

# Civil Society Against Free Trade in Mexico

## Part 1

Ariadna Estévez López\*



Gilberto Molina/Cuartoscuro

In 1988, in the introduction to the classic book *Primer Informe sobre la Democracia* (First Report on Democracy), a publication that also happened to include Mexico's first-ever NGO human rights report, Pablo González Casanova stated that the increasing deterioration of the population's living standards was caused by the neo-

liberal discourse shaping economics. This, he said, would only change if a government controlled by the people replaced the ruling Institutional Revolutionary Party (PRI), a rather difficult objective in his opinion due to the lack of democratic conditions in the country at the time.

González Casanova's statement was not simply the expression of a personal opinion; it also neatly summarized

the underlying argument of what was to become the major strategic goal of civil society in the 1990s: democratic elections. Throughout the 1990s, democratic elections were constructed as the means to challenge the status quo supporting the economic discourse that was reshaping the country's social arrangements. Furthermore, democracy was the discourse facilitating unity among the social movements and non-government-

\* Visiting researcher at CISAN.

tal organizations (NGOs) affected by economic re-structuring. Expressed in terms devised by Édouard Laclau and Chantal Mouffe, democracy was the first discourse acting as the nodal point extending the chain of equivalence for hegemonic articulation against the hegemonic forces imposing neoliberal policies. Nevertheless, since 2000 this situation has been changing. Human rights are replacing democracy as the chain of equivalence against free trade.

Before going any further, it is necessary to explain in detail Laclau and Mouffe's idea of hegemonic articulation.<sup>1</sup> In their discourse theoretical framework the idea of "hegemonic articulation" comes from the Gramscian concept of hegemony. For Gramsci, hegemony means political as well as moral-intellectual leadership aimed at forming a collective will with a national-popular character (a new collective identity), with the objective of controlling politics, the economy and civil society, at the level of democratic politics. But Gramsci gave social classes an ontologically privileged role in the struggle for hegemony because of their structural position at the level of the relations of production.

In Laclau and Mouffe, however, all identities have the same ontological status and none of them possess a fundamental character. The moment of hegemony is thus a moment of re-articulation of all the differences within the totality called discourse—which they define as a relational totality, a system of differences that includes both linguistic and non-linguistic elements; a discursive structure that has no fixed center and thus has no closure. Hegemonic articulations are the contingent expansion of a discourse for the purpose of fixing meaning among

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different identities vis-à-vis an antagonistic force, through the use of nodal points.

The nodal points around which hegemony is achieved must comply with conditions: they must be empty signifiers and work as chains of equivalence between the identities informing the system. On the one hand, an empty signifier is, strictly speaking, a signifier without a signified. The presence of empty signifiers is the very condition of hegemony. Emptying a specific signifier of its particular, differential signified is what makes possible the emergence of empty signifiers as the signifiers of a lack, of an absent totality. This relation by which a particular content becomes the signifier of the absent communitarian fullness is what Laclau calls hegemonic relationship. A nodal point becomes an empty signifier for hegemonic purposes depending on the context.

On the other hand, chain of equivalence is an empty signifier that subverts meaning so that differences cancel one another out insofar as they are used to express something identical underlying them all. It is not something positive that all of them share which establishes their unity, but something negative: their opposition to a common enemy. The community created by this equivalential expansion will be the pure idea of a communitarian fullness which is absent—as a result of the presence of the repressive power.

My argument is, then, that democracy certainly managed to function as

a nodal point achieving a chain of equivalence for the different struggles opposing economic globalization. However, as electoral democracy has been progressively achieved from 1997, when Cuauhtémoc Cárdenas won the mayoral elections in Mexico City, to 2000, when Vicente Fox became the first opposition president since the ruling PRI was set up in 1929, democracy has ceased to play that role. It no longer represents a unified socio-political opposition to an antagonistic agent.

Through analysis of the construction of free trade as an object of human rights discourse and observing how human rights has come to be used increasingly in the struggle against free trade in Mexico over a 10-year period (1991-2001),<sup>2</sup> I contend that human rights is now replacing democratic discourse—at least the discourse of electoral democracy advanced until 2000—because it became obsolete after the first democratic elections were held in the country. Over the last 20 years human rights discourse in Mexico has changed to include issues related to free trade, thereby extending the chain of equivalence to encompass many of the NGO networks and social movements involved in the struggle for fair trade. It is therefore becoming increasingly hegemonic.

I will develop this twofold argument in a two-part series. The first part explains how democracy raised as a chain of equivalence (1991-1997). I will then discuss why and how electoral democracy and human rights dis-

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courses entered the Mexican political arena, and how a very young and limited Mexican human rights discourse was first constructed as a simple object of democratic discourse through the development of political rights. In the second part, to be published in the next issue of *Voices of Mexico*, I will talk about how human rights have changed through time, broadening sufficiently to include free trade as an object and thus a desirable empty signifier suitable for current struggles against free trade.

