

# Professional Networks, Institutional Design and Global Governance. The FTAA and the Foreign Trade Professionals in the Americas

Jacint Jordana <sup>a</sup> and David Levi-Faur <sup>b</sup>

<sup>a</sup> Universitat Pompeu Fabra and Institut Barcelona d'Estudis Internacionals.

<sup>b</sup> School of Political Sciences - University of Haifa.

## Summary

*This article asserts that international communities of professionals matter generally, and matter in international trade reforms in particular. We explore the effects of the rising professionalization and the associated extension of scientific knowledge on liberal trade regimes. First, we observe how stakeholders are becoming increasingly important and try to affect trade liberalization strategies based on the mutual exchange of knowledge. Second, we observe the growth of professional networks of public officials, bringing together the worlds of regulators and trade negotiators, at both domestic and international levels. Third, we point to the absence of credible and effective institutional designs in trade policy and to the difficulties in developing best practices on the basis of other sectors. We focus on recent developments in the American hemisphere to discuss such transformations and specifically on the case of the unsuccessful negotiations regarding the Free Trade Area of the Americas (FTAA) between 1995 and 2004. From this case, we identify some particularities concerning the trade policy community, suggesting that foreign trade policy is not about regulating a market, but about interconnecting distant markets, which has its own type of policy-making problems.*

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## I. INTRODUCTION

Issues of international trade liberalization are often conceived of as the domain of politics, politicians, power and distributional conflicts. Scholars are quick, and most probably right, to identify a wide range of political obstacles to the further liberalization of international trade (Bauer, Pool and Dexter [1963]; Milner [1988]; Rogowski [1989]; Grossman and Helpman [1995]). More recently scholars have extended the agenda of trade politics to the study of how ideas, informal rules and negotiation procedures have influenced trade outcomes (Goldstein [1994]; Crump and Zartman [2003]). This is a welcome extension of the research agenda, and this paper goes further in the same spirit to shed light on issues of international trade from yet another new angle. We observe that international trade policy processes increasingly involve reform, harmonization and adjustment of domestic and international regulatory frameworks (Vogel, D. [1996]; Hocking [2003]). Trade liberalization has become a much more complex process than the simplistic notion of "market openings" suggests. Thus, Woll and Artigas [2005] have recently suggested that this shift amounts to an important transformation of the nature of international trade agreements. Instead of simply trying to exert pressure on governmental delegations or aiming to directly form part of the negotiation team, private and public actors form "working relationships based on learning and information exchanges" at different levels, shaping broad regulatory regimes rather than promoting narrow and immediate interests (*Ibid.* pp. 20-21). We assert similarly that international trade agreements are increasingly intertwined with regulatory institutions and international specialized agencies. Networks of public officials in these areas are emerging, operating at both national and international levels and contributing to the diffusion of domestic reforms. At the same time, we observe that the trade community is increasingly facing the demands and prospects of professionalization, as are other public officials who are dealing with complex technical issues (Bayne and Woolcock [2003]).

It may well be the case that the trade community lags behind other policy communities, where there are clearer indications of the growth in the importance of professionals and professions. It may also be that the agencies that allow professionals a protected and often privileged position in the process of national policy making are much weaker in this sphere. If this is the case, there is a significant difference in this area that needs to be clarified. Indeed, in recent decades, a process of agencification in managerial (Pollitt and Talbot [2004]) as well as regulatory (Levi-Faur [2003]; Jordana and Levi-Faur [2005]) arenas has radically changed the relations between political executives and civil servants in many countries and sectors (Levi-Faur and Gilad [2004]). We also observe a remarkable expansion in the scope of the autonomy that is delegated to institutions guided by unelected public servants and in the number of these acts (Jordana and Levi-Faur [2004]). The agencification of state organs and the professionalization of global policy making are processes that go hand in hand. Professionals are increasingly demanding autonomy in the name of the scientific knowledge they may use to provide public goods and prevent market failures (Dezalay and Garth [2002]). To grant authority and expertise to professional public officials and to match their demands, states create more and more autonomous institutions in regulatory and managerial (service-provision) arenas. These institutions allow more professional, knowledge-embedded policy making and therefore represent, at least in technocratic terms, an advance in governance capacities.

We suggest that solutions to global problems, problems of international trade included, often are closely related to the emergence and consolidation of knowledge actors

and to institutions that protect and leverage their position in the policy process. The extent to which knowledge actors act in a cohesive and purposeful manner affects the course of global and national policy making. The creation of the World Trade Organization (WTO) in 1995 represents the most important step for trade policy since the Second World War, institutionalizing more formally previous networks of trade negotiators and international trade rounds covered under the General Agreement on Tariffs and Trade (GATT). As a highly institutionalized organization, it contributes to framing and defining global trade problems, and advances the role of professionals in trade reforms. This is so obvious that we often fail to appreciate the effects of professionals on international trade negotiations. Indeed, when problems are poorly defined and solutions are slow to emerge, the reason might be found in the limits and weaknesses of the professional community.

What we want to assert here is that international communities of professionals matter generally, and matter in international trade reforms in particular. If this is indeed the case, and we show in this paper that it is, we should continue to explore the effects of the rising professionalization and the associated extension of scientific knowledge on liberal trade regimes. There are different issues related to such an interpretation, in which we frame the hypothesis that we would like to discuss in this paper. First, we observe how stakeholders are becoming increasingly important and try to affect trade liberalization strategies according to a more general pattern of interactions, based not on pressure groups and narrow interests but on the mutual exchange of knowledge and on the creation of a general framework for international trade (McGuire [2003]). Second, we observe the growth of professional networks of public officials, bringing together the worlds of regulators and trade negotiators, at both domestic and international levels (Hocking [2003]; Woll and Artigas [2005]). The differences in the structure of these networks, from a sectoral point of view, may affect the propensity to reach trade agreements (Tussie [2003]). Third, we point to the relative absence of credible and effective institutional designs in trade policy at national and regional levels and to the difficulties in developing best practices on the basis of other sectors (Jordana and Ramió [2003]).

