



Presidencia/Cuartoscuro.com

Paz Consuelo Márquez-Padilla*

A Brief Review Of Mexico-U.S. Relations

In my 2014 book on international justice, I propose a heuristic model for understanding when countries cooperate with each other and when, on the contrary, they enter into conflict. They cooperate when they approach the conditions established in the model, and their relations become tense when they move away from those conditions, which are necessary for coming to agreements acceptable to all parties, and therefore fair in the framework of a minimum, shared conception of justice. Differences of power among nations are assumed to exist internationally as well as the fact that joint decisions will not always be completely equally beneficial. This is be-

cause the most powerful state can easily impose its will on the weaker state. However, at times, governments will seek to come to an agreement acceptable to both parties after a rational negotiation in which, even if the stronger country gets more of what it wants, the weaker country will accept it because it will also benefit proportionately.

In my opinion, relations between Mexico and the United States can be understood in the framework of this heuristic model: agreements can sometimes benefit both nations as the result of well-intentioned cooperation, although at other times they stray from the model and then tension, conflict, and even the abuse of power dominates.

Let us imagine the moment of negotiations within the framework of the model when the two countries suffer from a kind of mental amnesia and forget their national identity. This would happen both to the stronger and to the weaker country.

* Paz Consuelo is a researcher at the Center for Research on North America, National Autonomous University of Mexico, and was the center's director from 1997 to 2002; you can contact her at <paz1@gmail.com>.

Let us suppose that each sits on one side of the negotiating table and then changes to the other. The negotiators will have information about what might belong to the more powerful country or to the weaker one without really knowing the truth. With the most relevant information about the culture and interests of each nation-state, they will have to make a decision for both parties. Given the fact that in this hypothetical exercise, they do not know which country they are representing, they will try to come to an intermediate consensus, whereby, if they were authorities of the most powerful nation, they would win more privileges, but also proportionately achieve many advantages if they were representing the weaker country. One way or another, this ideal method forces both parties to make an effort of empathy to everyone's benefit. The definitive decision may not be the best for either of the two countries, but both accept it and, therefore, it falls within the "framework of minimum justice." Clearly, all the negotiators will offer up their arguments, acting as rational beings and presenting reasonable justifications as well.

So, if we look back at the North American Free Trade Agreement (NAFTA) negotiations of the early 1990s, we can see that both Mexico and the United States had to make an effort of empathy such as the one described above to be able to understand the culture, interests, political systems, and history of their counterparts. NAFTA was very criticized in Mexico by the left, which thought that all the benefits would accrue to the United States, but was also paradoxically faulted by President Trump as being what he called the worst free trade agreement in his country's history, saying that only Mexico had gained from it. This means that both sides saw their opponents as the sole winner. More profound, objective analyses have shown that each of the two countries had both winners and losers. What is more, the concrete aim of increasing trade between the two nations was undeniably achieved in spades. In 1997, trade was at US\$1.7 billion and by 2020 it had risen to US\$112.7 billion. In 2021, trade soared to US\$661.164 billion according to the Congressional Research Service. So, both countries benefitted from international cooperation in this sphere.

We cannot forget that Mexico's domestic results show that it was clearly possible to try to help the losers in the trade deal, creating the social networks necessary for compensating or minimizing their losses and supporting them

If we look back at NAFTA negotiations of the early 1990s, we can see that both Mexico and the United States had to make an effort of empathy to be able to understand the culture, interests, political systems, and history of their counterparts.

in transitioning to fields with greater opportunities through technical training. Undoubtedly, the treaty should have been more inclusive, considering the country as a whole. The costs and benefits of social cooperation were not distributed equitably in Mexican society; the greatest advantages went to the northern states, closest to the U.S. market, so that above all it was the modern exporting agricultural industries in that region that benefitted. The biggest costs were accrued by the southern states, home to traditional agriculture. Even so, we can say that, overall in the bilateral relationship, macro-economically, NAFTA was beneficial to both countries.

Those in the central part of the United States, the so-called rust states, lost ground in certain industries that moved a large part of their operations to Mexico, where they took advantage of lower wages and therefore made bigger profits. Thus, we can conclude that, while the negotiation between Mexico and the United States ran its course thanks to the fact that both nations recognized common interests and that therefore, generally speaking, the treaty was beneficial for both of them, it is also true that the public policies needed to diminish the negative effects of NAFTA domestically were not implemented in either country. However, on the scale of international relations, broad cooperation was achieved between both governments, which inaugurated this kind of treaty in the new era of globalization.

In my 2004 book *Justicia internacional. Ideas y reflexiones* (International Justice. Ideas and Reflections), I argued that the communicating vessels between the two countries go way beyond what their respective governments may or may not want. Geopolitical forces exist that surpass the specific desires of any administration.

In 2020, NAFTA had to be modernized. Despite the coincidence of two populist presidents who opposed the treaty, the pressure from the different interest groups associated with it were enough to get the new agreement

formulated. On the one hand, President Donald Trump had been speaking out against NAFTA since his electoral campaign and threatening to withdraw his country from it. On the other hand, President López Obrador had shown on several occasions little interest in modernizing it. The framework of populist policies explains both presidents, one from the right and the other from the left, since populism is not an ideology, but rather a movement with specific strategies that both leaders adhered to faithfully.

Both politicians are protectionist, nationalist, and define themselves as representatives of the will of the people. Both argued that they were fighting against the elites, against the establishment. They identified their enemies clearly: in Trump's case, China and Mexico, and in López Obrador's case, the conservatives, a category which covers everyone who does not completely agree with him. Their definition of the elite also includes the scientific community, which they disdain and lash out at. Both intended to weaken freedom of expression by using the power of the state to forcefully attack the media that criticized them, even individual journalists. They fight against existing institutions because they are counterweights to the concentration of power: among them, the National Electoral Institute (INE) in Mexico and local electoral officials in the United States. Trump went to the extreme when he talked about "the big lie," arguing that President Biden had stolen the 2020 election. On the other hand, the populists maintain an image of legality although, in essence, they manage to weaken the existing constitutional democratic system, which they do not respect.

