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See also: https://www.researchgate.net/profile/Michael_Strange2

Abstract:

This article considers how the EU plays multiple roles within global trade governance, as: a *unitary actor* with particular interests to promote; a *tool for dominance* by powerful interests; and, a *site of contestation* facilitating civil society mobilisation. As is shown, identifying these overlapping but conceptually distinct roles is key to analysing the role of the EU particularly in times of crisis in global trade governance where new forms of politics are most likely to emerge.

This is investigated through considering two cases of politically sensitive trade negotiation in which the EU played, and continues to play, an active role: the GATS 2000 negotiations; and the EU-US Transatlantic Trade and Investment Partnership (TTIP). The article contributes to literature not only on the EU, but broader attempts to understand power and actorness within global trade governance.

Power in global trade governance: Is the EU a unitary actor, tool for dominance, or site of contestation? – GATS and the TTIP negotiations

European integration and global trade governance sit as two highly inter-related phenomena. They emerged at approximately the same time, both being the product of the post-war years (Hoekman and Kostecki, 2008; Dinan, 2004). Each is, in its own way, revolutionary in terms of how their respective policies have worked to redraw our understandings of human society and its governance. And, it is in the field of trade policy that the EU has been most visible as an economic union – facilitating intra-EU trade, as well as the role of the European Commission in representing EU Member-states in the World Trade Organization (WTO) (Senti, 2002). Where the 1980s and 1990s saw a significant struggle and eventual victory over the future of European integration, a similar battle was waged in the multilateral trade regime that came from the gates of ‘crisis’ to eventually culminate in a radical expansion of ‘trade’ as a policy concept (Strange, 2014). Not only did this period see the birth of the WTO, on 1st January 1995, but it also saw the creation of two major trade agreements it would host – the General Agreement on Trade-in-Services (GATS) and the the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPs). In addition, investment and government procurement have increasingly fallen within the domain of ‘trade policy’ (Wilkinson, 2006). Global trade governance – embodied in the WTO, but including a vast myriad of smaller regimes – has, through these developments, come to include an ever-expanding range of human activities

within its policy-making space. The EU is both part of that sphere to the extent it is a regional trade agreement, as well as an actor shaping it through forums like the WTO as well as its own bilateral trade agreements with states outside the EU.

This article considers how to understand the role of the EU in respect to global trade governance. Is the EU a unitary actor, acting like a nation-state might, when representing its Member-states as it does at the WTO? Alternatively, is it a tool for powerful interests – whether EU Member-states, or perhaps multinational corporations – to promote their agenda both globally and within Europe? And, finally, to the extent that the EU brings together not only states but also connects their civil societies, when active in global trade governance do we see it become a site of contestation? As will be shown, all three possible roles are evidenced in the literature to the extent that it is difficult to say the EU plays any one particular role in global trade governance. That said, however, it is important to trace out when and how it plays these different roles. The EU's character as a political actor varies greatly between the roles though, as will be shown, they are not always mutually exclusive. In this process, several tensions emerge between the internal and external dynamics of the EU that aid understanding of how the EU's position in global trade governance changes particularly in times of perceived crisis.

The structure follows accordingly. First, the article distinguishes between how different parts of the literature have tried to understand the role of the EU in global trade governance: as unitary actor, tool for dominance, or site of contestation. To help better understand how these roles play together, the second section focuses on the EU as a site of contestation. The EU is both the gatekeeper to competing interests, but also the epicentre through which new

forms of contestation have been made possible. Civil society groups have altered their campaigning strategies not only to influence EU decision-making, but to also use the political space it represents as a means to target broader aspects of global trade governance. This is argued in relation to two cases of trade negotiation in which the EU played, and continues to play, an active role: the expansion of the GATS; and the EU-US Transatlantic Trade and Investment Partnership (TTIP). In conclusion, the article argues that the EU is primarily a site of contestation because it is formally a unitary actor. However, treating it as such can be problematic where it ignores two key characteristics. First, it is a very uneven battlefield in which corporate actors have increasingly used the EU as a tool to push policies suiting their interests. It is extremely difficult for civil society to influence EU trade policies, though there have been some successes. Second, civil society itself is highly imbalanced in the area of trade where there is a predominance of groups based in Western European states. Despite this, though, civil society's role in maintaining the EU as a site of contestation is vital to maintaining the legitimacy of the EU. The danger is when civil society feels that site has become completely closed to it, finding it inaccessible, and subsequently turns its back on the institution.

The EU and power in global trade governance

It is in the field of trade that the European Union appears to be most powerful as a policy actor – with respect to actors both internal and external to the EU (Dür and Zimmerman, 2007; Kerremans and Orbie, 2013). This power is made possible via the particular institutional arrangement of the EU and, in particular,

its central function as facilitating a single market (Meunier and Nicolaïdis, 2006:908). For the EU to administer the single market, ensuring open borders to trade amongst its Member-states, it has by necessity acquired the 'keys to the door' of that single market – unilateral trade agreements between individual EU Member-states and third countries effectively becoming obsolete. The developing project of European integration saw the community's trade relations with external states become subject to the European Council, which in turn delegated that authority to the European Commission (Meunier, 2007:907). Equally, by acting as a gatekeeper to that single market, the European Commission is able to take full advantage of the aggregated markets of the individual Member-states and turn that into a lucrative 'carrot' when attracting concessions from external negotiating partners – as a well as a formidable 'stick' of lost markets when threatening those partners with the potential of failure to conclude agreements.

