

NORMATIVE VS COMMERCIAL INTERESTS:

Negotiating Human Rights Conditionality in the EU
Free Trade Agreements with Singapore and Vietnam

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Master Thesis

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Words: 27.493

M.Sc. International Public Management and Policy

Erasmus University Rotterdam

16 July 2019



ABSTRACT

The question of whether the European Union (EU) is a normative actor that uses its immense market power to be a force for good is one that has kept scholars intrigued for decades. Exporting its values and enhancing its economic capacity are two key foreign policy interests of the EU, which intersect in the human rights conditionality clauses included in its trade agreements. Despite its rhetoric, when conflict between these interests arises the EU tends to let commercial interest prevail and make concessions. This study examines why this is the case, by offering a case study of the bilateral trade agreements that the EU has concluded with Singapore (2014) and Vietnam (2015). The research is executed through a congruence analysis that tests the complementary explanatory power of two theories when applied to these two trade agreements. The two theories chosen for this research are an adapted version of Graham T. Allison's Bureaucratic Politics model and a qualitatively applied variant of Heike Klüver's Exchange model. The former presupposes that each EU institution has a clear set of preferences when it comes to human rights conditionality, that the clashing preferences create bureaucratic competition and that the salience of the negotiations determines how prepared the European Parliament and the European External Action Services (EEAS) are to advocate stronger human rights provisions. Klüver's Exchange model, meanwhile, presupposes that the content of the conditionality clauses is the result of interest group lobbying, in which lobbying success depends on how effectively lobbying coalitions can offer information, civil support and backing of economic power to the Commission in exchange for influence. Using both theories allows for an examination of how EU institutions, interest groups and their interaction shape the EU's position on human rights in trade negotiations.

The empirical analysis shows that the commercial interests of the EU institutions and the lobbying by business interests groups reinforced each other during the trade negotiations with Singapore and Vietnam. In both cases, conditionality was contested and consequently bureaucratic competition broke out between the EU institutions about whether to prioritise norm promotion or commercial interests. Eventually, this competition was skewed in the favour of the former, also in part due to the current decision-making rules, which include a larger formal role for the Council and the Commission, with the Parliament only being able to withhold its consent, as well as the compartmentalisation of trade-related and human rights-related issues. Moreover, lack of saliency meant that the Parliament drew very few red lines in both cases. Commercial interests were also more prevalent in the interest group mobilisation patterns during the negotiations, which featured predominantly business lobbying. Those groups pushing for liberalisation and a rapid conclusion of the negotiations were more energetic in their lobbying activities compared to the groups pushing for higher regulatory standards. Meanwhile, the Commission actively sought out these groups, more than NGOs and other CSOs, to ask for their input and support for the trade agreements. All three propositions of the Bureaucratic Politics model were confirmed but there was insufficient evidence to confirm all of the Exchange model's propositions. The model nevertheless offers a promising way to empirically capture the influence of interest groups on the content of trade agreements.

ACKNOWLEDGEMENTS

For almost every academic program, be it a bachelor's or master's, the thesis is the glorious final climax, the apotheosis of scholarly skill and personal persistence, in which all that has been learned is supposed to blend together to form this one final product that defines your growth as a student. No wonder then that for most the process of writing this leviathan-essay into existence is also incredibly intimidating and daunting. From seeking inspiration for a topic to connecting the dots in the conclusion, the road towards here has been filled with a few side-tracks, many moments of stress and countless hours spent behind my laptop. At the same time, I have learned an astounding amount, both about the topic and about myself, which I hope is reflected in this piece.

Luckily, I had many travel companions along the way who kept the loneliness at bay and offered various methods to keep me sane. Many thanks for my parents and their partners, who were the rocks I could always turn to for moral support, perspective and a much-needed nutritious meal; for my housemates, who had to deal with my often self-induced anxieties all the time, since I am one of those nutty people who study at home, but who were nonetheless very happy to strongarm me into the occasional break or delight me with tea and snacks (an extra shout-out to Max Peters for the beautiful front page); my brothers and sister of the Thesis Circle, who while sharing the same fate were a regular source of helpful feedback and silly banter throughout this whole process and, lastly, my other family members, class mates and friends who have helped me reach the finish line with their backing, grounding or just by being there.

Naturally, I would also like to offer my deepest gratitude to professor Grand, who has been a tremendous supervisor and coach from start to finish. Knowing that he was always available for feedback or gentle but firm nudges into the right direction gave me the courage to largely chart my own course without fear for getting lost in the storm. In addition, I would like to thank professor Haverland, who helped me in my quest for a second master's program and whose insightful comments provided the polishing needed to finish a thesis of which I am immensely proud.

Pieter-Bas van Suijlichem

LIST OF ABBREVIATIONS & ACRONYMS

ACP	African, Caribbean and Pacific Group of States
ACTA	Anti-Counterfeiting Trade Agreement
AFET	Committee on Foreign Affairs
ASEAN	Association of Southeast Asian Nations
CARIFORUM	Caribbean Forum
CCP	Common Commercial Policy
CETA	Comprehensive Economic and Trade Agreement
CFSP	Common Foreign and Security Policy
Commission	European Commission
Council	Council of the European Union
CSDP	Common Security and Defence Policy
CSO	Civil Society Organisation
DG Trade	Directorate-General Trade
ECFI	Confederation of the Footwear Industry (ECFI)
EEAS	European External Action Service
EEC	European Economic Community
ETUC	European Trade Union Confederation
EU-ABC	European Union-ASEAN Business Council
EUSFTA	European Union-Singapore Free Trade Agreement
EUSPCA	European Union-Singapore Partnership and Cooperation Agreement
EUVFTA	European Union-Vietnam Free Trade Agreement
EUVFACPC	European Union-Vietnam Framework Agreement on Comprehensive Partnership and Cooperation
FAC	Foreign Affairs Council
FDI	Foreign Direct Investment
FIDH	International Federation for Human Rights
FTA	Free Trade Agreement
GDP	Gross Domestic Product
GLC	Government-Linked Corporation
GNI	Gross National Income
HR	High Representative of the European Union
IA	Impact Assessment
ILO	International Labour Organisation

INTA	Committee on International Trade
IPE	International Political Economy
IR	International Relations
MEP	Member of the European Parliament
NGO	Non-Governmental Organisation
Parliament	European Parliament
PCA	Partnership and Cooperation Agreement
RTA	Regional Trade Agreement
SWIFT	Society for Worldwide Interbank Financial Telecommunication Agreement
TEU	Treaty of European Union
TFEU	Treaty on the Functioning of the European Union
TPC	Trade Policy Committee
TSD	Trade and Sustainable Development
WTO	World Trade Organisation

LIST OF CONTENTS

ABSTRACT.....	2
ACKNOWLEDGEMENTS.....	3
LIST OF ABBREVIATIONS & ACRONYMS	4
1. INTRODUCTION.....	8
1.1 Problem statement.....	8
1.2 Research aim and research questions.....	9
1.3 Theoretical and social relevance	10
2. BACKGROUND.....	12
2.1 Free trade agreements.....	12
2.2 Closing a free trade agreement.....	13
2.2.1 The FTA negotiation stages	13
2.2.2 Partnership and Cooperation Agreements	15
2.3 EU trade policy under the Treaty of Lisbon	15
2.4 Human rights conditionality.....	16
3. LITERATURE REVIEW.....	19
3.1 Overview.....	19
3.2 ‘Power in trade’ vs ‘power through trade’.....	21
4. THEORETICAL FRAMEWORK.....	24
4.1 Selection and specification of theories	24
4.2 Bureaucratic Politics.....	24
4.2.1 Development	24
4.2.2 Core assumptions.....	25
4.3 Theorising interest group influence.....	27
4.3.1 Definitions	27
4.3.2 Types of interest groups.....	27
4.3.3 Theories on interest group politics.....	28
4.3.4 Klüver’s Exchange model.....	29
5. RESEARCH DESIGN.....	31
5.1 Available methods for case studies.....	31
5.2 Congruence analysis.....	32
5.3 Case selection.....	33
5.4 Data collection	34
6. OPERATIONALISATION	35
6.1 Deducing propositions	35

6.2	Propositions: Bureaucratic Politics model.....	36
6.3	Propositions: Klüver’s Exchange model.....	37
7.	ANALYSIS.....	38
7.1	The human rights clauses in the FTAs and PCAs with Singapore and Vietnam	38
7.1.1	Singapore	38
7.1.2	Vietnam	39
7.2	Applying the Bureaucratic Politics Model.....	40
7.2.1	Proposition 1.....	40
7.2.2	Proposition 2.....	43
7.2.3	Proposition 3.....	47
7.3	Applying the Exchange Model.....	50
7.3.1	Proposition 1.....	50
7.3.2	Proposition 2.....	52
7.3.3	Proposition 3.....	54
7.3.4	Proposition 4.....	57
8.	CONCLUSION	60
8.1	Answering the research question.....	60
8.2	Limitations	62
8.3	Recommendations	62
	BIBLIOGRAPHY	64
	Interviews	64
	Academic	64
	Non-academic	76
	Pictures on cover page	85
	ANNEX.....	86

1. INTRODUCTION

“The EU’s approach towards ASEAN is formed by the pursuit of business interests in the Southeast Asian markets, on the one hand, and its self-perception as a champion for human rights, rule of law and environment, on the other. In its actual policy, the EU has struggled to make substantive achievements in either of these goals.”

(EURACTIVE, 2014)

In December 2012, negotiations for a free trade agreement (FTA) between the European Union (EU) and Singapore were concluded. In the same month, three years later, negotiations for a similar agreement were concluded with Vietnam. Both agreements were the first of their kind with members of the Association of Southeast Asian Nations (ASEAN) and part of a larger effort of the EU to seek bilateral deals in response to the failure of multilateral trade negotiations in the Doha Round, which have been deadlocked since 2001. Not only are the EU-Singapore FTA (EUSFTA) and EU-Vietnam FTA (EUVFTA) commercially significant but they also symbolise a continuation of the EU’s longstanding practice of including non-trade issues (NTIs), such as human rights, in its trade agreements. Since 1995, the EU has included human rights clauses in every economic agreement it has concluded with third countries. The Treaty of Lisbon (2009) institutionalised this practice and since then human rights have become the “silver thread” in EU external relations, with using trade preferences as incentives being a key tool for the promotion of human rights (Commission, 2011; Council of the EU, 2012). Anchoring the promotion of values in its external agenda has led the EU to being dubbed a ‘normative power’, i.e. an actor that possesses [...] ‘the ability to define what passes for “normal” in world politics’ (Manners, 2002). Yet, scholars have questioned the commitment of the EU to its normative agenda, especially in the face of competing commercial interests. The content of the human rights clauses as well as the EU’s persistence regarding them has varied per trade partner. In the negotiations with Singapore, the EU did not take a firm stance on human rights, democratic values or labour rights, despite the FTA setting a precedent for future FTAs in the region. In the case of Vietnam, which has a considerably worse human rights record, the EU did not include the explicit option of unilaterally suspending obligations under the FTA in case of human rights violations.

1.1 Problem statement

Within the literature, there are three main branches of theory that seek to explain why the EU attempts to promote its norms and values through its trade policy (Sicurelli, 2015a). According to ideationalists, the EU perceives trade negotiations as platforms for exporting its values and exerting normative power, which is the capability to determine what is normal in international relations (Manners, 2002). Institutionalist explanations focus on the constraints and opportunities of actors when influencing trade policy. Most scholars taking this route have concluded that the normative values of the EU are systematically

marginalised when in conflict with commercial interests (Leeg, 2014; Zimmermann, 2008). The third major theoretical branch emphasizes the role of domestic politics and interest groups, for example the mobilisation capabilities of export-competing groups vis-à-vis protectionist import-competing groups (Elsig and Dupont, 2013). As opposed to institutionalists, who would consider EU bureaucrats to be isolated from societal pressures, this approach presupposes that the positions of the EU taken in the trade negotiations are the result of variable pressures put on EU decision-makers by different interest group coalitions. As will be discussed in more detail in the ‘Literature Review’ chapter, all three approaches have contributed to the academic understanding of why the EU strives to externally promote its values and of the factors that constrain these efforts. However, these approaches cannot fully explain the inconsistent negotiating positions taken by the EU with respect to human rights promotion in trade agreements.

1.2 Research aim and research questions

This thesis seeks to shed light on the decision-making mechanisms in place that shape the EU’s position on human rights conditionality in its free trade agreements (FTAs) with third countries and how these affect coherence in EU foreign policy. More specifically, this thesis attempts to answer two important questions left unanswered in the literature: how is norm promotion in EU trade agreements facilitated and constrained under the relevant procedures? And what are the conditions that shape decision-making outcomes regarding human rights conditionality when tensions arise between commercial and normative interests? To answer these questions, this study will investigate the extent to which the EU’s ambiguous position on conditionality in trade agreements can be explained by considering the effects of competing interests of the different EU institutions as well as interest group politics on decision-making outcomes and how these effects are amplified or mitigated by the current decision-making mechanisms in place. To this end, the explanatory power of two theories, Graham T. Allison’s Bureaucratic Politics model and Heike Klüver’s Exchange model, will be tested in the cases of the EUSFTA and the EUVFTA. This leads to the following research question:

How can the lack of consistent formulation of the human rights conditionality clauses in EU free trade agreements be explained? What additional insights can the Bureaucratic Politics model and Exchange model offer on how the decision-making outcomes concerning human rights conditionality are shaped?

This research will employ a congruence analysis through which the explanatory value of both theories will be tested when applied to the FTAs with Singapore and Vietnam. The aim of this study is to find out what insights both theories can provide on the EU as a norm promoter when compared and jointly applied.

1.3 Theoretical and social relevance

Trade policy is key to understanding the EU as a global actor as it is one of the most integrated areas of European cooperation and the most developed dimension of the EU's foreign relations (Young & Peterson, 2015). The state of the literature on EU trade policy is still rather fragmented because of two important reasons. First, most of the studies conducted on the topic are single case studies focused on individual negotiations and decisions. Secondly, most studies consider specific elements of policy-making in isolation while largely ignoring how these “fit together and interact” (Young & Peterson, 2015:838). In other words, holistic and comprehensive analytical inquiries are relatively rare when it comes to scholarship on EU trade policy. To generate more value in this field of study, more due consideration should be given to the specific circumstances under which certain explanatory claims are more likely to hold true and different theories may prove to be complementary. In this thesis, an attempt will be made to do so.

Recently, the academic discussion concerning the nature of EU trade policy has largely focused on the tension between the EU as market power and the EU as normative power (Kerremans & Orbie, 2009; Manners, 2009; Orbie and Khorana, 2015). More specifically, much attention has been given to the EU's precarious balancing act between value promotion and trade objectives. In this light, research done by scholars like Young (2007), Bossuyt (2009) and Leeg (2014) has shown that on many occasions the EU failed to uphold normative values in the face of competing commercial interests. Studies by McKenzie and Meissner (2017) and Hoang and Sicurelli (2018) have been first attempts at exploring why there is inconsistency between rhetoric and practice when it comes to how the EU negotiates human rights conditionality in FTAs. This thesis seeks to expand on and further consolidate this particular line of research. To do so, this research will add to the existing literature by investigating how bureaucratic competition and interest group politics shape decision-making outcomes in EU trade policy in specific cases. Such an endeavour will increase the general understanding of how different EU foreign policy interests intersect and how tensions between these interests unfold in EU decision-making.

By testing the complementary explanatory power of the two theories under consideration, this thesis also promises to advance scholarship. The Bureaucratic Politics model has been scarcely applied outside of research on the Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP), despite the valuable insights it can give on the ‘black box’ of EU trade policy decision-making. Applying this approach to EU FTAs means examining the preferences of the key actors and their impact on the degree of promotion of EU values in FTA negotiations. A recent incarnation of this framework was developed by McKenzie and Meissner (2017), in which they combine the model with organisational theory, which, shortly put, considers the impact of an organisation's structure on its actions. The result is a model which assumes that decision-making outcomes regarding human rights conditionality in EU trade agreements are shaped by the competition between the organisationally defined preferences of the different EU institutions involved in the decision-making. This updated version so far has only been used in the case of Singapore and to apply it in the analysis of other EU FTAs would improve its external

validity. Meanwhile, Klüver's Exchange model is young and has, to the best of this author's knowledge, never been applied to EU trade policy specifically. Furthermore, Klüver's model is quantitative, meaning that this thesis will make a first attempt at applying the model qualitatively.

Social relevance is acquired when the research results can be used to "understand and solve social problems" (Gerring and Yesnowitz, 2006). Conditionality in trade policy may very well be the most effective tool the EU has at its disposal to pursue its human rights agenda in its external relations (Hafner-Burton, 2005; Orbie, 2011). The vast size of the European internal market makes for incredible leverage which the EU can use to press for more human rights reforms in exchange for highly lucrative incentives such as market access. Consequently, these agreements are exceedingly useful for triggering domestic policy changes in the long term. Lack of consistency can only damage the effectiveness of conditionality overall as it decreases the EU's credibility as a norm promoter. Considering the EU's explicit commitment to value promotion, investigating where this inconsistency comes from is highly significant. Such research can offer valuable insights to EU policy-makers, which they could use to consider and perhaps tackle the underlying mechanisms that bring about this inconsistency. Uncompromisingly defending and promoting European values can mean losing important commercial advantages and falling behind compared to competing trade powers, while it is also inadvisable for the EU to betray its constitutive principles and to ignore the active civil society pressing for the promotion of these principles. Frustration with the lack of success in the deadlocked multilateral trade negotiations in the Doha round has prompted the EU to focus more on bilateral trade agreements, which makes further investigation into the matter even more relevant.

2. BACKGROUND

The purpose of this chapter is to provide some essential background information on EU trade policy in general and human rights conditionality in EU free trade agreements in particular. The chapter will proceed as follows. First, the concept of free trade agreements (FTAs) will be discussed, both in the general framework of the World Trade Organization (WTO) and in relation to the EU. Next, the decision-making procedure with respect to concluding FTAs as well as the key policy actors involved will be described. Furthermore, the legal framework of EU trade policy under the Treaty of Lisbon will be explored (2009). Finally, this chapter will zoom in on the EU's policy on human rights conditionality.

2.1 Free trade agreements

A free trade agreement (FTA) is a legal agreement between two or more partner states which facilitates trade by eliminating tariff and non-tariff trade barriers for a specified period of time. By signing the FTA, the contracting parties establish among themselves a free-trade area in which “the duties and other restrictive regulations of commerce [...] are eliminated on substantially all the trade between the constituent territories in products originating in such territories” (Development Bank of Canada, 2019). As opposed to a customs union, a free-trade area does not entail shared external tariffs on imported goods and as such tariffs against the outside world are maintained.

Free trade agreements are the most common type of regional trade agreements (RTAs), which themselves are defined as “reciprocal trade agreements between two or more partners” by the WTO (2019a). RTAs are by their very nature in conflict with the WTO's most-favoured nation principle, which obliges its members to offer any trading partner the best equivalent of what it offers to any of its partners, regardless of their economic strength or political affinity (Ravenhill, 2017). However, the WTO allows for a country granting more favourable treatment if certain conditions are met to ensure the complementarity with WTO rules, for example to create customs unions such as the European Economic Community (EEC).

