



HUMANE SOCIETY INTERNATIONAL

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Madam Chairwoman, Members of the Committee, my name is Sarah Stewart, Special Counsel for International Trade Policy for Humane Society International (HSI), the international arm of The Humane Society of the United States (The HSUS). Together, HSI and The HSUS represent one of the largest animal protection organizations in the world with a constituency of over 11 million people and a significant global presence. HSI has been a Member of the Trade and Environment Policy Advisory Committee (TEPAC) for over a decade, and has participated as an accredited non-governmental organization (NGO) in three World Trade Organization (WTO) Ministerial Conferences.

It is my great pleasure to testify today before the Trade Policy Staff Committee (TPSC) about the initiation of negotiations of a Trans-Pacific Partnership (TPP) free trade agreement with Singapore, Chile, New Zealand, Brunei Darussalam, Australia, Peru, and Vietnam.

HSI's interest in strengthening environmental and animal protection in free trade agreements has never been stronger. Illegal wildlife trade is rampant, forests and natural habitats are disappearing, ocean stocks are plummeting, and climate change poses grave risks to humans and animals alike. HSI believes that the TPP represents a historic opportunity to encourage trade and development among a number of key U.S. trading partners. Such pursuits, however, must not fail to simultaneously combat widespread environmental abuses and strengthen environmental and animal protection.

The May 2007 Bipartisan Trade Deal (BTD) reflected bold ideas favorable to the environment and its animals, such as a commitment to adopt, implement and effectively enforce laws and regulations under a number of multilateral environmental agreements (MEAs). The recently ratified U.S.-Peru Trade Promotion Agreement built upon the BTD, and included unprecedented provisions on biodiversity conservation and the link between illegal logging and illegal wildlife trade. HSI applauds the U.S. Congress, the U.S. Trade Representative (USTR), and other agencies on these achievements.

As the path forward is crafted, there is great momentum from these accomplishments that must be utilized to ensure a better and brighter future for our environment and the humans and animals that call it home. As an initial matter, we believe it is imperative that the BTD environmental provisions be a minimum starting point for negotiations on environmental issues. We understand that there is an Environmental Cooperation Agreement (ECA) that is already part of the existing TPP. While the ECA can be used as a building block, we strongly urge the U.S. to use this opportunity to press for strengthened environmental provisions. This negotiating position will be complementary to provisions in existing U.S. trade agreements and will facilitate greater uniformity of environmental protection policies across existing and future TPP Members.

In light of these considerations, HSI outlines below our primary recommendations.

First, a threshold negotiating objective should be inclusion of an environment chapter in the agreement itself that requires parties to effectively enforce their environmental laws, with failure to do so subject to dispute settlement.

Second, there must be a requirement that parties adopt, implement, and effectively enforce their obligations under relevant MEAs, such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which is in force in all eight countries. HSI recommends that the seven listed MEAs in the BTDA be a starting point, but others should be investigated for possible inclusion in the agreement due to the diverse geographic areas and issues represented. It is absolutely critical that parties be required to bring their laws into conformity with the listed MEAs prior to entry into force of the agreement.

Third, HSI also strongly urges the U.S. to advocate that all environmental provisions be subject to dispute settlement, including a party's failure to enforce their national laws implementing one or more of the listed MEAs. Further, in the event it is determined that a party is failing to effectively enforce its environmental laws, HSI believes that the penalty should be a monetary assessment (without a cap) that is then used to correct the problem leading to the violation.

Fourth, it is critical that any future TPP include strong public participation provisions and an emphasis on transparency. All parties should make their environmental laws and regulations publicly available and should be required to provide opportunities for public comments on changes to such laws or regulations as well as on other issues related to implementation of the agreement. To complement these provisions, HSI also recommends that all parties be required to establish national consultative or advisory committees, comprised of persons with knowledge of environmental issues, to provide views on the implementation of the environment provisions of the agreement.

Perhaps most importantly, HSI believes it is critical that an Independent Secretariat be established to receive and investigate submissions from private citizens and NGOs alleging that a party is failing to effectively enforce an environmental law. This independent mechanism empowers civil society, NGOs, and the private sector to have a voice in their country's environmental policies, programs, and enforcement regimes without fear of governmental intervention in the process. To ensure that this mechanism operates in a meaningful manner, it is essential that the Secretariat understand the objectives of the environment chapter and be guided by the chapter's working procedures, and that all parties be vigilant in ensuring that the Secretariat properly carries out the obligations of the chapter.

Fifth, many of the countries that will be part of the TPP negotiations and ultimate agreement are rich in biodiversity. Peru, for example, is one of only a few megadiverse countries in the world, and is home to unique species such as alpacas, vicuñas and Andean river dolphins as well as a number of endangered species including the yellow-tailed woolly monkey, yellow-eared parrot, Andean mountain cat, and the Andean tapir. In Vietnam, a type of leaf-eating langur is one of the most endangered primates in the world, yet is sought after by poachers for traditional medicine purposes. These examples underscore the importance of including a commitment in the TPP requiring all parties to protect and conserve biodiversity. Parties must commit to long-term financial backing of biodiversity conservation initiatives, including through environmental cooperation.

Sixth, the regions covered by the TPP include primary trading routes for illegal trade in wildlife and timber. According to Interpol, illegal wildlife crime could be as much as \$20 billion per year, second only to arms and narcotics trafficking. The black market trade in wildlife and wildlife products is largely organized by international crime syndicates that do not view country borders as obstacles. Cracking down on illegal wildlife crime must be a concerted, multi-country effort aimed at raising public awareness, increasing enforcement and penalties, and training personnel to differentiate between legal and illegal products and properly handle and confiscate seized animals. Requiring parties to enforce their laws implementing CITES is an important objective in this regard. However, HSI believes that the TPP should also explicitly require parties to combat illegal wildlife trade with failure to do so subject to dispute settlement. This can be accomplished through information exchange, trade capacity building and environmental cooperation activities, and cooperation with existing networks such as the Coalition Against Wildlife Trafficking (CAWT) and Association of Southeast Asian Nations, Wildlife Enforcement Network (ASEAN-WEN). Because of the strong link between illegal logging and illegal wildlife trade, it is also imperative that these issues are jointly addressed through strict forest governance provisions, where applicable.

Lastly, it is incumbent upon the U.S. government and other TPP parties to devote appropriate levels of long-term funding to environmental cooperation and trade capacity building programs. Without the proper funding, environmental protection commitments will be meaningless. This is critical since the intention is to expand the TPP to even more countries in the region, with far-reaching implications for environmental and animal protection.

We look forward to working with TEPAC and USTR to consider some of these issues in more detail as negotiations proceed.

Thank you.