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FEATURED Q&A

What Do Proposed Judicial Reforms Mean for Mexico?



Proposed judicial reforms in Mexico include allowing the public to vote for members of the country's supreme court (pictured). // File Photo: Thelmadatter via Creative Commons.

Q **Claudia Sheinbaum, the front-runner ahead of Mexico's June 2 presidential election, told the Financial Times in a recent interview that she backs outgoing President Andrés Manuel López Obrador's judicial reforms, which aim to amend the constitution to allow the public to vote for supreme court justices and election commissioners. López Obrador's alliance in Congress lacked the two-thirds majority needed to pass the reform in its last session, but the ruling Morena party plans to try again after new lawmakers are seated following this weekend's general election. How likely is the reform to pass, and what are its most controversial aspects? What would the changes mean for the rule of law in Mexico? Why are the reform's supporters pushing it?**

A **Arturo Zaldívar, coordinator at Diálogos por la Transformación, a group advising presidential candidate Claudia Sheinbaum:** "Mexico demands a profound reform of the justice system. The institutions responsible for administering and enforcing justice have not been able to address the corruption and impunity that is harming the country today. For this reason, Dr. Claudia Sheinbaum proposes a comprehensive reform to the judicial system through constructive dialogue and seeking consensus among political forces in order to strengthen these key institutions. The proposed reform is a starting point for discussion and dialogue. The most controversial aspect is considered to be the election of judges by popular vote. However, it is crucial to distinguish between the election of justices and the rest of the judges, as this will be the key point that will require an exhaustive

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TODAY'S NEWS

POLITICAL

Kenyan Police Will Arrive in Haiti in Three Weeks: Ruto

A long-planned deployment of Kenyan police who are to lead a multinational force to Haiti to fight the gangs that have increasingly taken control of the country will start in three weeks, said Kenyan President William Ruto.

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BUSINESS

New Petrobras CEO Wants Oil Exploration in Equatorial Margin

The new CEO of Brazilian state oil company Petrobras, Magda Chambriard, said oil exploration in the country's Equatorial Margin is a matter of "national interest."

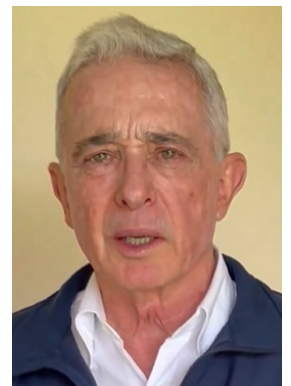
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POLITICAL

Colombia's Uribe Charged in Tampering Case

Former Colombian President Álvaro Uribe was charged Friday with witness tampering and bribery in a case that dates back to 2012. Uribe has denied wrongdoing.

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Uribe // File Photo: @AlvaroUribeVel via X.

POLITICAL NEWS

Kenyan Police Will Arrive in Haiti in Three Weeks: Ruto

A long-planned deployment of Kenyan police officers to Haiti to help fight the gangs that have increasingly taken control of the Caribbean nation will start in three weeks, Kenyan President William Ruto told BBC News in an interview Friday. A planning team was sent to Haiti and met with local police in order to prepare for the deployment. "I have a team already in Haiti as I speak to you," Ruto told BBC News. "That will give us a frame of what things look like on the ground, the capabilities that are available, the infrastructure that has been set up," he added. The deployment had been scheduled to begin last week, but it was delayed because of logistical issues, the Associated Press reported Saturday. The advance team was due to arrive back in Kenya on Monday after recommending the three-week delay in the deployment, the wire service reported. Bases in Haiti are still under construction, and crucial resources such as vehicles still must be put in place before the first contingent of about 200 Kenyan police officers can be sent, a senior Kenyan official who is part of the advance team but declined to be identified told the AP. The base from which the officers will operate is about 70 percent complete, and work is still needed on their armory, the official said. In addition to meeting with Haitian police officers, the Kenyan advance team also met with the Caribbean country's transitional presidential council, the AP reported. "We are looking at the horizon of between three weeks and thereabout for us to be ready to deploy, once everything on the ground is set," Ruto told BBC News. The Kenyan president's comments came at the conclusion of his three-day trip to Washington, where he was honored at a state dinner last week at the White House. Ruto's visit was the first official state visit by any African leader to the United States in more than 15 years, BBC News reported. The United States is part of the multinational coalition that is partnering

with Kenya to seek to bring peace to Haiti. "The security situation in Haiti cannot wait," a National Security Council spokesperson said on Friday, BBC News reported. U.S. President Joe Biden has pledged to support the "expedited deployment" of the Kenyan force in his talks with Ruto, said the spokesperson. Ruto's visit to the United States came as a young missionary couple and the local director of a mission group in Haiti were killed by gang members on Thursday. Jude Montis, the local director of Missions in Haiti, and Davy and Natalie Lloyd were killed Thursday in the community of Lizon in northern Port-au-Prince, the AP reported. Davy Lloyd, 23, and Natalie Lloyd, 21, were attacked by gang members as they left a church, the wire service reported. Montis, a Haitian, worked at Missions in Haiti for 20 years. He left behind two children, ages 2 and 6, the AP reported. Ben Baker, Natalie Lloyd's father and a Missouri state representative, wrote in a Facebook post that his heart was broken "in a thousand pieces." He added, according to the AP, "I've never felt this kind of pain. Most of you know my daughter and son-in-law Davy and Natalie Lloyd are full time missionaries in Haiti. They were attacked by gangs this evening and were both killed. They went to Heaven together. Please pray for my family we desperately need strength. And please pray for the Lloyd family as well. I have no other words for now."

