

The Executive Council recommends this resolution be sent to a committee of the General Synod.

Resolution Calling on President Barack Obama to Revisit and Re-negotiate a
More Humane, Democratic, and Ecologically Sound Version of the
North American Free Trade Agreement

Approved

A Resolution of Witness

Submitted By: Rev. Carrie Bail, Massachusetts Conference, Rev. Jennifer Barrett-Siegal, Massachusetts Conference, Rev. Wendy Vander Hart, Massachusetts Conference, Rev. Ray Medeiros, Massachusetts Conference, Rev. Chad Kidd, Massachusetts Conference, Rev. Karen Fritz, Massachusetts Conference, Rev. Paul Adkins, Massachusetts Conference, Rev. Nicole Lamarche, Massachusetts Conference, Rev. Susan Cartmell, Massachusetts Conference, Rev. Bob Johansen, Massachusetts Conference, Rev. Amelie Sell, Chalfont, Pennsylvania, Southeast Penn Conference, Dick Anderson, Naples, Florida Conference

Summary:

The North American Free Trade Agreement (NAFTA) was signed into law on January 1, 1994. Over the next 15 years the US lost nearly a million jobs that would otherwise have been created; many more saw salaries flatten or decline to keep from losing jobs. The losses were similar but smaller in Canada. In Mexico, the hardest hit, hundreds of thousands of poor, mainly indigenous, farmers not only lost jobs but also their homes, creating untold numbers of homeless people and broken families. Some took up arms, some found work in sweat shops, some came to the US looking for work and some moved to the beaches to sell Chiclets and tee shirts. Immigration into the US of poor and hungry Mexicans exploded. A GAO study in 2006 reported the number of deaths along the US Mexican border have doubled since NAFTA and grows every year.¹

Many others have grown concerned over the Chapter 11, “Investor Protection Provisions” because they allow private investors to force changes in other countries’ public policy by suing them in a closed-door tribunal that stands above the courts and legislatures of the three countries. For example, Ethyl Corporation of Virginia sued Canada in the NAFTA Tribunal because it passed laws banning a gasoline additive that Ethyl produced and wanted to sell in Canada. Canada lost and had to pay Ethyl \$13 million in damages. Metalclad Corporation of the US sued Mexico because a small town in Mexico passed a ruling banning the company from building a hazardous waste site near the town. Mexico lost and had to pay \$16.7 million in *potential* damages. And so on.

During the 2008 presidential campaign, candidate Barak Obama (and others) spoke out strongly against some of NAFTA’s worst aspects, especially on labor and the environment, and he promised to revisit the agreement when in office. However, it is a growing concern among human rights, labor, and faith communities that a combination of the global financial crisis, pressure from pro-NAFTA business interests, and pro-NAFTA members in his cabinet, will push President Obama to keep NAFTA off of his programmatic agenda.

The purpose of this resolution is to express the will of the delegates to General Synod XXVII that President Obama stay the course in his pledge to strengthen NAFTA in its democratic principles, and in its Labor and Environmental side agreements.

Theological Biblical Background

The Bible is not a handbook on trade theory, but it does carry examples of how unregulated, unfettered trade can cause economic disparities, oppression, and ecological damage. When Hebrew people first settled in Canaan in the early twelfth millennium, they were among the most egalitarian peoples of the world. Their social model was based on a covenant with one another and with God, and their ethic was based on liberation from slavery (Deut. 5:15). All land was owned in common, and ultimately owned by God. No one was truly poor (at least not the blaming, punishing poor that we know today); their first history of themselves, Genesis, did not even contain the words “poor” or “poverty.” However, their land laid at the crossroads of major trade routes and they eventually—especially North Israel—became involved in international trade through its proximity with Phoenicia and its major import-export cities, Tyre and Sidon. The more they participated in unregulated, unguided trade with the outside world, the more income disparities and oppression grew. Over the next four centuries, an emerging aristocracy stole communal lands from the poor (and from God) and made fortunes growing export crops to sell through international trade agreements with Phoenicia, Assyria, Carthage, Egypt, and Italy (see 1 Kings 21; Ezekiel 27:3-28). A legal regulatory framework was created (first in Exodus 21-23, then later Deuteronomy 15 and Leviticus 25) to distribute the wealth within the nation but the regulators were not able to regulate and poor farmers lost everything. Some fell deep into debt. Others were made homeless and became refugees. Many became slaves on the farms they once owned. What were once communal landholdings became a few giant plantations and hundreds of tiny subsistence plots. “Woe to him...who says, ‘I will build myself a spacious house with large upper rooms’...who makes his neighbors work for nothing, and who does not give them their wages” (Jeremiah 22:14,13). The environment was damaged. Forests were torn down, rivers were polluted in the rush to build, grow, and export. “The earth dries up and withers. The world languishes and withers.... The earth lies polluted under its inhabitants; for they have transgressed laws, violated the statutes, broken the everlasting covenant” (Isaiah 24:4-5, cf. Jer. 9:10; 12:4, 10-11; 23:10).