The popularity of RTAs has soared since the 1990s; where in 1990 only 25 notified RTAs had been in force, by January 2019 this number has grown to 291 (WTO, 2019b). The most important reason is profound disappointment with the lack of progress in the deadlocked negotiations in the Doha Round that have been going on since 2001 (Baldwin, 2016). Since then, most WTO members have sought to lower barriers to trade, services and investment through regional, bilateral and unilateral channels. Many of these agreements involve what Lawrence (1995) calls ‘deep integration’, which entails the coordination and eventual reformation of domestic policies regulating the business environment in other ways than tariffs. Modern RTAs include provisions on a wide range of issues, ranging from the more traditional ones such as competition rules, product standards and investment guidelines to, more recently, certain so-called non-trade issues (NTIs) that have no direct relation to trade, such as environmental norms and human rights regulations. In fact, an important reason for the EU to shift its focus to FTAs is because it is easier

to press for the inclusion of clauses on NTIs (Vogel, 2013; Lechner, 2016). All so-called ‘new generation’ EU FTAs, which encompass all FTAs concluded after 2006 starting with the EU-South Korea trade agreement (2011), include provisions related to environmental standards, sustainable development and labour standards (Sarkissian, 2018).

In 2017, FTAs covered about 32% of the total EU trade with third countries, amounting to EUR 1179 billion, of which EUR 542 billion was total imports and EUR 637 billion was total exports (Commission, 2017). In that same year, the EU’s largest trade partners under FTAs were Switzerland (7%), Turkey (4.1%), Norway (3.4%) and South Korea (2.7%). The EU’s Common Commercial Policy (CCP), the legislative framework that governs all matters of the EU’s external trade relations, has shifted its focus from multilateralism to bilateralism, despite article 27(h) of the Treaty on European Union (TEU) suggesting an obligation to promote the former. Even though the EU has repeatedly expressed its disappointment with the logjammed Doha Round, the Union continues to present itself as a staunch defender of multilateral trade negotiations (Chaffin, 2011). However, considering the EU’s enthusiastic embrace of bilateral trade agreements, this consistent overstatement of the comparative benefits of multilateralism over bilateralism in terms of trade seems to be more a matter of lip service than practice.

2.2 Closing a free trade agreement

2.2.1 The FTA negotiation stages

Generally, closing a trade deal takes years and many stages. According to a factsheet published by the Commission (2012a), the stages considered most important are:

- Preparing
- Negotiating
- Finalising
- Signing
- Decision-making
- Conclusion
- Entry into force

According to article 17(1) TEU, the Commission is entrusted with the external representation of the Union, except for the CFSP and other specifically designated areas. As such, the main actor in the EU’s policy-making regarding trade is the Commission in general and the Directorate General for Trade (DG Trade) in particular. In the preparation stage, the Commission initiates an impact assessment (IA) of a potential agreement, conducts public consultations with relevant stakeholders on what the goals of the agreements should be and informally sketches the scope of the agreement reflecting the topics both parties want to negotiate on. Usually, the IAs consider whether a trade negotiation is the most suitable way to

improve trade relations with third countries and which issues to include in the negotiations. Next, the Commission sends a recommendation to the Council to start negotiations, informs the Parliament and if necessary proposes several negotiating directives. The Foreign Affairs Council (FAC) configuration of the Council is responsible for the EU's external action and depending on the issues at stake consists of defence ministers (CSDP), development ministers (development cooperation), or trade or foreign ministers. Meetings by the FAC are chaired by the High Representative of the Union for Foreign Affairs and Security Policy (HR) or, when dealing with CCP-related issues, by the member state that at that moment holds the Presidency of the Council (Council of the EU, 2019). If the Council decides to authorise the Commission to open negotiations, it nominates a Chief Negotiator who puts together a negotiating team from members of DG Trade.

In the negotiating phase the Chief Negotiators from both parties organise negotiation rounds which can cover either everything that needs to be discussed or specific topics. After each negotiation round, the Commission informs both the Council and the Parliament. The Council appoints the Trade Policy Committee (TPC), which consists of experts from the member states who assist the Commission, serves as a platform for their possible concerns and to which DG Trade in accordance with art. 207(3) of the Treaty on the Functioning of the European Union (TFEU) must report regularly about the progress made in the negotiations. The Council discusses the latest developments in the TPC while the Parliament does the same in its committee dedicated to the CCP and other external economic relations, the Committee on International Trade (INTA). The INTA may then adopt resolutions on how the talks should continue. Once on both sides a final agreement seems to be in reach, the Council and Parliament are informed by the Commission and sent the final version.

The draft text of the final agreement is scrutinised in the finalising stage. Lawyers and linguists from the Commission and the Council perform 'legal scrubbing', which means reviewing and, if needed, correcting the text of the agreement to ensure that the terms are clear and consistently used and can be interpreted on both sides in the same way. Council lawyers make the draft text signature-ready and the Commission oversees the translation of the text so that it will be available in all 24 official EU languages. The negotiations themselves are generally done in English.

Next comes the signing stage. In accordance with paragraphs 4 and 5 of article 218 of the TFEU, the Chief Negotiator on behalf of the Commission drafts proposal for Council decisions regarding the signing, provisional application and concluding of the trade agreement. Before handing them over to the Council, DG Trade commences the process of inter-service consultation in accordance with article 23 of the Rules of Procedure of the Commission, which requires each lead department to consult all other departments with a legitimate interest in the draft text (Commission, 2012a). These departments review and comment on the proposals, after which the College of Commissioners adopts the proposal through simple majority.

In the decision-making stage, the Council decides on the signing of the agreement and, if affirmative, immediately proceeds with the actual signing. Both parties to the agreement then formally sign

the deal. After signing, the Council examines the Commission's proposal for concluding the agreement and sends it to the Parliament for its consent. INTA discusses the agreement and organises consultations with relevant stakeholders such as business representatives, trade unions, NGOs and other outside experts. INTA drafts a report on the agreement which then serves as the formal advice to the Parliament as a whole, which subsequently votes on whether to give its consent. In the conclusion phase, the Council adopts the decision to approve the agreement and publishes it. Lastly, once both parties have ratified the agreement, it enters into force.

2.2.2 Partnership and Cooperation Agreements

In the absence of an agreement to the same effect already being in place, the EU prefers to conclude a so-called Partnership and Cooperation Agreement (PCA) before starting trade negotiations with a partner state. A PCA provides a legally binding framework for political dialogue to reach converging standpoints on a wide range of issues and to cooperate in areas of mutual concern (EU Monitor, 2019). As opposed to trade agreements, PCAs are negotiated by the European External Action Service (EEAS), which is responsible for the coherence and complementarity of the different branches of external policies and has committed to human rights as a core principle in EU foreign policy (Duke, 2014:29). In the Parliament, it is the Committee on Foreign Affairs (AFET) which normally keeps track of the PCA negotiations. The EEAS is led by the High Representative, who is therefore both *ex officio* a Vice-President of the Commission (replacing the Commissioner for External Relations) and is tasked with ensuring the consistency of the Union's external policies (art. 18(4) TEU). The HR is in that sense 'double-hatted', as she conducts the CFSP with the mandate given by the Council while also being a member of the College of Commissioners.

2.3 EU trade policy under the Treaty of Lisbon

Since the Treaty of Lisbon, the CCP is operated in the larger context of the EU's foreign policy. The Treaty of Lisbon brought all EU external policies together under Part V of the TFEU, making them subject to a more comprehensive and unified set of principles, objectives and procedures to increase the efficiency and coherence of the EU foreign policy as a whole (Woolcock, 2015). Article 207 TFEU provides specific objectives applicable to the CCP but it also states that the CCP shall "be conducted in the context of the principles and objectives of the Union's external action". So, next to the specific objectives of the CCP, the general objectives underlying the EU's external action apply as well. As a result, the Treaty of Lisbon has "put human rights, democracy and the rule of law at the centre of all external action" (Commission, 2011) and has set out the duty for the EU to pursue more types of objectives than just economic ones in its trade policy. The basis for the use of conditionality and the underlying politicisation of trade policy, therefore, lies here. However, the Treaty is silent on the relative importance that should be ascribed to the different objectives pursued by the EU.

The Treaty of Lisbon significantly increased the role of Parliament in the trade policy decision-making procedure in three significant ways. First, the Treaty brought trade policy under the ordinary legislative procedure. Before the Treaty, the consultation procedure applied to the EU trade decision-making, meaning that the Council could accept proposals from the Commission while only having to consult the Parliament. Following article 207(2) TFEU, the Council must now share its powers under the ordinary legislative procedure when adopting the legislation setting out the framework for the implementation of the CCP. However, the Treaty does not grant a formal role to the Parliament in the preparation stage as it is still at the Council's discretion to give the Commission a mandate to open the negotiations. Next, article 207 TFEU involves more opportunities for the Parliament to influence the Commission, as it requires the latter to report regularly to INTA. Thirdly, article 218(6v) TFEU maintains that for the ratification of all trade agreements, to the extent that the areas covered fall under the ordinary legislative procedure, the Parliament's consent is required. This means that the Parliament has a veto power. Prior to the Treaty, non-ratification after completing the negotiations was never a serious option as ratification was a responsibility of the member states which typically saw it as a *fait accompli* (Van den Putte, De Ville & Orbie, 2014; Willis & Küchler, 2010).

The second major change brought about by the Treaty is the broadened scope of the EU's competence regarding trade policy. The EU's trade with third countries is governed by the CCP, with the legal basis now being articles 207 (Common Commercial Policy) and 218 TFEU (External Action). The Treaty codified the CCP as an exclusive EU competence and its extension to areas originally placed under national discretion such as intellectual property, services and, most notably, foreign direct investment (article 207 TFEU). The inclusion of foreign direct investment (FDI) especially meant that the EU has full competence to negotiate all key elements of a comprehensive trade agreement (De Ville, 2012).

The third major change, finally, was laying down the formal basis for qualified majority voting as the accepted decision-making procedure in the Council for most trade issues (art. 207(4) TFEU), except for certain sensitive areas. In accordance with article 238(3a) TFEU, qualified majority voting after the 1st of November 2014 entails consent of at least 55 % of members of the Council representing at least 65 % of EU citizens.

2.4 Human rights conditionality

Although it was not until the Treaty of Lisbon that promoting human rights formally became a goal of EU trade policy, the EU has included human rights clauses in its economic agreements for more than twenty years. These clauses impose on all parties involved the duty to respect the established norms regarding human rights and democratic rule. The policy to include human rights clauses was initiated in the early 1990s in response to the 1975 Lomé Convention, a trade agreement between the European Economic Community (EEC) and 71 African, Caribbean and Pacific (ACP) countries (Commission, 1995). When the Council sought a way to unilaterally suspend the treaty obligations under the Convention in reaction to the grave violations of human rights in Uganda in the early 1970s, it became apparent that there was no

legal mechanism in place to do so (Bartels, 2015). In 1995, the Council formally adopted a policy to include human rights clauses in all future cooperation and trade agreements (Council of the EU, 1995). The first agreements having these clauses were concluded soon after with newly established democracies in Central and South America as well as Eastern Europe. The policy framework for including human rights clauses has stayed relatively the same since its introduction.

The human rights clauses incorporated in each international agreement vary but all have roughly the same structure and contain the same minimum components. In the preamble, a shared commitment to uphold human rights norms in a more general sense is reaffirmed, typically by referencing the Universal Declaration of Human Rights. Next comes an ‘essential elements’ clause, generally placed at the beginning of the agreement, in which the obligation to respect human rights is defined in more detail. This clause is explicitly stated to be ‘essential’ to emphasise that violating this provision might result in a material breach of the agreement, which in turn would justify unilateral suspension of the agreement or the activation of other counter-measures (Velluti, 2016:8). Depending on the agreement, the ‘essential elements’ clause can refer to ‘human rights’ in general or to particular international human rights instruments (Gáspár-Szilágyi, 2016). However, the standard wording of the clause is the following:

“Respect for democratic principles and fundamental human rights, as laid down in the Universal Declaration of Human Rights, and for the principle of the rule of law, underpins the internal and international policies of both Parties and constitutes an essential element of this Agreement.”

(Parliament, 2014a)

Thirdly, the ‘essential elements’ clause is followed by a ‘non-execution’ or ‘non-fulfilment’ clause, which allows one party to take ‘appropriate measures’ in case of a material breach. The formulation of this clause is kept vague on purpose to allow for different conditions under which these measures may be taken and for a wide array of potential measures depending on the agreement and the partner state (Bartels, 2015:85). This part streamlines these possibilities and provides an interpretation of the non-execution clause. Effectively, enforcement can take two forms: ‘soft’ measures taking the form of consultations and a more coercive approach, which includes the suspension of the agreement and the withdrawal of numerous trade preferences (Dolle, 2015:221).

Before the Treaty of Lisbon, the legal basis for including the human rights clauses was not entirely clear (Leino, 2005; Bulterman & Bulterman, 2001). It was not until the Treaty of Lisbon that the EU’s human rights agenda as pursued in its external action and the competence to incorporate human rights clauses gained solid legal footing through articles 3(5) and 21(1) TEU. The latter states that the “Union’s action on the international scene [...] seeks to advance in the wider world: [...] the universality and indivisibility of human rights and fundamental freedoms [...]” and the former grants the EU a clear mandate to uphold and promote the protection of human rights in “its relations with the wider world”.

This practice is not uncontroversial. One important disadvantage of the EU's conditionality policy is a perceived lack of consistency, which in turn has damaged its effectiveness in general (Dolle, 2015). Even though human rights clauses have been part of every agreement since the 1990s, the EU has been accused of hypocritically creating a double standard by being stricter towards developing countries while being hesitant to activate enforcement when dealing with more powerful countries (Hachez, 2015; Zwagemakers, 2012:5). In general, the EU's insistence on human rights conditionality has been regarded by some as inappropriate, in particular in trade agreements with western countries such as Canada, and as also unnecessarily slowing down negotiations (Sen & Nair, 2011:433). Finally, some authors have 'seen through' the conditionality policy as merely a form of protectionism that effectively blocks products from third countries from entering the European internal market (Dolle, 2015).

3. LITERATURE REVIEW

In this chapter, key areas of the existing literature on EU trade policy relevant to this research will be identified as well as the gaps that this thesis seeks to fill, with the purpose of clarifying the context in which this research takes place. First, the scattered nature of EU trade policy research will be described, after which the chapter will zoom in on the specific academic debate in which this thesis participates. Finally, the gaps in the literature which this thesis addresses will be classified.

3.1 Overview

The formidable size of the European single market and decades of experience in trade policy negotiations have enabled the EU to become the world's most powerful trading bloc (Meunier and Nicolaïdis, 2006). EU trade policy has been an object of ambitious theoretical as well as empirical scrutiny only for a few decades and consequently the EU trade policy literature is relatively young, especially when compared to scholarship on US trade policy (Poletti and De Bièvre, 2013). As observed by Young and Peterson (2015), there are two main research agendas within the EU trade policy literature: one that is concerned with which factors determine the stances taken by the EU in its trade agreements and one on the effectiveness of the EU when it comes to pursuing these stances. As the questions guiding this thesis are concerned with the former, this literature review will highlight the most important studies falling within the first category.

Before anything else, it must be noted that despite the Union's noticeable reliance on trade policy, which makes for a high degree of empirical relevance, academic scrutiny of the topic remains fragmented. An important reason for this is that the vast majority of academic inquiries has been concerned with individual negotiations or decisions which are usually the same ones. 'Presentism' or the tendency to focus solely on contemporary cases is, as Jørgensen (2007) puts it, symptomatic of the literature on European foreign relations in general and of its trade dimension in particular. Furthermore, some policy areas relating to trade have been under-exposed in the literature simply because they only came within Union competence recently or because the significance of these areas has increased only recently and consequently scholarship has not been able to catch up (Young and Peterson, 2015). The EU's increased interest in pursuing preferential trade agreements, for example, is a fairly new phenomenon. Moreover, there is a vast range of theories out there explaining EU trade policy with roots in different political science disciplines. According to Poletti and De Bièvre (2013), the main ones are Comparative Politics, International Relations and International Political Economy. Young and Peterson (2015) have questioned whether such a categorisation is sound or even favourable as it merely reinforces the isolation in which theories and concepts are developed. Next, the *sui generis* character of the EU means that many studies are descriptive rather than theory-driven. For example, some scholars have focused on the extent to which the EU is guided by its unique set of norms and values in its trade policy (Bretherton & Vogler, 1999; Falke, 2005; Van den Hoven, 2006). Another group of scholars has looked at how the EU's political and institutional set-up affects lobbying patterns concerning EU trade policy (Hocking, 2004; Shaffer, 2006;

Woll, 2006). These scholars have all been more concerned with attempting to grasp the EU's unique empirical features than developing generalisable theoretical frameworks.

Despite Young and Peterson's reservations, the categorisation made by Poletti and De Bièvre is a convenient way of creating at least some order in the splintered body of EU trade policy literature. Indeed, less outcome-, more factor-centric studies have mostly drawn from the disciplines of Comparative Politics, International Relations (IR) and International Political Economy (IPE). Comparative approaches have been used by for example Niemann (2004) and Van den Hoven (2004) to analyse how ideas, norms and values inherent in the European institutional setting affect trade politics. Furthermore, comparative approaches using the principal-agent framework have been employed as well, for example by Elsig (2010), Poletti (2011), da Conceição-Heldt (2011) and De Bièvre and Eckhardt (2011). Some of these studies draw inspiration from Robert Putnam's (1988) two-level game model, which can be used to analyse the effects of international pressures on domestic politics and vice-versa, and sometimes even add a third 'EU' layer to do more justice to the EU's unique multi-level trade policy-making system (see, e.g., Paarlberg, 1997; and Frenhoff-Larsén, 2007, respectively). In any case, most studies taking this approach consider the dynamic between the Commission and the Council and how this affects the decision-making procedure to be a crucial determinant in EU trade policy-making (see, e.g., Elgström and Frenhoff Larsén, 2010; Elsig and Dupont, 2012; and Van den Hoven, 2004). The role of the Parliament in shaping EU trade policy used to be of little academic interest, but since this role has been enlarged by the Treaty of Lisbon, it has slowly yet steadily become more a focus of research (Richardson 2012; McKenzie & Meissner, 2017).

Elsig (2010) writes on how the number of principals and the degree of divergence of their interests changes the delegation-control dynamic between them and the agents. These two factors, the number of principals and preference heterogeneity, are also addressed by Poletti (2011) and da Conceição-Heldt (2011), respectively. Crucial to understanding these tensions is the 'collusive delegation' argument, which states that the delegation of trade policy to a higher level of administration leads to policy-makers being insulated from the influence of interest groups and therefore more inclined to support liberalisation policies (Meunier, 2005; Woolcock, 2007). Within the literature, rational choice institutionalism with a principal-agent outlook has become the 'conventional' approach when it comes to examining EU trade policy, at the cost of other approaches (Van Loon, 2018). Theories falling within the rational choice paradigm have several core assumptions in common regarding the behavioural characteristics of policy actors: they have a consistent and well-defined set of preferences, behave instrumentally to reach these goals and do so in a highly strategic and calculative manner (Hall & Taylor, 1996).

