: none"> —Demilitarizes public security by creating a new hybrid police/military institution —Ability to conduct community policing and not just military functions 	<p>Weaknesses</p> <ul style="list-style-type: none"> —Tried before and did not work —Placed under military control of SEDENA and not SSPC —Lack of judicial accountability and transparency
<p>Opportunities</p> <ul style="list-style-type: none"> —Create new identity, reflecting Mexico’s new nationalism —Provide state governors with disaster response —Reflect local populations and not be viewed as occupational forces 	<p>Threats</p> <ul style="list-style-type: none"> —Mexican military control over personnel, budget, and missions —Marginalization and misappropriation of resources —AMLO’s loss of support and funding through the Mérida Initiative

Source: Author.

Strategies for Achieving the Objective

The next step in using SWOT analysis regarding AMLO’s decision to create a new National Guard is to ask:

- How can Mexico use each Strength?
- How can Mexico improve each Weakness?
- How can Mexico exploit each Opportunity?
- How can Mexico mitigate each Threat?

One strength of Mexico’s decision to create a new National Guard is that an SPF model could help to demilitarize public security in the country. However, it should be brought under civilian control, not under the military, and it should emphasize the community policing role over the military role. Burgoyne’s comparative case study on how Mexico can benefit from the examples of the French Gendarmerie, the Spanish Guardia Civil, and the Italian Carabinieri offers insight into how these European SPF models have evolved to meet the public safety and security needs of those societies.⁴² Yet they are not without risks; even in Europe, the Spanish Guardia Civil led a 1981 military coup to overthrow Spain’s prime minister.⁴³ Deploying the National Guard regionally in Mexico and establishing a continuing public security presence in parts of the country where TCOs have acted with impunity is the first step in reestablishing governance. One area where the military and National Guard have been used by AMLO to do this has been the takeover of customs operations at key port facilities to combat corruption of local officials and the influence of the cartels.⁴⁴

One of the weaknesses of AMLO's use of the National Guard is that with its members wearing military-style camouflaged uniforms, most people may not be able to distinguish it from the other military services (despite it having a distinctive gray and black uniform).⁴⁵ As such, it still lacks judicial oversight and accountability, since it is seen as a branch of the military, rather than a civilian police force. Even though the National Guard (on paper) was placed under the new Secretariat of Security and Civilian Protection (SSPC), the Mexican Army still effectively controls the National Guard from recruitment to training to actual command and control under its regional commanders.⁴⁶ Effectively putting the National Guard as it was originally prosed in AMLO's National Plan for Peace and Security (under the operational control of SSPC) would place it under civilian control (not the military), with the intent of increasing the possibility for more accountability and transparency.⁴⁷

However, the larger weakness is that Mexico does not really have a national security strategy. Strategies talk about ends, ways, and means and identify goals and objectives that impact the nation's armed forces and their role domestically and internationally. AMLO's National Plan for Peace and Security does not do that. Additionally, Mexico does not belong to any alliances which require commitments of forces or budgets (like the North American Treaty Organization's 2% rule, standardization of agreements, doctrines, equipment, etc.). Even in United Nations [UN] peacekeeping operations (PKO), Mexico has been a reluctant player at contributing forces since operations in Kashmir in the 1950s, despite being an active member of the UN and a nonpermanent member of the UN Security Council. Mexico was involved regionally in efforts to confront the violence in Central America during the 1980s, including politically through the Contadora Group. However, it did not send military troops (only police forces) to support the brokered peace agreement and formation of the United Nations Observer Mission in El Salvador. Mexico did send three soldiers to the United Nations Stabilization Mission in Haiti in 2016. The Mexican military has also gone overseas to support disaster relief in Indonesia, as well as in Central America and the United States after Hurricane Katrina in 2005. Currently, Mexico has 18 total personnel involved in the 12 ongoing UN peacekeeping operations.⁴⁸ With Mexico's biennial appointment as a nonpermanent member of the UN Security Council for 2021-2022, the Government of Mexico has communicated that it will take a more active role in supporting future UN-supported PKO.⁴⁹

