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## *Trade Partner Influence: Georgian and Kenyan Perspectives on the Negotiation and Implementation of the TSD Chapter in their EU Trade Agreements*

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I hereby declare that I have composed the present thesis autonomously and without use of any other than the cited sources or means. I have indicated parts that were taken out of published or unpublished work correctly and in a verifiable manner through a quotation. I further assure that I have not presented this thesis to any other institute or university for evaluation and that it has not been published before.

19/07/2026, Timmermans Nina


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**Abstract**

Scholarship on EU trade power, from Market Power Europe to the Brussels Effect, treats third countries largely as rule-takers whose compliance follows from the EU's regulatory and market size. This leaves little room to ask how those countries themselves negotiate, absorb, or contest the sustainability demands attached to their trade agreements. This thesis turns that lens around. Applying a decentering approach, it examines how Georgian and Kenyan domestic actors shaped the early implementation lifecycle of the EU-Georgia DCFTA (2014-2018) and the EU-Kenya EPA (2023-2026), comparing each country's Trade and Sustainable Development (TSD) commitments. On methodology, this thesis employs a deductive thematic analysis of official, civil society, and media documents, supplemented by elite interviews with negotiators and civil society representatives. The analysis codes both cases through Happersberger and Bertram's (2026) framework of trade partner agency, community, and residual spatial and temporal dimensions. The findings show that power asymmetry does not translate into simple submission and absorption. Georgia accepted the EU's preconditions almost without modification, then exercised agency after signature through strategic stalling, delaying enforcement of labour reforms to shield domestic business from immediate costs. Kenya, drawing on their own domestic climate and labour legislation that predated the negotiations, actively wanted to have TSD demands themselves and successfully resisted the EU's proposed sanctions-based enforcement mechanism from the final text. Together, these cases complicate the assumption that EU trade agreements are negotiated and implemented uniformly across cases. showing instead that they remain spaces where power, adaptation, and local resistance coexist.

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## 1. Introduction

When entering the academic debate on European Union foreign and trade policy analysis, usually a story is told that begins and ends in Brussels. It is one where the EU uses the sheer size of its market to write and export the rules for the rest of the world. EU trade agreements and its corresponding Trade and Sustainable Development (TSD) chapters are typically read as instruments the European Union designs and partner countries simply accept. However, framing the trade-sustainability nexus as a one-way transmission of European norms leaves a distinct analytical gap: it fails to explain why and how trade partners interact, influence, and perceive its negotiation and implementation in different ways. This gap is the starting point of this thesis. Georgia and Kenya both negotiated and implemented TSD commitments with the EU from a position of optical asymmetry, yet the way each country engaged with these commitments differs greatly. If the outcome in both cases were simply a function of EU market power and regulatory leverage like much of the existing literature suggests, this divergence is difficult to explain. Thus, this thesis takes a closer look at Georgian and Kenyan domestic actors, rather than the EU, to understand why.

Academically, this question responds to a gap in the literature on EU external trade influence., where two long-standing traditions dominate the field. The first explains the EU's trade influence by reference to its own attributes and has three main theories attached to it. For one, Manners's (2002) normative power framework which locates EU influence in its capacity to define international norms. Second, Damro's (2012) market power Europe, which locates it in the sheer size of the EU's internal market. And third, Bradford's (2020) Brussels Effect describes how that market size lets the EU set global regulatory standards with or without a partner's consent. The second external governance literature,tradition asks how the EU extends its acquis to third countries through conditionality and rule transfer (Lavenex, 2004; Schimmelfennig & Sedelmeier, 2004; Börzel & Risse, 2020). Both traditions treat the partner country as the object rather than the subject of the relationship, and both are correspondingly better equipped to explain the EU's demands than to explain how partner countries respond to them. A narrower and more recent literature on TSD chapters specifically inherits the same orientation. It explains variation in TSD chapter design by reference to the EU's own trade depth (Poletti et al., 2021) or its internal balancing of trade and environmental objectives (Gstöhl & Schunz, 2025), while assessing TSD effectiveness against the EU's own stated objectives (Zurek, 2019; Bertram, 2023; Cezar, 2024). Happersberger and Bertram (2026) make the resulting gap explicit: the literature judges TSD chapters by European criteria and has left the perspective of trade partners themselves comparatively unexamined.

This thesis addresses that gap by adopting a decentring approach. Decentring, as proposed by Fisher-Onar and Nicolaïdis (2013) and developed further by Keukeleire and Lecocq (2018; 2025), argues that EU foreign policy scholarship should place the perspectives, interests, and interpretations of the actors on the receiving end of EU policy at the centre of analysis rather than treat them as background conditions. Keuleers, Fonck, and Keukeleire (2016) show that the bulk of existing scholarship on EU foreign policy remains Eurocentric in exactly this sense. To operationalise decentring for the specific case of TSD chapters, this thesis draws on the framework recently proposed by Happersberger and Bertram (2026), who distinguish between the agency trade partners exercise, through adoption, adaptation, appropriation, or resistance, the kind of community that is constructed and performed between the EU and its partner, and a set of residual spatial and temporal dimensions that condition both. This thesis applies that framework to Georgia and Kenya, and in doing so it responds directly to Happersberger and Bertram's (2026, 36) own call for more "in-depth, comparative (..) case studies" of how TSD chapters are negotiated and implemented by trade partners, since "focusing exclusively on European factors risks overlooking empirical evidence and theoretical insights" (idem, 60). As such, the research question guiding this thesis is: *How do the perspectives and practices of Georgian and Kenyan domestic groups affect the negotiation and implementation of the TSD chapters in their respective trade agreements with the EU*?

Georgia and Kenya are selected not because their relationships with the EU resemble each other, but because they do not. Georgia negotiated from within the EU's Eastern Partnership, a neighbourhood framework in which closer alignment with the EU carries at least the possibility of eventual accession. Kenya negotiated through the Economic Partnership Agreement framework the EU maintains with African, Caribbean, and Pacific states, a development-oriented partnership with no comparable accession horizon. This difference in geography and political relationship allows the analysis to test how a trade partner engages with TSD demands. Because Georgia's DCFTA has now been operating for roughly a decade against barely two years for Kenya's EPA, the analysis does not compare the two agreements' full histories directly. Instead, it applies a lifecycle-equivalent framework, bounding the Georgian case to the 2014-2018 window immediately following signature and comparing it to Kenya's 2023-2026 window, so that the comparison captures each agreement's early implementation phase rather than an arbitrary stretch of time.

Methodologically, this thesis relies on qualitative document analysis of official, civil society, and media sources from both countries, coded deductively around the concepts of agency, community, and residual dimensions, while remaining open to patterns emerging inductively from the material itself. This last point matters, since the analysis identifies a pattern in the Georgian case, here termed strategic stalling, that does not fit neatly into the four forms of agency Happersberger and Bertram (2026) originally proposed. Document analysis is supplemented by five semi-structured interviews with Georgian officials, civil society representatives, and business association members, and one interview with a Kenyan EPA negotiator. Chapter 2 reviews the literature on EU trade power, external governance, and TSD chapters, and develops the decentring critique this thesis builds on. Chapter 3 introduces the EU-Georgia DCFTA and the EU-Kenya EPA. Chapter 4 sets out the conceptual framework of agency, community, and residual dimensions in more detail. Chapter 5 explains the research design, data, and limitations of the analysis. Chapter 6 applies this framework to Georgia and

Kenya in turn before comparing the two cases directly. Chapter 7 concludes by returning to the research question and considering what the comparison reveals for the wider study of EU trade policy.

## 2. Literature Review

The following provides an analysis and synthesis of the main debates and literature governing the study of the foreign and trade policy of the EU. The chapter starts from the literatures explaining the EU-as-a-trade-power and external governance theories that have historically dominated the field. The second turns to the more specific scholarship on trade and sustainable development (TSD) chapters that this thesis focuses on. The third develops the decentring critique this thesis adopts to be able to answer the research question and identifies the research gap.

### 2.1 EU Trade Power and External Governance

In the last 20 years, the assumption that the EU is a trade power has guided the bulk of the research on European trade and foreign policy (Happersberger & Bertram, 2026). Manners's (2002) civilian and normative power framework supplied the field's most durable theory, arguing that the EU's influence rests on its ability to define what counts as 'normal' in international affairs, exporting norms such as human rights and sustainable development by way of example and socialisation rather than coercion. The claim was always double-edged: to say the EU exports norms is also to say the EU is the origin of those norms being exported. Damro's (2012) market power Europe offers a more grounded alternative, locating the EU's external influence not in norms and values but in the sheer size of its internal market. This allows Brussels to externalise its own regulatory preferences through trade agreements, unilateral measures, and the compliance costs it can impose on firms seeking access. Bradford's (2020) Brussels Effect pushes this logic further, elaborating on two effects. On the one hand, a de facto effect in which global firms adopt EU standards voluntarily to avoid maintaining parallel production lines. On the other hand, a de jure effect, in which other jurisdictions copy EU rules outright, showing that market size and regulatory capacity make the EU an effective unilateral rule-setter even without partner consent.

These accounts converge on a shared explanatory logic. Namely, EU influence is a function of what the EU possesses: market access, regulatory density, and normative authority. Here, Meunier & Nicolaïdis (2006, 907) distinguish between "power in trade", where market access is provided in turn for increased economic benefits of the EU, and "power through trade", where the EU uses the promise of market access to achieve non-trade objectives and enshrines these in the trade agreements. What this literature explains well is the supply side of EU external influence: the instruments, market leverage, and regulatory templates the EU brings to a negotiation. What it explains far less well is the demand side. Even its more critical variants locate the sources of variation inside the EU rather than inside the partner country. Georgia and Kenya appear in this literature as the market or the target, defined by their position relative to EU leverage rather than by their own contribution to the outcome. This leaves open a question this thesis takes up directly: what happens to these theories once the analytical lens is turned around, and the partner country's own institutions, priorities, and negotiating choices are treated as more than the residual left over after EU power has been exerted.