This article focuses on recent developments in the American hemisphere to discuss such transformations and specifically on the case of the unsuccessful negotiations to achieve the Free Trade Area of the Americas (FTAA) between 1995 and 2005. This is a case of a sophisticated multilateral trade negotiation in which we find most of the issues related to professionalization and the quest for institutional autonomy in foreign trade policy making. From this case, we identify some particularities of the trade policy community and conclude that emulation and cross-influences from other policy sectors do not bring successful models for operating trade policy. Possible reasons for this are the multiple differences between this area and others in which "wise" market regulation is now the dominant orientation. In fact, foreign trade policy is not about regulating a market, but about interconnecting distant markets, which has its own type of policy-making problems. We certainly see some professionalization (and we can expect more in the future), as well as the growing importance of scientific knowledge, but it seems that the field has not yet developed a genuine collection of institutional best practices, nor can we observe mature institutions that increase the coordination of professionals and public officials at the national level for trade purposes and related issues.

The discussion in this paper is structured in four parts. We start with a general discussion of the diffusion of regulatory capitalism, and proceed to discuss global networks, the role of agents of knowledge and epistemic communities, and the "institutional nodes"

that revitalize them and institutionalize their claim to a legitimate and influential role in national and global policy making. The second part concentrates on how these views can be used to make sense of foreign trade policy making, at both global and domestic levels. The third part deals with the Americas' foreign trade policy, and in particular the experience of the FTAA between 1995 and 2005. It examines the process-using insights and analytical tools that were developed and identified in the previous parts, and identifies some more concrete problems. The concluding part examines the implications of our tentative findings, raises particular research problems and assesses various strategies for dealing with them.

## *II. GLOBAL NETWORKS AND INSTITUTIONS OF KNOWLEDGE ACTORS*

Our point of departure is the proliferation of global networks of government officials during recent decades in multiple policy issues, such as pharmaceutical, finance, telecommunications, food safety and environmental regulation (Braithwaite [2000]). We suggest viewing these networks as a constitutive element (as well as a manifestation) of the way global governance is organized. In this we follow Anne-Marie Slaughter's observation that, in their networking, government officials are no different from terrorists, arm dealers, money launderers, drug dealers and traffickers in women and children. These officials work together to promote trade rules, stabilize the world financial system, freeze terrorists' assets, share information on criminals, devise ways to combat infectious diseases and react to the problem of global warming. Regulators and other public officials with a professional profile -from central bankers to utilities commissioners- are becoming the new diplomats. Embassies around the world have become regular hosts to meetings of regulators. These new global networks span a wide range, from informal bilateral and multilateral networks to more institutionalized trans-governmental regulatory organizations such as the Basel Committee. Even "parochial and domestic centered" officials, such as judges and legislators, are increasingly looking and moving across borders. These officials also operate increasingly through global networks, which are a key feature of our new world order (Slaughter [2004] p. 1). Taken together, they provide the skeleton or infrastructure of global governance.

Networks of government officials expand the regulatory reach of governments, allowing them to keep up with corporations, non-governmental organizations and even criminal organizations. These networks build trust across national boundaries, establish relationship and thus facilitate long-term cooperation. They exchange regulatory information and develop best practices, offer technical assistance and professional socialization to members from less-developed countries (Slaughter [2004] pp. 3-4) and increase the capacity of less-developed countries to comply with common rules. Slaughter distinguishes three contexts in which these networks develop. First are those networks of executive officials that develop within established international organizations. Second are networks of officials that develop under the umbrella of agreements negotiated by heads of state. And third are the networks of national regulators that develop globally outside formal frameworks (Slaughter [2004] p. 45). For this last case, we wonder about the basis for the "shared understanding" of these officials. This issue is beyond the scope of Slaughter's discussion and, in order to deal with it, it might be useful to turn to the literature on "policy learning", "policy transfer" and the creation of "epistemic communities" (Dolowitz and Marsh [1996]; Haas [1992 and 1997]).

According to Haas, epistemic communities are networks of knowledge-based communities, which may include government officials, with an authoritative claim to policy-relevant knowledge within their area of expertise. Their members share knowledge

about the causation of social or physical phenomena in an area in which they have reputation for competence, and a common set of normative beliefs about the actions that will promote human welfare in that area (Haas [1997] p. 201). In particular, an epistemic community is a group of professionals, eventually from a number of different disciplines, who have repeated interactions which generate effects beyond the basic purpose of their interactions (such as, for example, policy settlements, conflict resolution, or rule definition). They share the following four characteristics:

- Shared ultimate values or principled beliefs. Such beliefs provide a value-based rationale for social action of community members.
- Shared causal beliefs or professional judgement. Such beliefs provide analytical reasons and explanations of behavior, offering causal explanations for the multiple linkages between possible policy actions and desired outcomes.
- Common notions of validity: inter-subjective, internally defined criteria for validating knowledge.
- A common policy enterprise: a set of practices associated with a central set of problems which have to be tackled, presumably out of a conviction that human welfare will be enhanced as a consequence (Haas [1997] p. 201).

To Haas's list we could add other factors that may help to create and sustain such epistemic communities, such as similar educational background, the experience of analogous problems at national levels, or connections to other similar business and academic networks.

It may be useful to identify how these professional networks work by employing another distinction offered by Slaughter. She distinguishes between information, harmonization and enforcement networks. Information networks are created and sustained by the valuable exchange of ideas, techniques, experiences, and problems. Harmonization networks provide the infrastructure for complicated technical negotiations aimed at harmonizing one nation's laws and regulations with another's. Enforcement networks aim to enforce specific regulations against specific subjects.

Repeated interactions contribute to forming and stabilizing these professional communities, because they allow individuals the time to develop norms for stabilizing schemes of personal cooperation and for identifying policy conventions for the whole community. In this sense, it is expected that formal events such as international conferences, governmental meetings and negotiations that exhibit a repetitive pattern will be ideal venues for these repeated interactions. Also, professional associations contribute to disseminating innovative ideas and to sustaining regular contacts among their members on a continuing basis (Balla [2001]). As outcomes of the formation of professional communities, we can count on incentives for better individual careers, superior diffusion rates of policy innovations, and improved conceptual debates on policy developments.

