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The European Union as a Conveniently- conflicted Counter-hegemon through Trade

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Abstract

This article addresses the failure by scholars of EU trade policy to fully explain the difficulties faced in realising the ‘normative’ goals contained within the European Union’s external trade policy and the conviction that it might be a ‘force for good’ through trade. In seeking to account for and, in particular, move beyond the failure to fully explain these difficulties, the article adopts a critical social science approach that focuses on relations of domination and the (potentially misleading) appearances that such relations tend to uphold. In contrast to the traditional view of the EU as a *potential* ‘force for good’, we conceptualise it as a site of domination, focusing in particular on three mechanisms through which this domination is achieved – expansive market (capitalist) exchange, the ‘Othering’ that tends to accompany such processes of expansion, and the de-politicisation necessary to achieve and/or legitimate these processes. The article proceeds to explore recent developments in EU trade policy, and in particular the Global Europe agenda and associated new generation of free trade agreements with trade partners in Asia and Latin America. In doing so, the article examines the extent to which processes of market expansion, Othering and de-politicisation have been realised in recent EU trade policy. It argues for a conceptualisation of the European Union as a conveniently-conflicted counter-hegemon through trade, whereby the EU presents itself as a potential “force for good” through trade, but simultaneously avoids the realisation of that potential (and justifies its non-realisation) by evoking the conveniently-conflicted status that arises from institutional constraints and both internal disagreements and external differences. This account, we claim, is both more plausible than the existing empirical accounts in that it is able to explain the consistent promotion of an apparently unrealisable ‘progressive’ agenda by the European Union, and an improvement upon those accounts in that it illuminates and demystifies relations of domination and certain ideas that act to uphold them.

Keywords

EU trade policy; bilateral trade agreements; normative trade agenda; critical social science

The literature on EU trade policy witnesses a growing number of contributions focused on the so-called normative agenda of the EU’s trade policy (see Hettne and Söderbaum 2005; Manners 2009; Orbie 2008, 2011). Espousing the view that, from the mid-1990s onwards, the EU has increasingly geared its trade policy towards becoming a progressive force in the (re)shaping of the international (trade) system, destined to reduce or prevent harm in world politics through trade, the scholarly discussion in this regard pertains not directly to what the EU can achieve *in* trade, but rather to what it can obtain *through* trade, as Sophie Meunier and Kalypso Nicolaidis (2005) famously phrased it. In particular, scholars have widely anticipated EU attempts to “harness globalization” through trade, thereby reflecting and reproducing the discourse introduced by former Trade Commissioner Pascal Lamy in the late 1990s. Thus, DG Trade’s mantra of “harnessing” or “managing” globalization explicitly puts ‘trade at the service of development’ (e.g. Mandelson 2005), arguing that EU trade policy, the most powerful and most integrated area of EU external relations, seeks to advance the development of the South, as well as promote progressive values and norms, including social norms, such as the respect for core labour standards, and environmental norms (Meunier 2007; Orbie 2008; Young 2007 – see Young’s term of ‘EU social trade policy’). As Meunier (2007: 915) puts it,

‘the EU offers access to its market as a bargaining chip in order to obtain changes in the domestic arena of its trading partners – from labour standards to human rights, from democratic practices to the environment (...) This conditionality enables the EU to leverage its trade power in exchange for a tamer, more managed competition from many developing economies.’

There exists, therefore, a shared scholarly expectation and/or aspiration that the EU could utilise its trade policy as a means through which to promote a more equitable, egalitarian and/or regulated global socio-economic model, posing something of a counter-hegemonic alternative to global neoliberalism. Nevertheless, upon empirical examination this potential appears to be hardly realised (Bossuyt 2009; Drieghe 2008; Meunier and Nicolaidis 2006; Orbie and Babarinde 2008; Stevens 2006; Van den Hoven 2006). The empirical record of the EU's trade policy has witnessed it consistently claiming to be faced with outweighing negotiating constraints that result in the downplaying of its commitment to both development (Orbie 2008) and the promotion of a 'social trade policy agenda' (Young 2007: 805-806; Dür 2008a; Dür and De Bièvre 2007; Orbie et al. 2008). Thus, the promotion of social market regulation has typically been jettisoned for a 'strategy that pursues trade liberalization at the expense of developing country trade partners' (True 2009: 742).

