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President Enrique Peña Nieto Shuffles Cabinet to Emphasize Anti-Corruption Efforts

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President Enrique Peña Nieto reorganized his Cabinet in late October, removing Arely Gómez González as head of the federal prosecutor’s office (Procuraduría General de la República, PGR) and transferring her to the federal auditing ministry (Secretaría de la Función Pública, SFP). The president then named Sen. Raúl Cervantes Andrade to replace Gómez González as head of the PGR.

Some critics described the changes as “odd,” pointing out that the new designations do little to instill confidence and promote transparency for the beleaguered Peña Nieto administration. The changes were announced in the aftermath of the release of an international report that ranked Mexico at the very bottom of an index that rates how a country implements the rule of law.

Cervantes Andrade is the third person to hold the post of attorney general since Peña Nieto took office in December 2012. The president’s first attorney general was Jesús Murillo Karam, who was forced to resign in 2015 because of strong criticisms that the administration was not being transparent in the investigation of the disappearance of students from the teachers college (Escuela Normal Rural de Ayotzinapa Raúl Isidro Burgos) in Guerrero state in September 2014 (SourceMex, Oct. 15, 2014).

Gómez González, who replaced Karam in March 2015, was the second woman in Mexican history to be appointed to the post of attorney general (SourceMex, March 11, 2015). Like Cervantes Andrade, she relinquished her seat in the Mexican Senate to take over the role of chief prosecutor.

Cervantes Andrade, a long-time member of the governing Partido Revolucionario Institucional (PRI), earned law degrees from Universidad Panamericana and Universidad Iberoamericana in Mexico City but has little experience as a prosecutor or as a jurist. However, he has had other experience in the legal field, including work as a private attorney and as a professor of constitutional and business law at several universities.

A new job for the former attorney general
Some observers pointed out that the changes were less about the PGR and more about the SFP, a ministry that Peña Nieto wants to strengthen to address perceptions that his administration and the PRI are highly corrupt (SourceMex, April 29, 2015, June 15, 2016, Aug. 17, 2016). Earlier this year, the president attempted to demonstrate his newfound commitment to address corruption by vetoing weak anti-corruption legislation approved by Congress (SourceMex, June 22, 2016, and July 13, 2016). In doing so, he asked Congress to correct some of the deficiencies of the legislation and send him a stronger initiative. The anti-corruption legislation that was eventually approved includes a strengthening of the organism in charge of coordinating the fight against corruption (Sistema Nacional Anticorrupción, SNA) green-lighted in 2015. Among other things, the SNA creates a system of coordination among federal, state, and local authorities, and provides for the appointment of a special anti-corruption prosecutor.

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As head of the SFP, Gómez González will play an important role in the oversight of anti-corruption measures. During the announcement of her appointment, Peña Nieto underscored Gómez González’s qualifications for the job, a combination of legal training, tax law, and public policy. Her credentials include a law degree from Universidad Anáhuac in Mexico City and a master’s degree in comparative public policies from Latin American School of Social Sciences. She majored in tax law at Universidad Panamericana.

At a press conference, Gómez González acknowledged that her new role was to reform the SFP. The federal auditing ministry was previously led by Virgilio Andrade, who came under severe criticism in 2015 when the SFP issued a report exonerating President Enrique Peña Nieto, first lady Angélica Rivera, and Finance Secretary Luis Videgaray from charges they committed acts of corruption when they purchased properties from a public contractor who is a personal friend of the president (SourceMex, Aug. 26, 2015).

“How do we reform the Secretaría de la Función Pública in order to provide tangible results in the fight against corruption?” Gómez González said during testimony to the Senate anti-corruption committee (Comisión Anticorrupción). “This is going to be a huge challenge. We have two years, or rather about 18 months, to put into practice an important change, which will be one of the priorities of the Peña Nieto government.”

Some analysts noted that Cervantes will also have a huge task ahead of him, which is to complete the investigation of corruption charges against two former governors, Javier Duarte of Veracruz, a member of the PRI, and Guillermo Padrés of Sonora, a member of the center-right opposition Partido Acción Nacional (PAN). Both are accused of abuse of power and personal enrichment (SourceMex, July 15, 2015, and Oct. 12, 2016).

