

Corruption and Impunity in Mexico

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Abstract: The study of corruption is quite a complex and multidimensional subject. Recently this subject has been studied from different angles. One of the major causes and consequences of corruption is impunity. Since corruption provides a supportive environment for the development of impunity, and vice versa, the present text aims to analyze the impact that corruption and impunity have had on Mexico in recent years. The methodology of this text is based on in depth reports, academic research, specialized literature, ethnographic observations, statistical reports, and press news. The text is divided into three sections. The first section describes the relation of corruption and impunity in countries with low levels of good governance, accountability, and balance of powers. The second one presents the case of Mexico, where impunity and corruption have caused the killings of journalists, attacks on press freedom, increases of violence perpetrated by criminal groups, rise of violence including torture, enforced disappearances, extrajudicial killings, violence against women and girls, and an increase of social instability. The third one presents the challenges and vulnerabilities Mexico faces in terms of strengthening the rule of law as a key pillar to conduct Mexico towards a more equal society.

Introduction

Mexico represents the 11th largest economy in the world with \$2.4 dollar trillion economy. In 2021, Mexican's economy grew by 4.8% driven largely by increased remittances, despite supply chain and pandemic-related challenges. The real GDP (purchasing power parity) in 2020 reached \$2,306,320,000,000 (CIA 2022). Mexico has been benefitted from credible economic management, allowing the country to overcome high oil prices and significant current volatility. Mexico is considered one of the most open economies in the world and has free trade agreements with the most important economies, including US, China, India and Japan. Mexico has signed 12 free trade agreements with a total of 46 countries, and Mexico is part of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (TTP) with a relation to 11 Asia-Pacific countries (Martinez 2018). It is expected that Mexico will be one of the world's top 10 economies in 2050, ranking 7th after Brazil and Russia, and ahead of Japan, Germany and the United Kingdom (PWC 2017, 4).

In terms of population, Mexico represents an important country for productivity due to the proportion of youth, since 41.06% of the total Mexican population is between 25-54 years old (male 25,604,223/female 27,223,720)(CIA 2022).

The large size of Mexican territory (1,964,375 km²), which is equivalent to Saudi Arabia, represents huge opportunities for different sectors including but not limited: infrastructure, construction, real estate, transport, agriculture, cattle raising, mining, manufacturing, education,

information technology, and environmental technology. The new business market in Mexico welcomes foreign investment for the aerospace industry, developing ports and port services, oil, and gas sectors.

Additionally, Mexico offers further opportunities with its potential as a strong domestic consumer market, a favorable government stance towards foreign investment, and stable macroeconomic indicators. Furthermore, its strategic geographical location with the biggest economy in the world, the United States of America gives more possibilities for business in the country. Despite these successes and promises, Mexico is still a country with high levels of poverty. As of 2018, 41.9% of the population live below poverty line; according to the Gini index coefficient², distribution of family income in Mexico reaches 36.8 points in 2018, meaning that Mexico has high levels of inequality (CIA 2022). Political corruption, impunity, and social inequality go hand in hand, since sometimes inequality drives corruption and impunity; in others cases, corruption and impunity motivate inequality, which is highly advantageous for protecting elites' privileges. Corruption and impunity are part of the "savoir faire" of the Mexican elites, particularly in recent years, when corruption has become more visible and impunity has turned into a "normal practice" among political decision makers. It is easy to say that Mexico has some predisposition for corruption and lack of transparency, but there is an asymmetry between the responsibilities and profits of the fruits of corruption. Certainly, those who are more powerful are less likely to be accountable and go away with impunity more frequently than those who do not have any power in society.

This asymmetry is also translated at the international level between the North and the South. The capitalist power structures of the globe place Mexico into a dependent and peripheral condition. According to Kaplan, the countries of the South, Mexico included, hold an unequal dialog with the North at three levels, which are intertwined: the concentration of global power, the new global labour division, and prevailing models of growth and modernization. This unequal relation subjects to many countries of the South to accept interactions of domination-dependence-underdevelopment (Kaplan 1983, 188). For Kaplan, domination is expressed in the economic models – for example in foreign trade, investment, economic policies, currency –, in military equipment, technological and scientific development, cultural and ideological penetration, social structure, and unequal political and diplomatic relations (Kaplan 1983, 188).

Galeano in the book *Open Veins of Latin America* argued that the riches that first attracted European colonizers, such as gold and sugar, gave rise to a system of exploitation that led inexorably to "the contemporary structure of plunder". This structure is responsible for Latin America's chronic poverty and underdevelopment (Galeano 1996, 205). Mexico is a case in point, where, "the capitalist development is imposed by subordination to imperialism" (Galeano 1996, 125). Certainly, Mexico continues to feel the chains of colonialism since the arrival of the Spaniards in 1521. This legacy has condemned this country to live in underdevelopment. As stated by Carlos Fuentes, "Colonialism in Mexico has not finished yet", as countries that experienced the arrival of the Spanish conquerors in Latin America continue suffering from hunger, neglect, discrimination, unemployment, illiteracy, and segregation (Fuentes 1971).

Without any doubt, colonialism is an important period in Mexico's history. It marks the decline of the pre-Hispanic societies and the rise of new issues, among them: corruption. This phenomenon plays different roles in colonial Mexican society. According to Guillermo Marín (2001), corruption is a strategy of cultural resistance, a product of the clash between the two types of "Mexico": the "*Mexico profundo* (profound Mexico)," and the "*Mexico imaginario* (imaginary Mexico)." The former emanated from the indigenous people and their own vision of a traditional

world, and the latter was formed by the Spanish and mestizos, people with Spanish and indigenous ancestry, who yearned to have the same European model of civilization and society in Mexican territory. Each type of “Mexico” had its own values, concepts of respect of the law, and project of nation.