Despite this empirical track record, we argue that scholars have continued to expect that the European Union might realise its much discussed (and self-proclaimed) potential to become a progressive 'force for good' through trade policy. In seeking to account for the EU's limited track record in promoting an egalitarian counter-hegemonic agenda through trade policy, explanations have tended to focus predominantly on internal disagreements, between member states and between EU institutions, which have prevented a more effective policy from being adopted and/or advanced. To use the terms of Meunier and Nicolaidis' (2006) often-cited article, the European Union has a limited ability to pursue a more progressive normative trade agenda because it is a 'conflicted trade power'. The EU is considered to be conflicted both because of diverging interests between its member states and because of institutional fragmentation and disagreement over the priorities and norms that it seeks to promote through its trade power (for a number of explanations focusing on divergent positions between member states, see Young and Peterson 2006: 807; Young 2007; Orbie et al. 2008; Bossuyt 2009: 720-722; Hettne and Söderbaum 2005; Meunier and Nicolaidis 2006; Orbie et al. 2005; Orbie et al. 2008).

As an alternative approach, we advocate an analysis, which claims that the counter-hegemonic nature of commonly proclaimed EU ambitions through trade (which are largely shared by EU scholars) might be better understood if they are assumed to be unrealisable. In doing so, we present a conceptualisation of EU trade relations that adopts a critical social science approach in order to portray a mode of European domination pursued primarily through three mechanisms – expansive market (capitalist) exchange, the "Othering" that tends to accompany such processes of expansion, and the de-politicisation that forms part of the attempt to realise and/or legitimate these processes. In short, we argue that claims regarding the counter-hegemonic tendencies of the European Union's trade policy are designed to conceal and legitimate an inherently neoliberal project. This, we argue, represents a more plausible explanation for the non-realisation of the European Union's self-proclaimed "counter-hegemonic" role through trade.

Critical social science can perhaps best be considered an attempt to deal with the perennial problem facing social scientists as a result of the (unavoidably) value-laden nature of empirical observation. In short, how do we undertake empirical observation whilst simultaneously recognising that (a) ideational frameworks invariably shape our process of perception; (b) those ideational frameworks are learned through our interaction with society; and (c) that, as a result of their basis in society, ideational frameworks will therefore tend to reflect dominant practices and relations and in part serve to reproduce these. Moreover, critical social science seeks to address these problems without sliding into a relativist position whereby all "truths" or conceptualisations are considered equally plausible and equally decidable (Bhaskar 1975, 1992; Sayer 1992; Hay 2002; Bates and Jenkins 2007). Therefore, the key question for critical social science is how we might decide which of a range of contending accounts

and conceptualisations – each informed by alternative ideational frameworks – we consider to be most accurate or adequate? For Sayer (2009), the answer to this question lies in the claim that critical social science must attempt to critique and expose *unnecessary* human suffering, and in the process identify the means by which greater human flourishing can be achieved. Indeed, if we accept that perception is grounded in (unequal) social relations, which may in turn give rise to particular illusions that act in part to reproduce those social relations, we might also accept that the attempt to more accurately conceptualise those same social relations includes the dispelling of those related illusions and an undermining of the beliefs that underpin them. In this sense, critical social science seeks to identify means by which to overcome, or destabilise, domination, *including* the commonly held ideas, which uphold processes of domination (Sayer 2009: 770).

RECONCEPTUALISING EU TRADE POLICY: FROM A POTENTIAL 'FORCE FOR GOOD' TO A SITE OF DOMINATION

In adopting a critical social science approach, and thereby reconceptualising EU trade policy in terms of the relations of domination that the policy acts to reproduce, it is beneficial to first consider those forms of domination that are commonly held to have been constructed *within Europe* as part of the process of European integration. Two claims regarding the social inequalities associated with the EU mode of governance are especially prominent within the European integration literature. First, a number of authors have highlighted the pro-market (neoliberal) agenda that prevails at the European level¹ and which has acted to sharpen the domination by capital over labour within Europe (Van Apeldoorn 2002; Scharpf 2010; Gill 2001). Second, many scholars have argued that a democratic deficit exists at the European level,² which precludes widespread popular participation, and thereby consolidates the domination by the European political elite over the European public/citizenry (Schmidt 2006; Hix and Follesdal 2006; Mair 2007). If we draw upon these criticisms to consider European governance in terms of relations of domination, we might consider the European Union as an attempt by Europe's political elite to ensure its continued rule over (and domination of) the European citizenry, through recourse to a "de-democratized" form of democracy that governs largely through the promotion and extension of the market mechanism of private exchange as the regulating principle governing social interaction, and in the process maintains the continued domination by capital over labour within the site of the European Union (see Bailey 2010 for an extended version of this argument).

