

First Report by Ciudadan@s de México ante los Acuerdos de Libre Comercio con la Union Europea

Mexican Civil Organisations address the Free Trade Agreement with the European Union

Introduction

The group Ciudadanos de México ante los Acuerdos de Libre Comercio con la Unión Europea, herein referred to as Ciudadanos, was first organised as an open arena to debate and disseminate opinions and information about the Agreement. The Steering Committee for Ciudadanos prepared this document, whose principle objectives are:

To promote reflection and debate in Mexican civil society, as well as in each of the Member States of the European Union, in order to ensure active citizen participation in public forums related to the Agreement.

To present our criticisms, concerns and alternative proposals based on the challenges presented by the Agreement.

To inform European and Mexican citizens about our position on the Agreement signed between Mexico and the European Union in order to develop a common agenda between European and Mexican civil organisations. This agenda will serve as a foundation to promote a meeting between our organisations in which we can debate and propose recommendations of mutual interest.

To lobby the Mexican Congress and the European Union Parliament to reconsider certain aspects of the Agreement since the negotiations did not adequately include participation by legislators and civil society in general.

This preliminary document is the result of the efforts of organisations that participated in a forum divided into working groups and organised by the Steering Committee. Each working group fully discussed and made contributions to the document itself. Although this document has been substantially enriched by the contributions of each working group, it is not exhaustive. It is presented here strictly as a preliminary document and is open to new suggestions and contributions from individuals and organisations from diverse sectors of Mexican society.

This document aims to point out some potential problems in, or stemming from, the Agreement signed between Mexico and the European Union. Our objective is to find viable proposals from Mexican civil society that could be presented to its civil and legislative counterparts in Europe. A long-term goal is achieving a common agenda that could serve as a foundation upon which to create consensus and co-operation with

balance and ensure that the interests of Mexicans and their natural resources will not be sacrificed to commercial and financial interests.

In the first chapter we present background on Ciudadanos. The second chapter offers a panorama of the social and economic situation of Mexico today. In the third chapter, we present the fundamental concerns that arise from our analysis of the Agreement. The fourth chapter continues our thematic proposals, and finally, we include our conclusions in the fifth chapter.

Chapter I

Background on Ciudadanos de México ante los Acuerdos de Libre Comercio.

At this historical moment, free trade is proclaimed as the principal engine for national economic growth throughout the world. A handful of multilateral financial institutions, leaders of industrial countries and transnational corporations control world decisions due to their economic and political power. In the defence of capitalist interests, these forces impose an ideology based on a free market economy. According to this ideology, neither governments nor societies should determine the economic direction of a country.

Nevertheless, some very diverse voices have demonstrated that the benefits of growth and economic development in the last few decades have not been shared equally; but rather, have been increasingly used to reduce the percentage of citizens who have access to their country's wealth. In its annual report on Human Development in 1990, the United Nations Development Program (UNDP) determined that economic growth alone does not guarantee the elimination of poverty, which affects the majority of the world's population.

The Agreement between Mexico and the European Union signed in 1997 is an example of globalisation that primarily benefits large corporations. Proposals from these corporations have encouraged 'progressive and reciprocal liberalisation of capital movements and payments' (Article 8) as their central objective. It is worrisome that these negotiations could occur in the framework of the Agreements on Multilateral Investment (MAI). (See Chapter IV, section 6 on Finances and Investments for further details on the MAI)

The same social division observed within societies exists historically between countries. This division is steadily increasing due to economic policies which transfer millions of resources from Lessor to More Developed Countries, principally by means of interest payments on external debt. It is notable, for example, that Canada and the

United States negotiated an unequal trade agreement (the North American Free Trade Agreement, or NAFTA) with a country that is in a vastly different economic situation. This trade agreement does not give Mexico the opportunity to establish requirements and regulations which would lead towards reciprocal treatment for each country involved in the agreement, and which would also favour development capable of closing, or at least minimising, the gap between living conditions within each country.

Ciudadanos is a group of organisations promoting citizen participation in the Economic Partnership, Political Co-ordination and Commercial Agreement between Mexico and the European Union. The group was formed in 1996 with the intent of generating proposals to expand and modify the commercial agenda, as well as to give priority to themes that have remained on the margins of the official dialogue within the negotiations.

Our primary interest is to make constructive proposals so that the commercial agreements that the European governments negotiate with Mexico include an adequate "framework", whose contents will have the same legal standing as the commercial regulations. Given that all commercial agreements between nations have implications and effects for public life in their societies, we believe that in order to minimise the negative impacts on people and institutions, it is necessary to expand the participation in the debate to include points of view other than that of the government.

The Mexican Government, through citizen participation, should generate a climate favourable to lending legitimacy and garner support for these negotiations. In this sense, the Mexican government should inform the people about the achievements, processes and repercussions of the Agreement which has been reached with the European Union, as well as all the commercial treaties that have been signed to date. In order to respond to the multiple ideas and proposals that result from the socio-economic and cultural diversity of the countries involved in the Agreement, we would like to have a meeting with European civil organisations. The objective of this meeting would be to achieve a common agenda and produce an explicit joint pronouncement regarding the economic and political processes that affect our societies. Likewise, we intend to inform the European Parliament and the Mexican Congress of our activities regarding the relationship between Mexico and the European Union.

Our proposed agenda follows:

Discussions and Debates

a) Participate in the European Parliament hearings which deal with the Agreement and EU-Mexico relations.

b) Follow-up and analyse information regarding the negotiation process for the

Agreement and commercial treaties. Ciudadanos will synthesise and spread the diverse points of view produced by the participation and discussions between civil organisations and interested citizens about the Agreement.

Forums for Mexican civil society and meetings with European Organisations

National forums will seek to open the discussion on public participation and create spaces for reflection in the context of the relationship between Mexico and the European Union. Likewise, the exchanges that we expect to have with European organisations would aim to create solidarity so that our societies are able to confront the mutual challenges of economic globalization in the best possible way.

Chapter II An overview of the political, economic and social situation in Mexico

1. Mexican society is struggling to re-establish the rule of law in all areas of life. Until just recently, formal democracy was monopolised by the ruling party of the State which co-opted all of the institutions of the Republic including law enforcement, administration of justice, and the legislative branch of government. In this situation, the discretionary application of the rule of law has provoked distorted forms of democracy, which are still present.

2. The majority of Mexicans feel that in the last ten years there has been a movement towards the re-construction of the democracy that Mexican citizens want. This process of democratisation in Mexican society is not finished; it is visible in both the political party system, which has reached agreements with the government on reforms to the State, as well in the citizens' growing demands for economic, social, and environmental change.

3. The necessity for change in the political economy, commerce and finance that many sectors of Mexican society demand is aimed at achieving a healthy, stable economy whose benefits could be distributed more equally amongst the population. This would create a more advantageous position from which Mexico could enter the process of world economic integration.

4. Economic, social and environmental indicators for Mexico illustrate a dangerous situation which is translated to the exterior as an enormous asymmetry and disadvantage with respect to Mexico's actual commercial and political counterparts in the world's major markets of North America and Europe. Below we cite some examples of this kind of asymmetry that should be taken into account in the eventual commercial liberalisation between Mexico and Europe.

