

# Interest Groups in Foreign Trade Negotiations: Chile, Colombia and Peru in a comparative perspective<sup>1</sup>.

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## I. The research problem.

During the 2000s three Latin American countries signed Free Trade Agreements (FTA) with USA: Chile in 2003, and Colombia and Peru, both in 2006. For the government and the interests groups (IGs) of each country, to negotiate an FTA with USA represented a major challenge. On the one hand, to have an FTA with USA was a major policy objective for economic and eventually political reasons. On the other, however, USA was a major trade partner of the three countries, but also a much bigger one. For the asymmetries between the parties were huge, there was a high likelihood that USA would not make significant concessions to the other parties, and would try to define the contents of the agreements unilaterally. Therefore, each country had to develop a strategy in order to achieve the main objective (to reach an agreement), while avoiding to pay a high price for it. In this context, the negotiation process became a very important issue for Chile, Colombia, and Peru, and called for a big effort of each state. This involved the deployment of a lot of economic and organizational resources, and the participation of several state institutions and public servants. At the same time, the negotiation was a major challenge for many IGs and other civil society organizations, for the FTA could affect their interests. Then, any IG with an interest to defend, knew that had to take part in the negotiation, because no other actor would do it in its name.

On the basis of the abovementioned, this paper focuses on the role of IGs in trade policy making process. In particular, it analyzes the participation of the IGs in the negotiations of the FTAs that Chile, Colombia and Peru signed with USA. Even though these negotiations have been studied from the perspective of the participation of IGs (Bull, 2008; Gómez/Gamboa, 2010; Herreros, 2010; Pulecio, 2005; Silva, 2007, Braun 2010), until now there is neither a comparative analysis on this specific topic (negotiations with USA), nor those studies focus on the analytical factors that this study bases on. Thus, this research aims to make a

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contribution through a comparative analysis on the role of IGs in FTAs negotiations, establishing the similarities and differences among the three cases, and testing (in general) some hypotheses the academic literature has developed regarding this issue.

Knowing that this research topic is a very wide one, I will concentrate only on 3 specific issues related to it: 1) the objectives that each country pursued through a FTA with USA, and whether they were shared or not by IGs; 2) the relationship between government and IGs during trade negotiations. Particularly, I will focus on the consulting mechanisms with IGs that the three countries established; which IGs took part in the negotiations, and which did not; what (general) objectives they did promote during the negotiations; and the strategies they developed in order to communicate their position to the government; and 3) the potential influence of IGs on trade policy making.

This paper organizes as follows. First, I explain the theoretical frame this research is based on. Second, I discuss the economic and political objectives that states and IGs pursued through an FTA with USA. Third, I describe the participation mechanisms that were established for the IGs, and explain the different strategies they developed in order to reach their policy objectives. Fourth, I discuss the issue of IG's influence on the negotiation results. Finally, I present concluding remarks.

## **II. Theoretical considerations.**

The study of the role of IGs in policymaking has a long tradition in political science (Baumgartner et al. 2009; Baumgartner/Leech 1998; Dür/De Brieve 2008). Based on empirical research many scholars have emphasized the importance of studying them in order to understand how policy decisions are made. In this frame, for example, Dür and De Bievre maintain that “an understanding of the role of interest groups in the policy making process is essential for explanations of policy outcomes” (2008: 26). This is also true in the case of the foreign trade policy (Capling/Low 2010).

Scholars have analyzed the IGs' involvement in policymaking in different ways. According to Capling and Low there are different arguments that “seek to explain how governments and NSAs (non state actors) form their trade preferences” (2010). There are 3 main approaches, none of which is predominant in the literature. First, the “**State Centric**” approach focuses on the state as a primary unit of analysis in international relations, highlighting different ideas regarding what drives the state behavior. One main argument (realist theories) maintains that states “are concerned above all to maximize their power in relation to other states”,

and therefore trade policy subordinates to security policy or military power considerations (Capling/Low 2010). On the other hand, neoliberal institutionalist theories argue that states' primary concern is wealth. Although both approaches make interesting points, they do not provide hypotheses about how decisions are made (Idem). Second, **Societal Approaches** focus much more on the role of IGs in trade policy decision making. They generally begin with the assumption that "domestic economic actors are rational decision makers and that their interests are pre-determined and materially derived" (Capling/Low, 2010). Within this literature, there are many competing theories that try to predict which groups will support free trade policies or protectionist ones (Idem). For example, the Heckscher-Ohlin model predicts that "within nations the owners of locally abundant factors of production will support trade liberalization, while the owners of scarce factors will oppose" (Idem). Regarding the question of how societal interests are translated into policy, there are also competing arguments. But, again, they do not shed too much light on how IGs could be influential (Idem). Third, and searching for a better account on this topic, many scholars began to focus on the characteristics of the institutional setting, and its effect on trade policy. They do so based on the assumption that political institutions are not necessarily neutral from the point of view of the political actors. For example, some argue that if the Executive has the control over the trade policy decision making (and not congress), the potential influence of protectionist groups weakens. Meanwhile, others have focused on the institutional density, arguing that the greater the number of actors whose agreement is necessary to change trade policy, the more difficult is to do so (Capling/Low, 2010).

The relationship between external and internal factors in the context of foreign policy formation has been analyzed by Putnam, according to whom the politics of international negotiations can be conceived as a "two-level game" (1998: 433). At the national level, domestic groups pursue their interests by reassuring the government and politicians, who seek power by constructing coalitions among those groups. At the international level, national governments seek to maximize their own ability to satisfy domestic pressures, while minimizing the adverse consequences of foreign developments. Neither of these games can be ignored by the central decision maker. Therefore, the national political leadership appears at both sides of the board: at the international table (negotiating with its foreign counterparts) and at the domestic table. Thus, an international negotiation process can be decomposed in two stages: 1) bargaining between countries, leading to a tentative agreement (the so called Level I), and 2) separate discussions within each group of constituents about whether to ratify the agreement (Level II). The crucial point is that the agreement at Level I must be ratified at Level II, and the