Based on this critical conceptualisation, we argue that the reproduction of three mechanisms of domination, each of which have particular implications for EU trade policy-making, results from the model of governance constructed within the territory of the European Union. In highlighting each of these three mechanisms, we draw upon broad debates within relevant fields of critical social science. Thus, rather than engage in a detailed discussion of competing positions within each debate, we seek instead to identify common points of convergence. This has the advantage of enabling us to identify, in broad terms, the mechanisms that we subsequently use to inform a discussion, description and explanation of concrete developments in EU trade policy making.

Mechanism of domination 1: the (expansionary) market mechanism

Drawing on broad claims within the Marxist tradition, we can view the European Union's internal focus on market liberalisation and the reproduction of the market mechanism as acting in turn to generate pressure for the further expansion of market exchange and therefore, in terms of trade policy, the liberalisation of external trading relations. As

Robert Boyer puts it, 'the inner logic of market relations and the incentive to permanently innovate challenge (...) domestic institutions (which would otherwise restrict market relations to a localized and bounded space)' (2011: 73; for a similar view, see Streeck 2011: 155). The predominance of market exchange as a regulative principle within a particular society, therefore, generates pressure for the further expansion of that market mechanism. As research within the Marxist tradition has noted on a number of occasions, the market both requires, but also renders problematic, the continued existence of opportunities for profit-making (Harvey 2006: 183-203). Thus, market exchange within capitalist society requires that profits can continue to be realised, despite generating a downward pressure upon the rate of profit as a result of both market competition and capital accumulation. This contradiction tends to be most easily resolved (in part) through the expansion of opportunities for capital to exploit labour, albeit acting in turn to set up those same contradictions on a yet further expanded scale still. As Karl Marx (1894) put it, '(t)he market must, therefore, be continually extended, so that its interrelations and the conditions regulating them assume more and more the form of a natural law working independently of the producer, and become ever more uncontrollable'. As a result, '(c)apitalist production seeks continually to overcome these immanent barriers, but overcomes them only by means which again place these barriers in its way and on a more formidable scale'. In this sense, the reproduction of the market mechanism as a mode of governance *within* the European Union generates pressure for greater market-searching expansion *beyond* the boundaries of the European Union, thereby producing a tendency for EU trade policy to seek the expansion of market relations and trade liberalisation. This is likely to take a form whereby EU trade policy seeks *both* an increase in opportunities for exports, but *also* welcomes increased *import* opportunities, due to the increased (and intensified) opportunities for market exchange that both elements of market expansion offer.

Mechanism of domination 2: "Othering" the target of expansion

Alongside the pressure to expand relations of market exchange, we can also draw on insights, developed largely within the postcolonialist literature, which note how attempts by expansionary systems of domination also generate pressures to (re)produce a discourse and culture that portrays that expansionary domination as normal, natural, reflecting superior qualities of the "metropole", and/or beneficial for the target ("Other") population. This also has implications for EU trade policy making. As postcolonialist literature has made clear, expansion tends to be depicted in terms of both being to the advantage of the (supposedly inferior) receiving "other" *and* (thereby) serving to legitimate the dominant values within the expanding "home" zone. As such, the postcolonialist critique 'turns the gaze back onto the colonizer to better reveal the tactics and representational practices of the dominant' (Kapoor 2008: xiv). This process of "Othering", which colonising powers tend to undertake, can adopt both positive and negative forms (see Rutazibwa 2010: 215-21). Positively, colonising forces tend to portray themselves as benevolently assisting the colonised to improve its (currently less favourable) circumstances, through promotion or prescription of particular types of behaviour, including seeking to model behaviour in the colonised region upon that of the coloniser, and encouraging colonised regions to become more similar to, engage more closely with, and/or welcome the intervention of, the coloniser. Negatively, colonising forces tend to stigmatise, prohibit and/or marginalise proponents of those forms of behaviour that might act as sources of resistance to colonisation within the colonised zone, often in terms of either discussing the inhibiting effect that such behaviour might have upon the advancement of the colonised zone itself, or through a moral critique of such recalcitrant forms of behaviour.