Studies of IPE or domestic politics approaches, which are considerably less in number, focus on interest group mobilisation patterns and how these result in different trade policy stances taken by the EU. The core assumption binding these approaches together is the perception of policy actors as office seekers with the clear incentive to take into consideration how societal groups will react to expected policies due to re-election concerns or prestige-building. For example, Dür (2008b) finds that the negotiation positions

of the EU in the Doha Development Agenda were to a large extent determined by the pressure exerted by interest groups. The mobilisation capabilities of export-competing groups versus protectionist import-competing groups have been the object of extensive discussion as well (Eckhardt, 2011; Elsig and Dupont, 2013). De Bièvre and Eckhardt (2011) finds that import-competing groups generally surpass export-competing groups in terms of mobilisation due to the concern about economic losses and consequently are more successful in influencing the Commission. When it comes to the role of interest groups in EU policy-making more generally, two main research agendas can be uncovered: which interest groups are active at the EU level (see, e.g., Greenwood & Halpin, 2007; Berkhout & Lowery, 2011; Wonka et al. 2010; Coen & Katsaitis, 2013) and the actual access of interest groups to the EU institutions and policy process (see, e.g., Mazey and Richardson 2006; Eising, 2007; Woll 2006; Bouwen, 2002; and Klüver, 2011).

Finally, there is a smaller collection of studies that take the more traditional IR approaches such as realism. A notable piece of research was done by Aggarwal and Fogarty (2004), who consider the geopolitical and economic motivations behind the EU interregional trade negotiations in response to the American and emerging Asian powers. Zimmermann's (2007) argumentation follows a similar route when he dubs the EU 'mercantilist' while dealing with the accession to the WTO of China and Russia. Hurt (2003) and Farrell (2005) both conclude that the EU's relationship with ACP countries through the Economic Partnership Agreements was an exercise of realist power politics rather than idealism.

3.2 'Power in trade' vs 'power through trade'

An important, overarching discussion in the previously discussed three disciplines is about what kind of actor the EU is and to what end it uses its trade power. In a still much-cited analysis of this topic, Meunier and Nicolaïdis (2006) identify two dimensions of the EU's trade power: 'power in trade' and 'power through trade'. The former refers to the Union's ability to shape international trade politics according to its interest. Key to this power is market size, as access to the EU's vast internal market can be used to press for more favourable trading conditions. The second dimension, 'power through trade', comes down to influencing the domestic policies of trading partners by using market access as a bargaining chip. Despite the broad scope of the EU's activities when it comes to trade, there have been relatively few attempts to comprehensively explain the nature of EU trade policy and, of these, most are concerned with the EU's power *in* trade (Young and Peterson, 2015). The literature on the EU's power *through* trade is much more limited, concentrated and, consequently, contains various gaps. Since this dimension is about the EU's export of its laws, standards and, ultimately, norms and values, this part of the EU trade policy literature is intertwined with the literature on the EU as a global actor.

There is little consensus among scholars on how exactly to characterize the EU as an international power (Kagan 2003; Nicolaïdis 2005). The EU is "neither a state nor a non-state actor, and neither a conventional international organization nor an international regime" (Ginsberg, 1999) and therefore many scholars have attempted to define the ontological essence of the Union's 'actorness' beyond the

conventional state-centric approach. The sui generis nature of EU has sparked many “Europe-as-a-power” debates in which “qualifying adjectives” are sought to describe the EU as an external actor. Conceptualisations of the EU as an international actor have ranged from Duchêne’s ‘civilian power’ (1972) to labels such as Nye’s ‘soft’ (2004), Cooper’s ‘postmodern’ (2004) and Kagan’s ‘Venusian’ power (2003).

Near the end of the 1990s, scholars became more interested in the ideational aspects of EU foreign policy (e.g. Jørgensen, 1997; Chandler, 2003). Manners and Whitman (2003) argue that the EU, while acting externally, essentially plays three roles – civilian, military and normative – of which the third type became the main focus for constructivists and poststructuralists. Manners himself fundamentally changed the discourse through his trailblazing and still exceedingly influential article on ‘Normative Power Europe’ in which he maintains that the EU is most accurately described as a ‘normative power’ with the innate “ability to shape conceptions of the ‘normal’ in international relations” (Manners, 2002:239). Manners argues that the internal structure of the EU, as well as its unique historical origin and legal complexion, are of such nature that universal values and principles together form the main driving force behind its external policies rather than self-interest. In that sense, the EU differs fundamentally from traditional states and represents a “new type of entity with actor quality” (Manners, 2002:252).

Unsurprisingly, Manners’ thesis and the notion of ‘Normative Power Europe’ became vulnerable to much criticism, especially coming from the rationalist/realist corner. Reasons for dismissing the NPE-thesis include the consistently observed prevalence of interests over norms (Toje, 2008), the thorny task of defining what constitutes a norm (De Zutter, 2010) and the argument that the EU is nothing more than the collective representation of its member states and therefore is not a separate actor altogether (Whitman, 2011). Nevertheless, the fact that NPE is still an important reference point in the literature today shows its lasting impact on the discourse. Several studies have focused on the advancement of specific non-trade issues through EU trade policy such as labour standards, environmental policies and human rights protection, although most explore the effectiveness of such inclusion rather than the decision-making aspect (e.g., Harrison et al., 2018; Postnikov & Bastiaens, 2014; Riddelfold, 2010). According to Orbie (2011:165), the reason for this is that most scholars assume that the EU in its trade policy acts out of “selfish economic interest” whereby “social considerations are seen as protectionist sentiments spurred on by trade unions, vulnerable industries and short-sighted policy-makers”. A few years before Orbie’s article, Storey (2006) already called any normative element in EU trade policy a “smokescreen” for protectionist or, at the extreme, even neo-colonial policies. This assumption is an important reason for the dominance of institutionalist and, to a lesser extent, political economy perspectives in this area of research. Concerning what ultimately drives the EU’s negotiating objectives, a debate exists between scholars who focus on the role of economic actors (e.g. Dür, 2008b; Damro, 2012; Heron & Siles-Brügge, 2011) and scholars who are more concerned with the preferences of political actors (e.g., Meunier, 2005; Orbie, 2007; Shaffer, 2006).

Recently, the academic debate has largely revolved around the tension between the EU’s identity as a market power and as a normative power (see, e.g., Kerremans & Orbie, 2009; Manners, 2009; Orbie

& Khorana, 2015). In this regard, most scholars, especially those applying principal-agent frameworks, conclude that normative values usually are marginalised when competing with commercial interests (see, e.g., Young, 2007; Bossuyt, 2009; Mattlin, 2012; and Leeg, 2014). In a comparative analysis of several trade agreements concluded in the 2000s, Woolcock (2014) finds that the level of normative commitment displayed by the EU varied depending on the economic interests associated with its trade partner. Yet, the inclusion of elaborate NTI provisions has been EU policy for decades and value promotion undoubtedly plays a major role in EU trade policy specifically. Indeed, value promotion is a key EU foreign policy interest with human rights conditionality in trade policy being an essential instrument to keep the EU's external policies coherent (Szymanski & Smith, 2005). However, ideationalist studies in turn fail to fully account for why the EU's commitment to value promotion through its trade agreements is limited, to determine which factors generate the *variation* in how the EU approaches human rights conditionality in trade agreements and to define the conditions under which such policy outcomes concerning conditionality unfold. As such, analysing the role of institutions and interest groups in the decision-making process can illuminate the mechanisms at work that shape these decision-making outcomes. In this light, more recent attempts by scholars to interpret the variance in the formulation of human rights conditionality clauses have started by acknowledging value promotion as a genuine policy objective of the EU, after which they proceed to explain the divergence from an institutional perspective (McKenzie & Meissner, 2017; Meissner & McKenzie, 2018), a political economy perspective (Hoang & Sicurelli, 2017) or both (Sicurelli, 2015a). These authors have pioneered an investigation into how inter-institutional relations and interest group politics shape the EU's stance on human rights conditionality in its trade agreements. They examine the internal and external conditions under which the EU comes to prioritise either commercial or normative interests when value promotion through the conditionality clauses is contested by the trade partner. As has been mentioned before, this thesis aims to expand on and consolidate these first efforts.

4. THEORETICAL FRAMEWORK

The purpose of this chapter is to provide the theoretical framework through which the two central cases will be analysed. First, the choice for both theories will be justified. Then, both theories will be discussed separately, including the most important concepts, definitions and assumptions as well as their place in the rest of the literature.

4.1 Selection and specification of theories

The two theories chosen for this thesis, the Bureaucratic Politics model and Klüver's Exchange model, are fundamentally about interests and how they drive political actors. 'Interest' is an old concept and has occupied a prominent place in both normative theory and political science for centuries, the pursuance of interests having been agreed to be both a "primary political goal" and a central explanatory factor in behavioural analysis (Balbus, 1971). The Bureaucratic Politics model has little room for external pressures and focuses solely on the decision-makers themselves. By contrast, Klüver's Exchange model proposes that the EU institutions do not act in a vacuum but operate in a symbiotic relationship with interest groups when making decisions. In many ways, Klüver's depiction of interest group politics therefore constitutes a mirror image of the bureaucratic politics described by Allison. Both theories consider the institutional structure of the EU and are concerned with competition in and over influence on the decision-making procedure. They both address the constraints and opportunities that actors face when trying to affect EU trade policy, whether they involve the EU institutions themselves from the inside or interest groups putting pressure from the outside. By investigating how institutions and societal actors affect the policy process, light can be shed on the internal decision-making mechanisms that determine trade policy and decrease coherence in EU foreign policy. Taken together, testing both theories side by side can provide valuable insights into the extent to which certain interests are structurally more prominent in the decision-making procedure regarding EU trade agreements and why.

4.2 Bureaucratic Politics

4.2.1 Development

The Bureaucratic Politics model has its roots in the areas of public administration, studies of foreign policy decision-making and domestic politics research (Jones, 2010). Pioneered by authors like Appleby (1949) and Long (1949), scholars in the 1950s and 1960s started to take a closer look at the role of discretionary power, implementation and the role of bureaucrats in the process of policy formation. The most famous and quintessential incarnation of such a paradigm is Graham T Allison's (1969; 1971) governmental politics model or, as it is more commonly known, the Bureaucratic Politics model. Employed to explain US foreign policy during the Cuban Missile Crisis of 1962, Allison offered this model as an alternative to

the pre-existing Rational Actor and Organisational Process models. Allison's model can be considered as belonging to the 'second generation' of bureaucratic politics scholarship (Jones, 2010). In the late 1990s, a third generation emerged including work from Stern and Verbeek (1998), Welch (1998) and Kaarbo and Gruenfield (1998). More recently, McKenzie and Meissner (2017) showed the continuous relevance of the Bureaucratic Politics model when they used it to explain decision-making regarding human rights conditionality in the EU-Singapore FTA negotiations.

The Bureaucratic Politics model considers the effect of bureaucracies on the formulation and implementation of foreign policy. It assumes that policy output is the result of a bargaining process between individuals within a hierarchal political body. This process typically follows regularised patterns and is constrained by these as well as the values shared among the individuals. There is therefore not a unitary actor but rather a crowd of players. Importantly as well, these players do not focus on a single strategic issue only but instead must prioritise between multiple issues of different nature at the same time due to external events and deadlines. Policy output is consequently not a factor of rational choice but of "pulling and hauling" (Allison & Halperin, 1972:43). Instead of outcomes, actions and how they affect policy outcomes are considered the main unit of analysis in this model. While analysing these actions, important are what Allison and Halperin call 'action channels', namely the official procedures in place that produce certain types of actions.

4.2.2 Core assumptions

In the first description of the Bureaucratic Politics model, Allison (1971) described more than twenty assumptions, organisational concepts and general propositions. Helpfully, in the 1999 edition of *Essence of Decision*, Allison and Zelikow (1999:307) summarised the core elements of the model in three propositions.

The stand-sit proposition: "Where you stand depends on where you sit" (Allison and Zelikow, 1999:307)

Allison and Zelikow suggest that the policy preferences of an actor are heavily influenced by the bureaucratic position he occupies in the organisation he is employed in. Allison himself clarified in the second edition of "Essence of Decision" that this relationship is not a deterministic one. As Brummer recalled, Allison's reading implies that since "the mission of the bureaucratic actors is to pursue and realise the interests of their organisation" (Brummer, 2009:2), the actor's position has a large impact on his policy stance. Consequently, the bureaucratic position gives a reliable indication of the actor's preferences. Moreover, the bureaucratic actor shares similar policy preferences with his colleagues in the same organisation while having contrasting ones with the members of other bureaucracies (Blomdahl, 2016:145). Allison and Zelikow argue that nevertheless none of the bureaucratic actors are blank slates when they accept their position but instead bring "baggage" to the table (1999:298). Halperin (1974:16) explained this human factor as the "personal experiences, intellectual baggage and psychological needs"

of the actor. Politics is marked by uncertainty and choosing between many different courses of action is therefore a daunting task, the more so because each participant in the decision-making procedure handles this uncertainty in a slightly distinct manner, depending on intellectual as well as psychological baggage and personal experiences (Halperin & Clapp, 2007).

Allison and Zelikow do not explain exactly what the interaction between the characteristics of the bureaucratic position and individual factors of the actor looks like. Scholars have argued that adding these factors overloads the model to the extent that it becomes a “grab bag of influences” (Bernstein, 2000:14) that “includes everything but explains nothing” (Bendor and Hammond, 1992:318). Brummer (2009:6) identifies two possible ways forward in the literature: simplification and specification. With respect to the first category, authors like Art (1972) and Jervis (1976) have proposed to either focus on structures or on agents but not on both. However, Brummer rightfully counters that structures alone cannot make decisions but require agents to do so and that by dismissing structures the whole point of exploring bureaucratic structures as an explanatory variable would disappear. By contrast, specification calls for expounding rather than severing the connection between structures and agents. Similar to Art, Hollis and Smith (1986) found that Allison’s version of the Bureaucratic Politics model underestimates the human factor in decision-making processes. They advocated to consider preference formation as endogenous rather than an exogenous process, thereby reformulating the stand-sit proposition as “[w]here you stand would depend on where you sit and on how you think” (Hollis and Smith, 1986:273).

The bargaining proposition: “the pulling and hauling that is politics” (Allison and Zelikow, 1999:255)

The second core assumption underlying the Bureaucratic Politics model is that between organisations political bargaining processes occur due to the clashing preferences of bureaucratic actors. Not only do the competing policy preferences between organisations lead to diverging problem perceptions, but even if a problem is commonly recognised it is highly probable that organisations will differ in their recommendations as to what the appropriate means and strategies for tackling the issue will be (Brummer, 2009). It is therefore not a matter of *if* but *when* bureaucratic actors will generate conflict among themselves (Blomdahl, 2016:146). Another crucial element of this proposition is that there is an unequal distribution of bargaining power between organisations. Allison and Zelikow define power as the “effective influence on government decisions and actions” (1999:300). According to them, there are three important elements at work here: the advantages actors have while partaking in the bargaining processes, the will and ability of the actor to employ these advantages and, lastly, the perception of the other actors involved in the process of the former two elements. Bargaining advantages can be inherent in the bureaucratic structures themselves, such as formal authority, or stem from actor-related characteristics such as expertise, abilities and the capability to form alliances with other actors with bargaining advantages. As such, both factors can help or constrain the power which an actor can wield in bargaining processes.

The resultant proposition: “compromise, conflict, and confusion of officials with diverse interests and unequal influence” (Allison & Zelikow, 1999: 295)

The third and final core assumption of the Bureaucratic Politics model is about the outcomes of the bargaining processes discussed previously. Allison and Zelikow argued that these outcomes are most accurately described as “resultants” or, as Brummer (2009:4) put it, “unintended compromise solutions”. In essence, the eventual outcome of the bargaining processes will never be one that any of the bureaucratic actors partaking in the decision-making initially proposed. Instead, it will reflect a combination of competing views and therefore be a function of the bureaucratic “pulling and hauling” rather than the logical result of objective cost-benefit considerations (Blomdahl, 2016:147). No player is expected to be completely dominant, although the relative structural and individual power will determine each actor’s contribution to the eventual outcome.

4.3 Theorising interest group influence

4.3.1 Definitions

Dür (2008a:561) defines ‘influence’ as “an actor’s ability to shape a decision in line with her preferences”. For this thesis, this definition will be employed. Interest group studies are haunted by a plethora of definitions and neologisms which defy comprehensive examination. Karr (2007:57) used the term ‘lobby group’, which she defined as “[a] group that focuses its efforts on influencing government officials and institutions in their interest without aiming at taking over direct government responsibilities through participation in elections [...]”. There is no clear distinction between lobby groups and interest groups and consequently this definition will be used for both in the context of this study. That interest groups, as opposed to political parties, are generally not interested in seeking office is a widely accepted assumption in the literature (see, e.g., Koepl, 2001; and Beyers, Eising & Maloney, 2008). This thesis will also use the Commission’s definition of lobbying being “all activities carried out with the objective of influencing the policy formulation and decision-making processes of the European institution” (2006a:5).

4.3.2 Types of interest groups

There is broad consensus in the literature that some types of interest groups are systematically more successful than others. In this regard, Stewart (1958) made a useful distinction between ‘sectional groups’ and ‘cause groups’. Sectional groups represent the interests of a specific part of society such as farmers or certain industries with membership normally being restricted to members of that section. Cause groups, by contrast, typically represent a certain ideal or principle such as environmental protection or human rights and are in principal open to everybody. Olson (1965) argued that this difference leads to a collective action problem for cause groups, making them on average less successful. Sectional groups represent what Olson called ‘concentrated interests’, which are of concern to only a small homogenous part of society

and tied to clear material needs. Consequently, mobilisation costs are relatively limited as there is enough incentive to motivate supporters while the benefits do not have to be divided among a large group. On the other hand, cause groups represent ‘diffuse interests’, the provision of public goods that are usually non-excludable, or at least non-rivalrous, and therefore vulnerable to free-riding. Additionally, because the costs and benefits are diffuse, supporters of cause groups are generally less inclined to provide the resources necessary for effective lobbying. Thus, even if cause groups can overcome their mobilisation problems, they have little to offer to the legislators (Dür & De Bièvre, 2007:82). For this research, sectional groups will be treated as being equivalent to business-interest groups and cause groups as civil society organisations (CSOs). The former will include export-oriented businesses, import-oriented businesses, import-competing businesses (companies of which the products must compete with foreign products) and investors. CSOs include all types of cause groups, ranging from trade unions to non-governmental organisations (NGOs) such as human rights organisations and environmental groups.

4.3.3 Theories on interest group politics

Lowery and Gray (2004) offer a convenient and thoughtful overview of what they consider the three dominant approaches in the interest group literature: the pluralist, economic and neopluralist perspectives. Interest group politics as an academic field did not mature in isolation but as part of a wider explanation of politics that Baumgartner and Leech (1998:44) call the “group approach to politics”. Within political thought, this approach, which is also known as pluralism, encompasses an enormous variety of topics, sub-domains and issues. Moreover, *the* pluralist theory of politics does not exist as it covers many definitions, propositions and inferences that often take diverging logical steps. Analytically, pluralist approaches are concerned with how political power is structured in a democratically organised state and how patterns of influence over the government manifest under these conditions (Miller, 1983). Here, the overarching theme comes down to society consisting of a multitude of interests representing its various parts that interact within and inside the government, attempting to make them realised (Browne, 1990:478). The political arena in which this interaction plays out is often imagined as a market-place in which perpetual competition prohibits one single interest to prevail each time. This lack of dominance means that political power is fragmented and scattered (McFarland, 1969).