5. The enormous income inequality must end. The majority of the population is impoverished and one quarter of the total population lives in extreme poverty.

6. Persistent non-compliance with national labour statutes and with the International

Labour Organisation (ILO) Accords, despite the fact that they were ratified by the Mexican Government, has led to, among other things, a labour force incapable of defending its most fundamental rights to just wages. The current average wage for Mexican manufacturing workers is US\$5.29 daily, which is US\$0.66 per hour. This means, for example, that a Mexican manufacturing worker is making 33 times less than his German counterpart or 25 times less than a French worker, despite the fact that the difference in productivity between Mexican and European workers is insubstantial. Furthermore, the official unemployment rate in Mexico is nearly 18%, which is much more than the 4.5% unemployment rate in the United States and the 12% average unemployment in the European Union Member States.

7. Modifying the policies for financial credit and support for national producers is an unavoidable necessity in order to reactivate national production and make international competition a viable possibility. Under the current policy, preferential interest rates for domestic producers are almost 6 times more than that for similar European producers. In addition, financial support and subsidies for basic food-stuffs are almost non-existent in Mexico; this affects not only productivity and commercial competitiveness, but also the living conditions and subsistence levels of the majority of agricultural producers, campesinos, and indigenous peoples, as well as small and medium-sized businesses.

8. It is necessary to reform commerce policies so that this primarily export sector, currently directed towards NAFTA, is connected to national productivity and creates employment opportunities. A current example of the growing export-oriented economy is maquiladora manufacturing, which has just 2% national components but accounts for almost 50% of the total exports of the country. On the other hand, of the total exports (\$110 billion dollars in 1997 including the maquiladoras), 80% are controlled by less than 300 large companies which use ever fewer national components (17% in 1997).

9. Mexico is in a situation of extreme financial vulnerability with an external debt of 160 billion dollars and a fragile currency with high risk for crisis in the national bank and monetary system. The cost of the recent bank rescue has reached 47 billion dollars (12% of the Gross National Product); meanwhile, in 1997 Mexico was barely recovering the level of the GNP maintained before the economic crisis that occurred at the end of 1994.

10. Social policy is deteriorating at an increasing rate due to both official policies of structural adjustment and the government's resistance to recognise the full rights of citizens to be involved in public policy. This deterioration in social indicators, recently recognised by Mexico's OCDE (Economic Co-operation and Development Organisation), has reached worrisome levels in areas such as human rights, nutrition, health, housing, education, science and technological development among others, where children, women, the elderly and indigenous peoples are the most vulnerable.

11. Military occupation of entire indigenous communities, mistreatment of the civilian population in indigenous zones by paramilitary groups, arbitrary detentions, extrajudicial executions, torture, disappearances and other attacks against the civilian population, especially in Chiapas, Guerrero, and Oaxaca has placed Mexico amongst the countries with the highest levels of human rights violations. According to UN reports, Mexico was among the top five countries in the world during the period 1994-1997 for cases of disappearances of political activists. Harassment and aggression against social activists and human rights defenders, the high incidence of impunity for these criminal activities, and the high degree of subordination of the judicial branch to the Executive are all firm indicators of the necessity for profound institutional and social reforms. Its importance is related to the application of the rule of law for both Mexican citizens and citizens of other countries.

12. Regarding the environment, Mexico continues to confront several crucial challenges which include: achieving legal recognition for citizens to demand the right to a healthy environment before Mexican tribunals; diminishing the breach between the weak environmental policies and regulations that exist; and the lack of infrastructure and institutional capacity to guarantee environmental protection.

13. The increase in the flow of investment and commerce in the last few years as a consequence of NAFTA has been accompanied by a grave increase in deterioration of the environment, natural resources, and community resources, despite international pledges to promote sustainable development. Closing this internal gap and clear asymmetry with other countries is fundamental in order to avoid environmental dumping, which is dangerous not only for Mexico, but which also contradicts international environmental efforts and commitments throughout the world.

14. Therefore, it is crucial that Mexican and European citizens take into account the contradictions that exist between Mexico and the countries of the European Union, and that they promote policies, mechanisms and resources in order to find solutions to these historical problems.

Chapter III Ciudadanos Fundamental Concerns regarding the Economic Partnership, Political Co-ordination and Co-operation Agreement between Mexico and the European Union.

1. There is no explicit recognition of the existing differences between the two parties.
2. There is no reference in the agreements to the contents of existing agreements among the member countries of the European Union.

3. There are important omissions in the agreement, for example: guaranteed subsidies; a non-discrimination clause for motives of race or nationality; political and electoral rights; provisions for an ombudsman; freedom for workers' movement between those countries that have signed the Agreement; provisions regarding possible disruptions created by the flow of capital from one country to another; dedication to the betterment of workers' living conditions; proposals for dialogue amongst the European community and social sectors (including unions); minimum wage standards; workers compensation provisions; the establishment of a social fund to promote employment opportunities and mobility for workers; public health provisions; consumer protection; information rights; development policy for Third World countries and aspects concerning the elimination of monopolies.

4. The actual version of the agreement only deals with obligations related to trade and investment; it does not make any concrete provisions regarding human rights or environmental protection. The applauded democratic clause in the agreement is merely a rhetorical declaration and does not contemplate mechanisms to pressure against human rights violations and environmental degradation in Mexico and the European Union Member States. The agreement will come to fruition with areas of ambiguity that, over the long run, will affect its outcome. The social, labour, human rights and environment aspects of the agreement are lacking any legal status and therefore are reduced to the 'good intentions' of the Parties to the Agreement. In general terms, the Agreement is comprised of various disparate objectives, which result in inconsistencies regarding the obligations of the parties that have signed the document. Even Title II on Political Dialogue constitutes only a declaration of principles with which to exercise a type of political pressure, while Titles III, IV and V on Trade and Capital Movements and Payments constitute specific standards that are subject to legal oversight. In contrast, the objective of Title VI, dedicated to Co-operation, is periodic dialogue with the goal of intensifying and perfecting the co-operation set forth in this section of the agreement and its main characteristic is the disparity in the development of objectives or defined proposals.

5. The legal instruments and evaluation mechanisms which permit substantial modifications once the commercial treaties go into effect, must be revised.

6. The agreement excludes the following themes of genuine importance from the financial considerations:

a) environmental responsibilities;

b) codes of conduct and social responsibility and

c) corporations' implications for the welfare of workers. From the current terms of the Agreement, one can conclude that the predominant interest is in the establishment of regulations that proportion unrestricted access to national markets and protect foreign investment. It is an indication that within the terms of the Agreement there is an actual

regression relative to regulations and rules that govern restrictions on the operations of transnational corporations. The new rules involve further limitations not only on national governments, but also on local governments in their ability to impose restrictions on foreign investment and the movement of capital according to national or local development objectives. These new rules would go into effect even if they would set back national or local development

7. The Agreement mentions involvement of civil society in debating economic matters that benefit the population. Nevertheless, this agreement was made behind closed doors and participation by civil society has been non-existent. Negotiators for the Mexican government have stated that until the commercial agreements are completely finalised and agreed to by all parties, they will not release the preliminary technical documents of the Agreement itself to protect so-called national interests.

