

Mexican Foreign Trade Policy in the New Millennium

A Research Report for the Institute of Developing Economies
Japan External Trade Organization

By
María-Cristina Rosas

MARCH 2002

**APEC STUDY CENTER
INSTITUTE OF DEVELOPING ECONOMIES**

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*/ Professor, Department of International Relations, Faculty of Social and Political Sciences, National Autonomous University of Mexico (UNAM), (Email: mcrosas@netmex.com).

Table of contents

Charts	ii
Graphics	iii
Acronyms	iv
Introduction	vii
Economic Reform in Mexico in the second half of the 80's	16
The end of the ISP	18
<i>X-raying</i> Mexico's foreign trade	19
Mexico and the US: <i>the ties that bind</i>	24
Mexico's Foreign Trade Policy	26
Foreign Trade Policy Formulation in Mexico	29
Mexico, regionalism and multilateralism	31
In search of consistency	32
The North American Free Trade Agreement	34
Contents of the agreement	38
The evolution of NAFTA	42
The future of NAFTA	47
The Free Trade, Political Coordination and Cooperation Agreement between Mexico and the European Union	50
Contents of the free trade agreement	53
The political and coordination agreement	54
The cooperation agreement	56
The Free Trade Agreement between Mexico and Costa Rica	60
Contents of the free trade agreement	62
The links between FDI and free trade	66
The importance of the free trade agreement	68
The Free Trade Agreement between Mexico and Israel	71
The negotiation process	74
Some symmetries between Mexico and Israel	75
Contents of the free trade agreement	77
Possible effects on Mexico of the Free Trade Agreement with Israel	79
Concluding remarks: Where does Mexico go from here?	82
Annexes	90
Bibliography	117
Index	129

Charts

The ten largest exporting corporations in Mexico	20
The ten largest importing corporations in Mexico	22
The 10 largest ;Mexican Multinational Corporations	24
Human Development Index (HDI) rank for Mexico, Canada, the US, the EU member countries, Costa Rica and Israel	30
Comparative contents of the CUSFTA and NAFTA agreements	36
Annual US merchandise trade balance with Mexico and Canada North American Trade 1996-2000, January-September 2000, and January-September 2001	45
Chronology of the Global Agreement negotiations between Mexico and the European Union	52
Costa Rica's Trade and Economic Agreements concluded in 2001	63
Israel's International Trade and Economic Agreements	73
Negotiations between Mexico and Israel to conclude a free trade agreement	75
Comparative table of contents of selected FTAs signed by Mexico	91
Economic, social and technological indicators for Mexico	93
Economic, social and technological indicators for the United States	94
Economic, social and technological indicators for Canada	95
Economic, social and technological indicators for The European Union	96
Economic, social and technological indicators for Austria	97
Economic, social and technological indicators for Belgium	98
Economic, social and technological indicators for Denmark	99
Economic, social and technological indicators for Finland	100
Economic, social and technological indicators for France	101
Economic, social and technological indicators for Germany	102
Economic, social and technological indicators for Greece	103
Economic, social and technological indicators for Ireland	104
Economic, social and technological indicators for Italy	105
Economic, social and technological indicators for Luxembourg	106
Economic, social and technological indicators for Portugal	107
Economic, social and technological indicators for Spain	108
Economic, social and technological indicators for Sweden	109
Economic, social and technological indicators for The Netherlands	110
Economic, social and technological indicators for Costa Rica	111
Economic, social and technological indicators for Israel	112
Direct Foreign Investment (FDI) in the Mexican States and Municipalities in year 2000	113

Graphics

Mexico: Gross Domestic Product 1988-1995	21
Mexico: Current Account Deficit 1988-1994	23
Trade within NAFTA in 1998	43
The participation of the EU in Mexico's Total Foreign Trade	55
The role of the EU as a FDI source for Mexico (1994-September 1999)	57
Mexico: Exports to the EU	58
Mexico: Imports from the EU	59
Costa Rica: major exported products 2001 *	62
Costa Rica: main destination for exports 2001 *	65
Costa Rica: trade relations with Mexico 1991-1999	66
Costa Rica: destination of FDI flows 2001 *	67
Mexico: Central American FDI flows in 1994-2000	68
Costa Rica: sources of FDI in 2001 *	69
Trade between Mexico and Israel	79
Exports from Mexico to Israel	80
Exports from Israel to Mexico	81

