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SUBNATIONAL MOBILIZATION AND POLITICAL COUNTER-MOVEMENT IN EU TRADE POLICY IN BELGIUM, GERMANY AND SPAIN

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I. INTRODUCTION — II. SUBNATIONAL POLITICIZATION AND CONTESTATION OF TRADE AGREEMENTS — III. POLANYI’S DOUBLE MOVEMENT: INTERNATIONAL MARKET LIBERALIZATION AND THE SUBNATIONAL COUNTERMOVEMENT — IV. CROSS-COUNTRY DIFFERENTIATION IN SUBNATIONAL TRADE CONTESTATION — V. CONCLUSION

ABSTRACT: While subnational governments in federal systems are often treated as potentially autonomous policy jurisdictions, central governments have traditionally held exclusive authority over trade policy. Yet the widening scope of trade agreements that encroach on domestic regulatory policies including government procurement, health services, or investor protection has led subnational entities to increasingly demand a say in their negotiation and ratification. Concerns about the impact on their competences, coupled with arguments that specific agreements threaten European norms and values, has unleashed new forms of conflict between national and subnational entities. Drawing on Polanyi’s double movement concept, we show how EU trade policy has fostered a political countermovement where subnational jurisdictions deploy strategies to protect from the effects of trade liberalization and to defend their decentralized authority. We address subnational opposition to CETA and TTIP agreements using three contrasting cases —Belgium, Germany, and Spain— to illustrate diverse opposition patterns to EU trade liberalization —from *ex ante* efforts to shape trade negotiation outcomes to *ex post* opposition exercising veto power. The article argues that allocation of constitutional powers and party politics shape these different oppositional strategies and point to a paradox —EU efforts to speak with “one voice” generate contestation trade-offs at the subnational level in which tensions across multiple levels have evolved around establishing greater social autonomy and control over market processes.

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KEYWORDS: trade, countermovement, Polanyi, Belgium, Germany, Spain, subnational.

MOVILIZACIÓN SUBNACIONAL Y CONTRAMOVIMIENTO POLÍTICO A LA POLÍTICA COMERCIAL DE LA UE EN BÉLGICA, ALEMANIA Y ESPAÑA

RESUMEN: Si bien los gobiernos subnacionales en los sistemas federales suelen ser tratados como jurisdicciones políticas potencialmente autónomas, los gobiernos centrales tradicionalmente han tenido autoridad exclusiva sobre la política comercial. Sin embargo, el alcance cada vez mayor de los acuerdos comerciales que penetran las políticas regulatorias nacionales, incluidas la contratación pública, los servicios de salud o la protección de las inversiones, ha llevado a las entidades subnacionales a exigir cada vez más una voz en su negociación y ratificación. Las preocupaciones sobre el impacto en sus competencias, junto con los argumentos de que algunos acuerdos específicos amenazan las normas y valores europeos, han generado nuevas formas de conflicto entre entidades nacionales y subnacionales. Basándonos en el concepto de doble movimiento de Polanyi, mostramos cómo la política comercial de la UE ha fomentado un contramovimiento político en el que las jurisdicciones subnacionales implementan estrategias para protegerse de los efectos de la liberalización comercial y para defender su autoridad descentralizada. Abordamos la oposición subnacional a los acuerdos CETA y TTIP utilizando tres casos contrastantes —Bélgica, Alemania y España— para ilustrar diversos modelos de oposición a la liberalización comercial de la UE, desde los esfuerzos *ex ante* para influir en los resultados de las negociaciones comerciales hasta la oposición *ex post* ejerciendo el poder de veto. El artículo sostiene que la asignación de poderes constitucionales y la política partidaria en cada país dan forma a estas diferentes estrategias de oposición, y señala una paradoja: los esfuerzos de la UE por hablar con “una sola voz” generan efectos de contestación a nivel subnacional que han creado tensiones en múltiples niveles en torno al establecimiento de una mayor autonomía social y control sobre los procesos de mercado.

PALABRAS CLAVE: comercio, contramovimiento, Polanyi, Bélgica, Alemania, España, subnacional.

MOBILISATION INFRANATIONALE ET CONTREMOUVEMENT POLITIQUE À LA POLITIQUE COMMERCIALE DE LA UE EN BELGIQUE, ALLEMAGNE ET ESPAGNE

RÉSUMÉ: Si les gouvernements infranationaux dans les systèmes fédéraux sont souvent traités comme des juridictions politiques potentiellement autonomes, les gouvernements centraux détiennent traditionnellement une autorité exclusive en matière de politique commerciale. Pourtant, la portée croissante des accords commerciaux qui empiètent sur les politiques de régulation nationales, y compris les marchés publics, les services de santé ou la protection des investisseurs, a conduit les entités infranationales à exiger de plus en plus avoir un mot à dire dans leur négociation et ratification. Des inquiétudes concernant l'impact sur leurs compétences, ainsi que des arguments selon lesquels certains accords menacent les normes et valeurs européennes, ont déclenché de nouvelles formes de conflits entre les entités nationales et infranationales. En nous appuyant sur le concept de double mouvement de Polanyi, nous montrons comment la politique commerciale de l'UE a favorisé un contre-mouvement politique dans lequel les juridictions infranationales déploient des stratégies pour se protéger des effets de la libéralisation des échanges et pour défendre leur autorité décentralisée. Nous abordons l'opposition infranationale aux accords CETA et TTIP en utilisant trois cas dissemblables —la Belgique, l'Allemagne et l'Espagne— pour illustrer divers modèles d'opposition à la libéralisation du commerce de l'UE —dès des efforts *ex ante* pour façonner les résultats des négociations commerciales jusqu'à l'opposition *ex post* exerçant un droit de veto. L'article soutient que l'attribution des pouvoirs constitutionnels et la politique partisane dans chacun de ces pays influencent leurs différentes stratégies d'opposition, et souligne un paradoxe: les efforts de l'UE pour

parler d'une "seule voix" génèrent des effets de contestation au niveau infranational qui ont créé des tensions à plusieurs niveaux autour de l'établissement d'une plus grande autonomie sociale et d'un plus grand contrôle sur les processus du marché.

MOT CLES: commerce, contre-mouvement, Polanyi, Belgique, Allemagne, Espagne, infranational.