According to Marín, corruption allowed both Spaniards and Indians to retain their culture and beliefs. For indigenous people, the laws of the Spaniards had no meaning; they were foreign laws to them, as these norms did not reflect their values, their traditions, or their political, economic, social and cultural representations. For the Spaniards who inhabited in the New Spain, the laws imposed by the Spanish crown had no meaning, as they were developed outside of their own reality and the needs of the colonizers. For Spaniards living in Mexico, the only legitimate law was the prospect of personal wealth, since it was a reward for having put their lives in danger by venturing into new lands (Marín 2001).

The heritage of Spanish colonialism in Mexico is present to this day internally and externally. Internally, five centuries after the Spanish subjugation of indigenous people, Mexico inherited “a society of castes”, where indigenous people are considered “inferior faced to white people”, mainly foreigners from Europe or United States. Therefore, the Mexican state also incorporated this sense of segregation, social, political and economical inequality of these groups. Externally, Mexico as part of the countries of the global South, also inherits an unequal relationship in production and trade, labor conditions, diplomatic relations, and acceptance of economical models dictated by the global North.

In this context, Mexico has experienced a double asymmetry that is reflected within the country today. Internally, Mexico has produced high levels of inequality with high levels of wealth concentration, since 1% of the richest Mexicans hold 29% of the country income (Martin 2021). The entrenched corruption and abuse of power have eased the accumulation of wealth for the few and the exclusion of the vast majority of the population. Mexican corporations and political elites are taking an even larger share of Mexican wealth – about 25% of GDP – while in the United States corporations profits consist of about 12% of GDP, which indicates that many services, phones, soft drinks, and other products cost more in Mexico than in the United States, where per capita income is five times higher than in Mexico (Sharma 2012). Lack of regulations, inefficient public policies, and severe corruption and impunity are the major causes of the underdevelopment in Mexico. Increase of crime, violence, and poverty are the most representative symptoms of this political system whose rule of law is inefficient. In addition to these constraints, there are also external factors that contribute to the increasing intensity and ferocity of impunity and corruption in Mexico. The unequal relations with its neighbor from the north, the United States, described during the times of Porfirio Díaz (1848-1976) as, “The United States has virtually reduced Diaz to a political dependency, and by so doing has virtually transformed Mexico into a slave colony of the United States” (Galeano 1996, 125). This sentiment echoes relations Mexico holds with other European countries, where the voice of Mexico often goes unheard (Meyer 2003).

An Analytical Perspective on Corruption and Impunity

Understanding corruption and impunity in Mexico is a complex issue that has historical, political, economical, and cultural roots, as well as a connection to the global power hierarchies; an in depth exploration of each one of these aspects would give enough material for an encyclopedia. This

text tries to offer a humble contribution of the understanding of these phenomena.

Studies on corruption have flourished in the last decades, particularly in Latin America. From the functionalist point of view, corruption fulfills various functions of the political machine and market structure, since it appears as an incentive that compensates for dysfunctionality of public institutions and the needs of the market (Krueger 1993). From this perspective, corruption also allows marginalized populations to be integrated into the political system and reduce conflict risks. However, this line of corruption studies has been strongly criticised, since it justifies the use of corruption and ignores the consequences caused by this phenomenon, such as: increasing income inequality, undermining the rule of law, surging impunity, denying access to equal opportunities, and contributing to a violation of human rights.

From the macroeconomic perspective, corruption is the result of a heavily interventionist state. The rationale of this literature lies in the large involvement of the state in the economy, especially its checks and balances and the wider accountability mechanisms that allow individual politicians and bureaucrats to manipulate markets as a means of generating profits through non-competitive forces. They use such mechanisms not only to enrich themselves, but also to build a basis of patronage, clientelism, and political support. This perspective blames poor countries for their own poverty, since they have been unable to introduce the “structural changes” to correct their shortcomings in governance and accountability. The economic model that embraces this theory is neoliberalism, including countries that are aligned with the “Washington Consensus” (Gould and Amaro-Reyes 1983).

Another important perspective on the study of corruption is the school of anthropology that considers corruption as feature of cultural societies that have traditional relations. From this point of view, corruption is referred to as a set of conventions or rules parallel to the institutional order; these social and cultural rules are morally justified and shared by people of the same group (Camacho and García 2019) However, this line of inquiry into corruption denies the opportunity for societies to overcome this phenomenon and condemns traditional groups to forever live with corruption. Culture is a process that is in a constant change; therefore, corruption, similar to any other cultural feature, tends to change with time, in addition to the influence of new internal and external factors.

There are different perspectives on the studies of corruption. One of the most recent contributions in this field is the relation between corruption and impunity, which includes the assumption that no country is safe from experiencing this phenomenon. Certainly, some developed countries with stronger institutions have more mechanisms in place to control the frequency and intensity of corruption. Strong legal standards are not necessarily associated with better control of corruption. Strict rules do not always translate into good and fair governance, since immunities or jurisdictional privileges provide persons or groups of people with some degree of protection against civil or criminal rules that do not apply to all citizens. In countries with high levels of corruption, the immunity of the rulers is materialized in impunity. Nevertheless, in countries with solid political regimes and low levels of corruption, immunity is law and there are rigorous controls surrounding its implementation.³

Some countries provide immunity only for votes and opinions cast in parliament, others for any crimes committed during the term of the official function, others provide no immunity at all, and others provide absolute immunity for life for any crimes. Some countries make exceptions to the immunity provisions when the subject is caught in the act of committing the crime, or

for serious crimes such as murder, treason, or corruption. A politician's immunity is therefore regulated in different contexts according to the political regime (Vrushni 2018, 2).

From the legal point of view, immunity is the exemption from penalties, payments, or legal requirements, granted by statute or government authorities. Nevertheless, immunity can also be used by public officials as a shield from liability for criminal offences, including corruption. For this reason, international bodies have been pushing, over the past two decades, for a set of legal standards to ensure that immunity does not translate into impunity. Immunity as a legal concept does not make sense, particularly foregrounding impunity and corruption for serious crimes, and it jeopardises basic human rights such as the right of access to justice for victims and the right to be treated as equal (Vrushni 2018, 2).

