

For a Sustainable and Just Europe: Can Civil Society Effectively Influence the EU?

The case of Trade Policy¹

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Abstract:

Within critical debates about European governance scholars have highlighted the role of social forces in both maintaining and challenging the dominance of market liberalism. The works of Antonio Gramsci on the links between ideology and governance provide some powerful tools for understanding these relationships that have been applied by neo-Gramscians. Working from this starting point, this paper provides a broad analysis of civil society actors that are engaging and challenging European hegemonic governance, including NGOs and social movements. These questions are explored through the retrospective case study of EU trade policy questioning the extent of the opportunities for civil society to influence this policy area, with implications for current challenges.

Scholars on the left have habitually dismissed new social movements as not being properly class based actors, and thus helping to maintain current forms of governance. In addressing this, the paper discusses the self understanding of such movement actors and how they see their interventions in a wider context of campaigning and mobilisation. From the point of view of systemic change, this paper raises interdisciplinary questions of how we see second order (or radical) system change in the sphere of discourse, concepts and beliefs about social and economic systems. Again, this is a relatively unexplored area in system change

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discussions which tend to be focused on desired outcomes, or economic levers, and tend to leave out the cultural aspects that are also needed help achieve transformational change.

Keywords: Neo-Gramscian approaches; governance; civil society; social movements; NGOs; European trade policy; resistance; transformation.

Introduction

The EU is seen as having a legitimacy crisis to do with perceived lack of democracy. In this context, bureaucrats are keen to be seen to be engaging with civil society. Globally too, the orthodox discourse on the role of civil society has been one of democratisation and legitimisation of governance structures. Such accounts, while seeming to take seriously the role of civil society actors, may actually be marginalising them and rendering us incapable of analysing radical and potentially counter-hegemonic agency, particularly the agency of NGOs and social movements.¹ This paper argues that civil society must be part of a critical reflection of governance, in this case trade governance in the EU, and a neo-Gramscian framework will be deployed.

Antonio Gramsci is widely held to have added useful cultural elements to socially critical traditions based in Marxism. Within critical debates many scholars have found purchase in his work (see for example Cox 1981, 1993; Gill 2003, see also Gramsci 1971). Key Gramscian concepts have been deployed to describe and analyse contemporary neoliberal capitalist structures and conditions within the global political economy, including the European dimension (for example Bieler and Morton 2001; Cafruny and Ryner 2003; Bieler 2011; Ford 2013; Hilary and Lindberg 2014).

For example, Stephen Gill (2003:58) uses the key concept of *historic bloc* which he defines as follows:

‘An historic bloc refers to an historical congruence between material forces, institutions and ideologies, or broadly, an alliance of different class forces politically organised around a set of hegemonic ideas that gave strategic direction and coherence to its constituent elements. Moreover, for a new historic bloc to emerge, its leaders must engage in conscious planned struggle. Any new historical bloc must have not only power within civil society and economy, it also needs persuasive ideas, arguments and initiatives that build on, catalyse and develop its political networks and organization.’

In this view, the current historic bloc is dominated by the ideology and material power of neoliberal capitalism as expressed by the transnational capitalist elite through states, international institutions as well as the private sector. Any challenge to this power requires the formation of a new historic bloc. It is, in this sense, not just a material struggle, but a struggle of ideas – or what Gramsci referred to as a *war of position*, where the struggle takes place through persuasion, again linked to the concept of ideological or cultural power (Cox 1993; Gramsci 1971).²

The concept of historic bloc is closely related to Gramsci’s notion of *hegemony*. Hegemony is exercised by a hegemonic bloc. The core feature of hegemony is that it is now merely exercised by domination but also through consent. Dominant social groups will make concessions to secure society’s acquiescence in their leadership and they will do so by expressing their leadership ‘in terms of universal or general interests, rather than just as serving their own particular interests’ (Cox 1981:137; Gramsci 1971).

Similarly, neo-Gramscians have used the concept of *civil society* to highlight the role of social forces in maintaining and challenging neoliberal hegemony, focussing predominantly on the transnational capitalist class and business elites (for example Van Apeldoorn 2001). Arguably, though, Gramsci’s notion of civil society was broadly

conceived to include a wider array of social actors, including subaltern groups. Where neo-Gramscian analysts have looked at wider forces within civil society, they have tended to focus on trade unions seen as the ‘institutional expression’ of workers and in Gramsci’s own words ‘the modern prince’, that base of power from which to launch a new hegemonic bloc (Gramsci 1971:129; Bieler 2007:112; see also Bieler and Morton 2001; Hilary 2011, Bieler, Hilary and Lindberg 2014). Amongst neo-Gramscians, some have broadened the analysis to investigate the role of non-governmental organisations (NGOs) and social movements as part of this power base (see Gill 1999; 2003; Morton 2000; Rupert 2003; Bieler 2011), in particular Stephen Gill has talked of the ‘post-modern prince’ referring to a wider, not exclusively class-based, non-hierarchical movement for global change (Gill 2003:157, see also Mueller 2002).

The position taken here is that, as Andre Drainville has urged, conceptualisation and understanding of global social relations requires ‘broadening the scope of enquiry to include all social forces that might actually be engaging with global social relations’ (2004:31). This paper seeks to contribute to a broadened enquiry, with a focus on the role of NGOs and social movements seeking to challenge EU trade policy,³ The focus is on the mass mobilisations around the Transatlantic Trade and Investment Partnership (TTIP) between the EU and US, as well as the Comprehensive Economic and Trade Agreement (CETA) between the EU and Canada in the period 2012-2014. The general analysis is still highly relevant to contemporary debates and movement actions around trade, Brexit and the EU and the context of potential new trade agreements and the degree of scrutiny and engagement that civil society might leverage. Overall, this example is seen as part of a much wider struggle that seeks to challenge the unsustainable and unjust neoliberal capitalist global political economy. It is important to make this point about contextualising

of such case studies, as cutting them out of their systemic context can result in mistaken conclusions.