Mechanism of domination 3: de-politicising expansionary domination

Finally, the third mechanism of domination engendered by the EU mode of governance, which we expect to impact upon EU trade policy-making, is the tendency often noted within radical democratic theory for liberal (representative) democracy to systematically act to limit popular participation in decision-making (see, for instance, Wood 1995; Prichard 2010; Roussopoulos 2005). Thus, if the European Union is to maintain itself as an expansionary and Othering market-oriented mode of governance, it is also necessary that the process of expansion and Othering that constitutes EU trade policy-making is itself sufficiently de-politicised, by which we mean that citizens fail to effectively contest the lack of democratic deliberation that such a policy presumes (for a discussion of depoliticisation, see Burnham 2001; Buller and Flinders 2006; and as applied to the case of EU external relations, see Shields 2011). In order for this technocratic model of market-oriented governance to be workable within the European Union, and for that model to be exported and legitimated as outlined in the discussion of Othering provided above, it is also necessary that popular participation in, opposition to, or mobilisation against, such mechanisms of domination are absent (or at least minimised).³ We should therefore anticipate that an EU trade policy experiencing pressure to realise market expansion and promote an Othering of target regions, should likewise be characterised by a process of depoliticisation, whereby EU political elites seek to avoid or minimise popular participation in and opposition to EU trade policy-making.

In sum, we identify three mechanisms of domination that characterise and act to reproduce the EU model of governance (and thereby generate pressure for their realisation) – expansive market (capitalist) exchange, the “Othering” that tends to accompany such processes of expansion, and the de-politicisation that forms part of the attempt to realise and/or legitimate these processes. This conceptualisation is used below to inform an account of recent developments in EU trade policy.

EU TRADE POLICY AND THE EXPANSION OF MARKET (CAPITALIST) EXCHANGE

While still publicly presenting itself as a champion of multilateralism, in recent years the EU has increasingly focused on negotiating bilateral and regional trade deals in an attempt to increase market liberalisation between the EU and third countries/regions. Indeed, reversing a moratorium on bilateral and regional trade agreements introduced in 1999 by then Trade Commissioner Pascal Lamy, DG Trade reverted in 2006 to bilateral negotiations as a means to pursue further trade liberalisation in the light of (government and corporate) frustration felt at the lingering deadlock of the Doha Round of WTO negotiations. This ‘bilateral turn’ was announced by DG Trade in its “Global Europe” agenda in late 2006, which called for the active pursuit of bilateral and regional trade arrangements with emerging markets in view of securing new market access for EU businesses – the so-called new generation of free trade agreements (European Commission 2006a).

Presented as DG Trade’s contribution to the Lisbon Agenda, the “Global Europe” strategy aimed at increasing Europe’s economic competitiveness. Prospective FTA partners were therefore selected based on the key economic criteria of market potential and level of protectionism against EU export interests, whilst taking into account the partners’ negotiations or trade agreements with EU competitors. This resulted in India, South Korea and ASEAN⁴ being singled out as three target markets of key interest to EU export companies. Simultaneously, the release of the “Global Europe” communication significantly endorsed and accelerated the EU’s plans to improve access opportunities of European companies to the regional markets of the Andean Community (CAN) and Central America.⁵ This led to the inclusion of trade and trade-related provisions in the mandates for the Association Agreements (AAs) envisaged with the two regions similar to the provisions presented in the mandates for the FTAs with the Asian growth markets.

While the bi-regional negotiations with Central America progressed relatively smoothly, the bi-regional talks with CAN were soon suspended due to internal disagreement within the Andean bloc over some of the trade-related issues in the planned AA. Eager to proceed with the negotiations, the Council authorised a modified negotiating mandate based on a proposal from the Commission to negotiate a separate multi-party trade agreement with those Andean countries that are interested in concluding a trade pact with the EU, *in casu* Peru and Colombia. The bi-regional formula also proved difficult in the case of ASEAN. Here poor progress in the bi-regional trade talks also led the EU to hold bilateral negotiations with individual members of the Association, notably the most economically advanced members, including Singapore, Malaysia and Vietnam.⁶ The promptness with which the EU shifted towards a bilateral track of talks with individual member countries of ASEAN and CAN overshadowed its commitment to promote regional integration in the respective regions, and revealed the EU's steadfast determination to enhance market liberalisation.

