



How people of the European Commission
reacted to outside politics
regarding the
Economic Partnership Agreements

Rogier Elshout
0347256
r.j.elshout@students.uu.nl
instructor: dr. Albert Meijer

bachelor thesis
"leerkring bestuur en beleid"
Bestuurs- en Organiseringswetenschap,
Utrecht University

Final report – may 30th 2008

1. Stories from Brussels, one story from me

The first day I arrived my colleagues were laughing: "haha, welcome to the neo-colonialist unit. From the first day, you will get tomatoes in your face." The NGOs use the press and fight a lot about us doing evil things. I knew that, and I realise it every time.

At the beginning of this negotiations I was expecting more help from the NGO's, but I have been disappointed so many times, that I don't expect much now. But I still give it a chance. Because it has not worked before, it is not that it will never work.

The NGOs are, for better or worse -largely for better – they are the public arbiters whether or not a policy is [pro development]. The average European looks to those NGOs to understand whether a policy is right or not. They don't listen to the Commission.

We are not paid by big companies to screw the Africans and take their markets. That is not the reality here. And that is the image created by oxfam.

The constant debate has forced us to be on our toes. and that is good, but it is difficult also because some of the messages been gravely misleading and unjustified and sometimes their message has been simply wrong. Just plain wrong. And by pushing this message so hard they made it difficult for us to make the good deals.

im not sure they have any theory. They are just against

But I don't really know what their aim was. Honestly. I understand that people might have problems with EPAs, but Oxfam was far to ideological and so I don't now what they were trying to achieve. For me it was totally unrealistic and irresponsible. And as Mandelson said in the press last year, he was so pissed by how negative they were and never changed the message.

It is in Cotonou, an international agreement signed by all EU member states and ACP countries. And it has to be in compliance with WTO rules. We have said that there is a wide margin of interpretation as to what these WTO rules mean, and we believe that we exploited these margins. But if your interpretation of these WTO rules is that there are no rules, then we disagree.

For us it is a matter of fact that we have to respect WTO rules. And that is not negotiable. That is simple there. For very good reasons. [...] If this has costs, we are prepared to assist with the costs, but there are cost that cannot be avoided. It is impossible to go the WTO and say "for the coming 40 years we don't want the ACP to dismantle their tariffs"

Unfortunately, the basic reactions to the voice within this institution is disappointment and exasperation. [...] By the consistent refusal of accurately represent the EC policy, to actually represent the facts. Most NGOs have only very recently started to develop resources for actually analysing trade economics. It is not something they focussed on.

in the end, have the EPAs changed in the actual text?

Yes off course, in a negotiation it is evolving

because of the voice?

[Thinks]: I don't think so. Difficult to say. But we have negotiations with our counterparts, not with Oxfam. And our counterparts [thinks long time], no they don't really listen to... it has influenced the process, but not really [...tells how Oxfam got faded out in an ACP country...]and that is because they have said "no to the EPA". They didn't say "yes to EPA, but with this and this and this change". If they would have done so, and it was a little bit wise [...] concrete analyses, but they didn't do so. So they couldn't influence. Those who could, were those who

were precise [gives example of ACP business interests].

Do you sometime personally get angry or frustrated when you read someth...

Well, doesn't it show?? Do I not look and sound frustrated this last hour??? The consistent misrepresentation in this dossier by NGOs is the single most aggravating thing I've come across in this job. I can live with French criticizing our position in Doha, I don't mind the Chinese complain about tariff barriers... But the endless, endless misrepresentation of our position by NGOs on EPAs is aggravating to the extreme.

you talked about mistakes and misleading arguments...

Yes I think that is very frustrating. I think if you work with someone. and you believe in something and you worked hard on in and you present your case and have your arguments, and then someone twisting them and throw 'm back in your face, that is discouraging , that doesn't feel too good

And besides not feeling too good, did it have consequences for how people here work?

Nooooooh. not really. beyond that you have to be aware that this might be happening and you have to make a good argument...

On the one hand you said that you still have the ongoing dialogue and relation with them, on the other hand it might be frustrating...

yeah...[long silence]

that can be both?

yes sure [long silence]

you are not married?

no...?

look at your parents. I'm sure they disagree on everything and they are still pretty civil to each other [laughter];

They [NGO's] don't sell any t-shirts by agreeing with the EC

I've come across a lot of the same stories. [...] were there internal communications?

I don't think there is a specific brainwashing. There is a very intensive cooperation in determining the line on what we do. And when we have agreed on that, it is much easier to communicate the same way. I have never got instructions on what I should or should not say on the EPA's.

These are fragments of the stories by civil servants of the European Commission (EC) who are involved in the negotiations with African, Caribbean and Pacific states (ACP) on new trade-and development agreements (EPA's) . It is argued that the mosgt common way to influence policies in the EU is by “access”, direct lobbying those who are in charge. The main prerequisites for protest politics or “voice” are absent in the case of the EC:

(1)elected responsables who face not to be re-elected if pressured by (2)concerned people. The European Commission is a bureaucracy, with appointed heads, and the Europeans couldn't care less about what goes on in Brussels. Yet, European development NGOs have protested intensively against these agreements.

How did the Brussels civil servants react to this voice? What did they think of it? What do they think happened to the EPAs? How did they respond? And why? What did it do with their relation with those NGOs? And what did they discuss at the coffee machine?

I interviewed 9 of them. From that I constructed a story. The selection of quotes above, taken from different interviews, more or less tells it.

A story of bureaucrats that are not only very loyal to the EC, but also very devoted to what they are doing. Their stories are surprisingly coherent, Even though they assured me

there are no guidelines on what they have to say. They worked closely together and are used to have to defend their work and their commissioners. It varied from one blindly defending the commissioner “on auto pilot” to one who was very critical about the commissioner and even dared to say that the “EC is slightly too liberal”, but all honestly believing that the EPAs are good. Not only for Europe's business, but notably to help ACP countries develop. And they see no alternative. There is the WTO deadline, past treaties and only one way forward.

People who stand on the street and shout a simple “We don't want this” or “The WTO deadline is not the end of the world” is something they cannot handle. They are looking for facts. Hard data, arguments. Not pressure. “Come inside and we will discuss the facts. Which paragraph should be changed and how? On which analyses do you base it? Tell us, we want you to help us and find the best solution, as long as it fits in our basic framework”.

People who stand outside and shout a “misleading” or “false” or “only half” story, makes them disappointed, some even frustrated. And it causes them a lot of work. Explaining again. And again. Why they are right and the others wrong. Because politicians in the Member States and ACP countries do feel the pressure and get worried. If they do not devote a lot of time “balancing the debate”, comforting national governments by explaining that the NGOs are wrong and helping to get the pressure off the backs of national leaders, the EPAs are in danger. But they also communicate more because they feel that they should be accountable to the citizens. Europe already has such a negative image, and they believe in Europe and the good intentions of their policy.

They feel they are accused of working for the industry lobby. But they all say that the industry lobby was absent, and remained absent despite the attention drawn to it.

Some are even very angry at the NGOs, notably Oxfam. But they feel it is part of the game. Birds build nests, NGOs protest. Plus, they understand the NGOs have to show their constituencies they are worth donations. So they remain welcome. Because that is how it works in the EC; everybody is welcome. Even though some will go for a coffee when the NGOs tell “the same story over and over again”.

And how does the story end? The demonstrations will go by, the EPAs will be concluded inevitably and will of course be good for the children in Africa, and everything will go back to normal.

content

1. Stories from Brussels, one story from me.....	2
2.Introduction.....	6
3.context: EPAs, EU decision making and Trade policies.....	7
3.1.EPA's: The long way to new agreements.....	7
3.2. influence of 'voice' in the EU: theoretically speaking.....	9
3.3.effects of voice: hypothetically speaking.....	13
4.Research topic defined.....	19
4.1. Narrowing down: Focus of this research	19
4.2.Research questions.....	22
4.3.Scientific relevance.....	23
4.4.practical relevance.....	24
5.research methods.....	24
5.1. type of research.....	24
5.2. operationalisation.....	24
5.3.data collection.....	24
6.Findings.....	27
6.1.Introduction to the findings.....	27
6.2.voice according to the respondents.....	27
6.3.Impressions from the respondents.....	31
6.4. Effects of voice according to the respondents.....	35
6.5.Are they brainwashed?.....	43
7.Conclusions.....	44
7.1. Introduction to the conclusions.....	44
7.2.Effects of voice according the EC structured along my theory.....	44
7.3.This case: an incentive to use voice?.....	46
8.agenda for future research.....	47
9.A word to conclude.....	47
10.Literature.....	47
11.Planning.....	49
12.anex: topic list.....	50
12.1.Introduction.....	50
12.2.questions.....	50
12.3.thank you.....	52

List of abbreviations:

- ACP – African, Caribbean and Pacific countries (former colonies of European nations)
- CSD – civil society Dialogue. Institutionalised method of involving Civil Society in the European Commission.
- EBA – Everything but arms. WTO approved agreement meaning no tariffs for the Least Developed Countries for every product except for arms.
- DG – Directorate General. “ ministry” of the European Commission
~DEV – DG development and relations with ACP countries
~TRADE – DG external trade
- EC – European Commission, executive organ of the European Union (EC does thus not refer to European Community!)
- EP – European Parliament
- EPA – Economic Partnership Agreement.
- EU – European Union
- FTA – free trade agreement. Trade agreement that liberalises substantially all trade so the “most preferred principle no longer has to apply
- GSP – Generalised System of Preferences: current system of tariffs that apply to all ACP countries not falling under the GSP
- MS – Member State of the European Union
- NGO – Non governmental organisation. In my context “pro fair trade development NGOs”
- WTO – World Trade Organisation

2. Introduction

Much has been said about the democratic deficit of the European Union (for instance Gillingham 2003; Moravcsik 2003). An important aspect of that should be attributed to the absence of a European “demos”. Governance in the EU is often perceived as taking place behind closed doors. Interest groups have many opportunities to join the meetings and lobbies. Thousands of groups and people do. From very specific interests, to very diffuse interests. All of them trying to move the EU policies towards their preferences. Most of that taking place in silence. But not everything. Many interest groups try to get what they want by making noise. From organised farmers dumping tomatoes in front of the European Parliament announced in a professional press release to lonely protesters with their self made leaflets. From demonstrations that try to get to the news with as many demonstrators as possible, to lunches for renowned experts

Much is written about lobbying in “Brussels”. From descriptive (what methods are used (notably Beyers 2004)), to normative (is it a danger for the democracy, or promoting it (for instance Follesdal & Hix 2006)), to advisory (how to manage the Brussels arena (for instance Van Schendelen 2004)). Both advisory and descriptive authors state that noise is something to be hesitant with. It might harm your cause, or at least be a waste of precious time and money. Yet, many organisations combine their “inside” tactics with “outside” tactics. And Even though research has been done on what methods are used, little is known of what the effects are.

From what about outside politics is known, few of that seems to be applicable to the EU. Theories that derive from effects because of costs for policy-makers that face a problem with their constituency, the ones that elected them and are needed to re-elect them, become problematic in the EU, where media remain largely absent and constituencies hardly know or care what goes on.

Of all institutions, this seems most the case for the European Commission (EC). Commissioners appointed by national governments that seem to lack any forum that they are accountable to, and a bureaucracy that is largely seen as technocratic.

Last summer, the Dutch Christian labour-union youth (CNV jongeren) went to festivals to collect signatures against the Economic Partnership Agreements (EPAs). Due to WTO incompatibility, the old trade agreements with the almost 80 former colonies in Africa, the Caribbean and the Pacific had to be renewed before January first. They aim to promote trade and development of the ACP countries by removing trade barriers and assisting in economic development. Many NGOs are sceptical. They are afraid that instead of improving the economic situation, they will form an obstacle for development and reducing of poverty.

The campaign of the CNV(aanpakkendiehandel.nl) was not the only outside method used. Many websites, magazines, demonstrations and side events have taken place. EPA's are amongst the most controversial of EU policies.

Still only one of the six ACP regions has signed the EPA (li42). Around the Euro-Africa summit in December, president Barosso himself offered his mediation in the matter (ipsnews.net). The Commission published “6 misconceptions about EPAs” (EC 2008b). Apparently, Even though common conceptions of using outside methods may not apply to the EC, there seem to be effects. This case seems an interesting case to construct a story of how noise from the streets, brochures, speeches, press releases and other reached inside the mysterious EC Building and what it has caused at the Eurocrats in there. What do they think happened to the EPAs? How did they respond? What did it do with their relation with those NGOs? Or: “What have been the perceived effects of outside politics on the European Commission”?

3.context: EPAs, EU decision making and Trade policies

3.1.Historical relation EU – ACP

More than 50 years ago, two simultaneous processes started. The first was the integration of the European nation states in the European Union and its predecessors. The other was the de-colonisation of the African, Caribbean and Pacific (ACP) colonies. Already the treaty of Rome gave the Overseas Countries and Territories (OCT) a legal basis for cooperation. The special relation between the former colonies was continued in several treaties. After the Yaoundé and Lomé conventions, the Cotonou agreements (2000) were the most recent, granting preferential market access to the 78 ACP countries.

For a long time, privileged access to the European markets was granted by the EU to the ACP countries. But with recent developments in the WTO, leading to regulations that prohibit privileged market access, a new direction was chosen. On January 2008, the WTO waiver to permit the old agreements would end. Therefore it was agreed that the non-reciprocal trade preferences would be replaced by regional free trade agreements with the 6 ACP regions. (Ruissen & Otten 2007)

The EPAs are both agreements on trade and development cooperation. The EPAs aim to promote a coherent development policy, as based in the Maastricht treaty. Coherence means that development policies are not sabotaged by other policies. The other way around the EPAs aim to promote a better regional market integration and integration of the ACP countries in the world market. In terms of development policy, it is based on the principle of “aid for trade”. (Schulpen 2001)

3.2.Official framework for trade- and development policies

The method of policy-making in the EU is laid down in the treaty. Article 133 defines the proceedings of the negotiations of *common commercial* policies: The commission negotiates the agreements, mandated by the council. Decisions are taken accordingly to article 300, that explicitly reduces the role of the European Parliament on this issue.

In practice, this means that the Commission does the negotiations with the ACP countries and/or their regional organisations on the basis of the mandate it received on 17 June 2002. The council then approves these agreements with a qualified majority vote on issues where the community has exclusive competences and with unanimity where the competences are shared, even though in practice almost all decisions in the council are taken without votes (Bilal 2002).

The European Parliament officially has nothing to say about trade agreements, but in practice it is informed about also, partly because these agreements overlap with issues the EP does have power and therefore exercises more power than the treaty gives it. This goes notably when:

- the agreement establishes a specific institutional framework, which might be the case in an EPA; for instance, if a Joint EPA Council and joint (e.g., parliamentary) committees are created for monitoring or reviewing purposes;
- the agreement has important budgetary implications, which might be the case if an ‘EPA Adjustment Facility’ or other funds are included in the agreement and financed – at least partially – by the EU budget. (Bilal 2002: 10-11)

Officially, this means that between receiving the mandate from the council till the moment the outcomes are presented to the council for adoption, the Commission is the only involved European institution. In practise, both the EP and the council are consulted thoroughly in the process.

For the EP, two DGs are involved: DG External Trade (DG TRADE) of commissioner Peter Mandelson and DG Development and relations with the ACP States (DG DEV) of commissioner Louis Michel

3.3. Proponents of EPA's and arguments

According to the European Commission, EPAs will:

- #1 An EPA will provide the best access to the EU market of any trade regime.
- #2 An EPA will encourage processed exports with simpler and improved 'rules of origin'.
- #3 An EPA will help attract much-needed investment.
- #4 An EPA will help the ACP countries engage in the global economy on their own terms.
- #5 An EPA will include chapters on development cooperation and measures to build capacity to trade.
(EC 2008a, p1)

The many years of non-reciprocal market access did not help the ACP countries develop and work their way out of poverty. In fact, their stake in the global trade has decreased in the last years. Also, the old agreements are not in line with the WTO requirements, what would mean that the ACP countries would have to fall back on the less beneficial “everything but arms initiative”(EC 2008b).

