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a) The framing of the paper: Is the paper doing a good job emphasizing the importance of its research question?

b) The empirics: The empirics section is long and some of the evidence is preliminary. For the next iteration of the empirical analysis, I want to get your thoughts on what to add or lose.

Thank you!

Best wishes,
Boram Lee

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

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Abstract

Studies show that liberalizing governments include social and environmental clauses in trade agreements to gain pro-trade support from activists. However, these studies do not address how the government makes issue linkage credible to activists, who understand that the government has weak incentives to enforce such linkages once the agreement is ratified. How do liberalizing governments make issue linkage credible to activists despite the commitment problem? Focusing on U.S. government decisions regarding environmental clauses in trade agreements, I argue that a liberalizing government uses international treaties to mitigate activists' fears of defection. By recognizing environmental international organizations' authority in trade agreements, the government can mitigate activists' fear of defection and increase their support for trade agreements. Using original data, I find that the government recognized environmental treaties with more ties to U.S.-based activists in designing environmental clauses in trade agreements from 2000 to 2016. Based on a comparative case study, I also show that activists with ties to recognized treaties supported issue linkage whereas those without ties to the treaties joined forces with anti-trade groups.

Keywords: issue linkage, embedded liberalism, preferential trade agreements, environmental standards, international organizations

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Whether issue linkage enhances the prospect for international cooperation has been at the center of scholarly debates. A prominent theory is that issue linkage can help clinch an agreement when it mobilizes domestic groups that would not otherwise support the agreement. For example, negotiators strategically package trade negotiations to involve multiple sectors and issues, expecting to counter the strong domestic resistance against liberalization from protectionist industries (Davis 2004; Hafner-Burton 2011). In exchange for issue linkage, non-business interest groups sometimes give their blessing for international economic agreements, and pro-trade businesses ramp up lobbying to counteract protectionist pressures. This logic of domestic *quid pro quo* is a key feature that has helped industrialized countries to form a grand social bargain for liberalization and boost domestic support for trade deals (Ruggie 1982; Ehrlich 2010; Mosley and Tello 2015; Lechner 2016; Milewicz et al. 2018; Bastiaens and Postnikov 2020; Postnikov and Bastiaens 2020).

But issue linkages are not always successful. The populist and progressive backlash against the Liberal International Order demonstrates the limitation of issue linkage. If the backlash is associated with long economic downturns and deep-seated value-based opposition to trade (Walter 2021; Ballard-Rosa et al. 2021; Broz et al. 2021), a patchwork of “symbolic” issue linkages may not be sufficient to ensure support (Moravcsik 1998). Further, this resistance to globalization cuts across party lines. Osgood and Ro (2022)’s recent study shows that unions with progressive values are more likely to oppose a trade deal when the foreign partner’s domestic labor or environmental standards are weaker despite the presence of enforceable labor and environmental side agreements in US trade agreements.

These findings suggest that effective issue linkage requires credible commitments, but where does credibility come from? Upon closer examination, the existing logic of issue linkage does not fully explain why value-based groups (i.e., environmentalists) trust issue linkage and endorse trade agreements. Governments may attempt to use issue linkages primarily to build pro-trade coalitions, but coalitions of this kind are prone to dissolution because pro-trade businesses and activists face a commitment problem; pro-trade businesses have in-

centives to include social and environmental clauses in trade agreements to attract activists' support in the pre-ratification stage, yet they face negative incentives to enforce those clauses in the post-ratification stage due to the disruptive effects on trade flows. Given this commitment problem, I examine how liberalizing governments mitigate activists' fear of defection in the post-ratification stage and enhance the credibility of issue linkage.

Focusing on U.S. government decisions regarding environmental clauses in trade agreements, I develop a theory of treaty recognition. I argue that a liberalizing government uses existing international treaties to mitigate activists' fears of defection by pro-trade businesses. By recognizing environmental treaties in trade agreements, the government provides activists with leverage to monitor and pressure firms in the post-ratification period using their ties to recognized treaties. Activists can mobilize outside allies in those treaty bodies or use their expert knowledge of the treaties to interpret compliance behavior. As treaty recognition makes these strategies available, activists overcome their fear of defection and increase their support for trade agreements. When recognition serves as a commitment device in this way, hybrid pro-trade coalitions tend to be more durable.

Employing a multi-methods approach, I test the validity of the theory in three ways. First, I construct original data on institutional ties between environmental treaties and 4,340 environmental advocacy groups and industry groups. Based on the data, I quantitatively test whether the U.S. government is more likely to recognize environmental treaties that provide more access to U.S.-based activists as it designs trade agreements. In this analysis, I find that the government tends to recognize environmental treaties in its PTAs (Preferential Trade Agreements) if those treaties have stronger ties with home-based activists. In this way, the government attempts to lower the credibility gap for home-based activists that are most important for the ratification of trade deals. Second, I present qualitative evidence to shed light on the mechanism. Using a comparative case study of two prominent non-governmental organizations (NGOs) during the second term of George W. Bush, I show that activists with ties to recognized treaties are more likely to support trade agreements than

those without such ties. Finally, I show that the pro-trade and anti-trade cleavages among US environmentalists endured during the Trump presidency. Using keyword-assisted topic modeling, I analyze press releases and blog articles from six major environmental NGOs' websites from 2017 to 2020. These preliminary findings highlight the resilience of trade cleavages even during times of protectionism, and show how NGOs' mobilization strategies (outside enforcement vs. domestic mobilization) can go a long way in explaining their positions on trade deals.

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

Second, this paper enhances our understanding of how governments can make their commitments credible in bilateral and plurilateral negotiations. Existing theories tend to emphasize the role of highly institutionalized multilateral institutions (i.e., the World Trade Organization (WTO)) in resolving credibility problems. Davis (2004) argues that "linkage in a multilateral setting is more appealing for politically sensitive cases (p.155)" than bilateral negotiations, and the GATT/WTO's highly institutionalized negotiation structure helps governments send a credible signal about their commitment to issue linkage to their domestic audiences. Similarly, Carnegie (2014) emphasizes the role of the WTO and its

dispute settlement mechanism in facilitating trade transactions among adversaries that are struggling to overcome the fears of political hold-up. Despite these important contributions, we know relatively little about how governments build credibility in bilateral negotiations. This is an important omission especially when the WTO's negotiation and adjudication procedures are failing to produce meaningful outcomes. Recognizing the challenge, Dr. Ngozi Okonjo-Iweala, the director-general of the WTO, said "cross connections between outcomes have led to the failure to achieving anything (...). I was really determined from the get-go that wasn't going to happen and I was trying to discourage members from linking one (issue) to another (Beattie 2022)." This article addresses this unresolved yet urgent question by examining the practice of treaty recognition.

Commitment Problems and Hybrid Coalitions

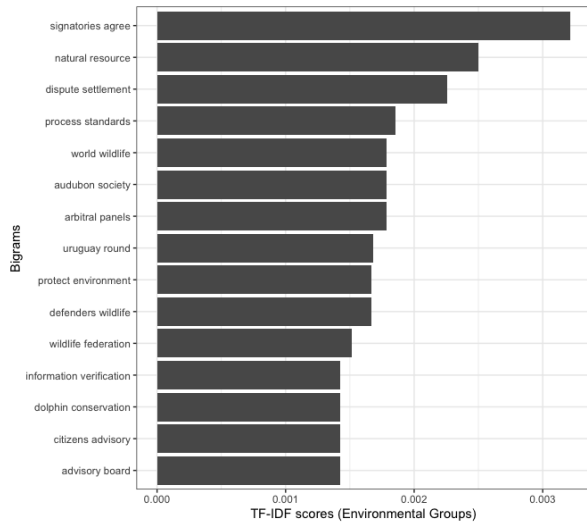
How do liberalizing governments stabilize coalitions between pro-trade businesses and environmental activists? The existing literature on trade politics tends to focus on identifying the preferences of economic interest groups. In the traditional framework, the coalition-making process is not problematized, because actors with homogenous economic preferences can form a strong bond without additional political engineering (Schattschneider 1935; Rogowski 1987; Milner 1988; Hiscox 2002; Schonhardt-Bailey 2006; Kim 2017; Osgood 2017).

The traditional understanding is not readily applicable to coalitions between businesses and activists, however, for two reasons. For starters, a fundamental mismatch exists in the two groups' goals in their support of trade deals. Businesses support a trade deal in the hope that the agreement will better their business prospects. In this sense, they are *non-strategic* supporters of the trade agreement. By contrast, activists are *strategic* supporters. They do not support or oppose a trade agreement based on its effect on their incomes; trade agreements are but an instrument that can help them accomplish their ideational objectives. Therefore, activists may change their positions on trade agreements depending on the agree-

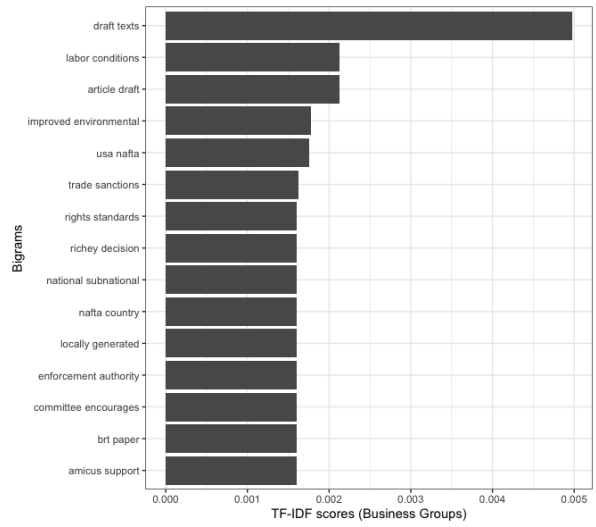
ment’s instrumental value in enhancing environmental objectives.

