



# **MEXICO AND UNITED STATES**

## **FROM SUBORDINATION TO EXPECTATION**

**DECEMBER 2020**

**SIGNOSVIVAS**  
EL PULSO DE MÉXICO



VITAL SIGNS (SIGNOS VITALES) is a non-profit, non governmental organization that is structured by a Council built up of people with an outstanding track record, with high ethical and professional level, which have national and international recognition and with a firm commitment to democratic and freedom principles.

The Council is structured with an Executive Committee, an Advisory Committee of Specialists and a Communication Advisory Committee, and an Executive Director coordinates the operation of these three Committees.

One of the main objectives is the collection of reliable and independent information on the key variables of our economic, political and sociocultural context in order to diagnose, with a good degree of certainty, the state where the country is located.

Vital Signs intends to serve as a light to show the direction that Mexico is taking through the dissemination of quarterly reports, with a national and international scope, to alert society and the policy makers of the wide variety of problems that require special attention.



*Weak or absent pulse can have many causes and represents a medical emergency.*

*The more frequent causes are the heart attack and the shock condition. Heart attack occurs when the heart stops beating. The shock condition occurs when the organism suffers a considerable deterioration, which causes a weak pulse, fast heartbeat, shallow, breathing and loss of consciousness. It can be caused by different factors.*

*Vital signs weaken and you have to be constantly taking the pulse.*

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# Introduction

The complex and confusing government style that both Andrés Manuel López Obrador and Donald Trump have practiced and promoted has generated institutional erosion for these two nations. For both, the reduction of communication channels and the elimination of traditional routes for creating and implementing policies that have a shared impact have significantly reduced progress to build a common agenda.

In one of the most complicated years in decades, 2020 revealed the enormous limitations with which the current leaders of these countries have operated and managed various issues such as the economy,

security, migration, or the pandemic, among many more. With a legacy of severe crises in each sector, derived mainly from the inadequate way of addressing problems and the limited knowledge to solve them, the end of the year shows a massive number of damages that have impacted these nations.

Despite the grievousness with which this year treated the entire planet's population, the arrival of Joe Biden to the White House, after a tough and close electoral contest, envisions a closing and a beginning of the year that encourages maintaining the hopes for progress in solving shared problems. The results of the last elections in the United States guarantee that its



population's needs will be met through institutions' proper use. This guarantee, it's expected, will have an impact on the style with which the current government has handled public problems in Mexico, where the use and value of institutions have also been demerited and undervalued.

Under this framework and to show an analysis about the future involving Mexico and the United States, this report is presented compiling reliable and timely information from several sources to contribute to the understanding and constructing a better public opinion. This report is made up of five sections, the first of which discusses the bilateral relationship context. Here, concerns like the intrinsic complexity of this relationship are addressed, and how common recurring issues on the agenda have been treated. Likewise, Mexico's questioned independence from its neighboring country is analyzed. Finally, a section is added to Mexico's achievements during the Trump administration in its bilateral relationship.

A second section aims to investigate the existing indications in terms of interference by the United States in the very exercise of Mexican politics. Issues such as the decrease in Mexico's institutional capacities, the alarming coincidence of strategies that the cur-

rent leaders of both countries have had to exercise and represent their respective governments are considered. Similarly, the theme of populism as a form of government is discussed, and, finally, a comparative balance is made of the disastrous handling of the pandemic so far this year.

Subsequently, in the next section, an analysis is made of how Mexico has transitioned from a state of cooperation to one of subordination to the United States. Elements such as the United States' excessive pressure to modify the migration policy in Mexico and the consequent interference in the security policy, which has led the latter towards the route of militarization, are considered. The signing of the USMCA also weighed on the economic and commercial policy that this new stage of the bilateral relationship brings and its impacts on both nations' labor and union policy. It also indicated that the political and commercial tension between the United States and China represents for Mexico an opportunity within the framework of the USMCA.

A fourth section details issues with implementing the Biden government plan's neuralgic actions that are entirely absent from the Mexican agenda. Thus, a rearrangement in prioritizing environmental and

climate change issues is essential in the bilateral relationship. Consequently, a redesign of energy policy that will force Mexico to reform many current regulations is forecasted. The role that women will be playing in the rapid development of both countries is also emphasized.

Finally, a balance of closing arguments is made, ranging from questioning whether Mexico will adjust and change the strategies implemented so far to the question of whether López Obrador's romantic proposal is adequate to create a real agenda for North America.

The report poses an inauspicious panorama for both leaders, which requires urgent attention. Despite the infinity of issues concerning the two countries, the report is based on the problems that have genuinely impacted the binational relationship. Although there has been a hegemonic power from the United States to impose lines of action on Mexico, it is expected that in this new stage, this can be modified to support instead of that which serves to define and guide strategic decision-making. With this new order between the two countries, Mexico will be the primary beneficiary, although its current government will not.



# CONTEXT OF THE MEXICO – UNITED STATES RELATIONSHIP

## Complexity for both countries

The relationship between Mexico and the United States has represented an enormous and constant challenge for many years. Despite being countries that differ economically, politically, and socially, the interdependence that has been created between the two has meant that this area is considered, by itself, as adequate space for the permanent construction of consensus, paths for cooperation, as well as negotiation strategies. Thus, issues such as security, trade, environment, and public health, among many others, are part of a complex work agenda, where different ways of interpreting and addressing these issues must be adjusted and reconciled regularly.

With the arrival of both nations' current presidents,<sup>1</sup> the bilateral relationship has stalled in an unusual and unconventional form of government, which has completely changed the traditional schemes and methods with which it had been handled. On the part of Mexico, the institutional capacities allowed, both in the governmental structure and in specialized human resources, to keep open a considerable number of communication channels designed to attend exclusively to the interlocution between these parties have been diminished and affected consid-

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<sup>1</sup> In Mexico, the president is Andrés Manuel López Obrador and he took office in December 2018. In the United States of America, the president is Donald Trump and he took office in January 2017.

erably. While, for the United States, the communication channels of the entire government cabinet have been reduced to the bare minimum and left President Trump as the only interlocutor.

**Issues of great importance for the bilateral relationship such as the economy, security, or pandemic management were left adrift.**

The foregoing has given rise for the Mexican President to disassociate himself from foreign policy and focus on addressing issues related to his party's agenda.<sup>2</sup>

With nigh arrival of Joe Biden to the White House in January 2021, both nations, but primarily Mexico, will have to adjust various programs to be in a position to meet the new demands in terms of climate change, government responsibilities, clean energy, digital trade, migration, and many other topics. The communication channels should be strengthened and official institutional channels used, representing an

achievement for both nations' institutional bodies, but not necessarily for the aspirations of the 4T.(4th transformation for its abbreviation in Spanish)



*Image:* US President, Joe Biden and Vicepresident Kamala Harris at the announcement of her candidacy on 12 August 2020 in [www.voanoticias.com](http://www.voanoticias.com) at <https://tinyurl.com/y68ww2fp>.

<sup>2</sup> O'Neil, SK (2020, December 11th). Mexico, prepare for a tense relationship with the US. *El Financiero* at <https://tinyurl.com/S-Oneal-SV>.

## TRADITIONAL COMMITMENTS ON THE BILATERAL AGENDA

Starting in the eighties of the last century, the rapprochement of these countries increased significantly. The NAFTA negotiation and signing represented a new commercial stage for this region that became the world's largest commercial exchange. Trade between Mexico and the United States went from representing 106.452 billion dollars in 1994 to over 570 billion in 2019. Besides, the implementation of this treaty has created more than 10 million jobs. This has made Mexico the leading trading partner of the United States and vice versa.

In terms of security, the United States' southern border has always represented a primary interest for that country, but since September 11th, 2001, border security has tightened. Interlocution between the two governments intensified, and the dependence between U.S. security policy and Mexican border, immigration, and criminal policies became increasingly evident. Likewise, the progressive increase in drug use in the United States has given rise to a shared anti-crime policy, characterized by pressures from the United States government for Mexico to curb drug

trafficking from the center and south of the continent as from various Mexican regions. One of the most popular policies in this area was the Mérida Plan, signed in 2008 by Felipe Calderón and George Bush, but implemented in the Obama administration. Then Vice President Joe Biden played a significant role in the bilateral relationship with Mexico.

As is known, the United States is the leading destination for world migration flows.<sup>3</sup> Due to its proximity, Mexico is an obligatory step for millions of people seeking to reach this country. In this sense, the Mexican immigration policy has traditionally been strongly influenced by its northern neighbor's national security policy. As of 2019, this agency gave rise to the most controversial immigration policy that Mexico has had in a long time, which has had consequences both in the increase in the detentions of migrants in Mexico and the number of human rights violations.

Although all these aspects of the relationship between the two countries have generated tensions and

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<sup>3</sup> International Organization for Migration (2019) World Migration Report 2020, IOM at <https://tinyurl.com/ydx2ltcj>.

fostered intergovernmental collaborations, the arrival of Donald Trump to the presidency changed how both states had interacted during the last decades. An atmosphere of hostility has been generated, hindering binational cooperation and raising the conversation tone between Washington and Mexico City.

*Image:* Migrants at the border wall. Photo: Cuartoscuro in [www.milenio.com](https://www.milenio.com) at <https://tinyurl.com/y54ovdml>.



## A QUESTIONED INDEPENDENCE OF MEXICO FROM THE UNITED STATES

The asymmetries of power between the two countries have established a not surprising unequal relationship; However, both countries have found institutional mechanisms that have allowed them to advance on various bilateral relationship concerns over time. Despite the difficulty of being the largest strategic partner of the United States, Mexico, being a crucial part of the United States' political stability and commercial success, has been able to navigate that relationship, which since 2016 entered a stage of public confrontation.

The beginning of the Trump era showed such asymmetries of power, and the U.S. president managed to subdue his partner on issues relevant to his political agenda. One of the first signs of the change of course in the binational relationship was the United States government's request to renegotiate NAFTA, threatening that if Mexico and Canada refused to do so, the United States would exit the treaty, with all the implications that this decision would have. Trump's demand led to NAFTA's replacement by the USMCA, considered by the U.S. president as the most comprehensive, most fair, and most balanced trade agree-

ment ever negotiated. Unlike NAFTA, the new treaty did not pretend to be symmetrical in terms of rights and obligations, an issue that, to some extent, Trump achieved both with the modification of the rules of origin<sup>4</sup> and in the labor section, which establishes that U.S. observers will monitor the implementation of Mexican labor policy. In this way, around 37 thousand Mexican exporting companies will be subject to supervision by U.S. observers. Companies will be forced to legitimize collective contracts. They will be under scrutiny to comply with the rules of origin that force higher wages to be paid to a percentage of workers.

The subsequent arrival of AMLO to the presidency gave rise to a rarely seen relationship of submission by Mexico. One of the most apparent signs was the radical modification of the migration policy proposed by López Obrador, which resulted in the resignation of the then director of the National Institute of Migra-

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<sup>4</sup> The USMCA establishes that 75% of raw materials within the automotive industry must be of Mexican, American or Canadian origin, while NAFTA requested 62.5%.

tion, Tonatiuh Guillén.<sup>5</sup> López Obrador's first intention was to make the Mexican immigration policy one that operates with respect for the legal, constitutional, and conventional instruments that govern the human right to migrate, which was vanished by pressure from the White House. Trump's tariff threats<sup>6</sup> motivated the Mexican government to strengthen efforts to curb migration flows from its southern border, including the National Guard's use to carry out mass arrests. On June 7th, 2019, Mexico and the United States signed an agreement to improve the migration control and humanitarian protection systems in Mexico, which increased the country's responsibilities in migration matters.

This agreement signified Mexico's tacit and factual acceptance as a safe third country and Mexican immigration policy's militarization. By September 2019, three months after the signing of the agreement with the United States, the Morena administration had already accepted 39,000 migrants from the United States. Migrants who were awaiting the results of

5 Aristegui Noticias (2019, June 14th) Tonatiuh Guillén resigns from the National Institute of Migration at <https://tinyurl.com/y5mvfp3j>.

6 Nájjar, A. (2019, June 7th) Trump's tariff threat to Mexico: what goods cross the border between that country and the United States. *BBC Mundo* at <https://tinyurl.com/y76hu5bk>.

their asylum cases (over four times those received between January and June 2019). July 2019 was the month in which more migrants under the Migrant Protection Protocol (MPP) have been sent to Mexico, a total of 3,410 migrants. Besides, from June to September alone, the Mexican government deployed 25,000 National Guard troops that detained approximately 81,000 migrants, 35,000 more than in the same period of 2018. Around 10 thousand elements of the National Guard were deployed to patrol the southern border of Mexico with Guatemala, and 15 thousand more guards to do the same work on the northern border.<sup>7</sup>

In November 2019, Trump threatened to consider the Mexican drug cartels as terrorist groups and not as transnational criminal organizations.<sup>8</sup> This occurred after the failed operation in Culiacán, in which It was intended to arrest Ovidio Guzmán, one of the Sinaloa Cartel leaders.<sup>9</sup> After the multi-homicide of various

7 Vital Signs (2020, July 9th) Immigration containment: serious human rights violations, in report *The pandemic in Mexico, the dimension of the tragedy* at <https://tinyurl.com/y4wna3b5>.

8 BBC Mundo. (2019, November 27th) Trump reveals that he plans to designate Mexico's drug cartels as "terrorist groups" at <https://tinyurl.com/yxbbt4yw>.

9 UnoTV. (2020, October 16th) What is known in Mexico as "culiacanazo" or "black Thursday"? at <https://tinyurl.com/>



members of the LeBarón family, who were Mexican-American nationals. Beyond the implications that this decision could have, such as opening the door to charges against drug users, drug retailers, or legal arms dealers to be considered terrorists. Or that the U.S. government could freeze a person's or organization's financial assets and even implement flexibility in actions that would traditionally be regarded as human rights violations, the threatening tone of the U.S. president has been a constant.<sup>10</sup> Furthermore, if the cartels were considered terrorists, the cost of doing legal business in Mexico would multiply since any interaction with them, voluntary or involuntary, would be subject to the laws against terrorism.

In this sense, current Mexican migration and security policies are a direct consequence of the domestic agenda that President Trump established since his first presidential campaign when he blamed migrants for the insecurity level in the country, as well as the loss of jobs for U.S. citizens. Consequently, the Mexican State's weakness in critical areas for the United States has been scandalously evident in the last two years.

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y62kzej9.

<sup>10</sup> Gozzer S. (2019, November 28th) Mexico: what would it imply for Trump to declare the drug cartels "terrorists". BBC World. <https://tinyurl.com/y4a9q6r6>.