Immunities and jurisdictional privileges provide to people, generally political and economical elites, some degree of protection against civil or criminal rules that do not apply to all citizens. In this context, political and judicial immunity open the door to impunity, particularly in those countries with a widespread corruption and authoritarian governments. Corruption and impunity go hand in hand. Powerful perpetrators involved in massive corruption schemes can too often stymie enforcement against them by interfering with the justice system. Furthermore, investigations are complex and expensive. Corruption often crosses borders, involving public and private sector actors in schemes across multiple jurisdictions and geographies as the information released in Panama Papers reveals.⁴ This illicit accumulation of wealth takes place with the help of cross-border networks of accountants, lawyers, anonymous companies, banks, and politicians (TI 2021).

In many countries, corrupt politicians circumvent law enforcement, legal reforms, and fair administration of justice, which cause weak accountability of representatives, poor human rights protection, poor press freedom, and frustration among citizens.⁵ Unfortunately, in many parts of the world, there are corrupt elites that nourish their powers through impunity by committing all sorts of crimes from abusing their public office to violating human rights of citizens. The most widespread corruption practices are, bribery, embezzlement, illicit enrichment, abuse of functions, money laundering, trading influencing, impunity, and violation the rule of law.⁶

The most brutal impunity reigns in countries with lack of democracy and accountability.⁷ Authoritarian, misogynist rulers, despotic and elected autocrats are part of the scenery of the regimes with high levels of impunity and corruption. State infrastructure is taken as part of the property of the rulers and service of the elites. Often these privileged groups take institutions of government as a parody of their own will and whim, reducing all possibilities to reach a democratic regime, and maintaining a country in a dictatorship, oligarchy or plutocracy.⁸

There is great recognition that corruption and impunity can have serious adverse impacts on the economic development of the developing countries. In a recent survey of 150 high level officials from 60 thirdworld countries, respondents ranked public sector corruption as the most severe obstacle confronting their development process (Gray and Kaufmann 1998).

Corruption is one of the biggest barriers to improving the quality of life of people around the world, particularly in the developing countries, since corruption destroys tax systems, undermines the rule of law, diverts income distribution, and has impacts on education, health, and social development (Gupta et al. 2008). Corruption and development are highly interconnected. In this sense, it is common to find high levels of corruption and impunity in countries with low level of economic development, lack of effective governance and effective accountability (Gouvea et al.

2019).⁹

Impunity is perpetuated in political systems, where corruption is the rule and the rule of law is the exception. Inequality in the access to judiciary systems is one of the rules of the game in corrupt countries, since the rules are applied in a discretionary way and the laws are managed by the elites' interest (Gupta et al. 2008, 8).

Corruption has a variety of presentations, bribery is only one of them; another one is political corruption, which is much more complex and imprecise. Political corruption is extremely dangerous, since it triggers impunity in all sectors of the state administration and has the most painful cost, namely, violations in human rights of the most vulnerable people.

Powerful elites and countries without balance of power tend to commit more excess of power and enjoy the impunity without limits. Certainly, impunity flourishes in governments with high levels of corruption, lack of accountability, absence of separation of powers, and deficiency in the checks and balances across different institutions and representative powers. Mexico is among the countries with high levels of impunity and corruption that deserves to be studied in depth.

Mexico: Corruption and Impunity

The impunity in Mexico is high as it is present at different levels: administration of justice, violence and insecurity, press freedom, human rights violations, corrupt state institutions, and corrupt political elites.

In terms of administration of justice, in Mexico, 94% of crimes committed are not reported and less than 1% are solved. Thus, of every 100 crimes that are committed, only 6.4 are reported, and only 14% of reported cases are solved. This means that the probability that a crime committed will be solved in Mexico is only 0.9%. This figure represents the scale of impunity in Mexico. These figures mirror the low trust that citizens report towards public ministries and state attorneys; only 10.3% of people say they trust these institutions in comparison to 89.7% that do not trust the Mexican institutions at all (Impunidadcero 2022).

Not only are the vast majority of crimes unreported for fear of reprisals; further reasoning includes lack of economic resources to pay for the respective administrative procedures, bribes that are requested when justice is demanded, or for lack of time to carry on with police report. The complaint process in Mexico is very slow and complicated. According to the 2017 National Survey of Victimization and Perception of Public Safety (ENVIPE), almost 30% of people who reported a crime said it took more than 4 hours to be able to complete the reporting process; 29.5% of women and 27.8% of men who reported a crime said they had received "bad" treatment when making the complaint (Impunidad Cero 2022). The effectiveness of the administration of justice among Mexicans is measured by the number of crimes reported, although unreported crime is a national problem. Different regions of the country have different levels of unreported crimes. For example, in Puebla, 95% of crimes went unreported, and in Guerrero, the state with the highest number of crime, 98% of crimes that occurred in 2016 went unreported (Impunidad Cero 2022).

Impunity is also a measure for the level of violence and crimes committed against women. Mexico is ranked in Latin America and the Caribbean as having the second highest number of femicides. In 2021, a total of 1,015 cases were reported, only trailing behind Brazil, which re-

ported 1,900 cases of femicide. According to the Economic Commission for Latin America and the Caribbean (CEPAL), Mexico increased afemicidal rate of 1.6 per 100,000 women, plus a number of cases that go unreported for fear of reprisals (Martinez 2022, 3). Femicides are also recorded among female police officers, since this sector of women also suffer aggression by criminals and male colleagues. At least 98 female police officers have also been killed by male police officers between 2015 and 2022 (Ramirez 2022).