A second, closely related literature has been coined as the 'external governance approach' and does not ask *why* the EU can shape foreign policy outcomes, but *how* the EU extends part of the EU's 'acquis communitaire' towards third countries (Lavenex, 2004). External governance is used to determine the prescriptive dimensions of EU foreign (trade) policy by analysing their level of policy transfer and norm diffusion (Lavenex & Schimmelfennig, 2013). Over time, the object of such research has gone beyond the mere expansion of EU regulation to third countries, to the export of EU standards and norms in different areas, like human rights and environmental protection. In carrying out this research, the focus is required to be on "European institutions, stakeholders, interests, and ideas" (Happersberger & Bertram, 2026, 4). The clearest mechanism this literature identifies is conditionality. Schimmelfennig and Sedelmeier's (2004) developed an external incentives model to explain rule transfer to Central and Eastern European candidate states. This model treats the EU as a principal actor offering another a credible reward (like accession or market access) in exchange for their adoption of specified rules. This is a rational-actor account: partner governments are assumed to adopt EU rules because doing so is advantageous, not because the rules themselves hold any independent appeal domestically. Börzel and Risse (2020) subsequently reframed this narrower model of Europeanisation as part of a broader phenomenon of diffusion, encompassing more voluntary, horizontal, and less strictly conditionality-bound pathways by which EU rules and practices spread beyond the EU. This reframing already lightly suggests the possibility that a partner state's own reasons for adopting a rule might matter independently of the incentive the EU has attached to it. However, even this broader framing details a one-way street as well. Rules originate in the EU and are transferred, diffused, or extended outward, and the analytical task is to explain the degree, timing, and mechanism of that transfer.

### 2.2 EU Trade and Sustainable Development Chapters

While external governance literature details accounts of the EU as a trade power, a more specialised literature asks a narrower question, namely why the sustainability provisions attached to EU trade agreements take such different forms across cases. The literature on trade and sustainable development chapters is considerably more recent than the trade power and external governance traditions it draws on. Zurek (2019) traces the evolution of this field, arguing that the relationship between trade and sustainable development has shifted from an early and declaratory framing, 'trade and sustainable development', towards a more conditional and intertwined one, 'trade for sustainable development', in which sustainability increasingly functions as a trade policy objective. Bertram's (2023) discourse analysis of the European Commission's own trade and sustainable development framing between 1993 and 2022 corroborates this trajectory from within the Commission's own documents, showing sustainability moving from a reference in the preamble towards a central and sometimes binding component of EU trade policy. This even culminated in the Commission's 2022 move toward treating TSD sanctions as a last-resort enforcement mechanism (Cezar, 2024).

Most modern trade agreements devote separate sections or chapters to address sustainable development goals. These are called 'Trade and Sustainable Development' (TSD) chapters (Zurek, 2019). TSD chapters often incorporate the following three main elements:

i. "commitments to ratify and effectively implement multilateral environmental and labour agreements" (Happersberger & Bertram, 2025, 2)

ii. "procedural commitments that require parties to uphold current levels of protection, exchange information and increase cooperation" (ibid)

iii. "institutional mechanisms tasked with overseeing implementation" (idem: 2-3)

The latter include yearly Civil Society Forums and different standing committees – the Trade and Sustainable Development Committee and the Domestic Advisory Groups – which compose of different stakeholders ranging from labour unions to business associations (ibid).

A second strand of literature investigates why the design of TSD chapters varies so considerably across agreements. Poletti et al. (2021, 339) demonstrate that the "degree of bindingness, enforceability, and transparency" built into a given TSD chapter tracks the depth of the EU's own economic integration with the partner through global value chains. Gstöhl and Schunz (2025) show that TSD chapter design reflects the EU's internal balancing act between trade liberalisation and environmental protection. Both of these accounts locate the source of variation entirely inside the EU, leaving the trade partner's own position as a background condition rather than an explanatory variable.

What unites all of the above literature is a persistent explanatory orientation toward the EU side of the relationship. Variation in TSD chapter design is explained by variation in the EU's own interests. Effectiveness is assessed against the EU's own objectives of whether the chapters actually delivers their desired sustainability outcomes. Happersberger and Bertram (2026) make this observation explicit, noting that the great majority of the literature engaging with TSD chapters approaches them as instruments of EU policy whose success or failure is to be judged by European criteria, and that the perspectives of the trade partners remain unexamined. This neglect of the role and impact of trade partners in the trade policy process has increasingly raised concerns among scholars, because it makes the study of EU foreign policy inherently Eurocentric (Keuleers et al., 2016; Gazsi, 2024).

### 2.3 Eurocentrism and the Decentering Approach

Keukeleire & Lecqoq (2025) argue that Eurocentrism is a meta-paradigm which permeates the majority of EU external action scholarship. As an overarching paradigm, Eurocentrism (among other things) is based on:

- "the ontological assumptions that dominant European/Western perspectives about 'the world' and about 'the nature' of actors, structures, values, and dynamics in that world are universally valid (..) and as it should be" (ibid: 1485)
- "epistomological assumptions that European/Western perspectives and conceptualisations related to universalist, normative and civilisational Eurocentrism (...) are suitable and sufficient to analyse 'the world' and Europe's position in and policy towards that world" (ibid)

Such paradigmatic assumptions must rely on simplifications of reality to be able to feasibly problematize social phenomena and carry out corresponding research (Sil & Katzenstein, 2010). Such simplifications need not be inherently problematic. Most theoretical approaches must use simplifications to a certain extent for the purpose of a more focused and feasible analysis. Moreover, as long as different paradigms co-exist, a broad variety of dimensions and avenues for research will be sought out, creating a pluralistic realm of knowledge production. It only becomes a problem when *most* of the research operates under the same paradigm (Keukeleire & Lecocq, 2025).

As Keuleers et al. (2016) argue, such a problem does exist within EU foreign policy scholarship. Through quantitative analysis, they found a grave imbalance in the amount of scholarship on the topic, heavily favouring Eurocentric research approaches. This has three problematic consequences as it i) generates incomplete and one-sided knowledge, ii) leads to warped policy recommendations and assessments, and iii) ignores the perspectives of the EU's trade partners which are also major stakeholders of the policies themselves (ibid). Orbie et al. (2023, 5) take these problematizations even further by stating that Eurocentrism is "self-defeating, counterproductive, and ineffective for EU foreign policy". Moreover, while Eurocentric scholarship can lead to distorted policy recommendations and assessment, Cebeci (2012, 564) argues this is a vice versa relationship: distorted European foreign policy research is invoked by EU practitioners to produce new knowledge and policies, which in turn is used by academics to "prove and enhance their arguments". This is a self-reinforcing loop that make the paradigm difficult to escape.

In response to this Eurocentrist critique of the EU foreign policy scholarship, Fishar-Onar & Nicolaïdis (2013) called for a necessary paradigm shift and proposed the 'decentring approach'. The decentering agenda offers the most influential response to the Eurocentrist critique and is the one this thesis adopts. Decentering entails studying EU foreign policy from the perspective of the local actors and context that are the object of the foreign policy (Keukeleire et al., 2021). The decentering approach is seen as a heuristic tool which aims to identify and overcome the simplifications and assumptions built into the Eurocentric paradigm (Keukeleire & Lecqoq, 2025). It is based on three categories, which overlap and build on each other: provincialization, engagement, and reconstruction. Provincialization involves questioning the "deep-rooted assumptions" that underpin Eurocentric narratives and treating those narratives as one perspective among many instead of a neutral description. Engagement pushes the researcher to engage with the non-European perspective(s), interests, and interpretations. Reconstruction builds on this decentred knowledge to rebuild the scholarship on EU foreign policy (Fisher-Onar & Nicolaïdis, 2013). Since this initial proposition for decentring, there have been different conceptual expansions proposed, with the most significant being Keukeleire & Lecqoq (2018). They operationalise the first two stages along distinct spatial, temporal, normative, institutional, linguistic, and disciplinary lines by arguing that Eurocentric bias can enter EU foreign policy analysis through any and all of these dimensions.

In simple terms, Keuleers et al. (2016) argue that decentering is an ‘outside-in’ approach targeting the perspectives of the trade partner. As such, it is not another theory of EU influence to be added alongside market power, normative power, and external governance. It takes a different analytical starting point, one that treats the partner country's own interpretation as the object of study rather than as a downstream effect to be measured against an EU-authored benchmark. One must identify the consequences and relevance of trade agreements for the specific country, region, and context. This involves investigating local impacts, outcomes, and stakeholders (idem). The decentring approach is quite broad and can be used to conduct research on many different regions and countries, and on different thematic areas. Barbieux & Bouris (2025, 1143) argue that this is deliberate as it is “purposefully designed to be a generalizable analytical tool”. The goal is to apply the decentering approach across different situations, which is why it does not point to any *specific* empirical analysis. While using the decentring approach, the researcher must match the scope of the analysis to their area of research themselves (idem).

Keukeleire et al. (2021) apply decentring to the EU's southern neighbourhood and find local actors reinterpreting EU-promoted norms according to domestic logics that the standard external governance framework treats as noise rather than as data. Wolff et al. (2022) extend the approach across migration, religious, and neighbourhood governance, showing that EU relationships with third actors are better understood as sites of dissonance and negotiation than examples of norm export. Alcazar et al. (2023) apply this to EU trade relations with the 'Global South', arguing that trade scholarship in particular has been slow to absorb either the decentring or the decolonial turn. Barbieux and Bouris (2025) pushed the decentering agenda even more explicitly to its political implications, arguing that decentring EU-Algeria relations requires confronting colonial dynamics that conventional foreign policy analysis brackets out entirely.

While the decentring approach has increasingly, though liminally, been used across different analytical levels and contexts, there is limited research focused on the perspectives of how trade partners engage with the EU in trade agreement negotiations. The idea that sustainability provisions in trade agreements are the sole product of the EU's power remains prevalent, while the perspectives and practices of trade partners remain understudied (Happersberger & Bertram, 2026).

This thesis's chapters respond directly to this theoretical and empirical gap in the current academic literature. Rather than asking whether the EU-Georgia and EU-Kenya TSD chapters have succeeded in EU terms, they ask what Georgian and Kenyan actors themselves take these chapters to mean, a question the existing TSD literature is not designed to answer. As such, this thesis explicitly responds to calls for research aimed at decentring approaches to studying trade agreements (Alcazar et al., 2023; Keuleers et al., 2016; Nicolaïdis & Youngs, 2023). More specifically, because it analyses and compares the Georgian and Kenyan case studies, this thesis explicitly follows the suggestion for future research of Happersberger & Bertram (2026, 36) to conduct more "in-depth, comparative (..) case studies" of the negotiation and implementation of TSD chapters in trade agreements. The underlying presumption of this avenue of research is not that trade partners are the actual drivers behind trade agreements and its TSD chapters per se, but that "focusing exclusively on European factors risks overlooking empirical evidence and theoretical insights" (idem: 60).