In launching the "Global Europe" strategy in 2006, the Commission clearly sought a more direct approach to securing the expansion of market exchange with third countries than had until that point been secured through multilateral negotiations at the WTO. In doing so, DG Trade sought to meet pressure to expand market relations that it had been experiencing from domestic export-oriented actors, themselves empowered by the market-oriented mode of EU governance (Siles-Brügge 2010; Dür 2011). The strategy highlighted the way in which the model of economic growth being reproduced *within* Europe generated pressure to expand market exchange *beyond* Europe's borders, thereby creating a general pressure for market liberalisation between the EU and third countries/regions. In the words of the then EU Trade Commissioner, Peter Mandelson: 'More than ever, Europe needs to import to export; to trade in order to grow. Our supply chains are global. We need to be open so that we can insist on openness from others' (European Commission 2006a: Foreword). The fact that the proposed series of FTAs were designed to be 'WTO-plus agreements' further indicated the EU's determination to improve market access for its export companies, aimed at tackling not only tariff barriers to trade but also regulatory and non-trade barriers, including issues such as competition, investment and public procurement, which – in the Commission's terms – were not yet 'ready for multilateral discussion' (European Commission 2006a: 11).

The move away from the moratorium on bilateral free trade agreements in 2006 was driven largely by concern within the EU that the US and Japan were forming trade relations with emerging countries/regions. The fear was that, should these relations be consolidated, they would pre-empt and preclude the expansion of such market exchange relations between the EU and those emerging countries/regions (Siles-Brügge 2010: 12-13; Bossuyt 2009: 707). Opportunities for market expansion were therefore threatened if the EU did not start deepening its trade relations with these growth markets. As the Commission Staff Working Document accompanying the "Global Europe" communication declared, EU exports were 'less well positioned in rapidly growing areas, particularly compared to the Japanese and US exports. We risk missing market opportunities in dynamic areas, which account already for half of world import growth' (European Commission 2006b: 5). Moreover, since the global economic crisis began in 2008, pressure to secure enhanced market exchange seems to have further built up, as the Commission has increased its focus on achieving trade liberalisation through ambitious FTAs. Declaring that 'trade has a key role to play in the economic recovery', Trade Commissioner Karel de Gucht announced a focus on further trade liberalisation at the release in November 2010 of the Commission's new trade strategy, 'Trade, Growth and World Affairs' (De Gucht 2010a).

In sum, pressure to expand market relations, generated by the need to identify new market opportunities in order to keep up with global market competitors and respond to the reduction in such opportunities created by the post-2008 crisis has had a clear impact upon EU trade policy since 2006. In contrast to more "empirical" accounts, which

have been keen to assess the extent to which this pursuit of further global market share might be accompanied by a normative, or “progressive”, counter-hegemonic agenda (see, for instance, Bossuyt 2009; Specht 2006; True 2009; Orbie 2011), the critical approach presented here plausibly depicts this process as one of market extension in order to consolidate and maintain the market relations that have already been established within and beyond the European Union.

EU TRADE POLICY AND THE “OTHERING” OF TARGET COUNTRIES/REGIONS

EU trade policy has also shown considerable signs of reflecting pressure to “Other” those countries that are being targeted for expansionary market liberalisation as described above. As noted, “Othering” takes both positive and negative forms, as can be witnessed in the case of the new generation of FTAs.

In terms of positive forms of “Othering”, we witness three ways in which submission to the EU’s market expansion is portrayed by the EU as being of benefit to receiving (target) countries. First, the Commission (and DG Trade in particular) routinely argues that receiving countries will benefit from expanded trade relations with the European Union, in terms of an increased likelihood of achieving both greater economic development and poverty reduction. For instance, the “Global Europe” communication declared that, ‘(p)rogressive trade opening can be a powerful factor in increased productivity, growth ... and in reducing poverty and promoting development around the world’ (European Commission 2006a: Executive Summary). This tends to be depicted as the EU benevolently seeking to facilitate third countries’ development. These developmental benefits, it is claimed, will also filter down to the citizens of target countries. For example, in the position paper accompanying the Sustainability Impact Assessment for the prospective FTA with India, the Commission declared that, ‘increases in incomes, real wages, employment opportunities and declining poverty ratios could indirectly have positive effects’ on health and education in India (European Commission, 2010b: 3). Similar claims were made in the Commission’s 2010 communication, *Trade, Growth and World Affairs*, which noted that ‘developing countries that have entered global trade and production chains have seen incomes and employment grow rapidly as well as significant reductions in poverty’ (European Commission 2010a: 5). These claims have been echoed on multiple occasions by Trade Commissioner Karel De Gucht in statements made in the context of the new generation of FTAs, *inter alia*, when addressing audiences from the partner countries concerned (see De Gucht 2010b, 2010d, 2011a).