*Image:* [www.laizquierdadiario.com](http://www.laizquierdadiario.com) at <https://tinyurl.com/y448425l>.

## IN THE TRUMP ERA: WHAT HAS MEXICO BEEN ABLE TO ACHIEVE IN THE BILATERAL RELATIONSHIP?

The interdependence between the two countries is evident, tendentious, and asymmetrical in the understanding that Mexico needs and requires much more from the United States than what happens in the opposite case. Contrary to what might be thought, both countries' geographic proximity does not give Mexico an automatic pass within the agenda that handles priority issues for the United States. This fact has become a challenge for the current administration and many in the immediate past. Thus, the achievements and gains of the relationship have often been modest and limited.

On the Mexican side, the current and previous administrations' agendas have only focused on defense against Trump's attacks, which is why only two items can be considered achievements. One of these is the signing and implementation of the United States-Mexico-Canada Agreement (USMCA), a moderately altered version of the North American Free Trade Agreement (NAFTA).<sup>11</sup> The USMCA, given

<sup>11</sup> Agreement that establishes the rules for international trade and investment between Canada, the United States and Mexico, signed by Brian Mulroney, Canadian Prime Minister, George Bush, President of the United States and Carlos

Trump's aggressive policy, is an achievement negotiated during the administration of President Enrique Peña Nieto<sup>12</sup> and the government of the 4T. Without a doubt, free trade with North America will continue to stimulate the Mexican economy after it suffered a fall derived from the mobility restrictions of the COVID-19 pandemic. In Table 1, the difficulty in achieving the economic goals of the treaty is rated, according to *Forbes* magazine.










Image: <https://tinyurl.com/yycvubmd>.

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Salinas de Gortari, President of Mexico, and which entered into effective January 1st, 1994. To learn more about NAFTA, review the article: Riquelme, R. (2018, August 27th) What is the North American Free Trade Agreement? *The Economist*. at <https://tinyurl.com/yybalc6j>.

<sup>12</sup> On August 16, 2017, negotiations began to modernize NAFTA, it was signed on November 30, 2018 after rounds of negotiations and entered into force on July 1st, 2020. To learn more about NAFTA, review the article: Millennium (2020, June 30th) From NAFTA to USMCA: the history of the trade agreement at <https://tinyurl.com/y5vfwap2>.

TABLE 1. RANGE OF DIFFICULTY TO ACHIEVE THE OBJECTIVES SET IN THE USMCA

OBJECTIVE	EASY TO ACHIEVE	HARD TO ACHIEVE
1. Promote the growth of digital commerce and strengthen consumer data protection		
2. Greater access to financial services and more opportunities for Mexican financial institutions in the markets of the region		
3. Adapt the agreement to the evolution of the telecommunications sector, optimizing the infrastructure and free-market conditions necessary to encourage its future development*		
4. Incorporate mechanisms for dialogue and collaboration to promote the participation of SMEs in regional trade		
5. Strengthen and expand the protection of workers' rights**		
6. Establish clear obligations to cooperate in the fight against corruption		
7. Incorporate provisions that regulate the activity of State-owned companies to prevent distortions in trade and investment flows between our countries.		

\* Objective 3 that with an environment conducive to investment, it would be possible to be carried out.

\*\* Objective 5, which will be the source of strong friction between the two countries.

Fuente: Forbes 2020.

A second “achievement” is the one that refers to the southern border migrant flow containment whose final destination is the United States. The threats to Mexico with the implementation of tariffs in case of not adopting policies such as the *Remain in Mexico*<sup>13</sup> program has had a significant impact on the federal administration. In response, the Mexican government has deployed the National Guard, supported by the Army, in the primary concern areas.

Undoubtedly, the actions taken regarding policies by the United States have achieved their mission, both on the commercial and migration side; however, this has resulted in the loss of political autonomy where Mexico remains subject to the needs of a government whose interests take precedence over those of millions of Mexican workers and migrants under social detriment that violates the rights of millions of people.

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<sup>13</sup> Program that forces asylum seekers to wait in Mexico until their cases are resolved.



*Image:* National Guard at the Southern border in [www.uniradioinforma.com](http://www.uniradioinforma.com) at <https://tinyurl.com/y6jcyck>.

# SIGNS OF U.S. MEDDLING in Mexican politics

## DECREASED INSTITUTIONAL CAPACITIES IN MEXICO: SRE<sup>14</sup> WITHOUT ADEQUATE INTEREST FOR NORTH AMERICA

Mexican foreign policy during this administration has had a limited scope. The President has delegated the country's international relations to Foreign Minister Marcelo Ebrard and has only focused on the relations that directly tie with Mexico's domestic politics. The President has only made one trip abroad, to Washington DC, which was controversial because it happened in the middle of the electoral race to renew the head of the Executive, as well as the U.S. Congress and part of the Senate. The only relationships that seem to matter to the President of Mexico have to do with the United States and Central America; the rest of the world has taken a back seat.

<sup>14</sup> Foreign Affairs Ministry, SRE for its acronym in Spanish.

Various decisions of the current federal administration have weakened the institutional capacities of the Mexican State itself. In addition to reducing the budget for sectors considered of little relevance to the President or for autonomous organizations uncomfortable to him.<sup>15</sup> The Federal Executive has decided to disappear institutions and government agencies. Such as the eight Undersecretaries of various branches of the federal administration,<sup>16</sup> including the North

<sup>15</sup> Vital Signs (2020, October 14th) Institutional destruction: self-inflicted damage to the State, in a report Sickened Mexico with Indications of a Totalitarian Regime at <https://tinyurl.com/yysj44hf>.

<sup>16</sup> The Undersecretaries that disappeared or are in the process of disappearing are: the Undersecretariat of Communications and Technological Development, the Undersecretariat



America of the SRE, arguing that he had initiated a republican austerity process that implied reducing the State's volume to generate savings.

The Undersecretariat for North America is attached to the Foreign Affairs Ministry and, according to the announcement made on August 27th, 2020, will remain under

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of Tourism Planning and Policy, the Undersecretariat of North America, the Undersecretariat of Employment and Labor Productivity, the Undersecretariat of Management for Environmental Protection, the Undersecretariat of Public Revenues, the Undersecretariat of Government and the Undersecretariat of Mining.

general direction. To date, it is not known how much savings this modification will represent, since, in the 2021 Federation Expenditure Budget Project (PPEF 2021 for its acronym in Spanish), an item is still included for this under secretariat for 1,598 million 355 thousand 50 pesos, practically the same 1,598 million 378 thousand 81 pesos that it received in 2020. The PPEF itself only allocated 18 million 73 thousand 578 pesos for the General Management of North America. This budget allocation to a department that is in the process of disappearing could give rise to a sub-exercise that could potentially be used at the discretion of the President due to the modification of article 61 of the Federal Budget and Fiscal Responsibility Law (LFPRH for its acronym in Spanish); that empowers him so that the savings obtained as a result of the rationale for spending established in the Federal Law of Republican Austerity (LFAR for its acronym in Spanish) can be directed, by presidential decree, to any area of the federal administration.

This change in the Foreign Ministry's organic composition does not necessarily represent savings, but rather a non-transparent budget reallocation that could have a very high operating cost. It is expected that this decision will have repercussions on the institutional capacities for

negotiation, not only for the United States' federal Executive but, fundamentally, for the different national political forces and of each U.S. federal States. Without this under secretariat, the Mexican government will lose the bureaucratic capacity to defend national interests in the bilateral relationship. It does not have professional and stable interlocutors and institutional channels to move through and unburden multiple concerns that the President and the foreign minister can hardly resolve.

The disappearance of the Undersecretariat points out the limited attention the Mexican government gives to its relationship with its neighbor to the North. This decision seems to indicate that the binational dialogue was reduced, fundamentally, to the interaction between President López Obrador, Foreign Minister Ebrard, and Ambassador Martha Bárcena with Donald Trump, Jared Kushner, and Mike Pompeo. In other words, the use of institutional channels to carry out North American regional policy was replaced by informal routes that make diplomatic transparency difficult.

## **THE COINCIDENCE OF STRATEGIES BETWEEN AMLO AND TRUMP: POPULISM, A NEW FORM OF GOVERNMENT IN THE REGION**

The arrival of both Trump and López Obrador to power gave rise to new governing styles in both countries. The conditions in which each President has managed are different, partly due to each political system's characteristics and partly due to the correlation of forces in each country; both rulers have similarities in their behavior from power. Although López Obrador and Trump have noticeable ideological differences, they indeed share certain traits in their governing style, which can be considered populist. Both govern by reproducing unverifiable or openly false information, regularly attack the press, discredit the opposition, accuse a confrontation between corrupt traditional elites and the people, and have weakened a set of relevant institutions for both democracies.

From January 2016 to August 2020, The Washington Post reported 22,000 lies told by Donald Trump in official events, television interviews, and Twitter account. For its part, the SPIN organization counted, in the first 600 days of AMLO's government, 30,000 unverifiable or openly false statements made by the President during his morning conferences. On aver-



age, the President makes 73 inaccurate or unverifiable statements per day, of which 12 are promises, six commitments, 51 data that is not verified, and four falsehoods.<sup>17</sup>

The fact that heads of State lie in public spaces, many of them financed with public resources, such as Trump's rallies and AMLO's morning conferences, can have implications for the democratic health of a country and public opinion, as well as manages to confuse the population regarding issues of national interest. Furthermore, spaces that could serve as function-

<sup>17</sup> SPIN. (nd). AMLO morning conferences at <https://tinyurl.com/y4ymnbj8>.

al and efficient communication instruments run the stigmatization and political battering tools' risk.

The attacks against the press have been another of the similarities between President Trump and López Obrador. The count carried out by Vital Signs shows that between January and November 2020, AMLO or some of the members of the federal government cabinet have attacked the press in some way on 618 occasions. The newspaper Reforma and the organization Mexicanos Contra la Corrupción y la Impunidad (Mexicans Against Corruption and Impunity), which has carried out various journalistic works, have been among the organizations attacked by the federal Ex-

*Image:* [www.voanews.com](http://www.voanews.com) at <https://tinyurl.com/y3loltbb>.

*Imagen:* [www.radioformula.com.mx](http://www.radioformula.com.mx) at <https://tinyurl.com/y37a2s6x>.



ecutive. For his part, Donald Trump has frequently lashed out at the press critical of his administration, including *CNN*, *The New York Times*, and *The Washington Post*. The latter two have been sued by the President, who accused the New York Times of defaming him to affect his re-election campaign, while the newspaper *The Capital* has spread as a proven fact Trump's alleged conspiracy with Russia to win the presidential election in 2016.

The leaders have also dedicated a big part of their governments to weaken their respective political systems' institutions. In the Mexican case, three tactics have been identified to cut counterweights to the executive power: the first is to subtract budget allocations from the institutions that most inconvenience him, the second is to colonize the governing bodies of the autonomous branches, and the third and more radical, to disappear institutions<sup>18</sup> as documented in the *Sickened Mexico with Indications of a Totalitarian Regime* report. On the other hand, Trump's case has been characterized by the resignation of his global leadership and the departure of in-

ternational organizations. Between 2016 and 2020, in addition to threatening to leave NATO, NAFTA and the World Trade Organization, Trump decided that his country should cease to be part of at least seven international agreements and organizations, such as the World Health Organization, the G7, the U.N. Human Rights Council, the Nuclear Agreement with Iran, UNESCO, the Paris Agreement against Climate Change and the Trans-Pacific Agreement on Economic Cooperation. Besides deepening the political polarization in both nations' societies, this way of governing has raised the tension in a public discussion at the national and international level.

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<sup>18</sup> Vital Signs (2020, October 14th) Institutional destruction: self-inflicted damage to the State, in a report *Sickened Mexico with Indications of a Totalitarian Regime* at <https://tinyurl.com/yysj44hf>.

## PANDEMIC MANAGEMENT: STRATEGY COMPARISON

The population of Mexico and the United States is 128 and 328 million people,<sup>19</sup> respectively. Based on November 16th, the number of confirmed COVID-19 infections in Mexico is 1 million, while in the United States, it exceeds 11.5 million.<sup>20</sup> That is, 0.8% and 3.5% of each of these countries' total population is infected with the SARS-CoV-2 virus.

Although these latest data reflect an excessive number of infections in the United States, this proportion is loaded more towards Mexico when we focus on deaths. This country has 9.8%<sup>21</sup> of fatalities concerning the total number of infections, while it is only 2.2% in the United States.<sup>22</sup> For the Mexican case, this number represents an extremely high proportion compared to other countries such as Peru,

<sup>19</sup> Data obtained from the World Bank (nd) Total population. at <https://tinyurl.com/y67j3fr3>.

<sup>20</sup> Data obtained from COV19.cc. (nd) Confirmed cases of contagion by COVID-19 at <https://tinyurl.com/y8gs3cq3>.

<sup>21</sup> In Mexico, the death of people infected by COVID-19 is regularly associated with another previous condition: Pneumonia (69%), Hypertension (42.2%), Diabetes (36.6%), Obesity (22.5%) and Chronic Kidney Failure (7.4 %).

<sup>22</sup> In the United States, the death of people infected by COVID-19 is regularly associated with another preexisting condition: Pneumonia (43.4%), Hypertension (21.5%), Diabetes (16.4%), Obesity (3.8%) and Chronic Kidney Failure (9.1%).



### CONTAGION (IN MILLIONS)

1

11.5

### CONTAGION IN RELATION TO THE TOTAL OF POPULATION








0.8%

3.5%

### DEATHS IN RELATION TO TOTAL OF CONTAGION

9.8%

2.2%

TABLE 2. IMPACT OF THE COVID-19 PANDEMIC				LETHALITY	
COUNTRY	CONTAGION	DEATHS	TESTS (MILLIONS)	PERCENTAGE OF DEATHS IN RELATION TO THE TOTAL NUMBER OF CONTAGION	
Mexico	1,006,522	98,542	> 2.7		9.8%
United States	55,331,074	1,331,650	> 170		2.2%
Peru	938,268	35,271	> 5		3.8%
Italy	1,205,881	45,733	> 20		3.8%
Spain	1,496,864	41,253	> 21		2.8%
Brazil	5,876,740	166,067	> 22		2.8%
India	8,873,994	130,552	> 135		1.5%

Source: In-house elaboration with the information obtained from <https://cov19.cc/> al 16 de noviembre del 2020.

which has a ratio of 3.8%, Italy (3.8%), Spain (2.8%), Brazil (2.8%) or India (1.5%).