ratification can take many forms (normally parliamentary vote). Then, for an agreement to be approved, it needs to have enough support both at Level I and at Level II. In this context, when an agreement that two governments signed (Level I) lacks support at level II, it has no chance to enter into force. In order to make things more clear Putnam uses the concept of “win-set” which, for any Level II constituency, is defined “as the set of all possible Level I agreements that would win” (1988: 437). Then, the probability of an agreement to enter into force depends on the size of the win-sets, that is, the bigger they are, it is more possible they overlap and that they at the end can be approved. Even though Putnam does not discuss specifically the topic of the influence of IGs, he analyzes the factors that influence the size of the win-set: a) The costs of no-agreement, meaning that the lower they are, the smaller the win-set (idem: 442); b) Politicization of the issue, suggesting that the more groups become active in the discussion, the smaller the win set is; c) the number of issues discussed in a negotiation, because of the possibility of tradeoffs across different issues; d) Ratification procedures (i.e. the higher the approval quorums, the lower the possibility of ratification); e) Domestic political practices (i.e. party discipline should increase the range of agreements that a negotiator can expect to be backed); f) state strength (the more autonomy a government has, the bigger the win set); and g) Strategies of the negotiators, as the use of “side-payments” in order attract supporters and expand the win-set.

Analyzing specifically the factors that affect the influence ability of IGs over political outcomes, Dür and De Bievre (2008) maintain that the following are the most cited by the academic literature: a) Institutional setting. It is argued that the structure of the political system affects the domestic balance of the IGs, because it can “empower or disenfranchise specific interests”, through an unequal distribution of the political resources (Dür/De Bievre, 2008: 29; see also Hall, 1996); b) Internal characteristics of IGs. Regarding this point, it has been argued, for example, that the IGs that have more resources (i.e. money, technical advisory, electoral leverage) are eventually more influential. In this context, Capling and Low argue that business sector IGs have a more active role in trade negotiations (2010); c) It has been argued that IGs’ influence depends on the kind of interests they pursue, being potentially more influential those that defend specific interests (in contrast to diffuse); d) Scholars also argue that the “salience” of the issue at stake is important, and that “the more attention the public pays to a specific decision, the more difficult it should be for special interests groups to influence outcomes” (Dür/De Bievre, 2008: 33).

Also, scholars have paid attention to the issue of measuring the influence and the relative “explaining weight” of the different factors mentioned above, using mostly quantitative technics (Dür 2008: 49; Mahoney 2007; Yackee/Yackee, 2006).

Finally, scholars have analyzed the strategies developed by IGs in order to exert pressure on the government, so that it brings their inputs to the negotiation table. Even though the literature reckons that the different IGs deploy a mix of strategies, it is also argued that some groups prefer some strategies over other (Baumgartner el. al. 2009; Bindenkrantz 2005). Table I summarizes the main strategies attributed to different groups.

Table 1. Lobby strategies preferred by IGS.

Strategy	Typical actions	Type of organization
<i>Inside advocacy</i>	Direct contact to decision makers (Parliamentarians; public servants); provide technical or research reports; participation in parliamentary commissions.	Business groups, professional associations, labor groups
<i>Outside advocacy</i>	Press releases, public campaigns, media advertising.	<i>Citizens groups</i> , Coalitions to Special Issue (CSI)
<i>Grassroots advocacy</i>	Street protest; arranging strikes, actions of civil disobedience.	<i>Citizen groups</i> , CSI.

Source: Baumgartner el. al. (2009: 159); Bindenkrantz (2005: 703).

The arguments described above confirm that there is academic consensus on the need to study the role of IGs if we want to understand how decisions are made, and that there are many ways to try to copy with this issue. Nonetheless, considering that this research has a limited aim, from a theoretical point of view it is necessary to adopt a synthetic approach. Then, on the basis of the theoretical contributions and according to the objectives of this paper, the analysis will consider some theoretical statements that will guide it. In this regard, and considering the fact that a complete assessment of the explanatory weight of each factor that affect IGs influence requires a deeper research (and the use of different research techniques), here I will only provide a qualitative assessment of the role of some of them. Table II summarizes this theoretical approach.

Table II. State and IGs in Foreign Policy

Issue	Expectation
Participation of IGs in FTP formulation (Putnam)	Government opens dialogue with IGs during negotiations (Level II negotiations)
Factors affecting IGs influence ability (Caplin/Low- Dür DeBrievre)	- Institutions: The more power the executive has, the lesser the influence of IGs - Resources: the more an IG has, more its potential influence. Business sector should be more influential.
Strategies Preferred by Igs	- In general, the IGs do not exclude any possible strategy; -Specifically: Business prefers inside advocacy (including contact to decisions makers of the counterparts); while Labor Unions use both inside advocacy and grassroots advocacy; Citizens Groups tends more to outside and grassroots advocacy.

Government Strategies	Governments use different instruments to overcome IGs opposition to treaties, like side-payments
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**III. Why to pursue an FTA with USA?**

On the basis of the information gathered for this research, it is possible to distinguish two groups of arguments that explain why these three countries pursued an FTA with USA: a) those based on economic grounds, and; b) those related to political priorities.

Regarding the economic objectives of an FTA, I distinguish several arguments. First, governments pursued the FTA because they wanted to improve the competitiveness of their products in the US market. This was obviously a main objective, considering that by the beginning of the negotiations USA was a main trade partner of each country (although they were not for USA) (Table III). Second, better access conditions for their export products would give them advantage over other countries that export the same products to the US (Braun, 2012; Interview Reus 2013). Third, an FTA means the “formalization” of the commercial relationship between the signing countries. Then, in the future this relationship would be regulated by a written document that cannot be modified unilaterally. In the case of both Colombia and Peru this was a key point. Since the 1990s they were favored by the Andean Trade Preference Act (ATPA), which in 2002 was replaced by the Andean Trade Promotion and Drug Eradication Act (ATPDEA). This instrument, which was a scheme of unilateral preferences conceded by the US, offered Colombia and Peru “preferential access market with the aim of providing alternative employment and income sources for the cultivation of illegal substances and an overall compensation for Drug eradication” (Braun, 2012). Even though there is a discussion about how important ATPDEA was for both countries<sup>2</sup>, to have permanent preferential access was a key objective for Colombian and Peruvian negotiators (Interviews Espinosa and Ferrero, both 2012). This, because the ATPDEA was due to end in 2006, and its possible extension was not guaranteed (in fact, in the last time ATPDEA was renewed in the US Congress only by one vote) (Espinosa/Pasculli 2013: 9). In this context, the negotiators argued that if by 2006 no agreement was in force, it would emerge a big problem for the export sector of both countries: all the preferential accesses to the US would disappear. In other words, if no agreement was reached, the alternative