3.4. Opponents of EPA's and arguments

Several NGOs active in the field of development cooperation have expressed concerns about the EPAs¹. This critique is based on a fundamental different believe of economical models. For them, free trade does not by itself create an equal playing field. They portray the world market as a race. With the reciprocity principle, the removal of barriers, as taking away obstacles from the tracks, but still the EU starts in a Ferrari, and the ACP countries on a mule. In stead of free trade, they propagate “fair trade”.

A groups of NGO's, organised in “FINE”, defined this as : “a trading partnership. Based on dialogue, transparency and respect, which seeks greater equity in international trade. It contributes to sustainable development by offering better trading conditions to, and securing the rights of, marginalised producers and workers – especially in the South” (Ruissen & Otten 2007: 11). This means that the foremost goal should be the development and strengthening of the marginalised people, and not free trade.

Furthermore, they claim that the ACP countries have to face unequal competence not only by a historical and otherwise caused “bad start”, but also because of European subsidies and other non-tariff barriers, such as the subsidising of agricultural products.

Thirdly, they claim that the negotiation position of the ACP countries is unequal. The EU, boldly stated, make aid conditional to the EPAs and pressurise the ACP countries with the threat they will face a fall-back if they do not conclude agreements on time. Also, on the one side there is the EU represented by a single voice backed up by a professional

¹ This very much generalised and “boldly” stated summary of “fair trade” organisations is mainly based upon li41; Oxfam 2006; Oxfam 2008; Both Ends 2006 and an interview with an expert.

apparatus, on the other side it are six regions, without a clear mandated body (there are no regional Commissions, but individual countries) with a (qualitative and quantitative) understaffed team.

Many of the NGOs agree with the principle of coherent trade- and development policy, but want this agreements to, at least,

1. grant ACP countries the right to impose tariff and non-tariff barriers;
2. grant ACP countries the right to not liberalise certain services and industries;
3. measures that for a better resistance towards dumping and unequal competence;
4. less time-pressure and more technical assistance to ACP countries in the negotiations;

As said, underneath these “technical” requirements, there is a fundamental difference of believe in trade theories. In the end, they would like to work towards a mind-shift.

3.5. Current state of affairs

By January 1st, only 1 full EP has been conducted, with the Caribbean region. 5 regions had not yet signed the EPAs. With other countries that do not fall under the “everything but arms” (EBA) initiative (and who thus could continue to export under the GSP system and thus no longer to reduced tariffs after the expiration of the WTO waiver) Interim agreements or bilateral EPAs have been concluded. Therefore, negotiations are still going on (acp-eu-trade.org)

4. Theoretical framework: how to influence the EU with voice

In the following I will firstly go into theoretical notions on how protest politics are supposed to work in general and in the EU specifically. Secondly, I will theorise some possible effects of voice based on incentives of why one should or shouldn't use voice in this context.

4.1. influence of 'voice' in the EU: theoretically speaking

§ 4.1.1 Strategies for influence

As stated above, the topic for this research is the effects of the strategy to influence the decision making concerning the EPAs via methods in the public domain, instead of in the closed domain of the European policy-making (or by other means). Beyers (2004)², has labelled this “voice”, as opposed to “access”.

“Voice” includes “protest” methods. Reising (1998: 5) defines protest as following:

I define protest broadly as including politically, socially as well as economically motivated non-institutionalized action intended to exert pressure on other social actors, state institutions and policies, as well as on the institutions or representatives of the European union (e.g. Opp 1994). These forms of protest can include demonstrations, strikes, blockades, the signing of petitions, hunger

²His extensive and recent quantitative analyses of the use of both strategies is an important foundation for this research, notably the theoretical framework he has drawn.

strikes, bombings and other forms of public and contentious collective action.

However, Beyers concept of voice is not limited to this alone. “Voice” also includes “information politics”, defined as “the public presentation of information at strategic decision points [...] Although such practises may reach a large public, they are not always meant to address the public at large. Often these practises signal information to key policy-makers or they reach specialised constituencies outside the decision-making arena” (2004: 214). The determining difference with “access”, is “that information transmission from interest associations to policy-makers occurs indirectly”(2004: 214). For example, speaking about EPAs at a conference is “voice”, talking with an official afterwards at the reception is “access”. Sending an open letter to the European Voice is “voice”, sending the same letter to the Berliamont is “access”.

Besides voice and access, other strategies have been distilled in the literature. The most important of them being “financing electoral campaigns” (‘If you promise to do this and that, I give you this amount of money’) (lio6). A variation to this could be speaking out support to a candidate on certain conditions. Another method is “litigation” (“Seeking to have a court rule on the unconstitutionality or otherwise improper nature of legislative provisions in order to change policy” (Bouwen & McCown 2007: 441).

What is not mentioned in the literature assessing protest and influence that I found, are illegal methods as 'bribing' (offering financial or other rewards to policymakers to change their behaviour) and 'blackmailing' (threatening policy-makers to disclose harmful information about them to change their behaviour).

		method
	pre-policy-making	financing electoral campaigns
	during policy-making	access
		<i>public politics</i>
		voice - protest politics - information politics
		illegal methods - bribing - blackmailing)
	post policy-making	litigation

scheme 1: methods of influencing policymakers/policy categorised in time.

The above scheme seems a useful tool to categorise different methods in time. However, note that “pre/during/post” applies to decision-points, not the whole dossier: A financed candidate can revert earlier decisions later in the process, or litigation can be used to block an earlier decision in order to influence the next steps in the process.

§ 4.1.2 “voice” in the context of the EU

Much of the literature is based on practises in nation states, notably the U.S. The EU however has been named a “Sui Generis” project. Just describing it has puzzled many scholars who found their existing toolkit under equipped (Jupille & Corporasso 1999). Also considering influencing, this has been mentioned extensively (for instance Woll 2006; Michalowitz 2007; Bouwen & McCown 2007). The unprecedented mix of supranational, intergovernmental and, in some cases, almost federal-state like decision making, has led to

a one-of-a-kind policy-making arena. Considering that policy-making already is a different social construction for every dossier, with historical, legal, cultural and personal particularities, applying generalised findings from other institutional frameworks on the EU seems hardly possible and a description of this particular setting needed. This is also noted in the literature, that has noted that institutional variables are at least as important as organisational variables when it comes to assessing influence (for instance: Michalowitz 2007; Potters & Sloof 1996; Beyers 2004)

With a comparatively small and more bureaucratic or technocratic than political administration, the EC is heavily dependent on knowledge from 'the field' (Van Schendelen 2004). Therefore, it provides many opportunities for interest groups to participate in policy-making processes and for them to get into contact with policy-makers. The estimated amount of interest groups in the EU varies heavily, but some estimate that more than 3000 business interests and more than 800 non-profit organisations are operating in Brussels, together employing over 10.000 people (estimates from the 90s, in Richardson 2001). Next to Washington, Brussels is seen as the biggest city for interest groups lobbying their policy preferences.

It can be even said that to fill the widely considered democratic deficit (see for instance Gillingham 2003), it actively seeks legitimation in designing policies with many stake- and shareholders. Even though the EU is widely regarded as more pluralist than corporatist (with argumentation mostly based on Streeck and Schmitter (1991) that traditional, national corporatist structures and behaviour have not transcended to the EU), this has resulted in the typology "Liberal EU Corporatism" (Della Porta 2004: 16).

Van Schendelen (2005) gives an extensive overview of not only the formal policy making, but also how it works in practice. He sketches a model with many opportunities for influence groups to influence policies. Key in his model is the "policy arena", the particular setting for a dossier. It is bounded by legal, cultural and other boundaries, and includes all actors involved. All these actors bring different issues and values into the arena. These arenas are by no means static: actors, issues and values can vary in importance or even enter or leave the arena, thereby altering the shape of it. To influence the boundaries and contents of the arena, he promotes the use of "Public Affairs Management" as a tool to effectively pursue desired outcomes in the policy arena. His book is mainly prescriptive, and he is mostly advising to be very careful with using voice (what he calls "sound").

Claims have been made that diffuse interests use voice more often than specific interests and that diffuse interests seek more access to the EP than the EC compared to specific interests. Beyers (2004) suggests that both these premises are untrue.

His findings also suggest that both diffuse and specific interests use information politics extensively, with even higher numbers for diffuse interests. In line with his expectations, protest is used only marginally, with a little higher number for diffuse interests. He also found a rather strong correlation between the use of information politics and moreover voice in general on the one hand and access strategies on the other.

This correlation between voice and access makes that when studying voice also certain aspects of access ("did voice increase/decrease access, was it used when access did not work, etc.) should not be forgotten.

Regarding the other named methods, this seems less the case, yet not obsolete. None of the studied literature has researched "financing candidates in the EU". To what extent it is of importance, is impossible for me to assess. However, commissioners are appointed

and not elected. The EP is elected through a representative system, leaving less possibilities for this method.

Illegal methods are also not mentioned in the literature on influencing. Even though the EC has a rich history of corruption (see for instance Hall 1999 or lia05). The crux of this method is that as long as it remains undiscovered, it cannot be taken into account. As long as it remains unknown that behaviour of policy-makers is caused by bribery or blackmailing, it seems the result of conviction and thus access. However, when threads of blackmailing are brought into practise, it is voice.

Litigation is a widely used method in the EU (Bouwen & McCown 2007; Gillingham 2003). The European Court of justice is open to both institutions, groups and even individuals to rule legislature to the bin, mainly when is is out of line with the treaties. Bouwen en McCown (2007) note that the interplay between lobby (for them: access+voice) and litigation is hardly studied. They note that lobby groups (private) have a preference for lobby as it has lower costs, also taking into account that policy-making in the EU “moves smoothly as it ever has” while the EJC is “not particularly fast” (p. 438).

§ 4.1.3 measuring influence: empiricism and theoretic games

As outlined above, substantial studies have been made on the tools used. On the effects of these efforts however, less is written. Or as Michalowitz puts it:

No systematic empirical evidence has been gathered so far on when, and under what conditions, interest groups actually exert influence (see Bouwen 2002; Beyers 2004; Eising 2004; Du`r 2005).
(Michalowitz 2007: 132)

Influence is exerted with the aim to change the outcome of policy debates. It therefore would seem logical to measure the effects of the influence by measure how much has changed in the policies or proposals and define to what extend this is caused by the efforts to gain influence by the actors.

In spring, male sheep are given a strapped on sponge with paint, leaving marks on the females during intercourse. It is thereby easy to see who influenced the female, and the outcome can for 50% be assigned to a specific male.

However an art in itself, in breeding sheep there are limited actors, with clearly identifiable desires, and only two possible outcomes (a lamb or not). In the policy arena, the actors, issues, desires are many. There are many more possible outcomes, disturbing factors and the process has many important moments (or even continuous) (Van Schendelen 2004). How to identify who did what? This makes the measuring of this influence is so difficult, that many scholars therefore state that “these methodological problems can only be resolved theoretically” (Giugni 1998:373) and that they “prefer to assess the issue theoretically via formal modelling”(Michalowitz 2007: 134).

These models mostly aim to design generally applicable mathematical models that try to explain outcomes of attempts to influence policies by a variety of quantitative variables, not to understand the processes at hand (see for instance Sloof 1998).

To operationalise the influence exerted by interest groups, Michalowitz therefore does not so much look to the outcomes. Deriving from Webers theory on “power”, she defines influence as the ability to “persuade” an actor “to pursue a certain course of action, even if they initially did not wish to do so” (Michalowitz 2007: 134). this leads her to focus on the following:

When applying this definition, the question of whether or not persuasion has taken place is most likely to become visible in examining factors leading to

policy outcomes and changes of decision-makers' initial intentions. It focuses on the position- or mind change of influenced actors and hence, takes the procedural aspect of influence into account.
(Michalowitz 2007: 134)

This approach seems a promising. However, her investigation had the aim to identify the conditions under which action groups are successful to assess the implications for the democratic deficit of the EU. The assessment of effects is thereby limited and not divided by method. Still, the notion that influence can best be assessed by understanding the position and mind changes at the European Commission is valuable.

The definition used by Van Schendelen is somewhat broader "We define it [influence] in terms of a relationship between two or more actor: A influences B, if B's behaviour changes (*either in accordance with the wishes of A or in any other direction*) due to the behaviour of A (Dahl, 1991)" (Van Schendelen 2004: 67 (emphasis added)).

§ 4.1.4 conclusion: Effects of using voice particularly in the EU particularly

Interest group behaviour is studied and theorised largely. However, methodological problems limits the explanation of effects of interest group behaviour largely. Literature that tries to understand the effects of this behaviour is even more limited, let alone if looking at 'voice' and 'in the EU' particularly.

Much of the EU literature assessing effects of influence, does not in depth diversify between methods (for instance: Michalowitz 2007). Contrary, much of the literature focussing on the different methods for influence used, does not assess the effects of them in depth (for instance: li06). Literature that does so, does this largely theoretically and/or derives its data from empirical research in the US, and has to conclude that results are limited (for instance: Potters & Sloof 1996).

4.2. effects of voice: hypothetically speaking

In the following I will take a more hypothetical approach. I theorise the possible effects of voice tactics, based on hypothetical incentives I for using voice tactics in this case that I constructed with the help of the literature, despite the arguments against the possible use of them. The latter based on the particularities of EU giving incentives for the use of other methods (that make voice obsolete), the absence of the foundation (demos) where voice is mostly based on and reasoning why it might even harm the cause. This reasoning might be very helpful in finding leads to possible outcomes, as reasons and reasoning preceding the use of methods are likely to be based on predictions of their effects.

§ 4.2.1 policy-making in the EU (1): incentives for everything but voice and their possible effects

There is a lot of literature related to public support for the EU, for support for Europeanisation or for enlargement, but there is not much to find where the importance of voice in making policies in the EU is researched. Quantitative research on how much it is used indicates that protest targeted at the EU is rare and without a clear increasing trend (Della Porta 2004). This might have to do with the notion that it is not very relevant. There are quite many arguments to make that the use of voice is not sorting much effect.

4.2.1.1 - Consensus as a norm

Policy making in the EU is also more seen as consensual then confrontational (see Della Porta 2004). In the above sketched model of "liberal EU Corporatism", there are many opportunities for interest groups of any kind to gain access to formal and informal

fora. In the above described 'liberal EU corporatism'. Finding broadly carried consensus is the norm, leaving little incentive for protest behaviour.

4.2.1.2 - Absence of demos / constituency and thus costs

Not only does the mode of policy-making in the EU give enough opportunities for other (direct) methods of influencing, the perceived absence of a demos also takes away the foundation for voice.

Most theories of the use of voice base the (desired) effects of it causing costs to policy makers. If they do not do what their constituency desires, they will not get re-elected (or not even elected if they do not promise the right thing). These theories are mostly derived from practises in the U.S., highly characterised by direct election systems. The European Commission is not direct elected, it is not even elected but appointed. Their constituency is not the general public, but their home governments. Following the model, not giving in to voiced demands does not bring any, or at least not much, costs (Michalowitz 2007). Even for the EP, Even though elected, costs are perceived low: turn outs at elections are low and choices made primarily based on domestic issues. After that, behaviour by the MEPs is hardly followed by the constituency.

An important reason for that is the lack of a European wide debate, facilitated and stimulated by European wide media. Furthermore, European issues are hardly an issue in the member states³. Costs for the targets of voice are thus not likely to be high.

Mainly because of that, (literal) costs for organising voice are high. Whereas establishing and maintaining a proper lobby office is already difficult for many NGOs (Della Porta 2004), having a staff that follows the dossiers and dresses up in a suit to go to the many consultations, corridors and informal drinks is much cheaper than organising a protest that can be heard from the streets. Mobilising enough voice that penetrates the well isolated commission buildings is not easy. Making people aware of what is going on, making them understand what the complicated and abstract EU policies mean, let alone making them angry enough to act seems a very difficult operation, especially because the lack of mass media that spread the message easily. That makes it not only too expensive to rent buses and bring them to Brussels, but even to have them sign petitions or other methods one could participate in from home.