“The new attorney general has a very short time … days, weeks, perhaps months, to produce results and put at the disposal of authorities [these two individuals],” columnist Enrique Aranda wrote in the daily newspaper Excélsior.

At least one analyst believes that Cervantes is up to the task. “Welcome to our new attorney general,” columnist Raúl Cremoux wrote in the daily newspaper El Financiero. “He is not an expert in criminal affairs, but in the Constitution. With this profile, his strong reputation, and knowledge of the bureaucratic framework, we can expect a prosecutor who will emphasize the fight against corruption, which we so urgently need.”

The appointments of both the attorney general and the public function secretary require the approval of the Senate, and both were ratified overwhelmingly in separate votes in late October, with only some members of center-left opposition parties in opposition.

Critics question changes

Still, some critics viewed the cabinet changes as odd.

“These are strange appointments,” Jorge Castañeda Gutman, a political independent, said in an interview with Radio Fórmula. Castañeda, who served as foreign relations secretary during the administration of former President Vicente Fox (2000-2006), described Gómez González and Cervantes Andrade as “decent people,” but questioned whether the two officials would truly be able to act independently. Gómez González, in particular, could face a dilemma, as she will be in charge of implementing the new anti-corruption system
“The new SFP secretary was once the chief attorney under the Peña Nieto government, and now she will be in charge of investigating possible violations of the law under this administration,” Castañeda said.

Others strongly condemned the new appointments, including a network of 80 non-governmental organizations known as the Todos los Derechos para Todas y Todos, Red TDT (Universal rights for all). “[These appointments] provide worrisome signals for the creation of a viable SNA and the development of a truly autonomous anti-corruption prosecutor,” the Red TDT said.

Edgar Cortez, of the Instituto Mexicano de Derechos Humanos y Democracia (IMDHD), offered a similar assessment, noting that the new appointments do not offer much hope for changes from past efforts to combat corruption. “The designations do not appear to signal a new phase in the fight against corruption,” he said. “Rather, they appear as an effort to provide protection for the administration.”

**Mexico ranks low on rule-of-law index**

The changes at the PGR and the SFP were announced at about the same time as the release of the latest annual anti-corruption report from the World Justice Project. The report ranked Mexico No. 88 among 113 countries on an index that measures how the rule of law is experienced in everyday situations.

On last year’s index, Mexico was ranked No. 79 out of 102 countries measured, with variations according to the area measured. For example, the index gave Mexico a fairly high mark for open government, with a ranking of 34. However, the rankings were rather low for criminal justice (108) and for civil justice (101). In the category for absence of corruption, Mexico ranked No. 99 on the index. Mexico had low rankings in the area of order and security (94), regulatory enforcement (85), on constraints on government powers (83), and fundamental rights (75).

The study found that most of those factors were unchanged, but none had improved from 2015. In fact, two of these categories—constraints on government powers and fundamental rights—were trending downwards.

Three Scandinavian countries—Denmark, Norway, and Finland—were at the top of the index, which was based on more than 100,000 surveys of households and experts. Afghanistan, Cambodia, and Venezuela ranked at the bottom.

Some analysts argued that Mexico’s ranking was shameful, since it fell below a handful of countries with a reputation for not upholding the rule of law. “We were below Burkina Faso, Zambia, Tanzania, and Iran, and our worse indicators were related to corruption and criminal justice,” political scientist Denise Dresser wrote in a nationally syndicated column.

Dresser said the report highlighted problems in Mexico related to bribery, inappropriate use of public resources, poor quality of criminal investigations, a deficient prison system, a lack of judicial impartiality, and the absence of due process and lack of protections for the right of the accused.

“For reasons that are widely known, a political class does not want to lose its accumulated privileges,” Dresser said. “We have a national anti-corruption system that does not seem to get off the ground and that requires true autonomy for prosecutors. We also have a rotten criminal justice system that fails to adapt to the needs and requirements of oral testimonies. We have a
law-enforcement system that was created as an instrument to protect those in power and not the citizens. Prosecutors do not investigate, judges close their eyes to cases of torture, police officers detain people arbitrarily and not as part of an investigation, and judicial investigators do not collect sufficient evidence. In other words, we have a new system but still the same old vices.”

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