In the eighth century B.C.E., prophets burst on the scene condemning the criminals who thrived in this system and their flaunting of the covenant with Yahweh. With words that were often harsh and angry, they restated the covenant: With a mighty arm and outstretched hand I rescued you from slavery in the flesh pots of Egypt, and now you are to rescue others: the poor, the widow, orphan, the homeless, the debt slave, the alien, the oppressed. But you didn’t do it (Deuteronomy 5:15, Jeremiah 22:3, etc.).

But they also projected what life would look like when Yahweh’s economy of covenant values and justice people would once again reign on earth. Isaiah prophesied that in that time the unjust merchants of Tyre would still make money but “[its] wages will be dedicated to the LORD; [its] profits will not be stored up or hoarded, but [its] merchandise will supply abundant food and fine clothing for those who live in the presence of the LORD” (Isaiah 23:17-18). The markets would still work but for justice and not corruption (Amos 9:14). The royalty of Israel would still build houses, but not with the use of slaves (Isaiah 65:21-22; cf. 62:8-9). The economically

marginalized would be protected, “they shall sit under their own vines and under their own fig trees, and no one shall make them afraid” (Micah 4:4).

While their situation is different from ours, this resolution attempts to stand in the tradition of the Hebrew prophets, and speak from their theology of the unity of all of creation in God. Economics in that theology are the economics of family. Immigrants are not strangers out to take our jobs, but our cousins who are in need of help. Trade policies are not tools to benefit the rich at the expense of the poor, but opportunities to help the whole of society as one.

A fair assessment today is to say that while critics believe an enormous amount of damage has been caused by it, even many supporters believe that it has been a disappointment and are surprised at the amount of hardship it created for some sectors of our three economies. This resolution takes the position that even if the hardships created were minor (which is not supported by the data), it is the role of Christians to support economic policies that heal and not harm, that reconcile and not alienate, that lift up and not destroy.

Text of the Resolution

WHEREAS numerous General Synod resolutions have sought to support a more just national and international economic system, including “Justice in the *Maquiladoras*” (Eighteenth General Synod, 1991), “In Support of International Fair Trade” (Nineteenth General Synod, 1993), “Affirming Democratic Principles in an Emerging Global Economy” (Twenty-first General Synod, 1997), “Ending the Stranglehold of Global Debt on Impoverished Nations” (Twenty-second General Synod, 1999); and “Resolution Calling For A More Just, Humane Direction For Economic Globalization” (Twenty-third General Synod, 2001); “For the Common Good” (Twenty-fifth General Synod, 2005), and

WHEREAS numerous General Synod resolutions have called for a more democratic and humane relationship between the US and Mexico, including, “A Call for a More Humane U.S. Immigration Policy: End Migrant Deaths; Support Immigrant Communities” (Twenty-sixth General Synod, 2007); “Emergency Resolution to End the Death of Migrants on the United States-Mexico Border by Offering Water in Christ’s Name”(Twenty-third General Synod, 2001); and “Border Justice Issues: A Challenge for the 21st Century Church” (Twenty-second, 1999), and

WHEREAS on January 1, 1994, amid major opposition and protests in Canada, the US, and Mexico, the North American Free Trade Agreement (NAFTA) came officially into effect for our three countries—and the next day the Zapatista rebel movement was launched to protest it, and

