

Linking Human Rights to EU Trade: Institutional Trust and Disguised Protectionism

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Abstract

Despite resistance from partners, the European Union has constantly linked human rights to trade. However, there are variations in the stringency of conditionalities and the selection of countries that sign EU trade agreements. I argue that this is driven by legislative bargaining between EU institutions. When the European Parliament has stronger political and protectionist incentives, conditions become more stringent and it becomes harder to conclude agreements with human rights violators. These come from a lack of public trust in the Commission, a higher threat of the partner to European markets, and the empowerment of the Parliament through the Lisbon Treaty. I test this by using original data on Parliamentary questions and condition stringency across all EU trade agreements between 1900 to 2022. I use Heckman selection models and examine the non-conclusion of agreements to reduce endogeneity. This study has broader implications for linkage politics and the protection vs. protectionism debate.

Keywords: international trade, human rights, European Union, European Parliament, institutions, issue linkage, political trust

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1. Introduction

Powerful Western countries over decades have promoted normative values such as democracy, human rights, and rule of law through external relations, especially through means of foreign economic policies. The linkage between these issues and trade has now become a norm, often imposed on weaker and less developed countries by the Global North. Human rights in international relations are especially difficult to enforce, where a unified agreement on core rights and a universal enforcement body are non-existent (Goldsmith and Posner, 2005; Hafner-Burton and Tsutsui, 2005), but when linked to trade relations and commercial interests, countries are more likely to abide by them (Hafner-Burton, 2005, 2009).

The European Union (EU) is in fact, at the forefront of these linking efforts, by positioning itself in the global arena as a firm defender of human rights. Since the early 1970s, the organization has been including “Essential Elements” in its external relations, signaling human rights clauses as the most “essential” to agreements, usually appearing in the preamble or at the very beginning of treaties (Hornig, 2003). Explanations on the EU’s role as a global human rights promoter have been made by scholars who argue that the EU is a “normative power” that distinguishes Europe from other global powers, and respect for human rights constitutes the union’s normative basis that can change norms in the international system (Alston and Weiler, 1998; Manners, 2002). Human rights conditions have always been extremely high on the EU’s foreign trade policy agenda, and trade negotiations have oftentimes been held up or suspended due to disagreement on the attachment of human rights clauses or because of the poor human rights records in partner countries. Even with countries with high human rights standards such as Canada and Australia, negotiations have been held up for decades because of human rights issues. In fact, there is great variation in how stringent and comprehensive the provisions are; some countries end up signing trade agreements with the EU even with adverse human rights situations, while some do not. Figure 1 is a depiction of the stringency of human rights clauses cross-country, and those with or without trade agreements with the EU ¹. The darker the grey shade, countries end up with more stringent clauses in trade agreements. The white regions are countries that do not have agreements with the EU. What explains this variation?

Sanction and conditionality literature indirectly answer this question by focusing on the sender’s strategic interests and relations with the partner countries, such as security interests (Crawford and Kacarska, 2019), trade interdependence (Von Soest and Wahman, 2015; Crawford, 1997, 2000), former relations (Carey, 2007) and security alliances (Del Biondo, 2011; Craw-

¹The stringency of human rights conditions is one of the main dependent variables that I hand-coded in this paper based on the enforcement strength and scope of conditions. White regions are countries that have not concluded an agreement with the EU as of 2021. The darker the grey shade, the more stringent the clauses.

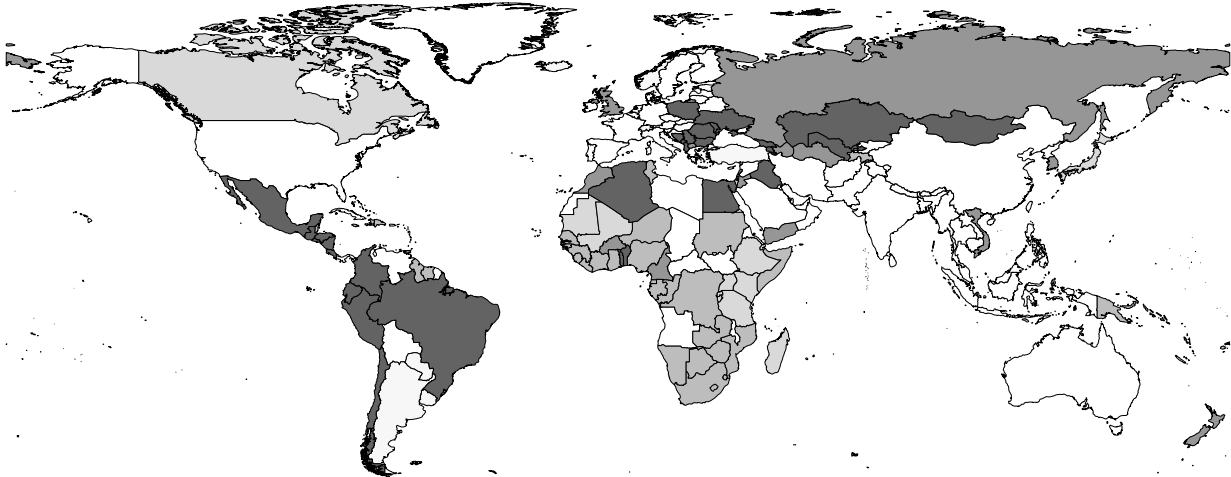


Figure 1: Human rights condition stringency across countries (2021)

ford and Kacarska, 2019). Yet, these approaches treat the EU and the trading partner both as unitary actors, ignoring the multiple layers of EU governance and the politics within. On the other hand, EU studies have focused on the dynamics of political institutions, especially the European Parliament and the Commission as the main actors (Mckenzie and Meissner, 2017; Sicurelli, 2015).² While they do take into account the complexities of the EU policymaking process, studies have remained descriptive lacking empirical evidence. And the characteristics of the trading partners are largely ignored, yet important because these countries also hold bargaining powers. Furthermore, examining issue linkage and human rights conditions alone can be highly endogenous since we only observe agreements that have been concluded, which can cause selection bias. Addressing these issues, this paper examines both the conclusion and non-conclusion of EU trade agreements and unravels the institutional politics behind the EU's issue linkage efforts and how they can be correlated with protectionist intentions, also taking into account the characteristics of the trading partners that may vastly vary.

In this article, I argue that human rights conditions in EU trade agreements and the selection of countries that sign the agreements are largely driven by the shifts in relative power and preferences of EU institutions, namely the European Parliament (hereinafter the Parliament, EP) as

²Mckenzie and Meissner (2017) suggests that the EU had made unordinary concessions in the EU-Singapore FTA negotiations compared to other Asian countries (i.e. Korea) and that it has applied relatively strict human rights conditions (hereinafter HRCs) on Canada despite the country's high human rights standards. They show that the EU does not formulate the clauses based on the human rights practices in the partner country, but this is driven by the European Parliament's political incentives to expand its institutional turf, which becomes weaker when political gains from invoking HRCs are low. Sicurelli (2015) makes similar arguments for the EU's FTA negotiations with Vietnam, and Jung and Koo (2018) also explain how the death penalty and trade linkage has evolved through bureaucratic politics between the Commission and the Parliament, which becomes stronger with the empowerment of the latter.

the legislative and a more pro-human rights actor, and the European Commission (hereinafter the Commission) as the executive branch. Consistent with the conditionality literature, I also show that the characteristics and interests of the trading partner matter. I find that when the Parliament's preference in advancing human rights issues in trade is combined with institutional bargaining powers, the EU is less likely to conclude trade agreements with human rights violators, and more stringent clauses are likely to be attached if the agreements are to be signed. Human rights preferences of the Parliament are stronger when public trust in the Commission is low because the EP sees it as an opportunity to extend its political turf. Lower trust in the executive also increases disapproval for trade policies and empowers the legislative that better represents public interests. When partner countries create high stakes in the European domestic market, combined with the EP's formal legislative empowerment in 2009, this further enables the EP's advancement of human rights issues in trade.

This paper takes a multimethod approach to unpack the seemingly black box of the EU trade-human rights nexus, thereby showing that the EU is not a monolith party in the trade policy-making process. By introducing newly coded data on the stringency of human rights conditions in all EU trade agreements from 1990, I take a novel approach to understanding the variation of these conditions empirically across time and states. By analyzing Parliamentary questions as text data, this study contributes to the empirical understanding of institutional interests, having broader implications for the study of two-level bargaining games in international relations. This study also contributes to the discussion on how issue linkages can be leveraged as protectionism in disguise, adding to the protection vs. protectionism debate ([Bhagwati, 1995](#); [Rodrik, 1998](#); [Tobin and Busch, 2019](#)). This paper further speaks to the politicization discourse of the European Union, by touching on the empowerment of the European Parliament and the incorporation of public interests in EU trade policy-making processes.