We may also suggest that, at the domestic level, "epistemic communities" reshape policy preferences in a similar way to corresponding "epistemic communities" in other national states. Thus, these parallel processes contribute to the cohesion of global epistemic communities, and enhance the cooperative predisposition of many different countries. They also make more probable the conclusion of agreements and cooperative moves between states, especially in policy areas where epistemic communities have strongly developed and molded national decision-making processes (Haas [1992]). Networks of professionals, experts and public officials, having an international dimension, constitute mechanisms of control and governance beyond the nation-state (Slaughter [2004]). These networks create specialized mechanisms at multiple levels -from traditional two-country cooperation systems to new

global governance procedures- that might also include regional and hemispheric dimensions. Operatively, we should ask how each specific sector or policy area is constructing and managing its governance mechanisms, which are the specific venues for repetitive contacts, and also examine the degree of sophistication and entrenchment attained in each case.

There is, however, an institutional aspect which is -as noted before- critical to the ability of professionals to affect the policy process. One should be aware in this context of the increasing disaggregation of the state. The growing need for different domestic government institutions and actors to engage in activities beyond their borders and to go global leads to the disaggregation of hierarchical, centralized forms of state in favor of "horizontal" and network forms of decision making. This implies a conceptual shift in the way we should think about the state and about the international system: "Stop imagining the international system as a system of states - unitary entities (...) start thinking about a world of governments, with all the different institutions that perform the basic functions of governments (...) interacting both with each other domestically and also with their foreign and supranational counterparts" (Slaughter [2004] p. 5). Indeed, this is the conceptual shift that lies at the heart of Slaughter's book. These interactions occur through various channels that disaggregate the state to ever-decreasing sub-units of decision making.

Whereas some scholars have mistaken the disaggregation of the state for its decline and retreat (Strange [1996]), we suggest that information and regulatory networks replace hierarchical controls and in this way help to reassert the role of the state. New institutional forms may be emerging from the state apparatus to promote different ways to foster regulatory network dynamics, also aiming to shape national preferences in this horizontal process of policy coordination. Government intervention is assuming a new role and shape but it is moving more towards better regulation than deregulation (Gunningham and Grabosky [1999]).

### *III. FOREIGN TRADE PROFESSIONALS AND GLOBAL GOVERNANCE*

Foreign trade negotiators are usually government officials who have clear-cut professional profiles and distinct technical abilities, often with different provenances from the public realm. Their skills are a mixture of different specialities (trade policy, applied economics, commercial and international law, bargaining techniques, etc.) that had no clear academic profile until very recently. However, we can observe how during recent decades foreign trade personnel have emerged worldwide as a clear-cut professional community, beneath the trade liberalization trend that has gathered force since the 1980s. In addition, the institutionalization of the WTO in the 1990s -after the GATT Uruguay Round- was the most visible signal of such growing professional strength in the formation of the "new global order", which strongly promoted the consolidation of foreign trade networks. The creation of this new international organization, with some significant coercive capacities, can also be understood as a way to institutionalize new spaces of autonomy for the trade negotiators' community during the 1990s at the global level. Thus, we can observe the "recent" consolidation of an "epistemic community" in this policy area. Prior to the Uruguay Round, international trade negotiators formed a much more reduced network of professionals, involving some traditional diplomats (commercial diplomats), trade economists and customs officials, who were concentrated on negotiating core issues of trade policy (tariffs, customs, rules of origin, etc.), and mostly isolated from other policy areas and main political preferences. Since the nineties, the increasing strength of the original network and the creation of the WTO combined with

the massive incorporation in foreign trade negotiations of professionals and specialists with comprehensive knowledge of different regulatory areas and policy sectors (a consequence of the spreading out of trade negotiations to services and many other issues). As a result, a stronger and more complex professional network emerged in the area of foreign trade at the global level, involving experts from different backgrounds, and with linkages to a number of governmental sectors. This expansion has been also stimulated by the enormous escalation in bilateral and regional trade negotiations since the nineties, promoting active and constant mobilization of professionals and experts from many national governments in foreign trade policy-making networks. The development of interest groups and civil society organizations at the domestic level aiming to exert influence on foreign trade negotiations, and the learning processes raising the governments' professional capabilities and coordination procedures, came out often as consequences of the above mentioned tendencies.<sup>1</sup>

Some specific tasks of foreign-trade policy professionals are of a very particular nature - making a difference to most sectors. For example, a basic task of foreign trade negotiators is to consider the consequences of changes to foreign trade barriers (both tariff and non-tariff) for multiple policy areas, in order to produce a particular trade policy preference for their national representation. This means making hard choices in defining policy priorities, identifying policy trade-offs in negotiations, discarding rent-seeking behavior and preserving legitimate interests. It also means connecting, integrating and training other professionals into the negotiating processes, such as for example sector regulators (in services, finance, competition, etc.). When a professional foreign trade community with strong international links exists in a country, we could expect an accentuated orientation towards international cooperation. As a cooperative mood is essential for foreign trade negotiations, this will be a positive feature inclining a country to actively participate in multilateral and bilateral trade agreements. However, we should consider also that this "epistemic community" at the national level aspires to be influential in internal decision-making processes, having strong links with other professional communities at the domestic level (regulators, for example).