<sup>2</sup> According to Braun, 60% of Peruvian exports benefited from ATPDEA, but in the case of Colombia it was much lesser due to MFN clauses. (Braun, 2012; Pardo, 2005)

scenario would have not been the status quo (meaning ATPDEA), but only the MFN clause. This situation, obviously, would have had important negative consequences for Peru and Colombia. Therefore, to make these preferences permanent and not dependent on the will of USA was a main objective (De la Flor, 2010: 66). Fourth, since an FTA not only includes regulations on trade, its negotiation would open the door for agreements in other related issues. For the three countries, and maybe even more than market access, the issue of Foreign Direct Investments was a very important one. To introduce a new and “good” legal framework that sets clear investments rules, and protects investments from arbitrary actions of authorities or other economic actors, was central because of its many potential positive effects (Interview Ferrero, 2012). This objective, however, could be reached only by signing a FTA (it was not part of the ATPDEA). So important was this issue, that representatives from Peru and Chile told me that this was the key point for the entrepreneurs (Interview Benavides 2012, and Reus 2013).

**Table III. Chile, Colombia and Peru as trade partners of USA.**

Country /year	Exports to USA (% of the total)	Imports from USA (% of the total)
Chile (2001)	19,0	21,0
Colombia (2004)	44,2	33,2
Peru (2004)	29,6	19,0

Sources: BCN, 2003; Gómez/Gamboa, 2010; Araoz, 2005.

In general, these economic objectives were shared by most of the business groups that participated in the negotiations, many of them were also export oriented (Interviews Benavides 2012, Reus 2013, and Narváez 2012). Nevertheless, among business IGs there were some that opposed FTA negotiations or some clauses that were being negotiated. This was the case, as we will see in part IV, of Chilean wheat producers and local pharmaceutical producers, and the most important agricultural associations of Colombia and Peru (Interview Riesco 2013; Espinosa/Pasculli 2013; Gómez/Gamboa 2010; El Tiempo, 28.7.2006; [www.conveagro.org.pe](http://www.conveagro.org.pe)). Labor groups also involved in the trade negotiations, having most of them a critical stance towards the economic effects of the FTAs, as was the case of Colombia and Peru, but not Chile’s. Also, civil society organizations participated in the discussions and held a very critical position to the FTA. This was the case, for example, of the Colombian organizations RECALCA and Indigenous Groups from the Cauca Valley.

Regarding the “political” objectives of the FTAs, the case of Colombia is clear. Since Alvaro Uribe became president in 2002, Colombia’s foreign policy had as one of its main objectives the consolidation of a very close relationship with USA. Also, one of the main internal objectives of Uribe was to defeat the insurgency, and

he considered that the aid of the US was necessary to achieve it. Therefore, from the beginning of his first presidential term he offered his collaboration to USA's war on terror, and even sent troops to middle east (without waiting for the approval of the UN) (Pulecio, 2005: 16; Interview Pastrana 2012). Therefore, Colombian government thought, as a close ally, that USA should also cooperate to Colombian economic development through an FTA. In this sense, for Colombian authorities the FTA would be other pillar of the new relationship between both countries, and not only a commercial agreement (Interview Pastrana, 2012).

In the case of Peru (and also Chile's), there is evidence that indicates the existence of a political objective behind the decision to pursue an FTA with USA: the consolidation of the (neo)liberal economic model. In the case of Peru, its chief negotiator Pablo de la Flor admits it when he said that the FTA made possible to strengthen the bases of the (liberal) economic system introduced in the 90s (2010: 66). That is, Peruvian authorities thought that the FTA would contribute to this goal, because it would make more difficult and costly for future governments to change the pillars of the economic system. Chilean authorities have not been so explicit in this regard. However, since the beginning of the 90s Chile has had an FTA with USA as one of its main foreign policy objectives (Klaveren, 1998: 138). In fact, Chile offered to start negotiations for an FTA in 1992, and also quickly accepted the invitation to be part of the NAFTA in 1994 (Direcon, 2009). Then, if Chile did not achieve it before was not because of it did not want to, but to the lack of consensus among the US political authorities. In this vein, I cannot rule out the presence a similar political objective as in the Peruvian case: to "freeze" the bases of the economic model by introducing hurdles to those that want to change it. Even Direcon (General Directorate for International Economic Affairs) suggests something close to it (although not the same), when in an official publication recognizes that this negotiation helped to consolidate and deepen the Chilean economic strategy based on an export led economy (Direcon, 2009: 135; Agüero 2005: 54; for a discussion, see Pineda, 2010: 23). This was also the opinion of businesspersons, who saw also the FTA as a "quality stamp" (sello de calidad) for the Chilean economy (Interview Reus 2013).

#### **IV. State and IGs during the negotiation of the FTA with USA.**

##### **A.- Consulting mechanisms:**

The three governments opened consultation mechanisms with IGs, and other representatives of the civil society in order to hear their preferences regarding the



negotiations. During the parliamentary discussions the IGs were also invited to explain their positions regarding the texts. In this sense, I found no evidence that suggests that any group could not express its opinion about the treaty or the evolution of the negotiations. This refers not only to meetings with the government or parliamentarians, or making public statements, but also to the fact that all groups were free to use other means, like public demonstrations, strikes, or even plebiscites. As Putnam emphasizes, governments opened the consultation/information mechanisms not only because they wanted to enhance the legitimacy of the process, but also because they needed to hear the different IGs in order to make a better negotiation. This is especially the case of the business sector, because it could provide accurate information about how the FTA would affect the different economic sectors. Of course, this does not mean that at the end all IGs had the same influence.

