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U.S., Mexican Officials Optimistic That Trade Disputes Regarding Truck Access, Tuna Can Be Resolved Soon

by LADB Staff

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The US and Mexico are close to resolving their long-standing dispute regarding access of Mexican trucks to US highways, and they are also working on a compromise that would eventually allow Mexican tuna greater access to the US market. US Trade Representative (USTR) Ron Kirk addressed the two issues with Mexican officials, including President Felipe Calderon, during a three-day visit to Mexico City. Pilot program for Mexican truckers could resume in 2010 Kirk and Mexican Economy Secretary Gerardo Ruiz Mateos said they were optimistic that the trucking issue could be resolved sometime in 2010, as the US Congress has agreed to restore a mechanism to fund a pilot program allowing qualified Mexican truck drivers to operate in the interior of the US.

Under the program, conceived during the administration of ex-US President George W. Bush, Mexican truck drivers who meet strict training, documentation, insurance, and language requirements would be allowed to haul cargo anywhere in the US (SourceMex, February 28, 2007). The pilot program partly appeased the Mexican government, which had complained that the US failure to allow full access to its truck drivers violated the North American Free Trade Agreement (NAFTA). The US Congress responding to concerns from US labor and environmental organizations about safety, pollution, and other issues consistently blocked funding for the pilot program, preventing the Bush administration from fully implementing the initiative (SourceMex, September 12, 2007 and July 23, 2008). In March 2009, the US Senate voted to eliminate funding for the pilot program altogether, prompting Mexico to retaliate by slapping restrictions on dozens of US products (SourceMex, March 11, 2009 and March 25, 2009).

Kirk said US President Barack Obama's administration has been working behind the scenes for months to resolve differences with the US Congress on the trucking issue and has reached an agreement to change the language that would restore funding for the pilot program. "We have been able to work with Congress, and President Obama is very pleased that the language in the 2009 appropriations bill that essentially cut off the funding for the demonstration-safety program was not included in the 2010 appropriations bill," Kirk told Reuters in an interview. "By removing that prohibitory language, we just now have a green light to engage Congress again more thoughtfully," the US trade official noted. Kirk said that the retaliatory actions by Mexico in 2009 might have had some sway with the US Congress. "I can tell you that those industries in the United States, our farmers, our ranchers, our other exporters that have been subject of the retaliation, have made their displeasure known to Congress and so there is a sense of urgency," Kirk said. Resumption of the pilot program will allow the two countries to enter discussions on a plan that would give Mexican truck drivers more permanent access to the US, which prompted Ruiz Mateos to express optimism that an agreement with the US was possible in the near term.

In a joint press conference with Kirk in Mexico City, Ruiz Mateos said that the two countries were continuing consultations on the dispute and that a solution "will surely occur this year." US seeks

solution to tuna dispute outside WTO, NAFTA Kirk and Ruiz Mateos also addressed the ongoing bilateral dispute about US restrictions on Mexican tuna imports. The US is requiring that all tuna exported from Mexico to the US be certified "dolphin safe," meaning that the fish were caught by methods that do not harm dolphins or other sea creatures. But the two countries differ on what constitutes "dolphin safe." Under US law, the dolphin-safe label cannot be used on tuna caught in encircling, or purse-seine, nets, which often trap dolphins along with the fish. Mexico, which uses those nets, contends that its fishing practices are fully sustainable and comply with the guidelines accepted by the Inter-American Tropical Tuna Commission (IDCP), of which the US is a member.

Mexico had threatened for more than a decade to bring the matter before the World Trade Organization (WTO) and NAFTA (SourceMex, August 16, 2000 and March 29, 2006), but delayed any action in the hope that a solution would be reached in direct talks with the US government. In October 2008, the Mexican government decided to bring the matter to the WTO. At that time, Mexico requested consultations with the US, which were held in December 2008. The consultations did not yield any results, prompting Mexico to request a dispute-resolution panel. The WTO agreed in March 2009 to form that panel. Mexico's decision to involve the WTO followed a 2007 ruling by a US Court of Appeals that banned tuna imports certified by the IDCP. "Our strongest argument is that we are complying [with US concerns] to safeguard dolphins by improving our tuna-fishing technology to the point that we have practically zero dolphin bycatch, as is stipulated by fisheries norms," Ramon Corral Avila, director of the Comision Nacional de Acuacultura y Pesca (CONAPESCA), said in an interview shortly after the WTO agreed to form the dispute panel.

The tuna dispute is not as close to resolution as the one on access to Mexican trucks, but Obama administration officials have begun discussions with Mexican counterparts on that matter. During his visit to Mexico, Kirk said the Obama administration was willing to discuss the matter with President Felipe Calderon's government and possibly address it through other venues, such as a NAFTA dispute-resolution panel. But Kirk said the administration's preference would be to negotiate an agreement with Mexico outside the framework of either trade body. "We are committed to working with our colleagues in Mexico to resolve this issue without having to resort to the WTO or NAFTA," said the US trade official.

During their discussions, Kirk and Ruiz Mateos said the two countries are committed to find ways to strengthen NAFTA and facilitate the flow of trade between the two countries. They mentioned the need to take such steps as eliminating tariff barriers and reducing regulation for business transactions along the US-Mexico border. "We believe that we have a real opportunity to continue the integration process for our two economies," Kirk told reporters.

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