

Baptists and Bootleggers in Trade Politics: How IO Recognition Unites Firms and Activists in Promoting Trade Liberalization

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Abstract

Studies show that liberalizing governments include social and environmental clauses in trade agreements to gain pro-trade support from activists. However, these studies do not address how the government makes issue linkage credible to activists, who understand that the government has weak incentives to enforce such linkages once the agreement is ratified. How do liberalizing governments make issue linkage credible to activists despite the commitment problem? Focusing on U.S. government decisions regarding environmental clauses in trade agreements, I argue that a liberalizing government uses international organizations (IOs) to mitigate activists' fears of defection. By recognizing environmental IOs' authority in trade agreements, the government can mitigate activists' fear of defection and increase their support for trade agreements. Using original data, I find that the government recognized the role of IOs with more ties to U.S.-based activists in designing environmental clauses in trade agreements. Based on a comparative case study, I also show that activists with ties to seven recognized IOs supported issue linkage whereas those without ties to the IOs joined forces with anti-trade groups.

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Starting in the 1990s, major developed economies such as the United States and the European Union have begun attaching environmental and human rights safeguards to trade agreements. Using these issue linkages, governments in industrialized countries have attempted to form a grand social bargain for liberalization and boost domestic support for trade deals (Ruggie 1982). In this coalition-building process, governments have used side clauses on non-trade issues to attract activists into pro-trade coalitions. Studies show that issue linkages that contain social compromises have effectively increased support for trade agreements from groups that would not otherwise support trade deals (DeSombre 2000; Hafner-Burton 2011; Kim 2012; Mosley and Tello 2015; Lechner 2016; Bastiaens and Postnikov 2017; Postnikov and Bastiaens 2014; Ehrlich 2010, 2018).

Upon closer examination, however, this logic of issue linkage does not fully explain the resilience of hybrid coalitions between activists and businesses. If liberalizing governments use issue linkages primarily to build hybrid coalitions for trade liberalization, it is unclear how the two strange bedfellows—activists and pro-trade businesses—manage to retain a lasting coalition despite the inherent lack of trust between them. Coalitions of this kind are prone to dissolution because the two groups face a commitment problem; pro-trade businesses have incentives to include social and environmental clauses in trade agreements to attract activists’ support in the pre-ratification stage, yet they face negative incentives to enforce those clauses in the post-ratification stage due to the disruptive effects on trade flows. Given this commitment problem, how do liberalizing governments mitigate activists’ fear of defection in the post-ratification stage and enhance the credibility of issue linkage?

Focusing on U.S. government decisions regarding environmental clauses in trade agreements, I develop a theory of IO recognition. I argue that a liberalizing government uses international organizations (IOs) to mitigate activists’ fears of defection by pro-trade businesses. By recognizing environmental IOs’ authority in trade agreements, the government creates an organizational incentive for the IOs to monitor government parties’ compliance with environmental clauses in coordination with activists. As issue linkage makes these out-

side allies (i.e. IOs) available, activists overcome their fear of defection and increase their support for trade agreements. When IO recognition serves as a commitment device in this way, hybrid pro-trade coalitions tend to be more durable.

Employing a multi-methods approach, I test the validity of the theory in two ways. First, I construct original data on institutional ties between environmental IOs and 4,340 environmental advocacy groups and industry groups. Based on the data, I quantitatively test whether the U.S. government is more likely to recognize environmental IOs that provide more access to U.S.-based activists as it designs trade agreements. In this analysis, I find that the government tends to recognize environmental IOs in its PTAs if those IOs have stronger ties with activists. In this way, the government attempts to lower the credibility gap for activists. Second, I present qualitative evidence to shed light on the mechanism. Using a comparative case study of two prominent NGOs during the second term of George W. Bush, I show that activists with ties to recognized IOs are more likely to support trade agreements than those without such ties.

This article makes several contributions. First, the study represents a contribution to studies on globalization. The literature has long viewed embedded liberalism as a form of key policy compromise to sustain economic liberalization even amid the growing democratization of national political life. While many studies have examined why activists and value-driven citizens support trade or economic policies at one specific point in time, few have questioned theoretically how they overcome the commitment problem and remain in such hybrid coalitions. This article privileges environmental IOs as a key player that bridges the credibility gap for activists with close connections to IOs. When the government recognizes IOs as playing a role in interpreting or enforcing environmental clauses in trade agreements, activists with pre-existing alliances with those IOs tend to support the trade agreement because they can name-and-shame governments that renege on their environmental commitments.

Second, building on existing research on governance, this article advances a novel theoretical concept of IO recognition. IO scholars have examined how governments use various

new practices to manage complex problems stemming from rapid globalization and interdependence among nations. As a result, important concepts such as delegation, orchestration, and deference have emerged. While these scholars tend to apply the concepts to explain trends in a single issue area or a small number of closely related ones, studies have not yet considered how governments might use a similar yet distinct practice of IO recognition to strategically merge issue areas whose shared substantive and regulatory relevance has only begun to emerge (i.e. the trade-environmental linkage). This is an important omission. While trade negotiators increasingly include provisions on issues that had not previously been evoked in trade agreements, including women's rights, labor, and security (Monteiro 2018; Lechner 2016; Milewicz et al. 2018; Kim 2012; Poast 2013; Davis 2009), we still have little understanding of how those various provisions elicit support for the trade deals from various interest groups that would otherwise remain suspicious about governments' commitment to enforcement. This article addresses this unresolved question by examining the practice of IO recognition.

Commitment Problems and Hybrid Coalitions

How do liberalizing governments stabilize coalitions between pro-trade businesses and environmental activists? The existing literature on trade politics tends to focus on identifying the preferences of economic interest groups. In the traditional framework, the coalition-making process is not problematized, because actors with homogenous economic preferences can form a strong bond without additional political engineering (Schattschneider 1935; Rogowski 1987; Milner 1988; Hiscox 2002; Schonhardt-Bailey 2006).

The traditional understanding is not readily applicable to hybrid coalitions between businesses and activists, however, for two reasons. For starters, a fundamental mismatch exists in the two groups' goals in their support of trade deals. Businesses support a trade deal in the hope that the agreement will better their business prospects. In this sense, they are

genuine supporters of the trade agreement. By contrast, activists are strategic supporters. They do not support or oppose a trade agreement based on its effect on their incomes; trade agreements are but an instrument that can help them accomplish their ideational objectives. Therefore, activists may change their positions on trade agreements depending on the agreement's instrumental value in enhancing environmental objectives. As a result of this mismatch, commitment problems between the two groups arise. Even if environmental clauses are included in a trade agreement, activists have ample reason to doubt whether the clauses will be enforced in the post-ratification stage. Since enforcement of the environmental clauses necessarily disrupts trade transactions and effectively functions as a non-tariff barrier (Bhagwati and Hudec 1996), activists have reason to suspect businesses' commitment to enforcing those clauses during the negotiation stage.