It is argued here, that Gramsci's repertoire can also be used to help explain the role of NGOs and social movements seeking to challenge hegemonic discourse, in conjunction with a wider literature that fruitfully contributes to a theorisation of potentially counter-hegemonic agency in the contemporary global political economy.⁴ Such literature recognises progressive cultural developments as constituting dynamic new forms of counter-hegemony and the politics of resistance and transformation. This is an arena where movements more broadly conceived are not homogeneous and display a variety of tactics (from engagement, to resistance, to piloting innovations) in attempts to challenge, disrupt or dislodge hegemonic discourses and practices, in the process of creating new narratives, identities, agencies and practices (for example Bourdieu 1977; Eschle and Maiguashca 2007; Melucci 1996; Day 2005; Stammers 2009; Tarrow 2011; Dembour and Stammers (forthcoming)).

The first part of this article reiterates the usefulness of neo-Gramscian perspectives in understanding the contemporary political economy of EU trade policy, particularly attempts to consolidate a neoliberal trade agenda while paying lip-service to wider social interest groups. It reviews the orthodox and neo-Gramscian analyses of notions of governance and civil society and locates European governance within the global political economy.⁵ In the second part, the article focuses on the social forces in civil society seeking to influence EU trade policy. It firstly provides an overview of corporate influence, then moves on to the role of NGOs and wider social movements, that have often been neglected in neo-Gramscian analyses. In particular it will analyse DG Trade's Civil Society Dialogue (CSD) as one of the avenues for engagement with EU institutions. It will further look more

widely at other forms of activism that go beyond such fora of engagement, seeking to disrupt and challenge the very institutions of EU governance as well as the neo-liberal discourse they are seen to stand for. The article does not seek to measure empirically the influence that civil society actors have within the European political economy but rather reflect upon the contours of political power within the European trade policy arena and argue for a wider and more systemic conception of politics.

Conceptualising hegemony in Europe: Gramsci, governance and civil society

As layed out above, key Gramscian terminology is often used to analyse the discursive and cultural dimensions of contemporary neoliberal capitalist global political economy, including Europe. Further, Gramsci's notion of civil society as both terrain for the consolidation of hegemony and potential site for counter-hegemony are often employed. Neo-Gramscian Global Political Economy (GPE) has contributed important critical analyses of hegemonic formation and maintenance, notably the role of the transnational capitalist class and business elites. Less attention has been paid to the possibilities of resistance and counter-hegemony, focussing mainly on trade unions and thus offering a rather narrow notion of civil society and its potential, though there are exceptions as noted above. On the main, neo-Gramscian GPE scholars have focussed on the powerful and dominant actors in civil society in creating and maintaining capitalist discursive and cultural hegemony and limited attention has been devoted to movements and forces challenging orthodox discourse and practices. Arguably, Gramsci's conceptualisation of civil society is more nuanced and inclusive and seeks to identify a domain in society where hegemony is both reproduced as well as challenged (Cohen and Arato 1992). Gramsci refers to the 'complexes of

associations in civil society', to highlight the complexity and diversity of groups that operate in civil society (Gramsci 1971:242). In Gramsci's understanding, the boundaries between state, market and civil society are more ambiguous than in traditional Marxist conceptions and are never completely sealed (Gramsci 1971:160). Gramsci understood the state to be the combination of political and civil society. Drawing on Hegel, Gramsci recognised the interdependence of state and civil society, taking the latter to be distinct from the expressly coercive apparatus of the state and to represent the variety of practices and institutions whereby social and intellectual life is enacted and reproduced. Hegemony is thus maintained by consent, where coercion is the last resort (Gramsci 1971:262-264). In this expanded view, civil society can include any social forces, such as churches, the media, social movements, clubs, as well as firms, trade unions and political parties.⁶

European governance can be located within a wider context of global governance, in line with the neo-Gramscian analysis that identifies the process of European integration and governance building as *part of* global hegemony, rather than a discrete trend. The concept of global civil society in the context of the analysis of forms of global hegemony is explained further below. Neo-Gramscians propose that though Europe is part of a transnational trend of neoliberal restructuring, internally it displays qualities of embeddedness, or *embedded neo-liberalism*, whereby a neoliberal rationale is tempered by attempts to safeguard a European model of society based on a social market economy as well as social protection (van Apeldoorn 2001). However, here is evidence that the European social model is increasingly coming under threat as a result of Europe's increasing focus on external competitiveness. The shift away from embeddedness is evident in documents such as *Global Europe* (see for example Hay 2007) and not least since the increasing adoption of austerity policies after the global financial crisis of 2008.

The concepts of governance and civil society have become ubiquitous and dominant in formulations of the contemporary global political arena. Governance implies a multi-layered, complex of arrangements that include the state, but also go above and below the state level (for example Hewson and Sinclair 1999). While not a homogeneous research agenda, the dominant approach builds on transnationalism and international regime theory, which has sought to account for developments in international organisation since 1945. The crucial difference between the earlier transnational literature and that of global governance and one that is pertinent to this present discussion, is the importance placed on the inclusion of global civil society. While international governance was once played out in intergovernmental relationships, this new global era is marked by the involvement of global civil society: NGOs, citizen's movements, multinational corporations, and the global market (CGG 1995:3; see also Ruggie 2004). In this dominant discourse of global governance global civil society is invoked as a key participant and democratising force. Civil society is conceived as a broad church, ranging from business and industry actors to trade unions and NGOs. The liberal perceptions of this sphere portray a relatively harmonious, voluntary sphere of societal interaction and space for dialogue between global governance institutions and social actors such as business lobbies or NGOs (Wapner 1997:66). The reality is often very different, and 'civil society' organisations range from relatively co-opted to those engaged in deep and fundamental challenges to global governance institutions and processes.