Later research has accused the pluralist assumption that opposing interest groups have equal access to power of not matching reality. Olson’s collective action problem took central stage in a new line of thinking that saw the relation between interest groups and public officials as transactional: political support in exchange for influence. This aspect of the economic approach, as dubbed by Lowery and Gray (2004), is still prominent in contemporary interest group studies (see, e.g., Bouwen, 2002; Klüver, 2013). Neopluralism departs from the economic perspective and moves closer to the pluralist perspective. Although neopluralism, like pluralism, is more of a collection of similar research agendas than a singular perspective, it has at its core a clear dismissal of the economic perspective’s transaction logic as well as an

acknowledgement of the significant limits to free access to decision-making processes. According to most models that could be labelled ‘neopluralist’, the arena in which organised interests compete is incredibly convoluted, filled with many interdependent elements, countless feedback loops, and a “complexity of motivations, intentions, and uncertainties” that must be considered when properly analysing interest group politics (Lowery & Gray, 2004:171). The neopluralists would therefore argue that the deductive models of influence sprouting from the economic perspective, which dismiss these elements as analytical noise, are too narrow and are painting an oversimplified picture of the multifaceted reality of interest group politics.

Until recently, EU interest group literature consisted mostly of descriptive studies while the development of generalised theoretical frameworks remained largely ignored (Seibicke, 2014). Due to the multi-level and institutionally complex nature of the EU, the interest mobilisation patterns and their effects remain crudely understood (Klüver, Braun & Beyers, 2015). Research has been done mostly on specific types of interest groups or on particular sectors or issues. When it comes to examining the influence of interest groups on EU policy-making *per se*, Dür (2008a) identified four clusters of determinants from the existing literature: interest group resources, political institutions, issue characteristics, and interest group strategies.

4.3.4 Klüver’s Exchange model

Klüver (2013) brings these four clusters of determinants down to two: interest group properties and issue-specific factors. With her ‘Exchange model’ she aims to synthesise all these different hypotheses into a rare holistic theoretical framework of interest group influence in the EU. Klüver explicitly places her model within the rational choice paradigm and accordingly assumes that interest groups are “rational, goal-oriented and purposeful (collective) actors that follow a fixed set of ordered goals” (2013:60). The model as used in her article focuses on the relationship between the interest groups and the Commission, which Klüver assumes to be an equally rational actor. She argues that because the policy proposals offered by the Commission require the consent of the Council and the Parliament under the ordinary legislative procedure, the Commission will aim to present proposals that have a high probability of gaining said consent. To do so, the Commission needs three types of ‘goods’ that interest groups can offer in exchange for influence: information supply, citizen support and economic power.

Information supply covers both policy expertise and educated guesses on the preferences of the Council and the Parliament. As the Commission must tackle various policy issues at once but is incredibly understaffed, it depends on external actors to provide the issue-specific know-how needed to find the most appropriate solutions. Interest groups, sectional and cause groups alike, are well-suited to provide such information because they are specialised in a small number of issues and maintain close contact with their members. The Commission also hungers for information on the positions the Council and the Parliament are likely to take when being handed the policy proposal. National governments and MEPs are concerned with getting re-elected and as such strongly inclined to keep the preferences of their constituents in mind

when taking positions. Within specific policy areas, interest groups can offer information on these preferences. The second type of exchange goods, citizenship support, ties in with this point. The Commission can make use of the vulnerability of national governments in the Council and MEPs in the Parliament to re-election by gaining the support of interest groups that represent a large part of their electorate. Finally, the third type of goods interest groups can provide, according to Klüver, is economic power. Drawing from models of economic voting, Klüver assumes that economic concerns are the principal incentives for voters in the electoral process. This motivates national governments in the Council and MEPs to pay close attention to the interests of powerful economic actors because these have a large impact on economic performance. As with citizen support, this is a dependency which the Commission can exploit to increase the chances of success of its policy proposals.

Crucially, Klüver maintains that lobbying success cannot be derived merely from the amount of these three goods an interest group can muster. Instead, she describes lobbying as “a collective process involving multiple interest groups that are simultaneously trying to shift the policy outcome towards their ideal point” (2013:64). To put it differently, the key to understanding lobbying success, according to Klüver, is to look at how well interest groups with the same issue-specific concerns can form ‘lobbying camps’ or alliances through which they can effectively use the aggregated information supply, citizen support and economic power to move the final policy outcome towards their ideal point. These lobbying camps do not need to be formal; it is enough for interest groups to pursue the same policy objective. By contrast, Klüver found that salience, the conflict and the complexity of issues, or even member state support, have not a statistically significant effect on lobbying success.

With the Exchange model, Klüver provides an alternative, less narrow approach to Bouwen’s access theory (2002). This theory also follows a supply and demand logic but Bouwen focuses only on information as an access good and merely from the perspective of the private sector. Both Klüver’s Exchange model and Bouwen’s access theory can be traced back to the Chicago interest group theory of regulation which perceives the government as the supplier of regulatory services to other societal groups in exchange for support (Mitchell & Munger, 1991:520). Of the three proto-approaches discussed at the beginning of this chapter, both theories therefore undoubtedly belong to the economic branch. What makes Klüver’s exchange model a more complete and realistic explanation of interest group influence than Bouwen’s access theory, and a convincing model in general, is the inclusion of citizen support and economic power as access goods, as well as the proposition that lobbying is a collective enterprise. Klüver’s exchange model also allows for the meaningful inclusion of outsider strategies. Whereas insider strategies are aimed at networking with the key administrative and political key players, outside lobbying entails “activities that aim at mobilising and/or changing public opinion”, including media campaigns and the mobilisation of supporters (Dür & Mateo, 2013). As such, interest groups cannot only *tell* the Commission what the likely support will be, but they can also actively *increase or decrease* the degree of support. Instead of seeking direct access to the decision-makers, interest groups can employ outsider strategies that change public opinion and rally support or, perhaps more importantly, opposition.

5. RESEARCH DESIGN

The purpose of this chapter is to discuss the appropriate research methodology for this thesis. First, the available methods will be described and the design most suited for this research will be selected, motivated and explained. Subsequently, the selection of the cases will be justified. Finally, the methods for data selection will be specified.

5.1 Available methods for case studies

Most studies on FTAs are quantitative and involve large N-analyses. This thesis seeks to examine only those EU FTAs concluded after the Treaty of Lisbon. As the Parliament is generally considered to be the main advocate for the inclusion of normative objectives in trade agreements, the newly-gained veto-power is important to consider (McKenzie & Meissner, 2017). Since this thesis focuses on the specific mechanics at work, a small N-case study, which allows for an in-depth analysis, is more appropriate. The purpose of small-N or case studies is to explore in-depth a specific research situation in a rigorous manner, allowing for the collection of a “broad and diverse set of observation per case” and the possibility to “reflect intensively on the relationship between empirical observation and abstract concepts” (Blatter and Haverland, 2012:144). As opposed to large-N studies, where fewer observations can be made about a larger amount of empirical cases, a case study design has the major advantage of allowing for an analysis of the multiplicity of factors that could potentially affect a phenomenon, which in this case is the decision-making outcomes in EU FTA negotiations. Generalisability is achieved for the theoretical propositions used, not for the empirical situation investigated (Yin, 2009:10).

Blatter and Haverland (2012:xvi) recognise three types of small-N case study design: co-variational analysis, causal-process tracing and congruence analysis. The latter method is employed in this research, but the other two methods will also be shortly discussed to make the added value of using a congruence analysis design explicit. The most widely utilised case study method of the three, co-variational analysis, is factor-centric and used to measure whether an independent variable (X) has an effect on a dependent variable (Y). Thus, this method is suitable when a researcher wants to investigate the causal effects of certain factors. By contrast, this thesis is concerned with assessing explanations for variance in certain outcomes and therefore an outcome-centric design is more appropriate (Gschwend & Schimmelfennig, 2007). Causal-process tracing is used to identify within-case implications of causal mechanisms and the different factors causing a certain outcome. However, the purpose of this study is not to examine the decision-making outcomes of specific FTA negotiations per se but rather to test the explanatory value of different theories regarding the broader trend connecting these outcomes, which means that causal-process tracing is not appropriate either. Finally, this leaves congruence analysis, which will be discussed in more depth below.

5.2 Congruence analysis

Out of all three case study methods, congruence analysis is the most theory-driven approach, aimed at testing the (non-)congruence between *ex-ante* theoretically deduced expectations of social reality and empirical observations. The assumption that theories only cover certain parts of reality and are therefore inherently incomplete is the starting point for doing a congruence analysis (Blatter & Haverland, 2012:148). By applying them in empirical cases, researchers can verify the accuracy with which certain theoretical frameworks can explain social reality and test their explanatory value on their own and in the face of others. While being employed, empirical research in a congruence analysis serves a third purpose, namely revealing the causal mechanisms at work that are the most significant for explaining a certain empirical situation. A central feature of congruence analysis, therefore, is reflecting meticulously on the relationship between theory and empirical evidence. This reflection is a three-step process. The first step is to deduce general theoretical expectations about social reality from the chosen theories. Next, these predictions need to be compared to the concrete observations made. The last step involves an inductive reflection on “which theory makes [more] sense for a specific observation”, which is done by determining whether the concrete observations are indeed congruent with the theoretical expectations (Blatter & Blume, 2008:325). Accordingly, the analysis draws inferences about the explanatory value of certain theories to specific cases by considering whether the evidence based on the empirical observations confirms or denies the pre-formulated theoretical expectations.

There are two types of congruence analysis: the competing theories approach and the complementary theories approach. The former is used to determine which of the applied theories provides a more accurate explanatory framework. The complementary theories approach, by contrast, is less concerned with choosing one prevailing theory and instead assumes that insights provided by the theories can be complementary and paint a more comprehensive or complete picture of reality. Ideally, this approach leads to innovative thinking and perhaps even to some form of synthesis. This variant is used in this thesis, as this study aims to investigate the extent to which both theories under consideration can provide complementary insights. In addition, instead of refining, developing, strengthening or bolstering theories, which are ordinarily the main aims of a prototypical congruence analysis, congruence analysis can be used to explain a socially important case (see Blatter and Haverland, 2012:150). This means that instead of choosing the theories first and then finding the cases most appropriate for testing them, the cases are chosen first and the theories are selected to explain them. For this research, elements of both approaches will be combined. The phenomenon that is investigated in this research, the variation in the formulation of human rights clauses in EU FTAs, does not involve a concrete case but rather a trend, which is by nature abstract. The cases under consideration will be used as examples of this variation. Nevertheless, this study is still fundamentally theory-driven.

5.3 Case selection

To execute a sound study, it is crucial to select appropriate cases in which the theoretical framework can be tested. Important here is to choose the right observations to ensure an analysis that is unbiased and provides for “a valid assessment of the theory” (Gschwend and Schimmelfennig, 2007:5). As was mentioned before, Blatter and Haverland acknowledge that in “real-world empirical research” the specific case can be selected first (2012:175). The starting point of this study is a trend, namely the inconsistent manner in which the EU decides to formulate the human rights provisions in its trade agreements. As such, the focus lies on the variation in the decision-making outcomes, not so much the cases themselves. The “single event that is of special interest” therefore is the decision-making pattern that connects the different EU FTAs, in so far as there is one (Blatter & Haverland, 2012:175). As previously observed, the potential FTAs need to have been negotiated and concluded after the Treaty of Lisbon to account for the adoption of the ordinary legislative procedure in EU trade policy, which involves a veto-power for the European Parliament.

Moreover, the most interesting cases are the trade agreements in which the inclusion of human rights conditionality was contested by the trade partner, as it is in this situation when the conflict arises between commercial and normative interests. Accordingly, the FTAs with Singapore (2014) and Vietnam (2015) will be analysed. The EU made a crucial concession to Singapore which took the form of a side letter enclosed with the conditionality clause recognising Singapore’s human rights practices, despite for example the country’s questionable labour rights record and application of the death penalty. The EU-Singapore trade agreement was the first of its kind with one of the ASEAN members and was therefore seen as a blueprint for possible future trade agreements with other countries in the region. The EU’s moderate stance may well have set a precedent that could undermine an active position on the promotion of human rights regarding other Southeast Asian states in the future. As opposed to Singapore, Vietnam is not a high-income country, which would imply a better bargaining position for the EU. Yet, the EU-Vietnam FTA reveals a rather ambiguous approach taken by the EU regarding the human rights provisions: the EU insisted on the inclusion of a suspension clause, but the agreement does not explicitly allow for the suspension of all trade obligations in case of human rights violations, which diminishes the clause’s legal implications.

The trade agreements with Singapore and Vietnam have been subject to academic scrutiny before but only in a limited fashion, only recently and only once together at the same time. As has been mentioned before, the Bureaucratic Politics model was revitalised in the article by McKenzie and Meissner (2017) and applied in a single-case study, which was Singapore. The article focused mainly on the role of the European Parliament and as such it is deemed fruitful to re-apply this model to this particular case since the scope of this thesis allows for a more in-depth analysis of the roles of the other European institutions involved. Moreover, by offering a plausible alternative theoretical framework, Klüver’s Exchange theory, concerning interest group influence next to this model, its explanatory value and possible complementary

insights can be explored directly. The same goes for a comparative analysis done by Hoang and Sicurelli (2017), which focused on the role of interest groups and which took Singapore and Vietnam as case studies. The impact of the institutional set-up of the EU on the decision-making outcomes in these cases is implicitly and explicitly understated in favour of advocating an alternative explanation and consequently a new analysis using a similar framework while also incorporating an institutionalist perspective is highly valuable. These theories have been tested in isolation but rarely in a comparative manner and such an endeavour is long overdue. Selecting these trade agreements is therefore appropriate.

5.4 Data collection

Finally, the last step of the research design is to determine the method of data collection. Yin (2009) identifies six sources of evidence for case studies: documents, archival records, interviews, direct observation, participant-observation, and physical artefacts. For this thesis, primarily documents and interviews will be used. Yin argues that ‘documents’ can include: agendas, memoranda, administrative documents, newspaper articles, journal articles, press releases, draft reports, and any document that is relevant to the investigation. This would also include actors’ statements, government reports, position papers and academic literature. Regarding interest group influence, for example, position papers and press releases of European pressure groups can provide evidence of societal mobilisation, while the impact of those pressures can be analysed by looking at the documents of the different EU institutions. These types of documents are also instrumental to the verification of the evidence from other sources, which is particularly important in case studies (Yin, 2009). Media platforms specialised in European policy-making such as *Euractive* will be consulted. Also, business databases, reports, magazines and newspapers will be searched for relevant data. In addition, first-rate newspapers such as the *Financial Times* and the *Economist*, as well as electronic newspapers dedicated to EU affairs such as the *European Voice* and the *New Europe*, will be consulted.

Moreover, the results will be triangulated with semi-structured interviews with relevant stakeholders to gain more insight into the specific motivations behind the FTAs. After identifying possible gaps in the available information collected during desk research, these can be filled with the answers given by relevant stakeholders during interviews. For this thesis, interviews are crucial for painting a complete picture as both inter-institutional preferences as well as lobbying activities are usually not visible to the public. Interviews can also be used to confirm information already collected during the desk research stage. Semi-structured interviews, in which the sequence of asked questions is flexible and guided by the interviewer, are preferred since they give space to the interviewees’ own perspective, perception and understanding of the matters discussed.

6. OPERATIONALISATION

In this chapter, the general theoretical expectations about the empirical cases or propositions will be deduced from the chosen theories as the first step of the congruence analysis. First, the proper method for deducing propositions will be discussed. Subsequently, the propositions will be formulated for each theory separately.

6.1 Deducing propositions

According to Blatter and Haverland (2012), in a congruence analysis the process of formulating propositions based on the abstract theories must be done separately from the comparison of these propositions with the empirical observations. The empirical observations predicted must accurately express the theories under consideration. While interpreting the data, the inferential leaps between the predictions and the empirical observations are not done in a purely technical or objective manner. By translating the propositions of each theory into concrete predictions, the level of abstraction is reduced. By confirming or disconfirming the predictions, one can then determine the explanatory value of both theories in these specific cases. In a congruence analysis, external validity means that research findings can be used to assess the relative strength and relevance within the broader theoretical discourse of the theories used (Blatter & Blume, 2008:336). The most important pre-requisite is a ‘three-cornered fight’ that includes empirical observations and at least two theories (Hall, 2008). Finally, the reliability of the analysis needs to be ensured. In a congruence analysis, this is done through the formulation of ex-ante theoretical expectations before executing the empirical analysis (Blatter & Haverland, 2012:161).

The propositions for the Bureaucratic Politics model are rather straightforward and concern the organisationally informed preferences of the main EU institutions involved in trade negotiations, the way in which bureaucratic competition would be observable between the EU institutions after both Singapore and Vietnam resisted value promotion through the FTAs and the level of salience the Parliament and the EEAS would ascribe to upholding normative values. Klüver’s Exchange model, on the other hand, is a quantitative model which means that to apply it in a qualitative analysis the model must be adapted to fit in a small-N case study. The logic of interest group influence being the output of an exchange relationship between the Commission and interest groups is not limited to a quantitative study. The model explains why some interest groups are more successful than others when it comes to putting pressure on the Commission in an attempt to move its policy preferences towards their own. In small N-case studies, this model can be used to make sense of why different patterns of interest group mobilisation can lead to different outcomes in specific cases. The principles constituting the Exchange model remain the same. It is assumed that the Commission, being a rational actor, is prepared to move its policy position in exchange for information (technical and on the preferences of the other EU institutions), public support and the backing of economic power. The degree of human rights promotion in the FTAs with Singapore and

Vietnam will then be the result of certain interest groups having been able to exchange these goods in a larger manner than others. Following Hoang and Sicurelli (2017), in this process there is competition between CSOs and European import-competing groups on the one hand, pushing for higher regulatory standards, and European exporters, import-dependent industries and investors in the Southeast Asian region, on the other hand, opposing such standards. It is predicted that if strong human rights provisions are lacking in the FTAs with Singapore and Vietnam, interest groups pushing for such provisions have been less able to exchange information, citizen support and backing of economic power or to form coalitions to this end than those groups opposing rigid human rights provisions.

6.2 Propositions: Bureaucratic Politics model

For this thesis, the adapted version of the Bureaucratic Politics model, as employed by McKenzie and Meissner in their previously discussed 2017 article, will be used. They argued that when a trade partner contests the promotion of values like human rights in the trade agreement, competition between the relevant decision-makers breaks out to determine the prevalence of either value promotion or commercial interest protection. Because the different institutional actors that are directly or indirectly part of the negotiations ascribe more importance to either one of these two or both, the “variation in the degree of value promotion” can be explained by examining the ‘turf battles’ between the institutional actors (McKenzie & Meissner, 2017:835). Consequently, the final position taken by the EU in the FTA negotiations flows from this competition. To apply the Bureaucratic Politics model to EU trade negotiations therefore means identifying the preferences of the key players in trade policy and the impact of the bureaucratic competition between them on the extent to which the EU promoted human rights in the eventual FTAs.

In their article, McKenzie and Meissner consider the interests of the Commission (DG Trade), the Council, with the member states operating through the TPC, the Parliament and the EEAS. In addition, McKenzie and Meissner argue that the degree of contestation by the trade partner as well as the bargaining context within which the negotiations take place also shape the decision-making outcomes. By the latter they mean the degree to which the institutional actors of the EU are willing to take an active stance with respect to human rights promotion. Thus, when the EEAS and the Parliament are relatively passive and prepared to make concessions on human rights conditionality, as McKenzie and Meissner argued was the case in the negotiations with Singapore, it is likely that the EU’s stance will lean more towards commercial interest protection. Instead, whether both institutional actors will take an active stance depends, according to McKenzie and Meissner, on the salience of the issue. Salience informs the actors on whether it is advisable to spend their limited resources on that issue as to expand their policy turf. In this version of the model, the salience proposition replaces the resultant proposition.