Although no national or international health authority has considered the pandemic a comfortable situation to handle, there are examples of countries where the number of infections and deaths has been successfully controlled. A clear example has been China, Australia, New Zealand, or Taiwan, which have kept the health crisis under control. Even though China was the virus' country of origin, since February 2020,

the curve of infections and deaths with registered numbers has been maintained. Australia, New Zealand, and Taiwan have contained growth since January, with genuinely astonishing records. Proof that, despite having vast populations, it has been possible to “tame” the pandemic.

To this date, it has been challenging to define which strategy has been the most successful in controlling the virus. Mexico has applied only 2.6 million tests approximately. As mentioned above, it is the country with one of the highest proportions of deaths from infection. The United States, for its part, has applied a little more than 170 million tests; however, its number of infections continues to rise alarmingly.

The data and indicators denote that both countries have had a terrible and regrettable comprehensive management of the pandemic. For both, the response to the health crisis was slow, tepid, and based on arguments that did not fit with the reality experienced globally and inside each one of them.<sup>23</sup> The minimization of the problem was such by the health authorities in both countries that society has been forced to make decisions, generate strategies, and promote protection protocols in practically all of these territories.<sup>24</sup>

<sup>23</sup> The Mexican part is documented in the Impacts of the pandemic section. Vital Signs (2020, July 9th) Impacts of the pandemic, in report *The pandemic in Mexico, the dimension of the tragedy* at <https://tinyurl.com/y4wna3b5>.

<sup>24</sup> Notes that refer to the lack of measures taken by both governments: Vega, A. (2020, September 24th) The reasons why Mexico is the country with the highest fatality rate due to COVID in Latin America, Animal Político. <https://tinyurl.com/y24ao2fv> and Gil, T. (2020, March 31th) Coronavirus: How the United States became the new center of the covid-19 pandemic. *BBC World* at <https://tinyurl.com/yyzy3q34>

**TABLE 3. COUNTRIES WITH GOOD MANAGEMENT OF THE PANDEMIC CONSIDERING: CONTAGIONS, DEATHS, AND NUMBER OF TESTS**

COUNTRY	CONTAGION	DEATHS	TESTS (MILLIONS)
China	86,346	4,634	> 160
Australia	27,750	907	> 9.5
New Zealand	2,001	25	> 1.2
Taiwán	603	7	> 0.1

Source: In-house elaboration with the information obtained from <https://cov19.cc/> as of November 16th, 2020 .

Both nations coincidentally generated, through their presidents, a misinformation strategy among both societies,<sup>25</sup> which has prevented the control and containment of the virus, as well as the detection of social mobility patterns and contagion areas promptly. The number of COVID-19 tests, the number of beds per 100,000 people, or the infrastructure or equip-

<sup>25</sup> Leaders who have refused to impose strict measures against the coronavirus, despite being among the top 10 nations hit hardest by the pandemic. Galván, G. (2020, July 23rd) The political cost of AMLO, Trump and Bolsonaro in the face of the pandemic. *El Universal* at <https://tinyurl.com/y3557qrf>.

ment available, have not been enough to tame the virus. More than 12 months after the first infection was reported, it has been shown that the sum of sensible and balanced leadership, and the participation of a population with a high level of social awareness, can be the key to understanding successful models of virus control. Neither Mexico nor the United States has had these two components to guide a crisis that will mark its inhabitants' lives.

**Both nations coincidentally generated, through their presidents, a misinformation strategy among both societies which has prevented the control and containment of the virus, as well as the detection of social mobility patterns and contagion areas promptly.**



*Image:* Photo: change.org en <https://tinyurl.com/y3xbsdkd>. In English: #AMLOWEARTHEMASK



*Image:* “Trump removed his mask when arriving at the White House” Photo: Getty Images at <https://tinyurl.com/yxc3x9jt>.

# FROM COOPERATION TO THE SUBORDINATION of Mexico to the United States

## THE INTERFERENCE OF THE UNITED STATES IN MEXICAN IMMIGRATION POLICY

Migration policy between both countries has extended from legal issues to the concept of military and national security, under a construct that derives from cross-border problems such as terrorism, massive refugee flows, unregulated migrant smuggling, poverty, and economic crisis, which have become risks to nations and humanity (Laborie, 2011).

The terrorist attack of September 11th, 2001, forced the United States to change and adjust its foreign policy, starting a relentless war around the world, which resulted in the containment and sometimes persecution of migrants. Its purpose was to prevent

future terrorist attacks, sealing its borders, and where Mexico had to pay part of this control and prevention policy (Patriot Law).<sup>26</sup>

**To date, the panorama remains the same; migrants continue to represent one of the most vulnerable sectors, unprotected under a failed migration policy that leaves 11 million people in an irregular situation.**

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<sup>26</sup> The Patriot Law resulted in the detriment of immigrant foreigners and became effective with border control and the persecution of illegal workers.

## THE REALITY OF A SAFE THIRD COUNTRY (STAY IN MEXICO)

Currently, the United States government immigration protocol called *Quédate en México* (Remain in Mexico or MPP), in force since January 2019, has resulted in an agreement that violates human rights on the borders of Mexico<sup>27</sup> towards the North and South.

Until 2019, the United States was the leading country of destination for international migrants. On the other hand, Mexico was the primary emigration country in Latin America and the Caribbean, with thousands of yearly emigrants whose main destination is the United States. Finally, the role of Central America has been preponderant in irregular migratory flows in recent years, since the arrests of Central Americans from the “Northern Triangle” Region (Guatemala, Honduras, and El Salvador) have even exceeded those of Mexicans in the borders of Mexico with the United States<sup>28</sup> (Graph 1).

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<sup>27</sup> Pachico, E. & Meyer, M. (2020, June 6th) One year after the immigration agreement between the United States and Mexico, it is clear that it generated a humanitarian disaster. WOLA at <https://tinyurl.com/y37h3cvf>.

<sup>28</sup> International Organization for Migration. (2019) 2020 World Migration Report. IOM at <https://tinyurl.com/ydx2ltcj>.

The idea of Mexico as a Safe Third Country for asylum seekers from the countries of the Northern Triangle of Central America is based on the assumption that people who seek asylum in the United States can receive the same type of protection in Mexico. Therefore, it would be from this country that refugee status recognition would have to be requested. However, the condition is based on the provisions of the 1951 Refugee Convention, guaranteeing the principle of “non-refoulement” and access to a residence, medical services, educational services, working conditions, and family reunification.<sup>29</sup>

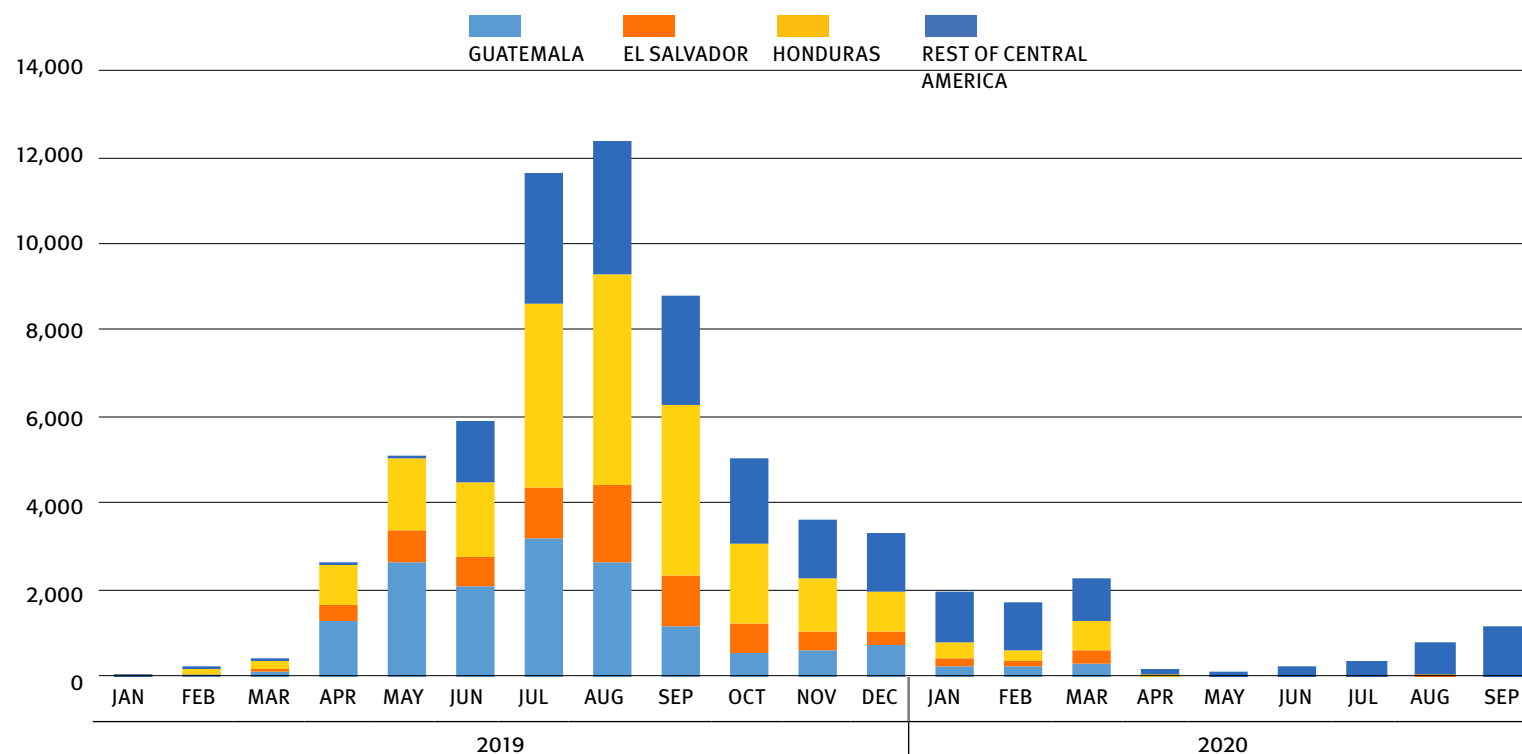
As of March 21st, 2020, the United States border was practically closed for refugee applicants and migrants.<sup>30</sup> The application of MPPs is not even allowed since people are “expelled” immediately and return without further formality to Mexico. The immigration authorities do not implement the proper registration,

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<sup>29</sup> In the Vital Signs Report *Symptoms of Mexico*, it was noted that in the months after the MPP was signed, the Department of Homeland Security of the United States of America (DHS) has returned thousands of asylum seekers to Mexico, mainly from the “Northern Triangle”, Ecuador, Nicaragua and Venezuela. See Graph 1.

<sup>30</sup> López, T. (2020) One step forward, three back. Migration policy in the times of AMLO and Trump. En José Woldenberg y Ricardo Becerra *Balance Temprano desde la izquierda México* (p.119). CDMX, Mexico. Grano de Sal.

**GRAPH 1. MIGRANTS RETURNED TO MEXICO BY U.S. AUTHORITIES UNDER THE MIGRANT PROTECTION PROTOCOLS (MPP) JANUARY 2019 TO SEPTEMBER 2020**



SOURCE: Migration Policy Institute with data from Transactional Records Access Clearinghouse <https://tinyurl.com/rzef29p>.

nor do they ensure the rights of migrants. Since its implementation, the MPP impacts have included migrants’ and asylum seekers’ exposure to increased public health and safety risks, the collapse of Mexico’s asylum system, and the National Guard’s em-

ployment to perform work for which they are not prepared.<sup>31</sup>

<sup>31</sup> Pachico, E & Meyer, M (2020, June 6th) One year after the immigration agreement between the United States and Mexico, it is clear that it generated a humanitarian disaster. WOLA Advocacy for Human Rights in the Americas at <https://tinyurl.com/y37h3cvf>.



According to Human Rights First, as of May 2020, at least 1,114 cases of murder, sexual abuse, kidnapping, torture, among others,<sup>32</sup> against asylum seekers waiting in Mexico to attend their immigration hearings in the United States have been publicly reported. Simultaneously, the MPP implementation resulted in the proliferation of overcrowded migrant camps with poor sanitary conditions in border cities, with a high risk to public health in a pandemic context.

## ARRESTS

The pandemic appears to have caused only a temporary and modest drop in the use of detention orders by Immigration and Customs Enforcement (ICE). Average retention usage during weekdays has had a downward trend, it began to show some reduction starting from mid-March when it fell below 400 per day, and by April 1st, it had dropped below 300. By the second week of April, the daily average fell to around 240. During 2020, there were a total of

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<sup>32</sup> Human Rights First. (2020, May). The pandemic as an excuse: The Trump administration takes advantage of the COVID-19 pandemic to expel refugees and minors exposing them to danger. <https://tinyurl.com/y4hoy2tb>.

400,651 arrests. According to the Pew Research Center, this represents a 53% decrease compared to the previous year, when arrests soared to their highest level in 12 years.

The arrests, expulsions, and the treatment of migrants raise red flags for human rights. On the one hand, there are records that although migrant arrests by the Border Patrol between the United States and Mexico have decreased from October 2019 to September 2020, compared to the previous year according to recently published federal data.<sup>33</sup> The sharp drop in the number of detained migrants follows an apparent border closure and new restrictions on how asylum cases are handled in response to the coronavirus outbreak.<sup>34</sup>

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<sup>33</sup> US Border Patrol Southwest Border Apprehensions by Sector (nd). Southwest Border Unaccompanied Alien Children (0-17 yr old) Encounters at <https://tinyurl.com/yxoyme6e>.

<sup>34</sup> Gonzalez, A. (2020, November 4th). After surging in 2019, migrant apprehensions at US-Mexico border fell sharply in fiscal 2020. Pew research Center at <https://tinyurl.com/y4hheljs>.

## MIGRANTS, WITH HUMAN RIGHTS IN DANGER

Contrary to what was promised by the current administration in Mexico, reports on human rights violations show a systematic transgression of migrant rights. The Mexican border cities and the immigration stations and temporary stays found themselves under extreme pressure due to the large number of migrants coming in, mainly from the Northern Triangle, awaiting an appointment with the U.S. authorities to request asylum.

The practices and policies focused on migratory containment have represented attacks on people's human and fundamental rights in the context of migration. According to the Special Report "Situación de las Estaciones Migratorias en México"<sup>35</sup> (2019) (Situation of the Migration Stations in Mexico), said degrading treatment refers to torture and cruel and inhuman treatment; Reports have been issued of episodes that occurred in various migratory stations in the country regarding insults, threats, humiliations, and beatings.

35 CNDH. MÉXICO (2019) Special report. Situación de las estaciones migratorias en México, hacia un nuevo modelo alternativo a la detención. Comisión Nacional de los Derechos Humanos at <https://tinyurl.com/ybuz6vam>.

