MAKING TRADE POLICY GREAT AGAIN: WHAT POLICYMAKERS SHOULD LEARN FROM TRUMP'S ELECTION

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ABSTRACT

Donald Trump's election as President of the United States (hereinafter "U.S.") of America offers a cautionary tale about how trade policy depends on the continuous support of citizens and politicians. Trade liberalisation advocates should ask themselves whether traditional policies are so detached from the reality of citizens' quotidian concerns that they can be easily instrumentalised for electoral gain. There is a disconnect between international trade policies and domestic concerns, with many citizens seeing themselves as the losers of the international trade game. Pro-trade politicians and policymakers should acknowledge that trade policy benefits countries as a whole but makes some citizens richer and others poorer. Revitalising consensus on trade policy among political circles and the community at large requires looking back, underlining the good things that trade liberalisation has achieved; but also looking forward, devising new ways of making trade policies more inclusive and equitative for everyone.

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I. TRUMP'S VISION OF TRADE

Since the announcement of his candidature to the American presidency in June 2015,[1] Donald Trump became a household name in all corners of the world. After his election as the forty-fifth President of the United States, Trump also turned into an unmissable keyword in any scholarly piece on the present and future of American and global trade policy. Such is the significance of Trump's anti-trade proclamations and measures that, little more than six months into his presidency, a search on Google Scholar with the terms "Trump" and "trade policy" retrieves more than 5,000 results.

This article starts by demonstrating how Trump's hostile approach to traditional trade policies as candidate played a decisive role in his election. It then moves to analyse his trade-related announcements and measures as President. While it is still too early to venture any predictions about whether Trump will fulfil his promises, it is already possible to draw some lessons on the intricate relationship between Trump's approach to trade and his triumph (section II). Section III discusses a couple of measures that can help to revitalise the social and political consensus on trade policy in the United States and globally. Section IV concludes by offering some final remarks.

A. Candidate Trump

Trump's hostility towards conventional trade policies has been a defining element of his incursion into American politics.[2] During the electoral campaign he belittled the Republican Party's long standing support for free trade agreements[3] and mocked the traditional approach of the United States government to trade policy.[4] Both existing and prospective trade agreements were the target of his criticism.[5] He labelled the North American Free Trade Agreement (hereinafter "NAFTA") "a disaster" and promised to renegotiate it in case he became president.[6] He also condemned the Trans-Pacific Partnership (hereinafter "TPP") as

[1] Jose A. DelReal, *Donald Trump Announces Presidential Bid*, WASH. POST (June 16, 2015), https://www.washingtonpost.com/news/post-politics/wp/2015/06/16/donald-trump-to-announce-his-presidential-plans-today/?utm_term=.5023d4a64be4.

[2] David P. Fidler, *President Trump, Trade Policy, and American Grand Strategy: From Common Advantage to Collective Carnage*, 12(1) ASIAN J. WTO & INT'L HEALTH L. & POL'Y 1, 2 (2017).

[3] Cristiano Lima, *Trump Calls Trade Deal "a Rape of Our Country"*, POLITICO (June 28, 2016), http://www.politico.com/story/2016/06/donald-trump-trans-pacific-partnership-224916.

[4] Caroline Freund, *Trump's Confrontational Trade Policy*, 52(1) INTERECONOMICS 63 (2017).

[5] Craig VanGrasstek, *What Will Happen to U.S. Trade Policy When Trump Runs the Zoo?* 2 (Eur. Ctr. Int'l Pol. Econ., ECIPE Occasional Paper No. 03, 2016).

[6] *NAFTA "a Disaster" and I'll Renegotiate, Says Donald Trump*, CBC NEWS (Sept. 25, 2015, 3:21 PM), http://www.cbc.ca/news/business/nafta-a-disaster-and-i-ll-renegotiate-says-donald-trump-1.3244280.

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"another disaster done and pushed by special interests who want to rape [the] country". [7] Trump went further to lament the advance of the globalisation process that "has wiped out totally, totally our middle class", arguing that "[i]t doesn't have to be this way. We can turn it around and we can turn it around fast".[8] Traditional trade policies, and the damages they have allegedly brought on the American people, were a recurring theme in Trump's run to the White House.

B. President Trump

Trade policy was also at the heart of Trump's inaugural speech on 20 January 2017.[9] President Trump portrayed traditional American foreign policy as a strategy that only leads to the impoverishment of the United States to the benefit of other nations.[10] In his words, he states:

> We've made other countries rich while the wealth, strength, and confidence of our country have disappeared over the horizon.
>
> One by one, the factories shuttered and left our shores, with not even a thought about the millions upon millions of American workers left behind.
>
> The wealth of our middle class has been ripped from their homes and then redistributed across the entire world.[11]

In a speech packed with protectionist tunes,[12] Trump pledged to adopt a trade policy marked by economic nationalism.[13] He claimed that "protection will lead to great prosperity and strength"[14] and promised to "follow two simple rules: Buy American and Hire American".[15]

On 23 January 2016, his first full workday at the White House, Trump signed an executive memorandum directing the United States Trade

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[7] Jose A. DelReal & Sean Sullivan, *Trump: TPP Trade Deal "Pushed by Special Interests Who Want to Rape Our Country"*, WASH. POST (June 28, 2016), https://www.washingtonpost.com/news/post-politics/wp/2016/06/28/trump-tpp-trade-deal-pushed-by-special-interests-who-want-to-rape-our-country/?utm_term=.8257c8348bfb.

[8] Lima, *supra* note 3.