#### DEMOCRACY AND THE SUBORDINATION OF HUMAN RIGHTS DISCOURSE

In the 1980s the Mexican economy drastically changed with the imposition of neoliberal discourse through structural adjustment programs. This led to the demise of Keynesian discourse and thus of the Mexican welfare state. There were two major socio-economic consequences of these changes. One, the deterioration of living standards due to the control of wages (low wages as a comparative advantage) and the reduction of social expenditure (health, education, subsidies for basic foods, housing). Two, the collapse of corporatist relationships between the state, unions and farmers' groups. The result of the simultaneous deterioration of socio-economic conditions and corporatist relationships was that people organized indepen-

dently in order to oppose the imposition of neoliberal policies. The response of the government was repression of social leaders, journalists, independent union leaders and students.

At the same time, although economic liberalization was imposed without similar reforms in the political arena, the ruling party could not prevent the introduction of new discourses, particularly democracy and human rights, which the left was willing to adopt due to the rise of democratic social movements in Eastern Europe and the eventual collapse of authoritarian socialist regimes—the Third Democratic Wave. The Mexican government, which wanted to join multilateral trade organizations and eventually sign a free trade agreement with the U.S. and Canada, had to tolerate and adopt the new discourses—which were also encouraged by neoliberalism itself—setting up institutions and enforcing legal changes. As the government had to cope with those discourses in order to acquire legitimacy in the eyes of the world, they became political opportunities for social struggle.

The writings of organic intellectuals of the time and pioneer human rights NGOs, like Sergio Aguayo Quezada and Miguel Concha Malo,<sup>3</sup> clearly refer to the strategic use of electoral democracy discourse for the wider struggle against neoliberalism in the manner explained at the beginning of this essay: electoral democracy was discursively constructed as the means to get a truly people-ruled government willing to reverse

neoliberal policies and to achieve social justice.

For their part, human rights were constructed as mere objects within the discourse of democracy. They were seen as a means to tackle the lack of liberty prevailing in the country and the state's selective violence toward the subjects of democracy: independent farmers and union leaders, students and journalists. At this point human rights failed to achieve hegemony for two reasons. The first has to do with the fact that human rights was a very new discourse in Mexico—it entered the country in the early 1980s via two important human rights defenders from El Salvador who launched a solidarity campaign with Central America in Mexico City which was later joined by local intellectuals and activists who would subsequently set up the first human rights NGOs in 1984. Since it was new and was imported from a region at war, human rights discourse included only the issues related to state violence: execution, forced disappearance, arbitrary detention, torture and other violations of the physical integrity of people who could otherwise express themselves freely.

Second, the 1988 electoral fraud made it clear that the PRI would not leave office without a struggle.<sup>4</sup> This event indicated that achieving electoral democracy and effecting all the desirable changes to the economy was going to be a long and difficult struggle that required a collective effort, including that of human rights defenders whose task was to defend those in the front line, those who were detained, tortured, held incommunicado, etc.

In 1991, an issue emerged that confirmed democracy as a chain of equivalence in the wider struggle against

neoliberal economics. Almost a year after the Mexican government started negotiations for the creation of the North American Free Trade Agreement (NAFTA) (April 1991), a network bringing together social and civil organizations, as well as unions and farmers' groups, was set up: the Mexican Free Trade Action Network (RMALC). Its general objective was immediately inscribed in the larger chain of equivalence of democratic discourse. The RMALC claimed that it was not set up "in opposition to the idea of negotiating a trade agreement with the U.S. and Canada, but in the search for a development project alternative to neoliberalism, and within the struggle for the transition to democracy."<sup>5</sup>

According to its early documents, the RMALC was inscribed in the democratic chain of equivalence not only in terms of demanding clean elections for an eventual change in the economic model for a type of policy based on economic sovereignty and self-determination. Organizations and groups also pursued the democratic objective of active participation in decision making related to the signature of NAFTA, which they wanted to include compensatory policies aimed at tackling the possible consequences of the progressive elimination of tariffs between countries possessing enormous economic asymmetries.<sup>6</sup> Carlos Heredia stated, "The relationship between the struggle for democratization and the debate about free trade is direct and very important: what used to be a space reserved for political parties and organizations has been transformed into a space where proposals generated by society are also discussed".<sup>7</sup>

As for human rights discourse, once it was consolidated in 1990 with the

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creation of the National Human Rights Commission (CNDH), it started to expand and thus clearly became a discourse in its own right. However, its expansion was conducted subordinate to the democratic chain of equivalence. This was due to the fact that, after originally including issues related to political repression, i.e. violations of the right to physical integrity and security, to life, to justice and to freedom of expression, association and opinion, through murder, torture, illegal and incommunicado detention, execution, etc., the discourse was extended so as to include impunity and non-political abuses, but also political rights such as the rights to be elected to office and to vote in democratic elections.