Second, DG Trade routinely argues that receiving countries will benefit from expanded trade relations with the European Union in terms of an increased likelihood of more equitable socio-economic outcomes for the receiving countries, most notably through the inclusion in the respective FTAs of a comprehensive sustainable development chapter (De Gucht 2010d). As stated by Trade Commissioner De Gucht (2011b) when addressing a Malaysian audience upon his visit to the country:

‘Trade must be inclusive so that everyone can share the benefits. It’s not just about opening markets but it’s about helping people, and countries, adjust to open markets as well. That is why setting a broad trade agenda remains so important to me. I want to make sure that the negotiations look at the trade implications on environmental and social factors. And of course there are policies outside the field of trade that are essential for prosperity to spread.’

Thus, the “Global Europe” communication announced that new FTAs would include ‘new co-operative provisions in areas relating to labour standards and environmental protection’ (European Commission 2006a: 12). Moreover, stressing the importance of dialogue with civil society, the social agenda of the “Global Europe” strategy calls for the

establishment in the partner countries of a dialogue mechanism to allow for the consultation of - as well as monitoring by - civil society regarding the sustainable development aspects of the respective FTAs. In addition, Sustainability Impact Assessments have been conducted for each of the FTAs, which as in the case of the Indian FTA, are designed to be 'preventive, mitigation and enhancement measures ... for ensuring and strengthening the pro-poor and pro-gender equality effects of the FTA' (European Commission 2010b: 8).

Third, DG Trade promotes regional economic integration as a means by which to achieve development and prosperity, thereby routinely referring to its own model and experience of regional integration. This is therefore a process whereby the EU advocates replication of the *coloniser's* mode of behaviour, which Rutazibwa (2010) refers to as an 'isomorphic intervener centric mechanism'. As envisaged in the original mandates for the negotiations with ASEAN, Central America and CAN, one of the overarching goals was to stimulate and consolidate regional integration within the respective regions, which was to be pursued through full region-to-region negotiations in all trade and trade-related areas with the three regional blocs. Even after the abandoning of full region-to-region negotiations with CAN and ASEAN (see above), DG Trade has sought to refer to the merits of regional integration in the subsequent bilateral trade talks with receiving countries from the respective regions. For instance, in a speech delivered at the Lee Kuan Yew School of Public Policy in Singapore, Trade Commissioner De Gucht (2010c) noted that,

'we have a soft spot for regional integration processes elsewhere. (...). With the ASEAN Charter and the ASEAN Economic Community Blueprint, ASEAN has set itself ambitious goals. The EU has been a long-time supporter of this process, we will continue to do so, and as a regional group you can always count on a sympathetic ear in Brussels. Nobody else knows and understands the challenges of regional integration as well as we do'.

In sum, there are three ways in which the European Union seeks to highlight the positive benefits to be reaped by "Other" countries or regions: increased prospects for international development; greater opportunities to achieve more equitable socio-economic outcomes; and advantages to be accrued by countries and regions that replicate the European Union model of governance. It is here, therefore, that we see most clearly the EU's self-declared 'normative', or counter-hegemonic, identity being proclaimed *in casu* by DG Trade.

