

U.S. Free Trade Agreements and Linkages

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Abstract

This article examines the driving factors that account for patterns of linkages to broader economic, labor, environmental, and security issues in U.S. Free Trade Agreements (FTAs). Rather than only emphasizing trade benefits or security considerations as in much recent work on FTAs, this analysis provides a richer empirical picture by focusing on the full universe of U.S. FTAs. It conceptually differentiates among different issues that might be linked to FTAs and categorizes different patterns of U.S. FTAs based on the key issues that drove negotiations. The article then examines these negotiations from a theoretical standpoint, focusing on three elements. First, it examines the degree to which linkages in the U.S. domestic policymaking process are top-down or bottom-up. Second, it considers linkages types in terms of the underlying basis for issue connections – either power or knowledge. Third, it more briefly examines the bargaining process. The conceptual and theoretical analysis is buttressed through an examination of various illustrative cases of U.S. FTA negotiations to demonstrate the utility of this approach to illuminate the variety of ‘linkage packages’ that have driven U.S. FTAs. We conclude with the broader implications of linkages politics in FTAs.

Keywords

U.S. trade policy; Free Trade Agreements; linkages; international negotiations; security; labor and trade; the environment and trade

With ongoing difficulties in concluding the Doha Development Round (DDR) of the World Trade Organization (WTO), many countries have turned to bilateral free trade agreements (FTAs) as a mode of trade liberalization.¹ In their accords, the U.S. and EU in particular, have linked a variety of broader economic issues, labor, environment, and security issues to trade issues in their negotiations.

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With respect to the U.S., many academic studies have focused on a number of these issues, generally emphasizing a particular “dominant” driving force. Yet, to my knowledge, no study has considered the universe of U.S. FTAs with an eye to differentiating among the driving forces for linkages. The goal of this article, then, is to conceptually differentiate among types of linkages that the U.S. has used, identify patterns that have emerged, and take a more analytically-based approach to understand linkage formation.

With almost all countries in the world negotiating FTAs, what makes the U.S. of particular interest? In terms of the panoply of linkage types, the U.S. and EU are relatively unique in their approach. Both have utilized labor, environmental, and security linkages in their FTA efforts with varying success (Aggarwal & Ahnliid 2011). Relative to the EU, the U.S. is a relative newcomer to the use of FTAs, having negotiated the bulk of its agreements in the 2000s.² In terms of linkages, of particular interest is the Bush Administration’s rapid negotiation of a large number of FTAs in the wake of the 9/11 attacks. These include new agreements with Australia, Morocco, the Dominican Republic and Central American countries (DR-CAFTA), Bahrain, Oman, Peru, Colombia, Panama, and South Korea, and the ratification or conclusion of FTAs initiated by the Clinton Administration with Jordan, Singapore, and Chile.

In view of this flurry of FTA activity, some have argued that we are seeing the “securitization” of U.S. trade policy (Higgott 2004), a phenomenon that has spread to other parts of the world as with the Australia-Japan FTA (Capling 2008).³ Yet although security considerations have undoubtedly been important in the negotiation of recent FTAs, solely focusing on such concerns “overcorrects” away from the prior focus on FTAs as being solely about trade.

Another question concerns the use of linkages in different fora. It is clear that both the GATT and WTO have been a locus of linkages (Leebron 2002). Yet as Vogel (2013) has argued, aside from dispute settlement rulings that have raised the ire of environmentalists, “the WTO’s efforts to reduce trade-environment tensions and conflicts can be best understood as palliatives.” With respect to labor, in view of the sharply differing positions of member states, Charnowitz (2002: 263) notes, “the WTO . . . is never going to be a good forum for pursuing the goal of higher labor standards.” The WTO has been successful in creating links among specific trade issues (quotas and subsidies) as well as linking agricultural, services, intellectual property, and manufactures trade (Helfer 2004). By contrast, the turn to bilateral FTAs, although generally driven by problems in concluding GATT or WTO negotiations, has brought with it the added “bene-

² The U.S. did negotiate an accord with Israel in 1985 and with Canada in 1987.

³ The Copenhagen School has been a leader in looking at the securitization of issues, primarily from the perspective of a “speech” act that affects issue framing. See Buzan, Wæver and De Wilde (1998), as well as more recent writings by these and other scholars in this school of analysis.

fit” of significantly greater power asymmetry for the U.S. and EU, enabling them to pressure countries that might be recalcitrant about linkages to labor or the environment.

The article is organized as follows. Section II considers key issues that have been linked to trade and identifies patterns of U.S. FTAs. To understand these FTAs from a theoretical standpoint, Section III focuses on three broad issues. First, is the domestic process of U.S. linkage formation a top-down or bottom-up process? Second, when actors make linkages, both domestically and internationally, are linkages “tactical” in nature – that is, based on power considerations, and are linkages “substantive”, based on underlying consensual knowledge that issues should be dealt with together? Third, what are the implications of power asymmetry on negotiating strategies? To see how these theoretical issues fit with the patterns that we see, Section IV provides illustrations from the U.S. FTA bargaining process – primarily domestically, but also internationally. Section V addresses possible directions for U.S. trade policy as well as implications for the negotiation of FTAs more generally.

Linking Trade to Other Issues in U.S. FTAs: Looking for Patterns

Efforts to link non-trade issues in trade negotiations are hardly new. With respect to security, the U.S. sought to use trade to achieve important security goals in the post-World War II era. It helped Japan secure entry into the GATT in an effort to bolster the latter’s economy to help it develop into a bulwark against China. When the European Coal and Steel Community (ECSC) was created in 1951, despite being inconsistent with Article 24 of the GATT (which calls for liberalization on a multiproduct basis, rather than only for a few products), the U.S. dealt with a Czechoslovakian complaint in the GATT by supporting European efforts to secure a GATT waiver of obligation (Curzon 1966: 266–268).