## 3. Case studies: Georgia & Kenya

Georgia and Kenya are not selected because their relationships with the European Union resemble one another, but precisely because they do not. Both countries have concluded trade agreements with the EU that bind them to a Trade and Sustainable Development (TSD) chapter, and in both cases these commitments are negotiated and implemented from a position of considerable asymmetry vis-à-vis the EU, at least upon first reflection (Lavenex, 2004; Meunier & Nicolaïdis, 2006). This shared feature is what makes the comparison possible in the first place, since the object of analysis is the same: a set of TSD provisions attached to a trade agreement. At the same time, everything surrounding that object of analysis varies. Namely, the historical relationship each partner has with the EU, the domestic context, the negotiations of the TSD chapters, and its implementation time. Read through a decentring lens, this variation is the exact reason for a fruitful comparison. It allows the same question, how do partner countries interpret, negotiate, and reshape EU TSD commitments in trade agreements to be asked twice, under different historical and institutional conditions. Analysing countries from vastly different geographical locations within this thesis' comparative case study design increases its significance, especially with regards to Kenya. This is because 'Global South' countries are "especially prone to Eurocentric tropes" as they are viewed as threatening and underdeveloped (Barbieux & Bouris, 2025).

To maintain analytical and methodological consistency, this thesis utilizes a lifecycle-equivalent comparative framework. Rather than aligning the case studies chronologically, the implementation timelines are bound by their respective operational lifecycles. For the Georgian case, the timeline is restricted to 2014–2018, capturing the immediate four-year window following the conclusion and early implementation of the DCFTA. This directly mirrors the contemporary 2023–2026 window of the EU-Kenya Economic Partnership Agreement, which tracks the transition from the conclusion of negotiations in 2023 to its early enforcement phases. Bounding the Georgian timeline at 2018 controls for the agreement lifecycle, allowing for a precise, comparative assessment of how third-country actors exercise agency and perform community.

### 3.1 The EU-Georgia Association Agreement and the DCFTA

Georgia's relationship with the EU is a neighbourhood relationship. Since the Eastern Partnership was launched in May 2009, Georgia has been one of six post-Soviet states offered a form of association with the EU. The 2008 war with Russia, during which Russian forces came to control parts of Georgian territory, sharpened this orientation considerably, turning closer alignment with the EU into a matter of security as well as of economic policy. The Association Agreement signed on 27 June 2014 reflected this dual logic: its Deep and Comprehensive Free Trade Area (DCFTA) was never a stand-alone trade instrument but one component of a broader agreement combining political association with regulatory approximation. Here, market access was made conditional on Georgia adopting substantial parts of the EU acquis (Association Agreement between the European Union and Georgia, 2014). Before the negotiations opened in early 2012 Georgia had already committed, as a precondition for opening talks at all, to align its regulatory system with the EU's. External governance scholarship treats this demand as characteristic of EU conditionality (Lavenex, 2004; Schimmelfennig & Sedelmeier, 2004). The DCFTA was provisionally applied from 1 September 2014 and, together with the rest of the Association Agreement, entered fully into force on 1 July 2016 (European Commission, n.d.).

### 3.2 The EU-Kenya European Partnership Agreement

Kenya's relationship with the EU is structured differently from the outset. It is not a neighbourhood relationship oriented toward eventual membership, but a development-oriented trade partnership conducted through the Economic Partnership Agreement (EPA) framework the EU has built with African, Caribbean, and Pacific states since the early 2000s (Stevens, 2006). The EU-East African Community (EAC) EPA was originally conceived as a bloc-to-bloc agreement. Kenya, as the only one among its neighbours, faced the prospect of losing preferential access to the EU market due to losing its Least Developed Country status. That is in large part why the country ratified this EPA in 2016. However, the rest of the bloc failed to do the same. Due to the non-ratification of the regional EPA, Kenya pursued a bilateral agreement instead in 2022. The bilateral rounds subsequently added a Trade and Sustainable Development Annex, negotiated between a kick-off meeting in November 2022 and a concluding round in May 2023. The Agreement was signed on 18 December 2023 and entered into force on 1 July 2024 (European Commission, 2024).

## 4. Conceptual Framework

Answering the research question requires two things at once: understanding how Georgia and Kenya respond to the sustainability demands the EU attaches to their trade agreements and understanding how the relationship between the EU and each partner is actually constructed during negotiation and implementation. A response cannot be read apart from the relationship in which it occurs, so a conceptual framework is needed that holds both together. This is why this thesis adopts a decentring approach, asking what Georgian and Kenyan actors themselves think and do rather than starting from what the EU wants. Still, decentring alone is an orientation, not a set of concepts that can be applied directly to documents and interviews. It says where to look, not what to look for.

This is why decentring is combined with a second, more specific framework. Happersberger and Bertram (2026) operationalise decentring for TSD chapters specifically. They distinguish between agency: how partners adopt, adapt, appropriate, or resist EU demands, and community: how the EU-partner relationship is imagined and performed. A set of residual spatial and temporal dimensions accompanies both, since positioning oneself in a place and time shapes what agency is available and what kind of community becomes possible. The following introduces the decentring approach in more detail, before section 4.2 turns to Happersberger & Bertram's (2026) operationalisation of agency, community, and the residual dimensions.

### 4.1 Provincialization and Engagement

To reiterate, the decentring approach proposed by Fisher-Onar & Nicolaïdis (2013) comprises of three stages: *provincialization*, *engagement*, and *reconstruction*. For one, provincialization involves questioning the "conventional narratives that place Europe at the heart of global affairs" and the "deep-rooted assumptions that underpin those narratives" (ibid: 285-286). The 'ideal type' narrative of the EU as an international actor must be deconstructed to discover how reality can diverge from such representations (Keukeleire & Lecocq, 2025). Second, engagement entails learning from the ‘other’.  Here, the assumptions, contexts, and perspectives of third countries are placed at the heart of the analysis. In doing so, one must be willing to detach from existing ideas about the countries and “learn outside the box” (ibid: 1491). The most important question should be “what do they think?” rather than “what do they think of us?” (Fisher-Onar & Nicolaïdis, 2013, 289). While presented as distinct stages, the processes of provincialization and engagement often coexist and influence each other simultaneously (Keukeleire & Lecocq, 2025). Third, reconstruction aims to rebuild and renew the “EU praxis in a non-European world, from the outside in” (Fisher-Onar and Nicolaïdis, 2013: 286). The limited scope of this thesis does not allow for an exploration of the reconstruction stage due to its complexity and corresponding feasibility concerns. This is a limitation of the research.

### 4.2 Agency, Community, and the Residual Dimensions

As emphasized by Barbieux & Bouris (2025), any study which uses a broad decentering approach must tailor it to the needs of the research. For this reason, this thesis employs the operationalization of decentering as proposed by Happersberger & Bertram (2026). This is warranted due to their similar focus on the Trade & Sustainable Development chapters of EU trade agreements and the perspectives of, inter alia, third country trade partners. Happersberger & Bertram (2026) adopt an approach which aims to better understand the “agency of trade partners” and the “construction of communities in the trade-sustainability nexus” (ibid: 6). Here, they propose three different concepts which guide analysis: agency, community, and residual spatial and temporal dimensions (See Table 1 for the coding frame).

Agency is composed of four different types: adoption, adaptation, appropriation, and resistance. First, adoption entails the complete acceptance of EU norms and practices. Here, agency of trade partners is limited to choosing to transplant the model proposed by the EU (Lenz & Nicolaïdis, 2019). Second, adaptation refers to the modification of European norms to align with local norms (Happersberger & Bertram, 2026). Trade partners contextualize EU norms and standards to local characteristics (Björkdahl et al., 2015). Third, appropriation means "drawing inspiration" as agency is demonstrated by borrowing certain features of policy and taking them further than proposed to maximize one's own benefit (Happersberger & Bertram, 2026, 7). Fourth, agency through resistance lies in the partial adaption to a certain policy or norm. Trade partners seek to challenge the EU's norms but not overthrow it (ibid).

Community is defined as "a group of people which has become integrated" (Deutsch, 1957, 5). As a guiding concept, it investigates how legal frameworks such as trade agreements are imbued with meaning and create a sense of shared community between the EU and its trade partners. There are two types of community to analyse (Happersberger & Bertram, 2026). The first type pertains to the idea of imagined communities as theorized by Anderson (2006) and focuses on the boundaries and mutuality of imagined trade-sustainability communities. To specify, trade partners set boundaries horizontally when differentiating themselves (from the EU) and invoke mutuality when they identify common norms (with the EU) (Happersberger & Bertram, 2026). The second type explains how communities are performed, either through collaboration or hierarchy. The former shows "whether and how trade partners and the EU collaborate with one another", while the latter shows "whether these interactions reflect, reinforce or dismantle existing power structures" (ibid: 8).

Spatiality and temporality are termed residual because they do not stand on their own the way agency and community do. Instead, they condition how both are possible in the first place. Where an actor positions itself and its counterpart in place and time shapes what forms of agency seem available, and whether the relationship may read as collaborative or hierarchical. Happersberger & Bertram (2026) capture this through two further codes. Levelling, where actors place themselves and the other in the same in-group, and distancing, where actors position the other as belonging to a different time or place altogether. These dimensions are the backdrop against which agency and community become visible.

None of these concepts works alone. Agency without community explains what partners did without the relationship it happened in. Community without agency explains that relationship without what partners did inside it. Decentring supplies the orientation, agency and community the analytical concepts, and the residual dimensions the context. Applying this conceptual framework will allow for an assessment of the perspectives and practices of Georgian and Kenyan actors in the context of the TSD chapter in their trade agreements with the EU. As such, the analysis will be able to provide an answer to the main research question of this thesis.

