Human Rights and Mexican Foreign Policy

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The subject of human rights is not new in Mexican foreign policy although there is no question that its importance has significantly increased in the last ten to five years. Since the end of the Second World War Mexican foreign policy, like that of many other countries, faced the dilemma of supporting the principle of non-intervention or promoting the protection of human rights. In dealing with this dilemma, Mexican governments supported the human rights international regime by defending cases selectively and they endorsed the idea that human rights were a domestic matter most of the time.

Mexico’s foreign policy did not evolve at the same pace as the human rights international regime in the post-War era, nor did it solve the contradiction between the defence of non-intervention and the promotion of human rights. Belatedly, however, Mexican governments recognized that human rights were a legitimate foreign policy issue, and the promotion of such rights has now become a foreign policy priority. Mexico’s new attitude was both the result of the influence exerted by the international system and a deliberate choice for change. This paper will focus on the international system as a source of foreign policy change although without totally ignoring domestic circumstances. It will argue that Mexican governments reacted to pressures and the influence of external actors, and that the issue of human rights in foreign policy was mostly instrumental for most of the period under study. However, the most drastic change in favour of human rights in Mexican foreign policy was a deliberate choice taken by Mexican authorities to assure Mexico’s democratic viability. After Vicente Fox took office in 2000, human rights are considered more a value than an instrumental strategy, but domestic circumstances suggest there is a long way ahead before such a new attitude towards human rights is consolidated in Mexico’s politics and society.

**Supporting the Human Rights International Program…..As Long as it Applies to Others**
Human rights were a subject of Mexican foreign policy long before the Cold War, the emergence of Zapatismo or the election of Vicente Fox. At the Chapultepec Conference in 1945, the Mexican government insisted that human rights should be incorporated into International Law: States and individuals both should have rights and duties. A few months later, the Ministry of Foreign Affairs concluded a report on the Dumbarton Oaks proposals that criticized them for not including a human rights declaration. The Ministry suggested that a Declaration of the Rights and Duties of Nations and a Declaration of the Rights and Duties of Men should be attached to the Charter of what would be the UN to expose more faithfully the ideals of democratic nations. The Mexican government even suggested that international mechanisms should be established to guarantee the application of the general principles included in both Declarations.

Mexico’s position in 1945 contrasts sharply to the country’s attitude regarding human rights thereafter. In 1945, the government expected a new international organization that would privilege law over politics. But once it was clear that the UN was more a political than a juridical organization, Mexican foreign policy tended to support non-intervention as a means to protect the domestic jurisdiction of States. Human rights would fall into the category of “domestic matters”.

During the Cold War, however, Mexican governments did not ignore the issue of human rights entirely although their policy towards democracy and human rights was not consistent or constant. President Adolfo López Mateos, for example, travelled only to those Latin American countries that had democratic regimes in 1960 but President Gustavo Díaz Ordaz, rejected this criterion when he visited Central America a few years later. Díaz Ordaz considered that such distinction would imply a judgement of the Central American regimes and therefore intervention. President Luis Echeverría (1970-1976) explicitly denounced human rights
violations in Spain, Chile, South Africa and Rhodesia, and ultimately broke diplomatic relations with Chile, suspended all communications with Spain\(^4\) and did not establish diplomatic relations with the African countries.\(^5\) The Mexican government even requested the Security Council to request the General Assembly to consider expelling Spain from the United Nations on the grounds of human rights violations. In 1979, President José López Portillo (1976-1982) broke diplomatic relations with Nicaragua for the same reason: massive human rights violations committed by Anastasio Somoza’s government.\(^6\)

The question at this point is whether foreign policy defended human rights out of conviction (as a liberal value) or whether it was just a justification that concealed other interests. Each example should be looked at in detail but, in general, it could be argued that Mexico’s policy was not a Liberal policy. This does not mean, however, that Mexican governments might have not defended human rights \textit{per se}: human rights and other issues such as peace are difficult not to support; no State would deliberately chose to defend human rights violations. Supporting human rights was an easy thing to do, it was not costly and it gave the Mexican government a prestigious standing. But the examples mentioned above reflect more than anything the existence of other domestic and foreign policy objectives.