Although active linkages between trade and labor are relatively recent and a prominent feature of U.S. FTAs, labor had been substantively linked to trade since the turn of the 20th century. Examples include the 1890 U.S. McKinley Act and 1930 Tariff Act restricting imports of goods made by prisoners; GATT rules that allowed countries to block imports made by forced labor; and U.S. implementation of the Generalized System of Preferences (GSP), among others. Labor groups became particularly active in the NAFTA negotiations.

NAFTA also galvanized efforts to link trade and the environment. Groups such as the U.S.-based Friends of the Earth NGO, and a large coalition of interest groups from all three NAFTA countries pushed President Bush to address environmental concern (Vogel 2013). When President Clinton signed side agreements on the environment and labor, dissatisfaction by activists groups with respect to both of these issues ensured that they would continue to evoke

controversy in future FTA negotiations. It is worth noting that the rise of global NGOs that have sought to link trade to labor, the environment, and human rights has become a worldwide phenomenon. Although there is significant variation in their efforts and success, at least in the EU, these NGOs have been able to assert their views with considerable success, making these issues an important part of EU FTA negotiations (Ahnliid 2013).

Categorizing Issues in FTAs

To examine driving forces for U.S. linkages to find possible patterns, the first step is to conceptualize the types of issues that have been empirically featured in FTA negotiations. Specifically, we can consider three sets of issues: security, environmental and social concerns, and economic drivers.

These considerations have been used as either a rationale for pursuing FTAs or as issues that must be included in the negotiations. For example, within the traditional security category, supporting allies or seeking new ones was an important motivating force for the U.S.-Israel FTA, as well as many of the accords pursued by the Bush administration in the wake of 9/11. In some cases, balance of power considerations, such as countering rising powers such as China, have come to the

Traditional Security

- Promotion and support of allies
- Balance of power considerations vis-à-vis other powers
- Political support for economic reforms

Environmental and Social Issues

- Democracy promotion and the rule of law
- Environment
- Labor
- Human rights

Economic Considerations

- Classical gains from trade and investment
- Losses to and gains for specific groups from FTAs
- Incorporation of more economic issues beyond trade onto the agenda
- Catalyzing broader negotiations
- Countering economic discrimination

fore. More politically, political support for economic reforms has often been used in FTAs to encourage countries to pursue more market-friendly policies.

In terms of environmental and social issues, the U.S. (and others such as Canada, the EU, Japan, and New Zealand) has increasingly sought to include such issues in FTAs. These concerns were also globally driven by the GATT 1991 ruling that blocked the U.S. from restricting tuna from three developing countries because of the danger to dolphins (Vogel 2013). Democracy promotion and human rights concerns have also figured prominently in debates about U.S. FTAs, but these elements have not been formally included in the agreements themselves, in contrast to EU FTAs.

From an economic standpoint, other economic considerations, aside from trade, have driven U.S. FTAs. Accords have been driven by business interests that wish to link investment protection to the FTA, to develop agreements on sourcing policy, or to expand accords to make them WTO “plus” through the addition of other issues. As a constraint, many industries and agricultural lobbies have attempted to block FTA negotiations. Agreements have also been sought in the context of pushing forward GATT or WTO negotiations. Finally, U.S. firms may also lobby for accords to counter discrimination when other countries negotiate their own FTAs that give their firms preferential access.

Patterns of Issue Linkages in U.S. FTAs

To look for linkage patterns in U.S. FTAs, I coded writings on FTAs, with a primary focus on Congressional Research Reports, and a secondary literature survey on individual FTAs. Table 1 summarizes all U.S. FTAs, with a focus on the major drivers for linkages from a U.S. perspective.⁴ Note that in terms of *variation* in outcome in terms of the provisions of U.S. FTAs, there has clearly been a significant degree of standardization in recent accords. Indeed, after the U.S.-Jordan agreement and the May 2007 accord in Congress on issues to be included in FTAs, all accords have included labor and environmental provisions. Hence, our focus here is *not* on the variation in terms of the outcome of FTAs themselves, but rather on exploring the issue of equifinality – focusing on the *similar* outcomes from *different* starting points (with exceptions, as noted).

In terms of driving forces, we have five groups.⁵ The first consists of one country, Canada. This accord was primarily driven by narrower economic considerations, but also by efforts to catalyze broader agreements and an effort to widen the issue scope of negotiations.

⁴ The coding of this chart is based on research by several research assistants and my own evaluation.

⁵ Creating groupings is not a clear-cut matter, as all the key categories and their elements do not systematically cluster together.