To be clear, the power of the EU in global trade governance can be approximated two-fold. First, it is a power based upon institutional design and normalised procedure, and is determined by the extent to which the European Commission retains its negotiating remit on trade in relations with third parties. And, second, in a more blunt manner it might be additionally measured by the comparative weight of the EU Member-states as a collective economic power – both in terms of the combined market, and share of world trade. The EU's purchasing power, and control over a significant portion of global economic exchange, provides a part of the puzzle demarcating the EU's power in global trade governance that is in a relatively simple sense quantifiable.

In addition to treating the EU as a unitary actor in global trade governance, research has also drawn attention to the EU as a tool used by particular interests – either certain EU Member-states or corporations – to enhance their power. Each of these perspectives will be discussed in what follows. A third perspective, which forms the core of this article, is how the role of the EU as an actor in global trade governance has made it a site of contestation for those wishing to challenge the hegemonic model of global trade governance. As the article shows, these three roles sometimes overlap but need to be treated as conceptually distinct as they lead to quite different understandings of the EU's 'actorness': as a unitary agent; a tool subject to other actors; or, a site of contestation. In times of perceived crisis where there is heightened uncertainty over the direction of global trade governance, the character of the EU as an actor is particularly pertinent since it leads to quite divergent understandings of the EU's role. Tracing these different mechanisms has consequently absorbed significant scholarly attention, as the following literature review demonstrates, but there is much need to compare these approaches as developed in this article.

The EU as a unitary actor in global trade governance

For research approaching the EU as a unitary actor, a central question is the respective role played by dynamics internal and external to the EU in facilitating its actorness. For example, Damro's (2012) concept 'market power Europe' puts the EU's market size at the centre of its power. To be clear, this market power is not simply defined by material resources (i.e. consumption capacity plus share of global trade controlled by EU businesses), but includes political aspects including: institutional arrangements that facilitate the single market, and the degree of pressure put on the EU by interest groups (Damro,

2012: 686-689). In both political aspects of Market Power Europe, the point is that institutions and interest groups can enhance that power where they favour the EU externalising its policies to third parties. For many scholars (Meunier and Nicolaïdis, 2006), this market power is significant because the EU is not just a powerful actor within global trade, but one that is made powerful through that trade – using its economic clout to promote non-trade objectives. These non-trade matters fall within the EU's often more 'social' principles, including labour standards and development, but most of all a neoliberal paradigm (Ford, 2013).

The internal dynamics that enable the EU to act as a global player in trade negotiations are very much connected to its institutional design (DeVill, 2013). This includes the impact norms play which, for the EU, is seen to be high where the project of European integration has relied upon, and continues to utilize, a myth of 'Europeanness' that is at the same time linked to norms around concepts like 'human rights' and 'sustainable development' - that lead to the so-called 'Normative Power Europe' model which emphasises the soft power of the EU (Manners, 2002; 2011). There is clearly much cross-fertilisation between the Normative- and Market Power Europe approaches – both in terms of academic theorisation, but also the policy mechanisms involved – that emphasises the role of the EU's market as a means to not only make it a power in global trade, but that also then gives it a bargaining chip by which to engage in other fields of global governance. However, research remains divided as to how successfully the EU is able to translate its power in global trade into other arenas.

For example, limited research has been done on the importance of external bodies in recognising the EU as an actor, such as that by Gehring et al (2013), in which recognition becomes key. In comparative analysis of the EU's

role in various international fora, the conclusion was that it matters much less whether the EU has a formal legally-enshrined role as to whether it is recognised as: having something to offer the governance process; and, that its Member-states must look to the EU when engaging in trade negotiations with third parties due to the common market (Gehring et al, 2013:855). That the EU has all the governance resources sufficient to be taken seriously as an actor in trade is to do with both internal EU dynamics – the institutional set-up for the single market – as well as the external dynamics of global trade governance in which the EU's market becomes relevant. Gehring et al's comparison showed that the EU's power – its ability to function as a unitary actor – varied greatly across negotiating forums, and that trade is an extreme case in which the EU has a particular role to play that cannot be left to its Member-states. This does not necessarily imply autonomy, but it does mean that the EU – as the European Commission – gets to appear as a single actor whose views need to be taken into account when negotiating global trade agreements. Surveys have shown that the outside world, and elite actors in particular, most frequently see the EU as a 'great power' in the area of global trade governance, and that this is to do with the extent to which it is seen as unified in this field (Chaban et al, 2013). Equally, in the WTO, external actors view the EU as a key actor though not necessarily a leader due to internal coordination problems and a widely perceived lack of legitimacy (Elgström, 2007). At the WTO, the EU has been active in trying what amounts to an externalisation of its own internal policies – going beyond purely trade matters, aggressively demanding changes to the domestic legislation of other WTO Member-states in often politically-sensitive areas like government procurement and investment (Young and Peterson, 2006). This has, however,

