

CRITICAL STORIES OF CHANGE

From hearing to listening: improving the dialogue between DG Trade and civil society

A fictional narrative, based on reality, on the interaction between the European Commission's Directorate General for External Trade (DG Trade) and civil society.

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What is a Critical Story of Change?

This report is one of a series of *Critical stories of change*, which tell of the role ActionAid plays in changing the lives of people living in poverty. In their openness, self-criticism, detailed analysis and celebration of the active role of others, the stories are not just self-congratulatory 'good practice case studies'. These stories are bristling with life, and are intended to impart the insights, advice and confidences of a friend.

This story has added value since it has been undertaken in collaboration with some members from the European Trade Network (ETN), an informal group of trade unions and NGOs working on development, environment, social issues and women's rights in the European Union.

Development organisations often make claims for their work and achievements. Yet, in the struggle to address the causes of poverty and injustice, we are just one of many players. What we rarely get to know is the significant nature of our contribution and the factors, (both internal and external) that contribute to the outcomes. *Critical stories of change* aim to explore how change (both negative and positive), and potential change, happens – or is stalled – from the perspectives of different stakeholders. These stories hopefully capture the full complexity of organisations' development interventions and experiences from a variety of perspectives and aim to provide insights for all those engaged in the struggles against poverty and injustice; this story is especially relevant to those working on advocacy in the north, and to organizations and individuals working to create space for civil society throughout the world.

What is the Knowledge Initiative?

Critical stories of change are supported by the Knowledge Initiative (KI), a new organisation within ActionAid. In undertaking *Critical stories of change*, KI is reflecting the importance ActionAid attaches to the generation and use of knowledge for empowerment and action. KI works within and outside ActionAid, aiming to help civil society organisations and others to realise their individual and organisational potentials as generators of knowledge for progress, and for empowering poor and marginalised people to use their own and other's knowledge as a source of power. It does this by creating new alliances and networks for experiential training and learning, action research and the pursuit of alternatives systems of power.

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Preface

This study was conducted by a group of civil society organisations (CSOs) who are part of the European Trade Network (ETN), an informal group of trade unions and NGOs working on development, environment, social issues and women's rights.

The study looks critically at the Civil Society Dialogue (CSD) set up by the European Commission's Directorate General for External Trade (DG Trade) and welcomed by CSOs as a space for policy engagement. The CSD exists within a broader set of channels that CSOs use when attempting to influence trade policy-making in the EU. Itself a process of engagement and facilitated change, this study has provided a space for reflection and learning amongst the representatives of organised civil society and the European Commission on the paradigms underpinning the trade policy dialogue, its governance framework, the accountability systems it responds to, and the role and legitimacy of CSOs, as well as on how CSOs have engaged with it, and its value and effectiveness when set against the wider trade policy space.

Over seven years after the first informal meetings were organised by the then Commissioner, Sir Leon Brittan, the time is ripe for a thorough reflection on the nature, objectives and structure of DG Trade's CSD. A sense of consultation fatigue and concerns that the CSD may not be a genuine dialogue space call for an evaluation of the current dialogue to identify new responses. The fact that several studies are taking place at the same time is symptomatic of a broadly shared need to take stock.

The need for reflection goes beyond the CSD itself, since blockages in dialogue are also taking place in the broader landscape of trade

negotiations; in a period of great uncertainty for the WTO trade negotiations, there is a need to reflect on why this is the case. The European Commission's promotion of the free trade mantra as a recipe for development, combined with its difficulty in engaging deeply with and responding to the concerns of developing country governments and civil society groups, may provide some keys to understanding the current situation. There is also a need to examine CSO's practice in relation to trade negotiations in general, and in relation to the CSD in particular.

This reflection on the trade policy dialogue fits also into the broader debate on the future of Europe and the role of civil society within it. Issues around trade policy advocacy could be considered symptomatic of relations between the European Commission and civil society organisations in general: while this relationship is very rich and diverse in the different policy areas, as the EU Civil Society contact group study reveals,¹ it is characterised by a common governance framework.² The French and Dutch 'no' votes that stalled the European constitutional process do not necessarily represent a 'no' to Europe but rather a vote of protest against issues that citizens perceive as remote from their daily lives, and decision-making processes they do not feel informed about or part of. Thus, unless we want to further alienate those who are affected by European policy, questions concerning the type of governance framework and type of Europe we want to see must be at the centre of both this specific

¹ E. Fazi and J. Smith, *Civil dialogue: making it work better*. EU Civil Society Contact Group, 2006 available from <http://www.act4europe.org>

² This framework is provided by two key EC documents, among others: The EC White Paper on Governance COM(2001)428 Final, in http://eur-lex.europa.eu/LexUriServ/site/en/com/2001/com2001_0428en01.pdf; and EC, General principles and minimum standards for consultation of interested parties by the Commission, COM(2002)704 in: http://ec.europa.eu/comm/secretariat_general/sgc/consultation/index_en.htm

reflection on trade, and the broader reflection process under Plan D.³ This study, whilst acknowledging that the CSD on trade is one of many ways in which EC interacts with CSOs, adds to the voices of those who see urgency in taking the debate on governance forward.

Like the recent assessment study commissioned by DG Trade,⁴ one of the main findings of this document is that the policy dialogue has not succeeded in engendering between all stakeholders the confident working relationship necessary for a more effective and engaged decision-making process. The process of conducting this study revealed the challenges that everyone faces in addressing the opportunities inherent in more participatory governance.

When analysing the EU the study shows how difficult it is to move away from an institutional decision-making framework based on representative democracy to experiment with new forms of participatory governance which might draw on successful examples within Europe and worldwide.⁵ The title of the DG Trade commissioned study – *A voice but not a vote* – is illustrative of this. While civil society does not expect to be granted a vote, there are concerns about the way its ‘voice’ is taken on board, due to the lack of clear mechanisms outlining how such a voice is acted upon.

This study shows that while there is some space within the CSD for CSOs to propose ad hoc meetings, timetable actions and enjoy a travel expenses scheme, CSOs also raise that meetings are called with variable notice by the Commission, which also defines the agenda, identifies panellists and chairs the events. In the ad hoc meetings there is more space for initiative from civil society representatives, but some CSOs are concerned that the EC maintains the chair and overall control over the process, which translates into power regarding process and outcome. Thus, this story shows how some experience the CSD not as a space for engagement as equals, but as one which DG Trade considers it has benevolently granted to civil society. This view is exacerbated by the opinion that, while the contact group should be the interface between the European Commission and the different civil society families, a lack of clarity on its role, appointment and accountability make the group vulnerable to influence.

At the same time, this story also illustrates how some CSOs are still struggling to move away from their established role as trade watchdogs, in which they critique policies but do not offer solutions, to embrace a more proactive role in trade decision-making. The emergence of various trade groups and networks, such as the ETN itself, is a sign that civil society is learning to coordinate and mobilise towards clear goals more effectively. CSOs are constantly learning, but much remains to be done. As well as pinpointing the problems, more emphasis needs to be placed on offering creative alternatives to the current trade paradigm. More strategic thinking on how to focus limited resources where they can really make a difference, how to task share to get meaningful and deeper coverage of issues, and how to create the

³ The European Commission's plan for Democracy, Dialogue and Debate (Plan D): http://ec.europa.eu/commission_barroso/wallstrom/pdf/communication_planD_en.pdf

⁴ A. Slob and F. Smakman, Evaluation of the Civil Society Dialogue at DG Trade. Assessment of Relevance, Effectiveness and Efficiency of CSD Policy and Procedures. Ecorys, 2006 (draft), in http://trade.ec.europa.eu/doclib/docs/2006/october/tradoc_130551.pdf

⁵ Examples include participatory budgeting in Brazil, Local Agenda 21 processes worldwide, and the Beach Club in Denmark.

necessary critical mass to leverage change is necessary. Issues of internal planning, advocacy delivery, branding and visibility have often, due to various pressures, taken precedence over considering how to make a real difference to policy. The story reveals that sometimes a clear common strategy is missing from the advocacy work of CSOs and that more needs to be done to ensure intervention is cohesive and not, as is sometimes the case, event-driven.

As well as making recommendations to DG Trade concerning changes to the CSD, this story also highlights a need for more in-depth discussions around civil society's own legitimacy, transparency and accountability, these being critical to CSOs' closer involvement in decision-making with the Commission. The lack of debate around these issues is in part due to CSOs' time constraints, high levels of staff rotation and a general lack of resources and capacity. There may also be unwillingness on the part of some to deal with sensitive issues and disagreements over how

CSOs should engage in policy processes. However, it is important to recognise that, as this story has progressed, opportunities have been created for CSOs to reflect on and analyse their relationships within the trade policy space. This process is where the learning change element of the story lies; and it looks set to continue. DG Trade has agreed to host a strategy meeting for all stakeholders in the trade dialogue following the publication of their report, during which a collective agreement on a monitoring process, a timeline for change and definitions to facilitate the monitoring process could be reached.

Writing this story has, in itself, made the story change, and the tale is not yet finished; there is potential for further change and better dialogue if all stakeholders understand that in order to work effectively, it is necessary to understand why and how lobbying, campaigning and advocacy actions are taken by CSOs, and to analyse the processes of power and change within the wider context of the EC policy space.

Background

DG Trade's CSD⁶ is a discussion forum between the EC and civil society, which is understood by the Commission to include NGOs, trade unions and businesses.⁷ It is currently the largest and most structured stakeholder forum in the EC, with a powerful online subscription-free database. It manages the registration of organisations against a specified set of criteria, meeting attendance and the travel reimbursement scheme, as well as spreading information and press releases to all registered members. Its key objectives are to: **1** consult widely; **2** address civil society concerns on trade policy; **3** improve EU trade policy-making through structured dialogue; and **4** improve transparency.⁸ Different definitions of these objectives are presented in various DG Trade documents.⁹

This policy space represented by the CSD has evolved over the years to reflect the changing needs of DG Trade's interaction with civil society at large. Its current *modus operandi* was formalised by DG Trade in 2000/2001 and agreed by the CSD contact group. The contact group is composed of representatives from civil society, which DG Trade categorises into trade unions, consumer, development, environment, social, human rights and gender sectors, as well as businesses and the EU's Economic and Social Committee.

The current formalised structure sees broadly three types of meetings: **1 general meetings with the Commissioner** approximately two-three times a year, to update civil society on emerging trends in trade policy-making – for example on competitiveness strategy – or on the state of play of trade negotiations – for example on the Doha Development Agenda (DDA); **2 regular meetings** with senior officials for more in-depth discussions on specific areas of trade negotiations – for example on agriculture, services, TRIPS or Non-Agricultural Market Access (NAMA); **3 ad hoc meetings**, organised mainly at the request of CSOs to discuss issues of specific interest to civil society that do not fall strictly within the trade negotiation field, such as illegal logging, fair trade or Sustainability Impact Assessments (SIAs). Meetings on issues that fall outside the WTO-DDA negotiations, such as Mercosur¹⁰ or Economic Partnership Agreements (EPAs) have also been covered under the ad hoc meetings.

Attendance is supported by the EC through a travel reimbursement scheme, including for businesses. Representatives from partner organisations in developing countries seem to be able to benefit from the scheme. However, the system is redefined on an annual basis and funding is not secure.

In the last few years, the general meetings with the Commissioner and the regular meetings have been merged and ad hoc meetings have played a broader function. Meetings have become more irregular and there has been a general decline in attendance, which is now mainly limited to a small group of Brussels-based civil society representatives.

⁶ For more information on the Trade Policy Dialogue see: <http://trade-info.cec.eu.int/civilsoc/index.cfm>

⁷ http://ec.europa.eu/civil_society/apgen_en.htm#5

⁸ http://trade.ec.europa.eu/doclib/docs/2005/june/tradoc_113527.pdf

⁹ http://ec.europa.eu/trade/issues/global/csd/dcs_proc.htm

¹⁰ Regional Trade Agreement between Brazil, Argentina, Uruguay, Venezuela, and Paraguay.

Acknowledgements

We would like to thank all those who have put their energies into this project of self reflection: we hope it will be a milestone for a progressive but steady process of change. In particular we would like to thank those associated with the European Trade Network for having trusted us to carry out this study, and all those to whom we had the pleasure of talking. Most of them granted far more time than initially agreed on: the highly participatory nature of their engagement makes this a collaborative document.

We would also like to thank Eivind Hoff (WWF), Claire Courteille (ITUC), Guillaume Légaut (CIDSE), Charly Poppe (FoEE), and lately Hadelin Féront (CIDSE) and Andrea Maksimovic (SOLIDAR) for their strong commitment to the project as members of the steering & editorial committee. Thank you also to Kirsty Milward for her time dedicated to editing the story and the ActionAid Design and Publications team for their support. Above all we would like to thank Kate Carroll (ActionAid – Knowledge Initiative) for her constant support, insights and key inputs at critical moments, and to Antonella Mancini and Koy Thomson for their critical eye. No opinions expressed in this report should be attributed to any of these individuals unless otherwise specified.

It should also be acknowledged that Business Europe (formally UNICE), the association of European industrialists and the European Services Forum, have expressed their disappointment that the European Trade Network has conducted a study on the CSD in parallel to DG Trade's own assessment. They interpreted this as a sign of CSOs' distrust of DG Trade. They requested that their opinion be made known. DG Trade hoped that their independent study would capture the debate around the civil society dialogue. It is clear though, that despite similarities, there are differences in the diagnosis of issues and solutions proposed by the two studies. The process of doing this study has already initiated a change in thoughts and action amongst some CSOs; used together, the two studies have the potential to change the dynamics of the dialogue, so that a stronger relationship of confidence can be built between CSOs and DG Trade.

Note to the reader

For narrative purposes, this story is fictional, but it is based on facts. The characters are real, and their opinions their own – their views retrieved through a series of long individual interviews and collective discussions (Annex A).

The CSD is a highly complex political creature, one whose power dynamics, nature and objectives would be hard to unfold through a traditional extractive analysis. The research process was therefore one in which each individual was critically engaged and prompted to reflect on issues and question established positions. The reason for presenting people's views in this narrative format lies in a desire to provide a human dimension to the story while ensuring that the essence of the dialogue is captured effectively. The objective of the study was not to capture any truth or solution, but to expose the critical issues at the heart of the debate, and to ask questions rather than give answers. In this form, it is hoped that the reader, as well as those interviewed, will engage broadly and deeply. The study is intended to provoke learning at all levels.