8) Despite addressing many different themes, the Agreement is very general. It is basically an agreement that serves as a protocol to begin the process of commercial negotiations based on an 'Interim Agreement' ratified by the Council of the European Union .

IV The Recommendations and Observations from the Working Groups

1. Social Development

Observations

The Agreement does not make an explicit reference to those principles and values that it claims to uphold. It remains clear, for example, from Article 36 of the Agreement (which theoretically addresses social matters) that these social concerns are reduced to a marginal element within the central objective of economic co-operation. Instead of social development being a fundamental objective of the Agreement, it is viewed only as a sub-chapter of economics, a means to achieve or justify economic growth. The document speaks of the need to harmonise social and economic development, and respect for the human rights of the "poor". Nevertheless, there is no mention made of specific mechanisms in the Agreement to ensure the welfare and protection of Mexican and European citizens' simultaneously.

After long, intense debates, the countries of the European Union approved the Bill of Workers' Rights, whose objective is to ensure dignified life "standards", not only quantitatively (minimum wage standards), but also qualitatively.

It is a mistake to limit the content of the Bill of Workers' Rights to the minimum standards

from the economic processes, since these processes are precisely what generate this exclusion and impoverish salaried workers. Once again, the Agreement fails to mention those principles related to worker participation in company decisions. In Mexico there is a lack of respect for a just minimum wage: the minimum wage barely covers 40% of basic food stuffs. In addition, democracy in the workplace is uncommon; freely electing union representatives is not a viable possibility and workers are harassed due to union leadership or affiliation. The entrance into force of NAFTA has been accompanied by brutal violations of workers' rights, putting the subsistence of millions of people at risk. Women have not made legal advances with regard to sexual discrimination. The Agreement between Mexico and the European Union lacks the necessary mechanisms to avoid labour discrimination against women.

Proposals:

1. Broadening the concept of 'development' so that the State does not violate the rights already consecrated in the Mexican Constitution, and in order to account for the daily reality of millions of persons.
2. Recognising the importance and the magnitude of the 'informal economy' in Mexico, compared to the 'informal economy' in Europe.
3. In accordance with the new conception of social development found in the prologue of the 1996 UNDP annual report, putting an end to viewing economic growth as an end in itself, and prioritising, in the Agreement, a solution to the growing inequalities regarding income and access to the participation in the productive processes.
4. Including the basic principles of the European Union social policy in the Agreement so that:
 - a) the Mexican people can look forward to commercial integration with Europe and progressive betterment of living standards, and
 - b) European workers don't feel that the Mexican people are competitors forcing them to do what is called 'social dumping', which is unfair competition. These principles of social policy are clearly established in the Bill of Workers' Rights and in the Social Chapter of the Maastricht Treaty. Therefore, it is imperative to include clauses that guarantee respect for labour rights and job security.
5. Given the vast disparities between the parties, and the fact that the Agreement does not establish a method for compensation which accounts for inequality in living standards between the Mexican and European populations, including a mechanism to transfer resources to the regions and productive sectors of our country at greater disadvantage with regard to their capacities to confront the economic pressure of inte-

European corporations. Similar funds for reconstruction and economic development exist in the European Common Market.

6. Although Agreement recognises that the social agenda aims to develop methods to overcome the problems of the most vulnerable in society, it fails to include those matters related to satisfaction of basic elements of social welfare such as housing and nutrition; there is nothing legally binding with respect to the areas of health and education. We propose including these issues in the Agreement, recognising the urgent need to reconstruct the basic social security system.

7. Increasing social spending in Mexico. The percentage of social spending with respect to the country's Gross National Product needs to surpass that of European countries in order to stimulate a stronger internal market in Mexico and to reverse the inequality of socio-economic levels between European and Mexican citizens. Also, there must be a concrete, defined policy for social spending that includes long-term plans instead of only clientelistic social spending to garner votes in upcoming elections.

8. Providing opportunities for active participation by civil society in developing economic policies and their legal instruments since participation is crucial to the whole concept of social development. In this sense, another governing principle of European integration is that decisions be made at a strictly local level. Therefore, social development in Mexico should be propelled by strengthening the participation of localities (states, cities, municipalities, towns, city councils and indigenous villages) in regional and national public policies respectively, without losing sight of the federal pact and the need to commit ourselves, at a national level, to social policy designed to close the income gap between the country's various regions.

9. Joining macroeconomic policies with social policies in order to combat the roots of poverty, since it has been proven that economic growth does not necessarily lead to decreasing poverty levels (Parallel Forum of Civil Organisations, Copenhagen, 1995). This was also proposed by diverse social organisations at the Social Development Summit in Copenhagen in 1995.

Based on the conviction that human rights are indivisible and universal, we propose the explicit adoption of the contents of the 'International Covenant on Economic, Social and Cultural Rights' that Mexico ratified in 1981. We believe that the widely-discussed democratic clause in the Agreement should not only contemplate the protection of human rights based on the 'International Covenant on Civil and Political Rights,' but also should include the protection of the nation's economic and social rights as an indivisible part of the 'Universal Declaration of Human Rights,' included in Title I of the Interim Agreement under the subtitle 'Basis of the Agreement.'

II. Environment

Concerns

Article 34 of Title VI on Co-operation refers to co-operation in terms of the environment and natural resources. However, we believe that environmental preservation and ecological equilibrium should be present in all methods of co-operation, particularly Titles I through V of the Agreement.

Article 34 of the Agreement states that all Parties will strive to : ıdevelop co-operation to prevent degradation of the environment; to promote the conservation and sustainable management of natural resources; to develop, spread and exchange information and experience on environmental legislation, to stimulate the use of economic incentives to promote compliance; to strengthen environmental management at all levels of government; to promote the training of human resources, education in environmental topics and the execution of joint research projects; to develop channels for social participation. The Parties shall encourage mutual access to programs in this field, in accordance with the specific terms of such programs. Co-operation between the Parties may lead to the conclusion of a sectorial agreement in the field of environment and natural resources if deemed appropriate.ı

From the above, one observes that the protection of the environment requires a high degree of good will. Nevertheless, other articles of the Agreement could have negative repercussions on the environment.

For example in Article 21 on co-operation in the agriculture and livestock industry, in Article 22 on co-operation in the mining sector, and in Article 23 on co-operation in the energy sector, there are no strategies for sustainable development between these different sectors of the economy. Similarly, there is considerable doubt about environmental perspectives related to several areas of concern, such as transportation, commerce, importing dangerous waste for recycling, or the indiscriminate use in the European market of intellectual property rights regarding the discovery or development of wild or domesticated plant species or their derivatives (Title V, Article 12).

The Mexican population's right to a healthy environment and sustainable development could be harmed by the Agreement if the predominant interest lies in attracting foreign investment at the cost of social necessities and environmental concerns. Foreign companies that invest in Mexico face weak legislation, particularly in environmental matters, which could easily result in impunity for those who exploit the country's natural resources. An example of this is in the indiscriminate use of pesticides that have been prohibited in other countries but are nevertheless imported and sold in Mexico. These pesticides are used without any type of control and they are distributed to workers without any training as to the safest methods of application. Field workers are not informed about the dangers and children and adolescents have been allowed to

use these poisons without any protection, which has caused severe illnesses and even death.