As such, the following propositions for the Bureaucratic Politics model can be formulated:

- Proposition 1: In the decision-making process with respect to trade agreements, the EU institutions behave as fairly autonomous actors pursuing organisationally defined preferences.
- Proposition 2: Due to competing preferences and unequal distribution of bargaining power, bureaucratic competition over prioritising either normative or commercial interests will emerge between the EU institutions.
- Proposition 3: A lack of issue salience for the Parliament and EEAS leads to a moderate EU position on value promotion.

6.3 Propositions: Klüver's Exchange model

According to this slightly adapted version of Klüver's exchange model, interest groups can influence the outcome of trade agreements when they can offer the Commission three types of goods – information, citizen support and the backing of economic power – and are able to work together in lobbying coalitions while doing so. Thus, the more of these goods interest groups can offer and the larger the lobbying coalitions is, the closer interest groups can move the outcomes of decision-making processes towards their preference points. This leads to the following propositions:

- Proposition 1: The more information – issue-specific expertise and indicators of the preferences of the Council and the Parliament – interest groups can offer the Commission, the more influence they will have on the policy outcome.
- Proposition 2: The more citizenship support interest groups can offer the Commission, the more influence they will have on the policy outcome.
- Proposition 3: The more backing of economic power interest groups can offer the Commission, the more influence they will have on the policy outcome.
- Proposition 4: The larger the size of the lobbying coalitions – European, transnational or both – the more influence interest groups will have on the policy outcome.

7. ANALYSIS

The purpose of this chapter is to test the ability of the Bureaucratic Politics model and Klüver's Exchange model to explain the content of the provisions relevant to human rights conditionality as included in the FTAs and PCAs with Singapore and Vietnam. First, these provisions will be shortly discussed. Afterwards, predictions for each theory will be formulated based on the previously presented propositions and then tested in separate parts. Per prediction, evidence will be given on the basis of which will be decided whether the prediction can be confirmed or not and why.

7.1 The human rights clauses in the FTAs and PCAs with Singapore and Vietnam

As has been laid out in the 'Background' Chapter, the human rights provisions which the EU incorporates in its trade agreements generally contain the following components:

- The preamble
- The 'essential elements' clause
- The 'non-execution' clause

As the EU relocates human rights provisions to the PCAs, the 'essential elements' is absent in the FTAs and instead incorporated in the PCAs. However, the two agreements are linked through a so-called 'linkage clause', which will be discussed as well as it indicates how closely the agreements are intertwined and how much impact breaching one can affect the other.

7.1.1 Singapore

The EUSFTA and EUSPCA were both signed in October 2018 and still require ratification. The preamble of the EUSFTA refers to the Universal Declaration of Human Rights which, as has been discussed before, is a standard component of EU FTAs. Moreover, article 1(1) of the PCA contains the essential elements clause, which says the following:

“Respect for democratic principles, the rule of law and fundamental human rights, as laid down in the Universal Declaration of Human Rights and other applicable international human rights instruments to which the Parties are Contracting Parties, underpins the internal and international policies of the Parties and constitutes an essential element of this Agreement.”

(Commission, 2014)

This phrasing differs from the standard wording discussed in the ‘Background’ chapter in one important aspect, namely that it refers to “relevant international human rights instruments to which the Parties are Contracting Parties”. This means that the EU cannot push Singapore beyond what it had already committed to in terms of international human rights law. The non-execution clause, located in article 44, names suspension as an “appropriate measure” that any party can take if the other fails to fulfil its obligations. However, unlike similar agreements with Moldova, Georgia and CARIFORUM, the clause implies yet does not make explicit that mutual trade obligations may be suspended in case of human rights violations. The clause instead refers to violations of article 1 as ‘cases of special urgency’ that require the EU to give Singapore the opportunity to request consultations before suspending. Next, the linkage clause in article 16.18 of the FTA says the following:

“This Agreement shall be an integral part of the overall bilateral relations as governed by the Partnership and Cooperation Agreement and shall form part of a common institutional framework. It constitutes a specific agreement giving effect to the trade provisions of the Partnership and Cooperation Agreement.”

(Commission, 2019)

The terms ‘integral’ and ‘common institutional framework’ are especially strong language and indicate that the FTA and PCA are meant to be taken as one. However, the EU undermined the potential effects of the conditionality flowing from this linkage by adding a side-letter to the PCA, which states:

“With reference to the Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Singapore, of the other part, both sides confirm their understanding that, at the time of signature of this Agreement, they are not aware, based on objectively available information, of any of each other’s domestic laws, or their application, which could lead to the invocation of Article 44 of this Agreement.”

Through this side-letter, the EU implicitly confirmed Singapore’s human rights practices as they were at the time of signing as being acceptable to the EU. This means that only a sudden deterioration in the human rights situation could trigger the conditionality clause, which effectively curbs its potential impact.

7.1.2 Vietnam

The EUVFTA was signed in June 2019 but still requires ratification, the Framework Agreement on Comprehensive Partnership and Cooperation between the EU and Vietnam (EUVFACPC) had already entered into force in October 2016. The preamble of the draft EUVFTA, which still requires consent from the Parliament, contains the same reference to the Universal Declaration of Human Rights as the EUSFTA (Commission, 2018). The essential elements clause in article 1 of the EUVACPC is identical to the one in the EUSPCA (Commission, 2016). Contrary to the EUSPCA, the non-execution clause in

article 57 of the EUVFACPC makes no reference to the essential elements clause and the word ‘suspension’ is not included. The latter is curious, especially when compared to the EUSPCA. By not making explicit reference to the option of suspending obligations, the EU appears to have taken a relatively soft approach towards Vietnam. Unlike the EUSPCA, however, the EUVFACPC does mention the concept of ‘material breach’ and that any measures taken should be in accordance with international law. This is echoed in article 17.18(2) of the draft FTA, which provides that “[i]f a Party considers that the other Party has committed a material breach of the Partnership and Cooperation Agreement, it may take appropriate measures with respect to this Agreement in accordance with Article 57 of the Partnership and Cooperation Agreement”.

7.2 Applying the Bureaucratic Politics Model

7.2.1 Proposition 1

“In the decision-making process with respect to trade agreements, the EU institutions behave as fairly autonomous actors pursuing organisationally defined preferences”

For the first proposition to hold true, analysing the behaviour of the EU institutions should result in the identification of specific interests and motivations which drive the institutions to certain actions in the trade negotiations in pursuit of said interests. As has been discussed in the previous section, the relevant policy-makers in the process of creating and concluding trade deals are the Commission (DG Trade), the Council, with the member states operating through the TPC, the Parliament and the EEAS. For this proposition, only the pre-negotiation stage of both trade agreements is relevant because for bureaucratic competition to break out, the diverging positions of the EU institutions should already be established.

7.2.1.1 Evidence

The EU launched the negotiations of a PCA with Singapore in October 2005. In line with its 2006 ‘Global Europe’ strategy, the Commission identified ASEAN as an excellent new FTA candidate due to the region’s “market potential (economic size and growth) and the level of protection against EU export interests (tariffs and non-tariff barriers)” (Commission, 2006b:9). In April 2007, the Council adopted negotiating directives for trade negotiations with ASEAN and authorised the Commission to start negotiations, which were launched a month later. The Council agreed with the Commission’s standpoint that there had to be a clean separation between the FTA and PCA in terms of the issues discussed, meaning that the FTA negotiations were to be limited to economic affairs while the political affairs were to be covered in the PCA negotiation rounds (Council of the EU, 2007). Indeed, in the (leaked) draft negotiating mandate for the EU-ASEAN FTA, human rights concerns do not appear at all (Bilaterals, 2007).

On the 8th of May 2008, the Parliament voted overwhelmingly in favour of the FTA but also stressed that human rights needed to “form an integral part of the negotiations with ASEAN, especially in the PCAs” (Parliament, 2008). As such, the Parliament considered PCAs with enforceable human rights clauses prerequisites for the conclusion of an FTA with ASEAN. In May 2009, the Commission presented a report to the TPC about the problematic aspects of the negotiations due to the economic divergence as well as the lack of institutional coherence within ASEAN and recommended pausing the negotiations (Council of the EU, 2009). The original mandate anticipated the situation in which it would be necessary to switch to bilateral negotiations (Bilaterals, 2007). The Commission proposed to conclude an agreement with Singapore first so that it could serve as an example, as Singapore is one of the leading countries in ASEAN, both economically and politically.

In July, High Representative Solana stated that for the FTA to come into existence, each ASEAN member needed to conclude a PCA with the EU individually (Lim, 2012). In reaction to the Commission proposing an FTA with Vietnam, the Parliament issued a resolution in November 2009 in which it expressed its concerns about the country’s poor record regarding freedom of expression, torture, freedom of religion and violence against women (Parliament, 2009). In the resolution, the Parliament explicitly demanded a binding human rights conditionality clause and a strong enforcement mechanism.

In December 2009, the Council gave permission to the Commission to start bilateral negotiations with Singapore based on the ASEAN mandate, while preserving the strategic objective of a region-to-region free trade agreement (Council of the EU, 2016). In March 2010, the Commission officially launched the negotiations. In the same month, a declaration by Trade Commissioner Karel de Gucht was leaked in which he maintained that Vietnam’s human rights record would not influence the EUVFTA negotiations (Radio Netherlands Worldwide, 2010). In July 2012, the Council adopted the Strategic Framework on Human Rights and Democracy in which it pledged that the EU would “promote human rights in all areas of its external action without exception” (Council of the EU, 2012). However, in 2012, a spokesperson from DG Trade reiterated Commissioner De Gucht’s earlier statement and argued that this separation was consistent with the division of competences among the EU institutions (New Europe, 2012). As such, before the trade negotiations with both countries were started, the EU had delegated the issues of trade and human rights to two separate negotiating tables. As with the EUSFTA, the Council based its mandate for the trade negotiations with Vietnam on the ASEAN mandate and gave a green light to the Commission in April 2012, which started the negotiations in June that same year.

The evidence from statements made by key actors and official documents indicate that at the end of the pre-negotiation phase the Commission and the Council leaned towards prioritising commercial interests whereas the Parliament and the EEAS had more prominent human rights considerations. The interviews conducted with officials from the different EU institutions as well as existing literature point into the same direction. One DG Trade official said that DG Trade perceives trade deals as products to be delivered based on the mandate given to them by the Council (interview 2). According to him, the Commission consults the mandate about what it needs to negotiate and principally remains within the

boundaries put in place by the Council. Such statements must be taken with a grain of salt as previous principal-agent studies have shown that the Commission regularly and often successfully pushes such boundaries to pursue its own interests (see, e.g., Elgström and Fremnhoff Larsén, 2010; Elsig and Dupont, 2012; Van den Hoven, 2004). That being said, the available means for political control in EU trade policy (the mandate, the TPC as well as the ratification competences) are of such direct and comprehensive nature that margins for agency drift are noticeably narrow and the Commission is forced to carefully anticipate the Council's preferences (Damro, 2007). Young (2007:799) observes similar trends and finds that the Commission in general has “an apolitical and technocratic approach to trade policy” (Leeg, 2014:344). As an executive organ, the Commission is relatively disconnected from strong economic or normative interests and instead wants to conclude FTAs as quickly and expertly as possible. The Commission was indeed very keen to negotiate “state of the art agreements” with Singapore and Vietnam, especially because these were meant to be stepping stones to a future region-to-region agreement (interview 2).

When the Council designs the mandate, most attention goes to the sensitivities in the different industries (interview 4). Scholars have found that the TPC indeed tends to prioritise commercial interests as the preferences of the different member states, despite being heterogenous, are largely shaped by the demands of their national economies (Adriaensen & González-Garibay, 2013; Leeg, 2014). Moreover, according to an INTA official, there is this mutual understanding between the EU institutions that the Parliament plays the role of champion when it comes to human rights or other normative issues (interview 4). Therefore, the Council is inclined to let the Parliament raise certain issues that may be uncomfortable to the trading partner. The same INTA official also confirmed the idea that of all EU institutions, the Parliament is the most concerned with promoting normative values in EU foreign policy in general and in trade negotiations in particular (interview 4). He argued that this is the case because Parliament represents the whole European population and MEPs therefore have more sensitivity to a wide range of issues when compared to members of the Commission, who have no re-election concerns and who are often specialised in and therefore focus on only one aspect.

Finally, according to an EEAS official, the main motivation for the EEAS behind PCA negotiations is “to work out a document that describes the entire depths and content of the relationship” (interview 5). Thus, the PCA is supposed to cover the entire span of the relationship, with human rights and democracy being important yet not the only elements. In this process, the EEAS is mindful of whether the content of the FTA is coherent with the EU's overall approach to the country (interview 6). To do this, the EEAS considers what the general policy objectives are vis-à-vis a certain country and which instruments are the most suitable to pursue these.

7.2.1.2 Confirmed/disconfirmed?

Based on the evidence, Prediction 1 can be confirmed. At the end of the pre-negotiation phase for both trade agreements, a clear distinction was visible between the EU institutions in terms of preferences, with

the Commission and the Council prioritising commercial objectives whereas the Parliament and, to a lesser extent, the EEAS were both more vocal on human rights concerns. The Parliament was explicit about its wish to have strong human rights provisions included and the High Representative pressed for a comprehensive PCA with both Singapore and Vietnam. These preferences align with findings from previous studies and the interviews taken with several EU officials.

7.2.2 Proposition 2

“Due to competing preferences and unequal distribution of bargaining power, bureaucratic competition over prioritising either normative or commercial interests will emerge between the EU institutions”

Following this proposition, it is predicted that the diverging interests between the EU institutions regarding human rights conditionality in the trade agreements with Singapore and Vietnam led to bureaucratic competition over the prioritisation of commercial vis-à-vis normative interests. Moreover, it is predicted that the EU institutions will not have had equal bargaining power due to differences in material resource capacities and due to some EU institutions having more access points for influencing the trade negotiations.

7.2.2.1 Evidence

7.2.2.1.1 Unequal bargaining power

The Commission is the main negotiator, but since the Commission is bound by the negotiating mandate from the Council, it has difficulty pushing for a stronger position on human rights even if it would be in its interest (interview 2). The Parliament has no formal role in the earlier stages of the trade negotiations and consequently has very little official means to influence the content of the provisions beyond withholding consent to the whole trade agreement. Article 207 TFEU provides that the TPC will *assist* the Commission, whereas it only obliges the Commission to *report* to INTA. Moreover, although the Commission is required to regularly inform the Parliament, this relation works only in one direction as the Parliament cannot intervene or provide binding consultations. Consequently, the TPC is formally awarded a larger role in the process. Moreover, in terms of bureaucratic capacity the Parliament is at a disadvantage when compared to the Council’s TPC and the Commission’s DG Trade (Leeg, 2014). The TPC consists of trade experts from the Member States and therefore has plenty of technical knowledge it can draw from. Similarly, DG Trade has more than 600 experts that can provide economic expertise in many different areas, whereas INTA only has a secretariat, a small number of MEPs as well as their staff and some advisers (Leeg, 2014).

Significantly, during the trade negotiations with Singapore and Vietnam, the PCAs were negotiated in parallel. Due to both agreements being compartmentalised and negotiated by different institutions, there

was relatively little feedback between the two (interview 6). What little there was took mostly the form of information sharing; there was no interference from either side in each other's negotiations.

7.2.2.1.2 Competing interests Singapore

The EU's clear commercial interests in its relationship with Singapore conflicted with the normative aspects of its foreign policy agenda in the region, namely "to deepen tangible cooperation with relevant ASEAN actors promoting human rights" (Council of the EU, 2015). Although technically a multi-party system, the centre-right People's Action Party (PAP) has politically dominated Singapore since the country became fully independent from the United Kingdom in 1965 (Freedom House, 2018). As such, no meaningful political opposition exists. Moreover, all media outlets ranging from newspapers to radio stations are controlled by companies that have ties with the government. Next, the Public Order Act heavily restricts possibilities for organising public assemblies, as it provides that all "cause-related" public assemblies require a police permit (Human Rights Watch, 2017). Following the Societies Act, each new organisation that wants to engage in political activities must register with the government, which has full discretion to give such permits or dissolve established organisations. For Singapore, the EU's strong stance against the death penalty was the most problematic. In 2017, on the 15th World Day Against the Death Penalty, the EEAS stated that the EU is "strongly and unequivocally" against the death penalty, calling it "incompatible with human dignity" (EEAS, 2017). According to the EU's Guidelines on the Death Penalty, the universal abolition of the death penalty is a key human rights objective in EU foreign policy (Council of the EU, 2013). Currently, there are 32 criminal offences in Singapore that are potentially punishable by death, a system which enjoys major support from the population (interview 2; Su Hui, 2019).

During the negotiations, the Singaporeans did not understand or appreciate the EU's emphasis on human rights issues and how it tries to influence domestic policies through human rights conditionality (interview 5). Consequently, the human rights clause became a potential source of conflict between the two negotiating parties. DG Trade believed a trade deal to be crucial to maintaining and increasing the competitiveness of the EU in the ASEAN area in terms of trade, especially since other major trade powers like China and the United States already had FTAs concluded with Singapore (Euractiv, 2013). Additionally, paving the way for FTAs with other ASEAN members and securing market access to these countries for EU businesses were major driving factors behind how DG Trade approached the trade negotiations (Council of the EU, 2016).

The Council was also strongly in favour of the trade agreement. For the United Kingdom, closer ties between the EU and Singapore were very significant due to their historical bilateral relationship and Singapore's position as the UK's largest export market within ASEAN, with more than 700 British companies being based in the country (UK Parliament, 2014). Germany also pushed for a quick conclusion, with Singapore being Germany's largest ASEAN trade partner and Germany being

Singapore's largest EU trade partner (Hussain, 2015). Eventually, during the final stages of the negotiations, no Member States were particularly vocal on the PCA in a negative sense (interview 5).

Singapore only agreed to the strong language of the linkage clause on the condition that the EU would make a "positive, explicit statement on the compliance of its domestic laws and practices with the essential elements" (UK Parliament, 2014). The EEAS denied this request but was prepared to come to a compromise, being fully aware of the eagerness of the Council, Commission and even the Parliament to conclude the FTA. The EEAS was therefore willing to make a concession to the Singaporeans in the PCA negotiations on human rights conditionality, in the form of the side-letter. For the Commission, the side-letter was not a concession but just a way to "politically sell something" (interview 2).

7.2.2.1.3 Competing interests Vietnam

The Socialist Republic of Vietnam is a single-party state in which the political system is dominated by the Communist Party of Vietnam (CPV) and opposition parties are illegal (Freedom House, 2018). Although the Vietnamese constitution recognises freedom of expression, any criticism of the government constitutes a criminal offence (Reporters without Borders, 2019). The government tightly controls all religious groups, limits academic freedom and heavily constrains civil society; for example, there are no independent labour organisations (interview 1). Finally, Vietnam applies the death penalty regularly; between the 1st of July 2011 and the 30th of June 2016, 1,134 people were sentenced to death in Vietnam (Tran, 2018). The number of implemented death sentences in 2018 alone was 85, making Vietnam the most fervent applier of capital punishment among the ASEAN countries and fifth in the world (Amnesty International, 2019). As many as 18 offences are punishable by death, most of which are non-violent or drug-related.