[9] Donald J. Trump, President, U.S., The Inaugural Address at Washington, D.C. (Jan. 20, 2017), https://www.whitehouse.gov/inaugural-address [hereinafter Inaugural Address].

[10] Hal Brands, *U.S. Grand Strategy in an Age of Nationalism: Fortress America and Its Alternatives*, 40(1) WASH. Q. 73, 89 (2017).

[11] Inaugural Address, *supra* note 9.

[12] Stuart S. Malawer, *Trump's China Trade Policies: Threats and Constraints*, 3(1) CHINA & WTO REV. 109, 115 (2017).

[13] Douglas A. Irwin, *The False Promise of Protectionism: Why Trump's Trade Policy Could Backfire*, 96(3) FOREIGN AFF. 45, 45 (2017).

[14] Inaugural Address, *supra* note 9.

[15] *Id*.

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Representative to withdraw the country from the TPP negotiations.[16] The formal withdrawal took place a week later through a letter to the TPP signatories.[17] The memorandum was bursting with symbolism.[18] First, Trump could have simply "frozen" the agreement by not sending it to the Congress.[19] Second, the TPP text had little chance of approval.[20] Finally, the immediate withdrawal from the TPP signalled a sense of urgency from the just arrived President in sending a message to the outer world about the new American approach to international trade agreements.

The executive memorandum also emphasised the new administration's intention to "deal directly with individual countries on a one-on-one (or bilateral) basis in negotiating future trade deals".[21] The focus on bilateralism promises to be one of the hallmarks of Trump's trade policy due to his scorn for multilateral treaties.[22] By withdrawing from the TPP Trump introduced a major shift in American trade policy. In the new President's trade agenda there is no place for multilateral trade agreements.[23] The Trump administration believes that by negotiating only bilateral deals the United States can gain advantage over potential negotiating partners.[24] This retreat from multilateralism is at odds with contemporary American trade policy, expressively exemplified by Barack Obama's efforts to move the TPP forward.[25]

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[16] *Presidential Memorandum Regarding Withdrawal of the United States from the Trans-Pacific Partnership Negotiations and Agreement*, WHITE HOUSE (Jan. 23, 2017), https://www.whitehouse.gov/the-press-office/2017/01/23/presidential-memorandum-regarding-withdrawal-united-states-trans-pacific.

[17] *The United States Officially Withdraws from the Trans-Pacific Partnership*, WHITE HOUSE (Jan. 2017), https://ustr.gov/about-us/policy-offices/press-office/press-releases/2017/january/US-Withdraws-From-TPP.

[18] Walter Lohman, *The Trump Administration's Trade Policy and the Implications for Southeast Asia*, 39(1) CONTEMP. SOUTHEAST ASIA 36 (2017); Malawer, *supra* note 12, at 114.

[19] Lohman, *supra* note 18.

[20] Malawer, *supra* note 12, at 114.

[21] *Presidential Memorandum Regarding Withdrawal of the United States from the Trans-Pacific Partnership Negotiations and Agreement*, *supra* note 16.

[22] Malawer, *supra* note 12, at 110.

[23] Lohman, *supra* note 18.

[24] CARLO DADE ET AL., THE ART OF THE TRADE DEAL: QUANTIFYING THE BENEFITS OF A TPP WITHOUT THE UNITED STATES 6 (2017).

[25] See, for instance, Barack Obama, *President Obama: The TPP Would Let America, Not China, Lead the Way on Global Trade*, WASH. POST (May 2, 2016), https://www.washingtonpost.com/opinions/president-obama-the-tpp-would-let-america-not-china-lead-the-way-on-global-trade/2016/05/02/680540e4-0fd0-11e6-93ae-50921721165d_story.html?utm_term=.887ca9d82af4.

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C. Trade as a Trump Card?

Trump's approach to trade policy has been branded "harsh",[26] "aggressive",[27] and "confrontational".[28] In his worldview, international trade is not a win-win proposition but rather a zero-sum game where some countries "win" while others "lose";[29] "a game in which nice guys finish last".[30] Trump perceives bilateral deficits as a demonstration that the United States has been losing this game[31] while the rest of the world is winning.[32] In his eyes, victory requires a trade surplus.[33] To make trade policy "great again" for the United States, he intends to adopt a tougher negotiation process with those countries that have been benefitting from large trade surpluses with the United States.[34]

Little more than six months into his presidency, there is still a lot of uncertainty and guesstimating surrounding Trump's true intentions. Will his vision of trade be translated into real-life policies? His stance on trade has not been very detailed. In fact, there is more information available about what Trump opposes than about what he proposes.[35] Furthermore, it is humanely impossible to predict how his positions may be influenced by future developments.[36] Even if Trump's harsh anti-trade proclamations are only intended to create negotiating leverage, the style and substance of American trade policy will probably be significantly different in the future.[37]

During the electoral campaign a commentator noted that "[t]he press takes him literally, but not seriously; his supporters take him seriously, but