To the extent that they exist in issue areas such as international trade, epistemic communities can be a force for change and authoritative sources of policy making. Considering the three dimensions identified by Slaughter, we find first a number of well-established international organizations, especially the World Trade Organization, where very active networks of trade professionals and officials create, diffuse and reinforce core values, as well as defining new policy avenues at the global level. Second, we observe that the many bilateral and multilateral trade agreements create multiple spaces for interaction among trade professionals and government officials from different countries. As for the third dimension, we also observe the growing links between international networks of regulators and trade professionals at national, regional and international levels, dealing with the inter-connectability of regulatory regimes. All these networks are relevant for trade negotiations and all reveal the important role of professionals in trade negotiations. While the first was one initiated many decades ago, the other two are relatively newer, and their interactions make the current foreign trade policy communities substantially different than they were two decades ago. These networks appear with two basic forms of power dispersion -hierarchical and horizontal- but Slaughter is particularly interested in horizontal networks, where power takes a "soft" form, that is, persuasion. The power of persuasion and information is also relevant for our analysis, as it is most strongly employed by professionals to exert influence over politicians' decisions.

Accordingly, international trade regimes can be thought of as a form of knowledge-induced cooperation. Scholars who stress perceptions, cognitive processes and interpretative approaches to understanding international relations commonly stress the role of ideas and scientific knowledge in shaping the perceptions, beliefs, expectations, and preferences of major actors, according to Peter Haas ([1997] p. 200). Such theories hold that interests are often unknown or incompletely specified, and there is room, perhaps even increasing room, for the application of scientific understanding about trade and its effects on the management and consolidation of international trade policy issues with which decision makers are unfamiliar (*Ibid.*). As a result, we can conceptualize trade bargaining as shared learning where "collective behavior is modified in light of new collective understandings. It may be manifest either through more sophisticated policies for the management of a discrete issue, or through the appreciation of linkages between issues which come to be managed in tandem" (Haas [1997] pp. 194-195). Trade theory on countries' competitive advantages and the wide consensus on the benefits of international trade liberalization, not only among economists, was the almost natural basis for a shared understanding that facilitated the creation of such knowledge, and promoted global epistemic communities in this policy area. However, nowadays international trade is based not only on free market competition but also on making markets compatible. When national public policy -often regulatory policy- is very active and domestic markets are not fully competitive, facilitating complete access to markets becomes a key issue (Yoffie [1993]). Here new values on the role of regulatory policy for sustaining and connecting markets should emerge at the global level, and both trade negotiators and regulators should agree on how to deal with the policy dilemmas deriving from such changes in their professional networks - and together should persuade politicians to accept their initiatives.

Why would politicians delegate authority -formally or informally- to trade professionals, accepting their preferences? The answer from the epistemic community/policy learning perspective, as formulated by Haas, is that leaders and politicians are typically poorly informed about complex issues such as the implications of trade negotiations. Under such circumstances leaders lack adequate information for informed choice, and traditional search procedures and policy-making heuristics are impossible. Information is at a premium, and leaders look for those able to provide authoritative advice to attenuate such uncertainty, and either consult them for policy advice or delegate responsibility to them (Haas [1997] p. 200). Subsequent discussions and policy debates might be then informed and bounded by the advice which leaders receive. International negotiations should then be viewed "as a process for reducing uncertainty" as well as a process of deferring to specialists. Such experts' influence is subject to their ability to avoid widespread internal disagreement, and it persists through their ability to consolidate political power by capturing important bureaucratic positions in national administrations, from which they may persuade other decision makers or usurp control over decision making (Haas [1997] pp. 200-201).

If these suggestions about the dynamics of global governance have any force, regional trade regimes are no longer ad hoc arrangements negotiated by commercial diplomats. Instead, they involve an increasing amount of knowledge, coordination and professional input. This suggests a different conception of the nature of trade negotiations and evidently of the nature of trade regimes themselves. Thus, the institutionalized rules for policy-making and the organizational designs have become highly relevant for the articulation of the multiple preferences and views of the actors involved in such regimes. As asserted by Woll and Artigas [2005], the lobbying approach "does not account for

strategies related to the new dynamics and complex issues negotiated under the WTO", and we may add that it also does not account for any present trade negotiation. One should understand trade liberalization as a process that calls for the harmonization of domestic regulatory regimes in fields as diverse as interconnection rules in telecommunications, through labor standards to food manufacturing and processing regimes. The implications of these observations should be clear by now. Scholars of international trade and policy makers should pay closer attention to the institutional design of international trade regimes and to the importance of professionals in creating, maintaining and monitoring them.

#### *IV. THE MAKING OF A FOREIGN TRADE PROFESSIONALS' NETWORK IN THE AMERICAS: THE CASE OF THE FTAA NEGOTIATIONS*

During the 1980s and 1990s, Latin American countries experienced an important increase in the number of bilateral and multilateral trade agreements at the regional level (see Annex 1), increasingly becoming involved in a complex network-type of trade relationships that has been called the "spaghetti bowl". It is not necessary to recall that trade liberalization was at the center of the Washington Consensus at that time, and most countries adopted such a policy, aiming to open and develop their economies, and to be more oriented towards gaining foreign markets (Lengyel and Ventura-Dias [2004]). Also, new ideas of regional integration increasingly diffused in the region in the 1990s, and international trade assumed a central role there, considering the possibility to gain access to Northern markets (Devlin and Estevadeordal [2001]). All these transformations placed foreign trade issues, and foreign trade negotiators as well, in a highly relevant position within the political debates of most Latin American countries, and contributed to the appearance of new professional profiles related to foreign trade policy making, as has been argued more generally in the previous section.

These transformations stimulated the three contexts identified by Slaughter [2004]. As for the first dimension, it is clear that the creation of the WTO induced a growing involvement of Latin American countries in foreign trade issues, and motivated different governments to have better-trained and well-connected professionals in this area. As to the second dimension, the important number of foreign trade agreements in the region in the last 15 years obviously defines a path of intense negotiations at different levels, bilateral and regional, sector- and country-based, which sustained the emergence of the foreign trade community in Latin America. In this context, the FTAA negotiation process probably represented the most sophisticated and complex attempt to integrate foreign trade issues, contributing significantly to the development of an experienced trade epistemic community within the region. As for the third dimension, similarly to the materialization of informal networks of professionals and public officials in Latin America during the 1990s in many different areas, there was the formation of informal networks of trade professionals, regulators and other public officials. Different initiatives, as for example the Latin American Trade Network (LATN), the Foreign Trade Information System (SICE - *Sistema de Información al Comercio Exterior*) launched by the Organization of American States (OAS), or the Institute for the Integration of Latin America and the Caribbean (INTAL) institute created by the Inter-American Development Bank (IDB), were very active in helping to disseminate information and establishing links among experts and professionals at the regional level.