*Image:* Child from Honduras separated from her mother in 2018. Photo: John Moore, EFE in [www.abc.es](http://www.abc.es) at <https://tinyurl.com/yxg7rwas>.



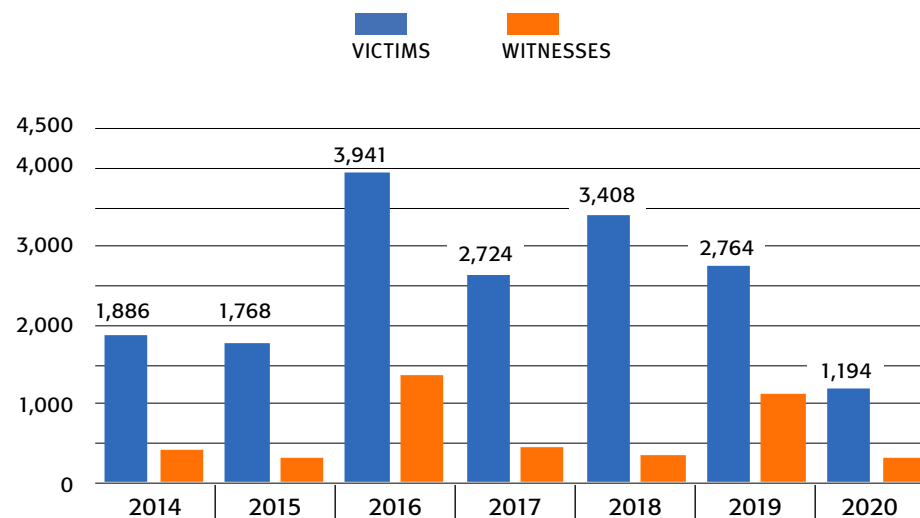
According to the Surveys on Migration on the Mexican border (EMIF for its acronym in Spanish), some risks migrants face during their transit through Mexico are social and natural. During the arrests, 33.5% were the object of ridicule, contempt, or insults, 10.5% were the victim of physical aggression, and 3.5% of the detainees reported having suffered the theft of their belongings. Likewise, migrants returned by Mexico to Guatemala, Honduras, and El Salvador face natural risks: mainly extreme cold or heat (63.4%), lack of food or water (35.7%), and other causes (0.9%).<sup>36</sup>

On the other hand, the Mexican government was silent in the face of human rights violations by the United States government, which decided to separate children from their parents and lock them up in immigration camps.<sup>37</sup> Likewise, complaints about the violation of human rights of migrants in Mexico during 2019 reached the figure of 3,907, the second-highest in recorded history, only second to 2016, when 5,298 were registered.

<sup>36</sup> MIF Norte-Sur (2020).BOLETÍN DE INDICADORES, EMIFSUR 2018-2020 <https://www.colef.mx/emif/datasets/indicadores/Emif%20Sur%20Indicadores%20Trimestrales%20Enero-Marzo%202020.pdf>.

<sup>37</sup> Lissardy, G. (2019, June 27th). Why are they calling places of immigration detention in the United States “concentration camps”? *BBC* at <https://tinyurl.com/y4qr2jgq>.

GRAPH 2. COMPLAINTS ABOUT THE VIOLATION OF HUMAN RIGHTS TO MIGRANTS IN MEXICO



Source: In-house elaboration with data from The Documentation Network of Organizations for the Defense of Migrants (REDODEM for its acronym in Spanish).

The above-mentioned shows the lack of protection to which migrants and refugees are subjected; Mexico has the right to secure its borders and manage migratory flows. However, it must guarantee that the lives and standard of living of refugees and migrants are not in danger. Under the current administration, the coercive measures that Mexico has implemented translate into abuses and threats by criminal groups that put people’s lives at risk. Attempts to lessen the dangers faced by refugees and migrants must not cease.

## THE ROLE OF CENTRAL AMERICA

Northward migration continues to be the predominant trend in Central America, Mexico, and the Caribbean. Although Mexico continues to be an important country of origin within the migratory dynamics, it is increasingly becoming a destination country for migrants who travel north from Central America, some of whom remain in this country as they cannot enter the United States of America.<sup>38</sup>

Emigration to the United States of America is an essential characteristic of the Caribbean, and Caribbean immigrants are among the country's largest groups. According to the Migration Policy Institute (MPI, 2020),<sup>39</sup> the demand for humanitarian protection within Mexico increased with immigration control and refugee applications doubled, from 30,000 in 2018 to 71,000 in 2019. Most were submitted in June, July, August, and September during the highest period in which Mexico tightened its immigration control.

<sup>38</sup> Dominguez-Villegas, R. (2019, March 7th). *Protection and Reintegration: Mexico Reforms Migration Agenda in an Increasingly Complex Era*. Migration Policy Institute at <https://tinyurl.com/y5loe2rr>.

<sup>39</sup> Ruiz, A. (junio 2020) Un año después del Acuerdo Estados Unidos-México. La transformación de las políticas migratorias mexicanas. Migration Policy Institute at <https://tinyurl.com/y4ydz7cy>.



Image: Central America migrants on their way in Mexico at <https://tinyurl.com/y3ochl9z>.



*Image:* “Governments of Mexico, El Salvador, Guatemala and Honduras agreed to establish the bases of understanding to build an Integral Development Plan which will motivate development and opportunities of the region.” 6 March 2019 at <https://tinyurl.com/yy5elrkx>.

Both governments committed to addressing the root causes of migration through investments in development in southern Mexico and Central America by coordinating efforts with regional and international partners, such as through the Comprehensive Development Plan (PDI for its acronym in Spanish).<sup>40</sup> Part of the Mexican government’s actions regarding the PDI

<sup>40</sup> Secretary of Foreign Relations. (2018, December 1st). Mexico, El Salvador, Guatemala and Honduras agree on a new Comprehensive Development Plan to address the migratory phenomenon [press release] at <https://tinyurl.com/yy9zpqmj>.

The demand for humanitarian protection within Mexico increased with immigration control and refugee applications doubled, during the highest period in which Mexico tightened its immigration control.

in the region has promised only 100 million dollars towards two El Salvador, Guatemala, and Honduras programs: one focused on increasing agricultural jobs by planting trees and fighting youth unemployment.<sup>41</sup> However, the United States and Mexico governments seem to be operating with different priorities, without much coordination between them when it comes to Central America.

Historical ties between Central America and the United States and geopolitics have greatly influenced northward migration. Central America’s role aiming towards Comprehensive Development is perhaps the most significant opportunity to generate the foundations for a new relationship with the new U.S. government.

<sup>41</sup> El Financiero. (2019, June 21st). Mexico will invest 100 million dollars in Central America as part of the Development Plan. *El Financiero* at <https://tinyurl.com/y2wkmx2q>.

# THE U.S. MEDDLING IN SECURITY POLICY

## A route to the militarization of the border

### DRUGS, GUNS AND DRUG LORDS: A CONTAINMENT STRATEGY

Another critical aspect of Trump's border security policy is the drug crisis in the United States, arms trafficking, and anti-criminal policy, precisely related to drug lords' arrest. As is known, the United States is the primary consumer of drugs in the world. It is estimated that the sale of drugs in that country reaches 150 billion dollars a year, a figure close to that of alcohol spending.<sup>42</sup> Moreover, while the challenge of controlling drug use in North America is not new, the increase in the use of synthetic drugs, particularly opioids, has turned the issue into a serious public

<sup>42</sup> Gregory Midgette, Steven Davenport, Jonathan P. Caulkins, Beau Kilmer. (2019). *What America's Users Spend on Illegal Drugs, 2006–2016* Rand Corporation at <https://tinyurl.com/y6d542qw>.

Image: TN at <https://tinyurl.com/yyzw5qsa/>.



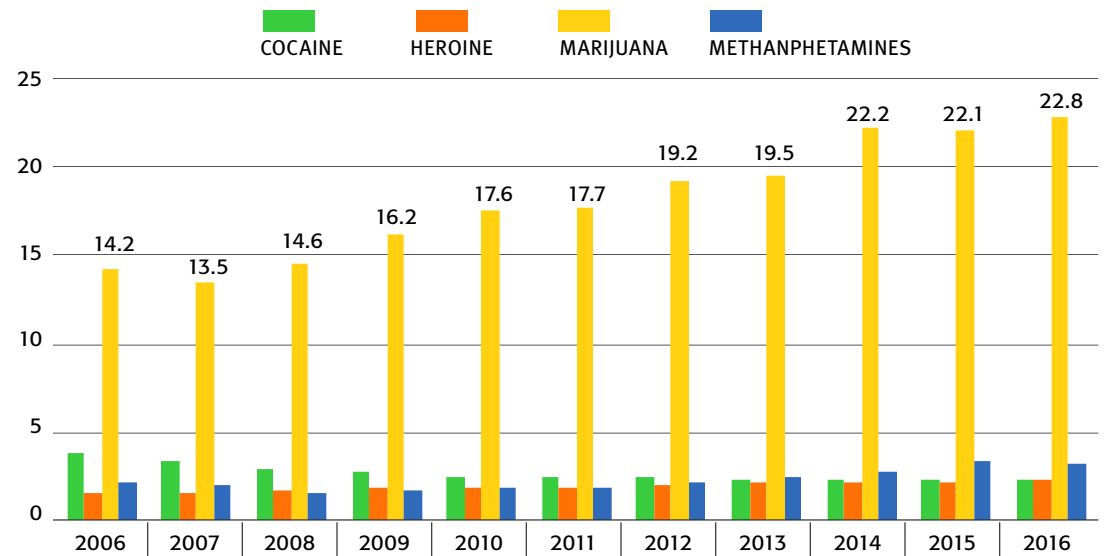
health problem. In 2017 alone, more than 72 thousand deaths related to drug use were reported in the United States, and it is estimated that 9 out of every 10 of those deaths occurred with drugs from Mexico. The Department of State's International Narcotics Control Strategy Report,<sup>43</sup> published in 2020, shows that more than 90% of the heroin seized and sampled in the United States comes from Mexico. In the identified shipments, an increasing amount of fentanyl is counted. This reality has forced governments to collaborate on the issue, and Trump's pressure made Mexican policies more rigid to prevent drugs from reaching the northern border.

In return, the Mexican government asked for help to stop the arms trade that benefits organized crime.<sup>44</sup> In August 2019, the Secretary of National Defense reported that, based on information from the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), between 2009 and 2019, around 2 million illegal weapons entered Mexico. 70% of these came from the United States. After the failed operation in Culiacán in which Ovidio Guzmán was released,

<sup>43</sup> United States Department of State. (2020). *International Narcotics Control Strategy Report*. November 2020 at <https://tinyurl.com/y2blffyn>.

<sup>44</sup> Aristegui Noticias. (2019, September 21st) Violence and Drug Trafficking are challenges shared between the US and Mexico: Christopher Landau. *Aristegui Noticias* at <https://tinyurl.com/y238de6a>.

GRAPH 3. DRUG USERS  
2006–2016 (MILLIONS)

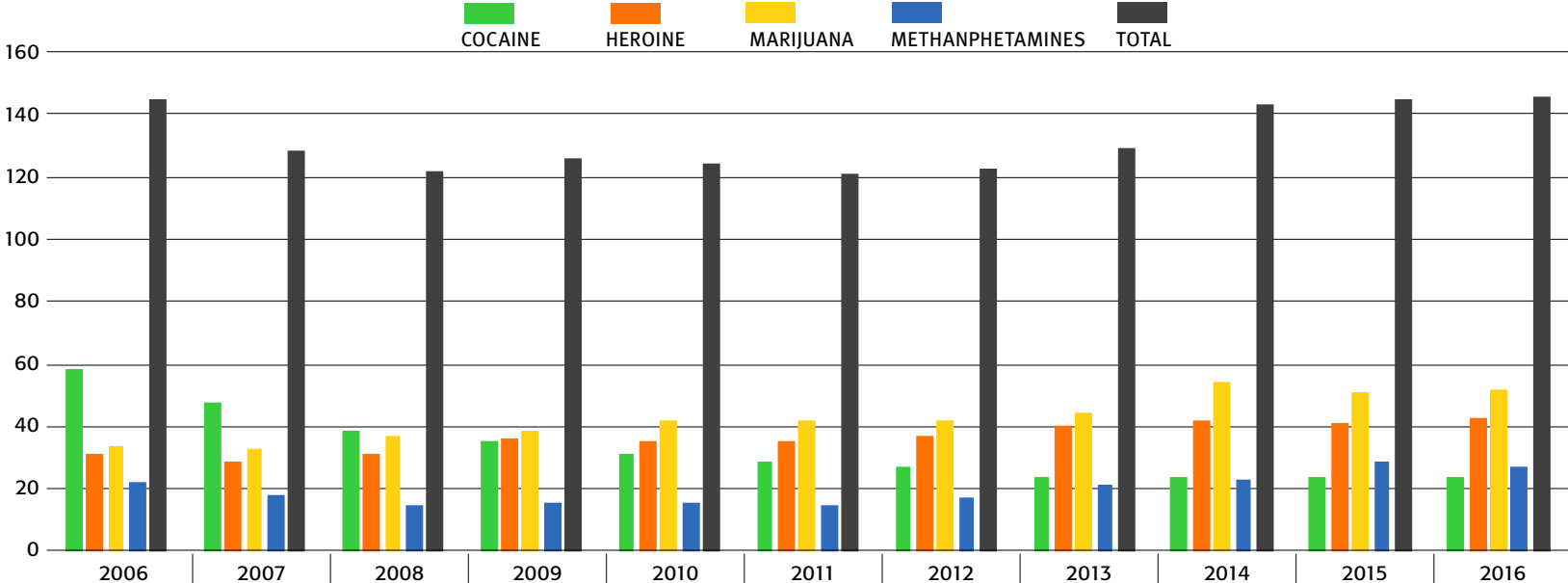


Source: In-house elaboration with data from What's America's Users Spend on Illegal Drugs, 2006-2016.



Image: Cannabis culture. Flickr at <https://tinyurl.com/y5ztwsqe/>.

**GRAPH 4. EXPENDITURE ON ILLICIT DRUGS  
2006-2016 (BILLIONS OF DOLLARS)**



Source: In-house elaboration with data from What's America's Users Spend on Illegal Drugs, 2006-2016.



