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BUFETE LAN / ANALYSIS



MEXICAN PORTS ARE NOW CONTROLLED BY THE MILITARY

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Mexico is indeed a maritime nation.

It is surrounded by the Gulf of Mexico, the Pacific Ocean and the Caribbean Gulf.

The Mexican Port System comprises 117 ports and terminals of which 71 are under concession to 25 Integral Port Administrations (Administraciones Portuarias Integrales): 18 federal, 6 of State governments and one private.

Until recently all personnel was civilian and the authority in charge was the Secretariat of Communications and Transportation (Secretaría de Comunicaciones y Transportes).



But, due to a bill of the federal government submitted to Congress and approved, now Mexican ports (and customs) are controlled by the military, specifically by the Secretariat of the Navy (Secretaría de Marina).

This is another step in the process of militarization of important economic activities in the Nation.

For example, now the military is involved in such formerly civilian activities as the construction of the new Mexico City International Airport in Santa Lucía and of relevant blocks of the Maya Train, an emblematic work of the current federal administration. Likewise, the military is constructing 2700 branches of a public bank, the Banco de Bienestar.

In addition, the new federal public safety institution, the National Guard, although formally directed by a civil authority, is de facto controlled by the military.

It is expected that, increasingly, the Mexican military will play a larger role in the Mexican economic civilian life.

With respect to Mexican ports and customs, the reason of using the military –according to the federal government- is the existing corruption, an argument that it is true but that does not justify replacing civil servants by the military.

First of all because ports are essentially a civil and commercial activity and the military lacks experience and expertise in this area.

Second, civil life should always be strengthened and promoted because it is intimately linked to the concept of democracy. Mexico needs more civil life as a way to continue strengthening its democratic dimension.

The military is indeed a respectable institution. In Mexico it is respected by the people. But, as in any human institution, there is also corruption. It is not the *sancta sanctorum* that many want to portray.

But, as mentioned, the fact is that now the military also control Mexican ports. Decades of civilian expertise could be wasted and nothing guarantees that this relevant economic area will be free of corruption.

The port activities that the military is already in charge are the following.

The authority of the Secretariat of the Navy will not only concentrate in Mexican marine zones but also in coasts, ports, ports installations and marine terminals. Even commercial naval education is now under its jurisdiction.

Merchant navy –previously ruled by the Secretariat of Communications and Transportation- is now under the powers of the Secretariat of the Navy as well as the relevant area of granting licenses and authorizations to private parties.

Other activities now reserved to the military is the construction of ports and maritime works including the power to adjudicate contracts, concessions and permits for the establishment and exploitation of services related to water communications and transportation by naval ships.

Likewise, it is now in charge of coordinating maritime and fluvial ports and related services and activities.

And very importantly, the Secretariat of the Navy will manage centralized ports granting permits and concessions for the occupation of federal areas within ports premises, as well as establishing operational standards for public services related to water communications and transportation.

In a nutshell, all public powers and activities formerly conducted by a civilian authority, the one of communications and transportation, are now under the military.

Private parties will continue participating in the maritime sector through concessions, permits and authorizations now granted by the Secretariat of the Navy.

As mentioned, generally the military in Mexico is a respected institution.

It is also true that military men and women around the world embody remarkable attributes and qualities. A classical and beautiful novel of the French author Alfred de Vigny, “*Servitude et*

Grandeur Militaires”, highlights the special features involved in military life such as the sense of honor, loyalty, patriotism and the difficult process of even suppressing the individual will by unconditionally subjecting to superior orders for the benefit of the homeland. Indeed noble virtues not always present in other professional activities and endeavors.

Even the pacifist and acclaimed Spanish philosopher, José Ortega y Gasset, defended the importance of the military. For example, when analyzing the undesired consequences of pacifism by the British in the 20 years before the year 1938, almost in the eve of World War II (“On Pacifism. The Nineteenth Century”. 1938, an essay mentioned in the book “La Rebelión de las Masas”. Editorial Porrúa, p. 227. 2002. Mexico).

But these egregious virtues should be displayed in areas and jurisdictions inherent to the military. Civil life constitutes another dimension only corresponding to civilians.

The growing participation of the military in Mexican civil life is worrisome and hopefully would be contained for the benefit of our democratic life.

No *manu militari* for Mexico. Only democracy and social justice.

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