Corruption and impunity affect all structures of public institutions, including the police and armed forces, since they are at the service of corrupt politicians; even members of the army and police force find the perfect ecosystem to use the judicial state infrastructure for their own service and personal enrichment. According to the Executive Secretary of the National Public Security System *Secretario Ejecutivo del Sistema Nacional de Seguridad Pública* (SESNSP), the control and trust test for police officers is made up of medical, toxicological, psychological, polygraphic, social environment, and patrimonial examinations. The percentage of current evidence is based on a sample of the respondents from the municipal police, the state prosecutor's offices, and the Penitentiary Police. In Guerrero, only 53% of the respondents that operate on the street are approved these tests (Belsasso 2022, 11). The data indicates that there are fewer agents approved at municipal police level with 79% of the total respondents (Belsasso 2022, 11). For example, in Tulcingo, Puebla, the municipal police chief, Maurilio Herrera Quiróz, was found murdered after he appeared in a video confessing that he had been involved in the death of four people, and whose bodies were abandoned in a distant place. This revelation forced the resignation of 20 members of the municipal police, and the state security was left in the hands of the federal police of the region (Belsasso 2022, 11).

On the other hand, it is reported that 26 people disappear every day in Mexico. During the 4 years of Andrés Manuel López Obrador's government, 37,000 people disappeared. According to the National Commission for the Search (CNB, *Comisión Nacional de Búsqueda*) in 2022 alone the number of disappearances in Mexico reached 16,644 persons, of which 8,447 continue to be missing (Cabadas 2022, A-1).

Certainly, the salaries of police officers are extremely low, and the occupational risk of being killed by criminals is very high. For this reason, many officials end up working for the criminal groups, since they receive better wages. Therefore, improving the municipal police force is a great challenge, since it is the most effective way to protect citizens from crimes that they suffer every day.

The impunity and corruption in Mexico is also manifested in the killing of journalists. In terms of press freedom, Mexico is classified as a high risk country for the exercise of journalism. In 2022, Mexico was ranked in place 127 of 180 countries studied, with a value of 47.57, where 100 defines great press freedom and 0 the worst place to be a journalist. According to this index, Mexico is below South Sudan (place 128, value 47.06) and ahead of Bolivia (place 126, value 47.58) (RWB 2022).

The International Federation of Journalists (IFJ) also considers Mexico to be the second most dangerous country to practice journalism, after Ukraine, which takes the first place due to the war with Russia since February 2022. In the year 2022 alone, 11 journalists were murdered in Mexico, while in Ukraine 12 journalist deaths were reported during the same period. This figure does not account for the fact that in Mexico some journalists do not report frontal attacks or threats due to fear of reprisals (La razón 2022). For example, on December 16, 2022, the journalist Ciro

Gómez Leyva, who hosts radio news through *Imagen Radio* and *Radio Fórmula*, was shot at a few streets from his home in Mexico City. Fortunately, he was inside of an armoured car, which saved his life, but the average journalist does not have adequate means of protection to carry out his work (El Financiero 2022).

The dangers that journalists face in Mexico have not improved. In 2018, Mexico was more dangerous than countries experiencing war or foreign intervention, reaching the 147th place out of a list of 180 countries analyzed, with a score of 48.91 points on a scale from 0 to 100, where zero represents greater freedom of the press and 100 indicates exactly the opposite. In this context, Mexico was more dangerous than Pakistan that reached the place 139 with a value of 43.24. Palestine obtained the place 134 with a value of 42.96. Kuwait attained the place 105 with a value of 31.91, while Afghanistan reached the place 118 with a value of 37.28 (RSF 2018). It is well known that in Mexico, when journalists cover news related to corruption or organised crime, they are confronted with the dilemma “silver or bullet”, meaning they must accept money or death. Although, according to Reporters without Borders (*Reporter Sans Frontières*, RSF), the tendency is increasing towards the murder of journalists, without giving them the option to buy their silence.

The consequences of impunity and corruption also reach the same political elite. Today, conflicts among political representatives are sorted out through violence. There are many political candidates and public servants at different levels that are killed by criminals. Many drug cartels have their own political candidate in the interest that their drug business will be protected once their candidate reaches office or as revenge against a politician because their agenda does not fit the drug cartel's interests. For example, during the elections in June 2021, 102 politicians were killed. 36 were candidates to reach different levels inside of the government. 87 of these people were men and 15 were women. The states of Veracruz, Guanajuato, and Guerrero were the most dangerous regions in the country. During the elections in 2017-2018, 152 politicians were killed, and in 2020, 1,066 cases of aggressions against politicians, public servants and candidates were reported (Animal político 2021).

Corruption and impunity have been a perfect cocktail for the growth of the organised crime in Mexico. It is not by chance that many cartels have godfather politicians (*padrinos políticos*), and public servants that sell protection services to the cartels in the form to avoid judiciary prosecution. Currently, there are 12 organisations that are in dispute over Mexican territory.

These are seven “traditional cartels”, defined as organised groups that have been operating for many years, including: *el Cártel de Sinaloa*, *Los Zetas*, *el Cártel de Tijuana*, *el Cártel de Juárez*, *el Cártel del Golfo*, *Los Beltrán Leyva*, and *La Familia Michoacana*, and five newly formed cartels: *el Cártel Jalisco Nueva Generación (CJNG)*, *Los caballeros templarios*, *El Cártel del Noreste*, *Los Viagra*, and *Los Rojos* (Arista 2022). According to the report “Mexico: Organizations of Organized Crime and Drug Trafficking”, prepared by the US Congressional Research Service, the seven organizations that for years have been identified as the “dominant or traditional” have been fragmented and they are combatting the newer cartels to control more of the Mexican territory (Arista 2022).

Thanks to corruption and impunity prevailing in Mexico, the organised crime has been able to develop the narcotics industry, which resources overtake many other industries. In Mexico, this criminal industry generates gross income of an estimated 600 billion Mexican pesos each year, equivalent 31 billion USD, a figure that doubles the sales of the pharmaceutical industry, according to a study published in 2018 by the National Autonomous University of Mexico (UNAM).

Every year, this industry receives between 19 and 39 billion USD from the United States. Today, the cartels of *Sinaloa* and *Los Zetas* act as franchises as if they were McDonald's and can operate all over the world (Fregoso 2019).