I. INTRODUCTION³

While the European Union embraces preferential trade agreements, there has seen a transformation in recent trade politics towards a more contentious and politicized environment. Governments face competing demands, traditionally from different industries and sectors mobilizing to oppose or favor market opening and make efforts to appease conflicting political forces with promises of specific exclusions or accommodations in trade agreements⁴. Yet domestic politics has long played a role in shaping trade politics as well and the European Union has been forced to respond to the increased contestation and demands from subnational governments that have increasingly sought to influence the negotiation and ratification of preferential trade agreements. This is driven by the widening scope of these agreements, that encroach on domestic regulatory policies to include government procurement, health services, or investor protection, which generate concerns in subnational governments that economic liberalization may lead to a weakening of specific social and regulatory standards.

Despite the *de facto* centralization of European trade policy authority, which has exclusive competence over trade policy as constitutions usually provide the federal level the authority to negotiate external agreements, subnational authorities increasingly seek greater negotiation leverage as well as input into the substance of underlying rules. Subnational governments often invoke their constitutional competences on specific issues, especially those obligations that impact their own values and norms, which has unleashed new forms of conflict between national and subnational entities across specific trade agreements.

³ We wish to thank the anonymous reviewers' suggestions to strengthen our view that CETA and TTIP reflected distinctive situations regarding contestation of EU trade policy, and to complement our arguments on subnational parliamentary differences towards these agreements with the cross-national variation in the level and role of civil society mobilization.

⁴ EGAN, M. and GUIMARÃES, M. H., "The dynamics of federalism, subnational markets and trade policy-making in Canada and the US", *Regional & Federal Studies*, Vol. 29, No. 4, 2018, pp. 459-478.

While some scholars have pointed to the multilevel political conflicts and processes where constituent units have pressed for accommodating their distinctiveness and demands for greater authority in trade policy, research on political economy of trade contestation has paid less attention to regional responses⁵.

The overall effect of such mobilization has been to increase the potential number of veto players in European trade policy. This has created new challenges by generating heated ratification battles and widespread grassroots mobilization for greater inclusiveness and transparency at the subnational level. The effect is a political countermovement where the imposition of market logic into more areas of subnational social and regulatory norms has generated a protective countermovement to subordinate the market to political constraints⁶. The countermovement argument of Polanyi offers a useful conceptual framework to explore the complexity of subnational mobilization and contention to the politics of trade in the European Union. Subnational jurisdictions have started to challenge the EU competences to strike these comprehensive trade deals, not only in terms of the negotiations and ratification process, but also at the implementation stage where trade commitments require subnational jurisdictions to make structural adjustments to deal with increased trade openness.

We seek to address the following questions: How do subnational entities manifest their opposition to the far-reaching and deep integration commitments of the newer trade and investment agreements? How does the institutional and political architecture of these federal states affect the strategies of subnational entities willing to contest the new external deals? Do subnational actors' dissimilar forms of contestation of EU trade policy impact the approval of these newer trade agreements?

The article addresses these questions by looking at the negotiation of two EU trade agreements —the EU-*Canada* Comprehensive Economic and Trade Agreement (*CETA*) and TTIP— the Transatlantic Trade and

⁵ BROSCHEK, J. and GOFF, P., *The multilevel politics of trade*, University of Toronto Press, 2020; BROSCHEK, J., "The federalization of trade politics in Switzerland, Germany and Austria. Regional involvement in EU trade policy: what remains after politicization", *Journal of European Public Policy*, Vol. 31, No. 1, 2023, pp. 131-156.

⁶ POLANYI, K., *The Great Transformation: The Political and Economic Origins of Our Time*, Farrar & Rinehart, New York, 1944.

Investment Partnership with the EU. These were two salient trade negotiations that generated high levels of civil society contestation. While this contestation raised concerns within the European institutions about the growth of populist, anti-trade sentiments, in fact CETA and TTIP did not lead to a generalized political movement towards trade agreements⁷. In these two cases, contestation in several national and subnational parliaments echoed the opposition of civil society to some of the specific provisions in these agreements⁸.

While the European trade policy community reacted to such a concerted campaign, the effect was to reconfigure the dynamics surrounding trade policy, pushing policymakers to accommodate reservations and change their policy proposals⁹. In doing so, preferences of domestic subnational actors across different federal systems were factored into the political processes to mediate conflicting positions¹⁰. Just like the varying degrees of mobilization across civil society, there were also varying degrees of engagement and response across the subnational level.

As a such, we focus on three case studies of subnational mobilization and engagement in EU trade policy—in Belgium, Germany, and Spain—as they represent different opposition styles across the federal-confederal-regional divide. While studies on the processes of contestation at the subnational level have often focused on individual cases we use a comparative lens to better illustrate the complexity of contentious as well as less confrontational forms of political action in face of the tensions between market liberalization and market protection. Each case study examines the role and extent of subnational

⁷ EGAN, M. and GUIMARÃES, M. H., “Trade contestation and regional politics: The case of Belgium and Germany”, *Frontiers in Political Science*, 2022, pp. 1-15; YOUNG, A., “Two Wrongs Make a Right? The Politicization of Trade Policy and European Trade Strategy”, *Journal of European Public Policy*, Vol. 26, No. 12, 2019, pp. 1883-1899.

⁸ Civil society contestation was prompted mainly by a few German and Austrian NGOs, and by smaller organizations in Belgium, the Netherlands, and France.

⁹ DE BIÈVRE, D., “The Paradox of Weakness in European Trade Policy: Contestations and Resilience in CETA and TTIP Negotiations”, *The International Spectator*, Vol. 53, No. 3, 2018, pp. 70-85. See also HURRELMANN, A. and WENDLER, F., “How does politicisation affect the ratification of mixed EU trade agreements? The case of CETA”, *Journal of European Public Policy*, Vol. 31, No. 1, 2023, pp. 157-181.

¹⁰ DE BIÈVRE, D., *op. cit.*; DE BIÈVRE, D., GSTÖHL, S. and VAN OMMERENET, E., “Overcoming ‘Frankenfoods’ and ‘Secret Courts’: The Resilience of EU Trade Policy”, *College of Europe Policy Brief*, May 2019.

governments' engagement in trade processes, with two main variables: the degree of centralization and constitutional features across the multiple levels of governance, and the party-political dynamics and extent of party congruence. In terms of case selection, Belgium has received the bulk of scholarly attention, though often as a singular case study, highlighting "self-rule" where there is greater autonomy across different government levels¹¹. Germany provides a case where subnational influence is more institutionalized in the existing intergovernmental context, which makes practically contestation difficult due to pressures for "shared rule" encouraging different government levels to cooperate¹². Spain is seldom considered in terms of subnational mobilization on trade policy, largely due to its weak "self-rule", despite the impact of new trade agreements on (constitutional provisions of) territorial decentralization¹³. Each of these cases is illustrative of different subnational efforts to shape the design of trade policy within specific systems of constitutional constraints¹⁴.