**Table 1.**
*Coding Frame*

| Code | Definition |
|---|---|
| **Agency** | |
| Adoption | Actor accepts proposals without modification to reach higher order goals |
| Adaptation | Actor modifies the form of proposals to reach similar goals |
| Appropriation | Actor selectively expands the scope or applicability of proposals to reach diverging goals |
| Resistance | Actor limits the scope or applicability of proposals to reach diverging goals |
| Strategic Stalling | Actor deliberately delays implementation of proposals to reach diverging goals |
| **Communities** | |
| Mutuality | Actor identifies common or reciprocal properties with another actor |
| Boundaries | Actor differentiates horizontally between two actors |
| Collaboration | Actor identifies common or reciprocal practices with another actor |
| Hierarchies | Actor differentiates vertically between two actors |
| **Residual** | |
| Spatiality | Actor positions self and/ or counterpart(s) in a specific location/place |
| Temporality | Actor positions self and/ or counterpart(s) in a specific period of time |
| Levelling | Actor integrates counterpart(s) in an in-group by extending the temporal or spatial scale |
| Distancing | Actor positions counterpart(s) in a different temporality or spatiality from itself |

*Note*. Adapted from *Reversing the Gaze in EU Trade Policy: Communities, Hierarchies and Agency under Trade and Sustainable Development Chapters* (Happersberger & Bertram, 2026, 9)

## 5. Research Design

This thesis mainly employs a comparative qualitative thematic analysis to examine how the TSD chapters within the EU-Georgia DCFTA and the EU-Kenya EPA are interpreted, negotiated, and implemented by domestic actors. This method will be supported by semi-structured interviews. Thematic analysis is a type of document analysis which allows for a systematic review or evaluation of documents, which can be "examined and interpreted in order to produce meaning, gain understanding, and develop empirical knowledge" (Armstrong, 2021, 1). While situated in an interpretive epistemological tradition, document analysis can still produce empirically grounded findings through the identification and interpretation of recurring themes, meanings, and patterns across documents (Altheide, 2000). This method is particularly suitable for comparative case study research because it enables in-depth understanding of political and institutional phenomena (Stake, 1995; Yin, 1994). Moreover, it aligns with the research question posed by this thesis, which seeks to understand how domestic actors shape and perceive sustainability provisions within EU trade agreements.

There are multiple ways to conduct document analysis which range from quantitative methods such as content analysis to qualitative methods such as thematic analysis (Morgan, 2022). These methodologies share a similar technique since they both involve coding and codes and try to uncover manifest (i.e., directly observable) as well as latent (i.e., unobservable) content (Joffe & Hardley, 2004). However, an important difference can be found in their epistemological tradition. Historically, content analysis has often been associated with the descriptive and positivist paradigm, whereas thematic analysis is more strongly situated within constructivism and interpretive approaches (Vaismoradi et al., 2013; Brough, 2018; Ahmed et al., 2025). Because this thesis is guided by themes of agency and community, rather than primarily focusing on the categorisation or frequency of content, the analysis adopts a thematic approach. Thematic analysis offers a structured yet flexible method for “identifying, analysing, and interpreting patterns of meaning (themes) within qualitative data” (Clarke & Braun, 2017).

More specifically, the thesis employs a deductive thematic analysis. Deductive thematic analysis is theory-driven, meaning that the coding process is guided by concepts and themes derived from a theoretical framework rather than emerging purely inductively from the material itself (Braun & Clarke, 2006; Clarke & Braun, 2017; Pearse, 2019). In this thesis, the analysis is guided by the concepts of agency, community, and the residual dimensions identified in the conceptual framework. These concepts are operationalised according to a broad range of themes, such as adoption, adaptation, hierarchy, and collaboration. By means of deductive thematic analysis, documents in this analysis are therefore analysed and coded to discover which themes are most applicable to the Kenyan and Georgian context. Applying the same coding framework across both case studies allows for a structured comparison of how sustainability provisions are interpreted and implemented between the two cases. At the same time, the analysis remains open to themes and patterns inductively emerging from the material itself throughout the coding process (Proudfoot, 2023). As the analysis will show, this thesis inductively identified a new type of agency in the Georgian case called strategic stalling.

In addition to document analysis, this thesis incorporates five semi-structured elite interviews with (former) government officials, civil society representatives, and other stakeholders. These interviews serve as a supplementary source of insight and confirmation. Combining interviews with document analysis strengthens the credibility of the research by allowing claims and interpretations to be compared across different types of sources (Armstrong, 2021). Due to practical limitations regarding access and response rates, interview availability differs across the two case studies, with five Georgian interviewees and one Kenyan interviewee. However, document analysis constitutes the primary methodological approach of this thesis, so this asymmetry does not undermine the broader comparative analysis.

## 5.1 Data

The documents analysed in this thesis are drawn from categories identified in the literature on EU trade governance and sustainability provisions (Barbieux & Bouris, 2025). These include: 1) official policy documents such as the trade agreements, action plans, and institutional communications 2) public statements and speeches by policymakers and institutional actors, 3) reports and statements by civil society organisations and stakeholder groups, and 4) reports and analyses produced by local scholars, think tanks, and media outlets. To maintain research reproducibility and transparency, the reference list for the documents analysed are presented in alphabetical order per country in Annex 1.

## 5.2 Limitations

Qualitative document analysis, the primary method employed here, is well suited to tracing how institutions represent their own conduct, but less well suited to capturing what that conduct actually involved. Official documents can present constructed narratives, meaning that there is a potential gap between self-presentation and reality. A clear instance of this concerns the EU–Georgia Civil Society Platform. This platform depicts a mechanism of effective engagement, yet Interviewee 2 characterised this participation as largely performative, noting that the organisations most actively engaged in sustainability issues were not meaningfully included. Where interview access existed, such discrepancies could be identified and where it did not, comparable dynamics may have gone undetected. This limitation should not be read as invalidating the findings, but as a reminder that institutional narratives require critical interpretation rather than face-value acceptance, which this thesis has tried to do.

A related constraint concerns the informal dimension of negotiation itself. Trade negotiations occur through political bargaining which rarely enters the public record. So, the analysis necessarily captures documented representations of negotiation rather than the negotiations as they were conducted behind closed doors.

The comparison is further shaped by an asymmetry in implementation time. Georgia's DCFTA has operated for roughly a decade, against just two years for Kenya's EPA. As a result, the Georgian case provides richer evidence on implementation while the Kenyan case speaks more to negotiation and early compliance. Even though this thesis has aimed to limit this constraint by focusing on lifecycle equivalence, there still exists much more data reporting on the Georgian 2014-2018 implementation window, precisely because more time has gone by to investigate this period. This discrepancy affects the depth of comparison but nevertheless should not undermine the value of comparing the two agreements and cycles.

It is also relevant to acknowledge researcher positionality, since this thesis uses a decentering approach. Decentering calls for a recalibration of the study of EU foreign policy to be less Eurocentric and more conducive to trade partner perspectives and practices. However, an obvious challenge to carrying out this research is the fact that most Western scholars, including the author of this thesis, have been academically trained within the Eurocentric paradigm. As such, there can be a subconscious tendency to think inside the 'Eurocentric box' and choose avenues for research and analysis which are a part of that (Keukeleire & Lecocq, 2018). While the coding framework presented earlier will aid a circumvention of this bias, it must be acknowledged that this thesis will presumably not be able to avoid this completely.

Finally, as a two-case comparative design, this thesis does not aim to produce generalizable conclusions across the EU's trade agreements. Rather, its ambition is analytical, generating insights into how these specific partner countries shape TSD negotiation and implementation.

# 6. Analysis

This chapter applies the agency, community, and residual dimensions framework developed in the conceptual framework to the Georgian and Kenyan cases. Each concept functions as a deductive coding category. Passages from the data set and interview transcripts are read for evidence of adoption, adaptation, appropriation, or resistance, for the construction and performance of community, and for spatial and temporal residual dimensions, following the operationalisation set out by Happersberger and Bertram (2026). The goal is not to identify all codes as a rule,  but rather to determine which codes are most prevalent per country. The analysis remains open throughout to patterns that do not fit this coding scheme, which is how the Georgian pattern this thesis terms strategic stalling first became visible.

The chapter is organised around the three concepts rather than around the two countries. Section 6.1 examines trade partner agency, first in Georgia and then in Kenya, before comparing the two directly. Section 6.2 follows the same structure for the construction and performance of community, and section 6.3 does so for the residual spatial and temporal dimensions. Each section closes with its own comparison, so that the similarities and differences between Georgia and Kenya are emphasized concept by concept rather than left for a single summary at the end. A concluding discussion then draws these three comparisons together and returns to what they jointly suggest about trade partner influence.

## 6.1 Trade Partner Agency

### *6.1.1 Adoption and Stalling in Georgia*

The initial phase of Georgia's DCFTA negotiations in 2012 exemplify adoption: the uncritical or structured internal implementation of EU rules and norms by a partner state. Georgia was very willing to accept the EU's TSD demands without modification in order to reach their ultimate goal: an FTA. As interviewee 2 states, it was a "matter of national priority" and as such, "we were ready to compromise at the end of the day". At the same time, the EU demanded that Georgia commit to the transposition of the EU acquis as a pre-condition to the *opening* of negotiations, which left even less room to negotiate on the Georgian side. This demand was an unprecedented move by the EU, especially since the country had never requested to join the EU. By agreeing to the opening of negotiations, Georgia had already committed to align their regulatory system to the EU's, even implementing regulations that Member States had only began implementing as late as January 2010. Market opening, increasing competitiveness, and attracting investments was seen as key to economic development and was exactly what this FTA could bring. Especially after the 2008 war with Russia, integration into the EU's internal market offered opportunities for long-term economic development and geopolitical security. This meant that Georgian negotiators willingly accepted an ambitious environmental and social agenda without demanding localized modifications. As a result, the primary focus was on "implementation of reforms" rather than "carrying out in-depth consultations with society and figuring out how the EU acquis can be adjusted to Georgian realities" (Potjomkina, 2021, 430). This fact is further emphasized by the fact that Georgia was not "very sustainable" in the first place and there was not a "big shift towards sustainability" on the horizon anyway (Interviewee 4). If there is no preceding path for sustainability, it can be simpler to take over another's pre-set plan.

This willingness is also seen in Georgia's commitment to reform their labour code, which would then become a huge domestic issue for them, since the country had just recently set out on a path of deregulation rather than regulation. It abolished its labour inspection in 2006 and created a new Labour Code which aimed to create an attractive business climate. But in practice, this entailed a maximal deregulation of the employment sector, heavily favouring the employer over the employee. In negotiations, the EU demanded that Georgia restore its labour inspection and make their labour laws compliant with International Labour Organisation (ILO) standards. Again, Georgia realised “the EU is not flexible about it” and because they “wanted the EU really bad”, they accepted and adopted these demands (Interviewee 2).

Following the signing of the DCFTA, Georgia’s agency of adoption shifted from TSD acceptance to the active phase of legislative drafting and regulatory alignment. Both for environmental goals and social policies, the Georgian government spurred a significant volume of legislation designed to implement the TSD commitments. In the environmental sector, the DCFTA “obliged Georgia to introduce EU legislation as well as sectoral legislations, like the adoption of more than 80 technical regulations, guidance documents, and standards” (Kurashvili, 2020, 3). To navigate this acquis, Georgia created an overarching Environmental Assessment Code (EAC) in early 2017. This code targeted the domestic transposition of several distinct pillars of European environmental law, beginning with Directive 2011/92/EU on environmental Impact Assessments, which states that high-risk infrastructure projects must first be assessed in term of their effects on human health, biodiversity, and climate, before being carried out. Another pillar which was incorporated was Directive 2001/42/EC on Strategic Environmental Assessment to ensure environmental considerations were integrated in the drafting of state programmes regarding energy, waste, and transport. Furthermore, to bring domestic administrative procedures in line with the international Aarhus Convention, the Environmental Assessment Code absorbed Directive 2003/35/EC on public participation, guaranteeing civil society and citizens the right to be informed about and participate in environmental decision-making. Finally, it also satisfied Directive 96/61/EC on Integrated Pollution Prevention and Control, which targets high-pollution industrial plants by requiring permits based on emission standards.