Impunity and corruption is also represented in human rights violations. An example of this would be the massacre of 43 students in Mexico's southern Guerrero state on 26 September 2014, under the government of Enrique Peña Nieto (2012-2018). The massacre took place when more than 100 students from the Raúl Isidro Burgos Rural Teachers College of Ayotzinapa in Tixtla, a town in Guerrero state, travelled to Iguala to hold a protest against what they considered discriminatory hiring and funding practices by the government. They were intercepted by the local police, who arrested 43 of the school's students who have not been seen since (Alexander 2015). According to official sources, the students were abducted on the orders of the mayor of Iguala, José Luis Abarca Velázquez (2012-2014), who was concerned that they would disrupt an event in his town. The students were then handed over by corrupt police to members of Guerrero's drug gangs, who are said to have murdered the students and burnt their bodies in a rubbish dump. Two hit men working for the drugs cartel said that they had piled the bodies on bonfires (Alexander 2015). Since then, the government of Peña Nieto tried to close the case on several occasions; however, national and international human rights organizations, as well as the Mexican civil society, have opposed Peña Nieto's will. The fate of the students is seen as being a symbol of the corruption, violence, and impunity in Mexico. The impunity goes beyond this case and unfortunately indigenous people continue being the target of innumerable human rights abuses.

Corruption and impunity are also causes of violence in Mexico, especially when corruption occurs in the high ranks of the political elites. One case in point is the General Salvador Cienfuegos, who was Mexico's defense minister from 2012-2018 during the government of the President Enrique Peña Nieto. He was also a member of the Institutional Revolutionary Party (*Partido Revolucionario Institucional*, PRI). During this period, the Mexican military continued to be deployed throughout the country to carry out policing tasks. Cienfuegos was accused of serious human rights violations. On October 15, 2020, U.S. officials arrested General Cienfuegos on charges of collusion with organized crime stemming from a Drug Enforcement Administration (DEA) investigation. Current President Andrés Manuel López Obrador's government, leader of the National Regeneration Movement (*Movimiento de Regeneración Nacional*, MORENA), worked arduously to prevent Cienfuegos from standing trial in the United States. In an unprecedented process, Mexico sought Cienfuegos' return by threatening to restrict the DEA's operation in Mexico if the U.S. did not change course. The López Obrador administration has maintained that U.S. authorities acted inappropriately and should have informed Mexico of the investigation beforehand. In this context, the Department of Justice (DOJ) sought dismissal of the U.S. charges, leading to Cienfuegos' release to Mexico in November 2022 (WOLA 2022). Given Mexico's ongoing history of impunity for military crimes, especially when those implicated are of high rank, the list of impunity cases continues growing.

Violence in Mexico is also the result of corruption and impunity, particularly at the high level of military, police, and political elites. There is no doubt that the narco-trafficking business could not be possible without the protection of high rank politicians. Violence in Mexico was unleashed not only by the frontal confrontation with drug trafficking during the government of Felipe Calderón (2006-2012), but also by the double commitment of the former President Calderón. On one hand, Calderón faced pressure from the United States to stop the power and scope of drug trafficking; and on the other hand, members of his close cabinet were directly related to drug trafficking. A case in point is Genaro García Luna, who worked for the Sinaloa drug cartel and

was a key person in the criminal expansion of this group. This was revealed by the New York Prosecutor's Office, after the US authorities detained Genaro García in Dallas, Texas, in December 2019 (Camhaji 2022). According to the New York Prosecutor's Office, the Sinaloa cartel paid Genaro García directly, who is a former police chief, in order to receive information about military operations against this cartel. Genaro García, as a member of the presidential Cabinet, used part of these resources as incentives to reward the media that did not criticize Calderón administration, as well as intimidating or disappearing journalists who opposed to Calderón (Camhaji 2022).

Genaro García held very high positions in the state administration. He was head of the Secretary of Public Security (*Secretaría de la Seguridad Pública*) during the six-year term of President Felipe Calderón Hinojosa (2006-2012). He was director of the Federal Agency for Investigation of Mexico (*Agencia Federal de Investigación de México*) from 2001-2006. During the government of Vicente Fox Quesada (2000-2006), Genaro García held high positions at the Center for Investigation and National Security (*Centro de Investigación y Seguridad Nacional*, CISEN) – the government agency in charge of collecting data on the country's security issues – and he held a privileged position at the Attorney General's Office of the Republic (*Procuraduría General de la República*), one of the most important bodies of the judiciary institutions in the country (Camhaji 2022). At the same time, Genaro García was the most visible face of the war against drugs in the Calderón government. García Luna was known as “the anti-drug czar” due to his “commitment to fight against drug trafficking” (Camhaji 2022). Genaro García is one of the most important figures to understand the links between drug trafficking, politics, abuse of power, corruption, and impunity of decision makers in Mexico.

Corruption and impunity have contributed in Mexico to increased violence, the sabotage of special operations, and have placed the police force at the mercy of the drug lords. In June 2010, during Calderón's government, the former director of special operations of the Police of Michoacán, Miguel Ortiz Miranda, “*El Tyson*”, was found guilty of being the boss of the plaza – the control area – of the *cartel La Familia* (the Family cartel) and of having participated in both 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, 18).

Corruption and impunity were a trend during the government of Felipe Calderón, who was also accused of nepotism. For example, his brother, Juan Luis Calderón Hinojosa was director for 9 years of the Drinking Water, Sewage and Wastewater Operator of Morelia/ *Organismo Operador de Agua Potable, Alcantarillado y Saneamiento de Morelia* (OOAPAS). Meanwhile his sister, Luisa María Calderón Hinojosa, was candidate of the government of Michoacán; she was also accused of corruption, once she used excessive public resources for her political campaign to manipulate and buy 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 \$8,042,160 calculated according to the average exchange rate in 2011, when 1 dollar was equivalent to 12, 4404 Mexican Pesos (USD/MXN 2017). This situation occurred when Juan Luis Calderón was the manager of OOAPAS. He was 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, 234, 494, calculated with the same average exchange rate of 12.4404 Mexican Pesos (Xrates 2022). The achievements at the end of Calderón's government were not positive at all. Not only in terms of fighting corruption, but also in terms

of the increased violence in the country.