Under AMLO, the Estrada Doctrine, with its tenets of self-determination and nonintervention, still drives Mexican foreign policy. It was applied most recently in January 2019, with Mexico abstaining from supporting the Lima Group in the OAS, which condemned the Maduro regime in Venezuela and supported Juan Guaidó as the country's legitimate president. Mexico's previous president, Enrique Peña Nieto, had supported the foundation of the Lima Group in 2017 as a means to show solidarity with other Latin American states opposed to Maduro's efforts to consolidate power and remain in office.⁵⁰ By drawing upon the Estrada Doctrine, AMLO has signaled that he really does not envision a broader regional or international role for Mexico, and, as such, limits the military to its domestic roles and missions related to public safety and security, causing a lack of distinction from the new National Guard.

There is an opportunity for AMLO to create an SPF in Mexico and a new identity which reflects Mexico's new nationalisms. It could also perform border security missions as part of a state National Guard force supporting state governors, much like U.S. state National Guard units performing augmentation missions along the U.S.-Mexico border, and thus alleviate the need for federal military forces in border security roles (which created issues for the Trump administration in the United States). State National Guard forces could also perform disaster response missions at the state and local levels, thereby relieving the Mexican armed forces from these roles. The key is the funding model for the recruitment and payment of National Guard forces. If the National Guard members come from the states and are paid for by the state governors (with federal assistance), then they would be viewed as primarily a state asset and not a federal asset. Like in the United States, they could still be federalized when necessary to support the military, but given Mexico's lack of a national security strategy and commitment to any overseas deployments, such requirements would be rare. Instead, a state-run National Guard would primarily be used to augment state and local public safety agencies in more of a policing role, rather than a military role.

The success of any retooling of Mexico's National Guard lies with the military itself, since the armed forces present the greatest threat. Mexico's military prides itself on its service to the nation ("La Patria es primera") first and foremost.⁵¹ Its creation and incorporation as one of the four pillars of support for the new political system after the Mexican Revolution was a key factor in ending militarism, which characterized Mexico's praetorian past.⁵² Any new public security institution's being viewed as threatening the military's legitimacy (or even necessity) and giving state governors' increased power or authority at the expense of the federal government is a real concern that AMLO should address. Furthermore, AMLO should reexamine the Mérida Initiative and review all aspects of the U.S. aid program that could address his broader agenda of supporting economic development and judicial reform, combating corruption, and tackling the insecurity in Central America, which is creating a spillover effect in Mexico. The Trump administration wanted Mexico to do more to control Central American migrants traversing Mexico bound for the United States. AMLO supported Trump by using the National Guard on both the southern and northern borders for migrant control. During the Biden administration, AMLO has an opportunity to influence future Mérida funding and support based on Mexico's needs, as long as they are also seen as supporting the United States' security needs. For the time being, the United States is still focused on the migration crisis at the U.S.-Mexico border and recognizes the need for Mexico's help to stem the rise in Central American migration, particularly of unaccompanied children.

Conclusion

Three years after its creation, Mexico's National Guard remains a work in progress. Although its deployment has been rushed, and its roles and missions ill-defined, the good news is that AMLO still has three years left in his administration to make changes. Mexican presidents can only serve one sexenio and thus do not have to spend a good portion of their time in office attempting to get reelected. As AMLO was elected as a representative of a new political party, MORENA, he is not defined by the political past of the other parties (the PAN or the PRI) and their leaders. He will likely play a key role in determining his party's successor in 2024, whom he would expect to continue his policies, including those related to public safety and security and the new National Guard. Hopefully, he will not suffer the fate of his predecessors Fox or Peña Nieto, who tried to create new SPF-like security institutions in the past with no success.

Mexico's relationship with the United States is also critical in confronting its security challenges. The result of the U.S. election in November 2020 may have ended Donald Trump's presidency; however, it did not end his influence over the Republican Party. The possibility of his reelection in 2024 is a factor that AMLO and his successor must consider. Although Biden has taken a less confrontational approach toward Mexico and suspended the building of the border wall, the control of migrants entering the United States from Mexico is a shared security problem that necessitates communication and coordination between local, state, and federal agencies in both countries. A less belligerent northern neighbor that views Mexico as a regional partner and less as a liability would have a significant impact on building a more consensus-driven regional security policy in the Americas, and Mexico's National Guard could play a key role in supporting that policy.