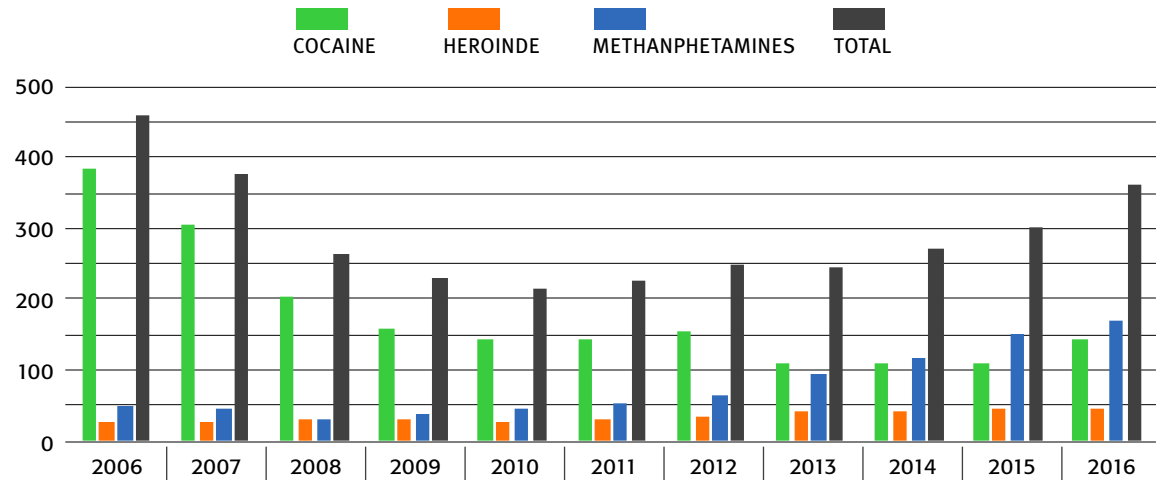
Image: at <https://tin-yurl.com/y5smnttg>.



Donald Trump announced that he would collaborate in freezing these weapons. The Ministry of Foreign Relations reported in October 2020 that it made a diagnosis that allows estimating that, in 10 years, almost 3 million illegal weapons have entered the country. He also pointed out that between October 2018 and December 2019, only 4,432 weapons were seized, of the almost 300,000 that enter each year.

The arrival of Joe Biden to the White House may represent a paradigm shift in handling weapons and drugs in the bilateral relationship. He was the first candidate for the U.S. presidency to formally integrate the legalization of certain drugs into his political platform to face the opioid crisis in the country. Besides, as vice president, Joe Biden participated in the implementation of Operation Fast and Furious, which aimed to identify the routes through which illegal weapons from the United States travel and reach the hands of criminal drug groups in Mexico. In this way, it is expected that the Mexican government will have a new conversation on the subject once the next North American government is established.

GRAPH 5. DRUG USE  
2006-2016 (TONS)



Source: In-house elaboration with data from What's America's Users Spend on Illegal Drugs, 2006-2016.

## ARREST AND RELEASE OF GENERAL CIENFUEGOS

On October 15th, 2020, the General and former Secretary of National Defense of Mexico, Salvador Cienfuegos, was arrested in Los Angeles, accused by the United States Department of Justice, with the DEA's collaboration of crimes related to drug trafficking and money laundering. Specifically, the former secretary was charged with four crimes:

1. International conspiracy to manufacture and distribute heroin, cocaine, methamphetamine, and marijuana;
2. Conspiracy to import heroin, cocaine, methamphetamine, and marijuana;
3. Conspiracy to distribute heroin, cocaine, methamphetamine, and marijuana; and
4. Conspiracy to launder money derived from drug trafficking products.

It is the first time that a Mexican former defense secretary has been arrested, and among the implications that this has, at least three stand out:

1. The DEA's daring to capture one of the most influential figures in the binational security relationship during an entire six-year presidential term,



Image: General Cienfuegos. UnoTV at <https://tinyurl.com/y5xnktfs>.

2. The apparent little confidence that the DEA has in the Mexican government in matters of security and organized crime,
3. In case of a guilty verdict, the possible collusion of other military officials who play relevant roles during the current administration.

It is possible that some members of non-government organizations will demand a legislative reform to force the Army to be more transparent and to submit to stronger political control. General Cienfuegos's arrest is an example of the willingness of some security and justice institutions in the United States to carry out Mexican authorities' arrests of the highest rank, even though Mexico is one of their most essential partners in the matter of security. The arrest of general Cienfuegos was preceded by the detention of Genaro García Luna, former secretary of public security, during the Felipe Calderón administration. García Luna's process continues in the United States.

The arrest of general Cienfuegos carried out by the DEA was not the first. Between 1997 and 2020, at least 12 generals have been arrested for collusion with organized crime. Due to the institutional design

of the Mexican Army, in which the head of the SEDENA (Secretary of National Defense) is a career military man, not a civilian, active Mexican generals, including the current secretary of defense, Luis Cresencio Sandoval, were under the orders of Salvador Cienfuegos. If he is found guilty, there could be infiltration by organized crime in the military leadership.

At first it was presumed that the Mexican government was not informed with sufficient time of the investigation against Cienfuegos. In the morning conference on October 16th, 2020, president López Obrador commented that 15 days before the arrest, Ambassador Martha Bárcena informed him that there was an investigation against the former secretary. thirteen days later, in the morning conference on October 29th, Foreign Minister Marcelo Ebrard commented that he had communicated to the U.S. government the Mexican State's annoyance for not receiving information regarding the Cienfuegos case.

The United States Department of Justice's decided to drop the case against Cienfuegos on November 17th, 2020. It was an unexpected event that raises several questions. For example, what made President López Obrador change his original decision to a thorough

clean-up within the Army to mobilizing a significant part of his government to get the US Department of Justice to withdraw the accusations.

The reading most shared among specialists has been the one that poses intense pressure from the Mexican Army for the federal Executive, to pressure in turn the United States government to process Cienfuegos' case in Mexico. If this is true, the implications are far-reaching since it means that the Ministry of National Defense has amassed enough political power to lead the Mexican government to confront its North American counterpart. This scenario strengthens the premise regarding the existence of a militarization process, which, although not new, has deepened in the last two years, when the budget and responsibilities of the Armed Forces have increased substantially.

Several specialists have asserted that due to this political role exercised by the military, it will be difficult for the Mexican General Attorney to process this case as any other. Also, it is argued, the Mexican authorities would have the possibility to protect sensitive information that emanates from the entire investigation process. In this sense, the most critical

**This scenario strengthens the premise regarding the existence of a militarization process, which, although not new, has deepened in the last two years.**

implication that this situation may have, at least at the domestic level, is the progressive influence that the military institution has on political decisions.<sup>45</sup>

Finally, this case opens, once again, the debate on the relevance of strengthening the local police to prevent the armed forces from getting involved in issues that in principle do not correspond to them and that put military institutions at risk of being infiltrated. Contrary to this, the current government has decided to follow and deepen the military route and has dismissed the recommendations to build competent

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<sup>45</sup> Vital Signs. (2020) A new virus: Additional powers for the Armed Forces, in the report *Sickened Mexico with Signs of a Totalitarian Regime* at <https://tinyurl.com/yysj44hf>.

public security corporations. Proof of this is that while the budget for the local police has decreased by at least 4 billion pesos, due to the disappearance of the Programa de Fortalecimiento para la Seguridad FORTASEG (Strengthening Program for Security), the budget for the armed forces has had significant increases in a context of austerity in which many agencies and autonomous constitutional bodies have suffered cuts. In 2020, SEDENA was assigned 9,428,694,246 pesos, an increase of 16% compared to 2018. In other words, this year, it received 136,790,433 pesos more than two years ago. For its part, the SEMAR (Ministry of the Navy) went from receiving 31,305,775,196 pesos in 2018 to 33,557,785,594 pesos in 2020.

**The budget for the armed forces has had significant increases in a context of austerity in which many agencies and autonomous constitutional bodies have suffered cuts.**

## 2020 ARMED FORCES BUDGET COMPARED

MINISTRY	2020 BUDGET IN MILLIONS OF MX PESOS	% OF INCREASE RESPECT TO 2018	CORRESPONDENCE IN MILLIONS OF MX PESOS
SEDENA	94,028.7	+16%	13,006.8
SEMAR	33,557.8	+7.2%	2,252.0
HEALTH	123,567.3	+0.8%	1,010.0

# ECONOMIC AND TRADE POLICY

## Pressures at sight

### THE IMPOSITION OF TRADE RESTRICTIONS

Mexico has gone from being a country dependent on hydrocarbons to one with greater dependence on manufacturing, most of which is destined for the United States. The health crisis has made clear the importance of the Mexican economy's external sector since manufacturing exports and the primary sector have allowed us to stay afloat. The scenario could have been even more catastrophic if we did not have a trade agreement with our neighboring country, of which we are the leading trading partner.

With the entry into NAFTA force more than two decades ago, a window of opportunity opened, mainly for the border states and the country's center. How-

ever, to continue taking advantage of these windows of opportunity, Mexico will have to adapt to a series of trade restrictions imposed in the new treaty the USMCA negotiated with President Trump.

The implications for the manufacturing and primary sectors are of our interest. Hence, the strengthening of the denomination of origin rules is highlighted through two mechanisms: Increasing salaries in the automotive industry (with exceptions) and increasing the share of steel from North America to 70%. And second, greater vigilance in compliance with labor legislation among partner countries.

## UNPROTECTED MSMEs, THE NULL SUPPORT OF THE MEXICAN GOVERNMENT TO THIS SECTOR

The government of Mexico has eliminated all budget programs and agencies dedicated to supporting entrepreneurs and MSMEs. It should be taken into account that just over 99% of the companies in Mexico are MSMEs (with less than 250 workers), the vast majority of them engaged in commerce (43%) and without access to financial markets, as stated in the USMCA.

The health crisis has impacted the income of MSMEs, putting their presence at risk. The reduction in revenues, according to the ECOVID-IE, was 62%. According to the same survey, only 7% have received some support from the different levels of government.

*Image:* MSMEs in Mexico at <https://tinyurl.com/y6yy3vdy>.

*Image:* Food services, one of the most affected at <https://tinyurl.com/y2q5wd46>.



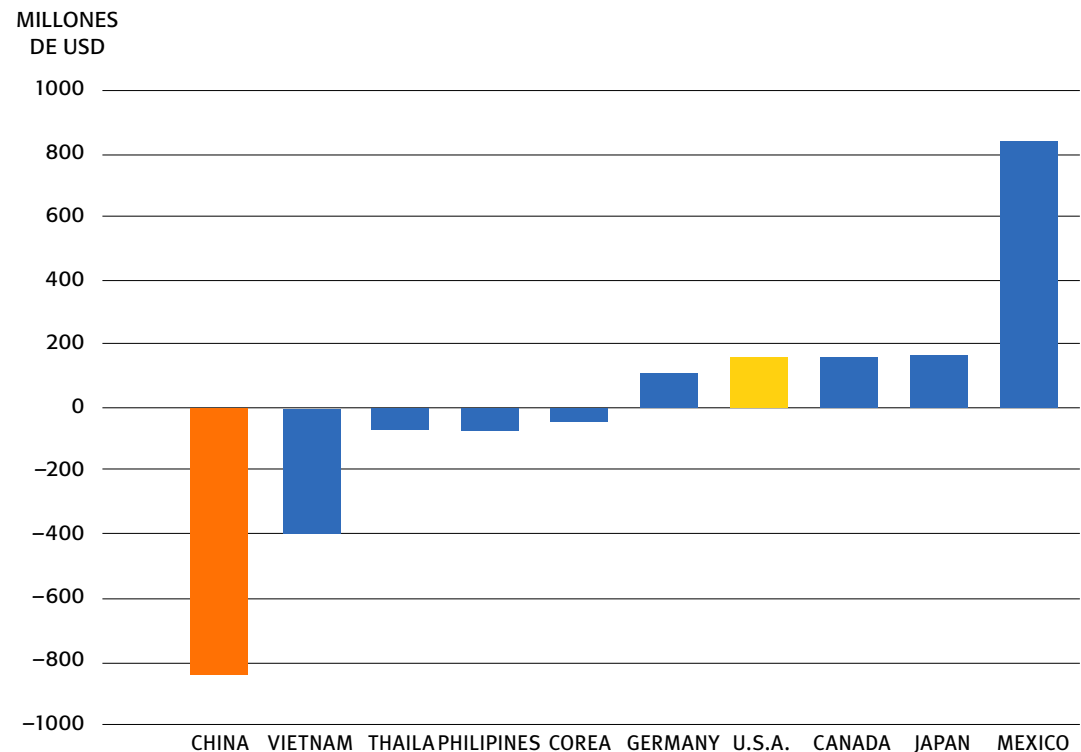
## US-CHINA TENSION, OPPORTUNITIES FOR MEXICO

During the electoral process in the United States, the escalation of the conflict against China has slowed down. However, if the situation of political-commercial tension between the two countries is mended, the United States' political aversion to the trade deficit and the fact of being surpassed in technological matters by China opens an opportunity for Mexico.

The trade war between the two countries has materialized in a set of trade restrictions and tariff barriers. The United States has relied on its trade law, and China has accordingly responded by imposing more tariffs on products from the United States.

However, it is notorious that the tariff burden is highly concentrated towards certain types of export products from China to the United States according to their market value. According to the Mexican Council for International Affairs (COMEXI for its acronym in Spanish), the most affected products are mainly: electrical appliances (76.8 billion dollars), non-electrical appliances (62.9 billion dollars), and wood, paper, and others (30.6 billion dollars).

GRAPH 6. U.S. IMPORTS UNDER TRUMP'S SPECIAL TARIFF\*  
SEPTEMBER - NOVEMBER 2017 AND 2018



Note: \* Products with 25% tariffs worth 16 billion USD.

Source: International Monetary Fund.



USMCA's existence allows Mexico to expand the range of opportunities, which began to occur since the end of 2018. U.S. imports from Mexico increased while those from China decreased. The entry into force of a list of products on which the United States imposed a particular tariff burden (25%) on China worth 16,000 million USD in August of the same year, imports from China decreased by almost 850 million USD, but this decrease was offset by an increase of about 850 million USD in imports from Mexico, which left total imports from the United States almost unchanged.

After zero growth in 2019 and the historical contraction expected for 2020, foreign trade may end up being the only way for the Mexican economy to resume the growth path in the following years to break through the conflict and capitalize on the advantages offered by the USMCA. This scene of international tension could become an excellent opportunity for Mexico in economic matters, even in the short term and despite the health crisis. In this political-trade war, which could change with the arrival of Joe Biden to the presidency of the United States, Mexico can substitute with products made in Mexico that do not have tariffs, those products traded between China and the United States subject to new tariffs, thus becoming suppliers to both economies.

