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## Politicization of EU Trade Policy across Time and Space

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Dirk De Bièvre, Oriol Costa, Leif Johan Eliasson and Patricia Garcia-Duran

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Politicization of EU Trade Policy across Time and Space

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Editorial

## Editorial: Politicization of EU Trade Policy Across Time and Space

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### Abstract

This editorial provides an introduction to the thematic issue “Politicization of EU Trade Policy Across Time and Space.” The academic editors place the issue in the context of the current literature, introduce the contributions, and discuss how the articles, individually and jointly, add to the state of the art.

### Keywords

European Union; institutions; politicization; trade negotiations; trade policy

### Issue

This editorial is part of the issue “Politicization of EU Trade Policy across Time and Space” edited by Dirk De Bièvre (University of Antwerp, Belgium), Oriol Costa (Universitat Autònoma de Barcelona, Spain/IBEI, Spain), Leif Johan Eliasson (East Stroudsburg University, USA) and Patricia Garcia-Duran (University of Barcelona, Spain).

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Since the global financial crisis, political populism has risen throughout Europe and North America, and the global trade governance regime is regularly maligned by the Trump administration. As a standard bearer for multilateralism, the European Union (EU) is now focusing primarily on bilateral trade negotiations, arguing that a widening net of agreements elevate bilateral achievements to the multilateral level. During this time, its trade policy has also become increasingly politicized. This became particularly evident during the EU’s negotiations with the United States (US) on the Transatlantic Trade and Investment Partnership (TTIP), and in the later stages of the negotiations with Canada on the Comprehensive Economic and Trade Agreement (CETA). The issues raised and proposals made during these negotiations became highly salient for a large number of actors, with opinions increasingly polarized. Scholars studying the negotiations directed their attention toward the outside lob-

bing activities of civil society organizations’ (CSOs), the emphasis on regulation in new-generation trade agreements, and Europeans’ perceptions of the US (Laursen & Roederer-Rynning, 2017).

The contributors to this thematic issue unpack the concept of politicization in its different forms and manifestations. They explore variation in politicization across different EU trade negotiations, trace the evolution of politicization over time, and gauge the reasons for varying degrees and manifestations of trade politicization across EU Member States. Rather than treating politicization as a singular resultant of a particular negotiation, or as a fixed cause for change in negotiating behaviour, we conceive of politicization as a process, in which different negotiations interact, that evolves over time, and that takes a different form at different levels across Member States. Politicization is not only the result of action—the outcome—but can also be the context in which actors en-

gage and take decisions. In particular, the contributions look into, and compare, the politicization of EU trade negotiations within advanced industrialized countries as well as within Latin-American, African, and Caribbean trading partners. They examine when and how we can expect politicization, analyse the framing of communication used by the European Commission and CSOs, examine the politicization of specific issues, and assess variation in politicization across Member States through carefully selected case studies.

In their contribution, De Bièvre and Poletti (2020) look at differentiated trade politicization across EU bilateral trade negotiations. They argue that in order to understand why there was politicization over TTIP (and CETA), one must weigh the relative explanatory force one can accord to parliamentary control over trade policy, the depth and comprehensiveness of the trade agreement, and the relative economic size of the trading partner. Since these explanations fail to account for the lack of politicization over parallel or similar EU negotiations, they argue that they can more usefully be considered structural background conditions upon which to build explanations grounded in agency enacted by interest groups. They therefore sketch several avenues, flowing from interest group and public opinion research, for investigating interest groups' identification of latent issues that can be made salient by tapping into, and then mobilizing, public opinion through framing and outside lobbying.

Andrea Bianculli's (2020) article looks at politicization in negotiating partners' countries during the EU–MERCOSUR negotiations. She shows that internal politicization in MERCOSUR countries was not accompanied by contestation or an undermining of negotiating authority. On the contrary, she argues that internal politicization, in conjunction with external pressures and demands by trading partners, especially the EU, to negotiate with the entire MERCOSUR bloc rather than with separate countries led to constant, unwavering support for the negotiations.

Anke Moerland and Clara Weinhardt (2020) also analyse politicization in EU partners, comparing politicization in the Caribbean and Western Africa. They find that, in contrast to the state of the art on the politicization of EU external relations, deep integration measures do not automatically fuel politicization in partner countries. Whereas their inclusion in the EU–Caribbean deal did not lead to politicization, the absence of deep regulatory commitments in the EU–West Africa deal did not forestall significant internal contestation. They conclude that trade politicization is not automatically triggered when a country is negotiating a deep trade agreement, nor when CSOs have resources. Yet, politicization is less possible and less probable when CSOs lack resources.

Two contributions probe deeper into the types of discourses both civil society and public actors engage in when politicizing EU trade negotiations, and when they react to such societal mobilisation. Gabriel Siles-Brügge

and Michael Strange (2020) look at CSOs' activism and framing during trade negotiations. They show that there is a consistency between how CSOs discussed and addressed issues in TTIP and what they had done during the campaign against the General Agreement on Trade on Services, during the Doha round negotiations. In both cases, CSOs wanted to construct a transnational network of activists, and, accordingly, built a transnational frame for a transnational campaign. The need for transnational solidarity meant that their collective action frames did not rest on establishing a polarizing fault-line between political activity at the domestic (local and national) and supranational levels.

Patricia Garcia-Duran, Leif Johan Eliasson, and Oriol Costa (2020) examine political leaders' responses to politicization over TTIP (and CETA) and its aftermath by examining the rhetorical response from the European Commission, while also presenting some of the ways policy changed as a result of politicization. Using a qualitative analysis of the European Commission's speeches, they show that the Commission responded to politicization by using a rhetorical counter-strategy, grounded in a pre-existing doctrine of so-called 'managed globalization,' initially coined at the turn of the century. Whereas initially elements of the managed globalization doctrine were used to lessen polarization, but without touting the doctrine, the Commission's communication from 2016 onward was explicitly framed using the language of 'managed globalization.'

The next set of four contributions dig deeper into variation in politicization across EU Member States. Niels Gheyle (2020) presents a comparison of domestic coalitions that emerged in Germany, Ireland, and Belgium, during TTIP negotiations, and argues that there is differentiated politicization across settings because of differences in CSOs' mobilization of resources. He then identifies the elements that contribute to such resources, including the mobilization of experts, the availability of previously existing domestic alliances, and an inclusive framing approach used to establish a diverse coalition.

Sophie Meunier and Christilla Roederer-Rynning (2020) tackle the riddle of why France was largely 'missing in action' during the anti-TTIP campaign. They show that despite a large and strong network of CSOs, underpinned by anti-American sentiments and strong politicization in neighbouring countries, French public opinion could not be mobilized against TTIP and CETA. They challenge the explanatory power of resource mobilisation, arguing that the relatively subdued politicization and resistance to TTIP in France was not due to lack of CSO activism, but rather the success of depoliticization efforts undertaken by the French government.

In her contribution, Aukje van Loon (2020) makes a case for taking domestic level variables seriously. She argues that by examining domestic material interests (business associations and trade unions), societal ideas (voters and non-governmental organizations) dominant in these countries' domestic politics, as well as

their interaction with national institutions, one can better understand the United Kingdom (UK) and German governments' positions during TTIP negotiations. She shows that the inclusive, consensus-oriented institutions in Germany can account for a gradual decline in public support for transatlantic trade negotiations in Germany, whereas majoritarian competition-oriented decision making in the UK fail to trigger such an outcome, despite very similar material benefits expected from TTIP.

The last two contributions draw attention to the relationship between politicization and authority shifts. Anna Herranz-Surrallés (2020) tackles the question of how politicization of Investor–State Dispute Settlement can lead to vertical authority shifts (between international and national levels), as well as horizontal authority shifts (between public and private forms of governance). She shows how these very different institutional consequences pan out through a comparison of reforms within the framework of the United Nations Commission on International Trade Law and the Energy Charter Treaty.

María García (2020) looks at the challenging case of the UK, where a vertical authority shift is taking place. If Brexit is considered a trade policy issue (given that the EU is a major trading partner), then the ongoing Brexit debate is the most important instance of trade politicization in the UK, more than TTIP, and one that has ended with re-nationalization. Like Herranz-Surrallés (2020), she thus underlines that authority shifts also imply a shift in the focus of legitimacy demands, which is the argument underpinning the idea of 'taking back control' used by Brexit supporters.

The existing literature on European trade policy concurs that support for deep and comprehensive trade agreements with large or similarly sized countries varies across Member States (Young, 2017) and that some major drivers of politicization include the depth of the integration/trade agreement, the degree of CSO attention and mobilization, and differences in public receptiveness to actors' frames (Laursen & Roederer-Rynning, 2017; Leblond & Viju-Miljusevic, 2019; Young, 2017). The contributions to this thematic issue, in various ways, assess and qualify these variables' explanatory power. In and of themselves, they do not suffice (either separately or jointly) to explain differentiated trade politicization (De Bièvre & Poletti, 2020; Moerland & Weinhardt, 2020). They may have to be combined with domestic institutional factors (Meunier & Roederer-Rynning, 2020; van Loon, 2020), transnational politicization (Siles-Brügge & Strange, 2020), the interaction between interest group agency and public opinion augmenting the salience of certain issues (De Bièvre & Poletti, 2020), and the influence of previous politicization (Bianculli, 2020; García, 2020; Garcia-Duran et al., 2020; Gheyle, 2020; Herranz-Surrallés, 2020).

Most contributions to this thematic issue also explicitly or implicitly engage with two prevalent hypotheses in the literature about the politicization of international politics and EU integration—i.e., that politicization

is a function of authority transfer, and that politicization depends on the existence of a network of challengers with sufficient resource mobilization. In fact, the contributions point out the limits of these hypotheses, and the ways in which they interact with each other and with other variables. While none of the contributions challenge the need for resource mobilization (García, 2020; Gheyle, 2020), several show that possessing resources is not a sufficient condition for politicization (Meunier & Roederer-Rynning, 2020; Moerland & Weinhardt, 2020). As for politicization being a function of authority transfer, a key contribution is that authority shifts are not simply a question of more or less authority transferred to the international level. As part of a dynamic process, these shifts can be both vertical (among different levels of public authority) and horizontal (between public and private forms of authority); they may help re-legitimate institutions or de-legitimate them, provoke politicization, but also be the result of politicization (García, 2020; Herranz-Surrallés, 2020). From this perspective, politicization could be seen as a barometer of the legitimacy of the prevailing equilibrium between vertical and horizontal authority transfers.

We hope you will thoroughly enjoy the different contributions in this issue. Clearly, trade policy making by the EU has become a variegated and dynamic process, looking much like politics itself. Perhaps this is even the underlying theme of the entire thematic issue: the arrival of normal politics to EU trade policy.

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### Conflict of Interests

The authors declare no conflict of interests.

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Article

## Towards Explaining Varying Degrees of Politicization of EU Trade Agreement Negotiations

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### Abstract

Over the last decade, European Union (EU) trade agreement negotiations in the form of the Transatlantic Trade and Investment Partnership (TTIP) and the Comprehensive Economic and Trade Agreement (CETA) with Canada have been strongly contested. By contrast, many other EU trade negotiations have sailed on with far less politicization, or barely any at all. In this contribution, we assess a series of plausible explanation for these very varying degrees of politicization across EU trade agreement negotiations—conceived of as the combination of polarization of opinions, salience given to them in public debate, and the expansion of the number of societal actors involved therein. Through a review of existing explanations, we show how each of these explanations faces a set of challenges. In the third section, we argue it is useful to conceive of these existing explanations as structural background conditions enabling agency on the part of interest group and civil society organizations. We therefore close by sketching how literature on the relationship between interest group mobilization and public opinion could inform further comparative research on trade policy negotiations, and on politicization of EU policy making in general.

### Keywords

European Union; interest groups; mobilization; negotiations; politicization; public opinion; trade policy

### Issue

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### 1. Introduction

Over the last two decades, the European Union (EU) has conducted an external economic policy very much in line with that of other major trade powers by prioritizing bilateral trade agreements over multilateral trade opening within the World Trade Organization (WTO). This strategic shift to preferential trade agreements, economic partnership or association agreements has been motivated by various factors, including the decline of the WTO’s ability to deliver negotiated trade liberalization and regulation (Poletti & De Bièvre, 2016), the competition with other trading partners in emerging markets (Dür, 2007)

and the growing integration of the EU’s economy in global value chains (Eckhardt & Poletti, 2016).

These EU trade agreement negotiations have generated significant domestic political turmoil, and observers and analysts have contended that EU trade policy has evolved into a highly politicized policy area (Laursen & Roederer-Rynning, 2017; Young, 2017). Defined as 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, p. 260), or, more broadly, as “making collectively binding decisions a matter or an object of public discussion” (Zürn, 2014, p. 50), politicization has potentially far

reaching consequences for trade policy making. As noted by Dür, Eckhardt, and Poletti (2019), politicization can systematically trigger more protectionist trade policy preferences and it can also make it harder to bargain over mutually beneficial trade agreements. The fully-fledged politicization of trade policymaking in the EU—among the world’s largest economies and trading powers—could have large consequences for one of the key tools of EU foreign policymaking, but also for the world trading system at large, as this would come at a time in which the threat of large-scale protectionism re-emerging, inspired by populist ideology, looms over it.

At the same time, the great variation in degrees of politicization across trade agreements (as well as across EU member states) has left many observers, practitioners and analysts somewhat baffled. Whereas EU–US negotiations over a Transatlantic Trade and Investment Partnership (TTIP) and EU–Canada negotiations over the Comprehensive Economic and Trade Agreement (CETA) have been strongly contested, many other EU trade negotiations have sailed on with far less politicization, or barely any at all, leaving one to wonder as to the potential causes. Several existing, plausible explanations for these varying degrees of politicization across EU trade agreement negotiations however, provide very generic explanations that would lead one to expect that *all* trade agreements should have become politicized. In this contribution we therefore review these existing explanations and parse out whether and where each of these explanations runs into problems. In the third section, we argue it is useful to conceive of these existing explanations as structural background conditions enabling agency on the part of interest group and civil society organizations and sketch how literature on the relationship between interest group mobilization and public opinion could inform further comparative research on trade policy negotiations, and on politicization of EU policy making in general.

## 2. The Riddle: Varying Degrees of Politicization in EU Trade Policy

We start by qualifying the proposition that EU trade policy is now highly politicized. In order to do so, we first draw a sketch of what a highly politicized trade negotiation would look like and assess how different EU trade agreement negotiations fare relative to such an operational definition. While there are different understandings of politicization in EU governance, there is growing consensus on the conceptualization proposed by De Wilde, Leupold, and Schmidtke (2016), which conceives of it as a three-dimensional process involving increasing salience, polarization of opinion and the expansion of actors and audiences involved in EU issues (see also De Bruycker, 2017). The ‘salience’ dimension captures the importance attributed to the EU and European integration and it is usually measured empirically by looking at the number of newspaper articles reporting on European governance or how ‘aware’ or ‘worried’ citi-

zens are of the EU institutions, politics, and policies. The ‘polarization’ dimension gauges the emergence of a polarised scenario with diametrically opposed coalitions of societal groups at extreme positions with neutral voices having been crowded out, which is usually operationalized as polarization of a polity’s party system or as disagreement about European governance in public opinion surveys. Finally, the ‘actor and audience expansion’ dimension captures the growing number of citizens and collective actors who dedicate resources in the form of time and money to follow and engage with EU governance. This can be grasped empirically by the expansion of actors making it to the news or that are active online and via social media.

This conceptualization suggests that the discussion about the politicization of EU trade policy cannot be confined to an exclusive focus on the traditional political conflicts that have always, although with different intensities, underlined the making of EU trade policy. As in other political systems, trade agreement negotiations have always sparked significant political conflicts in the EU. Traditionally, these conflicts have pit two sets of opposing concentrated trade-related interests against each other: export-oriented sectors wishing to see better access to foreign markets and import-competing sectors wishing to reduce exposure to foreign competition domestically (De Bièvre & Dür, 2005; Dür, 2008). In the last two decades, these two types of actors have been joined by a third type, EU import-dependent firms, i.e., firms relying on the income generated by the imported intermediate or final goods, presenting themselves as strong advocates of trade liberalization as a result of the growing integration of the EU’s economy in global value chains (Eckhardt & Poletti, 2016; see also Baccini, Pinto, & Weymouth, 2017). The intensity of conflict between these trade-related organized interests has on occasion been very high. The vociferous opposition of some EU members states’ farmers in the Uruguay round or the car manufacturing sector in the EU–Korea negotiations are but two obvious examples of the potential of these trade-related interests to raise the intensity of political conflict underlying trade policy and to weigh on trade negotiations.

However, the presence of intense political conflicts between organized societal groups representing concentrated trade-related interests alone does not suffice to qualify a particular negotiation as politicized. The recent contribution by Meunier and Czesana (2019) on the politicization of EU trade policy acknowledges this important point, adding the key dimension of public salience to the picture. However, as the conceptual discussion developed above suggests, an exclusive focus on the dimension salience alone risks overlooking other important dimensions of politicization. We therefore go beyond the discussion by Meunier and Czesana (2019) and consider EU trade agreement negotiations as politicized when, in addition to evolving into issues that the general public is aware of and cares about (salience), they also contribute

to making trade policy an issue that polarizes political debates and opinions (polarization), and trigger the political mobilization of a wide array of political actors beyond the relatively closed circle of trade policy officials and groups representing trade-related interests such as NGOs and various kinds of citizen organizations (actor expansion).

With this conceptual yardstick in mind, it turns out that recent EU trade agreement negotiations differ very considerably in the degree to which they were politicized. In this contribution, we focus mainly on variation in degrees of politicization across the different bilateral or interregional trade negotiations that the EU has initiated. Although we do touch upon it here and there, we do not put the important question of how politicization of trade policy varies across EU member states centre stage here. This is an important line of inquiry, especially in light of an economistic domestic compensation hypothesis. This theoretical expectation would have it that the anti-globalization backlash should be largest in political systems that do not sufficiently compensate economic losers of liberalization (Sapir, 2001, 2006). Yet, politicization was highest in coordinated market economies with a strong welfare state, like Germany and Austria, low in Scandinavian welfare states, whereas it was also very low in many southern and eastern European countries, which actively kept supporting the negotiations (Young, 2017, pp. 71–74).

Moreover, we rely on existing operationalizations of degrees of politicization (see Steiner, 2018; Young, 2017) and do not expand on the desirability of a further systematic and fine-grained empirical estimate of how these negotiations fare with regards to each of conceptual dimension of politicization. Instead, we put our focus on how this wide variation in degrees of politicization could be explained. Several sources are now in wide agreement that actually only a minority of these negotiations generated a high degree of politicization (for instance Steiner, 2018; Young, 2017). Some of the EU's bilateral trade agreements, and some of its ongoing bilateral negotiations, did indeed generate unprecedented domestic political turmoil in the course of the past decade, especially the TTIP negotiations with the US—now aborted—and the negotiation and conclusion of the Canada–EU CETA. As widely documented, TTIP and also CETA quickly evolved into salient negotiations for the general public and mustered a wave of political contestation by a wide array of civil society groups, ultimately contributing to polarizing party competition and individual opinions (De Bièvre, 2018; De Bièvre & Poletti, 2016; De Ville & Siles-Brügge, 2015, 2016; Dür, 2018; Gheyle, 2019; Jungherr, Mader, Schoen, & Wuttke, 2018; Kanthak & Spies, 2018; Laursen & Roederer-Rynning, 2017; Meunier & Czesana, 2019; Steiner, 2018; Young, 2016, 2017, 2019).

Other EU bilateral negotiations and agreements, however, have taken place in the absence of public uproar, have barely led to a polarised distribution of opinions, and have not been the subject of attention from organized societal actors, the media, or the general pub-

lic. These include the ongoing and finished negotiations with 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. These negotiations did of course elicit opposition from traditional trade-related interests fearing the potential costs of liberalizing trade with these countries, like the European car industry in the case of the EU–South Korea trade agreement (Elsig & Dupont, 2012; Gstöhl & De Bièvre, 2018, pp. 93–107; Siles-Brügge, 2011), or the meat industry being up in arms about the expansion of Brazilian and Argentinian beef quota in the draft EU–Mercosur agreement.

Somewhat in between these two extremes, other negotiations did trigger actor expansion in the form of political opposition from organized societal groups other than import-competing groups, particularly by Civil Society Organizations (CSOs). These include the comprehensive trade agreement recently reached with Mercosur, which after approximately two decades in the doldrums moved into the public limelight late 2019, the Economic Partnership Agreement negotiations with former European colonies in the African, Pacific, and Caribbean 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). As the hot domestic political debate preceding the approval of the ratification of the EU–Ukraine association agreement in 2017 in the Netherlands shows, other intermediate cases included EU trade agreements that may have contributed to polarizing political debates in a small subset of member states, yet neither became salient for the general European public, nor elicited significant actor expansion across the EU as a whole.

This skewed distribution of politicization is by no means an exclusive feature of the politics of EU trade agreement negotiations. The political dynamics underlying the EU participation in multilateral trade negotiations, the administration of EU unilateral trade policy measures, and EU responses to dispute settlement procedures at the WTO, display similarly diverse patterns of politicization. The vocal street protests surrounding negotiations for the launch of the so-called Millennium Round of WTO negotiations in Seattle stand in contrast to the relative quiet with which other major multilateral trade rounds such as the Tokyo or Kennedy round have been negotiated in the past or the launch of the Doha Development Agenda (Poletti & De Bièvre, 2016). The large scale political protests triggered by the US-initiated WTO disputes against EU bans on imports of genetically modified crops or hormone-treated beef also stand in contrast with the little noise elicited by other equally, if not more, economically important trade disputes (Poletti & De Bièvre, 2014). This overview (summarized succinctly in Table 1) suggests that the puzzle at hand con-

sists of explaining the varying degrees of politicization, rather than politicization of EU trade policy in general.

### 3. Some Plausible (Necessary but not Sufficient) Conditions for Politicization

A whole range of arguments about EU trade policy politicization have been advanced to account for politicization across EU trade agreement negotiations. The recent contribution by Meunier and Czesana (2019) systematizes this literature by evoking explanations for variation in salience of EU trade negotiations. Besides also taking polarization and actor expansion into account, in addition to salience, we draw and expand on this contribution in two ways. First, we make use of the overview of (non-)cases of politicization to conduct a brief plausibility probe of some of the most prominent explanations for this phenomenon. In doing so, we pay particular attention to specifying whether the considered explanatory factors represent necessary and/or sufficient conditions for the politicization of EU trade agreement negotiations. In this section, we therefore conduct a tentative and speculative probe of the explanatory power of existing arguments, and assess whether these factors unfold their explanatory force only in conjunction with other causes or suffice in and of themselves to produce politicization. We do so to lay the ground for how these can be usefully conceived as structural background conditions and allow one to bring agency back into the equation in Section 4.

#### 3.1. 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 in-

creasing control over EU trade policy by the European Parliament (EP) introduced with the institutional reform of the Treaty of Lisbon of 2009. This mandated that EU trade agreements be ratified by a simple majority of members of the EP, turning this institution into a formal veto player in the policy process (Woolcock, 2010). EU trade agreement negotiations characterized by a high degree of politicization have taken place in the post-Treaty of Lisbon period, i.e., TTIP and CETA negotiations. While salience of EU trade agreements went up, polarization of opinions within the EP did not align along left–right lines, but cut right through some its most central parties. While the extreme left and Green faction was united in opposing EU trade negotiations, the European People’s Party, and especially the Social-Democratic EP faction often found themselves split down the middle on the line to take on some of the most politicized EU external trade agreement negotiations (De Bièvre, 2018).

Others have claimed that also national parliaments have started to play a more important role than in the past in this policy process (e.g., Jančić, 2017; Roederer-Rynning & Kallestrup, 2017). It is true that national governmental coalitions have demanded important recent bilateral trade agreements to be considered ‘mixed’ (i.e., both EU and member state competence) and hence have to be presented for ratification according to the national constitutional requirements, most often including the approval of the national parliament (Devuyst, 2013, p. 312). However, only CETA and TTIP negotiations became the subject of a high degree of politicization in a number of national legislatures. And secondly, the insistence of EU member state legislatures to ratify all external EU trade policy agreements (whether multilateral WTO or bilateral) has been a decade-old constant of EU trade policy making (Gstöhl & De Bièvre, 2018; Meunier, 2005). This de facto member state veto over crucial issues, can be

**Table 1.** Politicization across EU trade agreement negotiations.

EU trade agreement negotiations with	Salience	Polarization	Actor expansion	Level of politicization
US–TTIP	Yes	Yes	Yes	High
CA–CETA	Yes	Yes	Yes	High
Mercosur	No	No	Yes	Low first; medium later
Japan	No	No	No	Low
Singapore	No	No	No	Low
South Korea	No	No	No	Low
Ukraine	No	Yes	No	Medium
Vietnam	No	No	No	Low
Thailand	No	No	No	Low
Malaysia	No	No	No	Low
CARIFORUM	No	No	Yes	Low to medium
Andean Community	No	No	Yes	Low to medium
Central America	No	No	No	Low
China (Investment)	No	No	No	Low

Source: The attribution of level of politicization in the last column is based on the elaboration of Eurobarometer data by Steiner (2018) and Young (2017); but see also Roederer-Rynning & Kallestrup (2017) for salience in parliamentary debates. The dichotomous categorisation of the agreements with regard to the three dimensions of salience, polarization, and actor expansion is our own, cross-validated with peers.

the consequence of the expansion of the trade agenda into matters of regulation within the remit and competence of EU member states (Young & Peterson, 2006), as well as of the deliberate strategy to include issues of so-called mixed EU and member state competence into the negotiation mandate so as to make national parliamentary approval mandatory (Meunier & Roederer-Rynning, 2020). Parliamentary opportunities to voice and mobilize opposition towards trade agreements thus constitute important background conditions for politicization, yet, in and of themselves do not suffice to account for when political actors jump to action to capitalize on them.

### *3.2. Depth and Comprehensiveness of Regulatory Commitments in Preferential Trade Agreements*

Another prominent explanation for the politicization of EU trade agreement negotiations focuses on the increased depth and comprehensiveness of regulatory commitments discussed in these negotiations (for a detailed operationalization of regulatory depth and comprehensiveness, see Pelkmans, 2017). More specifically, a number of analyses suggest that politicization should be traced back to this growing importance of regulatory issues within so-called “new generation trade agreements” (Laursen & Roederer-Rynning, 2017; Young, 2017; Young & Peterson, 2006). However, times are long gone that a trade agreement only included commitments to reduce or abolish custom tariffs on trade in goods. As far back as the conclusion of the Uruguay Round agreements and the creation of the WTO in 1995, all trade agreement negotiation agendas included regulatory commitments about opening up markets for services, access for public procurement markets, the respect of domestic regulations on health and safety, the protection of intellectual property, the respect for minimum labour standards, environmental protection, as well as human rights (Dür, Baccini, & Elsig, 2014). For over 25 years now, researchers have kept on calling this ‘new’...

Still, there would seem to be a compelling logic to this line of reasoning; the deeper and more comprehensive the commitments have become, the more politicization has occurred. 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. Such reactions should therefore be seen as embedded in the cultural contexts and the values and identities of social actors (see e.g., Duina, 2019, for an application to food). However, both logic and empirical evidence—puzzlingly—show that great depth and comprehensiveness of trade agreements do not consistently lead to greater politicization, perpetuating the question of when these actors mobilise this background potential, and especially when they do not.

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 (Lechner, 2016; Poletti & Sicurelli, 2012; Young, 2015). Moreover, the argument stands at odds with the empirical observation that trade agreements containing deep regulatory provisions similar to those in TTIP and CETA, such as the EU–Japan agreement, have not elicited large scale politicization (Suzuki, 2017). In the TTIP negotiations, EU policy makers actually tabled less deep and comprehensive proposals on 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 (Pelkmans, 2017). 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 clearly does not suffice.

### *3.3. Relative Economic Size and (Perceptions of) Bargaining Power of the Trading Partner*

A third candidate for explaining when politicization occurs, is the economic size and bargaining power of the negotiating partner. The larger the market of the EU relative to its negotiating partner, the greater the costs partners might be willing to incur in order 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 EU (De Ville & Siles-Brügge, 2015; Garcia-Duran Huet & Eliasson, 2018).

However, the argument is somewhat 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. It is also somewhat at odds with the total absence of any politicization of the EU–Japan negotiations, admittedly a smaller, but still a very large economic player in the global trading system. With respect to Canada, one might argue that contestation over TTIP negotiations and fear of inferior EU bargaining power relative to the US may well have spilled over into contestation over the by-then already concluded CETA negotiations. The CETA and TTIP negotiations were particularly linked through the controversial issue of investment protec-

tion and investment arbitration, as opponents stated that large US-based multinationals would be able to sue EU governments through their Canadian subsidiaries in such investor courts. Conversely, this line of argumentation suggests that the negotiations with Japan should have elicited concerns of having to concede much on regulatory issues to a relatively powerful trading partner, fears that did not materialize. These arguments thus again suggest that the impact of relative economic power (a)symmetries between the EU and its trading partners probably also has to be seen in conjunction with other conditions.

#### 4. Bringing Agency Back In

So far, we have zoomed in on three important conditions for politicization—institutional opportunities, regulatory depth and scope, and bargaining strength. Of course, there are other conceivable (pre)conditions for politicization that could and should be integrated into the comparative analysis of politicization of EU trade agreement negotiations (Meunier & Czesana, 2019). For instance, the rise of the internet and social-media represents an important development enabling the amplification of political messages, thus potentially bearing on the dimensions of salience and actor expansion. Similarly, it is eminently plausible that the growing popular and/or populist concerns over the merits of globalization observed across many EU member states (as in other advanced democracies) represent background factors relating to important dimensions of politicization. Yet, defined in this broad fashion, these arguments make it problematic to derive hypotheses on variation in degrees of politicization across trade agreement negotiations. For one, in both cases it is not easy to disentangle to what extent they point to factors that are independent of, and therefore can explain, politicization from processes that are in fact part of politicization itself. For instance, the use of social media and growing party confrontations over trade policy issues are themselves potential manifestations of processes of polarization and actor expansion. In addition, both arguments consider long-term processes that can hardly be useful to account for why trade negotiations taking place largely simultaneously (or in a short-time span) display such different levels of politicization. For these reasons, we have not explicitly assessed these factors in the previous section. At the same time, we suggest that some aspects of these two broad sets of arguments can be usefully qualified with a view to contributing the development of new potential agency-based explanations of the politicization of EU trade policy.

The elements conducive to politicization we have discussed so far neglect the role of agency. Our plausibility probe of these explanations suggests that these structural conditions need to be present for politicization to arise, yet do not suffice to produce it, neither alone nor in conjunction. The argument that agency is crucial to trigger politicization is not exactly earth-shattering and

there is clear anecdotal evidence about its importance in triggering the politicization of some EU trade agreement negotiations. Yet, it begs the question of when, how and why agency kicks in.

For instance, 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 bear witness to the importance that interest groups purposefully act as instigators and triggers of politicization (Buonanno, 2017; De Bièvre, 2014, 2018; De Ville & Siles-Brügge, 2015, 2016; Garcia-Duran Huet & Eliasson, 2018; Siles-Brügge, 2017). It is well documented that civil society actors make deliberate strategic choices and concentrate their financial means to “manufacture discontent” (Bauer, 2016) by focussing on a limited set of issues amenable to mobilizing fear. These included the singling out of topics that were by no means new or were not even part of the EU negotiation agenda, yet were singled out as topics for mobilization against TTIP as well as CETA (Duina, 2019; Young, 2017). Generating uncertainty and fear about whether or not the EU ban on the import of hormone treated beef would be maintained and whether chlorinated chicken would come to replace antibiotics-treated EU chicken were thus singled out by those groups in order to bank on already present salience, and polarize opinions and further actor expansion. Most importantly and most successfully, of course, the CSO campaign against TTIP politicized the ‘Trojan horse’ of investment arbitration, although that institution has been in existence for decades, and was about to be reformed as well as Europeanised (see for an analysis of that politicization and authority shift, Herranz-Surrallés, 2020). Importantly however, such singling out of lightning rods to rally mobilization did *not* happen in reaction to other EU trade agreement negotiations.

We therefore need to keep a rigorously comparative perspective in order to move beyond these important anecdotal observations and develop arguments about the conditions under which we can expect agents to be successful in seizing the opportunities their environment offers them to trigger politicization. In our view, uncovering such agency dynamics in the politicization of EU trade negotiations requires embracing research into the two-way interaction between individual level attitudes and preferences and their aggregation into public opinion on the one hand, and their deliberate strategic mobilization and politicization by interest groups and civil society organizations on the other.

##### 4.1. From Public Opinion to Agency

A first line of inquiry would thus focus on the causal arrow going from public opinion to interest group agency. A growing number of contributions to the interest group literature have carved out the conditions under which public opinion can shape the dynamics of interest group agency. Rasmussen, Carroll, and Lowery (2014) for in-

stance show that interest groups participate more actively on issues in policy areas that are regarded as salient by the general public. Kollman (1998) and Hanegraaff, Beyers, and De Bruycker (2016) focus on interest groups' strategies and provide systematic evidence that public opinion stimulates outside lobbying, i.e., strategies that seek to raise the awareness of a broader audience by communicating political messages through various sorts of public media. Others have shown how public support for advocates' policy preferences crucially affects the latter's chances of success (De Bruycker, 2017; Rasmussen, Mäder, & Reher, 2018). More generally, Hanegraaff and Poletti (2019) show that interest groups deem the support of public opinion as crucial for their survival chances. These studies suggest the importance of investigating how individual-level preferences and public opinion contribute to enabling interest groups to act as agents of politicization in EU trade policy.

On this account, a number of studies have already shown how individual-level preferences can significantly account for politicization of TTIP. Jungherr et al. (2018) have argued that attitudes towards specific trade agreements, rather than towards free trade in general, can account for the lack of support towards TTIP among German citizens. They find that postures toward transatlantic cooperation, predispositions toward the role of interest groups in politics, as well as towards domestic market regulation, constitute important background conditions for the remarkable opposition towards TTIP among German citizens. Other studies also suggest that variation in levels of public opposition to TTIP across EU member states could be due to citizens' views of the treaty partners, like anti-Americanism—at least under the important condition that the salience of economic issues is relatively low (Jedinger & Schön, 2018; Steiner, 2018). However, anti-Americanism alone does not seem to suffice to explain opposition to TTIP, since other EU member states with latent anti-Americanism, such as France, did not witness a similar drop in specific support for TTIP negotiations (Bauer, 2016; Meunier & Roederer-Rynning, 2020; Young, 2017). The presence of particular predispositions within the general public is important in shaping politicization only insofar as it comes in conjunction with interest groups able and willing to capitalize on this potential and act as agents of politicization (see also Gheyle, 2020). Similarly, Zürn, Binder, and Ecker Ehrhardt (2012), have convincingly highlighted the potential nexus exists between authority transfers and politicization: Political authority migrating from the national to the international level can trigger resistance by societal groups when international institutions cannot build on sufficient stocks of legitimacy. This argument suggests that CSOs should be more capable to act as agents of politicization of trade agreements that reach deeply into practices of domestic governance when public awareness and scepticism of international institutions are widespread among the general public. Future research could benefit from conducting further comparative analyses of all, rather

than only a subset of EU trade agreement negotiations and parse out under which structural conditions issues already latently salient among the general public facilitate various kinds of interest groups, particularly CSOs, in their attempts to politicize EU trade policy. It would thus be worthwhile to analyse comparatively the extent to which instances of interest group success in acting as agents of politicization of EU trade policy issues can be traced back to how public opinion facilitated these groups' ability to mobilize, attract resources, decide upon a particular lobbying strategy, and successfully exert pressure on policymakers.

#### 4.2. From Agency to Public Opinion

A second line of research could focus on the opposite causal arrow, namely the mechanisms that connect interest groups to public opinion, as the salience of issues may often be endogenous to and an artefact of group mobilization. Existing literature shows interest groups can shape public opinion formation in two ways. First, interest groups can use various means and strategies to affect the public salience of policy issues (Dür & Mateo, 2014, 2016; Flöthe & Rasmussen, 2018; Hanegraaff et al., 2016). Engaging in various kinds of outside lobbying strategies, can be instrumental to raising public awareness about policy issues. Second, interest groups may also contribute to shaping public attitudes on issues they care about through the frames they convey or by affecting news content (Andsager, 2000; Dür, 2018). The extent to which interest groups can effectively trigger the politicization of a particular trade policy issue or a particular negotiation thus largely depends on their ability to stimulate the interest and attention of public opinion. Indeed, increasing public salience of issues can trigger a positive feedback effect, stimulating more groups to join the campaign and thus generating an attention cascade that ultimately makes the issue even more salient (Dür & Mateo, 2014; Halpin, 2011).

These insights on interest groups' capacity to actively shape public opinion can be leveraged to increase our understanding of the dynamics in politicization of EU trade policy. A wide range of studies have highlighted the material and cultural conditions that affect the formation of individual-level preferences on trade policy. The first group of studies usually considers such preferences as a function of the individual-level welfare effects of trade policy choices (Colantone & Stanig, 2018; Jensen, Quinn, & Weymouth, 2015; Margalit, 2011), while the second focuses on the role and identity-based consideration and cultural factors (Mansfield & Mutz, 2009, 2013; Schaffer & Spilker, 2019). These studies thus contribute to identifying one important set of micro-foundations of trade policy formation (Kertzer & Zeitzoff, 2017; Owen & Walter, 2017). Yet, it is eminently plausible that interest group agency is a crucial factor in mediating how material and cultural consideration affect individual preferences and public opinion more broadly over trade policy.

For instance, Eliasson and Garcia-Duran Huet (2019) and Garcia-Duran Huet and Eliasson (2018) stress the importance of rhetorical choices made by interest groups by showing how the choice of emotive frames by CSOs opposing TTIP succeeded in raising public opposition to the agreement. Dür (2018) similarly shows, through an experimental research design, that the frames conveyed by interest groups might well be important in shaping public opinion over TTIP.

In order to more comprehensively account for high as well as low degrees of politicization, this line of research could therefore be further expanded in two directions. For one, one could investigate how other factors might enable civil society organizations to raise public opinion awareness over trade policy issues. The capacity of CSOs to use emotive frames or to convey particular frames may well be conditional on other factors, such as previous successful experiences of contestation of trade negotiations by CSOs, the types of lobbying strategies they employ (e.g., inside vs outside lobbying, or the use of particular types of media), their organizational characteristics (e.g., national vs. transnational, their amount of resources), and the characteristic of population of interest groups within which they operate (e.g., its density, diversity, and volatility). Second, it would be good if future research would expand its empirical scope by explicitly considering cases in which interest group attempts to raise the saliency of a particular trade policy issue did not succeed, so as to try and fully uncover the dynamics of agency success as well as failure.

## 5. Conclusion

In this contribution, we have sought to advance the state-of-the-art on the explanation of different degrees of politicization of EU trade agreement negotiations during the last decade. First of all, we have shown and illustrated that research on this important topic can benefit from following the lead of the more generic research on politicization in the EU by conceiving of the phenomenon as consisting of the three dimensions of salience, opinion polarization and actor expansion. This conceptualization has the advantage of being broad, while simultaneously allowing for a precise empirical mapping of the variation at hand that can stimulate systematic in-depth comparative research. Second, we have reviewed three plausible and relatively common explanations for politicization of these negotiations, namely the alleged increase of parliamentary—both national and European—scrutiny and involvement in EU trade policy, the depth and scope of regulatory commitments in trade agreements, and the relative bargaining power, based on economic size, of trading partners. Although we show that these are eminently plausible at first sight, these explanations also face considerable difficulties to account for the presence as well as the absence of politicization in a lot of instances. While particular constellations of those factors may be more or less conducive to politicization, we

have gone on to argue that these factors can be very usefully considered background conditions creating the opportunity structures within which agency and mobilization can unfold. To that end, we have shown how the existing literature on the mutual interaction between public opinion and interest groups can be mobilized to further advance research on the politicization of particular trade agreement negotiations. Given that the EU is currently in the process of initiating, negotiating, and ratifying a whole set of such agreements, acquiring more in depth insight into these dynamics will continue to be of great relevance, both from a purely epistemological and scientific point of view and for the practical benefit of creating reasonable expectations about the process of EU trade policy formation in years to come.

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## Conflict of Interests

The authors declare no conflict of interests.

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Article

## Politicization and Regional Integration in Latin America: Implications for EU–MERCOSUR Negotiations?

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### Abstract

Regional integration in Latin America has experienced different periods of politicization. The most recent goes back to the 2000s and is related to the domestic political changes resulting from the so-called 'left turn' which sought alternative economic and development policies to neoliberalism as the state regained centrality. These transformations led to a broad process of politicization of regionalism which changed the terms of the debate surrounding whether regional integration and free trade are the only way for these countries to integrate regionally and internationally. Analyses have thus underscored the postliberal character of this phase of regionalism as reflected in the greater weight of social and political agendas at the expense of economic and trade issues. The Common Market of the South (MERCOSUR) was no exception to this trend. However, in 2010 the bloc rather surprisingly agreed to relaunch negotiations with the European Union (EU). Why did MERCOSUR decide to resume these negotiations—stalled since 2004—in a context of high politicization of regional integration? This article argues that internal politicization did not lead to a paralysis of the international agenda. Moreover, internal politicization, coupled with external pressures and the demand for group-to-group negotiations by the EU, drove and supported the conduct of international negotiations. In so doing, this article also contests the idea that after the 2000s, MERCOSUR moved inexorably towards a postliberal model, thus rejecting any trade component. Findings suggest that these accounts may have overemphasized change and underestimated continuities in regional integration dynamics as the case of the external agenda shows.

### Keywords

civil society; European Union; external agenda; Latin America; MERCOSUR; polarization; politicization; regional cooperation; trade negotiations

### Issue

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### 1. Introduction

International and regional governance are depicted as increasingly politicized. From a regional perspective, the case of the European Union (EU) arguably dominates this research agenda. In the case of the Common Market of the South (MERCOSUR), as is the case with regional integration projects in Latin America, where expectations are always high but resources scarce, politicization seems to be the order of the day. Yet, academic interest has been minimal until recently. Politicization has

been discussed in relation to trade negotiations, especially in the context of the multitier strategy of trade liberalization deployed in the region in the late 1990s and early 2000s (Bianculli, 2017; von Bülow, 2010). More recently, analyses have investigated cycles of politicization and depoliticization of regional processes (Dabène, 2012). Focus has also been on how politicization affects democracy and legitimacy (Ribeiro Hoffmann, 2015) and parliaments (Mallmann & Dri, 2011). Again, and in contrast to the proliferation of debates on EU politicization and trade negotiations (Garcia-Duran, Eliasson, & Costa,

2020; Meunier & Czesana, 2019; Poletti & De Bièvre, 2020; Young, 2019) and external relations more broadly (Costa, 2019), these topics have hardly been discussed in the case of MERCOSUR.

This article aims to contribute to the literature by focusing on the external dimension of MERCOSUR. More specifically, the article explores why MERCOSUR decided to relaunch its interregional negotiations with the EU in a context of high politicization of regional cooperation. While politicization remains a rather ambiguous concept (de Wilde, 2011), this thematic issue builds on the notion of politicization as 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, p. 560). Operationally, there is a consensus in the literature that this definition subsumes three observable sub-processes: salience, actor expansion, and polarization. Politicization hence implies rising awareness of an issue, mobilization by a wider array of actors, and increasing polarization of the stances taken by such actors (Hutter, Grande, & Kriesi, 2016). Building on these insights, but also on those provided by the regionalism literature, in this article I will argue that the degree of politicization is influenced by two elements. First, the degree of consensus between member states on the regional model of development and integration; and secondly, the degree of satisfaction and support of business and civil society to the regional model of development and integration. In operational terms, these translate into intergovernmental conflict and discrepancies over institutional and policy developments at the regional level, such as economic asymmetries and distributive issues, enlargement and association processes, as well as into activism and demands by business and civil society organizations, including economic, participatory, and social issues, correspondingly. Empirically, I focus on a paradigmatic case of interregionalism: the EU and MERCOSUR negotiations for an association agreement. After 20 years of on-off negotiations, the EU and MERCOSUR recently reached a political agreement on a trade deal in June 2019, making the present moment an appropriate time to evaluate whether and how politicization affected the relaunch of negotiations in 2010, which in time led to this agreement.

Regional integration in Latin America has experienced different periods of politicization. Starting in the 2000s, the region underwent domestic political changes resulting from the so-called ‘left turn’ that sought alternative economic and development policies to neoliberalism as the state regained centrality. These transformations led to a broad process of politicization of regionalism that changed the terms of the debate surrounding whether regional integration as free trade is the only way for these countries to integrate regionally and internationally. MERCOSUR was no exception to this trend. Already in 2003, the debate over the balance between trade and social and political objectives resulted in the relaunch of MERCOSUR, which was to lend greater weight

to political and social agendas, including the creation of a regional parliament and the establishment of the first distributive policy. Three years later, divergences over the accession of Venezuela quickly led to the politicization of regional cooperation once again.

Given the above gap in the literature and the renewed interest in trade negotiations and politicization, this article investigates a rather puzzling question: Why did MERCOSUR decide to resume negotiations with the EU—stalled since 2004—in a context of high internal politicization? In so doing, it aims to contribute to a greater understanding of the implications of the tensions between internal and external agendas in regional projects. The article will thus argue that in 2010 MERCOSUR faced several challenges, including discrepancies as to the regional model of development and tensions between member states over the profound asymmetries which gave the most powerful partners an unimpeded capacity for unilateralism, together with increasing salience and criticism from both business and civil society actors. Yet, this still did not discourage the relaunch of negotiations with the EU nor did it prevent further negotiations. While politicization and differences persisted internally, the negotiation with the EU served as a ‘glue’ bridging internal differences between member states and thus allowing the bloc to act jointly on the external front. Finally, this finding suggests that postliberal accounts underscoring the increasing preponderance of the political and social dimensions of MERCOSUR may have overlooked differences across policy areas, overemphasized change, and underestimated continuities in regional integration dynamics as the external agenda shows.

Methodologically, this is a case study research, seeking to provide an in-depth review of the process of the relaunch of negotiations between MERCOSUR and the EU in 2010. Case studies are appropriate when ‘why’ questions are posed as these require ‘the tracing of operational processes over time’ (Yin, 2018, p. 10). In all, this process can be better studied qualitatively by focusing on the internal dynamics between MERCOSUR member states and the increasing polarization within the bloc to then assess why negotiations with the EU were still relaunched. The final purpose is not to generalize the empirical findings of this case but rather to understand the ways in which internal politicization relates to the external dimension of regional blocs in all its complexity, context, and richness; all of which is relevant given the lack of similar studies. The empirical narrative is based on the qualitative method of data collection and analysis, including a combination of documentary sources, i.e., secondary literature, official documents, reports, and newspapers accounts.

The article proceeds as follows: The next section discusses the literature on regional cooperation and politicization in Latin America and introduces the argument. The third section presents an analytical narrative. In 2010, MERCOSUR was still undergoing high internal

politicization, which included discrepancies among member states over asymmetries and enlargement as well as increasing criticism from various economic and social actors. Yet, and rather counterintuitively, MERCOSUR resumed negotiations with the EU showing that internal politicization did not correlate with international paralysis. On the contrary, internal politicization, coupled with external pressures and the demands for group-to-group negotiations from the EU, drove and supported the conduct of international negotiations. The final section concludes by discussing the main insights and the broader theoretical and empirical implications of this work.

## 2. Analysing Regional Integration and Politicization in Latin America

The politicization of regional integration and cooperation has been the focus of classical scholars who considered the politicization of integration issues as one of the possible causes for the failure of regionalism and regional cooperation (Nye, 1965). Politicization has also been defined as leading to more integration: taken as the process through which actors agree to deal with issues ‘initially considered “technical” or “non-controversial”’, politicization leads actors ‘to upgrade common interests, and in the process, delegate more authority to the centre’ (Haas & Schmitter, 1964, p. 707). However, this does not hold for regionalism and politicization in Latin America. In fact, Dabène has recently contested these assumptions based on a different definition of politicization, which focuses on ‘the actors’ will to achieve a collective political goal through economic integration’ (2012, p. 41). Moreover, whereas high levels of politicization correlate with the intention to recreate and promote further regional cooperation, in the case of Latin America, politicization does not necessarily lead to authority transfer or the ceding of national autonomy; regional organizations remain strictly intergovernmental. Yet, changes may be introduced to upgrade common interests, including democratic consolidation or crisis resolution, and the participation of non-state actors. Based on these elements, Dabène (2012) goes on to identify cycles of politicization, depoliticization, and repoliticization to show that the degree of politicization is positively related to the dynamism of regional processes. Doctor points in this same direction, when arguing that politicization in MERCOSUR has not resulted in increasing sovereignty cession. However, to the extent that starting in the 2000s, ‘any shifts were likely to be informed by societal and market actors’ changing assessments of the possible benefits of the regionalisation process,’ then bottom-up societal-led initiatives could promote deeper integration (Doctor, 2013, p. 537). Finally, when examining the impact of politicization on legitimacy, Ribeiro Hoffmann (2015) claims that whereas MERCOSUR has experienced different phases and peaks of politicization, these have not triggered comprehensive discussions of the bloc’s legitimacy. MERCOSUR has also been depicted as having reached a peak of politiciza-

tion through the creation of the MERCOSUR Parliament (PARLASUR; Mallmann & Dri, 2011).

