

ACTION WHA-00

RELEASED IN FULL

INFO	LOG-00	AID-00	CIAE-00	DODE-00	EB-00	UTED-00	VCI-00
	TEDE-00	INR-00	IO-00	L-00	VCIE-00	NSAE-00	ISN-00
	NSCE-00	OIC-00	OMB-00	PA-00	PM-00	PRS-00	P-00
	ISNE-00	DOHS-00	SP-00	SS-00	STR-00	TRSE-00	T-00
	IIP-00	PMB-00	PRM-00	DRL-00	G-00	SAS-00	/000W

-----4A4D51 160501Z /25

R 151751Z NOV 06
 FM AMEMBASSY MEXICO
 TO SECSTATE WASHDC 4210
 INFO ALL US CONSULATES IN MEXICO COLLECTIVE
 DEPT OF COMMERCE WASHDC
 DIR ONDCP WASHINGTON DC
 US MARSHALS SERVICE WASHINGTON DC
 SECDEF WASHDC
 NSC WASHDC
 JOINT STAFF WASHDC
 FBI WASHDC
 DEPT OF JUSTICE WASHDC
 DEA HQS WASHINGTON DC
 CDR USSOUTHCOM MIAMI FL
 CDR USNORTHCOM
 DEPT OF HOMELAND SECURITY
 DEPT OF TREASURY WASHDC

UNCLAS MEXICO 006481

SENSITIVE
 SIPDIS

E.O. 12958: N/A
 TAGS: PGOV, PREL, PHUM, MX
 SUBJECT: PRESIDENT FOX'S POLITICAL, HUMAN RIGHTS, AND
 FOREIGN POLICY LEGACY

REF: A. MEXICO 5005
 B. MEXICO 6195
 C. MEXICO 6150
 D. MEXICO 6085

 Summary

1. (SBU) This is the fourth in a series of four cables assessing President Fox's legacy. In the political area, Fox's greatest achievements were overseeing Mexico's first true political opening, which included a strengthening of the

UNCLASSIFIED

separation of powers and respect for limits on the president's power, improving access to government information, accepting press freedom, and creating Mexico's first civil service law. Only modest achievements were made in the area of human rights, despite a promising start. In foreign policy, the Fox government was proactive in its relationship with the U.S. and largely supportive--with the important exception of Iraq--of U.S. policy objectives, particularly in the Western Hemisphere. Despite these accomplishments, Fox's political shortcomings were significant and a brief discussion of them follows at the end of this report. End summary.

----- A New Political Opening -----

2. (SBU) Fox is credited with ending one-party rule and opening Mexico's political system. Not long before President Fox, the Mexican Congress--dominated by the PRI--essentially represented a rubber stamp for the President's policy proposals, and cabinet officials, including the Secretary of Government, were essentially agents of control. Under Fox, Mexico's highest office became a true constitutional presidency, considerably weakened in comparison to the PRI years by the PAN's lack of control over the Congress. Fox accepted limits on his power, and used his Secretary of Government as an agent of negotiation rather than control.

----- Rule of Law -----

3. (SBU) Transparency: One of President Fox's most important accomplishments was the passage and implementation of Freedom of Information (FOIA) laws which, by the end of 2005, were in effect for the federal government, Mexico City, and 26 states (only two states had such laws in 2001). These laws are a cornerstone in Mexico's fight against corruption. The annual number of requests made under the federal FOIA Law jumped from 24,000 in 2003 to over 50,000 in 2005, and organizations were created to promote the use of FOIA mechanisms and monitor compliance by the federal and state structures. Mexico's FOIA laws and enforcement mechanisms have been hailed as international models.

4. (SBU) Anti-corruption: Although deep-rooted corruption remained pervasive in Mexican society and government, President Fox prioritized the fight against it. He encouraged government entities to play a role in promoting

UNCLASSIFIED

UNCLASSIFIED

transparent, accountable governance and sound financial management. The Fox administration also made its government procurement regime more transparent through policies and technologies that resulted in increased competition and savings for the government. Nevertheless, most Mexican external audit institutions (primarily at the state level) continued to lack the operational and budgetary independence to protect their actions from political interests. More broadly, Mexico's record on law enforcement, investigation, and prosecution remained poor, and the federal and local police departments and judiciary are still plagued by corruption. Criminality and violence remained widespread during the Fox administration.

5. (SBU) Press freedom: Mexico's poor international ranking in press freedom did not improve, despite Fox's efforts to make the government press operation more open and transparent, his decision to end stipend payments to reporters in the president's press corps, and a general improvement in the relationship between government and media.

Mexico ranks among the worst in Latin America and 135th out of 167 countries measured by the World Press Freedom Index, particularly because of the threats to journalists covering drug and organized crime-related stories. However, one of Fox's key accomplishments was that he refused to bribe the press, as former administrations often had. Although a culture of accurate and ethical reporting was encouraged, drug-related violence against journalists led to self-censorship, especially along the border region. Furthermore, few NGOs opened to support further democratization of the journalism sector, and journalists were too frequently taken to court on libel charges, a criminal offense in Mexico.