4.2.1.3 - One message doesn't fit all

Different actors might need to be served with different arguments, even if the aimed result is the same. Stories are known where lobbyists tell completely different stories to different actors (Coen 2007) (In this case, perhaps the DG DEV is more sensitive for horror stories about how bad a certain provision is for a developing country, while the DG TRADE is more likely to listen if told the benefits for the European industry are low) . When going public, only one line of argumentation can be followed.

Also, this is the line of argumentation most likely to convince the public, not necessarily the policy-makers.

4.2.1.4 - Positive reputation to gain access

It has been argued (Coen 2007) that to have a positive reputation is important to gain access to the European institutions. Organising protest that the policy-makers see as potentially discrediting the EU could therefore in theory harm the cause because it damages one's reputation as "trustworthy interlocutors" (Beyers 2004: 215) and thus decreases access.

Operating in an environment where it is use to work together toward consensus, in a setting where not wearing a tie is not fully accepted and where diplomatic language is the

³ Perhaps besides the discussions on "how bad is the EU an sich".

norm, might be undermined if you are using the bold language needed to mobilise protest. There is the risk of being seen as a game breaker and as untrustworthy if you organise protest if not getting what you want.

§ 4.2.2 Policy-making in the EU (2): possible incentives for voice and their possible effects

From the above, the proposition can be formulated that, considering the theoretical results of voice tactics in the context of the EU policy arena, using voice is not only an unsuccessful method, but could even harm the lobby. However, there are some structural factors as well as some factors particular to this dossier that give opportunities for the successful use of voice tactics.

4.2.2.1 - "it worked in Seattle"

Lipsky defines protest as a method for the powerless (in Della Porta & Diani 1999). If you have no access to the fora, voice might be a mean to acquire it. In 1999, rioters made the world news after turning Seattle, where WTO took place, into a battlefield. Since then, the "antiglobalist" or "alterglobalist" movement gained a little access to fora like the WTO, the G8 and even the elitist Davos summits.

However, many "fair trade interest groups" do have access already to the EU fora.

Also, Beyers (2004) compared the correlations between voice and access for organisations seeking access and organisations having access. He found that organisations that already have access, use voice more than those seeking it.

But Seattle also showed, that the costs of organising voice at the international level can be bearable. Even though the number of demonstrators was limited, they putted focus on the issues and their demands. Despite that molesting McDonald's and other icons of capitalism seem not to be helpful in getting the general public's support, they did manage to bring their issues on the agenda.

4.2.2.2 - Use of voice to support access

It is argued (Schumaker 1975) that voice is preferred by groups that do not have (good) access (yet), and that "Established interest associations turn to voice strategies occasionally, for instance if policy-makers do not listen to their wishes" (Beyers 2004:220).

Beyers (2004) tested correlations between gaining access to institutions and the use of voice. For specific interests he did not find significant correlations. For diffuse interests however he found strong correlations between the use of voice and access to the EP and the council, but also, to a little lesser extend, the EC. In all cases the correlation with information politics was stronger than with protest politics.

What causes this correlation does not become clear from his research. It might be the case that access is gained independently from the information politics and the correlation occurs for other reasons, perhaps that only organisations professional enough to organise different activities were capable of getting access. Or that those having access have the desire to communicate about that with the general public. Or that it does harm the relation with the EC, but not enough to loose the access and outweighed by benefits, for instance to influence or gaining access or to or change in the Council or the EP.

It might also be possible that the access is stimulated by the use of voice tactics. Specific interests have a clear and identifiable constituency. Diffuse interest have not. By addressing, and even more by mobilising a constituency, their legitimacy might be perceived higher, and so might their capacities as organisation. This might help them in gaining more and better access to the European Commission.

4.2.2.3 - *Politicising a rather ideological than technical debate*

Inside lobbying potentially more successful when it comes to changing details, rather than the core of the proposal.

A change of mindset is potentially difficult, if not impossible to achieve in fora where technical information is requested. However, it is very much questionable that “voice methods” will. It has been argued that directional change in the EU is hardly possible (Michalowitz 2007).

Results from this incentive are thus doubtful, but there might be effects from it. What is important in this respect, is the difference between the Directorates General of the EC and “cabinets”, the commissioners and their direct staff (Gallagher 2000). It is argued that “cabinets presumably function somewhat more as political antennae sensitive to politicize input (Hix, 1999:34)” (Beyers 2004: 219). Beyers argues that access to the cabinets is less common than to DGs, but that it is less unequally distributed between diffuse and specific interests. He found a negative correlation between protest and access to DG's for specific interests (all other not significant). For diffuse interests however, he has found a stronger correlation between voice and access for the cabinets than for DGs.

It might be the case that voice has helped moving this dossier upwards on the political ladder, making the arena more favourable for the “fair trade movement” in terms of more equal access against specific interests and more opportunities for the ideological/political arguments against technical details.

On the complete other side, as it is expected that many specific interests advocate protective policies in many cases, with changing the arena, if moved up the political ladder, opportunities have been created for specific interests to find an ear for their protective proposals that are in conflict with the consequent methodology of the free trade ideology.

		actor		
		(industrial) sp. interest	intrinsic proposal (EC)	fair trade movement
level	more political	promote & protect European (sectoral) interests	free trade	give ACP a fair change: fair trade
	more technical	protective measures	reciprocital removal of barriers	no protective policies

scheme 2: policy arena matrix with (static) goals (horizontal) on (variable) scale of technical vs political level (vertical)

However, it must be noted that Beyers' correlations, divided between those having and those seeking access, show that voice is used somewhat more by those having access to cabinets than those seeking it, and that for those having access to the EC voice is much more used by those having access to cabinets than to DGs. If this pattern also occurs in this dossier, and if this behaviour is based on good expectations, the goal of voice is not to move it on the political ladder but, perhaps, as a mean to support the access.

4.2.2.4 - *“like me, like me!”: the EU's search for legitimation and appreciation*

Even though the EPA's, even in the stories told by the fair-trade side, might sound attractive to EU citizens (“More export, more jobs, stronger economy, cheaper products, Europe wins and the price will be paid far away over seas”), in general international solidarity is of high value to people. If the story is told that the EU is screwing over poor former colonies again by completely destroying their markets, it might contribute to the

already negative and “neo-liberal “ image of the EU (one of the main aspects of the perceived democratic deficit, see further Follesdal & Hix 2006).

As stated above, for non elected officials, this does not lead to costs, besides that it perhaps is negative for one's self-esteem if knowing that your work is hated. However, for the EU, it does lead to costs. Support for the EU is seen as an important prerequisite for further Europeanisation (Moravcsik 2003). It is generally believed that the EC is the most important engine for further Europeanisation (enlarging its power) (Beyers 2004).

In this way, Public opinion, named as an “ important external factor in the study of the outcomes of social movements “ (Giugni 1998: 379), becomes more relevant as a factor for interest organisations to use in their efforts, and if indeed taken into account at the European Commission.

This might lead to policies that are more appreciated by the public so that further Europeanisation is not in danger. It might also lead to increased efforts of the commission to convince the public they are not evil, but doing a good job.

4.2.2.5 - Countering the enemy

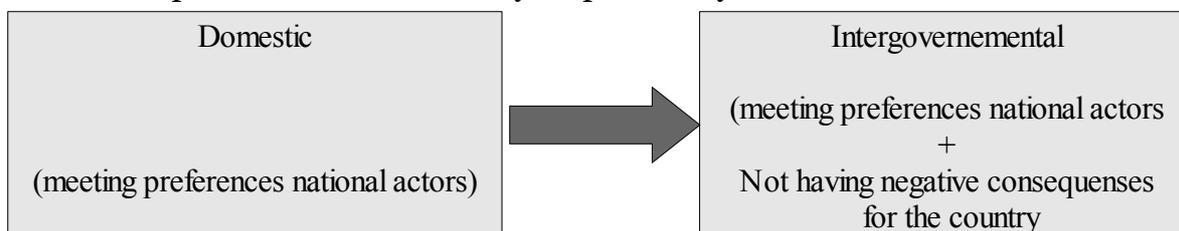
Businesses are much better represented in Brussels than ideological groups (76% vs 20%, (Coen 2007)). The stakes for the European economy are enormous, and thus it seems logical that these groups are active in the arena. The configuration of the arena might be much more beneficial if everything happens as quite as possible. For them it might be best if their agenda's remain secret. If the public watches this a little closer, their room to operate may be limited (Van Schendelen 2004). And once arena has been brought to light, it is close to impossible to hide it behind doors again .

Also, by making noise, it might be that new groups see the light and (try to) enter the arena. There is also an enormous risk attached to this, namely that unfriendly groups enter the stage. However, the arena was already so heavily unfriendly and likely to have already a much stronger private interest representation, that this risk is less than the chances of new friendly groups entering the arena. Also, entrance of new stakeholders is perceived to have a delaying effect on the policy-making (Van Schendelen 2004), which could be positive for the “fair trade” coalition.

4.2.2.6 - Multilevel focus: Putnam's two level game theory

The focus on the national level is always important when studying the EU, notably in this dossier. As noted above, Even though the EC is main policy-maker, the Council is the main decision taker.

According to Putnam's two-level game theory (Putnam 1988), national governments try to meet the preferences of the society (expressed by societal actors). In the



scheme 3: Putnam's two level game theory

intergovernmental negotiations they try to reach agreements that are in line with this societal preferences, and that do not harm (other) societal interests.

Considering the importance of the national governments, considering that it is often perceived that they use the (anonymous) European level to conclude policies that are more neo-liberal than nationally acceptable (Moravcsik 2003), and theorising that they are more

inclined to give in to voice, opens the incentive for NGO's to use voice to wake national actors so that they will alter the goals of the member states in the intergovernmental negotiations.

This might mean that NGOs expect and perhaps face less access or a less good image vis-a-vis the EC, but that those costs are lower than the benefits of mobilising the council. The EC might therefore face more concerned or even interfering member states (higher on their agenda) and/or a change in the preferences of the Council. It might also be that the EC will anticipate this.

4.2.2.7 - Multilactor focus: beyond two level game theory

As noted by Forwood (2001), Putnam's two level game theory is useful in this dossier, but the policy making is not limited to the Council and the EC. Also other institutional actors, notably the European parliament play an important role. Even if the European Parliament is not formally part of the decision making on many aspects, it is considered that here opinions are very influential (Van Schendelen 2004, Gillingham 2003). As for the two level argument, making voice may make the EC face more concerned and more involved (or showing interest) MEPs or other institutional actors and/or a change in the preferences of them. It might also be that the EC will anticipate this. And again, this might mean that NGOs expect and perhaps face less access or a less good image vis-a-vis the EC, but that those costs are lower than the benefits of mobilising others.

4.2.2.8 - last resort.

A last incentive can be the use of voice as a last resort. If nothing has worked, voice can be seen as a last attempt to influence the outcomes. It is highly doubtful that this might lead to the desired outcome.

However, the EPAs are not the final step in the Eu's trade- and development relations with the ACP countries. It might therefore have effects for future dossiers. On the one hand, it might lead to the effects described as non-incentives above. On the other hand, to their constituency, they cannot tell at home that they cooperated in a process that led to a bad result (as the EC might tell to show the broad support for the agreements). Thus they play the victim of the neo-liberal Europe that is deaf for their arguments (Van Schendelen 2004). If they successfully managed to decrease the perceived legitimacy of the outcomes, and/or if they manage to further harm the support for Europeanisation, the EC might anticipate and change their behaviour considering the future dossiers.

5. Research topic defined & methodology

5.1. Introduction to the research topic & methodology

The above theoretical effects and hypothetical effects based upon possible incentives provide valuable clues of where effects are likely to be found. In the following I will use those to further define my research topic and operationalise it as far as possible.

Firstly I will define and demarcate the topic of this research further and I will formulate a research question to that. Secondly I will operationalise this research as much as possible, including presenting a scheme that has been guiding me through the interviews and analyses. Then I will account for how I have been doing my research. Lastly, I will go into what I believe could be the scientific and practical relevance of this research.

5.2. Narrowing down: Focus of this research

To make “What have been the perceived effects of outside politics on the European Commission” a researchable question (both in theory and considering available resources), I will narrow down the object below. First I defined what “effects on the EC” are. Secondly, I limited the makers of voice to “Pro fair trade organisations”. Finally I defined a limited time frame, starting the research from the instalment of the Barosso administration.

§ 5.2.1 the Commission: what happened there?

Deriving from the above, in theory many effects of the use of voice may have occurred. These were already narrowed to the effects on the actual policy and to those making the policy, leaving out possible societal changes (see for this Giugni 1998). The policy arena is very complicated. Even if only looking at Europe, and leaving actors outside Europe, like institutional global actors as the WTO but also the behaviour of the ACP countries, out of this research.

In the multilevel framework, the voice tactics may have led to a change in behaviour of the members of the Council. Also other involved actors in “Brussels” may be influenced, like the European Parliament, the social and economic committee and other influence groups.

The main object of this research however remains the European Commission. How has their behaviour been altered because of voice tactics? Beyers (2004) main conclusion is that organisations adapt their strategies on the institution they focus on. Effects are therefore presumably also institution specific.

The change in behaviour of others is thus irrelevant for this research, and not likely to tell anything about change in the commission. But what is relevant, is to what extent those changes have led to changes at the Commission: if voice actions targeted at others lead to a change of behaviour at the Commission, for instance if the case of change of behaviour of others is stated as (or experienced as) result of voice tactics, or if they (therefore) try to counter this attempts. Or for instance if they feel that new influence groups try to enter the arena. Therefore these are taken into account. What matters is not whether or not the change of behaviour is actually caused by voice tactics, but how that is perceived at the EC.

Different likely routes of influence are drawn in scheme 1. The solid arrows describe voice tactics by the “fair trade movement”, the striped arrows behaviour that is considered influenced by the voice tactics. Arrows in black mark behaviour that is taken into account in this research, grey arrows behaviour that is not taken into account.

Below, this scheme will be further explained and serve as a foundation for the

operationalisation.

§ 5.2.2 time

The Council formulated its mandate in 2002, two years before the Barosso administration came into office. As it might have occurred that, notably in the cabinets, responses to voice have been different since. Therefore, if included, on many topics a distinction and even a comparison should be made.

Also, the EPAs have a history dating back to when European ships started to sail the seas. Therefore, a clear moment in time to start this research seems advisable.

5.3. Research question

the above considerations lead to the following research question:

What have been the “effects” on the “officials of the European Commission” and “the European Commission as a whole” of the use of “voice tactics” by “pro fair trade interest organisations” on the issue of the Economic partnership agreements “in Europe” since the Barosso commission was installed?

For this question, I have applied the following definitions:

effects: based on the definition of influence by Michalowich (2007), extended with the also unintended direction of Van Schendelen (2005): The change in mind- and behaviour caused (1 - directly) or (2 - indirectly via the channels under investigation as perceived by the respondents) and the consequences of that for the behaviour of the European Community as a whole.

officials of the European Commission: commissioners and civil servants of the European Commission from either 'DG trade' or 'DG development corporation' that are involved in the shaping and negotiating of the EPAs on a regular (day-to day) basis.

The European Commission as whole: positions and deeds in name of the EC (formally or informally approved).

Voice tactics: the combination of lobby by public information and lobby by protest actions as defined by Beyers (2004).

pro fair trade interest organisation: NGO's that to a certain extent share the concerns regarding EPA's as described above: a fair trade perspective, to be found on <http://www.epa2007.org/main.asp?id=43>.