Depending on the country, different consultation mechanisms were implemented. In the Colombian case, for example, the government not only held regular meetings with representatives of private sector (business and some NGOs), who were informed about the problems that emerged during the process, and the results of each negotiation round. Also, the government implemented public meetings (Audiencias Públicas) to inform the general public about the progress of the negotiation. After each round government submitted official reports “in events carried out in public auditorium in Bogotá, each with a duration of two to three days and attended by more than 5,000 persons” (Gómez/Gamboa, 2010). The Congress also organized several public meetings to hear the opinion of different IGs. Also, according to Gómez and Gamboa, “draft text of the negotiations were made available for the public in ‘reading rooms’ which operated in Bogotá, Medellín, Cali, and Barranquilla” (Gómez/Gamboa, 2010). Nonetheless, the main consultation mechanism for the IGs was the “room next door”, for it allowed them to have the information “in real time”, and make their inputs to the government during the negotiations (Interviews Narváez and Lesmes, both 2012). Nevertheless, some IGs critical to the FTA (from the three countries) complained that this mechanism did not produced a “real dialogue” with the government (Braun 2012; Bull 2008: 222; BCN 2003: 310). For the government it was also an important instrument, because it allowed the negotiators to know quickly the opinion of the IGs regarding the proposals that were made in the negotiation tables, and how supportive they would be to the different solutions (Level II). The Colombian IGs understood also that to participate in the negotiations was the better way to be heard, and participated actively in the “room next door”. So, Colombian delegations were always the more numerous. In some rounds more than 600 people from different IGs took part (Gómez/Gamboa 2010).

In this context, it is also remarkable that the Colombian government (and also the Peruvian) made efforts to keep a good relationship with the MPs during the negotiations. These included the submission of periodical reports to the parliament about the progress of the negotiations, informative meetings about the meaning of the norms that were being discussed, and invitations to participate in the negotiation rounds as observers. The Colombian government even created a “parliamentary room” as a second room next door in each round (Gómez/Gamboa, 2010; Interview Pulecio, 2012; Interview Ferrero, 2012).

Chile followed a similar pattern. Even though before the participation of IGs in trade policy issues had not been intense, the launching of the negotiations created an “unprecedented interest” among IGs to make their inputs (Herrerros, 2012). In this vein, as Bull states, the government made efforts to give more voice and participation to civil society sectors other than business, creating several mechanisms to receive their inputs: it made an open invitation (through newspapers’ adds) to all interested in the topic to submit their comments/demands to the government; it created an advisory council composed of businesspersons, politicians, academics, and MPs; it set up three “rooms next door” (one for large business, other for small and medium size enterprises, and one for labor representatives); and it organized information seminars with NGOs and others organizations (Bull, 2008: 222; Herrerros, 2010). In this case also happened that the government and business associations (especially those more export oriented) began to discuss the bargaining strategy even before the official beginning of the negotiations. This, on the basis that there was a basic agreement on the need to sign an FTA with USA, and that the government needed to know what the preferences of the private sector were in order to negotiate better (Interview Reus 2013).

The case of **Peru** is similar. The government also created several mechanisms to facilitate the participation of IGs during the negotiations, including periodic meetings with business representatives, informative rounds with different actors (not only in Lima, but also in several regions) (Interview Ferrero 2012), and the room next door. As I mentioned, there was also a permanent contact with MPs, in order to work from the beginning on the issue of parliamentary ratification (Braun 2012; Interview Benavides 2012).

## **B.- Participation, positions and strategies.**

Even though it is difficult to make an accurate assessment, the evidence gathered points out that in the three countries, and maybe with the partial exception of

Colombia, the participation of IGs was uneven, for the business sector had in general a more active role.

This was clearly the case of Chile. As Herreros maintains “the business sector is by large the most active and influential Non State Actor in Chile’s trade policy and negotiations” (2010). In this context, it was the organized and big business, whose umbrella association is the Confederation of Production and Commerce (CPC), who had the more active role in the negotiations. CPC encompasses six sector associations, and one of them, the Society for Manufacturing Promotion (SOFOFA) acted as a technical coordinator of (big) business interests, and the main counterpart of the government (Interview Reus 2013). Nevertheless, and even though they had a positive stance towards the FTA, specialized producers opted not to “delegate” their representations to the peak associations, and participated actively in the negotiations, as was the case of the dairy (FEDELECHE), Bovine (FEDECARNE), and Fruit (FEDEFRUTA) producers. In the same group one could include the wheat producers, organized in the Consorcio Agrícola del Sur (CAS), who also acted separated from the peak association of the agrarian sector National Agrarian Society (SNA) and CPC. None the less CAS had a critical stance towards the FTA, very different from the most SNA members: they were export oriented and supportive to the FTA, so that CAS could not expect too much help from it (Interview Riesco 2013). This “uneven” representation of interests reflected also in the parliamentary debate, where out of the 21 IGs that took part in it, 14 (66%) where representatives of the “Big business”.

Regarding the positions and strategies of Chilean IGs towards the FTA, I already mentioned that most business IGs had a very positive position towards the negotiation, and made clear they supported this government policy. This, even though some of them criticized particular provisions (BCN 2003), or were critical because the market liberalization was not as deep as they wanted, as was the case of the Dairy producers (Interview Arancibia 2013). In the same vein, the representatives of small and medium enterprises (CONUPIA), criticized the fact that this kind of agreement would open little opportunities for its associates because they are oriented to the internal market and nobody (i.e. the state) was helping them to compete in foreign markets. At the same time, it was critical to the fact that even though Conupia could give their opinion, it was not considered in the decisions that were being made (BCN 2003: 318). At the same time, the Intellectual Property IG (Sociedad Chilena del Derecho de Autor) as well as ASILFA (the IG that represents the Chilean Pharmaceuticals) opposed some norms regarding the issue, but not to the entire treaty. Lastly, it must be underscored that in the case of Chile the main labor organization, the Central

Unitaria de Trabajadores (CUT), had a positive stance towards the FTA. It took part in many negotiation rounds, and even though considered that an FTA was not the best instrument to improve the labor conditions, it did not oppose it, and claimed that was its own success that the treaty included a chapter about labor rules (Olivares, 2004: 64).