Media coverage on trade-environmental linkages during the ratification of NAFTA, the first trade deal with an enforceable environmental agreement, corroborates this conjecture. I analyzed 177 interest group statements and media articles on NAFTA’s environmental side agreement, reported in *Inside U.S. Trade*, a trade journal (See Figure 11 in Appendix for more information). Figure 1 visualizes top 20 most relevant pairs of words (bigrams) in those documents. The plot shows that environmental groups expressed concerns about enforcement failure and discussed specific enforcement tools such as *process standards*, *arbitral panels*, *dispute settlement*, and *citizen advisory* (Figure 1-(a)). By contrast, pro-NAFTA businesses focused on minimizing the side deal’s disruptive effects on trade (Figure 1-(b)). Most notably, they were opposed to *trade sanctions* saying, “[E]mbarrassing publicity rather than trade sanctions should be used to achieve enforcement of environmental laws (Inside U.S. Trade 1993a).” Concerned about the possibility that the enforcement of the side deal would pose a tax burden on businesses, pro-NAFTA businesses emphasized alternative funding options such as *locally generated* revenue, *national or sub-national* government bonds, and general government revenues from NAFTA countries (Inside U.S. Trade 1993b). As a result of this mismatch, commitment problems between the two groups arise. Even if environmental clauses are included in a trade agreement, activists have ample reason to doubt whether the clauses will be enforced in the post-ratification stage. Since enforcement of the environmental clauses necessarily disrupts trade transactions and effectively functions as a non-tariff barrier (Bhagwati and Hudec 1996), activists have reason to suspect businesses’ commitment to enforcing those clauses during the negotiation stage.

Second, commitment problems are felt more acutely by activists than by pro-trade businesses. Unlike environmentalists, pro-trade businesses have privileged access to domestic political institutions in charge of enforcing trade agreements including environmental clauses. For instance, the U.S. Trade Representative (USTR) usually serves as a point of contact for matters regarding environmental clauses in trade agreements. When activists

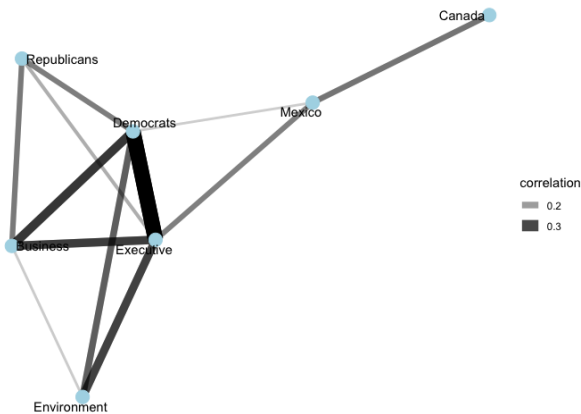


(a) U.S. Environmental Groups - 1993 NAFTA

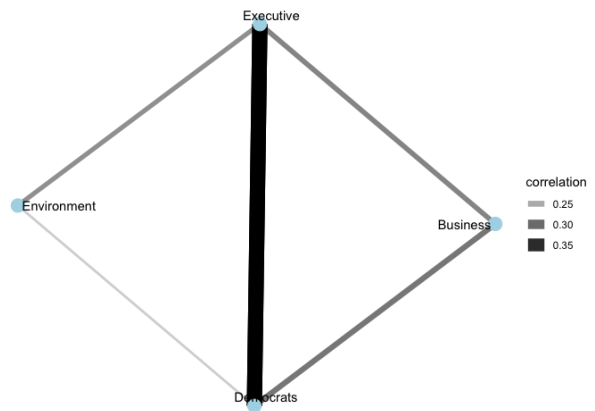


(b) Business Groups - 1993 NAFTA

Figure 1 – Domestic Discussions of the North American Agreement on Environmental Cooperation in the U.S.



(a) Correlation ≥ 0.1



(b) Correlation ≥ 0.2

Figure 2 – Text Similarities in Media Statements on the Trade-Environmental Linkage - NAFTA

have to operate in a relatively new domain filled with traditionally influential trade interest groups, their agenda-setting power is limited.¹ In interviews, one source with close ties to environmental non-governmental organizations (NGOs) stressed the difficulty of getting the USTR’s attention regarding environmental issues once trade deals enter into force (Interview 2017*a*). In the context of NAFTA, the source noted, “it is rare that the Secretariat recommends a factual record, and the government has been passive in enforcing these rules.” Another source affiliated with a prominent environmental NGO echoed this point, stating, “the USTR has never activated trade dispute resolution mechanisms to address environmental concerns (Interview 2017*b*),” even though environmental provisions have constituted a part of all trade agreements since the 2001 Jordan-U.S. Free Trade Agreement. Although the practitioners’ observations are mostly drawn from their experiences in the 2000s and 2010s, these insights shed light on how activists generally feel about the government’s commitment to issue linkage. A further analysis of stakeholder groups’ statements on NAFTA’s environmental agreement supports the validity of the sources’ testimonies. It demonstrates that the Clinton administration’s position on the side deal was more closely aligned to that of pro-trade business groups than environmental groups’. Figure 2 visualizes similarities of position statements, measured by correlations of bigrams in group statements, on NAFTA’s environmental deal across stakeholder groups. Not surprisingly, the Clinton administration’s statements are closely aligned to those of congressional Democrats (Correlation = 0.38). Furthermore, pro-NAFTA businesses’ positions on the environment during NAFTA ratification closely resemble those of the executive (Correlation = 0.24) and congressional Democrats (Correlation = 0.25); environmental group statements tended to deviate from those of the executive (Correlation = 0.23) and congressional Democrats (Correlation = 0.20), as environmentalists discussed substantive issues such as whaling. In contrast, pro-trade businesses’ positions on the side deal were far removed from those of environmental groups (Correlation = 0.12). Altogether, the analysis shows that environmentalists would have reasons to suspect

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

the government's willingness to enforce environmental provisions as the executive and legislators across the aisle widely embraced pro-trade businesses' position on the environmental agreement.

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

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

Treaty Recognition as a Reputational Fail-safe

I argue that activists tend to join a pro-trade coalition and remain in the coalition when designers of trade agreements recognize the role of environmental treaties in drafting environmental clauses in trade agreements. Since NAFTA, the U.S. government has continued to recognize the role of environmental treaties in trade agreements. Figure 3 illustrates the trend. I manually coded the number of environmental clauses that recognize the role of environmental treaties in U.S.-related trade agreements. While NAFTA was the first trade agreement that recognized environmental treaties' role in mitigating environmental concerns, a hiatus in recognition then persisted until 2007. In 2007, once the pro-trade Republican Party lost control of the Congress, the Bush administration had to make concessions to ratify trade agreements under negotiation, and those concessions were included in the 2007 congressional-executive agreement with the Democratic Party. In it, the Bush administration pledged to include seven environmental agreements in future trade deals that the U.S. negotiates.²

Treaty recognition takes diverse forms. First, some environmental provisions *commemorate* parties' obligations to environmental agreements. In one example, parties routinely include hortatory provisions re-affirming their commitment to fulfilling their obligations under specific environmental agreements. Second, parties may go one step further and urge signatories to *implement* specific components of the designated environmental agreements. For example, Peru committed to “adopt a strategic plan to implement the CITES Appendix II listing of Bigleaf Mahogany by decree or resolution promulgated by the central level of government (...) (Annex 18.3.4. Annex on Forest Sector Governance in the United States-Peru Free Trade Agreement).” Third, parties *defer* the resolution of environmental matters to the interpretive guidance of designated environmental treaties. For example, the environmental

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

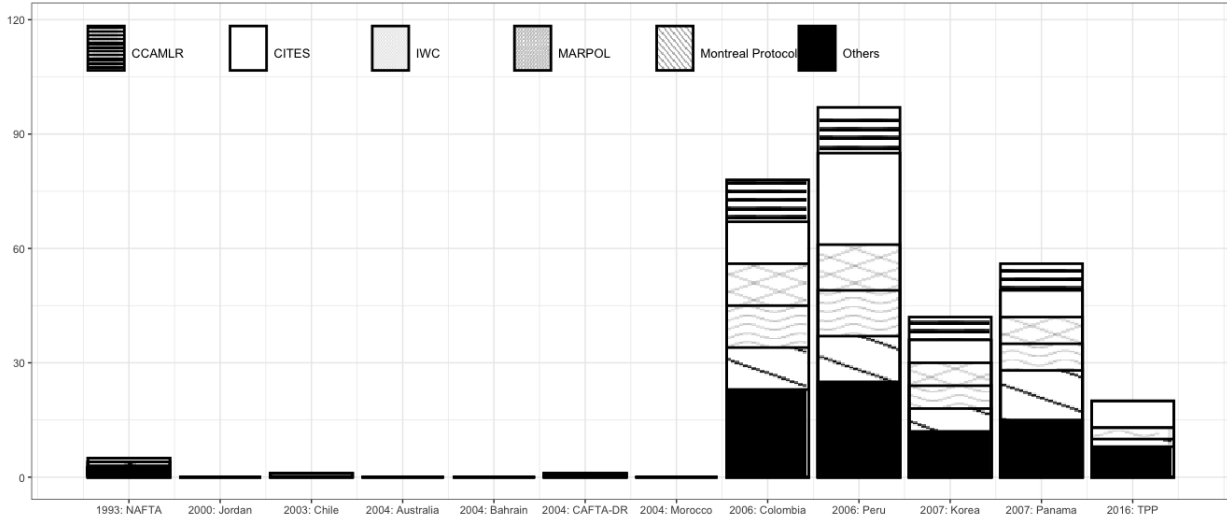


Figure 3 – Number of Trade Provisions That Recognize Environmental Treaties, 1993-2016

chapter in the U.S.-Korea Free Trade Agreement (Article 20-9) says that parties shall “defer to interpretive guidance on the issue under the (environmental) agreement (...).”

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

sider their reputations as an important factor in making their coalition decisions.