Second, commitment problems are felt more acutely by activists than by pro-trade businesses. Unlike environmentalists, pro-trade businesses have privileged access to domestic political institutions in charge of enforcing trade agreements including environmental clauses. For instance, the U.S. Trade Representative (USTR) usually serves as a point of contact for matters regarding environmental clauses in trade agreements. When activists have to operate in a relatively new domain filled with traditionally influential trade interest groups, their agenda-setting power is limited.¹ In interviews, one source with close ties to environmental NGOs stressed the difficulty of getting the USTR's attention regarding environmental issues once trade deals enter into force (Interview 2017a). In the context of NAFTA, the source noted, "it is rare that the Secretariat recommends a factual record, and the government has been passive in enforcing these rules." Another source affiliated with a prominent environmental NGO echoed this point, stating, "the USTR has never activated trade dispute resolution mechanisms to address environmental concerns (Interview 2017b)," even though environmental provisions have constituted a part of all trade agreements since the Jordan-U.S. Free Trade Agreement.

¹In the European context, Dür and De Bièvre (2007) find that NGOs with access to trade institutions do not have sufficient agenda-setting power during trade negotiations, despite the access.

Despite these commitment problems, some activists have been more optimistic about the environmental clauses in trade agreements than others. For example, the Humane Society United States and International issued a statement to endorse the Trans-Pacific Partnership (TPP) in 2015. The organization lauded the agreement as “a critical step forward for wildlife protection,” and made a commitment to “work with the USTR” (The Humane Society 2015). Similarly, the World Wildlife Fund (WWF) endorsed the TPP by saying that “[N]o major trade agreement before this one has gone so far to address growing pressures on natural resources (Carter 2015).” However, other activists were pessimistic about the government’s commitment to the enforcement of those clauses. In 2014, the Natural Resources Defense Council (NRDC) issued a statement in response to a leaked draft of the TPP to stress that “there is no enforcement,” pointing out that “references to the word ‘shall’ are very rarely used (Howard 2014).” The NRDC joined forces with the Sierra Club and Friends of Earth to form an anti-trade coalition.

Why do some activists support trade agreements in exchange for environmental clauses, while others do not? In light of the commitment problems vis-à-vis pro-trade businesses, one would expect that activists remain wary of supporting trade deals even if the government negotiates environmental clauses at the pre-ratification stage. Without addressing their fear of defection in the post-ratification stage, the government would thus run the risk of not securing activists’ support for ratification. The division into pro-trade and anti-trade factions in the environmental community indicates that the government resolved the commitment problem only for some activists.

IO Recognition as a Reputational Fail-safe for Activists

I argue that activists tend to join a pro-trade coalition and remain in the coalition when treaty writers recognize the role of environmental IOs in drafting environmental clauses in trade agreements. Since NAFTA, the U.S. government has continued to recognize the role

of environmental IOs in trade agreements. Figure 1 illustrates the trend. I manually coded the number of environmental clauses that recognize the role of Multilateral Environmental Agreements or environmental IOs in U.S.-related trade agreements. While NAFTA was the first trade agreement that recognized IOs' role in mitigating environmental concerns, a hiatus in IO recognition then persisted until 2007. In 2007, once the pro-trade Republican Party lost control of the Congress, the Bush administration had to make concessions to ratify trade agreements under negotiation, and those concessions were included in the 2007 congressional-executive agreement with the Democratic Party. In it, the Bush administration pledged to include seven environmental agreements in future trade deals that the U.S. negotiates.²

IO recognition takes diverse forms. First, some environmental provisions *commemorate* parties' obligations to environmental agreements. In one example, parties routinely include hortatory provisions re-affirming their commitment to fulfilling their obligations under specific environmental agreements. Second, parties may go one step further and urge signatories to *implement* specific components of the designated environmental agreements. For example, Peru committed to "adopt a strategic plan to implement the CITES Appendix II listing of Bigleaf Mahogany by decree or resolution promulgated by the central level of government (...) (Annex 18-3-4)." Third, parties *defer* the resolution of environmental matters to the interpretive guidance of designated environmental IOs. For example, the environmental chapter in the U.S.-Korea Free Trade Agreement (Article 20-9) says that parties shall "defer to interpretive guidance on the issue under the (environmental) agreement (...)."

How does IO recognition help the government earn activists' support for trade deals? Intuitively, activists advocate for environmental improvement. To the extent that environmental clauses improve environmental outcomes, activists prefer to support those clauses

²These environmental agreements are the Convention on International Trade of Endangered Species (CITES), the Montreal Protocol, the Ramsar Convention on Wetlands of International Importance, the International Convention for the Prevention of Pollution from Ships (MARPOL), the Inter-American Tropical Tuna Convention (IATTC), the Convention on Conservation of Antarctic Marine Living Resources (CCAMLR), and the International Whaling Convention (IWC).

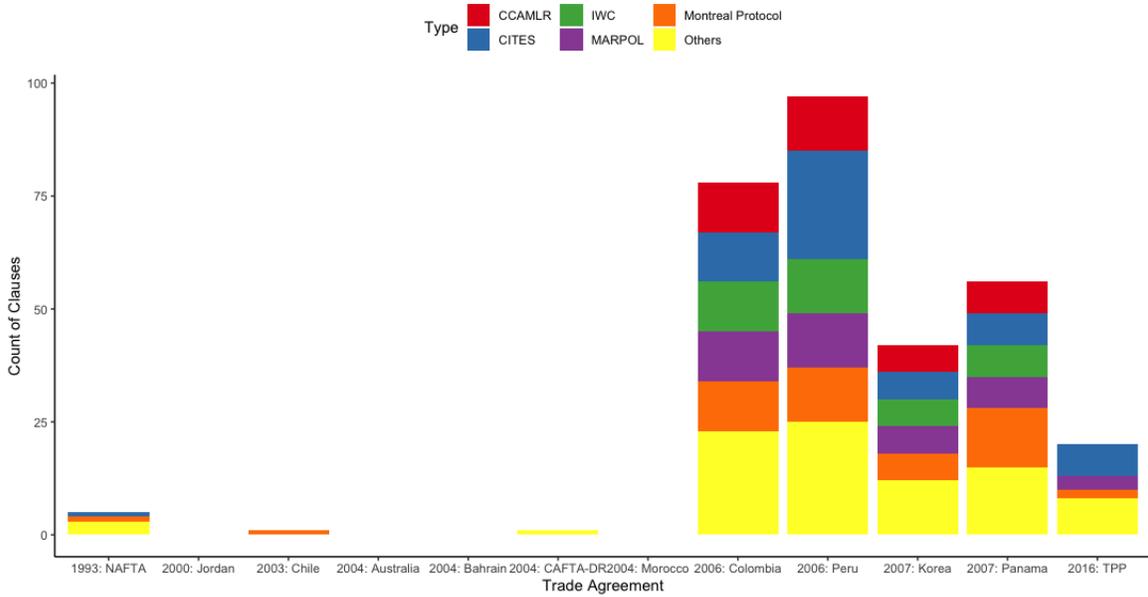


Figure 1 – Environmental Agreements Recognized in U.S.-related Trade Agreements, 1993-2016