All in all, in the Chilean case, and different from that of Peru and Colombia, most IGs had a positive stance towards the FTA, and consequently during the negotiations did not emerge significant conflicts between them and the government. The same was the case among the entrepreneurial IGs, and when they emerged the peak associations acted as referees (“amigables componedores”) and contributed to solve those conflicts. In this context it happened that most organizations (including labor unions) deployed an “inside advocacy” strategy, and only in some cases used instruments of outside advocacy (Interview Arancibia 2013). Also, it must be added that the Business Sector went even further, as it invited to Santiago a group of advisors of American MPs seeking to assure the approval of the FTA in American Congress (Interview Reus 2013).

This general pattern notwithstanding, the case of the CAS is an important exception. It exerted strong opposition not to the negotiation itself, but against some clauses that were being negotiated and deeply affected its members. The CAS represented most of the wheat producers of Chile, industry that was protected by the mechanism of *price bands*, which were established in the 1980s (Leight 2009). At the beginning of the negotiation process USA announced that a condition for a successful negotiation was the elimination of the price bands. This was in principle accepted by the Chilean government and entirely rejected by the CAS. It argued that the price bands were not a subsidy, but a price stabilizer. Then, so the CAS, if they were eliminated, the Chilean producers could not compete with USA producers, who received strong subsidies (Bull 2008:218; Interview Riesco 2013). In this complex scenario, CAS had to implement a strategy that differed from that of most business IGs, as it not only used all lobby instruments identified with inside and outside advocacy, but also those identified with “grassroots advocacy”, like public demonstrations (Leight 2009; Interview Riesco 2013).

In Peru, before the launching of the negotiations the business sector organized itself to be prepared to participate in the negotiations, and make clear to the government what their inputs were. In general terms, the big business had a positive stance towards an FTA, which was understood as an opportunity to establish better and more stable trade and investments rules (Interview Benavides 2012; Peñaranda 2004). At that time the most important business association was the National Confederation of Private Business Associations (CONFIEP), which

encompassed the leading business associations of the country. None the less, it was not representative of all large business sectors, because some important associations had abandoned it in the early 2000s (i.e. the National Society of Industries and the Exporters Association). In this context, and knowing that acting together would be more useful for the business interests, an ad hoc organization was created: the Industry Council for International relations (CENI). This was made up by a “mix of small, medium and large scale companies” (Braun 2012), and designated Roque Benavides as its speaker, a past president of CONFIEP, linked to the mining industry.

CENI made clear from the onset of the process that its aim was to help to achieve an FTA, because its members were convinced that it would bring benefits to Peru in different areas (i.e market access, investments, access to better technologies) (Peñaranda, 2004). Then, CENI was not conceived to put obstacles to the negotiation, but to help the government to achieve the FTA. In this frame, it declared that would play two major roles: a) to coordinate the position of the business sector towards the different issues at stake, through consultation processes within business associations and entrepreneurs (Peñaranda, 2004); and, b) to participate actively in the negotiations, not only interacting with the government in the preparation of the propositions to be presented in each round, but also through its presence in the room next door (Idem). According to Ferrero, it was the business sector organized in the CENI which played the major role among the IGs, being the main consultation partner during the process. In this regard, he also pointed out that CENI's role was crucial in two senses: a) by providing information to the government about the preferences of the businessmen on the different negotiation issues; b) by coordinating the position of the entrepreneurs, especially in cases of conflict among them (Interview Ferrero, 2012).

However, it means neither that other social organizations did not participate, nor that the business sector had always a consensual position. On the one hand, there were some business groups that fiercely criticized the way some (agricultural) issues were being negotiated. This was the case of the agricultural organization Conveagro. Even though it was a member of the CENI, it took the lead of the opposition to the agricultural negotiations of the FTA. Conveagro argued that the norms that were being discussed would weaken the Peruvian agricultural sector, because it would eliminate many protections as de prince bands (“franjas de precio”), and then many agricultural important products (p.e. wheat, sugar, rice, barley, oil, cotton) could not compete with the American producers, which were strongly subsidized. As a consequence, nine million people would be hurt by the FTA (Burneo 2009; Zúñiga 2006). In this context, Conveagro claimed not to

oppose per se the FTA, but asked to postpone the negotiations with regard to the agrarian sector. In this vein, its motto was: “TLC, ASI NO” (FTA, not this way). Conveagro deployed also a strategy that included several means identified with internal and external advocacy. It participated in the room next door, made many public statements, and even lobbied before de American Congress asking the MPs not to approve some norms related to agrarian issues, so that those should be renegotiated (La República, 15.1.2007). Conveagro (as CAS did) also deployed grassroots advocacy instruments, what even included the call for a national strike during the Lima Round (april 2005). However the strike was not successful enough, for not all the agrarian sector was against the TLC (Ferrero, 2010: 192)<sup>3</sup>.

Peasant communities, grouped in the Confederación Campesina del Perú (CCP) were very active in opposing the FTA. Even though it joined many activities organized by Conveagro, CCP took a more radical position, and not always acted coordinated with the former and had the same discourse (Burneo 2009: 72). The main labor unions like de Central Unitaria de Trabajadores (CUT) and the Confederación General de Trabajadores (CGTP) also joined the opposition to the treaty, supporting the arguments of the agricultural sector. They added that an FTA would not help to improve the situation of Peruvian workers, but to keep the status quo, which was very negative for their interests. Moreover they maintained that the FTA would mean to “freeze” the liberal economic system (CGTP 2005). In this frame, they acted together in some initiatives like strikes, protests and even called for a referendum to approve the FTA. This last demand was not accepted by the government.