In addition to legislative alignment, there are also national strategic documents which aim to regulate specific environmental sectors through the “Socio-economic Development Strategy of Georgia “Georgia 2020” (2014); The Regional Development Programme of Georgia (2015-2017); The Rural Development Strategy for 2017-2020” (Kurashvili, 2020, 3). Moreover, the yearly

Georgia National Action Plans demonstrate the drafting process of the Law on Import, Export, and Transit of Waste; the Law on Water Resources Management, and others that are either in development already or in the future pipeline (Ministry of Environmental Protection and Agriculture of Georgia, 2018).

A similar trend emerged with the labour rights aspects of the TSD. To address the major discrepancy between the EU acquis and the recently deregulated labour sector, Georgia incrementally drafted and amended their labour laws to adhere to International Labour Organisation (ILO) standards. Showing these commitments, declarations from the EU-Georgia Civil Society Forum welcomed milestones, like "the institutionalisation of the tripartite social dialogue (…) and ratification of the ILO Convention No 144 on 'Tripartite Consultation' by the Georgian parliament" (EU-Georgia Civil Society Platform, 2018). In its action plans for the implementation of the DCFTA, there are recurrent commitments to "establish an effective labour inspection system in line with ILO standards" (European Union & Government of Georgia, 2014) and to "raise awareness of employers and employees on labour legislation (Government of Georgia, 2016). In 2013, Georgia introduced a new labour code and amended this further in 2015. While these developments were welcomed, the actual changes remained minimal.

Namely, when certain legislative frameworks are evaluated alongside practical enforcement, another type of partner country agency becomes visible. Rather than representing a clear-cut trajectory of adoption, the Georgian state's alignment process indicates a pattern of *strategic stalling*. This thesis presents this new form of agency which entails a conscious approach by a trade partner to accept legal frameworks to secure the political and economic advantages of the trade agreement, while deliberately delaying their domestic implementation to protect local interests. This strategic dualism was played out in the re-invigoration of the labour inspectorate. Although the Department for Inspection of Labour conditions was created in 2015, its actual enforcement capacity was curtailed for years. This was because the initial iterations of the inspectorate lacked actual enforcement authority and sanctioning mandates. In its 2015 iteration, the department was practically toothless because its monitoring was legally contingent upon the employer's advance consent and its powers were confined to issuing non-binding recommendations. Even when the 2018 Law on Labour Safety was passed, Georgia created safeguards for domestic businesses as the inspectorate was denied unconditional access to workplaces and required a court warrant to unscheduled checks. Moreover, it could only inspect working environments that were specifically defined as "hard, harmful, or hazardous" (Tchanturidze, 2018, 3). Interviewee 2 shows that this delay was a point of domestic contention, arguing that as the EU kept insisting on the need to restore the labour inspection, Georgian officials consistently pushed back, arguing that they needed to restructure the body slowly to ensure it was "better and not prone to corruption". Besides the labour rules, this was also the case for environmental objectives, as Georgia has been "deliberately delaying [them] and derogating them from other priorities of lower-middle income country, such as poverty reduction, employment and social protection" (Kurashvili, 2020, 4). Sustainability was pushed to the future as this ideal also did not garner much public support. This reflects an attempt to optically adopt European demands but practically stall the actual implementation and enforcement of these demands.

What is important to note for this strategic stalling by the Georgian government, is that it was shaped by corporate lobbying. Trade unions openly critiqued the Georgian government for allowing groups like the American Chamber of Commerce in Georgia and Business Association Georgia to water down the draft labour reforms. These lobby groups warned the government that aligning with European labour standards would trigger "business stagnation" and "higher unemployment" (Civil Georgia, 2013). As a result, the state left loopholes in the Labour Code. For instance, the code omitted any legal mechanism to ensure equal pay for equal work and failed to include exhaustive definitions for protection against sexual harassment or discrimination. Employers were granted the right to maintain verbal, undocumented agreements for up to three months, allowing them to use such contracts to exploit workers.

This pattern of passing legislation to satisfy the EU's conditions while strategically stalling implementation and enforcement illustrates that a trade partner like Georgia can find ways to demonstrate agency after DCFTA signature to navigate the unequal power dynamics of the TSD chapter. This also aligns with the Georgian priorities in negotiations which was "focused on negotiating terms that allow the country's developing economy to reap benefits from the agreement – and not be unnecessarily burdened by regulations and requirements that would stifle growth" (AmCham Georgia, 2012).

### *6.1.2. Adoption, Appropriation, and Resistance in Kenya*

The Kenyan case cannot be read through the same frame that explains Georgian agency, and this section will explain why. The EU-Kenya TSD negotiations and its implementation can mainly be characterised by adoption and resistance, with few instances of appropriation. From as early as 2014, Kenya's overall commitment to concluding an Economic Partnership Agreement (EPA) with the EU was shaped by an anxiety that had nothing to do with sustainability. Namely, the imminent loss of preferential market access. Unlike its neighbours in the East African Community (EAC), Kenya would no longer quality as a Least Developed Country and could not fall back on the Everything But Arms tariffs scheme that granted Burundi, Rwanda, Tanzania, South Sudan, and Uganda automatic duty-free and quota-free entry into the EU market. Civil society organisations opposing the regional EPA noted that the EAC "concluded the EPA negotiations after 12 years of negotiations with the EU not because it was contented with the provisions of the agreement but rather in order to meet the October 2014 deadline so that Kenya, a non LDC, won't be removed from the list of beneficiaries of the Duty Free Quota Free Market Access to the EU" (SEATINI, 2016). When Kenya missed the first deadline in 2014, the consequences were immediate: Kenyan exports were subjected to duties "of between 5 per cent and 22 per cent", costing exporters "more than Sh600 million in discounts every month" until the levies were reversed three months later (Wafula &

Omondi, 2016). This 'tariff-cliff pressure' explains why Kenya pursued an EPA at all, and why it was prepared to negotiate bilaterally once the regional bloc negotiations stalled. It does not, on its own, explain Kenya's acceptance of the Trade and Sustainable Development Annex specifically, since that Annex was not negotiated until 2022-2023, under a considerably different set of conditions, well after the tariff threat had been resolved through Kenya's ratification of the earlier agreement.

Instead, Kenya's acceptance of the EU's TSD chapter demands of binding labour, environmental, climate, and gender commitments during the reopening of their EPA negotiations in 2022 drew on a domestic sustainability agenda that greatly predated the TSD. Namely, the 2010 Kenyan Constitution had already enshrined a right to a "clean and healthy environment" (Article 42) and Kenya passed its Climate Change Act in 2016. On labour, alignment predated the negotiations by years as well. Article 41 of the Constitution already guaranteed fair labour practices, reasonable working conditions, and the right to form trade unions and bargain collectively (Republic of Kenya, 2010). Those guarantees rested on legislation passed three years earlier in 2007: the Employment Act, the Labour Relations Act, and the Occupational Safety and Health Act (Republic of Kenya, 2007a, 2007b, 2007c). Kenya had also ratified seven of the ten ILO fundamental conventions well before the EPA talks reopened (International Labour Organization, n.d.) and in 2025 President Ruto announced the ratification of two more critical ILO conventions: "a) ILO Convention 189 (2011) on domestic workers to safeguard their dignity and rights; and b) ILO Convention 190 (2019) on eliminating violence and harassment in the world of work" (Etyang, 2025). The TSD annex itself asks little more than this in terms of labour reform: parties must respect fundamental labour principles, implement the conventions they have ratified, and maintain an effective labour inspection system (European Union & Republic of Kenya, 2023, Annex V, Art. 3).

Interviewee 1 described this domestic groundwork as the basis on which Kenya approached adoption of TSD demands. Prior to exchanging texts, Kenyan negotiators had "thought about their own sustainability chapters" and were "already working on sustainability", having "agreed to green" in other contexts. He resisted framing Kenya's adoption of the TSD annex as amounting to submission to European preferences since it was "not acquiescence but de facto concurrence", because "things proposed on either side were things we both believed in" which "made it easier to codify into the agreements" (Interviewee 1). This account should be read with some caution, since it comes from a government negotiator with an interest in describing the outcome as equal rather than concession, and it is the only Kenyan interview available to this thesis. However, when read alongside Kenya's legislative and diplomatic path predating the negotiations as well as during its implementation, these claims prove to be true. While it is still early to accurately assess the long-term implementation of TSD commitments, progress has already been made. Here, it is better to read these developments as shaping a broader sustainability trajectory rather than direct implementation of the TSD chapter itself. That pattern still proves to be informative. In light of the EU Deforestation Regulation, Kenya's Ministry of Agriculture mobilised a "multi-agency task force" to geo-map coffee farms ahead of the December 2025 deadlines, with roughly "30% of the country's coffee farms" mapped by late 2025 (Tongola, 2025). Felix Mutuiri of the AFA Coffee Directorate argues that "Kenya is already on track in terms of compliance" and is only missing "a harmonised data-driven approach that proves it" (Mbugua, 2025). As a result, the EU classified Kenya as a "low-risk country" due to its "strong environmental management" in 2025 (Kihaki, 2025). A similar trend appears in Kenya's 2023 amendment to the Climate Change Act, which established a domestic carbon market and registry. Moreover, Kenya has created numerous environmental action plans, waste management strategies, sustainable agroforestry plans, and forest policies aimed at achieving Kenya's sustainable development goals, specifically within a 2023-2030 'Kenya Vision' timeframe.

