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Beyond trade: The European Union-New Zealand Free Trade Agreement

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Abstract

The 2022 announcement of the European Union-New Zealand Free Trade Agreement was seminal for both sides. For New Zealand, the deal is projected to be worth up to an extra NZ\$1.8 billion per annum by 2035. What is less evident is the motivation for securing the deal for Europe – New Zealand is only the EU's 50th most important trading partner and accounts for 0.2% of its total trade. This article outlines three major benefits for the EU. Firstly, it symbolises that the EU's neoliberal trading agenda is continuing in the face of perceived increased protectionism. Second, the deal includes a seminal clause of holding each partner to account in climate change responsibilities – a detail that should garner support from EU citizens. Finally, closer EU cooperation with New Zealand may add to the EU's legitimacy in the Indo-Pacific.

Keywords: climate change, free trade agreement, geopolitics, international cooperation, international world order

Introduction

On 30 June 2022, after four years and 12 rounds of negotiation, New Zealand Prime Minister Jacinda Ardern and European Commission President Ursula von der Leyen announced a "solid and... modern trade agreement" that would bring "major opportunities to our companies, our farmers and our consumers... on both sides" (von der Leyen, 2022). New Zealand's motivation for securing a free trade agreement (FTA) with the European Union (EU) is clear: the EU is currently New Zealand's fourth largest trading partner (MFAT, 2022, p.1) (behind China, Australia, and the US). Although the deal has been criticised by the New Zealand dairy and meat industries (RNZ, 2022), it is still expected to be worth an extra NZ\$1.8 billion per annum to the New Zealand economy by 2035, benefitting industries such as kiwifruit, wine, onions, apples, mānuka honey, and manufactured goods. Further, the European Union is seen as an important stabiliser in the rules based international system, which is important for a small trade dependent state like New Zealand (Chaban et al., 2019).

Less apparent is why the EU chose to pursue the agreement with a small and distant country. New Zealand is ranked as the Union's 50th most important trading partner. In 2020, two-way trade with New Zealand totalled only 0.2% of the EU's total trade (European Commission, 2022b: p.1), meaning that, from the Union's perspective, the

FTA is unlikely to fundamentally shift the economic parameters of the relationship. This reality suggests that, in a sense, the economic benefits are largely secondary for the EU, with motivations beyond simple economics at play for the European Union and its 27 Member States. This article outlines several of the Union's strategic considerations underpinning the EU–NZ FTA, providing insights into some of the EU's current thinking and international ambitions.

Background

New Zealand had been campaigning for a comprehensive FTA with the EU since 2008. The New Zealand–EU relationship is, of course, much longer standing, not least due to the former's historical ties with the United Kingdom. As, in the words of British Prime Minister Harold Macmillan, an "English farm in the Pacific" (Macmillan, 1973, p.349), New Zealand was able to negotiate favourable trading terms when the United Kingdom joined the European Economic Community (EEC) in 1973 (Kennedy 2012). Yet, New Zealand perceptions towards what became the EU have consistently been negative, particularly around British accession to the EU (Kelly 2010). New Zealand journalist, Bernard Hickey described the sentiment as; "The way I heard it in during [sic] those tense negotiations in the early 1970s, our very livelihoods and futures were at stake because the British had betrayed us" (Hickey, 2019).

From the early 2000s, the EU's trade policy has focused on bilateral Free Trade Agreements. This has particularly been the case in Asia, New Zealand's near abroad. Nevertheless, notwithstanding considerable interest from New Zealand (McCully, 2009), the possibility of concluding an FTA was ruled out by the EU in 2009. With considerable consternation in New Zealand as to this decision, Trade Commissioner Karel de Gucht was later to suggest that the issue was simply one of capacity (Fallow, 2011) – the EU was in the process of negotiating FTAs with Canada and MERCOSUR, and simply didn't have the bandwidth to add another agreement to the mix. Behind this rather diplomatic explanation, however, may be seen other realities for the Union, there was simply not a great deal of benefit (economic and beyond) to be gained from an FTA with NZ.