Thus, even more so than Singapore, the EU's human rights agenda clashed with the reality in Vietnam (interview 1). Like Singapore, Vietnam saw a strong conditionality clause as a too large infringement on its domestic system (interview 6). With respect to the human rights situation, the restricted freedom of expression and the suppression of civil society in Vietnam were especially frowned upon by the EU. In turn, the Vietnamese government disagreed with the EU's strong position on said issues, as well as its demand for independent political parties, demonstrations, freedom of assembly and an end to the death penalty (interview 6).

As with the EUSFTA, DG Trade considered the EUVFTA essential to a future region-to-region FTA with ASEAN (interview 6). Consequently, the Commission's approach towards Vietnam was similar to its overall engagement with ASEAN. The competition from China, South Korea and the US also made DG Trade and the TPC keen to conclude an FTA (interview 6). For the Council, Vietnam formed an important entry point into the ASEAN region for national industries. Germany, as Vietnam's largest trade partner within the EU, was especially eager to conclude the EUVFTA and to secure access for German exports to the Vietnamese market (Federal Ministry for Economic Affairs and Energy, 2019). At the same time, however, Germany was also one of the few countries actively promoting human rights, receiving

support in varying degrees only from France, the Benelux and the Scandinavian countries (interview 2). Nevertheless, there was broad support for the FTA among the Member States and at no point during the negotiations did breaking them off become a plausible option (interview 6).

The Parliament also regarded the EUVFTA as a building block towards a future pan-ASEAN FTA (Parliament, 2014c). INTA especially was worried that “every year of delay of opening the market” would put EU companies at a bigger disadvantage when compared to its competitors (interview 4). However, although INTA was very much in favour of the FTA, AFET was more critical. According to an EEAS official, the two committees were so divergent in their positions that if the Vietnamese Ambassador were to visit he would receive positive messages from INTA and harsh criticism from AFET (interview 6). As it had done in previous negotiations, the Parliament demanded a human rights assessment prior to concluding the agreement to determine whether the FTA would have adverse effects on the human rights situation in Vietnam (interview 6). The Parliament argued that human rights had not been covered by the initial impact assessment carried out during the region-to-region FTA negotiations and that these new bilateral negotiations required a new one (European Ombudsman, 2016). The Commission countered in a formal reply that it had incorporated human rights in the initial impact assessment and that the negotiations becoming bilateral did not create an obligation to carry out a new one. The Commission also reiterated its opinion that closer trade ties would eventually lead to human rights improvement. During this process, the Commission preferred to continue promoting human rights through “other effective tools” such as the enhanced Human Rights Dialogue which was established in January 2012 (European Ombudsman, 2016). Finally, the EEAS had as its main objective in the case of Vietnam to stimulate a progressive relationship in all areas (interview 6). It considered an FTA the “most advanced mechanism to move closer together” in the area trade and therefore in line with this general objective.

7.2.2.2 Confirmed/disconfirmed?

Based on the evidence, prediction 2 can be confirmed as well. In the case of both Singapore and Vietnam, the EU’s human rights agenda clashed with the domestic situations in both countries and both countries resisted human rights conditionality. Consequently, EU decision-makers faced a dilemma which brought the conflicting foreign policy interests to the surface: to insist on conditionality or to make concessions to keep the negotiations alive. In the case of Singapore especially, this divergence also materialised in the Parliament between INTA and AFET. Moreover, the EU institutions had unequal access to the decision-making procedure for influencing the text of the trade agreements. Compared to the Commission and the Council, the Parliament has a smaller formal role in the negotiations and, consequently, even if its interests had been more firmly on the normative side of the spectrum, it would have had fewer options to move the negotiations in its preferred direction.

7.2.3 Proposition 3

“A lack of issue salience for the Parliament and EEAS leads to a moderate EU position on value promotion”

When value promotion is contested by the trade partner, the degree of salience the Parliament and the EEAS ascribe to the issue informs them on how much they should ‘care’ (McKenzie & Meissner, 2017:839). When there is low salience, the Parliament and EEAS will not push for strong human rights conditionality, which in turn would lead to the EU taking a moderate position. As it has already been established that the EU made concessions in the case of Singapore and Vietnam, it is predicted that to the Parliament and the EEAS human rights conditionality were indeed not a salient issue. This means that neither were prepared to spend many resources to advocate value promotion or to jeopardise the negotiations by doing so. In the case of the Parliament, lack of salience will also be reflected in a scarce employment of parliamentary instruments such as adopting resolutions, posing questions and issuing opinions.

7.2.3.1 Evidence

7.2.3.1.1 Singapore

To start, the MEPs did not call any debates on concessions regarding human rights conditionality during the EUFTA or the EUPCA negotiations. Between 2009 and 2014, MEPs posed merely 10 parliamentary questions to the Commission about the EUSFTA and none of them were about Singapore’s position on human rights (Parliament, 2019a). One explanation is that these issues are relatively small in Singapore compared to its neighbouring countries (interview 7). According to a report commissioned by INTA, the PCA negotiations and human rights conditionality “had not provoked any clash within the European Parliament” (Pelkmans et al., 2013). Instead, the issue INTA internally discussed the most was tax evasion (interview 4). With respect to trade-related issues, INTA was in general very much on the same page with the Commission. INTA did push the Commission for a more extensive TSD chapter, but other than that there were no major areas of contention (interview 3).

Similarly, there were no MEPs on either side of the political spectrum who were willing to make the death penalty a red line in the negotiations (interview 3). When discussing the resolution on giving consent to the EUSFTA, there were no amendments proposed to have stronger human rights language included in the FTA (Parliament, 2018a). Several S&D MEPs wanted to make explicit reference to the diverging views on freedom of press, political rights and civil liberties, but this did not make it into the final text. Not even the leftist groups mentioned the word “death penalty” and instead most proposed amendments on values were on the TSD and labour provisions. In general, the Parliament seemed overwhelmingly jubilant about the FTA, as reflected in the resolution on consent: 425 MEPs voted in favour, 186 voted against and 41 abstained (Parliament, 2018b). Conversely, in a resolution on consent to

the PCA, the Parliament did recommend starting a dialogue with Singapore about an immediate moratorium on the death penalty with the ultimate goal its total abolition (Parliament, 2019b). Also, the Parliament urged Singapore to respect the freedoms of expression and assembly. The Greens especially pushed for stronger language on the death penalty, LGBTI rights and freedom of expression. Additionally, they wanted to put more emphasis on the possibility to suspend the FTA in case of violation of these elements. However, the Greens did not receive any support from the other political groups in this regard.

The Parliament barely used the instruments at its disposal. It held relatively few meetings with the Commission, issued no opinions or adopted any resolutions specifically on the EUSFTA even though the latter typically is the strongest formal instrument the Parliament can use to influence the negotiations of agreements in terms of substance. Instead, at the time the Parliament was much more preoccupied with the negotiations of the Anti-Counterfeiting Trade Agreement (ACTA), which were happening concurrently with the EUSFTA negotiations. Due to significant public opposition, including an unprecedented degree of direct lobbying by EU citizens, the Parliament's rapporteur for ACTA, Kader Arif, resigned in protest after which his successor, David Martin, recommended to the Parliament to reject the agreement, which in the end heeded his call (Parliament, 2012). In the midst of this controversy, scarcely anyone paid attention to the EUSFTA and, consequently, the ACTA negotiations provided a greater opportunity for the Parliament to expand its policy turf (interview 1).

With neither the Council, DG Trade or the Parliament taking an active stance on human rights conditionality towards Singapore, the EEAS chose not to take a strong position either (interview 5). Save for the concerns previously discussed, the EEAS thought the human rights issues in Singapore to be "relatively limited". The EEAS also understood that the Singaporeans considered the FTA to be purely trade-related. Therefore, linking the FTA with the PCA for them was less appropriate. Instead, the EEAS found having Singapore ratify the outstanding ILO conventions to be of higher priority while it did not consider the death penalty an automatic deal-breaker. Regarding conditionality, an EEAS official said that "it takes two to tango" and that if the EU wanted to "move ahead with the negotiations, it had to make a compromise" (interview 5). For the EEAS, it was a matter of setting priorities, as having a too firm stance on human rights could jeopardise the whole agreement.

7.2.3.1.2 Vietnam

Compared to the EUSFTA, issue salience was considerably higher during the negotiations with Vietnam. One reason for this was that the human rights situation in Vietnam was comparatively worse than in Singapore (interview 2). During the negotiations, MEPs posed 22 parliamentary questions about human rights in Vietnam, of which two were in relation to the FTA. Interestingly, since the negotiations formally closed, the Parliament has posed 13 questions about the FTA, of which 9 were on human rights (Parliament, 2019c). In January 2014, the Parliament urged the Commission in a resolution to push for "enhanced cooperation and mutual rapprochement on human rights issues" with the ASEAN countries, especially in the areas of freedom of assembly and association (Parliament, 2014b). In another resolution

adopted in April 2014, the Parliament demanded a “binding and enforceable sustainable development chapter reflecting the EU’s and Vietnam’s common commitment to promote respect for, compliance with, and enforcement of international human rights agreements” (Parliament, 2014c). To ensure compliance, the Parliament argued that a legal link between the FTA and PCA was required with the possibility of suspending the FTA in case of severe human rights violations. Furthermore, the Parliament reiterated its demand for a human rights impact assessment in the case of Vietnam specifically. The Parliament received support from the European Ombudsman, Emily O’Reilly, who determined that there was insufficient cause for the Commission to not carry out such an assessment and that the failure to do so constituted malpractice (European Ombudsman, 2016). Nevertheless, the Ombudsman’s decisions are not legally binding and, since the negotiations had already been completed by then, she accepted the promise by the Commission that it would carry out a human rights impact assessment in future negotiations. The Parliament adopted a resolution in December 2015 in which it welcomed the conclusion of the FTA negotiations, while also expressing its deep concerns about the human rights situation in Vietnam.

Despite its evident activity with respect to the human rights situation in Vietnam, the Parliament also realised that many of its wishes would require rigorous changes in the domestic system, which would not only prove to be difficult in the short-term but also undesirable to the Vietnamese government as well as most Vietnamese citizens (interview 4). Pushing too hard would therefore prove to be counterproductive and out of “contact with reality”. Also, the reality was such that unlike countries neighbouring the EU, Vietnam would be able to look to other countries in the region for trade opportunities. Consequently, the only issue the Parliament presented as a red line was the ratification of the ILO conventions (interview 7). In that sense, the Parliament had learned from the resolution it had adopted in April 2013 on the freedom of expression in Vietnam, which had sparked harsh criticisms from the Vietnamese government and had strengthened the Commission’s opposition against including human rights provisions in the FTA (Sicurelli, 2015a). Like the EUSFTA negotiations, the only radical proposals came from the far left-side of the political spectrum, which meant that the vast majority in Parliament favoured a moderate position (Parliament, 2013).

According to an EEAS official, its negotiators knew at the start of the PCA negotiations that with Vietnam’s poor human rights record the EU had to be realistic about what could reasonably be accomplished (interview 6). As such, the priority for the EEAS was to establish a close relationship with Vietnam that would allow for engagement and dialogue while also supporting civil society. The EEAS was “not much bothered with any particular details as long as” the FTA would be part of the overall human rights engagement with Vietnam (interview 6). The hope was that by deepening the partnership and engagement with Vietnam, it would become more exposed to European norms and values. Moreover, it was expected that if the economic and social needs of the population were met, more domestic demand for political rights would follow. As such, the ambition behind the PCA was long-term and consequently the EEAS was careful not to push the Vietnamese too far. Consequently, neither the death penalty nor any other human rights concerns were presented as red lines. Nevertheless, if member states had been

more vigorously vocal on the human rights situation in Vietnam, this could have prompted the EEAS to take a stronger stance as well (interview 6).

7.2.3.2 Confirmed/disconfirmed?

Prediction 3 can be confirmed too. In the case of Singapore, the few attempts to push for stronger human rights only happened in the context of the PCA negotiations but even here a majority did not materialise. This was mostly due to the human rights concerns there being relatively small to begin with, especially when compared to Vietnam, and because the Parliament was also preoccupied with the much more publicly salient ACTA negotiations where the chances for expanding policy turf were higher. Vietnam, with its comparatively worse human rights record, triggered more parliamentary activity as reflected in the multitude of resolutions and questions posed. However, this proved to be more bark than bite as the Parliament was not prepared to risk political backlash by presenting strong human rights provisions as red lines. With the Commission and the Council being enthusiastic to get the deal completed and the Parliament being relatively passive, the EEAS did not insist on forceful human rights provisions either.

7.3 Applying the Exchange Model

7.3.1 Proposition 1

“The more information – issue-specific expertise and indicators of the preferences of the Council and the Parliament – interest groups can offer the Commission, the more influence they will have on the policy outcome”

It is the prediction that before and during the trade negotiations with Singapore and Vietnam, the Commission has sought out interest groups which could offer issue-specific expertise. The Commission would have done this because trade agreements involve highly complex and multi-faceted matters that can range from intellectual property rules to environmental standards and the Commission could benefit highly from the input on these matters from interest groups. Moreover, the Commission would have been interested in information on the preferences of the Council and the Parliament.

7.3.1.1 Evidence

The Commission organises public consultations at the start of every trade agreement to collect the interests of the member states and other stakeholders to get an overview of which elements to include in the negotiations (interview 2). Moreover, although these consultations are open to all interest groups, they are most substantive on trade and investment issues. For the Parliament, business interest groups are an important source of information, not only technical but also political – a way to monitor the activities of the Commission, of which the Commission is aware (interview 4). As the draft texts of the agreements

require consent, the Commission is mindful of where the majority in Parliament lies. DG Trade knows that the Parliament tends to take a firm stand on normative elements in international agreement negotiations, as it had done, for example, in 2012 with ACTA and in 2010 with the Society for Worldwide Interbank Financial Telecommunication Agreement (SWIFT).

Sadly, beyond the statements made by the interviewees, data on information sharing between the EU institutions and interest groups is scarce. In the case of Singapore, the only available record of a public consultation organised by the Commission concerns an industry consultation in June 2010 (Commission, 2010). On the website of the Commission, there is no record of a civil society dialogue organised since the start of the negotiations on the EUSFTA specifically. In March 2012, there was one on bilateral trade agreements in general, but that was all (Commission, 2012b).

In the case of Vietnam, the Commission organised one civil society dialogue, in October 2015 (Commission, 2015b). Before the negotiations began, in August 2012, the Commission had opened an online questionnaire on the EUVFTA, of which the goal was to “provide the Commission with information to assist it in establishing priorities and taking decisions throughout the negotiating process” (Commission, 2012c). It also said that the Commission “would appreciate receiving as specific information as possible (substantiated where possible by economic indicators and/or data) of respondents’ interests, prioritization within sectors, and any proposals for solution, where problems have been identified”. Despite the broad scope of the questionnaire, there were no questions about sustainable development or human rights concerns. In May 2015, the Commission organised the “Trade, Sustainable Development and Human Rights in EU-Vietnam Relations Roundtable with EU Stakeholders” of which the purpose was not only to provide a platform to both industry groups and CSOs, but also to ask them about their thoughts on how to most effectively address sustainable development and human rights concerns in the FTA and EUVFAFPC (European Commission, 2015a). The event attracted more than 80 representatives from CSOs and companies as well as from the Parliament, EU member states and the Mission of Vietnam to the EU.

7.3.1.2 Confirmed/disconfirmed?

The prediction that those interest groups that can offer issue-specific expertise and information on the preferences of the co-legislators will have more influence on the position of the Commission in the trade negotiations can be partly confirmed but with caution. The Commission clearly demanded issue-specific expertise before and during both trade negotiations, as indicated by the interviewees. The Commission organised events to this end during both trade negotiations, but only a few and primarily aimed at business interest groups. Given the Commission’s wish to negotiate state-of-the-art trade agreements, as was discussed in the previous section, it is understandable that the Commission would mostly approach business interest groups for their input. It stands to reason that the input provided by the business interest groups only bolstered the Commission’s position, but there is insufficient evidence to substantiate that

conclusion. However, the Commission's larger exposure to these groups does match with the soft human rights provisions in both agreements.

With respect to the information on the preferences of the Council and Parliament, a DG Trade official confirmed that the Commission is mindful of the Parliament's likely views but there is no evidence available on how much this has affected the Commission's position. Considering the division of competences in trade negotiations, this omission is not entirely unexpected. Information on the preferences of the Council is less important since the negotiating mandate explicitly states what it considers to be the objectives, scope and limits of the trade agreements. The continuous consultations throughout the negotiations, as formally laid down in the TFEU, also means that channels of information between the Commission and the Council are short and tight. To a lesser extent the same holds true for the Parliament.

7.3.2 Proposition 2

“The more citizenship support interest groups can offer the Commission, the more influence they will have on the policy outcome”

Following this proposition, it is predicted that the Commission would seek citizen support to increase the legitimacy of the trade negotiations. Especially in the case of Vietnam, the Commission would have been mindful of public opinion on human rights and sought means to justify its approach. NGOs and other CSOs would likely have had the most chance to influence the negotiations in this area since they represent broader societal interests.

7.3.2.1 Evidence

In general, the Commission organises civil society dialogues between or sometimes even during negotiation rounds as part of its “open door policy” (interview 2). The Commission is interested in input from civil society as it is civil society which must operate under the newly established rules and frameworks set up under the agreements. The active interest group consultations also flow from the wishes of the Council and the Parliament as presented to the Commission through the mandate. The mandate requires the negotiations to be broadly inclusive so that the agreement can reflect the interests of the largest number of groups in the agreements as possible. Nevertheless, as has been mentioned before, there is record of only one civil society dialogue organised during the EUVFTA negotiations and none in the context of the EUSFTA.

Interestingly, the DG Trade official maintained that the decision-making procedure with respect to trade negotiations is of such design that influence from CSOs is structurally limited (interview 2). He stated that “being bombarded by NGOs calling for the FTA to change” is unlikely to alter the legal text of the conditionality clause because the language used in the agreements with Singapore and Vietnam comes from broader EU policy. Therefore, the Commission considers it the prerogative of the member states or the Parliament to find a different method. The Parliament discussed this extensively during the

negotiations with Vietnam but in the end no majority materialised for a stricter approach. Also, as opposed to human rights concerns, the Commission can incorporate input from business groups more easily into the negotiations as it is less likely to contradict the mandate (interview 2).

As the DG Trade official put it: “the fact that we have 300.000 NGOs asking for something that is contradictory to the mandate is not going to change the mandate”. Since the Commission is bound by the mandate, CSOs should according to him instead focus their attention on the co-legislators and convince them that either the general approach or the specific mandate should be changed. In fact, according to the DG Trade official, CSOs would have the most chance to do so before the actual mandate is given. Alternatively, CSOs could put pressure on the Council and the Parliament not to ratify the agreements.