Endnotes

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⁴ Antonio Baranda, "Fracasa Guardia: Ejército a la calle," *Reforma*, May 12, 2020, https://www.reforma.com/aplicacioneslibre/preacceso/articulo/default.aspx?_rval=1&urlredirect=https://www.reforma.com/aplicaciones/articulo/default.aspx?id=1940513.

⁵ Richards Heuer and Randy Pherson, *Structured Analytic Techniques for Intelligence Analysis* (Washington, D.C.: CQ Press, February 2020).

⁶ Michael Burgoyne, *Building Better Gendarmeries in Mexico and the Northern Triangle* (Washington, D.C.: Wilson Center, May 2019), 3.

⁷ Iñigo Guevara Moyano, *Mexico's National Guard: When Police are not Enough* (Washington, D.C.: Wilson Center, January 2020), 7.

⁸ Ibid.

⁹ Author's personal observations in Ciudad Juárez in May 2009 when President Calderón visited the city to enforce his response to the growing crisis. The author met with Mexican government officials during this time, including the state attorney general and the head of public security for the state of Chihuahua, who were in Ciudad Juárez to meet with President Calderón. They resented the imposition of federal troops and the declaration of martial law by the president.

¹⁰ Guevara Moyano, *Mexico's National Guard*, 14. The PFP was renamed PF (National Police) in 2009. CNS was the National Commission on Security under the Secretariat of the Interior.

¹¹ In the United States, an example would be the use of either federalized National Guard or active-duty military forces in New Orleans, Louisiana, after Hurricane Katrina in 2005. These forces were deployed temporarily due to the failure of local police forces to provide public safety for residents during the crisis. See Scott Tkacz, "In Katrina's Wake: Rethinking the Military's Role in Domestic Emergencies," *William and Mary Bill of Rights Journal* 15, no. 1 (2006-2007).

¹² The Mexican Army still considers the United States as a credible threat and does conduct training exercises against a possible U.S. invasion, yet lacks any significant capabilities to provide for self-defense against an outside threat. Abelardo Rodríguez and Richard J. Kilroy Jr., "United States and Mexico Future Security and Defense Scenarios: From Convergence to Divergence?" in *The Future of U.S.-Mexico Relations: Strategic Foresight*, eds. Tony Payan, Alfonso López de la Osa Escribano, and Jesús Velasco (Houston: Arte Público Press, University of Houston, 2020).

¹³ The Mexican Marines are not considered a separate armed service and are under the control of the Navy (SEMAR).

¹⁴ This was one of the goals of U.S. Secretary of Defense William Perry in 1995, when he began the Defense Ministerial of the Americas (DMA), inviting the heads of the military of all Latin American and Caribbean (sans Cuba) countries to attend the first such meeting in Williamsburg, Virginia. The structure the main conference room, with one chair for the head of the delegation, created problems for countries like Brazil, which did not have a minister of defense but rather three separate service chiefs. Mexico (smelling a rat), chose not to participate officially, instead sending its ambassador to the United States, Jesús Silva-Herzog Flores, and his military defense attaché as observers. Brazil has since created a civilian-led Ministry of Defense. Mexico has not. Observations of the author who attended the DMA as a member of the U.S. Southern Command.

¹⁵ The Uniform Code of Military Justice (UCMJ) is the self-governing military law system which guides U.S. military personnel legal actions. It provides the military autonomy from some aspects of civil prosecution domestically and international criminal prosecution overseas when the U.S. deploys military personnel to foreign countries, usually requiring some form of a Status of Forces Agreement (SOFA) with the host country.

¹⁶ Maureen Meyer, "One Year After National Guard's Creation, Mexico is Far from Demilitarizing Public Security," *WOLA*, May 26, 2020, <https://www.wola.org/analysis/one-year-national-guard-mexico/>.