over the status quo. That said, activists’ payoff from environmental improvement alone does not completely explain their utility. Activists may choose different coalitions in order to enhance the environmental outcomes they care about. Here, an additional source of utility explains the variation in activists’ coalition decisions: the perceived costs to their reputations as moral advocates. A source representing an anti-trade environmental NGO highlighted the importance of the organization’s reputation towards its members. Explaining the organization’s decision to stay out of the U.S. Trade and Environmental Policy Advisory Committee and to oppose related environmental linkages, the source said that “for us, it is important that we can explain our decision to our members. But the government has been soft when it comes to enforcing those rules. Then, it’s difficult to explain the decision to support trade deals with those (enforcement) records (Interview 2017a).” Taken together, activists consider their reputations as an important factor in making their coalition decisions.

Why, then, are some activists more willing than others to take reputational risks by joining pro-trade coalitions? I contend that their divergent approaches can be attributed to different relationships with environmental IOs. When environmental clauses recognize the

role of IOs that are subject to activists' influence, the clauses can enhance activists' political influence by granting them access to policy decision-making processes within IOs. Corroborating the conjecture on activists' ties with IOs, Tallberg et al. (2018) and Green (2013) show that NGOs with more opportunities for involvement in IO bodies are more likely to influence policy making in IOs (3, 58). According to Dai (2002), IOs need activists' input to monitor the compliance of governments (430-434). Because the victims of environmental degradation often face difficulties in reporting non-compliance due to their lack of expertise, and because governments' incentives for compliance are not always aligned with those of the victims, activists' involvement is crucial to ensure effective monitoring.³ In exchange for activists' input in monitoring, IOs grant activists agenda-setting power such that activists can report the compliance or non-compliance behavior of specific countries of interest. In line with this reasoning, another source representing a conservation NGO noted that they view their ties with IOs as a valuable tool in publicizing the non-compliance behavior of trade partner countries. In so doing, they use both trade and environmental channels simultaneously to attract public attention to non-compliance behavior (Interview 2019a).

To summarize the theoretical claim, the availability of additional political access through IOs can help activists hedge against the reputational risks of joining pro-trade coalitions. If activists have ties to IOs, those relationships can mitigate activists' fears of tarnishing their reputations in making decisions to support environmental clauses. When activists do not have any ties to IOs, joining a pro-trade coalition can be potentially costly for activists if the government violates environmental clauses. If non-compliance ensues, activists who had lent support to the trade agreement will later be criticized for compromising their conviction for short-term material benefits. However, activists that are able to gain political influence through IOs are likely to join pro-trade coalitions despite the reputational risk, because they can reduce the costs by widely reporting on non-compliance and pressuring non-compliant governments via their connections to IOs. If this conjecture is valid, I expect to find the

³In addition to Dai (2002), other studies find that activist-IO ties can effectively change state behavior when they coordinate. See Sikkink (1993) and Slaughter (2009).

following:

Coalition Hypothesis 1: Activists with ties to recognized IOs are more likely to support trade deals with environmental clauses than are those without such ties.

IO Recognition as a Coalition Strategy for Governments

I argue that the government recognizes the role of IOs in trade agreements to send costly signals to activists with ties to those IOs. I theorize that the government aims to promote support for trade deals among activists. Recognizing the commitment problem, the government can earn support from some activists by voluntarily restraining its authority and deferring to IOs with ties to activists. In this way, activists with ties to the recognized IOs are better able to monitor and publicize information on compliance behavior through the IOs, even when the government is not responsive to activists' demands. Bringing these incentives together, I contend that the government's coalition-building motivations explain why we see various environmental IOs in trade agreements.

IO recognition is an increasingly common yet understudied policy practice in international trade negotiations. While IR scholars have examined the practices of *delegation* and *deference*, IO recognition has several features that diverge from those concepts. Comparing IO recognition to delegation and deference thus helps to clarify why IO recognition serves as a costly signal to activists.

For starters, IO recognition is distinct from delegation in that IO recognition is unilateral. For instance, even if the U.S. and Peru pledge to use CITES to interpret the legality of Peru's environmental policies in designing their trade agreement, the CITES Secretariat is not consulted for the wording in the trade agreement during the negotiations stage. Nor does the Secretariat co-sign the trade agreement. In this sense, governments unilaterally include environmental agreements without IOs' consent in designing trade agreements.⁴ Through

⁴Delegation scholars theorize that governments' decisions to empower IOs are borne out by mutually agreed contracts (Hawkins et al. 2006; Alchian and Demsetz 1972).

contracts, governments proclaim their intention to delegate authority to IOs, and the IOs are bound to faithfully implement the contract. Unlike standard delegation, IO recognition represents a context in which governments unilaterally adopt environmental standards in existing environmental agreements and recognize the authority of existing IOs. As such, IO recognition is less likely to be a function of IOs' lobby for recognition. Instead, it is more plausible that the recognition results from activists' demands for additional regulatory tools to monitor and enforce environmental provisions due to the cost of monitoring.

What might be the mechanism? Dai (2002) argues that activists and IOs typically coordinate in monitoring governments' compliance with environmental agreements (430-434). In exchange for activists' input in monitoring, IOs grant activists agenda-setting power such that activists can report the non-compliance behavior of specific countries of interest. Activists can leverage such pre-existing working relationships with IOs to reduce the cost of monitoring and enforce environmental provisions in trade agreements.

Second, two key differences distinguish IO recognition from deference. First, the regime complex literature states that IOs increasingly orchestrate or defer to another when there are jurisdictional overlaps. In contrast, IO recognition is equally, if not more, likely when there is little *de jure* jurisdictional overlap between trade agreements and environmental IOs considered for recognition. In the theoretical account of IO recognition, governments' goal is to assuage activists' fears of defection in the post-ratification phase as they try to expand strategic coalitions. In this process, activists' fears regarding enforcement failure may increase if their issue area (i.e. conservation, desertification) has little regulatory overlap with international trade rules. As such, governments may have strong incentives to use IO recognition as a tool to solidify unlikely coalitions when activists' fears are high, because there is little regulatory overlap between the two issue areas they are merging. Second, IO member states adopt deference to reduce regulatory arbitrage and inefficient duplication of efforts to coordinate (Pratt 2018; Raustiala and Victor 2004). The regime complex literature tends to leave state preferences blackboxed and does not delve into when and why states

see certain arbitrage possibilities or duplicated efforts as particularly costly. The theory in this study addresses that gap by paying special attention to governments' motivations to broaden coalitions from one issue area to another. In this vein, I conceptualize IO recognition as governments' strategy to send costly signals to activists and to recruit them into pro-trade coalitions. In this sense, I view IO recognition as a byproduct of contentious domestic political processes between businesses and activists. This is distinct from the aforementioned functionalist view where governments seek to minimize inefficient costs of coordination even in the absence of domestic pressures.