When looking into the conditions under which politicization is more likely to occur in regional projects in Latin America, studies have underscored three driving forces: the level of consensus among member states; the pressures and challenges coming from the activities of opposition parties; as well as from business and civil society organizations (Ribeiro Hoffmann, 2015). In a rather similar vein, a change of government in member states and the level of discontent within the business sector during periods of economic policy change are also factors that may contribute to politicization (Hirst, 1996). Whereas studies dealing with regional cooperation and politicization in Latin America have remained scarce until recently, few attempts have developed comprehensive theoretical or empirical accounts of politicization in regional cooperation and its implications for external trade negotiations.

Trade is a contentious issue and has thus featured in national, regional, and international politics throughout the history of the modern international system. Yet, starting in the 1980s, and more strongly with the advent of the so-called new trade agenda, the shaping of trade policies has raised the stakes and elicited responses from a wider set of societal actors. The mass protests in Seattle (1999) and Cancun (2003) against the World Trade Organization embody this increasing politicization of trade. Yet, these global mobilizations were preceded by the launch and strong agitation and mobilization of the Hemispheric Social Alliance during the Summit of the Americas in Santiago in 1998. Labour and social movements came together under this transnational coalition to expose the perils of increased liberalization and to increase awareness of the need to address these external challenges as portrayed by the Free Trade Area of the Americas (FTAA). Certainly, the broad and deep scope of North–South trade negotiations, i.e., bridging developing and industrialized countries, elicited a variety of collective strategies and trade politics. However, confrontational strategies were more strongly used after the launch of the FTAA and were practically negligible in the context of trade negotiations with the EU. Despite promoting similar economic and regulatory trade agendas, long years of intensive collaboration and cooperation preceded negotiations with the EU in line with the idea of this bloc as a civilian and normative power (Bianculli, 2017). As a result of these transformations, the trade arena became multifaceted and politically and socially challenging in Latin America, where countries had immersed themselves in a rapid process of trade liberalization and deregulation after 50 years of sealed markets. Concomitantly, the political dynamics of international trade in the region, which had remained rather neglected in studies of international political economy until then, gained centrality and scholars intended to move beyond the dominance of models inspired by and designed to account for trade politics in the United States and to a lesser extent in the EU and Canada (see among

others, Bianculli, 2017; Lengyel & Ventura-Dias, 2004; Tussie, 2003).

Similarly, the literature on the external dimension of regional integration has remained minimal even if one of the characteristics of the new or open regionalism of the 1990s was the development of an external agenda. Contrary to the old regionalism, this new wave of regional cooperation was mainly conceived as a trade centred enterprise and as a mechanism to strengthen the bargaining power of member countries and thus assure their successful insertion into the global economy (Bianculli, 2016). The centrality of the external dimension would then lead to a common external policy, 'at least as a reaction to third-country demands' (Torrent, 2003, p. 126).

Studies looking into the external dimension of MERCOSUR have argued that apart from establishing a link between the internal and external agendas, external negotiations have progressively formed the 'glue' binding member countries together, providing incentives for the resolution of their competing interests (Phillips, 2003). This especially holds for EU–MERCOSUR group-to-group negotiations; if signed, the agreement could support further consolidation of the bloc (Rios & Doctor, 2004; Santander, 2005). Yet, a second vision has contended that rather than functioning as a unifying element, the external agenda evidences the limits of the internal agenda of the bloc, and thus works merely as a 'flight forward,' an evasive action which does not really strengthen MERCOSUR (Carranza, 2006, p. 809). Finally, Doctor (2015) presents and discusses a third view, mostly evident among policymakers though weakly developed in the literature (Malamud, 2005; Oelsner, 2013), which claims that the external agenda has, in fact, added more topics and initiatives to the internal agenda, thus straining the regional process of integration.

This article argues that still in 2010 the external agenda worked again as the much-needed glue or unifying element that MERCOSUR required to go on despite the politicization of the bloc and the increasing challenges the regional integration process faced. Additionally, and contrary to the idea that cycles of politicization may trigger reform and further institutionalization, this does not seem to hold for the external agenda. This may be explained by the intergovernmental character of decision making in MERCOSUR, which is exacerbated in the case of the external agenda where the issues invoked may involve significant national sensitivities and where presidents, especially those holding the rotating (pro tempore) presidency, become key protagonists and gain great international visibility (Tallberg, 2010).

### 3. MERCOSUR, Politicization, and External Relations

MERCOSUR was part of the ambitious strategy of trade liberalization through regional, interregional, and multi-lateral agreements pursued by countries in the Southern Cone starting in the 1990s.

Set up in 1991, MERCOSUR marked the transition from state-led policies and a cautious approach to regional integration, to market-oriented agendas and a more open and wide-ranging strategy of regional trade liberalization. MERCOSUR's main objective, as established by the four founding members—Argentina, Brazil, Paraguay, and Uruguay—was hence to create a common market while also pursuing 'economic development with social justice' in the region (MERCOSUR, 1991). Twenty years after its creation, MERCOSUR was ranked as one of the regional projects 'that have reached the greatest level of formal accomplishment after the EU' (Malamud & Schmitter, 2011, p. 135). However, while even today much remains to be done, especially considering that the development of the common market and the customs union is still incomplete, MERCOSUR has also pursued regional cooperation in a wide array of policy areas, including human rights, social policies, education and culture, health, gender, migration, and tourism, among others, though with varying levels of accomplishment.

Over the years since its inception, MERCOSUR has undergone cycles of politicization and depoliticization (Dabène, 2012) and has also gone through peaks of politicization (Ribeiro Hoffmann, 2015). As argued in the case of the EU, the politicization of MERCOSUR can be characterized by 'a patchwork of politicizing moments' (Hutter et al., 2016, p. 283) rather than by a uniform and increasing trend pattern. Politicization intensified or reached a peak during institutional and policy-related events at the regional and the national levels.

The first years of the bloc did not give rise to any major controversies. Moreover, during the first half of the 1990s, MERCOSUR made notable achievements. First, this period was defined by a strong alignment between the domestic policies and the regional objectives of the two largest member states: Argentina and Brazil. Secondly, economic gains were considerable: The share of intra-MERCOSUR exports rose from 9 to 25% from 1990–1998 while annual foreign direct investment inflows reached over US\$ 50 billion by 1999 (Inter-American Development Bank, 1999). Finally, in 1994, the Protocol of Ouro Preto established the institutional structure of MERCOSUR, which remained strictly intergovernmental while decision-making processes were based on consensus. This Protocol also introduced a relevant institutional novelty by setting up two bodies intended to assure citizen representation: The Joint Parliamentary Commission and the Economic and Social Consultative Forum, which was to work as the 'representative body of the economic and social sectors,' (MERCOSUR, 1994, Art. 28) i.e., business and labour. Even if these mechanisms were limited, MERCOSUR remained mostly out of the spotlight of wider societal interests. Labour and civil society organizations' agenda focused on domestic issues, i.e., labour reform and the impact on salaries, employment, and working conditions, as well as on democracy, respectively. By the mid-1990s, these actors started debating the labour, so-

cial, and environmental problems arising from integration; yet, regional networks, including the Southern Cone Coordinator of Central Trade Unions, viewed MERCOSUR as a mechanism to strengthen social and environmental standards and regulations (Botto, 2004). Similarly, as intra-bloc trade and investment grew, business devised new regional forms of interest representation (Schelhase, 2010).

The increasing awareness of societal actors coincided with a crowded internal agenda. The 1996 democratic crisis in Paraguay, a coup against the elected president, triggered a process of politicization. The remaining member states, under the leadership of Argentina and Brazil, provided an immediate diplomatic response that turned out to be crucial in resolving the crisis. Two years later, the Protocol of Ushuaia—an analogous democratic clause, the first in the region—formalized MERCOSUR's commitment to democracy.

This internal politicization did not affect the external trade agenda. Free trade agreements with a focus on trade in goods were signed on a bilateral basis with Bolivia and Chile as early as 1996. In fact, since 1994, MERCOSUR maintained an active and ambitious external agenda, and the bloc succeeded in projecting itself internationally. MERCOSUR was conceived as an instrument to increase the presence and bargaining power of member countries in the international arena (MERCOSUR, 1991). More specifically, the founding treaty established that the creation of the common market entailed some common actions, including 'the adoption of a common trade policy in relation to third states or grouping of states, and the coordination of positions in regional and international commercial economic forums' (MERCOSUR, 1991, Art. 1). Moreover, states then committed 'to coordinate their positions in the external trade negotiations undertaken during the transition period' (MERCOSUR, 1991, Art. 8). These commitments led to the creation of various mechanisms, including the establishment of common criteria for the negotiation of regional and international negotiations and the adoption of a most-favoured-nation clause (Zelicovich, 2015), which required that any advantage or privilege, i.e., reduced tariffs, granted to another nation had to be accorded to all member countries. In fact, the joint reduction of most-favoured-nation tariffs and the reduction of intra-area preferential tariffs accounts for the enormous initial success of MERCOSUR (Estevadeordal, Goto, & Saez, 2000). From a decision-making perspective, these innovations would imply celebrating meetings between MERCOSUR partners or member states instructing their delegations to strengthen the coordination of positions and joint actions on these matters.

In 1994, the Protocol of Ouro Preto further enhanced these commitments by establishing MERCOSUR's international legal personality, which falls on the Common Market Council (CMC)—the highest decision-making power; thus, allowing the bloc to represent the four member states in regional and international negotia-

tions. Different decisions and resolutions issued by internal decision-making bodies would then set the guidelines for the coordination of positions and joint action of member states, including the creation of an Ad Hoc Group of External Relations within the Common Market Group (CMG), the MERCOSUR executive body (MERCOSUR, 1995b, N° 34/95). This was to deepen the common external agenda, especially in terms of MERCOSUR relations with third countries, groupings of countries, and international organizations, thus reinforcing coordination mechanisms between technical teams in member countries to articulate policies and concrete joint actions. Yet, the external representation of the bloc would rely on the rotating (pro tempore) presidency.

In the mid-1990s and early 2000s, the bloc's external agenda was especially marked by the negotiation of asymmetric or North–South agreements; namely, the United States-led process for the establishment of an FTA from Alaska to Tierra del Fuego launched in 1998 and which finally collapsed in 2005, and the negotiations with the EU. These negotiations turned out to be particularly challenging for MERCOSUR external dynamics given that they involved not only the reduction or elimination of tariffs and other non-tariff barriers on the trade of goods and services but also deeper issues that had become difficult to negotiate at the World Trade Organization, namely, investment rules, intellectual property rights, and government procurement, among others. Interregional negotiations with the EU were especially relevant in this respect.

The EU–MERCOSUR relationship is based on the Interregional Framework for Agreement (EMFICA) signed in 1995 to promote an Interregional Association Agreement founded on three pillars: trade liberalization, political dialogue, and cooperation. MERCOSUR would then set the mechanisms to coordinate joint actions between member states' experts and technical specialists while delegating the negotiation of the EMFICA to the CMG (MERCOSUR, 1995a, N° 5/95). After many years of intense and legally driven relations across the Atlantic, trade negotiations were launched in 1999. Negotiations with the EU would prompt MERCOSUR to speak with a single voice. Building on MERCOSUR guidelines but also on an EU requisite, member countries had to find a common regional position before sitting at the interregional table. Negotiations would thus assume a bloc format, ruling out negotiating on an individual country basis. This requirement had a double effect. From an internal dimension, it triggered a learning by doing process among member countries, as they had to 'learn' to harmonize their national positions. Additionally, given the breadth and depth of the agendas under negotiation, MERCOSUR countries were to discuss regulatory and policy standards and norms that were not part yet of their regional agenda, i.e., government procurement and services. And from an external dimension, this learning process transferred to other negotiations, including those of the FTA despite the United States' initial resis-

tance to this bloc format (Botto & Bianculli, 2011). After 15 rounds, negotiations were abandoned in 2004 due to differences over the trade agenda, which covered not only industrial and agricultural goods but also services, government procurement, intellectual property rights, customs and trade facilitation, as well as technical barriers to trade, mainly in manufactured goods, services, and agriculture; it would take a hiatus of six years for negotiations to be re-launched.

By the mid-2000s, MERCOSUR had already consolidated its negotiation dynamics based on the elaboration of each country's national position according to their interests and priorities (both defensive and offensive), which would then be circulated among the four member states to harmonize and prepare the final MERCOSUR document to be presented at a later time to the negotiating counterpart (Botto & Bianculli, 2011).

#### **4. MERCOSUR, Politicization, and yet Negotiations with the EU**

##### *4.1. MERCOSUR and a New Long Cycle of Politicization*

In 1999, internal politicization was high again, and MERCOSUR faced a 'terminal crisis.' Tensions between Argentina and Brazil peaked after the abrupt devaluation of the Brazilian currency in January 1999. As a result, a series of trade disputes and a fall in intra-group trade put MERCOSUR at risk. In late 2001, another crisis shook the regional process when Argentina suffered an extraordinary economic, political, and social breakdown. What had been proclaimed as the demise of MERCOSUR, in fact, gave the bloc a new lease of life. In all, the 1998–2002 cycle of politicization crisis revealed two different regional responses. Whereas the turmoil highlighted the economic limitations of the bloc, regional developments underscored the relevance of the political dimension of MERCOSUR. Both economic shocks were followed by efforts to relaunch the project: The Buenos Aires Agenda in 2000 and the Buenos Aires Consensus in 2003. Whereas the Buenos Aires Agenda, which included, *inter alia*, the creation of a more transnational and permanent dispute settlement mechanism (Arnold & Rittberger, 2013), was scarcely implemented, by mid-2003, the convergence between Argentina and Brazil was reinforced by a certain shared socio-political affinity between the two left-oriented presidents: Néstor Kirchner and Lula da Silva. Both leaders campaigned on platforms of scepticism toward the value of economic and trade liberalisation, and of the need for alternative political, economic, and development policies at the domestic level where the state was to play a central role. This resonated at the regional level.

A normative consensus emerged among MERCOSUR member states regarding the need to replace the emphasis on economic and trade liberalization by strengthening cooperation in monetary, financial, and energy issues (Motta Veiga & Rios, 2007), as well as in the politi-

cal, social, and productive (i.e., regional industrialization) dimensions of regionalism. Yet, structural challenges to further integration became evident. First, the significant economic asymmetries among partners, i.e., between Brazil and other members, and in relation to the two smallest members, Uruguay and Paraguay, made it difficult to respond effectively to the bloc's crises and to deepen integration. In 2005, analysts warned of a serious danger of MERCOSUR's collapse ('Mercosur: Peligro de derrumbe,' 2005). Secondly, although initially, it was an elite and state-led project, in time the bloc gradually began to experience a growing projection within society and faced increasing demands from business and civil society. On the one hand, business was strongly demanding deeper economic coordination, measures to counterbalance structural imbalances and asymmetries, and the promotion of productive integration. A strong questioning of MERCOSUR resonated among industrialists in Argentina and Brazil. Civil society, on the other hand, demanded greater participation and transparency in MERCOSUR decision-making processes. In all, free trade negotiations, mainly North–South processes, had triggered a learning process in NGOs and transnational networks, who would now redirect their attention towards MERCOSUR (Botto, 2015). From an internal perspective, this politicization resulted in MERCOSUR being institutionally transformed in several ways. The first redistributive policy was created through the Fund for MERCOSUR Structural Convergence in 2004, followed by the upgrade of the Joint Parliamentary Commission into a regional parliament—PARLASUR—in 2005. With the creation of PARLASUR, the number of actors involved in the regional public debate expanded, leading in principle to more politicization. Other relevant transformations included the creation of the program 'We are MERCOSUR' and the MERCOSUR Social Summits to strengthen the role and participation of civil society, as well as of the Council of Ministers of Social Development in 2005, and the MERCOSUR Social Institute in 2007 to further enhance the formulation of regional social policies. Whereas these various measures helped to contain the increasing polarization of MERCOSUR, this would peak with the accession of Venezuela. Having been an associate member since 2004, Venezuela asked for full membership in 2005 and finally signed the accession protocol with the four founding members in 2006. MERCOSUR thus undertook its first enlargement. Yet, the dynamics of this issue's politicization would remain remarkably similar. Ratification by national congresses in Brazil and Paraguay lingered because of domestic opposition, while business in Argentina and Brazil vocally opposed the accession of Venezuela.

The external dimension received a strong institutional push within the 2000 relaunch of MERCOSUR. The CMC issued a decision on the need to enhance the external relations of MERCOSUR through the development of a common external trade policy and the commitment of member states to negotiate trade agreements jointly

(MERCOSUR, 2000, Nº 32/00). Based on this renewed regional approach to external relations, MERCOSUR created a Negotiating Group made up of full-time negotiators on behalf of each member state and under the leadership of a coordinator. The main objective was to define a common negotiation platform, in which bilateral negotiations should be prioritized, starting with those with the EU and the United States (MERCOSUR, 2001, Nº 08/01). While relevant, these institutional developments did not alter the intergovernmental character of the MERCOSUR decision-making process. Moreover, the rotating (pro tempore) presidency would still be the main responsible for the external agenda of the bloc and international negotiations.

During the early years of the 21st century, MERCOSUR led an active external agenda. The strong normative consensus on the model of development seems to account for the South–South agreements signed with Mexico (2002), Morocco and India (2004), and Peru (2005), and the three Economic Complementation Agreements established with the Andean Community in 2004. Similarly, 2005 stood out as the year when the FTAA collapsed because of its unanimous rejection by MERCOSUR countries together with Bolivia and Venezuela, among other factors. However, the internal reorientation of the agenda away from trade liberalization and open regionalism did not lead to a formal rejection of negotiation and agreements with developed, industrialized countries (Motta Veiga & Rios, 2019, p. 12).

#### 4.2. *Giving Negotiations with the EU a New Chance*

The suspension of trade negotiations between MERCOSUR and the EU in 2004 did not bring about a break in the interregional relations. These continued through ministerial and technical meetings that ratified the mutual interest in the reopening of negotiations while strengthening political dialogue and technical and financial cooperation in diverse policy sectors, i.e., trade facilitation, sanitary harmonization, and education, for a total amount of 50 million Euros to be executed between 2007 and 2013. In May 2008, during the Fifth Summit between the EU, Latin America, and the Caribbean, the EU and MERCOSUR renewed their commitment to strengthening cooperation in projects of mutual interest, including infrastructure, renewable energy sources, science and technology, and their political and economic relations, i.e., the successful conclusion of the association agreement (Council of the European Union, 2008). This was followed by two informal meetings in 2009 where EU and MERCOSUR negotiators exchanged views on their positions, especially those of mutual interest, to recommend to the member states of both regional organizations the resumption of negotiations in view of the presidential meeting scheduled within the Latin American and the Caribbean–EU Summit for May 2010 under Spain’s EU Presidency. Based on these discussions,

in the MERCOSUR Summit that took place in December 2009 in Montevideo, the Argentine President, Cristina Fernández, announced that as coming pro tempore president of MERCOSUR, she would promote an agreement between the bloc and the EU, which was one of the most relevant challenges of MERCOSUR, while calling for the collaboration of the Brazilian president to achieve this agreement (‘Cristina Kirchner pidió una discusión profunda,’ 2009; ‘Cristina y Zapatero anunciaron,’ 2009).

Finally, in May 2010, both sides renewed ‘their commitment to strive for a conclusion of the negotiations without delay’ (Council of the European Union, 2010).

These calls, however, were made in a regional context marked by the politicization of MERCOSUR while the model of regional integration was undergoing serious criticism and challenges from within. First, tensions between Argentina and Brazil in the commercial and economic spheres because of trade disputes and the existence of asymmetries within the bloc hampered the deepening of the regional project (‘Las asimetrías dentro del bloque,’ 2008). Friction was also evident with the smaller partners of the bloc. Uruguay was very vocal in expressing that MERCOSUR was undergoing a critical phase as the bloc lacked political and economic coordination. This turned out to be especially serious at a time when other regional projects were surging and gaining strength as it was the case of the Union of South American Nations (Rebossio, 2011). Secondly, criticisms were abundant at that time due to the internal differences and the small number of free trade agreements concluded by MERCOSUR, which by then mainly included those with Southern partners and Israel. Finally, the accession of Venezuela was still subject to strong criticism and opposition. Ratification by the Paraguayan national congress yet lingered in 2010 as the President, Fernando Lugo, withdrew the request from Venezuela to join MERCOSUR from the Congress, as he questioned whether the Venezuelan government was democratic (‘Lugo vuelve a frenar,’ 2010).

Despite this context, MERCOSUR decided to relaunch the negotiations with the EU. These negotiations offered a window of opportunity for the bloc to appear coherent and unified. In other words, the negotiation again acted as glue within the bloc. This is illustrated by the decision of Argentina and Brazil, the two larger members of the bloc, to overlook the difficulties and tensions between them and to move forward and secure the interregional agreement (Gualdoni & González, 2010).

Negotiations with the EU were expected to improve the image of MERCOSUR (Rebossio, 2010). In so doing, the bloc was also consistent with one of the main objectives set in 1991: Regional integration should help increase these countries’ bargaining power in the international arena. By then, a joint and common foreign policy and the diversification of external relations was expected to contribute to reducing internal imbalances (Gualdoni & González, 2010). Similarly, while strengthening regional cooperation and integration policies, an agree-

ment with the EU would give a response to those criticisms that portrayed MERCOSUR as being paralyzed or weakened. Moreover, international agreements should not be taken as a reciprocal limitation of autonomy, but as a means to facilitate access to a particular set of otherwise unattainable international public goods, as put by Eduardo Sigal, former Argentine Sub-Secretary of Economic Integration for Latin America and MERCOSUR (Sigal, 2010).

Secondly, and regarding the conflictual process of accession of Venezuela, business in Argentina and Brazil vocally opposed the accession. The Argentina Industrial Union (UIA), the main industrial chamber, asked the national government to revise the decision to accept Venezuela as full member given that this country's economic policies were in direct contradiction with those of MERCOSUR as shown by the nationalization of MERCOSUR companies, i.e., Techint. Similar criticisms were expressed by other business chambers and associations, including exporters and metallurgic industries. Further measures undertaken by business associations included a meeting with opposition parties in the national Congress and an extraordinary meeting of the MERCOSUR Industrial Council after contacting their counterparts in Brazil and Uruguay. From the Argentine perspective, this ended the honeymoon between the Kirchner administration and the industrialists (Olivera, 2009). Thus, an agreement with the EU would satisfy some of the industrialists' demands not only in Argentina but also in Brazil, bringing both administrations closer to these sectors. Additionally, the EU made clear that Venezuela would not be part of the negotiation process. Certainly, this was not in the interest of Venezuela given the strong anti-capitalist approach to regional integration as illustrated by the creation and leadership of the Bolivarian Alliance of the Americas.

Finally, the relaunch of this negotiation process was made possible by the leadership and image of the presidents, especially those holding the rotating (pro tempore) presidency. Certainly, the interregional negotiation process gave the presidents greater visibility at the international level. In the case of Argentina, the administration was able to use the agreement with the EU as an international success and thus, improve its image, which had deteriorated due to the increase in protectionist measures adopted by Argentina ('La ilusión de libre comercio,' 2010). This country was not only blocking imports from its regional partners but also from the EU and from all over the world ('La UE exige a Argentina,' 2010). Brazil, under the lead of Lula, was also interested in making up for lost time and to move quickly towards an agreement with the EU before the presidential elections to be held early in 2011. More specifically, he highlighted that he would use his MERCOSUR pro tempore presidency to leave the complex interregional trade agreement threaded before leaving office in December 2010 (Barón, 2010). In this respect, Lula's position differed from the candidate who was then presented as his suc-

cessor who had already underscored that Brazil should negotiate free trade agreements on its own, irrespective of MERCOSUR commitments since Brazil was vastly better positioned to further economic negotiations with the EU than its regional partners (Arias, 2010). These declarations were a source of concern for Argentina as well.

In all, in 2010 the external agenda provided the glue that held MERCOSUR together. As the strong consensus on the model of regional development that characterized the initial years of the 21st century started to dilute, differences and asymmetries emerged among member states while facing the criticism of societal actors, mainly business. Negotiations with the EU allowed member states to define and agree on common interests, preferences, and goals. Moreover, signing the interregional agreement with the EU actually improved the internal and external image of the bloc; thus, providing motivation to move forward with the agreement. During this process, presidents played a key role. This is explained by the intergovernmental character of MERCOSUR, but also by the 'power of the chair,' i.e., the rotating (pro tempore) presidency, that gives formal leaders greater room for manoeuvre and are thus more capable to influence negotiations (Tallberg, 2010).

## 5. Conclusions

This article has examined the relationship between the internal politicization of regional cooperation and external relations through the analysis of MERCOSUR and the relaunch of the negotiation process with the EU in 2010. Certainly, MERCOSUR has gone through different cycles of politicisation. Both domestic and regional institutional and policy factors account for these cycles. The politicization of the bloc during the 2000s, mainly expressed through the priority given to the political and social agendas, became diluted in time as tensions between member states due to asymmetries and protectionism, the accession of Venezuela, and the increasing demands from economic and social actors put MERCOSUR to the test once again. This initiated a long period of politicization reaching a peak between 2004 and 2006. Yet, some of the main factors persisted and were evident in May 2010 when the bloc restarted free trade negotiations with the EU.

Internal politicization has not negatively affected MERCOSUR's main approach to its international relations and negotiations but rather reinforced its capacity to act as a negotiating bloc, presenting common proposals and positions in the different negotiations. Furthermore, even in 2000 in the context of what was perceived as the end of the bloc because of the severe crisis and politicization what was underway, MERCOSUR issued a resolution to reassert its commitment to negotiate as a bloc. Limited institutional changes were also introduced. In all cases, including the relaunch of negotiations with the EU in 2010, the external agenda has served as the glue to keep the bloc functioning as one even when facing chal-

enges on the internal front. This may be explained by the intergovernmental character of decision making in MERCOSUR, which is exacerbated in the case of the external agenda where the issues invoked may involve significant national sensitivities and where presidents, especially those holding the pro tempore presidency gain great international visibility and leadership.

The international activism of MERCOSUR has remained constant throughout its almost 30 years of history despite its politicization cycles. In the 1990s, the agenda moved from South–South agreements to asymmetric agreements, where the EU assumed a very important place. During the 2000s, South–South agreements were pursued with extra-regional countries, i.e., Egypt (2010), and bloc to bloc agreements as in the case of the Southern Africa Customs Union (2008). In 2010, the EU was again back on the agenda; in fact, it never left. Furthermore, and despite the reorientation of the bloc towards a more developmentalist model, the international agenda did not vary substantially. There was no formal contestation of asymmetric or North–South agreements mostly pursued within the new or open regionalism paradigm.

This last insight speaks to the literature that mainly describes regionalism in Latin America as occurring in waves, and which in so doing, tends to overemphasise change and underestimate continuity. While studies have underscored that since the 2000s, Latin America, and especially South America had moved towards a new phase of regionalism, away from what had been the main tenets of the neoliberal creed of the 1990s, in this case, negotiations with the EU were not openly contested. Furthermore, internal politicization did not affect the external agenda; rather, the external pressures from the group-to-group negotiations, as required by the EU, caused internal politicization to actually drive and support the pursuit and conduct of international negotiations.

Finally, this insight brings the question of whether and how there may be variation in the effects and outcomes of the process of internal politicization across policy areas as recent research on the EU has shown (see among others, Biermann, Guérin, Jagdhuber, Rittberger, & Weiss, 2019; Börzel & Risse, 2018; Schimmelfennig, 2018). Whereas this article has found that internal politicization does not translate into international paralysis, but rather can reinforce and support the external agenda of regional blocs, further research could explore whether and how this holds for other policy areas. This is of relevance for both the literature on politicization and comparative regionalism.

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Article

## Politicization ‘Reversed’: EU Free Trade Negotiations with West Africa and the Caribbean

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### Abstract

The politicization of recent European Union (EU) trade negotiations such as the Transatlantic Trade and Investment Partnership or the Comprehensive and Economic Trade Agreement suggests that the more negotiations focus on deep integration issues, the higher the potential for polarization of values and interests. Yet, as we argue, this pattern does not necessarily hold true in EU trade negotiations with the developing world. In the case of the Economic Partnership Agreements with West Africa and the Caribbean region, the pattern of politicization was ‘reversed’: Politicization remained low in the Caribbean region, despite the inclusion of deep integration issues. To the contrary, negotiations became highly politicised in West Africa, where negotiations focussed on the traditional realm of trade in goods. Combining the insights from the literature on the role of non-state actors (NSAs) in trade policy-making in developing countries and on politicization, we show that limited pre-existing mobilisation resources of NSAs, and few opportunities to engage with the political level of negotiations, imply that those affected by the inclusion of deep integration issues hardly mobilise. We also find that lack of technical expertise and the significance of traditional trade areas pre-empts NSAs from engaging in emotive framing on deep integration issues. This helps us to unpack the different patterns of politicization across both regions: Politicization in West Africa was facilitated by civil society actors who—in contrast to the Caribbean region—could draw on pre-existing networks, expertise, and direct access to the regional negotiation level.

### Keywords

deep integration; European Union; EU trade policy; Free Trade Agreement; non-state actors; politicization; trade negotiations; West Africa

### Issue

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### 1. Introduction

In the recent decade, we have witnessed increasing politicization of trade policy on a global scale. The negotiations of so-called mega-regional Free Trade Agreements (FTAs) between the European Union (EU) and both the United States and Canada respectively were particularly contested and became highly politicised. Scholars re-

fer to politicization where the views of an expanding number of actors become publicly salient and polarized (De Bruycker, 2017, p. 605; de Wilde & Lord, 2016). Much of the existing research thereon has suggested that the focus on deep integration in mega-regionals has been a driving force of higher levels of contestation. The more trade liberalization is about deep regulatory issues such as public procurement or health standards, the more

non-state actors (NSAs) presumably get involved in public debates to push for (and protect) their own interests (Eliasson & García-Duran, 2017). Yet, we argue that while this pattern may hold true for recent trade negotiations between high-income countries, a different picture emerges if we look at free trade negotiations that involve the EU and the developing world. We argue that financial and human capacity constraints as well as limited political and discursive opportunity structures may severely undermine the ability of NSAs to engage with the negotiation of deep integration issues.

By focussing on politicization dynamics in developing partner countries and the relationship with deep integration issues, we integrate the existing literature on politicization of EU trade policies in Europe with the literature on the role of NSAs in trade policy-making in the developing world. We thereby provide new insights on the external dimension of politicization of EU trade agreements: where the EU's deep integration negotiating agenda affects politicization in its developing partner countries, this may delay or undermine the realisation of the EU's global trade agenda.

Empirically, we examine North–South trade negotiations in the framework of the Economic Partnership Agreements (EPAs) between the EU and six regions among the African, Caribbean, and Pacific (ACP) countries—with a focus on EU–West Africa (2002–2014) and EU–Caribbean (2002–2007) negotiations. With the launch of the ‘Global Europe’ strategy in 2006 (European Commission, 2006), the EPAs became the first test case for the EU's new model agreement, which now contains deep integration areas such as intellectual property (IP) protection. In the EU, politicization was rather low despite the inclusion of deep integration issues in the EPAs (cf. del Felice, 2014)—arguably due to the limited economic importance of ACP countries. In contrast, the EPAs became the subject of politicization in many (but not all) of its partner countries, which are economically dependent on the EU. To understand these divergent patterns of politicization in the EU's partner countries and to explore their link to deep integration issues, this article focusses on two regions with seemingly ‘reversed’ politicization patterns: Politicization remained low in the Caribbean region, despite the inclusion of deep integration issues, while negotiations became highly politicised in West Africa, although the final agreement focussed on the traditional realm of trade in goods.

Regarding the different patterns of politicization, we find that in the Caribbean region, technical capacity constraints and limited participatory channels reduced the ability of NSAs to engage in politicization of deep trade issues, even if their inclusion meant that the interests of a broad range of domestic constituents were at stake. In West Africa, higher levels of politicization were driven by a group of civil society actors that were able to draw on pre-existing networks and expertise and held more direct access to the regional negotiation level. In neither case, however, did the inclusion of deep integration issues fa-

cilitate mobilisation of a broader range of NSAs, or ‘emotive’ framings that resonate broadly.

On a conceptual level, our findings thus question the presumed link between politicization of EU trade policies and the greater depth of regulatory commitments that the EU's FTAs recently included (De Bièvre & Poletti, 2020, see therein Young & Peterson, 2006; Eliasson & García-Duran, 2017; Laursen & Roederer-Rynning, 2017; Young, 2017). This is in line with existing research that emphasises the importance of intermediary variables that may undermine politicization. In this regard, we uncover how the particular hurdles that NSAs may face in developing country contexts interacted with mobilisation resources, political opportunity structures, and discourse opportunity structures that shape patterns of politicization. Moreover, our findings indicate more generally that if the EU negotiates deep integration issues with developing country partners, the level of awareness among NSAs will vary greatly and will oftentimes be low. This means, firstly, that support or opposition to including deep integration issues may primarily depend on the political preferences of state representatives, rather than the positions of NSAs. Secondly, if NSAs engage in politicization, they are less likely to focus the limited resources they have on complex deep integration issues, even if they are knowledgeable about them.

In the following, we briefly review the existing literature on the politicization of (EU) trade policies and present our conceptual and methodological approach. We then discuss the findings regarding politicization in developing countries from our two case studies on the Caribbean region and the West African region in the EPA negotiations with the EU. Note that the Caribbean case study focusses in particular on the negotiations of the ‘Innovation and Intellectual Property’ chapter of the Caribbean Forum (CARIFORUM)–EC EPA as one of the most prominent areas of deep integration issues. The West African case examines trade in goods and deep integration issues, given that the latter were ultimately excluded from the agreement. Note that both case studies focus on politicization through political activities of NSAs, rather than an examination of media discourse (cf. Gheyle, 2016). For our analysis, we rely on press releases, publications, and qualitative data, which we complement with evidence from 30 interviews conducted between 2008 and 2012 with policy-makers, negotiators, and NSAs from both regions, as well as with EU officials involved in EPA negotiations.

## 2. The Politicization of Trade Policies: Deep Integration versus Traditional Trade Issues

Politicization is generally referred to as 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, p. 560; see also Kertzer & Zeitzoff, 2017). Most of the literature on politicization has so far focussed on the politicization of EU

policy within the EU (De Bruycker, 2017; de Wilde & Lord, 2016; Follesdal & Hix, 2006; Hooghe & Marks, 2009; Zürn, 2006). The most prominent explanation of politicization is the authority transfer hypothesis. Accordingly, politicization increases when the growing political authority of the EU is not perceived as legitimate (Zürn, 2004).

Recently, the EU's external trade policy has also received considerable attention by scholars, who have assessed the phenomenon of politicization in the context of trade negotiations with third parties. Most often, their focus is on politicization within the EU, instead of within third countries (De Bièvre, 2018; De Bièvre & Poletti, 2017; De Ville & Siles-Brügge, 2016; Gheyle & De Ville, 2017; Siles-Brügge, 2017). Some scholars have applied the authority transfer hypothesis to better understand politicization of the recent Transatlantic Trade and Investment Partnership (TTIP) and the Comprehensive and Economic Trade Agreement (CETA) negotiations with the United States and Canada, respectively. In doing so, they conceptualise public contestation as a response to the inclusion of regulatory trade issues in negotiations with third parties (Laursen & Roederer-Rynning, 2017). So-called deep integration issues include: "Food safety standards, trade facilitation measures and customs reform, intellectual property rights protection, government procurement liberalization, competition policies, and the liberalization of trade and investment in services as well as complementary domestic regulation" (Chauffour & Kleimann, 2013, pp. 44–45).

Deep integration through FTAs thus implies that liberalization commitments do not only relate to traditional trade issues, such as cutting tariffs that take place at the border, but include complex behind-the-border issues that often touch upon domestic regulation. Most scholars suggest that—next to other factors—deep integration issues increase the politicization of FTAs because they potentially affect two of the three core dimensions of politicization: the expansion of actors (and audiences), and the salience of the issues at stake (de Wilde, Leupold, & Schmidtke, 2016, p. 6; the third dimension is polarization).

This is, firstly, because the intrusion into regulatory practices that results from deep integration issues (De Bièvre & Poletti, 2017, pp. 1511–1512) makes the mobilisation of a broader range of NSAs more likely. Young (2016, p. 364), for instance, claims that the breadth and depth of the TTIP has "raised the stakes for civic interest groups beyond those narrowly opposed to globalization." Taking the example of TTIP, its politicization is often presented as the result of value-based opposition from civil society organizations (CSOs), rather than from traditional economic interest groups (De Ville & Siles-Brügge, 2016, p. 1496). For instance, public health non-governmental organizations or local authorities that have previously been much less active on trade agreements became involved in the TTIP process (De Ville & Siles-Brügge, 2016, p. 1495; for an opposing view see Dür & Lechner, 2015). Where a broader range of NSAs is in-

involved in trade policy-making and complex and politically sensitive topics are at issue, politicization is likely to occur (Buonanno, 2017; Park, 2017).

Secondly, the complexity of trade agreements leads to considerable amounts of uncertainty, which in turn potentially affects the salience of the issues at stake. Regarding deep trade issues, uncertainty relates to the optimal depth of integration, required adjustment costs of policy implementation and, most importantly, the broader economic and social impact for society (Chauffour & Kleimann, 2013, p. 52). As a result, NSAs have ample opportunities for strategic framings that potentially increase the salience of the issues they mobilise on. Siles-Brügge (2017, p. 466) claims that the broader and deeper agenda of trade agreements facilitates mobilisation because it allows for emotive framings that tend to have a high salience as compared to technical ones. The emotive framing of the proposed investor-to-state dispute settlement mechanism as a "threat to democracy" was a potentially more threatening outcome to TTIP than simply the effects of cutting tariffs (Siles-Brügge, 2017). As Siles-Brügge notes (2017, p. 473), "opposition to ISDS can more easily be emotively communicated than other, more technical issues."

However, scholars also point at several intervening variables that affect the extent and timing, or even the absence, of politicization in the context of EU trade negotiations. Paying attention to these factors helps us to better understand why the inclusion of deep integration issues does not automatically trigger politicization. Firstly, the literature on politicization has generally found that pre-existing resources for mobilisation play a crucial role. Mobilisation resources depend on aspects such as "the number of organizations operating in a certain field, (pre-existing) network linkages between groups, financial resources, or specific expertise" (Gheyle, 2016, pp. 8–9). More precisely, politicization is shaped by the existence, clout, and ability of networks of actors to engage in politicization (see De Bièvre, Garcia-Duran, Eliasson, & Costa, 2020; Gheyle, 2016, pp. 8–9). For instance, De Bièvre (2018, p. 77) finds that large, wealthy NGOs in Germany were crucial driving factors behind the politicization of TTIP in the European context. Secondly, scholars generally claim that political opportunity structures affect the occurrence and level of politicization, in particular because they may encourage or discourage the participation of actors engaged in contentious politics. While political opportunity structures differ across policy fields, they—according to Cinalli and Giugni (2014, p. 90)—generally include a degree of institutional access and participatory mechanisms. With regard to the realm of trade, this relates, for instance, to the institutional channels that NSAs can rely upon to access and participate in the process of trade policy-making. Thirdly, it has been noted that discursive opportunity structures influence the extent to which particular framings resonate broadly with a given audience, and thus may affect their salience (Koopmans & Statham, 1999, p. 228). Other intermedi-

ary variables discussed in the literature on the politicization of EU FTAs include (perceptions of) the bargaining power and economic size of the trading partner, which influence whether or not the EU's negotiation partner is perceived as a threat (De Bièvre & Poletti, 2020).

What is missing from the literature, however, is a greater engagement with the external dimension of the politicization of EU trade policy-making. The EU's deep integration negotiating agenda potentially also affects politicization in its partner countries, which in turn holds the potential to delay or undermine reaching an agreement, or to affect the substance of the trade policies agreed upon. It remains unclear, however, whether and how the inclusion of deep integration in EU trade policies increases politicization across its partner countries.

This link is particularly questionable if we consider negotiations between the EU and partner countries in the developing world. The existing literature on the role of NSAs in trade policy-making in the developing world has shown that NSAs tend to face considerable financial, technical, and institutional capacity constraints that may limit their ability to effectively engage in the process of trade policy-making (Jones, 2013). This, in turn, is likely to affect politicization patterns because it may undermine mobilisation resources and political opportunity structures available to NSAs. There is, for instance, a mixed track record of lobbying efforts by NSAs such as African trade unions as to whether or not political opportunity structures facilitate African agency (Mohan & Lampert, 2013, p. 109). Regarding the West African EPA negotiations, scholars find, for instance, that the opportunities of NSAs for participating in the negotiation process greatly shaped the influence (Del Felice, 2014; Trommer, 2014) or lack of influence (Montoute, 2016) they had, and that detachment between trade negotiators and domestic constituents affected negotiation dynamics (Weinhardt & Moerland, 2018).

Methodologically, we make use of a qualitative case study approach. We focus on two cases—West Africa and the Caribbean in EPA negotiations with the EU—that consist of 'anomalies' in the sense that they do not seem to conform to the presumed link between the inclusion of deep integration issues and the pattern of politicization. Doing so helps us to re-assess the theoretical assumptions at stake, as well as to explore how capacity constraints may have shaped the conditions for politicization to occur. Both cases are comparable in the sense that the EU had initially offered identical agreements (that included deep integration issues) to both regions. However, we take into account that certain conditions for concluding an EPA were not identical for both regions: In contrast to the West African region, the vast majority of countries in the CARIFORUM had a strong incentive to conclude an agreement on trade in goods with the EU. Except for Haiti as a least developed country, all other countries faced the termination of preferential market access to the EU without the EPA. This does not, however, explain why the inclusion of deep integration issues re-

mained largely uncontested because concluding merely a trade-in-goods agreement would have been sufficient to secure continued market access.

In the case studies, we assess whether the expectations of the literature hold, and what role intermediary variables played in shaping the different patterns of politicization. More precisely, we examine if and how: (1) limited mobilisation resources and (2) political opportunity structures have affected a presumed actor expansion in response to deep integration issues among NSAs during the EPA process; and (3) how discursive opportunity structures impacted NSAs' ability to frame deep integration issues to increase issue salience. Note that there is also the possibility that other aspects of the FTAs may have triggered politicization. We understand NSAs to comprise both CSOs and private sector actors. While West Africa and the Caribbean vary regarding the level of political accountability of policy-makers (Weinhardt & Moerland, 2018, pp. 583, 586), we assume that sufficient political freedom existed for NSAs to participate in public debates given the predominance of democracies within the regions. Political activities can include hidden activities such as lobbying and representing interests (Cinalli & Giugni, 2014, p. 85), or the communication of their opinions, interests, or values in public debates or protests with the aim to influence the policy process.

### **3. Low Levels of Politicization in the Caribbean Region despite the Inclusion of Deep Integration Issues**

The CARIFORUM–EC EPA negotiations took place between April 2004 and December 2007 and were characterized by a rather fast process of negotiations, as compared to the other ACP regions. The negotiations were led by the Caribbean Regional Negotiation Machinery (CRNM), a body established in order to use the limited human and financial resources in the region in an effective way. Due to the looming termination of preferential market access to the EU without the EPA, CARIFORUM countries were under pressure to conclude at least a trade-in-goods agreement. The final agreement did, however, not only cover trade in goods, but included deep integration issues, such as services and investment, IP protection, e-commerce, public procurement, environment, and competition rules. This contrasts with the Economic Commission for West African States (ECOWAS) region, where only an agreement on trade in goods could be reached. The case study on the EPA negotiations between the EU and the Caribbean region relies on evidence specific to IP protection, one of the important deep integration issues covered.

The inclusion of deep integration issues in the CARIFORUM–EC EPA did not lead to high levels of politicization, as would have been expected. The EPA received very limited attention from the media and the wider public during the negotiations. There were relatively small and general anti-EPA demonstrations organized in CARIFORUM countries in 2004 (Girvan, 2010, p. 103),

but most of the controversy that ensued around the EPA took place just before the conclusion of the agreement in November/December 2007 and before the ministerial signature in October 2008. However, according to Girvan (2010, p. 107), “the EPA renegotiation campaign of regional civil society and regional labour unions did not attract the level of mass support capable of putting real pressure on the governments.” They did not focus on deep integration areas either, nor on other specific issues. Politicization did increase after the conclusion of the EPA, but in particular around the rather low political accountability of the CRNM negotiating team, leading to the abolition of that body.

We argue that limited mobilisation resources and weak political opportunity structures withheld NSAs from engaging in politicization on deep integration issues in a meaningful way.

### *3.1. Actor Expansion I: Limited Resources Impede NSA Mobilisation Regarding Deep Integration Issues*

Already in the early stages of the negotiations, technical negotiators lacked meaningful input as to the preferences of national and regional constituents in deep integration areas like IP (M. Spence, interview, April 7, 2010). One of the most important reasons for that was an apparent lack of a deeper understanding by NSAs. The private sector and CSOs in the region did not perceive IP (or other deep integration areas) as a priority yet. With a focus on broader and less technical topics, like sustainable development and trade liberalization, their knowledge on deep integration areas remained low (J. Spence, interview, April 7, 2010; S. Munro-Knight, interview, May 13, 2010; O. Chedda, interview, April 12, 2010). As a consequence, only a few CSOs and private sector organizations formulated a position on IP issues regulated through the EPA; only 4 out of the 12 NSAs interviewed had specific interests in various fields of IP protection (Moerland, 2013, p. 531). This shows that while deep integration issues in principle affect more actors than traditional areas, they were not in a position to formulate preferences and engage in discussions due to low levels of understanding.

Limited financial resources also made it difficult to obtain the relevant knowledge by themselves. Without such capacity, CSOs cannot conduct research to make informed interventions and to build awareness (Montoute, 2016, p. 316). For the area of IP, Caribbean CSOs, such as Caribbean Policy Development Centre (CPDC), relied on studies carried out by international CSOs, such as the South Centre and the Third World Network (J. Spence, interview, April 7, 2010).

### *3.2. Actor Expansion II: Political Structures Impede Mobilisation on Deep Integration Issues*

In addition to low levels of understanding and resources, CSOs faced several problems with regard to the discussion of deep integration issues in regional and na-

tional activities organized by CRNM. Very few of these consultation meetings addressed IP protection in depth (Moerland, 2013, p. 539). In fact, several stakeholders only learned about the IP chapter before the signing of the EPA (B. Pereira, interview, April 6, 2010; N. Girvan, interview, April 22, 2010). In addition, regional and national consultations with relevant stakeholders were geared towards involving business and industry representatives rather than CSOs. Only a few events could be identified that addressed civil society actors (Moerland, 2013, p. 540). This reveals a certain bias in the organization of consultations by CRNM towards private sector interests. Also across other trade areas, ACP–EU economic and social interest groups in the Caribbean region regretted the insufficient information available to NSAs on the negotiations, the inadequate consultations, and the limited capacity of economic and social interest groups to participate in the process (European Economic and Social Committee, 2007, para. 29).

At the same time, CRNM felt that CSOs did not respond to deep integration issues addressed during the negotiations because they lacked organizational capacity (CRNM, 2008). Their input was mainly directed towards development issues and was often perceived as not being constructive (J. Lodge, interview, March 3, 2010). In fact, technical negotiators’ expertise was far superior as compared to national and regional state and NSAs, making a conversation on par almost impossible (Moerland, 2013, p. 579). The technical nature of many deep integration issues, therefore, constituted an impediment for NSAs in the Caribbean to formulate policy positions. Montoute (2016, p. 316) arrives at a similar conclusion for other negotiating areas as well: Due to a lack of capacity and lack of confidence that their views would matter, CSO representation was very low. With CRNM negotiators enjoying a rather large negotiating autonomy (Girvan, 2009, p. 14), they could rely predominantly on their own expertise and values to formulate CARIFORUM’s negotiating position. In this case, the delegation of power to CRNM enabled deep integration issues such as competition, public procurement, e-commerce, environment, and social aspects to be included in the EPA without much mobilisation, as would have been expected. This means political preferences of state representatives rather than the positions of NSAs were instrumental for the inclusion of deep integration issues.

### *3.3. Issue Saliency: Technicality of Deep Integration Issues Hinders Effective Framing*

Deep integration issues, such as IP rules, often contain a high level of technical detail and complexity, which presents a barrier for NSAs to create issue saliency. Caribbean NSAs faced the challenge of: (1) understanding the technical and complex provisions; and (2) communicating their views about them to the public. This implies that few discursive opportunity structures existed to politicise the inclusion of deep trade issues.