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[26] Daniel C. K. Chow et al., *A Legal and Economic Critique of President Trump's China Trade Policies* 2 (Ohio St. U., Public Law and Legal Theory Working Paper Series No. 393, 2017).
[27] Malawer, *supra* note 12, at 109.
[28] Freund, *supra* note 4.
[29] Douglas A. Irwin, *The Truth About Trade: What Critics Get Wrong About the Global Economy*, 95(4) FOREIGN AFF. 84, 85 (2016); Malawer, *supra* note 12, at 114; Irwin, *supra* note 13, at 56.
[30] Paul Krugman, *And the Trade War Came*, N.Y. TIMES (Dec. 26, 2016), https://www.nytimes.com/2016/12/26/opinion/and-the-trade-war-came.html.
[31] Uri Dadush, *Will America Trigger a Global Trade War?* 3 (OCP Pol'y Ctr., Policy Brief No. 17/05, 2017).
[32] Edward Alden, *The Roots of Trump's Trade Rage*, POLITICO (Jan. 16, 2017), http://www.politico.com/magazine/story/2017/01/the-roots-of-trumps-trade-rage-214639.
[33] Freund, *supra* note 4.
[34] Dadush, *supra* note 31, at 7.
[35] VanGrasstek, *supra* note 5.
[36] Walter Russell Mead, *The Jacksonian Revolt: American Populism and the Liberal Order*, 96(2) FOREIGN AFF. 2, 2 (2017), https://www.foreignaffairs.com/articles/united-states/2017-01-20/Jacksonian-revolt; Dadush, *supra* note 31, at 1.
[37] Craig VanGrasstek, *Washington Slept Here: How Donald Trump Caught the Politicians Napping on Trade* 19 (Eur. U. Inst., Robert Schuman Ctr. Advanced Stud., Working Paper No. RSCAS 2017/02, 2017).

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not literally".[38] Now that Trump is in office, the million-dollar question is knowing whether and how he will convert his campaign promises into specific policy measures.[39] The withdrawal from the TPP—his most significant trade-related decision to date—denotes the intention to keep his word. However, when the Trade Policy Agenda of the Trump administration was published in March 2017,[40] some commentators noted that it lacked the inflamed rhetoric that was the trademark of Trump's campaign. In the words of Alden, it states:

> [T]here may be less to fear and more to cheer than would be thought from the president's own statements to date. There is no lambasting of NAFTA as "the worst trade deal ever negotiated," no empty promises to restore millions of lost manufacturing jobs, no threats to slap large tariffs on imports. Instead there is a sober critique of the limitations of some of the current trade arrangements, problems that many critics . . . have long identified as serious challenges for U.S. trade policy.[41]

From this perspective, Trump's thoughts on trade are not as distant from conventional wisdom as some commentators claim.[42] Differently, some of his statements are a correct diagnose of some problems and a pledge to tackle them in a more vigorous way.[43]

It should not be assumed that Trump's violent anti-trade rhetoric will necessarily be turned into concrete policy measures.[44] His campaign proposals may well tone down as he faces the reality of presiding to the world's largest economy.[45] Other politicians have voiced harsh criticism of trade policies during electoral campaigns but supported trade liberalisation once in office.[46] Trump may be no exception.[47] Goodman and Remler[48]

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[38] Salena Zito, *Taking Trump Seriously, Not Literally*, ATLANTIC (Sept. 23, 2016), https://www.theatlantic.com/politics/archive/2016/09/trump-makes-his-case-in-pittsburgh/501335/.
[39] VanGrasstek, *supra* note 5.
[40] *2017 Trade Policy Agenda and 2016 Annual Report of the President of the United States on the Trade Agreements Program*, OFF. U.S. TRADE REPRESENTATIVE (2017), https://ustr.gov/sites/default/files/files/reports/2017/AnnualReport/AnnualReport2017.pdf.
[41] Edward Alden, *Trump's 2017 Trade Agenda: Signs of a Sensible Direction*, COUNCIL ON FOREIGN REL. (Mar. 1, 2017), https://www.cfr.org/blog-post/trumps-2017-trade-agenda-signs-sensible-direction.
[42] Greg Mastel, *Trump on Trade: Not as Far out of the Mainstream as You'd Think*, INT'L ECON. 60, 88 (2016).
[43] *Id*.
[44] Andrea Renda, *Yes, He Can* 1 (Ctr. Eur. Pol'y Stud., CEPS Policy Paper No. 2016/1, 2016).
[45] Fidler, *supra* note 2, at 4.
[46] *Id*.
[47] Mead, *supra* note 36, at 6.
[48] Matthew P. Goodman & Daniel Remler, *A Revealing Look into Trump Trade Policymaking*, CTR. STRATEGIC & INT'L STUD. (Mar. 2, 2017), https://www.csis.org/analysis/revealing-look-trump-trade-policymaking.

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note that the new Trade Policy Agenda is "a surprisingly conventional presentation of many longstanding tenets of U.S. trade policy: opening foreign markets to U.S. exports; enforcing U.S. trade laws; negotiating trade agreements that benefit American workers, businesses, farmers, and ranchers; and so on." It is possible that Trump's threats are intended more to create leverage than to convey a real intention of undoing the existing international trading system.[49] From this perspective, the withdrawal from the TPP was just the opening bid in his negotiating strategy.[50]

II. LESSONS

Did Trump use trade as a mere electoral trump card or does he really believe every single word he said? Only time will tell. For now, it is already possible to draw some lessons from Trump's election. This section dissects the profound connection between Trump's virulent electoral proclamations on trade and his victory. Trump's election offers a cautionary tale about how trade policy is ever subject to public scrutiny and depends on the continuous support of citizens and politicians under penalty of becoming illegitimate. Trade policies cannot be designed in governmental offices without having due regard to the consequences of their implementation in people's daily lives.