Another example refers to the question of biodiversity. Defined as the plurality and multiplicity of living organisms, biodiversity is indispensable for the evolution and preservation of life and for reproduction of vital life cycles, as was concluded in the Earth Summit (Rio de Janeiro, 1992). In order to preserve biodiversity, environmental impact studies, among other things, should be carried out with the participation of local populations. In future negotiations, it is crucial to evaluate projects that could potentially harm biodiversity and the environment.

An extremely worrisome fact is the participation of transnational corporations in the construction and operation of mega-projects, and their impact on the indigenous regions of the country.

As occurred with NAFTA, civil society and indigenous nations, as well as their representative organisations, were not properly consulted about the signing of the Agreement and its economic and environmental impact.

This type of process was one of the reasons for the Zapatista National Liberation Army (EZLN) uprising in January 1994. The exploitation and commercialisation of natural resources, particularly subsoil resources, in the ancestral territories inhabited by indigenous peoples is a matter that directly concerns the country's indigenous organisations. Without their approval and input, actions and operations which exploit and commercialise their natural resources could be conceived of as acts damaging the sovereignty of the indigenous peoples of Mexico; this, in turn, could be understood as a violation of national sovereignty. This delicate and serious issue demands discussion with the country's civil and indigenous organisations. This discussion should also consider the traditional knowledge that indigenous peoples have in order to guarantee advantageous and sustainable use of the aforementioned biodiversity.

Proposals

1. To establish forms of retribution through incentives so that investments influence the environment in a positive way.
2. To establish a compensation system which rewards the use of traditional knowledge, taking into account implicit values and indigenous knowledge. To create a mechanism for protecting intellectual property such as community and indigenous knowledge.
3. To exclude from this Agreement the use of strategic natural resources, referred in the topic of Monopolies of the State.

4. To better define the concept of Sustainable Development in the Agreement.
5. To base the common agenda among our countries on the combined agreements reached by the UN Directive Committee of the Commission on Sustainable Development, before Earth Summit II in June 1997, as well as on the proposal of some additional actions referred to expressly in the content and development of the Agreement. Among these actions we outline three main objectives:
 - a) lobbying our legislators and governments in order that these topics be included in the negotiations or at least remain part of the principles of the Agreement;
 - b) following-up and/or monitoring the effects of the implementation of the Agreement, with the purpose of proposing, should the need arise, correction or modification methods and
 - c) To develop a direct co-operation program of short, medium and long-term duration between civil organisations to exchange information, increase capacities, develop the programs mentioned in both (a) and (b) above, and finally to distribute our proposals to the public.
6. To commit to further investigations regarding the existing asymmetries among the Parties, and the social and environmental impact of existing trends.

3. Human Rights

Observations

1. Militarisation. In recent years some of the poorest areas of the country have been militarised, violating civil liberties under the pretext of combating drug trafficking and guerrilla groups operating in the country. Military intervention in internal security matters has brought with it various violations of human rights. The use of military personnel in areas of public security contravenes Article 129 of the Constitution. In the first semester of 1998 in Mexico City, a series of military operations took place which resulted in executions and disappearances. At the same time, the military justice system operates with disregard for the rule of law.

2. Grave human rights violations and impunity. Throughout the country, disappearances, extrajudicial executions and arbitrary detentions have become more and more frequent. In the latest report by the UN Working Group on Enforced or Involuntary Disappearances, Mexico was listed among the 5 countries with the highest number of reported disappearances between 1994 and 1996. The UN Committee Against Torture described torture as a common technique in police interrogations and mentioned that each member of the armed forces, under the pretext of

of the anti-subversive fight. These serious human rights violations remain largely impugned.

3. Subordination of the Judiciary. The subordination of judiciary to the Executive is of growing concern in Mexico. The lack of impartiality and independence, as well as the politicisation of judicial bodies, has led to repression of social activists; another result is that a large part of the Mexican population does not have access to justice, nor are their individual guarantees established by law respected. There is a tendency to penalise dissidents and to treat social movements, and any persons who distance themselves from official politics, as suspicious or as criminals. Individuals are detained for political reasons, but with legal charges, and usually by using violence. In Mexico, it is more effective to address the defence of individuals charged with this type of crime to administrative authorities rather than to the traditional tribunals of justice.

4. Harassment of and aggression against social activists, human rights defenders and journalists. During recent years there has been a series of aggressive actions against human rights defenders including intimidation, telephone death threats, persecution, surveillance of private homes and offices, and theft of information and materials; despite frequent denunciations of these practices, they have continued to escalate. The expulsions of several delegations of human rights observers, such as the International Federation of Human Rights Leagues (FIDH), the blockage of funds from the European Union destined both for the Mexican Academy for Human Rights for electoral observation in Mexico and to the National Mediation Commission (Conai) to help resolve the conflict in Chiapas, as well as the fact that President Zedillo refused to receive the International Secretary of Amnesty International, are all evidence that the Mexican government does not have the will to promote respect for human rights. Likewise, Mexico is one of the countries with the highest rates of abuse and murder of journalists in the world.

5. Exclusion and discrimination against the indigenous population. Southern Mexico, which is inhabited primarily by indigenous peoples, especially in the states of Chiapas, Oaxaca, and Guerrero, has the highest rates of abuse. The economic development model is discriminatory and the consequences are incompatible with indigenous peoples' rights.

The failure to comply with the San Andrés Agreements, signed by the Mexican government and the Zapatista National Liberation Army (EZLN), has brought the peace process in Chiapas to a standstill and has impeded the advancement of constitutional reforms, particularly those reforms related to the 'Legal Initiative on Indigenous Rights and Culture' aimed at legalizing indigenous autonomy as well as granting other rights to indigenous peoples. The appearance of paramilitary groups, mainly in the northern zone of the state of Chiapas, has resulted in hundreds of deaths and the displacement of thousands of people. The deterioration of the state of

international observers and growing xenophobia has aggravated the situation.

6. The limited action of the National Human Rights Commission (CNDH). Though formally granted autonomy, CNDH has not been able to stop the increase of serious violations. It has been particularly hesitant to pass judgement against the abuses committed by the Mexican Army and its treatment of complaints related to counterinsurgency operations is selective. The recommendations that it issues do not always address all the facts and frequently there is no direct verification that these recommendations are fulfilled. In addition, it is also common that the investigation of the denounced events is limited to changing posts of officials implicated as responsible. In Mexico, in addition to the National Commission there are 32 local public commissions (one for each of the 31 states and the Federal District), whose differing levels of effectiveness depend on the degree of independence that each one has acquired from Executive Power.

Recommendations

1. It is indispensable to change policies in order to make it possible for the majority of the population to exercise their economic, social and cultural rights. In addition, the following concrete reforms are urgently needed to fight against the continuing impunity and human rights violations that are a reality in Mexico.

To adopt the spirit of Article 1 of the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights, respectively, which state:

All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. 2. All peoples may, for their own aims, freely dispose of their natural and wealth resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The creation of an independent judicial system, which avidly respects the principle of presumed innocence of detainees, and which establishes a professional career for judges, granting them tenured positions and eliminating political appointment.

4. The creation of professional police forces that operate without impunity and that have a real ability to investigate.

5. To ensure adequate defence for people with scarce resources, increasing the number of public defenders, as well as improving their training and salaries.