Corruption and impunity have also served to the enrichment of public servants, their families, and friends. Public resources are viewed as part of the property of the rulers in Mexico, for example, the former president of Mexico Enrique Peña Nieto was involved in 2014 in a corruption case known as the “white mansion (*casa blanca*)”. This house had 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 was valued in 2014 at about \$7 million. The mansion was registered under the name of Real State Engineer of the Centre (*Ingeniería Inmobiliaria del Centro*), a company owned by Grupo Higa, which is also associated with the Chinese-led consortium that was awarded a \$3.7 billion contract to build a high-speed rail link between Mexico City and the city of Queretaro. Peña Nieto was accused of favoritism and clientelism for granting public contracts to Grupo Higa, which was headed by a close friend of the ex-president Peña Nieto. The property of “the white mansion” was given to Angelica Rivera, the ex-wife of Peña Nieto. Juan Armando Hinojosa Cantú, the owner of Grupo Higa, benefited from contracts worth \$652 million, while Peña Nieto was governor of the state of Mexico between 2005 and 2011 (Tuckman 2014).

Corruption and impunity are widespread practices among political elites, regardless of the political trend to which they belong. During the 71 years of continuous ruling (1929-2000) of the PRI, corruption and impunity were perceived as “natural practices” of politicians, “a poor politician is a poor politician” famous phrase coined by Carlos Hank González (1927-2001), meaning that a politician without money is meaningless. Carlos Hank González was a clear example of this toxic relation of corruption and impunity. He used public office to create one of the most impressive fortunes in Mexico. Currently, the fortune of Carlos Hank Rhon, son of Carlos Hank González, accounts to a net worth \$2.2 billion, making him the eighth richest man in Mexico (Forbes 2021).

After many years, the phrase by Carlos Hank González continues to be descriptive of Mexican political elites, even for parties presented as left-wing. In March 2004, René Bejarano Martínez, former leader of the Party of the Democratic Revolution (*Partido de la Revolución Democrática*, PRD), congressman, and close team member of the ex-former Mayor of Mexico City, Andrés Manuel López Obrador (2000-2005), was filmed together with the former secretary of Finance of Mexico City, Gustavo Ponce Meléndez (2003-2004). They were seen 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 and Romero 2004).

Another example regarding corruption and impunity carried out by politicians belonging to the PRD is known as “The Master Scam (*Estafamaestra*)”, which refers to a diversion of 7.6 billion Mexican Pesos (about \$450 million). The investigation revealed a network of money diversions that involved 11 federal government agencies, eight public universities, various private companies, and more than 50 public servants from different levels of government, bringing together a system of 128 companies. The case showed how important political figures, among them Rosario Robles Berlanga, mayor of Mexico City (1999-2000) and member of the PRD, worked alongside other government ministries and universities to cheat the law. The logistics of “the Master Scam” was based on requiring public services. The educational institutions declared themselves incompetent to comply with a contract and they subcontracted to other companies to carry out the work demanded, but those companies turned out to be irregular firms. They did not have the infrastructure or legal personality to provide the services for which they were contracted, or simply did

not exist. These phantom firms won the contracts and the profits were returned to all people involved in this scam operation (Animal Político 2017). This case revealed the modus operandi of corruption in Mexico, which, despite national and international lockdowns, still leads to violating the law and continues to go unnoticed.

Corruption in Mexico is not always related to a political party. In recent years, Mexico has experienced governments from different political trends, and corruption continues being quite high: from the PRI (corporatism of popular organizations), PRD (left-wing), PAN (right-wing), and Morena (populist left-wing).

After four years of government, the current president of Mexico, Andrés Manuel López Obrador (2018-2024), belonging to Morena's party, has supposedly already been involved in corruption issues. One of the most notorious is the case of José Ramón López Beltrán, son of the president of Mexico, and his wife Carolyn Adams, who for two years, lived in a luxurious house in Houston worth nearly \$1 million with a 23-meter pool and a private cinema. The house owned by Keith Schilligs, senior executive of the Baker Hughes company, an American company specializing in oilfield, liquefied natural gas, energy, and industrial services (García 2022).

Apparently, Baker Hughes obtained multimillion dollar contracts thanks to its relation with López Beltrán. Baker Hughes is a contractor of *Petroleos Mexicanos* (PEMEX, the Mexican state-owned petroleum company). Baker Hughes received 8.9 billion Mexican Pesos (MXN) (about \$434 million) from PEMEX for its oil services in 2021, up from 6.5 billion MXN (about \$3.17 million, from the previous year 2020) (Xrates 2022; Stillman and Averbuch 2022). The contract was awarded a month before López Beltrán, the son of president Andrés Manuel López Obrador, moved into this house. Baker Hughes obtained an extension of this contract. Baker Hughes shareholders demanded an investigation for possible conflicts of interest, legal irregularities, and influence peddling, while in Mexico AMLO reacted furiously against Carlos Loret de Mola, the journalist who made the revelation, using the State apparatus against this journalist, who lives in a country with high levels of insecurity and violence, exposing an authoritarian stance. AMLO additionally denied any judiciary search against his son (García 2022).

The case of José Ramón López Beltrán, son of the president of Mexico, is added to the list of corruption scandals, further involving the president's cousin, Felipa Obrador, and brothers, Pío and Ramiro López Obrador, who have obtained contracts, credit, and money, using their position in government. In August 2020, some videos were released in which Pío López Obrador is seen receiving approximately 2 million MXN (about \$96,600) from David León, then a public servant of the Government of Chiapas (Xrates 2022). The resources were used in 2018 for AMLO's political party (Arista 2021).