been seen by some commentators as a step-too-far for the EU, showing the limits to its global power where negotiating partners have successfully stalled its ambitions (Holmes, 2006). Whilst recent advances in the Doha round of negotiations have seen the EU achieving some of its ambitions in respect to government procurement, this has as much to do with the rise of India and China as it does with the EU's own power. For the EU, the most significant competitor in its attempts to dictate global trade governance remains the USA – playing a central role in shaping how the EU forms its foreign trade policy (Sbragia, 2010). Since the presidency of George W Bush, the US has shifted its own foreign trade policy away from multilateralism towards negotiating one-on-one bilateral trade agreements. The EU has then followed this approach but with mixed success. For example, Khorana and Garcia's (2013) analysis of negotiations towards an EU-India free trade agreement shows that it is becoming harder for the EU to promote its regulatory preferences. The financial crisis – which hit Western states the hardest – markedly reduced the EU's market power whilst at the same time India and other states formerly dependent on EU markets have managed to diversify such that the EU lacks the clout it once did (Khorana and Garcia, 2013:695-696).

Meunier and Nicolaïdis' (2006) description of the EU as a 'conflicted trade power' highlights the difficulties the institution faces in navigating between the often divergent interests of its Member-states and the need for a consensual position when presenting its demands in trade negotiations with external actors. This does not necessarily weaken the EU, since negotiators can claim inflexibility – that their 'hands are tied' – as a strategy to deflect demands from negotiating partners (Meunier and Nicolaïdis, 2006:909). Yet, disagreement within the EU

does lessen its resolve and, therefore, capacity to use whatever market power it has – lacking a fully developed vision of its interests (Meunier and Nicolaïdis, 2006: 907). Conflict internal to the EU undermines its external power, even if it can sometimes be used as an excuse for inflexibility in negotiations. This is evident when trying to assess the degree to which there is coherence between trade and other policies within the EU. For example, Jurje and Lavenex (2014) analysed the extent to which migration-related policies contained within trade negotiations – such as those affecting free movement of labour – evidenced the EU's ability to utilize its market power to promote its migration policies to third parties. Their results showed no evidence for the kind of strategic issue-linkage that might be expected if the EU used its market power. Instead, acquiescence to EU migration policy preferences was much more highly correlated with structural (i.e. geographical proximity) and institutional (i.e. pre-existing policy convergence) factors than trade volume (Jurje and Lavenex, 2014:332-333).

Much research is occupied with a focus on the extent to which the European Commission has acquired autonomy from the EU's Member-states and, in particular, the Council of Ministers (Da Conceição, 2010; Damro, 2007; Meunier, 2007; Elsig; 2007). Though conclusions differ, there is a consensus that the Commission has a limited autonomy through its ability to repackage Member-state preferences into a consensual package (Meunier, 2007). Indeed, for Elsig (2007), the Commission is most able to express itself as an agent autonomous from its principals where there is disagreement amongst the Member-states. The Commission is able to appear as an actor both internally and externally where it serves to provide a point of cohesion otherwise lacking, which is required for global trade governance to function. Yet, clearly, even in the

case of trade the EU's actorness is much more complex than that of a nation-state.

The varying political attitudes of EU Member-states are partially responsible for the often-contradictory character of EU trade preferences, which include both neoliberal market-opening aspects alongside more protectionist leanings with respect to the European social model (Young, 2007). There is debate over how the EU behaves as an actor in global trade governance, particularly given the strong emphasis on progressive norms within much of EU policy including labour rights, and sustainable development. Recent scholarship has tended to emphasise the realist leanings of EU trade policy, shifting away from a more normative approach (Adriaensen and Gonzalez-Garibay, 2013; Zimmerman, 2007; Garcia, 2013). This has been present in both how the EU behaves at the WTO as well as other aspects of its foreign trade policy, including economic partnerships. For some, this is not a new phenomena with Dür (2008) pointing to the historical role economic interests have played over norms since the European Community first appeared as an actor in global trade governance.

The EU as a tool for dominance in global trade governance

A realist interpretation of how the EU uses its power in global trade governance fits with research that treats EU trade policy as the prioritisation of certain elite interests over others, where the the EU acts less than as an unitary actor and more as a tool for dominance. EU trade policy has often been seen as hostage to the interests of exporting firms, as a tool to protect their products in foreign markets (Dür, 2007). Whilst EU trade policy is contradictory, appearing as a compromise between the interests of the most globalised European capital and social democratic norms, these norms are heavily watered down to the

extent that the EU promotes an embedded form of neo-liberalism (Ford, 2013). The largely neoliberal underpinnings of EU trade preferences have remained near constant despite the potential for rollback one might have expected during the financial crisis and the rise of nationalist movements that increased protectionist pressures. The failure to adopt policies more attune to current political sensitivities may indeed reflect the relative autonomy of the European Commission's Directorate-General for Trade. For Siles-Brügge (2013), this continuity also evidences the role of ideas in EU trade policy and, in particular, how a neoliberal paradigm has become internalised amongst EU trade policy makers.