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

To summarize the theoretical claim, the availability of additional political access through environmental treaties and IOs can help activists hedge against the reputational risks of joining pro-trade coalitions. If activists have ties to IOs, those relationships can mitigate activists' fears of tarnishing their reputations in making decisions to support trade deals. When activists do not have any ties to IOs, joining a pro-trade coalition can be potentially costly for activists if the government violates environmental clauses in trade deals. If non-compliance

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

ensues, activists who had lent support to the trade agreement will later be criticized for compromising their conviction for short-term material benefits. However, activists that are able to gain political influence through IOs are likely to join pro-trade coalitions despite the reputational risk, because they can reduce the costs by widely reporting on non-compliance and pressuring non-compliant governments via their connections to IOs. If this conjecture is valid, I expect to find the following:

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

Treaty Recognition as a Coalition Strategy

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

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

For starters, treaty recognition is distinct from delegation in that recognition is unilat-

eral. For instance, even if the U.S. and Peru pledge to use CITES to interpret the legality of Peru's environmental policies in designing their trade agreement, the CITES Secretariat is not consulted for the wording in the trade agreement during the negotiations stage. Nor does the Secretariat co-sign the trade agreement. In this sense, governments unilaterally include environmental agreements without IOs' consent in designing trade agreements.⁴ Unlike recognition, governments proclaim their intention to *delegate* authority to IOs through contracts, and the IOs are bound to faithfully implement the contract. By contrast, recognition represents a context in which governments unilaterally adopt environmental standards in existing treaties and recognize the authority of existing IOs. As such, recognition is less likely to be a function of IOs' lobby for recognition. Instead, it is more plausible that the recognition results from activists' demands for additional regulatory tools to monitor and enforce environmental provisions in trade deals.

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

Second, two key differences distinguish recognition from deference. First, the regime complex literature states that IOs increasingly orchestrate or defer to another when there are jurisdictional overlaps. In contrast, treaty recognition is equally, if not more, likely when there is little *de jure* jurisdictional overlap between trade agreements and environmental treaties considered for recognition. In the theoretical account of recognition, governments' goal is to assuage activists' fears of defection in the post-ratification phase as they try to expand strategic coalitions. In this process, activists' fears regarding enforcement failure may increase if their issue area (i.e. conservation, desertification) has little regulatory overlap with

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

international trade rules. As such, governments may have strong incentives to use treaty recognition as a tool to solidify unlikely coalitions when activists' fears are high, because there is little regulatory overlap between the two issue areas they are merging. Second, IO member states adopt deference to reduce regulatory arbitrage and inefficient duplication of efforts to coordinate (Pratt 2018; Raustiala and Victor 2004). The regime complex literature tends to leave state preferences blackboxed and does not delve into when and why states see certain arbitrage possibilities or duplicated efforts as particularly costly. The theory in this study addresses that gap by paying special attention to governments' motivations to broaden coalitions from one issue area to another. In this vein, I conceptualize treaty recognition as governments' strategy to send costly signals to reluctant supporters of trade deals (i.e. activists) and to recruit them into pro-trade coalitions. In this sense, I view treaty recognition as a byproduct of contentious domestic political processes between businesses and activists. This is distinct from the aforementioned functionalist view where governments seek to minimize inefficient costs of coordination even in the absence of domestic pressures.

More generally, if this theoretical conjecture on treaty recognition is valid, I should expect to find that U.S. activists' ties to environmental treaties play a key role in the U.S. government's propensity to recognize the treaties. Therefore, I test the following hypothesis: *Coalition Hypothesis 2. The government tends to recognize environmental treaties with more ties to U.S.-based activists.*

An Alternative Account

Alternatively, political economists have traditionally viewed social and environmental clauses as non-tariff barriers (Bhagwati 1995; Bhagwati and Hudec 1996). Partially in keeping with this reasoning, Lechner (2016) finds that governments are more likely to include social provisions in trade agreements when there is a large difference in wage levels among negotiating parties. While these studies do not pay close attention to IOs, they typically consider the

economic losers from free trade (i.e. manually skilled labor or import-competing industries) to be the main advocates for stricter environmental provisions. If this line of reasoning is valid in the context of treaty recognition, the government would be more likely to recognize environmental treaties with ties to industry actors than those with ties to environmentalists.

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

Evidence

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

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

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

ernment’s recognition of those treaties.

The Bush administration’s adoption of treaty recognition constitutes a hard case. During his campaign for presidency, George W. Bush openly expressed his skepticism about linking trade to the environment (Economist 1999, 2000). While his predecessor, President Clinton, and his competitor, Al Gore, supported trade-environmental linkages, Bush was opposed to the idea. Further, once President Bush was sworn into office, the USTR under his guidance sought to remove the labor and environmental portions of the trade agreement with Jordan (Lacey 2001). As such, trade agreements negotiated by the Bush administration before 2007 do not include any treaty recognition. Instead, the pre-2007 trade agreements ratified in this period use national laws as their reference points.⁵ However, the trend changed in 2006 as the Democratic Party secured a sweeping electoral victory in November 2006, taking control of the House by a thirty-seat margin and the Senate by a close margin. Due to this unforeseen political change, the Bush administration needed congressional Democrats’ support to pass four pending trade agreements under negotiation. If the Bush administration, which had been openly critical about issue linkage, convinced some activists to support trade deals based on treaty recognition, the theory should be generalizable enough to explain the effectiveness of treaty recognition in other cases (i.e. among pro-environmental presidents).

Why did the administration select seven environmental treaties and recognize the authority of the IOs that govern those agreements?⁶ As of 2006, the U.S. was a party to 112 environmental agreements (Mitchell 2017). These agreements include multilateral ones such as CITES, the Montreal Protocol, and the United Nations Framework Convention on

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

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

Climate Change. The U.S. was also a party to agreements that focus on narrower issues, including the International Whaling Convention (IWC) and the International Tropical Timber Agreement (ITTA). While these options were available at the time of the May 10th accord, only seven agreements were chosen.

I focus in particular on the contrast in the government's decisions regarding the issues of deforestation and depletion of marine species. While the U.S. was a party to treaties focusing on deforestation such as the ITTO, as well as aquatic species-conservation treaties, the government exclusively recognized the agreements on marine species (i.e. the IWC). This choice is puzzling in that deforestation was a pressing issue at the time. In fact, the USTR under Bush paid special attention to illegal logging during the trade negotiations with Peru and Indonesia.⁷ Despite the importance of the forestry issue, however, the administration did not recognize the ITTO in designing forestry-related clauses in trade agreements. This approach is in stark contrast to the administration's approach on the conservation of marine species. While the government widely recognized and deferred to the authority of CITES, it also recognized the authority of the Inter-American Tropical Tuna Convention (IATTC), the Convention on Conservation of Antarctic Marine Living Resources (CCAMLR), and the International Whaling Convention (IWC), despite their overlap with the CITES jurisdiction. In sum, the government over-recognized environmental treaties regarding protection of marine species while under-recognizing forestry-related treaties, despite its membership in those treaties.

What explains the variation? According to the theory of treaty recognition, the government tends to recognize treaties with more ties to their domestic activist groups in order to attract their support for trade agreements. Figure 4 illustrates this pattern. The plot visualizes a snapshot of the ties that CITES, the ITTO, and IWC had with advocacy groups two years before 2007, when the Bush administration implemented the practice of treaty recognition. Following previous studies, I measure treaty-activist ties based on activists' attendance

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

at conferences and meetings hosted by IOs (Sikkink 1993).⁸ Most importantly, I find that CITES and IWC had more ties to activists in the U.S. (approximately 30% in CITES, and 35% in the IWC), than did the ITTO (15%). Upon closer examination, one notes that CITES had a disproportionately large number of ties to NGOs based in the Global North. This trend is equally salient in the IWC: activists operating in the Global North (i.e. the Environmental Investigation Agency, Humane Society International, the American Cetacean Society) were more likely to gain access to the IWC, while those operating solely in developing or less developed countries did not have a presence in the IWC. By contrast, the ITTO tended to receive NGOs with an exclusive focus on developing and less developed countries. This pattern lends support for the theory of treaty recognition, showing that the U.S. government recognized treaties with more ties to activists operating in the U.S.

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

A critical consideration is whether the Bush administration gained support for its pending trade agreements from activists due to treaty recognition. Below, I present two pieces of evidence that support the theoretical predictions. First, I show that environmental advo-

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

cacy groups across the board supported the trade agreements when the Bush administration committed to recognizing seven environmental agreements in 2007. That said, secondly, I show that the level of support was more salient and durable among the organizations with ties to the seven treaties than those without.

The level of enthusiasm around the May 10th agreement was high and undivided in the environmental community. At the inception of the May 10th agreement, numerous advocacy organizations across sectors issued a statement commending the agreement. As expected, NGOs such as the Environmental Investigation Agency (EIA) and the Humane Society International (HSI) hailed the decision. For instance, the president of the HSI said of the Peru trade agreement that “we are very pleased that multilateral environmental agreements are specifically provided for (Forkan 2007).” Even the organizations known to have taken a cautious approach to trade-environmental linkages, such as the Sierra Club, Defenders of Wildlife, and Friends of the Earth! (FoE), initially took a positive stance on the government’s decision to recognize the seven environmental agreements.⁹ These three organizations issued a statement commending the Democratic leadership for “achieving important environmental progress in Peru and Panama FTAs, particularly by requiring enforcement of certain environmental treaties (Statement by Defenders 2007).”

