

Mexico and Multilateral Diplomacy

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Reuters/Chip East

By long tradition, the multilateral sphere has been one of Mexican diplomacy's priorities. The current institutional structure of multilateralism began to be built at the end of World War II and for the last 60 years, the presence and voice of Mexico have been felt in the majority of the most important debates. Mexico defended the legal equality of states when the composition of the United Nations Security Council was discussed; it postulated

the primacy of development when the priorities of the World Bank were determined —originally called, at Mexico's initiative, the International Bank for Reconstruction and Development. It struggled constantly in all forums and bodies for disarmament, an effort which resulted in the Nobel Peace Prize being awarded to one of its most illustrious diplomats, Alfonso García Robles. It proposed and achieved, through the Treaty of Tlatelolco, the establishment of the first region free of nuclear weapons, Latin America. It opened the way for the transformation of the international economic order with initiatives like the Charter of Economic

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Rights and Duties of States. It organized and, jointly with Canada, presided over the first North-South summit about cooperation for development in Cancun. In short, it has been the proponent of innovative ways of dealing multilaterally with matters like migration, drug trafficking and the rights of the differently abled. The list of Mexico's contributions to multilateral dialogue on a global, hemispheric and regional level could be extended to include many more examples. However, the object of this text is not to count them, but to attempt to analyze two current multilateral debates crucial for the future of cooperation among countries, the preservation and strengthening of multilateralism and the role Mexico has played in both.

HUMAN RIGHTS: TOWARD A NEW FOCUS

The first meeting of the new United Nations Human Rights Council (HRC), under the direct aegis of the General Assembly, was held in Geneva in mid-2006. Thus began a new stage in multilateral treatment of an issue of universal importance that expresses itself in national decisions. The primary responsibility for individual freedoms (personal, political, social and cultural) depends on actions or omissions that occur above all inside nation-states. However, what

happens inside each nation-state is a matter of concern for all, and therefore human rights are a collective, universal responsibility. As we all know, the council replaced the UN Human Rights Commission, a subsidiary organ of the Economic and Social Council. The commission's transformation into the council is the most concrete advance of the prolonged, controversial process of UN reform. There is no doubt that the main challenge the council faces is to distinguish itself from the commission. Not only must it act differently, but it must also make sure that the general perception be that it is acting differently. Seen in this light, the first session of the new Human Rights Council came nowhere near the expectations it had generated, given that it concentrated on procedural questions and during the two weeks it met, the old commission's ways of dealing with issues, so to speak, prevailed.

A leadership was elected to chair the council's first session, made up of a president, representing the Group of Latin American and Caribbean States, and four vice-presidents, one for each of the other regional groups: Eastern Europe, Africa, Western Europe and other States and Asia. This is the same make-up as the chairing body of the commission's final session, held in spring 2006, which passed on its issues and procedures to the new council. In this important matter of selecting

the council's leadership, members preferred continuity to renovation. Just like the commission's, the council's leadership was made up of representatives of the regional groups designated by each of them. The proposal to elect the presidium in an open vote was considered, but it was decided that it was safer to use the established procedure. After all, going to the regional groups is the common practice for forming the leaderships of all United Nations organs. Established practices have their own weight and impose themselves even in cases that promise to be different from their predecessors.

This is why it seems excessive to celebrate Mexico's election as president of the council, saying that it was the recognition of the country's leadership in human rights matters, as the Mexican delegate stated to the national press. It was simply the application of an established procedure: the presidency continued in the hands of the Latin American and Caribbean Group, and a gentleman's agreement within the group allowed Mexico to replace Peru.

A short summary of the results of the first council session, based on the report of the council itself, shows the following points as the most important: the approval of a treaty and a statement to be ratified by the General Assembly. The former, called the International Convention for the Protection of All Persons from Enforced Disappearance, defines enforced disappearance as a crime, and, if it is generalized and systematic, a crime against humanity. The convention makes preventive action a priority and establishes the rights of victims. The second point, the United Nations Declaration on the Rights of Indigenous Peoples, reaffirms self-determination and other rights of first

peoples, including that of protection from actions carried out against their free will, expressed previously and with prior knowledge, the right to own and enjoy their lands and traditional resources and the right to establish and control their own educational systems, with teaching in their own languages.

To foster tolerance and in answer to episodes considered an incitement to ethnic and religious clashes, the council decided to request that special rapporteurs on freedom of religion and beliefs and contemporary forms of racism, racial discrimination, xenophobia and related forms of intolerance, as well as the High Commissioner for Human Rights, prepare a report about these issues for the next council session. In addition, given the entry into force of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which establishes a mechanism for inspection visits to detention centers to prevent torture, the council called on all states to ratify it and comply with its stipulations.

Finally, the council began to discuss procedures to carry out the “universal periodic review” of the human rights situation. This is the new body’s biggest innovation *vis-à-vis* the old commission. Now, no country, starting with the council’s 53 members, will be able to escape periodic, objective and impartial scrutiny of its human rights record. A working group was established to propose scheduling and forms of action.

