
Fast-Track a Way to Dump Democracy

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A little more than a year and a half ago, thousands marched in Seattle to demand that trade institutions, such as the World Trade Organization, respect the world environment and the creatures that inhabit it. Environmentalists joined unions, family farmers and religious leaders to complain that the WTO has put our laws to protect endangered species, forests, air quality and food safety at risk.

Now Congress is threatening to bargain away our democracy in order to accelerate passage of new trade agreements.

When Congress returns from its August recess, it may consider giving the president what is known as "fast-track" authority to negotiate trade agreements without ordinary congressional and public oversight. Fast-track authority allows the president to negotiate trade agreements in secret.

The final agreements are submitted to Congress only when they are a done deal. Congressional hearings and debate are sharply limited and the entire package must be voted up or down within an inflexible and extremely short period of time.

Fast-track authority is anti-democratic. It gives the president unaccountable power to decide the terms of trade agreements.

As the WTO meeting made clear, trade agreements are not simply about tariffs any more. They establish rules that determine the viability of health and environmental protections. The WTO and the North American Free Trade Agreement (NAFTA) give other countries the right to challenge our environmental laws as unfair trade barriers. Mexico and Malaysia have done so with our dolphin and sea turtle protections and Venezuela with our air pollution laws, to name a few examples. These challenges are resolved by trade officials who hear arguments and make decisions behind closed doors.

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In the face of threatened trade challenges, the United States has allowed pesticide residues on food that do not meet U.S. standards. Minnesota has waived its purchasing preference for recycled paper in the face of Canadian claims that it would disadvantage paper produced from logging native forests.

NAFTA goes further and gives corporations the right to sue for monetary damages when laws harm their foreign investments. The first such challenge to a chemical ban resulted in repeal of the ban and payment of millions of dollars. More recently, Methanex Corp., a Canadian-based corporation, filed a NAFTA claim for \$970 million for losses, including a decline in stock value, from California's phase-out of a toxic gasoline additive that has contaminated drinking water. These investor lawsuits can be tantamount to blackmail. A foreign corporation can insist on being paid a hefty sum to stop marketing a product that causes harm.

Trade agreements make fundamental policy choices that create winners and losers.

How much definitive scientific proof is required before a country can ban harmful chemicals, like asbestos? Can a country limit trade based on the

harmful effects of logging, fishing or factory production? Can a local government sponsor eco-labeling or limit its own purchases to sustainably produced wood? Can the United States restrict imports of cheap Canadian timber produced with heavy government subsidies and by clear-cutting virgin forests right to the banks of salmon streams?

In the United States, people have a voice when laws addressing these fundamental questions are debated and enacted. The people also should have a voice before these rights are traded away.

Our democratic system thrives on checks and balances, as well as on public accountability. Fast-track authority sacrifices both.

It truncates the congressional oversight provided through hearings and debate and eliminates the congressional power to amend. Trade agreements are a fait accompli by the time they are submitted to Congress. The public is kept in the dark about the terms of the agreement and cannot work through elected members of Congress to alter terms harmful to the public interest.

While the WTO has earned a reputation as an institution unresponsive to public demands and input, we live in a democracy. Congress can control and shape the laws that govern U.S. consideration and approval of trade agreements.

Congress should not jettison democratic lawmaking for the sake of rushing into new trade agreements. We are not against trade; in fact, trade is important to the region's economy. However, recent trade deals have been stacked against the environment, putting profits above people and the environment. Congress has a responsibility to insist that trade agreements safeguard our environmental laws. This power should not be traded away.