The EU also appears conflicted where its stated development objectives overlap with its policy preferences. Existing scholarship on the EU trade-development policy nexus shows a EU that both projects itself as a benevolent force and yet equally makes negotiating demands that often are of questionable benefit to developing countries (Carbone and Orbie, 2014; Young and Peterson, 2013; Holden, 2014). For example, ongoing negotiations with the African, Caribbean and Pacific (ACP) countries have generally failed to reach agreement due to wider difficulties the EU faces in reconciling the normative framework of its claimed development policy with its neoliberal economic agenda (Heron, 2014). Bailey and Bossuyt (2013) have been particularly critical of the EU's development policies, identifying a discourse in which trade is presented as being at the 'service' of development norms whilst in practice making development being subservient to trade preferences. The scenario presented in their research is cynical, but does help unravel the double-mechanism at play in the EU trade-development policy nexus that has greater relevance for

understanding how the EU does sometimes act as a tool for dominance. The EU appears as a progressive actor, looking to externalise its social agenda to the interests of other countries. Yet, in trade negotiations, the social aspects of this agenda are abandoned on the pretence that it is forced to do so by economic necessities (Bailey and Bossuyt, 2013:562).

Whereas Meunier and Nicolaïdis (2006) saw this conflicted character of the EU's trade policy as evidencing an institutional negotiation of divergent interests amongst EU Member-states, Bailey and Bossuyt see the social trade policy agenda as little more than a gloss to conceal a neoliberal project of domination (2013:562-3). Furthermore, this project of domination is not a consensual approach formed via the aggregated demands of EU Member-states but, instead, voices only the interests of the more globalised parts of European capital that have historically won over labour-oriented demands (Bailey and Bossuyt, 2013:563-569; also Scharpf, 2010). Touching upon broader debates on the supposed 'democratic deficit' of the EU, Bailey and Bossuyt see the EU trade-development policy nexus as demonstrating the EU's function as a tool for dominance by a capital that targets both non-EU countries but also EU citizenry. This domination is made possible through a mixture of strategies that include: market expansion – where all forms of social life are governed by the market; 'othering' – in which the market mechanism is normalised, and all other forms of life appear inferior; and, de-politicisation, in which policy is a technocratic matter rather than the subject of struggle (Bailey and Bossuyt, 2013: 563-572). In this reading, it is too simplistic to see the EU as a unitary actor since it covers over these complex power relations in which EU trade policy acts as a tool for dominance by specific interests at the expense of others.

The role of interest groups in EU trade policy formation has become a significant field of literature in its own right (Sadeh and Howarth, 2008), following the development of a burgeoning lobbyist sector at the gates of the EU. In respect to understanding the power dynamics of the EU, the role of interest groups challenge the primacy of nation-states. The power of interest groups is not held exclusively by those able to afford representation at Brussel. Research by Alons (2013) showed that national level interest groups played a significant part in explaining the position of Germany in EU trade policy formation and, consequently, their actions need to be seen as a potentially significant variable in explaining the EU's position in global trade governance. That stated, however, interest groups are better able to influence EU decision-making if they have the resources to be placed at both the national and European levels. The resource cost involved creates an imbalance in what interests can be represented, with business groups usually being the better off (Smith, 2008). Business interests have developed a close relation to the EU's DG Trade, though equally it should be noted that this is not the result of a one-way struggle pushed by business. Rather, the EU has often actively sought influence from business groups in the form of the much needed and specialist data negotiators require in order perform their job. Equally, the EU's institutional environment provides the framework in which those interests may be expressed and so is not directly subservient to them (Verdun, 2008). Leblond (2008) has also shown that often business interests lack a fully developed set of preferences until legislation has been tabled, such that often they can switch views from being enthusiastic proponents to fierce critics. In other words, whilst research shows that EU trade preferences are influenced by business interests to the extent that it can appear as a tool for

dominance by that elite, too much information is lost from the puzzle of the EU's power in global trade governance if this is the only understanding research adopts.

The EU as a site of contestation in global trade governance

A key aspect of the literature notes how the emergence of what Damro (2012) calls 'Market Power Europe' – a combination of material factors and institutional design that have fundamentally altered the social space around European trade politics – has placed the EU at the centre of contestation between competing interests. EU trade policy is often described as a three-stage process, in which interests compete nationally and then regionally prior to being expressed internationally via DG Trade. However, this is not a simple flow process of decision-making but involves a complex process of shifting identities and politicisation as actors find themselves needing to contest at the EU level. The degree of centralisation of trade at the EU level has been seen as creating the development of a certain EU citizenship and political participation, though this remains extremely elitist as it remains confined to a narrow community (Bartle, 2006). The fact of moving trade policy to the EU level and delegating negotiating authority to the European Commission's DG Trade, however much the above discussion noted that this agency remains constrained, means that those wishing to influence trade policy must somehow act at the European level. Yet, the extent to which national-level interest groups have managed to move their trade-related demands to European-level representation is very mixed (Bieler, 2008). In part this follows resources, with better-equipped business interests more adept at setting up lobbying services in Brussels. The corridors of EU power are also visited by trade unions which have been able to fund European-level