There are multiple reasons I focus on the EU as my case, though the story is not necessarily EU-specific. First, the EU is the only trading entity that includes human rights conditions that are separate from labor clauses, and is also one of the largest trading entities in the world along with the US and China that has the power to impose conditions and changes in behavior of third countries through the giant economic powers ([Meunier and Nicolaïdis, 2006](#); [Schneider and Urpelainen, 2013](#)). Hence, the EU is the linker of these norms and the partner countries are always the takers. In examining the relationship between institutional trust and trade policies, I find the EU to be an exemplary case since the organization has experienced significant fluctuations in public trust levels and legitimacy given the subsequent crises over the years.

2. The Inconsistencies of Trade-Human Rights Linkage and Institutional Interests

The “inconsistencies” of human rights EU trade have been pointed out by multiple European legal scholars, which indicates the EU’s varying approaches to trading partners in terms of the stringency of HRCs, assertiveness in negotiations, as well as enforcement (Prickartz and Staudinger, 2019; Borlini, 2018; Hachez, 2015; Bartels, 2014b). In this paper, I focus on the variation across these “Essential Elements” which are human rights clauses that differ in terms of the enforceability and the scope of norms included (Hachez, 2015), as well as the selection of partners that end up signing the agreements despite the disagreements on human rights issues. HRCs are distinct from the labor clauses that are also included in US trade agreements, but are rights with emphasis on negative rights under the International Covenant on Civil and Political Rights (ICCPR). The EU has indeed been actively attaching human rights elements to most of its trade relations, both in bilateral agreements, such as the Free Trade Agreements (FTAs), and unilateral measures under the World Trade Organization(WTO) in the Generalized System of Preferences(GSP) and GSP+s. Here I narrow my scope to bilateral trade relations since their primary goal and purpose are trade liberalization and not human rights promotion.

Below is an example of human rights conditions and Essential Elements in the Partnership and Cooperation Agreement between the EU and Uzbekistan:

Article 2. Respect for democracy, principles of international law and human rights as defined in particular in the United Nations Charter, the Helsinki Final Act and the Charter of Paris for a New Europe.....underpin the international and external policies of the Parties and constitute of partnership of this Agreement

Article 95. The Parties shall take any general or specific measures required to fulfill their obligations under this Agreement...The term ‘cases of special urgency... consists in...b) violation of the essential elements of this Agreement set out in Article 2. 2. The parties agree that the ‘appropriate measures’ referred to in Article 95 are measures taken in accordance with international law. If a party takes a measure in a case of special urgency as provided for under Art 95, the other party may avail itself of the procedure relating to the settlement of disputes.

This is considered the most stringent form of Essential Elements both in terms of the scope of law and enforceability. Article 2 references specific international and human rights laws, stating that they are essential elements. Article 95 stipulates that a violation of essential elements are case of ‘special urgency’, in which states would not have to go through dispute settlement mechanisms, making this a stringent clause since the EU can immediately withdraw from the

treaty when human rights laws are violated. On the other hand, some agreements do not contain this type of clause at all or only mention generic human rights norms in the preamble.³In the following sections, I further discuss conditionality stringency and how they are categorized in literature.

Diverging Institutional Interests

Consistent with the EU scholars' institutional approaches (Mckenzie and Meissner, 2017; Sicurelli, 2015) to the human rights-trade nexus, there is inconsistency and disagreement within the European Union in terms of the interests of the actors, which drive legislative bargaining in human rights-trade linkage. There are in fact multiple veto players at multiple layers of EU governance including national and EU institutional actors. In my analysis, I show how interests are aggregated at the institutional level, how they determine the design of treaties and trade policy outcomes (Grossman and Sykes, 2005; Ehrlich, 2007), and how institutional structures and changes constrain international bargaining (Clark et al., 2000). As previous EU literature has established, the role of European institutions, namely the European Parliament (hereinafter EP or Parliament) and the Commission (hereinafter Commission), is essential (Larsén, 2007; Patterson, 1997). The Council, on the other hand, tends to side more with the Commission in terms of these issues so will not be a prominent actor in this dynamic (Larsén, 2007). I also take into account the characteristics of the trading partners that may also affect the bargaining dynamic.

EU trade policymaking process rather resembles the US bicameral system (Greenwood and Roederer-Rynning, 2019)—only that the Commissioners are not directly elected. Simply put, the Commission can be thought of as the executive body, while the Parliament plays a legislative role. Commissioners are representatives from each member state, who are appointed, while Members of the European Parliament (MEPs) are directly elected by local constituencies. The Lisbon Treaty of 2009 was a watershed moment that changed this process. Before the treaty, the European Parliament had a limited and indirect role with no formal legislative power. During this period, the Commission negotiated the agreements and the Council made approvals, and the Parliament was only able to consult during negotiations. After the treaty, however, the Commission, the Council, and the European Parliament, now all participate in making trade policies and finalizing agreements. When The Commission initiates, negotiates, and proposes the trade agreements, and the Council and Parliament jointly review and decide whether to approve them. The EP must be reported after each negotiation round and at other key points in the negotiations by the Commission. After negotiations are finalized and adopted by the

³Here is an example of a sentence from the trade agreement with Iceland where human rights are only mentioned in the preamble: "*CONVINCED of the contribution that a European Economic Area will bring to the construction of a Europe based on peace, democracy and human rights*"

27 Commissioners, the Council signs, and the Parliament votes on whether to consent to the agreement after consultation with industries, trade unions, and other outside groups.

Given this political system, studies have pointed out that the EU is a "conflicted" trade power, and the Parliament and the Commission have different interests when it comes to human rights and trade (Meunier and Nicolaidis, 2006; Emerson et al., 2005; Velluti, 2016). The Parliament has a stronger preference in human rights linkage, mainly to reflect general and specialized interests of the public. These differences originate from the institutional setups and power of the executive and legislative branches that are not solely EU specific (Mansfield and Milner, 1999). The two branches face different constituencies—executives care more about the national constituency, but legislators are more responsive toward local constituents and districts (Milner, 1997). Scholars claim that politicians with larger, encompassing constituents are more concerned about overall national outcomes than those with narrower jurisdictions and direct elections (Olson, 1989; Mahoney, 2008). Studies further show how smaller constituencies are less likely to support free trade (Hankla, 2006; Kono, 2009; Rogowski, 1987), and because of this, agents are more insulated from pressures and are more liberal compared to the principals (Lohmann and O'halloran, 1994). In the EU, the Commission, technically having no constituency, tends to care more about overall EU interests, whereas the EP is more biased towards protectionist and specialized interests.

Hence, the EP is more attentive towards popular interests and domestic loser groups as the only directly elected government body. The collective action problem literature states how the protectionist interests are more likely to mobilize and pressure the government since costs of liberalization are concentrated and benefits are dispersed (Baldwin, 1989; Hiscox, 2002; Olson, 1989; Jr., 1965). The EP also tends to be more exposed to societal interests including domestic industrial sectors, as a more accessible institution than the Commission (Delputte and Verschaeve, 2015; Van den Putte, 2015; Lehmann, 2009). EU manufacturing industries and trade unions called for higher sustainability standards including labor rights in the agreement with Southeast Asian countries (Poletti and Sicurelli, 2018). This protectionist inclination is not unique to the EP—Postnikov (2020) show that Northern governments' inclusion and enforcement of social clauses are a response to societal demands in human rights, labor, and environmental clauses, which are key instruments for protectionism and that Northern governments tie their hands through domestic constraints. Indeed, HRCs in EU trade are sometimes criticized as a form of "protectionism in disguise" that are no different from other political and environmental clauses (Feliu and Serra, 2015).

Furthermore, the EP takes a role as the "voice of Europe" and advocates for human rights to reflect popular opinion (Feliu and Serra, 2015; Van den Putte et al., 2014). Upholding human

rights norms in the Parliament is the expectation of the general public and NGOs, since citizens do not want the EU to trade with a human rights-violating country or consume goods from them. In the February-March 2021 Eurobarometer survey⁴, 86% of European citizens that responded that they are for the idea that "The insurance that every new trade agreement concluded by the EU will have the highest standards of climate, environmental and labour protection". An interview with an EU DG external policy official also confirmed that the Parliament is more pro-human rights and "outspoken" on implementing tougher human rights measures and negative conditionalities than the Commission, because they are more open to civil society organizations⁵.