More generally, if this theoretical conjecture on IO recognition is valid, I should expect to find that U.S. activists' ties to IOs play a key role in the U.S. government's propensity to recognize the IOs. Therefore, I test the following hypothesis:

Coalition Hypothesis 2. The government tends to recognize IOs with more ties to U.S.-based activists.

An Alternative Account

Alternatively, political economists have traditionally viewed social and environmental clauses as non-tariff barriers (Bhagwati 1995; Bhagwati and Hudec 1996). Partially in keeping with this reasoning, Lechner (2016) finds that governments are more likely to include social provisions in trade agreements when there is a large difference in wage levels among negotiating parties. While these studies do not pay close attention to IOs, they typically consider the economic losers from free trade (i.e. manually skilled labor or import-competing industries) to be the main advocates for stricter environmental provisions. If this line of reasoning is valid in the context of IO recognition, the government would be more likely to recognize environmental IOs with ties to industry actors than those with ties to environmentalists.

Protection Hypothesis. The government tends to recognize IOs with more ties to businesses.

Evidence

Focusing on U.S.-related trade agreements from 2000 to 2016, I provide evidence in support of the theory. First, I provide qualitative evidence showing that IO recognition has had a positive effect on internationally-oriented activists' support for trade agreements (Coalition Hypothesis 1). Second, using original data that captures NGOs' ties to IOs, I quantitatively test whether the government is more likely to recognize IOs that provide greater access to U.S.-based activists (Coalition Hypothesis 2) or to business groups (Protection Hypothesis) as it designs environmental clauses in trade deals.

Coalition Hypothesis 1. Pro-linkage vs. Anti-linkage Factions Among Activists

Why do some activists support trade deals in return for environmental clauses? In this section, I present qualitative evidence on whether IO recognition has a positive effect on activists' support for trade agreements. The case of interest is the May 10th, 2007 congressional-executive agreement between the Bush administration and the Democratic Party. In this agreement, the parties agreed to recognize seven environmental IOs in future trade deals. Focusing on this case, I first demonstrate that they chose the IOs based on the IOs' ties to U.S.-based environmental NGOs. Second, I show that NGOs with pre-existing ties to the chosen IOs changed their anti-trade stances on the four trade deals under negotiation and began supporting the trade agreements following the government's recognition of those IOs.

The Bush administration's adoption of IO recognition constitutes a hard case. During his campaign for presidency, George W. Bush openly expressed his skepticism about linking trade to the environment (Economist 1999, 2000). While his predecessor, President Clinton, and his competitor, Al Gore, supported trade-environmental linkages, Bush was opposed to the idea. Further, once President Bush was sworn into office, the USTR under his guidance sought to remove the labor and environmental portions of the trade agreement with Jordan (Lacey 2001). As such, trade agreements negotiated by the Bush administration before 2007 do not include any IO recognition. Instead, the pre-2007 trade agreements ratified in this

period use national laws as their reference points.⁵ However, the trend changed in 2006 as the Democratic Party secured a sweeping electoral victory in November 2006, taking control of the House by a thirty-seat margin and the Senate by a close margin. Due to this unforeseen political change, the Bush administration needed congressional Democrats’ support to pass four pending trade agreements under negotiation. If the Bush administration, which had been openly critical about issue linkage, convinced some activists to support trade deals based on IO recognition, the theory should be generalizable enough to explain the effectiveness of IO recognition in other cases (i.e. among pro-environmental presidents).

Why did the administration select seven environmental agreements and recognize the authority of the IOs that govern those agreements?⁶ As of 2006, the U.S. was a party to 112 environmental agreements (Mitchell 2017). These agreements include multilateral ones such as CITES, the Montreal Protocol, and the United Nations Framework Convention on Climate Change. The U.S. was also a party to agreements that focus on narrower issues, including the International Whaling Convention (IWC) and the International Tropical Timber Organization (ITTO). While these options were available at the time of the May 10th accord, only seven agreements were chosen.

I focus in particular on the contrast in the government’s decisions regarding the issues of deforestation and depletion of marine species. While the U.S. was a party to IOs focusing on deforestation such as the ITTO, as well as aquatic species-conservation IOs, the government exclusively recognized the agreements on marine species (i.e. the IWC). This choice is puzzling in that deforestation was a pressing issue at the time. In fact, the USTR

⁵See Article 7 of the United States-Jordan Joint Statement on Environmental Technical Cooperation. For instance, the U.S.-Jordan agreement provides that the parties ensure the “effective implementation of Jordanian environmental laws.”

⁶The administration made concessions to the Democratic Party on six issues in the May 10th Agreement of 2007, covering the issues of labor, environment, intellectual property, investment, government procurement, and port security. On each of those issues, the government invoked the authority of various outside parties. For example, on labor, multiple clauses in the agreement were designed based on the ILO Declaration on Fundamental Principles and Rights at Work. Similarly, the intellectual property issue used the TRIPS Agreement as a reference point. Regarding environmental issues, the government pledged to incorporate seven IOs—CITES, the Montreal Protocol, MARPOL, IATTC, the Ramsar Convention on Wetlands, IWC, and CCAMLR—in its trade agreements.

under Bush paid special attention to illegal logging during the trade negotiations with Peru and Indonesia.⁷ Despite the importance of the forestry issue, however, the administration did not recognize the ITTO in designing forestry-related clauses in trade agreements. This approach is in stark contrast to the administration's approach on the conservation of marine species. While the government widely recognized and deferred to the authority of CITES, it also recognized the authority of the Inter-American Tropical Tuna Convention (IATTC), the Convention on Conservation of Antarctic Marine Living Resources (CCAMLR), and the International Whaling Convention (IWC), despite their overlap with the CITES jurisdiction. In sum, the government over-recognized environmental IOs regarding protection of marine species while under-recognizing forestry-related IOs, despite its membership in those IOs.