To grasp how the foreign trade community is being formed in the Americas, we have to understand that it has been enlarged by different groups of professionals besides

governmental officials, which together constitute an international and well-connected system of professional networks, relatively closed to outsiders. Similarly as Teichman [2001] characterizes economic policy networks in Latin America, these communities operate both domestic and internationally, and personal relationships and loyalties are key factors in their recruitment and cohesion, more than formal actors and governmental units. They include officials from multilateral organizations, academic experts and consultants, some interest-group representatives, and also former public officials, in addition to the trade negotiators themselves. In the Latin American case, one should not be surprised to learn that the public officials themselves in many cases had a solid background in different positions related to foreign trade policy. Thus, we might hypothesize that some forms of internal rotation among these groups are very common in the region: both horizontal (different positions within the same country) and vertical (similar positions at different levels - from local to global). Quoting Teichman, we may consider that "in Latin America, individuals may (and often do) constitute a policy network before they obtain formal positions in the state, and networks may even survive after governmental network participants have lost their official positions" ([2001] p. 17). In addition, we should be aware of the fragmentation of trade coalitions and interests at the regional level, based on strong differences and views at the sector level, but well-connected to sector regulators, which are pushing in different directions in respect of the strategies pursued by trade negotiators (Tussie [2003]). Not necessary to say that these processes of collective action may introduce some instability into the formation of stable epistemic communities in trade policy making in Latin American countries.

Drawing on *Facultad Latinoamericana de Ciencias Sociales* (FLACSO) research on the influence of local research on trade policy-making in different Latin American countries, and on the case of Chile in particular, Aninat and Botto [2005] identify the existence of a high degree of rotation of experts and professionals who have access to national governments and have responsibilities at different levels. When their incumbency is over, they go back to the private sector, to universities and research centers, or also to international institutions. Then, political change is conducive to radical changes in professional trade teams within governments, and losses in acquired experience can be dramatic. However, professionals in office tend to be replaced to certain extent by other professionals, which may also form part of the foreign trade community, but have different personal network connections. Differences among countries are often significant. Aninat and Botto ([2005] p. 33-35) point out that the profile of these experts was quite similar in Chile and Argentina (sharing a similar training in economics, with a postgraduate degree in foreign universities, and a background in international organizations). Also, local research outside the government has a certain degree of influence in local policy-making, especially in Chile. However, Aninat and Botto argue that Brazilian professionals are different; they do not share a basic training in economics, and most have postgraduate degrees from domestic universities. Furthermore, in the case of Brazil replacement is less frequent, as bureaucratic structures are much more permanent, and only some consultants are replaced when politicians change; experts outside of the government have little influence.

Within the administrative organization, foreign trade government officials are used to being located very close to the traditional centers of state power (presidency, economic ministry, foreign affairs ministry, industry ministry), because they intended to gain the strongest political protection for their prerogatives in determining foreign trade policy. Unlike specialized sector regulators, they did not seek independence but political protection: trade policy is in essence multi-sector-oriented, often dealing with powerful special interests,

and very sensitive to the nation's political leadership. We clearly observe this pattern in Latin American countries; but, obviously, there are different possible organizational models within the government for structuring the place of foreign trade officials. They range from isolated organizational structures close to the president (own ministries, special units such as the United States Trade Representative) to incorporation in a prominent ministry (economy in the Mexican case, foreign affairs in the Brazilian case). In any case, they look for strong influence over the political agenda, and also enough protection from possible policy pressures to enable them to pursue their professional work. Often countries also have certain peripheral structures, such as civil society commissions concerned with foreign trade debates, or trade promotion departments that may have greater degrees of autonomy in achieving better management (Jordana and Ramió [2003]). These structures may be very important, also in contributing to the social dynamics of the foreign trade community, forging and extending linkages, but they are not usually at the very center of trade policy-making.

We now examine the case of FTAA negotiations in more detail.<sup>2</sup> This case is related to the second Slaughter dimension of forging networks of professionals and public officials, and we consider that it is an extremely relevant case for better understanding the dynamics of trade negotiations as an epistemic community. In so far as the FTAA was a highly intense and time-extended trade negotiation, covering all hemispheric countries, we should have been able to identify clearly the opportunities for, and limitations of, building up professional communities in foreign trade in Latin America, as well as to examine other aspects related to institutional design in this policy area.

The FTAA initiative started formally with the first summit of the Americas convened by the United States (US) and held in Miami in December 1994, with 34 countries participating. The initial proposal came from US Vice-President Al Gore the year before, to some extent as a follow-up to the NAFTA process that was concluding at that time. The US government prepared the launch of the initiative months before the Miami Summit, and, after a range of talks, a consensus document on the general idea of the initiative was ready for the Summit as a statement of intent and plan of action. The central theme of the document was the agreement to initiate a negotiating process aiming to establish a free trade area in the Americas and the Caribbean, and the commitment to concluding it in 2005 or before. The initiative proceeded without delay. At the first trade ministerial meeting, held in Denver six months later in June 1995, the general architecture of the negotiating process began to be established. Thereafter, over a period of more than two years, various working groups at the vice-ministerial level met several times, and ministers met in March 1996 (Cartagena de Indias) and in May 1997 (Belo Horizonte). In spite of a number of divergences about the free trade agreement, a consensual perspective emerged at the end of these preliminary talks. It was agreed to negotiate an ambitious agreement which should include not only conventional tariff and non-tariff issues but also many regulatory issues concerning services, investment, competition, intellectual property and government procurement, among other innovative themes. Most of the procedures for the negotiations were also agreed upon. For example, the whole process was defined as a "single undertaking", in which all 34 countries negotiated as equal partners aiming to reach a final and comprehensive agreement. Also, the structure of the negotiating groups and additional entities for the negotiating process was defined in detail. In addition, a tripartite committee to assist the process was created, involving the OAS, the IDB and the United Nations Economic Commission for Latin America and the Caribbean (ECLAC), providing resources and technical expertise (Wrobel [2004]).