The important thing is to underline that despite the fact that in the populist framework, both presidents despised NAFTA, the geopolitical forces existing in our two countries functioned and the United States, Mexico, Canada Agreement (USMCA) was finally signed. One piece of evidence that President López Obrador was against the treaty is that he proposed an energy reform that did not respect the agreement's terms. This could undoubtedly have been very costly for Mexico since, as the country

didn't want to be isolated from the international community, it would have been forced to pay the economic consequences of the many lawsuits that U.S. companies would have brought based on the clear violations of the USMCA, but the so-called Electric Reform was rejected in Mexico's Chamber of Deputies on April 17 this year.

Now, if we go back to my heuristic model, we can see that it has been a long time since Mexico had faced in as a profoundly conflictive a situation *vis-à-vis* the United States as it is today. The two countries are retreating from the exercise of empathy and moving toward open conflict. In the USMCA negotiation, they actually retreated from the postulates of my heuristic model: neither of the two governments truly entered into negotiations transparently, trying to identify common interests and arrive at intermediate decisions acceptable for both.

During the entire negotiation, President Trump threatened to cancel NAFTA, and once a new agreement was reached, in clear violation of the treaty's terms, he warned that he would impose trade tariffs on several Mexican products if the government did not stop migration over the common border. From that time on, López Obrador, for his part, implemented his plan to carry out an energy counter-reform, which clearly ignores the commitments stipulated in the USMCA.

Both leaders showed their disdain in different ways for the implicit and explicit commitments agreed to. The result was that the USMCA is an agreement that is less fair than NAFTA. In fact, although it is only a single document, the reality is that to a certain, concealed extent, two independent treaties were actually set up: one between the United States and Mexico, and the other between the United States and Canada. For example, the controversy resolution panels were weakened, since the procedures established will expire three years after the new treaty came into effect, and from that moment on, local tribunals will be used. Finally, differentiated treatment was established for the parties since the rules of origin for many products are different for each country.

These populist governments moved away from collaborating with each other and what really happened was imposition. This happened to a great extent because the different economic groups who benefitted from NAFTA pressured for the "new version" to be signed; powerful geopolitical forces exist that are reflected in the establishment of productive chains with their own driving force

The USMCA is an agreement that is less fair than NAFTA. In fact, differentiated treatment was established for the parties since the rules of origin for many products are different for each country.

What is clear is that 200 years after they began, bilateral relations have moved away from good practices of cooperation and are closer than ever to tension and conflict.

and that function beyond ephemeral decisions. What is clear is that 200 years after they began, bilateral relations have moved away from good practices of cooperation and are closer than ever to tension and conflict.

Unfortunately, the spiral of conflicts the bilateral relationship has entered into is manifested in different points on the agenda. I would like to underline that our participation in the UN Security Council will certainly be very costly at this terribly critical moment in the clash between Russia and the United States. The argument against Mexico taking a seat on the council has traditionally been that our country wins nothing by doing so and only runs the risk of having to support the United States in difficult decisions involved in international relations, with potentially grave consequences if it does not do so. This is exactly what is happening now: while the entire European community and all its other allies have supported the United States in imposing sanctions against Russia because of its invasion of Ukraine, President López Obrador stated that Mexico will not go down that road. This will certainly have an enormous cost, not only for our head of state, but also for Mexico and its economy. The United States takes into very careful consideration the international support it receives during moments of crisis. It is difficult to understand why today Mexico is on the side of an authoritarian invading country and not that of a sovereign democracy.

At the same time, several U.S. congresspersons are urging President Biden to investigate whether Mexico is violating the USMCA or fulfilling its commitments. In the

opinion of more than forty representatives, President López Obrador is in fact trying to nationalize the energy industry and closing the door to foreign competition.


The areas of cooperation between the two countries are constantly on the rise. Just as one example, I would like to mention that the most important project President Biden is betting on is his decided support for developing clean technologies. He is strongly encouraging the auto industry to put a priority on producing electric vehicles, a field where Mexico would clearly have a window of opportunity, which would undoubtedly help to create productive chains that would result in technological advances for both nations. Also, many well-paying jobs in both countries due to this industry would immediately be created, something that cannot be ignored since the COVID-19 pandemic caused one of the strongest slow-downs in the world's economies in history. In addition to supporting clean energy, we would be putting ourselves on the side of protecting the environment and in favor of the well-being of future generations, if not their very survival. Unfortunately, the United States and Mexico have not decided to establish a negotiation on this issue, on which it can easily be intuited that there are common interests, something that would facilitate cooperation with undoubted benefits to both nations. Today, what we are seeing is that there is very little political will on the part of either government to cooperate. ■■■


Further Reading

Congressional Research Service (2021), <<https://crsreports.congress.gov/>>.


Márquez-Padilla, Paz Consuelo, *Justicia internacional. Ideas y reflexiones* (Mexico City: Centro de Investigaciones sobre América del Norte, Universidad Nacional Autónoma de México, 2014).


www.cisan.unam.mx


 [unamcisan@facebook.com](https://www.facebook.com/unamcisan)

 [@cisanunam](https://twitter.com/cisanunam)

 cisanunam.blogspot.mx/

 [cisanunamweb](https://www.youtube.com/c/cisanunamweb)

 [cisan_unam](https://www.instagram.com/cisan_unam)

 <http://ru.micisan.unam.mx/>