In Europe: I limit myself to the use of voice targeted at the European policy makers and/or intended to mobilise/inform E.U. citizens. I.E. An open letter in Africa to convince African leaders not to sign or a demonstration in Africa where Africans throw tomatoes at commissioner Mandelson does not categorize, bringing Africans to Europe with protest signs and sending the press-release to European newspapers does.

5.4. operationalisation

As mentioned above, attributing concrete changes in policies to specific usages of voice is close to impossible. Finding evidence to show or even measure the correlation, is even closer to impossible. But all of that is not the goal of this research. The goal is to tell a story of what changes in the mind and behaviour of the EC the use of voice has led to.

The above incentives pro and contra the use of voice might turn out useful in finding the effects. However, it might of course be the case that other reasons form the foundation for voice tactics. This might lead to effects unpredicted above.

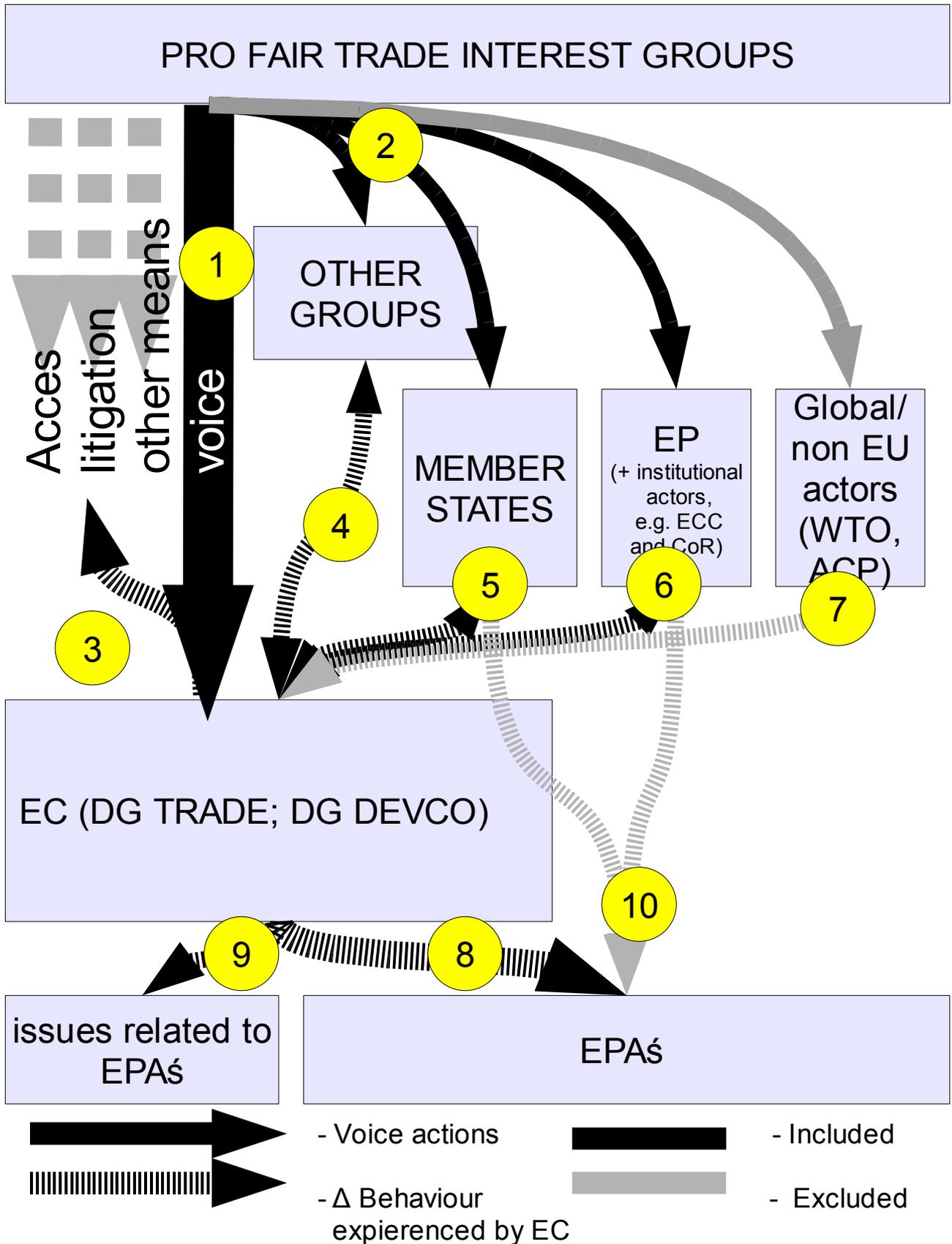


Illustration 1: scheme of possible influences

Van Schendelen (2005) repeats many times in his book to think strategically. One of the reasons he gives is that many organisations don't. Maybe some organisations use the tactics they are familiar with at the national level. Or they drew a wrong conclusion. In that case, the effects predicted in 1.2.1 have happened.

In any case, nor the literature, nor the above reasons and possible affects derived from them are not leading to a closed operationalisation of the research question. However, the scheme presented above leads to hints of where to derive from. I will discuss them briefly. In Annex 1 is enclosed the topic list used in the interviews where this operationalisation is turned into different questions.

§ 5.4.1 A: voice itself

5.4.1.1 - 1: Voice heard by the commission and internal effects

The first arrow refers to the voice that the officials of the EC have noticed. What did they see and hear? Did they feel it was directed to them? How did they value this, and what did they discuss at the coffeemachine?

5.4.1.2 - 2: Voice directed to others

(this is discussed where other actors are discussed)

§ 5.4.2 B: change of (behaviour in) the Arena.

5.4.2.1 - 3: change of behaviour by/towards "fair trade organisations" because of voice

This concerns effects on the relation between the NGOs and the EC. This could be increased or decreased access or a change in the atmosphere of this access. Did respondents see a correlation between voice and access?

5.4.2.2 - 4: change of behaviour by/towards other groups because of voice

Possible effects could be the entrance or leaving of actors in the Arena or that business lobbies are countered because of voice.

5.4.2.3 - 5: change of behaviour by/towards member states because of voice

This refers to the Putnams two table game. Voice could have had possible effects on the MS and the behaviour of the MS towards the EC or their position on the EPAs. How did the EC respond to this?

5.4.2.4 - 6: change of behaviour by/towards the EP and other institutions because of voice

Voice could have had possible effects on the EP or its members and their behaviour towards the EC. How did the EC respond to this?

5.4.2.5 - 7: change of behaviour by/towards the global institutions because of voice

This also refers to the Putnams two table game. Just as on MS, voice could have had possible effects on the ACP governments and the behaviour of them towards the EC or their position on the EPAs. How did the EC respond to this? And did global actors behave differently. This will be discussed to get a full picture, but it falls besides the scope of this research.

§ 5.4.3 C: change of behaviour from the EC to the policies or outside

5.4.3.1 - 8: change of position and behaviour considering the policy at stake (EPAs)

This refers to the possibility that voice led the commission to adjust its position on EPAs or its negotiation methods. Did they pursue different outcomes because of voice?

5.4.3.2 - 9: change of position and behaviour related to the policy at stake (EPAs)

– Besides an effects on officials personal, the stance of the EC or its relation with actors, there could be different effects also. Like communication to the citizens.

§ 5.4.4 D: Other influences

5.4.4.1 - 10: changes in decision making and other behaviour by others not direct to the commission.

This is mainly the same as 5&6, but it refers to the direct involvement of actors on the EPAs. They only have this in accepting them or not, everything else goes through the EC. When the EC anticipates on it, it is an effect on the EC falling under 5 or 6.

5.5. methodology

§ 5.5.1 data collection method

To gather data on the effects in the minds and behaviour of the EC, I held 9 semi-structured, in depth interviews with key figures in the EC. Structured, so the acquired stories are comparable and all the pre-defined possible effects are investigated, but semi-structured, so that enough space is left for new stories and directions.

Besides this, I held two interviews with key players from 'fair trade NGO's' in the Netherlands, to get a better overview of the methods used and to gain better understanding of the incentives, predictions and attitudes of this movement. One interview was held before the interviews with the EC, with Stefan Verwer, who wrote many reports on this issue for a variety of organisations. This interview helped me in finding directions where to look for. Afterwards, when I nearly completed my analyses, I interviewed someone from Oxfam-Novib (Oxfam The Netherlands) and asked if my findings were recognisable for Oxfam-Novib. As this research aims to tell the story of the European Commission, I do not refer much to these interviews, but they helped me in my understanding of the stories I heard.

§ 5.5.2 selection of respondents at the commission

5.5.2.1 - As planned...

I aimed to interview four key people from the two main involved DG's: Trade (trade) and Development corporation (dev). As it could be expected that there are significant differences between the DG's and the cabinets of the commissioners, I also tried to interview persons from the cabinets of the both commissioners.

From the DGs, I tried to interview 4 people from a different functions and political levels (for instance two who staff members, the head or director and the director general (or his assistant as did Beyers (2004))).

The selection of respondents has been made with the help of the representation of the EC in the Netherlands, who have provided me with contacts that in their opinion could provide much details because of involvement as well as different perspectives. But mainly, I selected respondents from the directory of Commission officials on the internet. In two cases I interviewed people after being referred to them by previous respondents. Later in in the process I considered group interviews to be able to hear their reactions to each other.

5.5.2.2 - ...and in reality

Making appointments with the EC turned out not easy. I sent respondents emails and phoned them or their secretaries. In the end I managed to hold 9 interviews. A group interview was not possible. I managed only one interview with a member of a cabinet. I interviewed 6 people from DG trade on a variety of levels and only 2 from DG DEV.

On the hand hand I find it important to acknowledge the shortcoming in the selection of respondents (fewer then planned, less balanced over the DGs and only one member of cabinet). On the other hand, I did not find a big difference between the member of the cabinet and others nor between respondents from DEV and TRADE. During the last

interview I got the feeling I did not hear much new issues. I therefore doubt more interviews would have led to important changes in the story.

Interviews took between 40 and 90 minutes. One respondent refused to be recorded on tape and only notes have been made (including some literal quotes that have been used).

In every interview I have explained as a start the goal of my research and the concept of voice vs access. The list of topics was used in every interview but different interviews developed in different directions. I guaranteed all respondents full anonymity, by explaining nothing they would say would be used in a way that is traceable to them.

§ 5.5.3 analysing methods

5.5.3.1 - transcriptions

From all interviews transcripts have been made. To a large extent they have been typed out literally. As my analysis unfolded, some parts have been shortened by leaving out some words while using key words from the speaker. (In quotations these are marked with a *). These transcripts were supplemented with a short personal impression of the interview and the person interviewed.

5.5.3.2 - analysing

All interviews have been listened to integrally at least two times, in some cases much more. During and between the making of the transcripts I made categories for findings. All transcripts have been labelled and categorised in the computer programme MAXqda. After the grouping analyses had been done topic by topic.

5.5.3.3 - Explaining and discussing

I have presented my (preliminary) findings during a seminar to fellow students and researchers of our institute. I have discussed them with prof. Jan Beyers (Antwerp University), members of European Parliament and their assistants as well as other people familiar with development and/or European policy-making as well as to family, friends and colleagues. This has helped me structuring, sharpening and evaluate my findings. As the process of analysing took a long time, I spent much time reflecting and forming the story in my head.

§ 5.5.4 verification

It is not my ambition to describe a generally verifiable description of what has happened. It is my ambition to tell my story based on other stories in a way that it can be understood and followed by third persons.

After making my analyses I have re-read the categorised excerpts from the transcripts to find statements that did not match my findings and where needed I nuanced my findings or added also contradicting of other views of respondents.

My secondary school teacher for literature used to say: "I imagine that you read the book and then you write some sensible things about it". These inspiring words also guided me through my analyses. Writing some sensible things means that it does not necessarily have to be complete or perfect. But what you write has to make sense. In the following I hope to show some findings that make sense. That contribute to the story of what voice has

caused at the European Commission.

5.6. Scientific relevance

§ 5.6.1 Contributing a story to the filling of -the gap of existing research on effectiveness of voice as influence method in the EU

no systematic empirical evidence has been gathered so far on when, and under what conditions, interest groups actually exert influence (see Bouwen 2002; Beyers 2004; Eising 2004; Du`r 2005). (Michalowitz 2007: 132)

Studies that incorporate interest group activities other than donating to campaigns are rare. (Potters & Sloof 1996: 413)

Yet they [students of social movements] all seem to agree that the study of the effects of social movements has largely been neglected, and it has become sense to cite this state of affairs [...]. Such neglect is astonishing, for the ultimate end of movements is to bring about change. The field, however, is not as empty as several observers have maintained. (Giugni 1998: 373)

This last sentence however does not refer to “voice in the EU”, but to (1) effectiveness of specific organisational forms and (2) of disruptive methods (only one aspect of voice), and all of that not in the least place in Europe, let alone the EU. And this wig between existing research and the topic at hand holds true for most literature I came across. As described above, literature that assesses the use of voice in the EU is rare. Research on the effects of interest groups is mostly (1) old, (2) based on the U.S., or at least not on the particularities of the EU (for instance Potters & Sloof 1996), (3) not fully diversifying by methods used and/or (4) quantitative and focussing on clearly measurable and/or 'universal' models (for instance Potters & Sloof 1996).

Recent literature that does focus on the EU, is still mostly not diversifying by methods and using quantitative testing (of theoretical 'game' models).

§ 5.6.2 Links, but not the same: democratic deficit of the EU or Europeanisation of protest

Much of the literature that does focus on “voice in the EU by (non profit) interest groups”, uses the emergence of this phenomena as evidence for the rise of an European public sphere. Europeanisation of protest (for instance Reising 1998). Also, many writings discuss EU lobby practises to assess the so called European democratic deficit (for instance Michalowitz 2007). Does the involvement of these groups form a legitimate substitute for public steering and control, or does it further undermine the democratic levels of the EU?

This research will undoubtedly have a link with both debates. However, it is not the aim of this research to contribute to this highly theoretic and, in the latter case, normative debates.

§ 5.6.3 Staying behind while moving away from the sui generis approach?

Woll (2006) argues that recent research has moved away from a sui generis approach towards a more comparative method, with mostly the U.S. Federal government as a point of reference. To her, this is a positive move towards normalisation of the subject, and helpful in better understanding it. Unfortunately, this research does not contribute to this development. However, with the current lack of qualitative research on this particular part of influence strategies, before taking a comparative approach, a descriptive approach

seems a necessity at first. Insights derived from comparative approaches have helped in theorising why there is an absence of voice an/or why it would not work, but much remains to done in describing the particularities of the EU itself.

5.7.practical relevance

The practical relevance of this research is most likely to be very limited. As I do not make any claims that the findings will be generalisable to other dossiers, the potential value for NGO's to reflect on their methodology is most likely to be low. However, with this story I might be able to add to their experience might be helpful to some of them.

6. Findings

6.1. Introduction to the findings

The following is divided into four sections. First, I will retell what the respondents have told about the voice they heard: what - in their view - was it, what were the goals and why did NGOs use voice for it? Secondly, to be better able to understand and give a meaning to what the respondents have said about effects, I will make some remarks of what I found particular for the respondents. Thirdly, I will go into what they have said about the effects and how I interpreted that. Lastly, I will make some remarks about my assessment of the reliability of the respondents.

In general, the stories were very much alike or at least coherent with each other. I could not find differences between DG DEV, DG TRADE and the member of cabinet I spoke to. The different responsibilities led to different regional focuses (one of the 6 regions vs a more general picture) or differences related to their jobs: negotiations vs more on communications or coordination.

One story was distinct from the others because the respondent was in general more critical about the EC: the respondent was least positive about the EPAs, quite negative about a Commissioner and indicated that the behaviour of NGOs had led to a very bad image that, if it was up to the respondent, would have negative consequences for access of NGOs.

These notions have made me decide not to label quotes to specific respondents (1,2,3 etc). As in general stories are so coherent with each other, I don't believe there is an added value to this. On the other hand, some said very confidential things. The amount of people working there is small and if I would label quotes to one of the 9 respondents, I could imagine the possibility to reconstruct the individual behind it by putting all quotes together.