**Foreign trade may end up being the only way for the Mexican economy to resume the growth path in the following years.**

**With the arrival of Joe Biden to the presidency of the United States, Mexico can substitute with products made in Mexico that do not have tariffs, those products traded between China and the United States.**

# LABOR POLICY

## Uncertainty of employment

### LABOR POLICY

A point that is seen as favorable for both leaders is related to the increase in the salary level, especially concerning the automotive sector. Both the President-elect of the United States and the President of Mexico have advocated improving workers' wages.

However, this is beneficial to the President of Mexico for political reasons does not necessarily imply that it also benefits Mexico. Increasing wages in the automotive sector to \$ 16 per hour can be a double-edged sword. Since, in the case of Mexico –which has suffered a GDP drop of 8.6 percentage points in the third

quarter of the year–, it will generate a rise in pressure leading to a more significant job shortage given the historical drop in production in the sector and its weak advance towards September, which would end up depressing the Mexican economy.

On the other hand, the increase in production costs through wages would become a disincentive towards investment in Mexico and an incentive to invest in another partner country.



As of August 2020, in Mexico, the average hourly wage of a worker in the manufacture of cars and trucks is 101.8 pesos (4.97 dollars per hour), and in the case of the manufacture of trucks and tractors, it is 90.7 pesos (\$ 4.43 per hour).<sup>46</sup> The increase in salaries can be gradual, with a period of three years to achieve it, besides the parallel Letter on 232 in the Automotive Sector of the same treaty mentions the following:

“... The United States shall exempt from the measure [of the increase in wages]:

- » 2,600,000 passenger vehicles imported from Mexico on an annual basis;
- » Light trucks imported from Mexico; and
- » A number of auto parts totaling U.S. \$ 108 billion in declared customs value on an annual basis.”

With the above, the increase in wages is not a matter of concern for companies in the short term, primarily due to the weak recovery shown by manufactures’ export towards September.

*Image:* “This would earn employees in the car industry” in lasillarota.com at <https://tinyurl.com/y3sh77j7>.

*Image:* “It is a win-win” said Jesús Seade. infobae.com. Photo Reuters, Henry Romero at <https://tinyurl.com/y2sosan5>.

<sup>46</sup> The calculation is made with information from INEGI’s (EMIM Monthly Survey of the Manufacturing Industry). Administrative, accounting and managerial personnel are not considered for both cases.

## LABOR REFORM IN MEXICO: OUTSOURCING

In Mexico, the regulation of outsourcing is being discussed and is being equated to tax fraud. If this reform is approved, the labor market's recovery would be slower than recently observed. According to the 2019 Economic Censuses, 4.13 million people in Mexico are hired in this way (15.2% of countries employed personnel). Moreover, only four sectors of the economy (manufacturing industries, retail trade, financial and insurance services, temporary accommodation services, and food and beverage preparation services) concentrate 66% of the workers under this contracting scheme.

However, in particular, the economic sectors that make more exhaustive use of this type of contract are the generation, transmission, distribution, and commercialization of electric energy, water supply, and natural gas through pipelines to the end consumer (41.5 % of total employed personnel) and financial and insurance services (36.3% of the total).

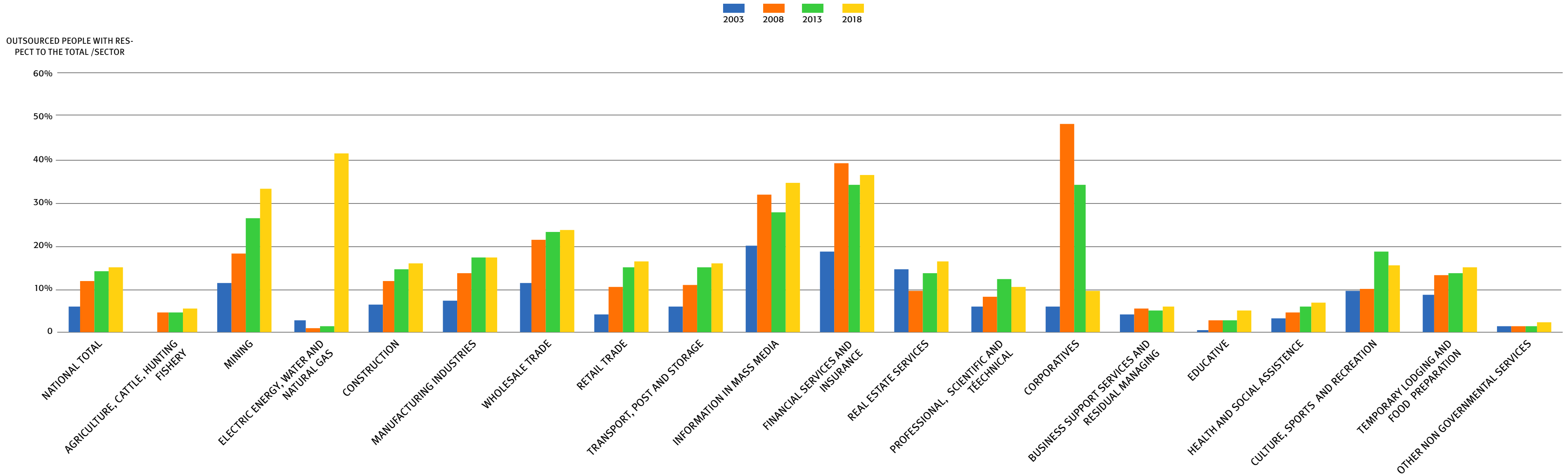
In this regard, the USMCA emphasizes the strict monitoring of compliance with the partner countries' labor legislation. The government of Mexico opens a gateway that favors both Canada and the United States since various companies and sectors can be seriously affected, having to settle disputes through the treaty's mechanisms.

Consequently, companies in Mexico can find themselves at a crossroads between interest groups from partner countries (such as unions in the United States) and the Mexican government. This situation of possible conflict puts the attraction of future investments at risk.



*Image: cleaning services used by the government of Mexico at <https://tinyurl.com/y239t7sa>.*

GRAPH 7. OUTSOURCING CONCERNING THE TOTAL EMPLOYED POPULATION BY ECONOMIC SECTOR (2003-2018)



Source: In-house elaboration with information from the 2019 Economic Censuses.

## HOW ARE WE DOING WITH E-COMMERCE?

The gap separates the two countries when trade, technology, and financial availability are combined is immense. The amount represented by sales on electronic commerce platforms in Mexico is 396 billion pesos, while for the United States, the amount rises to more than 4.8 trillion dollars.<sup>47</sup> 55% of on-line purchases in Mexico are paid in cash, and for transactions under 500 pesos (\$ 25), 95% are also made in cash. According to the latest Financial Inclusion Survey, only 47% of the adult population has an account at a bank or financial institution,<sup>48</sup> unlike the United States, where about 95% of families have a bank account.<sup>49</sup>

For Mexico, despite its geographic proximity to the United States, this form of trade has not only been limited by social and cultural conditions, but rather by access to good connectivity. To date, only 56% of the country's homes have an internet connection,

<sup>47</sup> Cocktail. (2020). ECommerce Studies and Statistics at <https://tinyurl.com/MEXeeuuEcOmErCe>.

<sup>48</sup> National Institute of Statistic and Geography. (2018, November 23rd) National Survey of Financial Inclusion [press release] at <https://tinyurl.com/y3htfuce>.

<sup>49</sup> Federal Deposit Insurance Corporation. (2020, October 19th). How America Banks: Household use of Banking and Financial Services.FDIC at <https://tinyurl.com/y382afjv>.

and only 44% of these have a computer, while 75% of the population has a cell phone, and 93% of these users have access to the internet in this way.<sup>50</sup> For the United States, about 90% of the total population have Internet access at home,<sup>51</sup> a figure that is also strengthened with about 250 million users with smartphones, that is, they have Internet access.

The Mexican government has did not indicate improving this situation. On the contrary, starting this year, new tax measures were applied for e-commerce platforms. Companies such as Mercado Libre, Amazon, Airbnb, Uber, among others, now have functions to withhold VAT and between 0.5% and 5% of ISR to sellers who market their products within their portals.<sup>52</sup> In contrast, Biden's business agenda considers reversing corporate tax cuts, reducing incentives for

<sup>50</sup> Federal Institute of Telecommunications (2020, February 17th). In Mexico there are 80.6 million internet users and 86.5 million cell phone users. IFT at <https://tinyurl.com/y374fjbd>.

<sup>51</sup> World Bank (2018) People who use the Internet (% of population) - United States, Mexico. BM at <https://tinyurl.com/y66ay2yu>.

<sup>52</sup> Arreguín, M. (2020, June 25th). Legal aspects and taxes of Ecommerce in Mexico. Market Hax at <https://tinyurl.com/y5q6rddu>.

tax havens, evasion and outsourcing, and closing any loopholes in the tax code. His tax proposal seeks to apply social security taxes to income over \$ 400,000 and collect at least a 15% tax on large corporations' countable income.

Biden also aims to support small and medium-sized technology companies, improve the standard of consumer well-being, and maintain greater competition in the market. Besides, it is much more open to electronic commerce than Trump, since it promises technological development, fostering new international agreements and alliances, and taking more effective measures to face the consequences of the pandemic crisis.<sup>53</sup> Mexico's backwardness in this sector will be even more evident when the United States makes better use of the USMCA, once the pandemic allows it. Along with environmental and climate change measures, e-commerce will be one of the pillars of the Biden government; which, López Obrador, will have to face with a limited and obsolete ideology regarding international cooperation and trade openness.



Image: at <https://tinyurl.com/y4t7j6e9>.

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<sup>53</sup> Consumer News and Business Channel. (2019, December 5th). Biden's plan would raise taxes from US companies that pay little. CNBC at <https://tinyurl.com/y3nxhlf9>.

# THE IMMINENT BILATERAL AGENDA

## Climate change first

### URGENT ADJUSTMENT TOWARDS CLIMATE CHANGE IN MEXICO: EVIDENCE OF LITTLE PROGRESS IN THE MATTER

The management of environmental policy in the country has gone through several complex stages.<sup>54</sup> Different agencies have taken charge of planning and directing progress in this area, currently the Ministry of the Environment and Natural Resources (SEMARNAT

<sup>54</sup>Starting with the one that took place in the early 1970's, where the government was focused on the damage that pollutants can cause to humans rather than on natural resources or biodiversity in the country. Later, in the early 1980's, the SSA (Ministry of Health and Assistance) was in charge of planning and directing environmental policy; same that happened in the middle of that decade to the SEDUE (Ministry of Urban Development and Ecology). Later, the SEDESOL (Ministry of Social Development) took over this policy and finally, as of 1994, the SEMARNAP (Ministry of the Environment, Natural Resources and Fisheries) was created. Currently, the SEMARNAT (Ministry of the Environment and Natural Resources) is in charge of managing all environmental policy in the country.

for its acronym in Spanish). For the past five decades, Mexican presidents have expressed considerable commitment to environmental protection. They have promoted the creation of institutions, more robust laws and, at the same time, have implemented more effective programs. However, both political rhetoric and laws have turned out to be stronger than actions.

The current government has gone against this trend. During the 24 months that the present administration has been in force, it has stood out for a constant and disparaging disinterest in environmental issues. One of the main failures has been the negligence to generate and publish relevant information for decision-making. The National Environmental Information System (SNIA for its acronym in Spanish) has not been updated, a tool that contains multiple indicators that are calculated based on the information deposited in the National System of Environmental Informa-



tion and Natural Resources (SNIARN for its acronym in Spanish). The lack of at least 86% of the indicators that this site had been releasing until 2017 has been reported to date.

This policy change (without changing the legislation) is reflected in the role played by the SEMARNAT itself, by approving and ratifying projects that do not comply with the norms for environmental protection, the care of protected natural areas or the impact that they can have both for human health and for climate change.<sup>55</sup> Within this panorama, where environmental matters simply do not reach the current government's agenda, it can be warned that Mexico's environmental protection system is in a state of extreme vulnerability. Only tangentially and through the National Institute of Ecology and Climate Change (INECC for its acronym in Spanish)<sup>56</sup> has an impoverished climate change policy been followed up. The Institute has followed the federal Executive's orders and

<sup>55</sup> Ortuño, G. (2020, October 7th). Cuts and unfulfilled promises: the environment is not a priority in the AMLO government. *Animal Político* at <https://tinyurl.com/y3cx39hc>.

<sup>56</sup> There are bodies created by federal authorities to coordinate actions against climate change: the National System and the Inter-ministerial Climate Change Commission have not fulfilled this function, in addition to the fact that the same Institute of Ecology recognizes that the 2015 climate change policy to 2018 has been a failure in Mexico at <https://tinyurl.com/y4rk9k7y>.

**SEMARNAT has approved and ratified projects that do not comply with the norms for environmental protection, the care of protected natural areas or the impact that they can have both for human health and for climate change.**

instructions, which has been reiterative in not considering the environment as an element that orients and guides its development policies.<sup>57</sup>

As for the United States, the arrival of Joe Biden to the White House provides a breath of fresh air for that country, Mexico, and the world. The environment and climate change issues have become two of his government's most potent and transcendental axes. One of the main actions that the Biden administration has planned is to reintegrate the United States into the Paris Agreement and, with this action, try to regain credibility and leadership in this matter. The position

<sup>57</sup> Various reports and news where the position of President López Obrador against the environment is discussed at <https://tinyurl.com/y274lq7l>; <https://tinyurl.com/y4hpmjxy>; <https://tinyurl.com/y3bt3msh>; <https://tinyurl.com/y25f6pkf>; <https://tinyurl.com/y3cx39hc>.

of the United States was damaged during the administration of Donald Trump, first by exiting the agreement and, later, arguing that climate change does not exist as such and that its effects are not harmful to the planet or human beings.<sup>58</sup>

The next administration scope and importance to these issues in the United States are such that one of the projects for the beginning of 2021 is for the energy sector to be carbon-free by 2035, which would reduce the countries emissions to zero by 2050. With this, Biden has made it a goal that virtually all of its development programs and projects are certified and approved as environmentally friendly. Thus, reaching net-zero means that any carbon emitted by industry, transport, or other sources is balanced by removing an equivalent amount of carbon from the atmosphere, for example, by planting forests. Biden's environmental revolution will impact the United States' future, changing mobility and transportation patterns, using electric vehicles, trains, and constructing more than 1.5 million sustainable housing units.<sup>59</sup>

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<sup>58</sup> Climate Change, UN (2020). The Paris agreement. United Nations: Climate Change. (Reviewed on: November 26th, 2020) at <https://tinyurl.com/AcuerdoParis>.