As a senior programme officer of CPDC puts it: its officers felt they lacked the level of expertise to speak comfortably on behalf of society on IP issues (S. Munro-Knight, interview, May 13, 2010). Bishop, Heron, and Payne (2013, p. 83) conclude that one of the major criticisms of the Caribbean EPA was the highly technocratic way in which negotiations were handled. Such technical and complex topics impacted the possibility for Caribbean NSAs to engage in strategic (emotive) framing. We find that too much complexity can undermine a conducive framing that highlights the uncertainties involved and from which CSO actors could have benefitted in their campaigns. As Girvan (2010, p. 106) noted, “technical arguments by themselves were insufficient to sway the governments. The issues were too complex to be easily understood.” This leads us to conclude that NSAs in the Caribbean did not choose complex deep integration issues as themes of discussion.

Instead of framing the uncertain impact of deep integration issues in their communication, many Caribbean NSAs chose broader social and political issues for targeting the general public and society. As Montoute (2016, p. 315) finds, CSOs considered general issues instrumental in driving the process. Both CSOs and private sector organizations in the region focussed on sustainable development, the neo-liberal paradigm present in the negotiations and importantly market access (J. Spence, interview, April 7, 2010; S. Munro-Knight, interview, May 13, 2010; O. Chedda, interview, April 12, 2010). When NSAs formed a position regarding deep integration issues, it was to oppose their inclusion into the EPA. For example, CPDC argued that IP commitments beyond the Agreement for Trade-Related Aspects of Intellectual Property Rights should be avoided (J. Munro-Knight, interview, May 13, 2010). However, this did not become an emotive frame that drew public attention, but rather served as a rational argument based on cost-benefit calculations.

#### **4. Politicization in the West African Region Linked to the Traditional Trade in Goods Agenda**

The EPA negotiations between the EU and the West African region—represented by the ECOWAS—began in 2003 and lasted until 2014. Like the Caribbean case, the EU intended to cover deep integration issues such as the liberalization of trade in services and the so-called Singapore issues (competition policy, trade facilitation, government procurement and investment) in the EPA. However, in contrast to the Caribbean case, the final agreement was limited to the traditional realm of trade in goods and excluded deep integration issues. These issues were only covered by a so-called rendezvous-clause that stipulated that negotiations on these issues will be considered in the future.

In contrast to the Caribbean case, a number of NSAs engaged in relatively high levels of politicization of the EPA (cf. Del Felice, 2014, p. 153; Heron & Murray-Evans,

2017, pp. 355–357; Langan & Price, 2015; Trommer, 2014). Politicization was particularly high in the year before the originally envisaged negotiation deadline—end of December of 2007—but the ‘Stop EPA!’ campaign that united key NSAs in the region remained active until 2009 (Trommer, 2014). The political activities of NSAs included both attempts to influence political decision-makers at the national and regional level in consultation processes, as well as public opinion through publications on the EPA process and offline and online campaigns (Onyekwena, Weylandt, & Akanonu, 2017, p. 4).

In contrast to the expectation in the existing literature, we find that politicization was not linked to the proposal to include deep integration issues into the EU–ECOWAS EPA. This inclusion did not lead to actor expansion because technical, financial, and institutional capacity constraints prevented private sector actors, in particular, from engaging with the negotiation agenda on deep integration issues. Conversely, politicization was driven by a number of trade-oriented CSOs that—in contrast to private sector actors—were able to draw on pre-existing expertise and networks (mobilisation resources) and made active use of the inclusion in the regional negotiation team of ECOWAS (political opportunity structures). Their political activities, however, focussed on the broad risks they associated with the neo-liberal underpinnings of the traditional trade in goods aspects that were included in the final agreements. Lastly, we find that the inclusion of deep trade issues does not increase the opportunities for emotive framings if trade in goods remains a political priority in EU negotiating partners, and awareness of deep trade issues remains rather low (discursive opportunity structures).

##### *4.1. Actor Expansion I: Uneven Mobilisation Resources Prevent Actor Expansion in Response to Deep Integration*

The initial EU proposal included deep integration issues in the EPAs. The inclusion of these issues in the negotiation process was reflected in the set-up of the technical negotiating groups in West Africa, which included working groups on trade-related issues (competition policy, investment, and intellectual rights) and on services (IDS & CARIS, 2010). While these issues were eventually excluded, the EU draft negotiating text for the ECOWAS EPA still contained comprehensive clauses on these deep integration issues (ODI & ECDPM, 2008). Yet, we find that the initial inclusion of deep integration issues did not lead to an expansion of actors involved in mobilisation. Those NSAs that did engage in politicization responded to traditional trade topics only. This pattern becomes understandable if we take the uneven spread and oftentimes low levels of pre-existing mobilisation resources into account that prevented the inclusion of a broader range of NSAs.

Politicization in the West Africa region was driven by a group of trade-focussed civil society actors that

launched the West African Civil Society Platform on the Cotonou Agreement (POSCAO), a coalition that comprised 14 organizations from 12 countries (Wernø, 2013) to coordinate their political activities on EPA negotiations (Trommer, 2014). While the platform was critical of the inclusion of deep integration issues on the negotiation agenda (Del Felice, 2014, p. 161), their campaign mainly related to traditional trade in goods issues and the debate concerning financial support (cf. Trommer, 2014; Del Felice, 2014). POSCAO benefitted from pre-existing structures, including the Africa Trade Network, and joined broader networks, such as the African Social Forum (Del Felice, 2014). Thus, this group of CSOs that was comparatively well endowed in terms of human and financial capacities was instrumental for driving the politicization process in the West African region.

Actor expansion in response to deep integration issues did not take place, given that even the majority of private sector actors lacked the resources necessary to engage in politicization (cf. Fofana, 2007, p. 4). In general, a study by the European Parliament found that most business actors in West Africa “have little or no information and do not have the capacity to follow closely the EPA negotiations” (Kwa, Lunenborg, & Musonge, 2014, p. 33). Capacity constraints were particularly acute regarding the deep integration agenda. For instance, in Nigeria—a key economy in West Africa—the small size of most service firms (less than 10 employees) and their limited capital base meant that they had “little if any coordinated representation” (NANTS & ILEAP, 2009, p. 10). As a result, the few mobilisation efforts by business actors that did occur did not focus on contentious deep integration issues such as competition policy and investment (Rampa, 2007, p. 28) but resulted rather from concerns about losing preferential market access to the EU (OFSE, 2018, p. 86) or tariff cuts on the West African side (IDS & CARIS, 2010, p. 142).

#### *4.2. Actor Expansion II: Political Opportunity Structures Facilitate Access of NSAs to the Regional Negotiation Level*

Participatory channels for NSAs existed in EPA negotiations, yet they were not comprehensive enough to contribute to a broadening of the basis of NSAs involved in politicization in a significant way. This undermined the link between the inclusion of deep integration issues and politicization because most NSAs lacked adequate political channels to make their positions heard (i.e., the service sector had weak links to the regional negotiation level, Kwa et al., 2014, p. 33).

While the majority of NSAs had difficulties in directly influencing the political level of decision-making in the EPA process, a selected number of NSAs had very good access. There was a unique negotiating set-up that differed from the Caribbean case: ECOWAS included a civil society representative and a private sector representative from the agricultural sector on the regional nego-

tiating team (interview with EU official, February 19, 2010, Brussels; Trommer, 2014, pp. 11–14), resulting in a close and allegedly “very good relationship” with these NSAs (phone interview with former ECOWAS official, November 1, 2011). While both representatives did not hold co-decision powers, they were able to advise decision-makers, provide technical input or defend the ECOWAS position (Trommer, 2014, p. 14). The inclusion on the negotiation team facilitated their political engagement—including their campaign against EPAs—because of better access to information and decision-makers. In particular, Cheick Tidiane Dieye, the civil society representative at the ECOWAS level, who also formed part of POSCAO, was very vocal in publicly criticising the EU proposals on EPAs (Weinhardt, 2019, p. 138). On the European side, some negotiators even perceived him as acting as if he was a “fully fledged negotiator from ECOWAS” and at times adding “an obstructive element which can turn the negotiations” (interview with EU official, February 15, 2010, Brussels). While he contributed to the politicization of the negotiating process, other civil society actors at times did not feel represented well by him, arguing that it is not enough to “choose one person for a whole region” (phone interview with civil society actor from Ivory Coast, October 17, 2011; authors’ translation from French).

This negotiation set-up nonetheless represents an important difference with the Caribbean case, where the CRNM consisted of political and technical negotiators only, and where relations with NSAs were weak. This, together with the differences regarding pre-existing knowledge and resources with at least one group of African NSAs, help us to understand why politicization was higher in the West African as compared to the Caribbean case, even if political opportunity structures were not comprehensive enough to facilitate actor expansion.

#### *4.3. Issue Salience: Framing as ‘Anti-Developmental’ Liberalisation Instead of ‘Dangerous’ Deep Trade Integration*

Similar to the Caribbean case, despite the inclusion of deep integration issues on the negotiation agenda, these technical issues did not play a role in the way civil society actors framed their campaign on EPAs. This was partly the case because at the political level, negotiations made little progress on these issues. Many government actors lacked the capacity and willingness to initiate negotiations on these far-reaching deep integration issues. As a result, the technical-thematic groups that dealt with IP and services struggled to define the exact scope of their work in the run-up to the originally envisaged negotiating deadline of December 2007 (African Trade Policy Centre, 2007, p. 47). To the contrary, making sure that EPAs offer better market access in terms of trade in goods remained a political priority for ECOWAS negotiators and national governments. This in turn shaped the focus of the ‘Stop EPA’ campaign of civil society actors. Here,

the different economic preferences between the West African and Caribbean region also mattered in the sense that most ECOWAS member states were not under pressure to reach an agreement to secure continued preferential market access to the EU.

As a result, in their campaign, civil society actors made use of the uncertainty related to traditional market opening towards the EU, i.e., the lowering of tariffs on EU imports, to strategically frame the EPAs as “fundamentally anti-developmental” (Africa Trade Network, 2006; see also Coomson, 2007), a threat to local producers, or even as part of a neo-colonial agenda of the EU. The absence of studies on the effects of EPAs created this “space for suspicion” (IDS & CARIS, 2010, p. 136). Civil society actors focussed their framing on “the inequalities and unfairness of the EPA [in order] to reject it completely” (African Trade Policy Centre, 2007, p. 49) and did not target specific deep integration issues.

These findings resonate with the existing literature in the sense that NSAs made strategic use of uncertainties about the potential effects of the proposed FTA to push for an emotive framing that resonated broadly and avoided the danger of technification. In contrast to existing views, however, such uncertainties were not related to the deep integration issues on the agenda given that political priorities lay on traditional trade liberalization. Moreover, lower awareness and the lack of concrete negotiations on these issues made it more difficult to use a framing that resonated widely (discursive opportunity structures).

## 5. Conclusion

Many authors that assess politicization of recent EU trade negotiations such as TTIP or CETA, have come to the conclusion that the more negotiations focus on deep integration issues, the higher the potential for politicization. This is because the comprehensive nature of non-traditional trade issues allows domestic constituents to mobilise broader coalitions that go beyond traditional economic actors. The uncertainties associated with complex behind-the-border regulatory reforms open up opportunities for (emotive) strategic framings that resonate widely. Yet, we find that this assumed link between deep integration in FTAs and politicization does not necessarily hold true in developing partner countries of the EU. We find that in the case of the EPAs between the EU and West Africa and the Caribbean region, respectively, patterns of politicization in both partner countries did not occur because of the inclusion of deep integration issues in the negotiations, but depend more on pre-existing mobilisation resources, political and discursive opportunity structures.

In the Caribbean, low mobilisation resources, limited opportunities for participating and interacting with the negotiations at the regional level, and the difficulty to frame technical and complex issues effectively undermined an engagement of NSAs with deep integration is-

ues. In particular, lack of information and expertise on deep integration issues such as IP meant that NSAs were not in a position to formulate their preferences to the public or in consultations. Where NSAs were engaged in the EPA negotiations, it was in relation to less technical aspects like sustainable development or market access, which NSAs felt more confident about and which they could use for salient framing. Even though deep integration issues presented many uncertainties, they were perceived as too complex and technical to be easily understood by the public.

In West Africa, the higher-level politicization was mainly driven by pre-existing mobilisation resources and political opportunity structures for a group of NSAs: A selected number of civil society actors was able to rely on pre-existing expertise and trade-related networks, and effectively engaged in politicization. Their efforts were magnified by the opportunity to send a representative to the regional negotiating team of ECOWAS. These political activities, however, focussed on more traditional trade liberalization topics rather than deep integration aspects of the agreement. Overall, we thus did not find actor expansion as a result of the inclusion of deep integration issues on the negotiation agenda, also because the majority of NSAs did not have the means to mobilise. Issue salience did not increase either, as NSAs opted for a general anti-developmental framing that addressed uncertainties about the developmental effects of traditional market opening towards the EU, arguably because traditional trade aspects were far more significant to most West African economies than deep integration issues.

These findings suggest that it is difficult to generalise patterns of politicization linked to deep integration issues. At a general level, we show that in both cases, patterns of politicization do not follow the assumptions of the authority transfer hypothesis. Instead, our findings support earlier research that has indicated that intermediary variables play an important role in shaping politicization (de Wilde et al., 2016). Our case studies show that insufficient or missing mobilisation resources, political, and discursive opportunity structures counteract the expected actor expansion and increased issue salience in response to the inclusion of deep integration issues. Our case studies show that pre-existing knowledge, financial resources, and network structures are crucial for actor mobilisation: In the Caribbean, these were largely absent, while in West Africa, it was primarily a relatively well-endowed network of trade-focussed civil society actors that engaged in politicization. Regarding issue salience, we find that the oftentimes low capacity to engage with complex deep integration issues also implies that emotive framings tend to be used for the politicization of broad dangers associated with neo-liberal free trade policies.

More generally, our findings indicate that if the EU negotiates deep integration issues with developing country partners, the level of awareness among NSAs will vary greatly and will oftentimes be low. If NSAs engage in

politicization, they are thus less likely to focus the limited resources they have on complex deep integration issues. This also implies that support or opposition to including deep integration issues may primarily depend on the political preferences of state representatives, rather than the positions of NSAs. We find that the West African resistance to or the Caribbean acceptance of the deep integration issues proposed by the EU was not—or not only—related to politicization efforts by NSAs. Instead, it also reflected the divergent preferences and levels of autonomy of regional negotiators. CRNM negotiators were relatively autonomous and strongly in favour of including the Singapore issues and liberalization of services as part of the EPA deal. Conversely, ECOWAS negotiators faced higher levels of politicization from NSAs and were also more dependant upon ECOWAS member states that tended not to buy into the EPA agenda.

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### Conflict of Interests

The authors declare no conflict of interests.

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Article

## National Autonomy or Transnational Solidarity? Using Multiple Geographic Frames to Politicize EU Trade Policy

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### Abstract

The article contributes to our understanding of how trade is politicized and how civil society activists manage the tensions between multiple collective action frames in a complex political context. When viewed alongside the Brexit referendum and Trump’s US Presidency, it is easy to see the 2013–2016 campaign against a European Union–US Transatlantic Trade and Investment Partnership as a further example of an apparently growing populist ‘nationalism.’ Yet, in the European context—where campaigning was most visible—there was in fact extensive reliance on, and re-iteration of, a transnational ‘European’ frame, with antecedents in the 1999–2006 campaign against General Agreement on Trade in Services negotiations. As the article argues, transnational campaigning operates within a nexus of multiple, and sometimes conflicting, geographic frames. In both campaigns discussed here, activists typically engaged with the wider public via the national context and, sometimes, with allusions to ‘national autonomy.’ However, their activism was dependent upon a frame espousing ‘transnational solidarity.’ Developed over time, this structured their transnational relations with other groups and more full-time activists.

### Keywords

civil society; General Agreement on Trade in Services (GATS); local government; petitions; politicization; trade policy; Transatlantic Trade and Investment Partnership (TTIP)

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### 1. Introduction

Geography is at the centre of trade policy. It defines trade flows. It structures the regulatory environment in which goods and services are sold and investments made. It is most evident in the ‘open versus closed’ dichotomy through which trade policy is currently viewed. The Trump Presidency in the US is often depicted as marking a sharp return to a more openly protectionist rhetoric along nationalist lines, evoking isolationism. Both sides debating the Brexit impasse have also used explicitly geographic narratives: Advocates of Brexit have framed the

European Union (EU) as a barrier to the UK otherwise accessing global markets, while critics have focused on the need for continued ‘frictionless’ trade with the UK’s closest neighbours. Trade policy more generally operates in a political environment that involves multiple institutional levels, including the sub-national, national and global (see Goff & Broschek, in press).

This article examines the use of geography as a means to politicize two key moments in the recent history of EU trade policy: the World Trade Organization (WTO) General Agreement on Trade in Services (GATS) negotiations of the early to mid-2000s, and the EU–US

Transatlantic Trade and Investment Partnership (TTIP) negotiations, in the mid-2010s. The collapse of the TTIP negotiations, coming as it did in the context of the Brexit referendum and the election of Donald Trump as US President, might easily be viewed as yet another example of a ‘nationalist backlash’ against political and economic globalization. The TTIP campaign was, at some points, supported by political groups on the far-right, and even more left-wing activists utilized references to the restriction of national autonomy to help politicize TTIP as a ‘threat’ (e.g., Jones, 2014). Yet, to read politicization around TTIP only in reference to these groups and arguments misses the more variegated cleavages underpinning the politicization of trade policymaking. During both the earlier GATS talks and those focused on TTIP, NGOs, which played a central role in politicizing the respective negotiations, utilized a variety of geographic frames that drew on notions of both ‘national autonomy’ and ‘transnational solidarity.’ As a result, their activities cannot be labelled simply as either ‘anti-’ or ‘pro-globalization.’

The article begins in Section 2 by clarifying what is meant by ‘geographic frames,’ and how these drive politicization by civil society actors. Section 2.1 then provides a discussion of the methods and sources used in the subsequent frame analysis. This is undertaken in Sections 3 and 4, which focus on two campaign devices utilized across both periods. The first is transnational petitions, in which campaign groups formulate a series of joint demands which they or the public sign. The second is ‘municipal-level trade contestation,’ where civil society actors work closely with local governments in support of their critical demands (Siles-Brügge & Strange, in press). As we discuss in the concluding Section 5, studying how campaigners utilize a mix of geographic frames has important implications. They are not merely descriptive of the activities and demands of civil society groups or mutually exclusive. Rather, they reflect a desire to engage with the public in a national context while also constructing a transnational network of activists. This leads us to rethink not only the politicization of trade policy, but also how to interpret the political conditions that constrain or favour trade negotiations, going beyond a simple picture of nationalism versus globalism.

## 2. The Role of Geographic Frames in Politicization

Civil society activists have been identified as key drivers of the politicization of EU trade policy over the past two decades (for a review, see Meunier & Czesana, 2019). They played a central role in bringing the GATS to public attention and are credited with spurring some shifts in the EU’s policy position in these negotiations (Strange, 2014, p. 158). Moreover, during the even more high-profile TTIP talks, the key political cleavage to emerge was not between different economic interest groups, as conventional accounts of trade politics might have suggested, but between transatlantic business alliances sup-

portive of the talks and NGOs that were broadly critical (Young, 2016).

We argue that the social movement literature studying such groups uses comparable theoretical building blocks to the politicization literature. This latter literature has argued that three dimensions need to be in play to be able to speak of politicization: an ‘expansion of actors and audiences’ engaged with an issue; issue ‘saliency’ (significance); and, the ‘polarisation of opinion’ (de Wilde, Leupold, & Schmidtke, 2016). The study of social movements, for its part, often adopts a ‘contentious politics’ approach focused on examining the claims made by civil society actors vis-à-vis governments. This is reminiscent of the notion of polarization, in this case between the ‘maker’ (social movement/civil society actor) and ‘receiver’ (often, but not exclusively, a government actor) of the claim (Tilly & Tarrow, 2015, pp. 7–12).

Our more concrete focus here, however, is on relating the three dimensions of politicization to the strategic use of ‘collective action frames’ discussed in social movement scholarship. The collective action necessary for a social movement or more loosely organized transnational advocacy network (TAN) to emerge—which must be seen as a precondition of its ‘contentious claims-making’—is dependent upon a common frame by which individuals may understand their shared activity, attract other individuals, and be represented to their target (e.g., a national government; Benford & Snow, 2000). Such frames may be used to delineate the terms of polarization, defining in the eyes of activists who the maker and receiver of claims are. Where groups wish to increase the saliency of a frame (and associated issue), they might focus on its ‘centrality’ to the lives of the intended target; its ‘experiential commensurability’ and its ‘cultural resonance,’ ‘or what Campbell (1988) would call myths’ (Benford & Snow, 2000, pp. 619–622). Finally, where activists wish to drive actor expansion, recent scholarship on framing and ideas has emphasized the role of ‘polysemic’ or ambiguous frames (or ideas) as ‘coalition magnets,’ strategically deployed by ‘policy entrepreneurs’ to bridge potentially disparate interests (Béland & Cox, 2016). Multiple and ambiguous meanings are said to go hand-in-hand with higher levels of abstraction, where ideas or frames possess greater emotional appeal ‘because they tap into a core level of personal and group identity’ (Cox & Béland, 2013, p. 316).

Although drawing on some of its building blocks, our approach does represent a key point of difference in respect of the literature on politicization. This latter body of work has often focused on how transfers of authority from the state to ‘higher’ levels, such as supranational organizations, might trigger a backlash (e.g., de Wilde et al., 2016). We argue, in contrast, that civil society groups do not just rely on emphasizing national sovereignty, painting supranational institutions as the enemy. Their collective action frames—and contentious politics more broadly—do not always rest on establishing a polarizing fault-line between political activity at the national and

supranational levels. This is especially relevant where civil society organizations act across national borders, whether through sharing information, strategy, or engaging in coordinated action.

Our argument is thus focused on how geography often becomes salient as a way in which collective action frames used by civil society groups to politicize and contest policy are structured (Cumbers, Routledge, & Nativel, 2008). Such ‘geographic frames’ may express difference, by emphasizing the different national origins of activists (e.g., ‘Canadian,’ ‘Kenyan’) or ‘national autonomy/sovereignty,’ in the latter case underscoring the imposition of supranational rules on national governments. But they may also be used to express commonalities between activists that transcend national borders, especially where they might be considered abstract (e.g., ‘Global,’ ‘Latin American,’ ‘European’). For example, the emotional pull of a perceived community of ‘English-speaking peoples’ has motivated a, these days influential, TAN in favour of closer economic association between the UK and the Anglosphere and given legitimacy to the associated geographic frame prominently adopted by the UK Government of a ‘Global Britain’ (Bell & Vucetic, 2019; Daddow, 2019). This is in spite of the fact that actors within this network marry such frames with an emphasis on preserving UK ‘sovereignty’ (Rosamond, 2019, p. 415).

With multiple geographic frames sitting side-by-side, activists can be highly strategic with how they use them. In some cases, civil society organizations and TANs may subvert traditional hierarchical orders in order to place the ‘local’ alongside or above the ‘national’ or even ‘global’ (Leitner, Sheppard, & Sziarto, 2008). By challenging such orders, there is not a clear ranking in which the ‘national’ has sole jurisdiction of the ‘local,’ in which the latter can only access the ‘global’ via the former. Crucially, the binary between the ‘national/supranational’ is blurred where groups can utilize frames emphasizing national autonomy and transnational solidarity simultaneously to motivate support for their cause. Rather than represent a contradiction, the ambiguity and abstraction of these geographic frames allows them to act as effective ‘coalition magnets,’ bringing together a broader alliance of groups. In this vein, geographic frames should not be mistaken as a mere description of a ‘movement’ or its demands but rather as part of a political process of self-representation (Strange, 2014; see also Smith, 2005). They should not simply be taken at face value as they represent deliberate political communication by civil society actors.

Bringing together potentially disparate groups is especially significant when campaigning against trade agreements. These both transcend national boundaries and involve a multitude of different actors, who themselves often communicate with one another via a technical language premised on economic and legal expertise (see Hannah, Scott, & Trommer, 2016). Civil society activists wishing to politicize such agreements therefore

benefit from being able to operate across borders, but also from speaking to a variety of different audiences, notably translating the technical terminology and highlighting its significance to potential supporters.

### 2.1. Research Questions, Methodology and Sources

Building on this framework, our article seeks to address three specific questions:

- 1) How do geographic frames serve as coalition magnets to link groups, such as those involved in forming a TAN, across borders, leading to actor expansion?
- 2) How do geographic frames define polarization between the makers and receivers of contentious claims, including across different geographic levels?
- 3) How do activists use geographic frames to draw out the salience of a trade negotiation so that it is seen as significant in the eyes of relevant actors?

In addressing these questions, the article will also be closely examining the audiences to which different geographic frames are being addressed.

Framing is undertaken wherever activists articulate their common position and demands, and therefore includes both oral and written communication, as well as potentially other devices. However, our frame analysis in this article focuses on two specific instruments—transnational petitions and municipal level trade contestation—as prominent means through which trade politicization manifested itself during both the GATS and TTIP negotiations. In focusing on these instruments, we are not suggesting that the frames expressed here represented a unified civil society position—or that there was not a political debate between groups over the choice of frame to use. But, given limited space, we choose to focus on the frames as articulated through these two instruments for three reasons. Firstly, they involve the explicit and detailed statement of civil society frames in a public setting. They are also *prima facie* organized on different scales (transnational petitions/meetings versus local government motion), allowing us to explore whether multiple geographic frames are still used in each context. Finally, these instruments were consistently used across both campaign periods (GATS and TTIP), with similar organizations, notably members of the Seattle-to-Brussels (S2B) TAN (Gheyle, 2019, p. 183), playing a role—allowing for comparison across time. In the remainder of this sub-section we provide an overview of the corpus of textual materials relating to these activities that we focus on in our analysis of civil society frames (see also Tables 1 and 2).

Transnational petitions are utilized by civil society to frame their network and its political demands, typically led by a small core of groups with most signatories (either individuals or other groups) asked only to pro-

vide their formal support (Strange, 2011). In turn, those nationally-based groups often use the petitions to represent their work when communicating with their supporters via online hyperlinks to the group hosting the petition on their website. Transnational petitions have taken two forms. During the GATS period, the focus was on ‘global group petitions’ (GGPs), or ‘online petitions typically framed as “global,” linking sometimes hundreds of advocacy groups behind a common set of critical statements targeting an institution of global governance’ and seen as a key instrument of TANs (Strange, 2011, p. 1237). There were five such anti-GATS GGPs, running from December 1999 to June 2005 (for an overview, see Table 1). TTIP campaigning took a different path to the GATS activity, in part due to the creation of the European Citizens’ Initiative (ECI). We see this as comparable to a GGP in purpose and transnational reach, but with its geographic scope more explicitly European. It came into being in 2011 as an EU institutional innovation to counter criticism of the EU’s supposed ‘democratic deficit’: one million signatures to an ECI would oblige the Commission to respond (Szeligowska & Mincheva, 2012). The STOP TTIP ECI submitted for registration in July 2014 demanded that the Commission and EU Member States cease the TTIP negotiations and that CETA not be ratified (Efler et al., 2014). However, in September 2014, the Commission rejected registration of the ECI (European Commission, 2014). While this was not unusual, what was significant was that the organizers of the STOP TTIP ECI chose to create a ‘self-organized ECI’ (sECI), launching it only fifteen days later. Within a year, by early October, organizers ‘handed over’ what they claimed were 3,263,920 signatures from 23 Member States to the European Commission (Zalan, 2015). The organizers also appealed the Commission’s decision to deny the ECI registration, but the European Court of Justice’s finding, overturning the decision, was only announced in May 2017 (Case T-754/14)—after the TTIP negotiations were already on hiatus and CETA ratified by the European Parliament.

Municipal-level trade contestation, meanwhile, has also taken two forms (see Siles-Brügge & Strange, in press). The first has led activists to pressure municipalities into passing motions that were critical of the GATS and TTIP negotiations. Motions were generally based on templates prepared by NGOs associated with the S2B network, such as the Association for the Taxation of Financial Transactions and for Citizens’ Action, known by its French acronym ATTAC (see, e.g., GATSwatch, n.d.; TTIP Free Zones, 2019b). Given space constraints, we focus our analysis on the templates used by ATTAC in Austria and France. These countries together accounted for most motions passed in both periods. During the GATS campaign, previous research has identified 744 motions in France and 388 in Austria (against just under 400 elsewhere); the equivalent figures for the TTIP campaign are 760 in France and 408 in Austria (against 846 elsewhere; Siles-Brügge & Strange, in press). In the case of

France and the GATS period, we draw on the template used by ATTAC-Rhône, which is similar to that used by other local chapters (e.g., ATTAC 91, 2005).

Municipal activism also involved the organization of a set of (transnational) meetings of NGOs and municipalities that served as evidence of campaign coordination. During the GATS period, the more France-focused ‘States-General of local authorities against GATS’ (Bobigny, November 2004) morphed into a European and, later, global ‘Convention for the Promotion of Public Services,’ held respectively in Liège (October 2015) and Geneva (October 2016; Convention Européenne des Collectivités Locales, 2005, 2006; Crespy, 2016, p. 171). During the TTIP period, there was even stronger evidence of coordination of the various national municipality campaigns, which coalesced around the banner of ‘TTIP Free Zones Europe.’ Transnational meetings of municipalities, with civil society participation as before (see, e.g., Patterson, 2016), were organized in Barcelona (April 2016), Grenoble (February 2017), and Antwerp (March 2019)—although campaigning was already petering out by the time the second meeting was held (Pan-European meeting of local authorities, 2016; Pan-European meeting of TTIP-free zones, 2017; Not Without Municipalities, 2019). The last meeting in Antwerp did not even issue a statement on their website. Anti-TTIP campaigners ran a single website mapping the extent of municipal engagement and providing an overview of some of the national templates that could be used by local activists (see TTIP Free Zones, 2019a).

In the following sections we turn to analyzing the frames contained within these campaign devices, illustrating how the groups involved have built solidarity across time.

### 3. Solidarity in Transnational Petitions

In the case of the anti-GATS group petitions, there was a combination of frames underscoring both national autonomy—in the national categorization of signatories and the emphasis on protecting governmental regulatory power—and global transnational solidarity (see Table 1 for an overview of the geographic frames and activist groups involved). The use of both ambiguous geographic frames enabled such petitions to serve a double purpose of: a) acting as a coalition magnet, leading to actor expansion through the construction of a transnational network; and b) underscoring the centrality of the issue to groups’ supporters in a national context, raising the salience of the GATS. Moreover, while in some cases the geographic frame set up an opposition between the policies adopted by supranational or multinational entities (such as the WTO or multinational corporations) and nation-states, petitions were also addressed from transnational activists to national governments. Polarization on this issue was thus not simply along a national-supranational axis (‘we, national citizens/organizations, must resist the imposition of GATS by

**Table 1.** Geographic frames in transnational petitions.

	Civil society groups involved	Components of framing strategy and politicization
<b>GATS campaign</b> <ul style="list-style-type: none"> <li>• WTO—Shrink or Sink! (1999)</li> <li>• Stop the GATS Attack Now! (2001)</li> <li>• Nairobi Civil Society Declaration on the GATS (2003)</li> <li>• Evian Challenge (2003)</li> <li>• Stop the GATS power play against citizens of the world! (2005)</li> </ul>	<p>WTO—Shrink or Sink! (1999)</p> <ul style="list-style-type: none"> <li>• ‘Our World Is Not For Sale’ network (429 signatories).</li> </ul> <p>Stop the GATS Attack Now! (2001)</p> <ul style="list-style-type: none"> <li>• Polaris Institute, European and North American groups (563 signatories from 63 countries).</li> </ul> <p>Nairobi Civil Society Declaration on the GATS (2003)</p> <ul style="list-style-type: none"> <li>• Polaris and European groups, but predominantly African organizations (25 signatories).</li> </ul> <p>Evian Challenge (2003)</p> <ul style="list-style-type: none"> <li>• 146 international signatories.</li> </ul> <p>Stop the GATS power play against citizens of the world! (2005)</p> <ul style="list-style-type: none"> <li>• 148 international signatories.</li> </ul>	<p><b>Centrality (to increase salience)</b></p> <p>National autonomy:</p> <ul style="list-style-type: none"> <li>• GATS undermines government regulatory power;</li> <li>• National categorization of signatories.</li> </ul> <p><b>Polysemy (to drive actor expansion)</b></p> <p>Global solidarity in the fight against corporate power. At times a focus on solidarity with developing countries and at others on those affected by EU policies.</p> <p><b>Defining the terms of polarization</b></p> <p>Opposition not just between national and supranational actors (e.g., WTO), but also between transnational actors (activists) and nation-states over the desirable form of globalization.</p>
<b>TTIP campaign</b> <ul style="list-style-type: none"> <li>• (Self-organized) European Citizens’ Initiative (2014-2015/2017)</li> </ul>	<p>‘Stop TTIP Alliance,’ closely linked to Seattle-to-Brussels. Citizens’ committee included Michael Efler (Mehr Demokratie), Susan George (Transnational Institute) and John Hilary (from War on Want).</p>	<p><b>Centrality, cultural resonance, and experiential commensurability (to increase salience)</b></p> <p>TTIP as a threat to European standards.</p> <p><b>Polysemy (to drive actor expansion)</b></p> <p>European solidarity as a means of sustaining pan-European cooperation.</p> <p><b>Defining the terms of polarization</b></p> <p>Opposition between different types of European actor and policy.</p>

Sources: 11.11.11 et al. (2003), Action Aid Uganda et al. (2003), AFTINET (2001), ARENA (2005), Efler et al. (2014), Gheyle (2019), Third World Network (1999).

supranational institutions’). Rather, it reflected the juxtaposition of an alternative form of globalization advanced by NGOs alongside traditional nation-centric models of political power also mobilized by these activists.

Anti-GATS mobilization emerged in the aftermath of two apparent ‘success’ stories for campaign groups involved in what has been referred to as the ‘global justice movement’ (Della Porta, 2007): the collapse of the WTO’s Third Ministerial Conference in Seattle in December 1999 and the stalling in 1998 of negotiations towards a proposed Multilateral Agreement on Investment (Egan, 2001). A critical GATS demand entered the first GATS-relevant GGP ‘WTO—Shrink or Sink!’ that activists groups published in the immediate aftermath of the Seattle protests (Third World Network, 1999). This framed GATS as a threat to government regulatory protection of ‘the environment, health, safety and other public interests’ (Third World Network, 1999). However, this petition and those that followed reflected a broader balancing act between emphasizing transnational/global solidarity and national sovereignty. Notably, ‘WTO—Shrink or Sink’ was

used at the same time as one of two founding declarations of the ‘Our World Is Not For Sale’ network. This was formed to facilitate many of the transnational civil society alliances that developed in the build-up and during the Seattle protests. The petition thus also sought to link people across borders in transnational solidarity, noting that ‘around the world in rich and poor nations alike, millions of people...fight for a just and sustainable future and against corporate globalization,’ whilst listing the signatory groups by country. Governments were presented as largely passive victims or, in the case of the more powerful, as tools for a ‘corporate elite’ and the ‘WTO’s allegedly neutral Secretariat’ (Third World Network, 1999).

Similarly, the 2001 ‘Stop the GATS Attack Now!’ GGP, promoted by North American and European groups, and coordinated by the Canadian Polaris institute, contained a mixture of geographic frames. It argued that the GATS 2000 negotiations ‘create vast new rights and access for multinational service providers and newly constrain government action taken in the public interest worldwide’ (AFTINET, 2001). It targeted national governments,

which were asked to ‘immediately invoke a moratorium on the...negotiations’ and then follow seven overlapping demands that included asserting governmental responsibility over public services towards basic rights; preventing foreign governments and corporations from undermining public interest laws; and, including citizen organizations within government representation at global trade and investment negotiations (AFTINET, 2001).

That said, some differences in the articulation of the global solidarity frame could also be observed in the GGPs. The 2003 ‘Nairobi’ petition—which came out of a meeting in the Kenyan capital, organized by Polaris and European groups with representatives of African civil society from across the continent—specifically called upon ‘developing governments...to promote, protect and reclaim the southern policy space, to review, with a view to withdraw, current commitments and therefore not to make any new commitments in current GATS negotiations’ (Action Aid Uganda et al., 2003). Signatory groups were identified by name and country, and the petition was presented as a joint statement of transnational solidarity amongst those signatories (Action Aid Uganda et al., 2003). Similarly, the last petition critical of GATS from 2005 (‘Stop the GATS power play against citizens of the world!’) was intended to specifically critique the inclusion of services within the then still-ongoing Doha negotiations—since stalled—and problematized GATS as a threat to developing countries. It also reiterated the arguments developed in the earlier petitions that GATS was a device pushed by multinational service corporations to undermine national regulatory space. It targeted the heads of Member-state delegations to the WTO, as well as the WTO Secretariat and key Chairs involved in negotiating GATS 2000. As with most of the GATS-focused petitions, the signatories were identified by name and country, and were framed as ‘civil society organizations from around the world’ (ARENA et al., 2005). In contrast, while the 2003 ‘Evian’ petition was signed by an international list of groups identified by their name and countries, it was more narrowly focused on the EU’s GATS negotiation position and demanded that it exclude water utilities on the basis that it threatened ‘vulnerable communities worldwide’ (11.11.11 et al., 2003). This may have reflected the fact that European groups utilized the anti-GATS campaign to develop a trans-European network intended to link the Seattle protests with the role of the European Commission at the WTO. Suitably titled, the S2B network effectively helped to share critical reports between groups, provided a common voice of critique addressed to EU Member States and the Commission’s Directorate-General for Trade, and sometimes helped organize street protests (Strange, 2014).

The TTIP (s)ECI also adopted a more explicitly ‘European’ geographic frame that focused less on either national autonomy or ‘global’ solidarity (see Table 1 for an overview). This was underpinned by three dynamics, each broadly corresponding to one of the dimensions of politicization discussed above. Firstly, the

anti-TTIP campaign largely took place in Europe. The EU–US nature of the TTIP talks meant that contestation could have potentially been structured along a transatlantic frame, as reflected in the list of signatory groups to a December 2013 letter (which operated much like a GGP) demanding investor-state dispute settlement (ISDS) be removed from the US–EU discussions (350.org et al., 2013). Of 132 group signatories, the majority were either EU- or US-based (86 and 39 respectively). European/EU-based activists, however, ultimately found more traction for their campaign while US civil society groups focused their efforts on campaigning against the Trans-Pacific Partnership. Negotiations on the Trans-Pacific Partnership were already more advanced and TTIP was perceived as less of a threat given EU levels of labour or environmental standards (Siles-Brügge, 2017, p. 472). In the EU, the explicitly European, as opposed to transatlantic, framing of the sECI helped to not only underscore the centrality of TTIP to targets’ lives, but was also culturally and experientially resonant. It helped to draw out the salience of transatlantic negotiations as a specific threat to ‘European’ regulatory systems/standards—a key element of the civil society campaign against TTIP (Eliasson & Garcia-Duran, 2019, Ch. 4)—in what has been referred to as ‘[m]ythmaking in European identity’ (Buonanno, 2017, p. 797).

Secondly, the European frame was also linked to the decision to pursue an ECI—even after the Commission’s rejection of the initial attempt at registration—despite the additional constraints this imposed. Although the ECI format featured stringent character limits (see European Commission, 2019), organizers chose to maintain the same short text for use within the signatory forms of the sECI. Organizers also not only established a citizens’ committee, but also publicly touted the fact that they had met Member State signature thresholds as prescribed in the relevant EU rules governing ECIs (Efler et al., 2014; McKeagney, 2015; Taylor, 2015). As Oleart and Bouza (2018) have noted in a comparison of several ECIs, including the one critical of TTIP (‘STOP TTIP’), organizers must, when writing the petition text, have in mind both a European audience of potential signatories as well as the European decision-makers to whom the ECI is formally addressed. The text of the STOP TTIP sECI thus presented TTIP and CETA as a ‘threat to democracy and the rule of law’ (Efler et al., 2014). It also repeated similar themes seen in the anti-GATS petitions. Specifically, it sought ‘to prevent employment, social, environmental, privacy and consumer standards from being lowered and public services (such as water) and cultural assets from being deregulated in non-transparent negotiations’ (Efler et al., 2014). However, there was no mention of national autonomy; instead organizers ‘support[ed] an alternative trade and investment policy in the EU’ (Efler et al., 2014). The framing thus put different types of European actors and policies in opposition to each other within a single public sphere (see also Oleart & Bouza, 2018), rather

than polarizing national and supranational actors and levels of political activity.

Thirdly, the transnational ‘European’ frame seen here was not exclusively a product of the formal requirement that ECIs be written to a trans-EU audience. A product of a wider European ‘Stop TTIP Alliance,’ its creation and, more importantly, the civil society activity that ensured its life after being rejected by the Commission, was also closely linked to the support of the S2B network (Gheyle, 2019, pp. 195–199; Oleart & Bouza, 2018, pp. 879–880). Individuals named as its supporters, such as Susan George or John Hilary, were embedded within S2B. Its activists had sought to politicize EU trade negotiations in the period between the GATS and TTIP, but it was only with the launch of the TTIP talks in the summer of 2013 that S2B’s efforts played a key role in re-igniting the wider politicization of EU trade policy (Siles-Brügge, 2017, pp. 470, 472–473). In collecting signatures for the self-organized ECI, national groups such as 11.11.11 in Belgium and Global Justice Now (formerly World Development Movement) in the UK played similar roles to their work during the GATS campaign. While there may have been unevenness in the number of signatures collected by the STOP TTIP sECI across Member States, the activity itself was nevertheless characterized by a transnational/European frame and collaboration. The appeal to a polysemic European frame served as a coalition magnet sustaining the expansion of civil society and other actors concerned with TTIP (see Gheyle, 2019, pp. 195–199). This is underscored by the fact that groups deliberately chose the procedural constraints of an EU-level petition even after its registration had been rejected.

#### **4. Municipal-Level Trade Contestation: From the Global to the Local**

In addition to transnational petitions, both the anti-GATS and anti-TTIP campaigns saw civil society groups turn to ‘municipal level trade contestation’ as a central device to politicize the negotiations. Activists engaged in a series of concerted efforts to push local, and some regional, governments into passing motions that were critical of these agreements, often based on a template. Their efforts saw local governments across largely Western Europe pass many hundreds of motions over both campaign periods (Siles-Brügge & Strange, in press). The context for this campaigning was mainly a national one, with campaign groups affiliated with S2B often taking the lead in producing the templates used by local campaigners. As a result, the motions were often addressed to national policymakers who could act where local politicians’ competences were seen to be circumscribed. In addition, meetings involving both municipalities and campaigners were organized over both campaign periods, with several issuing summary ‘resolutions’ or ‘declarations.’ These reflected efforts at transnational collaboration—to expand the number of actors active on the issue—while also being directed more explicitly at policymak-

ers in the TTIP years. There was also a clear overlap between the national/supranational organizations involved in the sECI/transnational group petitions and the municipal campaigning efforts, which bore the clear imprint of S2B and the wider ‘Stop TTIP Alliance’ (see TTIP Free Zones, 2019b).

The template resolutions we study here—from the French and Austrian chapters of ATTAC—were focused on rendering the distant concept of international trade negotiations salient for local government representatives and their citizens. They highlighted the possible effects these might have at the local (and national) level, i.e., their ‘centrality’ to peoples’ lives (see Table 2 for an overview of geographic frames and activist groups involved). In the case of the anti-GATS campaign, supranational authority and/or rules were framed as a threat to local and national government autonomy. Polarization was thus also on a national-supranational axis. Thus, a French ATTAC template resolution spoke of how ‘GATS applies to all administrative levels, from the State to the communes’ and of how international rules limited the ‘room for manoeuvre’ of local (government) representatives (ATTAC-Rhône, 2005, p. 21, authors’ translation). In the case of the Austrian GATS template, the threat to local government service provision was said to come from the intensification of EU competitiveness logics implied by the GATS, although it did also emphasize more positive elements of the EU legal order, notably, the Charter of Fundamental Rights. The resolution also underscored the closeness of local government to citizens, in what might be seen as an attempt to increase the commensurability with individuals’ lived experience (STOPP-GATS Kampagne, 2004, pp. 78–79).

The geographic framing during the TTIP period was different. The French national template on TTIP and CETA highlighted how ‘ISDS would grant investors exclusive rights to attack states when democratic decisions—taken by public institutions, including local authorities’ went against their economic interests (Collectif Stop TAFTA, n.d., p. 1, authors’ translation). It also rejected any attempts at ‘weakening the national or European regulatory framework’ and the ‘erosion [of local government] capacity to organize and regulate local sustainable development in the general interest’ (Collectif Stop TAFTA, n.d., p. 2, authors’ translation). Rather than seeing trade agreements as reinforcing a negative EU political order, as during the GATS period, the Austrian template emphasized how they undermined the EU subsidiarity principle by ‘constraining’ local decision-maker ‘autonomy’ (TTIP Stoppen, 2014, pp. 1–2, authors’ translation). Trade agreements remained salient to the local level, but the axis of polarization shifted. The core issue was less the imposition of rules from supranational (global and European) to national and local levels of decision-making, but rather the constraints placed on democratic decision-making bodies at several levels.

Beyond the more obvious call for a rejection of the relevant trade agreements, the way in which the reso-

**Table 2.** Geographic frames in municipal-level trade contestation.

	<b>Device</b>	<b>Groups involved</b>	<b>Framing strategy and politicization</b>
<b>GATS campaign (2002–2006)</b>	Municipal motions. This article focuses on the national templates for: <ul style="list-style-type: none"> <li>• Austria</li> <li>• France</li> </ul>	ATTAC Austria  ATTAC France	<p><b>Centrality and experiential commensurability (to increase salience)</b></p> <p>GATS is applicable to and constrains local decision-making, which is close to citizens.</p> <p><b>Polysemy (to drive actor expansion)</b></p> <p>Motions addressed to national policymakers and speaking to questions of process.</p> <p><b>Defining the terms of polarization</b></p> <p>GATS represents an imposition on local and national governments by international rules and the EU.</p>
	Transnational declarations: <ul style="list-style-type: none"> <li>• Liège Resolution (2005)</li> <li>• Geneva Declaration (2006)</li> </ul>	<p>Stated authors of the Liège Resolution are European local government representatives, ‘local, national, and international’ trade unionists and civil society organization representatives (Convention Européenne des Collectivités Locales, 2005, p. 1, authors’ translation).</p> <p>Stated authors of the Geneva Resolution are European, Canadian, and South African local government representatives, ‘local, national and international’ trade unionists and civil society organization representatives (Convention Internationale des Collectivités Locales, 2006, p. 1, authors’ translation).</p>	<p><b>Centrality and experiential commensurability (to increase salience)</b></p> <p>Relevance of GATS to the <i>local</i> level.</p> <p><b>Polysemy (to drive actor expansion)</b></p> <p>Link between local and global implications of GATS, e.g., the Convention name shifts from ‘European’ (Liège) to ‘Global’ (Geneva).</p> <p><b>Defining the terms of polarization</b></p> <p>The imposition of supranational rules on ‘international, national and local legislation’ (Convention Européenne des Collectivités Locales, 2005, p. 1, authors’ translation).</p>
<b>TTIP campaign (2014–2017)</b>	Municipal motions. This article focuses on the national templates for: <ul style="list-style-type: none"> <li>• Austria</li> <li>• France</li> </ul>	ATTAC Austria  ATTAC France	<p><b>Centrality and experiential commensurability (to increase salience)</b></p> <p>TTIP threatens local, national and European regulation.</p> <p><b>Polysemy (to drive actor expansion)</b></p> <p>Motions addressed to national policymakers and speaking to questions of process.</p> <p><b>Defining the terms of polarization</b></p> <p>Supranational negotiations threaten democratic decision-making at various levels (local, national, European).</p>

**Table 2.** (Cont.) Geographic frames in municipal-level trade contestation.

Device	Groups involved	Framing strategy and politicization
Transnational declarations: <ul style="list-style-type: none"> <li>• Barcelona (2016)</li> <li>• Grenoble (2017)</li> </ul>	TTIP Free Zones Europe, with links to Seattle-to-Brussels and the wider ‘Stop TTIP Alliance.’	<p><b>Centrality, cultural resonance and experiential commensurability (to increase salience)</b></p> <p>TTIP undermines European regulatory standards.</p> <p><b>Polysemy (to drive actor expansion)</b></p> <p>European focus: signatories of declarations are European municipalities only. Focus on European-level debate.</p> <p><b>Defining the terms of polarization</b></p> <p>The local inhabits a European public sphere: TTIP as a threat to European values.</p>

Sources: ATTAC-Rhône (2005), Collectif Stop TAFTA (n.d.), Convention Européenne des Collectivités Locales (2005, 2006), Pan-European Meeting of Local Authorities (2016), Pan-European Meeting of TTIP-free zones (2017), STOPP-GATS Kampagne (2004), TTIP Free Zones (2019a, 2019b), TTIP Stoppen (2014).

lutions framed the negotiating process and their target audience underscored the nationally-based campaigning context for these resolutions, which sought to encourage an expansion in the range of domestic actors taking issue with the GATS. A focus on questions of process was also more ambiguous than statements on content. Both French and Austrian sample resolutions highlighted the lack of transparency in the GATS/TTIP negotiations. The French motions also emphasized the non-involvement of local governments specifically and demanded ‘the opening of a national debate’ on the GATS/TTIP (ATTAC-Rhône, 2005, p. 21; Collectif Stop TAFTA, n.d., pp. 1–2). Meanwhile, the Austrian motions were predominantly directed at national and regional policymakers; the only exception was a reference to Members of the European Parliament in the TTIP sample motion (STOPP-GATS Kampagne, 2004, p. 78; TTIP Stoppen, 2014, p. 1).