Peruvian NGOs linked to health issues were very active, interacting with the government during the whole process, and expressing their critics through different means. The same occurred in the case of Intellectual Property Rights. As Braun (2010) states, the pharmaceutical industry of generics had a “purely defensive negotiation interest, arguing that additional layers of patent/test data protection would delay the market entry of their products” (kindle pos. 2766/7732). It was the Association of Pharmaceutical Industries of Peru (ADIFAN) who led the opposition to the negotiations, but arguing that it was not against the FTA, but to the fact that IPR issues (and the pharmaceutical ones) were going to be included in it (Idem). This, because the new norms proposed by the US, which would go beyond the TRIPS agreement, will affect the Peruvian producers and will raise the prices, hurting the consumers as well. It developed an intense campaign to defend its

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<sup>3</sup> For a deeper analysis of the strategy of CONVEAGRO, see Burneo (2009).

position, which included its participation in the grassroots advocacy actions led by Conveagro (El Tiempo, 14.7.2005).

The case of Colombia seems to be partially different from those of Chile and Peru. I maintain this because non business associations were much more active than in the other cases. However, similar to Chile and Peru, the business sector played again a major role.

As in Peru, the large business created an ad-hoc organization, the National Business Association Council (NBAC), which was defined as a “forum for the articulation of different sectorial interests of the private sector” (Gómez/Gamboa, 2010). Its aim was similar to that of CENI, as it was created to act as coordinator of the business sector, and as a counterpart of the government during the negotiations. Inside NBAC the leading role was played by the National Association of Colombian Business (ANDI), the most important business association of Colombia, and whose president acted as speaker of NBAC. ANDI is made up by 22 chambers, which represent the leading enterprises in the different industrial sectors and services. The other leading association was the Farmer’s Society of Colombia (SAC), which is also an umbrella association for agricultural trade unions. Its leader acted as vice president of NBAC.

In general, ANDI and its associates had a strong free trade approach, and then had a very good working relationship with the government, participating intensively in the negotiations. It was then a key actor, for it not only provided the government with useful information, but also coordinating the work with the different sectors represented by it (Gómez/Gamboa, 2010; Interviews Lesmes and Narváez, both 2012; Braun 2012). However, this was not the case of SAC, which as an umbrella association had to deal with the lack of internal consensus among its different members. While there were associations that supported the agreement (like flower exporters), others (like cotton or corn producers) saw themselves as net losers and then fiercely criticized the negotiations (Gómez/Gamboa, 2010; Interview Pulecio, 2012; Silva, 2007). SAC faced then a very complex problem, having to “balance this two types of interests”, which implied to defend some provisions that were being discussed, while rejecting others (Gómez/Gamboa, 2010). Other organizations, like the poultry producers associated in FENAVI, had also a very critical stance towards the FTA. In this context, it happened that SAC, or the most affected groups inside it, deployed also a mixed strategy, whose main elements related to inside and outside advocacy activities. For example, they were very active in the room next door and contacting government officials (Interview Pulecio 2012). In several occasions, when the discussions became hard, SAC expressed its disappointment with the government, and even almost called for the suspension

of the negotiations (El Tiempo 20.11.2005). Also, it was reported that some organizations, like that of rice producers, warned parliamentarians that they would not support them if they approve the treaty. At the same time, they felt cheated by the government because it did not defend their interests appropriately (Portafolio, 7.2.2006).

As in the case of Peru, the local pharmaceutical enterprises, organized in the umbrella association ASINFAR, opposed strongly to the IP negotiations. They also took a very defensive position, and argued that the level of IP protection should not exceed TRIPS (as USA wanted), and called for the exclusion of the IPRs from FTA negotiations (Braun, 2010). As Braun highlights, in the Colombian case it is interesting to note that they based their “objection to the agreement above all on health related grounds” (2010, kindle pos. 2776/7732), because they thought that this argument would help them to capture the attention of the MPs. In this context, they developed mostly a strategy of inside and outside advocacy.

As I mentioned, many other IGs (different from business) were active during the negotiations. The main labor unions (i.e the Central Unitaria de Trabajadores (CUT) and the Confederación General de Trabajadores- CGT), acted against the treaty. They not only argued that it would have negative effects on the Colombian economy (job losses) and reduce national sovereignty, but also that in Colombia labor rights were not adequately protected. Also they based their refusal on the argument that the government did nothing to sanction the murder of hundreds of labor leaders (Interview Pulecio 2012; El Espectador 22.1.2008). According to Pulecio, they did not oppose the FTA per se, but they wanted a “good one” treaty. They feared that the government, which had already said that to sign an agreement was its first priority, would at the end sign whatever USA proposes, even though it would hurt the interests of Colombia and its workers (Interview Pulecio, 2012). With regard to their strategy, they also used the complete mix of tactics, including street mobilization (El Tiempo, 18.5.2004; 26.6.2006). More interesting in this case, however, was the fact that knowing that the government would not take seriously the voice of the critics of the agreement (with the exception of that of the farmers), the trade unions concentrated their lobby on the US MPs (El Tiempo, 11.6.2011; Interview Pulecio 2012). At the end they were not successful in avoiding the signing of the treaty, but they managed to delay its approval in the US Congress until 2011.

A handful of other organizations also took part in the process. Among them, the Red Colombiana de Acción frente al Libre Comercio (RECALCA) and Agriculture Salvation played a role, both having a very critical approach to the FTA. In brief, they argued that the FTA would provoke the chaos in the agricultural sector, hurt



strongly the small producers, provide no solution to the “social evils”, and that its provisions would be against the constitution (ANSA-RECALCA 2006: 49). They eventually privileged “grassroots advocacy” instruments, like calling to national strikes. It is also interesting to remark that cultural groups had a critical stance towards the FTA, organizing public demonstrations. They claimed that the FTA would affect the national industry because according to some provisions that were being discussed there would be less spaces for national productions at the prime time (El País 15.11.2005; Interview Pulecio 2012). Lastly, as I mentioned, it is worth to remark the actions of indigenous groups from the Cauca Valley, who strongly opposed to the negotiations, and even organized a referendum in five cities of Colombia, where almost 90% of the voters refused the FTA.

#### **V. On the observed influence of IGs on FTA negotiations.**

So far I have described the main findings regarding the participation of IGs in the negotiation processes. I outlined its main channels, their tactics and highlighted that in general it was the business sector that was by far the more active. Furthermore, it also seems that among the business sector it was the large business that had a more important role, and was who developed a closer relationship with the government. This, obviously, with some exceptions like that of SAC in the Colombian case, and the sector related to IP rights.