Acronyms

A

ACS	Association of Caribbean States
AEC	African Economic Community
AMPMI	Agreement on the Promotion and Mutual Protection of Investment
AMU	Arab Maghreb Union
APEC	Asia-Pacific Economic Cooperation
AS	Americas Summit

B

BERD	Bank of Economic Reconstruction and Development
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C

CAP	Common Agricultural Policy
CBI	Caribbean Basin Initiative
CEFTA	Central European Free Trade Area
CEMEX	Cementos Mexicanos
CEPAL	
COMESA	Common Market for Eastern and Southern Africa
CUSFTA	Canada-U. S. Free Trade Agreement

E

ECLAC	Economic Commission for Latin America and the Caribbean
EFTA	European Free Trade Association
EU	European Union

F

FCE	Federal Commission if Electricity
FDI	Foreign Direct Investment
FTAA	Free Trade Area of the Americas

G

G3	Group of Three
GATT	General Agreement on Tariffs and Trade
GDP	Gross Domestic Product
GNI	Gross National Income
GNP	Gross National Product
GPS	Generalized Preferential System

H

HDI	Human Development Index
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I

IAS	Iberian American Summits
ILO	International Labor Organization
IMF	International Monetary Fund
IPFTP	Industrial Policy and Foreign Trade Program
ISP	Import Substitution Policy

L

LAAI	Latin American Association of Integration
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M

MERCOSUR	South American Common Market
MFN	Most Favored Nation

N

NAFTA	North American Free Trade Agreement
NGOs	Non-Governmental Organizations
NICs	Newly Industrialized Countries
NT	North Triangle

O

OECD	Organization for Economic Cooperation and Development
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P

PEMEX	Petróleos Mexicanos
PPP	Purchasing Power Parity
PRI	Institutional Revolutionary Party

R

R & D	Research and Development
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S

SADC	Southern Africa Development Community
SE	Ministry of Economy
SECOFI	Ministry of Trade and Industrial Promotion
SICA	Central American Integration System
SMSCs	Small and Medium Size Companies
SRE	Ministry for Foreign Affairs

T

TELMEX Teléfonos de México

U

UEMOA West African Economic and Monetary Union
UN United Nations
UNCTAD United Nations Conference on Trade and Development
UNEP United Nations Environmental Program
UNHCHR United Nations High Commissioner for Human Rights
USITC United States International Trade Commission

W

WB World Bank
WTO World Trade Organization

Note: This document contains the introductory chapter of the report only. For obtaining the whole report, please contact:

apec@ide.go.jp

Introduction

Mexico's Foreign Trade Policy has experienced dramatic changes from the middle 80's to now. In that period, the country dismantled most of its obstacles to international trade; embraced the General Agreement on Tariffs and Trade (GATT) membership; signed free trade agreements with a substantial amount of countries, including the United States and the European Union (EU); and became a founding member of the World Trade Organization (WTO). At the same time, Mexico became very active in regional fora such as the Asia-Pacific Economic Cooperation (APEC) arrangement, the Organization for Economic Cooperation and Development (OECD), the Bank of Economic Reconstruction and Development (BERD), the Iberian American Summits (IAS), and the Americas Summit (AS).

Traditionally, Mexican Foreign Trade Policy has relied on unilateral, bilateral, regional and multilateral approaches to the promotion of its trade interests in the world. Prior to the middle 80's, the Mexican Government pursued an Import Substitution Policy (ISP) that favored local-national producers over foreign products. Even foreign investment was discouraged, because at some point local producers were expected to become strong enough to be able to compete against foreign corporations. This was considered a temporary measure, since Mexican producers were not supposed to be protected by Governmental provisions forever, and, in fact, several foreign companies were allowed to carry out operations in Mexico by being granted an exceptional treatment under Mexican Foreign Investment Law.

Mexico joined the GATT until 1986. Prior attempts to become a member were dropped since, it was argued, the country would lose sovereignty and power decision-making in dealing with the management of the economy. Since then, the Mexican economy opened, making domestic decision-making more and more exposed to the imperatives of the international environment. This decision was nurtured by the economic difficulties faced by the country in the 80's. The international prices of its main export product, the oil, diminished dramatically, having devastated consequences for a country whose most important source of revenues was the selling of oil products abroad. Mexico was also heavily

indebted, and the international creditors were not willing to deliver to the country neither to other developing nations fresh credits, worsening the situation. Also, the recession of the United States economy had important effects in Mexico, due to the strong dependence on the American market for Mexican products. All those circumstances claimed for dramatic changes in the Mexican economy and eventually a restructuring of Mexico's Foreign Trade and Foreign Investment legislations were considered as a condition to discuss a restructuring of the foreign debt with creditors, and a more predictable relationship (via free trade agreements) with its major trade partners.

