

NAFTA and TPP: Comparing Imaginaries of Sustainability

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Abstract

Debates about new free-trade agreements provide various societal actors with opportunities to communicate their visions of sustainable futures. This paper analyses the development of US environmental groups' imaginaries of sustainability from discussions around the North American Free Trade Agreement in the 1990s to current debates about the Transpacific Partnership. Using a qualitative Science and Technology studies approach, it examines statements, 'fact sheets', and reports published by environmental groups for (changing) patterns of mutually held visions of desirable futures in these two, isolated free-trade debates. The paper concludes that while argumentative continuity can be detected in the imagining of sustainability as an inclusive democratic concept, claims made against TPP increasingly focused on exclusively national concerns, the intrinsic value of nature, and the compatibility of economic growth with environmental protection.

As the heated debates around the Transpacific Partnership (TPP) and the Transatlantic Trade and Investment Partnership (TTIP) have indicated, negotiations of free-trade agreements (FTA) provide special occasions for a variety of actors from the political, economic, and social sphere to debate crucial social issues. In recent years, the liberal consensus that free trade is to be supported has increasingly come under attack not just from the Left, but also from

the Right. In this regard, the selection of Donald Trump as the presidential nominee of a US Republican Party that was until recently an ardent supporter of free trade was at least as astounding as the United Kingdom deciding to leave the European Union on a platform of isolationism and protectionism. At a general level, these developments indicate that FTAs often offer windows of opportunity for different actors to assert visions and conceptions of desirable futures.

This paper aims to examine the field of environmental politics and sustainability as one of the areas in which such visions are often asserted. Specifically, its goal is to trace and understand the differences of public visions for sustainability between two isolated free-trade debates: the North American Free Trade Agreement (NAFTA), concluded in 1994, and the Trans-Pacific Partnership completed roughly twenty years later. In this, it will not be concerned with the 'official' governmental interpretation of the agreements, but will examine the change in imaginaries of sustainability of grass-roots environmental organizations opposed to both NAFTA and TPP; in particular, Friends of the Earth (FOE) and the Sierra Club (SC). It is thus interested in the 'excluded' voices and the 'losers' of the free trade debates.

Following this introduction and a brief note on methodology, the essay will first proceed to an examination of the opponents' statements made on NAFTA and before moving to an analysis of the debates around the TPP. Thereafter, it will compare the imaginaries of sustainability emerging from these two debates and briefly conclude with some implications of the results. The paper finds that in both discourses sustainability was imagined to be an inclusive concept ensuring citizens' overall well-being in a democratically accountable manner. Where TPP debates depart from NAFTA controversies is in their increased emphasis on the intrinsic value of nature, their stressing of the national interest, and their assurance of the

compatibility of sustainability with economic growth.

I. Terminology and Method

As this essay aims to compare imaginaries of sustainability of a particular set of US environmental organizations, it is only fitting to first define the term imaginaries itself. For the purpose of this essay and following Jasanoff (2015, p.4), imaginaries are taken to be collectively held visions of desirable futures, animated by shared understandings of forms of social life and social order. As in Jasanoff's piece, the focus will be on the desirability of certain environmental measures and free-trade policies in relation to their sustainability. Although touching upon technological issues at its margin, this essay will shed Jasanoff's focus on sociotechnical imaginaries, however, and be primarily concerned with the general character of the groups' imaginaries of sustainability.

In regards to methodology, while relying more on secondary sources and newspaper articles for an analysis of the debates around the NAFTA, the essay will primarily use publications by environmental organizations themselves, such as 'fact sheets' and 'reports', as material for examining imaginaries of sustainability in the TPP disputes. This incongruence in the type of sources can, of course, be seen as a limitation to the findings of this essay: Secondary sources may have wrongly

interpreted some of the original arguments made about the NAFTA and some inductive reasoning is required for the discourse analysis on TPP due to the paucity of relevant academic sources. Yet, the following comparison is still sufficiently grounded in historical evidence to draw conclusions about conceptualizations of sustainability of some of the opponents of the two free-trade agreements.

