

Explaining Varying Degrees of Politicization of EU Trade Agreement Negotiations: on Necessary and Sufficient Conditions. A Research Note¹

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Paper prepared for the European Union Studies Association (EUSA) Conference in Denver, 9-11 May 2019, Panel 7K: Politicisation and EU Trade Policy, Tower Court A

Introduction

Over the last two decades, the study of European Union (EU) trade policy has become integrated in the study of the political system of the European Union and has thus been studied as a policy field equivalent to foreign policies of any other political system (Hix 2005; Poletti and De Bièvre 2014). As a result of this ‘normalization’ into a comparative politics approach, authors of concurred that the EU has joined other major trade powers in prioritizing bilateral trade liberalization via Preferential Trade Agreements (PTAs) over multilateral trade opening within the World Trade Organization (WTO). This strategic shift has been motivated by various factors, including the decline of the WTO’s ability to deliver negotiated trade liberalization (Poletti and De Bièvre 2016), the competition with other trading partners in emerging markets (Dür 2010) and the growing integration of the EU’s economy in Global Value Chains (Eckhardt and Poletti 2016).

More recently, many have contended that EU trade policy has become far more politicized (Laursen and Roederer-Rynning 2017; Young 2017). Politicization refers to an “increase in polarization of opinions, interests or values and the extent to which they are publicly advanced towards the process of policy formulation” (De Wilde, 2011: 260), or, more broadly, to “making collectively binding decisions a matter or an object of public discussion” (Zürn 2014: 50). A number of studies focusing on recent EU trade agreements negotiations have suggested that EU trade policy, contrary to the past, has become a highly politicized policy area. In this research note, we take issue with this second proposition. More specifically, we 1) highlight that claims about a fully-fledged politicization of EU trade policy are exaggerated because politicization varies considerably across different trade agreements negotiations, 2) assess the plausibility of a number of explanations for this observed variation, and 3) suggest possible avenues to parse out the necessary and sufficient conditions for politicization of EU trade agreement negotiations.

¹ Previous versions of this research note were presented at a Workshop on Trade Politicization at IBEI Barcelona in July 2018, the ECPR General Conference in Hamburg in August 2018, and a lunch seminar at the Department of Political Science of the University of Geneva in March 2019. We thank Oriol Costa, Andreas Dür, Maria Garcia, Patricia Garcia-Duran, Johan Eliasson, Niels Gheyle, Simon Hug, Ivo Krizic, Lisa Lechner, Gabriel Siles-Brügge, Tanja Schweinberger and Frédéric Varone for earlier comments and suggestions.

The riddle: varying degrees of politicization in EU trade policy

We start by qualifying the proposition that EU trade policy is nowadays highly politicized. Conceived of as an increase in salience, polarization and actor expansion (De Bruycker 2017; de Wilde et al. 2016), politicization varies considerably across different EU trade agreement negotiations. A cursory look at such negotiations shows that only a minority of them generate a high degree of politicization, taking the form of domestic conflict, rather than remote or international conflict (de Wilde and Lord 2015). Indeed, some of the European Union's (EU) bilateral trade agreements, and some of its ongoing bilateral negotiations, did generate unprecedented domestic political turmoil in the course of the past decade. Especially the Transatlantic Trade and Investment Partnership (TTIP) negotiations with the United States – now aborted – and the negotiation and conclusion of the Canada-EU Comprehensive Economic and Trade Agreement (CETA) mustered a wave of political contestation unequalled in any previous EU trade agreement negotiations (Young 2016 & 2017; De Ville and Siles-Brügge 2015 & 2016; Laursen and Roederer-Rynning 2017; De Bièvre 2018; De Bièvre and Poletti 2016).

Other EU bilateral negotiations and agreements however, have barely been the subject of attention from the side of organized societal actors, the media, or the general public, and have either taken place (and/or faltered) in the absence of any public uproar. These include the ongoing and finished negotiations with autocratic developing countries such as Vietnam, Thailand and Malaysia, with advanced industrial and services competitors such as Japan, Singapore, and South Korea, or the negotiations for an investment-only agreement with an economic giant such as China. Somewhat in between these two extremes, other negotiations did trigger some political opposition, particularly by Civil Society Organizations (CSOs), but did not spark the large-scaled political turmoil elicited by the TTIP and the CETA. These include the negotiations with Mercosur, which have been failing for approximately two decades now, the many Economic Partnership Agreement (EPA) negotiations with former European colonies in the African, Pacific and Caribbean (ACP) region, most of which have failed to realize, with the notable exception of the agreement with the CARIFORUM region, and, to a lesser extent, the trade agreements signed with the Andean Community and Central American countries (Poletti & Sicurelli 2018).