Table 1. Driving Forces for U.S. Free Trade Agreements

US FTA Partner (year negotiations concluded)	Tradl. Security			Environ. & Social				Economic				
	Allies (reward or secure)	Bal. of Power/Regional Sec.	Support Econ. Reforms	Democracy Promotion/Rule of Law	Environment	Labor	Human Rights	Classical Trade Gains/Investment	Objections by US Domestic Producers	Widen issue scope	Catalyze broader negot./Template	Counter Economic Discrim.
Israel 1985	+++	++	+++	0	0	0	0	0	-	+++	+++	+++
Canada 1987	+	0	0	0	0	0	0	++	-	+++	+++	0
NAFTA 1992	+	0	+++	++	---	---	-	+++	---	+++	+++	0
Jordan 2000	+++	+++	+++	0	---	---	0	0	-	+++	0	0
Chile 2002	+	0	+	+++	--	--	0	0	-	+++	+++	+
Singapore 2003	+++	+++	0	0	-	-	0	++	-	+++	+++	0
Australia 2004	+++	++	0	0	0	-	0	++	--	+	++	0
Morocco 2004	+++	+++	++	+	-	-	0	+	-	0	+++	+
DR-CAFTA 2004	++	++	+++	++	---	---	--	++	---	+	+++	++
Bahrain 2004	+++	+++	+++	+++	0	-	-	0	0	+	++	0
Oman 2005	+++	+++	++	+	0	-	0	++	-	0	++	0
Peru 2005	++	+	++	++	---	---	-	+	-	0	++	0
Colombia 2006	+++	+	+++	+++	---	---	---	++	--	0	0	0
Panama 2007	+++	++	++	+++	-	-	0	+	0	0	0	+
S. Korea 2007	+++	+++	0	0	-	-	0	+++	---	0	+++	++

Note: Plus signs indicate that this factor was a driver for the agreement; minus signs indicate that this factor constrained negotiations. The range is from 0 to plus 3 for both. It is important to note that the coding scheme should properly be seen as ordinal rankings rather than cardinal ones in light of the difficulty in specifying weights for each factor that affect agreements. Note that the all agreements since the Jordan FTA have had labor and environmental provisions, so the minus signs or lack thereof does not signal that these issues were not included, only whether or not they were contentious either domestically or in international negotiations.

The NAFTA agreement is unique and can be seen as a second group. By itself, an accord with Mexico would have more affinity with Group 5's countries such as Peru, but given the trilateral nature of the accord, it is unique and thus in its own category.

A third group involves accords with Singapore, Chile, Australia, and Korea – all of which had important elements of catalyzing agreements in the region as well as security linkages. Since these countries had relatively good labor and environmental standards, these concerns did not become as important as in other cases.

Instead, the variation in the negotiation of these countries' accords reflects their degree of impact on U.S. firms and fear of increased competition (with Singapore and Chile relatively unthreatening on this score, Australia more, and South Korea the most).

A fourth group includes Israel, Jordan, Morocco, Bahrain, and Oman, cases where as Higgott (2004) has noted, security considerations were paramount. From an economic standpoint, all were relatively unimportant, although the Oman accord involved important investment considerations (rather than classical trade gains). For its part, Jordan is important as it became the first case of introducing labor and environmental issues into an FTA in the main text.

The fifth group of Central and Latin American accords of DR-CAFTA, Peru, Colombia, and Panama has much in common, with U.S. labor and environmental groups actively engaged in resisting the accords, often in part for protectionist reasons.

Given this grouping, we next explore key theoretical elements that might account for the process that accounts for differences both among and within groups.

Theorizing About the Linkage Process

Our focus on linkage formation, both domestically and internationally, is based on three inter-related questions. First, how does the U.S. executive branch decide on the countries with which it will pursue negotiations and on which issues to include on the agenda? Second, how do U.S. negotiators attempt to convince their counterparts to include security, environmental and social issues, and non-trade economic considerations? Third, what is the impact of power asymmetry on the negotiation process?

Top-down or Bottom-up?

With respect to partners and issues, the process can be: 1) top-down, led by the executive branch; 2) a bottom-up process of lobbying by business and other societal groups; or 3) some combination. Which of these processes is at work varies with the issues (and country) at hand.

With respect to security, the U.S. executive branch, and at times, the Congress, has sought to bolster allies, balance against other countries, or promote economic reform, driven mainly by systemic power considerations. Beyond state-driven considerations, however, lobbies for particular countries (the U.S.-Taiwan lobby) can also drive choices, on which there is considerable debate (Mearsheimer & Walt 2007).

In terms of environmental and social considerations, the dynamics of agenda-setting in the U.S. generally involves the interplay of activist NGO groups, the

Congress, and the executive branch (with opposition by business groups). In some cases this has been a top-down process, but for the most part it would appear to be a bottom-up one.

With respect to economic issues, the domestic bargaining process involves concerns by both firms and the government about economic discrimination as well as traditional political economy concerns from import competing groups to restrict the influx of imports and by export-focused groups attempting to open up new markets.

Substantive and Tactical Linkages

In addition to the agenda-setting process, it is useful to understand the actual nature of linkages – both in a domestic and international negotiation context. The question of how to conceive of linkages involves understanding the relationship among issues, issue-areas, substantive and tactical linkages, the role of knowledge in linkages, and the relationship between experts or epistemic communities and policymakers.

As a starting point, Ernst Haas (1980: 362–3) examines the origins of “international issues” as coming from arenas in which there is some potential conflict over the terms of interdependence. He sees “issues” as separate agenda items and “issue-areas” as reflecting perceived interdependence among issues. For him (1980: 365), issue-areas are a “recognized cluster of concerns [that] reflect involving interdependence not only among the parties but among the issues themselves.”

This notion of recognized interdependence is intimately tied to the idea of “substantive” linkages (Oye 1979; Stein 1980; E. Haas 1980; Aggarwal 1998). Issue packages arise “in deference to some intellectual strategy or evolving awareness of causal understanding” (E. Haas 1980: 374).⁶ He goes on to note that causal understanding or “knowledge” “... is the sum of technical information which commands sufficient consensus at a given time among interested actors to serve as a guide to public policy designed to achieve some social goal” (E. Haas 1980: 368).

