



11 Opportunities

Proposals for a new government

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The July 1st elections showed a citizen's mandate for an alternation in the Mexican Presidency, as well as a readjustment of political forces in Congress. Generally speaking, three major parties have established a firm presence in the political specter, while other four have guaranteed their registration at national level and have increased their presence within the framework of a brewing pluralism. While only one party will be head of the Executive Party and will also be the first minority in both chambers of the Legislative Power, the other political forces are being called on to play an important role, not just in the adequate functioning of the government, but in the responsibility of generating changes from different power positions.

Twelve years have passed since the first democratic alternation in 2000, and fifteen since Congress stopped being a fiefdom for the majorities of the party in power. When the hegemony of a single party collapsed a plural debate, both within legislative and federal bodies as well as the three Powers of the Union, appears to be here to stay. This has credited the gradual construction of a dialogue culture that, though it can still be improved, remains essential when incorporating the different opinion of society to public discussion. However, a vital component in order to exploit the virtues of plurality and not falling in the risk of chaos that may arise from its corruption relies on generating an inclusive, respectful and informed dialogue.

For several years, even before 2000, virtually all partisan movements and large sections of the civil society have agreed on the need to legislate the so-called "structural reforms" (tax, labor, political, energetic, among others). Nevertheless, over the past decade, the reforms undertaken have been far from structural and have proved insufficient regarding their effectiveness and, in many cases, their implementation. Equally, additional legislation that would boost and enhance the already approved reforms is left for a better time. This legislative error – not exclusive of Mexican Congress – tends to accumulate potentially beneficial policies in the legal swamp of good intentions.

At the prospect of a new six-year period, the Development Research Center (CIDAC) has undertaken the task of elaborating eleven proposals on specific topics that range from public security, energy, competition and regulation to higher education and land. Through this exercise, CIDAC intends to open up opportunities for the discussion of these issues and, by raising, listening and debating ideas with experts on each matter, to build solid and informed initiatives that would end up as public policies for the benefit of Mexico's development.

1. Regionalized police commanders

Key question

How can we devise an organization model of police commanders that will conciliate the free township's will with the need of having efficient public security forces at all levels of government?

The implementation of more aggressive capacitation, professionalization and certification programs without taking the leadership off the town councils, as well as the creation of metropolitan police services (a scheme in which municipalities with less than 50 thousand inhabitants can enter into coalitions with adjacent municipalities that share similar characteristics, but as a whole do not exceed 100 thousand inhabitants and constitute a common police force for their region), could be a viable alternative in the gradual rearrangement of police forces throughout the country.

Proposal

Creating a map over the state that municipal polices protect within Mexico, as to identify which scheme of police authority is more convenient for each state, region and municipality.

2. Discretionally opening PEMEX without sacrificing oil sovereignty

Key question

What would be the next step in making PEMEX contractual model more attractive and thus, more internationally competitive?

Mexico should continue its effort to incorporate PEMEX into international contractual models. Allowing private investments without "surrendering" the hydrocarbon property is perfectly achievable. A scheme of shared production contracts in high risk areas or wherever PEMEX lacks the optimal operation capacities, along with an adequate regulation that works under the principles of transparency and safeguard of the State interests, could be the key to the company's true modernization. Furthermore, governing bodies such as the National Hydrocarbon Commission (CNH) and the Energy Regulatory Commission (CRE) should play a major role by looking out that oil resources may still be exercised by the State authority.

Proposal

To establish a scheme of a discretionary openness in PEMEX at areas where Mexico can exploit its comparative advantages without having to give up the ownership of its hydrocarbons

3. Redefining, giving transparency and improving the efficiency of energy subsidies

Key question

Should we redefine the current system of energy subsidies, and if so, how should it be modified, particularly LP Gas, gasoline and electricity?

The redefinition of energy subsidies should envision a plan to reduce its digressivity, to make its exercise more transparent, to apply them more efficiently, to generate medium-term benefits regarding cost savings for consumers through cheaper and more functional energy infrastructure, and to have more environmental-friendly technology. Finally, with the aim of fostering a “pay for what you consume” culture, which also enhances responsible consumption, it should be accompanied by policies of transparency in spending, in order to shut out any suspicions that savings in subsidies may be used in different interests other than public benefit.

Proposal

To make the redefinition of energy subsidies more transparent with the aim of fostering rational consumption, reducing digressivity and financing energetic transition.

4. Community work as an alternative to prison

Key question

What would be the best framework to implement work in favor of a community as a penalty, in order to comply with the principles of damage restitution, social reinsertion while at the same time not being harmful for the sentenced person’s human rights?

Penalty substitutes are a practical alternative to solve problems such as prison overcrowding and contact between higher risk inmates and minor offenders. By designing a scheme of outdoors community work, other factors will have to be taken into account, for example: guaranteeing decent working conditions; clarifying if there will be some kind of remuneration for it; certainty that neither authorities nor a particular individual that assist in this schema will take advantage of it; that its characteristics will not encourage the stigmatization of the convicted person; and to make sure that a proper damage compensation is made.

Proposal

Creating community work schemes to function as alternatives to prison sentences for some minor offences.