Within European debates too, global governance that includes civil society is perceived as a problem-solving device. For example, the European Commission declares that the EU itself has 'a clear interest in promoting global governance as a means to achieving the core objectives of sustainable development, security, peace and equity,

objectives no territorial actor can secure alone' (Madelin 2001:3). Part of the European debates about governance are furthermore to do with a political re-invigoration of the *process* of EU politics, echoing the global debates that are highlighting the inclusion of civil society, seen for example in the The Commission's White Paper on European Governance (CEC 2001:10), though concrete proposals around any mechanisms for inclusion of civil society are absent from that document and it reinforces the formal channels of government (CEC 2001:9-13).

A neo-Gramscian perspective locates global governance and global civil society within neoliberal political economy. It contends that on the ground global civil society consists of a heterogeneous group of actors with highly conflicting interests. In addition these actors are seen as having unequal power and clout, in and of themselves, as well as with regard to their differentiated access to decision-making and power to influence the policy process. In this view global civil society has a dual and contested nature as not only a site for the production of hegemonic order but also a space of counter-hegemonic potential (for example Gill 2003; Birchfield and Freyberg-Inan 2005; Bieler 2011).

Neo-Gramscian GPE perspectives have focussed on the dialectics in the process of governance building, looking at civil society and the social forces involved in contemporary structural transformations within the global political economy, including within the EU, with a focus on the influential role of transnational capitalist elites in the consolidation of global neoliberal hegemony. European governance, accordingly, shares with global governance its 'attendant, essentially neoliberal *raison d'être*' (Cafruny and Ryner 2003:3). The EU project is located *within* processes of globalisation and global governance, rather than a reaction to it, though it seeks to distinguish itself rhetorically in some respects by emphasising the social element and good governance, as seen in the EU White Paper on

Governance, which sought to ‘open up policy-making to make it more inclusive and accountable. A better use of powers should connect the EU more closely to its citizens and lead to more effective policies’ (CEC 2001:11). Likewise, in the arena of trade policy making, the Commission’s establishment of the Civil Society Dialogue can be seen as a response to civil society seeking influence (EC Trade 2010b). While the growth of civil society at EU level is noted, this is not necessarily seen as a force for democratisation (Kohler-Koch 2012). Mainstream literature analysing the role and influence of mobilised societal actors such as NGOs in EU policy making conclude that NGOs lack influence compared to the corporate sector, because they command only diffuse costs and benefits from trade policies. In consequence they have limited political leverage and a low ability to influence the relevant political actors’ chances of re-election or re-appointment (for example Dür and de Bievre 2007).

This paper argues, however, that from a neo-Gramscian perspective, it is not so much the absence of resources that marginalises NGOs (although they most likely are a lot poorer than their corporate lobbyist counterparts), but rather that they do not necessarily share the neo-liberal *raison d’être* of the thrust of EU trade policy. In this way movements and NGOs are always working in a hostile discursive and cultural terrain, and are often seeking to challenge the very terms of the debate, as well as trying to make effective interventions in re-framing the debate. A neo-Gramscian perspective on civil society (global, European) is terrain for both legitimising as well as challenging governance. Most importantly, it is recognised as a site of struggle amongst the very agents within civil society, from business and firms to unions, NGOs and social movements. This struggle is over hegemony, in this instance the discourse and practice of EU trade policy. A neo-Gramscian approach, while highlighting the potential of resistance from within civil society,

also emphasises the dangers of co-optation. Indeed, some authors include NGOs in the transnational capitalist class as co-opted into the global regulatory governance structure (Muhr 2010:32). This apparently rather extreme position has reflected a Marxist orthodoxy that only class-based analysis of actors is relevant for radical change, a view that is largely challenged in the social movement literature. Arguably, this depends on the social movement concerned and the NGOs involved. Many NGOs that champion global issues of poverty, human rights, development and environment have indeed become large, hierarchically organised institutions that operate comfortably in the realm of the transnational capitalist elites and could be seen as co-opted and as helping to reproduce neo-liberal global governance without challenging the structure of the system (Ford 2005). However, neo-Gramscian discourse highlights the contestation of processes of hegemony formation. **This is a political battle that does not preclude a reversal and re-radicalisation of co-opted movements.** Many NGOs are networked globally and regionally with grassroots movements that are challenging dominant discourses and practices and are in this sense engaged in seeking to produce counter-hegemony, as will be seen below.