The article is organized as follows: Section II discusses the politicization and contestation of trade agreements at the subnational level. Section III applies Polanyi's double movement conceptual framework to international market liberalization to understand how subnational federal units opt for protective countermovements to EU trade liberalization. We leverage insights from this framework, which has not previously been applied to trade policy and subnational level countermovements. Section IV analyses the configuration of subnational trade contestation in Belgium, Germany and Spain and shows how the allocation of constitutional powers and party politics shape their

¹¹ BOLLEN, Y., DE VILLE, F. and GHEYLE, N., "From Nada to Namur: National Parliaments' Involvement in EU Trade Politics and the Case of Belgium", in BROSCHEK, J. and GOFF, P., *The multilevel politics of trade*, University of Toronto Press, 2020; WOUTERS, J. and RAUBE, K., "Rebels with a Cause? Parliaments and EU Trade Policy After the Treaty of Lisbon", *Leuven Centre for Global Governance Studies and the Institute for International Law*, Working Paper 194, 2017.

¹² BROSCHEK, J., "The federalization of trade politics in Switzerland, Germany and Austria", *Regional & Federal Studies*, Vol. 33, No. 1, 2023.

¹³ SALA, G., "Federalism Without Adjectives in Spain", *Publius*, Vol. 44, No. 1, 2014, pp. 109-134; SANJAUME-CALVET, M. and PANEQUE, A., "Shared or Self-rule? Regional Legislative Initiatives in Multi-level Spain, 1979-2021", *South European Society and Politics*, Vol. 28, No. 1, 2023, pp. 75-100.

¹⁴ FOSSUM, J. E. and JACHTENFUCHS, M., "Federal challenges and challenges to federalism. Insights from the EU and federal states", *Journal of European Public Policy*, Vol. 24, No. 4, 2017, pp. 467-485.

different oppositional strategies. Section V concludes.

II. SUBNATIONAL POLITICIZATION AND CONTESTATION OF TRADE AGREEMENTS

The European Union has been at the forefront of trade negotiations, signing more than fifty bilateral trade agreements with a range of partners that have become more expansive in terms of their scope and coverage to include labor and environmental rights, intellectual property, sustainable development, and investment practices¹⁵. The shift towards more comprehensive agreements has been accompanied by the expansion of trade policy competences under the Lisbon Treaty necessitating greater inter-institutional coordination where the Council gives a mandate to the Commission and authorizes it to open negotiations of free trade agreements (FTAs), and the Parliament needs to give its consent before the Council can adopt its decision to conclude an agreement¹⁶. This was originally touted as fostering internal cohesiveness to avoid having to mediate claims based on diffuse and often conflicting national preferences, which would bolster external effectiveness in global trade negotiations¹⁷. Yet, despite these institutional reforms to improve efficiency and extend competences, the newer “deeper” trade agreements have become more politicized, mobilizing a range of diverse stakeholders that increasingly challenge the benefits of these trade agreements¹⁸.

One of the main debates in trade policy research has been what drives

¹⁵ WRUUCK, P., “Coping with mixed feelings. What future for European trade policy?”, *EU Monitor European Integration, Deutsche Bank Research*, 2017; BROSCHEK, J. and GOFF, P., *op. cit.*

¹⁶ WOUTERS, J. and RAUBE, K., “Rebels with a Cause? Parliaments and EU Trade Policy After the Treaty of Lisbon”, *Leuven Centre for Global Governance Studies and the Institute for International Law*, Working Paper 194, 2017.

¹⁷ CONCEIÇÃO-HELDT, E. and MEUNIER, S., *Speaking With a Single Voice: The EU as an effective actor in global governance*, Routledge, 2017.

¹⁸ DE BIÈVRE, D. and POLETTI, A., “Towards Explaining Varying Degrees of politicization of EU Trade Agreement Negotiations”, *Politics and Governance*, Vol. 8, No. 1, 2020, pp. 243-253; VAN LOON, A., “The Selective Politicization of Transatlantic Trade Negotiation”, *Politics and Governance*, Vol. 8, No. 1, 2020, pp. 325-335; CABRAS, L., “Explaining the politicization of EU trade agreement negotiations over the past 30 years”, *Italian Political Science Review*, 2024, pp. 1-16; YOUNG, A., “Not your parents’ trade politics: The Transatlantic Trade and Investment Partnership negotiations”, *Review of International Political Economy*, Vol. 23, No. 3, 2016, pp. 345-378; DE VILLE, F. and SILES-BRÜGGE, G., *TTIP: the truth about the transatlantic trade and investment partnership*, Polity Press, 2016.

contestation¹⁹. Research initially focused on divisions between export versus import oriented sectors paying attention to the preferences of private actors, whereas the new agreements with their focus on non-tariff barriers, especially regulatory issues, have galvanized civil society opposition, which fears downward pressure and erosion of consumer, labor, and environmental protections²⁰. While it is evident that trade negotiators do take their cues from domestic interests by responding to opposition through policy accommodation and strategic dialogues²¹, subsequent research on trade politicization highlights the activist role of civil society organizations, and the surge of public mobilization, to understand such contentious politics²². This has been complemented by research on negotiating positions of member states, emphasising the decision-making rules to aggregate member states preferences to reach common European trade positions in international agreements²³. Such scholarship focuses on the impact of centralized policymaking highlighting national positions rather than the wider opportunities for subnational actors to channel policy preferences and influence policy outputs, as they mobilize with increased demands for wider participation and more transparency in decision-making²⁴. This increased transparency can in fact fuel further protest instead of muting it, even when framed as measures to boost competitiveness, and to promote development and regulatory coherence²⁵.

In this regard, the power over trade negotiation authority and coordination

¹⁹ ELIASSON, L. J. and GARCIA-DURAN, P., “The Saga Continues: contestation of EU trade policy”, *Global Affairs*, Vol. 6, No. 4-5, 2020, pp. 433-450.

²⁰ YOUNG, A., *op. cit.*

²¹ SILES-BRÜGGE, G., “Transatlantic Investor Protection as a Threat to Democracy: The Potency and Limits of an Emotive Frame”, *Cambridge Review of International Affairs*, Vol. 30, No. 5-6, 2017, pp. 464-88.