Please note that due to length limitations, not all of the interviewees' views have been reported in their entirety. Also, because many interviewees shared similar opinions, it has been possible to outline commonly shared views through a single character. We have done our best to present the views and findings objectively and with fairness; we hope that by expressing the critical issues at the core of the debate in an open way, the story will generate discussion and deliberation.

While we have done our best to check that everyone is happy with their parts in the story, it must be remembered that people's opinions can change and thus participants' comments should not be seen as definitive.

Jargon buster

ACP	<p>Africa Caribbean and Pacific countries</p> <p>The ACP States are the 77 developing countries that are signatories of the Cotonou Agreement, together with the European Union. The Cotonou Agreement, signed in June 2000, succeeded the former Lomé Conventions and regulates the political, economic and aid relations between the European Union and this group of former colonies.</p> <p>More info on: www.acpsec.org</p>
CSD	<p>Civil Society Dialogue</p> <p>DG Trade holds regular meetings on trade issues in Brussels with the European Commissioner for Trade, senior Commission officials, trade negotiators and CSO, trade union and business representatives. The objective of this dialogue is to develop a confident working relationship between all interested stakeholders in the trade policy field and to ensure that all perspectives on EU trade policy can be heard.</p> <p>More info: http://trade.ec.europa.eu/civilsoc/index.cfm</p>
CSO	<p>Civil Society Organisation</p>
DDA	<p>Doha Development Agenda</p> <p>The Doha Development Agenda is a round of global trade talks negotiated at the World Trade Organization, which aims to further liberalise trade in agriculture, goods and services as well as other areas. The Doha round began with a ministerial-level meeting in Doha, Qatar in 2001, with subsequent ministerials in Cancún, Mexico (2003), and Hong Kong, China (2005).</p> <p>More info on: www.wto.org</p>
DG Trade	<p>Directorate General for External Trade</p> <p>DG Trade is the European Commission's directorate in charge of trade policy-making, in terms of defining the EC's trade interests; negotiating bilateral, regional or multilateral agreements on the basis of a mandate given by the Council of Ministers; and monitoring the implementation of trade agreements.</p> <p>More information on: http://ec.europa.eu/trade/index_en.htm</p>
EP	<p>European Parliament</p> <p>The parliamentary body of the European Union directly elected by EU citizens once every five years. It comprises 732 Members of the European Parliament (MEPs) and operates in the 20 languages of the European Union member states. Together with the Council of Ministers, it comprises the legislative branch of the institutions of the Union: it cannot initiate legislation, but it can amend or veto it in many policy areas.</p> <p>More information: http://www.europarl.europa.eu/</p>

EPAs	<p>Economic Partnership Agreements</p> <p>EPAs are trade agreements between the European Union and Africa Caribbean and Pacific (ACP) grouping. Their objective is “to eradicate poverty and promote sustainable development [...] through the strengthening of existing regional integration initiatives and the gradual integration of ACPs in the world economy”. Their negotiation has been defined by the Cotonou Agreement signed in June 2000 and run between 2002 and 2008. They will lead to a new agreement which will replace the current system of unilateral trade preferences operating under the rules of the IVth Lome Convention.</p> <p>More information on: http://ec.europa.eu/trade/issues/bilateral/regions/acp/epas.htm http://www.epawatch.net/ http://www.ecdpm.org</p>
ESF	<p>The European Services Forum</p> <p>An organisation representing service industries across the European Community. The membership comprises more than thirty European trade federations and more than forty international companies based in countries which are members of the European Community.</p> <p>More information: http://www.esf.be</p>
ETN	<p>European Trade Network</p> <p>The ETN is an informal network of European development, social, women's rights, human rights, and environmental NGOs and trade unions working on trade issues. The aim of the network is: 1) to exchange information on WTO/Trade issues; 2) to strategise around and prepare questions for meetings of DG Trade CSD. It meets in Brussels 3/4 times a year, usually in conjunction with the DG Trade Civil Society Dialogue meetings.</p>
MAI	<p>Multilateral Agreement on Investment</p> <p>The Multilateral Agreement on Investment (MAI) was negotiated between members of the Organisation for Economic Co-operation and Development (OECD) between 1995 and 1998. Its purpose was generally seen as developing multilateral rules that would ensure international investment was governed in a more systematic and uniform way between states.</p> <p>More information: http://www.oecd.org/document/35/0,2340,en_2649_201185_1894819_1_1_1_1,00.html</p>
Mercosur	<p>Mercosur or Mercosul (Mercado Común del Sur) is a RTA (Regional Trade Agreement) between Brazil, Argentina, Uruguay, Venezuela, and Paraguay, founded in 1991 by the Treaty of Asunción, which was later amended and updated by the 1994 Treaty of Ouro Preto. Its purpose is to promote free trade and the fluid movement of goods, peoples, and currency.</p>
Plan D	<p>The European Commission's “Plan D” – Democracy, Dialogue and Debate – was presented in October 2005 to put in place a framework, through national governments, for a 25 country debate on Europe's future. Faced with French and Dutch no votes on the European Constitution, heads of government called for a “period of reflection” to enable a broad debate to take place in each member state. The clear objective is to build a new political consensus about the right policies to equip Europe to meet the challenges of the 21st century.</p> <p>Available on: http://ec.europa.eu/commission_barroso/wallstrom/pdf/communication_planD_en.pdf</p>

<p>S2B</p>	<p>Seattle to Brussels Network</p> <p>The Seattle to Brussels (S2B) Network is a pan-European network campaigning to challenge the EU corporate-driven agenda and to promote a sustainable, socially and democratically accountable system of trade. It includes development, environment, human rights, women's and farmers' organisations, trade unions, social movements as well as research institutes. Active groups in the Network are all supporters of the 'Stop Corporate Globalization: Another World Is Possible!' statement of the Our World Is Not For Sale (OWINFS) network.</p> <p>More information on: http://www.s2bnetwork.org http://www.ourworldisnotforsale.org</p>
<p>SIA</p>	<p>Sustainability Impact Assessment</p> <p>Generally described as assessments carried out by independent external consultants on behalf of the European Commission to identify possible negative effects of trade agreements and consider possible flanking measures to mitigate them.</p> <p>More information:</p> <p>http://ec.europa.eu/trade/issues/global/sia/index_en.htm http://trade.ec.europa.eu/doclib/docs/2006/march/tradoc_127974.pdf http://www.foeeurope.org/publications/2006/siastatement_eucivilsociety_oct2006.pdf http://www.foeeurope.org/publications/2006/NGO_Statement_natural_resources_SIAs_March06.pdf</p>
<p>TRIPS</p>	<p>Trade Related Aspects of Intellectual Property Rights</p> <p>Intellectual property rights are the exclusive rights given to persons over the creations of their minds for a certain period of time. They include copyright and rights related to copyright as well industrial property.</p> <p>The TRIPS agreement is a treaty administered by the World Trade Organization (WTO) which sets down minimum standards for forms of intellectual property (IP) regulation. It was negotiated at the end of the Uruguay Round of the General Agreement on Tariffs and Trade (GATT) treaty in 1994.</p> <p>More information: http://www.wto.org/english/tratop_e/trips_e/intel1_e.htm</p>
<p>UNICE (now Business Europe)</p>	<p>The Confederation of European Industrialists <i>(new name since January 2007: BusinessEurope)</i></p> <p>UNICE's members are 38 central industrial and employers' federations from 32 countries. UNICE represents more than 20 million small, medium and large companies. It actively promotes and represents business interests in Europe.</p> <p>More information: http://www.unice.org</p>
<p>WTO</p>	<p>World Trade Organization</p> <p>An international, multilateral organisation, which sets the rules for the global trading system and resolves disputes between its member states. The WTO has nearly 150 members, accounting for over 97% of world trade and around 30 others are negotiating membership. Decisions are made by the entire membership, typically by consensus. All members are signatories to its approximately 30 agreements.</p> <p>More information on: http://www.wto.org</p>

From hearing to listening: improving the dialogue between DG Trade and civil society



A fictional narrative, based on reality, on the interaction between the European Commission's directorate for external trade and civil society

Untangling the web

The weather was hot and humid. Lying on a stone bench in Villa Borghese, I stared at the sky hanging over the Italian capital. It was of an intense blue and filled with a multitude of clouds, each one quite different from the other in shape and shade. My head felt heavy and confused as it slowly filled with the views and thoughts we had collected in the past month. Almost six weeks had gone by since the European Trade Network (ETN) first contacted us to carry out an assessment of the dialogue between the European Commission's Directorate for External Trade (DG Trade) and civil society. The Civil Society Dialogue (CSD) was in its seventh year and currently under review by DG Trade. Several reports had been written over the years on the CSD, but none had ever told the story from the perspective of the civil society organisations (CSOs). The ETN felt that such a report would provide a valuable contribution to the assessment of the CSD, for CSOs could deepen their reflection on how the European institutions, and the CSD in particular, communicated with organised civil society. The ETN and many of its members – principally NGOs, but also trade unions and research institutes – had been involved in the CSD pretty much from its inception back in 1999 and were aware that it was a highly complex political creature, one whose power dynamics, nature and objectives would be hard to unfold through traditional extractive analysis. We would have to use a more innovative and qualitative approach, both to provide a more human dimension and to allow the complexity of the CSD to unfold. We would not aim to articulate any truth or solution, but to identify the key issues at stake and report these in the most neutral of ways.

If successful, this study would facilitate learning at all levels: for the CSD by generating options for more effective change; for stakeholders by critically challenging them on their work and on how they engage in policy-making; and for readers by provoking a deeper understanding of the issues. This all sounded very good, but I was not yet sure how, in practice, we were going to achieve it. The views we had collected were far from being homogenous, though not necessarily contradictory. Perceptions of the CSD varied considerably, in terms of its nature, objectives and its very raison d'être. Is DG Trade's commitment genuine, or is it a co-opting exercise? Is the CSD a jointly owned process, or does it belong to DG Trade exclusively? Has the CSD been successful in fulfilling the needs and expectations of stakeholders? How effective has it been regarding further channels of influence? Has the CSD had any policy impact? Should CSOs be doing more to raise their game? The questions that had been raised were many, but I was determined. We would disentangle this confused mass of information. As the clouds danced, my head swelled with the thoughts, voices and images we had collected and I was now in the process of digesting. As they slowly arranged themselves in an increasingly tidy fashion in my head, paired together as dancers pair in couples during a grand dance, my eyes began to close, and behind the lids, images of light and darkness, shades and colours, began to form.

CSO approaches



Brussels, 9:15am.

Manuela said she would call up her colleagues herself. It was to be an important day, for a CSD meeting that she knew would be significant was scheduled at three o'clock. With the

CSD in its seventh year, DG

Trade had decided to organise the meeting to take stock of the stakeholders' views.¹¹

The debate would surely be animated, thought Manuela, knowing how strongly CSOs felt about the CSD, and that several groups had registered for the meeting – though experience also told her that only about half would show up.

Although she had only recently been appointed as the CSD coordinator, Manuela had already had the chance to read the joint statements that many CSOs had produced over the years and knew that they would use this opportunity to reiterate their comments and recommendations to DG Trade. She herself had many ideas on how to improve the process, now that it was her responsibility to coordinate the dialogue, liaise between civil society organisations and her colleagues in DG Trade and, of course, ensure the effectiveness of the meetings. She was pleased to be involved in this new phase of the process, for the objective of this meeting was exactly that: to lay the foundations for a new phase of the dialogue between DG Trade and civil society. She was looking forward to being part of it.

Manuela sat at her desk and sent an email to all the organisations registered on the CSD's database reminding them of the meeting. She wanted this meeting to be a success.

Prague, 9:17am

The beep told **Petr Lebeda** that he had received an email. "REMINDER: CSD stock taking meeting 3pm today" was the message title.

"What a pity," thought Petr. He wondered why the CSD meetings always had to be held in Brussels – couldn't they organise meetings in an eastern European capital for once? As a trade campaigner at Glopolis, a Prague-based NGO, Petr had travelled to Brussels on several occasions to meet with EU officials and other CSOs (Glopolis was a comparatively wealthy NGO in eastern Europe) but he couldn't quite see the point of travelling all the way to Brussels just for a couple of hours' briefing. He had often read the minutes from previous meetings and always found them rather bland: either too general or too technical, and definitely too abstract.

In Petr's view, there was a missing link between what was going on in Brussels and the national situation. As far as he could see, the CSD did little in terms of bringing the WTO negotiations and the EU's position closer to home – which was a clear need for organisations like Petr's that worked primarily at the national level.

It was not clear to Petr why Peter Mandelson, for example, couldn't meet with CSOs when he came to Prague, as was Pascal Lamy's practice. He had found the meetings with the Commissioner in Prague very useful in contextualising the Czech reality within a European dimension. But the subject matter of the Brussels meetings would have to be far more relevant to the needs of his organisation to justify the time investment necessary to engage in such a process.

¹¹ DG Trade has recently commissioned such a study: F. Smakman and A. Slob, *Evaluation of the Civil Society Dialogue at DG Trade - Assessment of Relevance, Effectiveness and Efficiency of CSD Policy and Procedures*. ECORYS Nederland BV, Rotterdam, 09 October 2006. <http://trade-info.cec.eu.int/doclib/html/130551.htm>

Budapest, 9:17am

“Oh dear,” thought **Matyas Benyik** as he read the CSD reminder in the Attac office in Budapest, for he knew that unless DG Trade came up with a better thought-out travel reimbursement scheme, small CSOs in eastern Europe such as Attac Hungary would not be able to attend the Brussels meetings. Attac Hungary was a registered NGO on DG Trade’s database but, like over a third of all organisations on the database, had never attended a single meeting.¹² Matyas had tried applying for travel reimbursements, but things simply hadn’t worked out for him in the past. Attac Hungary had very limited funds and could not afford to advance Matyas the travel expenses. Matyas remembered the fiasco he had gone through in an attempt to attend one of the meetings back in 2005. He had gone to the trouble of asking his bank for a loan to pay for the Budapest-Brussels return flight, which he would pay back once DG Trade’s travel reimbursement came through. As a guarantee for the loan, the bank had asked Matyas to provide confirmation of DG Trade’s approval of the travel reimbursement. So Matyas had contacted DG Trade to ask for a written confirmation to be sent to him as soon as possible – but by the time the confirmation came through, the ticket price had doubled. He would have had to apply for another loan, and this simply was not worth all the effort. It would be good to be able to attend the meeting, though, for he saw it as important that eastern European CSOs be engaged in this dialogue process. Many eastern European countries still lacked a culture of dialogue with their organised civil society, and the CSD could have guaranteed eastern European CSOs the right to be heard at European level.