Since British accession to the EU, agricultural trade has always been an important, and at times a contentious aspect of EU–NZ relations. New Zealand has been viewed as a competitor to European primary producers who benefit from generous EU agricultural subsidies (which New Zealand farmers do not). The EU agricultural sector is a particularly sensitive one in key European Member States like France, who held considerable clout in trade decision-making. Such sensitivity was demonstrated when France persuaded the European Commission to postpone negotiations prior to the 2022 French presidential election over concerns that issues of agricultural access would play poorly with voters (Bounds & Mallet, 2021). In short, in the absence of any other overriding reason for an agreement, such sensitivities likely swayed the argument against. Consequently, until the 2015 FTA announcement (Young, 2015), New Zealand was one of only a handful of countries neither in negotiation for, nor having concluded, a free trade agreement with the EU.

EU trade: back on track

Negotiations between the EU and New Zealand were formally launched in June 2018 (alongside a yet-to-be concluded EU-Australia FTA). The fast-tracking by the European Parliament of the New Zealand (and Australian) FTA, particularly given the rejection of such an agreement only a decade earlier, was of symbolic significance at a time when international rules and norms, and the international trading system itself, were perceived as being under threat, and when the prospect of EU *dis*-integration, in the face of Brexit had left it somewhat bruised.

The presidency of Donald Trump, pursuing as it did a narrow-focused 'America first' foreign policy, provided a shock to the international system and to the principle of multilateral cooperation. The Trump administration withdrew the US from, among others, the Paris Agreement on climate change, the New Zealand-led initiative for Trans-Pacific Partnership (TPP), UNESCO, the EU-led Iran nuclear deal and the UN Human Rights Council. These actions both undermined the reputation of the United States as a reliable partner and were a perceived challenge to the foundations of the rules-based international order.

The rise of trade protectionism was not, however, an exclusively American affair. In 2020, more than 1900 new restrictive measures were put in place worldwide, 600 more than the average over the preceding two years (Cigna et al., 2022 p.28). Adding fuel to this trend, the COVID-19 pandemic undermined global supply chains, and elevated protectionist sentiments the world over. Subsequently, New Zealand and the EU were among the signatories to a WTO call to keep supply chains open in the face of increasing protectionism (WTO, 2020).

At the same time, the European Union was grappling with its own challenges. For instance, the prospect of *dis*-integration was at the forefront, following the result of the 23 June 2016 referendum in the United Kingdom, when a small majority of participants voted to leave the EU. As with the US administration, the Brexit decision in the UK in many ways reflected the apparent sovereigntist turn in the international system, being seen as "a showcase of economic nationalism" (Born *et al.* 2019 p.2723).

Alongside this, challenges to the EU's strength as a trade power, able to harness the unity of 27 Member States, were also evident. For example, following extensive negotiations launched in 1999, in June 2019 an agreement in principle was reached between the EU and MERCOSUR to create what would potentially be the largest free trade area in the world. While initially hailed as an achievement, and notwithstanding the tortuous path to agreement, it quickly became clear that EU negotiators had failed to bring the Member States along with them. Concerns remained, most notably in relation to the free trade framework's weakness on environmental protection. It was on this basis that, in March 2021, Austria vetoed the MERCOSUR FTA.

In this context, although of little economic value to the EU, the EU-New Zealand free trade agreement had a wider resonance for the European Union. It demonstrated that it could still pursue its global trade goals, notwithstanding the chaos of Brexit. It showed that the Union itself would not fall back on the narrow economic nationalism characterised by the Trump administration, and to a lesser extent the United Kingdom. And it underpinned the EU's ongoing commitment to liberal internationalism and a rules-based international order. From the European perspective, such symbolic value

significantly outweighed the marginal economic gains, with the agreement heralded as a "welcome and much-needed resumption of an ambitious EU trade agenda" (Business Europe, 2022).

Climate change

A second symbolic benefit of the FTA for the EU is that it allows the Union to burnish its claims of leadership in environmental protection and climate change. The EU has long defined itself as a leading environmental protection player, "spearheading the global fight against climate change" (European Council, 2021). And it has been a key interlocutor in international climate negotiations. Pushing, for example, for binding emissions targets for industrialised countries both during negotiations on the UN Framework Convention on Climate Change and the subsequent Kyoto Protocol and playing a prominent role during the Durban climate talks in 2011 and the Paris negotiations in 2015. And its efforts at the international level have often borne fruit, as in the case of access and benefit sharing in relation to genetic resources as established in the Nagoya Protocol (Oberthür & Groen, 2015). Most recently, von der Leyen's 2019 geopolitical Commission placed the 'Green Deal' at the top of its priorities (European Commission, 2019) with the EU's Covid-19 recovery package also being directly linked to it (European Commission, 2020).