In contrast, the declarations and resolutions issued at international meetings of municipalities sought to more explicitly link local campaigning and trade policy impacts, which had the greatest immediate centrality and experiential commensurability, to transnational problems and activism in an effort to act as a coalition magnet. That said, the nature of transnational solidarity being articulated through polysemic geographic frames varied across both campaign periods, mirroring the shift in discourse between the GATS-related GGP and the TTIP sECI. The declarations/resolutions to come out of the ‘European/International Convention for the Promotion of Public Services’ (for the GATS period) and the ‘Meeting of Local Authorities/TTIP Free Zones’ (for the TTIP period) saw a shift from relying on a greater mix of geographic frames to focusing much more explicitly on the link between the local and the European level (see Table 2 for an overview).

It is not unreasonable to see this as partly reflecting the changed subject matter (global versus transatlantic negotiations), and the desire in the GATS period to appeal beyond (Western) Europe, which saw the vast majority of anti-GATS motions (Siles-Brügge & Strange, in press). The initial Liège Resolution was authored by ‘elected representatives from several European countries’; ‘trade unionists’ from the ‘local, national and international’ levels and members of civil society organizations concerned with global issues (Convention Européenne des Collectivités Locales, 2005, p. 1, authors’ translation). Authorship of the Geneva Declaration, however, was additionally attributed to local government representatives from Canada and South Africa (Convention Internationale des Collectivités Locales, 2006, p. 1), with the Convention going from being framed as ‘European’ to ‘Global.’ However, authorship of the Barcelona and Grenoble Declarations was narrower than the transatlantic scope of the talks. Only *European municipalities* were listed as signatories—despite the presence and role of social movement organizations in coordinating the pan-European campaign and meeting (see TTIP Free Zones, 2019b)—and the broader TTIP Free Zones campaign itself was explicitly European in scope (TTIP Free Zones, 2019a). The Barcelona Declaration, however, did ‘celebrate the social movement which has made [a] European debate possible’ (Pan-European Meeting of Local Authorities, 2016, p. 2).

As for the national templates, the move from the GATS to the TTIP period also saw the frame around the restriction of national and local autonomy shift away from emphasizing the imposition of supranational rules. In other words, polarization on the issue was no longer simply defined in terms of an opposition between national and supranational actors and policies, but rather in terms of actors inhabiting the same European public

sphere/level (see Oleart & Bouza, 2018). The Liège resolution emphasized the risks of WTO-imposed (public) services liberalization for ‘international, national and local legislation,’ while also highlighting how EU and national policies endangered public services (Convention Européenne des Collectivités Locales, 2005, p. 1, authors’ translation). The Geneva Declaration, meanwhile, similarly stressed the problems associated with the global marketization of public services driven by the WTO, in partnership with the European Commission, with national governments showing ‘zeal’ in ‘accept[ing] and put[ting] into practice’ this agenda (Convention Internationale des Collectivités Locales, 2006, p. 1, authors’ translation). In contrast, the central diagnostic in the Barcelona Declaration was that at a time of EU crises, ‘new generation trade agreements’ (TTIP, CETA, TiSA) undermined the ‘core’ values that the European project should be guided by (‘solidarity, respect of freedoms and justice’) and instead ‘put at risk [local authorities’] capacity to legislate and use public funds’ (Pan-European Meeting of Local Authorities, 2016, p. 1). The ‘treaties [were] being negotiated in a non-transparent manner, not fulfilling European democratic and participatory standards’ (Pan-European Meeting of Local Authorities, 2016, p. 1). The Grenoble Declaration of February 2017 was very similar in its focus on a European problématique. At a time of EU crisis, ‘new-general free-trade agreements’ undermine ‘fundamental values’ that should be at the heart of European initiatives to ‘reinforc[e] social, economic, environmental and labour rights.’ Notably, the Declaration emphasized that ‘[o]nly rebuilding democracy and reinventing the relationship with citizens can fight the rise of nationalist and xenophobic ideas,’ alluding to the ‘[t]housands of initiatives...already set in motion...in cities and regions’ (Pan-European meeting of TTIP-free zones, 2017). Rejecting economic nationalism went hand in hand with accentuating the links between the local/regional and the European.

Coupled with the shift in authorship, the reconfiguration of geographic frames might also be explained by the fact that these latter declarations were not only part of an explicitly European campaign (‘TTIP Free zones’), but were also presented as statements from ‘governmental’ authorities to decision-makers in the EU, national governments and other relevant institutions. Explicitly invoking ‘European’ values may have served a dual purpose here. For one, it reflected a reliance on a strategy of what has been called ‘mimetic challenge,’ whereby weaker actors are empowered to challenge authority by adopting techniques and styles such that they nevertheless appear as if conforming (Seabrooke & Hobson, 2007, p. 16; Siles-Brügge & Strange, in press). Moreover, and as for the (s)ECI, the focus on the European level, as opposed to transatlantic solidarity, allowed the TTIP/CETA-related declarations to emphasize the specific concerns civil society groups were raising about ‘European’ regulatory standards, such as the weight attached to the potential dilution of precautionary risk regulation. Such fram-

ing not only accentuated the centrality and experiential commensurability of the issue, but was also culturally resonant. Finally, the Grenoble Declaration emerged in a context where opponents of the EU’s trade agenda were increasingly tarred with the brush of being economic nationalists after the votes for Brexit and Donald Trump. Differentiating their position became a more pressing concern for European civil society groups campaigning on trade issues (Siles-Brügge, 2017).

## 5. Conclusion

Our central argument in this article has been that the politicization of trade negotiations is not just about a pro-sovereignty backlash in the face of the supranational exercise of authority. The collective action frames that civil society actors rely on to politicize trade negotiations often emphasize multiple geographies as a means of targeting different authoritative actors, as well as communicating to various supportive audiences.

In both the GATS and TTIP cases, the wider public was commonly addressed via national campaigns, with trade negotiations often framed as a threat to (national) ‘government autonomy’ as a means of drawing out the salience of the issue. While such frames appeared in the transnational petitions we studied for the GATS period, it was most explicit in the case of municipal level trade contestation, where sample motions focused specifically on the risks of trade agreements for the autonomy of local governments. This made sense as a tactic to politicize local government and citizens—helping to polarize the issue. The focus on the local impacts of trade agreements allowed activists to highlight the centrality and experiential commensurability of trade policy without as much emphasis on national sovereignty. Moreover, in both the petitions and the municipal level activism, the demand for ‘national/local autonomy’ was made in the context of frames calling for ‘transnational solidarity,’ which served as polysemic coalition magnets (actor expansion). Both moments of politicization were dominated by European actors, with much of the group-to-group relations within civil society channelled through the trans-European S2B network. As evident in the various GGPs that served to articulate and develop the S2B network, activists consciously chose to combine identification by group and nationality, on one side, with transnational solidaric demands. The resolutions issued by transnational groupings of municipalities in the GATS period also combined such mixed geographic frames.

During the GATS talks, transnational solidaric demands were more global in their reach, in part due to the more encompassing nature of the respective trade negotiations, with a claim that the proposed agreement was a particular threat to developing countries. Despite being a transatlantic negotiation with potential repercussions for other parts of the globe, the TTIP campaign narrowed to focus on the European scene. With US domestic politics focused on the Trans-Pacific Partnership and difficulties

in presenting EU rules as a threat to US consumer and labour rights, the EU and its Member States provided a richer ground for activists to contest TTIP in culturally and experientially resonant terms, drawing out the salience of the talks as a threat to ‘European standards.’ The ECI was also in part responsible for the more ‘European’ frame of the TTIP campaign, with activists choosing to ‘self-organize’ and collect signatures for their own sECI after being initially rejected registration by the Commission. The ensuing ‘European’ framing of the petition was therefore quite deliberate and illustrative of efforts to sustain transnational solidarity and expand activism. Choosing to maintain the text and criteria for the formal ECI, activists presented an alternative vision of European integration to that driven by the Commission. The same can be said of the transnational declarations issued by municipalities in the TTIP period, which later also explicitly sought to differentiate their criticism of ‘new generation trade agreements’ from economic populism. Local government motions prepared by activists in this period also put less emphasis than before on the imposition of supranational rules: Political polarization took place within a European public sphere (see also Oleart & Bouza, 2018).

Understanding that geographic frames are not just descriptive of ‘movements’ or NGO demands but, rather, key drivers themselves of politicization, is important to how we study the formation and mobilization of civil society networks. With specific regard to the politicization of trade policy, we need to be careful not to dismiss it as a simple ‘nationalist backlash,’ but instead examine where activist demands are also supportive of transnational cooperation. Our finding thus challenges the ‘transfer of authority’ thesis widely found in the politicization literature. It invites us to think about the specific critiques of trade agreements articulated by civil society activists, which may be supportive of certain kinds of supranational policymaking—as the authors of the Barcelona and Grenoble Declarations in particular have been at pains to stress. In practice, critics of trade negotiations may therefore well have much more in common with trade negotiators than either side acknowledge. Claims such as activists are ‘protectionist’ or ‘anti-globalist’ create false binaries that unnecessarily obfuscate the political issues at hand.

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### Conflict of Interests

The authors declare no conflicts of interests.

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Article

## Managed Globalization 2.0: The European Commission’s Response to Trade Politicization

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### Abstract

Several studies have sought to explain the politicization of European Union’s (EU) trade policy during negotiations on the Transatlantic Trade and Investment Partnership (TTIP) and the Comprehensive Economic and Trade Agreement between the EU and Canada (CETA). This article contributes to the literature on the politicization of trade by assessing how politicization is addressed by those tasked with the content and implementation of trade policy, namely the European Commission (hereafter Commission). We identify the origin and definition of managed globalization (MG), and thereafter identify, through a qualitative content analysis of EU Trade Commissioners’ speeches from 2013 to late 2017, how the doctrine re-emerged as the leitmotif of EU trade policy. The Commission’s initial response to civil society organizations’ contestation over TTIP and CETA was to insist on the economic benefits of the agreements. As contestation intensified, we find indirect references to MG, as the Commission focused on clarifying that upholding European values was equally important to market access in EU trade policy. Then, from late 2016 until late 2017, the Commission’s messaging was directed primarily at populist fears of trade and globalization; emphasizing that protectionism was unnecessary, and that globalization could be controlled, culminating in the emergence of explicit references to MG. The article expands on existing research on MG by identifying trade politicization as a factor that prompted a modification and expansion of the MG doctrine and its use, while also discussing some accompanying policy changes.

### Keywords

Comprehensive Economic and Trade Agreement; European Commission; managed globalization; politicization; trade; trade policy; Transatlantic Trade and Investment Partnership

### Issue

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### 1. Introduction

Several studies have sought to explain the politicization of European Union’s (EU) trade policy during negotiations on the Transatlantic Trade and Investment

Partnership (TTIP) between the US and the EU, and the Comprehensive Economic and Trade Agreement (CETA) between the EU and Canada (e.g., Laursen & Roederer-Rynning, 2017; Young, 2018), as well as the European Commission’s (hereafter Commission) re-

sponse (Eliasson & Garcia-Duran, 2019; Siles-Brügge, 2018; Young, 2019). This article contributes to these efforts, but more importantly, it focuses on the larger question of the politicization of trade by arguing that the Commission's response to mobilization against TTIP and CETA was neither completely new, nor specific to these agreements, but rather a modification and expansion of a previously applied doctrine. This matters because the trade doctrine adopted by the Commission is today intended to not only quell, but also incorporate, expressed concerns about the expansion of new issues in trade negotiations; it is also used to address rising populism and concerns about globalization.

In this article we argue that the EU responded to increased politicization by invoking, modifying, and adopting a doctrine originating in 1999. Managed globalization (MG) initially emerged in 1999, in a different context, and was applied by the Commission for some years thereafter. We tap into the literature about that period to define MG, and then explore the EU's messaging during and after TTIP negotiations (although negotiations on CETA began prior to TTIP negotiations, CETA was not politicized until linked with TTIP).

We show that the Commission's rhetorical response to the most politicized trade negotiations in EU history (on TTIP) was incremental, with three distinct phases, leading to an invocation and solidification of a modified MG as the Commission responded to contested trade policies, rising populism, and fears of globalization. Explicit references to a modified MG emerged just as the TTIP negotiations were frozen, indicating that the Commission deemed it a useful way of signaling a permanent shift in trade policy. In this context an explanatory note is appropriate: A doctrine is a belief system that may guide policy; a policy is the principles and the rules adopted by an organization; a strategy is a way of conveying and implementing a policy.

The next section presents politicization and responsiveness, and justifies our argument on theoretical grounds, while section three explains the methodology. The analysis is presented in sections four and five. Section six concludes.

## 2. Rhetorical Responses to Politicization and the Managed Globalization Doctrine

The objective of this article is to improve our understanding of the Commission's response to politicization over TTIP and CETA. We argue that: 1) the Commission's response was part of a rhetorical counter-strategy, and 2) that the response was grounded in the MG doctrine introduced by Trade Commissioner Pascal Lamy in 1999. Our study contributes to the literature on the evolution of the EU's trade policy pertaining to both values and market access (Drieghe & Potjomkina, 2019). Our research also complements, and partly challenges, the analysis carried out by Young (2019), who, when comparing the EU's 2010 and 2015–2017 trade strategies, ar-

gues that the Commission "over-generalized from an extreme case" and pursued a policy "characterized more by continuity than by change" (p. 3). While we do not assess whether the Commission's response to politicization was sufficient to permanently address civil society's concerns over trade (cf. Eliasson & Garcia-Duran, 2019), we take a slightly longer historical perspective, which further enhances our understanding of how the Commission responded to trade politicization in the context of TTIP negotiations and their aftermath.

An analysis of the Commission's response is also relevant to the literature on the politicization of EU integration. For some, the politicization of European integration spells the end of the permissive consensus and the beginning of an era of "constraining dissensus" (Hooghe & Marks, 2009), while others (Beck, 2013; Hix, 2006) see politicization as a democratic necessity and a precondition for the legitimacy of further European integration. Our case study provides insights on how the targets of politicization deal with the challenging relationship between politicization and legitimacy.

### 2.1. Politicization and Responsiveness

The literature shows that politicization includes rhetorical strategies, and that it is a cause of change in international institutions and the EU. Drawing on the definitions outlined by de Wilde (2011) and Gheyle (2019), we define trade politicization as an increase in the salience of trade negotiations, institutions, and rules, a rise in the number and type of actors mobilizing and participating in debates on trade policy, and the polarization of their opinions.

From the time the negotiations on TTIP were announced, there was a steadily rising chorus emanating from civil society organizations (CSOs) arguing that the agreement threatened to undermine EU standards and safety regulations, as well as governments' abilities to regulate in the public interest (De Ville & Siles-Brügge, 2016; Eliasson & Garcia-Duran, 2017). CSOs, some labor unions, and a few political parties, sought to convince the public that TTIP would harm product safety, public policies, and democracy (see also van Loon, 2020, in this thematic issue). Opposition emerged across Europe, though concentrated in the western half of the European continent and the UK. Many groups staged their own events, but many also learned from, and most coordinated with, others, sometimes under the pan-European heading StopTTIP! (Eliasson & Garcia-Duran, 2019; Young, 2017).

CSOs largely refrained from attempting to undermine proponents' claims of the economic and geopolitical benefits of TTIP, choosing instead to focus on the fear of losing precious European achievements, such as high food and safety standards, and the welfare state. TTIP was presented as a trade-off between neo-liberalism (or "wild-west capitalism") and "popular sovereignty" (Friends of the Earth Europe, 2016; cf. IG Metal, 2014). CSOs framed Investor State Dispute-Settlement (ISDS)—

a long-established practice intended to ensure that foreign investors have access to a de-politicized legal process to pursue compensation, but not legislative changes, through third-party arbitration when a host country's government violates the terms of an investment treaty—in TTIP as a *carte blanche* for US corporations to sue European governments over any public policy that could reduce corporate profits, such as new environmental or public health laws. Both taxpayers and public policies would therefore be 'on the hook' of US companies' actions (Eliasson & Garcia-Duran, 2019, pp. 61–68). Transparency (or rather, the lack of) was another issue chosen to signal the detrimental effects of TTIP; the argument being that nothing negotiated by representatives behind closed doors can produce a good agreement (De Ville & Siles-Brügge, 2016; Gheyle & De Ville, 2017).

CSOs consistently paired big business or corporations with something negative, implying that the Commission was unable to withstand US pressure, thus jeopardizing European standards (e.g., Seattle to Brussels Network, 2015). TTIP was portrayed by the Corporate Europe Observatory as a losing proposition for Europeans, a "vehicle to facilitate deregulation" threatening each side's democratic right to regulate "even when doing so results in divergent standards that businesses may find inconvenient" (Corporate Europe Observatory, 2013a). TTIP would "open the floodgate to GMOs [genetically modified organisms]" and "TTIP will lower regulations on food safety...and will lead to more industrialized, intensive food production that undermines the health of people and the planet. Trade policy should be for the benefit of people and the environment, not corporations" (Corporate Europe Observatory, 2013b, p. 1, 2014, p. 8). The message sent throughout 2013–2016 was that TTIP meant sacrificing European values and standards (cf. Buonanno, 2017; Young, 2017).

Zürn (2014) argues there is a sizeable degree of responsiveness by international institutions to politicization, thus we should expect the EU to respond to this fear-grounded rhetorical strategy with some form of counter-rhetoric. The EU is considered a "hothouse" for participation of different types of actors (Peterson, 1995, p. 69), and we expect this to strengthen the effect of politicization on the incentive structure of policy-makers, making them more responsive. De Bruycker (2019, p. 1) using a panel data analysis on EU responsiveness finds that "under politicized conditions, the adoption of EU policy decisions is preceded by increased public support and followed by decreased public support for EU policy change." This indicates that, in the face of politicization, decision-makers adjust policy to social demands (policy responsiveness), after which the public again adjusts their demands in light of those policy changes (public responsiveness; Zürn, 2014, pp. 59–60). Such changes can be fostered by accountability mechanisms, including close scrutiny by voters and elected officials; again, given the EU's structure, we should expect it to be more responsive to politicization than (other) international institutions.

## 2.2. *Managed Globalization and Politicization*

CSOs contested trade and globalization in late 1999 and early 2000, before, during, and after the World Trade Organization's (WTO) ministerial meeting in Seattle (the "Battle of Seattle," e.g., Scholte, 2000). As Abdelal and Meunier (2010, p. 355) argue, "the anti-globalization movement was gaining traction in public opinion with its widely publicized successes at the WTO conference in Seattle in 1999 and later at the World Social Forum." As a result, "other European countries embraced the French vision that globalization ought to be accompanied by new regulations and flanked by policies to soften its impact" (Abdelal & Meunier, 2010). The protests were at that time directed primarily at the WTO rather than the EU, but as a major player (along with the US, Japan, and Canada) it provoked a significant response by the Commission.

Pascal Lamy, Trade Commissioner from 1999 to 2004, introduced the term MG in his hearing at the European Parliament in September 1999, and was subsequently able to make it "the guiding doctrine of EU trade policy" (Meunier, 2007, p. 910). The adoption of MG also served to calm internal tensions about EU trade policy between those advocating trade liberalization and those concerned with the preservation of public standards, including demands for trade protection (Meunier & Nicolaïdis, 2006, p. 921). Existing European preferences on food safety, cultural diversity, public provision of education and health care, or welfare rights, could—it was argued—legitimate protection against foreign entrants, and "such a philosophy [of protection]...might be the ultimate condition for sustaining public support for an overall strategy of relatively open-access to EU markets" (Meunier & Nicolaïdis, 2006, p. 922). However, after 2004, MG ceased appearing in speeches and strategy papers, and was "replaced in 2006 by shorter-term, more trade-centred and mercantilist objectives" (Meunier, 2007, p. 906). The primary goal of EU trade policy was no longer the "more remote goal of managing globalization" but instead "creating markets abroad for European companies" (Meunier, 2007, p. 916). While still affirming the primacy of multilateralism, the EU's abandoned its moratorium on bilateral trade agreements, and the stated priority was no longer to balance openness with rules, but rather to ensure market access.

## 3. **Managed Globalization as a Response to Politicization**

We analyze the Commission's rhetoric on TTIP, CETA, and trade policy in general from 2013 to 2017. This section presents the methodology, while justifying the choices made.

### 3.1. *The Commission's Rhetorical Response*

We analyze the Commission's communication on TTIP and CETA negotiations in particular, and on EU trade pol-

icy in general, from around the time TTIP negotiations were announced in January 2013 until September 2017. The analysis covers 79 speeches (European Commission, 2012–2016, 2016–2017; see the Supplementary File for a list of all speeches, in this article they are referenced only by “European Commission, month day, year”), representing more than 50% of speeches between January 2013 and October 2016, and all 22 speeches on EU trade policy between November 2016 and September 2017. We end in September in 2017 because it was one year after TTIP negotiations ended—providing sufficient time to capture any changes in rhetorical strategy vis-à-vis ongoing negotiations, as well as the rise in the populist backlashes against trade and globalization. The Commission also published its first report on the implementation of the 2015 trade strategy, *Trade for All* (European Commission, 2015), that month. Thus, we should be able to ascertain whether the MG doctrine had taken hold by fall of 2017.

We chose to analyze speeches made by the Trade Commissioner because the Commission oversees all trade negotiations, and the Trade Commissioner is the official representative of and spokesperson on EU trade. What the Commissioner says should reflect where the Commission stands and what it will do on trade. We do not distinguish between Trade Commissioners (Karel De Gucht was Trade Commissioner in 2013 and for most of 2014, while Cecilia Malmström assumed office in November 2014) because the objective is to assess the Commission’s response rather than the impact of each Commissioner.

We carry out the analysis using qualitative content analysis. This method was chosen because it identifies key discursive elements through a deductive rather than inductive procedure, while adopting an interpretative focus on framing and changes in discourse (Kohlbacher, 2006). To analyze the framing and changes in discourse we draw on Hirschman (1991) and Brink (2009). These scholars identify different rhetorical strategies. Hirschman (1991) distinguishes between three types of rhetorical responses, or “rhetoric of reaction” used by opponents of a proposed change or reform. The “perversity thesis” assumes that a proposal would only “serve to exacerbate the condition one wishes to remedy” (p. 7) because there will be unintended consequences or side-effects due to imperfect foresight. The “futility thesis” holds that attempts at social transformation would fail to change society because the basic structures of society are unchangeable; “human actions pursuing a given aim are nullified” (p. 72). Finally, the “jeopardy thesis argues that the cost of the proposed change or reform is too high as it endangers some previous, precious accomplishment” (p. 7); while the proposed change may be desirable in itself, it involves unacceptable costs (p. 81).

When opponents use a thesis based on a fear of losing benefits inherent in the status quo, as in the case over TTIP (a “jeopardy thesis”), recipients may resort to three types of rhetorical responses: intransigent, democracy friendly, and functional; the second and third type

of messaging being more conciliatory than the first. The “intransigent” rhetoric includes “mutual support” (which is positive messaging; actions will generate benefits without jeopardizing the status quo), and “dangers of inaction” (negative messaging; inaction results in harm). “Democracy friendly” rhetoric entails conciliation, moving beyond intransigent postures, and engaging in deliberation. This represents a “mature” approach, where the risks of both action and inaction are “canvassed, assessed, and guarded against to the extent possible,” and where uncertainty is recognized (Hirschman, 1991, p. 153). A “functional” rhetorical approach (Brink, 2009) is when supporters or advocates use the language and standpoints of opponents, but without changing policy preferences. Such a response differs from a democratically friendly one, in that rather than conveying a willingness to change the policy or negotiating position, supporters would continue claiming the same or a similar position, but apply language used by opponents. In the TTIP case where opponents positioned themselves as the protectors of European values (exigent standards) and democracy (public policies), a functional response would be to accept and state that values and democracy should be at the forefront of EU trade policy.

Thus, we differentiate between intransigent positive messaging (e.g., TTIP will improve status quo), intransigent negative messaging (e.g., status quo in danger without TTIP), conciliatory messaging (e.g., TTIP’s costs should be considered) and functional messaging (e.g., European values and democracy are more important than material or geopolitical benefits), which we identify in the qualitative content analysis. Due to opponents’ focus on the need to protect EU values, the more functional or democratically friendly the messaging, the more likely the invocation of the MG doctrine. We find that the Commission was consistently conciliatory regarding ISDS, while its rhetoric on the other issues of contention (economic and geopolitical benefits, and EU standards) shifted from mainly intransigent (through both positive and negative messaging), to increasingly functional rhetoric.

### *3.2. Operationalizing the Managed Globalization Doctrine*

To assess whether there is evidence of the MG doctrine in the Trade Commissioner’s speeches from 2013 to November 2017, we need to operationalize the MG doctrine. To do so, we draw on the work of Meunier (2007) and Jacoby and Meunier (2010).

According to Meunier (2007, p. 906), MG refers to an encompassing doctrine that subordinates trade policy to a variety of non-trade objectives, such as multilateralism, social justice, and sustainable development. As such, MG means “going beyond the simple removal of regulations and making some effort to shape and regularize the competitive order,” thus establishing “rule-based globalization” (Meunier, 2007, pp. 303–304), which “shows

the voters that politicians are firmly in control” (p. 301). Jacoby and Meunier (2010, p. 302–303) add that this doctrine is placed between the extremes of protectionism and complete laissez-faire (“ad hoc globalization”), thus implying an effort to both tame and harness globalization. The Commission’s rhetorical compatibility with MG is also assessed by comparing it against the five characteristics of MG outlined by Meunier (2007). In practical terms, Meunier argues, MG means building a set of constraining trading rules, promoting multilateralism, widening the definition of trade issues subject to rule-making, exporting the EU model, and redistributing the benefits and costs of globalization.

In the following sections we first look for messages regarding the objectives of EU trade policy in the Trade Commissioner’s speeches, focusing on the messages’ positioning on the laissez-faire/protectionism continuum, and the strategy employed by the Commission. The MG doctrine is not present if the objective is at one of the extremes; either pure market access or no trade agreement. If values are placed at least on the same level as economic interests, we accept that the MG doctrine is being used by the Commission. We find that while the Commission only explicitly began referring to MG after the freezing of TTIP negotiations in late 2016, MG had already implicitly returned as a guiding principle for trade policy in 2015, manifest in *Trade for All* (European Commission, 2015). Section five goes further, examining the Commission’s approach and messaging in regards the five aforementioned characteristics of MG. We find that while the Commission proposed a trade policy consistent with these characteristics, the promotion of multilateralism is implicit, through bilateralism, and there is a new preoccupation with trade defense instruments.

#### 4. The Directorate General for Trade’s Response to Politicization from 2013 to 2017

The Commission’s initial messaging—when contestation began—was devoid of any references to MG. The focus was on economic benefits (i.e., on market access). Thereafter, as contestation intensified in late 2014 and evolved into the politicization of trade policy, the Commission used language more consistent with MG. The focus shifted to countering CSOs’ fears that TTIP endangered European values. We find that the Commission only explicitly began referring to MG after the freezing of TTIP negotiations in late 2016, and then mainly when countering demands for protectionism (fear of globalization) by populist parties, but that MG had already implicitly

returned as a guiding principle for trade policy in 2015. This shift towards the MG doctrine is consistent with the evolution in the type of rhetoric used by the Commission. As summed up in Table 1, the use of MG language coincides with an increasing use of functional messaging.

##### 4.1. 2013–2014: A Focus on Economic Benefits

TTIP was promoted as bringing economic benefits and providing economic growth, thanks to ‘scale’ (the size of the partners’ commercial relationship would create a multiplier effect for all new liberalization), integration (extensive economic interpenetration means better integrated value chains), confidence (companies would be able to plan for the future), and because the costs of inaction (to the status quo) would be high (Eliasson & Garcia-Duran, 2019, p. 83). In 2013, prospective economic benefits were quantified, as were TTIP’s impact on third countries (European Commission, March 2, 2013). In 2014, the Commission presented specific examples of economic benefits, and began emphasizing how small and medium enterprises were going to benefit (e.g., European Commission, May 22, 2014).

The Commission also progressively enlarged the number of arguments it used to promote TTIP in the face of CSOs’ claims that the agreement would radically change the status quo for European standards and democracy. Countering opponents’ arguments, the Commission maintained that the status quo was not an option, because both partners were simultaneously negotiating and signing other bilateral trade agreements (European Commission, December 5, 2012). If the US and the EU were unable to reach agreement on regulatory convergence, then “others” would exercise leadership in regulatory matters (European Commission, October 10, 2013, p. 6). Moreover, regulatory convergence would not lead to a race to the bottom because “the world’s most advanced, most revolutionary, experiment in regulatory cooperation”—the European Single Market—showed that “there doesn’t need to be a trade-off between high standards and open markets” (European Commission, October 10, 2013, p. 3). In 2014, TTIP was said to allow the EU to shape world norms because “if we want to continue to shape the norms, rules, standards and disciplines that are so important in a globalized economy, we have to realise that we cannot do this without partners” (European Commission, May 22, 2014, p. 4).

The Commission was more conciliatory regarding ISDS. This issue only started appearing in speeches around the same time as the Commission’s commitment

**Table 1.** Type of messaging and consistency with MG.

Period	Language consistent with MG	Type of messaging
2013–2014	No	Mainly intransigent
2015–2016	Yes, implicitly	Shift towards functional
2016–2017	Yes, explicitly	Mainly functional

to making the negotiation “as transparent and open to public scrutiny as possible” (European Commission, April 10, 2014, p. 5). The purpose of a public consultation launched by the Commission in 2104 was “to create a new, improved type of investment agreement” (European Commission, April 10, 2014, p. 4). In May 2014, while clearly supporting the need for investment protection in TTIP, the Commission accepted “that there is room for debate, interpretation or improvement” (European Commission, May 22, 2014, p. 2) and emphasized that “it is our chance to set a model for future agreements all around the world” (p. 3).

As protests by CSOs intensified, the messaging—while still mainly intransigent and focused on the economic benefits of TTIP—shifted from promoting TTIP’s benefits for growth and jobs to consumer benefits. The agreement was said to “give consumers better access to a wider range of high quality goods and services at better prices” (European Commission, May 22, 2014, p. 3). In November 2014, the Commission implied conciliation when stating that “the only valid measure of the success of this negotiation will be whether it improves people’s lives”; TTIP can do so by addressing “the full range of consumers’ needs” (European Commission, November 18, 2014, pp. 1, 3).

#### 4.2. January 2015–November 2016: *Implicit Managed Globalization*

By early 2015, the Commission’s rhetoric was increasingly conciliatory regarding investment protection (downplaying its risks and emphasizing its necessity in protecting European business, while agreeing that the process could be improved). There was also positive (e.g., TTIP would improve the status quo) and negative (e.g., the status quo would be in danger without TTIP) intransigent messaging in response to CSOs’ arguments about TTIP lowering standards. The same applied when emphasizing the geopolitical and economic benefits of TTIP (Eliasson & Garcia-Duran, 2019). However, the tenor of the messaging began to change; functional rhetoric became more prevalent as the Commission attempted to lessen the polarization over TTIP.

Attempts at addressing fears of TTIP now included using opponents’ language and positions to stress the overriding importance of defending European values and democracy, while simultaneously defending TTIP (see Garcia-Duran & Eliasson, 2018a). *Trade for All*, the Commission’s October 2015 trade policy strategy, exemplifies this effort (European Commission, 2015). The strategy was heralded as evidence that the Commission was addressing people’s concerns by redesigning the EU’s trade policy strategy:

We have learned from the TTIP debate. On the one hand, we have learned that people do want more trade....But on the other hand, we have learned that they don’t want to compromise on the core principles

of European society in order to get those benefits....In our new approach, trade is not just about our economic interests but also about our values....Actively managing change is therefore essential to making sure the benefits of globalisation are fairly distributed and negative impacts are mitigated. The social consequences of market opening must be addressed. (European Commission, October 19, pp. 5-6, 11)

The Commission stressed that the EU can export its values and shape globalization through its trade agreements, using access to its market as a recognized bargaining chip to obtain changes in the domestic arena of its trading partners (European Commission, October 10, 2015, p. 1, November 9, 2016, p. 2). The Commission explained that “we should use it to promote European values like sustainable development, human rights, fair and ethical trade and the fight against corruption” (European Commission, 2015, p. 6, cf. February 25, 2016 and March 15, 2016). The new trade strategy was based on three core principles: effectiveness, transparency, and values, which address the “widespread concern that trade policy is more about the large companies and the investors than about individual European citizens....[It is] a trade policy which is in tune with European values” (European Commission, November 30, 2015, pp. 4–5). This aligned with the core of MG. The Commission recognized that people “need reassurance that we will not use trade agreements to put economic advantage above our other goals, like consumer and environmental protection or the rights of workers,” while promoting “the kind of trade agenda that can both find legitimacy among EU citizens and deliver economic results” (European Commission, September 22, 2016, pp. 2, 4).

Within this framework, the Commission applied the concept of a “progressive trade agreement,” hailing CETA as its standard bearer—the term was initially used in 2015 by the Obama administration to describe the Transpacific Partnership Agreement, and then in August 2016 by Sigmar Gabriel, Vice Chancellor of Germany, referring to CETA. CETA was said to be a progressive trade agreement that guarantees transparency (“negotiators in close contact with civil society and closely watched over by Member States and the European Parliament”) and the protection of public services (“There is no obligation to privatize anything. And no block on renationalizing an already privatized service”); the right regulatory cooperation (“enshrines our right to regulate in the public interest. And, while it encourages regulatory authorities to cooperate, it does not oblige them to do so”), and investment protection (“much-needed reform of international investment protection agreements”) (European Commission, September 20, 2016, p. 4). The Commission argued that CETA would allow the EU to benefit from trade and investments, while prioritizing and exporting high EU standards, and agreeing to rules that tame unbridled competition (and which could set standards for other agreements).

#### 4.3. November 2016–September 2017: Explicit Managed Globalization

By balancing free trade with defending values, the language used since 2015 fits the MG doctrine. However, it was only after TTIP negotiations paused in November 2016 that the Commission moved from ‘progressive trade agreements’ to ‘managed globalization.’ This was concurrent with a shift in both the source (more parties and labor unions) and focus (away from trade agreements to trade and globalization generally) of contestation, as anti-TTIP and anti-CETA protests waned, but did not vanish; anti-CETA protests continued in Brussels during the agreement’s 2017 ratification process.

Explicit reference to MG first reappears in a speech on November 9th, tellingly titled “Shaping Globalisation through EU Trade Policy,” where the Commissioner argues that “shaping globalisation is also about ensuring that people in Europe feel they have influence over the global rules that are affecting them” (European Commission, November 9, 2016, p. 1). The first reference to populism appeared two months prior, and by late November the Commission acknowledged that the political realities of the time included both people who perceived themselves economically disadvantaged by globalization (and fed the anti-trade populist and nationalist movements), and people who were skeptical about a number of trade agreements and negotiations because they saw them as endangering European values (European Commission, November 29, 2016). In subsequent speeches, references to protectionist demands by populists complemented or substituted for CSOs’ demands of preserving European values. The Commission’s answer came through functional rhetoric referencing MG.

The Commission thus shifted the emphasis of its discourse from primarily value preservation to dealing with globalization, arguing that trade openness comports with EU interests and ideas, “trade must be seen to deliver. By using trade policy as a vehicle for our values, we can shape globalization, rather than merely submitting to it, or letting others shape it for us” (European Commission, January 24, 2017, p. 4). The emphasis was also on the need for an open, progressive, trading system, without compromising standards or values, “while shaping globalization” (European Commission, March 28, 2017, p. 1, 4). The Commission’s September 2017 progress report on *Trade for All* emphasizes how the 2015 strategy should continue guiding the EU’s approach to making “globalization work for all Europeans” (European Commission, 2017a, p. 2). The report explains how the EU is using all available tools to implement its trade strategy and enforce its commitments, while “shaping globalization into an opportunity” (European Commission, 2017a, p. 4). In an accompanying communication the Commission also proposes new initiatives to proactively shape and manage global trade “to ensure it is fair, projects values and remains firmly an-

chored in a rules-based system” (European Commission, 2017b, p. 2).

#### 5. The Commission’s Approach and Its Fit with Managed Globalization

In this section we assess how MG, as used by the Commission since 2015, comports with the five practical characteristics of the MG doctrine: building a set of constraining trading rules, promoting multilateralism, widening the definition of trade issues subject to rule-making, exporting the EU model, and redistributing the benefits and costs of globalization both within the EU and at the global level. We present the results without distinguishing between the periods of implicit and explicit references to MG because we find that the Commission’s rhetoric generally fits these characteristics even before November 2016. However, through greater acceptance of bilateralism, as well as a re-enforcement of trade defense measures, we identify a modification of the EU’s application of the doctrine.

The Commission continuously communicated the need for redistributing the costs and benefits of globalization both within the EU and at the global level. *Trade for All* meant “making sure the benefits of trade are widely spread” by helping fair trade, worker adaptation, small firms’ provisions, and trade opportunities for EU developing partners (European Commission, October 19, 2015, p. 6). The Commission came to advocate a revision of the European Globalization Adjustment Fund (to assist with worker adaptation), longer transition periods for the most sensitive products, and closer ties between trade policy and development through the Economic Partnership Agreements, Everything but Arms, Aid for Trade, and the General System of Preferences of the EU (European Commission, November 7, 2015, February 25, 2016, September 22, 2016, November 9, 2016, January 24, 2017).

The Commission also advocated strong, empowered international institutions with clear rules of the game and an institutional architecture to monitor those rules through its support for a rules-based ISDS system. While addressing concerns about globalization and corporate power over governments, the Commission progressively built an argument that TTIP constituted an opportunity to modernize investment protection (European Commission, June 22, 2015, November 17, 2015, January 12, 2016), before deciding to reject a traditional ISDS in TTIP and instead promoting a new international court that would be fair, transparent, and accountable (European Commission, September 14, 2016, January 24, 2017, February 27, 2017; see also European Commission, 2017a, 2017b; a mandate was also provided by the European Parliament in 2018), a system judged compatible with EU by the EU Court of Justice on April 30, 2019.

The EU used access to its market as a bargaining chip in order to obtain changes in the domestic

arena of its trading partners: “We are also using the importance of our economy to shape globalisation” (European Commission, November 9, 2016, p. 2). The Commission clearly recognized that the EU can export its values and shape globalization through its trade agreements (European Commission, October 10, 2015, p. 1). “We should use it to promote European values like sustainable development, human rights, fair and ethical trade and the fight against corruption” (European Commission, November 30, 2015, p. 6, cf. February 25, 2016, March 15, 2016).

Regarding multilateralism, the Commission expanded the number of issue areas it included when explaining how its trade policies would best serve EU citizens. Long a champion of multilateralism, its primacy appeared to wane with each bilateral agreement pursued by the EU. Bilateralism is now touted as a pathway (complementing multilateralism) to incrementally spread EU standards globally (Garcia-Duran & Eliasson, 2018b). The EU trade strategy still involves “working for progress at the WTO. [But] it also involves a comprehensive set of negotiations for bilateral free trade agreements” (European Commission, June 1, 2015, p. 2, see also March 23, 2015), and since progress in the multilateral system “has been too slow...the EU has put new emphasis on bilateral free trade agreements with key partners since 2006” (European Commission, February 25, 2016, p. 4–5). Plurilateral agreements are also accepted: “If it’s a choice between making progress with a smaller number of partners or no progress at all, then we will choose to move forward—plurilaterally” (European Commission, April 26, 2016, p. 2, also May 2, 2016). The shift towards bilateral and plurilateral agreements is compatible with MG since “bilateral and regional deals like TTIP can support the multilateral system by acting as policy laboratories of sorts”, and “We are building a network of agreements all across the world so that we can link into the world economy and build truly global value chains that will bring prosperity home” (European Commission, May 2, 2016, p. 3, September 14, 2016, p. 2).

As a result, bilateral (and plurilateral) agreements play a role in another of the MG characteristics, namely expanding the number of issues subject to rule-making

in trade agreements. Immediately following the publication of *Trade for All*, the Commission promised to include “anti-corruption provisions in EU trade agreements,” while also addressing services, digital trade, mobility, and labor rights (such as collective bargaining), and protecting endangered species (European Commission, October 19, 2015, p. 7, November 30, 2015, p. 4, March 15, 2016). One year later the Commission declared that “All new trade deals include chapters on trade and sustainable development, including labor rights and the environment” (European Commission, March 22, 2017, p. 2, cf. on November 9, 2016, and January 24, 2017). Table 2 summarizes our argument over how MG as applied from 2015 to 2017 related to its 1999 version.

Finally, another difference in the EU’s explicit references to MG was the emphasis on trade defense instruments, which were strengthened in order to respond to unfair competition, while the Commission argued that more should be done to help workers adapt (European Commission, November 29, 2016, pp. 3–4, see also January 24, 2017, May 9 and 23, 2017, and European Commission, 2017a). In 2016 the Commission referred to a crisis in the steel industry provoked by excess Chinese capacity, and how in China “too often the state is more a participant than an independent regulator” (European Commission, March 10, 2016, p. 3). As one example of the staying power of this expansion to MG, European Commission President Jean-Claude Juncker explained in 2018 that “the EU believes in open and fair trade but we are not naïve free traders.” “Make no mistake,” he added, “we will do whatever it takes to defend European producers and workers when others distort the market or don’t play by the rules” (European Commission, 2018).

## 6. Concluding Discussion

Our analysis of the European Commission’s rhetoric regarding TTIP, CETA, and EU trade policy in general, from 2013 to 2017, indicates that the Commission response to trade politicization in 2015–2017 was part of a rhetorical counter-strategy, and that it was grounded in the MG doctrine. We identify three distinct periods in the Commission’s rhetoric: from 2013 through 2014, early 2015 through mid-2016, and mid-2016 to

**Table 2.** MG doctrine characteristics.

MG doctrine characteristics	EU’s application 2015–2017
Redistributing the benefits and costs of globalization both within the EU and at the global level	Present
Building a set of constraining trading rules	Present
Exporting the EU model	Present
Promoting multilateralism	Through bilateralism and plurilateralism
Widening the definition of trade issues subject to rule-making	Present
Not present	Re-enforcement of trade defense measures

(at least) September 2017. During the first period, the Commission was predominantly defending its trade policy and negotiations with the US on the basis of economic benefits—using predominantly intransigent messaging (TTIP would improve the status quo, and without TTIP the status quo would be in danger). In 2015–2016, the second period, the Commission responded to intensifying claims by CSOs that EU standards and values were in danger. Elements of the MG doctrine were used to lessen polarization, but without touting the doctrine. During this period there was also a shift in the messaging, from mainly intransigent to more functional (European values cannot be endangered). The third period entailed a reframed rhetoric directed primarily at populist arguments and demands for protectionism; the Commission’s language was framed in explicit MG language, with emphasis on how trade serves European citizens, and globalization can be controlled (i.e., no need for protectionism). This reframed rhetoric was communicated mainly through functional messaging (using opponents’ language and standpoints).

These results add to our understanding of the impact of politicization on trade policy, by showing how the Commission’s rhetoric changed in response to mobilization. It therefore appears the Commission is seeking legitimation *through* ideas, that is, trying “to persuade citizens or other EU institutional actors of the EU’s political responsiveness to citizens needs and demands” (Carstensen & Schmidt, 2018, p. 761). Not only did trade politicization over TTIP elicit an expansive response from the Commission, but that response largely conformed to the MG doctrine as defined in section three. Nevertheless, the MG doctrine has been adapted to respond to the changing sources and focus of contestation during and after TTIP negotiations. While the shift from multilateralism to bilateralism and plurilateralism, and the new importance of trade defense measures could be interpreted by some as a shift towards protectionism, our assessment is quite different. The EU’s contemporary and expanded application of the MG doctrine includes a recognition that a multilateral approach is not the primary means by which to manage globalization. Instead, bilateral and plurilateral agreements are pursued as stepping-stones to global, multilateral, rules and standards. Furthermore, 21st century geopolitical and economic shifts, and the protests they have birthed, have made strengthening and enforcing defensive trade measures a necessary part of rule-making.

Using the MG doctrine as a metric against which to assess the evolution of the Commission’s approach to trade policy may thus be useful. When comparing EU trade strategies in 2010 and 2015–2017, Young (2019) concludes that there is more continuity than change. While we agree that the Commission’s trade strategies and policies have always reflected certain values, there is a clear change in the rhetorical strategy pursued by the Commission. The adoption of the MG doctrine signals a willingness to re-balance the equilibrium between

openness (market access) and rules, where the defense of certain values (principles) is now as prominent as market access.

The fact that explicit references to MG emerged just as the TTIP negotiations were frozen, and they persisted one year later, indicate that the Commission deemed it useful as a way of signaling a permanent shift its trade policy. Thus, by late 2017 a modified and expanded MG had become the EU’s leitmotif on trade; only future research covering periods of less contentious trade negotiations can assess whether MG endures. What we have shown in this article is that politicization of trade affected the Commission’s reaction, response, and messaging on trade, and ultimately its trade doctrine (guiding trade policy and strategy).

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The authors declare no conflict of interests.

### Supplementary Material

Supplementary material for this article is available online in the format provided by the authors (unedited).

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Article

# Huddle Up! Exploring Domestic Coalition Formation Dynamics in the Differentiated Politicization of TTIP

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## Abstract

The politicization of the Transatlantic Trade and Investment Partnership (TTIP) has manifested itself to different extents across EU Member States. In some countries, conflicting interpretations about the deal were highly visible in public and political debates, while in others there was hardly any awareness. To further understand this phenomenon, trade scholars have to date not yet deepened nor leveraged the insights of the ‘differentiated politicization’ and social movement literature, which both point to coalition formation as an important trigger of politicization processes. This article contributes to our understanding of variation in politicization across EU Member States, by exploring coalition formation dynamics in differentiated politicization processes, in order to identify the factors facilitating successful domestic coalition formation. Through an exploratory case study design, I focus on three countries that exemplify high, middle, and low politicization cases: Germany, Belgium, and Ireland. By relying on the testimonies of campaigners active during the TTIP episode, I identify three elements that facilitated the formation of a diverse domestic coalition, which subsequently played an important role in pushing for a broad-based debate about the implications of TTIP: (i) an expert ‘mesomobilization’ link with a transnational advocacy network, (ii) the prior availability of domestic alliances, and (iii) an inclusive framing approach in order to establish a diverse coalition. The findings also underline the importance of timing in the unfolding of (successful) politicization processes.

## Keywords

alliances; coalition formation; contestation; European Union; networks; politicization; trade; Transatlantic Trade and Investment Partnership

## Issue

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## 1. Introduction

The Transatlantic Trade and Investment Partnership (TTIP) has gone down in memory as the most politicized EU trade negotiation to date. Between 2013 and 2016, political parties, NGOs, business groups, farmers’ associations and citizen movements across Europe were involved in an enduring public and political debate about the opportunities and risks of such a transatlantic free trade agreement. That collective attention turned to this particular deal was in part due to the far-reaching market-(de)regulating nature of the deal, spark-

ing normative, value-based concerns, instead of purely economic motivations (De Ville & Siles-Brügge, 2017; Laursen & Roederer-Rynning, 2017). This combination of the high ambitions of the negotiators, and the equally strong politicization that followed in its wake, make TTIP an extreme case that can illuminate new insights for scholars studying the ever-deepening nature of EU trade agreements, or the societal reaction it provokes.

From the latter point of view, one of the most striking observations about the TTIP episode is that notwithstanding the overall unprecedented level of politicization surrounding TTIP, it has been politicized to very differ-

ent degrees across EU Member States (Gheyle, 2019; Meunier & Czesana, 2019). Conflicting interpretations about TTIP were highly visible in the public and political spheres of Germany and Austria, were present to some degree in France, the UK or Belgium, while there was hardly any visible conflict in, for example, Ireland, Greece or the Central and Eastern European countries.

EU trade policy scholars have to date, however, predominantly focused on the question why TTIP experienced such a strong societal reaction, while other (even parallel) trade agreements did not. Several factors are identified, such as the far-reaching content of the deal (De Bièvre & Poletti, 2017; De Ville & Siles-Brügge, 2017), the power symmetry with the negotiating partner (Young, 2016), the broad and sustained activism of civil society organizations (De Ville & Siles-Brügge, 2015; Eliasson & Garcia-Duran, 2018), or the use of particular framing, ‘myths’ and narratives (Buonanno, 2017; Duina, 2019). One exception is the study by Jedinger and Schoen (2018), which focuses on differences in public opinion (in particular anti-Americanism), which they nevertheless find to be moderated by issue awareness and political framing, and therefore not in itself an explanation for the differences observed.