A. Trade Policy Can Be Used as Electoral Weapon

The first major lesson that can be learned from Trump's election—and a rather obvious one—is that trade policy is a political issue, and as such, relevant for electoral battles. Trade agreements have played a key role in American politics for years.[51] Frequently support for free trade falls victim to political campaigns.[52] Trump—but also Democrat candidate Bernie Sanders—used trade scepticism as a central campaign theme.[53] Neither major party candidate advocated pursing the United States' current model of trade policy.[54]

While it is impossible to measure the precise contribution of Trump's statements on trade to his victory, there is no doubt that it was

[49] VanGrasstek, *supra* note 5, at 4.
[50] Brands, *supra* note 10, at 89.
[51] Lawrence Summers, *Revoking Trade Deals Will Not Help American Middle Classes*, FIN. TIMES (Feb. 6, 2017), https://www.ft.com/content/cd4e8576-e934-11e6-967b-c88452263daf?desktop=true&segmentId=d8d3e364-5197-20eb-17cf-2437841d178a.
[52] Irwin, *supra* note 29, at 84.
[53] VanGrasstek, *supra* note 5, at 2.
[54] Edward Alden & Robert E. Litan, *A Winning Trade Policy for the United States* 2 (Council on Foreign Rel., Discussion Paper, 2016), https://www.cfr.org/sites/default/files/pdf/2016/09/Discussion_Paper_Alden_Litan_Trade_Policy_OR.pdf.

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considerable.[55] Public opinion on the economy and trade policies played a central role in the 2016 election.[56] Trump was able to garner support from millions of people who resented trade policies and agreements, particularly in states with strong anti-trade feelings such as the Rust Belt area.[57] According to some election exit polls, Trump's positions on trade were one of the reasons why his electors supported him.[58] While many factors contributed to his election, dissatisfaction with the negative consequences of trade policies was surely among them.[59] To those voters Trump promised to "make America great again" by renegotiating trade agreements and increasing job creation and economic growth.[60]

Trump's assault on traditional U.S. trade policy during the campaign has no parallel in recent American history.[61] His electoral proposals are frontally at odds with traditional American trade policy.[62] Regardless of whether he intends to fulfil those promises, the unprecedented tone of his criticisms suggests the use of trade as an electoral weapon. This should make politicians and policymakers reflect about whether trade policies are so disconnected from the reality of citizens' quotidian concerns that they can be easily instrumentalised for electoral profit.

B. Pro-Trade Consensus Does Not Exist

Politicians and policymakers should ask themselves whether citizens truly support trade policies. Public opinion on trade has changed significantly over the last years.[63] While in the past mainstream economists supported the argument that trade created more jobs than it destroyed, this assumption is increasingly being questioned.[64] On this day and age, significant portions of the population do not support traditional trade policies.[65] During the 2016 elections, a substantial share of the electorate believed that free trade agreements have negative impacts on the economy, namely the loss of jobs.[66] There is an evident erosion in the traditional consensus about the advantages of free trade.[67]

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[55] VanGrasstek, *supra* note 37, at 1.
[56] Robert J. Blendon et al., *Public Opinion and Trump's Jobs and Trade Policies*, 60(3) CHALLENGE 228, 229 (2017).
[57] *Id.*; VanGrasstek, *supra* note 37, at 1.
[58] Mastel, *supra* note 42, at 60.
[59] Alden, *supra* note 32.
[60] Summers, *supra* note 51.
[61] Fidler, *supra* note 2, at 2.
[62] *Id.* at 5.
[63] Blendon et al., *supra* note 56.
[64] Byung-il Choi, *Whither the TPP? Political Economy of Ratification and Effect on Trade Architecture in East Asia*, 20(3) E. ASIAN ECON. REV. 311, 335 (2016).
[65] Alden & Litan, *supra* note 54, at 15.
[66] Blendon et al., *supra* note 56, at 233; Irwin, *supra* note 13, at 47.
[67] Alden & Litan, *supra* note 54, at 2.

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Voters are not alone in expressing frustration with trade policies. Many politicians are also criticising trade measures and agreements, even within the Republican Party, who traditionally favoured the liberalisation of trade.[68] America's long standing bipartisan policy in support of free trade has been reversed.[69] While Trump's stance on trade has been lambasted by both Democrat and Republican critics as "irresponsible" and "unrealistic",[70] the fact is that the political consensus in favour of free trade has broken down.[71] A substantial number of politicians within both parties oppose trade agreements.[72] Trump's term may further evaporate an elite consensus that moulded America's global strategy for decades.[73]

C. Trade Policies Produce Winners but Also Losers

Trump took electoral advantage of many voters' frustration with the negative consequences of trade policies, particularly the loss of jobs. The claim that trade liberalisation causes higher unemployment in some industries, namely manufacturing, is supported by some studies. [74] Politicians and policymakers should acknowledge that, despite its overall benefits, free trade policies have indeed harmed some sectors of the American economy. The flooding of cheap imports from other countries has caused the destruction of numerous jobs in the Rust Belt and in the south, stimulating workers' resentment towards American trade policies[75] and triggering an increase in protectionism in the affected areas[76]. Trump's anti-trade speeches echoed in many American cities struggling with high unemployment rates and with bleak prospects in sight.[77]

In addition, people's frustration was also based on a sense of "social distance" between the winners and losers of the international trade game.[78] Trump appealed to the latter by accusing conventional trade agreements of