Kenya also shows signs it is pursuing appropriation. Appropriation entails the expansion of the scope or applicability of proposals by an actor to reach different goals (Happersberger & Bertram, 2026). Interviewee 1 provided the most direct articulation of appropriation at a technical level, comparing Kenya's strategy to Costa Rica's: "Like how Costa Rica has been able to use sustainability as a premium for tourism, manufacturing and investments. We see it the same". He added that the idea was to make Kenyan manufacturing exports more competitive "as more of a premium market, if the factories can tell the sustainability story better" (Interviewee 1). The Kenya Tea Growers Association exemplified a similar logic in its formal submission on the ratification of the EPA, arguing that because tea "is a carbon sequester" and the sector is "already green literally and figuratively", the EPA "presents an opportunity to enhance the value of Kenyan tea because of its being sustainably produced" (Kenya National Assembly, Departmental Committee on Trade, Industry and Cooperatives, 2024, 12). This push for appropriation is also consistent with the public diplomacy President Ruto has presented by arguing that Africa is "the world's biggest untapped renewable energy potential", "60% of the world's best solar potential" and "60% of the remaining unused arable land in the world", which create "an inherent ability for Africa to produce green from the start cost-competitive products and services" (NTV Kenya, 2023).

Resistance is where Kenyan agency is expressed most concretely within the TSD annex itself, namely the negotiation over its enforcement. From the earliest technical exchanges, Kenya expressed that it would not accept the EU's push to lay down its 2022 sanctions-based approach to TSD enforcement. At the kick-off meeting in November 2022, "Kenya stressed its reservation regarding disciplining measures", even as both sides "affirmed their understanding of the importance of TSD" (European Commission & Government of Kenya, 2022). By the second round in March 2023, the negotiation report showed that "Kenya was substantially opposed to the inclusion of temporary suspension of obligations as a part of the dispute settlement mechanism" (European Commission & Government of Kenya, 2023b). Interviewee 1 characterised the outcome in the following terms: the proposed "sanctions regime for unsustainable exports" was "inconsistent" with what Kenya was willing to accept, since Nairobi "only wanted positively constructed commitments". By the fourth round in May 2023, "a compromise wording was found that balanced both Parties' interests" on this point (Report of Fourth Round, 22 and 24 May 2023). The textual outcome of the final TSD annex confirms this, since the EPA does not allow for an imposition of sanctions due to a violation of the TSD chapter. Still, the EU and Kenya are "explicitly committed to continue negotiations on this aspect in the context of the 'rendez-vous clause'" (European Commission, 2023). It can be argued that this agency should be classified as adaptation instead of resistance because the parties did not simply disagree but produced a working alternative text. However, this thesis argues that since the entire concept of binding enforcement proposed by the EU was rejected by Kenya and no adapted version of enforcement was created instead, the choice to classify this as resistance is justified. This agency is not a rejection of sustainability commitments as such, but a successful contestation of the specific enforcement architecture the EU sought to attach to them.

*Comparison*

Compared to Georgia, Kenya's agency demonstrates a different balance among the four modes identified by Happersberger and Bertram (2026). Georgian adoption followed from the search for security, market access, and a European future, goals that were so important that it left Georgian negotiators little room to resist or adapt the EU's preconditions, with strategic stalling only operating in the implementation phase. Kenyan EPA ratification followed instead from the narrower goal of preserving duty-free access its LDC neighbours automatically enjoyed, after which negotiations were reopened in 2022. Since this issue of preserving access was resolved before the TSD annex was negotiated, this left Kenyan negotiators comparatively more room to discuss the EU's propositions instead of accepting it wholesale under time pressure. It also matters that Kenya's acceptance of the substantial TSD agenda coincided with a domestic sustainable policy trajectory, which predated the TSD annex by years. By contrast, Georgia's post-Soviet regulatory landscape offered no similar groundwork and commitment to environmental and labour governance, which can also explain why Georgia had to work harder to implement the demands. In short, Georgia's agency was shaped by an accession-pressure which made it hard to resist TSD demands, while Kenya's was shaped by a development partnership in which the EPA's trade benefits and its TSD provisions were propelled by both parties.

### 6.2 Construction and Performance of Community

#### *6.2.1. Collaboration and Hierarchy in Georgia*

An examination of the performance of community in the negotiation and implementation of the TSD chapter in Georgia shows that it is neither uniform nor purely horizontal. Rather, the data analysed shows two modes: a dominant and structural hierarchy alongside a smaller but productive form of collaboration. These types of community might seem contradictory, but the analysis shows they can coexist. Namely, from the Georgian perspective, the EU leveraged its market power to impose TSD demands in a top-down manner, while simultaneously maintaining a supportive dialogue that recognized Georgia's domestic capacities and difficulties.

The most dominant characteristic of the EU-Georgia trade relationship is vertical hierarchy where the EU dictates the rules that trade partners must adopt. Because this DCFTA was one of the earliest agreements where the EU sought to integrate sustainable development into its trade agreements, Georgian negotiators felt like this agreement was used to set a new European standard for its regulatory influence abroad. As mentioned before, this became apparent even before the negotiations began, since the EU demanded Georgia agree to an unprecedented set of preconditions accepting approximation to a huge part of the EU acquis before the negotiations could even be opened. This pressure was felt by Georgian officials, as the [preconditions] "that were set for concluding the negotiations are the same for starting the negotiations" (Civil Georgia, 2011a). Interviewees 5 & 6 confirm this pressure since Georgia was "pushed more towards sustainability", for example in "organic production and legal frameworks". This is the part of the DCFTA where Georgia felt "unfairly treated" because these preconditions were the same only for countries part of the accession process, which Georgia was not (Interviewee 2). Because the European negotiators had a strict mandate, there was not much room for manoeuvre, and this became "quite a clash in the negotiations" (Interviewee 2). Still, Interviewee 3 states that while this negotiation was "sharper than others, this was an exception" and that overall, negotiations were "not so hard". A reason for this is the awareness of Georgia that they were the weaker actor in negotiations, they knew they had to "accept this or we do not negotiate" (Interviewee 3) and were "mature enough to realise the EU's approach is changing, their market is increasing and they have more leverage" (Interviewee 2). The Georgian government accepted that the EU had its own political priorities and needed to demonstrate foreign policy successes abroad to legitimate their push for sustainable development internally as well. It shows a political snapshot of the EU at the time, as 15 years ago, it was fully geared towards attempting to "impose regulatory power" abroad (Interviewee 4). If you want an agreement or if "you aspire to join one day, you have less power" and you must "try to tick all the boxes to fit in", and this was seen as "very normal" at the time (ibid). This type of relationship stands in stark contrast to its negotiations with countries like the United States, where both sides compromise. The EU-Georgia dynamic was different, and the EU was "very strict" (Interviewee 3).

This last-minute shifting of the goalposts and top-down demands allowed the EU to exercise control over the negotiations and implementation. In all yearly reports on TSD progress, it is the EU monitoring and assessing Georgia, not the other way around. A few examples of this dynamic are the "European side positively assessed the reforms implemented by Georgia towards DCFTA implementation" (Ministry of Economy and Sustainable Development of Georgia, 2016, 4), "the EU encourages Georgia to ratify [ILO conventions] as soon as possible" (EU-Georgia Trade and Sustainable Development Sub-Committee, 2016), and for the forest protection and supervision regulation Georgia must "send the project documents to the EU for approval" (Government of Georgia, 2016, 112).

Despite the dominant structural hierarchy, the performance of community was not purely top-down. While demands, reforms, and implementation were non-negotiable and imposed, actual communication and the working relationship was also characterized by genuine collaboration. This was evident during negotiations, when the EU remained realistic and supportive regarding Georgia's limited institutional and infrastructural capacities, accepting gradual process and prolongated timelines. In general, "cooperation was set as a principle" and "even though they were critical, there was good collaboration" (Interviewee 2). Georgia was open and willing to progress on the demands as the country already was on a path of post-soviet reform. That is why Interviewee 2 even goes as far as to say that the agreement was actually not an "export of regulatory preference because we were already doing it". This support and cooperation was evident in the implementation as well, as many different bodies were set up to carry out TSD commitments. For one, the Trade and Sustainable Development Sub-Committee. While this was not the first TSD implementation body created under an EU trade agreement, it was among the earliest examples of the EU's newer generation of agreements geared at infusing sustainability with trade. This sub-committee brought together officials from both sides to share information and plan the next steps. A joint civil society forum was set up to periodically engage and share information between both countries to discuss what aspects of TSD issues were going well, and which ones needed more attention. This collaborative willingness was visible from the start, as the Prime Minister Garibashvili publicly reassured the country upon signing the Association Agreement that Georgia was "not alone in this complex process" because the EU was ready to provide continuous assistance (Civil Georgia, 2014b). However, while this performance of a collaborative community made the implementation process feasible, this does not necessarily diminish the underlying hierarchy of the relationship. The collaboration functioned within a bounded top-down European framework, where the EU was the rule-maker and Georgia the implementer.

*6.2.2. Boundaries, Mutuality, and Collaboration in Kenya*

Kenyan community was not only performed in relation to the EU, but also to the wider East African Community (EAC) region. This occurrence can be characterized by 'boundaries' where Kenya "differentiates horizontally between two actors" (Happersberger & Bertram, 2026, 9). Namely, the imagined community Kenya constructs through the EPA is drawn against its own regional bloc instead of the EU. Kenya's boundary-setting towards the EAC through the signing of the EPA has been a legally contested and controversial move, because it plays out through the collapse of a regional negotiating bloc instead of a purely bilateral relationship with the EU. The EU-EAC-EPA was originally conceived as a bloc-to-bloc agreement requiring ratification by all EAC partner states. When Tanzania publicly refused to sign ahead of the October 2014 deadline, Kenyan commentary described the country as finding itself "isolated" for "a third time in four months," since, unlike its LDC neighbours, Kenya alone stood to lose preferential access if the bloc failed to conclude (Wafula & Omondi, 2016). Kenya's response was to pursue the agreement bilaterally under the EAC's own principle of 'variable geometry', formally invoked at the 21st Ordinary EAC Summit in February 2021, which "allows Partner States in an integration bloc to implement integration projects at different paces" (Ngumy et al., 2022.). The boundary Kenya draws here is thus not between itself and Europe, but between itself and its own regional peers, whom it outpaces rather than differentiates from on grounds of value or identity. As Ruto put when visiting Brussels: "Kenya is the only East African Community member that [has] ratified it, and therefore every Kenyan product enters the European market duty-free and quota-free" (NTV Kenya, 2023)

Still, Kenya has consistently paired this act of separation with a rhetoric of openness intended to preserve its standing within the regional community it bypassed. At the signing ceremony, Trade Cabinet Secretary Moses Kuria stated that "this agreement today, hopefully, will open doors for our other partners within the East African Community" (State House Kenya, 2023b). Subsequently, President Ruto promised the EU that "by you signing this agreement with Kenya we also commit that we will work with our East African partner States... and hopefully we can also take this all the way to the Africa Continental Free Trade Area" (idem). This bridge-building rhetoric has been tested severely by developments with no parallel in the Georgian case. On 24 November 2025, the East African Court of Justice issued an interim injunction suspending implementation of the entire EPA because Kenya had proceeded "without adequately notifying or consulting" EAC partners. Domestic critics had anticipated this tension earlier: Central Organization of Trade Unions Secretary General Francis Atwoli warned Kenya against acting as "the 'European Ambassador" in lobbying the rest of the region and cautioned that Nairobi's unilateral push "is likely to jeopardize the much-needed regional integration" (Kajilwa, 2016). Kenya's government responded to this not by retreating from its trade relations with the EU but by contesting the ruling. Cabinet Secretary Lee Kinyanjui described the EU market as "the lifeline of Kenya's booming exports and its largest export destination" as the Ministry pursued an appeal of the rule, while reaffirming "its commitment to the principle of variable geometry" (State Department for Trade, 2025e). Kenya's performance of community by setting boundaries is neither simple separation nor simple integration, but a continuous negotiation between the benefits of moving first and the political costs of moving alone. And at the time of writing, this remains legally unresolved.