II. Environmental organizations and their opposition to NAFTA

The NAFTA was used by environmental organizations to launch a successful attempt at shaping trade policy, once the very epitome of reclusive and sovereign policy areas (Mumme, 1993, p.215). For the first time, these groups not only formed cross-national networks (e.g. between the US and Mexico), but also became active participants in trade policy (Gregory, 1992, p.104). While many US environmental organizations eventually came to support NAFTA and its environmental side agreement NAAEEC, strong opposition remained especially among grass-roots organizations, such as the Sierra Club and Friends of the Earth. Broadly speaking, these critics of NAFTA were concerned with three issue areas: first, public participation, transparency, and the upholding of US standards; second, public health and pollution in the Mexican-

American border region; and, third, the Mexican interior turning into a pollution haven.

First, in regards to US standards, participation and transparency, opponents asserted that the planned investor-state settlement mechanism would undermine US environmental protection laws and standards (NYT, 1993). The argument against private investment tribunals coincided with a fear of corporations posing a danger to democracy and the environment. It was also related to long-standing demands for responsible business behavior and the general implementation of the 'polluter-pays' principle (Dreiling & Wolf, 2001, p.43; Durbin, 1993). Against the backdrop of skepticism towards corporations, the lack of transparency and citizen oversight in the negotiations and in the implementation of the NAFTA was criticized (Gregory, 1992, p.172). In a hearing before the House Subcommittee on Trade, Friends of the Earth, for instance, demanded a more representative process and more public participation (Durbin, 1993). These demands to uphold legal standards and ensure broad public participation reflect the domestic agenda that US environmental organizations opposed to the NAFTA pursued at the time.

Secondly, these groups were also concerned with the cross-national issues of hazardous waste disposal and industrial pollution and the ensuing threat to public health in the Mexican-American border region. The fear of trade-induced growth of excessively dirty maquiladora industries on the border was primarily expressed in

terms of its threat to the health of citizens in the area and not so much in terms of the danger to the environment itself (Durbin, 1993; Fox, 1995, p.52). Skepticism was not just directed at economic growth itself, but also at “sound science” as the proposed solution to such problems (Fox, 1992, p.54). In essence, critics did not accept the ‘grow now, clean up later with the use of science and technology’ imaginary touted by the government. In the dispute on waste- and pollution management in the border region, there was thus a tendency to invoke cross-national solidarity, as well as growth- and techno-skepticism as unifying patterns of discourse.

This internationalist coupling of social and environmental issues also persists in the third main issue area of concern for environmental organizations opposing the NAFTA: the fear of Mexico turning into a pollution haven. Aside from viewing the FTA as an opportunity to influence trade policy in the US, environmental organizations saw the chance to shape environmental policy in other countries, as well (Fox, 1992, p.52). They feared the relocation of America’s dirtiest industries to Mexico as result of low wages and lax enforcement of environmental laws. This, in turn, would result in the displacement of rural labor, human settlement problems, and massive pollution in the southern neighbor (NYT, 1993). With these arguments, American critics of NAFTA demonstrated that they were not just concerned with their own domestic environment, but were also eager

to improve social and environmental conditions for their neighbors.

In sum, the NAFTA’s opponents’ imaginaries of sustainability merged environmental and social concerns to argue for environmental justice. They also sought to refute the assumption that trade automatically stimulates environmental protection and replace it with their own vision of sustainable development. The former point is exemplified by FOE’s Andrea Durbin’s demand that all “environmental, health and safety laws that may impact trade” be upheld (Durbin, 1993). This reasoning enabled opponents to form a discursive frame with an expanded, comprehensive meaning beyond purely environmental concerns, which enabled an alliance between labor and environmental groups in opposition to NAFTA (Mumme, 1993, p.46). More importantly, the aim was to undermine the prevailing view that environmental protection could be achieved through growth. In an official statement, Friends of the Earth argued that