There are also political intentions to the EP's human rights advocate role. The EP sometimes uses human rights as a political tool to extend political turf within the EU, and to differentiate itself from other institutions, as the more politically "legitimate" actor. The EP has struggled to gain a place within the EU since the beginning of its foundation and has succeeded in increasing its sphere of influence over the years. Scholars agree that the EP constantly and actively made pressure on stringent human rights clauses in order to politically assert itself (Crum, 2006; Murer et al., 2005; Rosén, 2015; Gfeller, 2014). Human rights has been an ideally suited tool to serve the EP's need for legitimacy and authority within the union (Nitoiu and Sus, 2017; Roederer-Rynning, 2017).

On the other hand, the Commission has weaker interests in attaching stringent HRCs, and generally prefers less issue linkages in trade. The foundation of the EU and the delegation of trade policy authority to the Commission was initially to insulate the organization and policymakers from protectionist demands (Meunier, 2003; Meunier and Nicolaïdis, 2005; Woolcock, 2005), and to block member states from pursuing protectionist policies at the national level (Bollen et al., 2016). Woll (2009) shows that interest groups cannot lobby directly to the Commission unless they support liberalization in general, making coalitions of protectionist interests difficult to access the institution. The Commission puts commercial interests on a higher priority and is more supportive of liberal trade policies which sometimes result in conflicts with the Parliament (Meissner and McKenzie, 2019; Meissner, 2021; Yan, 2015). The Commission has in fact, frequently blocked the EP's demands for stronger HRCs during negotiations (Larsén, 2007).

Lastly, while the trading partner's preference is important, the EU is always the linker of human rights and trade. In fact, the EU as a trade power can take a take-it-or-leave-it attitude towards

⁴For further information: <https://www.gesis.org/en/eurobarometer-data-service/survey-series/standard-special-eb/study-overview/eurobarometer-943-za7780-february-march-2021>

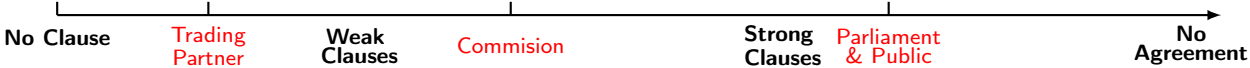
⁵DG Trade Official Interview, 2/14/2023

relatively smaller states (Ethier, 1998; Meunier and Nicolaidis, 2006). While there will be some variation, I assume that the trading partner’s ideal point on the issue linkage is always weaker than that of the EU. Since Europe already has established human rights practices and standards, states with worse human rights situations than the EU would not want to include a human rights clause that can be used to withdraw from the agreement when violated, sometimes even without a consultation process.

Besides, if the Essential Elements are stringent there is a risk that this could precede or be used in lieu of the labor rights clauses included in the Sustainable Development Chapter (Bartels, 2014b). Developing countries may perceive this possibility as the EU trying to protect its labor market and protectionism in disguise. In fact, developing and developed countries both perceive such imposition of human rights issues in commercial agreements as offensive. For instance, Southeast Asian countries generally show high resistance towards such conditionalities, perceiving them to undermine sovereign rights (Gómez Isa et al., 2016), along with African countries that also showed strong disliking (Poletti and Sicurelli, 2018). More developed countries such as Canada, Japan, and Australia have also resisted such clauses calling them "unnecessary and irrelevant" to trade, and an offense to their already established human rights practices (Leino-Sandberg et al., 2005; Meissner and McKenzie, 2019).

Figure 2 summarizes each party’s ideal points on human rights issues in trade(in red), where the far left represents no human rights conditions and the far right is the non-conclusion of trade agreements, which is the most extreme expression of human rights interests in trade. One of the main reasons for the EU’s claim on trade negotiation holdup/failure is allegedly due to disagreement on human rights-related issues, and opposing trade agreement is also an expression of protectionist behavior. I assume that the trading partner’s ideal point is the weakest clause, the Commission preferring weaker clauses than the EP, yet more stringent ones than the partner. And finally, the Parliament would prefer not to conclude agreements with countries that have weak human rights records, but if agreements have to be signed, then the most stringent clauses. Despite variations in the specific points depending on contexts, this preference ordering is fixed.

Figure 2: Ideal Points of Actors



3. Determinants of Trade-Human Rights Linkages

Based on these discussions, I argue that when the Parliament has stronger preferences and power to advance human rights interests, the linkage outcomes will shift closer to the institution's ideal point. This means that the Commission will concede more to the Parliament, attaching stricter human rights conditions in agreements, as well as concluding less agreements with human rights-violating countries. Because EP interests originate mainly from protectionist and political interests, I identify three main sources of preference and power: institutional trust in the Commission, protectionist interests, and formal legislative powers. The interests and bargaining power of the trading partner, while equally as important, will be kept as controls in my analysis.

Public Trust in the Commission: Increased Informal Power and Preference

I argue that a lack of public trust in the executive serves as both a source of informal empowerment for the Parliament, as well as incentivizing the institution to advance human rights interests in trade. This is because low public trust in the executive translates to low political legitimacy and increased public disapproval for trade policies (Norrevik, 2020). This would make the executive make more concessions to the legislative that better represent public interests, especially so in the EU's case. Furthermore, the legislative can also view this as an incentive to stand up against the executive to reflect popular or protectionist interests.

In international political economy, studies have linked the lack of institutional trust in the executive to more protectionist trade policy outcomes. Lower trust levels in the government can reduce public support for globalization and skepticism of trade policies, such as joining preferential trade agreements (Macdonald, 2023; Lee, 2010). Norrevik (2020) shows that higher trust in the government leads to more liberal policies because representatives will have more discretion to pursue national goals of liberalization, whereas lower trust will revert them to the public. He argues that MEPs that come from constituents with low trust levels in the government would increase the chances of reelection by standing up to the Commission by opposing trade liberalization.

While this explanation can be generalizable outside of Europe, the EU is a representative case to examine the relationship between political trust and trade policy preferences since the organization had long suffered an issue of legitimacy deficit and the following fluctuations in institutional trust as shown in Figure 5. Lower trust in the Commission would revert the institution's attention to include more popular demands since this trust is directly linked to the political legitimacy of the EU and EU integration as a whole. There has already been criticism

since the onset of the EU that trade policies are driven by elites instead of majority votes, made behind closed doors (Meunier, 2003). The inherent "democratic deficit" issue of the EU indicates a lack of public trust in EU institutions (Christensen and Lægreid, 2005; Jin, 2012; Hetherington, 1998), making the Commission become more and more responsive towards public interests when trust declines (Rauh, 2019). Indeed, empowering the EP was a way to increase accountability of the EU and to incorporate public interests (Leston-Bandeira, 2014; Shackleton, 2017; Rittberger, 2005; Thomson and Hosli, 2006; Hooghe and Marks, 2009; De Wilde et al., 2016). For the Parliament, a lack of public trust is an opportunity to advance human rights interests further to assert its position in the legislative process, but will also create an incentive to be more responsive towards popular and specialized and popular interests.

H1(Trust): *Human rights conditions will become more stringent when the Commission lacks public trust.*

H2(Trust): *The EU will be less likely to conclude trade agreements with human rights violators when the Commission lacks public trust.*

Increased Protectionist Preferences

As discussed extensively in the previous section, EP interests in human rights promotion are likely to be associated with concerns about domestic market protection. When stakes for concluding trade agreements with trading partners are high, meaning that there are threats to EU markets and domestic loser groups, the EP will be more likely to oppose free trade, using human rights as protectionism in disguise. Human rights conditions can serve as trade barriers that are sometimes powerful enough to withdraw from agreements but what constitutes a violation is not clear-cut.

H3(Protectionist): *Human Rights conditions will become more stringent when protectionist preferences are strong.*

H4(Protectionist): *The EU will be less likely to conclude trade agreements with human rights violators when protectionist preferences are strong.*

Changes in Formal Legislative Power: The Lisbon Treaty (2009)

I argue that the Lisbon Treaty enforced in 2009 that granted the Parliament veto powers in the EU trade policymaking process, shifted this bargaining game favourably towards the EP. As Milner (1997) lays out, decision-making powers are distributed differently between the legislative and executive—the more power one holds, trade policies will be closer to the ideal point of that institution. Under the no ratification of the legislative system, the executive

dominates trade policies, as was the case for the Commission pre-Lisbon. However, when the legislature holds formal ratification powers, as in the case of post-Lisbon, the executive is forced to moderate policies when the legislature is hawkish. Studies also find that more institutional veto points are associated with less liberal trade policies, including less tariff reduction and PTA signing (Allee and Elsig, 2017; Mansfield and Milner, 2012; Mansfield et al., 2007). With the consent power of the Parliament, there is now a risk of Parliamentary veto that could potentially lead to a failure of negotiations.