On the one hand, the historical analysis of violations and the increasing development of expertise (mainly in the field of law) added structural issues to the agenda: impunity and police abuse, as well as violations perpetrated by the military in the fight against drug trafficking. On the other hand, two events helped the expanding discourse to include political rights. First, in 1990 and 1991 the Inter-American Commission of Human Rights of the Organization of American States (OAS), issued a resolution in relation to local electoral processes in Chihuahua, Durango and Nuevo León states in the second half of the 1980s. Advanced by the rightist National Action Party (PAN), the complaints led to the commission's decision that the federal government had violated articles 2, 23 and 25 of

the American Convention of Human Rights as it had failed to respect Mexicans' right to participate in authentic democratic elections, and also failed to provide the legislative framework for people who wanted to lodge a complaint if they believed that their political rights had been violated. The resolution had an enormous impact since it not only widened the discourse by transforming the typical PRI behavior during elections into a violation of a universal entitlement, but also added mechanisms for argumentation to the larger democratic cause.<sup>8</sup>

Second, during midterm elections in 1991, human rights NGOs that had been actively and consciously seeking to extend the human rights agenda to include the wider struggle for democracy, like the Mexican Academy of Human Rights and the over 40 NGOs that belonged to the Civil Organizations Network "All Rights for All" (RTDT), carried out electoral observations in Mexico City and states where local elections were going to take place, including San Luis Potosí, Guanajuato, Jalisco and Coahuila. Once again the PRI defrauded citizens, and a strong citizen movement explicitly defending political rights sprang up all over the country. Their leader was senior democracy activist Salvador Nava, the gubernatorial candidate for a coalition of all the opposition parties, both local and national. With the 1991 electoral fraud providing human rights violations data —manipulation and buying of votes, media partiality, and dishonest

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handling of the voter list—the political rights recognized by the Inter-American Commission became the object of human rights discourse in Mexico. In addition, denouncing politically related abuses of civil rights such as murder and detention were also extended to political party leaders.

Due to the fact it was expanding so as to include some of the main objectives of the democratic cause, human rights could be included in the free trade agenda forwarded by the RMALC in 1991. Despite the fact that just a handful of national human rights NGOs joined the network in its early stages,<sup>9</sup> human rights issues were included in their very early documents and events, although as part of their “democratic demands” rather than in terms of an interpretation framework for the potentially negative impact of the terms of NAFTA upon Mexicans—mainly economic-social-cultural rights (ESCR) related issues.

During the International Forum “Public Opinion and Negotiation of the Free Trade Agreement: Citizen Alternatives”, held in Zacatecas, Mexico, October 25-27, 1991, a human rights agenda for the anti-free trade struggle, adopted by human rights groups and lasting almost 10 years (with very slight variations attributed to political conjuncture),<sup>10</sup> was drawn up including two types of demands. First, issues related to the institutional expansion of human rights discourse, especially signature by the parties involved of all United Nations human rights instru-

ments. Second, the so-called traditional abuses, which were linked to the political repression of social and political leaders, police abuse in civil contexts, and military abuse in anti-drug trafficking operations. No free trade-related abuses of ESCR were included.

The link between democracy and free trade was reinforced in 1994 with the Zapatista uprising, an event that defended indigenous identity in opposition to NAFTA—something the Zapatistas said negated their very existence because it excluded them—and demonstrated support for democracy in a wider sense than that advanced thus far, which concentrated on electoral democracy. Although the Zapatistas did emphasize presidential elections, which were due to take place that year, they also drew attention to the conditions of extreme poverty in which indigenous people lived and who as a collectivity lacked basic services such as water, decent housing, education and health. Consequently, the Zapatistas forced organizations to finally discuss something that had been part of their rhetoric for a long time: the fulfilment of economic, social and cultural rights and collective rights, especially of indigenous peoples, as a precondition for democracy. They forced organizations to consider widening both democracy and human rights discourses.

Nevertheless, democracy would not last long as a chain of equivalence after this because the first democratic elections were held in the country (the Party of the Democratic Revolution [PRD]

won local elections in Mexico City in 1997 without PRI attempts of electoral fraud). As clean elections were increasingly a fulfilled objective, democracy as a chain of equivalence was no longer making sense. This was reaffirmed in 2000, when PAN candidate Vicente Fox became the first president from a party other than the PRI, the party which had held power since its inception in 1929. **NM**

#### NOTES

<sup>1</sup> Édouard Laclau, *New Reflections on the Revolution of Our Time* (London: Verso, 1990) and Édouard Laclau and Chantal Mouffe, *Hegemony and Socialist Strategy. Towards a Radical Democratic Politics* (London: Verso, 2001).