The illustration of EU trade policy demonstrates the consistency between EU discourse and the global neoliberal economic discourse of trade liberalisation. EU trade policy has also been one of the key foci of contestation by wider social forces for being at odds with sustainability and social justice. In line with neoliberalism the EU is committed to trade liberalisation and DG Trade was one of the keenest instigators of the Doha trade round at the WTO (De Gucht 2012). Successive policy documents at the time reconfirmed the EU's commitment to trade liberalisation globally through the WTO but also increasingly on a bi-lateral basis, notably *Global Europe* (EC Trade 2006) and the more recent *Trade Growth and World Affairs: Trade Policy as a Core component of the EU's 2020 Stratgegy*

(EC Trade 2010a; see also Siles-Brügge 2011; Heron and Siles-Brügge 2012). Apart from reforms at the WTO, the Commission also advocated internal reforms in the EU's trade policy making process within the Trade Policy Committee (TPC, formerly Article 133 Committee), for example in the push for Qualified Majority Voting (QMV) (Woolcock 2010). The Lisbon Agenda also enshrined the EU's emphasis on neoliberal restructuring and competitiveness (TFEU 2010). Competitiveness is at the heart of EU trade policy making, reflecting a broader, global trend. However, in line with embedded neoliberalism, DG trade was more cautious in the area of public services such as health and education, requiring unanimity where there 'the agreements would seriously risk disturbing the national organisation of such services and prejudicing the responsibility of Member States to deliver them' (TFEU 2010, article 207).

Social Forces and civil society in the EU trade policy arena

Neo-Gramscian literature has rightly highlighted the power and influence of transnational capitalist elites in consolidating neoliberal hegemony globally and within Europe. The first part of this section will illustrate the cosy relationship between the corporate sector and European institutions. However, less attention has been paid to other social forces in civil society. NGOs and trade unions are actively engaged in challenging trade policy at national government level as well as at the European institutional level and globally. One of the channels of engagement has been DG Trade's CSD, which is the focus of the second part of this section. In a neo-Gramscian analysis of the role of NGOs in seeking to influence EU trade policy it is important to ascertain whether actors are challenging the logic of trade policy, i.e. analysing it as situated within a broader neo-liberal capitalist frame or working

within a ‘problem-solving’ frame⁷, where they take the parameters of debate for granted, and seek merely to influence the direction of trade policy, without challenging the underlying structures. These criteria will be borne in mind throughout the analysis – although those who are critical of neo-liberalism do not necessarily comprise a full environmental analysis of its shortcomings. The third section will illustrate wider social forces’ resistance to EU trade policy as connected to a broader global resistance under contemporary capitalist conditions.

The corporate drive for liberalisation of EU trade policy

Neo-Gramscians have highlighted the role of transnational capitalist elites in influencing European policy (for example van Apeldoorn 2001). Even within the mainstream literature on EU trade policy making there has been acknowledgement that there is a congruence between economic interests and policy outcomes (see for example Dür 2008). Amongst NGOs and unions there is a wide-spread concern about the corporate influence on EU trade policy making. The passionate controversies over the negotiation of the Transatlantic Trade and Investment Partnership (TTIP) exemplify these tensions (De Ville and Siles-Brügge 2016), drawing on previous concerns around the liberalisation of non-goods issues, such as services and investment. Services have been a clear example of policy making being driven explicitly by the corporate sector (see for example Heron and Siles-Brügge 2012). The European Commission itself agreed that ‘the GATS is not just something that exists between Governments. It is first and foremost an instrument for the benefit of business’ (EC, no date). Elite, corporate members of civil society, such as the European Services Forum (ESF), have been able to organise elaborate lobby events, often co-funded by the

Commission, advocating the liberalisation of core services, such as for example education (CEO 2000). While many NGOs have lobbied to protect key public services, it is clear that EU trade policy is pursuing liberalisation policies across the board, particularly externally, and most increasingly through bilateral trade agreements (Heron and Siles-Brügge 2012). It has also been evident that the Commission has been co-operating closely with business and industry. DG Trade official Robert Madelin stated at a UK business conference: ‘We are going to rely heavily on that Network (the ESF)...We are going to rely on it just as heavily as on member state direct advice in trying to formulate our objectives’ (Madelin 1999, no page). It is evident from such statements that corporate elites have enjoyed privileged access to EU trade negotiators, more so than other civil society actors (see also Deckwirth 2005). Indeed, DG Trade encouraged the establishment of the ESF (Woll 2009). This reflects the neo-Gramscian analyses of the role of civil society (in this case transnational capitalist elites) in the formation of European and global hegemony, where evidently the boundaries between state, market and civil society are blurred.

The Commission’s Civil Society Dialogue (CSD) – the co-optation of civil society?

The CSD approach, established by the DG Trade in 1998, is a praxis that exists more broadly amongst governance institutions, notably the WTO. The European Commission sought to formalise relations between DG Trade and civil society, in part as a response to its proclaimed philosophy of ‘open governance,’ in part also a response to increasing protests on trade and investment policies, seen for example around the Multilateral Agreement on Investment, and later on the very visible Seattle protests.⁸ The objectives of the CSD,

according to DG Trade were four fold: 1.) To consult widely in the framework of a confident working relationship. 2.) To address civil society concerns on trade policy. 3.) To improve EU trade policy-making through structured and qualitative dialogue. 4.) To improve transparency and accountability (EC, no date, see also Bizarri and Iossa 2007:5). In regular meetings held inside the Commission, members of civil society were invited to listen to a Briefing by the Commission on the latest developments in trade policy and were invited to participate in a public consultation by submitting documents to the table. Civil society was seen to include an array of different kinds of actors, ranging from trade unions (such as The European Trade Union Confederation ETUC), to NGOs (such as Friends of the Earth, 11.11.11. or Women in Development Europe (WIDE)), to business and industry interest groups (for example The European Chemical Industry Council (CEFIC), The European Services Forum (ESF) or Business Europe, formerly UNICE, and The Union of Industrial and Employers' Confederations Europe). Strictly speaking, civil society, as defined by the Commission itself, should only include not-for-profit organisations and the Commission classifies the business groups as such because they are not representing individual corporations. The participants in the CSD were by no means a homogeneous group and there has been a diversity of opinion as to the efficacy and purpose of the CSD (see Bizarri and Iossa 2007).