In Santiago de Chile in April 1998, during the Second Summit of the Americas, the plan of action for starting the negotiations for the Free Trade Agreement of the Americas was announced, and the 2005 deadline was maintained. A Trade Negotiations Committee (TNC) composed of vice-ministers of trade was in charge of supervising and promoting the negotiations, and the negotiating groups in different areas and other specialist groups started the difficult work of discussing and approaching positions (the titles of the groups are given in Table 1). In addition to this operating structure for advancing the negotiations, a trade ministerial conference was planned to take place each 18 months for the general guidance of the whole process. During the rest of 1998 the machinery of the negotiation process began to operate. Miami was selected as the first location of the negotiators' meetings (during 1998-2000), and, after the first meeting of the TNC in Buenos Aires in June 1998, the first round of meetings started during the months of September and October in Miami. Over the following two years, some one hundred meetings were convened in Miami involving the different negotiating groups and other entities, and as result of their work, under TNC direction and supervision, a first draft of the FTAA agreement emerged. This draft was discussed at the ministerial level in Buenos Aires and finally revised at the Third Summit of the Americas in Quebec City in April 2001 (a few months later it also was made public, with the aim of enhancing the transparency of the negotiating process).

The FTAA Secretariat moved to Panama City during 2001-2002, and in these years the negotiating groups worked intensely in order to agree on trade concessions and timetables for mutual adjustment, revising all kinds of trade barriers to create a free trade area, and establishing criteria and steps towards regulatory convergence in multiple areas of economic activity. The number of meetings increased during this period, and in addition the average number of days for each meeting also increased substantially. The negotiations proceeded relatively well, and the foreseen steps were undertaken according to the planned schedule. In 2003, as the FTAA secretariat moved to Puebla (Mexico); the negotiating process reached a critical phase. The number of meetings was similar to that of 2002, but their intensity gained momentum as the average number of days increased further. An interactive and complex process of mutual concessions was discussed during the year, and a list of concessions was progressively constructed until August-September, when the last meetings of the negotiating groups took place. Finally, in October 2003 a meeting of the vice-ministers of trade summed up all the negotiating positions reached, and referred obstacles to further negotiations at the trade ministers' meeting that was held in Miami in November. This ministerial meeting released the third draft of the FTAA agreement, which included all the positions reached during the previous twelve months, and discussed most of the political obstacles to advancing the agreement. The ministerial declaration emphasized the positions already reached, called for more flexibility in the architecture of the agreement, and committed the countries to finishing the negotiating process.

However, almost all negotiating activity stopped after this ministerial conference, and no more meetings took place in the following months. In fact, tensions had already emerged a few months before, for many reasons (including political ones and with special difficulties on agriculture issues), and different negotiating groups were already floundering for lack of renewed political impulse. In addition, the media increasingly publicized the problems with FTAA negotiations, including, for example, the existence of strong disagreements within the Brazilian government, or the emergence of growing opposition in US domestic politics. In spite of the ministerial declaration, the effective result of the Miami meeting was a collapse of the FTAA process, and negotiations languished.

The new direction suggested by Brazil and the US, as co-chairs of the meeting, aiming at a very reduced level of commitments in the agreement, made it possible to avoid a declaration that the FTAA process had failed. However, a later meeting of vice-ministers, held in Puebla in February 2004, asserted the difficulties involved in transforming FTAA schemes into a different architecture, and in fact no more formal meetings -whether of vice-ministers or of the negotiating groups- have been held since, but only few co-chair consultations. Perhaps the last significant attempt made was during the 4<sup>th</sup> Summit of the Americas in Mar del Plata (Argentina) in November 2005, when the US pushed for a joint declaration aiming to resume FTAA negotiations, but which was not accepted by several Latin American countries, particularly MERCOSUR members.

During the whole process, which lasted almost nine years from the first trade ministers' meeting in Denver in 1995, teams of national negotiators covered multiple policy areas, and participated in hundreds of meetings dealing with highly specialized topics. In spite of the participation of ministers and vice-ministers at different peak moments, dealing with the political aspects of the process, most of the negotiations were very technical and were structured at multiple levels of discussion, including nine negotiating groups and four special committees. The system of rotating chairs for each negotiating group, as well as the technical support of a special task force assembled by the IDB, the ECLAC and the OAS, played an important role in helping to move the FTAA process forward during those years. However, asymmetries in the size and power of the countries involved in the negotiating process, as well as in previous experiences in negotiating foreign-trade agreements, had an impact on the quality of country teams and their professional capacity to be proactive at the negotiating rounds, in spite of some limited efforts, since 2002, to help the weakest countries.<sup>3</sup> For example, not all the countries were able to participate in all of the negotiating groups during all the meetings; and personnel changes in some country teams also had an impact on their efforts to monitor the negotiations.

The country teams were mostly composed of people trained as economists or lawyers, with experience in very different policy areas and sectors. As a common characteristic, all of them came from the public sector, with careers and experience in various public bodies during most of their careers. In general, there were no persons from private firms and businesses in the negotiating teams (if there were any, they served only as advisers), nor was it normal to find a classical diplomat's profile within the negotiating teams. Because of the wide dimensions and numerous areas of negotiation of the FTAA, most of the negotiators were not in fact professional foreign trade negotiators; they also came from diverse regulatory agencies, industry and agricultural ministries, implementation agencies (customs, trade promotion), etc., with their countries' foreign trade policy officials coordinating and advising them. These "new" negotiators were attending different negotiating groups, in different areas, each requiring specific technical profiles. In addition, they also had to learn how to act in international negotiations, to use a set of procedures and take positions to defend their countries' interests in the negotiation rounds.