In the following grey backgrounded paragraphs or the use of double quotation marks (“”) are actual quotes from respondents. Single quotation marks (‘ ’) is my interpretation of their words. All quotes are literal quotes, only in some cases the order of words was changed to make sentences more fluent in cases where spoken language is difficult to translate to paper (broken sentences, etc.) or when it discloses the respondent has an accent I occasionally changed the order of some words to make the sentence more fluent. The use of an asterisk (*) in front of a sentence means it is not an actual quote, but a summary of what has been said using actual used words as much as possible.

6.2. voice according to the respondents

§ 6.2.1 Voice as a concept to use

have you seen a lot of those voice being used?

Yes, we have seen lots of campaigns, we have seen lots of reports, which are not directed at somebody specific. We have seen protest, we have seen demonstrations, we have seen a lot of that. At the same time, we have seen a lot of access as well. NGOs who regularly come to the commission, they asked for appointments, they want to meet people. And we receive them all the time. And I think both kind of actions are very much covered by the NGOs.

I started all the interviews by explaining the concept “voice” as opposed to “access”. To the respondents it appeared rather easy to understand and follow and even use these

concepts. With this, they might have framed their understandings in my words. Yet, by setting this common language, in the interviews linguistic misunderstandings have been avoided, was it easier to compare respondents and respondents actively tried to reframe their understandings in this framework themselves instead of leaving it to my interpretation.

There was one point of uncertainty: The EC has a “civil society dialogue” (CSD): a few times a year a relatively open seminar where the civil society can discuss with officials of the EC or even the commissioners. This is a very thin line between voice and access. It is not a one-on-one meeting, there are other actors present, yet it is not going through (mass)media. How to judge it is not easy: for example, one respondent explains:

**two ways: both advocacy. Directly, influence DG and commissioner through personal contact: 1) civil society dialogue, institutionalized method and 2)the direct style where a member of the cabinet facilitates meetings with them and him[Commissioner]. That is direct. Other way, arguably much much more important, is through the media. the public market place.*

The same respondent later tells a story that also illustrates how these CSD also has a more public way of working:

[at a CSD meeting] watching the Cafod[NGO] representative standing up and berate the commissioner for his stance in the EPA negotiations. And then in the back of the room, a Caribbean man stood up and said "Hello I am the chief negotiator for the Caribbean region. And I don't recognize the caricature of my country", pointing to the Cafod man, "that you're painting. I don't recognize the weak, indefensible people and negotiating team that you're describing" .

In general, I would say that the respondents see the CSD as “access” as it is organised by them to have direct contact with civil society, but in this case or when a respondent said that “*we invite them, sit back and let them contradict each other”, they also recognise this ambiguity, but didn't classify it as voice. That was used by them for more public methods.

§ 6.2.2 Voiced noticed

All of the respondents have noticed voice. They mainly noted demonstrations and publications. It increased strongly in the running up to the deadline. Most found that the amount of voice was rather high for this dossier, compared to other trade related issues. However, one said that he was used to see voice on other trade issues.

One of them said it has been poorly picked up by the media in Europe. But as others explained, the world of EPAs is fairly small (“its all taking place in a bubble”) and for the respondents the NGOs are perceived to have been omnipresent.

§ 6.2.3 Voice in the ACP

They [Oxfam] give t-shirts in the streets to people who have no clue what an EPA is, what we are negotiating, and they say "go in the street and demonstrate". They are very good at that, they have contacts in each country.

Much of the voice the respondents have noticed took place in the ACP countries. There were demonstrations organised. Press coverage was much bigger. It became more a public debate than the European bubble it stayed in. European and international NGOs worked together in those countries, or as others called it, European NGOs activated local NGOs.

§ 6.2.4 The organisations we're talking about

We know that an Oxfam report... Oxfam is well connected. They have a huge network all over the world, and if Oxfam publishes a report... It has an impact. And when we see a preport, we get very active. We see the emails exchanged among colleagues, increase all of a sudden. And then we discuss it "we go public as well? do we make an official response to Oxfam or do we stay

quiet and do not react publicly?"

The most vocal NGO is Oxfam, and manipulates in every [lost word] they are very good in communication and they use techniques, that I think are close to propaganda[.]

Even though often we talked about “the NGOs” or “the NGO community”, respondents often somewhere in the interview said something like “I mean you cannot lump all the NGOs together, but in general...” and made a distinction between aggressive and more constructive NGOs as well as marginal and influential NGOs. Some also noted that even though there was no formal coordination, there was a lot of communication between the NGOs.

I did not ask for specific names of NGO's. But all of them named out of themselves Oxfam. Also Aprodev and ChristianAid were named more than once. Concord, Cafod, EDMCP, 555 and Action Aid were named too. Christian NGOs were often grouped.

They named many UK based NGOs. I will come back to that later.

§ 6.2.5 What were the goals of the NGO's?

***what were their goals?**

To criticise and stop it. Publicly, what they say is "no to these agreements. Africans, don't sign, they will kill you" And when we talk with them, [...]they were saying, " in the campaign we have to be extreme, otherwise our message doesn't come through, we don't want to say no the agreements, but make them more balanced. To not over liberalise in Africa, and that you give a lot of aid with it."

We organised meetings with them and Mandelson. That is quite easy. We just sit back and let them speak and contradict each other, and sometimes themselves.

But I don't really know what their aim was. Honestly. I understand that people might have problems with EPAs, but Oxfam was far to ideological and so I don't now what they were trying to achieve.

And clearly the idea was to stop the process. And to block completely what was happening.

Do you have the feeling you understand what they are doing?

[thinks] pfffeww. To understand what they are doing? In a relatively cynical way, yes: they have an agenda and they are trying to drive their agenda. In a sort of more constructive way: no. I fail to understand what their real objectives are.

What did the NGOs try to achieve? Some respondents sated that they believed the goal was “To wreck the whole thing”, to stop the process and stop the ACP counties form signing. Others said that “stop EPA” might have been their slogan, but the policy goal was much more nuanced: to make the deals better for development. What then the alternative to the proposed EPAs was, was not really clear to them. Some then said that they couldn't see exactly what their goals were.

§ 6.2.6 Why using voice?

6.2.6.1 - *why not using access?*

I think they did both. you try to separate things again and I think that doesn't work. If you continue that you get it wrong. They did both and that is why they have been successful. They combine.

I would say in terms of calories burned, the NGOs have spent much much more time trying to influence indirectly through engaging activists, through briefing the media, through energizing their counterparts in African countries, then that they have tried to influence the commission directly. They may say that that is because their voices aren't heard. But I don't think that is true, It just part of the inevitable fact that NGOs interact through the public domain in order to be visible for their supporters. And they choose to prioritize that way of passing their message. Whereas business tends to favour influencing quietly from the inside, NGOs tend to be more publicly activist.

I have the impression its a far more ideological debate than a sort of [lost word] debate about amendment this or that, which is what most lobby books actually talk about.

***what topics discussed inside differently then outside?**

The same. Their claims are the same in the street. They are shorter, more decisive, but the general line of what they say in the street and what they say to me is the same. Where the difference comes in, when we meet them directly there is a little bit more of a dialogue.[...]Then they also recognise our points. In the streets they don't recognise anything. They are just antagonistic

What happens is that they have a manifestation, and then, they want to convey a message, a letter, and then they make a handover of a letter. They do parallel exercise

All of the respondents also noticed access. Most of them said that the combination of voice is part of a combined strategy. The respondents believed that the NGOs using voice were also the ones that did have access and for whom it thus was a choice. Generally speaking, they named three reasons for the use of voice. Respondents named two or all of these reasons.

6.2.6.2 - 1) Why voice? Well, that is what they do

All of the respondents found it completely normal that the NGOs used voice. NGOs make noise, that is what they do. It looked even like some of them hadn't thought about it in terms of “ why would they protest”, so logical it is for them voice is used.

Some framed it that it makes sense that you use all the methods available.

6.2.6.3 - 2) More suited for putting pressure for a fundamental change

Whereas some respondents believed that NGOs believe that voice helps them in putting pressure on the decision-making and supports them in their access, some believed that voice was used more after they got the feeling that there voices were not heard during access . But all of them – more or less implicitly to explicitly – noted that it had to do with the nature of the debate:

but with the epas, it is a far reaching thing, its, I have impression, a far more ideological debate than a sort of technical debate about amendment this or that, which is what most lobby books actually talk about[...]

I think you can see it parallel to things in the social area, like the working time directive, which was a big thing here in Brussels, where we saw a lot of voice, all over the place, because that stirred people up and they wrote things in the local news paper, and suddenly it was no longer a question of changing amendment one or two in directive x, y, and z, it was more about some ideological question.

Does that also mean that the use of voice can be an instrument to take a debate more from the technical to a real political level?

Yes absolutely, no question about that

Here they noted that making it more political, in order to make more fundamental changes indeed was their objective.

6.2.6.4 - 3) Managing the homefront

Most NGOs would rather have 5 minutes on the evening news with a placard outside the Berlaymont than half an hour with the commissioner.

If I wanted to be very nasty, I would say that some of them are just trying to justify their existence. [...]. If you don't complain, you don't exist.

They [NGO's] don't sell any t-shirts by agreeing with the EC

Most respondents argued that an important, if not the most important reason for the NGOs to make noise was to be visible for their constituency, to convince the people to donate and show them they are spending their money rightly and that they are working very hard for them. One believed that the voice did not cost them money, but probably gained money.

6.3. Impressions from the respondents

To be better able to value and interpreted what the respondents have said about effects of the voice, in this paragraph I will elaborate a little on my impressions of the respondents. The construction of effects of voice seen by them and the construction of effects it had on them cannot be separated from their personal beliefs, the roles they take and the strong group identity they have.

§ 6.3.1 Loyal by hart

I have to defend what I do, that is my job

All the respondents I spoke to are very loyal to the EC. They defend the institution, their DG and their Commissioner. The following quote is the most critical I heard:

[tells how dogmatic Oxfam is not sensitive to arguments and "dogmatic"]

But Oxfam says that the EC dogmatically believes in free-trade...

You know what? I also believe so. A bit too much. I think [Mandelson] believes a bit too much in free trade, but he is not dogmatic. He consults MS and it is always a bit of pragmatic and wise decision in the end. On EPA's I think it is sliiiiightly too liberal, but only slightly, [hastes to add the following like playing a pre-recorded tape] but I think it is a good thing, I think it is balanced and MS do also think and I am sure EP also [...] after passing all this steps if something is evidently bad, one might really wonder how democracy is functioning.

This happened with more respondents, that sometimes they switched to some "pre-recorded" message about how good their intentions were. Sometimes it sounded so rehearsed, I started to suspect that they were "programmed" to (see last paragraph of this section). But I got the impression their loyalty is not just a professional attitude, it is also what they believe in: the good intentions of the European Commission.

When it comes to commissioner Mandelson, who is the most visible commissioner for this dossier, they all defend him very much. Sometimes this sounded, again, like "they have to", but most of them are sincerely enthusiastic about him:

Were he [Mandelson] is most effective, is when he is on the ground in the countries concerned where he[...] has a chance to explain, directly to the ACP audience what the implications of the policy are. And that comes through, immediately. Immediately more balanced. [...]He is a very very convincing... convinced politician. He believes in that stuff and he is very good in explaining it.

There was one explicit exception from this:

I remember when Mandelson arrived here, we all said "He was the Spin-doctor of Tony Blair [...] so we have somebody good at communications" Wrong! Mandelson is good behind the scenes, but [in the spotlight] he is far too arrogant and looking down and cold and antipathic, he is a disaster in communications. OK, I exaggerated, but all these people had soo high expectations...

§ 6.3.2 technocrats by nature

6.3.2.1 - Devoted to development, but rigid: There is only one way. This way.

***Are there from the EC that do not share this view?**

About EPAs? If I talk to my colleagues, I don't think so. We have very much the same views, and I think in the the message that we are conveying that these EPAs pro development and that we are doing our best for development, is what we really believe in. If you ask me when I personally believe in, it is that I don't think that you can go one with a closed economy, you have to allow for competition, you have to allow for governments to conduct reforms. Put rules in place so that investments come in, so that the dead people start spending money and economy. I very much believe in that. {starts laughing} and i hope my colleagues do that aswell...

Besides loyal to their employers, they are also very loyal to this dossier. Without one exception, they all believe the EPAs are good thing. Even though some admit that they are no wonder-recipe for making everybody in the ACP more wealthy, they all believe that the EPAs are good for the development of Africa. They said that for them this dossier is different from other trade negotiations and that development is central in this dossier.

So in a way we feel that we are actually doing a policy that is pro development. And the NGOs want a pro-development policy.

That is also leads them to deny the, what they feel as accusations, that they are primarily supporting a “merchanitlist agenda”. In fact, many of them feel that they want the same thing as the NGOs – development - and that most of the demands of the NGOs are in the agreements even without them needing to advocate for it. They also deny - what they feel accused of – that they are “wildly liberalising”. They don't feel that they are following a rigid ideology:

I think there are NGOs that argue that the EU commission is pursuing neoliberal policies, that could be compared with one of the World Bank and the IMF used to do. And which is not true. I mean, we are going for trade liberalisation. I mean in a different context, trade liberalisation with Japan looks completely different than trade liberalisation with the ACP countries. It is very different. It is very much more progressive, and phased in.

They in fact feel it is very balanced. Because they strongly believe that opening up markets, encouraging investments and trade is the best way, or even the only way, towards development and economic growth. And thus in the benefit the people 'they are doing it for'.

It is not only that they believe liberalised trade is a good thing, they also believe that there is no alternative, because of past decisions and international agreements.

Some of the arguments of NGO's are completely beside any reality. We are living in an international economy that has given itself a number of rules. They are enshrined in the WTO. The EU has negotiated them. The ACP countries have to their very large majority been participating in those negotiations and we have all jointly agreed that we can maintain preferences under certain conditions, but only certain conditions. Those conditions, at the end of last year were no longer there. So you can then always say "Why would you respect any kind of legislative framework... I can go off and steal the property of my neighbour. Why should I bother?" under the rule of law that we have established internationally... we would have broken

the rules we have made.

as far as I'm concerned, the decision has been taken seven years ago

The WTO waiver expired. And unless they form a free trade area, where a maximum of 20% of goods is exempted from free trade, they are violating international law. And they feel that that is impossible. Firstly because they believe other developing countries will immediately file complaints at the WTO. Secondly, more fundamental, because for them international regulations are 'sacred'. One respondent even started about the EC as the 'guardian of international law', but all of them felt the WTO regulations were demanding this. They don't question whether the status quo is best for development, it is there. And that is the legal framework. Full stop.

They feel a strong 'path dependency'. With the agreement of Cotonou, where the road to WTO compatible EPAs was decided (to be conducted before January first), and with the mandate of the MS given to them, they feel that their margins were set. Narrowly.

To them, any attempt to reverse earlier decisions, or not feeling strongly bound to the WTO deadline, is 'not-done'. Therefore some respondents even called Oxfam irresponsible: Stopping EPAs to be signed, is playing with fire: ACP countries would suddenly face inevitable tariff barriers.

there was no other solution, and Oxfam... pff... they have no responsibility. They say no....

6.3.2.2 - Stop EPA? Please tell me the paragraph you would like to improve.

I always tend to think that there might be millions of more useful things to do than just shouting. But that is a personal opinion. Also because it is essentially a negative attitude. I by definition, it doesn't solve any problem. I mean, if you do, I say that the status quo is fantastic, then you can go and shout, because you won't change anything by doing that. You have to come up with something, which is a bit more concrete and more related to the situation.