This diversity is reflected in the different contributions made to the CSDs, which are readily available on DG External Trade's website. In general, the discussions focus closely on the content of EU trade policy, rather than context. Different civil society groups highlight different concerns and issues. In the case of services, for example, which aroused wide-spread public concern, the Commission held regular civil society dialogues on the WTO – GATS negotiations in the early 2000s. The content of these dialogues was varied,

ranging from ESF intervening with technical questions such as suggesting the removal of economic needs testing, to German local government representatives concerned about the local impact of liberalisation of water distribution and treatment. Development NGOs raised concerns about the impact on least developed countries, arguing for a special treatment clause. NGOs like Friends of the Earth's main concerns were with the potential adverse environmental and social impacts of the GATS and hence their demands for 'full public, comprehensive and meaningful assessment of the past and future impacts of services liberalisation' (FoEI 2003, no page). The World Development Movement on the other hand, pointed out that while lobbying for impact assessments is important, evidence of such impacts already exists. Indeed, a briefing by John Hilary on behalf of WDM, made the crucial point that there needs to be a theoretical criticism of liberalisation based on alternative models and that this research should be funded by the trade union movement given that government funding would not be forthcoming (2001:13).

Apart from concerns about environmental and social impacts of trade liberalisation, another issue that has been prominent amongst NGOs inside the CSD and more widely, is their concern with the privileged role of the corporate sector in these debates. While NGOs may not have tackled their lobbying from a broader anti-capitalist, or even anti-neoliberal platform, some were certainly vocal in highlighting the unequal power structures within which trade negotiations operate. Friends of the Earth (FOE), for example, highlighted the rights that GATS bestows on corporations (FOIE 2003) and the Corporate Europe Observatory expressed scepticism of the CSD and its ability to have meaningful input on such a tight negotiating schedule (2002). In the case of services, for example, FOE called on NGOs to not just campaign on GATS in general in their quest to safeguard public services, but to highlight and analyse the neoliberal, pro-privatisation bias of the EU in general, and

within the decision-making process the unequal and privileged access the corporate sector enjoys (CEO 2001).

The broader critiques emerged within civil society during the negotiations around the Multilateral Agreement on Investment (MAI) within the OECD in 1997 and then the Seattle WTO ministerial meeting of 1999. This lead to specific groups establishing, in Europe, the Seattle to Brussels Network (S2B), a broad network comprising environment, development, human rights, women's and farmers groups. S2B specifically set out to challenge the corporate driven agenda within the EU and in particular the trade liberalisation agenda. Their core aim was to lobby against the Doha round of comprehensive trade talks and to campaign for a 'sustainable, democratic and accountable system of trade that benefits all' (S2B 2001, no page; Deckwirth 2005). Members of the S2B also established the European Trade Network (ETN), which specifically sought to coordinate NGOs lobbying on trade issues who attend the CSD.

Coalitions of European civil society organisations have openly criticised the CSD 'dialogues' for being nothing of the sort. In fact they resemble 'briefings' that in no way constitute 'consultations' that contribute to the decision-making process on issues such as GATS and the liberalisation of trade within and outside the EU (Gatswatch 2002). NGOs and others are given the space to speak and present reports, but this does not constitute a real input into the policy-making process, as official responses to their input is not mandated. Furthermore, although there is a significant web-presence of the CSD the meetings are summarised by the Commission and contain only a skeletal overview of the proceedings, which provides little information to the many organisations that cannot afford the time or money to travel to Brussels on a regular basis. In addition, the Commission does not consistently upload civil society's own documents and contributions to the proceedings

(Bizzari and Iossa 2007). Business elites, on the other hand, sharing with the Commission a commitment to a neoliberal agenda, have privileged access to policy-makers and are considered equal partners in the trade policy-making process, as seen above.

The critiques of the CSD caused a large PR exercise on behalf of DG Trade. In 2005, DG trade put out a tender for the carrying out of an evaluation of the CSD (EC Trade, 2005). This resulted in an extensive consultation by the Dutch Research and Consultancy Company Ecorys who launched a draft report in 2006 (Slob and Smakman 2006). This report provoked the ETN to launch its own investigation amongst CSOs and publish its own research (for example Bizzarri and Iossa 2007 and Debbonaire 2007). It is noteworthy, that Business Europe publically expressed their disappointment at ETN's actions, seeing this as a sign of distrust for DG trade and the CSD process. This happened despite the fact that ETN was not wishing to distance itself from CSD but merely improve relations (Bizzarri and Iossa 2007:6). These exchanges present a good example of 'wars of position' with discursive attempts to invalidate or delegitimize the contributions of the opposing forces.

The final report by Ecorys concluded that civil society had a voice but not a vote, in line with the already stated objectives of the CSD (Slob and Smakman 2007). As the civil society's own report produced by the ETN makes clear, civil society organisations are under no illusion that participation at CSD necessarily translates into influence. NGOs and business groups alike admit that if they wish to lobby the European institutions they do so directly through telephone calls, e-mails to trade officials, MEPs or member state officials (Bizzarri and Iossa 2007). Marc Maes of the Belgian development NGO 11.11.11. has likened the CSD to 'Kremlin watching' – the Commission, business groups and NGOs go there to monitor each other. For NGOs, it is often an exercise in discourse analysis, to see how the Commission is formulating and presenting its information.⁹