“rather than protecting the environment for future generations, the Agreement’s [NAFTA] backers have decided the U.S., Mexico, and Canada should first get rich, then use their wealth to clean up. This terrible gamble with the future is nothing less than the environmental equivalent of deficit spending.” (FOE, 1992 as cited in Mumme, 1993, p.46)

Opponents of the NAFTA thus constructed a dichotomy between economic growth and the protection of the environment. Liberalized trade would necessarily lead to increased pollution and resource

depletion (Gregory, 1992, p.113). This rejection of the view that trade by itself stimulates environmental safeguarding through increased wealth and better technology was very much at the heart of the controversy around NAFTA (Mumme, 1993, p.206). In contrast to what would later be the case with TPP, the worry that increased trade would aggravate environmental abuse was also extended to include concern for other nations, particularly Mexico and its maquiladora industries.

III. Environmental organizations and their opposition to TPP

Condemning it as “NAFTA on steroids” (e.g. Henning, 2014), a number of environmental organizations saw the Trans-Pacific Partnership as continuing on the destructive path of the North American Free Trade Agreement concluded 20 years earlier. While opposition to the NAFTA was also concerned with defending US standards and anti-corporate rhetoric, resistance against private investor-state tribunals and national sovereignty concerns topped the agenda for critics of TPP. A second biggest critique targeted the secrecy of the trade talks. Here, the issue of sustainability was explicitly coupled with democratic accountability: environmental protection required public participation and scrutiny. Thirdly, conservation issues, such as wildlife trafficking, entered the

agenda. The fourth issue area was climate change, which the agreement inadequately addressed only according to its opponents.

Resistance against investor-state settlements crystalized around the threat to domestic environmental and health protection standards posed by large corporations. As Michael Brune (2015) of the Sierra Club put it in an op-ed in the New York Times, TPP would “empower some of the world’s biggest polluters to challenge environmental protections in private trade tribunals” as non-tariff barriers to trade. The fear of corporations disregarding regulation of toxic chemicals or even simple consumer protection measures like food labeling in their search of profits manifestly assumed that TPP would drive a race to the bottom in sustainability-related areas and leave the ordinary citizen and the environment worse off than before (Cossar-Gilbert, 2015).

Aside from this dichotomy between corporate profits and a suffering environment, the threat of ‘the foreign’ to ‘the domestic’ was also increasingly emphasized. The Sierra Club’s report on the TPP, for instance, titles its paragraph about the investor-state dispute settlement “A parallel legal system for foreign corporations” and argues that this mechanism would give “foreign investors, including some of the world’s largest fossil fuel corporations, expansive new rights to challenge climate protections” (Solomon & Beachy, 2015, p.4). Similarly, FOE’s Bill Waren (2015) states that the “TPP [...] investment chapters provides greater

rights for *foreign* investors than U.S. investors enjoy under the constitution” [both emphases added] and cites Senator Elizabeth Warren as asking “What’s wrong with the U.S. judicial system?” Leaving aside the fact that many of the world’s largest polluters may in fact be US corporations, opponents of the TPP make no mention of the prospect of American businesses profiting from suits brought against other countries under these tribunals. Similarly, the possibility that US standards may not be the gold standard in environmental protection is never considered. In the critique of the Trans-Pacific Partnership, anti-corporate rhetoric thus increasingly meshed with fear of ‘the foreign’ invading ‘the domestic’.

The anti-corporations discourse was also a recurring theme in the critique of the secrecy of the trade talks; this critique linked sustainability to democratic accountability. Not only was the public not sufficiently heard in the deliberations concerning TPP, the argument went, the trade deal was also negotiated in secret with corporate lobbyists shaping the agreement to their liking (Waren, 2015). Transparency was therefore seen as a prerequisite to ensuring the upholding of environmental safeguards and sustainable development. FOE captured this link in the slogan “Protect Our Food and Our Democracy” and depicted it visually in one of its news releases on TPP (see Image 1). Similarly, the issues of unaccountability to the public and openness to (foreign) businesses are the very first and

most dwelled upon arguments in the Sierra Club’s (2015b) TPP video.