This article aims to contribute to an understanding of variation in politicization across EU Member States. The theoretical starting point of the analysis is the literature on the ‘politicization of European integration,’ which takes issue with the increasing and visible controversy over the EU and its activities (de Wilde, 2011; Schmidt, 2019). This literature has made considerable steps towards explaining differentiated politicization across time and settings (de Wilde, Leupold, & Schmidtke, 2016). One of its findings is that, given the actor-driven nature of politicization processes, resource mobilization is quintessential to expanding the scope of conflict (see Zürn, 2018). By connecting this concept to social movement and interest group literature, *coalition formation* comes to the fore as a crucial element: By building alliances, a multitude of useful campaigning resources are pooled/mobilized (expertise, experience, funding, staff, reputation), essential to kick-start a durable mobilization and politicization process (Crespy, 2016; Junk, 2019).

However, this insight has not yet been deepened, nor leveraged in the study of the differentiated politicization of TTIP. With coalition formation as a key element in pushing politicization processes comes the expectation that different dynamics of coalition formation should be related to different degrees of politicization across contexts. The main goal of this article is therefore to explore coalition formation dynamics in three EU Member States that experienced divergent levels of politicization, in order to identify which factors account for successful domestic coalition formation efforts and subsequent politicization. To do that, I not only build on the analysis of primary documents (joint position papers and website information), but especially rely on the testimonies of activists and campaigners centrally in-

involved in the mobilization against TTIP, based on 28 semi-structured interviews.

As the aim is to generate new insights into the role of coalition formation in domestic politicization dynamics of EU trade agreements, the case study design is exploratory, and follows an abductive logic (Friedrichs & Kratochwil, 2009). This means I start, in the next section, by reviewing the concept of coalition formation within the broader politicization and social movement literature, in order to generate suggestions about the factors facilitating successful coalition formation in politicization processes (Section 2). Section 3 explains the case selection and interview strategy of this exploratory case study design. This is then followed by an empirical analysis of the coalition formation dynamics in Germany, Ireland and Belgium (Section 4). The discussion and conclusions summarize the main findings and discuss how these can serve as the basis for further research (Section 5).

## 2. Politicization and Domestic Coalition Formation

### 2.1. The Importance of Coalition Formation in Politicization Processes

The politicization of the EU has been seminally defined as “an increase in polarization of opinions, interests or values and the extent to which they are publicly advanced towards the process of policy formulation within the EU” (de Wilde, 2011, p. 566). While scholars have rightly operationalized this as a multi-dimensional phenomenon (Baglioni & Hurrelmann, 2016; Zürn, 2016), its communicative or discursive manifestation is an often-recurring feature. In this view, politicization can be seen as characteristic of a public and political debate that combines ‘visibility’ with ‘conflicting interpretations,’ usually put forward by a variety of actors beyond EU executives (de Wilde et al., 2016; Statham & Trenz, 2013). In other words, EU politicization describes a process whereby traditional backroom negotiations between (executive) elites are accompanied by visible public and political debates in parliaments, mass media or on the streets.

Crucially though, the politicization of an issue is not an automatic process, but is driven by actors who attempt to politicize something, by discursively (re)inserting conflict or contingency surrounding a topic where before there was none or too little (Palonen et al., 2019). A politician, an NGO activist, or a citizen, can all *try* to politicize an EU free trade agreement by arguing, for example, that a deal is not about economic benefits, but about democracy and transparency. Yet whether this intervention will spark a broader public and political debate where ‘markets’ and ‘democracy’ become the main points of reference, depends on a variety of mediating factors.

Recent contributions have therefore focused on the ‘black box’ of politicization dynamics: the *process* of unfolding politicization. As politicization predominantly takes place at domestic levels, this focus is especially rel-

evant to account for differences across time and settings. Contributions have converged around two broad categories that serve as mediating categories: ‘political opportunity structures’ and ‘resource mobilization’ (Crespy, 2016; de Wilde & Zürn, 2012; Zürn, 2016). In short, politicization will unfold in contexts where resources are ‘mobilized’ (pooled, activated, put forward publicly) in a setting that is conducive for such mobilization to take place and spill over to a wider audience.

This focus on resource mobilization connects the politicization literature to social movement and interest group studies, and the ‘resource mobilization theory’ in particular. The key insight here is that the availability of resources (be it material, financial, reputational or cultural) enhances the probability that collective action will occur, *but only if* coordination and strategic effort first convert these into collective resources (McCarthy & Zald, 1977). While different modes of ‘access’ to resources exist, the creation of ‘organizational capacity’ or movement structures, is identified as the most important (Edwards & McCarthy, 2007). By forming coalitions, organizations and individuals pool financial resources, increase staff efficiency, exchange information, and decide on common strategies and frames—dynamics that contribute to sustained activism and subsequent politicization.

This finding is empirically corroborated in different literatures. For example, several authors using the politicization concept explicitly link this with coalition formation. Crespy (2016) argued that coalition formation is the first step of an unfolding politicization process, and empirically shows that the simultaneous activation of transnational, supranational and domestic channels of coalition formation has played a key role in politicizing EU legislation on welfare market liberalization. Zürn (2018) similarly finds that with respect to human rights provisions in international organizations’ policies, it was those challengers who built coalitions with legislative, judicial or like-minded institutions (other organizations, states) that succeeded in politicizing the issue, forcing concessions of the organization.

Empirical studies on interest group lobbying equally find that the existence of coalitions and their collective framing efforts are decisive for lobbying success or influence (Baumgartner & Mahoney, 2008; Junk & Rasmussen, 2019). Moreover, in examples of contentious trade negotiations in the past as well, coalition formation has played a recurrent role in fueling politicization. The ‘Battle of Seattle’ during the WTO Ministerial Conference of 1999, for example, turned into a successful mobilization only after divergent groups were able to find common ground and form an event coalition (Levi & Murphy, 2006). Successful cases of politicizing the General Agreement on Trade in Services were equally related to the work of dense coalitions of activists (Crespy, 2016). Finally, the politicization and derailing of the Anti-Counterfeiting Agreement equally suggests advocacy by organized groups as essential (Crespy & Parks, 2017).

## 2.2. Determinants of Successful Coalition Formation

Following Crespy’s (2016) discursive institutionalist position, successful politicization efforts are shaped by the necessity to rally the relevant allies in a given institutional setting. In post-Lisbon EU trade policy, the European Parliament has de facto veto power over international agreements at the end of a negotiation process, while national parliaments need to ratify (‘mixed agreement’) deals if they touch upon domestic competences. Given this power-sharing across levels, successfully politicizing TTIP therefore implies activating transnational, supranational, and domestic channels of mobilization and coalition formation. Combining social movement, interest group and EU politicization literature, I put forward three factors that come forward as facilitating domestic coalition formation in this context, and pushing the politicization process.

First of all, social movement scholars put a particular emphasis on ‘mediating structures’ to explain successful activation of resources (Staggenborg, 2002). So-called ‘mesomobilization actors’ are identified as the groups (or individual actors) that coordinate and integrate micromobilization groups (Gerhards & Rucht, 1992). They are actors who take up the coordination and organizational integration of different groups that are engaged with an issue. The effectiveness of such actors is usually correlated with their prior experience in mobilizing or coordinating tasks. In case of high domestic TTIP politicization, we therefore expect mesomobilization actors to have played an important coordinating role at the domestic level.

Secondly, the prior availability of networks may also play an important role. Pre-existing links and alliances often get picked up (again) when the need arises. If coalition formation still needs to occur after negotiations have already begun, there may be a missed opportunity to weigh in on the terms of the debate. Again, examples from the trade literature confirm this point. Walter (2001) argued that “it is difficult to understand NGO opposition to the Millennium Round agenda in Seattle in 1999 without addressing their opposition to and mobilization against the MAI [Multilateral Agreement on Investment]” (p. 52). Von Bülow (2010) equally found that anti-trade coalition building in Central and North America in the 1990s was more sustainable when actors could build on pre-existing social networks, repertoires, and resources. In Europe as well, a core group of organizations has been involved in several mobilization episodes (Crespy, 2014).

Thirdly, coalitions can probably politicize issues more effectively when they link a diverse set of organizations together, as this pools different types of expertise, reputations, political links and mobilization potential. To allow for such heterogeneous coalition building, issue framing plays a crucial role by altering the nature and scope of potential overlap (Levi & Murphy, 2006). Moreover, Gerhards and Rucht (1992) found that it is often the task

of the mesomobilization actors to provide the ‘cultural glue’ of coalitions by elaborating collective action frames binding groups together. This is especially important for advocacy coalitions that link unusual partners (such as trade unions and social movements), or organizations with different objectives (Benford & Snow, 2000; Keck & Sikkink, 1998).

### 3. Research Design

This study uses an exploratory (theory-building) case study design in order to identify the factors that facilitated successful coalition formation across divergent politicization paths (Rohlfing, 2012). The research approach taken is abductive, which implies that I started by using existing, related, literature as a guide for what we could expect to find, leaving room for rich empirical analysis to further inform these (Friedrichs & Kratochwil, 2009). Case selection in exploratory and abductive research designs often follows a ‘(most-)typical’ or ‘most-interesting’ logic (Friedrichs & Kratochwil, 2009; Rohlfing, 2012), which means I am interested in three cases that differ on the outcome (degree of politicization high, middle, low), while serving as interesting or exemplary cases for each of these categories.

Nonetheless, the measurement of politicization processes or degrees is notoriously complicated, not only because the concept tries to tie together different societal dynamics, such as public opinion awareness, media visibility, parliamentary debates, or protest events (de Wilde, 2011), but also because scholars differ in the way they conceptualize politics and politicization (see, e.g., Palonen et al., 2019). Any comparison based on a single measurement will therefore always be a contentious choice.

Building on a broader project focusing on TTIP politicization dynamics in different countries (Gheyle, 2019), I have therefore attempted to address this problem by following a step-wise strategy, combining different partial indicators in order to justify case selection. First, building on the assumption that differences in the intensity of the anti-TTIP campaign are the most likely explanation for the variation in opposition to TTIP (Young, 2017), I rely on public opinion data about variation in opposition against TTIP to make a first distinction. Table 1 of the Supplementary File gives an overview of (changes in the) support and opposition levels across all EU Member States.

Germany and Austria stand out as the countries with the highest shares of opposition against TTIP, which further deteriorate over time. This is in line with several scholarly and practitioners’ assessments of Germany as the most politicized case (e.g., Chan & Crawford, 2017). Given Germany’s pivotal function in the EU, and its traditional support for EU trade deals, this is therefore a typical and interesting case of high politicization. On the other side of the spectrum, Ireland stands out as the only case with extremely high support levels, which even

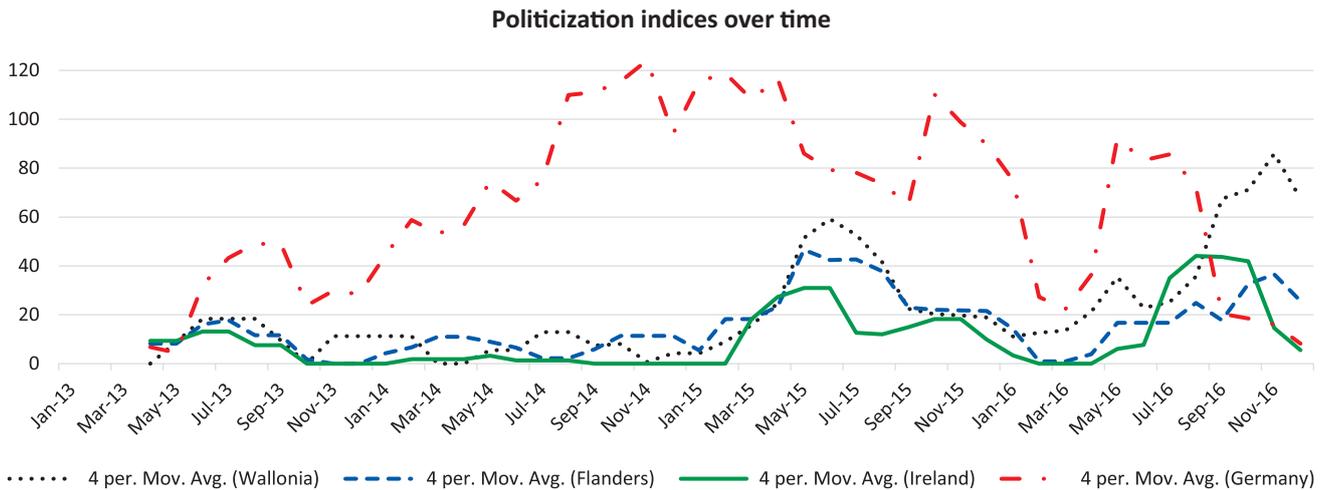
increase over time, suggesting very low levels of politicization. Moreover, its historical position and links with the US make this an equally interesting case to focus on. Lastly, as a ‘middle-range’ case, Belgium was chosen, primarily given the divergences between the two regions, Flanders and Wallonia, which both showed declining levels of support over time, yet started from a respectively high and medium level. These different experiences between two regions with far-reaching powers in international negotiations makes for an interesting comparison of coalition dynamics (Bollen, De Ville, & Gheyle, 2020).

As a second step, I calculated ‘politicization indices’ for each of the three (four) cases. Through a quantitative media content analysis, I extracted so-called ‘core sentences’ from articles on the TTIP topic (Gheyle, 2019). These sentences include evaluations of TTIP uttered by an actor, with a certain frame attached to it. I aggregated these data into indicators of ‘salience,’ ‘actor expansion’ and ‘polarization’ (key indicators of politicization, see de Wilde et al., 2016), and combined these into one politicization index with the formula ‘salience × (actor expansion + polarization).’ Figure 1 plots these indices over time, which again shows that Germany was a standout politicization case from the very beginning of negotiations. Politicization in Wallonia (according to this partial indicator) only took off in early 2015 but then remained at a relatively high level, before peaking late 2016. The trajectories of Ireland and Flanders are quantitatively rather similar, with two peaks in early 2015 and late 2016.

But again this indicator was unable to capture everything, especially neglecting several political and parliamentary dynamics. Further qualitative evidence of the amount and content of parliamentary debates showed that Flanders could be classified as relatively more politicized than Ireland (where hardly any political party contestation was registered), while in Wallonia and Germany, there was a lot of debate on the topic, in line with the above observations (Bollen et al., 2020; Gheyle, 2019).

All in all, I am confident that the cases of Germany, Wallonia, Flanders, and Ireland, can be depicted as high, middle-high, middle-low, and low cases of politicization, respectively.

To gain information and a deeper understanding of what facilitated domestic coalition formation in these countries, I built on a diverse range of written sources (such as position papers or website information), but especially relied on testimonies of activists and campaigners heavily involved in the TTIP campaign. They are well-placed not only to describe (internal) coalition-building dynamics, but also to evaluate the significance hereof in the broader scheme of things. In total, I conducted 28 semi-structured interviews with civil society representatives in the three countries, in the period 2015–2016. For the current purposes (and reasons of scope), only a selection of key interviews is referenced. References to the numerical interviews below can be found in the online supplementary file.



**Figure 1.** Politicization indices over time for Germany, Ireland, Flanders and Wallonia. Source: Own elaboration (Gheyle, 2019).

**4. Analysis**

**4.1. Transnational and Supranational Connections**

In the EU trade policy domain, the so-called ‘Seattle 2 Brussels’ (S2B) network is the main transnational advocacy coalition that has been actively following trade issues since the 1999 Seattle demonstrations against the WTO (Interview 1). It is made up of activists who represent different (domestic) organizations, aligned by their values and commitment to challenge the (in their eyes) corporate-driven agenda of the EU. While its membership has fluctuated over the years (mirroring the general attention for trade policy), the core group of members are activist veterans who have been involved in various contentious trade episodes (Interview 2).

Over the years, they have particularly taken up more complex trade topics (which not necessarily drew much public attention) such as trade in services or investment protection (Interview 3). This continuous involvement has therefore not only resulted in long-standing coordination experience, but also in a significant build-up of expertise related to both the (technical) content of agreements, and the way to communicate this to a broader audience. Given the way in which TTIP built upon previous trade and investment agreements, these activists could hence foresee the direction wherein several elements would go (Interview 4). As one interviewee argued: “The moment TTIP took off in 2013, all the material, the discourse, everything on investment and ISDS [Investor-State Dispute Settlement] was ready” (Interview 1).

As the core network working on trade, they took up a coordinating role, and decided early on that this campaign against TTIP should be pan-European from the start (Interview 2). They were, in retrospect, mesomobilization actors at transnational level, responsible for convening meetings, facilitating information exchange, and establishing e-mail lists. While they had no intention to coordinate every message or action, they still “invested a

lot of time and capacity in trying to hold [everything] together somehow...to make sure that you’re not running in completely different directions” (Interview 4).

Given that its members are national organizations, the S2B-link through domestic groups was acknowledged as an important element in the early mobilization in some EU Member States: “At least in Belgium, the Netherlands, Germany, France, the UK and Spain, it is extremely clear that it were S2B members that kick-started the process and also built alliances that were bigger” (Interview 2). While activists hesitated to assign causality, and argued S2B-members were not solely responsible for the start nor successfulness of domestic politicization, they were nevertheless heavily involved in spearheading the movement domestically.

While S2B is in essence a network of trade experts who are engaged in policy and communication work, a second (but related) transnational alliance formed during the TTIP negotiations. The ‘STOP TTIP’ Alliance was established somewhere around March 2014, initially in the context of a European Citizens Initiative in order to collect signatures for a petition to stop TTIP. Over time their raison d’être evolved towards becoming the main ‘mobilization pillar’ of the anti-TTIP movement, responsible for coordinating pan-European events such as the ‘European Days of Action against TTIP’ (Interview 5). Similar to S2B members who were focal points of domestic campaigns, national STOP TTIP coordinators operated as the main contact points around which national networks were established, in order to work towards demonstrations and actions.

Lastly, besides these trade or TTIP-specific alliances, there were obviously many ‘supranational’ groups following the negotiations in the EU bubble. The most prominent in this campaign were the European Consumers Organization, the European Trade Union Confederation (the umbrella of trade unions), and a variety of environmental organizations such as Friends of the Earth or Greenpeace. While doing injustice to the intricacy

cies of alliances and networks at EU level, the key thing to note here is that all these organizations equally have domestic links in different EU Member States.

#### 4.2. Germany

Having multiple German links to the S2B-network seems to be one of the main reasons of early German contestation against TTIP. In April 2013 (three months before negotiations started) about 20 NGOs were already meeting to exchange information about the upcoming transatlantic deal (Interviews 4 and 6). The meeting was organized by two S2B-members (CEO and PowerShift) and Campact, a group whose expertise lies in amplifying (online) campaigns. Several other attendees such as ATTAC Germany, GermanWatch or Forum Umwelt & Entwicklung, were all S2B members, and were hence all very much aware of the (in their view) dangers of the evolving trade agenda.

This group organized several outreach events to raise awareness, and to provide expert training in order to draw more organizations in. Several existing organizational links were activated here, which had evolved naturally, or because of earlier campaigns. Many German environmental and food safety organizations, for example, have allied closely in the past during food safety campaigns (Miltner, Maier, Pfetsch, & Waldherr, 2013). During these trainings, the German ‘mesomobilization’ actors taking the lead were CEO, PowerShift and Forum Umwelt & Entwicklung. They were responsible for coordination, education, and producing the first position papers of the coalition. Testimony of their early work is that on 17 June 2013—the day negotiations were officially announced at a G8 meeting—a paper with the title *TTIP nein danke* was already made public.

The demands in this paper were incredibly detailed, which is testimony of the professionalization and expertise flowing in the network through different expert groups (working on fracking, pesticides, or the REACH-regulation, for example). This is an element an S2B-interviewee identified as key to the early German mobilization, much less prominent in other countries (interview 2). Moreover, demands were also very diverse: nearly every frame, and every type of concern that was raised during the 3-year campaign was already addressed herein.

In order to get different organizations in line, framing apparently played an important role, as testified by one interviewee: “Groups very much shape the discourse, the frame, but this also shapes the movement in the way that it organizes” (Interview 4). This is reflected, for example, in the name the coalition gave itself: ‘TTIP UnfairHandelbar,’ which can loosely be translated as “TTIP should not be up for negotiation.” The ‘unfair’ part, however, also makes the name ambiguous enough so that more moderate organizations can claim to campaign for ‘reforming’ TTIP, while still being included in the wider coalition.

As online and mass media salience grew as a result of the coalitions’ early actions, the ‘TTIP Unfairhandelbar’ coalition grew from 20 to 50 members. Most of these were environmental, alter-globalization, food safety, and development groups, who were closely aligned with the Green and Far-Left political parties, which explains some of the early parliamentary activity in the Bundestag. All in all, German activists acknowledged the vital importance of these coalition formation efforts in the first months. As one interviewee summarized:

For Germany it’s actually really clear: It was an early mover advantage...the fact that you had a coalition, that you had a strong narrative with ISDS, the Vattenfall cases, and also organizations like Greenpeace Germany who did very early research on the agenda of the US agribusiness lobby for TTIP. (Interview 4)

Multiple transnational links to S2B (where the trade expertise resided), pre-existing alliances (combining all types of resources), and inclusiveness in framing all played an important role in this early coalition formation.

Still, the biggest and most prominent ‘expansion’ came when groups with a more ‘reformist’ stance teamed up. The German trade unions in particular (through their umbrella organization DGB [*Deutscher Gewerkschaftsbund*]) were widely identified as playing a huge role in further politicizing TTIP (Interviews 3, 4, and 6). The public salience and some skeptical union sections forced DGB to make their concerns public, which they did with their ‘red-line approach’ by mid-2014 (Interview 7). This reformist stance initially precluded close cooperation with ‘TTIP Unfairhandelbar,’ as it did not fit with their rejectionist undertone. The solution again lay in framing and coalition formation. The unions and the existing coalition decided to establish a separate, and larger, ‘demonstration coalition’ under the (loosely translated) banner ‘Stop TTIP—For fair trade.’ This framing was again inclusive (or ambiguous) enough to house groups aiming to reject or reform TTIP (Interviews 4 and 7).

While the demo coalition proved convenient to bring a heterogeneous alliance of groups together on the streets (such as cultural, religious or small and medium-sized enterprises organizations), the newly made alliances were consequential for others as well. The main German consumer organization (*Verbraucherzentrale Bundesverband*, VZBV), for example, made its own critical analyses based on its connections with the European Consumers Organization. Still, the red-line position by the unions was very similar to theirs, which led to a joint DGB–VZBV position in July 2014 (Interview 8). The pooled reputation of these groups not only legitimated the concerns about TTIP in the public eye, but it also opened up additional access to more centrist social-democratic and Christian-democratic parties, making TTIP a concern for almost the entire political spectrum.

### 4.3. Ireland

The main Irish coalition against TTIP formed under the banner of the ‘TTIP Information Network.’ This was initially brought together by activists from ATTAC Ireland and Comhlamh (an umbrella organization for volunteers active in North–South development work). While both these organizations had some in-house expertise, focusing on these two is characteristic for the network as a whole. First of all, this network was quite small (10–15 members), with participants mostly present as volunteers rather than as full-time representatives for their organizations. As one interviewee put it: “It was a very heavy workload amongst quite a small group of civil society organizations. Very intense couple of years for people who did this in their own time” (Interview 9).

Secondly, the two ‘founding’ groups do not have a long-standing relationship, nor are they embedded in lively networks building on other campaigns. Irish civil society is in general not particularly large, with organizations having to strategically focus on certain topics instead of campaigning on everything (Interviews 9 and 10). This often precludes additional time investments in networks to follow shared topics, especially on topics such as trade which did not attract attention for a long time. Hence, when TTIP took off, there was hardly any organization actively working on EU trade policy (Interview 11). So, while the TTIP Information Network did eventually manage to bring a variety of individuals together, organizations themselves long hesitated to invest much in it.

This volunteer-driven network therefore not only struggled with a lack of time and financial resources, but also a lack of expertise. Training was mostly provided by individuals with some expertise (partly built up through transnational links), but this remained quite limited (Interviews 9 and 11). There were no existing links at the time with S2B, for example, which meant that identification and awareness raising was not timely, nor was there much knowledge in terms of content and framing to draw on. In other words, much of the coalition formation and build-up of expertise still had to take off by the time negotiations were well underway.

Even during coalition formation, members of the network acknowledged several problems. There was a lot of disagreement on the type of actions to be taken, or how to present TTIP to a broader public. An interviewee argued: “It seemed to me that the meetings took place between different groups who each wanted to oppose TTIP on the basis of their own interest and concerns, rather than have a unified strategy” (Interview 12). One idea was to frame TTIP related to agriculture, which in the Irish context could have struck a chord, “but it didn’t go that way, people wanted to campaign on their own grounds” (Interview 11). Another activist did not only blame a lack of willingness, but also the complexity of TTIP, citing a multitude of entry points into the debate as a stumbling block (Interview 9). A lack of expertise

on how to communicate these trade issues thus again played a role.

These problems of getting an inclusive framing were echoed in the evaluation that there was no central steering group, or at least a full-time coordinator or communications officer (Interview 9). With respect to gaining media coverage, for example, groups argued they knew beforehand this would be difficult in the Irish context, but “to criticize ourselves though, we never had any organized media strategy. It was all ad hoc efforts” (Interview 12). All in all, these volunteers concluded that “it was a small group, it wasn’t all that well-organized and it did what it could in quite an ad hoc way” (Interview 12).

Later in the campaign, by 2015, there were additional developments that amplified the message of the TTIP Information Network. For one, the campaign got to some extent linked to broader (and more successful) social movement campaigns against privatizing water distribution (Interview 11). In addition, the Irish trade unions and an organization called ‘Uplift’ joined the opposition, of which the latter helped grass-roots mobilization through ‘TTIP-free zones’ or social media campaigns. Also, the Irish section of the pan-European Stop TTIP was set up. All these additional links added certain tactics, mobilization power, or legitimacy that the initial coalition lacked to some extent (Interview 13).

### 4.4. Belgium

Belgian politics is characterized by a divide between the Dutch-speaking (Flanders) and French-speaking (Wallonia) regions, which was no different during the TTIP episode. Coalition building and anti-TTIP campaigns to some extent evolved separately, but many links still exist across the language barrier. The best example hereof is the twin (Flanders–Wallonia) umbrella organization ‘11.11.11–CNCD,’ a North–South development organization that brings together about 60–90 NGOs, (sections of) unions, and smaller associations. They are the only Belgian members of S2B, with interviewees confirming their importance in kick-starting the campaign in both Flanders and Wallonia (Interviews 3 and 14).

In Flanders, 11.11.11 acted as the main mesomobilization actor, trying to bring together different Flemish organizations, providing training, and doing much of the early (inside) lobbying work. It was able to build on an existing ‘Decent Work’ alliance together with the unions and a handful of global justice organizations. Nonetheless, it took a while (until May 2014) before this coalition came out strongly on TTIP, mainly because of the (Flemish) unions’ hesitance to be perceived as anti-trade (Interview 15). They were more in line with the constructive ‘red line’ position favored by the European Trade Union Confederation. An interviewee from 11.11.11 acknowledged that they made several compromises and came out much less rejectionist as they wanted to be, in order to get to a joint position (Interview 3).

In Wallonia, CNCD played a similar role as in Flanders, but here, there were several other (mobilization) networks already active in awareness raising and mobilization, which they were able to build on. First, there was the platform ‘No Transat,’ originally established by two researcher-activists back in 2009 (who started anticipating what a transatlantic free trade deal would look like). Between 2011–2013, they were vital in raising awareness with other organizations, with several interviewees attributing the early Walloon mobilization to their involvement (Interviews 14 and 16). Secondly, the mobilization of the ‘D19–20 Alliance’ (originally established by concerned milk producers who saw the need of linking their concerns with other civil society actors) brought a very heterogeneous alliance on the streets, turning its attention to TTIP. Many vocal and more radical sections of Walloon unions were part of both these networks, accounting for a much more militant stance of the Walloon unions. One Walloon activist also recalled that all these coalitions worked together with the idea of a *common project*: “Everyone had its own institutional affiliation, but nobody tried to make the debate exclusively about him or herself” (Interview 16).

In 2015, a second round of coalition formation took place that was more geared towards cross-regional links. On the one hand there was a joining of forces of the ‘expert’ pillars that existed in both Flanders and Wallonia, culminating in the ‘4 May Coalition.’ This linked the Decent Work coalition together with a list of organizations that had hardly worked on EU trade policy explicitly before (or at least not recently): health insurance funds, consumer groups, and environmental organizations. The coalition boasted that this was the entire Belgian civil society joined together, and interviewees acknowledged that pooling resources was important at that point: Health insurance and consumer groups greatly added to the legitimacy of the ‘Stop TTIP’ message, while they themselves could more efficiently follow and learn about negotiations (Interviews 17 and 18).

Again, inclusive framing was raised as essential to bring very different groups together. An interviewee from 11.11.11 argued:

We have stronger stances on trade policy than the consumers, for example, but we don’t have problems to ally with them in a coalition where they can recognize themselves in. Eventually that became a broad coalition that also says ‘Stop TTIP,’ but that does not mean they go as far in their rejection as we do. (Interview 3)

On the other hand, by the end of 2015, a national and much broader ‘Stop TTIP–CETA coalition’ was established, along the same lines as the ‘demonstration coalition’ in Germany. This brought the more institutionalized groups together with the (mostly Walloon) mobilization networks of D19–20, and other social movements such as Hart Boven Hard (fighting austerity) and

the Climate Coalition. For this, CNCD acted as the mesomobilization actor to coordinate demonstration and actions, building on the loose network that was brought together under the Belgian pillar of the Stop TTIP European Citizens’ Initiative (Interview 14). Especially for Flemish organizations this was a welcome step as they could now use the ‘tools’ and coalitions that had evolved on the Walloon side (Interview 3). Very different groups were aligned here, with one interviewee stating they had many meetings to establish the message: “And the compromise between ‘no’ and ‘suspend’ was ‘stop,’ because stop doesn’t mean no” (Interview 14).

In 2016 finally, additional structure was added to this broad coalition, transforming it into the ‘Stop TTIP & CETA Alliance.’ It is not entirely clear how the different structures differed from each other (there are many overlaps in membership and actions), but at the very least this was marketed as the first ‘national’ platform bridging all Flemish and Walloon groups, and giving more structure to the demonstration coalition that was established before. This alliance undertook several smaller actions during summer, leading up to a climax in September 2016, when between 10,000–15,000 people took to the streets of Brussels protesting against both TTIP and CETA.

## 5. Discussion and Conclusion

In this contribution, I have explored domestic coalition formation dynamics in the differentiated politicization of TTIP. By collecting testimonies from German, Irish and Belgian civil society activists, and analyzing campaign material and website information, I was able to identify and further qualify three domestic coalition-facilitating factors, which greatly helped to kick-start the TTIP issue in the domestic public debate, hence signifying its role and importance.

First, I expected a prominent role for mesomobilization actors as crucial organizing and coordinating cogs. The findings confirm the importance of groups taking the lead, especially those with a close interconnectedness to transnational or supranational trade networks. Both in Germany and Belgium, domestic campaigns were kick-started by mesomobilization actors who were active in, or had access to expertise of trade campaigning through, the S2B-network. In Ireland, the lack of any such connection meant that there was a relatively late awareness of the issue, and a knowledge deficit of how to campaign on such large trade agreements. One idiosyncrasy further qualifying this finding, is the Walloon case of very early awareness raising by one organization (NoTransat), which already alerted other (mobilization) groups before negotiations took off. This emphasizes the expertise-dimension in this mesomobilization success, corroborating a finding by Crespy (2016) that politicization “consists to a large extent of the empowerment of contentious actors with expertise, and the use of expertise and communication to translate technical problems into political arguments aimed at mobilizing support” (p. 19).

Secondly, pre-existing alliances allow for a reactivation of earlier cooperation, while bringing together a diverse set of expertise and mobilization power. This is true in any case for the S2B-network on a transnational level, showcasing the importance of sustaining alliances in between campaigns. In Germany and Belgium as well, civil society organizations are embedded in dense networks, with several existing alliances building on a variety of past campaigns. The variety of groups linked in this way, in combination with early mesomobilization efforts, made an early and thorough condemnation of TTIP possible in Germany and Wallonia. In Flanders, mobilization potential was added especially after linking with Walloon partners, while in Ireland a small and scattered civil society encountered several hurdles associated with coming to terms with a new topic and new alliances, which always remained a volunteer-driven alliance.

Lastly, mesomobilization actors played another crucial role by being flexible and inclusive in framing TTIP, and getting a minimal level of understanding and commitment of all coalition members. This resulted in three significant developments. First of all, in Germany and Wallonia, mobilization was able to take off quickly as many agreed on how to frame TTIP, and what the ultimate goal was. In Flanders, this process took much longer (given the hesitance of trade unions), while in Ireland this was never resolved. Secondly, inclusive framing equally played a role later on, when more groups joined the bandwagon and started focusing on TTIP: Only when agreement on the message and institutional dynamics (see the ‘demonstration coalition’) was found, did mobilization surge, fueling politicization. Thirdly, flexible issue framing means that groups with substantial expertise and those with mobilization power could be brought together, a useful combination in order to focus on inside and outside lobbying channels simultaneously.

One common thread in these observations is *timing*. What these existing alliances (domestically, supra- or transnationally) and flexible ways of presenting concerns have especially facilitated is an early mover advantage. Besides the ferocity with which claims can be put forward, or the overall legitimacy a coalition has by being diverse, these timing-related elements of coalition formation especially contributed to a rapid kick-off of the debate, putting the burden of counter-framing the TTIP topic on the actor that comes in second, and who needs to convince an increasingly skeptical audience of the benefits of TTIP.

Such an observation is also important in order to identify the next steps of uncovering and/or explaining politicization processes. By no means is the conclusion here that coalition formation dynamics is the only important factor to consider in what is, by definition, a complex phenomenon that can materialize through different pathways (think, for example, of media culture, political party constellations, or public sentiments towards negotiating partner, as other possible factors). Yet it suggests that in a multi-causal explanation of politicization, do-

mestic coalition patterns will probably play a significant role, which we can either use as part of (time-sensitive) causal mechanisms uncovered through process-tracing, or as a condition in a qualitative comparative analysis.

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### Supplementary Material

Supplementary material for this article is available online in the format provided by the authors (unedited).

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Article

## Missing in Action? France and the Politicization of Trade and Investment Agreements

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### Abstract

Negotiations for the Transatlantic Trade and Investment Partnership (TTIP) between the European Union (EU) and the United States (US) and for the Comprehensive Economic and Trade Agreement (CETA) between the EU and Canada have provoked massive mobilization throughout Europe, both on the streets and online. Yet France, long at the epicenter of anti-globalization and anti-Americanism, has played a surprisingly modest role in the mobilization campaign against these agreements. This article asks why France did not contribute to anti-TTIP mobilization and, more broadly, how patterns of French mobilization over trade have changed over the past two decades. Using comparative-historical analysis, we explore to what extent this puzzling French reaction can be traced to changing attitudes towards the US, agenda-shaping by the French government, and transformations in the venues and techniques of social mobilization. We thus contribute to the growing literature on the politicization of trade agreements and offer insights into the links between domestic and international politics.

### Keywords

Common Commercial Policy; Comprehensive Economic and Trade Agreement; European Union; France; investment; multilateral investment agreement; politicization; trade; Transatlantic Trade and Investment Partnership

### Issue

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### 1. Introduction

Over the past decade, several trade and investment agreements negotiated by the European Union (EU) have drawn massive protests both on the street and online, especially during negotiations for the Transatlantic Trade and Investment Partnership (TTIP) with the United States (US), and the Comprehensive Economic and Trade Agreement (CETA) with Canada. This development has spawned scholarly interest in the politicization of European trade policy. Some scholars have pointed to

a broader pattern of politicization in the EU, defined as increasing polarization of opinions and public salience (De Bruycker, 2017; de Wilde, 2011; Schimmelfennig, Leuffen, & Rittberger, 2015). Others have focused on explaining why trade policy became politicized after decades of relative public obscurity (De Bièvre & Poletti, 2017; Eliasson & Garcia-Duran Huet, 2019; Laursen & Roederer-Rynning, 2017; Young, 2017). Others yet have emphasized variation in the degree of politicization over time, and across agreements and countries (De Bièvre & Poletti, 2019; Meunier & Czesana, 2019; Young, 2019).

This article adds to this recent focus on variation in politicization by tackling an intriguing paradox in the politics of contestation of recent trade and investment agreements. The TTIP and CETA negotiations have been the subject of massive public protests throughout the EU, eliciting levels of contestation arguably not seen since the 1930s (Donnan, 2016). At the height of contestation, in 2015, more than 3.2 million Europeans had signed the ‘STOP TTIP!’ petition aimed at pulling the EU out of the TTIP negotiations (Euractiv, 2015). Demonstrations in 2015 and 2016 brought hundreds of thousands into the streets throughout the EU, with a particular concentration of protesters in Germany (Deckstein, Salden, & Schiebl, 2016). Yet the voice of French protesters, traditionally one of the loudest and fiercest countries in denouncing globalization, has been conspicuously absent.

How important was France in the European anti-TTIP mobilization campaign? Why did France play such a surprisingly modest role? This pattern of muted French mobilization in a context of heightened contestation in Europe is puzzling for several reasons. France has a culture of protest. It also has a history of strong anti-globalization mobilization, particularly in the late 1990s. Finally, France is notoriously anti-American. One would therefore expect France to have spearheaded anti-TTIP and anti-CETA mobilization, yet it did not. Our aim in this article is to map out patterns of French mobilization against global trade deals like TTIP and CETA, and to develop potential explanations for these patterns. Using comparative-historical analysis, we explore this puzzle in light of prior patterns of dynamics of social mobilization, governmental strategies, and societal anti-Americanism.

The article is structured as follows. First, we discuss the argument of France as a leading actor in the global mobilization against trade and investment agreements in the 1990s—the Multilateral Agreement on Investment (MAI) between 1995 and 1998, and the failed Seattle Millennium Round of the World Trade Organization (WTO) in 1999. Second, we present puzzling findings on French public contestation on TTIP and show, through comparative analysis, that France was ‘missing in action’ (MIA) in extra-institutional arenas of politicization, while other countries led the contestation. Finally, we advance a range of possible explanations, which we probe in greater detail in a within-case analysis of TTIP politicization in France.

## **2. France as the Epicenter of Anti-Globalization Contestation: The Critical Juncture of the late 1990s**

To grasp recent changing patterns of global trade politics and the role of France in anti-globalization mobilization, we must go back to the late 1990s, when a new, and more constraining, multilateral trade system emerged around the creation of the WTO. France found itself at the center of both the shaping of this new order and its contestation.

Two important developments took place in the 1990s. One was the deepening of the trade liberalization agenda. With the Uruguay Round of negotiations (1986–1994), the General Agreement on Tariffs and Trade took on ‘behind the border’ trade issues (Young & Peterson, 2006); subsequently, this new ‘deep trade’ agenda extended to a variety of economic sectors and regulations, including services, competition policy, environmental standards, labor rights, and investment. The other development was the growing involvement of non-governmental organizations (NGOs) in global trade politics. “Before the 1990s,” as Graham (2000) argues, “the world of the environmentally oriented NGOs and the world of international trade and investment agreements were essentially disjoint. They coexisted, but they did not touch or overlap to any significant degree” (p. 35). This all changed in the 1990s when NGOs engaged in the negotiations of the NAFTA (North American Free Trade Agreement), ratified in 1993 by the US, Canada and Mexico, before shifting their focus to the global level, where all these ‘new’ trade issues were being discussed (Deslauriers & Kotschwar, 2003).

This new NGO activism interacted with the ‘deep trade’ agenda during negotiations for the MAI, launched in May 1995 under the aegis of the OECD (Organisation for Economic Co-operation and Development). The agreement aimed to provide an institutional framework for international investment, which, unlike trade, lacked any formal multilateral rules. The negotiations started outside of the public glare, but very soon turned into the first public mobilization against globalization of the new global era. In February 1997, an early draft of the MAI was leaked to Public Citizen, a rights advocacy NGO, and published online, stirring opposition from more than 600 organizations in almost 70 countries, from labor groups to environmental activists (Kobrin, 1998; Walter, 2001). The opposition reflected a general anxiety about globalization, with a particular focus on the political power of large multinational corporations; namely, the capacity of multinational corporations to sue sovereign governments for democratically agreed upon laws and policies through Investor–State Dispute Settlement (ISDS) systems.

While opposition to the MAI was multinational, there is broad acknowledgment in the literature that France played a pivotal role in its demise (Waters, 2004). We argue that France was at the epicenter of the contestation as a result of three key factors.

### *2.1. Culture at the Heart of the Contestation*

Though the agreement was multifaceted and covered a whole range of economic sectors, opposition to the MAI focused on culture in particular. By addressing non-discriminatory treatment for foreign investors in all sectors, the MAI negotiations extended to cultural goods and services—a vigorous and popular sector of the French economy and an essential component of

the French identity. Culture became the focal point of French opposition, and led to mobilization of intellectual and political elites across the ideological spectrum. Philippe Seguin, head of the Rassemblement pour la République party, claimed that integrating cultural goods and services into the MAI negotiations “would be the eventual death of our cinematic culture” (Tartaglione, 1998). Hervé Bourges, president of the French media regulator (*Conseil Supérieur de l’Audiovisuel*), argued that Europeans should “oppose the colonization of new media by a lone language—English—and by a lone inspiration—that of international groups” (Tartaglione, 1998). Both left-wing and right-wing politicians denounced globalization as the death knell of French culture and demanded a carve-out for cultural industries (Gordon & Meunier, 2001).

### 2.2. Traditional French Anti-Americanism

The ‘cultural exception’ met a fertile anti-American sentiment in France. A portion of opposition to the agreement came from sheer nationalism. As an anti-MAI activist conceded at the time:

Some of the objections [raised by the French government] are clearly based on nationalist grounds: France has always had an uneasy relationship with the US, and many of the objections to the measures are simple assertions of national sovereignty versus powerful, and implicitly US, economic interests. (Wood, 2000, p. 38)

The MAI was expected to benefit American multinational corporations more than others since the negotiating agenda had been driven by American business lobbies (Walter, 2001). Anti-globalization in France thus became inextricably tied to anti-Americanism (Meunier, 2000). Given the pervasiveness of the equation between globalization and Americanization in French society (Meunier, 2006), Alons and Giacalone (2014) argued that anti-Americanism is *potentially* more powerful than any other domestic factor in shaping French responses to globalization because it was “less prone to wax and wane with domestic political changes” than in other societies (p. 150).

### 2.3. Political Entrepreneurship

During the MAI negotiations French politics was dominated by ‘cohabitation,’ or divided government. President Jacques Chirac, of the rightwing Rassemblement pour la République, had called for legislative elections in 1997, which delivered an unexpected victory to the Socialist Party. The new ‘Plural Left’ government, under the leadership of socialist Prime Minister Lionel Jospin, represented a fragile mix of Socialists, Communists and Greens. Opposition to the MAI was a rare point of consensus in divided French politics: the Socialists denounced threats to labor rights, the

Communists denounced the expansion of capitalism to all walks-of-life, the Greens denounced the dangers to the environment posed by the agreement, while politicians from the right denounced threats to national sovereignty and French cultural identity.

The French government therefore catered to opposition to the MAI to cement its coalition (Graham, 2000, p. 11). It suspended negotiations in April 1998 after imposing conditions that nobody expected to be met: the exclusion of cultural goods and services from the agreement, the non-extension of US law outside of US territory, special consideration for the process of European integration, and the inclusion of environmental and social norms in the agreement. The government also commissioned a report that highlighted the discrepancies between technocratic and political imperatives in the negotiation of the agreement, and the imbalance of the negotiations in favor of US business interests (Lalumiere & Landau, 1998). France officially withdrew from the negotiations in October 1998, leading to their collapse in December, and suggested a change of venue, such as the WTO, to address investment concerns.

Opposition by the French government developed in parallel to the ‘alter-globalization’ activism of French movement entrepreneurs. France was a hotbed of intellectual criticism of neo-liberal globalization, partly spearheaded by a group of activists around the emerging anti-globalization organization ATTAC (*Association pour une taxation des transactions financières pour l’aide aux citoyens*). Originating as a critique of global financial capitalism in the pages of the *Monde Diplomatique* newspaper, ATTAC quickly captured the attention of politicians and citizens, prompting the French National Assembly (*Assemblée Nationale*) in 2001 to support the introduction of a Tobin tax on financial transactions. ATTAC was also the first successful alliance between the cultural sector and other segments of French society, including trade unions and small farmers. One such farmer, the charismatic José Bové, was a founder of ATTAC, and of the peasant union *Confédération Paysanne* a decade earlier. With his Asterix-like moustache, and flair for attracting media attention, the English-fluent sheep farmer trade unionist became famous in France, and beyond, after leading the ‘dismantling’ of construction for a McDonald’s restaurant in central France in 1999 (Meunier, 2000). Four years after its creation, ATTAC had spawned forty sister organizations throughout the world. Besides being able to deliver a strong, specific, and credible analysis of globalization and its alternative (Ancelevici, 2002, p. 444), ATTAC’s power resided in the use of transnational social media, which enabled it to recruit and mobilize individuals widely (Kolb, 2005).

While anti-trade mobilization in France traditionally revolved around farmers’ protest (Alons, 2014; Roederer-Rynning, 2002, 2007; van der Vleuten & Alons, 2012), after the collapse of negotiations for the MAI, and the emergence of ATTAC, it brought together new and classic grievances. Collectively, the inclusion of cultural goods

on the negotiation agenda, anti-Americanism, and political entrepreneurship explain why France displayed higher and more intense levels of anti-globalization mobilization in the late 1990s. The defeat of the MAI marked the crystallization of a broad anti-globalization camp in France, spanning both state and non-state spheres.

**3. From MAI to MIA? Puzzling Patterns of TTIP-Related Politicization in France and the EU**

The fifteen years following the demise of the MAI in 1998, and the aborted launch of the WTO’s Millenium Round in Seattle in 1999, were a period of relative calm for anti-globalization and anti-trade activism in France and in Europe. These years were also marked by the conclusion of many multilateral and bilateral trade and investment negotiations: with South Korea, Singapore, India, ASEAN countries, and Canada. The TTIP broke that period of relative calm. From its inception in 2013 to its suspension in 2017, the TTIP met broad public contestation on both sides of the Atlantic, but especially in Europe (De Ville & Siles-Brügge, 2015; Young, 2017). The TTIP had all the ingredients of a perfect storm, prone to reactivate the triggers of French mobilization in the 1990s: the most ambitious agenda of trade and investment negotiations in the post-Cold War era; the opportunity for political entrepreneurs to rally a divided French public across the political spectrum; and the US as a key party to the negotiation, supported by its multinational companies. These features make the TTIP a most-likely case of French contention, yet opposition failed to arise.

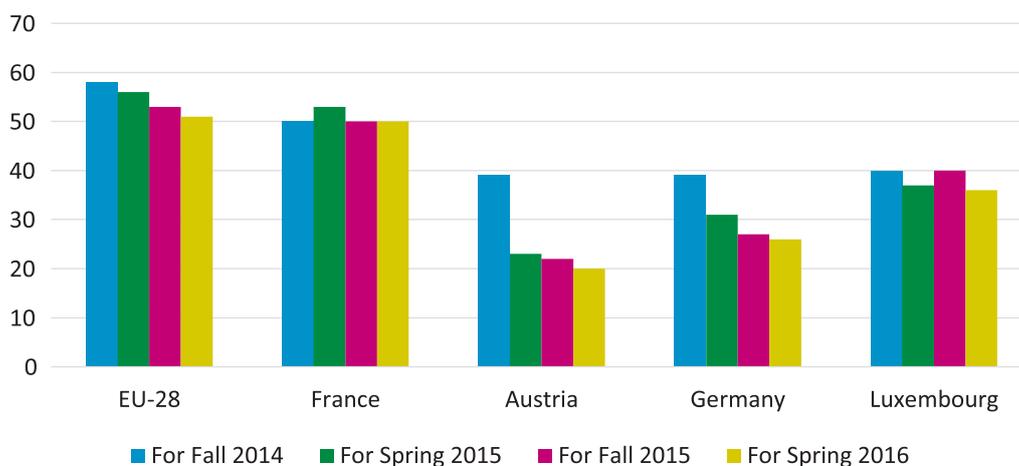
*3.1. The Indifferent French*

Public opposition to the TTIP picked up pace during the Spring of 2014, in the run-up to the elections to the

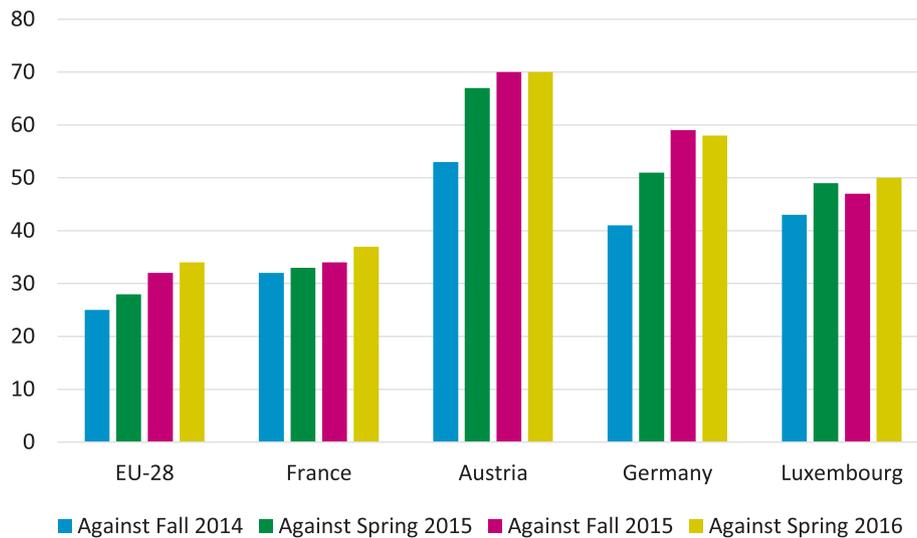
European Parliament (Buonanno, 2015; Young, 2017). Surprisingly, Europeans were more positive towards the TTIP than their US counterparts (Bluth, 2016), and they remained in majority in favour of such an agreement throughout the 2014–2016 period. However, public support in the EU as a whole clearly eroded over the period, and there were critical national differences (Figures 1 and 2).