EU environmental policy has been consistently supported by citizens, helping to build a European identity, and creating solidarity (Lenschow & Sprungk, 2010: 134). Yet, Badell and Rosell (2021) claimed that this is a 'myth' of Europe, and that it is local European actors who spearhead positive climate activity (p.1568). The inclusion of the climate change clause in the FTA was therefore seminal.

On the world stage, the Union's leadership in this area has not, however, always been entirely successful. The outcome of 2009 UN Climate Change Conference in Copenhagen, at which it was seen to have "lost its grip on the negotiations" resulted in an agreement that was "quite disappointing when measured against the ambitious goals of the EU" (Groen et al., 2013, p.51), and raised concerns that the EU had "lost its ability and willingness to lead the climate diplomacy" (Brugger, 2013). Notwithstanding the successes in Durban and Paris, that question as to the EU's global leadership role remained.

In this context, the NZ-EU FTA, incorporating mutually sanctionable commitments to the Paris Agreement, was seen as an important contribution to fulfilling the Union's leadership ambitions in the climate space. Thus, Commissioner for Trade Valdis Dombrovskis hailed the agreement with New Zealand as containing the "most ambitious sustainability commitments in a trade agreement ever... prov[ing] we are already delivering on our promise to get more added value from our trade deals in terms of sustainability" (European Commission, 2022a). Significantly for the EU, 87% of EU citizens believe that the EU should prioritise climate change policies (European Commission, 2021b). Therefore, this inclusion in the NZ FTA should not only be supported by citizens (in contrast to the MERCOSUR deal), but also reinforces EU actorness in this field, helping to add to EU legitimacy at home and tackling the EU's democratic deficit.

Security considerations: a voice in the Indo-Pacific

Perhaps most importantly, however, closer cooperation with New Zealand is a mechanism for strengthening the EU's place in the increasingly fraught Indo-Pacific region. The concept of the Indo-Pacific is a relatively recent one, stemming from the first administration of Japanese Prime Minister Shinzō Abe and the drive to establish an 'Arc of Freedom and Prosperity' along the outer rim of the Eurasian continent (Abe, 2007). Under the second Abe administration from 2012, this had become a vision of a 'Free and Open Indo-Pacific', a concept that gained traction in the United States. Notwithstanding repeated denials, it was apparent that the Indo-Pacific vision shared by the US and Japan, and subsequently other key players such as Australia, was one that was intrinsically linked to geopolitical contestation and the containment of China. Subsequent emphases on elements such as democracy, human rights and cooperation with like-minded countries have done little to alter the perception that the primary focus of Indo-Pacific engagement is China.

The European Union launched its own Indo-Pacific Strategy in 2021 (European Commission 2021a), building off the back of initiatives from several Member States: France (Ministère de l'Europe et des Affaires étrangères, 2018), Germany (Auswärtiges Amt, 2020) and the Netherlands (Government of the Netherlands 2020). Significantly, the visions of these Member States were framed more in terms of cooperation and engagement, rather than utilising the more geopolitically loaded view of a 'Free and Open Indo-Pacific'. As the German strategy asserts, "[t]he Federal Government supports inclusive regional cooperation initiatives. It does not consider containment and decoupling strategies to be conducive" (Auswärtiges Amt, 2020 p.11–12). It is this more cooperative vision, premised on engagement with like-minded partners and support of the international rules-based order that penetrates the EU Indo-Pacific framework.

Whilst we can point to a number of reasons for EU pursuit of an FTA, the EU's Indo-Pacific Strategy provides a useful template for its political motivations, outlining as it does its aspirations and intentions to become more engaged in the Indo-Pacific region. The Strategy mentions New Zealand a number of times, including naming it as an Indo-Pacific partner of the EU and as a research collaborator (see e.g., European Commission 2021a p.17). Indeed, EU and New Zealand officials often highlight the like-mindedness of the two, reflecting on shared values such as democracy, human rights and the rule of law. EU cooperation with such like-minded countries in the Pacific is a key factor in its pursuit of recognition and legitimacy in a region that is increasing in geostrategic importance.