What explains the variation? According to the theory of IO recognition, the government tends to recognize IOs with more ties to their domestic activist groups in order to attract their support for trade agreements. Figure 2 illustrates this pattern. The plot visualizes a snapshot of the ties that CITES, the ITTO, and IWC had with advocacy groups two years before 2007, when the Bush administration implemented the practice of IO recognition. Following previous studies, I measure IO-activist ties based on activists' attendance at conferences and meetings hosted by IOs (Sikkink 1993).⁸ Most importantly, I find that CITES and IWC had more ties to activists in the U.S. (approximately 30% in CITES, and 35% in the IWC), than did the ITTO (15%). Upon closer examination, one notes that CITES had a disproportionately large number of ties to NGOs based in the Global North. This trend is equally salient in the IWC: activists operating in the Global North (i.e. the Environmental Investigation Agency, Humane Society International, the American Cetacean Society) were more likely to gain access to the IWC, while those operating solely in developing or less developed countries did not have a presence in the IWC. By contrast, the ITTO tended

⁷Environment in Bush Records, Policy Memos: A Timeline (2001-2008) United States Trade Representative for Bush Administration's understanding of illegal logging in the trade context.

⁸Sikkink maintains that IGO-NGO networks can take the form of informational coordination (i.e. the exchange of reports, telephone calls, and attendance at conferences and meetings), or the formal granting of consultative status in IOs.

to receive NGOs with an exclusive focus on developing and less developed countries. This pattern lends support for the theory of IO recognition, showing that the U.S. government recognized IOs with more ties to activists operating in the U.S.

Alternatively, there is little evidence in support of the protectionist hypothesis. The presence of commercial interests was more pronounced in the ITTO than in the other two IOs during this period. For instance, the ITTO gave observer status to numerous trade associations such as the Japan Forest Technology Association and the International Wood Products Association throughout the 2000s. The proportion of economic interest groups in the ITTO amounted to 35%, which constituted an almost equal representation of commercial and environmental interests, especially in the IWC. The presence of commercial interests is not as prominent in the other two IOs; less than 15% of the NGOs with ties to the IWC represented economic interest groups. Further, the IWC did not have any ties to the American whaling industry, which by this point was almost extinct. Altogether, evidence suggests that IO recognition is primarily designed to placate domestic environmental groups rather than commercial interests.

A critical consideration is whether the Bush administration gained support for its pending trade agreements from activists due to IO recognition. Below, I present two pieces of evidence that support the theoretical predictions. First, I show that environmental advocacy groups across the board supported the trade agreements when the Bush administration committed to recognizing seven environmental agreements in 2007. That said, secondly, I show that the level of support was more salient and durable among the organizations with ties to the seven IOs than those without.

The level of enthusiasm around the May 10th agreement was high and undivided in the environmental community. At the inception of the May 10th agreement, numerous advocacy organizations across sectors issued a statement commending the agreement. As expected, NGOs such as the Environmental Investigation Agency (EIA) and the Humane Society International (HSI) hailed the decision. For instance, the president of the HSI said of the

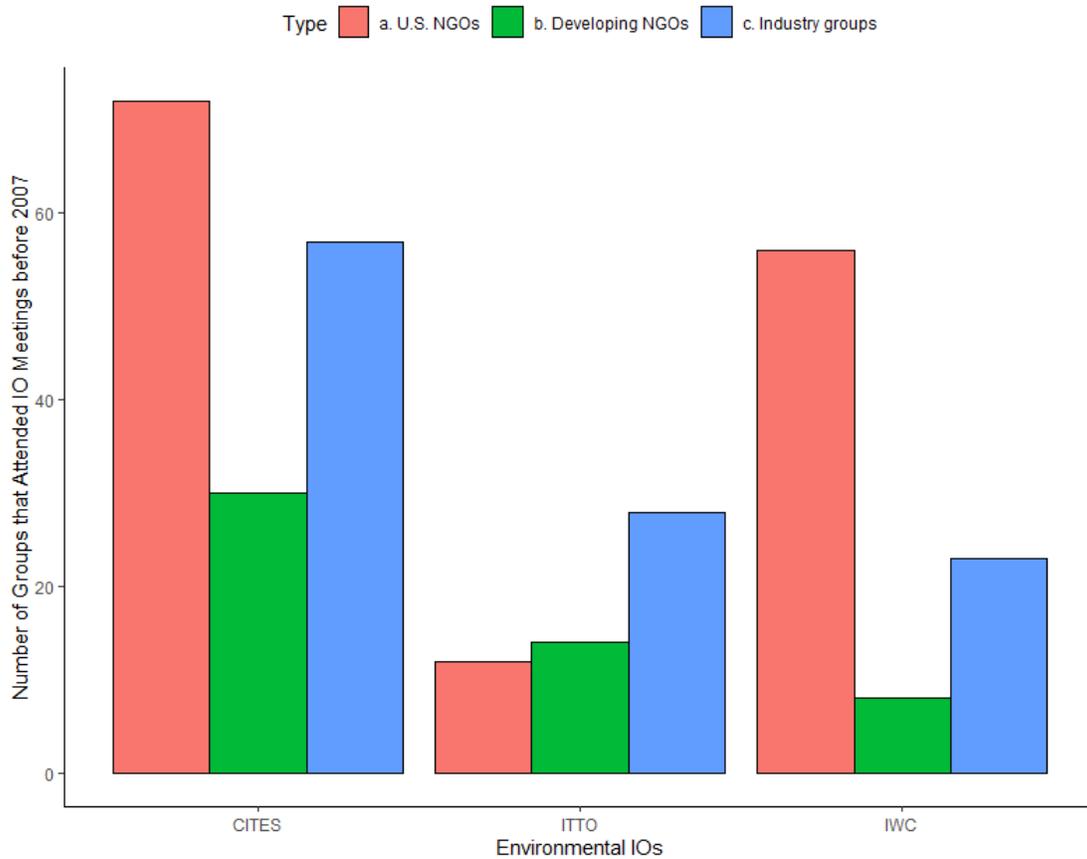


Figure 2 – Non-governmental Actors in CITES, IWC, and ITTO

Peru trade agreement that “we are very pleased that multilateral environmental agreements are specifically provided for (Forkan 2007).” Even the organizations known to have taken a cautious approach to trade-environmental linkages, such as the Sierra Club, Defenders of Wildlife, and Friends of the Earth! (FoE), initially took a positive stance on the government’s decision to recognize the seven environmental agreements.⁹ These three organizations issued a statement commending the Democratic leadership for “achieving important environmental progress in Peru and Panama FTAs, particularly by requiring enforcement of certain environmental treaties (Statement by Defenders 2007).”

However, NGOs have increasingly taken different stances on trade agreements since the

⁹The unequivocal endorsement of the May 10 agreement was an exception rather than the norm. For instance, the environmental community had been divided on the merit of the environmental clauses in the Dominican Republic—Central America Free Trade Agreement (CAFTA-DR), in which IO recognition was mostly absent.