²² BUONANNO, L. A., “The new trade deals and the mobilisation of civil society organizations: comparing EU and US responses”, *Journal of European Integration*, Vol. 39, No. 7, 2017, pp. 795-809; ELIASSON, L. J. and GARCIA-DURAN, P., *op. cit.*

²³ CONCEIÇÃO-HELDT, E. and MEUNIER, S., *op. cit.*

²⁴ VAN LOON, A., *op. cit.*; EGAN, M. and NICOLA, F., “The Values-based Trade Agenda”, *Journal of Legislation & Public Policy*, Vol. 25, 2023, pp. 427-500.

²⁵ SILES-BRÜGGE, G., “The power of economic ideas: A constructivist political economy of EU trade policy”, *Journal of Contemporary European Research*, Vol. 9, No. 4, 2013, pp. 597-617; CONCEIÇÃO-HELDT, E., “Contested EU trade governance: transparency conundrums in TTIP negotiations”, *Comparative European Politics*, Vol. 18, No. 2, 2019, pp. 215-232.

mechanisms play a key role in bargaining behavior. In practice, such newer trade agreements have often triggered ratification battles, driven in part by the provisions of so-called mixed agreements, where not only the EU is a party to the agreement, but also the member states²⁶. At the negotiation, ratification and implementation stages nation-states and regions are not indifferent to the effects of market access commitments on their domestic regulatory competences, as well as on their key industries and sectors in terms of adjustment costs. Because member states at the central and sub-central levels want to voice their interests and concerns about distributive and regulatory effects of trade agreements on their domestic economies, the ability of the EU to conclude second generation trade and investment agreements is now increasingly contingent on the political support of subnational institutions. As these mixed agreements require joint unanimous approval, regions may try to mobilize and shape trade policy outcomes by claiming concessions from the central authorities, in return for compliance with the treaty provisions in their regions. As subnational derogations and exemptions are not possible in EU treaty making, subnational entities may threaten not to implement provisions that fall within their regional competences²⁷ and may even threaten non-ratification using their veto powers to deliberately delay or block ratification. In this context of increased subnational engagement, we need to pay more attention to lower-level governments that have successfully challenged the predominantly intergovernmental structure of trade negotiations²⁸.

In our article, we show that the patterns of sub-federal engagement vary significantly depending on constitutional provisions and party politics, as regions have different legal and political avenues to shape trade policy development²⁹. We outline a framework that distinguishes different types of

²⁶ SUSE, A. and WOUTERS, J., “The provisional application of the EUs mixed trade and investment agreements”, in BOSSE-PLATIÈRE, I. and RAPOPORT, C., *The Conclusion and Implementation of EU Free Trade Agreements*, Edward Elgar Publishing, 2019, pp. 176-202.

²⁷ BROSCHEK, J. and GOFF, P., “The Multilevel Politics of Trade”, Discussion Paper presented at the Balsillie School of International Affairs/Wilfrid Laurier University, Waterloo, Ontario, October 2016, p. 18.

²⁸ BROSCHEK, J., “[Why federalism matters: policy feedback, institutional variation and the politics of trade policymaking in Canada and Germany](#)”, *New Political Economy*, 2024, pp. 1-14; FREUDLSPERGER, C., *Trade policy in multilevel government: Organizing openness*, Oxford University Press, 2020.

²⁹ BROSCHEK, J. and GOFF, P., “Federalism and International Trade Policy: The Canadian

contestations, as well as institutional patterns of mobilization, which regional actors have used to promote their views and interests. Horizontal and vertical relations vary across national contexts, so the institutionalized patterns of subnational involvement in trade policy are uneven. While in Germany the Länder, through the Bundesrat, give their consent before a trade deal can be ratified by the national parliament, in Belgium regional parliaments have individual ratification powers. In Spain, subnational parliaments have limited institutional access to the central authorities due to domestic institutional and policy constraints, but they nonetheless voice their concerns, and sometimes opposition, to EU trade deals. Therefore, the levels of mobilization and contestation across domestic federal systems can vary considerably, depending on the features of their polities, namely subnational entities' constitutional rights, and party politics. Subnational mobilization towards EU trade deals and opposition strategies to safeguard territorial interests in German Länder, Belgium Regions and Communities, and Spanish Autonomous Communities (ACs) is significantly differentiated.

III. POLANYI'S DOUBLE MOVEMENT: INTERNATIONAL MARKET LIBERALIZATION AND THE SUBNATIONAL COUNTERMOVEMENT

Earlier literature on subnational activism focused on paradiplomacy in terms of the international activities and foreign policy capacities of sub-state political units and highlighted primarily individual states or regions in relation to new forms of federalism³⁰. Subsequent literature has been more concerned with the motivations and actions of subnational governments in response to globalization³¹. While multi-level governance and paradiplomacy have distinct theoretical roots, they are both concerned with the activities of subnational regions in relation to central political authority³². These conceptual frameworks

Provinces in Comparative Perspective”, *IRPP INSIGHT*, 2018.

³⁰ WOLFE, S., “Paradiplomacy: Scope, opportunities and challenges”, *Journal of International Affairs*, Vol. 10, 2007, pp. 141-150; DUCHACEK, I., “The International Dimension of Subnational Self-Government”, *Publius*, Vol. 14, No. 4, 1984, pp. 5-31.

³¹ ALDECOA, F. and KEATING, M., *Paradiplomacy in Action: The Foreign Relations of Subnational Governments*, Frank Cass & Co, London, 1999.

³² JACKSON, T., “Paradiplomacy and political geography: The geopolitics of substate regional diplomacy”, *Geography Compass*, 2018, pp. 1-11.

predominantly focus on how subnational units can shape or influence existing governance structures so that they exercise or maintain their influence. As such, they are about the multiplicity of ways in which regions can engage in domestic politics. Though there is variation in resources and practices across constituent units to undertake policy engagement, such action is viewed as an accepted and legitimate “actorness” of regions in the policy process³³. However, these two approaches do not capture how subnational actors construct and challenge established modalities of international politics, particularly pertaining to trade policy³⁴.

The countermovement argument of Polanyi —traditionally applied to social movements— offers a useful conceptual framework to explore contention and resistance of subnational actors to the new politics of trade³⁵. As trade liberalization is incentivizing subnational mobilization that challenges the economic consensus on market liberalization, the grievances and opposition towards specific liberalization commitments and their impact on European values, the perceived threats from trade exposure, as well as increased competition and new regulatory commitments, all have led to a political countermovement towards EU trade policy. FTAs can generate strong incentives to incite a double movement to foster non-economic goals, and hence trigger protective responses, highlighting the plurality of actors involved in contesting trade policy. These new features of FTAs are perceived by subnational entities as impacting on their control competences over the social and environmental consequences of trade decisions. Therefore, they use protective measures from trade liberalization and commodification to attempt to safeguard subnational non-market interests.

