

Book Review

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NGOS AND GLOBAL TRADE: NON-STATE VOICES IN EU TRADE POLICYMAKING

Author: Erin Hannah

Abstract

Erin Hannah offers a timely and thought-provoking analysis of civil society's participation in the European Union's trade policy. Relying on two case studies, the book shows that while the EU has created diverse instruments for engaging with civil society, in practice procedural improvements do not necessarily lead to greater influence for non-governmental organizations (NGOs). Going beyond a purely technical view on NGOs' access to policy-makers, we should also consider the ideational factors at play.

Keywords

European Union; trade; civil society; NGOs; democracy

Erin Hannah's *NGOs and Global Trade: Non-state Voices in EU Trade Policymaking* helps advance our thinking on the role that non-governmental stakeholders play in the trade politics of the European Union. As Hannah explains, the expansion of trade agreements into new policy areas, such as environment and health, is accompanied by a growing concern about the legitimacy of these arrangements (p. 1). New non-governmental players have mobilized, with many of them trying to protect the disadvantaged members of the global trade system and promote equitable and sustainable development. Policy-makers respond by creating new formal mechanisms for engaging with civil society and other stakeholders; indeed, multistakeholder governance is now seen as one of the primary responses, if not *the* primary one, to the perceived democracy deficit. Hannah's book takes on the much-needed task of exploring whether civil society has been able to solve any of the modern trade governance problems.

Going beyond mere description of increased NGO activity, Hannah asks 'whether more open trade policymaking processes that include progressive NGOs lead to a more legitimate and qualitatively enhanced international trade system' (p. 2). Her answer to this question is not particularly optimistic. The author offers a critical and at times bleak assessment of the practical outcomes from NGOs' growing engagement in international trade, and a similarly unfavourable account of policy-makers' actual efforts to maintain dialogue with civil society.

Hannah's first chapter, 'Contesting cosmopolitan Europe' is a brief but nonetheless valuable and thought-provoking foray into criteria for democratic international governance and NGOs' role in it. In chapter 2, 'The evolution of EU trade politics' Hannah offers a useful overview of the EU's complex constellation of trade decision-makers and their engagement with stakeholders. She also addresses the increasingly relevant issue of competence. While trade has been the exclusive competence of the European Economic Community / European Union since the Treaty of Rome, recent expansion of trade negotiations into new areas has led to both increased contestation of the EU's trade policy and increased NGOs' interest in lobbying the Union (p. 35). The EU has made attempts to deal with the legitimacy crisis and established several mechanisms for consultations with stakeholders. However, as the next chapters show, NGOs' contribution, overall, remains more potential than real.

Hannah's empirical analysis is built on two major (although somewhat dated) cases, conducting process tracing of NGOs' involvement in the Access to Medicines Campaign and the issue of water services liberalization (respectively, chapters 3 and 4). While both issues arose at the WTO level, Hannah focuses on the EU as one of the key WTO players. In her chosen cases, the author explores whether the formal opportunities for participation created by the EU have an impact on civil society's effectiveness in lobbying for their preferred policy outcomes. In both cases, there are active and well-resourced European NGOs. Hannah coins them as 'progressive' – 'agents of cosmopolitan democracy and social justice, representing global citizens' needs and concerns, and capable of giving voice to otherwise marginalized groups' (p. 17). However, the European Union offered these NGOs unequal opportunities to engage and be heard.

In the first case of Access to Medicines, NGOs were actively engaged in dialogue with the EU and recognized as valuable interlocutors by EU policy-makers. This was not the original intention of the EU, which was more interested in protecting the intellectual property of pharmaceutical companies than ensuring that developing countries could cater to the medical needs of their populations. However, after the NGOs launched a massive campaign in 1999 advocating better access to generic medicine for developing countries, the European Commission acquiesced. It created diverse mechanisms for consultations with NGOs which, in turn, 'provided critical expertise, information, and experience to which European Commission officials would not otherwise have had access' (p. 66-67). This led to some, albeit short-lived, shifts in the EU's actual policy, with the EU committing to improve access to medicines in developing states.