7.3.2.1.1 Singapore

For most CSOs, the EUSFTA was not an imperative cause (interview 1). Some human rights activists who raised concerns about freedom of expression in Singapore approached INTA, but according to an INTA official this was mostly relevant under the PCA than the FTA due to the division of issues (interview 7). Because of the separation between the two agreements, this lobbying had little impact. According to an EEAS official, it had little contact with civil society during the PCA negotiations either (interview 6). Despite the Commission only organising consultations with industry, CSOs did not press for one with them (interview 1). Compared to Vietnam, CSOs approached the Commission much less in the negotiations with Singapore than businesses (interview 2). According to an employee from the EU-ASEAN Business Council (EU-ABC), this was reflective of the attitude of the general public, which was not much concerned with the human rights situation in Vietnam and even less so in the case of Singapore (interview 8). A survey conducted by the Parliament in 2018 showed that the vast majority of the respondents, which ranged from businesses to trade unions from both the EU and Singapore, did not see any significant drawbacks to the EUSFTA (interview 8; Parliament, 2018c). The European trade unions shared INTA’s disappointment with the lack of an enforceable TSD chapter in the case of labour rights violations, especially since Singapore still needs to ratify two core ILO conventions (interview 1). However, there were no substantial attempts to push for stronger human rights provisions.

7.3.2.1.2 Vietnam

In sharp contrast to the EUSFTA negotiations, CSOs and trade unions were much more vocal during the EUVFTA negotiations (interview 4). Cheap labour in Vietnamese export industries especially attracted many NGOs pushing for extensive sustainable development and labour norms (interview 1). In reaction to these pressures, the Commission organised a Sustainable Development and Human Rights in the EU-Vietnam Relations Roundtable in May 2015 and invited both European and Vietnamese stakeholders, industries as well as CSOs. Those participating CSOs which pushed for a more detailed mechanism that would allow for intensive civil society involvement regarding sustainable development were most

successful. The ILO and the European Trade Union Confederation (ETUC) recommended having clear roadmaps for the implementation of the ILO conventions, but these did not make it into the final text. Various CSOs also supported the Parliament's push for a human rights impact assessment (FIDH, 2014). In April 2013, the FIDH sent an open letter together with its member organisation, the Vietnam Committee on Human Rights, to the EU in which it pressed for such an assessment. The civil society dialogue organised in October 2015 only attracted a few CSOs (Commission, 2015b). During this event, FIDH asked for a more cautious approach with respect to the human rights situation, but that was it. Finally, in June 2018, after the EUVFTA negotiations were concluded, 90 CSOs sent an open letter to the Council and Parliament asking them to reject the trade deal (Viet Tan, 2018).

7.3.2.2 Confirmed/disconfirmed?

There is insufficient evidence of the Commission having traded influence for the support of NGOs and other CSOs during the EUSFTA and EUVFTA negotiations to confirm this prediction. The absence of extensive NGO lobbying in the case of Singapore is perhaps not unsurprising as the human rights concerns are smaller than in Vietnam, but in the case of Vietnam a stronger reaction from the Commission would have been expected. However, there is no record available of the Commission actively reaching out to human rights NGOs during the EUVFTA negotiations. Moreover, as admitted by a DG Trade official, the Commission is bound by the mandate, so human rights lobbying is at a disadvantage compared to business. Therefore, the design of the decision-making procedure regarding trade agreements disempowers NGOs when it comes to influencing the Commission and facilitates the Commission's role as champion of market imperatives.

7.3.3 Proposition 3

“The more backing of economic power interest groups can offer the Commission, the more influence they will have on the policy outcome”

According to this model, there is a high probability that those groups wielding considerable market power are successful in influencing the Commission. Thus, for this proposition to hold true, it is predicted that industry groups were able to push the Commission towards their preferences during the EUSFTA and EUVFTA negotiations. Export-competing and import-dependent businesses are more likely to push for liberalisation and soft human rights provisions whereas import-competing businesses are most likely to lobby for strong human rights and sustainable development provisions as increased regulatory barriers diminish foreign competition.

7.3.3.1 Evidence

7.3.3.1.1 Singapore

During the EUSFTA negotiations, the commercial stakes were particularly high. Singapore is considered a high-income economy with a GNI per capita of USD 54,530 as of 2017, with a population of about 5.6 million (World Bank, 2019a). The EU is Singapore's third largest trading partner in goods, which accounts for roughly 10% of the country's total trade. Singapore is the EU's largest trading partner among the ASEAN members, accounting for about a quarter of the total EU-ASEAN trade in goods and 57% of EU-ASEAN trade in services (EEAS, 2018). This made Singapore rank 15th in terms of importing EU goods (1.8% of total) and as the 19th largest supplier of goods (1.1% of total). EU exports to Singapore are mostly machinery (44.64%), chemicals (13.86%) and mineral products (13.82%). The same industries also ranked highest for import goods, respectively 32.6%, 42.12% and 6.83%. In 2017, trade in services amounted to EUR 51 billion in 2017, making Singapore the 7th largest client and the 5th largest supplier.

Furthermore, the EU is the largest investor in the ASEAN countries, with half of these investments directed at Singapore, placing it at the top of EU investment in Asia. In 2017, EU foreign direct investment (FDI) in Singapore was EUR 227 billion, a quarter of the total FDI stock in Singapore, making the EU the largest foreign investor. In turn, Singaporean investments in the EU amounted to about EUR 117 billion, making it the EU's third largest Asian investor after Japan and Hong Kong and the sixth largest foreign investor overall.

Considering the large trade surplus, it is no wonder that pressures for liberalisation dominated the negotiations. When in the beginning of 2010 the Commission asked companies for their input during the public consultation, most respondents were export-oriented industries (automotive and energy especially) and investors in the services sector, which pushed mostly for reciprocal liberalisation (Commission, 2010). European businesses consider Singapore an important regional hub for services and investment, reflected in the more than 700 European companies that have their regional headquarters located in the city state (interview 1; interview 8). Most businesses agreed with the Commission that the EUSFTA would serve as a benchmark for future trade agreements with other ASEAN members. In fact, the Commission's position on market access, tariffs, non-tariff barriers and the protection for European Intellectual Property and investments received full support by the EU-ABC, which strengthened the Commission in its approach (interview 8). The pressure from the business interest groups, which mostly took the form of personal meetings, meant that the Commission could push for extensive liberalisation schemes. By contrast, according to the Commission's survey, no strong protectionist interests were mobilised except those that were interested in the ASEAN market as a whole. Only the leather industry made a point about harmonising technical standards and including social and environmental requirements for their products.

7.3.3.1.2 Vietnam

To many European businesses, Vietnam is the ideal manufacturing hub for both domestic and export markets in the ASEAN region (interview 8). Due to rigorous socio-economic changes implemented in 1986, Vietnam managed to develop from one of the poorest countries in the world to a middle-income country with a GDP per capita of USD 2,342 in 2017 (World Bank, 2019b). Since these reforms, Vietnam has had an annual GDP per capita growth of 5.3%, making it the second fastest growing economy in the region after China (Breu et al., 2012). In 2018, the population was about 97 million and, with 70% below the age of 35, relatively young (World Bank, 2019c). With high domestic demand, low unemployment rates and large FDI flows, the Vietnamese economy is predicted to become the 20th-largest in the world by 2050 (PwC, 2019). For this reason, many European businesses are eager to see the EUVFTA ratified as soon as possible (interview 8).

The EU is the fifth-largest foreign investor in Vietnam. In 2017, EU companies had around 2,500 investment projects going on in Vietnam with a collective worth of about EUR 40 billion, amounting to around 14% of all FDI (Thu, 2017). In the same year, trade in goods between the EU and Vietnam amounted to EUR 47 billion, of which EUR 37 billion were imports from Vietnam. By a landslide, telephones made up the largest portion of Vietnamese import products (34% in 2017), followed by footwear (11%) and machinery (9%). In turn, the Vietnamese were mostly interested in European machinery (18.3%), aircraft and accessories (16.4%), and pharmaceutical products (8.7%).

For the EUVFTA negotiations, EuroCham Vietnam, the European Chamber of Commerce dedicated to representing the European business community in Vietnam, did the bulk of the business lobbying (interview 4). In 2018, the organisation presented a report to the Parliament, the Commission and the Vietnamese Government in which it proclaimed its undivided support for the FTA (EuroCham, 2018). The report, among other things, referred to a survey from the EU-ABC, in which 98% of respondents stated that the EUVFTA should be ratified as soon as possible. During a public hearing organised by INTA in October 2019, Chairman Nicolas Audier attended. He recalled that all of the organisation's members supported the FTA and that the agreement's timing was perfect considering the competition from South-Korea and China as well as the indifference of the US (INTA, 2018).

The relatively cheap Vietnamese labour industry sparked reaction from import-dependent industries and, to a lesser extent, import-competing groups. The former lobbied actively during the agenda-setting phase, alongside the retail and wholesale industries as represented by Eurocommerce. European exporters and investors lobbied heavily for liberalisation as well as ambitious provisions for state-owned enterprises (SOEs) and government procurement (Sicurelli, 2015a). These EU businesses shared INTA's apprehension of competition from South-Korea (interview 4). On the 9th of January 2019, 10 business interest groups sent a joint letter to President of the European Council Donald Tusk and Commissioner for Trade Cecilia Malmström urging them to ensure that the EUVFTA will be ratified as soon as possible

because if not “EU businesses risk losing market share in important sectors in Vietnam and harming their competitiveness in the region” (CELCAA, 2019).

Import-competing interest groups were vocal as well, but to a lesser extent. The European Confederation of the Footwear Industry (ECFI) asked the Commission to have sufficiently enforceable labour provisions in the agreement as Vietnam still needed to ratify three out of eight ILO conventions (ECFI, 2010). Similar requests came from for example EURATEX and EUROTHON, the main interest groups representing, respectively, the European textile producers and tuna industry (EURATEX, 2010; EUROTHON, 2012). Textile producers, represented by EURATEX, managed to have strict rules of origin included in the trade agreement for their sector, thereby establishing strong non-trade barriers against Vietnamese products. The European textile industry found support in the TPP negotiations, which had created a precedent for similar rules of origin. Other defensive industries promoted high anti-dumping standards. COPA-COGECA, the largest interest group for European farmers, sent a letter on the 28th of July 2015 to the Commissioner for Agriculture to lobby for protection against products from Southeast Asia such as rice and sugar; consequently, the FTA framed these products as sensitive although this came at the cost of tariff rate quotas for Vietnamese exports (Teofili, 2015).

7.3.3.2 Confirmed/disconfirmed?

Based on the evidence, this prediction can be confirmed for both the EUSFTA and EUVFTA. Not only was the Commission in both cases evidently eager to include the perspectives of the European businesses in the trade negotiations, but the businesses themselves actively lobbied their preferences throughout the process. The different interests were bundled in a few business interest groups which could therefore lobby effectively, representing the EU business environment as a collective. In both cases, export-oriented and import-dependent businesses were the most vocal, which aided the Commission’s preferences for rule-based liberalisation schemes. Although some provisions advocated by import-competing businesses, especially in the case of Vietnam, were included as well, the absence of an overall strong protectionist lobby meant that the Commission was not pushed towards a more rigid position on norm promotion.

7.3.4 Proposition 4

“The larger the size of the lobbying coalitions – European, transnational or both – the more influence interest groups will have on the policy outcome”

For this proposition to be true, it is predicted that during the EUSFTA and EUVFTA negotiations some interest groups were able to form larger coalitions than others which resulted in their influence being enhanced. Since the human rights provisions in both trade agreements were relatively soft, it is expected that there was no effective lobbying coalition between CSOs and import-competing business groups.

7.3.4.1 Evidence

It has been shown previously that the interests of European export-oriented businesses as well as import-dependent companies and investors were represented by large lobby groups such as the EU-ABC and the respective European Chambers of Commerce in Singapore and Vietnam. Due to their location and close contact with the ASEAN governments, these groups were in a unique position to provide advice to the Commission on trade-related issues during the negotiations. Moreover, since these organisations speak for thousands of EU companies, they represented concentrated interests covering a broad range of sectors. As such, they could easily identify those rules, regulations and standards that they believed would have a negative impact on European business interests and to lobby effectively against them. According to an EU-ABC employee, the formation of such concentrated alliances was “vital” for their lobbying success (interview 8). Conversely, many CSOs shared the wish for binding labour and environmental clauses in both FTAs but on many other topics they had widely divergent interests (interview 1).

As has become clear from the previous sections, the interest group mobilisation pattern during the EUSFTA negotiations shows that commercial interests tremendously outweighed human rights concerns. Export-oriented and import-dependent businesses as well as European investors worked together with domestic organisations such as the ASEAN Business Advisory Council and domestic chambers of commerce, which enhanced their advocacy position (interview 8). The standpoint of the EU-ABC, namely that new trade deals with other ASEAN countries should be concluded at an accelerated pace, is a clear indication of where the priorities lied for the largest part of the European business community (interview 8). By contrast, import-competing groups, such as the leather sector, pressed for a stronger TSD chapter but they were not backed by a substantial mobilisation of environmental, labour rights or even human rights NGOs. As such, a large coalition was missing.

In the case of Vietnam, NGOs concerned with labour rights actively promoted a more rigid TSD chapter which prompted the Roundtable event organised by the Commission in May 2015. Here, they managed to push for more civil society involvement in this regard, which was supported by the Parliament. These NGOs and other CSOs received help from European import-competing industries, especially footwear and textile, but this alliance only focused on promoting stronger TSD provisions (Hoang & Sicurelli, 2017). The lack of industry support to human rights organisations meant that there was not a strong coalition here either, even though the human rights concerns were far more worrying compared to Singapore. Human rights organisations, Vietnamese and international, did work together on occasion, such as when 90 NGOs wrote a letter in June 2018 to the Council and the Parliament calling for their rejection of the FTA (Lawyers for Lawyers, 2018). Other than that, however, these groups stood alone and were therefore not able to make a strong fight, which is reflected in the soft approach taken by the EU regarding human rights conditionality.

7.3.4.2 Confirmed/disconfirmed

Based on the evidence, it can be concluded that the presence or absence of strong lobbying coalitions promoting human rights mattered in the EUSFTA and EUVFTA negotiations. In both cases, such coalitions were either non-existent or limited to CSOs which, because of their otherwise diverging interests, made it difficult to form a coherent front. Meanwhile, European business interests were represented by only a few well-located, well-funded organisations which could advocate their preferences more effectively and therefore influence the negotiations in a greater manner.

8. CONCLUSION

This final chapter will bring this research to a close. First, the research question will be answered based on the results of the analysis. Next, several limitations to the research will be discussed. Finally, recommendations will be made for further research.

8.1 Answering the research question

The purpose of this research was to investigate the variation in which the EU approaches human rights conditionality in FTA negotiations. More specifically, the thesis focused on the impact of the current decision-making procedures on this position and on the conditions shaping decision-making outcomes in cases when normative and commercial interests collide. To this end, a congruence analysis was performed in which the complementary explanatory value of Allison's Bureaucratic Politics model, as adapted by McKenzie and Meissner, and a qualitatively applied version of Klüver's Exchange model were tested in the case of the recently concluded FTAs with Singapore and Vietnam. The analysis was guided by the following research question:

How can the lack of consistent formulation of the human rights conditionality clauses in EU free trade agreements be explained? What additional insights can the Bureaucratic Politics model and Exchange model offer on how the decision-making outcomes concerning human rights conditionality are shaped?

After testing the predictions derived from the theories and determining whether they could be confirmed, it can be concluded that reading both theories together contributes to an empirical understanding of how the tensions between two key EU foreign policy interests – value promotion and commercial interests – play out in EU decision-making, how the decision-making rules affect this process and what role lobbying plays. The empirical analysis shows that the competing interests of the EU institutions offer a solid explanation of why the human rights provisions in both trade agreements were watered down or at least not as strong as they could have been. All three predictions emanating from the Bureaucratic Politics model were confirmed and the external validity of this approach when applied to EU trade policy consequently has been enhanced. Although not all predictions of the Exchange model could be fully confirmed due to a lack of evidence, the analysis does show that prevailing commercial interests among the EU institutions meant that it was easier for business interest groups to influence the negotiation outcomes. The Commission especially consulted actively with these groups to use their input, which enabled business interest groups to influence the negotiations in a greater manner than NGOs and other CSOs. There were consultations with the latter as well but on a much smaller scale, indicating a clear bias. Moreover, business interest groups were able to form larger lobbying coalitions than those pushing for higher human rights standards, which meant that they could put more weight behind their lobbying. The enormous support for both trade agreements from the European businesses, especially in the case of

Singapore, strengthened the Commission in its approach. In that sense, the commercial interests of the Commission as well as of the Council and the European companies reinforced each other.

With respect to bureaucratic preferences, this study confirms earlier findings, namely that the Commission and the Council are inclined to prioritise commercial interests during trade negotiations while the Parliament, due to re-election concerns and the fact that MEPs represent a broad range of societal interests, usually positions itself as the vanguard of value promotion. Moreover, the analysis consolidates observations from previous studies that the Parliament is the most important target for pressures by NGOs and other groups to include strong human rights and labour provisions in EU trade agreements. At the same time, however, from the various interviews conducted, it can be concluded as well that the MEPs are sensitive to what to them appears to be realistic, especially when the trade partners are resisting too intrusive value promotion. Therefore, despite the Parliament of all EU institutions being the most sensitive to normative concerns, there are boundaries to how far it is prepared to push its idealism and not adopt a more pragmatic attitude.

The lack of a formal role during the early stages of the negotiations also constrains active value promotion by the Parliament. Although the Parliament has veto power, it can only use that for the trade agreement as a whole; when confronted with the decision to either reject the whole agreement, with all negative political consequences attached to this, or be moderate, most MEPs choose the latter option. When the salience of the human rights issue, and by extension the possibilities for expanding policy turf, is low, this inclination is enhanced. This was most obvious in the case of Singapore, where the human rights situation was considered largely unproblematic except for certain labour rights standards. Even then, the lack of public salience, as reflected in the inactivity of human rights organisations, meant that the Parliament was not prompted to take a stronger stance either. Comparatively, both the Parliament and civil society were much more active during the negotiations with Vietnam. Nevertheless, the overarching enthusiasm about having stronger commercial ties with the ASEAN region, especially in the face of big competitors such as the US, China and South-Korea, did mean that very few MEPs were prepared to jeopardise the negotiations with Vietnam. Significantly, the study shows that the compartmentalisation of trade and human rights issues into separate negotiations has amplified the control of trade negotiations by the Commission, which tends to prioritise European business interests, while the delegation of negotiating human rights provisions to the EEAS has constrained the Parliament's normative influence. Not only must the Parliament 'battle' on two separate fronts, with INTA and AFET often having contrasting preferences, but the separation also limits lobbying access of NGOs and other CSOs. Therefore, even if a cohesive lobbying coalition of CSOs and import-competing companies had materialised during the EUSFTA and EUVFTA negotiations, the influence of such a coalition would have been limited by the structure of negotiation process.

To conclude, during both the EUSFTA and the EUVFTA negotiations, there was a clear overall tendency to prioritise commercial interests over value promotion among the EU institutions, the Parliament, and this enthusiasm was also reflected in the activity of interest groups. This tendency was

reinforced by the current decision-making mechanisms in place. Thus, when both Singapore and Vietnam resisted intrusive human rights conditionality clauses, value promotion was marginalised and concessions were made by the EU. This considerably limited the EU's capability to use conditionality to press these countries into implementing serious reforms, now and in the future, and could very well do the same for future FTAs with the rest of the ASEAN members or other countries.