In all but three EU member states, Europeans by and large favoured a free trade and investment agreement between the EU and the US. These supportive member states included France. An opinion poll carried out by the French *Institut CSA* between 14 and 16 May 2014 showed two surprising results. First, a very large majority of respondents favoured the proposed harmonization of production norms and standards (71%), and the removal of tariffs and customs duties (68%; CSA, 2014, p. 4). Secondly, the TTIP was not a very salient issue. One year into the TTIP negotiations, the majority of respondents (55%) had still not heard about them; and among those who had, 28% admitted having only a very vague notion of what the TTIP was (CSA, 2014, p. 4). At the height of the TTIP public controversy, in 2015, only 1 in 5 French respondents reported following the TTIP negotiations ‘closely’ or ‘very closely’—compared to 1 in 3 in neighbouring Germany (YouGov, 2015).

Beyond these two unexpected findings, French public opinion on the left was more sceptical, but divided. Those close to Jean-Luc Mélenchon’s left-wing party *Front de Gauche* were more markedly against the removal of tariffs and customs duties: 57% were against, compared to 55% of those who sympathized with green movements who *supported* the harmonization of norms and standards. Thus, beyond a more activist left partisan base, the French as a whole did not appear to be very interested or outraged.



**Figure 1.** Public support for a free trade and investment agreement between the EU and the US, 2014–2016 (% in favour). Source: Eurobarometer (2014, 2015a, 2015b, 2016). Note: Eurobarometers started polling Europeans on the TTIP in the spring 2014 (question A19.5 in Eurobarometer 82, and related numbers in the following surveys: “What is your opinion on each of the following statements. Please tell me for each of the following statement whether you are for it or against it: A free trade and investment agreement between the EU and the US.”)



**Figure 2.** Public support for a free trade and investment agreement between the EU and the US, 2014–2016 (% against). Source: Eurobarometer (2014, 2015a, 2015b, 2016).

This stood in stark contrast with responses in Austria, Germany, and Luxembourg, where a public opinion tsunami materialized against the TTIP. Germany surprised observers—and itself—by the intensity of its anti-TTIP public opposition given the country’s traditionally pro-free trade positions. From the beginning, the TTIP drew more opposition than support in Germany, where opposition grew from 41% in fall 2014 to 59% in spring 2016, suggesting a broad-based, cross-partisan opposition. In April 2015, as TTIP support had shrunk to 25% in German public opinion, observers noted a:

Level of resistance [that] has taken Chancellor Angela Merkel’s government and German industry by surprise, [which] are now scrambling to reverse the tide and save a deal which proponents say could add \$100 billion in annual economic output on both sides of the Atlantic. (Barkin, 2015)

One year later, the country’s leaders had adopted a more cautionary approach, recognizing that:

[The] TTIP has run into huge opposition in Germany....It is a paradox that public opinion in Europe’s biggest exporter—and one of the greatest beneficiaries of global trade—is running so strongly against TTIP. Even senior German officials scratch their heads at the debate. (Wagstyl, 2016)

These preliminary findings on public opinion suggest that, breaking with the history of the previous decade, it was in Germany that opposition to the TTIP was fiercest; and it was mostly German—not French—opposition, which forced EU leaders to reconsider their advocacy of the TTIP.

Even so, the contrast between German and French publics should not be overstated. French public opin-

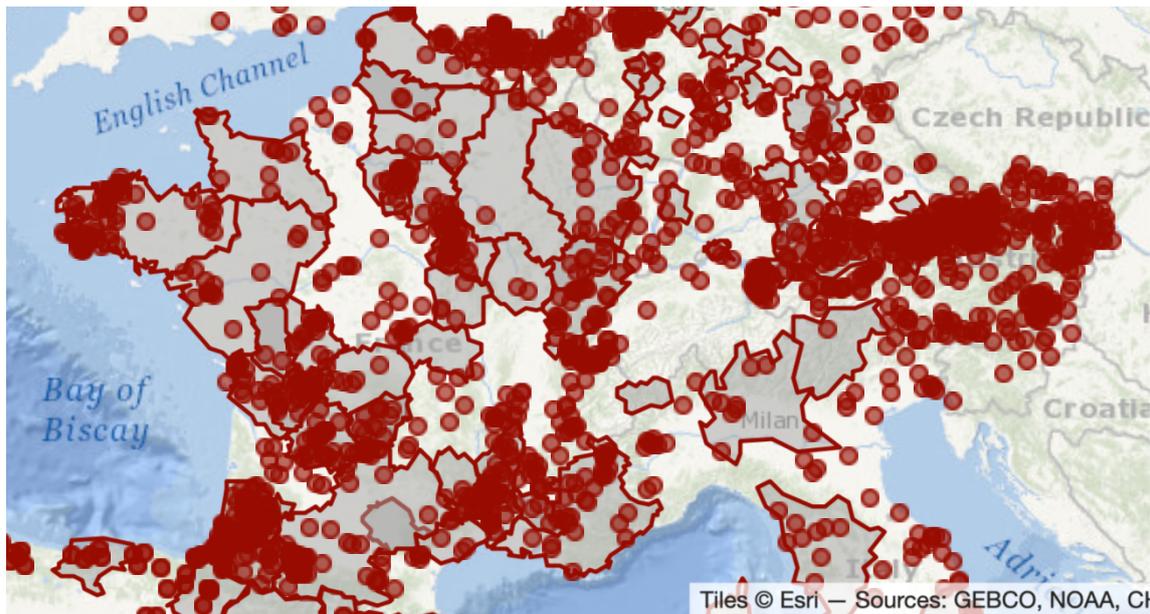
ion grew increasingly incandescent over time. In June 2016, 62% of French respondents allegedly opposed the ‘transatlantic trade agreements’ (TTIP and CETA) (Vu de France, 2016). According to some of policymakers, it would have taken little for French opposition to the TTIP to take off like a bonfire. Next, we consider the pattern of European anti-TTIP activism in greater detail.

### 3.2. The Contentious Germans

Social mobilization against TTIP in Europe was intense, broad, and durable. It was also full of national contrasts. Social mobilization started at the time of inception for the TTIP negotiations, in the Spring of 2013. It maintained steam until the negotiations were suspended in November 2016 (Bouza & Oleart, 2018, p. 88). Civil society critics of the TTIP coalesced around the European ‘STOP TTIP!’ campaign, a civil society mobilization framed as a European citizenship initiative to invite the Commission to recommend to the Council to stop TTIP negotiations. The initiative tested the limits of the Lisbon European Citizenship Initiative, which was meant to give EU citizens a voice on EU legislation, not international agreements.

The data we have about the ‘STOP TTIP!’ campaign sheds interesting light on the involvement of French activists. On one hand, the campaign, launched in February 2014, met a certain success judging by the map of French territorial collectivities, which declared themselves ‘hors TAFTA’ or ‘en vigilance’ (TTIP was also initially called the Transatlantic Free Trade Agreement [TAFTA], hence the use of both labels by groups opposed to the proposed US-EU trade and investment agreement) (Figure 3).

Yet, support in France trailed behind other countries. While the ‘STOP TTIP!’ campaign recorded 3 million signatures in 23 member states, nearly *half* of the signatures were collected in Germany alone, making it the new epi-



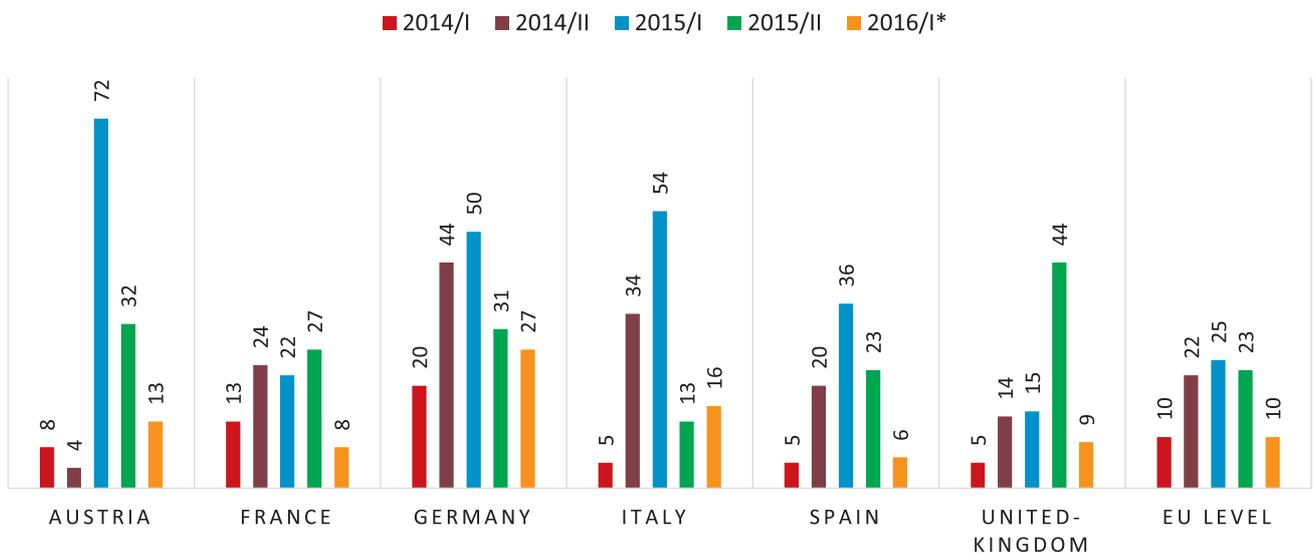
**Figure 3.** TTIP and CETA free zones in Europe. Source: TTIP Free Zones (n.d.). Note: In France, this movement concerned 840 territorial collectivities, of which there are: 14 regions (out of 22 before 2016), and 24 out of the 95 metropolitan départements.

center of contention. France ranked third (after the UK), far behind Germany with only *one tenth* of the overall number of signatures (Young, 2017).

Germany was the new epicenter of anti-globalization mobilization (Figure 4). During the critical 2014–2016 period, Germany accounted for 30% of all TTIP-related actions—far ahead of France, with only 12% of all-TTIP related actions, but also ahead of (smaller) Austria and Italy (16% each). As the numbers show, the difference between Germany and France cannot be explained by population differences alone. Furthermore, France was the only country, for which there are data, where the level of social mobilization in 2016 was

lower than in 2014. This overarching picture of tepid engagement appears to match anti-TTIP activists’ self-reporting (Fabry, 2015). During the transnational mobilizations organized on 18 April 2015, out of 700 events expected to take place, more than 200 occurred in Germany, with 23,000 marching in protest in Munich alone, whereas the French ‘Stop-TAFTA’ mentioned only 70 events (Mobilisations, 2016).

Thus, while an important site of anti-TTIP mobilization, France no longer seemed to be the epicenter of European contestation, as in past decades. French activists were trailing or even MIA, especially in comparison with their German counterparts. The French were



**Figure 4.** Trends in the social mobilization against TTIP in Europe, by country 2014–2016 (number of protest events). Source: Caiani and Graziano (2018).

less aware of the TTIP than their German neighbours; to the extent that they were, they were less opposed to the TTIP than their German counterparts. Likewise, anti-TTIP social mobilization was less sustained in France than in Germany. As Fabry noted in 2015, “One was expecting opposition to TTIP to come first from France, where public opinion is traditionally reticent to trade opening. Yet by November 2014...Germans had taken the lead in opposing TTIP” (Fabry, 2015). Against all expectations, the perfect storm of the TTIP abated in France. Why was France MIA?

#### 4. A Political Process Explanation

One possibility is that the TTIP failed to trigger reflexive anti-Americanism and street protests because it was a good deal for the French. After all, the French economy was weaker than Germany’s, and the TTIP promised to open new lucrative markets for key sectors of the economy while not threatening vested interests. Economic studies suggested that the TTIP would benefit key sectors of the French economy. Potential ‘winners’ of the TTIP were transportation manufacturing sectors (equipment, machinery, and services), chemicals and pharmaceuticals, and agriculture (World Trade Institute, 2016). Perhaps this particular mix of economic gains explains the more positive reception of the negotiations in France?

We doubt it. Apart from agriculture, the sectors identified as potential winners from TTIP were never at the center of popular mobilization in France. As for agriculture, the French had both offensive and defensive interests in the TTIP, and agriculture as a whole was a contentious topic in the EU–US trade negotiations that resumed in 2018—with the EU (and the French) preferring to keep it off the agenda against US insistence to the contrary. Maybe some agricultural sectors stood to gain from the TTIP, but these winners were likely never involved in the earlier anti-globalization mobilization waves in France.

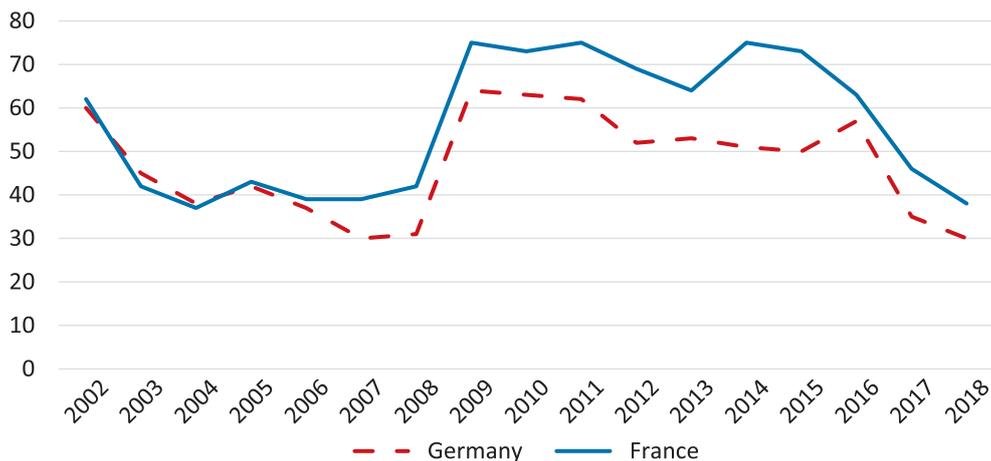
Besides, the expected gains were arguably more than offset in the public discourse by the potential risks of a downward regulatory convergence in a range of areas salient for the broader public. As Pascal Lamy, the former EU trade commissioner and former Director General of the WTO, put it at the time, these negotiations were “no longer about removing protections; they [were] about harmonising precautions that prevent harm to consumers” (Lamy, 2014). Regulatory risks, perceived or real, spanned the environmental (fracking), health, sanitary and phyto-sanitary (chlorinated chicken, genetically modified organisms) and geographic indicators (*Appellations d’origine contrôlées*) areas—not to mention the controversial ISDS. They were broadly mediated by activists, which may explain why public support for the TTIP in France was mixed with a lingering sense of distrust and scepticism.

Finally, culture, the focal point of contention in the late 1990s MAI negotiations, was from the outset an object of controversy in the French TTIP debate—again. Thus, while it is doubtful that economic calculi can elucidate why France was MIA, we must explain why similar issues as those arising in the 1990s failed to produce similar outcomes in the 2010s. Elaborating on our explanation of French contentiousness in the 1990s, we advance a political process explanation for the French MIA puzzle, pinpointing the role of political actors—both institutional and societal—in defusing reflexive anti-Americanism.

##### 4.1. Swapping Places—France, Germany, and Anti-Americanism

France was no longer a beacon of anti-Americanism when the TTIP negotiations took place. This reflected both the softening of anti-Americanism in France and the emergence of German anti-Americanism. Two phenomena explain these changing attitudes towards the US. One, the relative structural decline of US power, especially combined with the parallel rise in power of China and the 2008 financial crisis, consecrated the US’ fall from its pedestal, and paradoxically improved the favorability of the US in the eyes of ordinary French (Kim, Meunier, & Nyiri, 2017; Meunier, 2013). At the turn of the 2010 decade, the sources of worries regarding trade and investment came more from China than they did from the US. Second, the election of Barack Obama in 2008 contributed to warming French opinion of the US soaring to a consistent 60% for much of Obama’s two terms. After the election of Donald Trump in 2016, French views of the US dipped back to historically low levels in the 1930s (Figure 5).

While French opinion of the US was warming, a reverse trend took place in Germany, where the revelations of widespread American surveillance by the National Security Agency in 2013 triggered a rise in anti-American sentiment. The German public, wary of surveillance for historical reasons, was incensed after learning from Edward Snowden that the US was routinely monitoring Chancellor Angela Merkel’s phone. Further revelations of American spying on Germany in 2014 fuelled German anger, further damaging public perceptions of the US. Thus, while views of the US benefitted from the same ‘Obama’ windfall in Germany as in France, by the time of the TTIP negotiations, they were much less favourable than the French with a 24% point difference in 2014, and 23% in 2015 (Figure 5). This relative resurgence of anti-Americanism in Germany has been highlighted by several analysts as the principal explanation for the puzzling German mobilization on TTIP (Bauer, 2016; Chan & Crawford, 2017). We take one step further by showing how political entrepreneurship at the governmental level and at the level of the grassroots underpinned these changing patterns of anti-American sentiments.



**Figure 5.** Favourable views of the US in France and Germany 2002–2018 (percentage responding favorable, all years measured). Source: Pew Research Center (2019). Note: Full question wording “Please tell me if you have a very favorable, somewhat favorable, somewhat unfavorable, very unfavorable opinion of the US.”

#### 4.2. Institutional Entrepreneurship: Agenda-Shaping and Venue-Shaping

Cultural issues had been the unifying focus of French opposition to the MAI across the political spectrum and a focal point in anti-American and anti-globalization sentiments in France. With the TTIP, cultural goods and services came back as a likely bone of contention in the French debate. However, this time, an important part of the French government’s strategy was to manage the looming confrontation by shaping the agenda and the venue of the negotiations.

By agenda-shaping, we refer to efforts by the French government to remove the potential lightning rods of mass contention, first and foremost the issue of audio-visual goods and services which had such a cross-cutting character. In its draft mandate of 12 March 2013, the European Commission had not only provided for the inclusion of the audio-visual sector in the negotiations, it also precluded the use of unanimity decision-making in the Council, which applies to these issues in virtue of Article 207 of the Treaty on the Functioning of the EU. The French riposte did not wait. In a report of 29 March 2013, the deputies of the French *Assemblée Nationale* expressed their outrage, noting that:

It is the first time, in twenty years, that the Commission does not respect the principle of the cultural exception by not explicitly excluding the audio-visual sector from an international trade agreement, a fortiori with the US. This is an unprecedented liberal offensive, which requires a response from the national representatives. (Assemblée Nationale, 2013, p. 2)

The deputies called on the French government to demand that the Commission remove cultural services from the mandate—and to block the text in the Council meeting of 14 June 2013, if necessary, by making use of its veto under unanimity voting. This demand was ini-

tially contested in the Commission, where the College of Commissioners had voted in favour of the text, but also in the European Parliament committee on International Trade, where the chair did not favour the cultural exception (Roederer-Rynning, 2017). Eventually, the French offensive succeeded to reverse the tide in the Council and the European Parliament.

In the Council, supported by thirteen other Member States, as well as many prominent European directors, the French government led the drive to specifically remove audio-visual services from the mandate granted to the European Commission to negotiate with the US on behalf of the EU (Ministère de la Culture, 2013). On 16 May 2013, at the Culture and Education Council, 15 Member States signed a letter calling for the exclusion of culture and audio-visual services from the negotiations. This paved the way for a similar reversal to take place in the European Parliament. Less than ten days later, on 23 May 2013, the European Parliament adopted a resolution giving its (not formally binding) support for opening the TTIP negotiations. Critically, the French secured the scheduling of a separate vote on the ‘cultural exception,’ in the margin of the vote on the resolution. Reflecting active lobbying by the French Socialist delegation in the European Parliament, particularly by Member of the European Parliament (MEP) Henri Weber, the vote garnered a majority in plenary, although with lower levels of support than the overall resolution (381 in favour, 191 against, 17 abstentions on the cultural exception; compared to 460 votes in favour, 105 against, and 28 abstentions on the overall TTIP resolution). Thus, a combination of governmental activism and multi-level parliamentary mobilization (Roederer-Rynning & Kallestrup, 2017) enabled French delegates to remove audio-visual goods and services from TTIP negotiations, leaving the French government with one less traditional point of contention to worry about.

There were still a host of contentious issues on the agenda, however, one of them being the hotly

contested ISDS. Compared with ‘the cultural exception,’ which had a distinctively French resonance, ISDS was more broadly controversial among the Member States; therefore, France did not have to wage the battle against it alone, or even lead the battle. Still, the French government was active on this issue, especially the Junior Minister for International Trade, Matthias Fekl, pre-empting domestic mobilization by fighting against ‘Brussels’ and demanding that a public consultation be held on ISDS and negotiations be suspended during the consultation. In hindsight, we know that the consultation marked a turning-point not only in the TTIP negotiations (the object of the consultation), but also in the CETA negotiations, where an alternative to the ISDS provision had to be found in order to pass ratification. This was achieved mostly with the help of social movement activists based in other countries than France. The public consultation also acted as a magnet for social mobilization. 80% of replies came from three Member States: Germany alone accounted for 21.7% of replies, followed by the UK with 34.8%, and Austria with 22.6%. Among institutional actors, the *Assemblée Nationale* was one of only three national parliaments contributing to the public consultation, while the other two were the Irish Oireachtas and the Romanian Senate (Roederer-Rynning & Kallestrup, 2017, p. 818). Thus, ironically, while demanded by France, the consultation served as a platform for social movement activists from other Member States to launch a broad-based critique against the ISDS.

Finally, the French government also sought to defuse massive public contestation by keeping the ratification process of an eventual TTIP agreement under the control of national parliaments via the so-called mixed ratification route. As with the issue of ‘cultural exception,’ the French had to battle with the Commission, which favored the Treaty of Lisbon’s new ‘simple ratification’ procedure, empowering the European Parliament—not the national parliaments—to ratify free-trade agreements. The government was allied with the *Assemblée Nationale*, who was adamant that “the transatlantic trade and investment partnership between the EU and the US is a ‘mixed agreement’ in the sense of EU law, requiring ratification by all the Member States” (*Assemblée Nationale*, 2013, p. 6). But the issue was moot. The mandate directive contained no clause on the character of the agreement and its ratification status, and the Commission itself, as the parliamentary opposition pointed out, advertised the TTIP on its webpages as a simple agreement (*Assemblée Nationale*, 2014, p. 3413). In May 2014, when doubts resurfaced, the head of the Foreign Affairs committee in the *Assemblée* recalled the ‘Korea’ technique (i.e., used in the EU Free Trade Agreement with Korea) “consisting in inserting a cultural clause in the agreement to make sure it would be ratified as a mixed agreement” (Roederer-Rynning & Kallestrup, 2017, p. 821). Later, French state secretary for trade Fleur Pellerin insisted that “this will be a mixed agreement” (*Assemblée Nationale*, 2014, p. 3409) and cited the support of Germany.

In sum, by defusing the ‘cultural exception’ issue, the French government fragmented a re-emerging broad-based, culture-focused, cross-partisan opposition to the TTIP, keeping it effectively within narrower partisan bounds. Furthermore, by calling for a public consultation on ISDS, the government sat the negotiations on standby while offering a platform for social movement entrepreneurs across Europe to rally against the ISDS. Finally, France acted in coordination with Germany and its own parliament to keep the mixed ratification format. The government’s active management strategy placed France in a more comfortable position than other Member States (Xavier-Bender, 2015, p. 2). This contrasted with the much more precautionary and passive stance adopted by the German government—overwhelmed by unexpected levels of societal resistance.

#### *4.3. Social Movement Entrepreneurship: Changes in ATTAC and the Pivotal Role of the Social Media*

The relatively low social mobilization of the French public on TTIP could very well reflect the exceptional circumstances of 2015–2016. The anti-trade and investment protests in Europe coincided with the most dramatic wave of terror attacks perpetrated in France in recent times. In 2015, 20 people died in Paris as a result of the Islamic terrorism attacks on the French satire weekly *Charlie Hebdo*, followed by a series of terrorist attacks in November, killing 137 people during assaults on the Bataclan theatre and the *Stade de France*. In 2016, 87 people were killed by a terrorist truck attack in Nice on Bastille Day. Thus, after January 2015, the collective will and psyche in France were occupied elsewhere. Arguably, the French were too worried about domestic terrorism to fuss about TTIP, and perhaps too shocked to participate in public demonstrations.

Even so, while terror might have overshadowed the trade agenda, the *altermondialiste* movement in France in the 2010s was a pale reflection of itself. No strong movement entrepreneur emerged in France during the time of the TTIP negotiations. Though ATTAC was, once again, at the forefront of the contestation and public mobilization against TTIP, ATTAC France no longer played the role it once did in the heyday of the movement at the turn of the 21st century. Mired in scandals and infighting, ATTAC France saw its membership drop by two-thirds in the first half of the 2000s (Stockemer, 2012). The organization had also lost its most charismatic member. By the time the TTIP negotiations came along, Bové had become part of the system himself. After an unsuccessful run for the French presidency in 2007, he was elected MEP under the banner of the Green party *Europe Ecologie* and was re-elected in 2014. While still involved in civil disobedience and media-grabbing actions, Bové was mostly exerting his policy influence through his work in the European Parliament. By contrast, German ATTAC had become quite prominent, with a membership jump

from 2,000 members in 2001 to 23,000 in 2009, and ample coverage in German media (Stockemer, 2012).

German activists also brought mobilization to new heights by mastering the art of social media campaigning. The TTIP negotiations generated intense engagement from public media from the outset. Already in 2013, communication specialists in the European Commission were “alarmed” by what a leaked Commission paper called the “unprecedented level of public and media interest” (von Nordheim, Boczek, Koppers, & Erdmann, 2018, p. 549). The importance of social media was considerable: tweets containing #ttip tended to be dominated by NGOs and groups of activists. They tended to be more driven by global anti-TTIP sentiments, and less connected to national discourses and grievances, in contrast to printed news in traditional media (von Nordheim et al., 2018, p. 562). Over time, “the sentiment of [the TTIP-related] discussion on Twitter [became] more polarized and less balanced” (von Nordheim et al., 2018, p. 561). Remarkably, there were important national differences in this regard, too. Only in Germany and in the Netherlands did #ttip make it on the top-10 list of trending hashtags (Nulty, Theocharis, Popa, Parnet, & Benoit, 2016). In Germany alone, #ttip was more popular than in any other European country, ranking second on the top-10 list, just behind #piraten. In contrast, in France, the TTIP negotiations were much less salient in the social media, and mostly so under the more insular #tafta. These results confirm claims that “the rise of the Internet and social media has boosted the public salience of EU trade policy...forcing transparency, enabling expertise, shaping public opinion, and facilitating tools for mobilization” (Meunier & Czesana, 2019, p. 9).

### 5. Conclusion: The Double Movement of Contentious Trade Politics in Europe

In the emerging literature on the politicization of trade policy, the TTIP stands out by the level of public contestation it generated in Western democracies. In the established comparative European politics literature on collective action and social movements, France stands out by the contentiousness of its society. Yet France and its activists surprisingly did not play a leading role in the broad public mobilization that shook Europe during the TTIP negotiations. Unlike their German counterparts, ordinary French long ignored the TTIP and were agnostic about its potential implications. They did not care enough to protest massively and durably against it. In 2015 Europe, the contentious Europeans were German, not French—why this double movement?

Using a combination of historical and cross-national comparison, we have put forward a political process explanation combining anti-Americanism ideas, institutional entrepreneurship, and social movement entrepreneurship. The key to understanding why Germany and France swapped places in the politicization of trade in the 2010s is how political entrepreneurship at the gov-

ernmental and societal level shaped anti-Americanism in these societies. In France, a country that had much to gain from the TTIP given the sluggishness of its economy at the time, the government prevented the formation of a broad-based cross-cutting popular movement by first removing cultural issues from the agenda through multi-level institutional lobbying, then fighting for the mixed ratification of an eventual TTIP agreement—with Germany, and lastly *de facto* outsourcing protest against ISDS to other European countries (Germany), while suspending the negotiations through the European public consultation organized upon its request. These actions stand in sharp contrast with the more precautionary and passive stance adopted by the German government—overwhelmed by unexpected levels of societal resistance and a newly-blossoming variety of anti-Americanism. Consequently, not only was the French government in a much more comfortable position than other Member States; it could, and did, hide behind the turbulent German politics.

At the societal level, an important and overlooked mutation in the infrastructure of the anti-globalization social movement took place during these years in Europe. This is captured by the changing centre of gravity of ATTAC. ATTAC Germany did for the politicization of trade in the 2010s what ATTAC France did in the 1990s, although through other means. While the French precursors’ contribution was to build an intellectual infrastructure for the anti-globalization movement—or *altermondialiste*—the new generation of German activists brought the anti-globalization movement to new heights by mastering the art of social media campaigning.

Our study contributes to the scholarship in several ways. First, it highlights the enduring role of culture in anti-trade mobilization. Culture is a glue binding together various segments of the citizenry above generational, partisan, and socio-economic cleavages—it is therefore a powerful force of mobilization. However, cultural resistance is politically constructed: it can be fuelled and defused by political leaders and movement entrepreneurs. Second, contemporary Europe displays the coexistence of an old and new politics of trade. In the old politics of trade, producers protest the opening of markets and demand protection. This was traditionally the case of farmers’ demonstrations in France. In the new politics of trade, precautionary consumers and citizens protest the interference into domestic regulation of public norms and standards arising from diffuse, non-elected international bodies. Occasionally, like in France, the old politics could transcend the narrow bounds of its producer basis by appealing to culture. The new politics of trade, by contrast, is by definition mass politics, in virtue of its broader societal basis and proneness to cultural exploitation.

Looking towards the future and the likely resumption of some more modest trade talks between the EU and the US, we speculate that the TTIP period may have been a unique moment of opportunity in France unlikely to re-

peat itself soon. Domestically, the French government is again on the defensive, with the Gilets Jaunes mobilization since late 2018 against the background of the neo-liberal socio-economic reforms undertaken by Macron, which could easily morph into opposition against international trade agreements. Internationally, the protectionist turn and overall nationalist agenda of the Trump administration, coupled with German power in relative decline in Europe, mean that the French can no longer ignore their long-standing mistrust of the US, nor hide behind Germany, setting the stage for a more open and assertive confrontation. This will make it more difficult to carry out a liberalizing transatlantic agenda, unless the rise of China serves as a glue forcing European and American interests to converge.

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### Conflict of Interests

The authors declare no conflict of interests.

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Article

## The Selective Politicization of Transatlantic Trade Negotiations

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### Abstract

European Union (EU) trade policy is in the spotlight. The Transatlantic Trade and Investment Partnership (TTIP) negotiations triggered substantial public mobilization which emerged in a surge of literature on trade politicization. Notwithstanding politicization's topicality and significance, it varies considerably over time, across trade agreements negotiations as well as across EU member states. By picking up on the latter, this article examines why, despite similar economic benefits potentially to be gained from trade liberalization, TTIP negotiations revealed striking differences in politicization in Germany and the UK. Understanding this variation is illustrated by highlighting the impact of some of TTIPs' substantial issues mobilizing a range of materially and ideationally motivated stakeholders, who in turn shaped diverging governments' trade positions of the countries under scrutiny. In explaining this selective politicization across two European countries, focus is on three explanatory variables, domestic material interests (business associations and trade unions), societal ideas (voters and non-governmental organizations [NGOs]) dominant in these countries' domestic politics, as well as their interaction with national institutions. For this reason, the societal approach to governmental preference formation is employed which provides a detailed exploration of these three domestic factors, as well as the importance of their interdependence, in shaping the TTIP positions of the UK and German governments.

### Keywords

domestic politics; European Union; Germany; investment; politicization; trade policy; Transatlantic Trade and Investment Partnership; United Kingdom

### Issue

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### 1. Introduction

Throughout the last decade European Union (EU) trade policy, the oldest and most integrated policy, was viewed as a rather depoliticized and overlooked field of studies; research and literature were slim (Dür & Zimmermann, 2007, p. 772). Recently a remarkable surge in research has developed, due to alluring developments such as the stronger involvement of the European Parliament in trade policy decision making, the expansion of the trade agenda including content previously detached from free trade—triggering a more active engagement of non-traditional societal actors—and negotiations with new, essentially peer-like trade actors such as the United States (US) and China (van Loon, 2018a). Particularly

due to the increase of public interest in and salience of trade agreements negotiations, EU trade policy is in the spotlight, suggesting that it, in contrast to the past, has become a profoundly politicized policy area. Research has picked up on the prominence of trade politicization, specifically revealed by the recent special issues of the *Journal of European Integration* (2017), the *Journal of European Public Policy* (2019) and this current *Politics and Governance* thematic issue. Equally, the European Commission's response to the increased public opposition to trade negotiations highlights a change from 'business as usual'; the time when EU trade policy was still perceived as a technocratic activity and both the public and the media were indifferent. In its Balanced and Progressive Trade Policy, the Commission felt prompted

to react to a continually changing environment and increased public salience; ‘How we conduct trade policy and trade negotiations matters. If the EU is to deliver effective agreements that benefit all citizens, the crafting of these agreements must be accountable, transparent, and inclusive’ (European Commission, 2017, p. 8).

Withstanding the trade politicization hype however, this study acknowledges that, although claims about politicization are contemporary as well as significant, it varies considerably over time, across trade agreements negotiations as well as across EU member states. EU trade policy’s depiction as a highly contested issue area with politicization spilling over to other trade agreements, or to the idea of free trade in general, is thus overly exaggerated (Young, 2019, p. 14). During the time period from 2005 until 2016, despite the Eurozone debt crisis and the Comprehensive Economic and Trade Agreement (CETA) as well as the Transatlantic Trade and Investment Partnership (TTIP) negotiations, there was no widespread hostility towards trade liberalization with considerable majorities in all EU member states having had continuous positive views of free trade, ranging between 68% and 77% (Eurobarometer, 2017, pp. 59–60). The fact that trade attitudes towards free trade remained steady during these various stages suggests that politicization has been more specific than general. Simultaneously, this also mirrors public opposition to TTIP being greater compared to any of the parallel EU trade negotiations.

Understood as ‘an increase in the polarization of opinions, interests or values, and the extent to which they are publicly advanced towards the process of policy formulation within the EU’ (de Wilde, 2011, p. 566), politicization did not play a decisive role in the majority of EU bilateral trade negotiations. Neither non-traditional societal actors nor the general public or the media paid significant attention to negotiations, thus playing mere spectator roles in (the ongoing, concluded or stalled) trade negotiations with developing countries such as China, India, Malaysia, Thailand and Vietnam or with developed countries such as Australia, Singapore, South Korea and Japan. (Inter-)regional negotiations such as those with the African, Caribbean and Pacific Economic Partnership Agreements (EPAs), the Andean Community, the Central American region and Mercosur did trigger some civil society resistance yet did not evolve into a large-scale European public mobilization. Due to the economic weight of the US and the EU, TTIP is the largest trade and investment agreement ever attempted and a prime example of what constitutes the next generation of a ‘deep’ trade agreement that led to ‘an unprecedented public scrutiny’ (Malmström, 2015, p. 2). Politicization’s asymmetric dispersion hence illustrates that its occurrence was exceptional. This exceptionality resulted in TTIP being the outlier (Young, 2019).

While literature explaining the topical emergence of public mobilization during EU trade negotiations is abundant (De Bièvre & Poletti, 2017; De Ville &

Siles-Brügge, 2016; Eliasson & Garcia-Duran Huet, 2019), it is presently complemented by scholars stimulating a research agenda in explaining the varying degrees of politicization across such trade negotiations (De Bièvre & Poletti, 2020; Meunier & Czesana, 2019). A consensus exists about various explanations of why the TTIP negotiations incited large public resistance. Accounting for the emergence of politicization are exactly those developments which instigated the abundant EU trade policy research mentioned above; institutional changes in the Lisbon Treaty, the content of trade and investment negotiations inducing stronger involvement of non-traditional societal actors, as well as the role and nature of the trading partner. Surprisingly, most efforts to explain the causes as well as the variation of trade politicization stubbornly focus on EU level institutions and actors (business associations, civil society organizations and trade unions). Despite scholars’ acknowledgement of European governments’ significance in shaping the common EU trade negotiation positions (Dür & Zimmermann, 2007, p. 783; Laursen & Roederer-Rynning, 2017, p. 765), the domestic level, ‘where trade policy making actually begins and where member governments have to find negotiation positions that reflect their own domestic constraints’ (van Loon, 2018a, p. 166), is—excepting a handful of studies (Adriaensen, 2016; Bauer, 2016; Bollen, 2018; Bouza & Olear, 2018; De Bièvre, 2018; Meunier & Roederer-Rynning, 2020)—either mistakenly replaced by viewing the EU level as the domestic level, or plainly ignored. This lack of attention on the domestic level is astonishing as it is *the* level where trade policy making begins and where governments are constrained in finding negotiation positions originating from domestic societal demands. Assessing domestic level influences shaping governments’ trade positions is thus a vital preceding component in comprehending how and why certain trade positions are pursued at the EU level. This deficiency, in looking at domestic factors to enrich knowledge, theoretical and empirical, has been criticized by van Loon (in press), who states that explanations for why European governments vary in trade positions and priorities, and how and by whom these are generated in the domestic preference formation process, remain largely unanswered. An accentuation on the origins of governments’ trade positions offer a timely and relevant point of view and thus should be taken seriously in future research on EU trade policy (van Loon, 2018b, p. 107).

This study hence aims to illuminate the domestic level and—not by only opening but by explicitly unfolding the black box—its goal is to trace and explain variation of politicization across the TTIP trade positions of the United Kingdom (UK) and Germany. Both countries are traditional advocates of trade liberalization and were expected to be the main TTIP beneficiaries among the EU countries (Felbermayr, Heid, & Lehwald, 2013, p. 43). Yet at the height of trade politicization this did not translate into similar TTIP positions. Whereas the British government was a constant enthusiastic TTIP promoter,

the German government, originally a fervent supporter, gradually signaled a more reserved TTIP backing. It is shown that politicization shaped the UK's enthusiastic, and Germany's reserved, position on trade, correlating with differences in interests and ideas prevalent in these countries' domestic politics. The article proceeds in the following three steps. The next section, and while touching on several domestic politics approaches, presents the societal approach to governmental preference formation (Schirm, 2011, 2013, 2016, 2020). This includes defining the variables, formulating the core hypotheses and explaining the operationalization. This is followed by the empirical case study which examines whether the TTIP positions of the governments under scrutiny correspond to domestic material interests or societal ideas, and whether these are in line with national institutions in a cross-country comparison. The last section concludes with a brief comparative summary on the theoretical and empirical findings.

## 2. The Societal Approach to Governmental Preference Formation

The societal approach to governmental preference formation is employed to account for the selective politicization since its eminent accentuation on endogenous societal considerations, interests, ideas and institutions dominant in countries' domestic politics, prior to international or intergovernmental negotiations (Schirm, 2013, p. 690), allows for not only opening but an explicit unfolding of the black box in explaining variation in governments' positions. While employing and augmenting domestic politics theories such as IR liberalism (Moravcsik, 1997), domestic sources of economic policies (Goldstein & Keohane, 1993; Keohane & Milner, 1996), historical institutionalism (Fioretos, 2011) as well as varieties of capitalism (Hall & Soskice, 2001), the societal approach, 'developed as a *complementary* approach' (Schirm, 2020, p. 5) engages in a unique advancement and refinement of these. Akin to these theories, its core assumption is that, in democratic political systems, elected governments intent to remain in office; ergo their positions mirror societal actors' preferences. Yet, contrary to hailing the importance of either domestic interests or ideas or institutions, this analytical instrument embraces all three domestic explanatory variables in explaining governmental preference formation as the dependent variable (Schirm, 2016, p. 68).

Goldstein and Keohane (1993, p. 25) and Milner (1997, p. 16) point to domestic factors' interrelationship, yet truly exploring this interdependence requires further theoretical development. Providing a systematic examination of the individual role of domestic interests, ideas and institutions, in supporting or opposing each other, as well as their interplay in shaping governments' positions is a crucial innovative aspect of the societal approach. It is essential in advancing existing domestic politics approaches, both theoretically and empirically,

which makes its distinctiveness a novelty. Consequently, a theory-guided empirical investigation is incomplete by solely determining which of these explanatory variables accounts for variation across governments' positions. A further step is necessary to complete the picture, which involves analyzing why domestic interests dominate in shaping government's trade positions in some cases, whereas ideas and institutions prevail in other situations. Schirm (2020, p. 9) notes that this facet on 'the conditions under which each variable becomes more important and prevails in shaping governmental preferences' is hitherto not included in previous domestic politics approaches. By employing said variables this study addresses the alluring developments such as the expansion of the trade agenda triggering a more active engagement of non-traditional societal actors. With EU trade increasingly impinging countries' domestic politics, thereby mobilizing a range of materially and ideationally motivated societal stakeholders, who aim to shape their respective governments' trade positions, this approach is both timely and warranted.

Echoing previous scholars' research output, the societal approach attaches domestic actors and structures certain attributions. Building on and furthering Milner (1997) and Moravcsik (1997), the 'material interest' variable is defined as economic sectors' short-term distributional calculations which adjust promptly to alterations in the international economy (e.g., the desire for trade protection vs. the demand for trade liberalization). 'Societal ideas' are defined as voters' durable, value-based, shared expectations of apt government behavior in steering the economy (e.g., trust in market forces vs. governmental regulation). The definition of 'national institutions' expands on Fioretos' (2011), as well Hall and Soskice's (2001) line of thought in identifying these as formal arrangements of socio-economic coordination (e.g., coordinated market economy [CME] vs. liberal market economy [LME]). In order to be able to account for a broader array of domestic stakeholders, and the respective governments' responsiveness to their demands, further domestic actors are added in the analysis; The materially motivated sectoral business associations are complemented by trade unions considered as sources for domestic interests, and ideationally motivated voters are complemented by NGOs as sources for societal ideas.

The variables' explicit specification supports the articulation of individual hypotheses proposing 'conditions under which each variable becomes more important' (Schirm, 2020, p. 9) in shaping the governments' trade positions. These central hypotheses, accounting for the impact of economic sectors (interests) and societal expectations (ideas), as well as domestic structures (institutions), are conceptualized, and inserted within the trade context, as follows: 1) When economic sectors face meaningful distributional calculations, material interests predominate in shaping the governments' TTIP positions due to intense lobbying, and 2) when fundamental questions on the role of politics in steering the

economy are affected and economic sectors face diffuse distributional concerns, societal ideas will prevail in shaping the governments' TTIP positions. Accounting for the variables' interplay, the following hypothesis states that when both cost-benefit calculations for economic sectors as well as fundamental societal expectations on governments' apt role in steering the economy are affected, then these compete and weaken, or reinforce and strengthen each other in shaping governments' TTIP positions. Additionally, when the issue concerns questions on formal arrangements of socio-economic coordination, the governments' TTIP positions will be consistent with national institutions. The effect of material interests and societal ideas on governmental preference formation is strengthened when these institutional frameworks are present, while the absence of these national arrangements dilute the influence of domestic factors' in shaping governmental positions (Schirm, 2016, p. 69).

In terms of operationalization, this study analyses the rhetorical logic, the discourse between the domestic stakeholders and responsible elected politicians in the UK and Germany, during the TTIP negotiations, particularly regarding the issues of the investor-to-state dispute settlement (ISDS) mechanism and food safety standards, covering the period 2013–2016. The relevance of the three independent variables for the divergent governments' TTIP positions is examined by identifying indicators of the expectations of sectoral business associations, trade unions, voters and NGOs during the TTIP negotiations. Centre of attention are these actors' statements in press releases, position papers, public opinion polls, official websites and secondary sources with the objective to identify the substantive origins and concerns at the core of politicization. Material interests are demonstrated through statements and positions papers of business associations and trade unions in order to examine the directly affected domestic economic sectors and the incentives of sectoral lobbying vis-à-vis the respective governments. Societal ideas are illustrated by measuring public opinion polls revealing durable fundamental expectations of voters in the form of values, as well as by position papers and statements of NGOs, on the apt governmental behavior in steering the economy, which are viewed more legitimate and acceptable in some TTIP negotiations issues than in others. National institutions are delineated by considering long-term complementarities resulting from two diverse institutional frameworks shaped by the structure of national economies, the CME–LME dichotomy, as well as the different images of government-society relations, in the form of consensus-based vs. majoritarian competition-oriented decision-making, which shows whether material interests and societal ideas tend to be consistent with these, thus potentially having shaped the governments' positions in TTIP negotiation issues.

Based on the assumption of governments' aim to remain in office, thereby inducing responsivity, the dependent variable is supported mainly by governmental doc-

uments and statements. Briefly put, evidence is sought for a correlation between the stated concerns of supporters and opponents, and the respective governments' responsiveness to these concerns in their preference formation process during the TTIP negotiations. The UK and Germany, under scrutiny due to their variation in TTIP trade stances, were chosen to compare different sets of interests, ideas and institutions—the UK representing a LME shaped by financial services and Germany serving as a CME shaped by manufacturing—and concerning the appropriate role of government—British adhering more to trusting market forces and Germans attaching more confidence to governmental regulation (World Values Survey, 2005–2009). This dyad of ideas relates to 'path-dependent ideas and their codified institutional form' concerning the two countries' political systems and their political process of decision making (Schirm, 2011, p. 58). In the case of the UK, this stresses a government which acts as a referee among competing societal groups and a more winner-takes-it-all 'majoritarian and competitive decision-making,' while in Germany, the government is perceived as an intermediary through an inclusion of all relevant societal groups in the form of 'consensual decision-making' (van Loon, in press). Adoption of a most different setting hence allows for the presumption that, in a cross-country comparison, different domestic interests, ideas and institutions have indeed shaped the two governments' trade positions.

### 3. Unfolding the Black Box: Domestic Politics in the UK and Germany

TTIP's prime objective was 'to increase trade and investment' in order to create 'jobs and growth through increased market access and greater regulatory compatibility and setting the path for global standards' through four suggested measures: (1) elimination of tariffs, (2) reducing discriminatory policy measures supporting domestic providers of goods and services, (3) increasing convergence and mutual recognition of regulatory standards thereby lowering costs of EU and US suppliers, and (4) including investment protection and ISDS (European Council, 2014, p. 4). This illustrates the move from concentrating primarily on reducing border barriers to the free movement of goods such as tariffs, from the 1990s onwards focus was primarily on reducing behind-the-border restrictions on goods and barriers to trade in services. While in 2013, EU Trade Commissioner De Gucht referred to TTIP as 'the cheapest stimulus package that can be imagined' (De Gucht, 2013), in 2015, Trade Commissioner Malmström made the case for TTIP as being a 'no-brainer' with increasing trade having 'two overriding priorities: jobs and growth' (Malmström & Hill, 2015). Following these two goals and the alleged prosperity it was supposed to bring, TTIP was thereby in particular corresponding to the results of European respondents' opinion—more than six in ten citizens from 21 of the 27 EU member states believed that interna-

tional trade should be a vector of domestic job creation (Eurobarometer, 2010, p. 70). Although the majority of 24 EU member governments were in favor of TTIP (Eurobarometer, 2016, p. 19) the [TTIP] discussion was ‘a few degrees hotter in Germany than in other countries’ (Tost, 2015). Increased opposition to a EU FTA with the US was particularly high in Germany—from 41% in 2014 to 52% in 2016—compared to a rather consistent low percentage of opposition from UK respondents—19% in both 2014 and 2016 (Eurobarometer, 2014, p. 202; 2016, p. 19).

In the following, the argument that both countries’ TTIP positions were shaped by material interests, societal ideas and national institutions will first of all be examined by providing empirical data from British and German business associations and trade unions which is then followed by presenting public opinion data and statements from NGOs. This data illustrates whether the governments’ TTIP positions reflected the domestic factors dominant in these countries. The analysis will then simultaneously highlight under which conditions the variables shaped the governments’ trade positions.