In the case of NGOs opposing the EU's push for water services liberalization in its partner countries, differences in opinion proved insurmountable. While the EU maintained that liberalization of the services sector would be 'a win-win for sustainable development and EU offensive commercial interests' (p. 10), the NGOs argued that this constitutes 'full frontal attacks on democracy and basic human rights' (pp. 91-2). The European Commission prevailed. In Hannah's caustic description, it was 'able to insulate important decisions from public scrutiny and to effectively marginalize and delegitimize NGOs by emphasizing flaws, hyperbole, or misunderstandings in their advocacy' (p. 92). In turn, NGOs decided to resist 'co-optation' and chose to pursue 'outsider' – public protest – strategy. As a result, interaction between NGOs and the Commission was scarce.

In both cases, ultimately, engagement of NGOs did not bring along substantial and long-term policy changes. Even though the EU tweaked its policies during the heyday of the NGO campaigns, once public pressure had subsided (and growing tired of NGOs' mounting criticisms), it reverted to its initial market-oriented, not development-oriented preferences. Developing countries eventually had to limit their imports of generic medicines in line with the WTO TRIPS regulations, and the EU strategy on water services liberalization essentially remained unchanged. Thus, Hannah sees the main contribution of the NGOs in the realm of 'procedural legitimacy', that is, informing the society and providing alternative solutions to decision-makers. Their contribution to the EU's 'substantive legitimacy' or quality of the policy output, ultimately proved marginal.

Hannah's main explanation for the low NGOs' impact is the orthodox free-market thinking that prevails at the EU level and severely limits the possibilities for alternative ideas to take root. Somewhat confusingly, she names it 'legal-liberal episteme' – free market rules enshrined in legislation and thus isolated from political contestation (pp. 24-5). Arguably, this explanation is the greatest strength but also the greatest weakness of the book. Hannah highlights an often ignored yet vital issue: in and of itself, the extraordinary diversity of mechanisms and formats for engagement of civil society is useless insofar as these formats help to maintain, or fail to challenge, orthodoxy. Researchers of trade governance must pay close attention to the underlying power dynamics that regulate which opinions can or cannot be considered legitimate and who is believed to be authorised to express them. In turn, policy-makers cannot claim to operate a *dialogue* with society if they only use multistakeholder fora instrumentally, for legitimizing their policies, and are not ready to change their worldviews.

However, while epistemes certainly 'structure patterns of empowerment in global governance' (p. 117), and Hannah's focus on ideas and expertise is a much-needed call for analysing the discreet but omnipresent biases in international governance, her analysis is overly structure-driven. We cannot discount the importance of NGOs' own strategies, such as choice of timing and interlocutor or quality of expertise, and the imperative for improving these strategies. Civil society is able, and indeed it should try, to 'build bridges' with decision-makers. When reading Hannah's account closely, we can see a markedly adversarial NGO strategy on the issue of water services liberalization (and, perhaps, exaggeration of the prospects and impact of actual liberalization in developing countries) and, in comparison, a constructive and dialogue-oriented NGO campaign for access to medicines. This difference in approach, and not only the 'legal-liberal episteme' probably influenced the EU's willingness to engage, and loss of interest on the part of NGOs might, in part, explain the eventual regress to more free-market policies. Nor should we overestimate the EU's penchant for free market; some other experts, in fact, see the EU's support for developing countries' import of generic drugs as a single example of its generally quite strong development orientation, even if the EU also does sometimes behave as a 'Western hegemony' (see e.g. Meunier & Nicolaïdis 2006). Future research could also engage with unpacking the EU's much-vilified 'liberalism' as well as offering a more critical view on 'progressive' NGOs.

Overall, Erin Hannah's book can certainly be recommended as an insightful, critical and thought-provoking account on the role of NGOs in the European Union's trade policy. It encourages us to look more attentively at the current and potential role of civil society in regional and global governance and at scope conditions that influence civil society's success. With trade deals growing increasingly politicized and salient in domestic politics (even playing a role in Donald Trump being elected as the U.S. president and in the Brexit referendum) and the very idea of free trade being contested on so many sides, the engagement of society is a key step in ensuring that trade policies are legitimate and effective. Hannah's book, therefore, can be useful as food for thought to researchers and practitioners alike.

REFERENCES

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BIBLIOGRAPHICAL INFORMATION

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