6. Removing military personnel from civilian posts.
7. The application of the critical conclusions of the United Nations Committee Against Torture, adopted on April 30, 1997, which recommend the creation of effective control measures necessary to eliminate torture perpetrated by the authorities.
8. The fulfilment, by the Mexican government, of international instruments which recognise the authority of international bodies to examine individual violations, including the Inter-American Court on Human Rights, the United Nations Committee Against Torture, and the United Nations Committee for the Elimination of All Forms of Racial Discrimination.
9. With respect to indigenous rights, it is important to highlight Convention 169 of the International Labour Organisation (ILO), ratified by the Mexican Government in September 1990; while it has been received with certain reservations by some indigenous organisations, it has been recognised as the most reliable international legal instrument for the interests and rights of indigenous peoples. Therefore, compliance with Convention 169, as well as with the United Nations Declaration on the Rights of Indigenous Peoples Project (E/CN.A/1995/2) should be considered demands of the Mexican citizenry in the context of the free trade agreement with the European Union.
10. That leaders of the national and state human rights commissions be nominated by the Legislature, not the Executive in order to strengthen and grant them real independence.

Proposals to the European Commission and the European Council

1. Show your concern for the human rights violations and the prevailing impunity in Mexico, highlighting the need for concrete changes including the aforementioned reforms.
2. Implement a mechanism for annual reports on human rights, including a consultative mechanism for NGOs from Member States Party to the Agreement.
3. Establish required annual meetings between the European Parliament Subcommittee on Human Rights and the Mexican Chamber of Deputies and Senate Human Rights Commissions.
4. Design technical assistance programs to introduce reforms to police bodies and the judiciary in Mexico.
5. Demand that the Mexican Government make a public commitment to implement and

facilitate international human rights observation.

6. Promote contact between the European Commission and non-governmental organisations in order to develop democratisation in Mexico.

7. Establish annual meetings of the Joint Committee to verify the human rights situations in States party to the Agreement.

8. Initiate the formal adoption of the Protocol of the UN Covenant on Economic, Social and Cultural Rights.

9. Designate an official from the European Commission delegation to be stationed in Mexico to monitor the compliance with the democratic clause related to the defence of human rights in Mexico.

Gender (with emphasis in the manufacturing and employment sector)

Observations

1. The degree of access men and women have to economic structures, and their respective opportunities to exercise power in said structures, are considerably different. In the private sector women are largely absent from executive and management levels, which indicates discrimination in hiring and promotion practices. Because of the unfavorable and limited labor environment, women tend to look for other options. In the last few years while unemployment rates have increased, the number of women working in the informal sector has increased and now constitutes a fundamental economic resource.

2. These new jobs for women tend to be part-time, requiring few skills or crafts, and therefore are low-paying with little or no standard labor protections and poor working conditions, particularly regarding women's security and occupational health. Moreover, sexual harassment violates the workers' human dignity and it impedes women from making contributions commensurate with their capacities.

3. The deregulation of labor laws and standards has opened up employment opportunities for women, but in sectors which tend to have less favorable working conditions. In Mexico, the 'feminization' of some occupations and sectors has not translated into better labor conditions due to the persistence of wage discrimination

and unequal employment, promotion, and training opportunities.

4. New production, organization, and commercialization technologies have produced new employment patterns, such as subcontracting, which give the comparative advantage to the producer while also creating insecurity for working men and women in Mexico. Subcontracting is characterized by high feminine participation in the work force, seasonal and short-term contracts, low salaries, and poor working conditions. Transnational companies that operate as export maquiladoras¹ in free trade zones practice subcontracting, as well as workers who operate businesses out of their private homes. Since subcontracting is done without formal labour relations it is difficult to measure and the owners are not obligated to provide any social or labour services.

5. Maquiladoras are known for their preference to hire young women. In the last few years the export-oriented maquiladora companies in northern Mexico have been incorporating higher technology in their factories, and therefore require more qualified and higher skilled workers. However, the introduction of subcontracting has transformed the comparative advantages, leaving women as the most vulnerable sector of maquiladora employment (after reaching 78% in 1975, the employment of women in maquiladoras fell to 59% in 1993 and 57% in 1996). For the most part, maquiladoras have found ways to evade labour rights and environmental regulations through mechanisms that represent a violations of the human rights of women and workers in general.

6. Salary deterioration is only one of the labour problems that women confront. In fact, the most significant problems for women workers in Mexico are those related to reproductive issues. In the 1995 National Employment Survey, it was reported that after considering all the hours of domestic and extra-domestic work, women work more hours of the week than men for all age groups.

The autonomously guided, and therefore anti-democratic economic globalization has a direct impact on work opportunities for women, families and communities. Women are key factors in the expansion of international commerce due to their traditional adaptation to flexible production schemes, and to systems of commercialisation in the informal sector, in agriculture and in the control of intellectual property; however, women have either a very limited or non-existent role in making decisions.

For the above, and given the fact that debates about economic policy and international commerce have been insufficient and demagogic with regards to an analysis with a gender perspective, we recommend the following:

1. It is necessary to construct a gender analysis throughout the entire Agreement. We contemplate gender as the reproduction of roles and responsibilities traditionally attributed to women and men, making references to the anatomical differences in the social context. The gender perspective plants an alternative interpretation of problems with the relationship between men and women which distinguishes the subject and

ideological orientation of sexual discrimination and looks for socio-economic alternatives to improve these relationships. Gender equity, on the other hand, refers to the differential treatment of groups in order to end inequality and promote autonomy. In order to do this, it is necessary to orchestrate and promote specific policies that assist and accelerate this process.

2. Gender analysis has to go beyond the focus on the 'victim' and search for alternative models that imply a profound transformation for the protection of women's rights. This analysis must be a product of paradigmatic reflection and serious examination of women's interests, priorities and perspectives.

3. Although new employment opportunities have been created for women, economic globalization has, paradoxically, aggravated the inequality between men and women. Economic integration should serve as a way to look for new sources of employment, as well as guarantee adequate working conditions, equal wages, and safety for women.

4. It is necessary to redesign employment policies in order to include a gender perspective and develop and apply training policies and permanent training programs aimed at up-dating women's skills so that they have the knowledge necessary to meet their needs and improve their employment opportunities in the changing socio-economic context. At the same time, it is necessary to design and implement leadership training and self-esteem programs for women and children. There is also a need to raise awareness and teach men and women about equality with regards to gender issues in order to promote labour relations based on the principle of equality.

5. It is fundamental to adopt measures to help pregnant women, teen-age mothers, and single mothers. Discriminatory employment practices, such as firing or not hiring pregnant women or women who are breast feeding, and mandatory pregnancy testing (a practice that has been prohibited by the majority of the European Union Member States) are widespread. There should be guarantees so that pregnant women, women on maternity leave, or who are re-entering the work force after having children do not suffer discrimination. In short, there should be legislation passed prohibiting pregnant women workers from being fired and mandatory pregnancy testing in the workplace.

6. Guarantee, as do some European Union Member States, that existing laws provide for both women and men receiving equal pay for equal work. It is necessary to enforce existing laws against sexual discrimination in the workplace, with special consideration to hiring and promoting older workers and granting labour benefits and social security.