Thus, subnational entities become central actors in channeling demands to protect regions from the effects of trade liberalization. In face of the perceived disruptions caused by the expansion of plurilateral trade regimes into the realm of subnational competences, their aim is to protect regional interests from

³³ TATHAM, M., “The rise of regional influence in the EU - from soft policy lobbying to hard vetoing”, *Journal of Common Market Studies*, Vol. 56, No. 3, 2018, pp. 672-686.

³⁴ Some might disagree with our characterization of paradiplomacy as it could challenge established norms of foreign policy engagement, which is the preserve of states. Much of the external engagement of subnational entities has been in terms of attracting FDI, and promoting economic development, and there are often legal limits to their actions, which are carefully monitored.

³⁵ POLANYI, K., *op. cit.*

the operation of international markets. Subnational authorities use multiple political paths to demand protection from the consequences of EU trade and mobilize in different ways, and with different strategies, to shape EU trade policy outcomes (see section IV). With regard to EU FTAs, the impulse for protection against market pressures has come from subnational jurisdictions concerned about the effects of increased commodification of societies³⁶. As markets have expanded, countermovements have emerged to limit their reach and influence³⁷. Subnational institutions have become agents of such countermovements against the new trade liberalization rules. They triggered protective responses and sought to increase their intervention to shape deliberations by demanding exclusions or challenging trade commitments, to limit the scope of trade liberalization and its impingement on subnational competences and to protect specific groups within their territories. As trade liberalization can cause economic and social dislocation, subnational jurisdictions may even seek to mitigate the effects of such disruptions with strong social regulatory policies to offset commodification, through structural adjustment or trade assistance programs to protect specific groups within their territories.

While subnational actors may contest the pace and logic of market liberalization as a defensive response to federal encroachment on their competences or to safeguard their ability to promote their domestic interests and welfare goals, they have alternative forms of contestation depending on varying constitutional rationales. Concerned about the effects of the new EU trade agreements on established constitutional practices, subnational entities seek to frame their countermovement as a means of addressing the limits of their discretion or authority, but their mobilization can also be driven by domestic political gains. The dynamics of party competition may push subnational jurisdictions to adopt an oppositional narrative and to mobilize against EU trade agreements. This can take varied forms, but countermovements need to accumulate sufficient political power to secure decommodification and force substantive changes to address their demands³⁸. It is also possible that

³⁶ *Ibidem*.

³⁷ GOODWIN, G., “Rethinking the double movement: expanding the frontiers of Polanyian analysis in the Global South”, *Development and change*, Vol. 49, No. 5, 2018, pp. 1268-1290.

³⁸ *Ibidem*.

countermovements fail to materialize, due to domestic institutional constraints, the promise of economic gains to the signatories, or the acceptance of the negotiated agreement that attracts little if no political mobilization, as in the case of FTAs with Vietnam, Japan or New Zealand³⁹. However, the three cases below illustrate the countermovement activity of subnational jurisdictions in three EU countries. They highlight how the “opportunity structures” to influence the operation and effectiveness of countermovements against free trade agreements vary across countries and stages of decision-making (input), as well as how they impact on the overall style of contestation (output)⁴⁰. They are relevant cases not only for understanding the variety of contestation styles towards contemporary free trade agreements, but also to point out that countermovements are also defensive reactions attempting to create new forms of embeddedness, such as social, environmental or consumer protection against broader market liberalization practices. The Belgian, German and Spanish cases illustrate those distinct forms of mobilization that may be more or less contentious depending on the constitutional and/or the political context and may be either defensive *status quo*-oriented strategies or involve offensive tactics aimed at creating new instruments or mechanisms of influence⁴¹.

IV. CROSS-COUNTRY DIFFERENTIATION IN SUBNATIONAL TRADE CONTESTATION

Although regions face limits on their international involvement on trade policy, they have emerged as a counterweight to greater liberalization through different oppositional modes to the expansion of trade disciplines⁴². Subnational entities’ mobilization may be impacted by the country with which the FTA is to be concluded, by the level of civil society mobilization and politicization around the negotiation of the new trade agreement, and by the salience of the FTA disciplines for the economic interests of a region, that is by the nature of the agreement. However, *ceteris paribus*, each country’s

³⁹ *Ibidem*; YOUNG, A., *op. cit.*

⁴⁰ SCHMIDT, V. A., “Democracy and legitimacy in the European Union revisited: Input, output and ‘throughput’”, *Political Studies*, Vol. 6, No. 1, 2013, pp. 2-22.

⁴¹ GOODWIN, G., *op. cit.*

⁴² CORNAGO, N., “On the normalization of sub-state diplomacy”, *The Hague Journal of Diplomacy*, Vol. 5, No. 1-2, 2010, pp. 11-36.

pattern of subnational countermovement to trade policy is mainly driven by the features of the country's polity, namely its constitutional system, which awards regions different institutional capacities on trade policy, and by party politics, particularly the dividing lines between central government parties, and regional parties.

This section highlights three patterns of subnational engagement in European trade policy across three federal EU member states and uses the Comprehensive Economic and Trade Agreement between the EU and Canada (CETA) and the Transatlantic Trade and Investment Partnership (TTIP) as illustrations of “differential opposition” to EU trade policy. Belgium has a federal system of horizontal distribution of competences where regions have veto powers at the ratification level, which triggers regional “opposition opportunities” towards EU trade policy, and where party discrepancy between the federal and subnational governments incites regional contestation. Germany's *Länder*, like Belgium regions, have formal rights to engage in trade policy; however, though the federal system is hierarchical, German regions use consultation and consensus building procedures, which reduce contestation on trade issues along party lines. Spain's semi-federalism does not provide for autonomous subnational participation in trade policy, and regions have limited institutional capacity to exercise contestation; therefore, regional/national party politics is the main fault line where contestation to trade policy occurs, namely driven by pro-independence regional parties. These differences in constitutional competences, the distinct constellations of party politics across the three countries, as well as their interplay, explain significant differentiation in opposition styles to EU trade policy.

1. Belgium's Contentious Opposition

Belgium is a federal state that, following constitutional reforms, has transferred competences to its regions and communities. Under the Belgian Constitution (Article 167.1), when the contents of an international trade deal touches upon competences of sub-central units, the national government cannot sign it unless all levels of government confer approval. Belgium's horizontal federalism means that parliaments at the local and regional level must approve the deal and give their consent to the Belgium government to sign the agreement. There is intensive “coordinative webbing” between the

federal and sub-national levels⁴³, such that if the treaty foresees the possibility of provisional application before ratification, Belgium parliaments can voice their positions before the signature of the trade deal.