The coming of the North American Free Trade Agreement (NAFTA) is considered a key decision to seal the economic reform carried out by Mexico. In signing NAFTA, Mexico was able to institutionalized its economic relations with the United States (and Canada), but also committed the Mexican Government to behave in a predictable way as stated by the NAFTA provisions.

The NAFTA negotiations took place at a time when skepticism on the faith of multilateral trade negotiations under the GATT framework, was flourishing. Many countries believed that the GATT structure was no longer the best to negotiate issues like market access and national treatment. The rules of procedure, including the consensus and the *single undertaking* provisions made more difficult to reach an agreement among its more than 120 members, particularly during the Uruguay Round of multilateral trade negotiations. By 1989 it was believed that member countries should explore alternatives to multilateralism in dealing with market access, and regionalism, apparently, became an option. Between 1989 and 1994, more than 30 *new wave* regional economic cooperation and/or integration initiatives were developed, such as NAFTA (1994), the South American Common Market (MERCOSUR, 1991), APEC (1989), the Association of Caribbean States (ACS, 1994), the African Economic Community (AEC, 1991), the Arab Maghreb Union (AMU, 1989), the West African Economic and Monetary Union (UEMOA, 1994), the Common Market for Eastern and Southern Africa (COMESA, 1993), the Southern African Development Community (SADC, 1992), the Central American Integration System (SICA, 1991), and the Central European Free Trade Area (CEFTA,

1992), among others. This is not to suggest that the only reason to sign free trade, customs union and common market agreements was the stagnation of the GATT Uruguay Round, since each country involved in the mentioned initiatives may have had specific needs and requirements when it comes to the market access of its trade partners. However, the fact that the multilateral approach was not perceived as an option, certainly contributed to the perception that regionalism was a desirable process.

For Mexico, a free trade agreement with its major trade partner was a follow-up step after the country was able to become a member of GATT. Thus, when the Uruguay Round experienced a major stagnation, Mexico actively pursued a comprehensive trade arrangement with the United States. Even though multilateralism was identified as an important forum for Mexican authorities, the fact that more than three quarters of Mexico's total international trade were carried out with one country made the NAFTA negotiations extremely attractive and important. At that time, the US Government had already signed bilateral free trade agreements with Israel (1985) and Canada (1989). Being Mexico its third major trade partner, the United States considered feasible a free trade deal, specially because it already had one with its major trade partner, that is, Canada.

For the NAFTA negotiations to succeed, President George Bush Senior needed the Congress to authorized the so-called *fast-track* authority with which the Executive branch would be allowed to negotiated trade arrangements. Once ready, they would be submitted for the consideration of legislators, so that they ratify either reject the agreement, without the possibility of making amendments to it. In order to negotiate NAFTA, President Bush Senior was granted the *fast-track* authority. Several studies suggest that in signing NAFTA, the United States Government paved the way for additional negotiations within the GATT framework, since most of GATT members were not happy to know that major economic powers were sponsoring free trade, customs union and/or common market agreements far from the multilateral environment. Some analysts also suggest that despite the fact that NAFTA is a matter of concern with respect to the multilateral negotiating environment, several provisions of the agreement

served as “model negotiations” to nurture the Uruguay Round multilateral negotiations. In any case, the *fast-track* authority granted to President Bush Senior to sign NAFTA was also the same authority so that the United States signed the Uruguay Round agreements and became member of the new-born WTO.

By the time WTO was created, the enthusiasm over regional economic cooperation and/or integration agreements was considerably high. The *new wave* mentioned above remained in place, *i. e.* no single regionalization initiative born in the 1989-1994 period neither in previous times was dismantled, putting the multilateral trading system in a difficult coexistence with initiatives based on the GATT article XXIV provision on free trade, customs union and/or common markets arrangements.

Mexico, in fact, pursued additional free trade negotiations with countries in three continents, despite the coming into force of the Uruguay Round agreements. Thus, from the time the Uruguay Round experienced a dramatic stagnation to now, Mexico signed 10 free trade agreements, that is –an apart from NAFTA-: with Bolivia, Chile, Costa Rica, the so-called Group of Three (G3, including Mexico, Colombia and Venezuela), Nicaragua, the so-called North Triangle (NT, including Mexico, El Salvador, Guatemala and Honduras), the European Union, the European Free Trade Association (EFTA), and Israel. Currently, Mexico explores the possibility of concluding free trade agreements with MERCOSUR countries –even though in this particular case the crisis experienced by Argentina and the traditional rivalry with Brazil may postpone the negotiating procedure-, and Japan.