Although New Zealand is a small country in the Pacific, it enjoys a broadly positive international image through its independent foreign policy and is an important regional player (Ardern, 2022). New Zealand is, for example, a member of the Pacific Islands Forum, was the first country in the world to sign an FTA with China, and it acts as stabiliser in the Pacific. Moreover, a global perceptions study found 'a world view that New Zealand is a nation capable of making measurable difference through decisive action and quick decision making' (NZ Story, 2022). Given the expressed intention in the Indo-Pacific to "[s]olidify and defend the rules-based international order... promoting inclusive and effective multilateral cooperation based on shared values and principles" (European Commission, 2021a p.3), securing closer cooperation with New

Zealand, in the form of the FTA will help add internal and external legitimacy to its global aspirations, as well as strengthening its voice on the world stage.

Perhaps underpinning the increased significance of the EU's relationship with New Zealand is the more recent issue of the Union's relations with Australia. EU engagement with the Pacific region has been structured in large part through engagement with both Australia and New Zealand, as states with shared values and perceived Pacific expertise. Both New Zealand and Australia sent troops to assist the EU's efforts in Afghanistan. But the significance of the Europe relationship for Australia (as, indeed, for New Zealand), has been questioned, particularly since British accession to the EU. For instance, there is "apathy about the EU in Australia" and "a lack of awareness of the EU" by Australian elites (Kelly & Mochan, 2019).

The surprise announcement on 15 September 2021 (only a day before the release of the EU's Indo-Pacific Strategy) of the AUKUS pact between Australia, the United States, and the United Kingdom therefore raised concerns about the strength of the relationship with one of the Union's key Pacific partners. The announcement was accompanied by the withdrawal of Australia from a contract to buy French submarines, a cornerstone in France's own Indo-Pacific Strategy. The collapse of the deal notably soured Australia's relationship with one of the EU's key players, its pre-eminent security actor, and its primary Member State interlocutor in the Indo-Pacific. At the same time, it further elevated the significance of the New Zealand relationship: as one *Guardian* commentator noted at the time, AUKUS could mean a closer alliance between the EU and New Zealand (which was seemingly also left out of the pact) (McKenzie, 2021).

Conclusion

The EU-NZ FTA can be viewed as a positive development that cements an economic relationship as well as emphasising common values, goals and benefits beyond purely monetary gains. While potentially economically advantageous to New Zealand, from the European perspective it can best be understood as a signal of the EU's intention to extend its global influence beyond trade, staking a claim as a political and security actor of real substance.

Although not without its critics, ultimately the agreement is a positive development that leaves room for upgrades in the future. It also serves to signify the EU's intention to stamp its mark on the Indo-Pacific, leveraging its economic strength in order to strengthen it relationships, potential impact, and power in a part of the globe that is increasing of significance. What remains to be seen is whether this will result in the EU having more influence in a part of the world from which it has traditionally been excluded. Although the EU has been described as both an old and new player in the Asia-Pacific (Song & Wang, 2019, p.1) due to colonial ties and the EU's more recent formal engagement with the region, it has had little impact beyond trade, notwithstanding four decades of European foreign policy.

The EU's raison d'état is reliant on a rules-based international system which ensures an equal playing field, democracy, and multilateralism. Yet, increasingly

Led by countries like China, some of the Asian countries pose challenges to the existing global order and values in which these countries are very suspicious of

the EU style of regional integration... They are not content with the formula of major international institutions, in many of which the EU is over-represented (Song & Wang 2019, p.7).

Tying itself to a like-minded player in the region like New Zealand therefore assists the EU's global ambitions, utilising the type of resources for which EU foreign policy is renowned – soft power and normative influence. As explicitly stated in the EU's Indo-Pacific Strategy, pairing with countries and finalising FTAs is an important cornerstone of the EU's goals in the region. FTAs with countries like New Zealand can also add to EU legitimacy, and the inclusion of clauses such as climate change (a highly salient issue) can also help improve perceptions of the EU in the eyes of its own citizens for the reasons outlined above.

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