I don't have the the big picture, but you had a lot of voice in your terms. But not so much access. And certainly not a lot of positive access. What I would say with positive access is not saying "ohh commission you are right, you are doing fantastic". That is to say for instance, when negotiating EPAs, there will be a chapter on intellectual property. "We think the chapter on intellectual property you are proposing is crap. For this and this and that reason. It is a standard chapter, you are taking from usual, international trade treaties. But this is different, they are developing countries. And you could do this or that and other things." of course, as such organisations do not have access to the actual text that is being negotiated, but they are usually extremely well informed. And to a very very large extent, they choose to remain confrontational, and many many many until the very last minute last year.

Can I draw the conclusion that people in the commission are looking for arguments rather than political pressure?

O yes. Political pressure is something we don't need, we get enough of that [laughs] We would certainly buy good information and good ideas. Good arguments. What we don't need are slogans, propaganda that is not based on arguments we can use. Because at the end of the day, the role of the Commission, part of the role of the Commission, is to convince the EP and the Council on what we are proposing is the best possible option. And for that slogans is not enough. You need facts and you need ideas and you need arguments.

They are technocrats, and are looking for the best solution. Which has to be inside their path depend and legally bounded framework. Slogans is something they are uncomfortable with, cannot do anything with. They are looking for substantial arguments, based on facts. Some said they can accept if someone comes to a different conclusion, but what Oxfam calls a different conclusion (What is substantial amount of goods? Is that necessarily 80%? we are sure an adjusted GSP (status quo) is also WTO compatible (Oxfam

2008, interview Oxfam-Novib), they call “incorrect”, or even a “lie”

One of the respondents even compared Brussels with Washington, were industrial lobbies “ threaten” the administration to go a certain way, and was happy that in Europe “the argument is what counts.”

6.3.2.3 - *We negotiate with ACP governments. No one else.*

Eventhough this was not discussed explicitly, I believe they are very much focussed on institutions and a perhaps classical view of international relations: They negotiate with states. None of them said explicitly something about the legitimacy of ACP governments, but no matter their nature (autocratic or democratic, supporting development or just enriching themselves) they seem to accept the ACP states as their legitimate partners. That is what they negotiate with.

This is a nice example: [at a CSD meeting] I watching the Cafod representative standing up and berate the commissioners for his stance in the EPA negotiations. And then in the back of the room, a Caribbean man stood up and said "Hello I am the chief negotiator for the Caribbean region. And I don't recognize the caricature of my country" - pointing to the Cafod man - "that you're painting. I don't recognize the weak, indefensible people and negotiating team that you're describing". And the man from cafod only responded by saying "well obviously I take your point, but I'm not just here to represent you, I am here to represent the people in Western Countries who feel that this process is not working properly."

Some said how they found the stance of NGOs patronising, and that they are perfectly capable of speaking for themselves. Others felt a little less sure about that (one said something like ' they have an spreadsheet of 5000 products, and with a few untrained civil servants they have to pick which 20% they want to exempt. Off course') and that the help of NGOs, mainly local business, was very important ('They know the situation on the ground'). One respondent noted that the good thing of this process was that civil society in ACP countries got strengthened.

Some respondents argued that ACP negotiators in cases did not agree with the NGOs. And that this for them also meant they lost credibility.

§ 6.3.3 Accountable public actors

Even though in a sense it could seem contradictory to their technocratic nature, they all felt that they, as public actors are accountable to the citizens. Eventhough they expressed many technocratic features, in their role as civil servants they feel their institution, serving the tax payer, need legitimacy from the public, also related to their loyalty.

§ 6.3.4 Attitudes to NGOs

The above has consequences for their attitude towards NGOs that I will elaborate upon below. In short, they believe that NGOs have a dogmatic stance. And that they are not helpful because they mainly say “no” instead of “ yes (we agree with the framework, 20%, etc) but think of this (product/service/paragraph) because of this reason” etc.

Oxfam is for them the most important organisation in this regard: the most vocal and most active, both in Europe and the ACP. And the one that is taken seriously the most by other actors, the one with ties with (social democratic) politicians : hence the most dangerous one. Some called Oxfam “ irresponsible” for not working towards WTO compatible agreements before the deadline (resulting in tariff barriers).

But I also got the impression, but I am not sure, that the frustration about Oxfam has to do with some form of disappointment: Whereas marginal groups are not taken seriously anyway, I sensed respect for Oxfams capacities, network and expertise. I believe some of them had 'expected more' from them. Or think something like 'how can such smart people be so wrong and irresponsible?'

6.3.4.1 - I don't know, ask Oxfam

Often when I asked them “why do you think they do that” they responded with “I don't know” or “I don't dare to speak for them”, “ask it themselves”. They felt uncomfortable to speculate on what others would feel. But I also sensed that they have problems understanding what the NGOs were trying, because ideologically and methodologically they are too far out of their frame of reference.

6.4. Effects of voice according to the respondents

§ 6.4.1 at the coffeemachine and in the commissioners office

Unfortunately, the basic reactions to the voice within this institution is disappointment and exasperation.

6.4.1.1 - At the coffeemachine

Sure, if there is an Oxfam report coming out, we read it. We made our own comments and we debated amongst colleagues

And what kind of atmosphere, does that take place?is it"ohh it...

it is them again {hahaha}...It depends on the report really, you can have a report that the agree with not at all, that we think... " It is... It is again the same old story", to be very frank with you, and sometimes we think "well, that is actually a good report. It is a good academic piece of work. And it is a report that tries to seriously highlight the situation". That depends on what is written really. It depends on the specific case.

If Oxfam publishes a report, it has an impact. And when we see a report, we get very active. We see the exchanged among colleagues, increase all of a sudden. And then we discuss it "we go public as well? do we make an official response to Oxfam or do we stay quiet and do not react publicly?"

Respondents told that they are well aware and trying to get an overview of what happens, also by national representations and such. They do discuss them, but it is not 'the topic of the day' or a big informal issue for them ('wow, that was a big demonstration today, not?'), it is more about 'what do we do with it'. One respondent collected protest signs and other material.

6.4.1.2 - Tired of “the same old story”

All the respondents talked about the NGOs in a negative way. In general, they tried to avoid very negative descriptions, sometimes took a breath before choosing their words carefully ('they are... not so helpful... to say the least') but between the lines, it became clear that they have a negative stance. One respondent plainly said “we hate them”, another used the words “a pain in the neck”.

Well, with Oxfam, I feel they are trying to convey the same arguments, they can be at the different context, they can focus on a different country, since they have the ideological stance, they also cannot change the opinion... but I think it is very much the same old stories.

At a sort of fundamental level the development logic the NGO's were arguing for, the EU liberalizes completely, ACP over time with assistance and cut outs, is in the policy and it has

always been. And it is a bit of shame that that hasn't been recognized

One reason is that they feel that the NGOs are dogmatic and repeating the same stories all the time, so that it gets annoying. They feel that NGOs are telling a one sided story and often factually wrong. But also, many feel hurt that NGOs not only say they choose the wrong methods, but also doubt their intentions: that the NGOs portray them as “trying to screw Africa” while they feel they are honest in their development goals.

To many this has led to disappointment and in some cases even anger or frustration.

6.4.1.3 - Politicising the matter

***Why not access?**

They think they can put more pressure on us by exercising media attention against the EC decisions then by talking to the EC directly.

do you think indeed it works like that?

I don't

Because...

because I think we are basing our policies not on media pressure, but on far deeper, more sound analyses, rather than political bleeps.

[thinks] well, when you move from the technical to the political level [thinks]... could you repeat the question?;

Is there a difference in the way policies are made, or in the process, if it moves more from the level here at the dg to the commissioner and his cabinet?;

no. not in this case. I was wrong there. I don't think it has. this has very much been a sort of traditional negotiation process, obviously it has had political steering from above...

Some feel that NGOs try to bring this issue from the technical level to a more fundamental, ideological and political level. They have the feeling it got indeed more political sensitive, but because they are technocrats they felt that that was impossible because of the path dependency and because they are only looking for arguments they thus did not work differently.

Even though they did feel that the commissioners and their cabinets got more involved, they do not believe it is because of the voice, but because of the deadline. They did not recognise a move towards the cabinets.

§ 6.4.2 Responding: “Balancing the debate”

one thing is a political or ideological opinion, but another thing is factual errors. And factual errors is what we are addressing.

Because they are so convinced of them being right and the impossibility of alternatives, the main effect of the NGOs politicising and making noise for the respondents laid in better communication.

On the one hand they talked about “correcting the factual errors”, as was it mainly a matter of 'true and false', on the other hand they talked about “balancing the debate” and how they felt the debate was very much one-sided, which is more political.

They all felt the need to communicate their side of the story. But why? They felt the NGOs were deaf and not changing their messages and that it did not have costs for them: they worked in the same way, and many said that in the end it are the MS and the European Parliament who have to agree on the EU side and ACP governments on the other, and not the NGOs. Some reasons I came across follow below:

6.4.2.1 - 1. The Commissioner

They did not see much risks for the Commissioners. But much voice was from the

UK. As said, some believed it was because of Mandelson, but most gave a different explanation. To some extent they felt that Mandelson was followed by the British public opinion and a few could see that Mandelson has to secure support for future political positions (in the UK, the EC or global institutions). This seems only a minor rationale for most.

6.4.2.2 - 2. *we should be accountable to the public*

You know we are a public institution, we are not the government but we are a public institution, but accountable to the EP and national governments who are accountable to the citizens, and there is a right on the part of the citizens to be informed.

As expressed above, many feel accountable to the citizens. They gave this often as reason for having to justify what they do. I got the impression to some it was even a bit weird why I was looking for 'rational choice like motivations' for reacting. So without a threat to eminent costs, they feel the need to influence public opinion and to build support for their side of the story.

To some there were more 'rational' reasons for this. One named the risk of a declining support for Europe as a danger for Europeanisation.

The commission is not secluded in an ivory tower. We do not only talk to people in secret meetings, no! I mean, quite clearly, we do have an interest showing people at home that we serve a useful purpose. To put it in very general terms.

But there are no consequences if you don't? As long as you keep the council happy...
Well, I mean you know the general satisfaction about how Europe goes, all the commotion leads to a very unhelpful result in some countries [vote against the constitution].

6.4.2.3 - 3. *playing on other tables.*

Some others named the risk of delayed costs for them: the public can influence those that have to approve the EPAs:

****what would happen if you not do that communicating?***

[thinks again]I think the wrong information would be reinforced and that could influence a number of first of all electors and via the electors the EP and national parliaments and therefore national governments. And that would influence positions that the EP and MS would be taking. I think in the end of the day that would be the concern.

This for them seemed the most important reason to communicate. I will come back to this later on.

6.4.2.4 - *What this meant*

This meant for them that FTEs were created especially for communicating EPAs. That more meetings were organised in Africa for the press and civil society and that the Commissioners were plugged in the press, notably in the ACP, to give this message. (see further)

§ 6.4.3 managing the tables

I think the voice method has been very very influential. I don't particularly agree with that sort of anti-epa message, but it certainly has been efficient and has been has influenced decision makers in both member states and in ACP countries to a large degree

Respondents acknowledged that voice had (possible) influence on other actors involved and felt that it was important for them to manage processes there. Without using the actual terms, most of them were actively aware of the 'Putnam two level game' that goes on and argued that a negative public opinion would fall on their table, not directly but indirectly. Only one respondent seemed not to have considered this so actively prior to the

interview.

6.4.3.1 - Acp countries

Would you say that every euro Oxfam spend in the ACP is more effective spend then a euro spend in Europe?

Yes. They have been much more effective in influencing the opinion in Africa then in Europe.

One case you can imagine is Senegal with the very tough and negative words of president Wade at Lisbon⁴, were never a mirror of Senegal in the negotiations. So to a very large extend you can assume these were words for domestic consumption.[..]until very recently Senegal has confirmed, with all countries in the region, it is in the process and it is still negotiating and it still wants a regional epa. You have that situation in a number of countries.

***what if not?**

*media read inside Europe are also read by partners whom negotiate with.

It makes our negating position more difficult if messages are past in the EU media that distort our negotiating position. It has to do with the credibility of the EU as negotiator with African countries. Or anyone else.

so there is a risk of an impact on the negotiations when the negotiating partners can sense some public disapproval or questions on what is going on?

Sure.

and that is the reason that you try to counter that?

Sure.

Respondents felt that the voice had possible influence on their negotiating partners in the ACP countries. First of all, they (governments and their negotiators) also read the European press. Some respondents felt that the position of the EC could possibly be undermined if their partners got the impression that there was a lack of support for the EC position. Therefore they felt that it would be dangerous if the image in the European press would become too negative and thus felt and urge to “balance” that.

Secondly, and more importantly, the voice expressed in the ACP countries was seen as a threat to the position of ACP governments, who would not want to sign an agreement that is bad for their popularity. Post-colonial issues are very sensitive in many ACP countries. Yet, most respondents did not feel that the position of the ACP countries in the negotiations had changed a lot, they felt more that they publicly showed 'not to give away too easily' or being 'pushed over' by Europa but negotiating toughly while at the negotiation table did not become less constructive than before.

Therefore, the EC tried, by organising interviews and other press related activities as well as round tables with NGOs and other civil society related activities, to reduce the public pressure on their counter parts in their advantage.

Most respondents felt that mainly voice in ACP countries had effects because more masses were moved, it was in the newspapers everyday while in Europe it remained limited. One respondent however saw it the other way around:

You should also consider that there is not such a pressure in our partners. Civil society is not so strong in most of the ACP countries as in Europe. Therefore our partners are not so much scrutinised from that point of view which may make their life a bit easier but in a sense is a shortcoming of the process.

6.4.3.2 - Member states

We had to write to the British government to ask them to stop repeating an NGO argument

⁴ The President of Senegal made a very strong statement about EPA's during the EU-Africa summit in December 2007 (c.f. <http://www.nytimes.com/2007/12/10/world/africa/10summit.html>)

about Ghanaian chocolate because they don't seem to have checked what the EU's policy is. They take the NGO argument [Oxfam in this case] and assume it is true.

***Did MS use different tone or Ec needs to tell different story to him?**

Ministers, like parliamentarians, like all elected officials, obviously are paying a lot more attention to public opinion, to media, then sort of bureaucrats like me. And therefore, when there is a mayor manifestation or mayor media activity, they request factual evidence. They want briefings. They want to understand the issues.

Why don't governments think "who cares, nobody is gonna read this anyway?"

It is an interesting question, "if it is not making the newspapers, then why worry about it" but politicians [talking about MS] are often men and women of considerable integrity who want support for their policy.

Respondents felt that in some MS voice has led to more concern. They noted mainly the UK, but also to a large extent The Netherlands and the Nordic countries, notably Sweden. Countries that they believed are traditionally very supportive to liberal trade agreements, but also traditionally very concerned with development cooperation and traditionally strong NGO involvement. Respondents believed that these countries got increasingly concerned about the development implications of the EPAs. They felt that voice in those countries did contribute to that in a large extent. They had the feeling that those governments sometimes easily took the words of the NGOs for granted.

As a result, these countries demanded more briefings and information about the EPA's, but also in a more political way the EC needed to make sure they remained supportive. As one respondent said off tape "We did not receive the full support we had expected from them".

Respondents did not feel that the positions of these countries shifted in a sense that they demanded changes to the treaties. It was just increased concern.

What the EC did try to do was trying to let these governments keep their concerns internally and not publicly. The quote below refers to NGOs arguing that missing the January 1st deadline would not be the end of the world, while the EC tried to keep pressure on the ACP countries to sign:

The debate you never saw outside, was the debate between us and those [ms] governments saying "don't break ranks, keep quiet so the pressure stays on"

It is interesting to note that most of the respondents primarily named the UK as country where a lot of voice was noted and possibly influential. The reasons they named however were very diverse.

Some thought it might have to do with Mandelson being British and thus leading to visibility of what he does and possibly receptive from domestic pressure. But some other believed that was either possible one reason or not a reason at all ('former commissioner was French, still UK most sensitive'). Possible reasons named were the strong "fair trade/ Max Havelaar" NGO movement in the UK, the reason that many NGO headquarters are there, the colonial history and/or the electoral system (constituents who write letters to regional representatives).