The existence of a net of free trade initiatives raises concerns not only in dealing with the multilateral trading system but also among the free trade arrangements themselves. Some studies suggest the risk of overlapping between the agreements. Mexico, in fact, experienced it, when NAFTA came into force and Brazil claimed that the Mexican Government had failed to comply with the provisions stated at the Montevideo Treaty of the Latin American Association of Integration (LAAI), created long before NAFTA was born. The

most important problem, however, is the possibility of a *multiple-compromising* scheme, considered by several practitioners *trade promiscuity* where each arrangement intends to make prevail its particular provisions and rules. That is why it is claimed that the multilateral trading system should prevail in dealing with market access issues.

In any case, it would be fair to recognize that Mexico has pursued unilateral, bilateral, regional and multilateral approaches to promote its economic interests in the world. Unilateral measures have been considered necessary, for instance, to face unfair competition practices by countries like China, whose products, due to controversial production mechanisms happen to be very inexpensive. Mexico has unilaterally imposed *anti-dumping* and countervailing duties to Chinese products. These measures will become more difficult to implement due to the Chinese membership at WTO –and in fact, Mexico negotiated a six to eight year protection mechanism depending on the economic sector involved, to protect its economy against Chinese products by the time Beijing became a full member. Mexico has also signed bilateral agreements, like the ones, already mentioned, with Israel and the European Union. Regionalism is very much in the Mexican agenda, since, as explained before, most of the free trade agreements signed in the past decade have been concluded with Latin American Countries, without forgetting the Mexican participation in the US-sponsored initiative to create a Free Trade Area of the Americas (FTAA). And, speaking about multilateralism, apart from being a founding member of WTO, Mexico will be hosting, in 2003, the WTO Ministerial Meeting where a new multilateral round of trade negotiations is expected to continue.

Despite this multi-task approach shown by Mexico to promote its economic interests in the world, it should not be forgotten that its most important trade relationship is with the United States. NAFTA, in fact, has increased the already intense structural existing relationship between Mexico and the US. The northern neighbor takes most of Mexico's international trade, a fact that has pros and cons. The advantage of maintaining such a relation is that the United States is the largest market in the world. The most important disadvantage is, as witnessed today, the fact that a recession in that country in fact diminishes

consumption, thus harming Mexican products traditionally sold in the American market. Some analysts also emphasize the political consequences of maintaining a strong relationship between two asymmetrical countries like Mexico and the United States, by suggesting the most vulnerable country, in this case Mexico, is exposed to the imperatives of a country that is dominant both in economic and non-economic terms, raising concerns about a limited sovereignty. However, Mexico has not succeeded in diversifying its economic links to other parts of the world, thus suggesting the signing of several free trade agreements is more a political decision with minor economic impacts on Mexico's foreign trade.

What is that Mexico should do to promote its economic interests in the world in a better way? Is it the current path the right one? The way in which the economy was opened from the middle 80's to now has produced dramatic transformations within Mexico. After being an essentially raw materials exporter, today most of its export products are manufactures. As suggested before, however, oil is still very important when it comes to the total revenues of the country. Part of the explanation can be found in the amount of components needed from abroad to produce manufactures in Mexico. Because the opening of the economy was conducted too fast, local producers were not able to compete against foreign products. Most of those companies collapsed, making Mexican production very dependent upon components made abroad. Thus, if Mexico intends to increase its exports, it is needed, in fact, to increase the imports of foreign goods and services. Also, an analysis of Mexico's trade balance reveals the strong dependence on foreign food products to satisfy the most basic consumption requirements of the Mexican society. Currently there is a debate on the extend in which the fact that Mexico is not able to produce enough food to feed its population constitutes a threat to the national security of the country. This is just to say that free trade agreements are increasing trade between Mexico and its partners, but free trade has also distorting effects that Mexico has not been able to deal with, at the expense of its productive and competitive capabilities. Thus, Mexico needs an industrial policy where the role of free trade negotiations is clearly defined. At the same time, the debate on the need of additional free trade, customs union and/or common market

agreements should be seen in face of the existing trade arrangements, the overlapping between them, and the fulfillment or not of their goals. The multilateral environment may be a good way to pursue trade negotiations by countries like Mexico, capable of addressing specific issues of concern for other developing and even developed countries, and also with the possibility of working together with *like-minded* countries to succeed in the negotiating process.