[68] Choi, *supra* note 64, at 326.
[69] Alden & Litan, *supra* note 54, at 1; Peter Baker, *Trump Abandons Trans-Pacific Partnership, Obama's Signature Trade Deal*, N.Y. TIMES (Jan. 23, 2017), https://www.nytimes.com/2017/01/23/us/politics/tpp-trump-trade-nafta.html?_r=0.
[70] Mastel, *supra* note 42, at 60.
[71] Timothy Meyer, *Saving the Political Consensus in Favor of Free Trade*, 70(3) VAND. L. REV. 985, 987 (2017).
[72] Summers, *supra* note 51.
[73] Alden, *supra* note 32.
[74] *See, e.g.*, David H. Autor et al., *The China Syndrome: Local Labor Market Effects of Import Competition in the United States*, 103(6) AM. ECON. REV. 2121 (2013); Justin R. Pierce & Peter K. Schott, *The Surprisingly Swift Decline of U.S. Manufacturing Employment*, 106(7) AM. ECON. REV. 1632 (2016); Peter Gosselin & Mike Dorning, *After Doubts, Economists Find China Kills U.S. Factory Jobs*, BLOOMBERG POL. (June 19, 2015, 7:10 PM), https://www.bloomberg.com/news/articles/2015-06-18/after-doubting-economists-find-china-killing-u-s-factory-jobs.
[75] Brands, *supra* note 10, at 83.
[76] Choi, *supra* note 64, at 329.
[77] Fidler, *supra* note 2, at 3; Alden, *supra* note 32.
[78] VanGrasstek, *supra* note 37, at 1.

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benefitting big corporations at the expense of American workers.[79] He depicted traditional trade policies as a battle between "the financial elite" and average Americans, particularly middle-class workers.[80] Trump capitalised on popular hostility against corrupt politicians in both the Democrat and Republican parties,[81] blaming bilateral trade deficits on inept negotiators.[82] Politicians and trade policymakers need to reflect about how they are viewed by the population. If they are perceived as being technically ill-prepared or as advocates of private or foreign interests instead of representatives of all citizens, the legitimacy of their mandate vanishes.

D. Anti-Globalisation Sentiments Are Growing

Trump was able to garner support from millions of voters who resented trade policies but also, more generally, considered themselves the losers of the globalisation process.[83] He proclaimed: "Globalization has made the financial elite who donate to politicians very wealthy. But it has left millions of our workers with nothing but poverty and heartache."[84] Trump's words echoed in the minds of many who feel marginalised by globalisation.[85] As the United States Trade Representative Michael Froman put it, "[y]ou don't really get to vote on globalization. . . . You do get a vote on trade agreements. So trade agreements become the vessel into which people pour their very legitimate concerns about job security, wage stagnation and income inequality."[86] Trump's anti-globalisation statements played a decisive role in his election.[87] Now that he is President, he seems willing to challenge not only traditional trade policies but globalisation and the liberal economic order more broadly.[88]

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[79] Ed Gerwin, *Trade and Good Jobs for the 99 Percent: Debating Trade, the Elites, and Jobs*, PROGRESSIVE POL'Y INST. (Oct. 31, 2016), http://www.progressivepolicy.org/issues/trade/trade-good-jobs-99-percent-debating-trade-elites-jobs/; Choi, *supra* note 64, at 325.

[80] *See, e.g.*, Ben Jacobs, *Trump Escalates Economic Tirade Against Free Trade, China and Globalism*, GUARDIAN (June 28, 2016, 8:04 PM), https://www.theguardian.com/us-news/2016/jun/28/donald-trump-foreign-policy-speech-tpp-china-free-trade.

[81] Daniel Faber et al., *Trump's Electoral Triumph: Class, Race, Gender, and the Hegemony of the Polluter-Industrial Complex*, 28(1) CAPITALISM NATURE SOCIALISM 1, 2 (2017).

[82] *Id*.; Dadush, *supra* note 31, at 2.

[83] VanGrasstek, *supra* note 37, at 1; Stuart S. Malawer, *Trump, Trade and Virginia* (Nov. 27, 2016), https://ssrn.com/abstract=2876655; Laurence Chandy & Brina Seidel, *Donald Trump and the Future of Globalization*, BROOKINGS (Nov. 18, 2016), https://www.brookings.edu/blog/up-front/2016/11/18/donald-trump-and-the-future-of-globalization.

[84] Jacobs, *supra* note 80.

[85] VanGrasstek, *supra* note 37, at 18; Malawer, *supra* note 83, at 1; Meyer, *supra* note 71, at 988.

[86] *Michael Froman: Where the TPP Stands*, WALL STREET J. (June 19, 2016, 10:02 PM), https://www.wsj.com/articles/michael-froman-tells-where-the-tpp-stands-1466388124.

[87] Choi, *supra* note 64, at 324.

[88] *Donald Trump's Victory Challenges the Global Liberal Order*, FIN. TIMES (Nov. 20, 2016), https://www.ft.com/content/a4669844-a643-11e6-8b69-02899e8bd9d1.

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Discomfort and anxiety over the drawbacks of free trade and the globalisation process have been growing over the last decades.[89] While the current backlash against globalisation is triggered by different factors, economic reasons, namely trade policies, are certainly among them.[90] The election of Trump in the United States and Brexit in the United Kingdom both seem to be associated with angered citizens who feel ostracised by globalisation.[91] This resentment has been used by populist candidates for electoral gain.[92] Populists reject the "liberal internationalism" that they associate with "globalisation", namely the support for supra-national integration and regulation, trade and investment treaties, etc.[93] The spectre of protectionism—almost a defining feature of economic populism[94]—looms large. The electoral ascendance of political groups who take advantage of citizens' feeling of economic insecurity has been described as the largest threat to free trade since the Second World War.[95]