¹⁷ Ibid.

¹⁸ The term OPCON in U.S. military doctrine means the assigning of effective command and control to units that are not that organization's parent unit. This appears to be what is happening with the National Guard in Mexico.

¹⁹ Comments made during a meeting with state officials in Ciudad Juárez, Mexico, in May 2009.

²⁰ Author's personal observations while serving as a foreign area officer in the U.S. military in Latin America. U.S. military personnel deployed in the region for counter-drug efforts or even those military police performing joint patrols with the Panamanian National Police around U.S. military installations did occasionally become corrupted and commit criminal acts in the host countries.

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- ²² “Conoce más de la Guardia Nacional,” Gobierno de México, July 24, 2019, [https://www.gob.mx/guardianacional/articulos/guardia-nacional-5?idiom=es.](https://www.gob.mx/guardianacional/articulos/guardia-nacional-5?idiom=es)
- ²³ “Trump threatens Mexico over 'bad hombres,’” *Politico*, February 1, 2017, <https://www.politico.com/story/2017/02/trump-threatens-mexico-over-bad-hombres-234524>. The author also spoke with Mexican college students at Iberoamerican University in Mexico City in January 2018, who shared their view that the greatest threat that Mexico faced was not transnational criminal organizations, but rather a U.S. military invasion.
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- ²⁹ Julian Resendiz, “Mexico’s use of soldiers to stem migrant flow to U.S. will lead to abuse, experts say,” *Border Report*, May 13, 2021, <https://www.borderreport.com/regions/mexico/mexicos-use-of-soldiers-to-stem-migrant-flow-to-u-s-will-lead-to-abuse-experts-say/>.
- ³⁰ Mexico has a history of military leaders (Villa, Zapata, Obregon, etc.) with regional roots (Chihuahua, Sonora, Michoacán, etc.) who participated in Mexico’s bloody revolution beginning in 1910 until the consolidation of its current political structure in 1940. See Enrique Krauze, *Mexico: A Biography of Power* (New York: Harper Collins, 1997).
- ³¹ Plan DN-III-E, Secretaría de la Defensa, Gobierno de México, May 1, 2019, <https://www.gob.mx/sedena/acciones-y-programas/plan-dn-iii-e>.
- ³² Guevara Moyano, *Mexico’s National Guard*, 20–22.
- ³³ Burgoyne, *Building Better Gendarmeries*, 6.
- ³⁴ Comments made by Mexican military officers during a research trip to Mexico in May 2009.
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- ³⁶ Major General Luis Rodríguez Bucio, *DefenceIQ*, not dated, <https://www.defenceiq.com/events-cabsec/speakers/major-general-luis-rodriguez-bucio-mexican-army>.
- ³⁷ Although there has been concern raised by members of Mexico’s Center for Research and National Security (CISEN) and a continued lack of trust for the U.S. Department of Justice agencies (the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Drug Enforcement Administration), after being burned by Operation Fast and Furious in 2009–2011. Comments made by CISEN officials to the author.

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- ³⁹ Ibid. The other three pillars of Mérida include: combating transnational criminal organizations; institutionalizing the rule of law and human rights; and creating a 21st-century U.S.-Mexico border.
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- ⁴¹ AMLO also chose not to use the presidential aircraft, which is flown and operated by the Mexican Air Force, choosing instead to fly on Mexican commercial airlines.
- ⁴² Burgoyne, *Building Better Gendarmeries*.
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- ⁴⁹ Pablo Arrocha Olabuenaga and Ambassador H.E. Juan Ramón de la Fuente, “Mexico’s Priorities as an Elected Member to the Security Council for 2021-2022,” *Justsecurity.org*, July 7, 2020, <https://www.justsecurity.org/71241/mexicos-priorities-as-an-elected-member-to-the-security-council-for-2021-2022/>.
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- ⁵¹ This motto is etched in the base of the flagpole at the center of the Mexican Army’s Escuela Superior de Guerra (ESG). Author’s personal observations while serving as a U.S. exchange student at the ESG in the 1990s.
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