May 10 agreement, depending largely on their ties to the recognized IOs. The divergence is clear when two organizations—EIA and the Sierra Club—are compared. For starters, EIA maintained its pro-linkage stance, as it had numerous ties to the seven environmental IOs throughout the 2000s. EIA participated in the annual meetings on CITES, the IWC, and the Montreal Protocols regularly. Consistent with my conjecture, EIA remained generally optimistic about the May 10th agreement five years after that agreement in 2007. The organization viewed trade agreements as capable of providing opportunities to “address the biggest global environmental issues in a globalized economy” if done in the right way (Von Bismarck 2012). Recognizing that some NGOs that were going to “have a hard time ever being champions of a FTA for very good reasons,” the then-director of EIA justified its pro-linkage position by touting the May 10th agreement as a “new principle in global trade” (Von Bismarck 2012).

Once the U.S.-Peru trade agreement went into force, EIA used the linkage clauses to mobilize international audiences in the recognized IOs against Peru’s non-compliance. For example, in 2012, EIA released its findings based on a two-year investigation on Peru’s forestry sector. In this investigation, the organization found that the Peruvian logging operation involved fraudulent documentation and wood laundering. The illegal logging methods were used for both CITES-protected and non-CITES wood (Inside U.S. Trade 2012); EIA thus had two legal avenues it could pursue, since the illegal logging practice was in violation of both CITES and the U.S.-Peru trade agreement. As such, EIA decided to use both. On the one hand, it petitioned the USTR to carry out audits of shipments of bigleaf mahogany and Spanish cedar (The Office of the USTR 2012). In addition, EIA’s request centered around CITES-protected wood species (i.e. bigleaf mahogany and Spanish cedar), as the organization thought it would be difficult to obtain verifiable information on transactions regarding non-CITES species (The Office of the USTR 2012). It can be inferred that EIA found it difficult to convince the government to take meaningful action without fine-grained

information collected under CITES.¹⁰ Further, the USTR would find it difficult to dismiss the U.S. commitment to CITES, especially when it had made an explicit commitment to use CITES as a benchmark to assess the impact of trade on the environment. As illustrated, EIA supported the trade agreement with the intention of using the linkage clauses in coordination with the recognized IOs.

By contrast, the Sierra Club reverted back to its traditional anti-linkage position soon after the May 10th agreement. On the international front, the Sierra Club only participated in the 1999 meeting held by the Ozone Secretariat for the Montreal Protocol and in the 2000 meeting at the IWC. Instead of engaging in additional international meetings, the organization focused on cultivating local chapters in the U.S. Although the Sierra Club welcomed the government's efforts to strengthen environmental clauses, its fundamental stance on trade agreements remained as it had been. For instance, the organization commented on trade-environmental and labor linkages as "less prescriptive and more aspirational" in 2009 (E&E News PM 2009). In particular, the organization questioned the government's commitment to enforcement of the linkages.

In June 2007, the Sierra Club formed an alliance called the Blue-Green Alliance with the United Steelworkers (USW) under the banner of "Good Jobs, a Clean Environment, and a Safer World (Willet 2006)." In doing so, the Sierra Club consolidated its coalition with protectionist interest groups immediately after the May 10th agreement. In 2007, the Blue-Green Alliance intervened in a case on the Indonesian government's subsidies on paper products. The Sierra Club pushed for the idea in an attempt to curb the trade of illegally logged timber and wood products, while the USW's rationale was protection of the related industries. In this vein, the Sierra Club demanded that the U.S. government authorize countervailing duties against companies that profit from illegal logging (Business Wire 2007). Thus, unlike pro-linkage EIA, the Sierra Club's strategy was to target unfair trade subsidies

¹⁰See Environmental Investigation Agency (2012). Specifically, EIA says that their analysis was "only able to identify irregularities associated with CITES-listed species due to the greater documentation requirements; it is therefore almost certainly the case that illegal timber of other species has also entered the US during this same period."

in coordination with protectionist interest groups.

In short, the two organizations—with different levels of ties to environmental IOs—tended to develop different stances on trade agreements. EIA, an organization with numerous ties to the recognized IOs, was more optimistic about the effect of trade-environmental linkages and used its ties to the IOs (i.e. CITES) to publicize Peru’s poor compliance behavior. On the contrary, the Sierra Club, not having such ties, allied with labor unions and demanded protectionist measures to protect the environment.

Coalition Hypothesis 2. Government’s Linkage Strategy and IO-Activist Ties

In this section, I statistically test whether the U.S. government is more likely to recognize IOs with more ties to U.S.-based activists in designing environmental clauses in trade agreements. To do so, I construct a data set on environmental clauses in eleven select trade agreements that involve the U.S. from 2000 to 2016. These are the U.S.-Jordan agreement (2000), the U.S.-Singapore agreement (2003), the U.S.-Australia agreement (2004), the U.S.-Bahrain agreement (2004), the U.S.-CAFTA-DR agreement (2004), the U.S.-Morocco agreement (2004), the U.S.-Colombia agreement (2006), the U.S.-Peru agreement (2006), the U.S.-Korea agreement (2007), the U.S.-Panama agreement (2007), and the Trans-Pacific Partnership (2016). I limit the scope of the data to post-2000 agreements, because the 2000 Jordan agreement represents a turning point at which environmental issues made their way into trade discussions on a regular basis.

Because my goal is to explain the propensity of the U.S. government to recognize environmental IOs, I select nineteen environmental IOs that the U.S. government is most likely to recognize, and I then exploit variation in the frequency of recognition among those IOs. Here, I select the most likely cases based on two sources: a) the 2000 World Trade Organization’s Matrix on Trade-Related Measures Pursuant to Selected Multilateral Environmental Agreements, and b) the USTR’s trade-environmental review documents. First, starting in 2000, the Committee on Trade and Environment within the WTO began to recognize multi-

lateral environmental agreements that “include provisions to control trade in order to prevent damage to the environment (WTO 2000).” In its 2000 version, the Committee recognized eleven relevant environmental agreements.¹¹ Additionally, I consider other environmental agreements that the USTR considered as trade-related based on its review documents. The USTR conducts reviews on the impact of potential trade agreements on the environment prior to the signing of any new agreements. While there is some overlap with the agreements considered in the WTO matrix, the USTR considered other agreements that did not contain trade-related measures. I also include those agreements in the data set as they provide important information on why the U.S. chooses to recognize certain environmental agreements even when they are not recognized as trade-relevant by the WTO.¹²

The main explanatory variable is U.S.-based activists’ ties to the select IOs. I measure activists’ ties by the number of U.S.-based advocacy organizations that participated in the annual conferences of the IOs in the year prior to each trade agreement’s signing, drawing data from the annual reports of the environmental IOs. Since some environmental groups tend to have transnational networks, it is not always clear whether they operate in the U.S. I thus measure their ties to the U.S. based on their tax status in the U.S. Specifically, if an advocacy group falls into the category of tax-exempt organizations under 501(c)(3) or 501(c)(4) as defined in U.S. tax laws, the organization is coded as U.S.-based. For example, if Greenpeace, a transnational group, operated in the U.S. in the year prior to the signing of a trade agreement, it is recorded as U.S.-based.¹³ For example, if Greenpeace, a transna-

¹¹These agreements are 1) the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal; 2) Convention on Biological Diversity (CBD); 3) CITES; 4) Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR); 5) Cartagena Protocol on Biosafety; 6) Rotterdam Convention on the Prior Informed Consent Procedure; 7) Montreal Protocol on Substances that Deplete the Ozone Layer; 8) International Tropical Timber Organization (ITTO); 9) International Convention for the Conservation of Atlantic Tunas (ICCAT); 10) United Nations Framework Convention on Climate Change (UNFCCC); and 11) Kyoto Protocol.