But looking at his already overloaded agenda, he decided not to preoccupy himself any further with such matters.

¹² Of the total 647 organisations registered as of August 2006 on the CSD database, 271 of these have never attended a meeting. See Appendix B.

Zaventem, 9:17am

When Manuela’s email reached **Alexandra Strickner’s** inbox, she was ten thousand feet above the ground, getting ready to land in Brussels on the 8:40am Virgin Express flight from Geneva. Although the Institute for Agricultural Trade Policy (IATP), for whom Alexandra worked, was a US-based organisation with offices in Geneva, it still qualified for travel reimbursement as a registered organisation on the CSD database. Not that Alexandra expected to get new intelligence through attending the meetings, for in her opinion the information DG Trade provided in the CSD was often of poor quality and lacked transparency. She thought for example, of DG Trade’s systematic refusal to divulge any information whatsoever on its negotiating strategy at the WTO. Being based in Geneva, she had excellent contacts with many country delegations to the WTO to get the information she needed to monitor the negotiations. So as useful as transparency might have been to the dialogue with civil society, the fact that the CSD had failed her on this wasn’t much of an issue to Alexandra. It still allowed her to get the Commission’s lines of argument and, in addition, to manage her many other engagements. She thought of the CSD as a piggy-back to Brussels: she would always try and combine other commitments with a CSD meeting.

Whether the travel reimbursement was a good enough reason by itself to engage in dialogue with DG Trade would need some consideration, thought Alexandra, but she knew that to many CSOs the CSD’s travel reimbursement had been a blessing. The European Trade Network in particular owed practically every one of its meetings to the piggy-back system. Many of its non-Brussels based members were only able to attend the ETN meetings thanks to the CSD. Of course, one of the objectives of the ETN meetings was to prepare for the CSD, but this was only one item on their agenda. The fact that today’s ETN meeting was entirely dedicated to the preparation for the CSD was an exception, but if the Commission were genuine about their intention to initiate a new phase of dialogue with civil society, preparing for the meeting was certainly indispensable.

Brussels, 9:20am

Also absorbed in reflections over the CSD meeting was **Myriam Vander Stichele**. Seated next to the window on the train from Amsterdam, Myriam was collecting her thoughts for input into the ETN meeting. She was glad that the ETN had decided to pull this meeting together, for it was certainly necessary to present DG Trade with a common position on the engagement of CSOs in the dialogue. The need to improve the CSD was clear, for in her view the only purpose it currently seemed to serve was to cover up the Commission's strong ties with big business. Indeed, Myriam felt that unless the discussions around the CSD were framed in the wider context of DG Trade's policy dialogue, there was little point in trying to improve it, for inevitably its role would be dwarfed by the myriad formal and informal channels connecting business to DG Trade. Being involved in research and advocacy on corporate issues at the Center for Research on Multinational Corporations, Myriam had spent the last couple of years monitoring large European corporations and their behaviour in the context of trade liberalisation policies, with a particular focus on the privileged access they benefited from to influence policy in Brussels. Over the years, Myriam had documented how the European Commission, including DG Trade, had set up numerous channels for businesses to feed directly into policy-making. She thought immediately of the various business fora that the Commission had actively participated in, or even helped set up, to draw together corporate expertise on a number of issues – financial services was just one of them. A typical example was the recent European Services Forum, which grouped together Europe's largest service providers. Myriam, like many of her colleagues, was adamant that this privileged access to decision-making could be explained by DG Trade's overwhelming bias towards business interests and its unwillingness to give priority to wider and long-term societal issues. In a study she had just finished co-writing for the Seattle to Brussels Network,¹³ Myriam had collected

evidence of how DG Trade's negotiating position at the WTO reflected almost in its entirety the interests of Europe's largest multinationals, despite the opposition from developing countries, the concerns raised by CSOs and trade unions, and the findings of DG Trade's very own studies – known as 'Sustainability Impact Assessments' (SIAs). If a meaningful dialogue were to take place between DG Trade and civil society, the issue of businesses' privileged access to decision-making would have to be addressed and resolved. Moreover, business in Europe already benefited from so many other channels of influence, including DG Trade's regular and direct requests for its views and recommendations. As the train slowly pulled into Brussels' Gare du Midi station, Myriam wondered what kind of credibility the CSD could claim when the policy-making process in Brussels was so evidently overwhelmed by business concerns.

Brussels, 9:25am

Sitting in a traditional art nouveau café in St Gilles, not far from the station where Myriam was due to arrive, was **Daniel Mittler**, also collecting his thoughts in view of the ETN and CSD meetings ahead of him. He ordered a café crème, desperately in need of some caffeine after the tiring journey on the night train from Berlin. It was only 9.30am and the ETN meeting was scheduled to start in less than an hour at the 11.11.11 offices just round the corner. As Daniel adjusted his coffee and laptop on the small wooden table he caught a glimpse of his reflection in the liberty mirror on the wall and dwelled for a moment on the peculiarities of language. The black suit he was wearing would translate in French into the word 'costume', which he considered very appropriate for his participation in the CSD. In his opinion the CSD was part of the 'democracy game', in which he accepted a role. As a political advisor on trade issues at Greenpeace International, Daniel had been engaged in the CSD for quite some time and looked upon its meetings now as occasions when NGO representatives wore suits and behaved politely. Daniel attended the CSD not because he found it useful, but because in a democracy the spaces provided for interaction, even if they were only

¹³ M. Vander Stichele, K. Bizzarri and L. Plank, *Corporate Power over EU trade Policy: Good for business, bad for the World. The Seattle to Brussels Network. Brussels, 2006.*

staged, should always be used. DG Trade needed the CSOs to appear at the CSD, like a theatre needs an audience, to publicly display their exercise of democracy. The criticism DG Trade had been subjected to, concerning the opaque decision-making surrounding international trade affairs, had required that the floor be opened to a wider constituency. Of course the CSD wasn't a policy-making forum, for it was behind the scenes that the dialogue really took place.

As Daniel began typing on his PC he noticed Mariano walking along the other side of the road.

Brussels, 9:30am

Mariano Iossa was on his way to the ETN meeting on Vlasfabriekstraat. He intended to be early because he wanted to make everyone copies of some official EU documents he had recently fished out from his old files at ActionAid.

In view of the CSD meeting, Mariano had spent some time looking at the European Commission White Paper on governance and the communication on the minimum standards for consultation, where the rules and principles defining the Commission's engagement with civil society were spelled out. Mariano found the reading particularly interesting: in spite of the fact that they reflected and defended a governance framework based exclusively on representative democracy, they nevertheless pointed him towards a number of shortcomings in the CSD – which he intended sharing with his colleagues during the ETN meeting. He thought back to the several meetings he had attended over the years and his initial enthusiasm towards this process, and felt a strong sense of disappointment. Discussions had become far too polite, CSO representatives now seemed to show up just to ask a smart question, and the Commission had increasingly shown disregard for rules concerning the equal allocation of time and space among stakeholders and the empowerment of civil society, by taking unilateral decisions on some dialogue processes.¹⁴ As he thought of his duties and responsibilities towards

ActionAid, Mariano wondered what contribution the CSD had made towards the achievement of ActionAid's organisational mission, or that of other CSOs. Had the CSOs' attendance at these meetings helped people claim their rights to a life of dignity, to decent working conditions or equal opportunities and inclusion, or to a healthy environment? Had it created more and better space for people to engage with policy makers and shape decisions? Had it managed to reach out beyond the 'usual suspects' of trade policy advocacy? Mariano already knew the answer, but he wondered to what extent his colleagues had reflected on such questions. What were their reasons for attending these meetings? But these were all issues that would have had to wait for the meeting to start, he thought, as he stepped through the glass doors of the 11.11.11. office.

Brussels, 9:35am

Meanwhile, on the fifth floor of the 11.11.11. offices, **Marc Maes** was checking that the conference room was ready for the ETN meeting. In all honesty, Marc didn't understand the point of calling a meeting to prepare for yet another meeting that would itself discuss the purpose of 'meeting'. It was simply crazy, he thought, and in his view gave too much importance to a process that had failed to deliver anything of value in its seven years of existence. Not that he had expected the CSD to be different. He had known from the start that the Commission's intentions were not to dialogue with civil society but to pretend to dialogue. They had no choice, he thought, remembering how the CSD had been formed following the massive public opposition that confronted the Commission during the OECD negotiations on the Multilateral Agreement on Investment, and afterwards in Seattle. That is why Marc attended all meetings, but placed no trust in the CSD, keeping his focus on lobbying at the national level and meeting with members of the European parliament.

The receptionist downstairs rang Marc to inform him that Mariano Iossa was waiting for him. Marc flicked the light switch and closed the door on the darkness behind him.

¹⁴ This makes specific reference to the concept of *par condicio* used in TV journalism according to which different parties are credited equal time and space to present their positions. This principle is considered an extension of the principle of pluralism.

Views from within DG Trade



London, 10:00am

“A trip down memory lane,” thought **Eva Kaluzyska** as she stepped out of the Commission’s office in Westminster and made her way through

Parliament Square and across Westminster Bridge. Big Ben struck the hour; first musical, then irrevocable. It was 10am and Eva was on her way to Waterloo station to catch the 10:43 Eurostar train that would get her into Brussels soon after 14:00.

She was looking forward to seeing her colleagues at DG trade again. Eva had been in charge of the CSD for over three years before moving to the Commission’s communications’ office in London and it was going to be a fascinating experience to attend the meeting in her new capacity, to see it from an outsider’s point of view. She knew that the meeting had been organised by DG Trade following requests by many CSOs to take stock of the process and, as had always been the case in her experience, DG Trade’s attempts to accommodate the requests put forward by the various stakeholders were genuine. After all, she thought as she walked down the escalator in Waterloo Station, the CSD had been initiated in the aftermath of the mobilisation in Seattle as a tangible demonstration of DG Trade’s commitment

to engage in a dialogue with civil society, and the travel reimbursement scheme had been set up by Pascal Lamy, at the request of CSOs, to provide the financial means necessary to ensure the widest possible participation in the meetings.

No doubt, as with everything, there was room for improvement, but she hoped that the CSOs would be realistic about their expectations. In her view, they had often failed to realise the limited human and financial resources that DG Trade had for the CSD. The unit in charge of the dialogue was very small and the officials involved managed several portfolios in parallel to the CSD. Like many CSO employees, Commission officials were often overworked and understaffed. Eva’s motto during her time at DG Trade had been “The difficult I can do today. The impossible will take a little longer.”¹⁵ If the CSOs expected more from the CSD, they should be prepared to table proposals themselves and take a proactive approach to change. Far too often, in Eva’s view, CSOs were too passive in their engagement, expecting DG Trade to take responsibility. As co-owners of the CSD, CSOs would need to realise that the burden also lay in their hands.

To the credit of DG Trade, the CSD had excelled in its engagement with civil society, for not only had it met the minimum requirements for engagement set by the Commission’s communication on European Governance and on Minimum Standards, it had actually superseded them, Eva thought, as she took her ticket and passport out of her bag for inspection at check-in.

¹⁵ The quote has been attributed to Billie Holiday.

Brussels, 10:00am

Meanwhile in Brussels, on the 9th floor of the Charlemagne building, **John Clarke** was reassuring Manuela of his presence at this afternoon's CSD meeting. "Absolutely, you can count on me, I'll be there," said John before hanging up. Gazing out of the glass wall overlooking Rue de la Loi, he could not help noticing how much the landscape had changed over the years in this part of Brussels, as more and more buildings had been erected close to the European institutions. John's thoughts went back many years, as he recalled how different the trade scene had looked when he first took up the job as a WTO negotiator at DG Trade. Negotiators then only spoke to other trade negotiators; there was limited contact with the outside world until the WTO made its appearance in 1995. The sudden and massive interest from civil society organisations in trade policy took DG Trade, as well as many national trade ministries, by complete surprise. John remembered how nobody in Europe, including in Brussels, knew quite how to deal with this growing interest. With an obvious and increasing opposition to the WTO and the OECD's Multilateral Agreement on Investment (MAI), many DG Trade officials, as John himself, had realised the democratic deficit that was afflicting trade policy. It was in this political climate that John, together with some of his colleagues, primarily Robert Madelin, at the time unit director for WTO matters, organised the first meetings with

civil society organisations with the support of the then Trade Commissioner, Leon Brittan.

That first meeting led the Commission to conclude that a greater engagement with civil society was clearly necessary, if opposition such as the kind that had damaged the negotiations on a multilateral agreement on investment were to be avoided in the future.

It was in view of the WTO ministerial conference in Seattle that DG Trade had decided to allow civil society organisations, for the first time, to be part of the Commission's delegation to the WTO. The mounting dissent among civil society and the failure of the talks sent a clear message that a more structured and long-term engagement was necessary.

John recalled how it had been under the auspices of the new Trade Commissioner, Pascal Lamy, that a contact group had been set up with representatives from business organisations, trade unions and CSOs with the objective of framing the setting within which DG Trade and civil society could talk. The result of these discussions was what became known as the Civil Society Dialogue, with a new unit being set up in DG Trade to manage the dialogue, and an official, then Haitze Siemers, appointed especially to liaise with civil society. John wondered whether Haitze would attend today's meeting.

The ETN meeting: letting off steam



“Fifth floor,” called out the automated voice in the lift. As the metal doors opened on the top floor of the 11.11.11. building, Myriam Vander Stichele could hear voices coming from the other side of the corridor. The meeting had already started.

Myriam listened for a moment at the door. “How can they claim to consult widely?” she heard someone saying. “They may have over 600 organisations registered on their database but if you look at the figures you realise otherwise. Take attendance. Only about half the people who register for the meeting actually show up, and if you look carefully you can see that out of the 647 organisations registered, only 31 show up regularly, whilst 200 of them have never attended a single meeting, and over 400 of them have not attended a meeting in the past 12 months.”

Someone else added, “Take a look at this. The average number of attendees in 2005 was 21, and the number of organisations who regularly attended the meetings that year was 31. That means that it is practically always the same people attending, doesn’t it?”