In this context, it is necessary to ask if this meant that the IGs exerted real influence on the formulation of each country's strategy, and on the final results of the negotiation. As I mentioned, the academic literature underscores that measuring the real power of an actor is certainly a task very difficult to accomplish. However, considering the theoretical statements described above and the information collected, it is possible to make some observations that shed light on the issue.

1.- As I mentioned in the three cases the asymmetries between USA and its partners was huge. USA was an important trade partner for Chile, Colombia and Peru, but it was not the other way around. Actually, at the beginning of each negotiation Chile represented only 0,5% of US exports, Colombia 0,6%, and Peru 0,3% (BCN, 2003: 5; De la Flor, 2010: 63). Then, and considering that for the three countries to sign an FTA with USA was a major objective (that is, any FTA was better than nothing), it seems unlikely that each country could have obtained significant concessions from USA. I have found no evidence that indicates that any of the countries achieved to “impose” some clauses to US against their will. On the contrary, as Braun (2010) states for the cases of Peru and Colombia, it seems that in most cases each country had no other option than to accept the proposal the US

presented in each negotiation table. In this sense, the possibility for each country (and consequently the IGs) to impose its own interests was very low. In other words, from the beginning on, considering the limited ability of the countries to impose its negotiating terms to USA, the influence capacity of the IGs was necessarily low.

Keeping this in mind, the case of Chile is worth mentioning. After the end of the negotiations (December 2002) it happened that the UN began to discuss the issue of a USA military intervention in Irak. As it is well known, Chile was not keen to support a unilateral action from USA, and pushed for the topic to be resolved by the UN. The US authorities did not like Chile`s attitude and sent messages that warned about the future of the FTA. The press speculated that USA was exerting pressure on Chile, asking for a support to the US position in exchange for the FTA. But Chile did not change its position, and Bush signed the agreement in September 2003 (Direcon, 2009: 136). Whatever the real contours of this impasse were, it is not possible to conclude that with its attitude Chile gained more from the US (in fact, the negotiation was already concluded).

b) A second important point has to do with the institutional setting. The three countries have presidential systems, and in all of them the constitution makes the president responsible for international relations issues. This normally includes her competence to appoint the members of diplomatic corps and to negotiate international treaties, enjoying full autonomy to decide when to enter in negotiations and when to conclude them, and to define their terms (Braun, 2010 chapter 4; Silva, 2000). In this framework, the role of Congress is also limited to the approval or rejection of international agreements to make them valid, having no power to change their contents.

Having the Executive the control of the negotiations, it also has the last say regarding the content of the treaties they signed (at least internally). In this context, for the IGs to be influential, one way was to try to exert pressure on the Executive, so that it would defend their interests. This could be achieved through direct contacts (as the room next door or personals meetings) or indirect (as press campaigns or public demonstrations). Or, they can try to influence the parliament, and look for enough support inside it to warn the government to consider their inputs.

Considering this factors, were the IGs influential or not in these three cases? First, regarding the IGs that were in favor of the FTA, but wanted to make their inputs in order to defend their interests (i.e. of most business groups) they certainly had a better relationship with government negotiators. As I said, many of them

collaborated fully with the government, exchanging information and communicating what their preferences were. But, this does not necessarily mean influence. According to the evidence, the general pattern that emerges is that government and IGs (especially business) discussed most of the topics regarding the negotiations, and in many cases agreeing in a position (which in many cases coincided with that of the IGs), but it was always the government that had the last say in the definition of the negotiation positions. (Interview Ferrero 2012; Interview Guerra, 2012; see also Gómez/Gamboa, 2010, Braun 2010, Pineda, 2010: 36).

Second, the groups that opposed the FTA had almost no chance to succeed. Because of the institutional setting, and the declared intention of the presidents that their first priority was to sign the FTA, it was clear from the beginning that the critics of the FTA had a very small chance to convince their governments to give up the negotiations<sup>4</sup>. The political context in these countries also contributed to the strength of the government and the limitations of the IGs. The case of Colombia is clear. As it is well known, since Uribe became president, he built up a hegemonic position in the Colombian political system (Interview Botero, 2012). Then, being clear that for Uribe the FTA was a top priority, the critics of the FTA knew that they had no possibility to convince the government not to sign it. Even more, it was clear that the government will not hear their arguments (Interview Pulecio, 2012). In the case of Chile not only the government, but also almost the whole political elite favored an FTA. In the Peruvian case, even though president Toledo was never in a solid political position, his decision to go forward with FTA negotiations was never in danger, having always the support of most important business groups. In other words, it happened that in the three countries the “coalition pro FTA” was always stronger politically and economically than the critics.

Nevertheless, this does not mean that all groups critic to the FTA were at the end net losers. This was the case of the Colombian agrarian sector represented by the SAC, which could not avoid the introduction of many clauses that apparently hurt its members, but obtained some compensations. How was it possible? Even though Uribe enjoyed a very solid position and was decided to make all efforts to achieve the FTA, the agrarian sector had also many political resources at disposal. Uribe’s parliamentary basis was mainly made up by MPs that represented agrarian provinces (Interview Botero 2012). Therefore, for him it was clear that to sign an agreement that deeply hurt this sector could put in danger the cohesion of his

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<sup>4</sup> In 2004 Toledo said that “El TLC se firma sí o sí, o dejo de llamarte Alejandro Toledo” (Ferrero 2010: 159). In the same vein, Uribe also said that “there would be an FTA at all costs” (Braun: 2010; see also López, 2007).

parliamentary group. In this context, Uribe helped the agrarian sector with large compensation packages from the government, being the most important the “Ley Agro Ingreso Seguro”. This law gave economic support to different agrarian sectors, and so defended them from the possible losses they would suffer due to the reduction of tariffs<sup>5</sup> (Silva, 2007: 127; Interview Reina, 2012; Portafolio 28.2.2006). Something similar happened in the Peruvian case, where before the approval of the FTA in Congress, 4 compensation laws for the agrarian sector were enacted (Interview Ferrero, 2012; La Republica 23.7.2006). Interesting in this case was the fact that Conveagro always refused these measures, considering that they would not solve the problems of the agrarian sector. It even called for a national strike after the treaty was approved in the Peruvian Parliament.