Once the government of López Obrador had begun, the company Litoral Laboratorios Industriales, owned by the president's cousin, Felipa Obrador, obtained contracts with PEMEX worth 365 million Mexican pesos (about \$17.8 million) (Xrates 2022; Arista 2021). Another of López Obrador's brothers, José Ramiro, benefited from the López Obrador government's rural development bank, receiving a loan for 1,771,000 Mexican Pesos (about \$86,400) granted by the National Financial for Agricultural, Rural, Forestry and Fisheries Development (Xrates 2022; Arista 2021). Concepción Falcón Montejo, another relative of AMLO, was involved in an alleged embezzlement of 223 million Mexican Pesos (about \$10.8 million) from the municipality of Macuspana, Tabasco, the municipality that the federal president calls his home town (Arista 2021).

The credibility of AMLO against corruption and impunity is quite questionable, particularly in terms of nepotism and influence peddling. The use of public resources for personal, family's, or friends' profit is part of the Mexican political landscape. Even worse, the complexity of corruption and impunity become in many cases more sophisticated due to the use of technology and globalization that make them more complicated to expose and analyze.

Final Comments: Some Challenges Ahead

Mexico has become the US's second-largest export market and third-largest source of imports. In 2017, two-way trade in goods and services exceeded \$623 billion, since the North American Free Trade Agreement (NAFTA) entered into force in 1994 (CIA 2022). Nevertheless, the most important thing is to see if trade will help diminish, alleviate, or eliminate the levels of poverty, impunity, and corruption in Mexico. Mexico has a long way to go in terms of lifting people from poverty, injustice, and unclear rules, as the most vulnerable sectors in society are those who pay the highest price of the consequences of impunity and corruption. Ongoing economic and social concerns include low real wages, high unemployment, inequitable income distribution, and few advancement opportunities for the largely indigenous population in the impoverished southern states of Mexico (CIA 2022).

Certainly, in Mexico, there are rules by law, rather than the rule of law. In other words, instead of a creative and innovative process of court-administered laws that change continuously to reflect changing political and social values, there is a political system based on ambiguity, unpredictability, protection of private interests, and corruption (Magnus 2011). It is easy to say that Mexico has some predisposition for corruption and lack of transparency and accountability, but the asymmetry of power between average citizens and high profile politicians is abysmal. Powerful people are less likely to be accountable and go away in total impunity than those who do not have any power in society, for whom the compliance of law is still applicable. Ultimately, the rule of law is the only source of equilibrium and balance to create a strong nation and sustainable growth in the long run (Nieto 2017).

Niall Ferguson exposes the importance of the rule of law for the progress of a country. For him, the success of the West and developed countries is due to a set of elements among which the rule of law takes an important place as a way to establish social stability and government with legitimacy. "The rule of law as a means of protecting private owners and peacefully resolving disputes between them, which formed the basis for the most stable form of representative government" (Ferguson 2011). Ferguson also affirms that the rule of law is a pillar to ensure property rights as a key principle for the economic development in the Anglo-Saxon world, "the rule of law and representative government, in that an optimal system of social and political order emerged in the English-speaking world, based on private property rights and the representation of property-owners in elected legislatures" (Ferguson 2011).

It is not an accident that economic development is marked by the development of judiciary institutions. It is essential to have an independent judiciary, and judge-made law, providing for rules that are clearly understood, and that can be enforced or challenged. That, at least, is the fundamental belief in Western societies that contract law, property rights, and neutral third-party enforcement contribute to accountability, political stability, regulatory quality, and the control of corruption (Magnus 2011). In countries where legality is marginal, the extra-legal world is the norm, opportunities for corruption and impunity are higher, and the consequences are more severe

for the most vulnerable in society, which cause delays in improving social conditions and reducing inequalities.

Enforcing the rule of law is a challenge for reformers and political elites. Mexico has an excellent opportunity to improve their social conditions and enforce the rule of law. Mexico has all conditions to increase its economic growth, as China is no longer as cheap as it used to be. According to HSBC bank, in 2000 it cost just \$0.32/hour to employ a Chinese factory worker as opposed to \$1.51/hour for a Mexican factory worker. By 2011, Chinese wages had quintupled to \$1.63, whereas Mexican wages had only risen to \$2.10 ; therefore, the minimum wage in Shanghai and Qingdao is now higher than in Mexico City and Monterrey. Mexico is closer to the biggest market of the world – the United States of America – than any other emerging market (The Economist 2012). Reducing organized crime, violence against women and girls, diminishing income inequality, and reinforcing the rule of law is a mandatory challenge to curb corruption and impunity, if Mexico wants to transit to a more equal society.

Without a doubt, one area where Mexican politicians have invoked privileges and protection even after committing corruption is the immunity privilege. This attribution was abused during many decades by Mexican presidents, their relatives, and their close cabinets. In 2021, the Mexican President Andres Manuel López Obrador enacted the decree ending political immunity from prosecution for presidents of the country, after this attribution was demanded during AMLO's presidential campaign. Legislators in the Senate voted in favor of the initiative, thus Mexican presidents could be charged and tried during their time in office for crimes such as corruption, electoral crimes, treason, and crimes for which every citizen could be prosecuted. It is worth mentioning that until now, the "President could not be judged for just any crime, only for treason" (Suárez 2021). Certainly, the removal of presidential immunity is an important step to curb corruption and impunity, but there are still many avenues for Mexican political elites to abuse their power.

García Canclini indicates that corruption in Mexico, "has been a historical process and promoted, in part, from institutions responsible of the management of public life, private companies, and bank entities that incur in constant and widespread irregularities". As for the rest of society, Canclini mentions that "there is a tolerance, to use a soft words like "mordida/ bite", to describe a serious process of decomposition and illegality in the management of social life that exists in the whole country (Notimérica 2014).

For García Canclini, corruption in Mexico is a phenomenon that is not explained only by moral or cultural features, since it is related to the irregularities in the management of social and political life. In this sense, political elites have not efficiently incorporated the adoption of social and cultural values based on the rationality of the rule of law and the transparent management of government bureaucracies (Notimérica 2014).