The above analysis would suggest that NGOs have only marginal influence within the European trade policy-making process. However, seen in a neo-Gramscian light, their lack of influence is not solely due to lack of resources, but rather due to their lack of shared ideology with the dominant institutions. The desire of the European institutions to liaise with civil society, as further laid down in the White Paper on EU Governance, must also be seen as part of the embedded neoliberal tendency. In the neo-Gramscian sense, these are the concessions made to maintain hegemony. In the words of Robert Cox, ‘the CSD can in this light be seen a strategy for ‘assimilating and domesticating potentially dangerous ideas by adjusting them to the policies of the dominant coalition and can thereby obstruct the formation of (class-based) organised opposition to established social and political power’ (Cox 1993:55). Indeed, DG Trade officials have openly admitted that contrary to the proclaimed objectives of the CSD, the exercise in transparency and in bringing civil society closer to DG trade and vice versa, has enabled the diffusion of opposition to its policies. This would support the view that the CSD has been a mechanism for warding off critique of EU trade policy rather than inviting dialogue and influence (Bizzarri and Iossa 2007:30). Furthermore, taking into consideration the unequal power and clout of different sections of civil society – notably NGOs versus business – one member of the S2B has argued that the CSD serves to present the illusion of an equal playing field and obscure the close ties that the Commission has with the corporate sector (Bizzarri and Iossa:14). In the ways outlined above, the engagement of civil society has been at the level of both the ‘problem-solving’ and the more radical critique. It is open to ask if the process and the alliance building that took place amongst NGOs has helped to spread a wider understanding of the nature of trade deals as part of global hegemony? In this case the engagement can be seen as useful both for the development of the self-understanding and the analysis of actors. Marxist critics tend to

assume that the correct theoretical and political approach can be ‘taken off the shelf’ rather than emphasising movements’ own theoretical development and analysis in action learning situations of engagement. The extent of the awareness of civil society of the issues of multi-lateral trade agreements has grown greatly in this period (Reimon 2016). To what extent did the experiences and practices of the movement actors with the CSD contributed to this changing picture? In 2016, a leading mainstream discussion journal asked rhetorically whether ‘free trade is dead’, given the extent of domestic national lobbying and awareness of the issues (Politico 2016). In this way we need to think about the time scales we are using in drawing conclusions about effects of civil society engagement.

Beyond institutional channels - Towards a global war of position?

One might legitimately ask how successful NGOs and trade unions are in actually challenging the discourse and practices of capitalist political economy within the EU and more globally. Andreas Bieler (2011) offers an excellent case study of the Coalition for Green and Social Procurement, which saw trade unions and NGOs collaborating in a campaign to challenge EU directives that are instrumental in neo-liberal restructuring. He concludes that there is limited purchase in lobbying EU institutions, despite some minor inroads. He identifies this failure as lying in the institutional decision-making structure, where trade unions and NGOs are marginalised (2011:173), which as seen above, privileges corporate members of civil society that speak the same language as the market-oriented Commission. NGOs and trade unions have very little opportunity to lobby the Council,

other than returning to lobbying their national governments and political representatives. Networks like S2B do precisely this – co-ordinate national lobbying at a European level. At best, they will do so with a better understanding of the issues and having potentially identified points of leverage to use in the national context. In addition, they could agree on national strategies to complement and provide leverage for lobbying at the EU level. Thus the national, regional and global are potentially importantly connected, as we shall see below.

Bieler concludes that many of the groups in the Coalition actually lack an analysis of capitalist hegemony and are not phrasing their demands in terms of a wider critique, but are focussed on discrete aspects of the directives. For example environmental groups focussed on the need for sustainability to be built into the directives, rather than seeing a broader picture of the unsustainability of global capitalism or indeed even a concern with restructuring and privatisation, let alone putting forward alternatives (2011:175). He further notes that this focus with discrete concerns also caused a rift between movements concerned with social aspects, such as trade unions, and movements concerned with environmental aspects, such as environmental NGOs (2011:176). In this way the bigger picture of the social *and* ecological unsustainability of neo-liberal capitalist structures and practices failed to be brought forward. However, in the case of trade this dynamic does not always play out and theorists do not always allow for the learning involved in the dialogues between movements. Most NGOs seem very cognisant of the fact that the CSD is a limited strategy for influencing and challenging EU trade policy. They also perceive it as a limited forum for big discussions on the general direction of trade per se, but rather a space to engage with the actual policies, and to play the ‘democracy game’ (Bizzarri and Iossa 2007:14). They recognise it is a compromised space, where they are in some senses being co-opted, but

crucially it is only one avenue of activity. Many conclude that strategies need to include both working inside the institutional domain, as well as challenging outside through wider, globally networked structures and practices, as well as broad coalitions (Ford 2005). Indeed, it is broad coalitions of NGOs networked globally that have claimed some success in influencing the direction of EU trade policy, for example in the case of the Stop EPAs campaign (Economic Partnership Agreements) which the EU has attempted to negotiate with ACP countries and has so far only successfully completed one (interview with Marc Maes; see also Trommer 2011; Del Felice 2012). The experience and understanding gained in the context of the EU may well have assisted in helping European civil society organisations understand better the concerns of Latin American countries, for example. In 2011 the S2B network along with other regional and global alliances launched a process for building The Alternative Trade Mandate Alliance (ATMA). The aim of this alliance is to challenge the neo-liberal direction of EU trade policy and propose radical alternatives including respect for human rights, decent work, sustainability, gender equality, further advocating making the European trade and investment policy process more democratic and accountable (ATM 2013). Though focused on EU trade policy, crucially this network is a globally inter-connected.