¹²These agreements are 1) AIDCP, 2) the UN Convention to Combat Desertification, 3) FAO Agreement on Fishing Vessels, 4) FAO fisheries code, 5) Inter-American Tropical CC (IATTC), 6) International Whaling Convention (IWC), 7) IUU Fishing Plan of Action, 8) MARPOL, 9) NAAEC, 10) Ramsar Convention, 11) the 1982 UN Fish Stock Agreement, 12) the Vienna Convention, 13) the FAO Agreement on Port State Measures, and 14) North American Agreement on Environmental Cooperation (NAAEC).

¹³Organizations that fall into 501(c)(3) are “organizations for any of the following purposes: religious, educational, charitable, scientific, literary, testing for public safety, fostering national or international

tional group, operated in the U.S. in the year prior to the signing of a trade agreement, it is recorded as U.S.-based.

I also include a variable that measures business ties to IOs. As the protectionist hypothesis predicts, some studies view environmental provisions as non-tariff barriers. In other words, those studies find that industries are the main driver behind stricter environmental provisions. To test this hypothesis, I include the levels of industry ties to environmental IOs in the same manner that I measure activist ties to the IOs. I measure industry ties by the number of commercial interest groups that participate in the annual conferences of the IOs as observers. For example, groups in this category range from the International Fertilizer Industry Association and the International Federation of Fruit Juice Producers to the World Federation of Agricultural and Food Workers. If the protectionist hypothesis is valid in the context of IO recognition, the government will be more likely to recognize IOs with more ties to businesses than to activists. Table 1 reports the summary statistics of the data.

Table 1 – Summary Statistics of the Main Data Set

Statistic	N	Mean	St. Dev.	Min	Max
IO Recognition (Outcome)	219	1.34	3.51	0	24
IO-U.S. Activist Ties (H2)	219	9.01	9.88	0	41
IO-Business Ties (H3)	219	12.83	16.98	0	107
IO-Transnational Activist Ties	219	8.80	9.95	0	43

In this analysis, I use negative binomial regressions, as *IO recognition* is a highly zero-inflated count variable. Table 2 reports the incident risk ratios of IO recognition. The first model tests the main hypothesis on the relationship between IO recognition and IO ties to U.S.-based activists. In line with the theoretical prediction, the coefficient on IO-activist ties is positively correlated with IO recognition and significant at the 5% level. Substantively,

amateur sports competition (as long as it doesn't provide athletic facilities or equipment), or the prevention of cruelty to children or animals." 501(c)(4) organizations are "Civic leagues, social welfare organizations and local associations of employees, created to promote community welfare for charitable, educational or recreational purposes." Access dates are January 20-25, 2018.

the model predicts that the government is expected to include an additional clause that recognizes an IO if the IO has ties to thirty U.S.-based environmental groups.

Model 2 tests the protectionist hypothesis. If this theoretical conjecture is valid, IO ties to businesses should be positively correlated with IO recognition. The result indicates that the protectionist hypothesis has little empirical support; in fact, the results suggest that the government tends to avoid recognizing IOs with ties to businesses. The coefficient on IO-business ties is negatively correlated with *IO Recognition* and highly significant at the 1% level. This is consistent with the main theoretical argument regarding the government’s motivation for IO recognition. I theorized that the government’s principal objective in recognizing IOs is to assuage activists’ fears of enforcement failure, not businesses’. If the goal is to assuage activists’ fears, recognizing IOs with a strong business presence would be counterproductive.

Table 2 – Likelihood Ratio Test of Negative Binomial Models on IO Recognition in Trade Agreements Negotiated by the U.S.

	DV: IO Recognition		
	(1)	(2)	(3)
IO-US ACTIVIST TIE	0.02*** (0.01)		
IO-BUSINESS TIE		-0.01*** (0.003)	
IO-TRANSNATIONAL ACTIVIST TIE			-0.06*** (0.01)
CONSTANT	0.08 (0.41)	0.44 (0.42)	0.74* (0.40)

*Notes: Standard errors clustered at the trade agreement level. ***p < .01; **p < .05; *p < .1*

Lastly, one may ask whether IO recognition is a function of IO ties to prominent transnational environmental groups, not those operating in the U.S. To test this possibility, I include a variable that captures the number of transnational environmental groups that attend an IO’s meetings. I manually code whether environmental groups are transnational based on

information on their websites or annual reports. The results in Model 3 show that the government is less likely to recognize IOs with ties to transnational environmental groups. Overall, these results from Models 2 and 3 indicate that the government carefully chooses IOs with ties to environmental groups that can wield strong influence on domestic environmental audiences, not businesses or audiences outside the U.S.

Robustness Tests

I conduct additional analyses based on a secondary data set that I created based on the USTR's environmental review documents. The USTR conducts written environmental reviews prior to the signing and ratification of trade agreements. I exploit the contents of each review paper to determine the government's considerations in choosing which environmental agreements to recognize in each trade agreement. This data set is distinct from the main data set, in that it captures the range of environmental agreements that the U.S. government considered rather than those accepted by its partner governments. This supplementary test may provide additional support for the argument, because it tests whether IO recognition is primarily done to placate environmental groups based in the U.S. instead of its negotiating partners. Because the USTR issues the review documents during the bargaining stage, any similar results across the two data sets—one with information on the bargaining phase and the other on the post-bargaining phase—would suggest that U.S. domestic concerns are the main driving force behind IO recognition in environmental clauses. If environmental clauses represent a policy tool to help industrializing countries narrow the gap on the environmental front, the previous results based on the main data set and those derived from the current tests would diverge, because the main data set is a product of both international and domestic bargaining. If we find similar results across the two data sets, this would suggest that environmental clauses are more or less a function of the proposing country's (i.e., the U.S.'s) domestic preferences.