“The usual suspects!” added a different voice. “And they might all be in this room right now...” There was a murmur of laughter.¹⁶

“Oh hi Myriam, how are you?” asked Alexandra Wandel noticing Myriam standing at the edge of the large rectangular room. “Everyone, this is Myriam Vander Stichele, from Center for Research on Multinational Corporations, SOMO, in The Netherlands. Just so that you know who is here,” she continued, addressing the newcomer, “this is Amandine Bach from WIDE, Women in

Development Europe; Daniel Mittler from Greenpeace International; Eivind Hoff from WWF, Tobias Reichert from GermanWatch; Luis Morago from Oxfam; Claire Courteille from ITUC, the International Trade Unions Confederation; Gerard Choplin, from Confederation Paysanne Européenne, Ian Derry from Solidar; Marc Maes from 11.11.11, the Belgian coalition of Flemish development NGOs; Alexandra Gonzales from RSPB, the Royal Society for the Protection of Birds, UK; Mariano Iossa from ActionAid; Alexandra Heumber from MSF, Médecins sans Frontières; Guillaume Légaut from CIDSE, Coopération Internationale pour le Développement et la Solidarité; Alexandra Strickner, from the Institute for Agriculture and Trade Policy in Geneva; Karin Ulmer from Aprodev; Charly Poppe and myself, Alexandra Wandel, from Friends of the Earth Europe.”

“What we are doing in this first session,” Alexandra continued, “is going through the four stated objectives of the CSD in preparation for this afternoon’s meeting. The idea is to assess whether and how the CSD has fulfilled its objectives, and if it hasn’t, the reasons for its failure. In the second session, which will be chaired by Tobias, we will explore possible ways of addressing any shortcomings identified in this session, bearing in mind groups’ needs and expectations regarding an engagement with DG Trade.”

Reading out from the whiteboard beside her, she listed the four stated objectives of the CSD: to consult widely; to increase transparency; to address civil society concerns; and to improve policy-making through a structured dialogue.

“We had just started discussing the first objective: to consult widely,” she said, looking around the room for more comments.

“Well, a reason for the poor attendance might also be due to the scheduling of the meetings themselves,” said Daniel. “Some of the meetings are called with little notice, which does not really allow groups to organise unless they are based in Brussels.”

¹⁶ Information from EU database through personal correspondence

“Still, we have to remember that DG Trade is probably consulting more widely than many other directorates,” Charly remarked.

“But is that wide enough?” argued Ian. In his opinion, much more could be done to engage more groups, especially from the newer member states who had been all but completely left out of the process.

“It’s not only the new member states,” added Mariano, “but also civil society representatives from developing countries. Look at the paper on European Governance. It clearly says that,

“The Commission will: improve the dialogue with governmental and non-governmental actors of third countries when developing policy proposals with an international dimension.””

Mariano felt that DG Trade had failed to act upon this, and related how, during his previous engagement with the fair trade movement, he had contacted DG Trade together with CIDSE to enquire about the possibility of reimbursing travel costs for an expert on rice and patents from the Philippines to attend a CSD meeting on TRIPS. “And guess what? They said they couldn’t, as the reimbursement scheme was only open to groups based in the EU.” So CIDSE and EFTA, the European Fair Trade Association, had decided to cover the costs themselves, judging it important to open up this space to groups directly affected by trade policy. Though DG Trade had recently claimed that reimbursement was now open to CSO representatives from developing countries,¹⁷ the rules of engagement remained unclear. Mariano saw this as a result of the EC not wanting to create extra work. “European civil society is enough work for them and as they don’t think they have much to learn from this exercise, they want to limit engagement with the people directly affected to a minimum,” he claimed. “The Cotonou agreement defined ‘participation’ as a fundamental principle of ACP-EU cooperation through the active involvement of a wide range of non-state actors,

but the dialogue with European and ACP civil society just doesn’t feature high on DG Trade’s CSD agenda. But in fact, engaging with ACP civil society is not just a duty of their respective governments, but also the duty of the Commission according to their own White Paper on governance.”

“I am not sure how to solve the issue about groups from outside of the EU,” Charly commented, “because there may be financial reasons for DG Trade’s reluctance to include them. But I think that with reference to central and eastern European groups, one way round it would be for DG Trade to periodically organise CSD meetings in a central or eastern European capital, and for the Commissioner to meet with civil society whenever he travels abroad.”

“Didn’t Pascal Lamy meet with local CSOs whenever he travelled?” Alexandra Strickner wondered aloud. “Sure he did,” replied Daniel, “but not Peter Mandelson.” Daniel recalled having attended several meetings with Pascal Lamy when he came to the Commission’s offices in Berlin. “Lamy was, for all his faults, certainly more engaged in discussions with CSOs than Mandelson.” Daniel reminded them how Mandelson had cancelled his first CSD meeting three times in a row when he took office as the new Trade Commissioner in 2004. Whatever the reasons might have been, meeting with civil society was clearly not his priority.

“Lamy was politically more sensitive than Mandelson, despite also being pro-free trade, and despite being more of a technician than a politician,” commented Mariano. “At least in Cancun he met with local coffee producers. Mandelson did not, as usual, bother meeting with Caribbean civil society when he was in St Lucia last year for the launch of the third phase of negotiations on EPAs. This is counter to the principles of the Cotonou agreement, which gives a new strong role to civil society.” “Mandelson eats fair trade chocolate instead, and wears white wristbands saying *Make Poverty History*,” added Tobias wryly.

¹⁷ CSD Ad-hoc meeting, ‘Evaluation of Civil Society Dialogue’, 23/10/2006.

“Unfortunately Mandelson seems not to understand nor believe in the role of such a dialogue,” said Guillaume, recalling a meeting he had attended on DG Trade’s prospects for 2005.¹⁸ Guillaume recounted how some of the contact group had asked to add the issue of sugar subsidies to the meeting’s agenda, despite DG Trade’s initial resistance, and how right at the beginning of the meeting Mandelson had nevertheless announced that he would be forced to drop sugar subsidies off the agenda due to lack of time. But as luck would have it, after just half an hour the agenda had been exhausted, forcing Mandelson to resort to explicitly asking a representative from Médecins Sans Frontières to raise a question on the issue of intellectual property rights and access to medicines – despite this not being an agenda item. Mandelson then took it upon himself to re-open the discussion on textiles, which had already been covered, knowing that the business groups present had opposing views and would easily fall into the trap of arguing away the remainder of the time. “Clearly, and regrettably, Mandelson prefers to avoid discussion with civil society on difficult issues,” Guillaume concluded.

“But why didn’t you all assert your right to discuss an issue which you thought important and that was actually on the agenda?” asked Mariano.

“Because the CSD is a process entirely owned by DG Trade. It sets the rules of the game, sets the agenda and chairs the meetings,” replied Marc.

“The way the meetings are structured puts DG Trade at an advantage,” added Karin. “DG Trade engages in a discussion with us, but its position is stronger as it sets the framework. If you set the agenda and chair a meeting, you can guide the events. At meetings organised by CSOs the outcome is different, it’s like playing football at home. Instead of promoting its own position, DG Trade has to respond.

“DG Trade and particularly Mandelson tune their discourse according to whatever works at a given moment, to the point that even ACP country governments have formally complained to the Commission President, Manuel Barroso, about the difference between what Mandelson says in public and how he acts at the negotiating table,”¹⁹ remarked Marc.

“In typical CSD meetings chaired by DG Trade,” Mariano continued, “they take questions in groups so that those they don’t like can be squeezed out. They interrupt if you are making a strong point, with the excuse that there are a lot of people waiting to ask questions. And when they do actually reply, you don’t have the chance to challenge them because they have already moved on to the next round of questions.”

“However,” added Marc, “I think that in order to understand the reasons behind DG Trade’s engagement with civil society it is important to remember the context in which the CSD developed, which was in the aftermath of Seattle and the collapse of the MAI negotiations. DG Trade had for the first time found itself confronted with civil society’s growing opposition. It had been the target of much criticism and simply needed to respond to the attacks on secrecy, transparency and democratic deficit in trade policy-making.”

“It has never been a dialogue though,” commented Karin. “A meaningful dialogue needs equal footing. You might say that the CSD is more like a kind of press conference for example, or a PR exercise to justify what DG Trade is doing. DG Trade is using the CSD to screen public opinion and CSO activities. It knows who is working on each issue. It’s a smart move.”

“The CSD has certainly helped DG Trade refine their arguments, which they then promote in the CSD,” added Alexandra Strickner.

¹⁸ CSD meeting, ‘Prospects for 2005’, 13 May 2005.

¹⁹ See para 5, 8 and 9 of this resolution: http://www.acp.int/en/com/83/ACP2500606_decisions_e.pdf and para 1 and 6 of this resolution: <http://server2.matematici.com/epawatch/index.jsp?id=156>

"I agree," said Claire. "The CSD has become a PR exercise whereby DG Trade attempts to educate civil society about their thinking, without really paying too much attention to what we have to say."

"Do any of you remember how, in Hong Kong, DG Trade could not find any of the negotiators to come and brief us one morning, so they asked Eva Kaluzynska to tell us about the EU/US dispute on food aid that arose as a consequence of the article the Financial Times had printed in defence of the US?" asked Amandine. "I could hardly believe that they would try and use the CSD to buy us into their 'shame and blame' exercise against the US!"

"I would go as far as saying that for DG Trade the CSD has become an exercise in modulating their media lines and co-opting NGOs," said Mariano. "Through the CSD, as well as through various other informal channels, DG Trade has slowly been able to place each group on the political spectrum, and identify the most progressive and moderate groups. They have been able to figure out who they want to engage with, and who not, and use this to their advantage. Think of the open letter to the Financial Times of 1 June this year, signed by over 70 of us to denounce the EU's negotiating position at the WTO. When a BBC journalist asked Mandelson to comment on the NGOs' statement, he dismissed it by claiming that, *"the views expressed in this open letter are very misjudged in my opinion, to the point that serious NGOs like Oxfam refused to sign this letter."*²⁰

Oxfam had to counteract this statement, clarifying that this was just a diversion tactic to avoid addressing the real issue, which was the failure to deliver a development deal. I find it unacceptable that a DG Trade official should defend himself behind the moderate approach of one organisation to dismiss the concerns of more radical groups. The CSD has been very useful to DG Trade in this sense."

"Interesting," Alexandra Wandel commented. "So a summary of the main points here could be that the CSD has failed to reach out to organised civil society and citizens in general, since the organisations attending the meetings are few and mainly Brussels-based. Its main role has been to help DG Trade understand where civil society groups place themselves regarding trade policy, allowing it to shield itself from criticism by hiding behind the more moderate organisations. You also say that, in the CSD, DG Trade assumes a rather diplomatic role given the wide range of views present in the CSD and that, at times, the CSD is even used by DG Trade as a space to promote its policies. I would like to pick up on these comments to introduce the next objective: the improvement of transparency." She wrote the second objective on a clean sheet of paper. "But first let's have a coffee break."

²⁰ <http://news.bbc.co.uk/2/hi/business/5038434.stm>

A 'business-like' view



Meanwhile, in a different part of Brussels, intent on preparing for the afternoon's CSD meeting, was the director of WTO affairs for BusinessEurope (formerly UNICE), **Adrian van der Hoven**. Adrian had

been attending the CSD on behalf of UNICE since 2003

and was also a member of the contact group. In Adrian's view, the CSD served an excellent briefing purpose, especially because it allowed an overview of the negotiations as a whole. He knew the in and outs of his areas of interest well and, finding DG Trade's accounts very accurate, he felt could trust the accuracy with which DG Trade provided information in other areas. He felt that over the years the CSD had reached a high level of technical engagement with civil society, for the dialogue saw groups engaging with DG Trade on specific technical details, proof not only of the expertise that many groups had developed on topics, but also of their willingness to help DG Trade fine-tune its position. This was particularly true regarding the WTO negotiations, about which stakeholders engaged proactively, often through detailed analysis of specific issues. The experience of the Economic Partnership Agreements was proving different, however. Much of the discussion around them still lingered on a political level, for many of the CSOs strongly distrusted EPAs. Contentions would first need to be resolved before progressing towards a more technical engagement. However, he thought that whether the discussion was mainly political or technical, the CSD proved useful in allowing groups to come together and express their views, for it allowed them to place their own positions in the wider political context.

Reflecting on these issues, Adrian picked up the phone to see whether his colleague Pascal Kerneis from the European Services Forum would like to join him for lunch before going to the CSD meeting at 3:00pm

In his office overlooking Parc Cinquenaire, **Ralph Kamphöner** was considering the input he would provide during this afternoon's CSD meeting. As senior advisor on international trade at Eurocommerce, Ralph had been involved in the CSD and in its contact group for a long time. He liked the meetings since they provided him with the opportunity to interact with CSOs. It was good to hear what CSOs had to say, and what their concerns were. Ralph had organisations like Oxfam and WWF in mind, for in his view they had produced good material. The CSD meetings were particularly useful in bringing different stakeholders together, and they were effective when they got to the heart of the issue with a lively debate, not only between stakeholders and DG Trade, but also among stakeholders. He found it useful to listen to opinions different from his own. The CSD sometimes succeeded in evolving into a systematic dialogue between the stakeholders, he thought, as had happened during the CSD meeting on the issue of Rules of Origin in July 2006.²¹ This meeting had been suggested by Eurocommerce. Both DG Trade and the contact group had responded positively and the meeting was well attended, both by civil society groups as well as by DG Trade's officials. The meeting was a good example of an occasion when the CSD really allowed for a dialogue to take place: it had a clear focus, saw the attendance of interested and well informed parties and benefited from enough time to debate the issue in detail and explain each other's views. These were the key elements of a useful exchange, he thought.

²¹ "Rules of origin" are the criteria used in trade to define where a product is made.

“Wonderful, two o’clock then,” said **Pascal Kerneis**, agreeing to lunch with Adrian Van der Haven. Pascal was curious to hear what DG Trade would say about the future of the CSD, for he had been engaged in this process since its inception back in 1999. Like his BusinessEurope colleague, Pascal found the CSD useful for briefing purposes. Of course, DG Trade’s negotiating strategy was never revealed at the meetings, and this was understandable, for negotiations are bargaining processes that require parties to engage tactically. Once your tactic is known you are out of the game. He found it puzzling that CSOs should insist on having DG Trade reveal their cards in an open and public meeting. CSOs could be so unrealistic at times, and Pascal found their expectations of the CSD generally rather improbable. The CSD was clearly an exercise in transparency devised to inform stakeholders about

the process of multilateral trade negotiations, but nothing more. The fact that it also allowed for questions to be put forward and for presenting one’s views was an added bonus. But CSOs had expressed dissatisfaction with the CSD from the very beginning, expecting it to be a forum for policy consultation when it was not. The CSD had four core objectives and, although their scope was pretty much a matter of interpretation, CSOs had chosen to vest them with far-reaching expectations that simply could not be met. The purpose of the CSD was not to create a participatory process in decision-making. Policy influence was done elsewhere, in a different setting. Pascal would not dream of lobbying DG Trade during the CSD, though he might challenge it, or even provoke it. He left policy influence to private meetings and written correspondence instead.