Colombia's Uribe Charged in Witness Tampering Case

Former Colombian President Álvaro Uribe was charged Friday with witness tampering and bribery in a case that dates back 12 years, the Associated Press reported. Prosecutors allege that Uribe, who was president from 2002 to 2010, attempted to discredit a political opponent who was probing purported ties between Uribe's family and right-wing paramilitary groups. In 2012, Uribe filed a complaint with Colombia's supreme court, alleging that a left-wing lawmaker, Iván Cepeda, had slandered him, the AP reported. Six years later, the high court announced that it has dismissed the case

NEWS BRIEFS

Peru's Attorney General Files Complaint Against President

The office of Peru's attorney general on Monday filed a "constitutional complaint" against President Dina Boluarte in connection with her use of luxury watches, Reuters reported. Authorities have already questioned Boluarte in connection with corruption allegations related to the watches, and police raided her home in March in search of evidence for the case. The president has denied wrongdoing, and Prime Minister Gustavo Adriansén on Monday called the attorney general's complaint "improper, unconstitutional and illegal." If Congress acts on the complaint, it could lead to an attempt to remove Boluarte from office.

Reputed Top Assassin of Mexico's Sinaloa Cartel Extradited to United States

A reputed top assassin of Mexico's Sinaloa drug cartel has been extradited to the United States, the U.S. Justice Department announced Saturday, the Associated Press reported. Néstor Isidro Pérez Salas, known as "El Nini," was apprehended by Mexican law enforcement last fall, and will stand trial in the United States on charges of witness retaliation as well as drug and gun crimes.

Colombia's Constitutional Court Rejects Delay of Royalty Tax Refund

Colombia's constitutional court on Monday ruled against a request from the government to postpone paying back to oil and mining companies a refund for unconstitutional royalty taxes, Bloomberg News reported. The government now faces having to pay back some \$1.7 billion to the firms, according to finance ministry estimates, posing a serious fiscal setback for public finances.

against Cepeda and had opened an investigation against Uribe, for alleged fraud and manipulation of testimony, the wire service reported. Uribe has denied wrongdoing in the case and has accused Colombia's chief prosecutor's office of acting with "political vengeance." In wiretapped telephone conversations, the former president is heard discussing with one of his lawyers attempts to scuttle the testimony of two former paramilitary members who were poised to testify against him. The former president says the conversations were illegally intercepted, the AP reported. "I never sought to look for witnesses. I wanted to defend my reputation," Uribe said Friday during a virtual hearing, Agence France-Presse reported. Judge Sandra Heredia rejected Uribe's request to throw out the case. If convicted, Uribe faces 12 years in prison, AFP reported.

BUSINESS NEWS

New Petrobras CEO Sets Sights on Equatorial Basin

Magda Chambriard, the new CEO of Brazil's state-owned oil company, Petrobras, said Monday that drilling in a basin near Guyana, in Brazil's Equatorial Margin, was of "national interest," Reuters reported. Chambriard, whom President Luiz Inácio Lula da Silva chose to lead Petrobras after he dismissed her predecessor, Jean Paul Prates, following months of tension between Prates and Lula's administration. On Friday, Chambriard outlined how she saw replenishing oil reserves as a priority and added that oil exploration in the Equatorial Margin—a basin roughly 100 miles off the coast of Amapá state—would be an important step toward that goal, Reuters reported. Brazil's environmental agency, Ibama, originally denied Petrobras a license to drill in that region, citing the potential impact on Indigenous peoples and the environment. However, Petrobras has appealed, saying Monday that the decision over drilling in that area should not be left to any single organization.

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analysis. The essence of the reform lies in raising the standards of excellence, honesty and judicial independence, for which it is indispensable to diminish the interference of the executive branch in the appointment of senior positions in the federal judiciary. The judicial reform provides for accountability mechanisms for judges regarding the obligations they have toward citizens, in order to combat corruption, cronyism, networks of influence and impunity. In this sense, rule of law in Mexico will be strengthened in a forceful manner. The reform to the justice system is being promoted because the judicial branch is currently co-opted by political and economic interests. It is imperative to address the popular demand for a truly transparent, impartial and fair justice system for the benefit of Mexican society as a whole."