For each negotiating round and each specific group, countries sent a team of negotiators of different sizes, but many countries sent groups of five or six people. In sum, each round of the negotiating groups brought together about 100 people. Each group, including advisers, comprised about 250 people, and at no stage more than three commissions were working simultaneously because the technical secretariat lacked the capacity to assist in any greater number. Thus, we easily can calculate that the FTAA mobilized several thousand people in the negotiation process during the six years it endured. The dynamics

of continuous interaction created a critical mass of people who had known one another for long time because they continued to take part in many sessions, increasing the mutual trust among them. This contributed to the creation of an *esprit de corps* among the negotiating teams and also a sense of collective enterprise for the people involved.

The FTAA initiative stimulated important processes of institutional change at the national level for most of the 34 countries involved in the negotiations. Organizational changes were introduced in many countries at different governmental levels in order to stimulate national capacities to cope with such sophisticated negotiations at the hemispheric level, fostering the need to improve their internal coordination procedures. Several countries also established new institutional procedures to make civil society participation more effective and accountable, and many consultative mechanisms covering the industrial and service sectors were introduced. Similarly, regional and sub-regional organizational structures started to mobilize. In general, almost all countries had to assemble more professional teams in their governments, giving them assurances of some level of job stability -not always respected- because of the expectations created by the FTAA negotiations and their need to carefully supervise such developments.

At the hemispheric level, and connected to FTAA negotiations, some discussions took place among countries on the need to create a specific institution to both manage and give impetus to the initial negotiations and to supervise the agreement after its signature. However, larger countries opposed this option, aiming to maintain as minimal possible the organizational structure required to move forward the negotiations (accepting only the Secretariat as a minimal co-ordinating body, without political profile); only smaller countries were in general in favor of a stronger institutionalization. However, in parallel to the FTAA negotiations, it is probable that numerous coordination processes were also actively stimulated and took place in different policy areas at the regional level; and in the shadow of the main trade discussions, multiple technical discussions were undertaken as problems arose, and solutions were found on various issues. This course of action entailed the involvement of more professionals and experts from different countries and areas of knowledge, beyond the formal trade negotiators, and probably contributed to the establishment or reinforcement of new networks with a regional dimension, related not only to foreign trade issues but also to many regulatory policy areas. The long period over which these negotiations took place might have also contributed to the emergence of cooperative attitudes among professionals of diverse origins, and probably facilitated the emergence of new policy initiatives of a bilateral or plurilateral nature.

## V. CONCLUSIONS: FROM COMMERCIAL DIPLOMATIC HIERARCHIES TO TRADE PROFESSIONALS' NETWORKS

Although we argue that professionals and credible institutional designs are increasingly important for foreign trade policy, we do not necessarily maintain that a pattern similar to that in regulatory areas (e.g. in utilities) will evolve for this policy area. In fact, while in recent years we have observed clear moves towards professionalism, there are still few signs of significant moves to setting up independent agencies devoted to articulating foreign trade policy at the domestic level (Jordana and Ramió [2003]; Sáez [2005]). (In this sense, the US Trade Representative probably represents a different institutional design, rooted in the American type of autonomous professional agency.) However, in all such cases the aim is to obtain not more political autonomy, but rather more proximity to the president

or whoever exerts the most influence in the policy-making hierarchy. As Latin American presidents are customarily very strong, the search for institutional adjustments closer to them represents a way to overcome policy obstacles. The reason for this seems to be the need to coordinate and impose the view of foreign trade professionals over other different policy areas to move foreign trade agreements forward towards final approval by top administration executives and legislatures. This is not just a hierarchical issue, but also one of combining authority and coordination, because foreign trade professionals for effective policy making need the inputs and collaboration of very different actors, including independent regulators, the private sector, and government officials with different levels of autonomy.

The intense preparations and subsequent negotiations to advance the Free Trade Agreement of the Americas repeatedly brought together, in multiples places and events, foreign trade officials and experts from almost all countries in the hemisphere. We suggest that the process of community formation occurred in several ways, from institutional incentives and formal negotiations to informal networks. Particularly, the role of FTAA negotiations, as a learning process, drew increasing attention to issues of institutional design and contributed to forge the community of trade professionals and regulators in Latin America. This also encouraged bilateral foreign trade agreements, in so far as they were based on a similar methodology and content, and also stimulated more regional coordination for many policy areas. An improvement in the coordination of different regulatory areas included in FTAA negotiations was probably also a sub-product of these processes. Negotiations also reinforced foreign trade policy capabilities at the domestic level, especially fostering countries' ability to cope with the internal coordination necessary for participating in complex trade agreements, balancing also political and professional spheres. In sum, these externalities or unexpected outcomes underpinned trade professionals' institutionalization and may well prove to be increasingly important and useful in the future to shape foreign trade policy preferences in the region.

Our initial findings on these significant dimensions of foreign-trade negotiation processes in Latin America in recent years suggest that there might be some practical policy gains from the further study of the community of trade professionals and, in a survey of their professional and training background, of their permanency in their posts and their views about the impediments to better professional management of trade negotiations. Our purpose would be to identify the types of side effects that emerge from repeated interactions within the trade community, to discuss the mechanisms behind their emergence and, finally, to produce an assessment of the impacts of such emerging side effects on the development of foreign trade policies in the Americas. As we broach the framework of a research design for an extended empirical study of the foreign-trade professional community in the Americas, taking the FTAA negotiations as a reference, we should bear in mind that the analysis of the FTAA constitutes an excellent observatory to examine the formation of an "epistemic community" of foreign-trade professionals at the regional level in the Americas. We should consider the FTAA initiative as a major policy event, and its externalities as invigorating the formation of a foreign-trade community in the Americas during the last ten years; however, we will not be able to measure its concrete impacts on redefining models of governance in this area at national and regional levels. We should take the FTAA as a case that sheds light on the structure of foreign-trade professional networks, but not as an explanation of their formation. We might expect, in addition, to identify some elements of the foreign-trade patterns of regional governance and their links with domestic policy processes.