associations representing national groups across the Member-states, though in the area of trade this has often been limited by the high degree of disagreement over whether to support or oppose neoliberalism. Where the EU has become a site of contestation in global trade governance, it is the more radical anti-market groups that have been most active in utilizing a European identity to advance their demands (Strange, 2013). The EU is a site of contestation not just as a target for advocacy, but also as the epicentre or, rather institutional instigator, of a wider European identity through which national-level interest groups – including environmentalists, gender, development groups – have managed to network transnationally to share information on their respective government's negotiating position, and via that critique the EU's position in global trade governance (Smismans, 2003; Rumford, 2003; Kohler-Koch, 2010). To help better understand the EU as a site of contestation and what this means for its power in global trade governance, the article now turns to a comparative case study of two negotiations in which the EU's DG trade has played a central role whilst subject to sustained advocacy from civil society groups. As the discussion shows, the three alternative roles the EU plays in global trade governance can be seen to overlap in these cases, though it is the third one – that as a site of contestation – which proves most fruitful here.

The EU as both a gatekeeper to, and facilitator of, contestation

In global trade governance the EU is, as stated, both a gatekeeper to, and facilitator of, contestation. That is to say, it is a target of competing interests eager to influence how it acts in forums like the WTO as well as in bilateral trade

negotiations. And, it is a facilitator of that contestation. This latter aspect becomes more apparent when looking at specific cases of global trade governance in which the EU appears as a powerful actor. The inquiry that follows draws upon comparative research into two such cases: first, negotiations to expand the World Trade Organisation's (WTO) General Agreement on Trade-in-Services (GATS) from 2000 onwards; and, second, negotiations towards the EU-US Transatlantic Trade and Investment Partnership (TTIP) that began in 2013. One concerns the multilateral WTO, whilst the other is a proposed bilateral treaty between the world's two largest trading blocs. In both, the European Commission's DG Trade has played a central role. As a consequence, it has been at the centre of numerous competing voices. The EU gets to look like a unitary actor to the extent it negotiates collectively with a single market to tempt concessions from the other side/s. It also appears as a tool of dominance to the extent that both negotiations embody uneven power relations in which the EU's trade preferences accord with those of certain elite interests. And, yet, it has also been subject to significant contestation from civil society that has, to a limited extent, impacted how the Commission may act. The account presented here is based on empirical research conducted during both sets of negotiations, drawing upon a mixture of interviews with activists, campaign materials, and attending speaker events and meetings in which groups have expressed and developed their advocacy.

The EU and the Anti-GATS Campaign, 2001-2005

The EU was active in negotiations to expand the GATS – an agreement that forms one of the central pillars of global trade law hosted by the WTO, and which ambitiously links together a whole series of activities not previously seen

as connected under the label 'trade' (i.e. finance, education, tourism, etc) – but received sustained criticism from civil society both within and outside Europe for, largely, its perceived role in encouraging the privatisation of essential services in developing countries.

Since the late 1990s, an eclectic mix of political identities – gender, indigenous rights, development, environment, pro-public services, etc. – had become politicised around global trade governance. This culminated in a series of claimed 'victories' for activists – the most well-publicised being the supposed role they had played in stalling agreement and thereby facilitating the collapse of the WTO's Third Ministerial Conference, hosted by Seattle in December 1999. Whilst the failure of the meeting has been much debated, and there were many factors to blame, the presence of activists and a violent police response gave both much publicity to the demands of those criticising global trade governance as well as strengthening the emerging mythology of a 'David vs Goliath' struggle often central to the identity of many activists.

The EU as a unitary actor, targeted in the Anti-GATS campaign

In Seattle's aftermath, WTO Member-states were under pressure to salvage what had been attempted but failed. That is, Seattle was originally intended to see the launch of a new round in multilateral trade negotiations – dubbed the 'Millennium Round' – which would have gone much further than even the Uruguay Round which had created the services (GATS) and intellectual property (TRIPs) agreements as well as the institution of the WTO itself. As Seattle turned out, no such expansion was immediately possible. In identifying possible room for manoeuvre, US and EU delegates settled on the GATS where negotiations had already been scheduled that were intended to see the services

agreement greatly expanded to include developing countries opening up much more of their markets.

Civil society groups faced a similar dilemma to the WTO Member-state delegations, searching for how they could get further political traction after Seattle. The GATS 2000 negotiations became an obvious target for many, and early on it became clear for numerous groups that the European Union was at the centre of the political battle. This was for two reasons: first, the EU was an active supporter of the GATS; and, second, a tradition of social democracy meant that its national publics were potentially much more sensitive to liberalising key services including public transport, education, and healthcare. In this sense, the EU was like Meunier and Nicolaïdis (2006) described – a ‘conflicted trade power’. European groups that had been active either in Seattle or through solidaric campaigns within their own territories formed, in 2000, a network that epitomises how they saw their own politicised identities – labelling their collaboration the ‘Seattle to Brussels’ (S2B) network. S2B had a broad profile, claiming to represent a wide spectrum of advocacy interests - ‘development, environment, human rights, women and farmers organisations, trade unions, social movements as well as research institutes’ – from nineteen European nation-states.¹