6.4.3.3 - European Parliament

According to treaty don't have that much to say, but we have a commitment to keep them FULLY, I mean fully Briefed. they get basically every document.

The European Parliament is taken very seriously by the respondents and seen as an actor that needs to agree with the EPAs, even though they spoke much more about MS.

They feel that MEPs are sensitive to NGO arguments and that voice possibly or probably has helped, even though many NGO's 'have the direct phone numbers of the MEPs'. Some respondents found some left winged MEPS as dogmatic as Oxfam and saw the strong ties between Oxfam and other NGOs and these, mostly social-democratic MEPS. Therefore, it also resulted in more demands for information from the parliament and more efforts to “balance the debate”.

§ 6.4.4 Waking the dog? The dog is not interested

The one actor who is absent from this negotiations, and which is unusually for a trade negotiation, is the industry lobby. European industry has no interest in market access to ACP countries. They make up a tiny shiver of our export markets. Despite the constant suggestions, the contrary, there is no aggressive merchantalist agenda on the EU side. [...]In fact, one of the poverty reduction problems for these markets is that there is not enough interest for investing in there, in trading there. That is an unusual absence for this arena.

When I asked the respondents to sketch the arena, when naming non institutional actors none of them mentioned the industry lobby, and when asked explicitly, they all said that industry lobbies, remarkably, are absent from this area⁵. Only one respondent named the sugar industry having lobbied a little. They all felt that allegations of them 'working in the interest of the EU exporters' was wrong. They even considered it a core problem for development that EU industry is not interested in investing and exporting on small and medium enterprise level.

One of them noted however that some industries had lobbied their home governments, but did not know in what that resulted.

This means that voice did not change the nature and shape of the arena: no counter-interests got triggered by the voice and tried to access nor were there attempts for secret lobby countered by the NGOs.

Form the interviews it did not become clear if other 'pro fair trade' NGOs got triggered to start access or voice themselves. None of the respondents mentioned this, but I did not ask explicitly enough.

§ 6.4.5 what did it change in the end?

6.4.5.1 - *Were they successful?*

I think the voice method has been very very influential

from my angle, what they did is a total failure

Opinions of respondents differ greatly on how they assess the effectiveness of the NGOs. That really depends on what they see as success: changing the policy (no) or getting attention in the media (some:lots, some: poorly picked up) and policy-makers (very much in some MS and some ACPs) and raising concern there.

6.4.5.2 - *Did the texts change?*

I mean, we're going this way, and you ask us to go that way, we won't do it. Maybe we will shift like this bit. {points out one direction, points out the other direction and then points out the tiny shift}.

Did that happen?

I'm not sure. Frankly, I'm not sure. I don't think so. I mean, if you look at the Caribbean

⁵ Both informants from NGOs I spoke to both mentioned the European Service Forum as being very active. Even though I did not ask explicitly, none of the respondents named it

agreement, we are very happy with it. Caribbean countries are very happy with it. Would we have made any thing differently, if there had been no civil society pressure? I don't think so. I mean, these are the sort of agreements be wanted to negotiate. And then, of course, from the beginning we integrated the concerns of is civil society and the same on their side.

in the end, have the EPAs changed in the actual text?

Yes off course, in a negotiation it is evolving

because of the voice?

[Thinks]: I don't think so. Difficult to say. But we have negotiations with our counterparts, not with Oxfam. And our counterparts [thinks long time], no they don't really listen to... it has influenced the process, but not really [...tells how Oxfam got faded out in an ACP country...]and that is because they have said "no to the EPA". They didn't say "yes to epa, but with this and this and this change". If they would have done so, and it was a little bit wise [...] concrete analyses, but they didn't do so. So they couldn't influence. Those who could, were those who were precise [gives example of ACP business interests].

...And increasing the pressure on them [MS+EP], which they do on the same time as they increase the pressure on us, can have a policy impact,. For the epas, I don't think it did, because, we are operating under very significant constraints, in terms of what our policy options were. And so I couldn't , off the top of my head, come up with an example of where public expressions changed the policy approach.

None of the respondents think EPAs changed in the end because of voice. Some of them think it is not impossible that the delay (only one full regional EPA signed at 1-1-2008) might have to do with voice. However, none of the respondents seem to believe that not completing the EPAs was a failure. Some even said 'The NGOs failed. We have agreements now'. They succeeded despite the NGOs.

None of the respondents gave an example of something that changed because of voice. Some say it is all so complicated and that there are so many developments that the 'what if no voice question' is to complicated to answer. But in majority they do not believe voice changed much, because they have EPAs now they way they want them or at least interim agreements, that the constraints were so tight there was not much room for a change in the way the NGOs wanted considering that the NGOs proposed only a complete ideological shift and hardly any concrete suggestions they could implement and that the development goals of the NGOs are in there anyway.

§ 6.4.6 Increased access or closed doors?

Are they seen more legitimate?

Good question, can't really answer. I think they do, some of them. By making noise you get attention. in the short term it certainly makes sense, but in the long term I think it is a mistake. Some of these NGOs are very serious organisations with intelligent, hard working people, I don't think their work is helped if they are misleading on purpose.

6.4.6.1 - Bitterness all over...

will it heal the relationship?

I guess it will heal in reality. [if implementation will create jobs in those countries] I hope that those NGO's will realise it. I hope. But they may even deny that. They may even continue to say that even that is not the reality, and that even there it is just a big design by the community to do something awful... That creating jobs in Africa is wrong... I don't know what they are going to come up with ..

The image of NGOs the respondents hold is certainly negative. And they feel it worsened by the use of voice. Not the instrument voice per-se, but the use of what respondents name 1) wrong/misleading/incomplete messages, 2) repeating the same message all the time and not responding to developments/arguments ("talking to a wall"), 3) being ideological and not helpful in pinpointing issues that could be improved within

the indisputable framework of the EC.

All of them felt somehow that injustice was done to the EC and their personal commitment to developing Africa. For some this meant that it led to frustration, one even said “we hate them”.

6.4.6.2 - ...but everybody stays welcome. Even Oxfam

Will it have repercussions?

I don't know. Certainly all the people here who worked on EPAs have very negative feelings that will last. I will continue to be an EC official. How negative it is for Oxfam? Pff...

I don't think our relationship with NGOs has worsened by that, not at all. I think amongst friends, one could have a good debate.

There are regulations, there are there is a policy on how to bridge to a dialogue with the civil society and the public and European citizens.

So I think they are playing their role in society, which is very good and very crucial.

So, will that have repercussions for access to the EC? All of the respondents said that it would not in quantitative terms. They will remain receiving invitations or get a meeting if requested. As arguments they named that first of all it is a policy of the EC (the CSD), something they just have to do. Also was named that in a democratic society you should not pick who you talk to but all opinions should be heard. A few motivated this (partly) by saying that it would be bad for the EC if the image was shaped that it excludes oppositional voices. Thirdly some argued that it is “how the game works”: they do demonstrations, we do consultations. This is different from the 1st motivation that is not something 'they have to do as internal policy' but 'how a democracy functions, what the nature of policy-making is.

In qualitative terms, I found respondents less determined. Some said that, in line with 'this is how the system works' this is also part of the game and it wouldn't have consequences. But some also made remarks like 'I'll invite them, but only listen with one ear'. I feel some do not or no longer believe that much useful will come out of the NGOs.

6.4.6.3 - Increased access?

***Would it be good to encapsulate opposition in the machinery so they make less noise?**

**Not my impression, have been invited all along.*

Invitations have not reduced the amount of noise in public. They do their business, I do mine.

if im a small and new NGO and want to be part of the civil society dialogue....

... You flag your interest and you are invited. It are open meetings. You could be a one man NGO and you would be invited.

I don't have to throw things outside first?

No, you don't first have to break a couple of windows or so [laughs]. no. We'll invite you even before that

Just like respondents did not believe voice endangers access (at least in quantity), they also did not believe it helped them in acquiring access. They did not perceive them as more legitimate by showing that they have a constituency (it never led to mass movements) nor did they openly admit that out of tactical considerations ('encapsulate them in the process to reduce voice') voice will lead to access. However, I got some indications that perhaps these are implicit considerations for them. They said they organised more briefings for and meetings with civil society, notably in ACP countries.

6.4.6.4 - Worth the risk of losing access?

I don't feel confident answering whether respondents feel that for NGOs it was a deliberate consideration to gamble with their relations with the EC in order to get influence on other tables. Too few respondents answered this, because it was not always discussed and respondents are very reluctant to speak on behalf of the NGOs.

6.4.6.5 - No more aid through Oxfam?

For as far as discussed, respondents did not feel the NGOs advocating risk that the EC no longer spends development funds through them. This is a different organisation (Europeaid, mainly DG RELEX) and also in the NGOs it is different branches.

§ 6.4.7 Would they lobby themselves?

1; advice to Oxfam to use voice in EU?

2; [thinks long] yes. But in a more subtle way. Less dogmatic positions. Then they could influence the negotiations. We would listen more to them. Rather than say "no" to epas, they should say "yes, but if you include this and this.."

Respondents were reluctant to speak on behalf of NGOs or to imagine themselves on the other side of the table and thus couldn't answer this question. For as far as answered, they all said that they too would use voice, but in a more careful way.

6.5. Are they brainwashed?

§ 6.5.1 Why are their stories so coherent?

The stories I heard were surprisingly coherent. In later interviews I discussed this. The respondents answering denied that there was an internal policy on 'how to react on questions about EPAs':

All of my colleagues are part of a negotiating team. So it can't be a surprise that they are all saying the same thing. [...] I would have been surprised if people had conveyed different messages. Then I would have been concerned that something wouldn't have gone right. But to the extent that we all know what the policy is, we want to secure that [...]. I don't see how you can be surprised that you are meeting similar messages.

how was made sure that people in the commission would tell the same story and not contradicting stories?

The easy answer is that if we say the truth, there is only one answer [laughs] [...] There may be differences in the details, but I don't think there is a particularly huge risk of divergences, unless you have come across very diverging stories in your research.

Well, i've come across a lot of the same stories. A lot of the same. So is that just because you all work on the same or were there internal communications?

I don't think there is a specific brainwashing. There is a very intensive cooperation in determining the line on what we do. And when we have agreed on that, it is much easier to communicate the same way. It is the process of defining the line which is unifying I would say, I have never got instructions on what I should or should not say on the EPA's.

For the respondents it is completely normal that if you work so much together on one issue, for such a long time in such a small team, and if you have to defend yourself all the time, it is natural that stories are alike.

§ 6.5.2 are they constructing a story with me or telling propaganda?

There is an ongoing dialogue with civil society, which has been very fruitful, I think for both sides, several NGOs have very critical [...] aspects of the EPA negotiations, and I know for sure that my commissioner and director general, i mean the whole dg listens to this and takes this

In some cases I got the feeling that at certain parts they defended their policy on 'auto-pilot': they spoke faster, less carefully picking words but like they played a CD: a bit similar to some brochures of the EC that give me the feeling it is not honest information but propaganda written by a communications agency. In one case I have serious doubts my respondent in certain parts was working together with me to construct this story but was just making propaganda for the EC (quote above).

In general I would say that my respondents were very much cooperating and honestly answering. In the parts of interviews where they for some reason did not, I believe it was so evident in a complete change in their behaviour and speech that I believe there is not much reason to question their other answers as not honest.

7. Conclusions

7.1. Introduction to the conclusions

What in the end have been the effects? The hypothetical effects based on possible incentives appeared to be very useful in this research. Respondents didn't add new issues when asked 'did I forget anything'. The conclusions are therefore ordered by the scheme drawn earlier (numbers in [] in paragraph headers refer to the numbers in the scheme). Secondly, I will make some remarks regarding the hypothetical effects based on incentives that formed the foundation for my search.

7.2. Effects of voice according the EC structured along my operationalisation

§ 7.2.1 [1+2] effects of the voice on them

Respondents have noticed voice intensively. They do not really feel that voice was directed to actors differently, but in many cases they feel it was not purely directed at them, but more at other actors. Therefore they to a certain extent they felt it did not always appeal to them. But largely, for them personally in some cases it meant feelings of disappointment or even frustration. Their feelings are hurt that their good intentions are not recognised nor that their path-dependent and legally bounded framework is acknowledged by the NGOs and therefore they find it frustrating that these misconceptions or even lies are told. Voice is part of the game, but it has to be fair play.

They discussed it amongst themselves, but it was not the topic of the day. After a while they got too used to it. But when a good and/or potentially influential report is published, it goes around fast

§ 7.2.2 [3] effects on their relation and access

Voice and access are used together. According to most respondents that is very logical. Respondents do not believe it has important consequences for access. At least not in quantitative terms. They do not believe voice is important to gain access or to be seen more legitimate, even though I have some indications they organised more structured access opportunities, notably in ACP countries, even with the commissioners themselves. Respondents also do not believe it will decrease their access, as they feel voice is part of the game (not so much the game NGOs play with them, but a game NGOs play with other actors that are more sensitive to voice, as the EP and national governments, and the game NGOs play with their constituencies) and having civil society dialogues is their policy.

Moving the issue to a more political level is seen as their goal (as did Oxfam confirm),

but they do not believe that had much effects. The constraints and inevitability of the framework that is chosen did not allow for that. They do not believe it moved much from DGs to cabinets or, as far as it did, not because of voice but because the deadline approaching. Respondents gave no clear indication for more access to cabinets, and hints that this did not happen.

On them voice had the effect that they hold negative views of the NGOs as the method chosen is not in line with what they feel NGOs could or should contribute to the process: pinpointing flaws in the policy on a technical level. In qualitative terms this might have the effect that for them access is seen as less useful: the NGOs will not come with something they can do something with, so they don't have to listen carefully.

Protest is seen as legitimate and normal, but what they see as wrong, misleading or incomplete information had as effect that they are disappointed or even frustrated which could be negative for their relation with NGOs.

§ 7.2.3 [4] effects on other groups

Respondents do not believe that it had effects for the Arena. Business lobbies or other groups were absent and remained absent.

§ 7.2.4 [5+7 (+10)] Managing Putnams tables

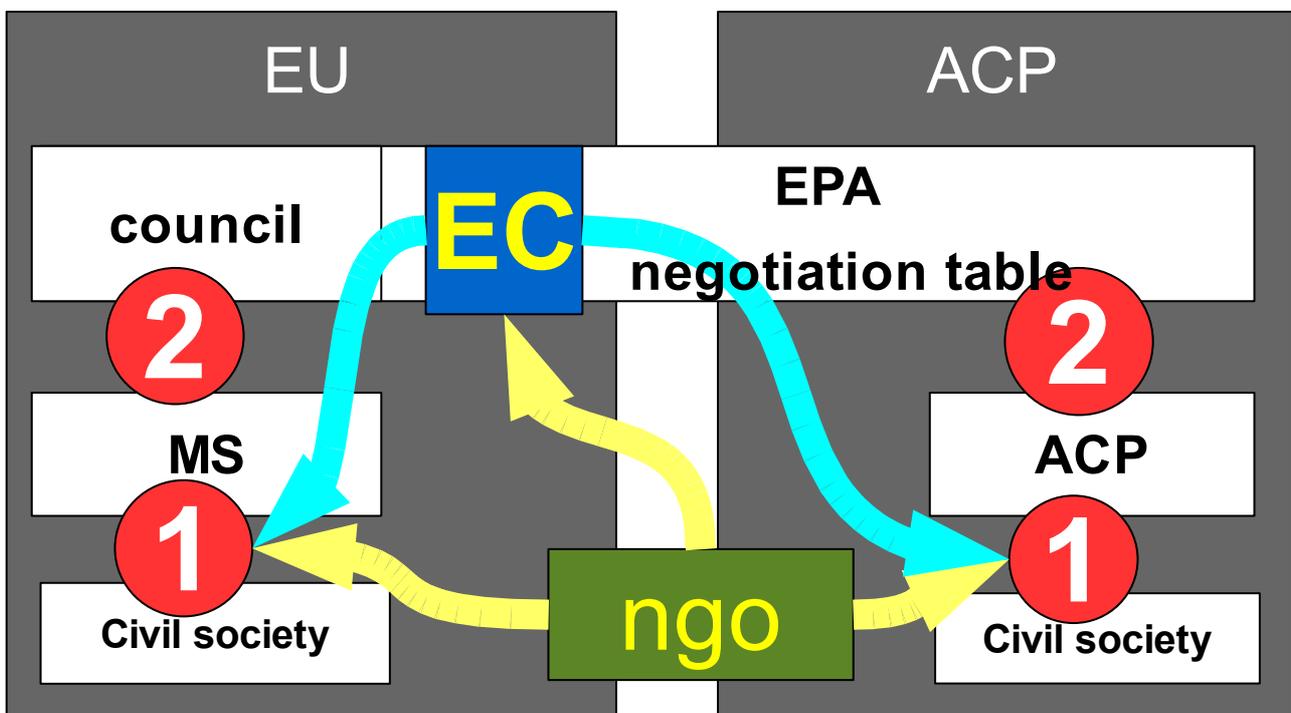


Illustration 2: playing on other tables

By initially excluding effects of voice on ACP countries and effects of the consequences for that for the EC, I excluded a very important effect. The most important effect seen by respondents is effects on national governments in both MS and ACP countries and the consequences that had for the behaviour of the EC.