### 3.1. Material Interests in the UK and Germany

Leading umbrella business associations in both the UK and Germany were in favor of TTIP, whereas both countries’ trade unions were rather skeptical. The Confederation of British Industry’s report *A New Era for Transatlantic Trade* stated potential TTIP gains for small and medium-sized businesses from the harmonization of regulatory standards, market access and export opportunities for UK services, a rise of UK jobs due to an increase in investment, as well as a larger range of products at cheaper prices for consumers (CBI, 2014, p. 2). With the US being the UK’s largest market outside the Eurozone, the CBI believed that TTIP ‘was something worth pursuing in the current economic climate’ (House of Commons, 2015, p. 6). CBI Brussels Director, Sean McGuire, referred to EU countries being party to investment treaties with ISDS provision and stated the necessity to ‘uphold basic rules on investor protection [as] the right of states to regulate in the public interest, would help set a precedent for EU investment negotiations with other strategic trading partners like China’ (Policy Review, 2015). The British Chamber of Commerce equally supported free trade between the EU and the US, particularly for small and medium-sized companies. Director General, John Longworth, stressed that ‘firms across the UK will cheer a free trade deal that helps them gain new opportunities in US markets’ (Longworth, 2015). The Trade Union Congress (TUC) acknowledged the potential economic benefits of TTIP, and noted that the reduction of tariffs and economic regulations, ‘could genuinely lead to greater trade and greater benefits to all’ in specific sectors such as the automobile and chemical industries (House of Commons, 2015, p. 6). It was however uncertain about potential job creation and viewed that the

threats to public services, workers’ rights as well as environmental and food standards would outweigh any potential benefits. The TUC believed that TTIP’s primary purpose was to privilege foreign investors by providing transnational corporations with more power and influence, enabling them to sue states whose laws or actions are deemed incompatible with free trade. TUC’s Sally Hunt, expressed its opposition ‘to ISDS in TTIP and indeed any trade deal as it is undemocratic and against the public interest to allow foreign investors to use special secretive courts to sue governments for making public policy they think is bad for business’ (TUC, 2014).

In a survey from the Association of German Chambers of Industry and Commerce (DIHK), TTIP was welcomed by an overwhelming majority from German industry—70% of the German ‘Mittelstand’ regarded TTIP as positive. Featuring the most important issue of 85% of respondents in facilitating bilateral trade was the adaptation or mutual recognition of equivalent norms, standards and certifications, followed by simpler customs clearance which was important for 83% of respondents. This number was even higher in the retail and agri-food industry branches (91% and 90%, respectively). Tariff elimination was viewed by 75% of respondents as important, especially for the retail and the agri-food sectors (both 82%), as well as for the automobile industry and suppliers (81%). The DIHK and other leading business associations, the Federation of German Industries, the Confederation of German Employers’ Associations, and the German Confederation of Skilled Crafts issued a joint statement calling for an ambitious and fair trade and investment agreement and to ‘make use of this opportunity’ (Federation of German Industries, 2014, p. 1) in removing barriers in the transatlantic market, thereby ‘achieving more growth, more employment, new market opportunities and therefore future prospects for companies and employees’ (Federation of German Industries & Confederation of German Employers’ Associations, 2014, p. 2). Leading the pro-TTIP campaign, the Federation of German Industries viewed the ISDS compatible with governments’ ability to regulate, as well as an opportunity to reform the international investment system and to introduce higher standards for future trade agreements (Mildner, 2014). In its first position paper of 2013, the Confederation of German Trade Unions (DGB) criticized the US’ non-ratification of six out of eight basic core labor standards of the International Labor Organization and called for a suspension of the TTIP trade negotiations. It demanded that ‘one of the objectives of the agreement with the US must be an improvement of labor rights everywhere’ (DGB, 2013, p. 4). In its position paper one year later, it stated its main concerns, the different levels of protection for consumers, the environment as well as the workforce, and called for TTIP ‘to provide greater prosperity for a broader segment of the population, improve economic, social and environmental standards, and create structures for fair competition and good working conditions’ (DGB, 2014, p. 4).

### 3.2. Societal Ideas in the UK and Germany

At TTIP's launch in 2013, both UK (58%) and German (56%) attitudes among the general public were positive towards increased trade and investment between the EU and the US. Attitudes were equally similar towards free trade in general, with 77% of UK respondents and 74% of German respondents being supportive (Eurobarometer, 2014). When asked about specific TTIP support, 39% of German respondents were in favor and 41% respondents were against TTIP, while 65% of respondents were in favor and 19% were against TTIP in the UK (Eurobarometer, 2014). German TTIP attitudes declined in 2015 with 31% in favor and 51% of respondents against the agreement. The numbers stayed relatively stable in the UK with 63% in favor of TTIP and 20% of respondents against (Eurobarometer, 2015). Van Loon (2018a, p. 172) points to these varying German public attitudes towards increased economic relations with the US, free trade in general and TTIP attitudes in specific. German attitudes towards TTIP were thus not related to free trade in general; instead 'the potential partner and the agreements' content unrelated to trade' is what mattered (Jungherr, Mader, Schoen, & Wuttke, 2018, p. 216). Reflecting the four measures to achieve TTIP's objectives, tariffs, regulations, rules and investment, the issues of perceived governments' limitation in regulating the domestic market potentially leading to a decline in consumer protection and supposed loss of democratic accountability due to the agreement's ISDS introduction, were prominent in the German public discourse. As opposed to traditional tariff cutting trade issues, public TTIP attitudes were less focused on the potential threat of increased international competition, but rather on its impact on national or European standards and policy processes as the agreement could be misused by companies as a back door, circumventing and undermining consumer protection rights as well as environmental standards: 51% of respondents opposed the harmonization of US and EU standards for products and services, 53% was against the removal of restrictions on investment between the EU and the US, while a vast majority of Germans showed fundamentally high trust levels in European standards on issues such as food safety (94%), auto safety (91%) and environmental safety (96%) (Pew Research Center & Bertelsmann Foundation, 2014, pp. 22–23).

Regarding food safety concerns, 56% of Germans believed that chlorinated chicken poses a health risk (Stern, 2014). This highlights the connection between Germans' beliefs in consumer protection and their strong preferences for governmental regulation; German respondents attach a greater significance to the role of government in steering the economy, whereas the British counterparts are more supportive of responsibility of market forces, reflecting both countries' capitalism types as a LME and CME (Schirm, 2011, p. 51). Against this background, a crucial factor in German TTIP attitudes was their skeptical view of transatlantic relations inciting a general distrust

in German–American relations (Braml, 2014). In 2014, 73% of respondents thought that the US buying German companies would be negative for the German economy (Pew Research Center & Bertelsmann Foundation, 2014, p. 23) while almost the majority (49%) believed that it would hurt the economy if the US would build new factories in Germany (Pew Research Center & Bertelsmann Foundation, 2014, p. 22). This correlates with results from the Pew Research Center which reveals that America's international image has become more negative among German respondents since 2011, falling from 62% having a favorable opinion in 2011 to 50% in 2015, vs. 61% of UK respondents viewing the US positively in 2011 against a slight increase, reaching 65% assigning a positive rating, in 2015 (Pew Research Center, 2015, p. 13).

Much backlash against TTIP came from civil society groups, and UK and German NGOs' criticism particularly focused on the ISDS and TTIP's potential risks on environmental, consumer, health and labor rights. The German NGO sector, an alliance of around 70 members, created an online platform 'TTIP unfairhandelbar' ([www.ttipunfairhandelbar.de](http://www.ttipunfairhandelbar.de)) and provided critical views thereby informing members about discussion events and demonstrations. The British NGO sector created a similar counterpart 'NoTTIP' (<https://www.nottip.org.uk>) with around 50 members. Rejecting ISDS, the German NGO alliance demanded 'legal protection for people—instead of privileged right of action for corporations' dismissing giving international companies 'their own special rights to take action against governments' (Forum on Environment and Development, 2014, p. 2). With the ISDS favoring investors, and not citizens, as well as facilitating the protection of foreign, and not national, investors' rights, this was severely criticized. German and UK NGOs stated that the ISDS 'threatens to undermine the most basic principles of democracy' (Hilary, 2015, p. 30). Regarding the position on food safety standards, NGOs in both countries feared that the agreement would result in a so-called race to the bottom on European food safety standards. The 'TTIP unfairhandelbar' NGO alliance stated that the non-negotiability of the alleged stricter European standards should not be diminished 'nor undermined by a mutual recognition of American and European standards' (Forum on Environment and Development, 2014, p. 2). In the UK, a War on Want position paper (member of the 'NoTTIP' alliance) voiced its concern of TTIP's potential impact on public services, in specific the 'further market opening' or the potential 'to lock-in past privatizations of the NHS' and demanded 'a full and un-equivocal exclusion of all public services from any EU trade agreements and the ongoing trade negotiations' (War on Want, 2015, p. 46).

### 3.3. Domestic Factors Shaping Governments' TTIP Positions

UK Prime Minister David Cameron, strongly in favor of TTIP said, 'there is no more powerful way to achieve

[economic growth] than by boosting trade' (Cameron, 2013). The UK government acknowledged TTIP's large benefits 'adding as much as £10 billion annually to the UK economy in the long-term' as well as increasing jobs and lower prices for goods and services (UK Government, 2014, p. 5). Softening concerns about inclusion of the NHS and challenges of potential ISDS provisions were issued by Lord Livingston of Parkhead, then Business, Innovations and Skills' (BIS) Minister of State emphasizing that 'TTIP will not change the fact that it is up to the UK to decide how public services, including the NHS, are run' (BIS, 2014). This was supported by Cameron who deemed these concerns 'nonsense' as 'there is no threat, I believe, from TTIP to the National Health Service and we should just knock that on the head as an empty threat' (Cameron, 2014). The government, having signed numerous trade agreements including investment protection provisions, and thus in favor of the ISDS, had brought arguments to the fore that this mechanism would need to find the right balance between investment protection and the rights of the national government to regulate. BIS Secretary of State, Vince Cable said that 'neither the investment protection provisions nor decisions arising from ISDS cases will affect the ability of the UK government to regulate fairly and in the public interest' (Cable, 2014). This thus illustrates that although there was a certain ambivalence between material interests as well as among societal ideas, the government did not include all competing domestic groups, as its stance was shaped more by those material interests and societal ideas that favored TTIP.

In Germany, the Christian Democratic (CDU)/Social Democratic (SPD)-led government clearly stated the commitment towards a speedy conclusion of TTIP (Christian Democratic Union, 2013, p. 13). It however adopted a skeptical stance in 2014 regarding the ISDS issue. Opposition came especially from the governing SPD, calling for the exclusion of the mechanism in TTIP. In March 2014, the SPD party leader, Vice Chancellor and Economics Minister, Sigmar Gabriel emphasized the governments' position in a letter to then EU Trade Commissioner De Gucht. Gabriel wrote that the US and Germany already offered adequate legal protections to investors, so that ISDS provisions would not be required in a transatlantic agreement (Handelsblatt, 2014). Since then, the SPD had somewhat rowed back concerning its ISDS position. During the CETA negotiations, Gabriel backed down by stating that 'if the rest of Europe wants this agreement, then Germany must also approve' (Sarmadi, 2014). Chancellor Angela Merkel (2015a), calling for a TTIP 'which has many winners' stated that the many investment protection agreements Germany previously negotiated had not been under public scrutiny and that TTIP would induce 'a new international standard for investment protection.' She diluted concerns saying that such provisions 'were of great importance to many companies in Germany because they were protected from arbitrary situations in certain countries to which they

would otherwise have been exposed' (Merkel, 2015a). Businesses, service providers and consumers would garner benefits from TTIP, leading to reduced prices, a larger range of products, a rise in sales resulting in generating an increase in jobs, yet 'our standards, for instance on consumer protection, environmental protection and health protection are non-negotiable' (Merkel, 2015b). The government and the DGB issued a joint position paper in which they stressed TTIP opportunities in intensifying trade relations making trade fair and sustainable, yet both emphasized that trade issues such as workers' rights, consumer protection, social and environmental standards were not to be jeopardized (BMW, 2014, p. 1). This joint paper illustrates the German government's responsiveness to material interests in favor of TTIP, but also to interests opposed to TTIP. However, its position corresponded equally well to the concerns of societal ideas, and thus its reserved TTIP stance was shaped by the ambivalence of both types of domestic factors, interests and ideas, which was the result of its inclusion of all domestic groups.

#### 4. Conclusion

The goal of this article was to trace and explain selective politicization across the TTIP trade positions of the UK and Germany. It has illustrated that a trade agreement's content can fuel politicization when a broad range of materially motivated and ideationally motivated stakeholders are affected by this. In line with the societal approach to governmental preference formation, the TTIP positions of the UK and Germany were strongly shaped by material interests, societal ideas and national institutions. These domestic variables' significance has been theoretically stressed and empirically examined, thereby accounting for the predominance of material interests when the issue at stake concerns distributional consequences for economic sectors, while societal ideas dominate when fundamental concerns of the role of government in steering the economy are at stake. When both are affected, they can either compete and weaken each other, or reinforce and strengthen each other, while the governments' positions are consistent with national institutions when the issue concerns questions of formal arrangements of socio-economic coordination.

The UK government's position was shaped by the preferences of business associations' who were directly affected by TTIP's distributional impact. Although UK business interests favored TTIP, and the TUC represented a skeptical TTIP stance, material interests nevertheless shaped an enthusiastic and strong government position. This variables' ambivalence means that the trade union's concerns did not weaken business interests' preferences in shaping the UK government's position. Thus, a position corresponding more to those material interests in favor of TTIP also correlates with LME institutions and societal ideas of trust in market forces. In addition, concerning the trade issues, especially regulation and safety

standards, the government showed a weak responsiveness to the concerns of NGOs. The ambiguous relationship between NGOs opposed to TTIP and voters in favor of TTIP, illustrates that the former did not weaken the latter. In sum, business associations and voters were predominant in shaping the UK's TTIP position.

Equal to the UK government's stance, its German counterpart corresponded to material interests, directly affected by TTIP's potential distributional consequences. Again, these concerns were not identical, as business associations were strongly supportive, yet trade unions were against TTIP, thus weakening each other. The government included these ambivalent material interests in its trade policy position. On issues such as the role of government in steering the economy, ISDS, and food safety standards, the German TTIP stance correlated with the institutions of the CME and corresponded to societal ideas of trust in governmental regulation, with the voters' and NGOs' concerns reinforcing each other. Overall it should be noted, that with the trade union (DGB), NGOs, and voters all opposed to TTIP, the reserved German TTIP position was shaped by both domestic factors, interests and ideas, and thus in line with national institutions.

The aim of this article was to provide an explanation of the differences in politicization in the UK and Germany during the TTIP negotiations, thereby illuminating the domestic level of EU trade policy making by unfolding the black box and specifying a comprehensive understanding of the countries' domestic politics. The employed societal approach to governmental preference formation and its distinctiveness in complementing domestic politics approaches emphasizes the explicit specification of the domestic variables, interests, ideas and institutions. This supports the conceptualization of the hypotheses empirically examining the conditions for the prevalence of these vis-à-vis each other. Since the bulk of the literature on EU trade policy has long marginalized the domestic level, this study has shown the explanatory power of the societal approach in embracing all three domestic factors and explaining their origins, as well as their interdependence, in shaping the varying TTIP positions of the UK and German governments. As EU trade policy will remain in full spotlight for years to come, this contribution has thus made the case for a future accentuation on domestic factors for understanding the selective trade politicization across EU member states.

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Article

## ‘Authority Shifts’ in Global Governance: Intersecting Politicizations and the Reform of Investor–State Arbitration

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### Abstract

The global investment regime is a prime example of the so-called ‘politicization beyond the state.’ Investment agreements with an Investor–State Dispute Settlement (ISDS) mechanism have become contested in several corners of the globe, triggering a widespread reform process encompassing national, regional and multilateral levels. This article examines the consequences of this confluence of politicization processes, focusing on the European Union (EU) and two key venues of ISDS reform: the United Nations Commission on International Trade Law (UNCITRAL) and the Energy Charter Treaty (ECT). Combining different strands of politicization literature in International Relations and Political Science, the article advances a nuanced conceptualisation of the institutional consequences of politicization that goes beyond a deepening/decline dichotomy. Instead, the article examines whether and how politicization generates ‘authority shifts,’ either through a vertical move between international and national levels; and/or through a horizontal recalibration between public and private forms of governance. The article argues that although the EU’s initiative for global ISDS reform intended to rebalance public and private authority while strengthening its international character, the on-going reform processes at the UNCITRAL and the ECT may eventually lead to a (partial) dismantling of international authority.

### Keywords

authority; Energy Charter Treaty; European Union; global governance; investment; Investor–State Dispute Settlement; politicization; United Nations Commission on International Trade Law

### Issue

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### 1. Introduction

Foreign investment is typically considered a key driver of economic growth, job creation, development and lasting peace. Consequently, governments and international institutions regularly insist on the importance of boosting investments through an open and rules-based regime (G20, 2019, p. 2). However, at no other time had investment governance raised so widespread controversy as over the past decade. Several countries around the world have cancelled or withdrawn from bilateral and multilateral investment treaties, and mega-trade agreements, such as the Transatlantic Trade and Investment Partnership (TTIP) and the Trans-Pacific

Partnership (TPP), derailed in big part due to disagreements over investment provisions. The Investor–State Dispute Settlement (ISDS), a standard mechanism included in investment agreements allowing foreign companies to bring claims against states in ad hoc arbitration tribunals, has become the object of popular outcry in many developing and developed countries alike. In Europe, mobilization against investor–state arbitration has been particularly high, to the point that the European Union (EU) Trade Commissioner dubbed ISDS “the most toxic acronym in Europe” (Cecilia Malmström, as cited in Ames, 2015). The widespread contention regarding the international investment regime is thus a prime example of what International Relations and European inte-

gration scholars have diagnosed as the politicization of global and regional governance, understood as “growing public awareness of international institutions and increased public mobilization of competing political preferences regarding institutions’ policies or procedures” (Zürn, Binder, & Ecker-Ehrhardt, 2012, p. 71).

The simultaneous politicization of ISDS in several parts of the world and at different levels, from states’ investment protection policies, to bilateral and regional agreements and global arbitration rules, raises the question of what the consequences are of this confluence of politicization processes? While there has been a growing scholarly interest in the patterns and drivers of the politicization of ISDS (see below), the institutional consequences of this surge in public and political mobilization have been more scantily researched. Examining the consequences of politicization is not straightforward, given that contestation of ISDS has come from different quarters. For example, ISDS has been resisted on sovereigntist grounds, particularly in developing countries, which arguably signed investment agreements with investor–state arbitration without being fully aware of their consequences (Poulsen & Aisbett, 2013). ISDS has also been criticised as a quintessential illustration of neoliberal economic discipline. This is the case of the early scholarly criticism of ISDS as an example of ‘new economic constitutionalism’ or ‘lex mercatoria,’ to denounce the privatization of authority in international public law (Cutler, 1995; Schneiderman, 2008; Van Harten, 2005). Relatedly, civil society organisations have increasingly branded their opposition campaigns in terms of democracy and justice, encapsulated in the motto ‘right to regulate’ to improve social and environmental protection (Siles-Brügge, 2017). Less sympathetically, mobilisation against international courts, including arbitration tribunals, is also seen as part of the populist backlash to globalisation (Voeten, 2019). Therefore, ISDS constitutes a suitable empirical case where to examine the effects of complex and multilevel politicization processes.

Focusing on the consequences of politicization is also analytically relevant, given that the emerging literature on this phenomenon has also tended to focus on its drivers (cf. Zürn, 2018, p. 159). In some of the most comprehensive theorizations, the consequences of politicization are defined in terms of institutional deepening/decline (Zürn, 2018, pp. 13–14) or integration/re-nationalisation (de Wilde, Leupold, & Schmidtke, 2016, pp. 12–13). While taking these approaches as a point of departure, this article suggests a more nuanced way to assess the consequences of politicization, focusing on whether it leads to actual ‘authority shifts.’ To that aim, it brings different strands of politicization literature in International Relations and Political Science closer together, by examining whether widespread societal contestation of international institutions leads to a vertical displacement of authority between international and national levels; and/or a horizontal recalibration between

public and private forms of governance. It is argued here that such a conceptualisation can offer a more fine-grained diagnosis of global governance changes without prejudging their normative implications.

This conceptualisation of the consequences of politicization is applied to the study of three crucial venues of ISDS reform: the EU—the world’s largest source of foreign investment; the United Nations Commission on International Trade Law (UNCITRAL)—the UN body providing one of the most widely applied arbitral rules; and the Energy Charter Treaty (ECT)—the world’s most litigated international treaty. In all these settings, crucial actors have expressed their commitment to ISDS reform as a response to the domestic and/or transitional mobilisation. However, given the different degrees and sources of politicization of ISDS across venues, we can also expect different demands for authority recalibration across institutions, from their mere fine-tuning to full dismantling. The study of this variation can therefore enrich the discussion on when and how politicization translates into international institutional change.

The argument unfolds in six sections. The first one outlines the conceptual and theoretical discussion. The second presents a brief background on the origins and patterns of politicization of ISDS. The following three sections examine the reform processes in the EU, the UNCITRAL and the ECT. The analysis is based on the official proposals, country submissions and debates on ISDS reform in the three venues, mostly between 2016 and 2019 and using different techniques of qualitative content analysis. The last section concludes, summarizing the findings and discussing the implications of the politicization of ISDS for the future shape of investment governance and beyond.

## **2. Consequences of Politicization beyond the State: Tracing Authority Shifts**

Compared to the abundant literature examining the patterns and drivers of politicization, particularly in the EU (cf. Kauppi & Wiesner, 2018), the study of its consequences is a less well-chartered research territory. The discussion on the consequences of politicization has addressed two main questions, one empirical and one normative. Empirically, the main question is whether politicization contributes to boost or hinder regional integration and global governance. The answer has so far been rather inconclusive. On the one hand, in the context of the EU, politicization is often identified as the missing link for a well-functioning polity, and hence a precondition for further integration (for a debate, see Hix & Bartolini, 2006). On the other, the so-called end of the ‘permissive consensus’ in both European integration and multilateral institutions may also multiply resistance to cooperation beyond the state (Hooghe & Marks, 2009; Zürn et al., 2012, p. 99). On the normative dimension, there is also no agreement on whether politicization reinforces or weakens democracy. While politicization can be

a democracy-enhancing process, given that it fosters participation and parliamentary involvement (Zürn, 2014, p. 59), it can also deepen the sense of legitimacy crisis or sometimes even work against stronger parliamentary control (de Wilde et al., 2016, p. 14; Herranz-Surrallés, 2019, p. 32).

The theory of global governance advanced by Michael Zürn (2018) tries to close the politicization loop by examining its causes, possible consequences, as well as empirical and normative implications. The model identifies the delegation of authority and the related legitimacy problems as the driving forces for politicization. In other words, institutions that gain authority are more likely to suffer from legitimacy problems, since their procedures and performance will become more strictly scrutinised and subject to higher expectations (Tallberg & Zürn, 2019, p. 12; Zürn, 2018, p. 98). The model then assigns a central role to the responses within those institutions as the key determinant for the consequences of politicization: Depending on how the legitimacy gap is dealt with by the authority holders, politicization will lead to institutional deepening or decline (Zürn, 2018, pp. 13–14, 143–144). While this model has motivated highly interesting research on the institutional responses to politicization (see, e.g., contributions discussed in Tallberg & Zürn, 2019), it comes also with analytical drawbacks.

On the empirical dimension (the impact of politicization on the extent of global governance), conceptualising the effects of politicization in dichotomist terms (deepening or decline) does not allow for grasping the nuances of international reform processes. It is also unclear what happens to the authority of international institutions, which was at the origin of the politicization process. To be sure, institutional deepening and decline might be interpreted, respectively, as an increase or a roll-back of authority of international institutions, measured in terms of their formal or informal powers. Yet, this still comes with the limitation that it implicitly focuses only on vertical authority moves (delegation from states to international institutions and back), neglecting another important dynamic of delegation of authority that is central to the debates on (de)politicization in Political Science. In this strand of literature, politicization is defined in terms of ‘arena shifts’ or how issues migrate from the private to the public/governmental spheres (politicization) and vice-versa (depoliticization) (Flinders & Buller, 2006; Hay, 2007). This dimension of politicization is thus also concerned with horizontal transfers of authority between public and private actors. In this literature, the horizontal delegation of authority is also at the roots of politicization. The argument is that politicization can be the reaction to long periods of depoliticization, understood as the displacement of decision-making authority from elected representatives to private actors and non-majoritarian institutions. In the words of Flinders and Wood (2015, p. 379), “attempts at depoliticization will, almost inevitably, come back to haunt the politicians who

enact them in the hope of ending political contestation once and for all.” Therefore, given that many areas of international governance also imply depoliticization via delegation to private actors and independent expert bodies, it is important to consider both the vertical and horizontal dimensions in which authority can become contested and recalibrated.

On the normative dimension (the impact of politicization on the democratic quality of global governance), the deepening/decline approach somehow conflates the institutional effects of politicization with their success or failure in addressing the legitimacy gaps. In that regard, deepening is conceptualised as the result of successful re-legitimation through substantive reforms, whereas decline is the result of an enduring legitimacy gap due to the lack (or symbolic character) of reforms (Zürn, 2018, p. 168; see also Dietz, Dotzauer, & Cohen, 2019, pp. 751–755). This link is problematic, first, in empirical terms, since sometimes the re-legitimation of an international institution might come precisely from a downscaling of its authority. In that sense, re-legitimation does not always imply the deepening of global governance. Secondly, conflating institutional change with its legitimation also presents some analytical challenges, as it forces the analyst to take a stance on whether the reforms undertaken by the institution are symbolic or substantial, something that is difficult to objectify and is part of the politicization game itself. Finally, and more normatively, the terms deepening/decline risk being too value-loaded, in the sense that the former appears positively related to a well-functioning global governance and the latter echoes more negative processes such as populist backlash or de-globalisation. Therefore, the suggestion advanced here is to analytically separate the institutional consequences of politicization (i.e., the tracing of authority shifts) from the assessment of the perceptions and normative consequences of those shifts for the legitimacy of global governance.

In sum, while taking authority and legitimacy gaps as a point of departure, the approach advanced in this article proposes: (i) a more nuanced and value-neutral conceptualisation of the institutional consequences of politicization (authority shifts rather than decline/deepening); and (ii) the analytical separation of these institutional consequences from their social legitimacy (rather than premising deepening/decline on the success of legitimation).

Since the focus of this article is on the institutional consequences of politicization, the analysis that follows offers only a succinct introduction to the drivers and patterns of politicization of ISDS, relying mostly on secondary literature. The subsequent analysis focuses on examining the institutional responses in the three selected cases (EU, UNCITRAL and ECT). Through qualitative content analysis of official documents, the article traces the proposed recalibrations of authority along the national/international and public/private continuums. The analysis is presented in a qualitative form, giving argu-

ments and quotes to illustrate the proposed authority shifts. Finally, given the different stages of ISDS reforms, a full assessment of the degree to which the authority shifts lead to higher political and public acceptability is only feasible to a limited extent in the scope of this article. Yet, the analysis takes the responses by political elites, civil society and commentators as a ‘first cut’ indication of the possibility of authority shifts to close the legitimacy gap in global investment governance.

### 3. The Politicization of ISDS: Authority Delegation and Its Backlash

The origins of modern treaty-based ISDS date back to the decolonization period, in a context where the nationalization of assets by host states often escalated into diplomatic and military crises (the so-called ‘gunboat diplomacy’). In that sense, the creation of ISDS has often been described as a well-intended mechanism to depoliticize investment disputes. For example, studies on the establishment of the International Centre for Settlement of Investment Disputes (ICSID) in 1966 recount how the drafters in the World Bank were driven by the idea of transferring investment conflicts from the political arena of diplomatic protection to judicial remedy (Kriebaum, 2018, p. 14). Similarly, St. John (2018, p. 66) describes how the World Bank’s experience with failed mediation in politically-charged disputes during the decolonization period provided the breeding ground in which the Bank decided to advocate for a new dispute settlement machinery. Following the 1966 ICSID convention, the idea of investor–state arbitration was gradually inserted in the dense network of Bilateral Investment Treaties (BITs) that proliferated particularly since the 1990s. Accordingly, disputes were entrusted to ad hoc tribunals, operating under commonly agreed arbitral rules such as that of the ICSID or the UNCITRAL’s. Therefore, ISDS implied a simultaneous transfer of state authority upwards and laterally, given that resolution of disputes was delegated to hybrid bodies: international private tribunals with a public function.

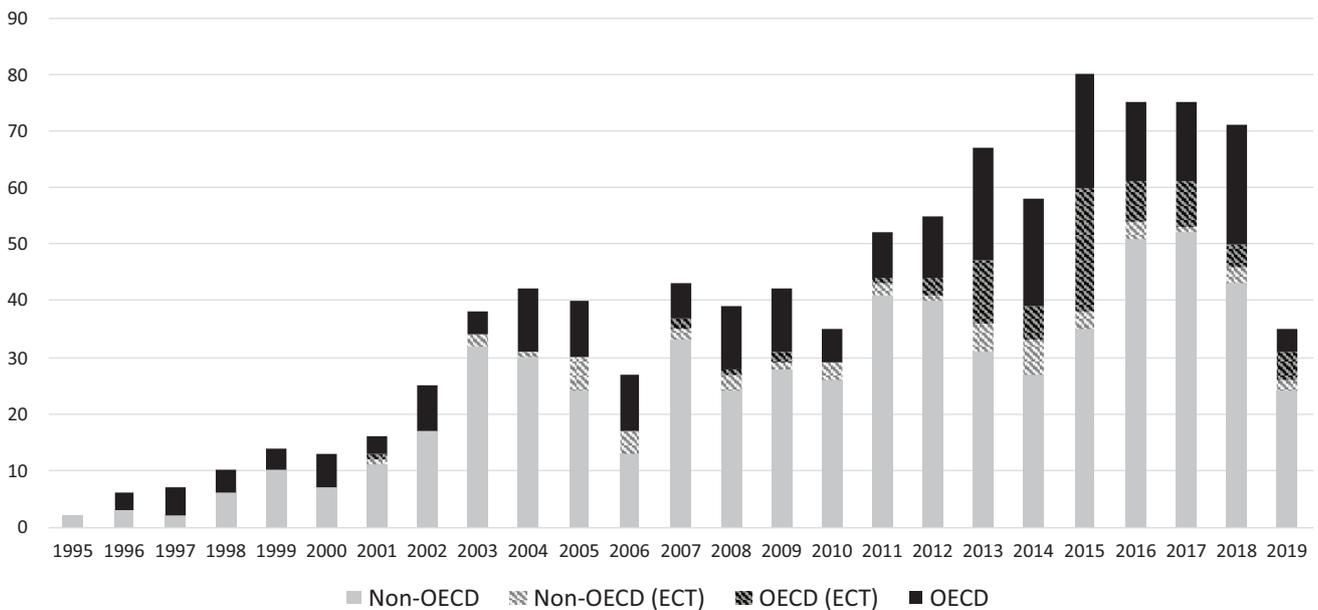
However, since the early 2000s, the system started to show signs of a ‘legitimacy crisis’ (Franck, 2005), which reached its full extent in terms of public salience in the mid-2010s (Langford & Behn, 2018, pp. 554–558). Criticism towards ISDS has ranged from principled concerns against conferring foreign companies with special rights to bring claims against states and the implications of this for national sovereignty, democracy and public policy, to a wide array of procedural concerns. These include, among others, the lack of transparency, doubts regarding the neutrality of arbitrators, their lack of diversity and expertise in international public law, the ad hoc nature of the tribunals, leading to high discretion and inconsistencies, the lack of appeal mechanisms, or the ample possibilities for companies to abuse the system (cf. UNCITRAL, 2018). Therefore, the evolution of ISDS illustrates well the argument by Flinders and Wood (2015)

that depoliticization efforts via the insulation of sensitive issues from majoritarian institutions might sooner or later come back to haunt the decision-makers.

In line with the authority hypothesis discussed in the previous section, the rise in public attention particularly since the early 2010s coincided with the surge in ISDS court cases—in 2011 the number of yearly new claims climbed from 35 to above 50 and oscillated between 50 and 80 since then until 2018 (see Figure 1). Moreover, this increase affected developed countries as much as developing ones—between 2013 and 2015, the share of cases where OECD countries were respondent states was close to 50%. Highly controversial ISDS court cases also served as powerful illustrations of the authority gained by the international arbitration system, its potential abuse by companies and the high discretion of arbitrators. Some of the most well-known cases in that regard are the *Philip Morris v. Uruguay* (2010) and *Philip Morris v. Australia* (2012) cases, which showcased the potential encroachment of ISDS on the right of states to regulate to the benefit of public health; similarly, the high-profile *Vattenfall v. Germany* cases (2009, 2012) in the framework of the ECT were also widely discussed as examples where investment protection clashed with environmental and safety regulations.

Patterns of politicization have varied widely across countries, depending not only on their experience with ISDS litigation, but also political opportunity structures. In some countries, societal opposition has been mostly top-down, driven by political elites’ reaction to unfavourable arbitration cases. For example, the decision of the South African parliament in 2009 to start terminating BITs can be linked to the *Piero Foresti v. South Africa* (2007). In this case, investors from Luxembourg and Italy challenged South Africa’s petroleum and mining law on the requirement of minimum ownership by “historically disadvantaged persons” in mining companies (Mellersh, 2015). The ‘resistance’ to ISDS by countries such as Brazil, India or Indonesia has also been mostly elite-driven, related to sovereignty and developmental concerns (Sornarajah, 2015, pp. 300–346). In Latin America, high-profile cases, affecting mostly extractive industries, in countries like Ecuador, Bolivia, Argentina or Venezuela, prompted the mobilization of both civil society and left-leaning governments (Calvert, 2018). In OECD countries, the pattern of politicization was more clearly bottom-up, through the mobilisation of NGOs (Bilaterals, 2013; Eberhardt, Redlin, Olivet, & Lora, 2016) and the scholarly community (Boyd et al., 2016; Public Citizen, 2016). Given their significance and scope, the negotiation of the TTIP and the TPP provided an ideal window of opportunity for anti-ISDS mobilisation, as widely discussed in the literature (among others, Eliasson & Garcia-Duran Huet, 2018; Kay & Evans, 2018, pp. 139–162).

Despite the diversity in the origins and degree of politicization, the wide-spread criticism of investor–state arbitration led the UNCTAD to acknowledge already in 2014 that “the questions are not about whether to re-



**Figure 1.** Evolution of arbitration cases by type of respondent state and treaty (1995–2019). Source: Own calculation from UNCTAD Investment Hub and ECT dispute settlement database.

form the international investment regime but how to do so” and that this was not a matter of a “change to one aspect in a particular agreement but about the comprehensive reorientation” (UNCTAD, 2014, p. 128). The following sections examine the reform proposals discussed in the EU, the UNCITRAL and the ECT, the direction and extent to which they aim to rebalance or relocate authority, as well as their initial reception by the wider public.

#### 4. EU Approach to ISDS Reform: A Horizontal Recalibration of International Authority

The EU’s change of approach to investor–state arbitration has been strongly marked by the unprecedented, and largely unexpected, public opposition to ISDS that surfaced during the TTIP negotiations (De Ville & Gheyle, 2019). Until then, the Commission had been a strong defendant of investor–state arbitration (cf. European Commission, 2013). However, in view of the mounting opposition, including thousands of critical responses to a public consultation by the European Commission on ISDS in 2014, the EU Trade Commissioner, Cecilia Malmström, recognised that there was “a huge scepticism against the ISDS instrument” and committed to develop new proposals addressing those concerns (European Commission, 2015a). The first occasion to materialise this new approach was the Comprehensive Economic and Trade Agreement (CETA), where the EU and Canada proposed a reformed ISDS that was labelled Investment Court System (ICS; section F of the CETA agreement, European Union, 2017; see also Council of the European Union, 2016). As discussed below, while the ICS keeps some of the defining features of ISDS, it entails a significant horizontal recalibration towards strengthening the public law elements of investor–state arbitration.

One of the first examples of public–private recalibration concerns the appointment of the arbitrators. Instead of the usual procedure, where the investors are involved in selecting the arbitration panel on a case-by-case basis, the ICS introduced a system of permanent judges appointed by the parties to the agreement. The ICS also envisaged a binding code of conduct for the judges, including a sanctions mechanism, and the requirement of judges to have expertise in ‘public’ international law. A second group of reforms focused on the investors, mainly provisions limiting their possibility to abuse arbitration via, for example, parallel arbitration procedures (so-called ‘forum shopping’) or the use of ‘mailbox companies.’ The ICS also reviewed the distribution of the costs of arbitration following the ‘loser pays principle,’ to discourage unfounded cases. Finally, a third group of measures that bring ICS closer to a public system of justice concerns the interpretation and revision of investment provisions and arbitral decisions, the main change being the introduction of an Appellate Tribunal, aimed at ensuring correctness and consistency of the decisions. Significantly also, the ICS includes the possibility that the parties of the agreement issue binding interpretations on investment provisions, even with respect to ongoing cases. As argued by the Commission, “we have given governments, not arbitrators, ultimate control over the interpretation of the rules” (European Commission, 2015b).

In parallel to the CETA revision, the Commission also started to develop the idea of a Multilateral Investment Court (MIC), which would entail the multilateralization of the ICS concept. The MIC proposal thus follows the same idea of recalibrating public–private authority. In a joint article presented at the 2017 World Economic Forum, the European Commission and the Canadian government justified the MIC option arguing that the princi-

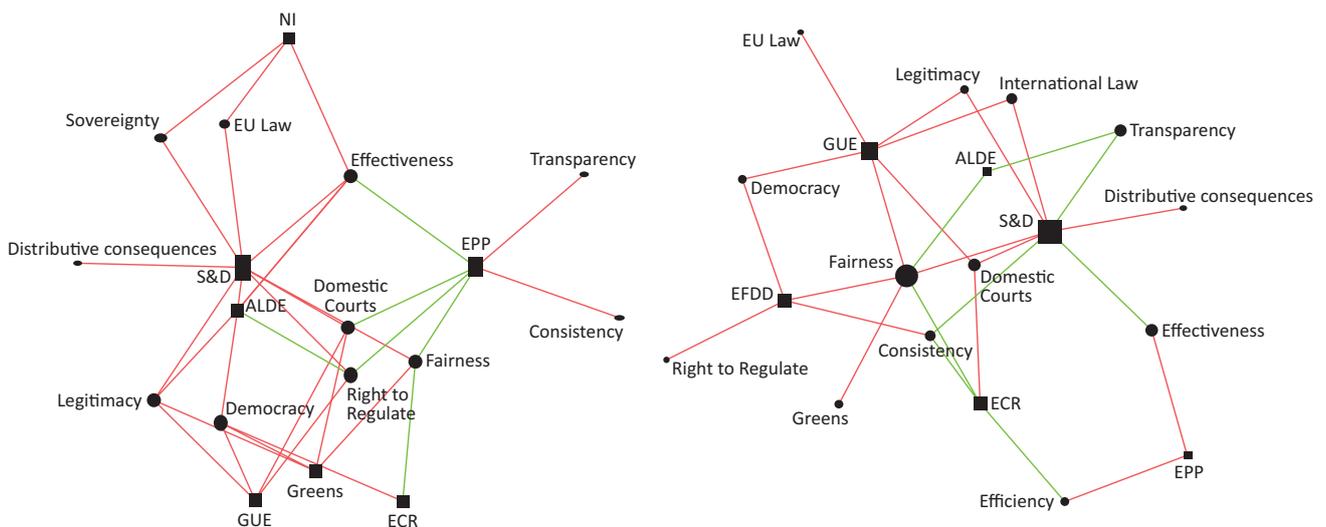
ples of commercial arbitration that have dominated traditional ISDS were inadequate for matters that concern public policies (European Commission & Government of Canada, 2017, p. 2). Next to the horizontal authority shift, from private to public, the MIC would also mean a vertical move towards higher international authority, since the current ad hoc and fragmented system of arbitration would be replaced by a permanent and stand-alone institution, modelled on existing international courts, such as the International Court of Justice or the International Criminal Court. Another sign of high international authority is the EU preference for excluding the requirement of exhaustion of local remedies, meaning that the MIC would not observe the principles of subsidiarity and non-interference that are common in other systems of international justice (Puccio & Harte, 2017, p. 26).

Although the EU member states' governments have backed the Commission's effort to advance the MIC concept at the UNCITRAL (Council of the European Union, 2018), the reception among the wider political and public spheres has been rather critical. NGOs and scholars deemed reforms as superficial and not complying with minimum normative standards of legitimacy (among others, Diependaele, De Ville, & Sterckx, 2019; Dietz et al., 2019; Eberhardt, 2016). Even more tellingly, support among political representatives also remains low. The debates at the European Parliament offer a good testing ground in that regard. As Figure 2 shows, the idea of investor–state arbitration continues to elicit very limited positive connotations, even after the discussion moved to the new ICS/MIC proposals in 2016. Only the Socialists (S&D) came to be more supportive of the idea as a “new model of public arbitration” (Silva Pereira, as cited in European Parliament, 2017). Moreover, as Figure 2 also

illustrates, concerns remained high on the crucial aspects that the MIC was meant to solve, namely fairness, right to regulate, democracy or legitimacy. Particularly remarkable is the fact that most groups raised concerns regarding the importance of domestic courts, arguing in favour of the exhaustion of local remedies or in many cases, denying the need for an international arbitration mechanism. This means that most European political groups are pushing also for a recalibration of authority on the vertical dimension, from international to national, in line with the ideas of subsidiarity and non-interference.

### 5. UNCITRAL Debates on ISDS Reform: Between Horizontal and Vertical Recalibration

In view of the widespread criticism of investor–state arbitration and the growing number of countries revising (or terminating) their investment agreements since the early 2010s, the momentum built up for a global ISDS reform (Schill, 2018). However, the choice of venue for such a reform was not uncontroversial. On the one hand, several countries, among them the US, preferred a technical reform process within the ICSID framework, the World Bank investment arbitration centre. On the other, another group of countries, including the EU, advocated for UNCITRAL, which would give reforms a more political character. The choice of UNCITRAL as well as the negotiation procedure are an indication of a generalised sentiment in favour of a comprehensive reform. For example, negotiations were entrusted to Working Group III (not Working Group II on arbitration) and UNCITRAL's secretariat encouraged member states to send government representatives instead of the common practice of states delegating such negotiations to arbitration practi-



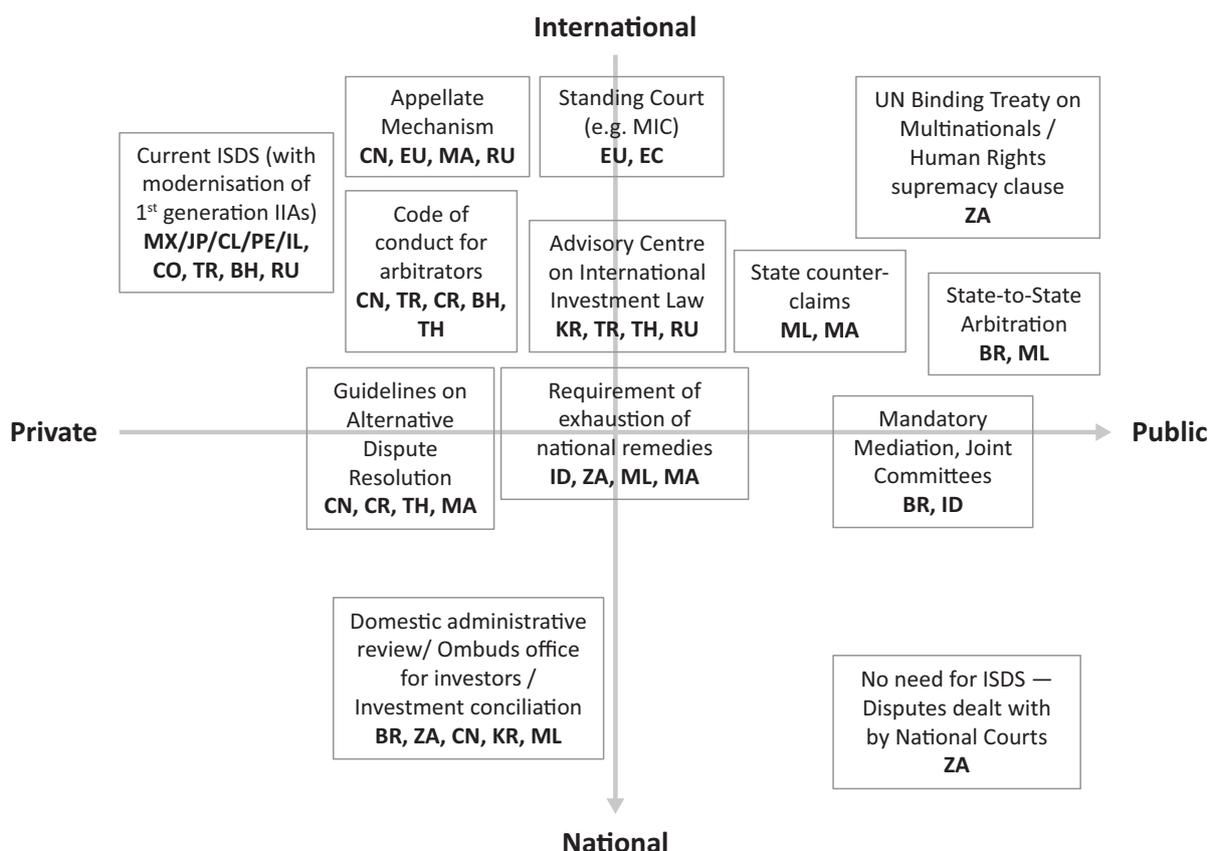
**Figure 2.** Actor-concept network of European Parliamentary debates on ISDS (2014, 2017). Source: Own elaboration from European Parliament (2014) (left) and European Parliament (2017) (right). The analysis is performed with Discourse Network Analyser (Leifeld, 2017), used here as a mapping tool to synthesise the degree to which each party relates positively or negatively to ISDS in the proposed reform. Squares represent political groups and circles concepts. Red links depict negative associations to ISDS and green links positive ones. The size represents the relative frequency of statements involving an actor or concept.

tioners (Roberts, 2018, pp. 18–19). The negotiating mandate was also very broad, signalling high political discretion: identifying problems of ISDS, assessing whether problems require reform and, if so, propose reform options. Negotiations started in November 2017 and by April 2019 they entered the last phase (discussion of reform options). However, given the different patterns of politicization in different parts of the world, delegations remained split regarding the reform options proposed and the type of authority recalibration needed.

The first pattern that stands out by examining the country submissions to UNCITRAL (see Figure 3) is the limited support for the partial horizontal recalibration proposed by the EU. The idea of a standing court, in line with the MIC proposal, garnered very limited explicit support. The only country submission that explicitly backed the idea was that of Ecuador, a country that terminated all its BITs in 2017 in a context of high domestic opposition to ISDS.

The second pattern is the significant number of country submissions advocating for a more limited horizontal move towards public authority. These country submissions come mostly from countries where societal

politicization of ISDS was moderate. The joint contribution by Mexico, Japan, Peru, Chile and Israel exemplifies this position, by advancing a menu of solutions encompassing free-standing codes, sharing of best practices, reform of UNCITRAL rules or treaty-specific measures, rather than creation of new institutions. The idea of a code of conduct for arbitrators, mentioned in the contributions of China, Turkey, Costa Rica, Bahrain or Thailand also fits this idea of a modest horizontal recalibration. Noticeable is also the contribution by Bahrain, which makes clear its opposition to a standing court and any major reforms in the direction of a more publically-controlled appointment of arbitrators, as this “would undo one of the hallmarks of the existing ISDS regime, which has so far been rather successful in depoliticizing the appointment process” (United Nations General Assembly, 2019a). Similarly, while supporting a modest horizontal move with the creation of an Appellate Mechanism, China and Russia also argued in favour of retaining the principle that arbitrators should be appointed by the disputing parties. Therefore, both countries argued explicitly against a standing mechanism with permanent judges.



**Figure 3.** Mapping of the reform proposals submitted to UNCITRAL. Source: Own elaboration from the party submissions to the 39th session of the UNCITRAL working group III (20–24 January 2020; UNCITRAL, 2020). All countries submitting a position appear in the table but their reform options are not exhaustive (Figure 3 includes a selection of the main ideas advanced in the submissions). Country abbreviations follow UN/LOCODE codes: BH: Bahrain; BR: Brazil; CL: Chile; CN: China; CO: Colombia; CR: Costa Rica; EC: Ecuador; EU: European Union; ID: Indonesia; IL: Israel; JP: Japan; KR: Republic of Korea; MA: Morocco; ML: Mali; MX: Mexico; PE: Peru; RU: Russia; TH: Thailand; TR: Turkey; ZA: South Africa.

The third trend is that of countries advocating a more radical horizontal move towards public authority and/or a vertical displacement towards the national level. This group corresponds mostly to the countries where politicization has been largely elite-driven, such as South Africa, Brazil or Indonesia, and which had already opted for alternative models to ISDS in their investment agreements. Proposals entailing a vertical recalibration include the development of Alternative Dispute Resolution mechanisms or the requirement of exhaustion of local remedies. Further into the national direction, we find ideas such as Joint Committees to interpret investment law, involving state representatives or a shift to state-to-state dispute settlement, as advanced by Brazil. South Africa was the country advocating a more drastic vertical relocation of authority, considering that any form of investor–state arbitration “brings the public interest and the people’s rights into the arena of private law” (United Nations General Assembly, 2019b). According to South Africa, companies should have their own risk management mechanisms. At the most, in case ISDS would continue to exist, South Africa proposed to balance it with other international instruments, such as a ‘supremacy clause’ that would guarantee the precedence of human rights and environmental treaties in case of clash with investment protection provisions.