Though during the negotiation stage Belgium parliaments can debate and take official positions on trade agreements, the fact that there are regional ratification powers creates new challenges by generating the possibility of heated ratification battles. Thus, in Belgium, the ratification possibility provides an opportunity for a countermovement that is able to press its case in the political arena⁴⁴, challenging and competing with the priorities of the central state. The constitutional rights conferred to the regions and communities on the signing and ratification of trade agreements creates an “opportunity structure” to influence the operation and effectiveness of a countermovement against EU free trade agreements. The Lisbon Treaty tried to centralize and simplify EU trade policy formation, but given the deep nature of new trade agreements Belgium’s subnational parliaments were actually empowered⁴⁵.

The traditional political families in Belgium as well as the green parties are, in general, in favor of European Union integration. However, the dynamics of party competition may push subnational jurisdictions to mobilize against central government’s decisions. Therefore, in Belgium’s positions on CETA and TTIP were mostly motivated by party politics. Traditional political families and green parties tend to favor further European Union integration, in contrast with the far-right and far-left parties of the political spectrum. By contrast regional parties emphasize the need to protect sub(national) identity.

In Belgium sub-federal activism became apparent in 2013 with TTIP negotiations and spilled over to CETA⁴⁶. Fears that provisions would lower European standards regarding consumer protection, environmental safeguards, and social rights, coupled with provisions on the investor-state dispute settlement (ISDS) mechanism, alleged to be incompatible with the EU’s legal order and its lack of transparency, led to opposition in the Walloon Parliament. Belgium requested the European Court of Justice to issue an

⁴³ BOLLEN, Y., DE VILLE, F. and GHEYLE, N., *op. cit.*

⁴⁴ BLOCK, F., “Polanyi’s double movement and the reconstruction of critical theory”, *Revue Interventions Économiques. Papers in Political Economy*, No. 38, 2008, pp. 1-7.

⁴⁵ BROSCHEK, J. and GOFF, P., 2020, *op.cit.*; BOLLEN, Y., DE VILLE, F. and GHEYLE, N., *op. cit.*

⁴⁶ BROSCHEK, J., 2024, *op. cit.*

opinion on such (in)compatibility, ultimately leading the Court to hand down Opinion 1/17 that found that the ISDS in CETA was compatible with the EU law.

The saga of the Walloon Parliament refusing to authorize the signature of CETA is illustrative of the growing and vocal involvement of subnational regions in trade policy. As Wallonia has constitutional ratification powers, similar to a “national ratification power” of other member states⁴⁷, the region succeeded in temporarily blocking the signature by the Belgian prime minister of the agreement and could even have forestalled its implementation. The refusal of Wallonia parliament to approve CETA is unprecedented in terms of the opposition role of a subnational entity to the signature of an international trade treaty, but the Parliaments of the French-speaking region, of the French Community, and of the Brussels-Capital region also adopted resolutions rejecting the treaty, showing their contentious opposition to some of the CETA provisions⁴⁸.

However, party politics in the decentralized Belgium system can be a key driver for mobilization against EU trade policy. Wallonia is a case in point. The Wallonia Socialist Premier adopted an oppositional narrative to CETA, driven by domestic political interests, and as a means to oppose the majority central government. In practice, the central government became hostage to the Wallonia regional authorities’ consent to sign the trade agreement. On the contrary, and given the Belgian decentralized governance system, some regions (namely the German Community and the Flanders Parliament) gave their consent to the federal government decision to sign the deal, which evinces within-country variation in responses to trade agreements⁴⁹. The CETA agreement shows that parties did not react according to national/regional interests but rather along different political majorities in the central and regional governments. The constitutional capacities, coupled with different political majorities at the national and regional level, explain how the protective subnational countermovement had enough political effectiveness and influence to obtain some concessions namely on of health and environmental standards,

⁴⁷ DUCOURTIEUX, C. and STROOBANTS, J.-P., “Le rejet wallon du traité commercial CETA avec le Canada prolonge l’UE dans le désarroi”, *Le Monde*, 24 October 2016.

⁴⁸ BROSCHEK, J. and FREUDLSPERGER, C., “Regional involvement in EU trade policy: what remains after politicization”, *Journal of European Public Policy*, Vol. 31, No. 1, 2023, pp. 131-156.

⁴⁹ *Ibidem*.

investment arbitration, and protection of public services⁵⁰.

Many perceived Wallonia's opposition to CETA as being pushed by subnational protectionist interests, namely the exposure of the region's agricultural sector to competition from Canadian farmers, by the impact of the new trade treaty on the provision of services, and by fears that its norms would compromise compliance with existing social, consumer and environmental standards. However, the features of the Belgium polity and the dynamics of its party system explain why mobilization is decentralized and how opposition to limit commodification can be contentious⁵¹.

2. Mediated Opposition in Germany

The German Constitution establishes the role for the Länder in European affairs (Article 23) and international affairs (Articles 24 and 32). The federal government represents all the Länder in trade matters, and the negotiation of trade agreements falls within the responsibility of the federal government. The need for consent from the Länder to approve an FTA depends, essentially, on whether parts of the agreement negotiated by the EU are the responsibility of the member states, and whether national implementation requires the approval of the Bundesrat—the second chamber of the national parliament that represents Germany's constituent units.

Though the Länder governments are not directly involved in the negotiation of free trade agreements, they have the right to participate in the federal level decision-making process, and they can use their shared competences to influence the shape and design of external trade policy through the Bundesrat⁵². Regional parliaments' pursuit of their regional interests relies significantly on contacts with the central authorities, and, to a large extent, on interactions with other regional governments to put forward their demands.

Issues such as free trade agreements, which pertain to European competences require that the national governments send the legislation to their regional parliament committees on European affairs, where the issue is debated if requested by a political group. Notwithstanding this effort at

⁵⁰ BLOCK, F., *op. cit.*; TATHAM, M., *op. cit.*; PAQUIN, S., "Trade paradiplomacy and the politics of international economic law: the inclusion of Quebec and the exclusion of Wallonia in the CETA negotiations", *New Political Economy*, Vol. 27, 2021, pp. 597-609.

⁵¹ EGAN, M. and GUIMARÃES, M. H., *op. cit.*

⁵² BROSCHEK, J. and GOFF, P., 2016, *op. cit.*, p.10.

transparency, members of regional governments also go to hearings in Berlin as part of the formal policy process, and they influence the negotiations as leading members of their parties. Therefore, a systematic opposition of regional parliaments along party lines is not perceived as a suitable response in face of their criticisms of these agreements.