However, NGOs have increasingly taken different stances on trade agreements since the May 10 agreement, depending largely on their ties to the recognized treaties. The divergence is clear when two organizations—EIA and the Sierra Club—are compared. For starters, EIA maintained its pro-linkage stance, as it had numerous ties to the seven environmental treaties throughout the 2000s. EIA participated in the annual meetings on CITES, the IWC, and the Montreal Protocols regularly. Consistent with my conjecture, EIA remained generally optimistic about the May 10th agreement five years after that agreement in 2007. The organization viewed trade agreements as capable of providing opportunities to “address the

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

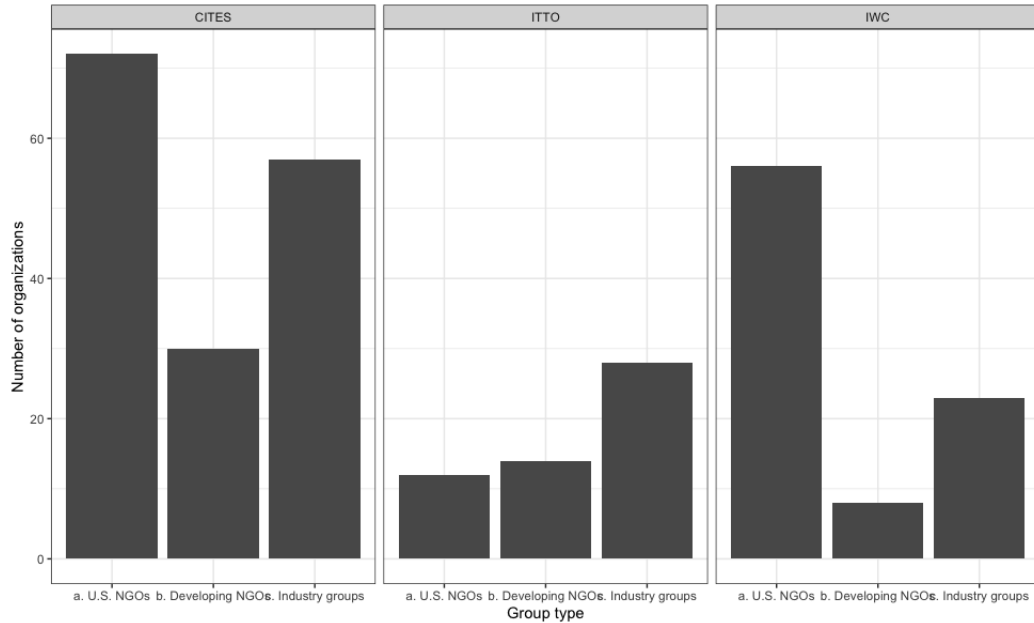


Figure 4 – Non-governmental Actors in CITES, IWC, and ITTO

biggest global environmental issues in a globalized economy” if done in the right way (Von Bismarck 2012). Recognizing that some NGOs that were going to “have a hard time ever being champions of a FTA for very good reasons,” the then-director of EIA justified its pro-linkage position by touting the May 10th agreement as a “new principle in global trade” (Von Bismarck 2012).

Once the U.S.-Peru trade agreement went into force, EIA used the linkage clauses to mobilize international audiences in the recognized IOs against Peru’s non-compliance. For example, in 2012, EIA released its findings based on a two-year investigation on Peru’s forestry sector. In this investigation, the organization found that the Peruvian logging operation involved fraudulent documentation and wood laundering. The illegal logging methods were used for both CITES-protected and non-CITES wood (Inside U.S. Trade 2012); EIA thus had two legal avenues it could pursue, since the illegal logging practice was in violation of both CITES and the U.S.-Peru trade agreement. As such, EIA decided to use both. On the one hand, it petitioned the USTR to carry out audits of shipments of bigleaf mahogany and Spanish cedar (The Office of the USTR 2012). In addition, EIA’s request centered

around CITES-protected wood species (i.e. bigleaf mahogany and Spanish cedar), as the organization thought it would be difficult to obtain verifiable information on transactions regarding non-CITES species (The Office of the USTR 2012). It can be inferred that EIA found it difficult to convince the government to take meaningful action without fine-grained information collected under CITES.¹⁰ Further, the USTR would find it difficult to dismiss the U.S. commitment to CITES, especially when it had made an explicit commitment to use CITES as a benchmark to assess the impact of trade on the environment. As illustrated, EIA supported the trade agreement with the intention of using the linkage clauses in coordination with the recognized IOs.

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

In June 2007, the Sierra Club formed a coalition called the Blue-Green Alliance with the United Steelworkers (USW) under the banner of "Good Jobs, a Clean Environment, and a Safer World (Willet 2006)." In doing so, the Sierra Club consolidated its coalition with protectionist interest groups immediately after the May 10th agreement. In 2007, the Blue-Green Alliance intervened in a case on the Indonesian government's subsidies on paper products. The Sierra Club pushed for the idea in an attempt to curb the trade of illegally

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

logged timber and wood products, while the USW's rationale was protection of the related industries. In this vein, the Sierra Club demanded that the U.S. government authorize countervailing duties against companies that profit from illegal logging (Business Wire 2007). Thus, unlike pro-linkage EIA, the Sierra Club's strategy was to target unfair trade subsidies in coordination with protectionist interest groups.

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

Coalition Hypothesis 2. Government's Linkage Strategy and Treaty-Activist Ties

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

Because my goal is to explain the propensity of the U.S. government to recognize environmental treaties, I select nineteen environmental treaties that the U.S. government is most likely to recognize, and I then exploit variation in the frequency of recognition among those

treaties. Here, I select the most likely cases based on two sources: a) the 2000 World Trade Organization’s Matrix on Trade-Related Measures Pursuant to Selected Multilateral Environmental Agreements, and b) the USTR’s trade-environmental review documents. First, starting in 2000, the Committee on Trade and Environment within the WTO began to recognize multilateral environmental agreements that “include provisions to control trade in order to prevent damage to the environment (WTO 2000).” In its 2000 version, the Committee recognized ten relevant environmental agreements.¹¹ Additionally, I consider other environmental agreements that the USTR considered as trade-related based on its review documents. The USTR conducts reviews on the impact of potential trade agreements on the environment prior to the signing of any new agreements. While there is some overlap with the agreements considered in the WTO matrix, the USTR considered other environmental treaties that did not contain trade-related measures. I also include those treaties in the data set as they provide important information on why the U.S. chooses to recognize certain environmental agreements even when they are not recognized as trade-relevant by the WTO.¹²

Recognition is a binary outcome variable that captures whether a trade agreement contains a clause that recognizes one of the environmental agreements. Therefore, the unit of analysis is trade agreement-environmental agreement. Figure 5 illustrates the pattern of recognition: some environmental treaties (e.g., CITES, Montreal Protocol) are extensively recognized in U.S. trade agreements; other treaties such as the ITTA and UNFCCC have never been recognized in U.S. trade agreements despite U.S. ratification however. I use the binary outcome variable to simplify the interpretation of models. In Appendix 5, I report

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

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

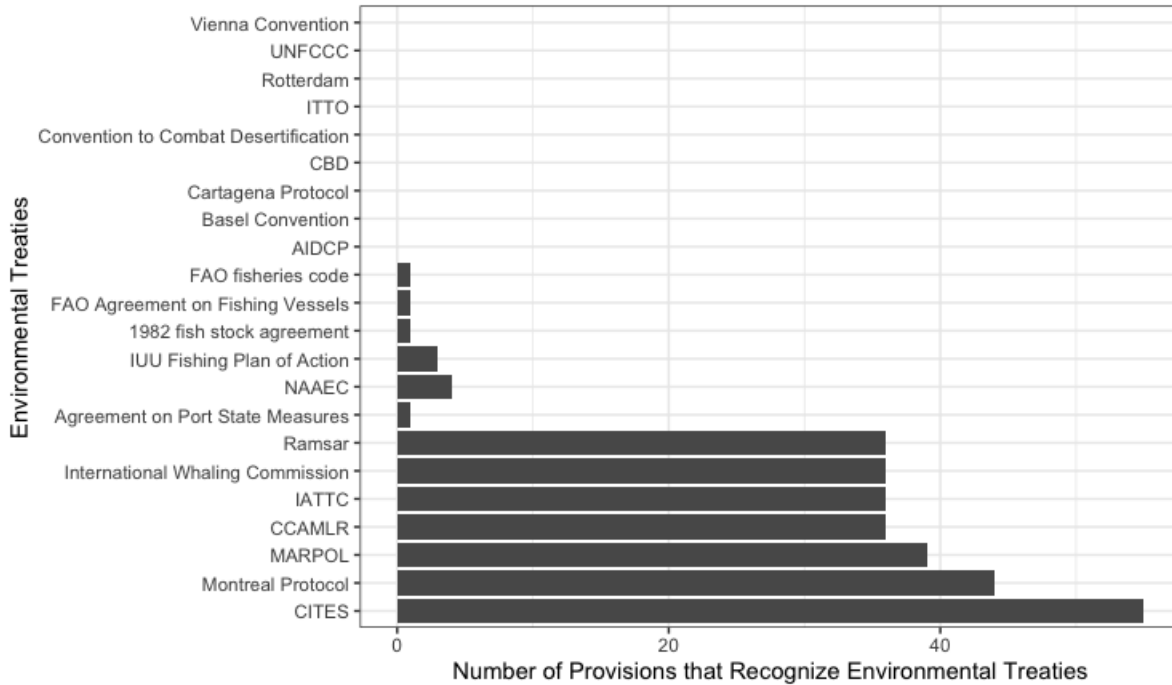


Figure 5 – Treaty Recognition in U.S. Trade Agreements from 2000 to 2016

results from negative binomial regression models with the count outcome variable.

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

¹³Organizations that fall into 501(c)(3) are “organizations for any of the following purposes: religious, educational, charitable, scientific, literary, testing for public safety, fostering national or international amateur sports competition (as long as it doesn’t provide athletic facilities or equipment), or the prevention of cruelty to children or animals.” 501(c)(4) organizations are “Civic leagues, social welfare organizations and local associations of employees, created to promote community welfare for charitable, educational or recreational purposes.”

unclear, I code whether the organization had a branch or regional office in the U.S. based on the information from the Yearbook of International Organizations and the organization's website if available.

It is also possible that the U.S. government is reluctant to recognize an environmental treaty if transnational NGOs have a stronger presence in the treaty body. Because transnational NGOs tend to serve foreign beneficiaries, recognizing treaty bodies under their influence may not help the government mobilize pro-trade support from domestic environmental constituencies. Transnational NGOs are also less likely than domestic NGOs to receive funding from the government (Mitchell 2014); their financial independence from the government allows them the leeway to forego the opportunity to collaborate with the government on trade issues. To test this possibility, I construct a variable that captures the influence of transnational NGOs in environmental treaty bodies. Drawing from the Yearbook of International Organizations and NGOs' websites, I code an organization as transnational if it had offices in more than one country. The *Transnational Activist Ties* variable then captures the number of transnational environmental groups that attend each treaty body's annual meetings one year prior to the signing of a trade agreement.

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

activists.

Finally, I control for the size of treaties by including the number of countries that are parties to each environmental treaty at the time of signing of a trade agreement. I call this variable *Treaty Size*. *Treaty Size* is an important control because it is possible that the government recognizes a treaty only when the treaty is already widely accepted by other countries. Table 1 reports the summary statistics of the data.