Tied to the question of how consensus is formed is the central issue of who represents knowledge. E. Haas (1980: 369) focuses on exploring the relationship between the goals of politicians and the role of experts. But as he notes, “... *who* is knowledgeable – the technical expert, the businessman, the politician, the peasant.” For Haas, knowledge becomes relevant when it becomes “consensual,” but his examination of knowledge “carriers” is not entirely satisfactory.

⁶ For Leebron (2002: 11–12), substantive linkages reflect either a relationship among norms influencing the issues (be they congruent or in conflict – drawing on Aggarwal 1985), or a consequentialist view *a la* Haas (1980). His work provides a more legally focused approach, but one that essentially parallels Haas.

For Peter Haas (1989: 2), the key to understanding these carriers of knowledge is the concept of “epistemic communities” – which refer to networks of knowledge-based experts. More specifically, he goes on to note, “An epistemic community is a network of professionals with recognized expertise and competence in a particular domain and an authoritative claim to policy-relevant knowledge within that domain or issue-area” (1989: 3). Further elaborating on epistemic communities, he notes that they include actors with shared normative and principled beliefs, shared causal beliefs, common notions of validity, and a common policy enterprise. Most importantly, epistemic communities are *not* simply interest groups, even though they clearly may share common interests because as he notes (1989: 18) “If confronted with anomalies that undermined their causal beliefs, they would withdraw from the policy debate, unlike interest groups.”

While such a definition is appealing, making such distinctions in empirical work is not simple. Substantive linkages can be contrasted with “tactical” linkages, which are unrelated in terms of any knowledge basis and simply reflect power considerations.⁷ Thus, for example, the 1974 Jackson-Vanik amendment linked the emigration of Soviet Jews to the granting of most favored nation (MFN) status to state trading countries that were not party to the GATT.⁸ Few would argue that there is an intellectual connection between emigration and MFN. The activities of epistemic communities inherently makes this a dynamic process where previously unconnected issues are “shown” to be connected (and vice versa), thus leading to a continuum of agreement on the extent to which issues are substantively versus tactically connected.

My focus here is on understanding both the domestic agenda setting process and bilateral international negotiations, focusing on the difference in perceptions of linkages between linkers and target decision-makers. These linkers can be epistemic groups, but in most cases, since issues such as labor and security are often driven by interest groups or top-down by the Executive, I look at the interplay of epistemic groups, interest groups, and policymakers. As we shall see, interest groups often free ride on claims about substantive linkages by labor and environmental groups for their own purposes.

Table 2 presents an analysis of the extent to which, from the linkage originator’s perspective, linkages are seen to be tactical (based on power) or substantive (based on knowledge connections), both domestically and internationally.

In all four cases, we assume that the effort to link two or more issues is successful. Our focus is on exploring the rationale for the target decision-maker’s willingness to go along with the linkage (the target here can be either U.S.

⁷ Leebron (2002) uses “strategic” to refer to tactical linkages, which is confusing given the longstanding use of the term “tactical.” He also discusses relational aspects of linkages focusing on how regimes might be linked in a deferential, collaborative, or autonomous manner. Although his terminology is different than Agawam’s (1998) terms hierarchical, horizontal, and independent, it is conceptually identical.

⁸ This amendment was revoked on December 14, 2012.

Table 2. The Dynamics of Issue-Linkage

Linkage Type	Linker's View of Connections	Target Decision Makers' Perceptions	Basis for Agreement	Outcome and Changes
1) Substantive Link	Connected	Connected	Knowledge	(1) Stable issue-area (may change with knowledge changes)
2) Failed substantive link (perceived as tactical)	Connected	Unconnected	Power	(2) Temporary solution to externalities (stabilizes with knowledge changes)
3) Tactical link	Unconnected	Unconnected	Power	(3) Potentially unstable issue-area (changes with power shifts)
4) Failed tactical link (perceived as substantive)	Unconnected	Connected	Misunderstanding	(4) "Contingent" (to unstable issue-area with knowledge change)

Source: Adapted from Aggarwal (1998).

policymakers or policymakers in the counterpart FTA country). Of course, even though the target accepts that two issues should be linked (for example trade and environmental protection), this does not resolve the issue of the *specifics* of what the target will agree to do but only the principle that the two issues should be handled together. The actual contours of the accord will depend on power considerations and trade-offs across issues.

We begin with the first and third types of linkages in Table 1. In the first case, substantive linkage, we are likely to see the creation of a stable arrangement. This outcome stems from bargaining whereby the linker convinces the target of the impact of externalities involved in a particular set of negotiations and convinces its counterpart that the issues are logically packaged. Over time, understandings about the connections between issues may change. Over the longer run, then, there may be a need to renegotiate the contours of this issue-area, either domestically or internationally.

The third type of link, tactical linkage, is a pure power play. If used as a positive inducement, it can diminish conflict. But if used as a stick, tactical linkages will create sharp conflict in negotiations and will most likely lead to unstable agreements. Internationally, smaller states may realize that they have little choice but to go along with a linkage (say trade access in exchange for environmental

protection or labor rights issues) if they want to secure an FTA with a powerful actor such as the United States.

Next, we consider combinations of knowledge and power as key issue connectors. Case 2, “failed substantive linkage,” is more complicated than cases 1 and 3. Here, even though the linker argues that two issues are interconnected (e.g., the connection between trade and the environment), the linkee may not share this view. Thus, although they may agree to negotiate on the two issues together, from a domestic perspective, they may only do so because of strong pressure from interest groups. From an international perspective, in this second type of linkage, the target country’s decision-makers do not recognize the issues as substantively connected. Instead, the target policymakers perceive the issues as only *tactically* related; yet they go along with the linkage because of asymmetrical power.