The ETN meeting: deepening the reflection



Back in the ETN meeting in St Gilles, Alexandra Wandel requested the last participants to take their seats and continue the discussion from where it had left off ten minutes earlier. “We

were about to begin discussing the issue of transparency,” she reminded them. “What are your views on the issue?”

“In the sense that stating your position is more transparent than not stating it, yes, the CSD improves transparency,” said Daniel. He felt that in practice there was no transparency, since the discussions internal to the Article 133 Committee meetings – which saw the EU 25 member states instruct the Commission on its negotiating mandate – had never been made public.

“I have a funny story to share with you about accessing DG Trade’s documents,” Mariano began. “In spring this year, DG Trade was in the process of finalising the handbook for their Sustainability Impact Assessment to be presented at a big conference for which more than 200 people had registered. I contacted Manuela to ask her for a copy of the handbook to distribute to the group in order to prepare for the conference, and also to fine-tune our position statement. Manuela told me that the layout of the document was still being finalised and that the Commissioner wanted to present it as a novelty. I pointed out that unless we had the document in advance, the Commission could not expect us to engage seriously in a debate on SIAs at the conference,

but she confirmed that the document was only going to be made available on the day of its presentation. However, for some reason the handbook had been placed on the library section of DG Trade’s website and Charly got hold of it, so we circulated it around our networks for comments and informed the Commission. The same day the document was removed from the website. I told them that since we already had a copy of the document, it made no sense to remove it from the public domain. But they didn’t put it back on the web, which I find a good example of their so called ‘commitment’ to transparency for the purposes of a meaningful dialogue.”

“I agree, I really don’t think that there is much information-sharing going on in the CSD,” Alexandra Gonzalez commented.

“I think the public character of the meeting also affects the quality of the information provided,” added Charly. “As long as the meetings are public, and include the whole range of stakeholders, from NGOs and trade unions, to business representatives, DG Trade’s position will inevitably be diplomatic, because its interest is to be accommodating towards all interest groups and to avoid any possible confrontation, at least publicly.”

“I’m not sure I agree with that,” replied Amandine. “I think the poor quality of the information provided in the CSD is related to the low presence of DG Trade’s senior officials.” She thought of a meeting she had attended the previous year on an update on the Doha negotiations, where the DG Trade official present was so junior he had begun the meeting explaining the ABC of the services negotiations, to the disbelief and frustration of the CSOs present.²²

²² DDA update meeting, 22nd September 2005

“We have sent oral and written requests to DG Trade several times asking them to involve higher-level officials to improve the quality and transparency of the meetings,” Marc informed the group. It was a common belief amongst the CSOs that officials higher up in the DG Trade hierarchy were more likely to divulge sensitive information than their junior counterparts. “Recently, senior officials such as Peter Balas, DG Trade’s deputy director general, have begun to attend the meetings. But this doesn’t guarantee changes per se, and in this case does not seem to have done. Individual personalities also play a role,” he added.

“I think we also need to look at ‘transparency’ in terms of DG Trade’s acknowledgement of our positions,” Mariano suggested. “When the CSD was first set up, DG Trade used to post stakeholders’ position papers on their website, together with their own. This is no longer the case and I’m not sure how to interpret this change of policy. It illustrates again that DG Trade owns the process, but it also suggests that they are no longer interested in our positions, or at least not in publishing them alongside their own. On both counts, they are failing to be transparent about our concerns.”

“So you are all saying that DG Trade’s approach to transparency is generally low, and you fear that this might be due to the fact that their commitment, especially since Mandelson’s office, has not been genuine,” Alexandra Wandel offered. “In the light of this, can we move on to discussing the CSD’s third objective – does DG Trade address civil society’s concerns?”

“Well, they don’t do they? They take your questions and offer an answer,” Claire commented.

“To ‘address’ a concern would require listening and then acting upon it which, in my experience, has not been the case,” said Ian.

“So, what does happen?” prompted Alexandra Wandel.

“Well, to give you a practical example,” began Guillaume, “in my previous job, working for a regional government in France, I was involved in developing transport policy with several stakeholders. Part of my job involved providing civil society organisations with as much information as possible in order to equip them with all the data necessary for them to come back with an accurate analysis. As a representative of the decision-makers, I also had to inform them how their views had been input into the policy process.”

“I think the issues of transparency and accountability are key to a healthy dialogue,” agreed Ian, for in his view DG Trade needed to explain how and why it had taken certain decisions. This feedback seemed to him absolutely necessary and currently absolutely missing.

“Believe it or not,” said Mariano picking up the EU documents again, “this is another task that the Commission set itself in the White Paper on European Governance. Page five states that,

‘the Commission will publish guidelines on collection and use of expert advice, so that it is clear what advice is given, where it is coming from, how it is used and what alternative views are available.’

On page 17 it also says,

‘the EU institutions must explain and take responsibility for what they do’.

“We never hear back from them after the meetings,” commented Claire, but Marc added, “I do remember one case when they did.” He recounted the case of a meeting he and some other CSOs had requested about the Economic Partnership Agreement that the EU was stipulating with countries from ACP regions. “At the first meeting the Commission did not respond to any of the concerns we expressed, stating they were

in listening mode. At the follow up meeting, the responses were very general and didn't go into any detail on the points we had made."

"Exactly," said Claire, "unless we expressly ask for such meetings, the only time we hear back from DG Trade is in written responses to our letters and statements, which is a separate process to the CSD. That the CSD lacks a feedback element suggests that DG Trade doesn't address our concerns seriously."

"I agree," said Tobias. "If they had ever taken into account what we said, their policy line might have changed to some extent since they got the trade negotiating mandate from the EU member states in 1999."

"So you are making a link between addressing one's concerns and the impact that this should have on decision-making," said Alexandra. "If you don't mind, I would like to introduce the fourth and last objective of the CSD, which is to improve EU trade policy-making through structured dialogue."

"The Commission has made indirect claims that they abandoned two of their Singapore issues in the WTO negotiations because of civil society pressure, but I find it hard to believe that this was the result of the 'fruitful' talks in the CSD. As we all know, the talks collapsed because of the EC's own negotiating tactics," added Daniel.

"I think something similar happened in the TRIPS case related to access to medicines," said Alexandra Heumber. "The Commission often makes use of this example to illustrate the potential of the CSD as a first step for further policy engagement, but I think we need to be careful how the Commission uses examples like these. The context in which the TRIPS/Access to medicines issues discussion in DG Trade was fundamental in bringing it on to the agenda. It is less obvious now how, at the time, public pressure meant that Lamy had to take a position, and preferably one that placed the EU in a positive light, given recent events in Seattle and the like. (I have serious doubts that it was the arguments

that we deployed that convinced Lamy to act, and the policy line that Lamy took was quite different from what MSF had advocated). Since the implementation of the WTO August 2003 decision,²³ DG Trade considers that the issue is resolved. So access to medicines is no longer on their agenda, even though the issue is far from being settled. We publicise our concerns by regularly bringing evidence from the field, but receive the usual replies. This makes me wonder whether the CSD is really useful in this area, and whether it really gives us the opportunity to see our concerns and recommendations considered."

"I think we should acknowledge that the meetings on the Sustainability Impact Assessments have had some influence on the Commission's negotiating position," replied Eivind. "Take the case of forests: CSOs have been able to feed directly into the SIA on forests and in turn the SIA influenced the EU's position on sectoral negotiations on forest products in the WTO. Though I agree this is a one-off example," he added.

"I am sure there are one or two examples if we really look for them, but I think the point is that they are too few and far between to really show that the CSD has addressed civil society concerns and improved trade policy-making," argued Ian.

"The fact is," said Alexandra Gonzalez, "that the CSD is a briefing mechanism accompanied by a question and answer session, and not a dialogue."

"It is a deaf dialogue," Charly added.

"A series of monologues and contradictory statements," added Eivind. "And that is partly why I don't use the CSD for in-depth exchange. If I want information, or if I want to present DG Trade with WWF's views, I'm better off investing time in meeting officials on a one-to-one basis, which I

²³ This was the decision by which WTO members agreed on legal changes that will make it easier for poorer countries to import cheaper generics made under compulsory licensing if they are unable to manufacture the medicines themselves. However, its effectiveness in making / keeping key medicines accessible to poor people continues to be debated.

do quite regularly. Sometimes I phone or email, or communicate in writing, but I wouldn't go through the CSD for lobbying purposes. However, I think we still need to make a distinction between different types of CSD meetings, for they vary quite considerably. The updates on the Doha Development Agenda are certainly just briefings, but some ad hoc meetings, such as the one in December 2005 on Non-Agricultural Market Access, do resemble what a dialogue should be like. They are smaller in format and more subject specific, and consequently it is possible to engage in something more than a simple parade of contradictory statements – which is typical of the larger meetings.” Eivind explained how the ad hoc meeting organised on the WTO negotiations on the issue of NAMA had seen the EU's negotiator, Sandra Gallina, engage in a panel with trade union, business and NGO representatives, with a good turn out of participants, at least from the NGO side. “I admit,” added Eivind, “that there was no follow up to the meeting, so it is difficult to know what the outcome was in terms of policy shaping, but the meeting itself was overall a positive example of the CSD.”

“But even when these smaller meetings do allow for a discussion,” said Guillaume, “it is always on a purely technical level, and never political. Underlying assumptions and overall objectives are never questioned, only the technical details are up for negotiation. This translates into CSOs achieving only a very marginal influence on DG Trade policy. Technical engagement assumes that you are in agreement with their general policy line and simply helps them refine their arguments. What we need is a policy space that will allow us to engage with DG Trade on a political level, and question their underlying assumptions.”

“I fear that one of the reasons for this lack of policy influence, if not for the failure of the CSD itself, is the ideological clash that keeps DG Trade and civil society far apart,” Ian commented.

“Well, according to the Commission, ‘civil society’ includes businesses, and DG Trade has always been very good at addressing and acting upon their requests,” Daniel remarked with irony. “So one could argue that they have achieved this objective in part.”

“I think that addressing the issue of corporate influence on EU decision-making, and especially in the context of trade policy, is essential,” Myriam commented. “Our input into EU decision-making has been minimal because the Commission, and DG Trade in this particular case, has not approached trade policy with an open mind, but with an agenda already set, and very much focused on promoting the competitiveness of European industry. Inevitably this has created an inextricable bias towards business interests in EU trade policy, whilst failing to abide by other commitments the EU has subscribed to, like social cohesion and environmental protection.” Myriam had in mind the European Commission's re-drafting of the terms of reference of the Lisbon Agenda in 2005, and the more recent *Communication on Global Europe: Competing in the World*.²⁴

Marc agreed, emphasising that DG Trade addresses the demands of business to the point of making their requests the EU's official line. The case of tariff cuts in the context of the WTO's negotiations on industrial goods was just one of many examples: on behalf of BusinessEurope, the EC had adopted a target of 15% maximum tariffs as its official position. “Ultimately,” he offered, “the Commission has an agenda and is only interested in dialoguing with whoever can provide constructive inputs which help it refine its arguments. Regarding the Economic Partnership Agreements, for example, there is no common ground between us and DG Trade on which to build a dialogue, because CSOs refute EPAs in their entirety. Some more moderate groups have

²⁴ European Commission (2006) *Communication on Global Europe: Competing in the World*. COM (2006) 567 final. Brussels. http://eur-lex.europa.eu/LexUriServ/site/en/com/2006/com2006_0567en01.pdf

begun engaging with DG Trade on alternative EPAs in an attempt to limit their negative impacts, but ultimately we believe that EPAs will be damaging to developing countries and that nothing positive will come out of them. DG Trade, on the other hand, is adamant that EPAs are necessary and has shown no intention of listening to our arguments. Their approach to addressing our concerns has been to simply dismiss them.”

“Well,” said Alexandra looking at the clock, for the discussion had gone on well into the lunch break. “Before we take a break, I want to summarise the main points of this discussion. I think we’ve let off a lot of steam during this session and identified a number of weaknesses in the current dialogue process, if we can call it that. DG Trade is not consulting sufficiently widely, because stakeholders are predominantly Brussels-based and often the same bunch of people attend meetings. With few exceptions, the meetings do not allow for a debate because they are more like briefings, and the absence of senior officials lowers the quality of the information provided, with the result that policy-making transparency is not

improved. The dialogue is also hindered by the fact that DG Trade is not genuine in its engagement with civil society. DG Trade does not see CSOs as a resource and does not see the CSD as a reporting/accountability mechanism in which they can clearly explain where and to what extent they have taken the concerns of European citizens, organised in civil society organisations, into consideration. Rather, it appears to exploit the CSD to gain support for its policy positions, which are in line with those of business, but not necessarily with those of CSOs. This has limited the potential for the CSD to address CSO concerns, and as a result their influence on policy has been minimal. If DG Trade really wanted to engage civil society in improving policy-making it would (a) consult with civil society at the early stages of the policy drafting, when civil society could shape the direction the policy would take; and (b) be prepared to question its line and reverse some steps. To date, the role and position of the CSD in the decision-making process remains very weak.” Alexandra looked around the room for confirmation. “Does that sound alright to you?” she asked. “Great, time for lunch then.”

Further reflections from within DG Trade



As the Eurostar entered the tunnel, Eva's thoughts returned to the CSD and the role CSOs had played in it. It seemed to her that CSOs played a crucial social role in filling the gap left by the alienation of the general public from party politics. They provided spaces for

individuals to voice their views and concerns in an organised fashion. Through their engagement in the CSD, CSOs had helped DG Trade to better understand society's 'mood' long before any political party noticed. The CSD had proved very effective in helping DG Trade get ahead of the game and pre-empt situations that might otherwise have turned sour.