Gramsci termed the political struggle of subaltern groups to build a counter-hegemonic bloc a war of position (Gramsci 1971:231ff). Gramsci was explicitly anti-capitalist and his focus lay with the political party (specifically the communist party in Italy) taking the lead to produce an anti-capitalist counter-hegemonic bloc – his ‘modern prince’. The political terrain has shifted today, with a massive expansion of civil society beyond parliamentarians and trade unions to a much wider array of social forces, in particular NGOs and social movements campaigning on a broad variety of issues, from environment, labour,

gender, human rights to development. Stephen Gill reflects these changes and these new forms of political agency specifically in Gramscian terms with his notion of the ‘post-modern prince’ (2003:218), which despite reproducing a rather unfortunate gendered conceptualisation, describes a broad church of social forces that are challenging global capitalist forces amongst others, social forces that are networked transnationally, regionally and locally. Within the context of the EU, many transnational as well as local movements are lobbying in Brussels as part of wider global strategies. Indeed, anti-Lisbon sentiments that are critical of neo-liberal restructuring and the focus on competitiveness are consistent with anti-globalisation movement sentiments.¹⁰

However, we also need to go beyond instrumental views of seeing social movements and NGOs as a means to an end. Wider social movement literature recognises and analyses the latent cultural power that is gradually building, or as Melucci terms it the undercurrents (Melucci 1996; see also Eschle and Maiguashca 2007). Movements here are seen as cultural actors that are creating new identities and new agencies. They are culturally counter-hegemonic, not just instrumentally. Social movements are seeking to contribute to ‘the reconfiguration of the political under contemporary conditions’ (Walker, 1994:674).

It has been argued elsewhere that the agency of social movements in world politics has often been obscured at an epistemological level because of a conflation of actors with states as well as a conflation of actors with agency. These conflations within dominant debates about structure/agency, undermine any understanding of structural agency, for example the agency of global hegemony and the ways in which discourses around globalisation are depoliticised as power relations are obscured. In addition this disallows a fuller view of the latent and potential agency of counter-hegemony as not just lying with actors, or even only with particular actors but also with discourse. This means that those

active in the field of culture or ‘framing’ can also make interventions with significant causal effects, even though these may be difficult to explicitly quantify. There is a neo-Gramscian privileging of radical agency as lying with international working class solidarity and by extension trade unions that fails to pick up on the very cultural dimensions that Gramscian analysis potentially opens up. In contrast, Bourdieu argued for a generic, abstract notion of agency, which contains both dominant and emancipatory forms, and supports his analysis of culture as a field of struggle. Hegemonic agency essentially sets the limits of social reality and social practice, and it is argued by some that any counter-hegemonic agency must recognise global hegemony and the dominant agency already inscribed within it (Maclean, 1999:33; Bourdieu 1977:164). However, others take issue with the very notion of hegemony and hence counter-hegemony, seeing this as a limitation on agency. For example, Richard Day, in describing the ‘newest’ social movements to distinguish them from new social movements, argues that they are seeking to move sideways, to by-pass and leave behind the old orthodoxies – the hegemony of hegemony – completely and displacing it with an ‘affinity for affinity’ (2005:9).

Some social movements and NGOs campaigning on EU trade issues have explicitly recognised the globalising, neo-liberal discourse inherent in EU trade policy and sought to challenge it with an emancipatory alter-global discourse paying attention to global ecological challenges, global poverty issues, such as the ATMA (ATM 2013). European trade unions too, employ an anti-neoliberal discourse, though are often conflicted by nationalist concerns, losing sight of international solidarity (Hilary 2011). Any hopes for counter-hegemony and challenge to orthodoxy in the EU cannot therefore solely rely on the European trade union movement, but resides also in other actors, notably NGOs and social movements, regionally and globally. This broader alliance of affinity is challenging neo-

liberal capitalist hegemony on many fronts, not just by seeking to influence trade policy, but including through building alternative discourse. For example in the case of the ATMA, through cultural action, and cultural practices (for example carnivals of resistance, poetry, plays, leaflets, campaigns, and internet campaigns including the rise and rise of Avaaz).

The CSD could be seen as a form of co-optation, to broaden the hegemonic coalition to maintain and increase legitimacy. However, NGOs and social movements are not merely relying on the channels of CSD to champion their cause. They are attempting to build a counter-hegemonic bloc across a wide spectrum of activity, regionally and globally, using different strategies and tactics, from inside and outside (Ford 2005). On the outside are radical voices that reject the route of engagement, arguing that the ecological and social destruction under advanced capitalism will never be resolved through dominant institutions. Their strategy of resistance, however, marginalises their voice, as they remain outside the realm of discourse and thus the ‘limits of the possible’ (Bourdieu, 1977:168). The challenge is to break out of the enclosures (see footnote 4) by finding points of leverage in existing discourses that allow for changes in meaning and emphasis to be introduced to move discourses and framing of issues in more progressive directions.

Challenging a dominant hegemonic bloc is not just about a contestation with powerful actors or challenging dominant structures, but also about challenging dominant discourses and discursive practices. In doing so, it is crucial for social movements to be aware of the operation of hegemony and to use that awareness for a mosaic of resistance and transformation. We have seen that movements on trade aspire to create a concerted, broad base of commitment to resistance and change. In this their strategies may include engagement with formal channels, which may on its own look like co-optation. Actions in this space include an insistence on transparency and accountability of global and European

institutions; getting issues on the agenda; challenging the direction of for example EU trade policy, as well as strategies of by-passing and resisting from outside. Through this variety of means and at different scales through national, regional and global networks, movements, unions and NGOs seek to build a broad base engaged in challenging hegemony and creating alternatives.