WHEREAS the treaty was written ostensibly to lower trade barriers, subsidies, tariffs, and duties, and further integrate the economies of Canada, the US and Mexico in order to create a “level playing field” for trade and finance throughout the three countries, but in reality it contained many other provisions which have damaged homes, families, jobs, livelihoods, the environment, and potentially even our democracy,² and

WHEREAS the treaty also set up a nontransparent judicial system that stands above our three democratically elected governments which has the power to override our individual laws and

courts, and in which corporations (but not individuals) can sue countries if their legislatures pass laws which they perceive will cost them future profits, as for example when the Delaware firm, Metalclad was prevented by a vote of the town council of Guadalupe, Mexico, from building a toxic waste treatment center in their town, but Metalclad successfully sued the government of Mexico in the NAFTA tribunal, arguing that the democratically elected council did not have the authority to ban construction of the waste dump that could have made them a profit, and was paid by the Mexican government \$15.6 million in future damages,³ and

WHEREAS the treaty was first proposed as something that would dramatically raise employment and living standards in all three countries, but in reality contributed to major job losses and either declines or flattened incomes in all three countries (in the US because workers couldn't compete with Mexico's lower worker incomes, and in Mexico because farmers couldn't compete with the US' subsidized agricultural products),⁴ and

WHEREAS the damage to Mexican farmers and low income workers contributed to a massive increase in immigration north to the US looking for work, which then led to US policies that expended millions of dollars in fences and surveillance along the border and thousands of tragic Mexican deaths in the deserts,⁵ and

WHEREAS, the treaty claimed to uphold labor rights and protect the environment through "side agreements" which established oversight panels, in reality they were poorly funded and had weak enforcement powers (and frequently weak desires by appointees to enforce what powers they had)⁶ and

WHEREAS the scriptures are replete with stories of our ancestors immigrating to foreign countries looking for food and work during times of economic hardship (Ruth and Naomi, Abraham, Joseph's brothers, etc.), and of the Israelites themselves welcoming in the "resident aliens," "foreigners," and "sojourners and strangers" (Exodus 22:21, Leviticus 19:34, etc.), and

WHEREAS the Hebrew scriptures abound with judgments on those who would oppress others through economic means and who had no compassion on the homeless, the indebted, the jobless, and the stranger (Exodus 23:6; Jeremiah 22:3, etc.), and

WHEREAS in the Christian scriptures the Apostle Paul challenged those who were once "aliens from the commonwealth of Israel, and strangers to the covenants of promise," but who now had found the oneness of God through Jesus Christ and were no longer "far off" but instead "brought near" because "in his flesh he has made both groups into one and has broken down the dividing wall, that is, the hostility between us," and created "in himself one new humanity in place of the two, thus making peace...putting to death that hostility through it" making us all "citizens with the saints and also members of the household of God." (Eph 2:11-20), and

WHEREAS during the 2008 presidential campaign, candidate Barack Obama (and others) came out strongly in support of the revisiting and revisioning of NAFTA, to bring it more into line with our proclaimed values of respect and concern for the rights and dignity of all human beings and of love and care in the stewardship of all the earth, as, for example, in a speech in February, 2008, when he said, "I will not sign any trade agreement as President that does not have

protections for our environment and protections for American workers, and I'll pass the Patriot Employer Act that I've been fighting for ever since I ran for the Senate so we can end tax breaks for companies that ship our jobs overseas, and give those breaks to companies that create good jobs with decent wages here in America,"⁷ or in an interview with the *Chicago Tribune* in September 2004, "As part of any current or future trade agreement negotiations, our nation must address the dislocations caused by expanded global trade by maintaining workers' basic benefits and helping them retrain,"⁸ and

WHEREAS, economists, social justice organizations, churches, human rights groups, environmental groups, and labor unions have called for the leaders of the three nations to come together and re-envision the treaty, especially in the areas of labor, the environment, and protection of democratic principles, and

WHEREAS numerous polls have shown that majorities of citizens of all three countries support some level of reopening and renegotiation of NAFTA,⁹