As the Bundesrat mediates the Länder influence on trade policy, participation is based on joint decision-making and consensus-building. The fact that the Bundesrat acts as a “collective principal”⁵³ explains why unilateral opposition action is less likely. Consequently, constitutional representation and participation rights of subnational authorities mediate German states’ opposition to international negotiations and mitigates incentives for contestation. The separation of spheres of authority between central and sub-central units, along with shared competences, go hand in hand with a consensus-building form of addressing opposition to central policies. The highly institutionalized system of intergovernmental relations, in turn, allows the Länder to protect regional preferences and interests by trading-off specific policy changes for concessions in other areas, thus diluting distributive conflicts, and abating mobilization. Therefore, it may explain why in Germany subnational countermovements may be able to wield influence and win concessions. Unlike their Belgium subnational counterparts, exit threats as a form of opposition to the new trade deals are not credible. Germany’s Länder prefer more defensive, *status quo* oriented, strategies⁵⁴.

Given the importance of the trade partners involved CETA and TTIP negotiations, as well as their contents and larger scope, several Länder parliaments actively sought to engage in the policy process⁵⁵, namely with respect to the provisions on services, investor protection, procurement and data privacy. While Länder coalition governments such as Bayern, Hamburg and Saarland indicated support for CETA, the SPD-Green coalition in Berlin and Thuringen opposed both CETA and TTIP⁵⁶. Parliamentarians presented motions, and adopted resolutions on these agreements, and even requested

⁵³ KERSSCHOT, M., KERREMANS, B. and DE BIÈVRE, D., “Principals and transceivers: regional authorities in EU trade negotiations”, *Political Research Exchange*, Vol. 2, No. 1, 2020, pp. 1-20.

⁵⁴ EGAN, M. and GUIMARÃES, M. H., 2022, *op. cit.*

⁵⁵ BROSCHEK, J. and FREUDLSPERGER, C., *op. cit.*

⁵⁶ BROSCHEK, J. and GOFF, P., 2020, *op. cit.*, p. 225.

answers to their questions and concerns directly from the representatives of the EU. In addition, TTIP-Councils were created at the federal and sub-federal levels. State governments, while taking positions at the Bundesrat and at the Conferences of Trade Ministers, were occasionally involved, and were informed in Länder meetings, or by the federal government, about the status of the on-going negotiations of both CETA and TTIP. However, some Länder continue to foster greater advocacy in their dealings with national and European authorities⁵⁷.

Despite Germany's multi-level consensus-building strategy, some Länder governments, as well as members of regional parliaments, demand more influence and a more pro-active role in the decision-making process of the new trade deals and in the formulation of country's negotiation mandate. The reason is that second generation trade agreements, such as CETA, contain rules from which the *Länder* are not allowed to derogate especially regarding local public services, and some Länder fear sectoral negative impacts particularly in regional agriculture. While some claim the Länder should have a say in the ratification process, this is a politically sensitive issue, given Germany's more institutionally mediated countermovement to trade policy, rather than a contentious opposition style.

3. Spain's Constrained Opposition

In Spain, under the 1978 Constitution (Article 149.10), the central government has "exclusive competence" on international trade issues⁵⁸. Although the Autonomous Communities (ACs) have gained authority in some domestic policy areas, the capacity of regional authorities to exercise influence in trade decision-making is very limited. As the central government kept centralized powers, Spain's constituent units are more marginalized in trade policy formation than subnational jurisdictions are in Belgium and even in Germany. They have not similar political influence nor legal power to veto central government trade policy decisions, even when they impact on their territorial interests⁵⁹. Regions have an indirect participation in the

⁵⁷ KERSSCHOT, M., KERREMANS, B. and DE BIÈVRE, D., *op. cit.*

⁵⁸ See SAMANIEGO BORDIU, G., "Las competencias del Estado y de las Comunidades Autónomas en materia de comercio exterior en relación con la CEE", *Revista Española de Derecho Constitucional*, Vol. 9, No. 25, 1989, pp. 115-134.

⁵⁹ CORNAGO, N. and ALDECOA, F., "On the feasibility of plurinational diplomacy: reflections

Spanish Parliament (Cortes), as though the Senate is a chamber of territorial representation, it is institutionally weak⁶⁰. Therefore, despite that the Senate ratifies international treaties (Article 94.1 of the Constitution), it does not channel regional interests to the trade policy process. In the parliament's lower chamber (Congreso de Diputados), however, there are strong regional parties.

Contrarily to Belgium's regional parliaments, which can exercise veto rights, and to Germany's constituent units, which formally interact with their central government in a consensus building intergovernmental process, Spain's ACs are significantly more sidelined in voicing their trade interests and concerns. The avenues for a formal strong regional role on trade policy are narrow, and the legal and intergovernmental mechanisms of control, consultation and coordination on trade issues are limited. However, this does not preclude subnational parliamentary mobilization on trade matters, which tends to stem from the AC's perceived information asymmetries between the central and subcentral entities, and their sense of limited democratic control of trade negotiations. Given the few formal instruments for institutional dialogue and for direct participation in the negotiation of trade treaties that affect their specific interests or competences, and the few collaboration channels to include sub-state interests in the trade policy process, regional opposition ends up being muted⁶¹. As Cornago and Aldecoa suggest, the implications of trade policy in constituent states tend to be almost completely ignored in the Spanish political debate⁶².

However, the "relative placidity" with which trade negotiations are traditionally conducted⁶³ is being challenged by subnational authorities, as the nature of the new trade agreements impinges on regional competences and interests. During the negotiations of CETA and TTIP subnational parliaments

from Spain", WISc Conference, Ljubliana, Slovenia, 2008.

⁶⁰ MORATA, F., "Spanish Regions and the 1993 Challenge", *Institut de Ciències Polítiques I Socials*, Working Paper 34, 1991.

⁶¹ COLINO, C., "La acción internacional de las comunidades autónomas y su participación en la política exterior española", Documento de Trabajo 10, Observatorio de Política Exterior española, Fundación Alternativas, 2007.