<sup>2</sup> This research has been conducted with the extensive use of original documents and personal interviews with major human rights figures in Mexico.

<sup>3</sup> See Sergio Aguayo Quezada, “The inevitability of Democracy in Mexico,” Riordan Roett, ed., *Political and Economic Liberalization in Mexico: at a critical juncture?* (Boulder, Colorado: Lynne Rienner, 1993), pp. 117-126, and Miguel Concha Malo, ed., *Los derechos políticos como derechos humanos* (Mexico City: La Jornada Ediciones/CIH-UNAM, 1994).

<sup>4</sup> From 1982 economists educated at Yale, Chicago and Harvard began to occupy top positions in the federal government and implemented structural adjustment programs for the liberalization of the country’s economy. The consequence was that the PRI split into at least two groups: those using neoliberal discourse, and those defending the social achievements of the 1910 Mexican Revolution (social rights recognized in the federal Constitution) and economic and political sovereignty in relation to U.S. pressure for economic liberalization. As the 1988 presidential elections approached, a group of prominent PRI members left the party, including Cuauhtémoc Cárdenas, the son of Lázaro Cárdenas, the Mexican president who promoted socialist policies in the 1930s and nationalized the oil industry, then in the hands of foreigners. Cárdenas became the presidential candidate of several left opposition parties and was supported by trade unions and farmers’ organizations—

including some of the corporatized groups that became aware of their loss of power in the new socio-economic arrangements imposed by neoliberalism— as well as social and civil organizations. People who once rejected electoral politics decided to vote, probably because of the discrediting of socialist regimes and the worldwide mood for democracy. Voting was massive in 1988 and it is widely believed that Cárdenas won the election, but the PRI, which completely controlled the electoral system, manipulated the information and the data thus awarding victory to its own candidate, Harvard-educated Carlos Salinas de Gortari. As people demonstrated against the electoral fraud, Salinas replied with the assassination, arbitrary detention, incarceration and disappearance of Cárdenas sympathizers. Former socialist leaders and PRI detractors set up the Party of the Democratic Revolution (PRD) in 1989, members of which were persecuted and killed throughout the first half of the 1990s.

<sup>5</sup> A. Arroyo Picard and M.B. Monroy, *Red Mexicana de Acción Frente al Libre Comercio. 5 años de lucha* (1991-1996) (Mexico City: RMALC, 1996).

<sup>6</sup> Red Mexicana de Acción Frente al Libre Comercio, *Memoria de Zacatecas. 25, 26 y 27 de octubre de 1991. La opinión pública y las negociaciones del Tratado de Libre Comercio: Alternativas ciudadanas* (Mexico City: RMALC, 1991) and Red Mexicana de Acción Frente al Libre Comercio, *Promesas a cumplir. La agenda inconclusa para los derechos humanos y la justicia económica en las Américas. Declaración y recomendaciones de los organismos comprometidos con la sociedad civil para la Cumbre de las Américas* (Miami: RMALC, 1994), p. 14.


<sup>7</sup> Carlos Heredia, "Las ONGs y el Tratado de Libre Comercio," Manuscript presented at the "III Encuentro Nacional de Convergencia de Organismos Civiles por la Democracia," Tlaxcala, Mexico, 27-28 May 1991, p. 6.

<sup>8</sup> Concha Malo, op. cit.

<sup>9</sup> In the list of organizations and groups that founded RMALC in April 1991 there are no human rights organizations. There is the National Front of Democratic Lawyers, but none of the mainstream human rights NGOs are included.


Two of them did appear as active participants during the meetings of the International Forum "Public Opinion and Negotiation of the Free Trade Agreement: Citizen Alternatives," held in Zacatecas, Mexico, 25-27 October, 1991.

<sup>10</sup> The conjunctural extension was mostly related to political repression of new groups. For instance, in 1993 the rights of migrant workers would be included in the so-called social agenda, mainly directed at getting governments to include labor and environmental issues. Nevertheless, as governments refused to include migration issues, and the U.S. stepped up its border controls to prevent Mexicans from crossing, migration became a human rights issue related to police abuse on the border. Another example is the 1994 Zapatista uprising. As the Mexican government was preparing for the trade agreements with the Western Hemisphere and the European Union, human rights NGOs included in their demands the demilitarization of the region of conflict and the cancellation of arrest warrants for Zapatista leaders. A notable exception was of course the demand for the recognition of indigenous peoples' rights.




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