Different is the case of Chile, where no side payments like the abovementioned were made. However, the government heard the demand of the CAS (the wheat producers were also politically important), and even though was always keen to eliminate the price bands (as USA wanted) it negotiated special clauses that guaranteed a protection for wheat producers for 12 years. This protection ends in 2014 (Interview Riesco, 2013).

## **VI. Concluding Remarks: on reasons, strategies and influence.**

This article has focused on three main issues linked with IG’s participation on foreign trade negotiations: why to pursue an FTA (in this case with USA, a much bigger trade partner in the three cases); which participation mechanisms the governments opened to hear the IGs; and the strategies the IGs adopted to be heard; a general assessment of their influence on negotiations decisions. Now I will briefly explain the main findings regarding these issues, which are also summarized in Table IV.

First, this research has shown that the countries (and IGs) pursue FTAs for several reasons, both economic and political. On the one hand, it is clear that economic considerations played a very important role (tariffs, rules of origin and the like). Nonetheless, other issues (not strictly commercial) were considered by the IGs even more important in some cases (i.e. investment rules). On the other hand, a political/economic factor seems to have played a central role: the FTA with USA as

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<sup>5</sup> In concrete, the law (nr. 1133/2007) encompasses four different programs: technical assistant for small farmers; credit support for small producers; financing of irrigation programs; and capitalization mechanisms also for small producers (CAMBIO, 19.19.2009).

anchor of the liberal economic system. This was a consideration present in every country and considered very important by the IGS. In fact, as it was mentioned, the IGs pro FTA were aware that reaching an FTA would be a great step in order to strengthen the roots of the economic system. From their point of view, IGs critical to FTA understood that signing an FTA with USA would close the door for future reforms. Lastly, it was also showed that pursuing an FTA can be part of a more ample strategy, as it was the case of Colombia.

Second, governments tend to open different channels to hear the IGs that want to participate in the discussion, and nobody was excluded. This, not only because of legitimacy reasons, but also of two other: information and possibility of approval. This confirms that Putnam’s analysis is right in the sense that every government, who wants its agreements to be ratified, must take into account the opinion of the main internal political actors. At the same time, however, it is difficult to quantify exactly which IGs participated more in the negotiations. Only in the case of Chile we have some data that tend to confirm the statement that business groups participate more. Peru seems to follow the same pattern, but it is not fully clear in the Colombian case.

The evidence also shows that most IGs deployed a mixed strategy, in the sense that inside and outside advocacy instruments were used by all. Then, according to these it is not possible to make a distinction on the basis of the type of IGs: all tend to use a “mix” of these strategies. Grassroots advocacy strategy cannot be identified with a specific type of organization either. The article shows that not only citizens groups and labor unions used them, but also some business groups that opposed the treaty. In this frame, the pattern that can be identified is that, on the one hand, the pro free trade IGs preferred to make their claims through official channels and public statements, and contacting MPs (outside and inside advocacy). On the other, the grassroots advocacy instruments were used mostly by the IGs critical to the FTA, no matter their type. This is possible due to the fact that in a context where the possibility to avoid an FTA (i.e. in the case of the agrarian sectors) was closer to zero, no strategy could to be excluded if they wanted, at least, get some protection. At least in their case, they obtained some compensations. Others, especially those who wanted to stop the negotiations, nothing.

Table IV. State and IGs in Foreign Policy: main findings

Issue	Finding
Reasons to support/refuse an FTA	<ul style="list-style-type: none"> <li>- As predicted, both political and economic</li> <li>- Central importance of a political factor: the FTA as anchor of neoliberal system</li> </ul>
Participation of IGs in FTP formulation (Putnam)	<ul style="list-style-type: none"> <li>- As predicted by Putnam, all governments open dialogue mechanisms with IGs during negotiations (Level II)</li> </ul>

	<ul style="list-style-type: none"> <li>- Mechanisms vary depending on the country. Room next door as preferred mechanism by FTA supporters.</li> <li>- Every IG had the opportunity to express its opinion to the government</li> </ul>
Factors affecting IGs influence ability (Caplin/Low- Dür DeBrievre)	<ul style="list-style-type: none"> <li>- Evidence suggests that Institutions (presidential system) limits influence ability of IGs.</li> <li>- No concluding evidence, but Business IG (with more economic resources) allegedly had more influence</li> </ul>
Strategies Preferred by IGs	<ul style="list-style-type: none"> <li>- As expected, the IGs do not exclude any possible strategy.</li> <li>- In general, supporters of FTA prefer inside and outside advocacy instruments (including contact to decisions makers of the counterparts).</li> <li>- Opponents use also both mechanisms, but also use grassroots advocacy tactics.</li> <li>- BUT: different to predicted, Business IGs that opposed FTA also resorted to grassroots advocacy instruments</li> </ul>
Government Strategies	As predicted, Governments used different strategies to neutralize opposition to FTA, like side payments.

Third, the issue of influence is the most difficult to assess. Nonetheless, the evidence collected here suggests the following: a) the institutional setting seems to have played an important role. This, because the concentration of formal and informal power in the presidents' hands (who were strongly committed with the FTA), limited seriously the capacity of IGs to exert influence on the negotiations decisions made by their government. This was certainly the case of Colombia and Chile (even though here the opposition was not strong). In Peru, president Toledo was not politically strong, but the coalition behind the FTA helped him to have a strong position on the issue; b) the fact that some agricultural groups obtained some compensations, while other nothing, leads to the conclusion they were at least more powerful than other (i.e. labor unions). If this is true, why it was so?. Even though it was not possible to analyze specific variables (i.e. resources), one can argue that agricultural sectors (in the three countries) obtained more because of their electoral weight, as was clear in the case of Colombia. In this context, one can ask why this was not the case of the labor unions (Colombia and Peru). In this regard, the evidence points out that they were no that politically strong because they were not fully representative of the labor sector in each country (in fact, none of them represented more than 15% of the labor force).

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