In terms of dynamics in Case 2, without change in knowledge-based understandings about issue connections, even though the target actor treats the issues as connected for tactical reasons and goes along with this linkage, the resulting accord will likely only prove to be a temporary solution to externalities. Yet from the linkers’ perspective, such a situation may provide hope for the actor trying to establish the link. When the policymaker’s initial reaction is a rejection of substantive connections among issues, in a domestic context, experts in a country who are advising interest groups and those who are advising government policymakers may play a prominent role in swaying decision-makers’ opinions about the causal connections among issues. Over time, then, changed causal understanding may lead to the more stable case of mutually perceived substantive linkage.

Finally, in Case 4, the much rarer case of misperceived tactical linkages, policymakers in the target country see the issues as substantively linked – even though they are only linked tactically. Although the target decision-makers’ own experts (assuming they are knowledgeable) will attempt to persuade their policymakers from accepting the linkage on knowledge grounds, target decision-makers may agree to some type of joint agreement and consider the issues in question as a package. Clever manipulation by the linker could produce considerably more favorable outcomes than might otherwise be the case. But because it is based on a misunderstanding about issue connections, this case is likely to be unstable. Indeed, if and when the target comes to realize that the connection was tactical in nature, the bargaining connection will shift to a potentially unstable one that will *only* endure as long as the linker maintains its superior power.

Bargaining Processes

We next turn to the last question with respect to international negotiations. On what will the strength of linkages between other issues and trade in international negotiations depend? Some key factors include the degree of pressure on policymakers domestically to implement linkages, which itself is tied to whether or not

the linkages are seen to be tactical or substantive by the negotiators. Another key element will be the asymmetry of power between the initiator and the target state. Obviously, if the initiator's policymakers are either deeply convinced of the need to link two or more issues – whether owing to the political pressure they face or to their deep expert-driven conviction about promoting their values – they face the reality of power in international negotiations.⁹

Finally, states promoting issue linkages must consider how they wish to convince other countries to agree to linkages between two issues. Again, if the target country believes the issue is substantively connected, little in the way of inducements or threats to treat the issues together will be necessary, although trade-offs across issues will still be a concern. From a tactical linkage standpoint, if the power balance is very asymmetrical, linkers may not need to explicitly pressure countries, as the target states will undoubtedly recognize their dependence on the linker. Beyond these relatively simple cases, the more interesting ones involve, once again, countries that are more on par with the initiator from a power perspective. In such a case, policymakers in international negotiations must consider the trade-offs they will face in attempting to secure linkages, and the extent to which this will create domestic counter-pressures. For example, when the U.S. negotiated with South Korea, policymakers in the U.S. faced criticism about excessive efforts to engage in issue linkage from their own domestic business lobbies that were eager to conclude accords for economic reasons.

Linking Trade to Other Issues: The U.S. Experience

We now turn to a focus on the five “groups” of U.S. FTA linkage packages. Given our primary focus on FTAs, some background on the U.S. turn toward FTAs in the broader trade context is useful, as the U.S. motivation to pursue FTAs affected the contours of its agreements. In 1982, the U.S. sought to incorporate services into a new GATT round, with this impulse to engage in substantive issue linkages coming from the U.S. service sector industry (Aggarwal 1992). But many developing countries feared they would suffer adverse effects from liberalization efforts, and blocked this effort. Although this effort did not meet with success, it was fundamental in pushing services into the limelight. Contracting parties to the GATT agreed to undertake national studies investigating barriers and other impediments to free trade in services.

The U.S. FTA strategy originated in this period, with trouble in the GATT round and little EU interest as the latter focused on wider and deeper integration. In a break from a non-discriminatory GATT focus, it provided preferential access

⁹ The EU, for example, has had a more difficult time in attempting to pressure countries like India to link trade to issues such as non-proliferation than weaker countries. See Ahnliid (2013).

to Caribbean countries in 1984, its first bilateral agreement with Israel in 1985, and began talks on a possible bilateral accord with Canada. We begin with the Canada agreement and discuss the Israel agreement (Group 4) in the context of other primarily security-driven accords below.

Group 1: Canada

The decision to pursue an FTA with Canada was centrally tied, among other concerns, to troubles in the GATT. The U.S. sought to conclude an agreement with its largest trading partner to increase its leverage in the GATT with the Europeans, while at the same time increasing access to the Canadian market. The Canadians had also begun to rethink their commitment to multilateralism as the only path, with concern growing about U.S. protectionist measures in the 1970s and early 1980s, driven in part by a growing consensus on a new path for Canada by a group of economists that constituted an epistemic community.¹⁰ Canadian interest groups also sought to prevent protection and wished to secure better access to the U.S. market, thus making this both a top-down and bottom-up negotiation from the Canadian perspective, but primarily a top-down one in the case of the U.S. – at least until negotiations began. Most importantly, the U.S. wished to expand the GATT's agenda by concluding a GATT-plus accord with Canada that would include issues such as services and progress on agricultural trade that had been stalled in its discussions with the Europeans.

In 1983–4 discussion of bilateral sectoral accords made little progress. By September 1985, the Canadians decided to seek broad bilateral agreements, and the U.S. proved receptive, leading to the start of negotiations that were concluded on October 4, 1987 (taking effect on January 1, 1989).