A Tamara Taraciuk Broner, director of the Peter D. Bell Rule of Law Program at the Inter-American Dialogue: "A decisive win in legislative elections for Morena could strengthen its hold on Congress, potentially perpetuating López Obrador's populist project. It remains to be seen to what extent Sheinbaum will implement López Obrador's policies if she wins. The López Obrador government has continuously undermined independent institutions meant to act as a check on executive power. The constitutional reform proposals presented to Congress directly threaten judicial independence, violate international human rights standards and, if approved, would undermine the foundations of the rule of law. They include electing judges and members of a judicial disciplinary body by popular vote, shortening judges' terms in office and tying their salaries to that of the president. While international standards state that judges' selection should be free from political interference, these measures politicize decisions, as judges would be more interested in responding to their voting constituencies than in adopting rulings

based on law. Similarly, measures to reduce judicial tenure and link it to the presidential term violate standards that require granting sitting judges security of tenure, essential for judges not to be pressured into making rulings for fear of retaliation. Moreover, tying the judges' salaries to the president's—which is determined by the president—would enable the executive branch to discretionarily increase or decrease judicial salaries, undermining the judiciary's autonomy. To preserve the rule of law in Mexico, judges should be selected on the basis of merit, protected from external political influence, ensured security of tenure and judicial financial autonomy, and able to present claims to an independent disciplinary tribunal."

A Cecilia Farfán-Méndez, head of research at the Center for U.S.-Mexican Studies at the University of California

San Diego: "If the proposed reforms were controversial, I would argue they could be debated as one expects to do in a healthy, even if young, democracy. Unfortunately, I do not believe the reforms are as controversial as they are alarming. At their core, the proposed reforms are undemocratic. They undermine defining features of democracy, including the separation of powers and checks and balances. A recent [analysis](#) by legal scholars also argues that the reforms will violate international legal obligations and politicize the judiciary. This last point is particularly worrisome insofar as it will erode the impartiality that should be central in law implementation. If approved, these would add to other actions that have undermined democratic rule in Mexico, including the erosion of citizens' trust in the National Electoral Institute (INE) as well as moves to eliminate the transparency institute (INAI), which has been essential for promoting accountability. These changes would further concentrate power in the executive branch and will turn the judiciary into another political actor. In the least charitable interpreta-

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tion, one could argue this is part of further concentrating power and removing unwanted obstacles to implementing the programs and decisions the executive branch wants. In a more charitable interpretation, one could make the case that reviewing how the judiciary operates in Mexico should not be disregarded. After all, all institutions can be improved. However, as it has occurred with other areas (consider, for instance, the elimination of the Federal Police), the preferred approach should be evidence-based and one using a scalpel rather than a machete.”

A **Andrés Rozental, member of the Advisor board, president of Rozental & Asociados and former deputy foreign minister of Mexico:** “During his six-year term, President López Obrador tried to push through Congress several constitutional amendments that require a supermajority in both houses, but he was unable to muster the two-thirds majority needed for passage. Now, he is hoping that with a new Congress in October he will have the necessary votes. He has only one month—September—to do this because his successor takes office on Oct. 1. The proposal to have judges, including the justices of the supreme court, elected by popular vote has been opposed by the Mexican Bar Association, together with legal experts and others. There are very few countries where the judicial branch is popularly elected—including the United States—and this has politicized the separation of branches of government. Although Claudia Sheinbaum has supported the constitutional change, we have yet to see whether the next administration will have the two-thirds majority in the House and Senate to push this amendment through. Rule of law in Mexico is already often compromised by politics and an authoritarian president. To popularly elect the judiciary would undoubtedly make the situation worse. Political parties would use such a situation to have judges beholden to whichever faction supported them and

would, as has been the case with AMLO’s appointments to the supreme court and other courts, bring unqualified individuals to a judiciary that already struggles to maintain its independence from the other branches of government.”

A **Ruben Olmos, chief executive officer of Global Nexus LLC:** “There are many questions in Washington and financial circles about Claudia Sheinbaum’s governing style starting Oct. 1, when she takes over the country. Some of us believe that if we look at her record as mayor of Mexico City, we will see a technocrat and pragmatic politician, who as a trained climate scientist, will approach things very differently from current President Andrés Manuel López Obrador. Many of her large policy challenges, including reform of the judicial system, will depend on the final results on Sunday, both in the presidential race and the composition of Congress and, most importantly, the wider sentiment of the country after the election. The international and domestic business community has emphasized that in order for Mexico to continue to enjoy the gains of the last years when it comes to attracting investment, an independent judiciary will be fundamental to guarantee the rule of law. While Sheinbaum has publicly endorsed some of López Obrador’s ideas, such as allowing citizens to vote for supreme court justices, she has been clear that a broader discussion and consensus will be needed before deciding what steps to take. Future President Sheinbaum will receive a very divided country with a wider list of challenges. One of her first tasks will be to engage in a constructive dialogue with the opposition and the different sectors and establish a working agenda that should include a discussion about the future of the judicial system.”

The Advisor welcomes comments on its Q&A section. Readers can write editor Gene Kuleta.

LATIN AMERICA ADVISOR

is published every business day by the Inter-American Dialogue ISSN 2163-7962

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Latin America Advisor is published every business day, except for major U.S. holidays, by the Inter-American Dialogue at 1155 15th Street NW, Suite 800 Washington, DC 20005 www.thedialogue.org

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