In terms of negative forms of "Othering", the Commission and DG Trade have articulated a discourse whereby third regions or countries are denigrated for routinely acting unfairly by failing to comply with EU-led market expansion. As such, target countries and regions represent potential sites of danger or immorality that must be "civilised" by the more ethically sound European Union. We witness the Commission claiming, for instance, that 'many of the EU's major trading partners operate discriminatory procurement practices which impede the fair participation of EU suppliers in national procurement markets' (European Commission 2006b: 9). Similarly, emerging countries are considered to maintain 'unnecessarily high barriers to EU exports' (European Commission 2006a: 6). In the area of public procurement, EU exporting companies 'face discriminatory practices in almost all our trading partners' (European Commission 2006a: 8). Further, third countries undertake 'unreasonable subsidization of local companies or anti-competitive practices' and have 'little transparency over the granting of aids' (European Commission 2006a: 8). As a result, the Commission needs to 'prise open markets that are illegally closed' (European Commission, 2010a: 12). In sum, the Commission needs to act to ensure 'that European firms do not suffer in third countries' (European Commission 2010c: 14), a process which might include "'naming and shaming" third countries' that failed to enforce its commitments to free trade (European Commission 2010a: 12).

The approach that the EU is taking towards the new generation of FTAs has in fact led to accusations of neo-colonialism from partner countries, in particular in Latin America, which feel that the EU's FTA agenda does not sufficiently account for the asymmetry inherent to their trade relations with the EU.⁷ Indeed, while the EU insists that the trade partners targeted under the new generation of FTAs are treated as 'equal partners', it cannot be denied that there exists a huge asymmetry between the EU and many of the trade partners concerned, such as Peru, Colombia, India, Vietnam, Indonesia and the Central American countries, most of which are still considered developing countries. In addition, while publicly announcing that it concedes to countries' specific needs, the EU has not refrained from concluding a multi-party trade agreement with Peru and Colombia, which it stresses Ecuador and Bolivia can still join but only if they agree to a 'Single Undertaking'.

In sum, DG Trade has consistently sought to "Other" – both positively and negatively – those countries targeted for expansionary market liberalisation. This therefore echoes forms of dominance highlighted by post-colonialist scholars, whereby informal power over third countries/regions is consolidated through the promotion of norms that express the superiority of the dominant "metropole". Whilst existing approaches to the EU's proclaimed counter-hegemonic power through trade have tended to focus on the extent to which a progressive agenda might be realised through such expansionary policies, the critical social science account developed herein instead focuses on the way in which this process can be considered an attempt to consolidate EU dominance over third countries/regions and legitimate the extension of market relations being sought.

EU TRADE POLICY AND DE-POLITICISATION

Finally, we can witness in the development of EU trade policy clear signs of the pressure for de-politicisation (or de-democratisation) upon trade policymaking. Indeed, in many ways the institutional configuration of EU trade policy, which foresees little insight into and limited oversight of its decision-making by the 'general public' and even by elected politicians, acts to ensure such an outcome. Thus, the EU trade policy-making machinery grants considerable power and discretion to the Commission in contrast to other actors (in particular the European Parliament⁸ and national parliaments), and the Commission tends to prioritise market-enhancing (including regulatory non-interventionist) objectives rather than market-adjusting, interventionist goals (Orbie 2008: 62). From this perspective, as Jan Orbie puts it (2008: 62), 'the limited capacity of the EU to engage in a normative external trade agenda basically relates to its *raison d'être*: the Union is institutionally designed to promote negative integration and market-enhancing policies rather than positive integration and redistribution'. In other words, and as we argued above, as an external trade actor, the EU reproduces its internal role as a market-enhancing regulatory state because of its historical internal market focus and experience. In upholding this de-politicised, de-democratised form of EU trade policymaking, DG Trade tends to adopt three broad positions, which we might consider to range on a spectrum of varying levels of DG Trade's preparedness to cede a role in policy-making to both popular contestation and input.

First, and perhaps representing the position that cedes least ground to popular concerns or demands, DG Trade has argued that contemporary economic conditions necessitate market-oriented expansion, which thereby puts the policy beyond public discussion or debate. For instance, in the "Global Europe" communication the Commission claims that 'Europe *must* reject protectionism' (European Commission 2006a: 5, emphasis added), 'more than ever, Europe *needs* to import to export' (European Commission 2006a: 7, emphasis added), and that 'economic factors *must* play a primary role in the choice of future FTAs' (European Commission 2006a: 11, emphasis added). This necessitarian discourse has (predictably) been reinforced as a result of the post-2008 global economic crisis, witnessing the Commission claim, for instance, that '(i)n today's difficult economic

climate it is more important than ever that we open up opportunities for our businesses to trade their way out of the downturn' (European Commission 2008).