The S2B network was to feature prominently within anti-GATS activity both within and beyond the EU territory. The network is part of a wider informal network – ‘Our World Is Not For Sale’ (OWINFS) – that had been formed in the build-up to the Seattle protests, and meant that there was a pre-existing infrastructure of relations with groups in North America which had more

¹ This data is taken from the ‘Seattle to Brussels’ website, www.s2bnetwork.org.

experience with trade politics due to their own earlier battles over the North American Free Trade Agreement (NAFTA). Initial activity critical of the GATS started in Canada, led by The Council of Canadians, but it was quickly taken over by European groups.² For the reasons already stated, the EU was seen as a much more fertile political ground for an anti-GATS campaign. There was a fear that despite the role of the EU in global trade governance, there was very little civil society mobilisation able to contest that role. The GATS campaign was seen as a means to help build that capacity, serving as the testing ground for S2B as a European-level coalition. GATS was selected also because activists initially felt that it helped make the WTO less abstract and easier to critique in a way a wider public might understand. An activist central to the formation of both S2B and its work on the GATS highlighted the broader political value of her work, stating:

I'm not actually that interested in GATS. What I'm interested in is the extent to which we can educate, empower and inform, and say that there are places where the market stops. And GATS is about that.³

This quotation from an activist reflects the Market Power Europe conception of the EU's role in global trade governance, as well as targeting the role of market mechanisms in the EU's role as tool for dominance.

The EU as a tool for dominance, targeted in the Anti-GATS campaign

Much of the campaign literature repeated this theme, focusing on the role of a corporate elite in steering EU trade preferences. The European Commission

² Based upon interviews with Canadian activists, as well as analysing campaign materials.

³ Personal interview.

was presented as an aggressor threatening democracy in both European and developing countries, being used to pacify or bulldoze the demands and interests of European citizenry (S2B Network, 2011).

A 'European' identity was at the forefront of much anti-GATS activity, though national campaigns tended to draw upon a degree of Europhobia by presenting the Commission as a threat to national public services such as healthcare. The European identity was central to how national level groups formed strategy and shared critical material, and criticism of the GATS featured prominently at the European Social Forums in Florence 2002 and London 2003. S2B also helped organise a series of publicity stunts and protests as a 'European day of action against GATS', in March 2003, with the 'European' identity emphasised in press releases.

The EU as also a site of contestation in the Anti-GATS campaign

The EU acted as a site of contestation both as a target for anti-GATS campaigners – where they directly lobbied the Commission, as well as holding street protests in Brussels – and the motivation for politicisation around a European identity. The creation of the S2B network helped spread critical information and analysis between European groups and utilized in national-level lobbying of governments. The European collaboration also helped support individual campaigners where engaged in persuading other groups within their states to join the movement, being able to point to the broader network as evidence of how a complex trade agreement could be contested. Activists who had been the first within S2B to publish critical reports on the GATS negotiations found that material used widely within many national contexts far removed from their own. Many of the more traditional civil society groups – such as trade

unions – have been wary of criticising the WTO and its various agreements for fear of being seen as too far on the political left. Where more radical groups were the first to critique the GATS, the sense of collective security provided by being part of S2B gave those early campaigners the means by which to mainstream their demands such that trade unions and other more conservative groups supported the movement.

In several EU Member-states, national campaigning had managed to politicise GATS to such an extent that the respective government agreed to launch a public consultation. Additionally, in the United Kingdom and Austria the anti-GATS campaign had also managed to gain the support of many Members of Parliament. The European Commission then launched its own public consultation, seen by activists as a response intended to stop further national-level public consultations. Then, in February 2003, the European Commission declared that it would alter its negotiating position on the GATS – abandoning its requests related to education, health, and broadcasting. For activists, this was viewed as a significant victory and a direct consequence of their campaign. Whilst the degree to which campaigning was responsible for the change in the EU's position is debatable, the announcement coincided with a planned mass protest against the GATS. Furthermore, what remains evident is the role the EU played – both institutionally, and through the creation of a single-market – in facilitating the European identity which both provided the rational motivation for S2B and the guiding framework through which activists were able to develop their joint action. In practice, the vast majority of anti-GATS contestation remained at the national level. Equally, GATS is an agreement held by the WTO and so not specific to Europe. However, the role of the EU as a unilateral actor in

the WTO and as a strong advocate of expanding the GATS meant that it served as a site of contestation without which the anti-GATS campaign seems unlikely to have been able to develop to the extent it did.

From 2005 onwards, the GATS negotiations began to stall as they got lost in the general quagmire that emerged during the still-ongoing attempts to conclude the Doha Round of negotiations within the WTO, and the US and EU turned their attentions to less multilateral means for promoting their trade preferences. For campaigners, reduced media attention on the WTO but also what is often seen as the normal two to three year life cycle of any campaign meant that many activists moved away from working on the GATS. S2B remained active as a means for sharing critique, but amongst a smaller set of groups working on such issues as European-driven privatisation of water utilities in developing countries, as well as genetically modified foodstuffs. These campaigns were much smaller and lacked the same degree of European-wide coordination witnessed with the GATS. After nearly a decade, however, the S2B network once again has become central to a European campaign – and the EU is responsible.