8.2 Limitations

Regarding the answers given by the representatives from EU institutions, caution is required as it is likely that these officials, despite confidentiality being agreed upon beforehand, are restricted in how much information they can provide due to their positions. All EU institutions would be especially reluctant to admit inter-institutional conflicts, as they take great effort to appear united to the public. It was a conscious decision to conduct this research despite such risks. Semi-structured interviews were employed in an attempt to circumvent this issue, as ideally they allow for a somewhat relaxed setting in which interviewees feel more at ease to discuss certain issues and in which the interviewer can ask follow-up questions. A related point of caution is that the answers given by the interviewees cannot be checked through desk research. This is a major disadvantage of analysing the 'black box' of decision-making. Furthermore, the interviews were incomplete as no interview with an official from the Council could be conducted. The Head of Unit was contacted but he replied that most of the proposed questions were either classified or touched upon issues he was not authorised to provide information about. Therefore, most information on the preferences of the Council came from desk research or was based indirectly from the answers of representatives from other EU institutions. Sadly, the mandates and negotiation directives for the region-to-region ASEAN FTA, as well as for the bilateral FTAs, have not been made public because of the possible negative effects this may have on the EU's negotiation position in the pending agreements as well as similar future ones. Although understandable, this leaves a considerable hole in the data. Finally, as has been discussed beforehand, Klüver's Exchange model is a quantitative model. At the core of the model lies a spatial conceptualisation of the policy preferences of the interest groups as well as of the most important EU institutions involved in policy-making. Klüver measures these positions through computer-aided quantitative text analysis, coding close to 5000 consultation documents which were sent to the Commission by about 1900 interest groups. Not only was this a first attempt at applying the model qualitatively, but the scope of this thesis is considerably smaller so one should therefore be careful with generalising the results of this research. As not all predictions were confirmed in the analysis, this caution is amplified.

8.3 Recommendations

Based on the results of this study, several recommendations can be made. First, EU trade policy remains a poorly understood field of research and more studies testing the validity of generally applicable theories would benefit from systematic analysis of the topic. Next, further comparative studies on ongoing and

future EU FTAs are needed to accumulate more empirical evidence on how inter-institutional bargaining and interest group mobilisation patterns affect the EU's capability to promote normative values through its trade policy. For example, the EU did insist on human rights conditionality in its FTA negotiations with Peru, Columbia and Canada and applying a similar framework to these cases could offer valuable insights as well, which could in turn increase its external validity. It is highly likely that the EU will only increase its efforts to pursue bilateral trade agreements and therefore so too will the importance of such research grow. In this regard, this study was a first attempt to apply Klüver's Exchange model in a qualitative study as an explanatory model for interest group influence and to increase the external validity of this approach it is recommended that the model be employed in other cases with varying values of the explanatory factors. The Exchange model has much potential in this field of research and it is highly recommended that scholars should attempt to finetune this application. Finally, once the FTAs with Singapore and Vietnam have been ratified and have entered into force, it is expected that the negotiating mandates and directives will be made public soon after. A new qualitative study comparing these to the final texts could show how close the negotiation results came to the original preferences.

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ANNEX

Questions interview 1: Daniele Basso, Advisor Trade and Globalisation, European Trade Union Confederation, Brussels, Belgium (2 May 2019).

- What were the main concerns of ETUC regarding the trade negotiations with Singapore?
- What were the main concerns of ETUC regarding the trade negotiations with Vietnam?
- What do you think were the main priorities for the EU institutions (Commission, Council, Parliament, EEAS)? To what extent did they clash with the position of ETUC?
- Which EU institutions did ETUC lobby and what kind of lobbying methods were used? (e.g. personal contact meetings, position papers, organising lunches or dinners, contacting rapporteurs, media campaigns, etc.)
- Could you especially elaborate on the activities directed at the Parliament/individual MEPs?
- How does ETUC build relationships with the institutions/groups it wants to influence? What can the organisation offer in terms of information, legitimacy, etc.?
- Did ETUC form alliances with other interest groups during the negotiations? If yes, how did this cooperation look like? (e.g. shared reports, campaigns, etc.)
- In your experience, to what extent does the formation of alliances matter for lobbying success?
- According to you, to what extent was the issue of fundamental rights in the negotiations with Singapore and Vietnam a salient issue to the general public?
- To what extent was ETUC able to raise the salience of the issue of fundamental rights in the negotiations with Singapore and Vietnam?
- What are your final statements on the outcome of the trade negotiations with Singapore and Vietnam? How well did they reflect ETUC's preferences?

Questions interview 2: Anonymous, Coordinator, DG Trade, European Commission, Brussels, Belgium
(6 May 2019).

- How would you describe the preferences and position of the Commission regarding the trade agreements with Singapore and Vietnam in general? And regarding human rights conditionality? NOTE: although human rights conditionality was negotiated in the respective Partnership and Cooperation Agreements, since they were negotiated in parallel to and are legally linked with the trade agreements they are taken as one for the purpose of this interview.
 - What were the most important motivations? Did these diverge among the DGs?
 - Did they change during the negotiations? If so, how and why?
 - To the best of your knowledge, how did they compare to the preferences and position in other bilateral trade agreements, for example with South Korea and Canada?
 - How would you characterise DG Trade's interests with respect to negotiating trade agreements in general?

- How would you describe the preferences and position of the other EU institutions (i.e. the Parliament, the Council, and the EEAS) regarding the trade agreements with Singapore and Vietnam in general as compared to the Commission's? And regarding human rights conditionality?
 - According to you, to what extent was there conflict between these preferences?
 - How did you manage these divergent positions?

- How would you describe the position of Singapore and Vietnam regarding the inclusion of human rights conditionality throughout the trade negotiations? To what extent was there contestation?
 - To what extent, would you say, did this position affect the position of the Commission and the other institutions?
 - To what extent were there concessions made by the EU in this regard?

- How salient would you say the issue of human rights conditionality was for the EU in these negotiations as compared to other trade agreements?
- In your experience, how active was the EU in advancing human rights or resisting concessions on conditionality? To what extent was the EU prepared to 'jeopardise' the negotiations by insisting on human rights conditionality?

- How would you describe the interest group mobilisation pattern within the EU as well as in Singapore and Vietnam during the trade negotiations?

- How did you facilitate dialogue with civil society and which interest groups approached you during the negotiations? Which type of interest group (business/non-business) was more prominent?
 - In which stages of the negotiations did they approach you? What kind of tactics did they employ to advocate their interests to you (e.g. personal contact meetings, position papers, organising lunches or dinners, contacting rapporteurs, media campaigns, etc.)
 - In your opinion, to what extent did their lobbying matter to the position of the Commission?
 - To what extent did the interest groups help your position? What could they offer in terms of information, legitimacy, support, etc.?
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- To what extent did the final outcome of the negotiations in general and with respect to human rights conditionality in particular reflect the preferences and position of the Commission? What are your statements on the final outcome in this regard?

Questions interview 3: Anonymous, Desk Officer, INTA, European Parliament, Brussels, Belgium (10 May 2019).

- How would you describe the preferences and position of INTA regarding the negotiation of trade agreements in general? What are the most important goals?
- How would you describe the preferences and position of INTA regarding the trade agreements with Singapore and Vietnam in general? And regarding human rights conditionality?
NOTE: although human rights conditionality was negotiated in the respective separate Partnership and Cooperation Agreements, since they were negotiated in parallel with and are legally linked to the trade agreements they are taken as one for the purpose of this interview.
 - What were the most important motivations?
 - Did they change during the negotiations? If so, how and why?
 - To the best of your knowledge, how did they compare to the preferences and position in other bilateral trade agreements, for example with South Korea and CETA?
- How would you describe the preferences and position of the other EU institutions (i.e. the Commission, the Council, and the EEAS) regarding the trade agreement with Singapore and Vietnam in general as compared to the Parliament's? And regarding human rights conditionality?
 - According to you, to what extent was there conflict between these preferences?
 - How did you manage these divergent positions?
- How would you describe the positions of Singapore and Vietnam regarding the inclusion of human rights conditionality throughout the trade negotiations?
 - To what extent, would you say, did this position affect the position of the Parliament and the other institutions?
 - To what extent were there concessions made by the EU?
- How salient would you say the issue of human rights was for the Parliament in these negotiations as compared to other trade agreements?
- In your experience, how active was the Parliament in advancing human rights or resisting concessions on conditionality? To what extent was the Parliament prepared to spend resources on this promotion?
 - Compared to for example Vietnam, very few resolutions, debates, etc.
 - What strategies did the Parliament employ to this end? Do you think they were effective?

- How would you describe the interest group mobilisation pattern within the EU and in Singapore as well as Vietnam during the trade negotiations?
 - Which interest groups approached you (read: Parliament in general and individual MEPs) during the negotiations? Which type of interest group (business/non-business) was more prominent?
 - In which stages of the negotiations did they approach you? What kind of tactics did they employ to advocate their interests to you (e.g. personal contact meetings, position papers, organising lunches or dinners, contacting rapporteurs, media campaigns, etc.)
 - In your opinion, to what extent did their lobbying matter to the position of the Parliament?
 - To what extent did the interest groups help your position? What could they offer in terms of information, legitimacy, support, etc.?

- To what extent did the final outcome of the negotiations in general and with respect to human rights conditionality in particular reflect the preferences and position of the Parliament? What are your statements on the final outcome in this regard?

Questions interview 4: Anonymous, Desk Officer, INTA, European Parliament, Brussels, Belgium (15 May 2019).

- In the academic literature, the Parliament is often described as the EU institution that is most concerned with promoting normative values in EU foreign policy in general and in trade negotiations in particular; to what extent do you think that is true?
- Parliament was considerably more active during the negotiations with Vietnam compared to Singapore when it comes to human rights promotion, for example when you look at the amount of resolutions. Why do you think that is?
- Were there any red lines during the negotiations? If so, what were they and how far was the Parliament willing to go?
- There is no explicit option of suspending the trade deal in case of human rights violations in either the PCA or the FTA, whereas there was in the agreements with for example Moldova and the CARIFORUM countries. Why do you think that is?
- The fact that the Parliament can only give consent at the end of the negotiations for the whole agreement, to what extent do you think this limits the bargaining power of the Parliament?
- How would you describe the position of Vietnam regarding the inclusion of human rights conditionality throughout the trade negotiations?
 - To what extent, would you say, did this position affect the position of the Parliament and the other institutions?
 - To what extent were there concessions made by the EU?
- How would you describe the interest group mobilisation pattern within the EU and in Singapore as well as Vietnam during the trade negotiations?
 - Which interest groups approached you (read: Parliament in general and individual MEPs) during the negotiations? Which type of interest group (business/non-business) was more prominent?
 - In which stages of the negotiations did they approach you? What kind of tactics did they employ to advocate their interests to you (e.g. personal contact meetings, position papers, organising lunches or dinners, contacting rapporteurs, media campaigns, etc.)
 - In your opinion, to what extent did their lobbying matter to the position of the Parliament?

- To what extent did the interest groups help your position? What could they offer in terms of information, legitimacy, support, etc.?
- To what extent did the final outcome of the negotiations in general and with respect to human rights conditionality in particular reflect the preferences and position of the Parliament? What are your statements on the final outcome in this regard?

Questions interview 5: Anonymous, Deputy Head of Division, European External Action Service, Brussels, Belgium (16 May 2019).

- How would you describe the preferences and goals of the EEAS regarding the negotiation of trade agreements in general? What informs the position of the EEAS?
- How would you describe the goals of the human rights conditionality clause as linked to trade agreements through the Partnership and Cooperation Agreements? Since it usually entails a standard text, what is it designed for and what is it not designed for?
- How would you describe the preferences and position of the other EU institutions (i.e. the Commission, the Council, and the Parliament) regarding the trade agreement with Singapore in general? And regarding human rights conditionality?
 - According to you, to what extent was there conflict between these preferences?
- How would you say does the EEAS work to ensure coherence between the FTA and the PCA? How difficult is it to strike a balance between protecting commercial interests and promoting normative value?
- In general, were there certain characteristics to the approach the EEAS took with regards to Singapore? Were there any especially important elements that needed to be closely looked at?
- How would you describe the position of Singapore regarding the inclusion of human rights conditionality throughout the trade negotiations?
 - To what extent, would you say, did this position affect the position of the EU?
- The PCA was accompanied by a side-letter recognising Singapore's human rights practices as being, at that time, insufficient to invoke the non-execution clause (Article 44). This side-letter has been described as a concession to Singapore and undermining the legal liability of the conditionality clause, given the EU's normally firm stance on for example the death penalty and corporal punishments, both of which Singapore has. What is your opinion on this? Why was this side-letter included and what is its significance?
- To what extent was human rights conditionality presented by the EEAS as a red line? How salient was the issue for the EU?

- How would you describe the interest group mobilisation pattern within the EU and in Singapore during the trade negotiations?
 - Which interest groups approached you during the negotiations? Which type of interest group (business/non-business) was more prominent?
 - In which stages of the negotiations did they approach you? What kind of tactics did they employ to advocate their interests to you (e.g. personal contact meetings, position papers, organising lunches or dinners, contacting rapporteurs, media campaigns, etc.)
 - In your opinion, to what extent did their lobbying matter to the position of the EEAS?
 - To what extent did the interest groups help your position? What could they offer in terms of information, legitimacy, support, etc.?

- To what extent did the final outcome of the negotiations in general and with respect to human rights conditionality in particular reflect the preferences and position of the EEAS? What are your statements on the final outcome in this regard?

Questions interview 6: Anonymous, Desk Officer, European External Action Service, Brussels, Belgium
(8 May 2019).

- How would you describe the preferences and goals of the EEAS regarding the negotiation of trade agreements in general? What informs the position of the EEAS?
- How would you describe the goals of the human rights conditionality clause as linked to trade agreements through the Partnership and Cooperation Agreements? Since it usually entails a standard text, what is it designed for and what is it not designed for?
- How would you describe the preferences and position of the EEAS regarding the trade agreements with Vietnam in general? And regarding human rights conditionality?
NOTE: naturally, human rights conditionality was negotiated by the EEAS in the separate Partnership and Cooperation Agreement, but since they were negotiated in parallel with and are legally linked they are taken as one for the purpose of this interview.
 - What were the most important motivations?
 - Did they change during the negotiations? If so, how and why?
 - To the best of your knowledge, how did they compare to the preferences and position in other bilateral trade agreements, for example with South Korea and CETA?
- How would you describe the preferences and position of the other EU institutions (i.e. the Commission, the Council, and the Parliament) regarding the trade agreement with Vietnam in general? And regarding human rights conditionality?
 - According to you, to what extent was there conflict between these preferences?
 - How did you manage these divergent positions?
- How would you say does the EEAS work to ensure coherence between the FTA and the PCA? How difficult is it to strike a balance between protecting commercial interests and promoting normative value?
- How would you describe the position of Vietnam regarding the inclusion of human rights conditionality throughout the trade negotiations?
 - To what extent, would you say, did this position affect the position of the EU?
 - To what extent, would you say, were there concessions made by the EU?
- To what extent was human rights conditionality presented by the EEAS as a red line? How salient was the issue for the EU?

- How would you describe the interest group mobilisation pattern within the EU and in Vietnam during the trade negotiations?
 - Were human rights a salient issue to the general public?
 - Which interest groups approached you during the negotiations? Which type of interest group (business/non-business) was more prominent?
 - In which stages of the negotiations did they approach you? What kind of tactics did they employ to advocate their interests to you (e.g. personal contact meetings, position papers, organising lunches or dinners, contacting rapporteurs, media campaigns, etc.)
 - In your opinion, to what extent did their lobbying matter to the position of the EEAS?
 - To what extent did the interest groups help your position? What could they offer in terms of information, legitimacy, support, etc.?

- To what extent did the final outcome of the negotiations in general and with respect to human rights conditionality in particular reflect the preferences and position of the EEAS? What are your statements on the final outcome in this regard?

Questions interview 7: Anonymous, INTA, European Parliament, Brussels, Belgium (7 May 2019).

- How would you describe the preferences and position of the Parliament regarding the trade agreement with Singapore in general? And regarding human rights conditionality?
 - What were the most important motivations?
 - Did they change during the negotiations? If so, how and why?
 - To the best of your knowledge, how did they compare to the preferences and position in other bilateral trade agreements, particularly with Vietnam?

- How would you describe the preferences and position of the other EU institutions (i.e. the Commission, the Council, and the EEAS) regarding the trade agreement with Singapore in general as compared to the Parliament's? And regarding human rights conditionality?
 - According to you, to what extent was there conflict between these preferences?
 - How did you manage these divergent positions?

- How would you describe Singapore's position regarding the inclusion of human rights conditionality throughout the trade negotiations?
 - To what extent, would you say, did this position affect the position of the Parliament and the other institutions?
 - To what extent were there concessions made by the EU?

- How salient would you say the issue was for the Parliament in these negotiations as compared to other trade agreements?
 - In your experience, how active was the Parliament in advancing human rights or resisting concessions on conditionality? To what extent was the Parliament prepared to spend resources on this promotion?
 - What strategies did the Parliament employ to this end? Do you think they were effective?

- How would you describe the interest group mobilisation pattern within the EU and in Singapore during the trade negotiations?
 - Which interest groups approached you (read: Parliament in general and individual MEPs) during the negotiations? Which type of interest group (business/non-business) was more prominent?
 - In which stages of the negotiations did they approach you? What kind of tactics did they employ to advocate their interests to you (e.g. personal contact meetings, position papers, organising lunches or dinners, contacting rapporteurs, media campaigns, etc.)
 - In your opinion, to what extent did their lobbying matter to the position of the Parliament?

- To what extent did the interest groups help your position? What could they offer in terms of information, legitimacy, support, etc.?
- To what extent did the final outcome of the negotiations in general and with respect to human rights conditionality in particular reflect the preferences and position of the Parliament? What are your statements on the final outcome in this regard?
- In your opinion, because the EU-Singapore trade agreement functions as a blue print for further trade deals with other ASEAN countries, to what extent, would you say, was the outcome of the negotiations helpful to the cause of human rights protection?

Questions interview 8: Anonymous, EU-ASEAN Business Council, Singapore (12 June 2019).

- What were the main goals of the EU-ABC regarding the trade negotiations with Singapore? Which sectors were the most important and most vocal?
- What were the main goals of the EU-ABC regarding the trade negotiations with Vietnam? Which sectors were the most important and most vocal?
- What do you think were the main priorities for the different EU institutions (i.e. Commission, Council, Parliament, EEAS) in both trade agreements? To what extent did they clash with the position of the EU-ABC?
- Which EU institutions did the EU-ABC lobby and what kind of lobbying methods were used? (e.g. personal contact meetings, position papers, organising lunches or dinners, contacting rapporteurs, media campaigns, etc.)
- How does the EU-ABC build relationships with the EU institutions/political groups it wants to influence? What can the organisation offer in terms of information, legitimacy, etc.?
 - Please elaborate especially on your interaction with the Commission
 - What is, according to you, the key to successful lobbying during trade negotiations?
- What were the most important domestic business interests according to you in both countries? In your experience, to what extent did they overlap/contrast with the interests represented by the EU-ABC? If contrasting, how did this affect the negotiations?
- Which domestic institutions/organisations/groups did the EU-ABC lobby and what kind of lobbying methods were used?
- Did the EU-ABC form alliances with other interest groups (European or domestic) during the negotiations? If yes, what did this cooperation look like? (e.g. shared reports, campaigns, etc.)
- In your experience, how much does the formation of alliances matter for lobbying success?
- To the best of your knowledge, to what extent was the issue of human rights in the negotiations with Singapore and Vietnam a salient issue during the negotiations? How did the issue affect the negotiations?

- What are your final statements on the outcome of the trade negotiations with Singapore and Vietnam? How well did they reflect the preferences of the EU-ABC?