Where boundaries may represent a 'departure' from the region, mutuality shows the claim of a shared purpose with the EU. Interviewee 1 described Kenya's "commitment to international conventions" as "very high," and the EPA as a vehicle to "restate these and tie them to trade" and act as a "magnet for investment". Kuria stated that the agreement would "advance shared values and common interests, on sustainability," with "both sides" having "committed themselves to combining sustainable growth and the creation of decent jobs with environmental conservation and climate resilience" (Owino, 2023). A press statement issued amid the EAC Court dispute described the EU and Kenya as enjoying "a longstanding mutual partnership anchored on shared values of sustainable development and open markets" (Ministry of Investments, Trade and Industry, 2025).

Interviewee 1's characterisation of the dynamics behind the negotiations demonstrate an identification of common practices with the other through collaboration. Here, he states that the discussions were "very collaborative", negotiators "enjoyed conversations" and "remained very good friends on various technical topics”, since there was consistently "good contact" with Brussels-based counterparts between rounds (Interviewee 1). This collaborative tone extended into the agreement, just like under the Georgian TSD chapter, as Domestic Advisory Groups and a Trade and Sustainable Development Committee were established, and the second meeting of the EU's own Domestic Advisory Group in 2025 recorded ILO experts underlining that "trade agreements can support labour rights, social dialogue and capacity building" (EESC, 2026b).

*Comparison*

The performance of community for the Georgian DCFTA of hierarchy was legitimated by Georgia’s own European ambition. This ambition gave the EU's preconditions a top-down structure both sides accepted. Instead, Kenya’s community EU’s EPA was only hierarchical in nature during the 2014 negotiations, with the looming deadline of loss of preferential tariffs. This pressure was absent in the 2022-2023 negotiations, which left more room for an equal negotiation and implementation partnership. Whereas for Georgia the rest of the Eastern European Partnership countries were not relevant to the DCFTA, Kenya’s boundary-setting from the EAC produced high regional tensions that have yet to be resolved legally and socially. At the same time, Kenya's EPA is considerably younger than Georgia’s DCFTA. The EPA entered into force only in July 2024, so its Domestic Advisory Groups and TSD Committee are just into their first cycles of meetings, while Georgia's have existed for a full decade and as a result have revealed their shortcomings. Whether Kenya's negotiating relationship will prove as durable or will eventually show the same gap between formal collaboration and substantive delivery that Georgia's partially did, cannot yet be assessed. For now, the Kenyan analysis characterises collaboration in warm terms, and that TSD demands provoked less domestic upheaval during negotiation than Georgia's did.

### 6.3 Beyond Agency and Community: Analysing Temporal and Spatial Dimensions

To provide a comprehensive analysis, the residual dimensions identified by Happersberger & Bertram (2026) must be evaluated alongside Georgian and Kenyan perspectives as well. These dimensions are spatiality, temporality, distancing, and levelling. This section examines which of those dimensions are present per partner country.

#### *6.3.1. Levelling, Distancing, and Temporality in Georgia*

Levelling captures the active discursive strategy of alignment employed by Georgian actors to position their country as a part of the 'European family'. Georgia uses levelling to frame the DCFTA not just as a trade agreement, but as a step towards further integration with the EU. As the then-Prime Minister Garibashvili noted upon signing, the Agreement represents a "historic chance to return to [our] natural environment, Europe, its political, economic, social, and cultural space" (Civil Georgia, 2014b). Georgia embraces the agreement with its stringent acquis and TSD demands to align itself with the EU and gain access to a larger market. This levelling was in part driven by domestic security shocks as well. The difficult and unstable domestic situation as a result of the 2008 war with Russia in which Russia controlled parts of Georgian territory, served as a push for Georgia to reorient themselves towards European standards.

In contrast to this discursive framing focused on levelling Georgia as part of the European in-group, the dimension of distancing emerges when Georgian actors identify the disconnect between high European TSD standards and local realities. Here, Georgian stakeholders point out that domestic capabilities are vastly different and more fragile than those of the EU. This is particularly pronounced within the agricultural sector, which represents the largest part of Georgia's economy.

This sector is highly fragmented and comprises mostly of smallholders. These small-scale producers lack the financial resources, knowledge, and infrastructure needed to adjust to new production and export requirements laid down in the TSD chapter. As Interviewee 5 & 6 highlight, standards require resources that farmers simply do not have, making implementation an "extra burden" that is "always painful" rather than something that is welcomed. For example, because local laboratories lack the capacity to conduct the testing demanded by the EU acquis, farmers are forced to send their product samples to Germany for testing, which ultimately makes export so unprofitable they stop exporting it altogether.

The combination of Georgians levelling themselves with the EU in negotiations in the hope of future accession while maintaining a distant discursive frame for the feasibility of implementation comes together through the temporality dimension. Temporality involves positioning oneself or the other in a specific period of time or stage. The Georgian perspective on the trade negotiations reveals that Georgian officials exercised actual agency not by arguing about *what* kind of environmental or labour rules to adopt but arguing over *when* they would have to implement and enforce them. Negotiators focused on altering timelines and pushing deadlines as far back into the future as possible to protect their economy. As Interviewee 2 states, the core strategy was to "postpone things that were not good for us immediately". While Georgia simply adopted the TSD demands, Georgia did successfully negotiate a restructuring of the sequence and timeline. And, the EU was very receptive to these demands for more time and accepted these negotiating asks (Interviewee 3). For example, Georgian negotiators secured long implementation windows for labour rules going from five to nine years. And this agreed upon timeline was stretched even further in practice as the agreement was applied and implemented from 2014 onwards, as was exemplified in the previous section about strategic stalling. When discussing progress on environmental concerns, Interviewee 4 shows how this temporality worked in practice when deadlines were pushed so far back, local businesses did not feel any "imminent financial threat or immediate costs" which is why they "pushed for more time, (…) even when they knew that something was going to happen in a year, they would argue for one more year". An effective strategy, since for example rural populations still use "wood that is not good for the environment" (ibid).

### *6.3.2 Spatiality and Levelling in Kenya*

Kenyan leaders invoke spatiality, meaning they position themselves and/or another in a specific location or place, by repeatedly stressing the direct physical exposure to climate change Kenya experiences. In doing so, Kenya makes explicit that the EU does not experience these effects in a similarly detrimental way to create a sense of urgency that environmental goals are very important for their (trade) relationship. While these remarks address Kenya's general position and not the TSD annex specifically, they do say a lot about Kenya active stance towards sustainability and climate change, which can be quickly linked to TSD commitments, albeit implicit. When addressing the pressures facing African trade partners, President Ruto noted that "just days ago, Kenya was compelled to declare a national drought emergency in 20 counties, leaving our citizens at risk of severe hunger and water scarcity" (The Financial Express, 2025) and told the European Parliament that "the escalating severity of climate change is particularly acute and poignant in Africa, a continent that despite its minimal contribution to global emissions finds itself at the forefront of environmental vulnerability... (Kenya Digital News, 2026) and they "feel the impact more directly and more acutely" (NTV Kenya, 2023). These remarks suggest why TSD commitments were accepted rather than contested, in a way that a purely EU-centred account treating the clause as European climate ambition exported to Kenya, would not capture. Kenyan officials have also framed the country's geography as opportunity rather than only a vulnerability, positioning Kenya as "a gateway to Africa" (Kamau, 2023). Here, spatiality is invoked as leverage for cooperation rather than only a claim of observation.

Kenya also uses levelling to reject the vocabulary of Kenyan dependency on Europe and the 'donor-recipient development aid' narratives. In President Ruto's address in Brussels he states that "the relationship that we propose today to our European colleagues is not built on dependency, but it is built on mutual and sovereign equality. It is not built on aid or assistance, but it is built on mutually beneficial partnerships. And it is not built on extraction... but it is built on investments that benefit everyone" (Kenya Digital News, 2026). In terms of the effects of climate change, Ruto extended Kenya's vulnerability to Europe by describing it as "a levelling force equalizing us all in the face of a shared global challenge, transcending all divides, north, south, east, west, developed or developing" (NTV Kenya, 2023). This is a part of the same general sustainable development discourse as the appropriation and spatiality material discussed above rather than a statement about the TSD Annex specifically. Where levelling is demonstrated more concretely, is in Kenya's co-chairing, alongside the EU, Ecuador, and New Zealand, of the Coalition of Trade Ministers on Climate, an initiative the EPA is explicitly said to "build on" (INSIGHT EU Monitoring, 2023). Here, Kenya appears in the same forum as the EU not as a subordinate recipient of its climate policy but as one of the forum's co-chairs, which is a more concrete institutional display of levelling than rhetoric alone can provide.

*Comparison*

Compared to Georgia, the residual dimensions of the Kenyan case are anchored more explicitly in a postcolonial tone than in a geopolitical one, and the difference traces to the two countries' distinct relationships to the EU. Georgian temporality and distancing were driven by the fragility of the state's weak infrastructure and smallholder agricultural sector newly exposed to European competition. There were grievances that they did not have the capacity to implement reforms fast or good enough but chose to commit to TSD anyway in pursuit of potential membership. Kenya obviously has no accession prospect to aspire to, which is why its residual dimensions are underpinned instead by spatial claims about the direct physical exposure to climate change and by an explicit demand to move away from historical narrative of colonialism and North-South divides that a neighbourhood candidate country does not carry in the same way. This gives Kenyan levelling and spatiality claims a normative charge the Georgian case never had. Georgia performed levelling by seeking entry into an existing European family and Kenya performs levelling by asserting that Africa's resources, demography, and direct climate exposure make it crucial to the EU's own green transition.