Both Brexit and Trump's victory are associated with the belief that internationally agreed upon rules, multilateralism and globalisation constrain and hamper national interests.[96] Trump has promised to disrupt traditional American internationalism[97] and put an end to "cooperation over trade".[98] He seems willing to abandon multilateralism and place narrow national interests above everything else.[99] Even if President Trump does not act in full accordance with his previous harsh statements on globalisation, it seems likely that American strategy will be more nationalistic in the future.[100] This protectionist shift can trigger a similar response from other countries,[101] leading to retaliation and potentially threatening existing trade agreements.[102] The rising wave of nationalism is

[89] Andrew Rojecki, *Trumpism and the American Politics of Insecurity*, 39(4) WASH. Q. 65, 66 (2016); Brands, *supra* note 10, at 76.
[90] C. Fred Bergsten et al., *G-7 Economic Cooperation in the Trump Era* 4 (Peterson Inst. Int'l Econ., Policy Brief No. 17-15, 2017).
[91] Michele Veeman, *North American Trade Policy for Agriculture and Forestry: Can Economics Trump Politics?*, 65(1) CANADIAN J. AGRIC. ECON. 43, 52 (2017).
[92] *Id*.
[93] Grahame F. Thompson, *Populisms and Liberal Democracy—Business as Usual?*, 46(1) ECON. & SOC'Y 43, 52 (2017).
[94] *Id*.
[95] *Playing with Fear*, ECONOMIST (Dec. 12, 2015), https://www.economist.com/news/leaders/21679792-america-and-europe-right-wing-populist-politicians-are-march-threat.
[96] Jennifer M. Harris, *America, Europe and the Necessary Geopolitics of Trade*, 58(6) SURVIVAL: GLOB. POL. & STRATEGY 63, 65-66 (2016).
[97] Brands, *supra* note 10, at 77.
[98] Robert Summerby-Murray, *Trump, Canada and NAFTA: Trading Protection or Protecting Trade?*, 106(2) ROUND TABLE: COMMONWEALTH J. INT'L AFF. 217, 217 (2017).
[99] Alison Pert, *International Law in a Post-Post-Cold War World—Can It Survive?*, 4(2) ASIA & PAC. POL'Y STUD. 362, 367 (2017).
[100] Brands, *supra* note 10, at 73.
[101] Irwin, *supra* note 13, at 46.
[102] Freund, *supra* note 4, at 63.

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especially dangerous for the post-sovereign, post-nationalist European project.[103]

III. MAKING TRADE POLICY GREAT AGAIN

Politicians and policymakers who still believe in the overall benefits of free trade should learn from Trump's phenomenon and understand that trade policies—just like any governmental measure—are inevitably and constantly subject to voter's scrutiny. Social and political support for free trade should not be taken for granted. This section suggests two groups of measures that can help to revitalise consensus on trade policy among political circles and the community at large. While the first looks into the past, focusing on the good things that have been achieved thus far; the second is forward looking, discussing ways of doing things better in the future.

A. Educating the Public

American citizens are divided about the benefits of free trade. While polling data reveals that a majority of voters believes that trade policies and agreements are valuable for the American economy;[104] a minority of the electorate opposes them.[105] At the same time, a significant number of voters admits their insufficient knowledge about trade rules and agreements and their effects in the economy.[106] The majority's support for trade policies in general does not equate, however, to an endorsement of every trade agreement—for example, polls have shown a high rate of rejection of the TPP.[107]

It is politically impossible to please everyone. Democracies are made of majorities, not unanimity. Still, pro-trade politicians and policymakers should strive to increase public support for free trade, thus reinforcing the legitimacy of their policies. This requires a continuous effort to raise public awareness about the advantages of trade liberalisation and globalisation policies.[108] Politicians should not assume that voters overwhelmingly support free trade.[109] In particular, they need to address the current gap

[103] Karen E. Smith, *The European Union in an Illiberal World*, 116(788) CURRENT HIST. 83, 83 (2017).
[104] Irwin, *supra* note 29, at 88; Gerwin, *supra* note 79; Brands, *supra* note 10, at 76; Harris, *supra* note 96, at 63.
[105] Irwin, *supra* note 29, at 88.
[106] Gerwin, *supra* note 79.
[107] *See* Harris, *supra* note 96, at 63.
[108] Veeman, *supra* note 91, at 64; Bergsten et al., *supra* note 90, at 6.
[109] Bergsten et al., *supra* note 90, at 6.

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between citizens and public officials,[110] dispelling the idea that trade policies only favour "the elite" and showing that it also brings benefits to common citizens.[111] At the same time, free trade advocates should raise public awareness about the costs associated with protectionist measures.[112] Protectionism is not a novel phenomenon and there are valuable lessons to learn from the past.[113]

Naturally, pro-trade politicians and policymakers should also acknowledge that trade policies have drawbacks and demonstrate their efforts to mitigate them.[114] While many experts believe that trade policies contribute significantly to economic growth,[115] even if occasionally they produce undesired side effects;[116] others claim that such association is not empirically established.[117] Scholarly studies also reach to disparate conclusions on the exact contribution of other factors such as technological evolution for rising unemployment rates in some sectors and growing inequality.[118] Populist politicians and trade opponents have no such doubts and blame trade policies and global rules for all economic ills that befall open economies, especially lost jobs.[119]

While trade policies contribute to promote global overall development, the fact is that sometimes they make victims at the domestic level.[120] Still, it does not seem to be fair or intellectually honest to ascribe all the blame to trade rules. Trade policies and globalisation more broadly are easy