The analysis is certainly not exhaustive, as it examines only the formal country submissions. Other countries, while not submitting proposals, have also been active in UNCITRAL negotiations. For example, the US has sided mostly with the second group, arguing that there is enough scope for countries to reform their investment treaties within the current ISDS regime. This is the approach followed by the government of Donald Trump, most notably with a significant limitation of the geographical and substantive scope of ISDS within the new US–Mexico–Canada Agreement. While politicization of ISDS in the US has remained high, the government’s opposition to far-reaching ISDS reform at a global level can be explained by the fact that anti-ISDS positions have growingly focused on national sovereignty considerations (Phillips, 2019). This domestic politicization structure is therefore a strong deterrent to support the idea of a permanent court, as proposed by the EU, where contrary to the US, anti-ISDS mobilization focused mostly on justice frames (Siles-Brügge, 2017).

Given the multi-national setting and variety of politicization paths, assessing the social legitimacy of the reforms under discussion is a risky endeavour. What is noticeable, however, is that the most active civil society organisations following UNCITRAL’s negotiations have sided with the third group, namely those advocating the full dismantling of investor–state arbitration (e.g., Centre for Research on Multinational Corporations, 2018). This contrasts with the most likely path of ISDS reform at the global level, namely a modest and gradual horizontal re-balancing of authority.

## 6. ECT Reform Options: Towards Dismantling International Authority?

Despite being the world’s most litigated international treaty, with around 125 court cases, the ECT has remained notoriously under the public radar. Contestation of the ECT is certainly not new—e.g., Russia abandoned the regime in 2009 following the high-profile *Yukos v. Russia* (2005) case—but, until recently, it was not explicitly targeted by anti-ISDS campaigns. One of the reasons for this might be that most of the ECT arbitration cases since 2013 were filed by renewable energy companies against governments that unexpectedly cut their support schemes for solar and wind energy. Therefore, those cases did not fit well the anti-ISDS narrative that arbitration empowers big multinationals to challenge environmental regulations. However, the politicization of ISDS eventually also reached the ECT and civil society organisations recently targeted it as “the world’s most dangerous investment treaty” (Corporate Europe Observatory, 2018). Building on the growing societal mobilization on climate change issues, the ECT has also been growingly targeted as a treaty that protects fossil-fuel industries (Keay-Bright & Defilla, 2019). Recent cases such as the *Rockhopper v. Italy* (2017), whereby the UK-based gas and oil company sued Italy for the withdrawal of a drilling concession in the Adriatic Sea, have served as powerful illustrations in that regard (Corporate Europe Observatory, 2018, p. 14). In this context, the ECT launched a modernisation process in late 2018 tackling ISDS. However, the more limited public salience of the ECT, as compared to debates on ISDS in the context of the TTIP, has led the reform process to be more driven by the parties’ political preferences than by wider societal concerns.

The country submissions to the ECT Secretariat, including responses from the EU and eight other contracting parties (Energy Charter Secretariat, 2019), indicate a general preference for a horizontal shift towards more public authority. However, although most parties strongly supported the inclusion of specific provisions to safeguard governments’ ‘right to regulate,’ they referred to it in different ways. On the one hand, the EU emphasized public goods and the inclusion of other international rights and obligations, such as the protection of climate change, sustainable development goals or corporate social responsibility. The most specific proposal in that sense was suggested by Luxembourg, with the introduction of a non-stabilisation clause, which would prevent companies from challenging regulatory measures aimed at facilitating the energy transition and the fulfilment of the Paris Agreement (Energy Charter Secretariat, 2019, p. 16). On the other hand, when referring to the right of states to regulate, Azerbaijan, Georgia and Albania emphasized the protection of sovereignty in a more classical sense, namely the principle of ‘sovereignty over energy resources’ or the possibility to exclude certain types of assets from ISDS upon considerations of

'essential security.' Therefore, in this second sense, the recalibration would also include a vertical dimension, namely the strengthening of national authority in determining when ISDS applies.

At the same time, the ECT reform process has also exposed the EU's interest in a vertical recalibration of authority, from the international to the EU level, for reasons apparently unrelated to the societal politicization of ISDS. Since the Lisbon Treaty's extension of the EU trade competence to foreign direct investment, the Commission has strived for eliminating intra-EU investment treaties, which imply that EU companies can bring claims against EU member states in international arbitration courts, thus bypassing the Court of Justice of the EU (CJEU). The CJEU judgment in the *Slovak Republic v. Achmea B.V.* (2018) supported the Commission's view that international arbitral courts have no jurisdiction in intra-EU disputes. A more complex discussion has been, therefore, whether the ban of intra-EU BITs also extends to the ECT cases. More broadly, the Commission has long feared that the ECT could eventually be used by both European and non-European companies to challenge EU regulatory measures affecting their business, for example EU anti-state aid or unbundling requirements. The unprecedented arbitration case against the EU, filed in October 2019 by the Russian-owned Nord Stream 2 company, materialized these fears. Therefore, the EU's growingly ambitious demands for the ECT reform are also led by an attempt to vertically recalibrate international authority to reassure the primacy of EU law.

In sum, the reform process in the ECT brings yet another dimension to the discussion on the effects of politicization. While the start of the latest reform process was prompted by the wider politicization of ISDS in the EU, other legal and (geo)political concerns are also strongly influencing reform discussions. In view of the legal imbroglio over the intra-EU BITs and concerns with overlapping legal systems, some commentators have argued that, rather than reforming the ECT, the EU might eventually advocate for its withdrawal (Simon, 2019), which would mean a virtual dismantling of the ECT. Quite paradoxically, therefore, the disempowering of the ECT could be one of the main successes for anti-ISDS groups (Corporate Europe Observatory, 2018) even if this is the venue where reforms seem least determined by societal mobilization concerns.

## 7. Conclusion

The changes underway in the governance of foreign investment are a clear illustration that "the politicization of international institutions is a consequential development" (Zürn, 2014, p. 157). Due to public and political mobilization against ISDS in several parts of the world, the international investment regime is undergoing far-reaching reforms which might lead to a significant recalibration or even relocation of authority. With a focus on 'authority shifts' in inter-linked arenas of ISDS reform this

article has sought to contribute to politicization literature in three ways.

First, in an attempt to better grasp the extent and quality of institutional changes beyond deepening and decline, this article advanced the idea of tracing authority shifts both on vertical (national/international) and horizontal (public-private) dimensions. The picture that emerges from the analysis of authority shifts is a nuanced one, showing that while most states agree on the need for reforming investor-state arbitration, there are still competing options of authority recalibration. While the EU has been one of the key supporters of a horizontal recalibration of ISDS, from private to public authority without altering (or even reasserting) its international character, the reform process in other settings goes in different directions. At the UNCITRAL, reform options are polarised between those actors that pursue a very modest horizontal recalibration and those who aspire to a significant dismantling of international authority. At the ECT, it is precisely the EU that seems to be pressing for a vertical recalibration of authority due to concerns over the autonomy and primacy of its legal system, a move that could eventually mean the disempowerment of an institution it helped create. The study of horizontal authority shifts would also be relevant for many other areas of global governance characterised by dis-embedding and re-embedding struggles between market and society (Scholte, 2016, p. 721), such as trade, finances, labour standards or climate change; as well as by public-private forms of regulation, from sustainable forestry to war diamonds (Lipschutz & Fogel, 2002, pp. 125).

Secondly, the analysis suggests that politicization of global affairs cannot be fully understood by looking only at certain countries or institutions in isolation. In a globalized world, different processes of politicization can intersect and become an important factor mediating the consequences of politicization. For example, the EU's new approach to investor-state arbitration in its bilateral agreements and the MIC proposal was only possible thanks to parallel politicization dynamics in other international arenas. There is also some 'contagion effect' of politicization, as shown by the ECT, initially very resistant to politicization due to its sectoral nature, but finally pulled into the wider reform process. In that sense, international and domestic politicization patterns can reinforce each other (cf. Costa, 2019). This intersection, however, also means that establishing a direct causal link between politicization and the substance of reforms in international institution is a difficult undertaking, given the different degrees and drivers of politicization in different countries (as shown by the UNCITRAL case) and the impact of other intervening factors (as the ECT case illustrated).

Finally, one of the added values of the proposed approach is also the decoupling of the empirical analysis of the institutional consequences of politicization from its normative assessment. In the ISDS case, politicization might affect the global regime in a seemingly contradic-

tory way. On the one hand, the multilateral regime will most probably experience a gradual evolution, with some horizontal recalibration in favour of greater public authority. On the other, it will continue leaving states the flexibility to choose how much to empower or constrain international arbitration through their investment agreements. While this might lead to an overall downsizing in the international authority of the investment regime (as the drop of arbitration cases in 2019 seems to indicate), it might also be the most viable path for its re-legitimation. Therefore, and more broadly, rather than thinking of international institutions in terms of deepening or decline, this article invites a reflection on which horizontal and vertical recalibrations of authority can ensure the legitimacy and sustainability of global governance.

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### Conflict of Interests

The author declares no conflict of interests.

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Article

## Slow Rise of Trade Politicisation in the UK and Brexit

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### Abstract

Since the Brexit referendum, the UK government has deployed a vision of ‘Global Britain’ revolving around trade agreements, yet, this was not a key issue in the referendum. Drawing on politicisation literature, we explore the absence of visible activism around future trade policy, in contrast to moderate activity around the EU-US Transatlantic Trade and Investment Partnership (TTIP). We identify actors in UK TTIP mobilisation and trace their actions post-referendum, revealing politicisation as campaigners participate in channels for attempting to influence future UK trade policy. In the presence of these channels and lack of full clarity on future policy, to date, recourse to visible mobilisation in the public space has not yet occurred. Tracing this dynamic process, intertwining Brexit and trade policy, enables us to understand how politicisation of one process affects another. Crucially, given the context of re-nationalisation of trade policy, it allows us to explore how politicisation is operationalised in the absence of one of the key conditions for politicisation suggested in the literature: the transfer of authority to a more remote level of governance.

### Keywords

Brexit; contestation; media; politicisation; trade; Transatlantic Trade and Investment Partnership

### Issue

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### 1. Introduction

On 23 June 2016, the UK voted to leave the EU by a narrow margin. Emotional campaigning in the referendum gave way to heated exchanges in Parliament, Cabinet, and the media as to what shape Brexit should take. Since the referendum, the UK government has set out to create a ‘Global Britain,’ a beacon of free trade, centred around an independent trade policy. However, trade policy and trade agreements were not a principal feature of the referendum, and analyses of the votes attribute the result to preferences for certain politicians and migration positions (Clarke, Goodwin, & Whiteley, 2017) and euroscepticism (British Social Attitudes, 2016), rather than trade policy preferences. UK governments have traditionally supported liberal trade policies, including within the EU. Cameron’s government was an active proponent of TTIP (UK Government, 2015). May’s and Johnson’s governments have followed suit and pushed for a liberal independent trade policy. Perhaps more surprising

is the absence of overt politicisation of trade in the public sphere and visible mobilisation, especially considering the significance given to control and sovereignty within the referendum campaign, and growing salience of trade policy in the public sphere. Initially, between July 2016 and March 2017, in a Nexis search only a few newspaper articles (in *The Guardian* and *The Independent*) highlighted the dangers of a UK–US trade deal, linking it to the concerns raised over TTIP by civil society (i.e., potential for National Health Service [NHS] privatisation, lower consumer standards). As time has progressed and May’s, and especially Johnson’s governments have taken a discursive turn towards the promotion of future trade deals, especially with the US, more media attention has been garnered to this. Expanding the Nexis search to end in December 2019, shows how news items on trade agreements have increased since the original deadline for Brexit of October 2018. Coverage is split between outlets critical of such a prospect (the same ones that denounced TTIP) and which also hold pro-EU editorial lines,

and 'leave' supporting news outlets portraying a potential deal with the US as a benefit of Brexit (*The Times*, *The Daily Telegraph*).

Politicisation of trade policy in the last decade has been relatively weak in the UK in comparison with central European countries, but TTIP was politicised and inspired modest mobilisation. Social justice and environmental groups, and NHS workers and users demonstrated against it. Concerns over potential privatisation of the NHS was key in demonstrations. A number of organisations participated in cross-European initiatives such as #StopTTIP and collected signatures for the Europe Citizens' Initiative against TTIP. They also coalesced around the UK-based platform, NoTTIP. TTIP was not a prominent feature in UK media, with the exception of *The Guardian* and *The Independent* newspapers. Post-Brexit trade policy has likewise received relatively little attention. Considering that a number of the concerns raised around TTIP will arise in future trade negotiations, a similar degree of politicisation with regards at least to future negotiations with the US could be expected, especially as a network of information sharing and mobilisation was created in the UK in the TTIP contestation. However, thus far, strong politicisation and visible mobilisation around future UK trade policy has not materialised. This article, thus, asks the question of what has happened to the budding trade politicisation in the UK and why has it not expressed itself overtly yet concerning the longer-term trade policy of post-Brexit UK?

To answer the question the article charts the politicisation of trade policy across time: Within the TTIP controversy, during the referendum, and since the referendum, with respect to future UK trade policy. It does so by identifying the presence of the key components of politicisation as described in section two of this article. Issue salience of, and polarisation of views on, trade policy in the UK press is tracked using Nexis searches. Polarisation of views and mobilisation amongst societal organisations is traced through activist groups' positions and activities by mapping groups involved in anti-TTIP activism and their positions on the matter as derived from their websites.

The article proceeds as follows: The next section sets out the criteria that will be used to determine whether conditions for politicisation are present in the context of Brexit. Section 3 considers aspects of politicisation in the UK around trade policy in the context of TTIP and identifies key actors. Section 4 highlights the lack of salience of trade policy in the referendum. Section 5 traces the positions and actions of those actors after the referendum. The article concludes that politicisation is still there as associations involved in TTIP campaigning are actively participating in channels for (attempting) to influence the direction of the UK's future trade policy. In the presence of these channels, and lack of full clarity as to what the future trade policy will look like, recourse to demonstrations and more visible politicisation in the public space has not occurred.

## 2. Conceptualising Politicisation

Like most concepts in the social sciences, politicisation is imprecise. It has been defined as the 'expansion of the scope of conflict within a political system' (Grande & Hutter, 2016), and as an 'increase in polarisation of opinions, interests or values and the extent to which they are publicly advanced towards the process of policy formulation' (de Wilde, 2007, p. 20). The existence of conflicting positions on an issue is, therefore, a key element of politicisation. Trade policies, especially since the move towards the inclusion of behind the borders issues in trade negotiation, have elicited conflicting positions on trade (see Young, 2017). Different interests, values, and positions are common in any society, and in and of themselves do not determine the politicisation of an issue. For politicisation to occur, an issue needs to be visible in the public domain (salience), the number of actors engaged in the issue has to increase, and there needs to be intensity of conflict over the issue (polarisation; Hutter & Grande, 2014). Essentially, something is politicised if it appears often, if different opinions exist on the matter, and if different social actors are involved (Zürn, 2016, p. 166). Michael Zürn (2016) critiques a focus on media in studies of politicisation as an indicator of issue salience, and points to the importance of civil society mobilisation and activism, highlighting how awareness, social mobilisation, and public debate are also evidence of politicisation. He argues that politicisation occurs when an issue is salient (mentioned often in media), subject to polarised opinions, *and* when different groups find the issue of importance relative to other issues and worth mobilising for. For this reason, this article will take both salience of trade policy, with a focus on trade agreements, and societal activism on trade policy as indicators of politicisation.

Given the mobilisation, expansion in the number of actors, and polarisation that occurred in the UK towards TTIP, despite relatively low salience in general public debates, we would expect to see similar activities in the post-referendum scenario with respect to trade policy. Yet, so far this is not the case. From the above conceptualisation, we can hypothesise one reason: a relative lack of importance with respect to other issues, i.e., the more pressing task of how and what kind of Brexit to deliver. When it comes to Brexit, as a binary choice of leaving or remaining in the EU—a 'soft' Brexit with a close economic relationship to the EU or a 'hard' Brexit—politicisation is extremely high. The politicisation and polarisation of positions (amongst political groups, across parties, and the general population) have been evident in tight electoral results in the referendum and subsequent elections in 2017 and 2019. Even in the December 2019 election that delivered Prime Minister Johnson an absolute majority, 43 percent of voters favoured the Conservative Party and its diffuse Brexit message, whilst 52.6 percent backed parties opposed to Brexit (or a 'hard' Brexit; 'More people voted against Brexit,' 2019).

The literature on politicisation has placed important emphasis on how the transfer of authority to new arenas of multinational governance leads to subsequent contestation of legitimacy of these new arenas, and considers this to be a key driver for politicisation (Costa, 2019; Peters & Schaffer, 2013). Swen Hutter and Edgar Grande (2016) refer to three sources of conflict leading to politicisation: loss of sovereignty; threats to national identity; and transnational sovereignty. Whereas all three were present in the context of TTIP, and will be present in future trade agreements, we hypothesise that the absence of evident politicisation and civil mobilisation around trade policy at the present juncture lies in the fact that currently the discussion revolves around renationalising trade policy (i.e., regaining sovereignty). Moreover, the exact form renationalisation will take remains uncertain, and there is an opportunity structure in place through government and parliamentary consultations, enabling trade activists to participate in the process of designing the UK's future trade policy. Consequently, key drivers of politicisation are absent, for now.

### 3. Budding Politicisation of Trade Policy in the UK

The issue of EU membership has a long history of politicisation within the UK, particularly in the press (Daddow, 2012; Startin, 2015), but trade policy politicisation has been more limited to specific non-governmental organisations (NGO). NGOs activity around trade started with the contestation of the expansion of trade liberalisation to services within the negotiation of the General Agreement on Trade in Services in the late 1980s–1990s, which entailed transferring some authority over policy decisions on services to an international organisation, whose legitimacy was questioned by opponents. At that time, NGOs founded the Trade Justice Movement network, which has since acted as a lobby group, and has been heavily involved in transnational NGOs networks such as Seattle to Brussels exerting pressure on the European Commission (Strange, 2013). As throughout this time international trade negotiation authority has laid with the European Commission, these groups focused their efforts at the European level. Nonetheless, they also lobbied UK parliamentarians to support their positions on trade and influence the UK government's views, and through it, the EU's trade policy (Strange, 2013).

In the context of TTIP negotiations, EU trade policy garnered more attention within public debates across Europe, including in the UK, signalling a budding politicisation beyond networked NGOs already active in trade policy. An analysis of key newspapers in the UK reveals that whilst there was some reporting on the matter, its salience across the broad spectrum of papers was very limited. A search for articles on TTIP between 2013 (launch of TTIP negotiations) and December 2016 (suspension of negotiations) on the online news archive, Nexis, reveals only two major newspapers took an interest in reporting on TTIP (*The Independent* and

*The Guardian*). Both expressed concerns with secrecy in the negotiations, the potential impact of controversial investor–state dispute settlement (ISDS) provisions, and both took positions against the agreement. Other outlets barely covered the developments. The concentration of coverage was limited to the more left-leaning press, showing that issue salience, one of the key conditions for politicisation highlighted in the literature, was limited.

As Michael Zürn (2004) points out, politicisation needs to also be observed beyond media debates in other parts of the public domain. In terms of civil society mobilisation, TTIP galvanised certain groups in the UK in a more visible way, despite overall support for the deal according to Eurobarometer surveys, where only 19 percent of UK respondents opposed TTIP in both 2014 and 2016 (European Commission, 2016; European Parliamentary Research Service Blog, 2015). Organisations opposed to TTIP, concerned over potential transfer of authority to a transatlantic regulatory body, came together under the NoTTIP Platform, which organised and publicised marches and demonstrations and encouraged the public to sign the European Citizens' Initiative against TTIP. Importantly, activists with experience in trade policy in the UK and EU, like Trade Justice Movement, mobilised further groups. This helped to increase the salience of the issue, and the number of actors involved, fulfilling some of Swen Hutter and Edgar Grande's (2014) criteria for politicisation.

Of the 54 organisations listed in NoTTIP's website, six represented large trade unions, one was the national branch of a transnational NGO (Friends of the Earth), one a political party (Greens), and two established NGOs working on social justice and trade matters (Global Justice Now, War on Want). The majority were small-scale grassroots campaigning groups, interested in single issues affecting their local communities (e.g., fracking, water use, austerity). Within the grassroots organisations, listed in Box 1, three distinct groups can be identified: environmental, anti-austerity, and pro-public services—although the final two are closely related as anti-austerity groups' campaign for greater spending and public service provision.

Anti-TTIP activism by smaller groups was promoted by the larger groups, who raised awareness of potential dangers in TTIP and encouraged participation in campaigns. The websites of smaller groups feature position papers and materials on TTIP produced by War on Want and Global Justice Now or direct links to these. These relationships reflect wider European patterns of activism against TTIP. The role played by well-resourced German NGOs, with prior experience opposing genetically modified organisms in food, as instigators of anti-TTIP activism has been well-documented (Bauer, 2015, 2016; De Bièvre, 2018). Activists with experience in anti-globalisation protests from the pan-European Seattle to Brussels network also took up the TTIP cause and mobilised in opposition (De Ville & Siles-Brügge, 2015). Anti-TTIP campaigns were, thus, organised in a top-down

**Box 1. Organisations in NoTTIP.**

15M London Assembly	Keep Our NHS Public (grassroots campaigners for public services)
38 Degrees (online campaigning platform)	Left Unity
38 Degrees Haringey	Lewisham People Before Profit
350.org (grassroots campaign against fossil fuels)	London Federation of Green Parties
Barnet Alliance for Public Services (grassroots campaigners for public services)	Low Impact Living Initiative
Bring Back British Rail (grassroots campaigners for public services)	New Internationalist magazine
Christian Ecology Link (grassroots campaigners for the environment)	Occupy London (grassroots campaigners against capitalism, finance)
Community Food Growers Network (grassroots campaigners for the environment)	OurNHS (campaign for public services part of OpenDemocracy)
Communications Workers' Union (CWU; Trade Union for Communications)	People's Assembly Against Austerity (grassroots against austerity)
Debt Resistance UK (grassroots campaigners against finance)	Power for the People (grassroots for public services)
DIGS Hackney Renters (grassroots campaigners against austerity)	Public and Commercial Services Union (trade union)
Disabled People Against Cuts (grassroots campaigners against austerity)	Reclaim the Power (grassroots campaigners for public services)
European Greens in London	Red Pepper (online magazine)
Farms not Factories (grassroots animal welfare)	Rising Tide UK
Food and Water Europe	Roj Women's Association (RWA)
Frack Free Sussex (grassroots campaigners)	STOPAIDS
Friends of the Earth, England, Wales and Northern Ireland	Student Stop Aids Campaign
Genetic Engineering Network (grassroots campaigners against genetically modified organisms)	SumOfUs
Global Women's Strike	The Landworkers' Alliance
GMB (trade union)	UK Uncut (grassroots campaigners against austerity)
Global Justice Now	UNISON (trade union)
Green Party (political party)	Unite (trade union)
GreenNet	University and College Union (UCU)
IOPS London	War on Want
Jubilee Debt Campaign	We Own It
	Women's International League for Peace and Freedom
	Young Friends of the Earth (International NGO)
	Young Greens (political party)

manner by large experienced civil society organisations (Eliasson & García-Duran-Huet, 2018), taking advantage of social media and exaggerated positions to attract public and media attention (De Bièvre, 2018).

The larger UK groups (trade unions, Green Party, large NGOs) involved in TTIP also feature in the list of members of the pan-European StopTTIP Platform, which coordinated the European Citizens' Initiative. StopTTIP served as an information point collating the activities of various groups and events organised by members throughout Europe. Additionally, it promoted the naming and shaming of members of the European Parliament voting in favour of proceeding with TTIP negotiations. UK participants in StopTTIP, listed in Table 1, had a history

of engagement with peers across the EU (e.g., through the European Trade Union Confederation, Seattle to Brussels) and belonged to information and resource sharing networks through which they gained heightened awareness of TTIP. As mentioned previously, they were also largely responsible for raising awareness and encouraging smaller groups in the UK to take up the TTIP cause.

Amongst groups that mobilised in the UK, protection of public services was a key issue, as per their website statements. For trade unions and grassroots organisations, public services were linked to the controversial matter of ISDS. Environmental and regulatory concerns were the key motivation for environmental groups. War on Want, and Global Justice Now, were especially ac-

**Table 1.** UK organisations in StopTTIP.

Organisation	Type of Organisation	Main TTIP issue
GMB Union	Trade Union	Privatisation, regulation
NASUWT The Teachers' Union	Trade Union	
National Union of Teachers	Trade Union	Privatisation
Public and Commercial Services Union	Trade Union	Threat to public services
Scottish Secondary Teachers' Association	Trade Union	
The Educational Institute of Scotland	Trade Union	NHS protection
UNISON	Trade Union	Protect public services
Unite the Union	Trade Union	Public services
University and College Union	Trade Union	
38 Degrees	Petition Platform	ISDS Corporate power
Artists against TTIP	Awareness raising	
Bring Back British Rail	Advocacy group renationalise rail	
CAWN Central America Women's Network	Advocacy, research on women's rights	
EcoNexus	Activism, research network	Environment/Genetically-modified organisms
Friends of the Earth, England, Wales & Northern Ireland	Environmental group	
Friends of the Earth, Scotland	Environmental group	
Global Justice Now	Advocacy, campaigning	Anti-trade
Green Party, England & Wales	Political party	Environment/Transparency
Gun Control Network	Single issue activism	
Highland & Islands against Fracking	Environmental activism	
Jubilee Debt Campaign	Poverty alleviation activism	Transparency/Regulatory race to bottom
National Justice & Peace Network	Religious advocacy	
People and Planet	Environmental and social justice activism	
Power for the People	Advocacy	Renationalise UK energy network
Scottish Education and Action for Development (SEAD)		
Soil Association	Organic certification body	
Trade Justice Movement	Coalition of civil society groups	Regulation/ISDS/Effect on developing world
StopTTIP UK	Platform grouping opponents	Transparency/Corporate power/ISDS
Student Stop AIDS Campaign		
The GAIA Foundation	Activism, biocultural diversity, ecology, community projects	Corporate power/Seeds/Monsanto
UK National Hazards Campaign	Campaigning, resource centre	

tive and held a much broader opposition to TTIP and to (neo)liberal trade policies. The Trade Justice Movement, to which many of the NGOs mentioned and unions also belong, aggregated resources from members and produced research on trade matters (including TTIP, development, and now Brexit and trade policy). It actively made submissions to Parliament, Government, and the European Commission, advocating for more progressive

trade policies. Although a key salient issue in the UK context was the perceived threat to public services, especially the NHS, the broader concerns around ISDS regulation and secrecy that galvanised pan-European mobilisation were also present (see Bauer, 2016; De Ville & Siles-Brügge, 2015).

NoTTIP and StopTTIP websites stopped being updated with the suspension of TTIP negotiations in

late 2016. However, StopTTIP has been rebranded as StopISDS and campaigns for a wholesale dismantlement of ISDS arrangements and a binding UN Treaty to hold corporations liable for human rights violations (StopISDS, n.d.). Except for a few cases detailed in the Section 5, most of these groups have no sections on their websites on post-Brexit trade policy. Seemingly, they have retreated back to single-issue concerns, and, for now, are not highlighting and mobilising around the interconnection between their issues and potential future trade policies.

#### 4. Trade in the Referendum Campaign

Although trade policy lies at the heart of the UK's future relationship with the EU, and post-Brexit UK, the intricacies of this issue were not elaborated upon in the lead up to the referendum. Polarisation of positions on EU membership, which had existed for decades, came to a crescendo in the campaigns. Analyses reveal that the conduct of the referendum (including accusations of lies on both camps), business and the domestic economy, and immigration were the issues that dominated media coverage and debates (Deacon, Harmer, Downey, Stanyer, & Wring, 2016). The Remain camp sought to make the economy the core issue of the referendum, and discussed advantages of membership and perils of leaving the EU, whilst the Leave camp focused on critiquing Remain supporters for 'project fear' (Moore & Ramsay, 2017, p. 40). Rehearsing these tropes in the media and campaigns meant that more complex issues, such as the interaction of Brexit with trade policy, were insufficiently probed.

Trade did feature in the referendum campaign but was obscured by other matters. It was an aspect of broader economic arguments for remaining in the EU for the Remain camp (Britain Stronger in Europe, n.d.). Within the Leave narrative of 'taking back control' (mainly of borders, laws, and budgets), trade policy featured as another area to renationalise. The Vote Leave campaign included trade as number four of its five key points, after NHS, immigration, and border control. Trade was encapsulated as: "We'll be free to trade with the whole world" (Vote Leave, 2016). Despite the focus on 'taking back control' the Leave campaign failed to notice that future trade agreements could have a constraining effect on UK domestic policies. Their discursive 'strategies were aimed at delegitimising the EU as dominating and constraining the UK in its trading potential and meddling with its national sovereignty' (Zappettini, 2019a, p. 416). However, for the majority of voters the decision to vote leave was not determined by liberal economic imaginaries of Brexiteers, but rather material considerations influenced by narratives around control and migration (Clarke et al., 2017), and a desire to express their dissatisfaction with political elites and with their material conditions (Green et al., 2016; Koch, 2017). Future UK trade policy was, thus, an issue of low salience during the referendum. Extreme polarisation occurred around the

immediate and pressing Remain–Leave dichotomy, but not trade policy.

A search of UK national newspapers in Nexis in the lead-up to the referendum, between the start of April and 23 June 2016, reiterates the low salience of future trade policy. Only eleven articles featured the words 'trade agreements' in the title. One was in *The Independent* highlighting the threat of Brexit for existing trade agreements to which the UK is party through the EU. Nine were in *The Guardian*, covering the same issue, or referring to Swiss arrangements with the EU. One was in *The Telegraph*, penned by leading Brexit economist Patrick Minford, arguing for the need to drop EU protectionist trade policies. A further 183 articles mentioned trade agreements elsewhere, of which 99 referred to Trump's position on the North American Free Trade Agreement (NAFTA). The remaining 84 explained how following Norway's or Switzerland's relationship with the EU, or having a preferential trade agreement with the EU, would differ from EU membership. In brief, the media focus on trade was not so much on future trade policy, but on explaining the trading options with the EU should the UK vote in favour of leaving the EU.

In terms of societal mobilisation, during the referendum, most of the organisations involved in TTIP were unengaged in trade-related mobilisation. An analysis of their positions, based on their referendum statements on websites, reveals most did not have a position on the referendum, partly because their members themselves held different positions on Remain and Leave. Exceptions include the Green Party, Unite, and Friends of the Earth, who supported the Remain option, based on fear of erosion of environmental and social regulatory protection outside the EU. The trade union GMB (in Scotland) also supported Remain. Of the major NGOs active in the UK anti-TTIP camp, Global Justice Now, after consultation with its members, supported Remain. War on Want advocated for leaving the EU to enact a progressive and left-inspired Brexit including a reversal of preferential trade agreements.

Post-referendum, May's government rallied around a diffuse concept of a 'Global Britain' seizing business opportunities beyond Europe (Zappettini, 2019b). This became a mantra for the new Department for International Trade and incipient trade policy. Yet, it is an area largely undebated during the referendum, and that has been entangled in post-referendum discourses on the negotiations with the EU, the outcome of which will determine any future UK trade policy.

#### 5. Post-Referendum Positions on Trade Policy

There has been a resurgence post-referendum in the salience of trade policy in the public sphere, not least given the trade related aspects of the withdrawal from the EU. A search of UK newspapers between July 2016 and December 2018 on Nexis, reveals 17,420 articles with the words 'trade agreements' in the headlines.

Articles often deal with the connection with the future relationship with the EU, and with plans to negotiate new agreements. Whilst *The Independent* continues to lead the coverage with 2,924 articles, newspapers that had barely focused on TTIP have also covered trade agreements post-referendum (e.g., *Telegraph*, *Mail*, *Express*). The latter tend to focus on elements relating to exiting the EU (e.g., a trade agreement being contingent on a divorce bill, the appointment of new trade negotiators). *The Independent* and *The Guardian* continue their line of raising concerns over potential trade deals that contain ISDS, regulatory backsliding (as during TTIP coverage), and highlighting the dangers of a ‘hard Brexit.’ These are the only general outlets that highlight the potential for national sovereignty erosion that can result from trade agreements. The salience of trade in the media and public debates has become evident, however, it remains largely intertwined with the positions and polarisation on the EU, rather than treated as an independent issue.

In terms of civil society groups’ activism post-referendum, groups active on TTIP have yet to engage in obvious public mobilisation on trade, e.g., public demonstrations. However, an analysis of websites uncovers clear positioning on trade policy by some groups and participation in policy-shaping consultations. A few of these organisations have specific Brexit positions on trade, revealing largely pro-EU stances. The National Union of Teachers features a statement that any post-Brexit trade policy must include a commitment against privatisation. War on Want focuses on the need to “ensure that the Leave vote cannot be claimed as a mandate for the UK to develop its own trade deals on the negative lines that it has traditionally supported within the EU” (War on Want, 2016), and calls for a progressive trade policy, in a briefing that is also available on the National Justice and Peace Network website. UNISON highlights the potential for trade deals to undermine devolution citing, and including a link to, a Global Justice Now report. Other trade unions under the Trade Unions Congress (TUC) are active in attempting to influence Brexit. They are concerned about the future of the country being hijacked by the right, and propose an alternative vision featuring support for migrants and refugees, no privatisations, an end to austerity, and maintaining worker rights and protections. The Soil Association (organic certification body) includes a statement on the importance of ‘how we trade’ for food and farming, and advocates for the UK retaining alignment to the EU rather than the US, and for ensuring high food standards in future trade agreements.

Unsurprisingly, the two most active organisations against TTIP are articulating broader positions on the future of trade policy. War on Want highlights its key principles for trade policy, which encapsulate its objections to TTIP: protecting workers’ rights, the NHS, and public services; development-friendly trade policies; and democratic inputs into trade policy. Global Justice Now has been especially active in trying to shape post-Brexit trade policy. They have mobilised over 60,000 people to

send submissions to the Government’s public consultation on the future of trade policy. When former Secretary for International Trade, Dr. Fox, published the new Trade Bill, they launched the campaign to inform and lobby Members of Parliament (MPs). They have produced work regarding the effects of trade on devolution, and are working with Scottish activists to influence MSPs. Their aim is for future trade policy to be more transparent, democratic, and equitable than the EU’s. Their vision for trade agreements that exclude ISDS, include high standards, respect labour and environmental standards, and carve-out public services, counters many of the concerns TTIP prompted. In this regard, we can observe that larger networks with past experience lobbying on trade policy in the UK and the EU, who instigated anti-TTIP mobilisation, continue their influencing work within the context of the UK’s future trade policy.

Encouraging their members to support their submissions to Government consultations follows the same pattern established in the anti-TTIP movement. During TTIP negotiations, the European Commission launched a public consultation on ISDS. It reported that 97 percent of the submissions had been coordinated through online platforms with the exact same text being submitted (European Commission, 2015, p. 3). This was coordinated by pan-European StopTTIP platform. Large UK NGOs that stoked anti-TTIP sentiment are, thus, mobilising the UK part of their networks to take advantage of opportunities to make their positions known to policy-makers, and using some of the same tactics as during anti-TTIP mobilisation. A key difference, however, lies in the absence of civil demonstrations and protests. During the campaign against TTIP, 87 public actions were organised in the UK, representing 10 percent of actions across the EU (Caiani & Graziano, 2018, p. 1038). TTIP protests in the UK followed on from activities in Germany, Austria, and France, initially orchestrated by the activist group Attac (De Bièvre, 2018), and were fewer and less well-attended than in other EU member states. This was partly due to more political and discursive opportunities open to the anti-TTIP movement in the UK through the positions of independentist and opposition parties (Caiani & Graziano, 2018), as well as the Trade Justice Movement’s years of lobbying MPs (Strange, 2013), and the general lack of awareness on TTIP given very low media salience. In the post-referendum context, where the full direction and content of future UK trade policy and trade negotiations remains imprecise, and with the existence of opportunities to participate in policy consultations, large UK civil society groups working on trade policy are eschewing the high visibility activities that their European partners instigated against TTIP. Instead they are continuing the engagement and lobbying activity that they have undertaken for years to try to shape the direction of future policy.

The process of renationalisation of trade policy, and the need to develop a new policy, is creating a unique opportunity for civil society groups with expertise in trade

to participate in policy creation and attempt to shape future UK policy. It is also bringing trade policy-making to a level of governance that is more approachable for them, and where they can leverage their past experiences lobbying MPs and ties developed with MPs and independendist parties during the TTIP campaigns. Being able to access policy-making circles, and the consultative processes in policy-making, eliminates the immediate need to engage in in the kinds of public protest activities that characterised politicisation of trade policy in the context of TTIP. This possibility for influencing runs counter to the authority transfer hypothesis that explains the motivation behind politicisation in the literature, when groups react to the shift of decision-making powers to a more international level of governance that they see as less legitimate, and to the consequent dilution of national sovereignty this entails (Costa, 2019; Peters & Schaffer, 2013).

The present juncture of trade policy creation, has enabled activist groups to take a leading role in suggesting how future UK trade policy should be organised. The publication of *A Trade Governance Model that Works for Everyone* (hereafter *Model*) in response to Government consultations represents an interesting development. The *Model* was co-authored by business associations, trade unions, and a trade NGO (Confederation of British Industry, ICC United Kingdom, Trade Justice Movement, and UNITE the Union). It advocates for a trade policy that ensures consensus-building (through stakeholder participation at all stages), transparency (with access to documents at all stages), scrutiny (in Parliament, with votes), and a holistic approach to trade (including credible mitigation plans, and labour and environmental objectives) (Trade Justice Movement, 2018). Unlike during TTIP negotiations, when business groups were largely in support of TTIP (Dür & Lechner, 2015), the *Model* brings the major UK business associations together with trade unions and NGOs to produce a document with language that incorporates concerns raised by anti-TTIP groups. The most active and knowledgeable groups from the anti-TTIP campaigns are making use of all the channels available to them through government consultations and engaging with groups previously on the opposite side to demand improved trade policies, without the need to engage in high visibility public demonstrations. The strategy is about taking advantages of a unique opportunity structure presented by the repatriation of trade authority from Brussels to London. This situation of renationalisation contrasts with the case of TTIP. In the latter, the possible creation of a transatlantic body for regulation and transfer of regulatory decision-making powers to this remote body was a key aspect giving rise to politicisation and opposition (Costa, 2019). Such a transfer of authority through executive multilateralism is an important condition for politicisation (Peters & Schaffer, 2013; Zürn, 2004). In the early evolution of a UK trade policy, this condition is absent. Instead, it is the type of future trade policy, a more progressive socially and envi-

ronmentally sensitive trade policy, as advocated by the *Trade Governance Model* signatories, or a more neoliberal trade policy, that instigates divergent opinions and potential politicisation.

The Government's White Paper on *Preparing for our Future Trade Policy* (UK Government, 2017) is generic in its content, and includes many demands of civil society. It claims trade policy will be inclusive and transparent. A consultation with stakeholders on how to achieve this has been launched. It purports trade policy will support developing countries. It commits the Government to maintaining high standards of consumer, worker, and environmental standards in trade agreements, and ensure trade policy works for everyone through the use of trade remedies and the Industrial Policy. The absence of detail as to how to achieve this makes it impossible to ascertain whether trade policy will shift towards the type of trade policy that has been advocated by activist groups. The language and commitments in this document, and numerous consultations taking place, could indicate an awareness of the need to incorporate challenging voices into trade policy, to prevent the type of opposition that TTIP instigated. One concrete action that the Government has taken in the direction of incorporation of non-government actors and views in trade policy, and, perhaps, to compensate for the relative absence of in-house expertise on trade, has been the creation of a Strategic Advisory Group of 16 representatives from business and civil society within the Department for International Trade (DIT). This is reminiscent of one of the European Commission's responses to anti-TTIP mobilisation, namely the creation in 2017 of an Expert Group on Trade Agreements composed of civil society and business representations. Box 2 shows the initial members of the UK's Strategic Advisory Group.

Institutionally, the UK has had to create trade policy capacity since the referendum, starting with the creation of DIT. The problem of lack of in-house expertise has been a common criticism raised against DIT and the Government (de Jonquieres, 2019; Illot, Skelt, & Rutter, 2017; 'Meet the man,' 2019). High profile appointments of former EU negotiators and those of other nationalities, and the launch of a new dedicated trade career stream within the civil service in 2019, form part of the Government's preparations for an independent trade policy. The time lag involved in this institution-building process and political delays given the paralysis in Parliament on Brexit prior to the 2019 election has meant that the UK still has not fully articulated its future trade policy. This makes it difficult for civil society organisations to respond and determine whether public mobilisation strategies such as those orchestrated against TTIP are pertinent. For now, organisations are exploiting opportunities to inform policy-makers and politicians (particularly pro-EU ones) and to respond to Parliamentary enquiries and DIT white papers to ensure their positions and visions for future trade policy are noted, as trade policy authority is repatriated to the national level.

**Box 2.** DIT's strategic trade advisory group (2019–2020).

DIT Minister for Trade Policy (chair)

Professor Holger Breinlich, University of Surrey (academia)

Carolyn Fairbairn, Confederation of British Industry (business representative organisation)

Gary Campkin, City UK (services, business representative organisation)

Dr. Scott Steedman CBE, British Standards Institution (standards)

Caroline Normand, Which? (consumer)

Dr. Dirk Willem te Velde, Overseas Development Institute (developmental)

Mark Abrams, Trade Finance Global (new entrant)

Michael Gidney, Fair Trade Foundation (non-government organisations)

Nick Coburn CBE, Ulster Carpets (Northern Ireland business)

Denise Valin Alvarez, Burberry (regional business)

Liz Cameron OBE, Scottish Chamber of Commerce (Scottish business)

Sean Ramsden, Ramsden International (small and medium enterprise)

Mike Cherry OBE, Federation of Small Business (business representative organisation)

Sam Lowe, Centre for European Reform, (think tanks)

Paul Nowak, Trade Union Congress (trade unions)

Prys Morgan, Kepak Group Limited (Welsh business)

**6. Conclusion**

This article has tracked politicisation of trade policy in the UK since TTIP negotiations, by looking at newspaper stances on the matter, and at the positions and actions of civil society groups and campaigners. The article has found that, whilst the salience of trade policy and trade agreements has increased exponentially, politicisation of future UK trade policy, for now, remains contained. As the analysis of newspaper articles on trade conducted on Nexis has shown, there has been a marked increase in the salience of trade issues in the UK. Trade and trade agreements have become very salient in the media and political debates, and views on these matters are highly polarised, fulfilling some of the key conditions for politicisation identified in the literature (Hutter & Grande, 2014), but this has not translated into visible mobilisation as in the case of TTIP. As Michael Zürn (2016) highlights, a critical factor determining politicisation is for a salient issue, subject to polarised opinions to be deemed relatively more important than other issues. To date, post-Brexit trade policy has been subsumed into the more pressing matter of delivering Brexit, in the hierarchy of issues. The marginal referendum result, and May's loss of a Parliamentary majority in 2017, created a space for politicians across the political spectrum, and for society, to re-enact the tropes of the referendum in attempts to either stop Brexit, or ensure a 'soft' Brexit. Future UK trade policy has, however, played

a role at Parliamentary level in the battle to determine the meaning of Brexit in policy terms. The European Research Group of the Conservative Party, with its vision for an 'unshackled' UK and neoliberal policy inclinations, helped steer May's Brexit negotiations with the EU towards a looser future relation governed by a trade agreement, facilitating an independent trade policy. Without a clear majority for May's projected Brexit, groups concerned about this and possible implications of other future trade agreements, focused their energies in different ways. Parliamentarians continued to stymie the passing of the Withdrawal Agreement and to seek amendments to steer Brexit in other directions, rehearsing the Leave-Remain, and 'soft' vs. 'hard' Brexit dichotomies. The 2019 electoral campaign was also run along these lines. The Conservatives focused on a vague 'Get Brexit Done' slogan that obscured the underlying choices and challenges involved in Brexit. The Liberal Democrats campaigned on a Remain platform supportive of a second referendum, and Labour supported a renegotiation of the Withdrawal Agreement and a confirmatory public vote. Again, politicisation occurred along the pro- and anti-EU axis instead of longer-term economic and trade policy consequences.

The scrutiny of the positions of civil society organisations that had been active against TTIP, as derived from their websites and policy documents, has revealed that the key groups (Global Justice Now, War on Want, Trade Justice Movement), have articulated clear positions on

post-Brexit trade policy and have been attempting to influence its evolution. They have produced information and research to steer policy-makers towards a Brexit with close relations to the EU. As regards to trade policy, they have engaged in opportunities for influence garnered by the creation of a new institutional set-up for trade policy. Interesting evolutions in the behaviour of these groups have also been observed, such as siding with business interests to produce a progressive *Model Trade Governance* plan submitted to the DIT. Civil society groups with interests in trade have also been participating in Government consultations on the future of trade policy, which are creating an opportunity to pre-empt rather than react to policy choices and consequences, within the process of regaining sovereignty over trade policy. Future research will have to analyse if these opportunities actually translate into genuine influence in shaping future trade policy. Nonetheless, the initial inclusion of civil society groups and, at least, the theoretical commitment to greater inclusivity as per the paper *Preparing for Our Future Trade Policy*, and the creation of the Strategic Advisory Group of representatives, can help to enhance the legitimacy of trade policy and counter potential politicisation and subsequent mobilisation. Opinion polls suggest that there is support for the Government's agenda for a liberal trade policy, with 66 percent of those polled in favour (Vasilopoulou, Keith, & Taalving, 2020), something that further limits the immediate potential for public mobilisation. Positive attitudes towards trade become more complex when respondents are asked about their impressions of post-Brexit trade agreements, with 42 percent holding positive views and 41 percent negative perceptions, tinged with some of the concerns voiced in the left leaning media around US chlorinated chickens, and showing a clear correlation with personal positions on Brexit (Vasilopoulou et al., 2020). Trust in Government in the UK remains low at 40 percent, despite increasing by four percent since the 2019 election, according to the Edelman (2020) Trust Barometer. In a climate of distrust and continued high polarisation along Brexit and anti-Brexit lines, the potential for politicisation and more overt public contestation of post-Brexit trade agreement negotiations remains significant.

With trade policy subsumed, for now, in the Brexit process, and opportunities for civil society organisations to participate in the shaping of future trade policy as new institutions are created to deal with the renationalisation of trade policy, politicisation of UK trade policy remains partial. Despite growing salience, the relationship with the EU continues to top the hierarchy of issues. Whilst there are polarised views on the future trade policy, activist groups have managed to forge a network, including business representatives to collaborate in the proposal of a more progressive trade policy (*Model Trade Governance*). They also have opportunities to attempt to determine future policy, further containing the need to engage in the mobilisation of the public and smaller civil society groups that were mobilised against TTIP.

However, full clarity on how the Government and DIT will incorporate civil society in future trade policy and negotiations, on how an inclusive, fair, and balanced trade policy will be achieved, is still forthcoming. Should trade policy take a different turn, for example, as key players in the anti-TTIP mobilisation could shift tactics, and once again engage their networks to contest unwanted developments. The 2019 election result handing Johnson a government majority, facilitated parliamentary approval of his renegotiated Withdrawal Agreement, opening the way for Brexit and eventual trade agreements. In the first days post-election, Johnson's government's tone hardened with respect to the future relation with the EU. He rejected an extension of the post-Brexit negotiation period. Former cabinet members stated the Government wished to diverge from EU regulations (which would enable the hard Brexiters' neoliberal vision and controversial trade agreements with the US; 'David Davis: UK will diverge,' 2019). Moves were also made to facilitate changing EU laws post-Brexit through lower courts ('Lower courts can roll back,' 2019). Whilst it remains unclear how future trade agreements and policies will evolve, and how the commitment to inclusion and scrutiny will be implemented in the new political situation of a majority Brexit parliament, if the initial stance of post-election days is a harbinger of a turn towards a more aggressive neoliberal trade policy outside the EU, active contestation and mobilisation against this is more likely to erupt. Within the context of Brexit, salience of trade and trade agreements in the media and Parliamentary debates has increased dramatically since the days of TTIP. As Brexit becomes a reality, the debate will turn more explicitly to trade agreements and future trade policy, and it will rise in the hierarchy of issues, making more visible mobilisation and politicisation more likely, as future trade negotiations, especially with the US, will involve a potential loss of sovereignty, which was a key factor influencing politicisation of TTIP (Peters & Schaffer, 2013). Other key underlying conditions for politicisation (salience and polarised opinions) already exist. It is the more pressing matter of Brexit—the lack of full clarity around future trade policy—and with it the hope that demands for a progressive trade policy may yet materialise, that has kept politicisation at bay and activist groups from engaging in more visible mobilisation.

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## Supplementary Material

Supplementary material for this article is available online in the format provided by the authors (unedited).

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