Yet, chances of a Parliamentary veto would only make sense if the veto is actually plausible. Scholars agree that the threats of a veto became increasingly credible after the treaty (Kleimann and Hillman, 2010), and that the institution took more responsibility and attention in finalizing treaties with human rights conditions⁶. During the Korea-EU FTA negotiations, the first free trade agreement ever signed after the Lisbon Treaty, a center-right MEP Fjellner expressed that “The notion that it will be a smooth process is naive, parliament will not just rubber-stamp the deal”, showing a willingness to veto the Commission’s negotiation outcomes if it did not meet the interests of the Parliament (Euobserver, 2010). Peffenköber and Adriaensen (2021) contend that the EP sometimes strategically uses the looming veto as an act of brinkmanship to increase its leverage in trade policies. There are also a number of cases when the EP rejected the Commission’s legislation completely, due to the heat of civil society actors and lobby groups.

For the Commission, a Parliamentary veto can in fact be costlier than negotiation holdups, since negotiations will have to reopen and it also reduces the bargaining power of the Commission at the international level. A disagreement between EU institutions can weaken the EU’s position since it sends partners the signal that the EU is too divided and unreliable (Da Conceicao, 2010). On the other hand, there are some benefits to an assertive Parliament—Larsén (2017) finds that in the India-EU FTA, the EP reduced the winset of the Commission through the stubborn demands in human rights clauses. Likewise, Parliamentary preferences can be further advanced and implemented after formal political empowerment, leading to hypothesis 5.

H5(Veto Power): *The effect of public trust and protectionist preferences will be even stronger when the EP gains veto powers through the Lisbon Treaty.*

4. Research Design and Data

Dependent Variables: Measuring Condition Stringency and Selection

The unit of analysis for data used is country-year and observation years range from 1990 to 2022, including all 216 of the EU’s trading partners with or without trade agreements to capture

⁶DG Trade Official Interview, 2/14/2023

selection effects. The partners are a comprehensive list of states that the EU trades with, taken from the Eurostat's trade data. The stringency of conditions is from agreements that are signed and have a full body of the treaty published, indicating that the negotiations have been concluded, which are 134 agreements. Because some trade agreements have been updated or replaced, multiple agreements may exist for a single country. This means that the stringency of conditionality can change in a certain year for a certain country. The comprehensive list and text of treaties are publicly available on the European Commission's website.

For the dependent variable on the stringency of HRCs, I measure how enforceable and extensive the human rights clauses are. I develop an original coding scheme based on the classification of legal scholars. First, [Zamfir \(2019\)](#)'s European Parliamentary Research Service (EPRS) report classifies human rights clauses in terms of the substantive content. It identifies clauses with no reference to human rights norms, clauses with only generic human rights norms, and clauses that reference either international or European norms. International norms indicate rights under the Universal Declaration of Human Rights and the relevant international human rights law, and European norms are the principles included in the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), the Helsinki Final Act of the Conference on Security and Cooperation in Europe, and the Charter of Paris for a New Europe.

In terms of enforcement mechanisms, essential elements alone create little obligation. However, adding on a "non-execution" clause enables parties to adopt "appropriate measures" when provisions are violated, making the clause "harder" and binding ([Bartels, 2008](#)). Non-execution clauses that reference appropriate measures also allow for suspensions and withdrawals in other agreements, where a violation of a non-execution clause in one treaty (non-trade) can also lead to an appropriate measure in trade relations ([Bartels, 2014a](#)). Based on this, [Prickartz and Staudinger \(2019\)](#) classify human rights clauses into three levels: clauses with no essential elements, clauses that only contain essential elements, and clauses that contain both essential elements and a non-execution clause. Non-execution clauses that refer to dispute settlement mechanisms and consultation processes to be taken before taking appropriate measures are known as the "Bulgarian Clause". On the other hand, a "Baltic" clause authorizes a direct suspension of provisions without any form of consultation, making this non-execution clause harder ([Horng, 2003](#)). This distinction gained general approval by the Council in 1995.

Incorporating both the scope of human rights laws and the stringency of enforcement, I hand-coded the measure of the stringency of HRCs in all of EU trade agreements that range from 0 to 5. The coding scheme is as follows: 0= when a PTA does not mention human rights or any related clause; 1= agreements that only reference generic human rights elements with no mention of specific human rights law or essential elements; 2=agreements with reference to

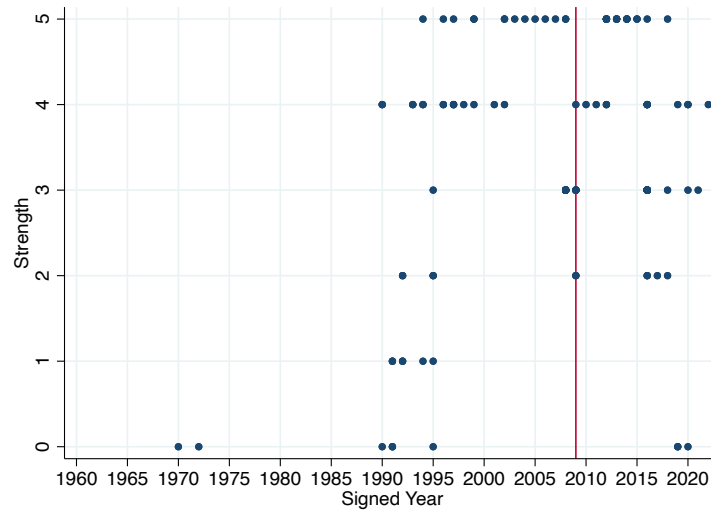


Figure 3: Scatterplot of HRC by Signed Year

specific human rights law but no essential elements OR agreements that include essential elements(no execution clause) but no reference to human rights law;3=agreements with human rights law AND essential elements, but no execution clause; 4=agreements with human rights law AND a Bulgarian clause; 5= agreements with human rights law AND a Baltic clause. The human rights provisions attached to each treaty will be analyzed to measure the dependent variable.⁷ Figure 3 displays the distribution of treaties in terms of the strength of HRCs by year, and the red line divides the period before and after 2009. Figure1 is a cross country variation of HRC stringency.

My second dependent variable to test the likelihood of treaty conclusion is whether the agreement is concluded or not in the given year as a binary variable (0,1). To test pre and post-Lisbon outcomes, I code as 1 if the agreement is signed after the Lisbon Treaty and 0 for otherwise, which is when the country does not have an agreement with the EU or when the treaty was signed before 2009.

Independent Variables

The variables of interest for each of the hypotheses are as follows. First, to examine H1 and H2, I use the Eurobarometer surveys on the “trust in the European Commission”, and the percentage of respondents that answered that they trust the Commission. This number ranges from 35 to 60 percent, displayed in Figure5. For H3 and H4(Protectionist interests), I use

⁷Labor rights, despite being under the broader definition of human rights, will not be examined in this analysis. This is because labor rights are referenced separately as part of the “Sustainable Development Chapter”, which technically can be distinguished from the “Essential Elements” clause on general human rights.

a variable to measure the potential threats of the trading partners to the European domestic markets, which is measured from the percentage of export in manufactured goods from GDP by year, taken from the World Bank database. This indirectly proxies for the labor intensity of the trading partners and the potential threats to the EU's domestic manufacturing sectors that are the main losers from the agreement with trade partners. I interact these variables with the human rights scores of the partner country, using [Fariss et al. \(2019\)](#) latent human rights protection scores. This is a measure focused on the protection of citizens' physical integrity by the government. A higher value indicates less violation of physical integrity rights, meaning better human rights practices. Finally, I test H5(post-Lisbon) and the stringency of human rights clauses as an indicator that codes as 1 if the agreement is signed after the Lisbon Treaty, and by subsetting data into pre/post-Lisbon observations.

Control Variables

The control variables include measures that take into account the potential dependence and economic power of the trading partners. I include mutual trade dependence variables of the EU and the trading partners. The EU's overall export dependence on the partner country is measured by export shares which are percentage of exports to the trading partner out of exports with all trading partners of the EU. The partner country's dependence on the EU is measured by the volume of the country's exports to the EU divided by the partner's GDP (logged). Furthermore, while the EU is mostly self-sufficient, it imports most of its energy sources and raw materials from abroad, hence I include the combined energy and raw material import shares (%)⁸ by country at a given year to measure the EU's import dependence on resources. These data are collected from the IMF database. Other economic variables such as GDP(logged) and GDP per capita(logged) are included, retrieved from the World Bank database.

Another variable is distance which may be correlated with the volume of trade and liberalization with the EU, and how European neighbors may be bound by European human rights laws. Distance is the kilometer distance between Brussels⁹, the de facto capital of the European Union, and the capital city of the trading partners. The economic integration variables are agreement types coded as 1=Partnership and Cooperation Agreements, 2=Free Trade Agreements, and 3=Customs Unions, officially classified by the European Commission. This serves

⁸This indicates the % of raw materials and energy the EU imports from one country out of all EU imports of resources in a given year.