The most significant development was the inclusion of business and financial services (a U.S. goal in the GATT) as well as significantly greater access for the U.S. and Canada on investment. These substantive issue linkages – albeit only in the economic realm – met both U.S. (and Canadian) interests in using their accord to push progress in the GATT negotiations. Although negotiations were not easy (with the Canadians managing to secure a “cultural industries” exception), for the most part there was not controversy over the basic notion that investment, agriculture, and services should be linked to manufacturing trade.

By contrast, Canada's desire to create a binational panel, and its willingness to hold out for one and let the negotiations fail, suggests that this was seen more as a tactical linkage and one that the U.S. eventually went along with based on some key modifications despite the asymmetrical power equation that favored the United States. American interest in securing an agreement can be seen in Treasury Secretary James Baker's comments on CUFTA, noting “This agreement can

¹⁰ This discussion of the Canada-US FTA in this and the next paragraph draws heavily on Hart, Dymond and Robertson (1994) and Gotlieb (1998).

serve not only as a pattern for future bilateral agreement, but also as a catalyst for action on the multilateral front,” and more bluntly; “Other nations are forced to recognize that that we will devise ways to expand trade, with or without them” (*The Globe and Mail*, April 22, 1988).

Group 2: NAFTA: Expanding the Agenda to Include Labor and the Environment

In 1993, the U.S. followed up on its accord with Canada with the NAFTA agreement. A decision to begin negotiations with Mexico took place in 1990, and talks were expanded to include Canada in 1991. As with the Canada accord, the broader context of stalled Uruguay Round negotiations proved to be an important motivation for the U.S. to agree to Mexico’s request for an FTA. The negotiations were marked by both top-down and bottom-up pressures in the U.S., as well as a variety of both substantive and tactical linkages. Moreover, the large asymmetry in power among countries proved to be crucial for the U.S. ability to reopen negotiations and secure side agreements after President Bill Clinton was elected.

The negotiations over NAFTA fostered a large coalition of American environmental and labor groups pushing for linkages. Other groups pushed for the inclusion of broader human rights issues and democracy in trade agreements. But NAFTA was hardly the only stimulus to this change. Developments in the GATT with respect to its rulings on the 1996 shrimp-turtle and 1991 tuna-dolphins disputes also politicized trade negotiations and led to a sharp rise in environmental activism.¹¹

As mentioned earlier, the U.S. implementation of the Generalized System of Preferences (GSP) provided an important context to linkage efforts in NAFTA. This effort was led by labor with the aid of religious and human rights activists in the early 1980s to reframe their protectionist efforts in trade substantively with human rights (Compa & Vogt 2001).¹² This successful substantive linkage bore fruit with the introduction of a labor rights clause into the bill to renew GSP in the fall of 1984.

Labor groups became particularly active on NAFTA in the context of the 1992 U.S. presidential election. Candidate Ross Perot argued that NAFTA would create a “giant sucking sound” as jobs would be lost to Mexico. During the campaign, President Bush strongly endorsed NAFTA, while candidate Bill Clinton announced on October 4, 1992 that he supported NAFTA but would not sign the accord unless side agreements on labor and the environment were concluded.

For their part, environmentalists such as the U.S.-based Friends of the Earth NGO, and a large coalition of interest groups from all three NAFTA countries

¹¹ For an excellent analysis of these cases, see Vogel (1999).

¹² The remainder of the paragraph draws on the discussion of Compa and Vogt (2001).

pushed President Bush to address environmental concerns.¹³ To respond, he set up an advisory committee for USTR with environmental representatives from NGOs. This action appears to be primarily tactical on Bush's part in view of concerns about getting NAFTA passed. However, members of Congress began to support this linkage in large numbers, pressed by their own environmentally active constituents. A key element in this pressure was the tactical linkage between the environment and labor pushed by the AFL-CIO. In the words of its research director, "Environment became a means of drawing attention to poor company practices in the border . . . Nobody cared about a worker losing his job in Mexico" (quoted in Mayer 1988: 72).

Clinton's position on NAFTA allowed him to curry the backing of big business as well as the endorsements of labor and environmental groups. Yet the side agreements he signed did not assuage labor groups and environmentalists, who thought that these accords were merely window dressing. For their part, the Mexicans clearly saw these as purely tactical linkages, with one negotiator noting about the side agreement on consultations, "Lots of public discourse, nothing more. This is the result we wanted" (quoted in Cameron & Tomlin 1990: 200). Still, with Republican support, and despite significant opposition from his own part, President Clinton pushed forward and secured Congressional passage of NAFTA in November 2003, with the accord taking effect on January 1, 1994.

Group 3: Singapore, Chile, Australia, and Korea

The third group consists of accords driven by a desire to catalyze agreements in the region, as well as security linkages; but with few labor and environmental standards concerns, these latter issues did not become as much of a constraint as in other cases. For the most part, these agreements were driven by a top-down process in the United States, although once negotiations were underway, a number of interest groups became actively involved.