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[110] VanGrasstek, *supra* note 5, at 6.
[111] Gerwin, *supra* note 79.
[112] Veeman, *supra* note 91, at 64; M. Sait Akman et al., *Key Policy Options for the G20 in 2017 to Support an Open and Inclusive Trade and Investment System*, G20 INSIGHTS 1, 4 (2017), http://www.g20-insights.org/policy_briefs/key-policy-options-g20-2017-support-open-inclusive-trade-investment-system/.
[113] Veeman, *supra* note 91, at 64.
[114] Bergsten et al., *supra* note 90, at 6.
[115] *See, e.g.*, Tarlok Singh, *Does International Trade Cause Economic Growth? A Survey*, 33 WORLD ECON. 1517 (2010); David Dollar & Robert Wade, *Trade Liberalization and Economic Growth: "Does Trade Liberalization Contribute to Economic Prosperity?", in* CONTROVERSIES IN GLOBALIZATION: CONTENDING APPROACHES TO INTERNATIONAL RELATIONS 1 (Peter M. Haas & John A. Hird eds., 2013); HENDRIK VAN DEN BERG & JOSHUA LEWER, INTERNATIONAL TRADE AND ECONOMIC GROWTH (2015); DOUGLAS IRWIN, FREE TRADE UNDER FIRE (4th ed. 2015).
[116] See generally, among others, JOSEPH STIGLITZ & ANDREW CHARLTON, FAIR TRADE FOR ALL: HOW TRADE CAN PROMOTE DEVELOPMENT (2005); Arvind Panagariya, *Miracles and Debacles: An Extension, in* HANDBOOK OF TRADE POLICY FOR DEVELOPMENT 417 (Arvid Lukauskas et al. eds., 2013).
[117] *See, e.g.*, Francisco Rodríguez & Dani Rodrik, *Trade Policy and Economic Growth: A Skeptic's Guide to the Cross-National Evidence* (Nat'l Bureau of Econ. Research, Working Paper No. 7081, 2001); EMMA SAMMAN, OPENNESS AND GROWTH: AN EMPIRICAL INVESTIGATION 1-15 (2005); IAN FLETCHER, FREE TRADE DOESN'T WORK: WHAT SHOULD REPLACE IT AND WHY (2d ed. 2011).
[118] *See* Nathan Gardels & Nicolas Berggruen, *Salvaging Globalization*, 34(1) NEW PERSP. Q. 67, 68 (2017).
[119] Gerwin, *supra* note 79.
[120] Meyer, *supra* note 71, at 997; *see also* Meredith Kolsky Lewis, *WTO Winners and Losers: The Trade and Development Disconnect*, 39 GEO. J. INT'L L. 165 (2007).

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scapegoats for many structural changes that took place over the last decades.[121] Many countries did not adjust to the new reality brought about by technological development, digitalisation and automation of labour, which called for the implementation of novel domestic measures.[122]

It is vital to launch a serious debate on the impacts of international trade on jobs and economic inequality.[123] The legitimacy and very survival of the international trade system depends on convincing citizens of its benefits.[124] However, such a discussion needs to be frank and evidence-based, [125] not a mere exercise of political persuasion. In the words of Dani Rodrik, "[w]e need to rescue globalization not just from populists, but also from its cheerleaders. Globalization evangelists have done great damage to their cause not just by underplaying the real fears and concerns on which the Trumps of this world thrive, but by overlooking the benefits of a more moderate form of globalization." Policies on trade liberalisation have a profound impact at the national and global level and cannot be based on erroneous theoretical assumptions or—even worse—conviction, wishful thinking, or blind faith.

B. Reconciling International Policies and Domestic Concerns

Besides adopting communication strategies that promote public knowledge about the overall benefits of trade liberalisation, public officials should acknowledge that trade policies have disadvantages too and, most importantly, implement measures to tackle them. While liberalised trade has helped to reduce inequality between nations significantly, it is also true that it led to rising inequalities at the domestic level, especially in developed countries.[126] The global trading system benefits countries as a whole but makes some citizens richer and others poorer. [127] Increasing economic inequality is being attributed by many voters to international trade and should be a central concern for its advocates.[128] The unfairness of a system where only some citizens are better off has been described as "the international trade regime's Achilles' Heel."[129]

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[121] Akman et al., *supra* note 112; Irwin, *supra* note 13, at 47.
[122] Akman et al., *supra* note 112; Stephen Tapp et al., *A Road Map for More Inclusive Canadian Trade Policy*, *in* REDESIGNING CANADIAN TRADE POLICIES FOR NEW GLOBAL REALITIES 593, 604 (Stephen Tapp et al. eds., 2017).
[123] Summers, *supra* note 51.
[124] Meyer, *supra* note 71, at 1000.
[125] Renda, *supra* note 44, at 1.
[126] *See* Dani Rodrik, *Is Global Equality the Enemy of National Equality?* (John F. Kennedy Sch. of Gov't, Harv. U., Working Paper No. RWP17-003, 2017).
[127] Richard Katz, *The Trade Debate (Continued) but Where to Go from Here?*, 31(1) INT'L ECON. 40, 68 (2017).
[128] Meyer, *supra* note 71, at 989-90.
[129] *Id*. at 996.