⁹<https://www.distancefromto.net>

as a control variable to show the highest (3) to lowest (1) economic integration.¹⁰ While this classification is not continuous, the outcomes do not change when treating each category as indicators.

Model Estimation

To test condition stringency in H1 and H3, I use Heckman maximum likelihood estimates to account for potential bias of countries selecting into trade agreements with the EU. Heckman MLE models jointly estimate the selection and the outcome equations, as well as the correlation between the two errors. This can be a more efficient method than the more computationally simple Heckman two-stage model.

The dependent variable for the selection equation is whether the country has concluded a trade agreement in the given year (1 for when the agreement is in place, 0 for otherwise), which is likely to be endogenous to human rights situations of the countries, as well as other economic variables. Since my data includes all of the countries that the EU trades with, even those with or without trade agreements, this allows me to reduce selection bias by estimating condition stringency as the outcome variable. I also present OLS estimates along with the Heckman models for reference. For the exclusion restriction to avoid multicollinearity, the variables I use in the selection equation that are not included in the outcome equation are human rights scores and GDP per capita—these are not statistically associated with HRC stringency or the Inverse Mills Ratio.

To estimate the likeliness of treaty signing (H2 and H4), I use probit models to measure the probability of treaty signing before and after the Lisbon Treaty (H5). The data is divided into two sets before and after the year 2009. I test my hypotheses by interacting my main variables of interest (trust in the Commission, manufactured goods export) with the human rights scores. For all of the models, I cluster standard errors by country, since there are within-country similarities in the data.

¹⁰Customs Unions that eliminate customs duties in bilateral trade and establish a joint customs tariff for foreign importers. They include European countries that are not part of the European Union, such as Andorra, San Marino, and Turkey. The second group includes Association Agreements, Stabilization Agreements, Free Trade Agreements, and Economic Partnership Agreements. These agreements are less comprehensive than customs unions, and yet attempt to remove trade barriers between the EU and the partner state. Lastly, Partnership and Cooperation Agreements are agreements that do not change customs tariffs but establish a general framework for economic cooperation and trade. These include countries such as Russia, Eastern Europe, the Southern Caucasus, and Central Asia.

5. Results and Discussion

HRC Stringency

I begin by examining H1(trust), on the relationship between HRC stringency and the level of public trust in the Commission. Consistent with my expectation, I find that in both the OLS(Table 6) and Heckman correction models, higher institutional trust is consistently associated with less stringent clauses. Heckman's rho(athroh) for models that include control variables are statistically significant at the 5% level. Table 1 shows that one unit increase in the level of trust(%) multiplies the log odds of a higher level of condition stringency by 0.95 in the selection model (model 2,4,6). This supports my hypothesis 1 that lower trust in the Commission is associated with more stringent human rights conditions.

Against my expectations for H2(protectionism) where I predicted that more manufacture export levels would increase condition strength, this relationship is not statistically significant. But, when interacting this with the Post-Lisbon variable, I find statistically significant outcomes (Table 1 model 3,4). Partly supporting H5, this implies that human rights conditions become more stringent for countries that threaten EU domestic markets when the European Parliament holds veto powers. One percentage increase in manufactured goods export multiplies the log odds of a more stringent condition stringency by 1.02, after the Lisbon Treaty.

Another notable point from the model is that human rights practices do not have statistical effects on the stringency of HRCs(Table 6, Table 1). I also find that the EU attaches weaker clauses with states that it is more export dependent on (Table 1 model 2,4,6).

Likelihood of Agreement Conclusion

Table 2 columns (1) to (3) present probit estimations(coefficients in odds ratios) before the Lisbon Treaty, and (4) to (6) are after the treaty. The dependent variable is whether the country in a given year has concluded trade agreements or not. The first row demonstrates that a higher trust in the Commission is associated with a higher likelihood of treaty conclusion, supporting my assumptions that a higher trust in the executive would be related to more liberal trade policies. One percentage increase in trust in the Commission multiplies the log odds of treaty conclusion by at least 1.02, before and after the Lisbon Treaty($p < 0.05$). In column 5, I show that post Lisbon, higher trust and better human rights scores are associated with a higher likelihood of treaty conclusion. This also means that lower trust in the executive makes it more difficult to conclude trade agreements with human rights violators, supporting H5.

An immediately different outcome is the manufactured goods export variable before and after the treaty. Pre-Lisbon, a higher percentage of manufactured goods is associated with a higher

Table 1: Heckman selection model for condition stringency

	(1)	(2)	(3)	(4)	(5)	(6)
	Outcome DV:			Condition stringency		
Post Lisbon	1.17 (0.53)	2.57** (0.95)	0.52 (0.29)	1.30 (0.62)	3.84 (4.38)	3.50 (4.34)
Commission Trust	0.96 (0.02)	0.95** (0.02)	0.96* (0.02)	0.95** (0.02)	0.99 (0.02)	0.96*** (0.01)
Manufacture Export	1.00 (0.01)	1.00 (0.01)	0.99 (0.01)	1.00 (0.01)	1.00 (0.01)	1.00 (0.01)
Post-Lisbon X Manufacture			1.02* (0.01)	1.02* (0.01)		
Post-Lisbon X Trust					0.97 (0.03)	0.99 (0.03)
GDP(logged)		1.13 (0.14)		1.12 (0.14)		1.13 (0.14)
Partner Dependence		0.93 (0.13)		0.93 (0.12)		0.93 (0.13)
Resource Dependence		1.05 (0.06)		1.04 (0.06)		1.05 (0.06)
Distance		1.00*** (0.00)		1.00** (0.00)		1.00*** (0.00)
Export Share		0.29** (0.16)		0.32** (0.17)		0.29** (0.16)
Agreement Type		1.32 (0.81)		1.44 (0.86)		1.32 (0.81)
	Selection DV:			Agreement in place		
Post-Lisbon	1.77*** (0.30)	1.81*** (0.32)	1.77*** (0.30)	1.79*** (0.31)	1.77*** (0.30)	1.81*** (0.32)
Manufacture export(%)	1.00 (0.00)	1.00 (0.00)	1.00 (0.00)	1.00 (0.00)	1.00 (0.00)	1.00 (0.00)
Trust in Commission(%)	0.97*** (0.01)	0.97*** (0.01)	0.97*** (0.01)	0.97*** (0.01)	0.97*** (0.01)	0.97*** (0.01)
Human rights score	1.06 (0.09)	1.01 (0.08)	1.06 (0.09)	1.02 (0.08)	1.06 (0.09)	1.01 (0.08)
Partner dependence	1.04 (0.07)	1.03 (0.07)	1.04 (0.07)	1.03 (0.07)	1.04 (0.07)	1.03 (0.07)
Distance	1.00*** (0.00)	1.00*** (0.00)	1.00*** (0.00)	1.00*** (0.00)	1.00*** (0.00)	1.00*** (0.00)
GDP (logged)	1.06 (0.06)	1.06 (0.06)	1.06 (0.06)	1.06 (0.06)	1.06 (0.06)	1.06 (0.06)
GDP per capita(logged)	1.35*** (0.09)	1.34*** (0.09)	0.35*** (0.09)	1.33*** (0.09)	1.35*** (0.09)	1.32*** (0.09)
Export share	0.83 (0.14)	0.81 (0.12)	0.82 (0.14)	0.81 (0.12)	0.83 (0.14)	0.81 (0.12)
N	3258 (1021)	3168 (931)	3258 (1021)	3168 (931)	3258 (1021)	3168 (931)
athrho	0.39 (0.49)	0.83*** (0.30)	0.39 (0.50)	0.84*** (0.30)	0.40 (0.49)	0.83*** (0.31)
Pseudo R^2	0.176	0.176	0.176	0.176	0.176	0.176
Wald X^2	5.58	40.47	9.36	45.79	5.54	42.24
($P > X^2$)	(0.13)	(0.00)	(0.05)	(0.00)	(0.24)	(0.00)

Notes: Coefficients are odds ratios; Clustered standard errors (by country) in parentheses; *, **, and *** indicate significance at the 10, 5, 1% levels.