The Middle East events of summer 2006 not only occupied international attention, but also impacted the work of the first council session. The matter of the disproportionate and abusive military action by Israel in Gaza

and Lebanon was discussed during the session, giving rise to the council’s first special session. Twenty-one of the council’s 53 members—not only Arab or Muslim countries, but Latin American ones like Brazil; Asian ones like India; and African ones like South Africa—seconded Tunisia’s proposal to hold a special session. Mexico did not second the motion. The special session decided (29 in favor, 11 against, 5 abstentions and 8 absent) to commission the special *ad hoc* rapporteur on the situation of human rights in Palestine to make an investigative visit to the occupied territories. The debate was heated, and, despite the special rapporteur’s clarity, it degenerated into an exchange of accusations that participants were trying to politicize the council’s work. Thus, at the end of its first session, the Human Rights Council, with a sharp debate and a divided vote, dealt with the first of its controversies about an issue and in a format and style completely reminiscent of the workings of the old commission.

With the responsibility of the presidency, Mexico will have to guide the council’s activities. Hopefully, it will contribute to an objective, impartial, equitable multilateral scrutiny of the, unfortunately, numerous violations of fundamental freedoms. To safeguard objectivity and transparency, Mexico should foster a multilateral examination of the respect for or violation of political

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MIGRATION, A GLOBAL ISSUE

In September 2006, on the eve of its 61st General Assembly, the United Nations took the first very important step to formally and definitively establish migration as a priority issue on the global agenda. This launched a new phase in the way the world deals with migration, until now mostly handled bilaterally or regionally. It is to be hoped that multilateral treatment of migration will result in positive long-term policies, based on the common, complementary needs of sending and destination countries, that will progressively reduce the restrictive and repressive nature of most current national or regional policies, particularly those of the United States and the European Union.

Recent UN studies point to facts like the following: in 2005, there were 191 million migrants, almost half of whom were women. One-third of the total migrated between developing countries, while another third emigrated from developing to developed countries. The biggest receiving regions were Europe (34 percent), Asia (28 percent) and North America (23 percent).

As the country that sends the largest number of migrants abroad, it is to be expected that Mexico will make an important contribution to the multilateral dialogue about migration.

Almost 60 percent of migrants settle in countries with high incomes, but some of these, like the Arab countries, are part of the developing world. The favorite destinations were few: only 17 countries absorbed three-fourths of the increase in migrants between 1990 and 2005. Fifteen million entered the United States, four million went to Germany and another four million to Spain.

The number of skilled workers who emigrate from the developing world to the advanced countries has increased even faster. Six out of every 10 migrants with higher education who arrived in Organization for Economic Cooperation and Development (OECD) countries in 2000 came from poor countries. Around 60 percent of people with higher education from countries like Guyana, Haiti, Fiji, Jamaica and Trinidad and Tobago have already migrated to advanced countries.

Between 1995 and 2005, remittances migrants sent home rose from U.S.\$102 billion to U.S.\$232 billion. In 2005, almost three-fourths of the total (U.S.\$161 billion) was sent to developing countries, while the latter received only half the total in 1995. Remittances are sent to a relatively small, concentrated group of countries: four of them (India, China, Mexico and France) absorbed one-third of the total.

Another third went to 16 other countries, half of them developed. In most cases, remittances represent less than one-tenth of the gross domestic product of receiving countries, but they easily surpass the monies sent in official development aid.

These cold numbers mask the enormous political controversy, social tension and human suffering that have accompanied expanded world migration in the last decade.

The report *International Migration and Development*, published by the UN, shows that, in a framework of appropriate policies, international migration can benefit both countries of origin and destinations, as long as the rights of migrants are recognized and respected. The report traces a broad area for intergovernmental cooperation, beyond migratory policies and agreements for forced repatriation, to make use of migrants' movements and capabilities, to develop their potential, including training programs and cooperation regarding pensions. It states that cooperation among countries is essential for protecting people from the hateful crime of trafficking in persons.

The world has entered a new era of migration: global migration. The search for better living conditions pushes migrants not only toward neighboring countries or to countries within the same region, but, really, to any point on the globe. Very few countries are untouched by migration, and fewer and fewer countries are not affected by its formidable impact on development.

There is increasing proof of the benefits of international migration. Many countries, among them Ireland, Korea, Chile and several in Southern Europe, have switched from being sending countries to being net receiving coun-

tries. Others, like Malaysia and Thailand, have begun that same transformation. It is clear that migration can no longer be understood as a North-South issue, but must be looked at as a global one.

Obviously, migration also brings with it a potential for conflict. The report analyzes some of its manifestations. Migrants are the object of abuse both in transit, when they are often at the mercy of traffickers of persons, and in their destination country, where they are frequently subject to exploitation at work and xenophobic reactions of residents and even public authorities. The social and cultural tensions that have arisen in many countries with recently settled foreign-born populations are well known, particularly when they are marked by contrasting values, religions, and customs. These tensions make assimilation more difficult and reduce migrants' contribution to the economy and society that receive them.

There may be no other multilateral topic that is more urgent than fostering cooperation and promoting exchange of experiences and focuses for migratory policy. After all, migration, as a local issue, will concern the international community for a good part of the rest of this century.

As the country that sends the largest number of migrants abroad, it is to be expected that Mexico will make an important contribution to the multilateral dialogue about migration. In the future, a good part of what can be achieved with regard to the treatment of and the position of Mexican migrants in the United States will come more out of the advances that are made in international cooperation than from the very elusive, costly gains derived from bilateral negotiations. **MM**