6. (SBU) Judicial reform: President Fox generated a national, public discussion concerning the need for modernization of Mexico's criminal justice system, including oral trials. Although judicial reforms stalled at the federal level during the Fox years, 10 states have now reformed or are in the process of reform and all presidential candidates in the 2006 elections committed to federal judicial reforms as a result of President Fox's efforts.

7. (SBU) Mexico's electoral institutions: During the Fox administration, Mexico's electoral bodies were widely hailed as international models and considered to be among the country's most modern, well-structured, and efficient national institutions. Nevertheless, the contested 2006 presidential elections, in which numerous irregularities in

UNCLASSIFIED

UNCLASSIFIED

the election process were alleged, strained the credibility of the Federal Electoral Institute (IFE) and the Federal Electoral Tribunal (TEPJF) in the eyes of some citizens. President Fox was criticized by the TEPJF for his oblique endorsement of Felipe Calderon and criticisms of Andres Manuel Lopez Obrador (AMLO) during the campaign, although his actions--along with those of pro-Calderon business groups--were deemed insufficient to undermine the overall integrity of the election (ref A).

Good Government

8. (SBU) Under President Fox, the executive branch became more accountable, transparent, and citizen-centered. In 2003, Mexico passed its first-ever Civil Service Law, which introduced an on-line application system, competence-based hiring, and an innovative human resources platform. The GOM's good government agenda also included the initiation of digital government services (eGov), the development of citizen charters that set standards for service delivery, and the reduction in the percentage of public servants working in administrative jobs from one out of two to one out of four. Despite the introduction of a merit-based civil service, the extent to which these standards are consistently applied is not yet clear.

9. (SBU) Federal and local governments also began to institute international best practices in regulatory reform. In an effort to address the competitiveness decline, the Fox administration initiated the "Lenguaje Ciudadano" program, based on the U.S. Plain Language initiative, which simplifies the language of regulatory transactions, improves transparency, reduces corruption, and makes policies more understandable to citizens.

Human Rights

10. (SBU) As a matter of policy, the GOM under Fox generally respected human rights, but violations consistently took place at the state and local levels. These included unlawful killings by security forces; kidnappings, including by police; torture, particularly to force confessions; poor and overcrowded prison conditions; arbitrary arrest and detention; corruption, inefficiency, and lack of transparency in the judicial system; domestic violence against women often

UNCLASSIFIED

UNCLASSIFIED

perpetrated with impunity; and trafficking in persons, allegedly with official involvement.

11. (SBU) The Fox administration's early initiatives in office were ambitious in promoting human rights, but the translation into practical results, especially at the state and local levels, proved disappointing. Early in its term, the Fox administration sought to address the prevalence of torture, comply with international human rights commitments, improve the human rights practices of police and prosecutors, and build the capacity of NGOs to work with the government.

12. (SBU) On his first day in office, Fox signed an agreement with the UN High Commissioner for Human Rights that led to the establishment of a UN office in Mexico, with a three year mandate to assess human rights and provide technical assistance. While the UN office issued recommendations, laying the foundation for a National Human Rights Program to coordinate policy, the government's response achieved few tangible results. Non-governmental organizations invited to participate in the program eventually withdrew due to the perceived absence of a working relationship with the GOM.

13. (SBU) Despite efforts by the UN office and within the National Human Rights Program to implement the Istanbul Protocol, torture is still practiced in Mexico. The GOM made this admission in its December 2004 report to the UN. In August 2006, the National Commission for Human Rights (CNDH) asserted that torture by police increased during the Fox administration.

14. (SBU) In addressing heightened international concern over the murders of women in Ciudad Juarez, the Fox administration designated a Commissioner and a Special Prosecutor, allocated funds to the families of the victims, and assigned an Argentine forensic team to examine the cases. Progress resulted when an assertive state attorney general in Chihuahua began to investigate in earnest the murder cases in 2004. State authorities identified most of the victims and closed the majority of cases. Murders of women, often tied to domestic abuse, continue in Juarez and in cities across the country.

15. (SBU) Mexico, ranked as a Tier 2 Watch List country by the State Department for three consecutive years, has made some progress in addressing trafficking in persons. The Senate passed an anti-trafficking law, although it remains in the lower chamber for approval; the federal police have designated a unit to investigate trafficking cases; high level officials are speaking publicly about the problem; and

UNCLASSIFIED

UNCLASSIFIED

outreach campaigns have raised awareness. Nonetheless, trafficking remains pervasive and allegedly involves officials at all levels of government.

16. (SBU) A Special Prosecutor's Office was established under Fox to investigate human rights violations that occurred during Mexico's "dirty war." The investigations into the alleged massacres of student protesters in 1968 and 1971 largely ran into dead ends and the dogged pursuit of former president Luis Echeverria on charges of genocide proved elusive. Regarding cases of forced disappearances, the Office achieved several indictments and arrests but no convictions.

Foreign Policy

17. (SBU) Under Fox, Mexico took steps to move away from its historic noninterventionist posture and embrace a more activist, energetic foreign policy that often, though not always, coincided with broad U.S. policy objectives. It hosted a series of international summits, took a seat on the UN Security Council for the first time in three decades, and was instrumental in the formulation of the Human Rights Council, to which it became Chair. The Fox administration negotiated a series of new trade agreements, and reached out politically, economically, and diplomatically to Asia--and China in particular--in important new ways.