WHEREAS there are many powerful special interests and powerful individuals (both outside and inside of the President's Administration) who are strongly against any conversation of any kind about any changes in NAFTA,

THEREFORE BE IT RESOLVED that the members of the Twenty-seventh General Synod of the United Church of Christ voice their support for President Barack Obama's commitment to work with the leaders of Mexico and Canada, to revisit and re-envision NAFTA in ways that would,

1. strengthen its labor and environmental side agreements with greater funding and **greater language granting significant** enforcement powers,
2. revise its Chapter 11, "investor protection" provisions **in order** to shield the legislative and judicial decisions of our three countries and to allow individuals and communities who might be harmed by the effects of NAFTA (not just corporations) to participate in the tribunal process, and **that the tribunal process be held to a broader and more transparent operation and mechanism of accountability, and**
3. design a humane and coherent immigration policy, and

BE IT FURTHER RESOLVED that the General Minister and President of the United Church of Christ be requested to write a letter to the President expressing these concerns, concerns which are shared by the majorities of citizens in all three of our respective countries, and

BE IT FURTHER RESOLVED that the Justice and Witness Ministries and the Washington DC Program Team be encouraged to work toward the passage through Congress of a revisited and re-envisioned NAFTA, if and when that becomes appropriate legislatively, and to keep our various churches and instrumentalities apprised of its progress and where we might be helpful in its passage, and

BE IT FURTHER RESOLVED that our various churches be encouraged to, whenever possible, lift up in prayer, study, and worship the important issues of trade justice with countries such as Mexico, to join with delegations and immersion programs to Latin America through our

own Centro Romero, or the Equal Exchange Interfaith Program, the Jubilee Justice Task Force, Border Links, or other organizations, and to be advocates for just, fair, equitable trade policies for poor and working class people in all three of our respective countries.

FUNDING

Funding for the implementation of this resolution will be made in accordance with the overall mandates of the affected agencies and the funds available.

IMPLEMENTATION

Justice and Witness Ministries is requested to implement this resolution.

¹ “Illegal Immigration: Border-Crossing Deaths Have Doubled Since 1995; Border Patrol’s Efforts to Prevent Deaths Have Not Been Fully Evaluated,” Report to the Honorable Bill Frist, Majority Leader, U.S. Senate, United States Government Accountability Office, August, 2006.

² Joseph E. Stiglitz, “The Broken Promise of NAFTA,” *The New York Times* (January 6, 2004), p. A27.

³ *Ibid.* Also see, Dave Marvin, “NAFTA shown to hurt land, farmers,” *Johns Hopkins Newsletter*, November 14, 2003, p. 1.

⁴ David Bacon, “Displaced People: NAFTA’s Most Important Product,” *NACLA: Report of the Americas*, Sep 3 2008. Also see Bacon, *Illegal People: How Globalization creates migration and criminalizes immigrants* (Boston: Beacon Press, 2008), p. 59.

⁵ “Illegal Immigration: Border-Crossing Deaths Have Doubled Since 1995; Border Patrol’s Efforts to Prevent Deaths Have Not Been Fully Evaluated,” Report to the Honorable Bill Frist, Majority Leader, U.S. Senate, United States Government Accountability Office, August, 2006.

⁶ *NAFTA Ten Years After: The Legacy of the North American Commission for Environmental Cooperation*, Roberto Sanchez- Rodriguez (Dept. of Environmental Sciences, University of California, Riverside, 2006), p. 2.

⁷ http://www.barackobama.com/2008/02/24/remarks_for_senator_barack_oba_1.php

⁸ www.factcheck.barackobama.com/factcheck/2008/06/18/

⁹ For polls concerning NAFTA in the US and Mexico, see, Marla Dickerson, “NAFTA has had its trade-offs for the U.S.” *LA Times* (March 03, 2008), A-1, available from <http://articles.latimes.com/2008/mar/03/business/fi-nafta3>. For polls in Canada, see, “Many Canadians Want to Renegotiate NAFTA,” *Angus Reid Global Monitor : Polls & Research*, July 22, 2008; available from http://www.angus-reid.com/polls/view/many_canadians_want_to_renegotiate_nafta/.