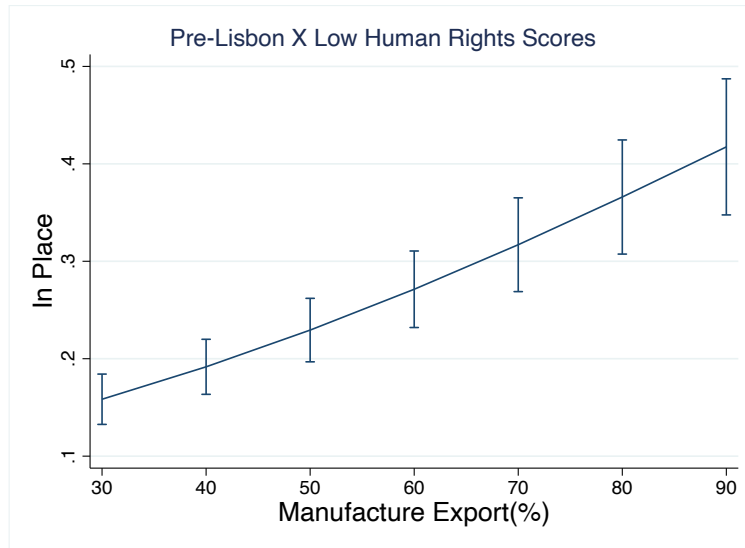
likelihood of treaty conclusion, whereas Post-Lisbon, the likelihood decreases when there is a higher threat to European markets (although not significant across models). What is also interesting is that when interacting human rights scores with the manufactured goods export variable, the direction of the effect changes pre/post-Lisbon. To make the understanding of these interaction terms easier, I provide margin plots with low human rights score observations. Figure 4a exhibits the likelihood of treaty signing before the Lisbon Treaty for a low human rights score value, where I set the global value of human rights score as the (mean)-(standard deviation) that indicates low human rights scores. Pre-Lisbon, the EU is more likely to sign trade agreements with countries that export more manufactured goods, even when the country has low human rights records. When comparing high (mean+1sd) to low(mean-1sd) manufactured goods export(%) levels, higher percentage increases the probability of concluding agreements from 0.09 to 0.15, pre-Lisbon.

On the other hand, Figure 4b has an opposite direction of the line, which is the likelihood of treaty signing post-Lisbon for a low human rights score observation. In this case, I find that higher the percentage of manufactured goods exports, the less likely agreement conclusion. Contrary to pre-Lisbon outcomes, a higher percentage of manufactured goods export(mean+sd) compared to a low percentage(mean-sd) decreases the probability of an agreement from 0.23 to 0.05. This partly supports my hypotheses 2, 4, and 5.

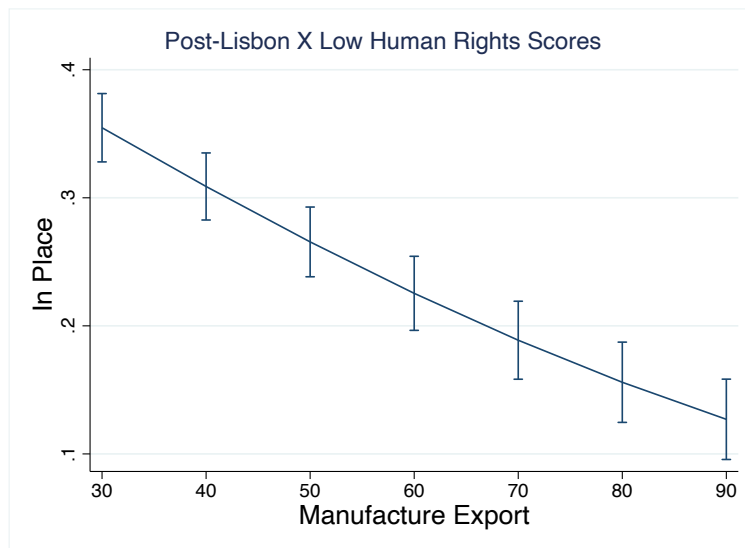
Table 2: Probit estimate of treaty conclusion Pre/Post Lisbon

	(1)	(2)	(3)	(4)	(5)	(6)
	Pre-Lisbon	Pre-Lisbon	Pre-Lisbon	Post-Lisbon	Post-Lisbon	Post-Lisbon
Commission Trust	1.03*** (0.01)	1.02** (0.01)	1.02** (0.01)	1.03*** (0.01)	1.02* (0.01)	1.03*** (0.01)
Manufacture Export	1.01*** (0.00)	1.01 (0.00)	1.01 (0.00)	1.00 (0.00)	1.00 (0.00)	0.99* (0.00)
Human Rights	1.11 (0.01)	1.71** (0.54)	1.20 (0.58)	1.04 (0.06)	0.54** (0.16)	0.87 (0.10)
Human Rights X Trust		0.99 (0.01)			1.02** (0.01)	
Human Rights X Manufacture			1 (0.00)			1.01*** (0.00)
GDP(logged)		1.23** (0.03)	1.23** (0.04)		1.11 (0.10)	1.06 (0.09)
GDP per capita(logged)		1.23** (0.10)	1.23** (0.10)		0.85 (0.09)	0.89 (0.09)
Partner Dependence		1.18* (0.12)	1.17* (0.11)		1.32*** (0.12)	1.28*** (0.11)
Resource Dependence		1.04 (0.03)	1.03 (0.03)		0.88 (0.08)	0.91 (0.08)
Distance		1.00*** (0.00)	1.00*** (0.00)		1.00** (0.00)	1.00** (0.00)
Export Share		0.74** (0.12)	0.72** (0.11)		0.36** (0.20)	0.5 (0.24)
N	2009	1890	1890	1457	1374	1374
<i>PseudoR</i> ²	0.069	0.283	0.283	0.012	0.095	0.127

Notes: Coefficients are odds ratios; Clusterd standard errors(by country) in parentheses; *, **, and *** indicate significance at the 10, 5, 1% levels.



(a) Pre-Lisbon



(b) Post-Lisbon

Figure 4: Pre/Post-Lisbon Margin Plots

Discussion

In sum, when the EU does conclude trade agreements with partner countries, I find that lower trust in the Commission is associated with more stringent HRCs. Protectionist preferences are only significant in determining stringency after the Lisbon Treaty. Human rights situations in partner countries do not explain condition stringency, which undermines claims that the EU has sincere interests in promoting human rights in the worst-performing states. For the probability of agreement conclusion, there is a significant difference between pre and post-2009. While higher trust in the Commission consistently increases the likelihood of treaty signing in general,

the effect of trust in concluding agreements with human rights violators is only significant after the treaty. This is also true for countries with weak human rights records that also threaten EU domestic markets.

These outcomes may indicate that a more formal institutional empowerment (i.e. veto powers) is needed in order to affect treaty conclusion with human rights-violating countries, a more extreme expression of protectionism. The outcomes exhibit how low trust in the Commission impacts condition stringency, but veto powers have to be present in order to influence the selection of partner countries. On the other hand, protectionist preferences of the EP have to be backed by the institutional empowerment in order to have effect. While a lack of public trust in the Commission increases both the preferences and (informal) power of the Parliament, protectionist preferences are only effectively advanced through formal institutional empowerment.

6. Additional Tests

Testing Parliamentary Preferences

To further investigate the interests of the Parliament, I analyze the Parliamentary questions asked to the Commission in the Plenary between 1994 to 2022. I examine questions about the countries that the EU has concluded agreements with, in the last three years of the negotiation period with those partners¹¹. I count the number of human rights-related concerns as well as questions concerning domestic market protection regarding the trading partner¹² running a simple poisson regression to observe this relationship. The unit of analysis is the country-

¹¹Trade negotiations go on for at least three years, and questions are more actively asked in the last stages of the negotiation phase.

¹²Here are examples of Parliamentary questions asked about South Korea before the FTA was signed with the EU. This is a question (E-5715/08) asked in 2008 concerning human rights situations in Korea: "*There are 95000 Jehovah's Witnesses in the Republic of South Korea, divided into more than 1 400 congregations...This community is against the use of arms, and its members therefore see themselves as conscientious objectors...However, the Republic of South Korea does not allow for an alternative civilian service. It is reported that for this reason more than 12,000 people have been arrested since 1950, that 500 people are currently in prison, and that hundreds are being persecuted. Whilst in prison, many of the objectors are said to have been tortured, and five to have died following mistreatment. These facts contravene Article 10 of the Charter of Fundamental Rights of the European Union as regards freedom of thought, conscience and religion, Article 21 of the same Charter with regard to discrimination based on religion or membership of a national minority, and Article 5 of the Universal Declaration of Human Rights with regard to cruel, inhuman or degrading treatment or punishment...Does the Commission not consider that, in light of the abovementioned instruments provided by the framework agreement (and the related political declaration), it should discuss these problems with the South Korean authorities? What does the Commission intend to do?*".