### 6.4 Discussion: Comparative Analysis

Read together, the Georgian and Kenyan cases converge on the conclusion that the EU-centred literature on regulatory power and external governance does not fully represent reality. For, in neither case were trade partners simply passive recipients of a sustainability agenda conjured up in Brussels and exported abroad. Still, the two cases arrive at this shared conclusion in different ways, and this difference is informative in itself. Georgia accepted the bulk of the EU's TSD demands because European integration functioned as an overriding national strategic priority, a goal so encompassing that Georgian negotiators were "ready to compromise at the end of the day" (Interviewee 2), almost regardless of the content that was being demanded. Kenya accepted its EPA's TSD commitments for reasons the Georgian case does not primarily show, with a domestic development and climate agenda already running from the 2010 Constitution through the 2016 Climate Change Act to Vision 2030.

This points to a second finding: acceptance of EU TSD commitments does not necessarily indicate an absence of agency, because adoption can reflect a strategic choice that serve the adopting state's own objectives rather than simple compliance. Three such reasons exemplify this observation across the two cases. One, adoption can reflect alignment with domestic objectives already in motion, as was the case with Kenya's climate and labour legislation. Second, it can reflect a calculation of economic benefit, as with Georgia's calculation that DCFTA-linked reform would attract investment and competitiveness and Kenya's use of sustainability credentials to seek premium positioning for tea and horticulture exports. Third, it can serve as an opportunity for policy development that a government wants to undertake regardless of the trade agreement. Georgian officials who accepted labour and environmental commitments in full nonetheless retained enough agency to later slow their domestic enforcement through the mechanism this thesis calls strategic stalling, choosing which parts of an already-signed commitment to prioritise and which to postpone until later. Kenyan officials who likewise accepted the substantive TSD agenda simultaneously used the same negotiation to secure removal of its sanctions mechanism and to negotiate a 25-year asymmetric liberalisation schedule. In both cases, choosing to adopt showed the presence of trade partner agency, not its absence per se.

Third, hierarchy and collaboration are not mutually exclusive but can coexist. The EU's structural leveraging of their market of €450 million citizens paints a strong top-down picture upon first look. Yet through rounds of negotiation, both trade partners have described these as positive, constructive, and collaborative. Especially in the Georgian case, the performed community in both cases was hierarchical in structure and collaborative in tone simultaneously, a coexistence that an EU-centric framework focused only on the formal architecture of conditionality would miss. Community also meant something different in each country. For Georgia, aspiration toward accession was treated as an eventual goal on both sides. For Kenya, it meant the ongoing management of tension between regional belonging and national strategy. This places the trade relationship both have with the EU into context.

A further, more methodological finding deserves attention. Substantially less documentary material exists on the Kenyan TSD chapter specifically than on its Georgian counterpart, and interview access mirrored this asymmetry. This thesis conducted five Georgian interviewees against a single Kenyan one. This asymmetry can imply that TSD adoption and implementation was, relative to market access and economic development, a comparatively minor Kenyan preoccupation. Still, it could equally reflect the practical limits of researcher access rather than a genuine difference in domestic attention.

The above findings speak directly to the decentring argument that motivates this thesis, and they do so along the lines Fisher-Onar and Nicolaïdis (2013) describe as provincialization and engagement. Provincializing the Eurocentric narrative means one must question the assumption that sustainability is a norm originating in Europe and exported outward before applying it to a case study. Engagement means asking what Georgian and Kenyan actors themselves thought and wanted, rather than only what they thought of the EU, and it is this that the analysis presented here makes possible. Read only through a European lens, both cases would appear to show two trade partners falling gradually into line with an TSD template, differing only in the pace and thoroughness of their compliance, precisely the picture Happersberger and Bertram (2026) and Keuleers et al. (2016) warn that EU-centric external governance scholarship tends to produce. The view from Tbilisi and Nairobi does not support that picture. Georgian and Kenyan actors did not solely receive TSD commitments as foreign impositions requiring passive absorption, they engaged with them as commitments to be negotiated, delayed, reworked, appropriated, or resisted at specific points, according to a logic set by their own histories, institutions, and interests rather than by the EU's. Three assumptions common to EU-centred accounts do not survive this comparison. The claim that sustainability originates primarily in Europe does not survive Kenya's own constitutional and legislative record, which predates the TSD Annex by years. The claim that partner countries only respond to EU pressure does not survive Georgia's strategic stalling or Kenya's removal of the sanctions mechanism, both of which show partner states shaping the content or implementation of what they eventually accepted. What both cases ultimately suggest, is that EU trade agreements and corresponding TSD demands are not conveyor belts for the one-way transmission of European norms, but negotiated spaces in which power, cooperation, adaptation, and contestation coexist, and in which the trade partner is very often not merely the object of EU policy but a participant in shaping it.

## 7. Conclusion

This thesis set out to answer how the perspectives and practices of Georgian and Kenyan domestic groups affect the negotiation and implementation of sustainability chapters in their trade agreements with the EU, and the answer differs per case. Georgia accepted the EU's TSD demands nearly in full during negotiation, because closer alignment with the EU functioned as an overriding national strategic priority, a goal important enough that Georgian negotiators were "ready to compromise at the end of the day" (Interviewee 2). Agency in the Georgian case appeared later in the form of strategic stalling: legislation was passed to satisfy EU conditions while actual enforcement capacity (particularly around labour inspection) was deliberately delayed for years. Kenya's path looked different from the outset. Kenyan negotiators drew on a domestic sustainability agenda that predated the TSD annex by years and was thus willing to adopt the EU's TSD agenda. Still, it successfully resisted its proposed enforcement mechanism at the negotiating table, securing the removal of a binding sanctions regime. Where Georgia's agency operated through delay after acceptance, Kenya's operated through contestation and collaboration during negotiation and even appropriation during implementation.

This finding speaks to theoretical and academic gap identified in the literature review. The trade power literature, whether in its normative (Manners, 2002), material (Damro, 2012), or regulatory (Bradford, 2020) variant, explains why the EU can make TSD demands in the first place, but not why two different trade partners respond to those demands differently. The external governance literature comes closer, since Börzel and Risse's (2020) broader account of diffusion already allows that a partner's own reasons for adopting a rule might matter independently of the incentive attached to it. Still, this literature has not systematically asked what those reasons are for specific partner countries and specific chapters. The TSD-specific literature (Poletti et al., 2021; Gstöhl & Schunz, 2025) explains variation in chapter design but not variation in how a design is received. The contribution of this thesis has been to show what appears once the analytical lens is turned toward

Georgia and Kenya themselves: adoption that is strategic rather than passive, and resistance that can operate through delay as well as open contestation.

The comparison between Georgia and Kenya reveals something neither case would show on its own. Read in isolation, Georgia might appear to confirm the external governance account of conditionality working as intended, and Kenya might appear as a case of an assertive partner successfully talking the EU out of a demand it did not want. Read together, the two cases show that acceptance and resistance are not opposite ends of a single scale along which trade partners can be placed, but coexisting features available to the same partner depending on where in the process they have room to manoeuvre. Georgia had comparatively little leverage during negotiation, given how much it wanted the agreement, but retained some control over implementation, where enforcement could be slowed without being formally refused. Kenya's situation was different: its TSD annex was negotiated years after the tariff pressure that had originally pushed the country to pursue an EPA had already been resolved, which left Kenyan negotiators more room to contest specific provisions before signature.

Theoretically, this points to two implications. First, hierarchy and collaboration, and adoption and resistance, are not mutually exclusive states but frequently coexisting ones. An account of EU trade governance that expects a partner to sit at one point on a single continuum will miss this. Second, this thesis identifies strategic stalling, the acceptance of a legal commitment paired with the deliberate slowing of its enforcement, as a further form of trade partner agency alongside the four that Happersberger and Bertram (2026) originally proposed. Strategic stalling is not simply a weaker version of resistance, since it requires the same formal compliance resistance rejects, nor is it adaptation, since the underlying legal framework is not modified. Whether this form of agency appears in other partner countries facing comparable accession-adjacent pressure is a question this thesis cannot answer from two cases, but that is an interesting avenue for further research.

This thesis has limitations that qualify its findings. Document analysis is well suited to how institutions represent their own conduct, and less well suited to what that conduct actually involved. This is illustrated by Interviewee 2's account of the EU-Georgia Civil Society Platform's largely performative engagement with civil society. Additionally, interview access was asymmetric, five Georgian interviewees against one Kenyan interviewee. But, since the main method was thematic document analysis, this constraint is limited. Third, despite the lifecycle-equivalent framework applied throughout, considerably more data exists on the Georgian case simply because more time has passed since its DCFTA entered into force. Finally, as a two-case comparative design, this thesis does not claim that its findings are generaliseable across the EU's other trade partners. Its ambition has been analytical rather than statistical, generating insight into how these two specific partner countries have shaped the negotiation and implementation of their own sustainability chapters.

These limitations point toward specific directions for future research. A natural next step would extend this comparison to countries in the same region as Georgia and Kenya. For example, Moldova, whose DCFTA with the EU follows a similar timeline and legal template to Georgia's, but whose domestic trajectory and relationship to the EU differs. The same goes for another EPA partner case from another country in the African, Caribbean, and Pacific group. Moreover, a larger and more balanced set of Kenyan interviews would address the data access asymmetry this thesis could only partly work around. As said, strategic stalling itself deserves further scrutiny beyond the Georgian labour inspectorate case examined here to establish whether it occurs in other (accession-track) countries. Finally, a follow-up study conducted once Kenya's EPA has been in force for close to a decade would allow a fuller test of whether Kenyan negotiation-stage agency holds once Kenya's own implementation record has had time to develop.

Georgia and Kenya did not arrive at their trade agreements with the EU by the same route, and they have not stayed on it in the same way since. What connects them is not a shared response to European power, but a shared demonstration that there was always a response to make. The EU proposed a template. Both countries, on their own terms and for their own reasons, decided what to do with it.

*The author used Claude, an AI tool, to improve spelling, grammar, clarity, and readability during thesis preparation. After using this tool, the author carefully reviewed and edited the text and takes full responsibility for the final content.*

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## 9. Annex 1

*9.1 Interviews*

Interviewee 1: Kenyan EPA negotiator

Interviewee 2: Georgian DCFTA negotiator

Interviewee 3: Georgian ex-official of the Ministry of Foreign Affairs

Interviewee 4: Representative of Business Association Georgia

Interviewee 5 & 6: Representatives of the Georgian Farmer's Association

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