Opponents of TPP also pointed to gaps and deficiencies in the agreement that concerned a broad range of conservationist issues. Trade in illegally obtained timber or wildlife, for instance, was seen as inadequately addressed (The Sierra Club, 2015a). In a letter to Congress, 350.org, Greenpeace USA, FOE, the Sierra Club, and others demanded a “legally enforceable prohibition on trade in illegally sourced timber, wildlife, and marine resources” (350.org et al., 2015). Illegal, unreported, and unregulated fishing leading to the depletion of fisheries were also of major concern for a number of organizations (350.org et al., 2015; Environmental Investigation Agency et al., 2015). Even issues as specific as the shark fin trade were taken up by both the Sierra Club (2015a) and the National Resource Defense Council (Schmidt, 2014).

The SC, FOE, and the NRDC were also outraged about the failure of the pact to even mention the words ‘climate change’. Given their view that TPP would increase emissions and pollution by locking the US into fossil fuels and fracking to satisfy the demand of its Pacific trade partners, such an omission was seen as alarming and detrimental to the US commitment to the United Nations Framework Convention on Climate Change (UNFCCC) and the Sustainable Development Goals (SDGs) (Solomon & Beachy, 2015). Taken together, the broad inclusion of conservationist issues and the concern for climate change point to an

increase in the scope of concerns of environmental organizations opposed to the TPP in comparison with the debate around NAFTA.

In sum, the imaginary of sustainability in the TPP's opponents' description of the trade pact was both narrow and broad at the same time: narrow, since it focused on the danger posed to the domestic environment and the American citizen; broad, since it coupled environmental concerns with social and political issues and encompassed a broad range of problems ranging from overfishing to emissions from a growing fracking industry. Somewhat paradoxically, Critics of TPP hoped to achieve sustainability 'for everyone' by criticizing corporate involvement and demanding public participation and the fulfillment of multilateral UN climate change obligations. Somewhat paradoxically, they were simultaneously focusing solely on the pollution of the American environment and TPP's threat to American democracy. Although often defined *ex negativo*, sustainability was thus implicitly imagined as encompassing the environmental, i.e. conservation and protection, as well as the social and the political, i.e. fair trade, fair working conditions, and democratic accountability, but only for the United States.

IV. Comparing imaginaries of sustainability

How, then, if at all, did imaginaries of sustainability of FTA opponents change from the debates around NAFTA to those on TPP? Discursive similarities appear in the coupling of social issues with environmental protection and a concern about environmental safeguards in the face of a perceived corporate attack on national sovereignty. Criticisms of NAFTA and TPP both primarily viewed the social aspect as consisting of health and safety regulations ensuring the well-being of the ordinary citizen. Specifically, for the former group this was manifested in a concern for toxic waste management and industrial pollution, while for the latter it consisted of ensuring food safety. By linking the social and the environmental, sustainability was imagined as favorable for ordinary citizens, in particular those who were vulnerable and disadvantaged. The aim of inclusivity also appeared in the fear that environmental standards would be undermined by corporations. Opponents of both NAFTA and TPP saw corporate greed as inherently detrimental to the needs and wants of ordinary citizens. They demanded a kind of "social sustainability", which includes normative claims of public participation and social justice (Littig & Grießler, 2005, p.11). In both debates, sustainability was thus imagined as a concept that would be democratically negotiated, and thus ensure the well-being

of all, and prevent the exclusion of any (disadvantaged) group of society.