Table 1 – Summary Statistics of the Main Data Set

Statistic	N	Mean	St. Dev.	Min	Pctl(25)	Pctl(75)	Max
Treaty Recognition (Binary outcome)	230	0.17	0.38	0	0	0	1
Treaty-Transnational Activist Ties	230	10.42	13.02	0	1	14.8	113
Treaty-U.S. Activist Ties	230	10.20	12.47	0	2	16	120
Treaty-Business Ties	230	15.93	22.86	0	3	21	160
Treaty Size	228	106.96	73.43	3	34	188	198

Because the outcome variable is binary, I use logistic regressions to estimate the government’s propensity for recognizing environmental treaties in trade agreements. Because my goal is to study how the U.S. government chooses environmental treaties for trade agreements *all else equal*, I need to account for U.S. trade partners’ characteristics that may be related to the key explanatory variable. As such, I include trade agreement-level fixed effects to control for unobserved differences (e.g., market sizes, geographical proximity) across partner countries.

The results reported in Table 2 are consistent with the theory’s prediction. The first model tests the alternative hypothesis on the relationship between treaty recognition and treaty ties to profit-seeking interest groups. If the protectionist hypothesis is valid, *Business Ties* should be positively correlated with *Treaty Recognition*. The results indicate that the protectionist hypothesis has little empirical support; in fact, the results suggest that the government tends to avoid recognizing environmental treaties with ties to interest groups. The coefficient on *Business Ties* is negatively associated with *Treaty Recognition* and highly significant at the 1% level. Substantively, Model 4 predicts that an environmental treaty

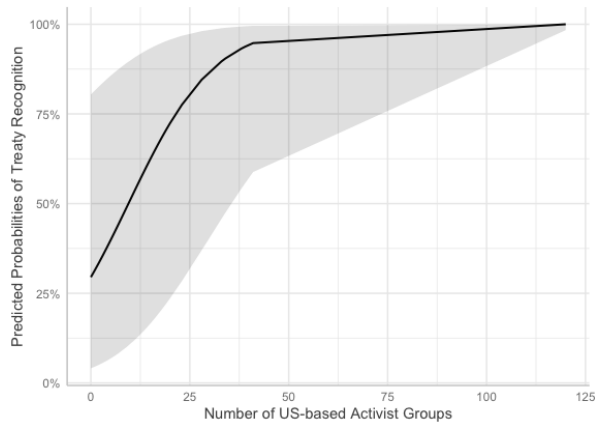
Table 2 – Relationship between Environmental Treaty Characteristics and Recognition in Trade Agreements (Logistic Regression Results)

	DV: Treaty Recognition			
	(1)	(2)	(3)	(4)
BUSINESS TIES	-0.02*** (0.005)	-0.05*** (0.01)	-0.03*** (0.01)	-0.03*** (0.01)
US ACTIVIST TIES		0.06*** (0.02)	0.09*** (0.03)	0.09*** (0.03)
TRANSNATIONAL ACTIVIST TIES			-0.08* (0.04)	-0.08* (0.04)
TREATY SIZE				-0.004 (0.003)
CONSTANT	-19.20*** (1.08)	-19.47*** (1.08)	-19.55*** (1.09)	-19.30*** (1.09)
TRADE AGREEMENT FIXED EFFECTS	✓	✓	✓	✓

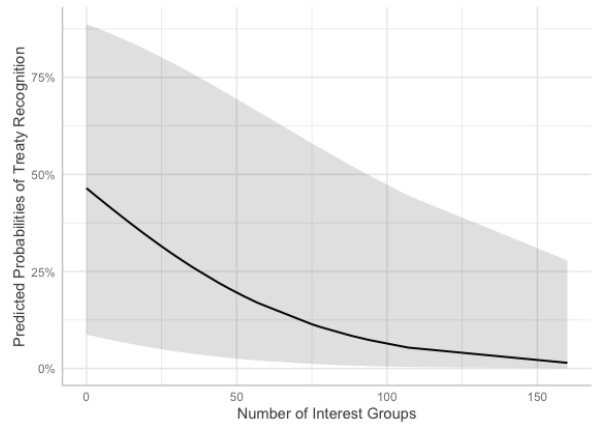
Notes: Standard errors are clustered at the trade agreement level. ***p < .01; **p < .05; *p < .1

body under a strong influence of interest groups has a 1% probability of recognition in a U.S. trade agreement similar to TPP when other covariates are held at their mean values (Figure 6-b). The results suggest that a similar treaty body would have a 46% predicted probability of recognition if it does not have any tie to interest groups. This is consistent with the main theoretical argument regarding the government’s motivation for treaty recognition. I theorized that the government’s principal objective in recognizing environmental treaties is to assuage activists’ fears of enforcement failure, not businesses’. If the goal is to assuage activists’ fears, recognizing treaties with a strong business presence would be counterproductive.

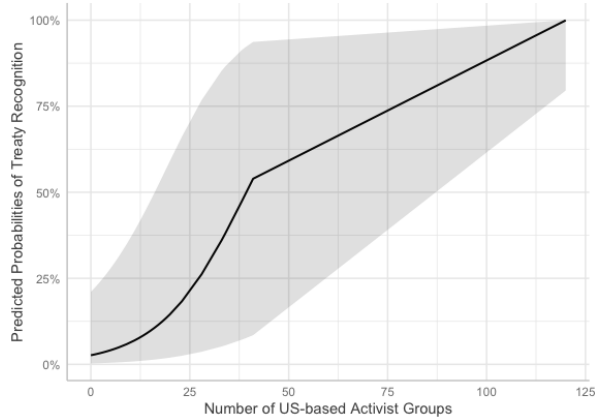
Model 2 tests the main hypothesis on the relationship between treaty recognition and treaty ties to U.S.-based activists. If the theoretical prediction is valid, we could expect environmental treaties with more extensive ties to U.S.-based activists to have higher probabilities of gaining recognition in U.S. trade agreements. In line with this conjecture, the coefficient on treaty-activist ties (*Treaty-U.S. Activist Ties*) is positively correlated with treaty recognition and statistically significant ($p < 0.01$). The significance and magnitude of the coefficients on this variable do not decrease when other controls are included in Models 3 and 4. As the results from Model 4 suggest, the predicted probability of treaty recognition



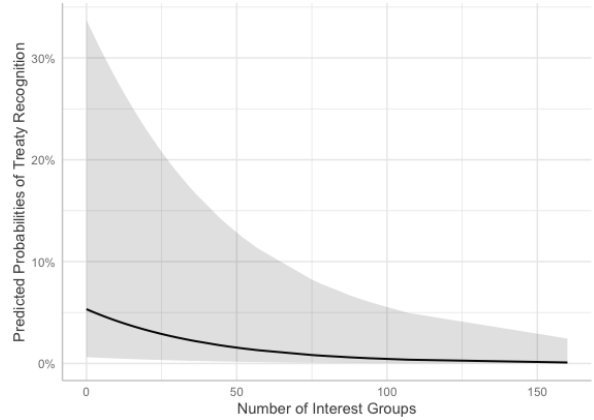
(a) Domestic Activist Groups - TPP



(b) Business Groups - TPP



(c) Domestic Activist Groups - CAFTA



(d) Business Groups - CAFTA

Figure 6 – Predicted Probabilities of Treaty Recognition in Select U.S. Trade Agreements

in a trade agreement like TPP rises from 30% to 56% when the treaty's ties to U.S.-based activists increase from a minimum of zero to twelve (Figure 6-a). For an earlier agreement like CAFTA (2004), the probability of recognition rises from 3% to 8% as the number of treaty ties to activist groups increases from the minimum to the mean value of twelve (Figure 6-c).

Lastly, one may ask whether treaty recognition is a function of treaty ties to prominent transnational environmental groups, not those operating in the U.S. To test this possibility, I include *Transnational Activist Ties* in Models 3 and 4. The coefficient on this variable is negatively associated with *Treaty Recognition* and significant at the 90% confidence level. The result suggests that the government tends to prioritize gaining support from NGOs with strong domestic bases, not transnational organizations that serve foreign constituencies. More importantly, the inclusion of this variable does not change the relationship between *Recognition* and *U.S. Activist Ties*.¹⁴ (See Table 5 in Appendix for the alternative results with a count outcome variable).

A Domestic Origin of Treaty Recognition: Analyzing Internal Review Documents

Because the main analysis above holds partner characteristics constant, it is unclear whether and how U.S. trade partners affect treaty recognition. To allay this concern, I conduct an additional analysis based on a secondary data set that draws from the USTR's environmental review documents. The USTR conducts written environmental reviews prior to the signing and ratification of trade agreements. This practice has been formalized through a series of laws since 2000. I exploit the contents of each review paper to determine the government's considerations in choosing which environmental agreements to recognize in each trade agreement. This data set is distinct from the main data set, in that it captures the range of environmental agreements that the U.S. considered rather than those accepted by its partner governments. This supplementary test may provide additional support for the

¹⁴ *Treaty Size* is not associated with *Treaty Recognition* in any meaningful way. The environmental treaties in the data set range from a tripartite regional agreement such as the NAAEC to multilateral agreements with close to 200 parties (e.g., UNFCCC, CITES).

argument, because it tests whether treaty recognition is primarily done to placate environmental groups based in the U.S. instead of its negotiating partners. Because the USTR issues the review documents during the bargaining stage, any similar results across the two data sets—one with information on the bargaining phase and the other on the post-bargaining phase—would suggest that U.S. domestic concerns are the main driving force behind treaty recognition in environmental clauses. If environmental clauses represent a policy tool to help industrializing countries narrow the gap on the environmental front, the previous results based on the main data set and those derived from the current tests would diverge, because the main data set is a product of both international and domestic bargaining.

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

I examine whether domestic actors recognize environmental treaties with stronger ties to U.S.-based activists in this review process. As Figure 10 in Appendix shows, the committee

considered various environmental treaties in the review processes, while it mentioned CITES more frequently than other treaties.¹⁵ The binary outcome variable in this analysis measures whether each environmental review document mentions an environmental agreement. The unit of analysis is therefore the review-environmental agreement. Table 6 in Appendix reports the summary statistics of the data set.