This skewed distribution of politicization is by no means an exclusive feature of the politics of EU trade agreements negotiations. The political dynamics underlying the EU-administered, unilateral trade policy measures, such as antidumping measures and EU-initiated of dispute settlement procedures at the World Trade Organization (WTO) or responses to such challenges by the EU's trading partners, display similarly diverse patterns of politicization (De Bièvre and Eckhardt 2011; Poletti & De Bièvre 2014). This brief, and admittedly only superficial, overview suggests that this debate should be about explaining varying degrees of politicization, rather than about politicization *per se*.

While politicization of trade negotiations is thus the increase in public salience, the deepening of polarized positions on them, and the expansion of actors involved, we conceive of it as the result of deliberate agency on the part of interest groups and civil society actors to shift aggregate public opinion – in the hope of affecting the policy outcome (see Kertzer and Zeitzoff 2017). We thus conceive of agency by organized actors as conditioned by the institutional, regulatory, and bargaining context within which they can – or cannot – unfold such political activity.

Parsing out necessary and sufficient conditions for politicization

We now move to assessing in how far can a number of prominent arguments about the causes of EU trade policy politicization plausibly account for such varying degrees of politicization across EU trade agreements negotiations. While some of them, despite having a plausible a priori logic, can be rejected out of hand, others perform relatively well, but would seem to unfold their explanatory force only in conjunction with other causes.

1. *Variation in European and national parliamentary control over EU trade policy*

One plausible argument for the politicization of EU trade negotiations points to the effects generated by the increasing control over EU trade policy by the European Parliament introduced with the institutional reform of Treaty of Lisbon (ToL) (Woolcock 2010). Others have claimed that national parliaments have started to play a more important role than in the past in this policy process (Jancic 2017; Roederer-Rynning and Kallestrup 2017). With respect to the European Parliament, the ToL indeed mandated that EU trade agreements must to be ratified by a simple majority of representatives in the European Parliament, turning this institution into a formal veto player in policy process (Woolcock 2010). EU trade agreements negotiations characterized by a high degree of politicization so far took place in the post-ToL period, i.e. the TTIP and CETA negotiations – this is, if we take politicization of the failed Multilateral Agreement on Investment in 1998 and the rejected Anti-Counterfeiting Trade Agreement (ACTA) to have been less politicized (Dür and Matteo 2014). It is interesting to note that party political conflict within the European Parliament failed to align along left-right and party lines. While the extreme left and Green fraction was united in opposing EU trade negotiations, the European People’s Party, but especially the Social-Democratic EP fraction often found themselves split down the middle on the line to take on EU external trade agreement negotiations (De Bièvre 2018).

With respect to national parliaments, national governmental coalitions have demanded and obtained that important recent bilateral trade agreements be presented for ratification also in all member state parliaments (Devuyst 2013). Both the CETA and TTIP negotiations did indeed become the subject of a high degree of politicization in a number of national legislatures (even at subnational level in Belgium, for particular constitutional reasons). However, the insistence of EU member states to ratify all external EU trade policy agreements (whether multilateral WTO or bilateral preferential ones) has been a remarkable empirical constant of EU trade policy making (Meunier 2005; De Bièvre & Gstöhl 2018).

This suggests that institutional opportunities to voice and mobilize opposition towards trade agreements may well have been a *necessary* condition for their politicization. Yet, the observation that not all post-ToL trade negotiations displayed high levels of politicization also suggests that these institutional innovations do no *suffice* alone to trigger the politicization of these negotiations.

2. *Depth of regulatory commitments in PTAs*

A second prominent explanation for the politicization of EU trade agreements negotiations focuses on the content of these negotiations. More specifically, a number of analyses suggest that the politicization of these negotiations should be traced back to the growing importance of regulatory issues within in so-called “new generation trade agreements” (Young and Peterson 2006; Laursen and Roederer-Rynning 2017; Young 2017). Times are indeed long gone that a trade agreement just included commitments to reduce or abolish custom tariffs on trade in goods and nowadays virtually all as significant trade

agreements include regulatory commitments about opening up markets for services, access to public procurement markets, the respect of domestic regulations on health and safety, on the protection of intellectual property, the respect of minimum labor standards, environmental protection, as well as human rights (Dür, Baccini and Elsig 2014).