A first difference between the two debates concerns the environmental issues they encompassed. Whereas criticism of the NAFTA primarily focused on waste management and industrial pollution, opposition to TPP also covered a number of conservationist topics and climate change. In fact, illegal trade in wildlife and overfishing displaced chemical waste treatment and smog in cities on the agenda. A healthy environment previously tended to signify the well-being of humans and thus showcased an 'instrumentalist' conception of the environment. Per this logic, entities are only valuable insofar they are considered valuable by some (human) agent (Justus, Colyvan, Regan, & Maguire, 2009, p.187). In the TPP debates, however, there was a tendency to imagine sustainability to include a genuine and 'intrinsic' appraisal of the environment itself. This approach seeks to liberate sustainability from a narrow anthropocentrism (Justus, Colyvan, Regan, & Maguire, 2009, p.187). Exemplifying this trend towards intrinsic valuation is a new concern for very specific conservationist issues, such as the advocated prohibition of shark fin trading or wildlife trafficking.

The two debates also exhibit major differences regarding the scope of sustainability. While both discourses emphasize inclusiveness, the criticism of TPP almost completely dis-regards the international dimension of sustainability. In addition to their domestic demands, NAFTA's opponents were alarmed by the

prospect of increased trade aggravating the situation for the environment and its inhabitants both at the Mexican-American border region and in the Mexican interior. Statements on TPP, on the other hand, evoke threats to American jobs, American food, 'our' habitats, and 'our' workers' health. Even anti-corporate rhetoric, generally a common denominator of NAFTA and TPP discourses, was framed differently to emphasize the threat that foreign corporations posed to strict American environmental regulations. While still claiming to be inclusive, the imaginary of sustainability among opponents of the FTAs therefore narrowed from NAFTA to TPP, increasingly stressing the national interest as the primary concern.

Finally, 20 years ago, environmental organizations were much more critical of economic growth than they are today with regard to TPP. In the environmental controversy over the NAFTA, the allegation that growth stimulates environmental protection was at the very heart of the debate. With the NAFTA, growth arising from increased trade was seen as exacerbating environmental destruction, particularly in Mexico. In the debates over TPP, however, the term 'growth' rarely appears, and growth per se is never criticized. Instead, the critique of growth has given way to a critique of irresponsible corporate behavior. Sustainability was no longer imagined to be detrimental to economic growth (and vice versa), but it did require responsible corporate behavior, which could be achieved

through governmental regulation with enforceable environmental safeguards.

V. Conclusion

The transformation in imaginaries of sustainability projected by environmental organizations opposed to NAFTA and TPP can thus be summarized in the following terms: In both debates, a sustainable future was imagined as being inclusive and ensuring citizens' well-being in a democratically accountable manner. Yet, TPP debates differed from NAFTA controversies in moving from instrumental to more intrinsic valuations of the environment, their focus on the national interest, and their view that economic growth and sustainability are in principle compatible.

In an age when an American president proposes to solve the problems of globalization with protectionism, isolationism, and coal mining, it seems odd to look to grassroots environmental organizations as guides for understanding today's world. Yet, the findings of this essay indicate that a society's 'excluded' voices and 'losers' may share basic imaginaries with even their most bitter opponents. After all, although Donald Trump certainly seems to have no regard whatsoever for protection of the environment, he, too, wants to 'take back control', 'make the people heard', and 'put America first'. A society's visions of desirable futures can therefore be easily invoked for purposes both respectable and unscrupulous.