5. Formalizing interinstitutional coordination between regulating bodies

Key question

What would be the most adequate mechanisms to have a better interinstitutional coordination between regulating bodies, even without laying it down in law?

The encouragement of interinstitutional coordination between regulating bodies is crucial for an optimum performance in this emerging system in Mexico. This would firstly require legal changes to provide binding powers to every CFC opinion. It would also need that the aforementioned organization could emit guidelines for sectoral cases, as well as an obligation for the rest of the regulating bodies to provide the Commission with any issue that may involve possible competition violations. At the very least, that the different regulators with interests other than competitions, may hold periodic reunions in order to make their performances more transparent and to seek more adequate coordination mechanisms.

Proposal

To build a legal framework that can establish basis and rules for interinstitutional coordination between regulating bodies.

6. Providing full autonomy for regulating bodies

Key question

What elements should be taken into account when creating the “autonomous regulating bodies” concept and what judicial and budgetary tools should be provided in order to have strong regulators?

CIDAC has encouraged the creation of the constitutional provision of autonomous regulating bodies to regulating bodies, which would imply a reform to the 25th article of the Mexican Constitution. The aforementioned modification would establish the concept of autonomous regulating bodies, at least in issued already contemplated by the Constitution, that is to say, telecommunications, energy and economic competence. The option of eventually excluding Executive and Legislative Powers from naming and ratifying agents (which would require reforms to articles 76, 78 and 89) should be evaluated.

Proposal

To constitutionally establish the “autonomous regulating bodies” concept and lay the foundations for its adequate decentralization.

7. Self-sustainable system of scholarships and credits for higher education

Key question

What could be the best way to solve the problem of financial resources, while at the same time attending the inequality – with not just poverty/margination criteria, but merit criteria as well – existent in the procurement of higher education credits?

CIDAC proposes the creation of a system where merit criteria and economic needs are favored when assigning scholarships, where higher education institutions that may receive these students can be evaluated, where education credits that could be amortized both with public money as well as companies with specific needs of specialized personnel, and where the linking circle between labor market and the higher education system may close itself

Proposal

To grant more sustainability to the National Scholarships Program that is applied in higher education through a mixed model of scholarships and credits, which can also be linked to eventual graduates' employers.

8. Precedence of crimes

Key question

Should a model of crime precedence be bolstered within Public Ministries based on a catalogue of offences consisting on those which most affect the citizens' perception of insecurity?

We have to accept that only crime precedence will increase the chance of actually punishing those who break the law. At the same time, the Public Ministry and police corporations should specialize and must have enough criminal intelligence resources to prove guilty those who are responsible for serious and complex offences. Finally, punishing the most severe crimes generates a credible threat that discourages minor offences.

Proposal

Creating a flexible crime precedence framework, which allows to appropriately assign the necessary resources to those crimes that have most seriously impacted the public perception of insecurity and have consequently modified their behavior patterns.

9. Turning countryside into a true strategic resource

Key question

How to restructure the countryside resources used in basic grain production to increase its utilization and aggregate value?

Given the rising food demand, not just in Mexico but around the world, it's crucial to foster the study of new mechanisms to restructure the resources used in basic grain productions, in order to increase its utilization and efficiency – never to eradicate them or making them more dependent on external sources to ensure their supply -, as well as to eventually drive migration towards other higher-value crops.

Proposal

To study restructuring mechanisms of countryside resources in order to boost of higher-value crops, without risking food security.

10. Law Proposal for the Implementation of a Constitutional Penal Reform

Key question

Which are the most ideal and viable mechanisms so the Mexican President, as head of the Executive Power, could exercise a stronger leadership concerning the adequate implementation of a penal reform throughout the country?

Even when it's impossible to force Mexican states to adequate themselves to a calendar with specific mandated times, the draft of a Federal Law on Implementation in which general guidelines could be established in order to help entities to stay up to date regarding the matter could prove to be a correct alternative.

Proposal

Designing a Law for the Implementation of a Constitutional Penal Reform, via the Executive Power, with the purpose of helping states to meet deadlines regarding its application.

11. Guaranteeing expedited legal processes in terms of competition

Key question

How can a solid and convincing argument be made to establish the amparo as a unique legal figure in order to resolve disputes involving resolutions from regulating bodies and also keeping the specialized courts regarding economic competition?

Even though the ordinary administrative trial makes it possible for courts and specialized judges to deal with issues linked with regulating bodies' resolutions, its design should be inspired in expedited and clear processes, headed by properly qualified staff and with the least possible amount of loopholes for impunity. A feasible solution lies in establishing rules for those type of trials, except on economic competition, and given the proper functioning that the current amparo trial has had, it could be taken as a model for its regulation.

Proposal

Establishing a procedure similar to the amparo trial as something exclusive to the regulation of an ordinary administrative trial of the appeal for reconsideration regarding economic competition, in order to not diminish the authority of regulating bodies.

About CIDAC

Centro de Investigacion para el Desarrollo A.C. is a non-profit independent think tank devoted to the study and interpretation of Mexican reality and the presentation of viable proposals for the development of Mexico in the medium and long term. It formulates proposals that: contribute to strengthening the rule of law and creating conditions which encourage the economic and social development of Mexico; that enrich public opinion; and that contain the elements necessary to be useful in society's decision-making process.