There would seem to be a compelling logic to this line of reasoning. Since regulatory issues touch on sensitive domestic, behind-the-border issues they are likely to trigger public suspicion of regulatory downgrading in the face of international competition, which in turn should elicit a high degree of politicization. However, both logic and empirical evidence suggests that the depth of trade agreements is not a sufficient condition for politicization.

For one, regulatory cooperation does not need to translate into lower regulation in the EU. The opposite can be true, as trading partners may engage in regulatory upgrading and thus impose costly regulatory burdens onto others via trade agreements (De Bièvre and Poletti 2013; Lechner 2016; Poletti & Sicurelli 2018; Young 2015). Moreover, the argument stands at odds with the empirical observation that trade agreements containing comparably deep regulatory provisions than TTIP and CETA, such as the EU-Japan agreement, have not elicited large scale politicization (Suzuki 2017). In the TTIP negotiations, EU policy makers treaded more carefully on liberalization in trade in services than in EU Japan negotiations by adopting a so-called positive list approach, specifying *which* services sectors they would open up to American competition. By contrast, negotiators adopted a far more ambitious and deep type of commitment approach in the agreements with Canada and Japan by only writing a negative list of those services sectors which would be exempted from the general rule that all services sectors would be liberalized. Again, while it may be necessary for a trade agreement to be “deep” to trigger politicization, depth alone does not suffice.

3. *Relative economic size and (perceptions of) bargaining power of the trading partner*

A third, widely mentioned candidate for explanation is the economic size and bargaining power of the negotiating partner. Here the expectation goes as follows. The larger the market of the EU relative to its negotiating partner, the greater the costs that such partners are willing to incur to gain access to it (Damro 2012; Dür 2010). This suggests that EU agreements with smaller trading partners should be less politicized than those with partners of a roughly equal economic size. This is so because economic asymmetries make sure that the EU negotiates out of a position of strength, minimizing the risk that it has to make concessions on sensitive regulatory issues. This argument is consistent with observed patterns of politicization in the TTIP negotiations, which many observed to be somewhat linked to EU member state perceptions of the US as a negotiating partner with more bargaining power than the European Union (De Ville & Siles-Brügge 2015; Garcia-Duran & Eliasson 2017).

However, the argument is inconsistent with the high degree of politicization that characterized the CETA negotiations, i.e. negotiations with a much smaller and thus supposedly weaker trading partner. Canada hardly qualifies as a country which exerts disproportionate bargaining power over the EU in trade negotiations, although contestation over TTIP may well have spilled over into contestation over CETA. Conversely, this line of argumentation suggests that the negotiations with Japan should have elicited greater fears of having to concede much on regulatory issues to a powerful trading partner, fears that did not materialize. These arguments thus suggest that the impact of relative economic power (a)symmetries between the EU and its trading partners always has to be seen in conjunction with other elements.

Challenges ahead

This brief assessment of the plausibility of some explanations for the politicization of EU trade agreements negotiations suggests that the availability of institutional access opportunities to voice discontent over trade policy, the increasing “depth” of EU trade agreements, as well as (perceptions) of economic bargaining power interact and account for the emergence of high levels of politicization in EU trade agreements negotiations. These agreements’ deep intrusion into regulatory practices traditionally confined within the realm of domestic governance generated incentives for the mobilization and opposition of a wider set of societal actors, which can then take advantage of opportunities to voice their concerns within the institutional structure of EU trade policymaking. The puzzle of varying degrees of politicization of EU trade agreement negotiations is thus akin to patterns of politicization in other policy fields as well as in other political systems. In order to develop systematic explanations, the causal channels connecting interest groups and trade policy-related individual-level preferences therefore need further careful attention.

Interest groups’ agency

The presence of active organized interest groups, be they representative business groups or CSOs, forcefully seeking to advance their preferred policy goals is one of the defining properties of the concept politicization. A particular policy process is politicized only insofar as a wide array of organized societal groups publicly advance their interests and values throughout. In this sense, and from a research-design perspective, the analysis of interest groups’ actions serves the purpose of defining the dependent variable, or the *explanandum*, of politicization. However, interest groups preferences, tactics, and strategies can also be thought as the independent variable, or *explanans*, of politicization.