⁶² CORNAGO, N. and ALDECOA, F., *op. cit.*

⁶³ VEGA, J. A., "La transparencia y el control democrático en la nueva generación de acuerdos comerciales: la UE ante el CETA y el TTIP", *Revista da Escola Galega de Administración Pública*, Vol. 12, No. 1, 2017, pp. 9-78.

were the main platforms of protective responses to address the territorial consequences of these FTAs liberalization. In the absence of a formal process of multi-level communication, much of this mobilization was translated into parliamentary questions, hearings, and declaratory statements and resolutions claiming the right to have access to information on the deals contents, and to be heard in the trade policy process. Several ACs were particularly active, namely the parliaments of Andalusia, the Balearic Islands, Cantabria or Catalonia⁶⁴.

As state-wide parties' regional branches are present in all the ACs and are often aligned with the central government parties, contentious politics across these more conventional party lines is less prevalent (except for left wing parties). Protective responses were mainly voiced by nationalist and pro-independence parties, which expressed the most radical views. They mostly mobilized to declare their opposition to these agreements, demanding not only more transparency from the central government (especially regarding TTIP), but even requesting the suspension of negotiations as they considered these FTAs as "direct attack" on the regions' sovereignty. CETA and TTIP were, to a great extent, instruments for pro-independence parties to contest the lack of autonomy of the ACs. Consequently, mobilization of subnational entities is mainly driven by party politics and fueled, largely, by nationalist resentments.

Yet, the subnational double movement did not gather sufficient political power to secure the changes necessary to address subnational demands and concerns⁶⁵, and the countermovement failed to materialize. The ACs did not have the capacity and institutionalized channels to win the protections from these FTAs market liberalization, despite their economic consequences on regional interests (namely for the agricultural sectors), and their impact on the ability of the ACs to take specific regulatory decisions. In sum, in Spain subnational entities' protective countermovements did not effectively challenge trade liberalization, nor the expanded scope of second-generation trade agreements that intrudes in their regulatory authority⁶⁶.

Table 1 compares the three countries' main differences in constitutional capacities and multi-level engagement in trade policy, and systematizes their different opposition styles to CETA and TTIP.

⁶⁴ BROSCHEK, J. and FREUDLSPERGER, C., *op. cit.*

⁶⁵ GOODWIN, G., *op. cit.*

⁶⁶ BLOCK, F., *op. cit.*

Table 1. Opposition styles to trade agreements in Belgium, Germany and Spain

Countries	BELGIUM	GERMANY	SPAIN
Type of trade federalism	Horizontal	Hierarchical	Semi-federal
Regions' rights on trade issues	Formal	Formal	Informal
Veto power at ratification stage	Yes	No	No
Dynamics of institutional relations	Decentralized	Consensus-building Problem-solving	Limited Not institutionalized
“Opportunity structure” for opposition	Signature and ratification stage – Strong	At negotiation level, and strong	At negotiation stage, but limited
Party politics	Strong (along national / regional party lines)	Diluted	Strong (mainly from nationalist parties)
OPPOSITION STYLE	CONTENTIOUS	INSTITUTIONALLY MEDIATED	CONSTRAINED

Despite these differences in opposition styles, subnational mobilization was key — along with pressures from the member states in the Council— for the Commission to have changed CETA from an “EU-only” type of agreement to a mixed type (see section II above), where member states are parties of the agreement and consequently their national and subnational parliaments have ratification powers. Indeed, not only European ministers emphasized in the Council that CETA were of EU and member state competence⁶⁷, but also sixteen member states national parliaments requested the Commissioner for Trade, Karel de Gucht, to consider comprehensive trade agreements such as TTIP and CETA as mixed⁶⁸.

⁶⁷ See Outcome of the 3463rd Council Meeting Foreign Affairs - Trade Issues, Brussels, May 13, 2016, p. 4. Available at <https://www.consilium.europa.eu/media/22896/st08737en16v4.pdf>

⁶⁸ See Letter in the Framework of the Political Dialogue: The Role of National Parliaments in Free Trade Agreements, 25 June 2014. Available at https://ec.europa.eu/dgs/secretariat_general/relations/relations_other/npo/docs/slovenia/own_initiative/oi_role_of_national

V. CONCLUSION

Territorial politics is a salient feature of trade politics as the concentration of trade authority at the European level has drawn varied responses from subnational governments, anxious to ensure that their social and regulatory norms are not undermined, and their specific interests are acknowledged in the negotiations. Drawing on the cases of Belgium, Germany, and Spain, we highlighted cross-national differences in the institutional setup of trade policy. While trade policy does not allow subnational jurisdictions to override federal decisions, subnational authorities have sought a greater role in trade policy in these three multi-level political systems. The cases show that subcentral units can contest trade liberalization through both formal and informal mechanisms to different degrees of success, and that there is wide variation in terms of their domestic strategies and influence, from *ex ante* efforts to shape trade outcomes to *ex post* opposition exercising veto power. Equally important is that subnational engagement varies significantly from agreement to agreement, with CETA and TTIP generating the most visible response relative to other trade negotiations. What we conclude is that given the intensity of preferences and interests on specific issues, levels of subnational response may vary depending on the country's constitutional architecture, such as the degree of formal consultation rights in the negotiations and in the ratification process, the configuration of inter-institutional relations, and on party politics. Belgian regions have institutional veto power on trade agreements over the central government positions, German Länder have consultative rights with a strong system of intergovernmental coordination, and Spanish autonomous regions have more limited power to express sustained engagement and opposition to protect their regional interests.

The theoretical foundations of this study draw on Polanyi's double-movement and the empirical analysis highlights that the transfer of trade policy authority to the European level has led subnational authorities to seek to limit, or to try to reverse, commodification of their markets. Subnational jurisdictions advocate for protective measures due to concerns about the

[parliaments in free trade agreements/oi_role_of_national_parliaments_in_free_trade_agreements_assembly_opinion_en.pdf](#).

economic and institutional costs ensuing from ever widening international trade liberalization commitments, and have become a political countermovement to the EU's pursuit of bilateral and regional trade liberalization⁶⁹. Despite these differences, the “double movement” argument of Polanyi offers a useful conceptual framework to analyze subnational jurisdictions oppositional responses to the distributive and regulatory effects of the newer free trade agreements, as they generate contradictory impulses to commodification and demands for social protection. Further research may shed light on whether subnational entities remain engaged in the long term and whether specific issues that remain a source of acrimony and friction are dealt with through informal negotiations rather than contested voting and deliberations. Our analysis highlights not only the importance of a multi-level analysis of trade policy, but also offers an expanded opportunity to consider the impact of scope, sectoral coverage, and partner choices, and to further consider when the conditions generate ratification battles and grassroots mobilization—or countermovements—by European trade partners.

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⁶⁹ EGAN, M. and GUIMARÃES, M. H., *op. cit.*

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