The USTR conducts one or two environmental reviews in order to assess each trade agree-

ment’s impact on the environment. The assessments are largely based on input from the Trade and Environmental Policy Advisory Committee (TEPAC). The TEPAC is an advisory committee that “provides policy advice on issues arising in connection with the development, implementation, and administration of the trade policy of the U.S. that involve the environment” (Charter of the TEPAC). The committee is composed of representatives from “environmental interest groups, industry, agriculture, academia, consumer groups, services, and non-governmental organizations” (Charter of the TEPAC). For instance, the members of the TEPAC in 2018 include EIA (an environmental group), Bumble Bee Seafood (industry), International Wood Product Association (industry), and scholars, among others. These actors collectively assess a potential trade agreement’s impact on the environment and make proposals on the legal language that should or should not be included in the final text of a trade agreement. During this process, they consider various environmental agreements and IOs as reference points and use those rules and organizations to justify their assessments. Taken together, the environmental review process is an important agenda-setting phase for domestic actors.

I examine whether domestic actors recognize environmental IOs with stronger ties to U.S.-based activists in this review process. The outcome variable is the number of references to an environmental agreement/IO in each environmental review document. The unit of analysis is therefore the review-IO. Table 3 reports the summary statistics of the data set. I

Table 3 – Summary Statistics of the Supplementary Data Set

Statistic	N	Mean	St. Dev.	Min	Max
IO RECOGNITION (Outcome)	224	1.92	5.72	0	40
IO-US ACTIVIST TIE	224	9.15	10.88	0	41
IO-BUSINESS TIE	224	10.35	15.25	0	107
IO-TRANSNATIONAL ACTIVIST TIE	224	7.08	9.67	0	43

estimate negative binomial regression models, with results reported in Table 4. I find several noteworthy patterns in the results. First, consistent with the results from the main analysis,

members of the TEPAC are more likely to consider IOs with more ties to U.S. activists. The results from Model 1 indicate that the variable IO-activist ties is positively correlated with IO recognition and significant at the 5% level. Substantively, the findings indicate that TEPAC members are approximately 14 times more likely to consider an IO when the IO’s ties to U.S.-based activists increase from 0 (the minimum) to 40 (the maximum). Second, the results remain robust to the inclusion of other variables such as IO-business ties and IO-transnational activist ties. The results from Models 2 and 3 show that IO-business ties and IO-transnational ties are negatively correlated with IO recognition at this agenda-setting stage. Overall, the robust significance and magnitude of IO-activist ties in both the main and supplementary tests demonstrate that domestic environmental groups’ demands are more important concerns than those of businesses or transnational groups when it comes to the designing of environmental clauses in trade agreements.

Table 4 – Likelihood Ratio Test of Negative Binomial Models on IO Recognition in U.S. Environmental Review Documents

	DV: IO Recognition		
	(1)	(2)	(3)
IO-US ACTIVIST TIE	0.08*** (0.01)	0.12*** (0.01)	0.10*** (0.02)
IO-BUSINESS TIE		-0.06*** (0.01)	
IO-TRANSNATIONAL ACTIVIST TIE			-0.06** (0.02)
CONSTANT	-0.70*** (0.27)	-0.52* (0.28)	-0.55** (0.27)

*Notes: Standard errors clustered at the trade agreement level. ***p < .01; **p < .05; *p < .1*

Conclusions

This article shows that a liberalizing government can stabilize hybrid coalitions between pro-trade businesses and environmental activists by recognizing the authority of IOs in designing

environmental clauses. In particular, it demonstrates that trade agreements' linkage to IOs with ties to activists can serve as a commitment device for activists. IO recognition mitigates activists' fear of the government's defection in the post-ratification stage and facilitates the passage of trade agreements by promoting pro-trade support among activists with ties to recognized IOs.

In keeping with the theory's predictions, the findings presented in this article show that the U.S. government tends to recognize IOs with more ties to environmental groups that operate in the U.S. By committing to recognize and defer to IOs with ties to these activists that can shape public opinion on trade among environmentally conscious audiences, the government can make credible commitments to its domestic audiences regarding compliance with environmental provisions. Further, the case study shows that activists with external ties to recognized IOs are more likely to lend support to trade agreements than those without such ties.

The findings shine light on how political leaders in industrialized democracies have patched together pro-trade coalitions in times of backlash against economic liberalization. Since the 1990s, it has become difficult to form pro-trade coalitions without appealing to non-economic value-based stakeholders such as environmentalists. In 1993, the Clinton administration had to negotiate an environmental side deal to placate environmentalists to pass the NAFTA Implementation Act in Congress. More recently, Emmanuel Macron, the French president, demanded that the European Union include the Paris Climate Agreement in every future trade agreement with non-E.U. countries. This paper closely examines the practice of issue linkage and in doing so demonstrates that embedding liberal values alone is not sufficient to form lasting coalitions between businesses and activists. That outcome requires sophisticated political skills and attributes, such as IO recognition, to form lasting coalitions between pro-trade businesses and activists.

There are a few important scope conditions for this argument. First, IO recognition may operate differently in other non-trade issue areas depending on the regime structures of

those issue areas. For example, governments frequently include and endorse labor standards adopted by the International Labor Organization (ILO) in their trade agreements. While the environmental regime complex is composed of multiple loosely connected IOs (Keohane and Victor 2011), the ILO is the sole dominant player that constitutes the labor regime complex. Because the ILO serves as a clear focal point for labor stakeholders, liberalizing governments may have incentives to coordinate with the ILO more directly in designing labor provisions (Interview 2019b). When it comes to environmental linkages, it is less likely that governments seek inputs from environmental IOs, because there are simply too many of them.

Second, the findings may be less generalizable to new democracies and authoritarian countries. At the start of the study period, the combined income of NGOs in the U.S. was approximately 8% of the American economy (Stroup 2012; Salamon 1999). As such, the government has viewed NGOs as an important partner in solving problems stemming from rapid globalization. The same may not be true in other countries where non-profits do not have the same level of influence. In authoritarian countries where activists have only limited access to their governments, governments may not have any incentive to use IO recognition to gain activists' support for trade deals. Future studies are needed to further explore the possibility that IO recognition promotes support for trade deals in this particular political context.

More generally, this paper represents a contribution to the literature on the feasibility of liberalization in times of a strong anti-globalization backlash. Although researchers have studied how embedded liberalism facilitates trade liberalization, there has been little consideration of the role of IO recognition. As countries strive to gain support for trade agreements from their domestic audiences who prioritize post-materialistic values over economic prosperity, it becomes important to understand how value-based issue linkages can be seen as credible. This article has prepared the ground to address this question by examining environmental provisions in U.S. trade agreements. Future studies are warranted to explore the

conditions in which IO recognition is more or less likely to have an impact on the feasibility of economic liberalization.

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