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Mexico through its government communication: from the Aztec Empire to the *Ley Chayote*

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Abstract: Despite their vast experience displayed through the history in the field of government communication, today persist in Mexico serious problems on their exercise, same that lead to the lack of clear policies that allow to manage the different organs of government manage information with uniform and transparent criteria toward society, powers and other political actors, social and cultural rights, with which they interact. Since the Aztec Empire, until today, the establishment of such policies has resulted in a constant struggle from various trenches, counting in the best of cases, with a weak support of the authority in turn, but in most of them, with its veto and total rejection. In this sense, the modern history tells us that from almost fifty years ago has been discussing the importance of the definition of the main lines of action information as well as the liability of the various sectors with regard to the transparency and accountability. However, to the return of many decades, the legislation on the matter remains by other poor, despite the recent enactment of the General Law of Social Communication, called by its detractors *Ley Chayote* (in allusion to the bribery that receive in Mexico the media and journalists colluding with the government), it has not done anything else other than to delve into the legal voids and existing social.

Key – Words: Mexico – government – history - government communication – *Ley Chayote*

1 Introduction

Government communication –also called social communication and public communication– should be understood as the communication issued by government authorities, in order to establish a direct relationship with their governed, in the purpose to report on their works, actions, plans and programs, opening feedback channels for optimization. These actions must respond to diverse needs, among which they emphasize, to keep the population informed about the activities carried out in their communities, colonies and municipalities; As well as to summon their attention in efforts of common benefit.

This informative task must ensure the permanent access of the population to the deep knowledge of what the government does, to strengthen their participation and to encourage each citizen to have sufficient elements to evaluate the work government, safeguarding the right to information at all times.

To communicate is to govern –it has always been said– and to communicate efficiently is also to govern in an extraordinary way, and when citizens are involved, they are governed in a democratic, responsible and transparent way, generating certainty in the citizenry.

In this context, Mexico, with a long history in the field of government communication, has traveled from the genuine informative efforts, to the outrageous spending on publicity for the promotion of the public image of some rulers.

From the Aztec Empire –through the Colony, the Insurgency, the First Empire and the Federal Republic, as well as the reform, the Porfiriato, and the Revolution–, to the contemporary Mexico (from General Cardenas to the *Ley Chayote*), the struggle has always been fought constant between duty and self, between transparency and opacity, and between accountability and impunity.

Until today, the opacity of public events has been the perverse means for the flourishing of abuse of power, of the brutal violation of human rights, of corruption and of unlawful

illegality, thereby generating a systemic problem, as has been pointed out by recently the Inter-American Commission on Human Rights, on the escalation of violence in Mexico.

In scope of the foregoing, and as a result of a series of social claims that increased over the past five years, in relation to the exacerbated spending on official publicity of the federal executive, the Supreme Court of Justice of the Nation, ordered the Legislative regulation the eighth paragraph of article 134 constitutional, in order to curb the discretion with which the resources were exerted in this area, in order to curb the discretion with which resources were exerted in this area, giving resolution to a shelter promoted by non-governmental organizations.

In this way, on May 11, 2018, the president Enrique Peña Nieto published the General Law of Social Communication, renamed by its detractors as *Ley Chayote*, causing a strong controversy with the specialized agencies in the field, among which highlights Article 19, who believes that the fight for informative and regulatory transparency, has been a failed fight, ensuring that this law will not curb the discretionary allocation of public resources, nor its misuse for proselyting purposes, so it is violated by the constitutional mandate. Such an international controversy has caused its promulgation, which even Jan Jarab, representative in Mexico of the United Nations High Commissioner for Human Rights (UN-DH), said that "with its approval, the opportunity to regulate the use of the Official publicity "; perpetuating the existing large gap, and making clear that the establishment of such policies will continue to be an outstanding issue on Mexico's public agenda.

2 Problem Formulation

In Mexico, talking about government communication policies is talking about a recent phenomenon, compared to the emergence of the modern state, but there is evidence of the historical relationship between the development of the press, the demand for information from the society and the creation of the so-called social communication offices, whose current structure and functions begin to be very questioned by their inoperability [1], despite the recent promulgation of the General Law of Social communication-known as *Ley Chayote*-, whose appearance has been preceded insistently by the concepts of transparency, access to information and accountability.