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There is a disconnect between international trade policies and national concerns. Gardels and Berggruen remind us that "[e]lites may think global, but people react local."[130] International trade agreements have hitherto failed to safeguard those citizens harmed by their policies.[131] It is therefore not surprising that many see trade as the main cause of job loss and economic inequality. Governments and policymakers must enhance the legitimacy of international agreements among common citizens by dispelling the image that they only benefit the elite.[132] It is necessary to adopt new, effective measures that address citizens' legitimate anxiety about the economy and the job market.[133] Domestic policies can no longer be disconnected from global governance.[134]

The continuation of the trade liberalisation project calls for new approaches and policies.[135] Politicians and policymakers need to design measures that help citizens affected by globalisation and the technological revolution,[136] ensuring that more citizens benefit from them.[137] In a word, trade policy needs to become more "inclusive".[138] One of the reasons that may explain the hostility of some Americans toward trade policies is the insufficiency of policies directly aimed at protecting those harmed by globalisation.[139] Public spending on worker retraining and replacement, for instance, is much lower in the United States than in most European countries.[140] The American government should consider the implementation of efficient adjustment policies, namely retraining and aiding employment search programs, and the creation of adequate national safety nets.[141]

The use of these measures may help to reduce social and political resistance to trade liberalisation and the globalisation process and build greater consensus around these policies.[142] The existence of adjustment programs for workers, for instance, seems to increase public views about

[130] Gardels & Berggruen, *supra* note 118, at 71.
[131] Meyer, *supra* note 71, at 990.
[132] Todd N. Tucker, *The Sustainable Equitable Trade Doctrine: Building Progressive International Cooperation to Counter Right-Wing Economic Authoritarianism*, ROOSEVELT INST. 1, 20 (2017), http://rooseveltinstitute.org/wp-content/uploads/2017/03/The-Sustainable-Equitable-Trade-Doctrine.pdf.
[133] Irwin, *supra* note 29, at 85.
[134] Gardels & Berggruen, *supra* note 118, at 79.
[135] Meyer, *supra* note 71, at 990.
[136] Katz, *supra* note 127, at 41.
[137] Tapp et al., *supra* note 122, at 613.
[138] *Id*. at 628.
[139] *Id*. at 604; Malawer, *supra* note 83, at 5; Alden & Litan, *supra* note 54, at 10.
[140] Alden & Litan, *supra* note 54, at 10.
[141] Veeman, *supra* note 91, at 50, 61, 64.
[142] *Id*. at 50, 64; Tapp et al., *supra* note 122, at 614; Akman et al., *supra* note 112.

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free trade policies.[143] Advocating for the maintenance and expansion of free trade policies requires the creation of adequate compensation measures.[144]

Action can and should also be taken at the international level. Meyers[145] suggests the inclusion in new international trade agreements of an "Economic Development Chapter" imposing a binding obligation on countries to redistribute the gains from trade domestically. This chapter would, *inter alia*, require that states report to an Economic Development Committee the gains from trade to the country as a whole and how those gains were distributed within the country and the measures taken to redistribute them.[146] States would also be required to enact substantive policies to redistribute those gains.[147] Failure to comply with these obligations would be subject to inter-state dispute settlement and could lead to the suspension of trade concessions.[148]

This is an interesting proposal that could help to reconcile global governance with domestic policy and ensure that trade is fair and equitative not only among nations but also within countries. International trade policymakers should ensure that the global trading system respects and protects the concerns of citizens at the domestic level.[149] A new trade policy agenda should not be focused solely on trade but take into due account citizens' broader economic and social aspirations.[150]

A more inclusive trade agenda also requires a rethinking of the policymaking process itself. It is necessary to enhance public confidence in the process of discussion and conclusion of international trade agreements.[151] Policymakers and politicians should create mechanisms that allow for greater public participation at both the domestic and international level.[152] Well-informed citizens are more likely to support public policies when they feel engaged in their making.

IV. FINAL REMARKS

Trump's victory offers important lessons about the close connection between trade policy and politics. Like any governmental policy, trade measures cannot survive if they are not supported by both politicians and

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[143] *See* KENNETH F. SCHEVE & MATTHEW J. SLAUGHTER, GLOBALIZATION AND THE PERCEPTIONS OF AMERICAN WORKERS (2001).
[144] Veeman, *supra* note 91, at 63.
[145] Meyer, *supra* note 71, at 990.
[146] *Id*. at 990-91.
[147] *Id*. at 991.
[148] *Id*.
[149] Mead, *supra* note 36.
[150] Tapp et al., *supra* note 122, at 613.
[151] *Id*. at 616.
[152] Tucker, *supra* note 132.

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voters. Trade policy cannot rest exclusively on the consensus of experts, it needs to have the legitimacy that only popular vote can bring. The looming threat of return to old-fashioned protectionist instruments offers an opportunity to question to what extent conventional trade policies have hitherto responded to the anxieties of the common citizen.

It is necessary to look back and acknowledge the achievements and mistakes of the past. New ways of communicating, in plain language, the contribution of trade policies to economic growth and social advancement should be devised. However, traditional narratives will not tackle public criticism if they are merely used to justify the implementation of conventional, old-fashioned policies.

The current backlash against free trade—of which Trump's election is the most eloquent example—calls for creative, out-of-the-box thinking. Trade's legitimacy crisis is not a fleeting one. Restoring the credibility of the global trading system is a long-term project.[153] It is necessary to devise and implement a "better trade agenda"[154] able to restart the momentum toward liberalisation that responds to the several legitimate concerns uttered by voters.[155] A new, inclusive trade policy agenda is in order. Citizens—not only in the United States, but all over the world—need to feel confident about the benefits of free trade and reassured that its inevitable side effects are properly tackled.

[153] Harris, *supra* note 96, at 66.
[154] Bergsten et al., *supra* note 90.
[155] *Id.*

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