The rupture of diplomatic relations with Chile and the suspension of communications with Spain support the argument that one of Echeverría’s main political objectives was to project the image of a progressive and democratic Mexico domestically and abroad after the 1968 events.\(^7\) Diplomatic rupture with Nicaragua, on the other hand, was the beginning of an active policy also defined as progressive towards the Central American countries. The international system was obviously decisive for it provided the opportunities for Echeverría and López Portillo to act as they did, but it was more a choice than an imposition or a forced reaction.
However, Echeverría’s and López Portillo’s policies were not necessarily “Liberal policies” as it is demonstrated by the gap between domestic and foreign policy. Human rights could be defended elsewhere but it was not very clear that they would be defended within the country; certainly neither Echeverría nor López Portillo would have admitted external opinions about the situation of human rights in Mexico, let alone more direct foreign intervention. And regardless of whether the Mexican government was actually promoting and defending human rights in the country, it is also true that human rights in Mexico was not the subject of international discussion. The events of October 2nd, 1968, for example, when Echeverría was Minister of Interior and Díaz Ordaz President, had not attracted much international attention. Amnesty International, AI, only classified the participants in the movement as prisoners of conscience and the Mexican government reacted by affirming that Mexico’s domestic affairs were not the concern of other States and international actors. In this way, foreign policy seemed to be an instrument to defend human rights without taking the risk of attracting international attention to Mexico.

The World Looks at Mexico

Mexican governments were therefore in a comfortable situation that allowed them to defend human rights abroad without having to account for the state of human rights in the country. This situation, however, started to change in the 1980’s when the country began to “open up” –not deliberately most of the time- and was seen and criticized by foreign actors. The debt crisis that began in 1982, the 1985 earthquake, the strengthening of drug-trafficking and organized crime in Mexico, and electoral disputes throughout the decade were discussed beyond national borders. The earthquake revealed the extent to which Mexican police practiced torture; the complaints
presented by the PAN at the Inter-American Human Rights Commission (IAHRC) confirmed that Mexico’s democracy was not working properly; and the assassination of DEA agent Enrique Camarena in Guadalajara, Mexico, exposed not only the levels of corruption and impunity of Mexican authorities, but also the extent to which drug-trafficking cartels had increased their power.

The complaints presented by the PAN at the IAHRC and the government’s reaction to such move illustrate nicely the links between the domestic and foreign levels. As the Commission endorsed the PAN’s complaints, the Mexican government strongly reiterated its support for non-intervention thus denying the validity international action, or the international norm. In the first place, according to Mexican authorities, the IAHRC lacked any competence on “issues reserved for the exclusive action of the State”: if a “[S]tate agreed to submit to an international body in matters such as its political organs, it would cease to be sovereign and it would cease to be a State”. In brief, the Commission’s was intervening in Mexico and violating its sovereignty.

Despite Mexico’s defensive position and support for non-intervention it continued to reiterate its commitment to the protection of human rights in other countries. The norm was not valid for Mexico but it was valid for El Salvador, Guatemala, Chile and South Africa, for example.

Carlos Salinas de Gortari’s presidential term illustrates the tension between the rejection of international action and the need to concede. In respect of foreign policy, two examples of change or tactical concessions are worth mentioning: the World Conference on Human Rights in 1993 and the acceptance of foreign electoral observers in 1994. In both cases there was resistance at the beginning and concessions at the end. In June 1993, during the UN World Conference on Human Rights, the Mexican government did not recognize that human rights
were universal. Mexico supported international cooperation to “strengthen the effective and
genuine protection of human rights but always on the basis of a national perspective”.\textsuperscript{11} In brief,
according to the Mexican perspective, the defence of human rights should be impartial,
objective, not selective, and not the instrument to “export” certain models of political and
economic organization.\textsuperscript{12} The Mexican government also opposed the creation of the post of UN
Human Rights Commissioner proposed by the United States, on the basis that human rights
being a domestic issue, another “bureaucratic office” was not necessary. In December, however,
the UN Human Rights Commissioner Office was inaugurated and the Mexican government did
not object to it. Apparently, the Mexican government realized that its position at the Vienna
conference was shared by countries whose company was not very convenient; hence its change
in position. Moreover, some argue that the United States exerted some pressure on the issue by
linking it to NAFTA.\textsuperscript{13}

The decision to accept foreign electoral observers towards the end of Salinas’s
government has been explained in terms of immediate reasons such as the Zapatista uprising and
the political assassinations of presidential candidate Luis Donaldo Colosio, and secretary general
of the PRI, José Francisco Ruiz Massieu, in 1994, but it may be worth taking into account the
general context of Mexico’s foreign relations since international attention had already been
attracted to Mexico. In 1990, for example Americas Watch had published a report on the
situation of human rights in Mexico and, for the first time, the US Congress held hearings on the
subject.\textsuperscript{14} Thus, Mexican authorities seem to have reasoned that the presence of electoral
observers in 1994 might contribute to demonstrating the viability of a questioned regime and to
legitimizing the PRI, who was convinced it would win the elections. Additionally, some private
foundations in the United States, such as the National Democratic Institute and the Carter Foundation, had insisted on the need of electoral observers.  