The EU and the Anti-TTIP Campaign, 2013 to present

In early 2013, it was announced that the EU would begin negotiations with the United States towards forming a transatlantic free trade agreement – what became first known as the ‘TAFTA’ before acquiring its now official name of the ‘Transatlantic Trade and Investment Partnership’ (TTIP). US Civil society remains much more experienced with contesting free trade agreements, and have been ahead in terms of their ability to form a series of critical demands and public communications in response to the TTIP negotiations. In trying to provide

a European partner with which US groups might form a transatlantic movement critical of the TTIP negotiations, S2B has been dusted down and brought back to the centre stage of global trade politics.

Individual groups within Europe have already been active in publishing materials questioning the suitability of the proposed TTIP (e.g. Hilary, 2013; FoEE, 2013), though this is limited to groups that already possess the necessary resources able to produce those materials. It is in broadening the campaign and forming new alliances that the S2B network has proven valuable once again.

The EU as a tool for dominance, targeted in the Anti-TTIP campaign

In all these reports, including those produced under the ‘S2B’ banner, much emphasis has been placed on the role of the EU and its subservience to corporate interests – fitting an image of the EU as a tool for dominance by a particular elite. Within this overarching frame, the critique has included several other themes. First, much campaign literature has criticised the proposed inclusion of an investor-state dispute (ISD) mechanism within the TTIP. North American groups have particular experience with ISDs, having been strongly pushed by US delegates and included in NAFTA. Giving corporations the possibility to directly sue states where regulations are deemed detrimental to their investments, the anti-TTIP movement presents ISD as favouring the interests of capital over societal concerns. This fits within the wider criticism of the TTIP as a ‘threat’ to democracy, already mentioned, and relies on a notion of EU policy as a social process but one that is challenged by capital. This critique is further developed where much of the European campaign against the TTIP negotiations has presented their likely outcome as undermining consumer safety. Where the TTIP is intended to help harmonise EU and US regulations, it

has been presented as putting pressure on the EU wherever its consumer safety protections are most demanding to lower those standards, as well as to avoid further safeguards in the future.

The EU as a site of contestation in the Anti-TTIP campaign

European activism critical of the TTIP has relied heavily on the infrastructure of relations made possible via the S2B network. Most central to the network have been the environmental group *Friends of the Earth Europe* (FoEE) and *Corporate Europe Observatory* (CEO). FoEE is itself a European-level network, and CEO's central agenda is to monitor and contest corporate lobbying within the EU. As such, both groups owe much of their internal cohesion and focus on trade to the existence of the EU as a site of contestation within global trade governance. The importance of close working relations between these groups is evident in at least two respects. First, the complexity of the TTIP requires activists with specialist knowledge. This is particularly true where activists do not have access to the negotiating text. Lacking that text, activists have to draw upon a pool of experience and contacts to be able to identify the target of their campaigns. Second, the TTIP has emerged at a time when many European publics and the media are focused on other things, least of all being the ongoing ramifications from the financial crisis of the late 2000s. The high degree of legalistic and economic language involved with trade agreements also makes them often unpalatable for the mainstream news agenda. A combination of these factors has seen TTIP appear only to a very small extent within the media of most EU Member-states, with few exceptions. This is despite the agreement having potential significant ramifications for policy processes at both the regional and national levels within the EU. Campaigners have therefore had to work

within a relatively small community of specialist activists. Traditional trade unions have also been reluctant to publicly criticise TTIP, not wanting to be seen opposing a trade agreement between the EU and US. The EU and US are seen as close trading partners with relatively little to fear from further opening of their markets to one another. It is difficult for critics to mainstream their concern where principles like the ISD remain so technically complex and yet also opaque due to the lack of transparency in the negotiations.

The EU as a unitary actor, targeted in the Anti-TTIP campaign

European civil society has enjoyed some limited access to consultation meetings with the EU negotiating delegation. Historically, the European Commission's DG Trade has had only informal relations with civil society. Though other directorates have established a practice of advisory groups, the DG Trade has until recently foregone this mechanism. There is a perception amongst activists and policy makers that the potential impact TTIP will have upon EU regulations means more formal relations needed to be developed. This process has been far from smooth, with activists involved reporting that DG Trade has attempted to impose restrictions on what those attending meetings could report back to their organisations. These attempts were denied, however, since attendees were able to point out that the European Commission lacks the enforcement powers of a nation-state and so had no such prerogative. There have also been promises that being part of these consultative groups would facilitate access to the negotiating text if kept within a secured room free of mobile phones and so kept undisclosed to others. However, such access has so far not been forthcoming, according to one activist interviewed.