<sup>59</sup> McGrath, M. (2020, October 18th). *Trump vs Biden: Why the US Elections Are So Important to the Future of the Planet* at <https://tinyurl.com/BBCCambioClimatico>.

President-elect Joe Biden has reiterated that his plan to adjust to the environment and climate change will benefit the United States and help maintain low temperatures globally. The international climate change plan that this country will implement as of January 20th is robust and ambitious. This includes, among other new rules, the imposition of climate change tariffs on nations that do not reduce their emissions promptly.<sup>60</sup>

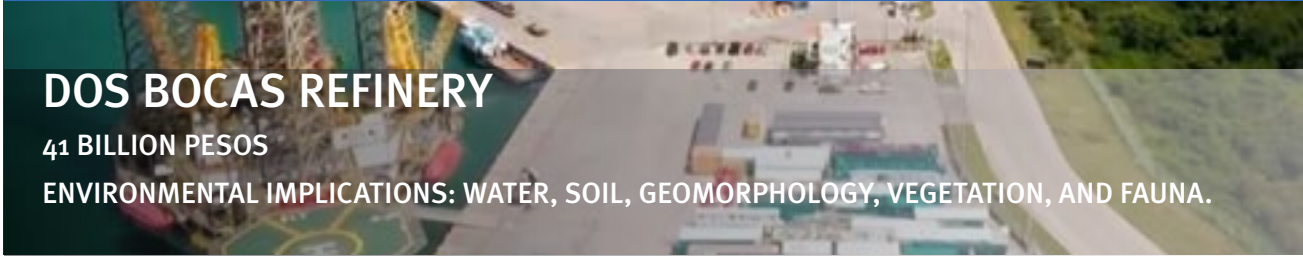
With this scenario, a silver lining that positions the issues that require urgent attention, such as the environment and climate change, can be seen in the prominent places of the agendas and priorities in the world.<sup>61</sup> At the same time, this scenario could not be darker and more uncertain for Mexico, given that in recent years, the federal Executive has promoted policies and a speech in favor of the use of highly polluting energies, such as the acquisition of fuel oil by the Federal Commission of Electricity, and where the consequences of climate change in the country and

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<sup>60</sup> Biden, J. (2020). *The Biden plan for a clean energy and environmental justice revolution*. (Reviewed on: November 26th, 2020) at <https://tinyurl.com/y64n5p4l>.

<sup>61</sup> Proof of this is the 2030 Agenda, where 2020 is described as a decade of action. UN (2020) The Agenda for Sustainable Development at <https://tinyurl.com/yxppjakz>; Hemmer, M. (2020) Emission targets at <https://tinyurl.com/y37xpnbj>.

**TABLE 4. MAIN PROJECTS OF THE MEXICAN GOVERNMENT  
WITHOUT ENVIRONMENTAL SUPPORT OR VALIDATION**



## **DOS BOCAS REFINERY**

41 BILLION PESOS

ENVIRONMENTAL IMPLICATIONS: WATER, SOIL, GEOMORPHOLOGY, VEGETATION, AND FAUNA.



## **MAYAN TRAIN**

35 BILLION PESOS

THE DEVASTATION OF 2,578 HECTARES.



## **FELIPE ANGELES INTERNATIONAL AIRPORT**

21 BILLION PESOS

NOISE, COMBUSTION GASES AND AFFECTATION IN BIRDLIFE HABITAT



## **OIL AND GAS IN SHALES**

2.4 BILLION PESOS

HYDRAULIC FRACKING



## **GULF TERTIARY OIL**

4.6 BILLION PESOS

HYDRAULIC FRACKING

*Source:* In-house elaboration through the consultation of journalistic notes.

the world have been permanently underestimated.<sup>62</sup>

In this way, it would be expected that many of the underway projects can be studied and audited to ensure, with scientific and technological criteria, that they comply with the required standards. However, the new administration’s impact in the United States will reach several different sectors. It is expected that it will leave a more significant mark in Mexico, precisely in achieving better living standards, based on reasoning, timely and pertinent decision making that allows for the implementation of more and better environmental policies in Mexico and its neighboring country.



**TABLE 5: CHARACTERISTICS AND EXAMPLES OF CLEAN AND POLLUTING ENERGIES**

CLEAN ENERGY: DO NOT GENERATE WASTES	POLLUTED ENERGY: DURING PRODUCTION PROCESSES, DISTRIBUTION AND CONSUMPTION HAVE HIGH ENVIRONMENTAL COSTS
Solar energy	Nuclear energy
Wind power	Gas
Geothermal energy	Coal
Biomass energy	Hydroelectric energy
Tidal or wave energy	Oil

<sup>62</sup> Infobae. (2020) AMLO has pointed out that clean energies are a sophism and will not back down with CFE and Pemex. <https://tinyurl.com/y4qxunmf>; Solis, A. (2020) Government of AMLO clings to dirty fuel to generate electricity at <https://tinyurl.com/y5xd2njq>.

*Image:* “Mexico the only country of G20 that does not support clean energy” at <https://tinyurl.com/y3sjx78n>.

*Source:* In-house elaboration of the information provided by the UNADE (American University of Europe).

# THE ENERGY CHALLENGES

## Potential points of conflict

When analyzing the Biden government's proposals in energy matters, antagonistic positions can be noticed with Mexico's current energy policy. Nevertheless, some positions prevail over others in the light of the USMCA, such as the international agreements reached between Mexico and the United States on climate change.

We alert to at least three turning points that could be resolved within the USMCA and may result in future disagreements between the United States and Mexico administrations. Such differences reside in the generation of electrical energy through the exhaustive use of fossil fuels in Mexico, the violation of the current legal framework on energy matters, and the consequences of applying the Mexican energy policy on the environment and health.



*Image:* "Pemex produce more fuel oil in April, but had to give it away" on Expansión.mx at <https://tinyurl.com/y4s9wbpb>.

The USMCA, in its article 14.4, says the following:

“Each Party shall grant to investors of another Party treatment no less favorable than that which it grants, in similar circumstances, to its own investors concerning the establishment, acquisition, expansion, administration, management, operation and sale or any other form of disposal of investments in its territory.”<sup>63</sup>

However, in Mexico, various actions have been taken that are contrary to this provision. Talking about

<sup>63</sup> USMCA. Chapter 14. Article 14.4: National agreement. Available at: <https://tinyurl.com/y4ed6a9w>.

energy, two decrees, and a memorandum have been drawn up contrary to the spirit of competition under conditions of equality for the partner countries, giving preference both in the generation and the dispatch of electricity to the Federal Electricity Commission (CFE for its acronym in Spanish).

These two decrees leave investments from other countries in unfavorable conditions and change the game rules under which they were made. Finally, the memorandum reduces the confidence and certainty of Mexico’s investments due to the energy reform.

**TABLA 6. DECREES / MEMORANDUM THAT CONTRADICT THE PRINCIPLE OF COMPETITION IN CONDITIONS OF EQUALITY**

DECREE/MEMORANDUM	DATE	CONTRADICTION
CENACE (National Center for Energy Control) Decree	29 April 2020	Rejects interconnection of renewable energy generation plants for as long as the health emergency continues.
Decree on the Electric System Reliability Policy	15 May 200	It establishes a binding electricity sector planning to correspond to the SENER (Ministry of Energy) to approve the integration into the grid of every one of the country's generation plants.  Likewise, CENACE is left to carry out the interconnections’ approval that, until now, followed a transparent process.
Presidential Memorandum	22 July 2020	In a meeting with officials from the energy sector in the National Palace, the President again detailed his vision for the energy sector, giving preponderance to PEMEX (Mexican Petroleum) and CFE; he instructed officials to support this vision and inform whether an energy reform is required to advance this policy.

Source: In-house elaboration with information from the Decrees and Memorandum mentioned above.

## PRODUCTION AND BURNING OF FUEL OIL

Among the Biden government plan's priorities is the fight against climate change, for which he has announced the return to the Paris Agreement. This will impact energy policy in the United States and the rest of the world for years to come. Regarding this, the USMCA mentions the following:

### ARTICLE 24.9

“The Parties recognize that emissions of certain substances can significantly deplete and modify the ozone layer in a way that could have adverse effects on human health and the environment. Accordingly, each Party shall take measures to control the production and consumption of, and trade in, such substances.”

Contrary to reducing pollutants that affect the environment and air quality, the Mexican government has tightened its energy policy, directing it to the intensive use of petroleum products highly harmful to the environment and health. This is the case with fuel oil.

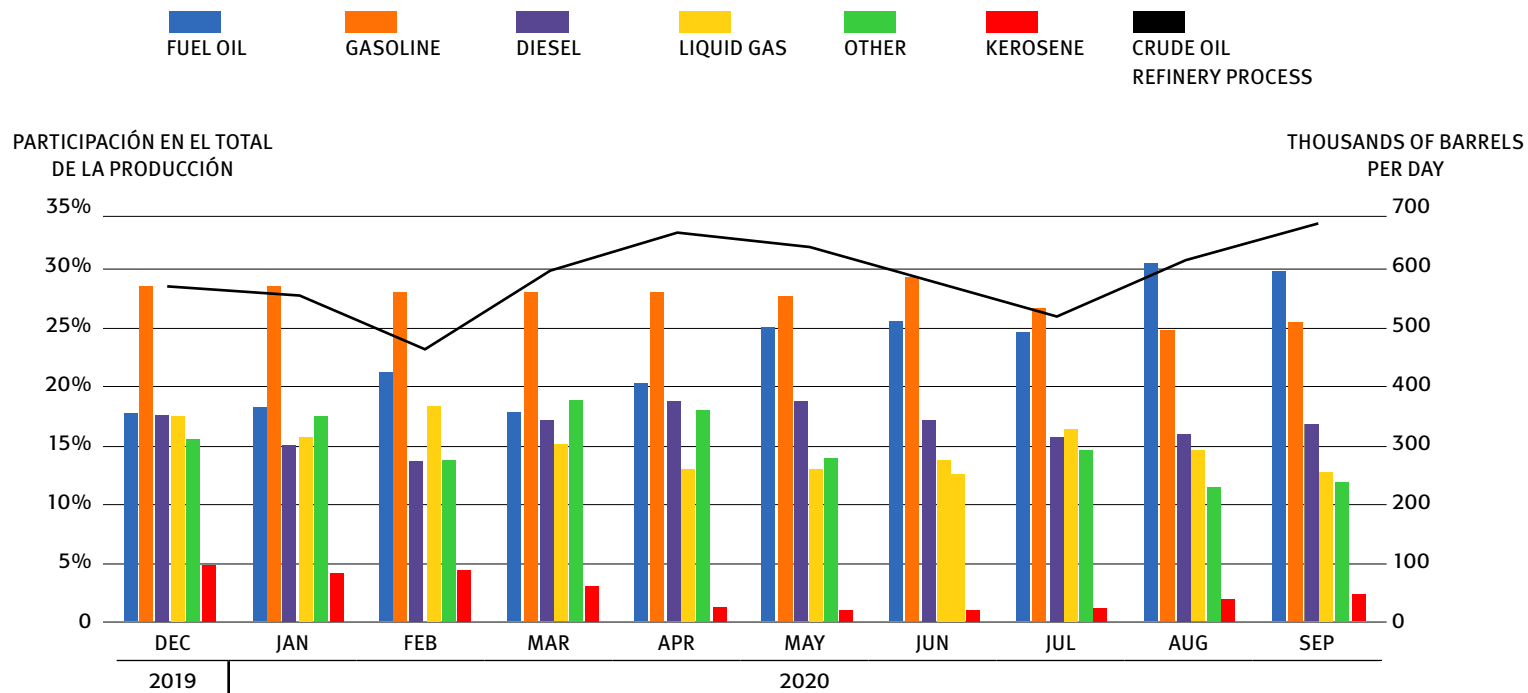
Said hardening has led to an increase in gasoline production, although this implies increasing fuel oil production, as it is a residue of the refining process.

The production of fuel oil has been 77.7% between December 2019 and September 2020, so its participation concerning the total of petroleum products has increased substantially (12.1%). In August 2020, its participation exceeded gasoline production, and this was reaffirmed in September of the same year.

Image: “Avoid burning fuel oil”. Photo: Jesús Antonio del Río Portilla at <https://tinyurl.com/yycmu8rk>.



**GRAPH 8. REFINERY CRUDE OIL PROCESS (THOUSANDS OF BARRELS PER DAY)  
AND OIL PRODUCTION COMPARED TO THE TOTAL (%)**



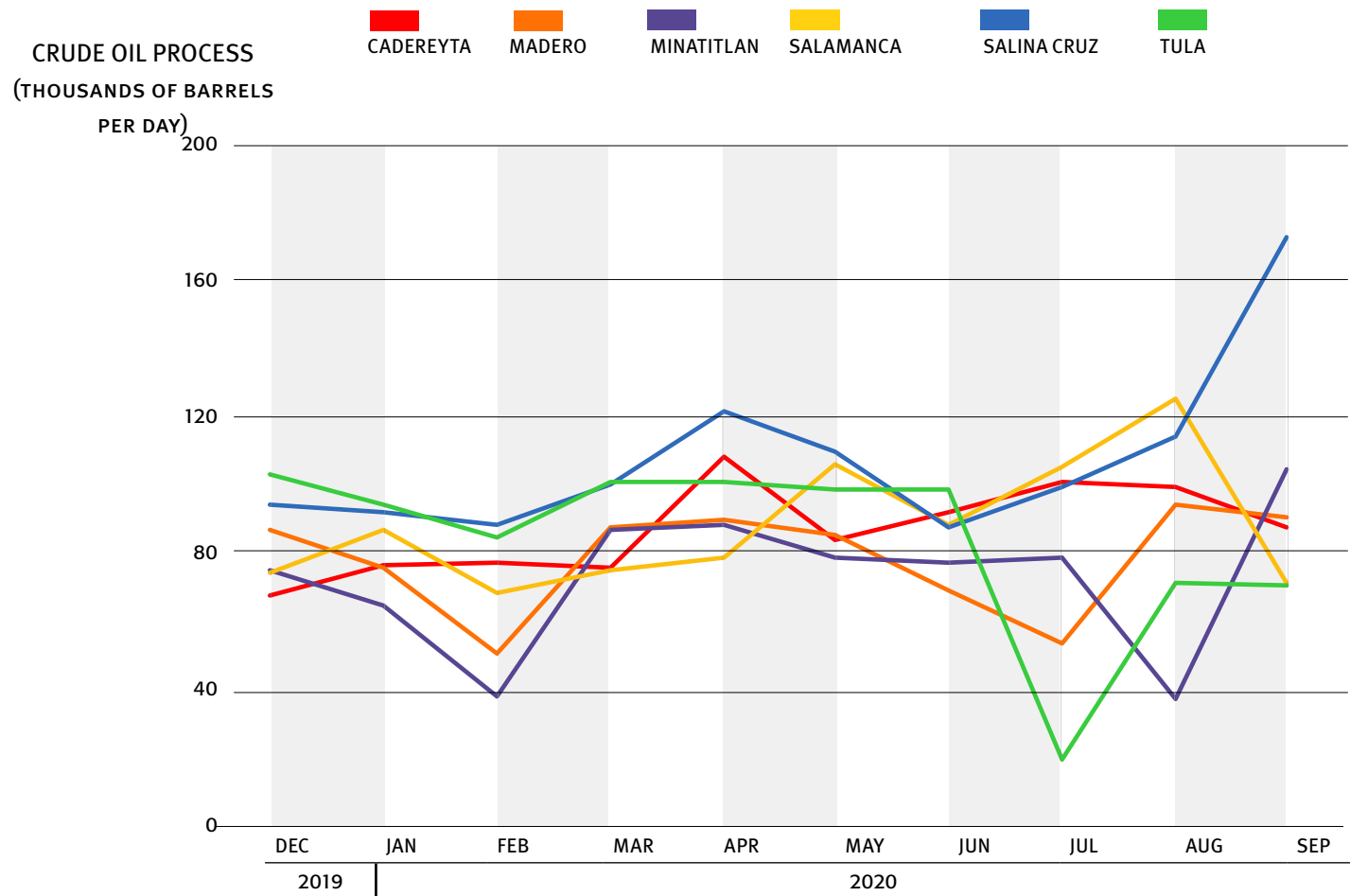
Source: In-house elaboration with information from the Ministry of Energy.