What is interesting about Salinas’s presidential term is that his government initiated a voluntary change in foreign policy which included an open rapprochement with the United States and, to a lesser extent, other developed countries. Foreign policy change was not intended to include human rights issues but Salinas’s aggressive commercial diplomacy ultimately had significant repercussions in the area of democracy and human rights in Mexico. It was not possible to isolate human rights from other foreign policy objectives, and they became instrumental. The contradiction between the rejection of the validity of the norm applied to Mexico but not to other countries was maintained for the Chilean and South African cases, -but not to Cuba. On the other hand, at the OAS, the Mexican government considered that the Santiago Commitment to Democracy and the Renovation of the OAS (1991), Resolution 1080 (1991), and the Washington (1992) and Managua (1993) protocols, all instruments adopted to actively promote democracy, violated the principle of non-intervention.

Salinas’s foreign policy was designed to a large extent with the external world as a key point of reference, but also with domestic purposes; that is to say, NAFTA was the means of consolidating domestic economic reform. One might talk about a boomerang strategy for the economic sphere that had the unintended consequence of incorporating human rights issues into the agenda. Obviously, domestic processes such as the political assassinations and the Zapatista uprising did not help to keep the issue of human rights out of the agenda, and the isolation of the subject became increasingly difficult. The government made some tactical concessions but reiterated its defensive position, and it denied the validity of the international norm as applied by the OAS and in the Cuban case. The opportunities provided by the
international system to strengthen a policy of defence of human rights (usually within the framework of defending democracy) were not easily taken by the Mexican government.

Thus, one might argue that change in foreign policy -not in the area of human rights- was originated from above and has to be understood, largely, in terms of the consolidation of a new economic model. Even though the subject of human rights was already part of the international agenda, there was no “imposition” on Mexico despite increasing criticism. The Mexican government did seek to become a member of the modern-countries club, in NAFTA and the OECD, but this did not require a change in the area of human rights, only tactical and instrumental concessions. The identity sought by the Mexican government in being “modern” did not necessarily include democracy and human rights. Mexico looked to the world in a selective manner; a straight look at the international agenda of democracy and human rights took place a little later.

**Mexico Looks At The World**

The government of Ernesto Zedillo illustrates the transition from the end of the denial phase to a more systematic policy of tactical concessions and, finally, to the recognition of the validity of the norm for the Mexican case. Changes in Mexican foreign policy throughout Zedillo’s presidential term were clear and numerous: the Mexican government invited IAHRC representatives and other UN rapporteurs to the country, accepted the jurisdiction of the Inter-American Human Rights Court, and signed a treaty with the European Union that included a democratic clause, as well as the International Penal Court statute. According to Foreign Minister José Ángel Gurría, for example, the invitation of the IAHRC representatives demonstrated the government’s new attitude concerning the subject of human rights: “[T]his is the approach, which is certainly new as things were not handled like this before; we had usually
adopted a cautious position, of great prudence in our contacts, because we considered that those institutions might be questioning our country”. The Mexican government decided not only to join the game but also to benefit from it: in justifying the recognition of the jurisdiction of the Court, Minister Rosario Green underlined that such a forum constituted “a space where we can discuss when we do not agree, and present our evidence in such a way that we will not be judged in absentia”.

The acceptance of the validity of the international norm, however, was limited to a norm in a State system. The Zapatista uprising and other subsequent events such as the killings in Acteal in 1997 not only attracted international attention, but literally opened the door to foreign actors who came into the country to observe the human rights situation in situ. In this way, even though the government accepted the norm it did not recognize that any foreign actor was legitimate to demand compliance; INGOs were not valid interlocutors for Zedillo’s government, as the conflict with AI general director, Pierre Sané, demonstrated. The Mexican President refused to meet with Sané arguing that the appointment had not been arranged. A few months later, Zedillo met a group of NGOs in Paris, and AI was excluded. The meeting became an occasion for accusing the Mexican government for not having complied in the area of defence and protection of human rights in the country. Facing such criticism, the Mexican government proposed to restrict the placement of NGOs complaints at the IAHRC but the project was not approved at the OAS. Moreover, the Mexican government issued a law to control the visits of human rights observers to Mexico. According to this law, potential visitors had to apply for a special visa to the Ministry of Interior and they had to demonstrate the “seriousness” of the organization they represented and their previous experience as international observers. Visits
would only be possible in small groups and for a short period of time. AI and Human Rights Watch Americas immediately criticized the new legislation.20