References

- 350.org et al. (2015). Environmental Provisions in the Trans-Pacific Partnership: Letter to Congress. Retrieved from [https://www.sierraclub.org/sites/www.sierraclub.org/files/uploads-wysiwig/TPP%20letter%20FINAL%20\(2\).pdf](https://www.sierraclub.org/sites/www.sierraclub.org/files/uploads-wysiwig/TPP%20letter%20FINAL%20(2).pdf)
- Brune, M. (2015, October 7). Congress should oppose TPP on environmental grounds. *The New York Times*. Retrieved from <http://www.nytimes.com/roomfordebate/2015/10/06/the-future-of-trans-pacific-trade/congress-should-oppose-tpp-on-environmental-grounds>
- Cossar-Gilbert, S. (2015, September 25). Secret Trade Negotiations Threaten Sustainable Development Goals. Inter Press Service. Retrieved from <http://www.ipsnews.net/2015/09/opinion-secret-trade-negotiations-threaten-sustainable-development-goals/>
- Dreiling, M., & Wolf, B. (2001). Environmental Movement Organizations and Political Strategy: Tactical Conflicts Over NAFTA. *Organization & Environment*, 14(1), 34-54.
- Durbin, A. (1993). Testimony before the House Ways and Means Subcommittee on Trade on the North American Free Trade Agreement and the environmental side agreement. Retrieved from <http://www.nathannewman.org/EDIN/.trade/.NAFTA/.sideFOE.html>
- Environmental Investigation Agency et al. (2015). Environmental Chapter of the Trans-Pacific Partnership Agreement: Letter to United States Trade Representative Ambassador Michael Froman. Retrieved from <http://vault.sierraclub.org/trade/downloads/NGO-Letter-Ambassador-Kirk-TPP.pdf>
- Fox, A. B. (1995). Environment and Trade: The NAFTA case. *Political Science Quarterly*, 110(1), 49-68.
- Gregory, M. (1992). Environment, Sustainable Development, Public Participation and the NAFTA: A Retrospective. *Journal of Environmental Law & Litigation*, 7, 99-174.
- Henning, C. (2014). What you don't know about the Trans Pacific Partnership could hurt you -- and the planet. Retrieved from http://angeles.sierraclub.org/news/blog/2014/11/what_you_dont_know_about_trans_pacific_partnership_could_hurt_you_and_planet
- Jasanoff, S. (2015). Future imperfect: Science, technology, and the imaginations of modernity. In S. Jasanoff & S.-H. K. Kim (Eds.), *Dreamscapes of modernity: Sociotechnical imaginaries and the fabrication of power* (pp. 1-47). Chicago: University of Chicago Press.
- Justus, J., Colyvan, M., Regan, H., & Maguire, L. (2009). Buying into conservation: intrinsic versus instrumental value. *Trends in Ecology & Evolution*, 24(4), 187-191.
- Littig, B., & Grießler, E. (2005). Social sustainability: a catchword between political pragmatism and social theory. *International Journal of Sustainable Development*, 8(1-2), 65-79.
- Mumme, S. P. (1993). Environmentalists, NAFTA, and North American environmental management. *The Journal of Environment & Development*, 2(1), 205-219.
- NYT (1993, September 27). NAFTA and the environment. *The New York Times*. Retrieved from <http://www.nytimes.com/1993/09/27/opinion/nafta-and-the-environment.html>
- Schmidt, J. (2014, October 30). U.S. Trade Agreement with Asia-Pacific Countries Must Have Strong Environmental Provisions. *The Huffington Post*. Retrieved from http://www.huffingtonpost.com/jake-schmidt/us-trade-agreement-with-a_b_6075064.html
- Solomon, I., & Beachy, B. (2015). A Dirty Deal: How the Trans-Pacific Partnership Threatens our Climate. Retrieved from <https://www.sierraclub.org/sites/www.sierraclub.org/files/uploads-wysiwig/dirty-deal.pdf>
- The Sierra Club. (2015a). *The Trans-Pacific Partnership: A Threat to Our Air, Water, and Climate*. Retrieved from <http://www.sierraclub.org/sites/www.sierraclub.org/files/uploads-wysiwig/TPP%20fact%20sheet.pdf>
- The Sierra Club. (2015b). *What is the TPP? (Trans-Pacific Partnership)*. Retrieved from <http://www.sierraclub.org/trade/trans-pacific-partnership>
- Waren, B. (2015). *Tell tales of the TPP (and the TTIP)*. Retrieved from <http://www.foe.org/news/archives/2015-02-tell-tales-of-the-tpp#ednrefl>