Moreover, many CSOs had provided good insights into some issues that DG Trade could not have achieved alone, partly due to a lack of capacity, but also of expertise. NGOs such as Oxfam and WWF had provided invaluable contributions over the years. Particularly striking was the example of Médecins Sans Frontières, which had drawn the Commission's attention to how legislation on intellectual property rights, particularly the WTO's TRIPS agreement, affected access to affordable medicines, especially in developing countries. Eva recalled how MSF had initially raised the issue in the CSD and managed to convince Pascal Lamy, at the time the EU Trade Commissioner, of the importance of ensuring that intellectual property rights did not get in the way of people's access to medicines. She remembered how Lamy had agreed to take a lead in negotiating a solution within the WTO. True, the outcomes had fallen

short of MSF's expectations, but the issue offered a good example of the potential of the CSD to change the course of events. Eva liked this example for it illustrated perfectly the idea of the CSD as a stepping stone to a more engaged dialogue: 'the top of the policy triangle' she called it. It was true that contact with civil society happened not only through the CSD, but on a daily basis in a variety of formats such as specialists groups, conferences, face-to-face meetings, and in written correspondence, but the CSD was the most visible.

Working on his notes for the afternoon meeting was **Robert Madelin**. Although Robert, like Eva, no longer worked in DG Trade, Manuela had invited him to the meeting to share his views and experiences of the CSD. As the previous director of the WTO unit in DG Trade, Robert had been one of the key players in setting up the CSD. The process that led to its creation was still vivid in his mind. How could he forget the Seattle events, such as when he had found himself in the streets one night, unable to return to his hotel due to the barricades blocking off the roads?

Robert had realised, as had many of his colleagues in DG Trade, that the opposition they were witnessing from civil society could be attributed to the secrecy surrounding trade negotiations, both in the WTO and in Europe, and the misunderstanding that this had produced. If opposition of this type were to be pre-empted in the future, a mechanism was required that would shed some light on the negotiations and clarify any misunderstandings. If a dialogue was going to be initiated with civil society, transparency was going to be a key element of it.

Yes, the CSD was an exercise in transparency, thought Robert, and transparency was to be understood as the effective communication of



information. An element of listening would also be necessary, for DG Trade could benefit from the knowledge of NGOs and trade unions. But the CSD was not a consultation process; the formal line of DG Trade was not up for discussion. This should not be interpreted as a lack of will on DG Trade's part to engage in a consultation process with civil society, but was simply because the formulation of the negotiating mandate of DG Trade had begun long before the CSD had been thought of. Questioning the mandate was therefore no longer possible. What the CSD could do, and still did in Robert's opinion, was to illuminate the position of DG Trade and shed light on aspects that might not have been previously considered. That was why the Sustainability Impact Assessment process had been initiated in parallel to the CSD. The two processes were intended to complement each other: the SIAs were meant to pick up on issues and concerns raised by the CSD and explore them further, drawing on the expertise of the CSOs and other stakeholders. Given that the objective of the SIAs was to inform decision-makers, civil society had a process through which it could make constructive inputs into policy-making, albeit indirectly.

In Robert's view, the CSD and the SIAs had been milestones in the Commission's engagement with civil society, and it was important that both these processes had been initiated long before the EU as a whole had embarked on its journey towards good governance. The CSD and SIAs had set the standards for engagement with civil society in Europe, if only because international trade was the area where the evident effects of globalisation had demonstrated the need to open up the policy space to a wider constituency.

Meanwhile, back in DG Trade, **John Clarke** was reflecting on how useful the CSD had been in bridging the perceived gap between DG Trade and civil society, particularly with reference to CSOs. Over the years, contact with many civil society groups brought about by the CSD had helped DG Trade re-shape its thinking on trade liberalisation: free trade was certainly not regarded in any way as panacea for the World's problems. Careful, progressive market opening, building a

strong set of multilateral trade rules, and ensuring developing countries took charge of their reform processes, were all equally important ingredients in harnessing globalisation and making trade a force for development. As the SIAs had shown, trade liberalisation had to be carefully assessed against socio-economic as well as environmental impacts, if it wished to deliver a successful outcome. This had been an important lesson for DG Trade and trade practitioners alike. But if the CSD had played an important role in bringing DG Trade closer to civil society, this was also true the other way round, for DG Trade had noticed over the years a diminishing opposition to its policies – a sign of the effectiveness of the dialogue.

Oxfam and WWF for example had begun a systematic engagement with DG Trade through a long-term correspondence that helped clarify and solve what had at first appeared to be unbridgeable differences. John felt that now Oxfam's position was not always fundamentally different from DG Trade's. John had also noticed that in the last year CSOs had taken a more considered view, and less opposition to the EPAs that DG Trade was in the process of negotiating with ACP countries. This could also be interpreted as a successful example of the educational purpose of the CSD, for ultimately, one of the CSD's objectives was to improve communication with its citizens and organised civil society representatives. Indeed, if the CSD was an exercise in transparency, the clearer the message, the less prone civil society would be to misunderstanding, and hence to opposition.

A few doors down the corridor from John Clarke's office was the office of **Jacques Wunenburger**, also intent on reflecting on the usefulness of a dialogue with civil society. An 'educational exercise' was one of the definitions he also jotted onto paper as he collected his thoughts for this afternoon's meeting. Jacques was heading a team responsible for the EPA negotiations with three out of the six ACP regions and it was his experience that every opportunity for meeting and discussion with civil society should be seized. EPAs in particular had provoked much misunderstanding amongst the CSO community, and speaking to

CSOs enabled them to better understand the parameters of the negotiations, their objectives, the process, the constraints involved and to dispel some of their unfounded fears and concerns.

Jacques respected entirely the views of the CSOs and accepted that they may adopt positions that were at variance with his own. He even believed that CSOs could bring added value to the process by conveying some concerns that may not have been given due consideration by DG Trade. However, CSOs could play a useful role only if they displayed a minimum effort to understand what was at stake, and based their positions on well informed evidence as opposed to prejudice – which wasn't always the case in Jacques' experience. Jacques thought of the recent rumours some CSOs had spread on how the European Commission was dragging its feet in the negotiation because it had a ready-made EPA text

that it would impose on its trading partners as the negotiations got close to the deadline! This was farcical and illustrated perfectly the importance of dialoguing with civil society to demystify such rumours. DG Trade had met with the CSOs in a number of settings including the CSD, and thankfully, as a result, some NGOs had now begun engaging in the process by looking at ways of improving EPAs, rather than rejecting them altogether.

Given the powerful influence that CSOs had on the media and on their counterparts in developing countries, ensuring that the negotiations were correctly understood by the CSOs could favour even the political environment in which the negotiations were taking place. Dialoguing with civil society was without a doubt of great importance, in Jacques' view.

The ETN meeting: why bother with the CSD?



Meanwhile, at the offices of 11.11.11 in St Gilles, Tobias facilitated the second session of the ETN meeting. Drawing on the discussions held in the first session, Tobias proceeded to clarify some thorny issues, and explore the motives behind CSOs' engagement

in the CSD, their expectations of the process and possible alternatives to the dissatisfying status quo.

"So," Tobias began, "if we look at how you described the CSD in the previous session, you have all agreed, to different degrees, on its failure to achieve its four stated objectives: wide consultation, the improvement of transparency, the addressing of your concerns and the improvement of policy-making through a structured dialogue. Taking all of your comments and views into account, I would like to ask you," he paused, "why do you engage in the CSD?"

"I have asked myself many times why I bother going," admitted Amandine. "WIDE was already engaged in the process when I took up the job, so I used the CSD to gather information I could have got from the website, but that I didn't have the time to look for myself, which I would then pass on to the member groups of the WIDE network. Moreover gender issues were not really part of the trade debate in Brussels and attending the CSD allowed me to address gender-related concerns in the discussions, whilst also increasing the visibility of WIDE in the Brussels trade scene," she concluded.

"I think that for newcomers to the trade scene, the CSD can prove very useful in terms of getting a general overview," Karin commented. "The CSD offers a broad perspective on the key issues, the players, and the rules of the game, as well as

allowing direct access to decision-makers. Such a transparent consultation mechanism would be valued in other DGs. However, once you become used to the CSD, you realise that other policy channels may be more appropriate to really influence EC positions."

"One of my personal reasons for attending the meetings," Daniel offered, "is to get a snapshot of where the debate is and assess other stakeholders' positions, particularly those of businesses, which would otherwise require much desk and internet research."

"I also think that, at times, when the conditions are right, meaning that the officials are senior enough to know the in and outs of the negotiations, and our questions are sharp enough to provoke an elaborate answer, the CSD can shed some light on some non-stated positions of the EU. This might require reading between the lines and observing their reactions, but take the example I mentioned earlier about Mandelson's refusal to discuss sugar in one of the CSD meetings. This sends us a clear signal about which are the sensitive issues for DG Trade, their Achilles' heel. This would not transpire, for instance, in a written update," Guillaume commented.

"But aren't there more efficient ways of getting hold of the same information than attending the CSD?" Alexandra Strickner asked. "We often know about the EU position through contacts we have, and share our networks with other WTO members, so I am not sure that investing time in the CSD for information retrieval, or intelligence purposes, is the most effective way."

"I agree," added Mariano, "and wouldn't it be more cost effective for the Commission to issue a written or video update, say once a month? I'm sure the information would get disseminated more widely than it does now, with no difference to transparency. As for answering our questions, they could be posted on the web section of the specific briefing and be answered within a week or two."

“I guess groups engage for different reasons,” Daniel commented. “Some groups may naively believe they can have an impact on policy by showing up. Others may be part of a big lobby apparatus that instructs them to attend. I imagine this is the case for many business representatives. Some other groups might show up out of pure democratic principle: there is space and therefore why not use it?” he concluded.

“That’s right,” exclaimed Ian. “Some organisations might want to use every available channel, and the CSD is still the most formal and institutional of these. Also, I think that an important reason for engaging in the CSD has been, and still is, at least in Solidar’s view, to engage in a dialogue with DG Trade with the aim of improving their thinking, of expanding it from narrow economics to a more interdisciplinary approach. I don’t really see other ways of changing the mainstream neo-liberal thinking of DG Trade if not by entering into a dialogue with it, be it through the CSD or any other informal channel.”

“I am not sure I agree with your analysis, Ian,” Mariano responded, “because the CSD does not allow for a political debate to take place. Most of the time it is nothing more than a briefing where NGOs and business ask for a few clarifications and put forward some statements. Frankly, I can’t see how the CSD can influence the political ideals of DG Trade. Maybe the private contacts and the exchange of views that take place in such a setting have had some kind of impact on the mainstream economics thinking of a limited number of individuals. But I don’t think this is the purpose of the CSD, nor has it truly been one of its by-products. One way to ensure that DG Trade abandons its obsolete obsession with neo-liberal economics for a more development-friendly orientation is if it starts having a more heterogeneous team, including staff with environment, social and development expertise, as well as with meaningful field experience in poor countries. DG Trade has a long way to go on this: according to the head of the human resources management unit, amongst the 209 administrative

staff there is a striking predominance of economists and legal experts. Even the World Bank changed from such a narrow human resources structure more than ten years ago,” Mariano concluded.

“I think we need to acknowledge that the ideological split is not only between CSOs and DG Trade, but amongst CSOs as well,” Charly commented. “Different groups may have different principles and different approaches to policy engagement. As you say, some groups are eager to develop a relationship of trust with the institutions, while others might opt for a more confrontational approach.”

“I agree that the organisational approach will determine the level of a group’s engagement in the CSD, but I think the organisation’s resources will also be a determining factor,” said Gérard. “Coordination Paysanne Européenne has very limited resources, both in human and financial terms, and we simply cannot afford to participate in a process that doesn’t help us achieve our objectives. I have been to the CSD a couple of times, but when I realised it was of little use in terms of accessing information or influencing DG Trade’s policy line, I simply stopped going. I am not interested in such a process,” he admitted. “I don’t have the time and wouldn’t be able to justify asking a French farmer to abandon his farm for a day or two to come and attend the CSD. What for, given its policy irrelevance?”

“Alright,” resumed Tobias. “It is clear that you are all somewhat dissatisfied with DG Trade’s engagement with civil society, though your approaches to it might differ. I would now like to move the discussion forward and ask you to think, bearing in mind your needs and expectations, what an ideal dialogue between DG Trade and civil society would look like.”

“While the format remains as it is, an uncoordinated number of ad hoc briefings, my expectations will remain low,” Claire offered. “But I would like to see DG Trade rename the current process for what it actually is – a briefing – and

be humble about its scope and limitations. In parallel, I would want DG Trade to initiate a process of consultation in which civil society organisations, and I am not referring to businesses alone, are fully engaged in the policy process from head to toe.”

“Absolutely,” agreed Eivind. “There is no point in having meetings once the policy line has already been decided. Our input should not be confined to limiting the damage of DG Trade’s policies, which is the job of the Sustainability Impact Assessments. Civil society should be part of the policy-making process from the early stages of its inception and throughout its implementation and evaluation. But it would be absurd,” he added, “to expect or demand that the CSD, or any other process DG Trade may initiate, be given any formal role in decision-making. The Commission is the executive body of the EU institutions, and its accountability is towards the European parliament and the member states, not civil society. To exert influence on EU trade policy, we need to work more in the country capitals, to influence the member states.”

“I don’t think anybody is arguing here that a consultation process should replace the formal decision-making of the EU. Ultimately the responsibility for deciding on the policy line rests in the hands of DG Trade and the Council, and to a very limited extent to the Parliament. But this is not to say that DG Trade should be exempted from any accountability regarding the choices it takes,” Marc argued.

“I agree with Marc,” added Mariano. “The accountability I see the EC should fulfil is not about CSOs being able to vote out the decisions of the Commission, but rather about the Commission being required to give account of how their negotiating position is evolving to reflect whose concerns. The Commission should clearly demonstrate how its trade positions and demands are going to fulfil its broader international commitments.”

“I think, on the subject of accountability,” Tobias suggested, “that CSOs may also need to do some self-reflection. To take this discussion forward, I would like to hear where you think the legitimacy of civil society lies, regarding its participation in policy-making.”

“I think we need to be humble about our legitimacy,” Eivind commented. “Within civil society, organisations’ legitimacy is very heterogeneous. Groups represent different interests and different constituencies, and this makes it very difficult to determine the legitimacy of civil society as a whole. But overall, I believe that attempts to define our representativeness or legitimacy are rather futile. When we are trying to influence political processes we are not in a courtroom, where we can rely on a judge to enforce our rights. So, I think the most useful strategy is to rely on the persuasiveness of our arguments when we meet with the Commission. Of course, this doesn’t mean that other more confrontational tools cannot be useful in other circumstances, such as when raising public awareness to put pressure on the Commission and the member states. But if we want to change EU trade policy and not only do public posturing, I believe that it should not matter in CSD meetings whether I represent an organisation with five or five million members.”