The S2B network has been utilized to not only foster European collaboration critiquing the TTIP, but also to a transatlantic alliance with US counterparts. Whilst much has taken place via emails and telephone conference calls, physical meetings have included a gathering in March 2014 where 97 registered participants met in Brussels. Those attending included groups based in EU Member-states and the US, but also some from countries not involved directly within the TTIP. This is significant since it shows how the EU acts as a site of contestation where despite the TTIP being between the EU and US, groups from elsewhere see it as an important battle ground in connection to their broader attempts to contest the shape of global trade governance. The event included presentations by activists, strategy discussions, but also a stakeholder presentation at the European Commission, and a street protest outside the doors of the DG Trade. In the case of the currently ongoing TTIP negotiations, the EU is clearly a site of contestation given that it is one half of the negotiations. Yet, also, the history of the EU in, for example, promoting consumer protections as well as animal rights (e.g. banning testing of cosmetics on animals) means that activists see it as much more vulnerable to their anti-TTIP critique. Whether this translates into a mass movement remains to be seen, but it appears unlikely. Rather, as a site of contestation in global trade governance, in the case of the TTIP the EU unintentionally politicises trade groups to form European alliances as well as seek coalitions with groups elsewhere but that these remain limited to specialist activists.

Conclusion

The article has traced out three understandings within the literature on the role of the European Union in global trade governance, as: unitary actor; tool for dominance; and, site of contestation. As has been shown, these approaches are not mutually exclusive but, equally, demarcating each out has the advantage of helping to identify certain salient points relevant to knowledge on the power dynamics of the EU's role in this central field at the global level.

The EU does act like a unitary actor to the extent that the Commission – via its DG Trade – can maximise its agency separate from the sometimes-divergent interests of its multiple principals. This maximisation of agency is, conversely, most apparent where the Commission gets to act as a broker towards consensus when Member-states otherwise disagree with one another. This role gives it power – and thus enhances the EU's capacity to function as a unitary actor – where external negotiating partners look to it to provide coherence to negotiations as the 'voice' of EU Member-states. Yet, equally, the literature shows that these external partners are fully aware that the EU is not like a nation-state even in the field of global trade governance, viewing it as a facilitator of the process rather than a hegemonic actor. This then undermines the power of the EU in global trade governance, suggesting that negotiating partners look not only to what the Commission wants but the 'behind-the-scenes' disagreements amongst individual EU Member-states.

The EU is subject to multiple interests, though it comes as no surprise that resource-inequalities lead to some interests being better placed than others in influencing EU trade policy. This means two things for the EU's global trade governance. First, that EU trade policy needs to be viewed as reflective of certain interests that, as the literature shows, typically means business demands are

prioritised. Second, the resultant policy that emerges effectively extends this influence into non-EU territories where DG Trade makes demands that impact the domestic regulations of other states. As a consequence, DG Trade is not only influenced by these interests but becomes a tool by which they may further enhance their dominance within global trade governance. The development-trade nexus of EU policy provides a prime example of this process, in which more progressive norms are lost to the benefit of neoliberal demands that favour particular business interests. However, this process is far from direct in that business interests frequently lack a fully formed conception of their interests prior to legislation being tabled. Therefore, whilst certain interests may seem to be able to use the EU as a tool for dominance, it remains a political process where the inevitable uncertainty involved means no interest can ever fully control the system.

This led to discussing the EU as a site of contestation. This is true to the extent that EU trade policy is contested by numerous voices, but also where its institutional function has helped politicise new actors and alliances towards contesting the shape of global trade governance. How the EU acts as a site of contestation has been illustrated through the cases of two distinct but connected moments of contestation – the anti-GATS, and the anti-TTIP campaigns. The EU served as both a target of critique, and a point around which to anchor alliances and further politicisation that would see more actors entering the contestation of global trade governance. Although in the case of civil society action the EU's role in global trade governance appears most as a site of contestation, it was clear in both campaign moments that the EU also functioned as a unitary actor and a tool for dominance in advocacy materials. Though both negotiations were planned,

they can be seen as moments of crisis to the extent that they signal heightened uncertainty over the direction of global trade governance. This is particularly apparent where the GATS and the TTIP have become politicised, and in turn helped further politicise new actors. Similar cases not considered here but also relevant include the political debate surrounding the EU's role in respect to Economic Partnership Agreements, as well as legislation concerning genetically modified foodstuffs. In such crisis moments, the EU performs all three roles often simultaneously but delineating them helps bring much needed clarity to the agential mechanisms involved.

Consequently, the power of the EU in global trade governance should indeed be viewed through all three lenses outlined in this article. In respect to its role as a site of contestation, the empirical cases discussed here suggest that much activism in global trade governance would not be possible without the existence of the EU helping to justify or motivate key transnational alliances between groups. That said, the importance of engaging with civil society – such as setting up advisory groups, however imperfect – suggests that the EU also needs this contestation for it to remain connected to more than just a neoliberal elite. Without this kind of connectivity, even if it involves criticism, the EU process becomes abstract with the risk of losing its political legitimacy. For the EU, acting as a site of contestation is an important part of its role in global trade governance as it helps maintain and develop a European-minded civil society. If civil society begins to feel further disenfranchised from the EU's role as an actor in global trade negotiations, there is the very real danger that activists will walk away from the EU institution. In such an eventuality, the EU's role in global trade governance would appear as no more than a tool for dominance by certain elite

interests. That this role could be sustained for long seems unlikely given the high costs involved.

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