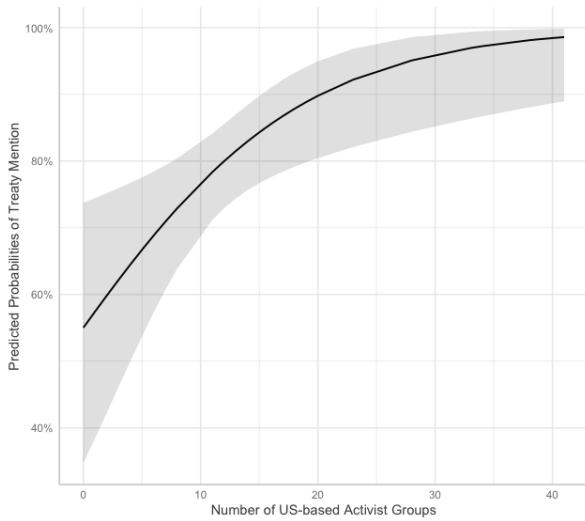
I estimate logistic regression models, with results reported in Table 3. I find several noteworthy patterns in the results. First, consistent with the results from the main analysis, members of the TEPAC are more likely to consider treaties with more ties to U.S. activists. The results from Models 2 - 5 indicate that the variable *US Activist Ties* is positively correlated with recognition and statistically significant ($p < 0.01$). Holding other covariates at their mean values, the findings from Model 6 indicate that TEPAC members are approximately 20 percentage points more likely to consider an environmental treaty if the treaty body's ties to U.S. environmental groups increase from zero (minimum) to nine (mean value). Second, the results remain robust to the inclusion of other variables such as *Business Ties* and *Transnational Activist Ties*. Further, the results from Models 2 and 3 show that these variables are negatively correlated with treaty recognition at this agenda-setting stage. For example, the predicted probability of TEPAC consideration of a treaty decreases from 74% to 59% if the treaty's ties to interest groups increase from zero to ten (Figure 7-b). Overall, the robust significance and magnitude of U.S. activist ties in both the main and supplementary tests demonstrate that domestic environmental groups' demands are more important than those of businesses or transnational groups when it comes to the designing of environmental clauses in trade agreements.

¹⁵Treaty recognition during the agenda-setting process is different from recognition in trade agreements in an important way. The committee occasionally considered some agreements that the US did not ratify (e.g., Convention on Biological Diversity) during the review process. The U.S. government has not included any of those treaties in final trade agreements however.

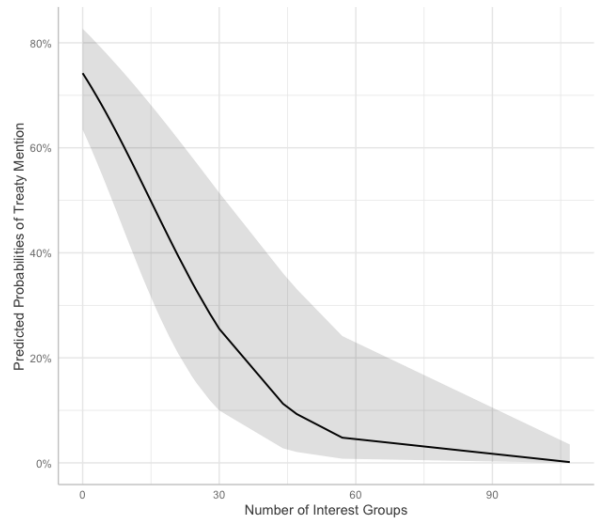
Table 3 – Relationship between Environmental Treaty Characteristics and Mentions in TEPAC Reviews (Logistic Regression Results)

	DV: Treaty Mention					
	(1)	(2)	(3)	(4)	(5)	(6)
BUSINESS TIES	-0.02 (0.01)	-0.08*** (0.02)	-0.08*** (0.02)	-0.08*** (0.02)	-0.07*** (0.01)	-0.07*** (0.02)
US ACTIVIST TIES		0.12*** (0.03)	0.13*** (0.04)	0.13*** (0.04)	0.11*** (0.03)	0.10*** (0.04)
TRANSNATIONAL ACTIVIST TIES			-0.02 (0.03)	-0.02 (0.03)	0.02 (0.03)	0.03 (0.03)
TREATY SIZE				0.001 (0.004)	0.001 (0.004)	-0.004 (0.003)
US RATIFICATION					1.32** (0.67)	1.73** (0.69)
PARTNER RATIFICATION						2.03* (1.10)
CONSTANT	-1.63*** (0.10)	-2.48*** (0.32)	-2.50*** (0.33)	-2.57*** (0.38)	-3.70*** (0.69)	-4.66*** (0.96)
TRADE PARTNER FIXED EFFECTS	✓	✓	✓	✓	✓	✓

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



(a) Domestic Activist Groups - TPP Review



(b) Business Groups - TPP Review

Figure 7 – Predicted Probabilities of Treaty Mention in Environmental Reviews

Resilience of Hybrid Coalitions

The election of Donald Trump marked a significant turning point in US trade politics. During his presidency, the US government withdrew from the Trans-Pacific Partnership, renegotiated NAFTA and the US-Korea Free Trade Agreement, and indefinitely halted negotiations for the Transatlantic Trade and Investment Partnership with the EU. In the previous section, this paper demonstrated that international-oriented activists tend to consider side agreements as a valuable tool to enforce environmental agreements. However, in the new age of protectionism, would these activists still view trade agreements as an effective means of protecting the environment? Additionally, would domestically-oriented activists support the withdrawal from or renegotiation of existing trade deals?

I maintain that trade cleavages among environmental activists have persisted even during periods of protectionism. However, there are significant nuances to consider. Internationally-oriented activists within the pro-trade coalition have shifted their focus towards utilizing the existing enforcement mechanisms embedded in US trade agreements. Nevertheless, they have remained silent on the renegotiations of trade deals. On the other hand, domestic environmental advocates within the anti-trade coalition view renegotiations as an opportunity to advocate for their progressive domestic agenda, such as community building and job creation.

I used keyword-assisted topic modeling (**keyATM**) to estimate how NGOs' ties to environmental treaties influence their positions on trade from 2017 to 2020 (Eshima et al. 2020). This semi-supervised methodology allows me to pre-specify keywords based on my substantive knowledge about these NGOs' positions on trade. By drawing from the pre-defined keywords and topic specification, **keyATM** generates a mixture of “positive probabilities only for keywords and the other with positive probabilities for all words” in the sample documents. Additionally, it sets the “prior means for the frequency of user-selected keywords in a topic greater than those of non-selected words in the same topic” to enhance the interpretability of the topics (Eshima et al. 2020: p.6).

I use 218 documents representing six major environmental NGOs' press releases and blog post articles on trade from 2017 to 2020. Based on my reading of NGO statements during the Trump presidency, I anticipate that NGOs with an international orientation continue to use the enforcement and reporting mechanisms in existing US PTAs while highlighting the legality of environmental policy. Therefore, I expect to find that NGOs continue to discuss the enforcement of environmental agreements in trade issue areas. Figure 8 shows the keywords I anticipate finding from international NGOs' statements, including enforcement-related terms such as "illegal/legal," "report," "ban," "regulate," "rule," and "law." I hypothesize that these NGOs are more likely to propose certain policy changes using international policy instruments. It is also plausible that some NGOs adopt a more market-friendly approach, in which case they discuss "sustainable" (development), "market," or the benefits of trade liberalization in the context of "solar" energy. See Figure 12 for top ten terms that characterize these organizations' discussions on trade.

On the other hand, I expect domestically oriented NGOs to view renegotiations as an opportunity to demand stronger "protection," promotion of "inclusion," "justice," "families," "job" creation, and "community" building. Broadly speaking, these domestic environmental NGOs' demands align with Osgood and Ro (2022)'s findings on progressive groups' involvement in trade policy processes. Instead of simply supporting the government's protectionist policy, I expect to find that these domestically oriented NGOs solidify coalitions with unions and progressive groups and use the renegotiation process to push for more progressive policies, such as stronger environmental regulations or better labor protections, that benefit workers and local communities. Additionally, they are more likely to discuss domestic political processes such as "Congress," "bill," and the "Senate."

Table 4 presents two pre-defined topics, pro-trade and anti-trade, as well as two other topics not previously defined. Topic 1, which falls under the anti-trade category, emphasizes terms that reflect the environmental NGOs' demands for "inclusive" process (Sierra Club 2019) or the "inclusion" of specific provisions, such as the "Technical Barriers to Trade-plus"

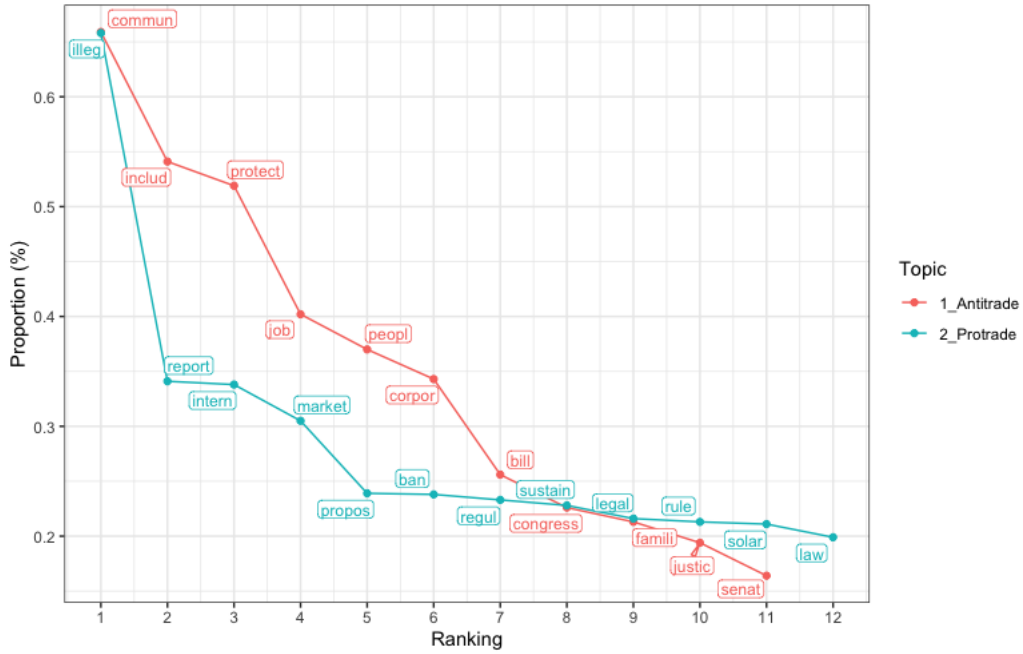


Figure 8 – The Proportion of Keywords by Topic

Table 4 – Top 10 keywords by topic

Rank / Topic	1. Anti-trade	2. Pro-trade	3. Topic 3	4. Topic 4
1	commun [✓]	illeg [✓]	invest	ivori
2	pollut	timber	energi	countri
3	deal	report [✓]	clean	support
4	include [✓]	intern [✓]	million	global
5	protect [✓]	forest	health	investig
6	nafta	market [✓]	econom	american
7	action	govern	nation	speci
8	agreement	propos [✓]	famili [1]	effort
9	peopl [✓]	ban [✓]	creat	increas
10	corpor [✓]	nafta	program	rosewood