18. (SBU) Fox was more public than his predecessors about Mexico's need to be proactive in its relationship with the U.S., although elements of the "old Mexico think" persisted. He felt that Mexico had more to gain by seeking common ground with the U.S. than turning its back or keeping its distance, and Fox largely supported U.S. positions in the Western Hemisphere, including on Cuba, Venezuela, and human rights in the region. Despite some early waffling in its support of the U.S. following September 11, 2001, the GOM under Fox cooperated in most of what we asked of it, especially on anti-terrorism security issues. The one glaring exception was Iraq, over which the GOM seemed to unnecessarily antagonize the U.S. while getting nothing in return. President Fox, who expected comprehensive immigration reform in the U.S., also seemed to overplay his hand on this contentious issue. He continued to have de facto access to the U.S. labor market, which provided a safety valve for a country unable to create sufficient jobs, but did not accurately read the U.S. political climate as he pressed for

UNCLASSIFIED

UNCLASSIFIED

reform.

19. (SBU) The Fox administration's motivation to formalize and deepen bilateral cooperation (and trilateral cooperation via the Security and Prosperity Partnership, SPP) represented a positive change in approach from previous Mexican administrations. Fox's idea of a NAFTA Plus helped to enable initiatives such as the Partnership for Prosperity (P4P) and SPP. P4P created a permanent bilateral mechanism to discuss the need for economic development to rein-in northward migration and generate public-private partnerships to improve Mexico's competitiveness and attractiveness as a destination for foreign investment.

Failures/shortcomings

20. (SBU) Fox's record was far from perfect. His presidency coincided with a political transformation in Mexico that severed the ties between the PRI and the presidency but left the old institutional structures unreformed. Fox failed to push through an overhaul of obsolete political and judicial institutions required to more effectively govern. The electoral institutions, Central Bank, and Supreme Court appear to be the only institutions that were well-prepared for Mexico's young multiparty democracy. The president's power was significantly reduced in the new political configuration, which was prone to gridlock.

21. (SBU) Although Fox was elected as a reformer, many of his proposals, including labor, fiscal, and energy reform, were defeated because of absent cooperation between the political parties. Lack of an early strategy for governing and of political vision, experience, and skill contributed to Fox's difficulties. Because neither Mexico's institutions nor its politicians were ready for the new political openness resulting from the PRI's presidential defeat, they sensed weakness in Mexico's first truly democratically elected president and challenged him at nearly every turn.

22. (SBU) Fox led few policy initiatives. During his six years in office, there was no new economic policy, energy policy, or social policy. Many of his successes, whether the

transparency law, the maintenance of macroeconomic stability, or the implementation of social programs such as Oportunidades, came from outside the president's office and often represented a continuation of previous policies rather than something new.

UNCLASSIFIED

UNCLASSIFIED

23. (SBU) In the area of foreign policy, a well-known Mexican political analyst told poloff that Mexico had opened a Pandora's Box by focusing on migration rather than keeping it under the radar, given the obstacles to real progress. He also assessed that it was unwise for Mexico to have joined the UNSC, because Mexico had not adequately defined its national interests, and its presence on the UNSC inevitably led to disagreement with the USG on some issues. (Note: Others, including former Foreign Secretary Jorge Castaneda, believe that while it was due time for Mexico to assume a higher profile, the GOM needed to develop a better understanding of the stakes involved in playing on the global stage. End note.) Some political observers here feel that Fox unnecessarily weakened Mexico's relationships with other Latin American and Caribbean countries. Although Mexico moved closer to the U.S. under Fox, the exaggerated expectations on both sides of the border were disappointed when Fox hesitated in responding to the changed environment following September 11, 2001.

Comment

24. (SBU) Mexican and American political observers often remark that Fox's single greatest accomplishment was winning the 2000 election, no small feat given the stranglehold the PRI held over Mexico for 71 years. He led a peaceful and conflict-free transition from what had been a one-party government, and ushered in a new era of political openness. At the beginning of the Fox administration, expectations that Mexico would rapidly progress were high on both sides of our shared border. We held democratization writ large as our key priority, with an emphasis on adherence to the rule of law. Although Fox's efforts to eliminate endemic corruption achieved limited results, Fox succeeded in pushing through a transparency law with the aim of increasing government accountability. While Mexico's new freedom of information law made the government more accountable to the citizenry, the country's human rights problems, including the use of torture to obtain confessions, saw little progress. Despite his failure to achieve major reforms, Fox maintained high approval ratings throughout much of his administration, reflective of widespread Mexican respect for the presidency and Fox's personal charisma and his reputation for having good intentions. After he leaves office on December 1, history may treat President Fox more kindly than his persistent political opponents have.

UNCLASSIFIED

UNCLASSIFIED

Visit Mexico City's Classified Web Site at
<http://www.state.sgov.gov/p/wha/mexicocity>
BASSETT

NNNN

UNCLASSIFIED