7. Develop mechanisms that allow women to freely and equally participate in policy development through organisations like government ministries, research institutes and other fundamental national or international organisations. Ensure equal access and full participation by women in power and decision making structures through institutional development structures. It is necessary, for example, that women have control of and

access to capital, credit and other resources, to technology and to training in order to increase production, commercialisation, and income, and to be able to participate more effectively in the chain of production.

8. Incorporate civil society's demands regarding gender issues in all future commercial agreement negotiations. A joint-effort is necessary to make people aware of inherent gender issues in commercial, financial, social, and cultural globalization as well as in the community of social organisations and amongst commercial, economic and political authorities.

9. Ensure that the Mexican government complies with its obligations to the Convention on the Elimination of All Discrimination against Women. Monitor compliance with the Agreements signed in Cairo on population and development (1994) and with the recommendations made at the Beijing World Conference (1995).

10. Include a gender perspective in all the reports and resolutions on human rights contained in the Agreement between Mexico and the European Union.

11. Revise and modernise the law related to sexual violence and sexual harassment in the workplace.

12. Broaden the debate to introduce legislative reforms which would protect and grant privileges to single mothers, particularly those working in the manufacturing sector. It would be wise to review European Union member-state legislative reforms to compare, standardise, and improve working conditions for single working mothers.

13. Create instruments and mechanisms to guard against the promotion of pornography, violence or any other denigrating image of women.

5. Commerce and Agriculture

After preliminary analysis of the Mexico-European Union Agreement, we appreciate some advances related to the North American Free Trade Agreement, above all for recognising the importance of small and medium-sized businesses. Of course, the Agreement should also recognise micro-enterprises.

Micro, small and medium-sized companies are very important in Mexico. In them we find a concentration of people with less economic purchasing power, formal education and monetary resources. Unfortunately, as a result of NAFTA, each time the immense majority of people do not participate in the export market, they are completely abandoned in terms of attention, financing and other support.

Since 1992, the decreasing purchasing power has even the impacted those three types of

companies in Mexico. Upon cutting off their capital flow, they have not been able to generate the income necessary to cover their previous expenses or to stay in business.

Perhaps each one of these companies individually offers work to few people and produces very few products. Nevertheless, for the total number that exist (or did exist) in the country, their total employment volume is very important.

Businesses working in agriculture, industry and commerce are situated in this problematic context.

It is important to incorporate into the title of the Agreement referring to Commerce and related areas, some articles which establish and recognise:

- a) the nature and characteristics of commerce with indigenous communities in preferential conditions, and
- b) the nature and characteristics of commerce amongst and with companies of a social nature.

Commerce with indigenous communities in Mexico has always been characterised as being merely a source of exploitation of the most marginalised and needy people in Mexico. Education, technical support, and social support, as well as business training, has been minimal or absent.

The possibilities of creating or integrating companies or co-operatives, specifically to assist the part of society most affected by the crisis, have decreased by a large percent. Commerce and economic activity of all types amongst social groups (especially marginalised groups) is highly important; its promotion would eliminate one of the highest producers of social discomfort in Mexico.

Marginalised populations are already producers and consumers. They lack only the necessary financial and organisational support in order to be able to function adequately.

We recognise the importance of establishing a Chapter of Standards which makes the necessary provisions to allow national producers to reach the same quality level established by international standards. This chapter should establish financial support so that companies can arrive, in a reasonable period of time, at the international standards dictated.

Regarding agriculture, it is important not to exclude large sectors and to address issues of technological co-operation, technology transfers and the professionalisation of human resources in all areas of the rural and agricultural sectors. In addition, direct and indirect investment in this area should be analysed.

The agrarian counter-reform in Mexico has eliminated land distribution. With the agrarian recessions in the last decade, Mexican campesinos have encountered violations of the right to land ownership enshrined in the 1917 Constitution. The economic policy which has been implemented in rural Mexico, particularly starting with Salinasí reforms in 1991, has implemented measures that have drastically reversed advancements made by agriculture workers; among these, the withdrawal of government support for agricultural development, which has seriously affected living and subsistence conditions of the small producers and campesinos. At the same time, agricultural workers have been forced to compete under highly unequal conditions with producers in Canada and the United States, further worsening living conditions.

With regards to land use, exploitation and commercialisation, campesino and indigenous organisations should be consulted about agreements. We recommend that agreements contemplate the observance of Convention 169 of the International Labour Organisation (ILO), related to the right to ancestral land ownership and exploitation and use of subsoil resources.

It is necessary to relate each one of the interested sectors to the aforementioned problems, for example: producers of basic grains, fruits, flowers, coffee, cocoa, honey, livestock, lumber, alternative crops, etc.

Also, it is essential to take into account the existing asymmetries between the high subsidy policies for European agriculture (under the Common Agriculture Policy), and the growing tendency in Mexican policies to withdraw support and subsidies from campesinos.

6. Finances and Investment

Observations

On October 27, 1997, \$1.580 billion dollars of foreign capital was withdrawn from the Mexican Stock Exchange, which fell 13.34% while the peso fell 7.06%. This kind of shock exemplifies the fluctuations which continue to plague the Mexican economy as a result of opening the Mexican markets to foreign capital. The consolidation of this process, in depth and form, is an economic policy decision, which is in no way inevitable. The international agreements that the Mexican government accepted are among the factors that determine how capital can enter and leave the country.

These sudden and unexpected withdrawals of foreign capital invested in Mexico are not strange given that the Mexican Government has, on the one hand, promoted the influx of speculative capital, even long-term investment, while, on the other hand,

neglecting to establish responsible regulations for investment and withdrawal.

Regulations for introduction and withdrawal of capital should be included in international agreements that the Mexican Government participates in to avoid the negative effects that sudden and unexpected withdrawal of capital can provoke in the national economy.

The Agreement between Mexico and the European Union is supposed to be for the common interests of Europeans and Mexicans by establishing new contractual links to further strengthen the bilateral relations through the liberalisation of current payments, capital movements and invisible transactions, promotion of investment, and through broader co-operation. (p.3 of the Agreement).

This agreement should effectively benefit all participating nations in order to avoid what has occurred with NAFTA, signed with the United States and Canada.

From the start, an Agreement should strengthen the bilateral relations of its Parties, without damaging any country.

Upon signing the Agreement, as established in Title IV, Article 9, the Joint Council will introduce negotiations in order to adopt the measures and timetable for a progressive and reciprocal elimination of restrictions on capital movements and payments between the Parties, for which it will be necessary to reach agreements about : 1) the definition, content, extension and substance of concepts; 2) capital transactions and payments, including national status; 3) scope of the liberalisation and transitional periods; 4) restrictions on the grounds of security, public policy, public health and defence; 5) restrictions in case of difficulties in the operation of exchange-rate, monetary-policy or balance of payments.

Issues related to investment and financial services in the Agreement correspond to the area of Co-operation, covered in Title VI. Article 15 establishes that this co-operation should include: 1) arrangements for information, identification and dissemination relating to legislation and investment opportunities; 2) support the development of a legal environment conducive to investment between the Parties, including agreements to promote and protect investment and agreements to prevent double taxation where appropriate; 3) the development of harmonised and simplified administrative procedures; 4) promote mechanisms for joint investments, in particular, with the small and medium-sized companies of both Parties.