This has been due to the increase in crude oil processing at the refineries (19.1%), but mainly due to higher volumes of crude oil shipments to the Salina Cruz refinery in Oaxaca. In that plant, of every 100 barrels of petroleum produced in September, 48 were fuel oil.

Given the deterioration of refineries in Mexico, it is impossible to increase gasoline production without stopping producing fuel oil. This has led to an excess of its production. Given the decrease in demand for this fuel, the federal government has decided to use



**GRAPH 9. CRUDE OIL PROCESSING BY REFINERY IN MEXICO  
(THOUSANDS OF BARRELS PER DAY)**



Source: In-house elaboration information from the Ministry of Energy.

it on CFE's combined-cycle plants engineered to run on natural gas.<sup>64</sup>

Although the USMCA recognizes the States role in administering its resources and State monopolies such as CFE and Petróleos Mexicanos, the application of the energy policy does not exempt the Mexican government from complying with its responsibilities in matters of environmental care and health. Consequently, the USMCA does not impose control on oil exploitation. However, it establishes the guidelines for using resources to minimize damage to the environment and health. Thus, it also obliges the other Parties (Canada and the United States) to control the consumption and trade of said substances, leading to the loss of competitiveness of Mexican exports due to possible trade restrictions.

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<sup>64</sup> The same Sectorial Energy Program talks about using fuel oil because our production is very high. Energy Ministry (2020). The Energy Sector Program 2020-2024 enters into force. Available at <https://tinyurl.com/PlanEner20-24>.

## THE ENERGY IN MEXICO AND THE WORLD

It must be recognized that in the last two years, there was compatibility between the energy policies of Mexico and the United States regarding non-renewable energies. However, given the context and the government transition in the United States, a change of strategy is in sight.

For now, the world is debating internalizing the costs of pollution from burning fossil fuels through carbon taxes. If such a measure is implemented, it will raise the cost of oil usage, increasing the price level.<sup>65</sup> On the other hand, it is observed that the energy transition has reached the large oil companies, including the most representative of the market at a global level. Companies' value in the market gives us a clear idea of where the world is moving and what type of energy it will produce.

According to the (IMCO) (ISI) (Global Sectoral Index of the Mexican Institute for Competitiveness), in the exploration and production sector, the value of stocks and bonds is today only 10% compared to their maximum values.

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<sup>65</sup> Both in production and consumption. A few days ago, for example, the Congress of Spain approved such a tax, and it is currently the subject of discussion in China.

**GRAPH 10. SECTORIAL INDEX OIL AND GAS, EXPLORATION, AND PRODUCTION  
(100 = MAXIMUM CAPITAL VALUES OF THE INDUSTRY)\***








\* For more information see: Molano, M (2020) *Otros datos sobre la inversión*. Available at: <https://tinyurl.com/y5muldja>.

Source: IMCO (Mexican Institute for Competitiveness) 2020.

The trend towards the generation of value through electrical energy is increasingly evident. Nevertheless, global conditions also require that electricity generation be carried out through renewable or less polluting sources, such as natural gas (in the short term), a tough challenge for Mexico. The presidential project for the construction of the Dos Bocas refinery is its highest priority, but it does not even comply with the regulations on investment projects.

However, the CFE will see its budget reduced by 8.6% for 2021, while conversely, a larger budget is granted to Pemex. The argument of the Ministry of Finance and Public Credit (SHCP for its acronym in Spanish) for such action is that the CFE will face lower generation costs by reducing the prices of energy used by the company. This confirms the executive's energy policy in Mexico, which will continue next year.

**TABLE 7. : ACTIONS UNDERTAKEN BY LEADING OIL COMPANIES IN THE WORLD**

COMPANY	ACTION
 Shell	It has acquired the electric vehicle charging company Greenlots.
 bp	Will multiply its investments for renewables to achieve 5 billion dollars each year (until 2030) BP
 REPSOL	Its committing 17% of its capital expenditures.
 aramco	Announced an investment of 5 billion dollars in renewable energy generation companies
 Chevron	It has recently invested in the electric vehicle charging company ChargePoint.

Source: Shell Energy, BP, Chevron.

# WOMEN AND GENDER EQUALITY

## Pending agenda and feminicide

### WOMEN AND GENDER EQUALITY

The activity of women has a tremendous positive impact on economies, agriculture, business, and industry. There is strong evidence to show that realizing women's economic rights, especially regarding work and income, fosters sustainable development and the economy. However, according to the UN, obstacles remain, such as the lack of an enabling environment to achieve full and equitable participation despite particular progress.

In Mexico, women are still disproportionately affected by poverty, lack of exercise of rights, discrimination, exploitation in the labor market, lack

of opportunities, and more recently, the impacts of the COVID-19 pandemic, conditions affecting women even from developed countries. Within the bilateral cooperation under the Biden administration, the promotion of gender equality, economic, political, and social empowerment, and women's human rights will likely be strengthened.

## THE IMPORTANCE AND REALITY IN THE US

According to the “Global Gender Gap Report,”<sup>66</sup> for 2020, America’s progress toward gender parity is stagnating. The country registers a score similar to last year (72.4% of the gap closed so far). Due to this lack of progress, two positions have been lost (ranking 53rd). A small retraction mainly explains the stagnation in its performance of Economic Participation and Opportunities, where progress towards equal wages takes a step back and, at the same time, large income gaps (wage and non-wage) remain. The United States has only closed 69.9% of its pay gap and 65.6% of its income gap.

While financial disparities are the primary source of gender inequality in the workplace, labor force participation and women’s presence in skilled and high-level positions are relatively better: 66.8% of adult women are in the labor market. Despite being relatively well represented in middle and senior management positions, US women still struggle for the top positions in companies –only 21.7% of corporate board members are women.

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66 World Economic Forum. (2020). *Global Gender Gap Report 2020*. WEF at <https://tinyurl.com/wdqtmn5>.



**Progress toward gender parity is stagnating and two positions have been lost. The USA has only closed 69.9% the pay gap and 65.6% of its income gap.**

On the other hand, women are underrepresented in political leadership positions. Even with a significant increase in the number of women in parliament and ministerial positions than in previous years, female congresswomen represent only 23.6% of the available seats (position 67). Female ministers are only 21.7% of the cabinet (position 76). Furthermore, to date, there has never been a female president. Gender parity is achieved in Educational Achievement, where women’s enrollment rates are above 90% at all educational levels and outnumber men in tertiary education.

*Image: Imagining businesses without women at <https://tinyurl.com/y2grd73k>.*

## THE IMPORTANCE AND REALITY IN MEXICO

Mexico is one of the countries with substantial improvements in the gender issue, reaching 25th place with a score of 75.4% (of the gap closed so far). This progress is due to a large increase in women in ministerial positions, from 15.8% in 2018 to 42.1% in 2020.

Women represent more than 48% of the seats in the country's congress. These factors explain why Mexico has closed 46.8% of its gender gap in the Political Empowerment sub-index, where it ranks 14th. Additionally, Mexico has almost completely closed the gaps in educational attainment and health and survival. However, economically, women remain at a disadvantage. Mexico has shut only 57.4% of its Economic Participation and Opportunities gap, ranking 124th.

The significant differences in wages (50%) and income (54%) show how women are less valued than men in the workplace. At the same time, women are struggling to achieve positions of responsibility (36%). Only 47% of women are in the workforce; 26.4% work part-time and continue to work three times more than men in unpaid home care activities.

**Substantial improvements in the gender issue. Increase in women in ministerial positions, from 15.8% to 42.1% en 2020. Represent more than 48% in congress.**



Image: “Mexico occupies place 16 worldwide with women in ministerial positions” Agenda Quadratin at <https://mexico.quadratin.com.mx/mexico-ocupar-16-en-el-mundo-con-mujeres-en-cargos-ministeriales-asegura-el-presidente-de-mexico-amlo/>.

## A LONG WAY: OPPORTUNITY TO ADVANCE AN AGENDA

The need to create the conditions for women in each country is necessary for economic reactivation, especially given the pandemic's impact, especially to rescue women's role. It is essential to reach bilateral cooperation agreements that help to achieve joint objectives. There are pending cooperation matters within the bilateral collaboration mechanisms that promote gender equality, empowerment, and women's human rights.

The joint works include efforts from previous administrations, such as the creation of subcommittees of the United States-Mexico Council for Entrepreneurship and Innovation (MUSEIC for its acronym in Spanish), within the Memorandum of Understanding for the promotion of gender equality, Empowerment and Human rights of Women (Mde for its acronym in Spanish) signed in September 2012, represents to date a frame of reference for the advancement of equality in the bilateral agenda.

The regulatory framework in Mexico has guaranteed women's participation in equal opportunities



*Image: "Historical integration of women in Congress of Mexico" at <https://tinyurl.com/y2rj5vjh>.*

with men in the political sphere through the constitutional reform on gender parity<sup>67</sup> approved on June 6, 2019.<sup>68</sup> In turn, the National Development Plan

<sup>67</sup> Reform of the Commissions for Gender Equality of both Chambers of the Congress of the Union, INMUJERES, INE, TFPJF, OSC and women's movements.

<sup>68</sup> Official Journal of the Federation. (2019, June 6th). DECREE by which articles 2, 4, 35, 41, 52, 53, 56, 94 and 115 are amended; of the Political Constitution of the United Mexican States, regarding Gender Parity. DOF at <https://tinyurl.com/y6qwuerh>.

2020-2024 incorporates the gender perspective as a guiding principle and non-discrimination and exclusion for reasons of gender. However, among the pending issues in Mexico are the growing wave of violence and femicides of girls, adolescents, and adults. Despite the efforts made, there is still a long way to go on women's human rights. Amnesty International (AI) warned of the "lack of substantive progress" by the Mexican State in complying with its recommendations on femicide, women and girls' disappearance, and alert of gender violence.<sup>69</sup>

In addition to issues related to the gender gap, wage, and income differences, women's human rights issues continue to be vulnerable in both national agendas. Undoubtedly, part of the efforts will be reflected in the management of the bilateral policies that the countries agree upon before the arrival of a new government to the United States, taking up issues such as scientific cooperation, promoting the role of women as political leaders and the protection of their human rights. Efforts to achieve goals that ensure equality and recognizing women's role in society should not be diminished.

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<sup>69</sup> Forbes Staff (2020) There is no progress against gender violence in Mexico: AI at <https://tinyurl.com/y6zaenqn>.



Image: at <https://tinyurl.com/yzk8bnwo>.

**Among the pending issues in Mexico are the growing wave of violence and feminicides of girls, adolescents and adults in the country.**



# CONCLUSIONS

## The cost of a new neighbor's arrival

### THE COST OF A NEW NEIGHBOR'S ARRIVAL

The scenario presented for Mexico with the arrival of Joseph Biden is much more complicated and sinuous than what the current government authorities seem to envision. The fact that Mexico's institutional capacities are enormously diminished and weakened implies that, in the same way, the response capacities both for internal problems and daily needs and for bilateral commitments will be equally precarious and fragile.

López Obrador could not have found a worse time to launch his ideological project of polarization, social confrontation, and government dismantlings, such as the one currently being experienced in Mexico and the

world. Now, the Mexican government is immersed in a performance crisis. Consequently, the country has been severely affected by an inability to make and execute decisions in a reasoned, timely, and pertinent manner. The impoverished capacities that the government has to date show the difficult scenario with which it will have to face critical problems for 2021, such as the pandemic, poverty, economic rescue, division, and fracture in the society, among many others.

The pandemic in 2020 called into question any project that the Mexican government has had. In 2021, and most likely until the end of the administration, the United States will be a component that negatively

impacts the government. Nevertheless, in a contradictory way, this relationship could be beneficial and favorable for Mexican society. Given the refusal that the federal government has had to rectify and reorient its actions in various fields, at this time it is seen as complex that adjustments could be made to make communication, programs and projects, both physical and ideological, able to tie with which Biden will implement as of next January.

The comfortable and ineffective way the AMLO-Trump bilateral relationship was conducted will hardly have Biden continuity. It is foreseen that new rules, new standardized operating procedures and, above all, new interlocutors on the part of the incoming government in the United States, will set the tone so that, institutionally, Washington's messages towards the National Palace will become stern. Mexico failed. It will be difficult for this government to consolidate the institutions that the country requires to get ahead successfully in the face of the hundreds of setbacks. Inevitably, Biden's project goes much further than that envisioned by Donald Trump. It aims to consolidate the common good's clear objectives that impact not only regionally but also globally.

According to the experience during his tenure as Vice President, the United States' hegemony will be institutional and through approved and authorized channels. However, it is doubtful that his government will permit that through the Mexican government, achievements and goals may impact both the population in Mexico and the United States to be masked and not met. If Biden's project, as has been described throughout this report, is to create a common agenda for North America, it will be necessary to force the Mexican authorities to change the course, style, the form of government, and most likely also the goals for its project to prosper.



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