



# COMMITMENTS SOLEMNLY EXCHANGED

*-- SPEAKING NOTES --*

**Presentation to Washington International Trade Association  
Program on “The Mexican Trucking Issue”**

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Good morning and welcome. I'm John Magnus, of TradeWins LLC and Miller & Chevalier. It's an honor to introduce this morning's superb panel.

Surface transportation issues rarely become matters of high trade policy, but they have surely done so this year. A long un-implemented U.S. commitment has landed in the spotlight; a partial compliance scheme ("pilot program") has been snuffed out in its adolescence; and Mexico has imposed retaliatory tariffs with a price tag denominated in US\$ billions.

The flyer for this panel asks some important questions. That's the job of a flyer, and perhaps it is why you are here. Two are backward-looking:

- *Why has it come to this?*
- *How have U.S. companies and consumers been affected?*

And two look forward:

- *What new initiative could replace the pilot program?*
- *What should a permanent solution look like?*

So our speakers have been given a substantial challenge, dealing both with broad trade policy considerations and more technical trucking/regulatory issues.

To get them launched, and stir the pot just a little, here are four intriguing elements of the background:

- First, as the story goes, it was the United States that originally insisted on cross-border trucking access as a reciprocal NAFTA commitment.
- Second, you have all heard of Fast Track, or Trade Promotion Authority, which is designed to facilitate passage of legislation implementing politically-difficult trade agreement commitments. Well, what we have here is the first-ever instance of Congress legislating to *prevent* -- rather than to accomplish -- the implementation of a trade agreement commitment. (For those of you who wonder what the original NAFTA implementing bill had to say: the answer is nothing. Apparently no legislative provisions on this point were needed, as the Executive Branch at the time had authority to start evaluating Mexican trucking operators' applications on the merits.)
- Third, retaliation is by its nature trade-reducing. It drives a wedge between willing sellers and willing buyers, whose cross-border commerce often (and

this case is a good example) has nothing to do with the underlying dispute. In the WTO context, there is usually a rigorous effort to identify trade-creating solutions when a particular commitment, for some reason, is not or cannot be honored. We call this “compensation.” Somehow, in this case, though it has dragged on for 16 years, there has been no noticeable consideration of compensation.

- Fourth, we have never had the chance to observe how the free trade area would perform economically if this aspect -- the cross-border trucking aspect -- of the original design were brought fully to fruition. Beyond the bilateral balance of concessions between Mexico and the United States, perhaps this issue has implications for the global competitiveness of the North American region.

In sum, we have here all the ingredients of an excellent trade policy soup: difficult politics, shifting interest profiles, competing interest groups, strongly-felt safety concerns, technical regulatory arcania, ... and lurking out there somewhere, a notion of the sanctity of commitments solemnly exchanged between neighbors and at the government-to-government level.

You could hardly wish for a more expert panel to explain, if not solve here on the spot, such a knotty problem. I'll introduce them in the order they will be speaking.

- *Karen Antebi* is Counselor for Economic Affairs at Mexico's Trade and NAFTA Office here in Washington, DC, where she has served since 2000. Her work includes advancing Mexico's trade interests with the U.S. Congress and Administration; coordinating legislative and outreach strategies to prevent trade disputes and expand Mexico's U.S. market access; educating decision makers, business leaders and the public on the importance of the US - Mexico trade relationship; and representing Mexico in various NAFTA committees. She previously held various important trade posts in capital, at what was then known as the Ministry of Commerce and Industrial Development. She was Chief of Staff to the Deputy Secretary for International Trade Negotiations from 1995–2000, where her work covered a broad range of trade negotiations, market access disputes and investment promotion matters. She also spent three critical years, 1990-93, as Deputy Director of the Ministry's NAFTA Negotiations Office, where she worked among other things on the three issues reopened by the Clinton Administration late in the negotiation: safeguards, and the environmental and labor side agreements. One item from her CV that I particularly like is that she was selected as the only non-lawyer on a six-person team responsible for drafting the text of the NAFTA in Spanish. She holds an undergraduate degree in political science from Brandeis University, and a Master of Arts in International Policy Studies from Stanford University.
- *Doug Goudie* is Director of International Trade Policy for the National Association of Manufacturers (NAM), where he has been since 2007. He directs NAM's efforts on bilateral, regional and multilateral trade

agreements, working with the Administration, lobbying Congress, and liaising with international organizations like the WTO as well as other business organizations. Prior to joining NAM, he spent 8 years with the Automotive Trade Policy Council, representing the U.S. auto industry on international trade and investment issues, and before that handled legislative affairs for the National Waterways Conference. He is a graduate of Albion College and holds a MSFS from Georgetown University.

- *Martin Rojas* works at the American Trucking Associations (“ATA”), the national trade organization representing the U.S. trucking industry, where he is Executive Director for Safety, Security and Operations. Mr. Rojas coordinates ATA’s security related policies and activities, focusing on making the movement of trucks throughout North America as safe, efficient, effective and secure as possible. He works closely, on North American surface transportation issues, with ATA’s private sector counterparts in both Canada and Mexico as well as with organizations representing other modes of transportation. Mr. Rojas has served as an industry representative on the Commercial Operations Advisory Committee (“COAC”), focusing on C-TPAT, on the Free And Secure Trade (“FAST”) program, and on implementation of the Trade Act of 2002 and the Maritime Transportation Security Act. He has been active in the implementation of various other legislatively mandated security and trade programs involving bioterrorism, container and cargo security, and the like. Prior to joining ATA, Mr. Rojas spent 4 years (1992-96) with the U.S.-Mexico Chamber of Commerce, developing private sector positions on implementation of the NAFTA. He holds a BA in International Affairs and a Masters in Public Administration, both from the George Washington University.
- *Henry Jasny* is with Advocates for Highway and Auto Safety, where he has been General Counsel since 1991 and is responsible for legal analysis and litigation under Federal highway and safety laws. He participates in the development and implementation of Advocates’ positions on legislative and regulatory issues involving motor vehicle safety, including programs and standards administered by the U.S. Department of Transportation, the National Highway Traffic Safety Administration, Federal Highway Administration, and the Federal Motor Carrier Safety Administration. He has been lead attorney in litigation under the Federal-Aid Highway Act, other safety legislation, the Freedom of Information Act and the Federal Advisory Committee Act. Mr. Jasny worked on Transportation Department issues for the Obama-Biden Transition Team, and has been involved for nearly 20 years with the GSA’s Federal Advisory Committee Act Management training course, providing a public interest perspective there. Earlier in his career he spent 5 years as a staff attorney at the Center for Auto Safety, leading a “Highway Safety Project” which provided oversight of federal highway laws and regulation. He is a graduate of Brooklyn Law School (JD) and New York University (BA).