Some key points about these accords are worth noting. As an example, the importance of security considerations, and a strong top-down approach, can be seen in the U.S. reluctance to reward Australia for its support in Iraq with an FTA in the wake of the 9/11 attacks, but punish New Zealand by not concluding an accord. Similarly, although the U.S. had been negotiating an accord with Chile on and off for over a decade as part of an effort to create an opening in Latin America to promote its broader trade agenda, it signed an agreement first with Singapore. Indeed, when Bush announced the USSFTA signing ceremony, he praised Singapore not for its economic strength and global trading strategy, but for being "a strong partner in the war on terrorism and a member of the coalition on Iraq." By refusing to support the U.S. at the United Nations Security Council

¹³ The review of facts in this paragraph, but not the interpretation of linkages, draws on Vogel (1999).

where it was a member, Chile “lost that honor”, according to senior Bush administration officials (*New York Times*, May 6, 2003). In terms of substantive perceptions of linkages, as the Singapore negotiator noted, Singapore regarded the USSFTA as important because it “wishes to entrench the presence of the US in the region” (Koh 2004: 8)

Turning to Korea, the largest U.S. FTA partner in the new millennium, security considerations loomed paramount in the U.S. decision to pursue an accord; but because of Korea’s size, economic considerations played an important role as well. With China’s FTA policy accelerating, an epistemic group of policy experts began to argue for a counter strategy.¹⁴ Although Japan would have been a logical choice, its domestic protectionist lobbies prevented the government from seeking negotiations with the U.S. Thus, both the U.S. and Korean governments saw eye-to-eye on the substantive linkage between an FTA and security, and there was a significant top-down element to this linkage in both countries. Although labor and environment provisions were to be included, these did not pose a significant obstacle. Once negotiations began in June 2006, they progressed rapidly, and were concluded and signed by June 2007.

In view of the relative balance of power, the U.S. clearly had the upper hand in negotiations. Still, considerable opposition from U.S. domestic producers in agriculture and autos prevented ready ratification of KORUS, despite the strong security overlay. The Obama administration pushed for renegotiation of the accord and although Korea resisted, it made further concessions (and secured some from the U.S. as well), thus leading to a successful outcome in 2010 and subsequent ratification.

Group 4: Israel, Jordan, Morocco, Bahrain, and Oman

This group of cases involved security linkages as the main element, and with very small countries eager to secure access to the U.S. market, the U.S. was able to link labor and environment issues to the FTAs (except for with Israel, an accord negotiated in the 1980s before NGO activism had become crucial in negotiations). From an economic standpoint, all were relatively unimportant, although the Oman accord involved important investment considerations (rather than classical trade gains). Jordan is important as it became the first case of introducing labor and environmental issues into an FTA in the main text. Here, we focus on Israel and Jordan.

The U.S.-Israel FTA, signed in June 1985, had significant security overtones. The Israelis had sought an FTA as early as the late 1970s. From an economic standpoint, Israel faced the likely prospect of being “graduated” from GSP, which had allowed it tariff-free access to the U.S. market (Rosen 2004: 52–53).

¹⁴ For an excellent discussion of the securitization of trade and KORUS, see Sohn and Koo (2011).

Most importantly, facing serious economic problems, Israel sought to secure a significant aid package from the United States. The Israelis saw the FTA at least in part as a means of decreasing their need for aid (*United Press International*, December 20, 1983).

From a U.S. perspective, the accord met several goals. First, it was concerned about the trade diversion created by the Israel-EEC agreement. Second, the Administration saw this agreement as a means to supplement its military aid to Israel with an economic package. President Reagan was explicit in underscoring the security importance of the agreement for Israel (*The Globe and Mail*, November 11, 1985). Although Israel claimed that the FTA and aid were substantively linked, arguing that such an accord negotiation would place it “in a position not to request aid from the United States,” such aid continued long after the FTA was signed (*United Press International*, December 20, 1983). In the end, Israel received both the foreign aid as well as the economic boost from the FTA.

In the case of Jordan, with lack of progress in the WTO, the opportunity to pursue an FTA in this case provided an alternative to a multilateral approach to linking issues. The lack of any significant economic gains from an FTA for the U.S. was made evident in a USITC study that concluded that a FTA with Jordan would “have no measurable impacts on total U.S. exports, total U.S. imports, U.S. production, or U.S. employment” (Bolle 2001).

By October 2000, the U.S. had reached an agreement with Jordan, with the first explicit labor and environmental provisions in the text of the agreement. On labor, parties to the accord were asked to “strive to” comply with the ILO’s 1998 Declaration on Fundamental Principles and Rights of Work as well as the NAFTA labor standards which came from the Trade Act of 1974. But the most important development was that all of these provisions could potentially be enforced through a dispute settlement procedure. Ratification had to wait until after the elections, however, with Senate passage taking place in the wake of 9/11 and difficult negotiations over passage of President Bush’s request for Trade Promotion Authority.

Group 5: DR-CAFTA, Peru, Colombia, and Panama

These cases have much in common, with U.S. labor and environmental groups actively engaged in resisting the accords, often in part for protectionist reasons. Soon after securing TPA, the Bush administration began negotiations with CAFTA members in 2003. The Dominican Republic was added as a result of pressure from Rep. Charles B. Rangel of New York, who had a large Dominican constituency (*The Washington Times*, March 16, 2004). The U.S. was particularly interested in negotiating with CAFTA members to leverage its interest in creating a Free Trade Area of the Americas. As negotiations got underway, U.S. labor groups, environmentalists, and human rights advocates joined together to oppose

this effort, and once it was signed, secured significant Congressional support to oppose the agreement. Issues of concern included protection of workers' rights in Central America, which labor groups argued would not be improved despite provisions in the accord, as countries would only be forced to enforce their own laws and might have an interest in weakening regulations. Labor groups, supported by sugar interests, agriculture, apparel groups, and human rights advocates, were the strongest opponents. In the end, the accord only passed narrowly in the House, but more easily in the Senate.

Panama succeeded in pursuing a stand-alone agreement, believing that linkage to CAFTA would undermine its prospects given strong labor opposition. It believed that given its strategic location (the Panama Canal) and industries that did not directly compete with U.S. interests, it would be better off with such an approach (Hornbeck 2012: 13). This perspective proved accurate, but its accord took a great deal of time because of a host of complex financial transparency, and its accord, as well as Peru's and Colombia's (and less controversially, as noted, Korea's), became wrapped up with debate in Congress over labor and environmental provisions.