The fact that Zedillo decided not to recognize NGOs as interlocutors and to control their activity in the country did not mean, however, that he completely ignored the position of such actors. His government created an “Inter-Ministry commission for the attention of Mexico’s international commitments in the area of human rights” where NGOs could express their views. The creation of the Commission is also interesting as it seemed to be the filter from “the outside” to “the inside”: through governmental agents, and with the opinion of civil society, the Commission would see to it that Mexico complied with the international norms that the country had already agreed with. The agreement is justified on the basis,

that the international community has pressed for the universality of the respect for human rights through the enforcement and application of different international instruments that contribute to their effective promotion and protection…[and that] Mexico agrees, firmly and by the conviction of its people, with the fight in favour of human rights in such a way that it participates in the process of devising international warnings, and in the international protection of the rights and fundamental liberties of the individual. 21

Moreover, according to the agreement, one of the National Development Plan objectives was the rule of law “that would be inconceivable without the unconditional respect for human rights”.22

The analysis of Mexican foreign policy throughout this period rests on two questions: were tactical concessions a choice or a reaction?, and how did domestic and foreign actors interact? The answer to the first question would be that it was a choice, but a restricted one. We might even talk about a choice that was close to a forced reaction. The case where conditionality was clearer was that of the democratic clause in the Agreement with the European Union; despite the fact that there was some discussion about the drafting of the clause, which was at some point considered as intervention, the Mexican government finally accepted it arguing that both Mexico and the EU guided their domestic and foreign policies “inspired on human rights and the
democratic principles of each sovereignty”. It should be mentioned that the Agreement was Zedillo’s primary foreign policy objective and it was signed in his last year of government. Throughout the period, however, choice seemed to be rather free, or to have had another purpose which was closer the idea of constructing a different identity: a democratic Mexico. And it is here of course where domestic factors, linked or not to human rights issues, and INGOs, acquire a key role. Human rights violations in Mexico were no longer easy to ignore and the government’s efforts to keep NGOs and INGOs away only strengthened the image of a country whose human rights record was far from satisfactory.

A Human Rights Foreign Policy

One of Vicente Fox’s priorities as he took office was to consolidate Mexico’s presence in the club of democratic countries. In his first Annual Report, Fox enumerated five “axis” that would guide his government’s foreign policy, including: “to show the world the consolidation of Mexico’s democratic institutions and to project the image of a plural, transparent, safe and culturally dynamic country; to support and promote in an active and committed way the respect and defence of human rights in the world; and to defend democracy as the only form of government that guarantees the peoples’ welfare”. Equally important were Foreign Minister Jorge Castañeda’s declarations in the sense that Mexico recognized human rights as being universal and indivisible.

The purpose of giving human rights a key place in foreign policy, and the strategy that would be pursued accordingly, were clear since the beginning of the PAN government. Mariclaire Acosta was named undersecretary of Foreign Affaires for human rights, and the Ministry initiated a number of international activities that were expected to perform the same function that
NAFTA had performed before: to commit the country to changing abroad in order to lock in
domestic reform. Jorge Castañeda argued that foreign policy was not only the result but also the
cause of domestic change, and it would be an instrument to achieve the consolidation of a new
political culture. In his own words: “[W]e cannot increase and deepen our links with other
nations pretending that such actions will not have domestic repercussions: the adherence to
certain principles that we consider universal and the adoption of positions consistent to the
values we embrace in international fora, impose upon us the obligation of acting in a compatible
way in our domestic regime”.27

The day after Fox took office, his government signed a technical assistance agreement
with the office of the Human Rights High Commissioner, and the foreign policy agreements and
actions that followed were numerous: the legislation for international observers was repealed;
General Gallardo was freed (his case had been taken to the IAHRC);28 the Argentinean
businessman Miguel Cavallo was extradited to Spain for crimes committed during military rule
in Argentina; Mexico fully supported the Québec Declaration therefore endorsing the view that a
democratic regime was an essential condition to become a member of the hemispheric free trade
area; Mexico accepted the Democratic Inter-American Charter; an assessment of the situation of
human rights in the country was elaborated in coordination with the UN; and, for the first time in
the history of the bilateral relationship, policy towards Cuba included the issue of human rights
on the island. Between December 2000 and October 2003, 15 human rights representatives
visited the country: 10 from the United Nations, 4 from the IAHRC and one from AI. Between
2001 and 2003 the government ratified 4 human rights instruments and accepted one, but has not
ratified three and keeps reservations and declarations to 13 international human rights
instruments. The Mexican government has issued an open and permanent invitation to any of the UN system organs wishing to observe Mexico’s human rights situation in situ.