clauses in NAFTA 2.0 (Friends of the Earth 2017*a*). Furthermore, this topic highlights the environmental NGOs’ criticism of “corporations” in the context of NAFTA renegotiations. For instance, Friends of the Earth praised Senate Minority Leader Chuck Schumer (D-NY) for voting against the USMCA and stated that the agreement “will help corporate polluters challenge environmental protections in private tribunals” (Friends of the Earth 2020). Additionally, the use of procedural terms such as “agreement,” “deal,” and “action” within this topic demonstrates that anti-trade activists tend to focus on the renegotiation of trade deals and domestic mobilization during the renegotiation process.

Topic 2 (pro-trade) captures several terms that focus on the enforcement of trade and environmental policy processes. For instance, the EIA applauds the USTR for denying “illegal” timber imports from Peru in 2017. The term “report” also indicates that pro-trade NGOs tend to rely on information disclosure to mobilize their international constituencies. For example, WWF states that “a recent TRAFFIC report estimates up to 450 snow leopards are poached every year” (World Wildlife Fund 2017), while the EIA continues to cite their own reports and research to highlight the prevalence of illegal trade in endangered species.

Topic 3 shows the use of generic terms to describe an alternative vision that anti-trade organizations put forward. For example, the Sierra Club advocates for “reforms to NAFTA to support good jobs, healthy communities, and a clean environment” (Sierra Club 2017), while Friends of the Earth released a statement titled “Fifth Round of NAFTA Negotiations Threatens Family Farms, Health and the Environment” (Friends of the Earth 2017*b*). In contrast, Topic 4 focuses on conservation, which is the specialization of several internationally oriented NGOs. They discuss endangered “species” and the trade of “ivory” and “rosewood.”

Figure 9 visualizes the marginal posterior means of document-topic distributions and their 90% credible intervals. I code NGOs that attended any Conference of Parties from 2016 to 2018 held by the seven environmental treaty bodies recognized by the US government as “international”. WWF, CIEL, and EIA fall into this category. I code EDF, Friends

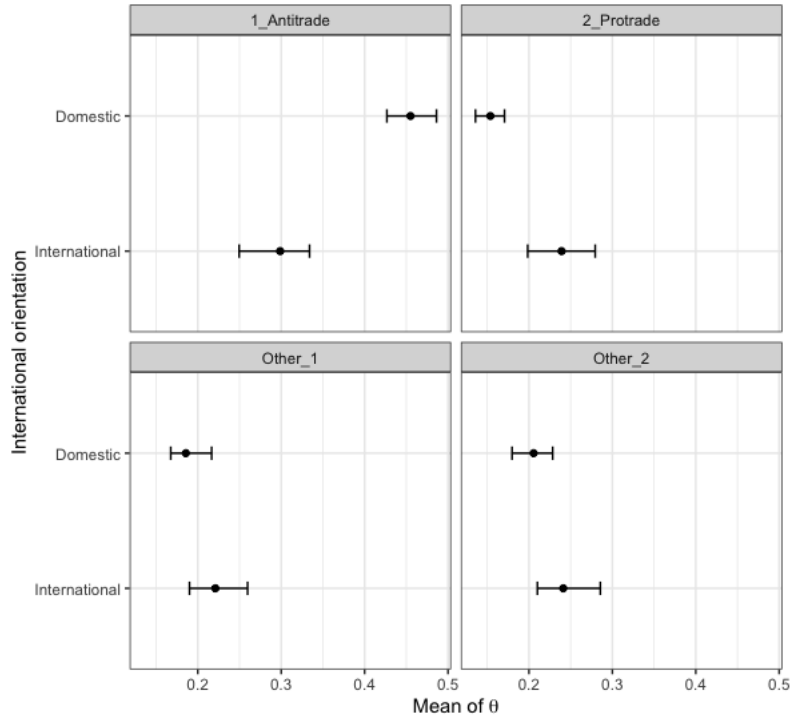


Figure 9 – The Marginal Posterior Means of Document-Topic Distributions (90% Credible Intervals)

of the Earth, and Sierra Club as “domestic”. The “antitrade” panel of Figure 9 shows that the NGOs without any ties to the treaty bodies tended to talk more about progressive and protectionist agenda. The predicted mean of the document-topic distribution for Topic 1 (anti-trade) for the domestic NGOs is 35%. My analysis shows that the three NGOs with treaty ties are more likely to discuss the pro-trade topic (24.8%) compared to the NGOs without any ties to the treaty bodies (17.0%).

These preliminary findings suggest that treaty recognition has shaped how environmental NGOs viewed trade issues even during times of protectionism. Anti-trade environmental organizations such as Sierra Club did not welcome the Trump Administration’s protectionist policy. Instead, they sought to demand a more progressive reform of trade policy processes during this time. Pro-trade organizations were not vocally opposed to the protectionist turn. Alternatively, they retreated to being users of the existing enforcement and monitoring tools and attempted to mobilize their international audiences. Altogether, these results show that

activists' positions within their domestic and international mobilization networks can go a long way in explaining their attitudes on trade.

Conclusions

This article shows that a liberalizing government can stabilize hybrid coalitions between pro-trade businesses and environmental activists by recognizing the authority of environmental treaties in designing trade agreements. In particular, it demonstrates that trade agreements' linkage to treaties with ties to activists can serve as a commitment device for activists. Treaty recognition mitigates activists' fear of the government's defection in the post-ratification stage and facilitates the passage of trade agreements by promoting pro-trade support among activists with ties to recognized treaties.

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

The findings shine light on how political leaders in industrialized democracies have patched together pro-trade coalitions in times of backlash against economic liberalization. Since the 1990s, it has become difficult to form pro-trade coalitions without appealing to non-economic value-based stakeholders such as environmentalists. In 1993, the Clinton administration had to negotiate an environmental side deal to placate environmentalists to pass the NAFTA Implementation Act in Congress. More recently, President Biden said “[T]here will be no trade agreements signed in my administration without environmentalists

and labor at the table,” during his candidacy in the 2020 election (Bhatt et al. 2020). Given that House Democrats hold a majority, the Biden administration will have to make their commitment to labor and the environment credible to pass any trade deals in the near future. Similarly, Emmanuel Macron, the French president, demanded that the European Union include the Paris Climate Agreement in every future trade agreement with non-E.U. countries. This paper closely examines the practice of issue linkage and in doing so demonstrates that embedding liberal values alone is not sufficient to form lasting coalitions between businesses and activists. That outcome requires sophisticated political skills and attributes, such as treaty recognition, to make such coalitions durable.

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

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

sibility that treaty recognition promotes support for trade deals in this particular political context.

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

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Appendices

A Treaty Recognition as a Count Variable

In this analysis, I use negative binomial regressions to estimate the likelihood of treaty recognition in U.S. trade agreements, treating *Treaty recognition* as a zero-inflated count variable. Table 5 reports the incident risk ratios of treaty recognition. In line with the findings from the main analysis, the results from Table 5 show that *Business Ties* and *Transnational Activist Ties* are negatively associated with *Treaty Recognition*. More importantly, *U.S. Activist Ties*, the main explanatory variable, is positively correlated with the outcome variable and remains statistically significant ($p < 0.01$).

Table 5 – Likelihood Ratio Test of Negative Binomial Models on Recognition in Trade Agreements Negotiated by the U.S.

	DV: Treaty Recognition			
	(1)	(2)	(3)	(4)
BUSINESS TIES	-0.04*** (0.002)	-0.07*** (0.01)	-0.06*** (0.003)	-0.05*** (0.003)
US ACTIVIST TIES		0.06*** (0.01)	0.07*** (0.01)	0.07*** (0.01)
TRANSNATIONAL ACTIVIST TIES			-0.04*** (0.01)	-0.05*** (0.01)
TREATY SIZE				-0.001*** (0.001)
YEAR	1.73*** (0.27)	1.75*** (0.26)	1.69*** (0.26)	1.69*** (0.26)
CONSTANT	-6.38*** (1.24)	-6.66*** (1.22)	-6.33*** (1.23)	-6.22*** (1.22)

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

B Supplementary Data Summary Statistics

Table 6 is the summary statistics of the data for the results reported in Table 3. *Treaty Recognition*, the outcome of interest, is a binary variable that measures whether the TEPAC’s environmental impact reviews of a trade agreement mention an environmental treaty. Figure 10 shows the frequency of references to environmental agreements in the review documents. Table 7 lists the reviews within the scope of the data set.