And in 2007, a question (P-0325/07) related to the EU's industrial sector was asked: "*What is the status of negotiations between the EU and the Republic of Korea with regard to a free trade agreement? What steps are in hand to create an impact assessment for this proposed FTA? Is the Commission aware of the concerns of ACEA (the European Automotive Manufacturers) in this regard? When I was resident in Korea in 1990-94, Korea exported around a thousand times as many cars as it imported. Can the Commission advise me of the latest comparable statistics?*"

year that the EU has concluded agreements with, and I include a set of control variables to control for country and agreement characteristics (GDP, GDP per capita, agreements signed post-Lisbon, human rights score, mutual trade dependence, and distance). This data retrieved from the European Parliament website that archives records of Plenary sessions ¹³, and the time frame is from 1994¹⁴ to 2022.

Table 3 presents the Poisson regression outcomes. I find that questions on human rights protection are correlated with the number of concerns expressed about domestic market protection, which is statistically significant ($p < .01$). This implies that the Parliament's human rights interest could be an expression of protectionism in disguise, supporting my argument and outcomes. Furthermore, there are significantly more questions asked after the Lisbon Treaty (model 5), which could indicate higher assertiveness of the EP given the newly granted powers after 2009. I also find a negative statistical relationship between institutional trust in the Commission and the number of human rights-related questions ($p < .05$), also alluding to political intentions behind this expression of human rights concerns. A lower trust in the Commission is associated with the EP being more expressive on human rights issues. In Figure 5, it is visible that the average number of parliamentary questions on human rights concerns per year (bar) has negatively correlated with the institutional trust in the Commission by year (dot). The relationship is almost the inverse around 2010 when public trust in the Commission was at its lowest due to the consecutive crises in the EU. This may show that the EP sees the lack of trust and political legitimacy of the Commission as an opportunity to advance its human rights interests within the EU.

Robustness Checks

For robustness, I find consistent results when testing with different variables that measure threats to domestic markets, such as agricultural import (%) from GDP. Other measures for human rights such as V-Dem Civil Torture Index (v2cltort) also showed similar results (e.g. see Table 8). Lagging variables including the level of trust in the Commission, manufacture export (%), and Fariss human rights scores by one year did not affect my result by much (Table 7).

One may point out that the variation in the EP's power and interests simply reflects public interests. Yet, public interest in human rights promotion abroad has remained fairly constant over the years, according to Eurobarometer surveys. In a survey¹⁵ conducted in 2021, 59 % of Europeans responded that the protection of human rights is a priority value that the

¹³<https://www.europarl.europa.eu/plenary/en/parliamentary-questions.html?tabType=wq>

¹⁴The official record begins from 1994.

¹⁵Eurobarometer 95, <https://europa.eu/eurobarometer/surveys/detail/2532>

Table 3: Poisson regression models on Parliamentary questions to the Commission

	(1)	(2)	(3)	(4)	(5)
	Number of HR Questions				
Protection Questions	0.11*** (0.01)	0.15*** (0.01)	0.15*** (0.01)	0.15*** (0.01)	0.13*** (0.01)
Human Rights Score		-0.64*** (0.04)	-0.64*** (0.04)	-0.65*** (0.04)	-0.55*** (0.07)
Trust in Commission			-0.06*** (0.01)	-0.06*** (0.01)	-0.04*** (0.01)
Post Lisbon				0.16 (0.1)	0.22** (0.1)
GDP(logged)					0.31*** (0.04)
GDPpcap(logged)					-0.00*** (0.00)
Export Dependence					-1.38*** (0.04)
Distance					-0.00*** (0.00)
Constant	0.68*** (0.04)	0.70*** (0.05)	3.34*** (0.33)	3.22*** (0.34)	-3.28** (1.43)
N	305	272	272	272	259
R ²	0.061	0.255	0.286	0.287	0.361

Notes: Standard errors in parentheses; *, **, and *** indicate significance at the 10, 5, 1% levels.

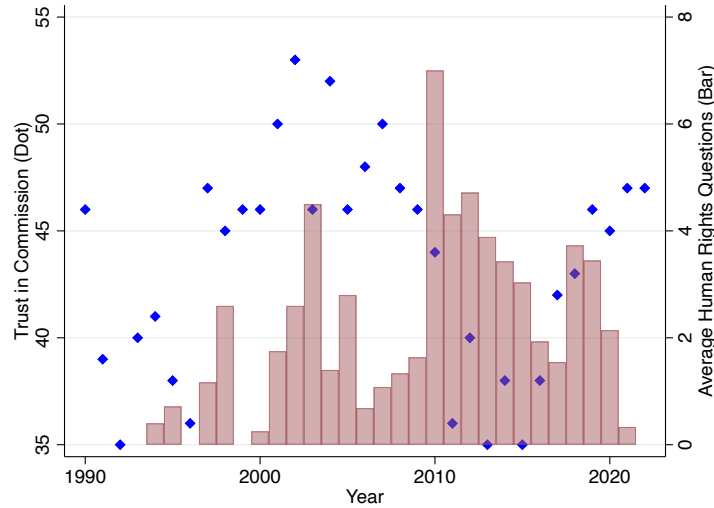


Figure 5: Average Parliamentary questions on human rights and trust in the Commission by year

European Parliament should defend. In the Eurobarometer survey (70.1) conducted in 2008¹⁶, this number was 57% which is not very much different from over a decade ago. Hence the variation in public interests play a minor role in explaining the inconsistency of human rights-trade nexus.

7. Conclusion

This paper examines how human rights are linked to trade through institutional preference and power shifts of EU institutions. I find that as the Parliament’s preference and power increases, the EU is less likely to conclude trade agreements with countries that have weak human rights records, and more likely to include stringent human rights clauses if the agreements are to be signed. I show that lower public trust in the Commission and higher threats of trading partners on European domestic markets aligned with stronger legislative power are the main explanations of this outcome. These factors all jointly provide evidence that human rights issues in trade can be associated with disguised protectionism and that the EU may be hiding behind its true intention under the name of "human rights", a norm that is hard to argue against. Likewise, this research has further implications on the institutional determinants of trade policies and linkage politics, showing that the EU’s normative goals of issue linkage have not-so-normative intentions, and that the EU is not a monolith party on this matter. Further,

¹⁶For detailed data: <https://www.gesis.org/en/eurobarometer-data-service/survey-series/standard-special-eb/study-overview/eurobarometer-701-za-4819-oct-nov-2008>

this paper corroborates studies in international political economy linking economic policies and institutional trust, and how this shifts legislative bargaining. This paper can also speak to EU politicization literature that touches on the institutional legitimacy of the EU and EP empowerment.

While this article focuses on the European Union, primarily because it is the only entity that attaches human rights norms in trade agreements, this narrative can be applied to other types of issue linkages in different contexts. There are multiple forms of issue linkage and conditionalities that are under criticism as disguised protectionism, such as environmental issues and labor rights in trade. This form of legislative bargaining and issue linkage outcomes can hold under these scope conditions: First, democratic political systems in which the legislative and the executive branches compete over policy space and power. Second, a variation in the level of public trust in political institutions over time. Third, issue linkages are normative but also contain the potential risk of being used as a protectionist tool.

One of the limitations of this research is that because some conditions are informally attached during the bargaining process, substantive components and details of human rights provisions may not be adequately captured in the study's model. The EU could impose a relatively long list of human rights conditionalities (yet less stringent), and ones that are so controversial as to undermine domestic affairs. The death penalty, for example, is not illegal under customary international law and domestic public opinions tend to be greatly divided on this matter, but the EU continues to urge its trading partners to abolish the act (Jung and Koo, 2018). Further research could investigate the length and tone of the text in the agreement and negotiation dialogues through text analyses. Also, while this study is not about the effectiveness of human rights conditions in trade, it raises questions for further research on the compliance and acceptance of norms on the trading partners' side.

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Appendix

Table 4: Human Rights Questions as Independent Variable

	(1)	(2)	(3)	(4)	(5)
	Strength of Conditions				
HR Questions	0.02*	0.02**	0.02**	0.02**	0.01
	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)
Resource		-0.10	-0.15**	-0.17**	-0.17**
		(0.06)	(0.06)	(0.07)	(0.08)
Post-Lisbon			-0.43	-0.58*	-0.61*
			(0.27)	(0.34)	(0.36)
Agreement Type			-0.95***	-0.74**	-1.03**
			(0.34)	(0.37)	(0.41)
Distance			-0.00	-0.00	-0.00
			(0.00)	(0.00)	(0.00)
Human Rights Score			0.01	0.02	0.05
			(0.08)	(0.08)	(0.09)
Trust in Commission				-0.02	-0.03
				(0.03)	(0.03)
GSP				0.13	
				(0.26)	
Partner Dependence					0.08
					(0.09)
Export Share					0.12
					(0.23)
Constant	3.56***	3.62***	6.05***	6.44***	8.99***
	(0.13)	(0.13)	(0.69)	(1.28)	(2.08)
N	102	102	92	91	86
R ²	0.034	0.058	0.229	0.242	0.249
Adjusted R ²	0.024	0.039	0.175	0.168	0.160

Notes: Standard errors in parentheses; *, **, and *** indicate significance at the 10, 5, 1% levels.