Article 16 establishes a commitment to co-operation in the financial service sector, in conformity with their laws, regulations and policies of all Parties and in accordance with the rules and disciplines of the GATT, in light of their mutual interest and long-term economic objectives; the Parties agree to increase mutual understanding and awareness of their respective business environments, and to bring about exchanges of information on financial regulations, financial supervision and control with the

objective of encouraging improved and diversified productivity and competitiveness in the financial services sector.

All studies related to investments in the Agreement between Mexico and the European Union should be done on par with a study of the Agreement on Multilateral Investments (MAI), which is the project for a legal instrument to establish broad multilateral norms for international investment, with very high standards for liberalising rules governing investment and investment protection, and with procedures to resolve controversies of national sovereignty of respective countries. To achieve these objectives the MAI includes, among others, clauses on: 1) the obligation to grant National Treatment to all foreign investment; 2) the obligation to apply most favoured nation status; 3) the prohibition of the expropriation of wealth without compensation, and 4) the elimination of restrictions to repatriate profits and capital payments.

Proposals

1. In order to make the Agreement viable it is necessary to create a fund with differentiated contributions according to the economic and financial levels of the Parties. This fund would make it feasible to access preferential financing terms, limiting financial intervention, or searching for direct involvement between companies. It is imperative that the Agreement establishes the necessity of creating funds for the transfer of resources, in the same way that it did in the European Union Treaty.
2. Negotiations regarding capital movements and payments should be independent from the MAI so that this agreement does not alter the principles of negotiation already agreed upon which are in accordance with the stipulations of the World Trade Organisation (WTO).
3. In defining concepts mandated in Article 9, the concept of the 'free market' should be clarified and a clear differentiation made between capital that assists product growth and that which does not, in order to grant differential treatment. Special consideration should be given to the repatriation of capital and profits, according to whether it is short-term speculative capital or long-term direct investment.
4. The free transfer of capital with the convertibility of money should be stipulated in standard regulations that allow for exchange-rate controls and restrictions in case of contingencies. We should avoid locking ourselves into an agreement that would make it difficult to confront economic and financial contingencies. In particular, to avoid restrictions for applying safeguards and terms of exception to contingencies caused by short-term capital speculation or balance of payment problems.

5. The Agreement should be very clear about institutions for solving controversies, recognising national institutions as having first priority in order to maintain internal legal order. Permitting negotiations within the MAI framework will be an obligation to accept that: a) the controversies are reviewed in external courts and supranational institutions, with the consequence of ignoring national legislation, and b) there will be a new legal modality in which investors could initiate direct, individual legal proceedings against national governments.

6. The use of financial services should be above all for the support and the promotion of small and medium-sized businesses, which would give true meaning to Article 17, and eliminate the possibility of impeding support programs aimed for minority or unprotected social sectors. Within the terms proposed by the MAI, these possibilities could disappear.

7. Limit the concept of national status, with the goal of allowing areas of investment reserved for residents for strategic reasons, such as primary extraction of hydrocarbons.

8. Allow the imposition of requirements for carrying out foreign direct investment by having unlimited responsibilities in the case of possible negative effects on the national economy; this could be related to the environment, creating employment opportunities or reinvestment. The MAI practically excludes considerations of this nature.

9. Lobby against a consultative method impeding independent and autonomous use of monetary, exchange-rate or credit policies to stimulate national development.

10. Define monetary agreements that imply joint responsibility in national monetary stability, by:

a) recognising the instability of the Mexican peso against the new European monetary system (Euro) that will govern the European Community beginning in 1999; and

b) re-negotiating the external debt contracted with European Union member states.

11. To determine a tax relief structure favouring reorganisation of the national credit system.

7. Education, Science and Technology

Observations

The debate regarding the Agreement between Mexico and the European Union should

be held on broad levels, and proposals should be oriented to cover the deficit of the Agreement's education budget, both as it relates to its own social postulates and in relation to the scientific, social and cultural proposals set forth by Mexican society.

Education is not, by nature, an instrument of competition, nor should it be exclusively aimed at the creation of human capital. It should be, though, one of the principle channels of dialog between diverse cultural and scientific communities. An important part of these commercial treaties should include the opening of these channels of communication.

Article 29 refers to Scientific and Technological Co-operation, whereby the Parties agree to cooperate in the realm of science and technology within the spheres of mutual interest, respecting their own policies. Despite the fact that exchange of information and specialised knowledge is mentioned in its objectives, and that Article 2 speaks of promoting a lasting relationship between the scientific communities of the Parties (subsection b), as well as promoting the formation of human resources (subsection c), the basic theme of technology transfer, which is a substantial part of Agenda 21 that is mentioned as a central consideration in the Agreement, is omitted.

In the educational, scientific and technological areas of the European Community Treaty we observe the presence of three elements:

the emphasis placed on educational, scientific and technological policies that are oriented not only towards competition and industrial preparation, but also towards mobility and co-operation in order to achieve a European Dimension;

the insistence on respecting communities' cultures and diversity, as well as the educational orientation of each country, and

the presence of constant references to third countries for collaboration agreements in these three areas.

Proposals

The Agreement should explicitly contemplate the right to preserve and reproduce cultural, political and social identity of peoples, as well as a way to reinforce these identities.

Articles 29 and 30, which address education, science and technology in the Agreement, should include a clear political and social agenda oriented to the idea of collaboration set forth here. It must include not only job and technological training

gender equality, labour rights, etc.

Technology, apart from driving commercial competition, should be considered in an in-depth reflection on the role that it plays in increasing well-being in all societies.

It is important to realise the enormous differences that exist in educational levels between the Member States of the European Union and Mexico. Although differences also exist within the European Union, there should be a recognition on the educational situation in Mexico and the search for mechanisms of support in order to: 1. Reduce the high illiteracy rates, particularly in rural and indigenous zones of Mexico; and 2. Search for mechanisms of collaboration in order to increase the number of university students, and contribute to reducing the social gaps in search of equal access to education. Starting a parallel scholarship program for university and post-graduate students should be in an initial undertaking by the European Union.

Based on these considerations, exchanges and student mobility in all of the institutions of higher learning in those countries party to the Agreement should be established.

For the financing required to open and maintain these educational channels, we propose the creation of an Educational or Investment tax, of a significant percentage on all the merchandise, services and capital that flow in one direction or another as part of this Agreement. If this is considered contradictory to the principles of free trade that this Agreement advocates, then, we will propose taking a percentage of the earnings, over of a determined amount, of companies participating in the commercial liberalisation.

Promote a strictly educational television channel which would reflect and synthesise, in a didactic way, the scientific and cultural exchange between Mexico and the EU. Likewise, we propose signing an agreement to support and strengthen those existing channels with cultural foci, so that they include plans for scientific and cultural exchange in the context of commercial exchange in their programming. Also, promoting publications and radio programs with the same goals, jointly produced with the support and participation of civil society and the congresses of the respective countries is highly encouraged.

The creation of a defence mechanism for educational rights that, as part of the new relationship between Mexico and the European Union, monitor respect of human, social and economic rights guaranteed in the constitutions of both Parties, and that are related to education, scientific research and the use of technology.