Table 6 – Summary Statistics of the Supplementary Data Set from TEPAC Reviews

Statistic	N	Mean	St. Dev.	Min	Pctl(25)	Pctl(75)	Max
TREATY RECOGNITION (Outcome)	224	0.29	0.46	0	0	1	1
TREATY-U.S. ACTIVIST TIES	224	9.15	10.88	0	1	14	41
TREATY-BUSINESS TIES	224	10.35	15.25	0	1	14	107
TREATY-TRANSNATIONAL ACTIVIST TIES	224	7.08	9.67	0	1	11	43
TREATY SIZE	224	104.61	71.82	0	32	184.2	198
US RATIFICATION	224	0.78	0.41	0	1	1	1
PARTNER RATIFICATION	224	0.74	0.42	0	0.5	1	1

Table 7 – List of environmental reviews in the supplementary data set

Trade partner	Date	Title
Jordan	2001	Final Environmental Review of the Agreement on the Establishment of a Free Trade Area Between the Government of the United States and the Government of the Hashemite Kingdom of Jordan
Singapore	2003	Final Environmental Review of the U.S.-Singapore Free Trade Agreement
Australia	2003	Interim Environmental Review of the U.S.-Australia Free Trade Agreement
Australia	2004	Final Environmental Review of the U.S.-Australia Free Trade Agreement
CAFTA	2003	Interim Environmental Review of the U.S.-Central America Free Trade Agreement
Chile	2003	Final Environmental Review of the U.S.-Chile Free Trade Agreement
Morocco	2003	Interim Environmental Review of the U.S.-Morocco Free Trade Agreement
Morocco	2004	Final Environmental Review of the U.S.-Morocco Free Trade Agreement
Bahrain	2004	Interim Environmental Review of the U.S.-Bahrain Free Trade Agreement
Bahrain	2004	Final Environmental Review of the U.S.-Bahrain Free Trade Agreement
Panama	2004	Interim Environmental Review of the U.S.-Panama Free Trade Agreement
Panama	2011	Final Environmental Review of the U.S.-Panama Free Trade Agreement
Thailand	2005	Interim Environmental Review United States – Thailand Free Trade Agreement
ANDEAN	2005	Interim Environmental Review of the U.S.-ANDEAN Free Trade Agreement
Republic of Korea	2006	Interim Environmental Review United States – Korea Free Trade Agreement
Republic of Korea	2011	Final Environmental Review United States – Korea Free Trade Agreement
Colombia	2011	United States – Colombia Trade Promotion Agreement
TPP	2013	Interim Environmental Review Trans-Pacific Partnership Agreement

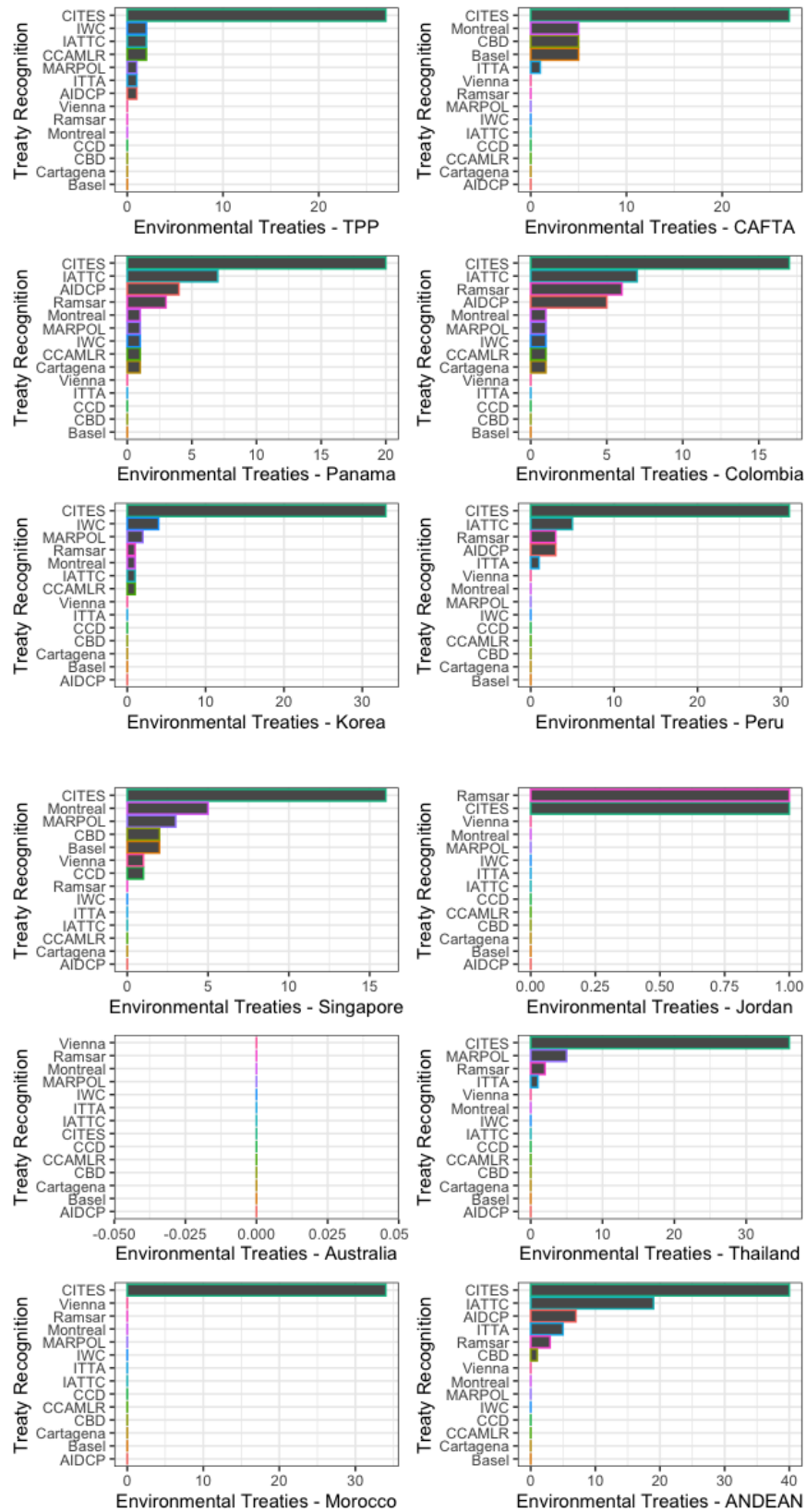


Figure 10 – Frequency of Treaty References in TEPAC Reviews

C Media Coverage on Stakeholder Positions on Issue Linkage

I studied stakeholder positions in NAFTA's environmental agreement. For this, I collected media statements and articles in *Inside U.S. Trade*, a major trade journal. Those articles are included in the text database only if they contain *NAFTA* and *Environment* in their titles and if their reporting dates were between January 1, 1993 and November 1993 when the U.S. Congress voted on the NAFTA Implementation Act. In total, there are 177 texts that reveal stakeholder positions on the North American Agreement on Environmental Cooperation (NAAEC). As Figure 11 shows, the Clinton administration (*Executive*) and congressional Democrats (*Democrats*) gained the media attention, at least in this issue domain, more than other groups such as pro-trade businesses, environmental groups, and congressional Republicans. Others include labor unions such as AFL-CIO and other interest groups (i.e., the Mexican American Legal Defense Fund).

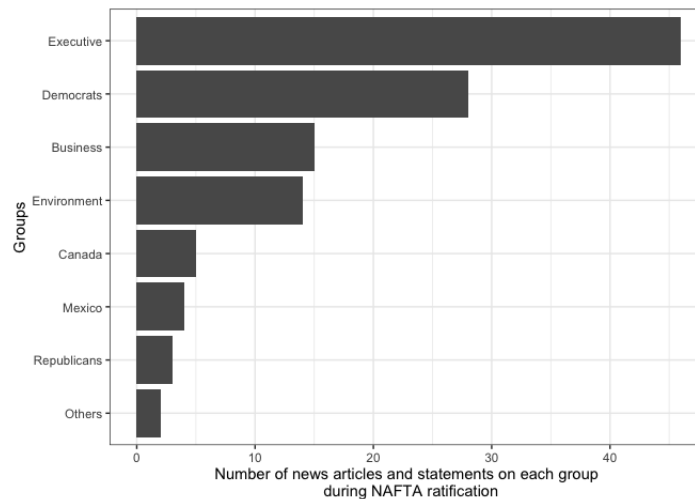


Figure 11 – Number of news articles and statements on and by each constituency during NAFTA ratification

D Six Environmental NGO Press Releases and Blogs

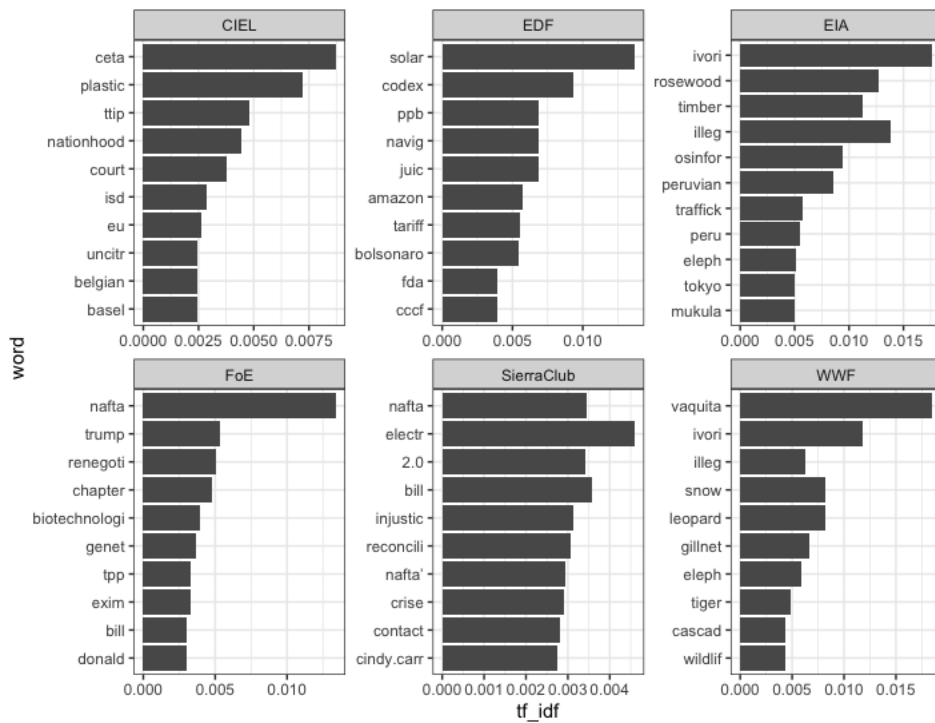


Figure 12 – Important Terms from Six NGO Statements from 2017 to 2020 Measured by TF-IDF Scores