Specifically, by early May 2007, two FTAs remained unratified (Colombia and Peru) and two were nearing the end of negotiations (Panama and South Korea). The Democrats used their success in the November 2006 midterm congressional elections to press the Bush Administration to move further on labor and environmental linkages to FTAs. With the imminent expiration of TPA by the end of June 2007, prospects for securing Congressional approval of on-going free trade agreement negotiations or reauthorization of Bush's fast-track authority now dimmed.

As Democrats lined up for their offensive on trade linkages, House Ways and Means Committee Chairman Charles B. Rangel (D-NY) attempted to pursue a bipartisan compromise between Republicans and Democrats (Destler 2007). Rangel indicated he was flexible regarding the extension of fast-track negotiating authority but also called for trade policy that would include "enforceable basic labor rights and environmental protection in the text of U.S. free trade agreements" (Rangel 2009). On May 10, 2007, these Democratic objectives resulted in a bilateral agreement with Republicans on "A New Trade Policy for America," (*Inside U.S. Trade* 2007) which would serve as a template for future FTAs (Committee on Ways and Means 2007). It called for a closer link to the 1998 ILO standards, forbade countries from lowering standards, and made this stipulation as well as all chapters on labor and environment in FTAs subject to dispute settlement.¹⁵

¹⁵ For analysis of the implications of the 2007 accord, as well as the Peru agreement, see Elliott (2007).

The new standards found their way into the agreement signed with Peru, ratified in December 2007, as well as the others. The agreement with Peru required it to “adopt and maintain” ILO rights as well as a link to enforce environmental accords to which the U.S. is a party including the convention on endangered species, the Montreal protocol on ozone depleting substances, and five others. Still, continuing controversy with Korea on autos and beef, labor rights in Colombia, and tax issues in Panama delayed passage of these three accords until October 2011.

Prospects and Conclusion

Over the last decade, bilateral FTAs have increasingly become the dominant mode of trade liberalization. Although initially a reluctant participant in the bilateral game, over the decade of the 2000s, the U.S. has aggressively sought to conclude FTAs. In so doing, its agenda has moved well beyond trade to include security, labor, and environmental considerations. The goal of this article has been to examine linkage politics with an eye to understanding the domestic and international dynamics of linkages.

In analytically characterizing the linkage process, I have identified the types of economic, security, and non-traditional concerns that have driven U.S. policy, and grouped U.S. accords into five distinctive packages of linkages. To better grasp the nature of linkages, I focused on top-down versus bottom-up processes, differentiated tactical linkages (where the underlying basis is power versus substantive claims about issue interconnectedness that focus on knowledge), and considered the importance of power asymmetry in negotiations.

In terms of traditional security, the executive branch, Congressional allies, and business groups have also drawn on purported and sometimes real security linkages to enhance prospects for successful conclusion of their preferred agreements. Even when agreements were relatively economically insignificant, such groups found it useful to piggyback their interests onto purported security gains from an FTA. In the 2000s, in particular, the Bush Administration strongly linked negotiation of FTAs in terms of choosing partners to security concerns, viewing these accords as rewards for those who supported the Iraq war, as well as those expressing support for anti-terrorist efforts in the wake of 9/11.

In terms of political dynamics domestically, since the 1970s, Democrats have become increasingly protectionist in view of their labor base. This has translated into support for linkages to FTAs in the early 1990s (with NAFTA) and rapidly accelerated Democratic pressure on this score on the Bush Administration in the 2000s. Environmental groups have also been primarily associated with the Democratic Party, and this has resulted in growing efforts to link trade liberalization in FTAs to their concerns.

At the international level, countries have gone along with U.S. linkage efforts, particularly in the case of the environment and labor, mainly because of their interest in security preferential access to the large U.S. market. Thus, it is rare to find countries that have actually changed their policies on the basis of a newfound understanding of labor regulations or environmental regulations. Instead, they have simply gone along with what they view as tactical linkages that have been generated by U.S. domestic political realities (Gresser 2010).

Looking to the future, in the wake of the late 2011 passage of agreements with Korea, Panama, and Colombia, U.S. trade policy has shifted to emphasis on the Trans-Pacific Partnership Agreement (TPP). This accord, which initially began as a four-way agreement among Brunei, Chile, New Zealand, and Singapore, now includes the U.S., Canada, Mexico, Australia, Peru, Vietnam and Malaysia. The emphasis of this accord is to rationalize the myriad FTAs in the regions by creating an overarching agreement.

As with its individual FTAs, the U.S. has maintained its linkage efforts, particularly on labor and the environment. With respect to labor, it is following the May 2007 bipartisan agreement on trade policy and its TPP proposal asks countries to ensure that their legal systems will uphold, maintain, and enforce the rights enumerated in the 1998 International Labor Organization Declaration on the Fundamental Principles and Rights at Work. Similarly, USTR has insisted that trade be tied to environmental protection. Domestically, interest groups have been actively engaged, with some pressing for exclusions, rejecting participation by aspirant countries such as Japan, and others calling for a rapid conclusion of negotiations on a high quality, highly liberal TPP.

Although the U.S. continues to press forward with its labor and environmental linkage efforts in all trade fora, the extent to which it (or the EU for that matter) has actually succeeded in altering other countries perceptions of linkages appears to be minimal. Countries have agreed to comply with accords, or to alter their policies in advance to ensure that the U.S. (and EU) will agree to negotiate with them, but to this point tactical linkages rule the day.

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