Both for the agenda of co-operation between the Parties and for this educational protection, we believe channels between education workers' organisations from both Parties on all levels need to be included. These could be included, along with other worker organisations, in the Joint Council.

V. Conclusions

Mexican citizens and delegates are not prepared to make the same mistakes that were made during the negotiations on the North American Free Trade Agreement (NAFTA).

The Agreement between Mexico and the European Union should be different from NAFTA so that private interests are not put above the peoples' interests. We must instead make an Agreement that is inclusive, that promotes development, that is socially and economically just, and that permits each country to make advancements towards guaranteeing equality in relations between men and women, among people and among nations.

The Agreement should establish a comparison of the European conditions considered pertinent in Mexico, above as related to in political, economic and social objectives.

We reiterate our position that compliance with the Democratic Clause should be a condition for signing global agreements.

Therefore, we reiterate our conviction that it is necessary to adopt the spirit of the aforementioned Article 1 of the International Covenant on Social, Cultural and Economic Rights and the International Covenant on Civil and Political Rights.

That ratification of the Global Agreement should be dependent on a referendum or plebiscite with the Mexican citizenry and Congress (both the Chamber of Deputies and Senators).

There are limited means of formal intervention for civil society to access information, which often becomes available when it is already too late to influence negotiations. Therefore, it is fundamental that co-ordination mechanisms be adopted so that the Agreement is approved by the majority of the population it affects, such as was done by referendums within the European Union for the ratification of the Maastricht Treaty.

The Joint Council that the Agreement envisaged (Article 46) to supervise the progress of the agreement, should also include consultative status for representatives of social, union, women's, environmental, and commerce groups. This would make direct ties of co-operation between civil organisations of the countries of the European Union and Mexico essential in order to develop a common agenda.

We must ensure that all the companies, including transnational companies, comply with all national laws, social security legislation, and relevant international agreements, instruments, and conventions, including those related to discrimination

and the environment.

We must create an institution that functions as a permanent monitor and evaluator to guarantee compliance with the Agreement; Mexican and European citizens could submit complaints before this institution.

There is a very real necessity for information on the long-term impacts (a public study of the ecological, commercial, cultural and economic impacts) which would serve as a basis for discussion, and possibly support the Agreement and present diverse proposals by sector, product and region.

We emphasise the necessity that the Agreement include and recognise the Special Treatment, recognised by the World Trade Organisation, as an essential element of differential treatment between countries based on economic development levels.

There is a lack of work being done to restructure the international financial, commercial and economic system from a gender perspective. There is also a need to develop alternative economic foci which would differentiate impacts by class, gender and ethnic group in the context of the global economy and society.

We propose that the European Union and Mexico include actual policies on gender, social welfare, the environment and labour issues in the Agreement so that the societies benefit from the advantages of free trade. Until now, the social issues addressed by the Agreement focus only on diminishing the consequences of the neo-liberal political economy with nothing in the Agreement indicating willingness change social structures in Mexico and Europe. It is necessary that all matters related to human rights in the Agreement have legal jurisdiction, and not just political importance.

In conclusion, once the Interim Agreement has been approved so that commercial negotiations between Mexico and the European Union can begin, we demand that social and civil organisations be granted formal access so that the Global Agreement includes and legally defines cultural, political, economic and social aspects, rather than only commercial or financial issues. It is necessary that the population be informed, in a timely manner, about all future negotiations so that the Mexican Congress and civil organisations can measure its potential impact and exercise their right to express opinions and make recommendations.

This document is signed by the members of the Ciudadanos Steering Committee: Senator Jorge Calderón, Senator Mario Saucedo, Dr. Carlos Rozo (UAM-Xochimilco), Red Mexicana de Acción Frente al Libre Comercio (RMALC), DECA Equipo Pueblo Ac, Centro de Derechos Humanos Miquel Agustín Pro, Red de Género, Compañía de Desarrollo AC, Solididad Ciudadana Ciudad AC, Compañía de

Organismos Civiles para la Democracia AC, Comisión Mexicana para la Defensa y Promoción de los Derechos Humanos AC, Sistema Sur Paz AC.

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- Asociación Nacional de Empresas Comercializadoras de Productos del Campo (ANEC)
- Autonomía, Descentralización y Gestión (ANADEGES)
- Academia Mexicana de Derechos Humanos
- Asociación Nacional de Industrias de la Transformación (ANIT)
- CEMOS
- Centro de Derechos Humanos Miguel Agustín Pro
- Comité Obrero de Derechos Humanos en Defensa del Trabajo
- Centro de Acción y Reflexión Laboral (CEREAL)
- Convergencia para la Democracia
- Comité Nacional para la Defensa de los Chimalapas
- Causa Ciudadana
- Comisión Mexicana para la Defensa y Promoción de los Derechos Humanos (CMDPH)
- Coordinación de Trabajadores del IMSS
- COPAL
- DECA Equipo Pueblo
- Frente Democrático Sindical de PEMEX
- Frente Democrático Campesino (FDC)
- Fronteras Comunes (ACAT-México)
- Frente Auténtico de los Trabajadores (FAT)
- Frente de Acción Vecinal
- Frente por el Derecho a la Alimentación
- Grupo de Estudios Ambientales GEA
- Grupo de Educación Popular con Mujeres (GEM)
- Grupo de Investigación sobre Mujer, Trabajo, y Pobreza (GIMTRAP)
- Instituto de Análisis y Propuestas Sociales (IAPS)
- Instituto de Investigaciones Económicas (IIL-UNAM)
- Liga Mexicana de Defensa de los Derechos Humanos (LIMEDDH-FIDH)
- Mujeres en Acción Sindical (MAS)
- Mundo Político
- Movimiento Ciudadano por la Democracia (MCD)
- Organización Revolucionaria del Trabajo
- Observatorio Social
- Programa de Empresas Sociales
- Red Mexicana ante el Libre Comercio (RMALC)
- Red Mexicana para el Cabildeo

- Red Tiempo
- Red Democrática Vecinal
- Unión de Colonias Populares
- Unión Nacional de Redes Campesinas (UNORCA)
- Sistema Sur Paz

Coordination, Research and Editing (in alphabetical order)

- Abotiez, Hugo
- Brumlik, Anna
- Castillo, Victor
- Jiménez Gomez, Alfredo
- López, Guadalupe
- Luna, Teresa
- Mejía, Rocío
- Mazas Vázquez, Cinthya
- Pérez Rocha Loyo, Manuel
- Rethy, Lelia
- Rivera, Adán
- Roviroso Madrazo, Citlali
- Rozo Carlos Villmar, Alejandro

For further information related to this document please contact:

Red Mexicana de Acción frente al Libre Comercio (RMALC)

Goddard 20

Col. Guadalupe Victoria

07790, México, D.F.

Tel: 335 11 77

Email: rmalc@laneta.apc.org

DECA Equipo Pueblo AC

Francisco Field Jurado 51

Col. Independencia

México, D.F. 03630

Tel: 539 00 15/55

Email: pueblodip@laneta.apc.org

Alfonso MORO

Representation in Europe (RMALC)

39, rue des Meuniers

94300 Vincennes France

e-mail: al.moro@wanadoo.fr