Yet, the successful attempts by organized groups to instigate and mobilize indignation, distrust, and opposition in the general public over the content of the TTIP and CETA negotiations suggest that interest groups can purposefully seek to be the instigators and triggers of politicization, and need not at all to be considered at the receiving end of it (Buonanno 2017; De Bièvre 2018; De Ville & Siles-Brügge 2015, 2017; Garcia-Duran & Eliasson 2017; Siles-Brügge 2017). Empirically, this means that more attention is warranted for sectoral business interests and their alignment with trade unions, as well as public service companies and their personnel. A promising route of inquiry in this regard is whether sectoral German peak associations started to withdraw support for investment arbitration in TTIP and CETA in order to merely salvage gains from the agreements, or because they genuinely did not want investment arbitration in and of itself. Although considerable attention has gone into the analysis of CSO activism, its finances, and its agency (Bauer 2016), the amplifying exaggeration effects of online activism has yet to be investigated.

One key challenge for the literature on the politicization of EU trade policy is thus to move from this type of anecdotal observations to more systematic attempts to understand the conditions under which interest groups agency can be effective in triggering politicization. And here much benefit could come from drawing more extensively on the broader interest groups literature investigating the causal links connecting interest groups and public opinion. For instance, this literature shows interest groups can affect opinion formation through two mechanisms. First, interest groups, can use various means and strategies to affect the public salience of policy issues (Dür and Mateo 2014, 2016; Flöthe and Rasmussen 2018; Hanegraaff et al. 2016). Increased attention to and awareness of an issue may both increase the likelihood that citizens adjust their attitudes towards trade policy issues and stimulate even greater

involvement of interest groups (Dür and Mateo 2015). Second, interest groups may also contribute to shaping public attitudes on issues they care about through the frames they convey or by affecting news contents (Andsager 2000, Dür 2018). These studies suggest that the mechanisms that link interest groups agency and politicization are crucially mediated by the latter effects on public opinion and individual-level attitudes.

Public opinion and individual level attitudes

The extent to which interest groups can effectively trigger the politicization of a particular trade policy issues may largely depend on their ability to stimulate the interest and attention of public opinion. Quite surprisingly, such individual-level attitudes over trade policy have been off the radar of the literature on the politicization of EU trade negotiations. Yet, in political economy literature, there has been a steady stream of studies devoting attention to individual-level attitudes as an important element of the politics of trade. These studies have attempted to show how concerns about the economic effects of trade policy choices (Autor et al. 2016; Colantone and Stanig 2018; Margalit 2011; Jensen et al. 2017), and identity-based consideration and cultural factors (Mansfield et al. 2015; Mansfield and Mutz 2009 and 2013; Spilker et al. 2018) matter in shaping individuals' attitudes over trade policy. Given that the success of interest groups efforts to politicize trade agreements negotiations critically hinges on their ability to stimulate the general public's attention, individual-level attitudes could and should be usefully integrated into this research. Such an endeavor should then parse out whether these can be more usefully considered as permissive conditions enabling any interest group agency, or whether individual level attitudes are independent enough to constitute determinants in their own right to explain high or low degrees of politicization.

For instance, Jungherr et al. (2018) argue that general predispositions towards the US and the role interest groups in politics might have played a crucial role in determining support towards the TTIP among German citizens. This is a particularly interesting finding both because support for free trade *in general* is stable and widespread among Germans – as it is among most Europeans – and because it is precisely in the German case that interest groups have been particularly effective at steering the public debate over the TTIP negotiations (Bauer 2016). This example suggests that while interest groups can devise strategies aimed at triggering politicization, their success might crucially depend on the presence of particular predispositions within the general public. And, again, these observations are in line with recent advances in the literature on the relationship between public opinion and interest groups. Several studies have indeed found that interest groups participate more actively on issues in policy areas that are already regarded as salient by the general public (De Bruycker 2017; Kollman 1998; Hanegraaff et al. 2016; Hanegraaff and Poletti 2019; Rasmussen et al. 2014, 2018). The challenge for empirical research in this domain would therefore seem to consist of the following. On the one hand, we can reap benefits from considering saliency as endogenous to the interest group mobilization process by treating it as an artefact of politicization by those groups. On the other hand, we may also benefit from treating individual level attitudes, like the saliency individuals attribute to an issue, as analytically separate and ready to be activated by interest group agency, and this under conditions that we have tried to parse out in this research note.

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