That does not solve, of course, the missing compatibility between the existing free trade, customs union, and common market agreements and the multilateral trading system. Yet, more than a hundred regional economic cooperation and/or integration initiatives exist all over the world and they cannot be ignored. Virtually any country in any part of the world, is involved in such initiatives. The logical approach would be the *multilateralization of regionalism*. That could be done by *multilateralizing* the existing free trade, customs union and common market initiatives, as suggested by some members of APEC. The other option, seems to be more complex and very difficult to implement: the creation of a multilateral negotiation environment where the participants would be, instead of States, free trade, customs union and common market areas. This proposal, in particular, would be very difficult to implement in the NAFTA region, where its members, particularly the United States, do not seem to share common negotiation interests with Mexico and Canada *vis-à-vis* other partners, such as the EU. That is why Mexico already signed a free trade agreement with the European Community, whilst the United States established on December 15th, 1995, the Transatlantic Agenda. Canada, on the other side, has not been able to negotiate a trade arrangement with the EU. This illustrates the difficulties in developing a *common purpose* within a region with respect to other parts of the world. Only a few regional initiatives have consolidated a common approach in that respect, being an exceptional example the European Union itself.

In the following pages, these matters will be discussed through the analysis of Mexico's Foreign Trade Policy. To do that, the first chapter will deal with the economic reform carried out by Mexico from the middle 80's to now and its implications for the foreign trade policy of the country. The second chapter will

discuss the characteristics of the foreign trade policy of Mexico, by emphasizing the unilateral, bilateral, regional and multilateral approaches pursued by the Mexican Government to promote the economic interests of the country in the world. From chapters three to six, four case studies of free trade negotiations conducted by Mexico, will be examined. The first one is the NAFTA agreement, which is the most important for economic and non-economic reasons, considering that it involves the participation of Mexico's major trade partner. The next analysis focuses on the Mexico-European Union agreement, which is the most comprehensive negotiation conducted, so far, by the Mexican Government. Following in the analysis there is the Mexico-Costa Rica Free Trade Agreement, and, finally, the Mexico-Israel Free Trade Agreement. These agreements were not chosen by accident. Of the ten free trade agreements concluded by Mexico in the past decade, these are either important and/or representative of Mexico's Foreign Trade Policy. NAFTA, for instance, is a mandatory reference, since it paved the way for successive free trade negotiations. The agreement with the European Union includes provisions that set economic and non-economic standards for future trade negotiations conducted by Brussels. The agreement with Costa Rica illustrates the way in which Mexico is promoting its economic agenda in Latin America. Finally, the agreement with Israel, though hard to justify in commercial terms, given the minimum importance of Israel in Mexico's total foreign trade, includes and excludes several economic sectors, a situation which occurs in sharp contrast to other agreements signed by Mexico and Israel with other partners.

This study finishes with concluding remarks on the debate over the challenges that Mexico's Foreign Trade Policy is facing in the years to come, the desirability of additional free trade, customs union and/or common market negotiations and the inevitable questions: what happens once trade liberalization has been achieved through the agreements mentioned above – since all of them have an average lasting time of 5 to 15 years? Will bilateral relations evolve to a more comprehensive and inter-dependent relationship, say, from a free trade area to a customs union - i. e. a common external tariff, or from there to a common market? What are the chances for Mexico to redefine its foreign trade strategy by *multilateralizing* the existing regional and bilateral

trade arrangements? Is Mexico willing to become a leader at the WTO environment? Is the current Mexican Government in favor of designing a comprehensive industrial policy for the next 20 years in which the role of multilateral, regional and bilateral trade negotiations is clearly defined?

Before proceeding to the analysis of the issues mentioned above, I would like to take this opportunity to thank my dear colleague and friend Professor Mónica González for sharing her views on several matters discussed bellow, and also for her valuable time and work in organizing the index at the end of this research.

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**APEC STUDY CENTER
INSTITUTE OF DEVELOPING ECONOMIES, JETRO
March 2002
3-2-2 Wakaba, Mihama-ku, Chiba-shi
Chiba 261-8545, JAPAN
Web Site: <http://www.ide.go.jp>**

ISBN 4-258-59009-6