“Does everyone agree?” asked Tobias.

“Well,” began Gérard, “on the first point, I guess trade unions benefit from direct representation of their constituency of workers. And clearly this confers trade unions a high degree of legitimacy. At the other end of the spectrum you might find some one-man NGOs representing some very narrow area of expertise.”

“Moreover,” Alexandra Strickner intervened, “some NGOs might not be backed by a specific constituency, but they might have developed an area of expertise that ought to qualify them to input into a policy process nonetheless.”

“NGO legitimacy is a critical issue we need to come to grips with, or we will remain in a political limbo with little real influence,” said Mariano. “Trade unions have a different source of legitimacy than NGOs, and have negotiated policy space in decision-making on that basis. ActionAid believes that its legitimacy as an international development NGO derives from both direct experience of working with poor and excluded people and creating space for others’ representation. Our mandate also comes from the almost half a million European Citizens who support us. We work with poor people whose poverty and exclusion derives from the fact that they have been denied basic rights. As rights holders ourselves, we empower and create space for others to voice their concerns and claim their rights. We are engaging with the EC since it has a disproportionate amount of power over people in developing countries, and as a democratic institution it should address this problem. In this respect, Eivind I disagree with you. It is about rights and it is about claiming them back, sometimes even in the courtroom. Environmental groups have the privilege of being able to challenge the Commission in court on environmental matters, because European law encompasses this option, while unfortunately we don’t have this option for trade issues. At least not yet.”

“This seems to be a really important issue which deserves further serious reflection since it does appear confused,” resumed Tobias. “But since we are running short of time, can we move on now to discussing what an ideal dialogue with DG Trade would look like?”

“I see three possible complementary formats in which the CSD could evolve,” said Mariano. “I would keep the current meetings in the existing format and rename them policy briefings, as suggested by Claire. These briefings should be used as a communication tool for the Commission to inform us about updates and they should be open to everybody. Alongside that, I would have

regular lobby meetings where specific issues could be discussed between the technical negotiators in the Commission and a smaller group of NGOs and/or trade unions that have in-depth expertise on the issues. These lobby meetings could even take place in the offices of the Commission officials. The advantage would be that CSOs could task-share and the technical group could share information, making work more effective and efficient. If deemed appropriate, the technical group could enjoy the support of a broader group of CSOs. Such groups would have legitimacy and be representative, but their focus would be technical expertise. Finally, I would have a consultation process with regular meetings and clear follow up mechanisms that aimed to include a wider constituency in the policy process, from early drafting to implementation and evaluation. This process would need to be fully co-owned and managed by both DG Trade and CSOs. An annual high level joint event for DG Trade, trade unions and CSOs with clear legitimacy would set the terms of the debate and discuss more strategic long-term issues.”

“These would need to be well integrated, in order to ensure continuity of the process,” added Luis. “The problem at present, as Claire said, is that the CSD is just a series of ad hoc and uncoordinated meetings, together with informal channels not accessible to everyone, that cloud understanding of who is inputting what, at what stage of the policy process, and with what purpose.”

“I think that transparency in the form of a feedback mechanism clearly explaining which contributions influenced the final policy decision is key to this process,” said Myriam. “This is important both because of legitimacy issues, and also to curb the corporate bias inherent in the current policy process, which otherwise has the potential to derail any new efforts for genuine engagement with civil society.”

“But if a consultation process was initiated,” added Marc, worried about the implications of setting up lengthy consultation procedures, “CSOs would have to realise that it would not be possible to engage in every consultation or provide input on every issue. CSOs are understaffed and already overworked; engaging fully in a consultation process requires real commitment, time and resources if the input is to be valuable and effective. And it is also important to engage with meetings with national decision-makers who can influence European trade policy via the Council. For a consultation process with DG Trade, CSOs would have to work through their networks and develop specialised expertise to share with each other, based on common principles and understanding. Something similar to what is in place in the Seattle to Brussels network could work, whereby trade issues are covered without the direct involvement of each member group, allowing for a more focused and qualitative approach to policy analysis and engagement.”

“I agree,” said Luis. “But I don’t think we are ready right now to engage in a more structured consultation process with DG Trade. We weren’t ready a few years ago and that is why we ended up with a process we are not satisfied with. If we want to engage with a policy process, we need to prepare ourselves well, and this will require a considerable amount of time and a well thought-out strategy.”

“And we need to stop using difficulties finding the resources for this commitment as an excuse for failure to enact change,” added Mariano.

“Alright,” said Tobias, “but if we arrived at the point when we felt prepared to engage fully and effectively in a participatory policy process, how could we ensure that DG Trade would act upon our requests?”

“We need to assert our bargaining power with DG Trade,” replied Daniel.

“A couple of months back,” said Charly, “DG Trade organised a meeting with civil society in Riga, Latvia, in October and asked an NGO representative to attend the meeting on behalf of civil society and give a presentation on our views and experience in engaging with DG Trade in the CSD,” he explained. “Given that we were currently carrying out this evaluation of the CSD, we recommended sending Kim, our research consultant, to present initial findings of the study and to gather information. But DG Trade got back to us saying the civil society representative should be a member of the CSD’s contact group. So I ended up going myself, since I am a member of the contact group and nobody else was available. But I found DG Trade’s argument a bit disconcerting, because I didn’t realise the contact group was supposed to be a representation space. I thought it was simply a channel between families of European interest groups and DG Trade. I realised later that nobody actually knows for sure what the contact group’s exact nature, function or purpose is. In a situation like that, what happens is that people fill the regulatory vacuum with their own interests, and that’s clearly a problem.”

“It would be useful to look at successful examples of institutional engagement with civil society elsewhere and assess whether these could be applicable to DG Trade,” Eivind suggested. “The CSD is not an isolated case: I know that in Denmark, for instance, the Beach Club has proved very successful in generating an effective policy engagement between the foreign ministry and CSOs on trade policy. DG Trade, and even we ourselves, might be able to learn from these experiences.”

“The experience of participatory budgeting in Brazil is also interesting,” added Mariano.²⁵

²⁵ Participatory budgeting is a process of democratic deliberation and decision-making, in which ordinary city residents decide how to allocate part of a municipal or public budget. The first full participatory budgeting process was developed in the city of Porto Alegre, Brazil, starting in 1989. Various studies have suggested that participatory budgeting results in more equitable public spending, higher quality of life, increased satisfaction of basic needs, greater government transparency and accountability, increased levels of public participation (especially by marginalized residents), and democratic and citizenship learning.

“There was an interesting case in Germany last year that saw a similar situation to the one we currently have in Brussels, though I am not sure what lessons we can learn from it,” Daniel offered. “Last year the CSOs were highly dissatisfied with the trade ministry’s CSD equivalent: they were frustrated by the lack of useful information shared in the meetings leading up to and at Hong Kong. So we initially wrote to the ministry informing them of our dissatisfaction and calling for a different kind of dialogue, and many of us stopped attending. At first, the ministry didn’t even reply to our letter, but when we published it in a publication we produced and distributed to parliamentarians, surprise, surprise, soon afterwards we received a reply from the ministry. But it is still unclear whether there has been any serious consideration of our requests.

“I agree that a more assertive approach is needed, and boycotting meetings might put DG Trade under pressure to re-open the terms of engagement,” said Gérard, “but we would need to prepare well for the reactions of both DG Trade and other CSOs who would not support this approach,” he warned. There was pause as people in the room acknowledged the difficulty of acting in unison in certain contentious situations.

“Alright,” said Tobias, “this is an interesting approach you are suggesting and I guess we should organise a separate meeting to discuss in more detail what strategy we could pursue to make sure we get the deal we want.” Time was nearly up, and they would need to get going if they wished to arrive at the CSD meeting on time. “Let’s use the last few minutes to sum up the main points of this session and identify a few key recommendations, both for ourselves and for DG Trade,” he suggested, picking up a marker pen and walking towards the whiteboard.

DG Trade: preparing a response



Manuela was immersed in preparation for the meeting that was about to start. She was going through the notes and the voice record of a meeting she had helped organise a few weeks before between some of her colleagues, including Haitze Siemers and Eva, and one of the consultants charged with DG Trade's assessment of the CSD.

She recalled how Rupert Schlegelmilch, head of unit for sustainable development and dialogue with civil society, had begun by informing the meeting that, regrettably, he would only be able to attend for the first twenty minutes and inviting her to take over the meeting. She introduced the consultant to the group and explained that the objective of the meeting was to seek clarification and better understanding on some issues that civil society representatives had raised with the consultant in an initial round of interviews. The consultant would prompt questions and issues as they were raised, in order to facilitate the discussion, not necessarily to represent her views. The consultant began by asking Haitze Siemers, the first DG Trade official to coordinate the CSD, for an overview of the CSD's inception and its early features.

"Sure," Haitze said. "I joined DG Trade in September 1999, back from the EC Delegation in Japan and, as the NGO contact point, I was asked to organise a couple of meetings with civil society in view of the Seattle WTO Ministerial due to take place that November. DG I, as it was called at that time, had already started some general meetings with civil society that year, as it became increasingly clear that there was a strong opposition to the WTO from civil society. A big

concern from the Commission's perspective was that civil society was one big amalgam: we were unable to make a clear distinction between organisations who were prepared to discuss trade liberalisation and those who were so opposed to it that they would not even sit at the table with us. But when we got back from Seattle, we had a clear sense that something needed to be done to strengthen communication with civil society. We had some time at that point to think carefully how we would handle discussions in the future, helped by the fact that the new Commissioner, Lamy, attached great importance to a dialogue with civil society. So we managed to set up something more structured than the previous general meetings. More targeted and differentiated meetings helped move away from large meetings where a crowd of civil society representatives would mainly just let off steam, creating instead the time and space for more in-depth discussions."

"Could you tell us briefly what exactly you, as the NGO contact point, were tasked with after Seattle and what you regard as the main achievements of the time?" the consultant then asked.

"Sure," Haitze said, "I had to develop a structured dialogue which had maximum usefulness for us."

"What do you mean?" the consultant interrupted.

"I knew you were going to pick up on that one," Haitze replied, smiling. "We needed a dialogue which served communication and would reduce pressure as both sides increased their mutual understanding. I would say the main achievement was that the dialogue contributed to building a relationship of trust between the parties."

Interesting, thought the consultant, since the consultants' stakeholder survey so far clearly revealed that this was currently considered the main weakness of the dialogue. She wondered what had happened to cause this change.

“It seems that different interpretations of accountability and transparency within this dialogue have been important sources of frustration and divergence,” the consultant continued.

“Well, the policy dialogue was a response to civil society’s criticism of the lack of transparency of WTO negotiations, and their lack of say,” Haitze replied. “So the main purpose of the dialogue was to exchange views and information to increase transparency. But the Commission’s line on involving civil society in actual trade policy-making was clearly drawn: there is an institutional setting – including the Council and the Parliament, to whom the Commission is directly accountable – and the dialogue was set up to fit within that framework.”

“Sure,” the consultant said, “but did you see other forms of accountability at work, such as explaining to what extent some concerns had been taken on board, and why these and not others?”

“Well, the institutional accountability lies solely within the institutions. The dialogue is an exchange of views where both parties gain something, without having to enter into any accountability pattern. At the same time, a functioning dialogue based on mutual trust allows the parties to share information and understand each other’s positions,” Haitze continued.

“And what about accountability in terms of providing feedback to the groups the Commission engages with during the dialogue process? Or giving an account of how decisions taken reflect the views and concerns of the stakeholder groups and have lived up to the commitments made?” the consultant prompted.

“I would say that that sort of accountability is very much a political choice up to the Commissioner,” Rupert offered in reply, “as there is no compelling law which makes us accountable in that way. But a good civil society process includes this element, which is already taking place at the general

meetings with the Commissioner. Besides the institutions mandated to take decisions, there is a legitimate role for civil society as the voice of organised stakeholders. Council and Parliament are the final decision-makers, but they are not the only opinion formers. Civil society’s role is not just in terms of contributing technical expertise, but also in terms of political reflection. If we look at accountability not as a legal concept but in the wider sense, certainly the Commission has to take into account the views of different stakeholders.”

“Ok, thanks,” the consultant said. “Now, let’s move on to a related issue: transparency. What is your reading of transparency in this process and how has it evolved?”

“At the time,” Haitze said, “we thought it was important to ensure transparency in the dialogue, so we made an effort to post contributions we got from civil society on the website. Feedback was provided on some issues, including the comments that NGO positions and views had contributed. Something of the dialogue process would certainly have been missing if we hadn’t done this.”

“I don’t think we post civil society positions and statements on our website any more,” Manuela added, looking at Rupert. “This has been raised by some groups.”

Rupert nodded thoughtfully. “I don’t have strong feelings about it, or a definite answer,” he said. “It is something we could look into further.” Manuela had taken note of this as a follow up point.

“And how did you regard the diminishing attendance at meetings?” the consultant asked next.

“Well, we discussed this with civil society on occasions but never really understood what the problem was, if indeed there was one” Haitze answered. “Sometimes we felt that only a few CSOs were up to speed and could engage at a deeper level, while some contributions were what I would call below par. So I didn’t see lowering

attendance as necessarily bad: as in a natural selection process a smaller group of CSOs, really able to actively engage at technical levels, remained engaged.”

“I agree,” Rupert said, “and I would add that there is a clear link between the quality of engagement in meetings and the level of feedback. The depth and accuracy of the Commission’s answers to civil society depend very much on the quality of the input received.”

“Regarding inclusiveness,” the consultant continued, “some groups feel that the policy dialogue – contrary to the commitments of the White Paper on governance – excludes representatives from developing countries, who have a direct interest in trade negotiations, and take the travel reimbursement scheme as an example. What do you think?”

“At the time, we felt it appropriate to limit the policy dialogue to European civil society,” Haitze had answered. “Since the policy dialogue was about European trade policy-making, we considered it important to collect opinions of European civil society, which is why eligibility to the travel reimbursement scheme was limited. But this didn’t stop us accommodating ad hoc requests to have developing country representatives attend.”

“Yes,” Rupert added “and the travel reimbursement scheme has now changed so that it is possible for CSO representatives from outside Europe to benefit from it. But I think we should revise the eligibility criteria and procedures, because they might not be very clear.”