Some EU governments, above all the UK but also to a large extent The Netherlands and Nordic countries were very sensitive for the voice of NGOs. This led these governments to express their concerns and caused as effect that the EC had provide more information to these governments to make sure their position did not change as well as to have arguments for the negotiations they had on their national table (1). Also the EC to a certain extend used voice themselves to influence the debate going on nationally. In order not to damage the negotiations going on the EPA table, they made efforts to let these

governments nor break ranks.

In specific ACP countries voice by multinational or with the help of EU NGOs made the national negotiations (1) of ACP governments with civil society (including local business interests) more difficult according to respondents. Therefore they tried to influence the opinions in those countries by communicating through local mass media and through organising meetings for the local civil society. Also, as they were aware that ACP negotiators also read European media, they tried to prevent the emergence of the image in EU media that Europeans disliked EPAs as not to weaken their positions on the EPA negotiation table.

In the end they do not feel that the more concerned governments changed their stance on EPAs because of voice.

§ 7.2.5 [6] effects through other actors: the EP

Besides the EP, no other EU institutional actors were named as important. They felt that some parts of the EP were receptive to voice and that too caused them more efforts in communicating their position and what they saw as the correct facts to the EP.

§ 7.2.6 [8] effects on their position on the EPA's

Respondents feel that their position on EPAs did not change. A few believed that NGOs in some cases pinpointed specific issues, but in general their input was not convincing, because it was incorrect or not in line with the believes of the or what they saw as possible options, nor was it powerful enough to force them to change their position, as they do not feel they have to react to powerplay. All respondents believed

§ 7.2.7 [9] other effects on them

Besides communicating to prevent negative impacts on the outcomes through a change of behaviour of other institutional actors, they also felt the need to justify their policy to the European public opinion as they, as public actor, feel accountable to the European public. That caused them to increase their communication efforts.

7.3. This case: an incentive to use voice?

Deriving from the above effects, does provide an incentive to use voice or not in this case?

Within the 'liberal Eu corporatism' there seem enough opportunities to come into contact with the EC. Voice is it harmful for that and perhaps even a little helpful. Even though NGOs did not move enormous masses in the EU, respondents did not consider that a failure of the NGOs taking away their legitimacy, nor did it particularly made them more important in that respect for the respondents. However, their "positive reputation" seems to be harmed. Not in the sense that respondents see them as less "trustworthy interlocutors", but their way of working made them in the eyes of respondents less useful helping improving policies or led to frustration which could mean that in the future they are less listened to.

"Directional change" seemed, as could be expected, impossible in this dossier. I do not dare to say it did not increase their access to cabinets, but I have no indication it did.

Even though direct costs (no re-election) seem absent, the need for accountability to the citizen and safeguarding a positive attitude towards the EU seems to make the EC receptive for voice in this case.

Countering the enemy was not at all working in this case, as the enemy appeared to be absent, but also remained absent.

The main incentive for voice however seems to be that it might have effects on institutions that do face the classic costs of protest, the European Parliament and certainly the member- and ACP states. One might question how effective it has been. Respondents value it from ineffective to effective in terms that even though in the end positions are not seen to have shifted, some governments have shown themselves very concerned.

An incentive many respondents named and that I described only partial as part of the “last resort” is the effects of voice on the constituency of the NGOs: showing their members/supporters they are worth donations.

All in all, I dare to say that in this case using voice to influence other tables (be it the national actors or their supporters) , notwithstanding whether it is effective or not, is not very harmful when also trying to influence the EC as the EC regards it part of the game. I would then say that besides saying “ no” publicly showing the EC that you have an alternative would be suggestible.

8. postscript

The NGOs are, for better or worse -largely for better- they are the public arbiters whether or not a policy is [pro development]. The average European looks to those NGOs to understand whether a policy is right or not. They don't listen to the Commission.

I think I blushed a little. I started this whole research by being triggered about this topic by the NGOs. The last two years I spent a lot of time on and within EU decision making. Something that not necessarily made me more positive about the EU. The voice of NGOs about EPAs made me more negative of the EU. And when I went for my first interview I tied my most fancy tie and shining suit and put extra gel in my hair to hide that I myself am quite a left-winged hippie. With prejudices. The kind reception at the EC and the enthusiastic stories of my respondents made me realise I should have listened more to their arguments too. The more I know about EPAs, the less I dare to judge how good they are, or who is right. What I learned is that all actors, both sides, have a common goal, and are digged in very much in their position.

I want to thank my respondents for giving me such a wonderful insight in their world.

I also want to thank **dr. Albert Meijer** for becoming less sceptic about me ever finishing this and letting me swim freely, but providing me with enough “bemoeizorg” to not let me drown myself. I want to thank **dr. Jan Beyers** for making time for me and spread his enthusiasm to me. I want to thank **dr. Femke van Esch, dr. Marianne van der Steegh** and **drs. Gijs-Jan Brandsma** for their feedback. And **Nikki, Sebastiaan, Jiska** and **Nina** from my focus group for being patient with me and not do this completely isolated from the world. All **friends, colleagues** and **family members** who had to listen to me talking about this again and again and again. My **grandparents** for hosting me some days in their 'internet, friends, work and other temptations free summerhouse'. My **flatmates** for cooking food and providing me with tonic and red bull the last days. **Veronika** for keeping me working late or else just look disappointed. And the **many many jasmine trees** that had to sacrifice their blossom for the tea that kept me going.

9.Literature

- Beyers, J. (2002) Gaining and seeking access: The European adaptation of domestic interest associations. in: *European Journal of Political Research* 41 (5), 585–612.
- Beyers, J. (2004) Voice and Access: Political Practices of European Interest Associations. in: *European Union Politics*, Vol. 5, No. 2, 211-240
- Bilal S. (2002) 'concluding EPA negotiations; legal and institutional issues'. Brussels: European Centre for Development Policy Management
- Both Ends (2006) EPA's?: Onderhandelingskader, mogelijkheden en risico's.(Both Ends factsheet) Amsterdam: Both ENDS
- Bouwen, P. & M. McCown (2007) Lobbying versus litigation: political and legal strategies of interest representation in the European Union. In: *Journal of European Public Policy*, 14:3, 422 - 443
- Coen, D. (2007) 'Empirical and theoretical studies in EU lobbying', *Journal of European Public Policy*, 14:3, 333 - 345
- Della Porta, D. & M. Diani (1999) 'social movements : an introduction". Oxford: Blackwell Publishers
- Europese Commissie (2008a). communication 11-01-2008: What will an Economic Partnership Agreement do? Brussels: European Commission
- Europese Commissie (2008b). communication 11-01-2008: Six common misconceptions about Economic Partnership Agreements (EPAs) ? Brussels: European Commission
- Follesdal, A. & S. Hix (2006) why there is a democratic deficit in the EU: A response to Majone and Moravcsik. In: *JCMS* 2006 vol. 44 nr, pp 533-562
- Forwood, G. (2001) The road to Cotonou: negotiating a Successor to Lomé. In: *Journal of Common Market Studies* vol 39, no 3 pp 423-442
- Gallagher (c.s.) (2000) Representative Government in Modern Europe. Columbus: McGraw-Hill Humanities
- Gillingham, J. (2003) *European Integration, 1950-2003: Superstate or New Market Economy?* New York: Cambridge University Press
- Gillingham, J. (2006) *Design for a new Europe.* New York: Cambridge University Press
- Giugni, M. G. (1998) 'WAS IT WORTH THE EFFORT? The Outcomes and Consequences of Social Movements'. in: *Annu. Rev. Sociol.* 1998.24:371-393.
- Hall, D. (1999) 'Privatisation, multinationals, and corruption'. in: *Development in Practice*, 9:5, 539 - 556
- Kassim H. & A. menon (2004) *European integration since the 1990s: member states and the European commission.* Unpublished discussion paper
- mahoney, C. (2004) The Power of Institutions: State and Interest Group Activity in the European Union. In: *European Union Politics* 2004; # 5; p441-466
- Michalowitz, I. (2005) *Assessing Conditions for Influence of Interest Groups in the EU.* Wien: Institute for Advanced Studies
- Michalowitz, I. (2007) What determines influence? Assessing conditions for decision-making influence of interest groups in the EU. IN: *Journal of European Public Policy*, Volume 14, Issue 1 January 2007 , pages 132 – 151
- Moravcsik, A. (2003) 'reassessing legitimacy in the European union'. In: Weiler, J. cs (2003) *Integration in an Expanding European Union: Reassessing the fundamentals.* Oxford: blackwell Publishing
- Oxfam (2006) *Unequal Partners: How EU–ACP Economic Partnership Agreements (EPAs) could harm the development prospects of many of the world's poorest countries* (Oxfam briefing paper). London: Oxfam international

- Oxfam (2008) Partnership or Power Play? How Europe should bring development into its trade deals with ACP countries (Oxfam briefing Paper 110). London: Oxfam International
- Potters, J. & R. Sloof (1996) 'Interest Groups: a survey of empirical models that try to assess their influence'. In: European journal of political economy, vol 12 1996 pp 403-442
- Putnam, R.D. (1988) 'diplomacy and domestic politics: The Logic of Two-Level Games'. in: International organisation, no 42, Summer, pp. 427-60
- Reising, U. (1998) 'Domestic and supranational political opportunities: European protest in selected countries 1980 – 1995', in: European Integration Online Papers 2(5).
- Richardson, J.J. (2001) European Union: power and policy making. New York: Routledge
- Rucht, D. (2001) Lobbying or Protest? Strategies to Influence EU Environmental Policies. In: D. Imig & S. Tarrow (ed) (2001) Contentious Europeans: Protest and Politics in an Emerging Polity. Lanham: Rowman & Littlefield pp 125-143
- Ruissen, A. & S. R. Otten (2007) Fair Trade... an issue historiography. (unpublished research report)
- Schendelen, M.C.P.M. (2004) Machiavelli in Brussels: The Art of Lobbying the EU. Amsterdam: Amsterdam University Press
- Schmidt, S. (2000) Only an Agenda Setter?: The European Commission's Power over the Council of Ministers. European Union Politics 2000; 1; 37. London: Sage
- Schulpen, L. (red) (2001) Hulp in ontwikkeling: bouwstenen voor de toekomst van internationale samenwerking. Assen: Koninklijke van Gorcum
- Schumaker, P.D. (1975) 'Policy Responsiveness to protest-Group Demands'. In: the journal of politics. Vol 37, no 2 pp 488-521
- Sloof, R. (1998) Game-theoretic Models of the Political Influence of Interest Groups. Boston: Kluwer Academic Publishers
- Smith, J. (1994) 'Transnational social movement organisations in the global political arena' in: Voluntas: International Journal of Voluntary and Nonprofit Organizations, Volume 5, Number 2 / June, 1994
- Steunenberg, B., D. Schmidtchen & C. Koboldt (1999) Strategic Power in the European Union: Evaluating the Distribution of Power in Policy Games. Journal of Theoretical Politics 1999; 11; 339
- Warleigh, A. (2001) 'Europeanizing' civil society: NGOs as Agents of political Socialisation' in: Journal of Common Market Studies vol 39 no 4 pp 619-639
- Wilson, F. L. (1983) Interest Groups and Politics in Western Europe; The Neo Corporatist Approach. In: Comparative politics vol 16, no 1 (oct. 1983) pp 105 – 123.
- Woll, C. (2006) 'Lobbying in the European Union: From sui generis to a comparative perspective', Journal of European Public Policy, 1

websites

- http://www.vrijhandelvoorbij.nl/stop-epa/uploads/media/EPA_acties_in_NL.doc
- <http://www.acp-eu-trade.org/epa/AllACP.php>
- <http://www.aanpakkendiehandel.nl>
- <http://ipsnews.net/news.asp?idnews=41015>

10.anex: topic list

10.1.Introduction

§ 10.1.1 Goal of research

§ 10.1.2 anonimity.. sending report

§ 10.1.3 explaining framework

- goal research
- showing table influence (exepct blakmail and fraud!)
-

10.2.questions

§ 10.2.1 General questions

- What is your position in the Commission?
- What is your involvement in the EPAs?
- What is your personal opinion on the EPAs?

§ 10.2.2 open questions

- How do the negotiations on the EPAs work? Can you sketch the Arena?
- What Voice has there been?
- What do you think of that?
- What do you think were the effects?

§ 10.2.3 specific questions (if not answered during open questions)

A: effects of voice

10.2.3.1 - 1 : Voice heard by the commission and internal effects

- Have there been voice actions? if so which?
- were they targeted at he commission specifically
- How did officials value and receive this?

10.2.3.2 - 2 : Voice heard by others

- was voice directed to different actors differently?

B: change of (behaviour in) the Arena.

- Did voice place it higher on the political agenda?
- Was there more or less involvement of cabinets?
- Did the Arena move into the spotlight because of voice?

10.2.3.3 - 3: change of behaviour by/towards “fair trade organisations” because of voice

- Were voice and access used by the same organisations?
- What did it do with the image of these organisations for the official/EC?
 - constituency, professionalism, corporative or obstructive

- Did it support or reduce access (amount and quality)?

10.2.3.4 - 4: change of behaviour by/towards other groups because of voice

- How did other groups react (in particular specific interests)?
 - position
 - attitude towards other groups
 - voice themselves
 - other behaviour
- Did groups leave or enter the Arena?
- Was there a change of behaviour towards other groups?

10.2.3.5 - 5: change of behaviour by/towards member states because of voice

- How did member states react to voice?
 - intensity of interference
 - position
 - other behaviour
- Was there a change of behaviour towards member states?

10.2.3.6 - 6: change of behaviour by/towards the EP and other institutions because of voice

- How did the EP react voice?
 - intensity of interference
 - position
 - other behaviour
- Was there a change of behaviour towards member states?
- was there a change of behaviour by/towards other institutions because of voice?

10.2.3.7 - 7: change of behaviour by/towards the global institutions because of voice

- was there a change of behaviour towards global institutions because of voice?

C: change of behaviour outside the arena

10.2.3.8 - 8: change of position and behaviour considering the policy at stake (EPAs)

- Did the commission change its position in the dossier because of voice?
- Did the commission change the outcome of the negotiations differently because of voice?

10.2.3.9 - 9: change of position and behaviour related to the policy at stake (EPAs)

- Did the commission change and/or increase its communication towards EPA's?

D: Other influences

10.2.3.10 - 10: changes in decision making and other behaviour by others not direct to the commission.

§ 10.2.4 is there anything to add?

10.3.thank you

If anything comes to mind, email me, call me