Contested Trade Governance: Transparency Puzzles in TTIP Negotiations

Eugénia da Conceição-Heldt

Ottawa - March 9, 2018

This project received generous funding from the European Union’s Seventh Framework Programme for research, technological development and demonstration under ERC grant agreement no. 312368.
Introduction

TTIP negotiations have led to an unprecedented level of contestation by civil society organizations, media and members of the European Parliament.
This Article…

EXPLORES …

implications of increasing transparency in trade negotiations

EXAMINES …

how the EC’s choice for partial transparency approach had three paradoxical effects on negotiations
Research Puzzle

What are the implications of partial transparency in trade negotiations?
Research Design

Two Sets of Empirical Data

- **Primary Sources**
  Documents and Minutes from the Council of Ministers, the Commission and the EP on the Negotiations between the EU and the US from 2013 to 2016

- **Semi-Structured Interviews**
  Officials from the Commission’s DG for Trade, Council Officials from DG Trade and Officials from the Trade Policy Committee
Degree of Transparency

**Low Transparency**
Parties negotiate secretly and the public has only access to general information about negotiations.

**Partial Transparency**
The public is given partial access to information during the negotiation process and at the ratification stage.

**Full Transparency**
Exists when all relevant negotiating texts are made public by the two negotiating partners.
Transparency and Contestation

- Contested multilateralism
- Politicization of European Integration
- „From permissive consensus to constraining dissensus“
- Increasing transparency as a reaction

Partial transparency does not help the public perception and lead to more contestation because partial access to information reveals to the public that part of the negotiating texts are still classified
Transparency and Bargaining Leverage

- Bargaining power describes the ability of one party to exert influence over its counterpart thus to obtain its most preferred outcome in negotiations.
- Bargaining leverage comes from knowing the counterparts’ position or their true reservation line in negotiating setting.
- Does a partial transparency strategy provide more or less bargaining leverage for the EU?

**H2**

Partial transparency is more likely to weaken the EU’s bargaining power when its negotiation partner uses a low level of transparency approach in negotiations.
Transparency and Informalization

• Informalization of trade governance refers to a shift in the processes and procedures of decision making, favoring informal and non-institutionalized settings over formal, institutionalized structures.

• Informalization of EU trade governance can lead to divisions within the DG trade because some officials will be rather concerned with public contestation and others with the EU’s bargaining.

Partial transparency can lead to more informal arrangements and increase contestation instead of silencing it.
Three Paradoxical Findings

- Partial transparency increased contestation
- Partial transparency weekend the EU’s bargaining power
- Transparency increased informalization
Conclusion

**New Balance**
Transparency increases perceptions of inclusion but undermines efficiency - balance is important

**Politization**
Increased public awareness of trade agreements and of the EC’s role in this area

**Trade Governance**
New communication channels, such as social media

**Accountability**
Increase in the EC’s responsiveness and accountability towards the EP and European citizens
Thank you for your attention