Conclusions

This paper has argued that EU governance can be seen as part of wider global governance strategies and that EU trade policy making must be located within a wider neoliberal drive. Within the EU neoliberalism operates in an embedded fashion though, being mitigated by commitments to social and environmental wellbeing, though this too is increasingly under threat. The oft mentioned democratic deficit, while addressing real concerns on the part of EU citizenry about the accountability of ‘far away’ institutions in Brussels cannot simply be rectified by a few limited discussion fora. What then of the CSD? I have argued that this appears to be part of a wider trend within governance, as part of a co-optation and legitimisation strategy by dominant institutions, that is often dressed up as a process of democratisation but that falls short of democratic or transparent substance. Even if the NGOs battling the European commission are not bringing global capitalism to its knees, they are nevertheless engaging in a discursive challenge and they are also engaged in their own learning and in spreading political emancipation by increasing social debate. There is a cultural, self-creative aspect to social movement activism that is part of radical agency. Radical social movement agency cannot solely be equated with revolutionary agency and juxtaposed to reformist agency. There is a spectrum of social movements with emancipatory

potential, however latent and diverse. From this perspective one can apply Gramsci's concept of a 'war of position' that is above all focussed on political leadership (Gramsci 1971:88 and also 229ff). I liken this to the need to develop complex, multi-layered strategies based on a sophisticated analysis of existing social forces and structures, including discourse and cultural framing. In addition this is increasingly happening at connected scales as more movements are addressing issues explicitly in their global context, targeting the interconnectedness of economic, social and ecological problems within the global political economy.

I have pointed to highly organised, lucrative organisations such as the ESF, which represent industry and which have direct access to the Commission and trade officials. I have argued that their privileged access must be seen within the context of the neoliberal rhetoric of competitiveness, and the demands of capital as manifested in their access to and influence in the EU's policy making process, which not even democratically elected parliamentarians enjoy. Seen in a neo-Gramscian light, this set up does not appear surprising, but rather indicates the attempt by the European Commission to 'steer a clear course between protectionism and unbridled opening-up of markets' (EC 2005). This embedded liberalism is nevertheless an attempt at consolidating the European niche within global neoliberal hegemony, and the CSD can be seen as an attempt to provide minor concessions and co-opt social actors from trade unions, social movements and even elected parliamentarians, while granting privileged access to business and industry.

However, there are many organisations and movements taking issue with what they perceive to be a corporate led globalisation. Civil society actors have sought to air their grievances with the whole process, and are well aware of their limited access and influence. I have

argued that they are part of wider networks, that adopt a multitude of resistance strategies, and these dialogues are by no means their only avenue. Maybe Robert Cox is right when he argues that multilateral institutions absorb counter-hegemonic forces, and that ultimately these movements need to return to the national setting to fight their battles. However, they must also be seen as part of wider global counter-hegemonic strategies, global pro-democracy, global justice movements working on many levels, from national to transnational to counter the neoliberal hegemonic bloc, to tear down the boundary between heterodoxy and the realm of the undiscussed, and hence to challenge the ‘limits of the possible’.

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¹ The concept of non-governmental organisation (NGO) could technically include any non-state actors such as business. However, in the literature on social movements and NGOs it generally denotes non-business and non-state actors, and refers to advocacy groups that are raising concerns of public interest, such as environment, development, human rights, women’s issues. It should be noted that organisations sometimes

refer to themselves as Civil Society Organisations (CSOs) including NGOs and trade unions and distinguish themselves from business (for example Bizzarri and Iossa 2007). However, in line with Gramsci, civil society in this paper will denote the terrain where a variety of actors operate including business.

² It is important to note that Gramsci spoke of both the war of manoeuvre and the war of position, where the war of manoeuvre was based on military warfare. These spheres are not completely separate and may follow each other. For example, Gramsci saw Gandhi's passive resistance as a form of 'war of position' (Gramsci 1971:229). I am taking the liberty of using the concept of war of position in a neo-Gramscian sense, to denote non-military strategies of social change, for I think in this day and age with the weapons of mass destruction that states wield, it would be pointless for groups seeking social change to do so by the means of a war of manoeuvre.

³ Gramsci's notion of civil society would include the role of parliamentarians, however this paper will not focus on that actor.

⁴ The view taken here is that 'using' the work of theorists from a specific historical context, might also include adapting and changing concepts in order to better reflect and gain leverage on contemporary conditions E.g. my use and adaptation of Gramsci in the concept of 'enclosure' (Ford 2005).

⁵ Bearing in mind important work that has pointed out the dangers and limitations of using and extrapolating Gramsci's conceptual menu, for example Ayers (2008). There is a difference in emphasis between those who are most interested in providing a historically accurate exegesis of Gramsci's ideas and those who seek resources to help movements in the contemporary world. This paper is mostly concerned with the second of these aims.

⁶ Gramsci distinguishes between different manifestations of state. His reference to ethical state refers to a state that exercises hegemony, rather than pure domination. See for example (Gramsci 1971:271).

⁷ Robert Cox defines problem-solving theory as follows: 'it takes the world as it finds it, with the prevailing social and power relations and the institutions into which they are organised, as the given framework for action. The general aim of problem-solving theory is to make these institutions work smoothly by dealing effectively with particular sources of trouble (1981:128).

⁸ Telephone interview with Marc Maes of Brussels based development NGO '11.11.11', 8th August 2012. See also Bizzari and Iossa 2007:17.

⁹ Telephone interview 8 August 2012.

¹⁰ This is not to say there is a homogenous global movement of movements. Clearly there are tensions and rifts within global movements, especially between the minority and majority worlds, as well as along class, race and gendered lines, though there is also an awareness of and attention paid to these dynamics and tensions within and amongst movements, seen not least in the ATM's recognition of the intersectionality of trade issues.