International trade negotiations are going to be on the agenda of governments for years to come. A global trade regime that benefits the developing countries, and mutually benefits all parties, requires a long process of negotiations with participatory consultations and constant adaptations to new economic realities, new technologies (biogenetic), new hazards (food-borne diseases) and new social and political demands. This complexity requires us to evaluate the core institutions of the new global and regional trade regimes, and to ensure that the expertise this process of evaluation requires is amply available to all. We may also want to ensure that the professional and social cohesion among the professionals who are responsible for crafting, monitoring and nurturing the trade regime will facilitate trust. All this calls for a rethinking and an investment in trade professionals as an epistemic community.

To some extent our thinking in this paper converges with efforts to enhance trade capacities in developing countries and with the efforts of international organizations such as the IDB, ECLAC, APEC and UNCTAD in this sphere. Indeed, UNCTAD has been providing assistance in the area of trade negotiations since the Tokyo Round of GATT. The Doha work program promoted this agenda even more strongly and thus it may well be that the issues that we raise here makes not only economic but also political sense. Recognition by developing countries of the need to have the institutional and professional capacity to deal with the complex issues involved in trade negotiations is a necessary precondition for the success of trade negotiations. It is important, however, to recognize that our agenda goes well beyond the current efforts of international organizations as we call for an assessment of the conceptual framework, a rethinking of the role of professionals and a redesign of the national institutions for trade negotiations. The fact is that all these aspects of trade negotiations and trade regimes in general are in their very early stages of research. In short, there is much to be done.

## *Notes*

<sup>1</sup> We are grateful to Larry Crump for his suggestions about the historical evolution of trade professionals since the 1950s.

<sup>2</sup> In addition to the written sources, during 2005 we carried out a number of interviews with officials of both governments and international institutions involved in the negotiation process.

<sup>3</sup> For a discussion on the shortcomings of the hemispheric co-operation program, see Bustillo and Ocampo [2003].

Table 1

FTAA NUMBER OF MEETINGS								
Negotiating groups / Other entities	Number of meetings							
	1998	1999	2000	2001	2002	2003	2004	Total
Market Access	1	5	5	5	7	6	0	29
Investment	1	3	5	4	6	6	0	25
Services	1	4	5	4	6	6	0	26
Government Procurement	1	4	5	5	5	5	0	25
Dispute Settlement	1	4	5	4	4	6	0	24
Agriculture	1	4	5	5	7	5	0	27
Intellectual Property Rights	1	3	4	4	5	5	0	22
Subsidies, Anti-Dumping and Countervailing Duties	1	3	5	4	5	4	0	22
Competition Policy	1	4	5	4	4	4	0	22
Consultative Group on Smaller Economies	1	3	4	4	5	5	1	23
Committee on the Participation of Civil Society	1	2	5	6	4	5	1	24
Technical Committee on Institutional Issues	0	0	0	3	5	6	0	14
Committee of Experts on Electronic Commerce	1	4	4	2	3	0	0	14
<i>Total</i>	<i>12</i>	<i>43</i>	<i>57</i>	<i>54</i>	<i>66</i>	<i>63</i>	<i>2</i>	<i>297</i>

Source: <http://www.ftaa-alca.org> (last accessed: 10-9-2005).

Table 2

## TOTAL DAYS OF NEGOTIATING ROUNDS

FTAA Negotiating Groups		Number of Meetings	Number of Days
1	Market Access	29	123
2	Investment	25	79
3	Services	26	104
4	Government Procurement	25	68
5	Dispute Settlement	24	61
6	Agriculture	27	105
7	Intellectual Property Rights	22	57
8	Subsidies, Anti-Dumping and Countervailing Duties	22	64
9	Competition Policy	22	67
Other FTAA Entities			
1	Consultative Group on Smaller Economies	23	53
2	Committee of Government Representatives on the Participation of Civil Society	24	47
3	Technical Committee on Institutional Issues	14	26
4	Joint Government-Private Sector Committee of Experts on Electronic Commerce	14	37

Source: <http://www.ftaa-alca.org> (last accessed: 10-9-2005).

## *Annex 1: Americas Trade Agreements List*

Name/Parties	Date of Signature	Entry into Force
Intra LAC Agreements		
Central American Common Market (CACM)*		1960
Andean Community*		1969
Caribbean Community (CARICOM)*		1973
Southern Cone Common Market (MERCOSUR)		1991
Costa Rica - Mexico		1995
Group of Three (G-3)		1995
Bolivia - Mexico		1995
Chile - MERCOSUR		1996
Bolivia - MERCOSUR		1997
Mexico - Nicaragua		1998
Chile - Peru		1998
Chile - Mexico		1999
Mexico - Northern Triangle of Central America		2000
CARICOM - Dominican Republic		2000
Panama - El Salvador		2002
Central America - Chile		2002
Central America - Dominican Republic		2002
Chile - Costa Rica		2002
LAIA - Latin America Integration Association (ALADI)		1981
Panama - Central America		1970s
MERCOSUR - Andean Community		2003
Mexico - Uruguay		2004
CARICOM - Costa Rica		2005

Name/Parties	Date of Signature	Entry into Force
North-South Agreements and with Outside Parties		
North American Free Trade Agreement (NAFTA)		1994
Canada - Chile		1997
Canada - Israel		1997
Mexico - European Union		2000
Mexico - EFTA		2001
Costa Rica - Canada		2002
Chile - USA		2003
Chile - European Union		2003
Chile - EFTA		2004
Chile - Korea (South Korea)		2003
Mexico - Israel		2000
USA - Singapore	2003	2004
Panama - Taiwan	2003	2004
Mexico - Japan		2004
DR-CAFTA (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, the Dominican Republic, USA)	2004	2005**
USA - Australia	2004	2005
USA - Bahrain	2004	
USA - Morocco	2004	
Panama - Singapore	2005	
Guatemala - Taiwan	2005	
Chile - Brunei - New Zealand - Singapore	2005	
Canada - EFTA	N/A	

Notes: \* Relunched in the 1990s.

\*\*Awaiting Ratification in Costa Rica.

Source: IADB, Trade and Integration.

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