Table 5: Descriptive Statistics

Variable	N	mean	sd	min	max
Human rights score	4907	0.43	1.54	-3.39	5.16
Manufacture export(% of GDP)	4091	38.09	30.14	0	99.15
Agreements in place	7149	0.24	0.42	0	1
Signed after Lisbon	7149	0.07	0.25	0	1
Trust in the Commission (%)	7149	43.42	5.04	35	53
Agreement type	2051	1.93	0.47	1	3
GDP(logged)	5760	23.31	2.38	15.99	30.87
GDP per capita(logged)	5760	8.07	1.56	3.13	12.12
Partner Dependence(on EU,logged)	5358	-17.25	1.45	-26.11	-11.59
EU resource dependence (%)	6528	0.73	2.63	0	36.65
Distance from Brussels(km)	7147	7243.02	4013.66	320.77	18722.67
Export share (%)	5808	0.2	0.65	0	8.15

Table 6: OLS estimate of condition stringency

	(1)	(2)	(3)	(4)
	Condition Stringency			
Post-Lisbon	0.48 (0.37)	1.03*** (0.30)	0.64 (0.43)	0.89 (1.04)
Commission Trust	-0.02*** (0.01)	-0.03** (0.01)	-0.03** (0.01)	-0.03*** (0.01)
Manufacture Export	0.00 (0.01)	0.00 (0.01)	-0.00 (0.01)	0.00 (0.01)
Human Rights		-0.07 (0.21)	-0.11 (0.21)	-0.07 (0.22)
Human Rights X Manufacture			0.01 (0.01)	
Human Rights X Trust				0.00 (0.03)
GDP(logged)		0.02 (0.14)	0.00 (0.14)	0.02 (0.14)
GDP per capita(logged)		-0.06 (0.17)	-0.02 (0.17)	-0.06 (0.17)
Partner Dependence		-0.03 (0.12)	-0.02 (0.11)	-0.03 (0.12)
Resource Dependence		0.05 (0.05)	0.04 (0.05)	0.05 (0.05)
Distance		-0.00* (0.00)	-0.00* (0.00)	-0.00* (0.00)
Export Share		-0.91 (0.60)	-0.85 (0.61)	-0.91 (0.60)
Ageement Type		0.31 (0.59)	0.36 (0.57)	0.31 (0.59)
N	1563	1059	1059	1059
PseudoR ²	0.026	0.165	0.175	0.165

Notes: Standard errors (clustered by country) in parentheses; *, **, and *** indicate significance at the 10, 5, 1% levels.

Table 7: Heckman selection model for condition strength, variables lagged 1 year

	(1)	(2)	(3)	(4)	(5)	(6)
			Second stage DV:	Condition strength		
Post Lisbon	0.20 (0.43)	0.92*** (0.35)	-0.66 (0.58)	0.28 (0.47)	1.60 (1.09)	1.22 (1.09)
Commission Trust	-0.03 (0.02)	-0.04** (0.02)	-0.04 (0.03)	-0.04** (0.02)	-0.02 (0.02)	-0.04*** (0.01)
Manufacture Export	-0.00 (0.01)	0.00 (0.01)	-0.01 (0.01)	-0.00 (0.01)	-0.00 (0.01)	0.00 (0.01)
Post-Lisbon X Manufacture			0.02 (0.01)	0.02* (0.01)		
Post-Lisbon X Trust					-0.03 (0.03)	-0.01 (0.03)
GDP(logged)		0.12 (0.12)		0.11 (0.12)		0.12 (0.12)
Partner Dependence		-0.05 (0.13)		-0.06 (0.12)		-0.05 (0.13)
Resource Dependence		0.04 (0.05)		0.03 (0.06)		0.04 (0.05)
Distance		-0.00*** (0.00)		-0.00** (0.00)		-0.00*** (0.00)
Export Share		-1.19** (0.55)		-1.09** (0.54)		-1.19** (0.55)
Agreement Type		0.29 (0.62)		0.38 (0.60)		0.29 (0.62)
			First stage DV:	Agreement in place		
Post-Lisbon	0.63*** (0.17)	0.65*** (0.18)	0.57*** (0.17)	0.64*** (0.17)	0.63*** (0.17)	0.65*** (0.17)
Manufacture export(%)	0.00 (0.00)	0.00 (0.00)	0.00 (0.00)	0.00 (0.00)	0.00 (0.00)	0.00 (0.00)
Trust in Commission(%)	-0.03*** (0.01)	-0.04*** (0.01)	-0.04*** (0.01)	-0.04*** (0.01)	-0.03*** (0.01)	-0.04*** (0.01)
Human rights score	0.06 (0.08)	0.02 (0.08)	0.06 (0.08)	0.03 (0.08)	0.06 (0.08)	0.02 (0.08)
Partner dependence	0.04 (0.07)	0.04 (0.07)	0.06 (0.07)	0.04 (0.07)	0.05 (0.07)	0.04 (0.07)
Distance	-0.00*** (0.00)	-0.00*** (0.00)	-0.00*** (0.00)	-0.00*** (0.00)	-0.00*** (0.00)	-0.00*** (0.00)
GDP (logged)	0.06 (0.06)	0.05 (0.05)	0.05 (0.06)	0.05 (0.05)	0.05 (0.06)	0.05 (0.05)
GDP per capita(logged)	0.31*** (0.09)	0.30*** (0.09)	0.30*** (0.09)	0.29*** (0.09)	0.31*** (0.09)	0.30*** (0.09)
Export share	-0.20 (0.17)	-0.20 (0.15)	-0.19 (0.17)	-0.20 (0.15)	-0.19 (0.17)	-0.20 (0.15)
N	3309	3165	3183	3165	3257	3165
(select n)	(1072)	(1000)	(1015)	(1000)	(1092)	(1000)
athrho	0.37 (0.46)	0.79*** (0.30)	0.38 (0.50)	0.80*** (0.30)	0.37 (0.49)	0.79** (0.31)
Insigma	0.50*** (0.12)	0.51*** (0.15)	0.49*** (0.14)	0.50*** (0.15)	0.50*** (0.13)	0.51*** (0.15)
WaldX ² (P > X ²)	4.30 (0.23)	37.52*** (0.00)	7.84* (0.1)	43.30*** (0.00)	4.88 (0.30)	40.57*** (0.00)

Notes: Coefficients are log odds; Robust standard errors in parentheses; *, **, and *** indicate significance at the 10, 5, 1% levels.

Table 8: Probit estimate of treaty conclusion Pre/Post Lisbon, using different measures of human rights and threats to domestic markets

	(1)	(2)	(3)	(4)	(5)	(6)
	Pre-Lisbon	Pre-Lisbon	Pre-Lisbon	Post-Lisbon	Post-Lisbon	Post-Lisbon
Commission Trust	1.04*** (0.01)	1.04*** (0.01)	1.06*** (0.01)	1.05*** (0.01)	1.06*** (0.01)	1.05*** (0.01)
Agriculture Export	1.00 (0.00)	1.00 (0.00)	1.00* (0.00)	1.00 (0.00)	1.00* (0.00)	1.00** (0.00)
Vdem	1.21** (0.10)	1.27** (0.14)	3.70*** (1.02)	1.17** (0.08)	1.10 (0.10)	0.75 (0.22)
Vdem X Trust		0.98** (0.01)			1.01** (0.01)	
Vdem X Agriculture GDP(logged)			1 (0.00)			1.01*** (0.00)
		1.31*** (0.10)	1.32*** (0.11)		1.02 (0.08)	0.98 (0.07)
GDP per capita(logged)		1.10 (0.10)	1.08 (0.11)		0.85* (0.08)	0.87* (0.07)
Partner Dependence		1.14 (0.11)	1.14 (0.12)		1.27*** (0.10)	1.23*** (0.09)
Resource Dependence		0.99 (0.03)	1.01 (0.03)		0.98 (0.06)	0.97 (0.06)
Distance		1.00*** (0.00)	1.00*** (0.00)		1.00** (0.00)	1.00** (0.00)
Export Share		1.01 (0.12)	0.90** (0.11)		0.28** (0.20)	0.41** (0.24)
N	2687	2495	2495	1932	1820	1820
PseudoR ²	0.059	0.307	0.309	0.046	0.144	0.132

Notes: Coefficients are log odds; Robust standard errors in parentheses; *, **, and *** indicate significance at the 10, 5, 1% levels.