The legal loopholes and the scarce and confusing regulation on the subject, cause a total absence of these policies, as we observe in the national development plan 2013-2018, which does not even contemplate them directly in any of its guiding axes, because only reference is made to transparency and accountability in the first national goal "Mexico in peace", in the objective "I. 1". Diagnosis: Mexico demands a stronger and more effective social pact, stating that:

Transparency and access to information must be a tool to improve public accountability, but also to combat and effectively prevent corruption, encouraging citizens participation in decision-making government and in respect for the laws. Thus, corruption is not an isolated phenomenon but the consequence of different forms of transgression into the rule of law, so it cannot be effectively fought by only chasing individuals who have committed faults, but by building guarantees and creating comprehensive policies to reduce these behaviors [2].

These omissions generate irregular social communication structures that in most cases are not considered in the regulations, organizational manuals, or organizational charts of the federal public sector dependencies, provoking on the one hand, a lack of commitment and follow-up to the tasks entrusted by the owners; And on the other, a paralysis of society, in the face of the empty informative constants [3]. Likewise, the expense of advertising resources and the discretion with which they are exercised-in the name of social communication-produce a social unrest that has scaled significantly during the constitutional mandate of the current president.

Therefore, it can be observed that throughout the contemporary history of this country, it has not been possible to build a comprehensive model of governmental communication that benefit in an informed society-truthfully and opportunely-through clear and specific programs that are translated into instruments of transparency in the exercise of power and in a public ethic

that comes to legitimize government activity, thus generating a factor of participation and strong social recognition. In addition, with the publication of the *Ley Chayote*, it is more than clear that the establishment of government communication policies will continue to be an outstanding issue on Mexico's public agenda, perpetuating corruption.

3 Problem Solution

With the arrival to the power of the new president of the republic, on December 1, 2018, the so-called *Ley Chayote* must be repealed before it enters into force (1 January 2019), to make way for the construction of consensus among the different social actors.

In this sense it will be necessary to recognize that the political, social and economic conditions that favored the old model of communication have changed, and the persistence of its old forms produces decreasing yields and it violates the governability.

Today more than ever, government information must be translated into a public and national interest that benefit in effective social communication, given its strategic and conciliatory nature. Therefore, it urgently needs to be conceived, designed and implemented under the public policy approach, considering the use of information as a determining tool to disseminate in a timely and truthful way, the actions carried out by the government, guaranteeing transparency and accountability at all times, in frank, frontal and constant struggle against impunity.

Communication generates empathy and provokes favorable reactions and actions on the part of the population towards the proposals of work and the actions of the authority, since the greater the accurate and pertinent information that is generated, the greater the confidence will be; And the confidence built in communication must be used in times of crisis like the one currently living in the country: a crisis of credibility, insecurity and values, which so many deaths has taken over the last few years.

4 Conclusion

Today, cannot be conceived any political system and legitimately democratic that did not give a prominent place to the government communication, which does not consider it as one of its substantive work, as a public function inescapable and of the greatest importance [4].

It must not be considered never more as a mere instrument of control against the mass media, nor against the society, but on the contrary, must respond directly to the needs and alternatives that have the society for their development and for the strengthening of its political coexistence.

Should be then, as the fundamental premise for the healthy relations political-social of Mexico, but also as a moral principle, as it must be at the same time a permanent practice and an ethical value to regulate the actions of the public institutions of the country [5].

In this regard, will have to be revalued by politicians and rulers contemporaries as an invaluable tool to access directly to the citizenship, measure their level of satisfaction and meet their expectations; including, may be regarded as a weapon that is much more efficient than the use of force, who spoke Machiavelli.

In this way, the government communication must recoup as an instrument of transparency in the exercise of power, a sort of rule of public ethics that come to strengthen the legitimacy of the government activity [6], since the population informed is less vulnerable to the rumor, disinformation, to destabilization and to mistrust, since through the communication is generated a positive climate, as the guarantor of its principles and values, labor and welfare.

From now on, the federal government must have among its principal functions, which the whole population knows and evaluate his work, in addition to providing sufficient and adequate information to all the inhabitants of the country, in order to promote their participation in the work of government and can thus require an honest administration and effective, in addition to the correct application and efficient use of public resources.

Therefore, the definition of policies of government communication in Mexico must cease to be a pending issue in the public agenda.

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