The contradiction between the endorsement of the rule of law and its appliance leaves the door open for the development of corruption, despite the international agreements that Mexico has signed. It is important to mention that Mexico has signed the most important anticorruption agreements: The Inter-American Convention against Corruption (IACAC) signed March 29, 1996 in Caracas, Venezuela, adopted by the member countries of the Organization of American States (OAS 1996); and 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 December 17, 1997 (OECD 2011); the United Nations Convention against

Corruption (UNCAC) signed on December 9, 2003, in Merida, Mexico; and the Foreign Corrupt Practices Act of 1977 (FCPA), the Bribery Act 2010 that covers transactions that take place in the UK or abroad, and both in the public or private sectors and G20 Anticorruption working group (ACWG). However, the presence of corruption in Mexico continues, which contradicts with the anti-corruption narrative of the Mexican authorities.

The anti-corruption narrative has been used by all Mexican presidents of all political parties. Anti-corruption rhetoric has been a paramount element to introducing neoliberal policies and justifying 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). This narrative has played an essential role during the campaign of Vicente Fox (2000-2006), then candidate of the National Action Party (*Partido de Acción Nacional*, PAN), and the defeat of the Institutional Revolutionary Party (*Partido Revolucionario Institucional*, PRI) in July 2000. The same anticorruption speech was also pivotal during the government of Felipe Calderón Hinojosa, (2006-2012) belonging to PAN, as a way to win legitimacy in his “war against drugs”. Enrique Peña Nieto (2012-2018), in the same vein, he 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 (*Sistema Nacional Anticorrupción*, SNA). Andrés Manuel López Obrador was not the exception in using the anticorruption narrative to win elections, legitimacy, and justify public policies. However, the levels of corruption in Mexico continue being quite high (Nieto 2018).

Certainly, Mexico has a constitution and quite rigorous anti-corruption frameworks; however, the problem is not mainly the lack of regulations, but the compliance of the laws, and the double speech of political and judicial representatives. On the one hand, in the narrative, they sanction corruption, but on the other hand, they exercise it as a tool for governance and political socialization. Throughout the political history of Mexico, the presence of corruption has been a constant, whose intensity varies slightly from one government to another, which suggests that this phenomenon has deeper roots that are able to be present in almost all types of political and business relations. Mexico has a huge challenge ahead, namely, to curb corruption and impunity, if Mexicans want to transition to a better society and reduce the risk of criminal gangs, drug trafficking, poverty, and human suffering.

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Notes

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²The Gini index [coefficient] measures the extent to which the distribution of income (or, in some cases, consumption expenditure) among individuals or households within an economy deviates from a perfectly equal distribution. A Lorenz curve indicates the cumulative percentages of total income received against the cumulative number of recipients, starting with the poorest individual or household. The Gini index measures the area between the Lorenz curve and a hypothetical line of absolute equality, expressed as a percentage of the maximum area under

the line. Thus a Gini index of 0 represents perfect equality and 1 perfect inequality or in other words, 0 represents perfect equality, no poverty, and 100 implies perfect inequality or extreme poverty (World Bank 2022).

³Corruption is commonly defined as a misuse of public office or entrusted power for private gain (Rose-Ackerman 1999).

⁴The Panama Papers are 11.5 million leaked documents that were published in April 2016, which revealed personal information about wealthy individuals, public officials, celebrities and politicians around the world, who hired the services of the Panamanian law firm Mossack Fonseca, property of the German-born Jürgen Mossack and Panamanian Ramón Fonseca. Both charged of accessory to tax evasion and forming a criminal organization. Since this firm was used for proposes of money-laundering, tax avoidance, violation of trade rules and corruption (ICIJ 2018).

⁵For the Organization of the United Nations, the “justice” is an ideal of responsibility and fairness in the protection and demand of the rights, and the prevention and punishment of the offences. The justice implies taking into account the rights of the accused, the interest of the victims and the welfare of the society as a whole. It is a concept rooted in all cultures and national traditions, despite its administration, which usually implies the existence of judicial mechanisms of official nature, the traditional methods to resolve conflicts are equally relevant. The international community has been working for more than a century to articulate collectively the substantive and procedural requirements of the administration of justice (UN 2004).; Political accountability is when a politician makes choices on behalf of the people and the people have the ability to reward or sanction the politician. In representative democracies citizens delegate power to elected officials through periodic elections in order to represent or act in their interest. Rulers in a democracy should be held accountable not just for misusing power for their own benefit, but also for not using it for the benefit of the citizenry. Political accountability is a requirement for turning out the exercise of power more symmetric and rulers can be investigated and held to account for their actions (Schmitter 2007).

⁶Following to the definition of the United Nations (UN), the concept of “Rule of law” is defined as “a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are promulgated publicly. The laws are applied equally to everybody and they are applied independently. Besides, the laws are adopted in order to ensure the respect of the principles of supremacy of law, equality before law, accountability to law, fairness in the application of law, separation of powers, participation in the adoption of decisions, legality, avoidance of arbitrariness, and transparency legal and procedural” (UN 2004).

⁷Democracy: A regime or system of government in which rulers are held accountable for their actions in the public domain by citizens acting indirectly through the competition and cooperation of their representatives (Karl 1991).

⁸Oligarchy is a government of a few people who exercise the power such as wealthy landowners, royalty, military figures or politicians who control a country. This term comes from the Greek with means intact (Hermet et al. 2000, 189); Plutocracy is a government that is ruled or controlled by wealthy people who exercise the power according to their interest (Hermet et al. 2000).

⁹Governance has been defined to refer to structures and processes that are designed to ensure accountability, transparency, responsiveness, rule of law, stability, equity and inclusiveness, empowerment, and broad-based participation. Governance also represents the norms, values and rules of the game through which public affairs are managed in a manner that is transparent, participatory, inclusive and responsive (Unesco 2022).

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