Foreign policy change in the area of human rights is now certain: did foreign policy change because the regime changed? The answer to this question depends on the date one chooses as the beginning of regime change. If Fox’s government is considered as the “new regime” the answer would be in the negative since, as it has been seen, foreign policy began changing before. On the other hand, it could be argued that Fox’s policy was precisely the result of previous regime change. A more plausible argument suggests that “la alternancia” speeded up and probably consolidated change in foreign policy, but its course had already been established. In any case, the importance of “la alternancia” is beyond doubt: there is a clear democratic legitimacy that makes it easier to aspire to become a member of the democracies’ club in the world. The reasons and justifications for change, however, provide new elements. In this sense, the rupture with the previous regime, for which foreign policy has also been useful, allowed for a policy design that was not necessarily reactive to international “pressures” but that took the initiative; that is, directed more clearly towards the construction of a new identity.

**Foreign Policy and the State Of Human Rights in Mexico**

Foreign policy seems to have changed enough in favour of human rights, but a key question remains: has such change been effective in encouraging the improvement of the state of human rights in Mexico? Has the strategy of committing the country to the international norm worked to change norms and practices domestically? These questions are obviously not easy to answer, but it may be safe to argue that change in foreign policy was quicker and easier than change in domestic politics. Changing attitudes in the political class and society in general is not as
straightforward as a small elite deciding that Mexico should join one or another international treaty.

Without underestimating the work of many individuals and organisations, even at the official level, I believe change in foreign policy did have a positive influence at least in contributing to the awareness of the issue in Mexico. The opening of the country through the invitation of foreign actors to monitor elections and to observe human rights, and the recognition of a plurality of actors within and outside the country has helped Mexican governments to recognise the seriousness of the situation, and to expose some willingness to improve it. However, foreign policy cannot be decisive as human rights are concerned. Fox’s government has promoted the compatibility of domestic law with Mexico’s international commitments by proposing a series of constitutional reforms but this seems to be as far as foreign policy can get as the state of human rights in Mexico is concerned. No matter how universal human rights are and how influential the international system may be, the effective protection of human rights is not possible without a State willing to do so. I would finish by arguing that in the case of Mexico foreign policy has already done what it could do—it can only be a constant reminder of the importance of the issue- and a lot of work remains to be done within the country by both the Mexican authorities and Mexican society.


3 Blanca Torres, *De la guerra al mundo bipolar. México y el mundo. Historia de sus relaciones exteriores*, (Blanca Torres, coordinator), Mexico, Senado de la República, 2000, pp. 156; 197, vol. 7.

4 The Mexican government recognized the Spanish Republic so that diplomatic relations could not be broken.


7 It is generally agreed that Echeverría’s foreign policy was designed to underline the progressive and nationalistic nature of the Mexican regime, and to co-opt groups of the left that had been alienated by the regime after the 1968 killing of students by certain Mexican police groups (it is not clear whether it was the Army who opened fire). See Yoram Shapira, “Mexican foreign policy under Echeverría”, London, Sage, 1978 (The Washington Papers, 56), and Carlos Rico, *Hacia la globalización*, op. cit.


13 According to a *Wall Street Journal* piece, Secretary of State Warren Christopher urged the Mexican government to “polish” its human rights record by inviting international observers to monitor the 1994 elections and by


17 A good example of how international pressure promotes domestic change (however superficial) is the creation of Mexico’s National Human Rights Commission. According to Kathryn Sikkink, President Salinas was so concerned about Mexico’s external image that he took some preventive measures, such as the creation of the Commission, only a few days before he met President Bush. Another example is the appointment of Jorge Carpizo (former Supreme Court Judge and president of the National Human Rights Commission at the time of the appointment) as General Attorney a few days before Salinas met President-elect Bill Clinton. Sikkink, “Human Rights”, *loc. cit.*, pp. 433-434.


21 “Decreto que crea la Comisión Intersecretarial para la atención de los compromisos internacionales de México en materia de derechos humanos”, <http://info4.juridicas.unam.mx/ijure/nrm/1/71/1.htm?s=iste>, downloaded on January 28, 2004

22 *Idem*


Mariclaire Acosta is a well known human rights activist and had long worked with different Mexican and international NGOs before taking office. Her appointment to the post was a clear signal of the government’s opening.


General José Francisco Gallardo was imprisoned formally for 14 charges by the military authorities; however, the ultimate reason seems to have been his proposal for the establishment of an ombudsman’s office for the armed forces.


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