“We are running short of time, so here is my last question,” the consultant said. “In your view what has the impact of the policy dialogue been in shaping the Commission’s view on trade negotiations, and how can CSOs help the dialogue better?”

“I think there are several examples where a policy issue would not have been handled in the same way if it had not been advocated by civil society organisations,” Eva commented. “Of course it would be very difficult to pin it down to any specific advocacy action, but in my view having a structured dialogue with all these components – different types of meetings, a contact group, exchanges of documents, participation in ministerial conferences – has had an impact, particularly in terms of creating a confident working relationship. In terms of issues, I would say that environment and access to medicines are the ones in which civil society has had the greatest impact.”

“Yes, I agree,” added Rupert. “And I would add that CSOs should realise that some of these issues require some technical backup, and use this to engage more with details, rather than simply dismissing liberalisation altogether when a problem comes up somewhere. In the case of water privatisation in Bolivia, for example, we would agree that something went wrong, but want to know why it would or would not work elsewhere. So we would need to look carefully at differences in the regulatory environment in different countries. CSOs should sometimes make an effort to go beyond the very simple rhetoric and have a real debate on which conditions would enable or constrain positive liberalisation. We have sometimes achieved debates of this kind, but often we fail to arrive at this issue.”

“For CSOs, an option would be to concentrate on a few issues which really matter, focus the limited resources and achieve a greater level of in depth discussion, and – in return – better feedback,” suggested Haitze.

Manuela had almost finished listening to the recording when she recognised Eva’s laughter in the corridor. It was three o’clock and the meeting was about to start. Manuela packed her notes into her briefcase and began making her way to the conference room.

Recommendations

The top floor of the 11.11.11. building was now in semi-darkness. It was half past two, and the ETN members were already on their way to the CSD meeting at DG Trade's conference rooms in the Charlemagne building in the heart of Brussels EU quarter, Rond-Point Schumann.

Standing alone, and glowing a pale white, was the whiteboard displaying, in thick blue ink, the key recommendations coming out of the morning's ETN meeting. It read:

Dialogue processes suggest that there is a lack of trust between the different stakeholders in the CSD. We therefore recommend opening up a six-month reflection and experimentation period intended to build a 'confident working relationship'. During this trial period, the EC and CSOs will work together to test out and monitor changes to the CSD. An initial meeting can be arranged to collectively outline milestones for change, using the following recommendations as a guide,

Specific recommendations to DG Trade:

- 1 DG Trade should engage with CSOs to discuss and agree ways to enable technical as well as policy contributions within the CSD.

How will this work in practice?

- a The purpose and function of meetings should be clearly defined from the outset, so that participants are clear about what to expect.
- b The different functions of the space may be divided into three categories:
 - i consultation space on policy issues
 - ii technical space for experts on specific trade issues
 - iii information / briefing space.

- c The stakeholders need to clarify which of the three functions the current CSD setting belongs to and adjust it accordingly.

DG Trade and CSOs together should discuss how this could be organised in the most effective way possible. There will be different processes for each space. For example, the consultation space requires a greater degree of feedback from DG Trade, whereas the information sharing space does not.

- 2 A functional and exhaustive feedback mechanism must be at the heart of the policy engagement with civil society.

How will this work in practice?

- a The European Commission should be able to offer meaningful feedback on discussion points raised in meetings and on the website, and explain how and to what extent they have or have not taken into consideration the specific concerns raised by CSOs in the debate.

- 3 The participation of CSO representatives from within Europe must be improved.

How will this work in practice?

- a A web based CSD should be established to enable structured discussions on a broad range of trade topics.
- b The web dialogue should be moderated by DG Trade.
- c DG Trade must provide substantive feedback on proposals from CSOs, and on concerns arising from policy research and reports.
- d CSD meetings could take place in other European capitals.

- 4** The participation of CSO representatives from outside the EU must be improved in accordance with the White Paper on Governance.

How will this work in practice?

- a** The guidelines on travel expenses for CSO representatives from developing countries need to be clarified.
- b** ‘Advocasts’ (easily set up web-based camera links) should be explored to bring in more voices of people from developing countries with very limited costs.
- c** A web dialogue should be set up.

- 5** The transparency of the CSD must be improved.

How will this work in practice?

- a** The website should accommodate CSO policy documents and positions, as well as those of the European Commission.
- b** The website can also be used to reach out to a broader audience (see point 2 above).
- c** Minutes of each meeting should be taken, circulated and put on the website.
- d** DG Trade should adopt binding guidelines for CSD consultations to start at least six months before the adoption of any communication.

- 6** Awareness of the CSD must be improved.

How will this work in practice?

- a** Information about CSD should be part of welcome packs and internal training throughout DG Trade.
- b** An annual ‘trade day’ event should take place in which all parties can showcase their work and high level discussions can take place which engage people in key policy debates. For example, CSOs could show-case good examples of alternatives: forestry schemes that make timber trade sustainable; agro-ecological practices that empower producers; projects that ensure workers a decent wage; agro-processing projects that put producers in a better position in trade relationships, etc.

- 7** The role of the contact group must be clarified by both DG Trade and by CSOs.

How will this work in practice?

- a** CSD stakeholders should review ToRs for the contact group members. Clear principles for action should be outlined.
- b** The contact group should be an interface between DG Trade and CSOs.
- c** The basis for selecting contact group members should be clear and transparent and should be outlined in the ToRs.

Recommendations specifically to CSOs:

- 1 CSOs need to further sharpen their practice in relation to trade policy.
- 2 CSOs should take a more proactive approach and assert bargaining power when engaging in policy.
- 3 CSOs should hold an internal process of reflection as a precondition for engaging in any new process.
- 4 CSOs should do a self assessment of needs and capacities and devise a cooperative strategy to manage the engagement effectively, for instance by sharing tasks, responsibilities, expertise and resources.
- 5 CSOs should cooperate more with a view to shaping the political agenda and the forum within which the agenda is discussed. They should develop a greater understanding of the power dynamics involved, an ability to learn from past experiences of success and failure in policy shaping, and a more cohesive and strategic approach involving the identification of common working ground.
- 6 CSOs should agree principals for channelling information from the contact group to its broader constituencies.
- 7 CSOs need to develop a better analysis of the policy arena.
- 8 CSOs should assess the channels of engagement more rigorously, identifying their scope and purpose in order to develop a more strategic approach.
- 9 CSOs should clearly identify why and how organisational objectives relate to working with existing policy structures, so that engagement has clear purpose.

Awakening

The CSD meeting was about to start. It was almost 3 o'clock and an assistant was at the desk outside the conference room welcoming the last attendees. She handed them badges and directed them into the large oval-shaped room where Manuela was standing at the far end, welcoming her colleagues to the meeting and showing them their respective seats around the large crescent moon-shaped panel. As the participants entered the room one by one, the factions slowly became clearly displayed, for as usual NGO and trade union representatives grouped together on one side of the room, whilst business representatives collected on the opposite side, creating a clear colour scheme: one half displayed all the tones of grey, and the other the colours of the rainbow. Participants entering the room were naturally drawn to one side of the room or the other, like butterflies drawn to flowers by their colours.

Manuela was happy with the turn out. Not everyone registered had turned up, but the attendance was high, despite Mandelson's participation still being unknown. She waited for the last people to sit down and, as the clock struck the hour, she took the microphone and announced to the audience: "Wake up! Wake up!"

Epilogue

"Wake up! Wake up!" I heard a voice calling as I slowly regained consciousness. "We are closing this part of the park, Sir. Please make your way to the exit."

I slowly sat up and could feel the heat being released by the stone bench. The sun was about to set and I had only a few minutes left of sunlight before yet another day was over. Quickly, I pulled out pen and paper and began noting down all the thoughts I could still retrieve from my sleepy head, using the bench as a hard surface to lean on. I wanted to capture the main points before they evaporated into the humid evening air.

The challenges facing an effective dialogue between DG Trade and civil society appeared to be many, as were views and perspectives on the purpose of the CSD. DG Trade officials clearly had never intended the CSD to be a process of policy consultation, but set it up in order to make trade policy more transparent, clarify their position and, at times, demystify it, for officials in DG Trade often felt that civil society misunderstood the ins-and-outs of trade policy.

The business representatives' views were similar to DG Trade's: they saw the CSD's purpose as sharing information and clarifying any doubts surrounding particular areas of trade negotiations. Both DG Trade and business representatives believe that the CSD has fulfilled its objectives, though some business representatives acknowledge that the stated objectives of the CSD are ambiguous and could suggest a greater policy engagement that is not the case, nor would be desirable, in their view.

In stark contrast to the views of business and DG Trade are those of the CSO community. Many CSOs see the CSD as a failure, for they do not see any ambiguity in its objectives, but simply see DG Trade as having set objectives for itself that it has consistently failed to meet. Only a small number of stakeholders participate regularly in the meetings, suggesting a general lack of interest in the CSD, and the meetings themselves have failed to increase transparency in trade policy to any substantial degree. Key documents are not shared, nor are the Commission's negotiating strategies. However, according to the CSOs, the CSD's major failure has been its inability to create a space for engaging in a discussion that is as much political as technical, for CSOs find that meetings are typically either too technical or too general, and never allow for a political debate to take place which might question DG Trade's underlying assumptions. This has ultimately inhibited any influence on DG Trade's policy line.

Frustration has become common amongst CSOs because the CSD represents the only formal forum for them to engage with DG Trade. Although other (informal) channels are available, CSOs see the need for a formal process of policy consultation and the need for change from the current status quo. Amongst the CSOs, the major questions appear to concern the pace at which such changes should happen, and the long-term vision that would allow for an effective dialogue to take place.

However, the time is ripe to push for change in the way DG Trade engages with civil society. The European Union as a whole has embarked on a period of reflection following the French and

Dutch rejection of the European Constitution, and DG Trade itself has begun a review process of the CSD. However, CSOs and other players must ensure that they do not simply follow the process, but lead it: there is a tendency amongst CSOs to be reactive towards DG Trade's agenda, as opposed to setting it.

It is not clear what DG Trade will do with the results of their review, but if civil society is truly a co-owner of the process, as DG Trade claims, then civil society retains the right to co-decide on the time and pace of any changes that will affect the CSD and the wider engagement with DG Trade. It is up to the stakeholders to exert their bargaining power in this process. CSOs and trade unions in particular should remember that the dialogue cannot take place unless they accept the engagement and should work together strategically to ensure that the outcome is openly democratic, active, dynamic, accountable and transparent.

As I jotted down these reflections, I still wasn't sure how I would present the findings of the study. I knew that I would have to come up with something original if I wanted not only to ensure that people would read the study, but that the power dynamics, the underlying hopes and expectations, and the genuine feelings and thoughts of all those interviewed would filter through the pages, just as they had in my dream. The guard's whistle announced the closing of the gates.

I think I may have a first sentence: "Manuela said she would call up her colleagues herself..."

Annex A

List of interviewees*

Surname	Name	Title	Organisation
NGOs			
Bach	Amandine	Privatisation Project Coordinator	Women in Development Europe (WIDE)
Benyik	Matyas	President	Attach Hungary
Choplin	Gérard	Coordinator	Coordination Paysanne Européenne
Derry	Ian	International Cooperation Coordinator	Solidar
Gonzales	Alexandra	Trade Policy Officer	Royal Society for the Protection of Birds (RSPB)
Hoff	Eivind	Trade and Investment Advisor	World Wildlife Fund (WWF)
Heumber	Alexandra	EU Liaison Office	MSF
Iossa	Mariano	Food and Trade Policy Adviser	ActionAid
Lebeda	Petr	Director	Glopolis
Légaut	Guillaume	Policy Officer	Coopération Internationale pour le Développement et la Solidarité (CIDSE)
Maes	Marc	Trade Policy Officer	11.11.11. – Coalition of the Flemish North-South Movement
Mittler	Daniel	Former Trade Policy Advisor	Greenpeace
Morago	Luis	Head of EU Advocacy Office	Oxfam International
Poppe	Charly	Trade Programme Coordinator	Friends of the Earth Europe
Reichert	Tobias	Board member of German watch, and member of ETN and German NGO forum working group	Independent consultant
Strickner	Alexandra	Director of the Trade information project, Geneva Office	Institute for Agricultural Trade Policy (IATP)
Ulmer	Karin	Policy and Gender officer	Aprodev
Van Dillen	Bob	Programme Manager	CordAid
Vander Stichele	Myriam	Senior Researcher	Center for Research on Multinational Corporations (SOMO)
Wandel	Alexandra	Trade Campaign Coordinator	Friends of the Earth Europe
Trade Unions			
Courteille	Claire	Policy Advisor	ITUC – the International Trade Union Confederation (ITUC)
EU			
Clarke	John	Coordinator, WTO Affairs	DG Trade
Geleng	Manuela	Coordinator – Dialogue with Civil Society	DG Trade
Kaluzynska	Eva	Press Officer	European Commission Permanent Representation to the UK
Madelin	Robert	Director General	DG Sanco
Schlegelmilch	Rupert	Head of Unit	DG Trade
Siemers	Haitze	Policy Officer	DG Fish
Wunenburger	Jacques	Head of Unit	DG Trade
Business			
Kamphöner	Ralph	Senior Adviser International Trade	Eurocommerce
Kerneis	Pascal	Managing Director	European Services Forum (ESF)
van den Hoven	Adrian	Director of International Relations	BusinessEurope (formerly UNICE)

While all interviewees provided useful input to this Story of change, we have not included all their views. Not only was the length of the report limited, but we also wished to avoid repetitions where other interviewees had provided similar input in more detail.

What is the ETN?

The European Trade Network (ETN) brings together European civil society organisations working on trade at national, international or European level, such as non governmental organisations (NGOs), trade unions and farmers organisations. ETN member organisations work towards the common objectives of sustainable development and poverty reduction. They actively promote trade policy that is just and that is conducted in an open, transparent and inclusive manner. The 'added value' of the ETN is to provide a forum for sharing information on research and awareness raising actions and strategising for lobbying, campaigning and advocacy activities towards the EU Institutions and Governments on issues of common interest in trade.

For comments and feedback on *Critical stories of change*, please contact the Knowledge Initiative at ActionAid: knowledgeinitiative@actionaid.org

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ActionAid is an international anti-poverty agency working in over 40 countries, taking sides with poor people to end poverty and injustice together.

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