Second, and showing more willingness to cede a role for public opinion, the Commission and DG Trade have actively sought to consult societal actors, but in doing so tend to discriminate between corporate actors and non-corporate actors. As illustrated by Gabriel Siles-Brügge (2010), since the launch of the Commission's Market Access Strategy in 1996, pro-liberalization business interests have been increasingly involved in various forms of consultation with DG Trade. As the author indicates, 'one of the cornerstones of this new strategy was a concerted effort on behalf of the Commission to involve business interests in policy-making. (...) This allowed, in the light of the Market Access Strategy's emphasis on engagement with pro-liberalization business groups, the services lobby to emerge as a key player in trade policy-making, which came to be closely allied to policy-makers in the Commission' (for a similar view, see also Dür 2008a). While business groups are found to wield considerable impact on the EU's trade policy agenda and outcome (Dür, 2008a, 2008b), empirical studies find little evidence of systematic influence of any civil society organisations, including that of Brussels-based European NGOs despite their actively engaging in lobbying and campaigning in an attempt to influence the European trade agenda (Dür and De Bièvre 2007; Jarman 2008; Hannah 2011; Trommer 2011).

This finding is also widely evinced in the case of the new generation of FTAs, which shows how business interests, and in particular those of export-oriented/pro-liberalisation businesses, have been *both* consulted more *and* have carried substantially greater weight than those of civil society actors, including trade unions and NGOs. Indeed, while pro-liberalisation business lobby groups, such as BusinessEurope and the ESF, have been given privileged access to the decision-making process, both during the drafting process of the "Global Europe" strategy (Siles-Brügge 2010) and during the negotiations of the FTAs concerned (Eberhardt and Dharmendra 2010), the interests of civil society have received much less attention. Apart from the few instances where civil society actors were consulted, most notably at DG Trade's institutionalised platform for dialogue with civil society, the views of NGOs and trade unions have been largely neglected. Moreover, despite the active campaigning by and mobilisation of a considerable number of civil society organisations concerned with the possible negative social, environmental and/or development impact of the FTAs,⁹ NGOs have had little or no impact on the policy agenda and outcomes (Agence Europe 2010a; Bossuyt 2009; Eberhardt and Dharmendra 2010; Specht 2006).¹⁰ In addition, as the case of the EU-Peru-Colombia FTA shows, the Commission has rebuffed deliberate attempts by civil society organisations and national parliaments to "politicise" and "democratise" the policy-making process of the FTA by demanding that the trade agreement be declared 'mixed', and therefore become subject to national parliamentary discussion and ratification. Indeed, civil society organizations from across Europe and Latin America, alongside the ITUC and the ETUC, have asked for the opening up of the agreement 'to a Europe-wide debate by elected politicians', backed by parliamentarians of Germany, UK, the Netherlands and Ireland who have presented motions demanding that the FTA be declared a 'mixed agreement' in attempt to safeguard their parliaments' participatory rights (Olivet and Novo 2011: 2; Bossuyt 2012; German Bundestag 2010; UK Parliament 2010).

Third, and ceding most ground to the notion that popular contestation and input have a legitimate place in EU trade policy-making, DG Trade has (as we have already witnessed) undertaken a number of commitments to advance extra-market values and policy goals, perhaps most obviously in the form of the counter-hegemonic, redistributive and progressive policy goals indicated above. In doing so, however, DG Trade acts to limit (and thereby de-politicise) expectations relating to the likely outcome of these efforts, most notably through specific reference both to internal divisions (between EU institutions, and between EU member states) and external differences

between the EU and third countries/regions, which act to hamper (and thereby preclude) such goals. Thus, in seeking to quell (or pre-empt), and thereby de-politicise, civil society opposition to the market-oriented nature of EU trade policy, the Commission has tended to make limited concessions by committing to pursue more progressive goals. For example, this includes practices as engaging in extensive "legal inflation", whereby extensive commitments are included in regional agreements but without the supportive legal binding mechanisms that would be necessary to ensure their implementation (Horn *et al.* 2009). This can also be observed in the case of the "social agenda" of the new generation of FTAs, in that the social provisions included in the sustainable development chapter of these trade deals are "non-binding", asking only for a "commitment" from the partner countries to implement them (Bossuyt 2009). As McGuire and Lindeque (2010: 1338) point out, this kind of "legal inflation" is 'largely about satisfying domestic European audiences'. DG Trade's institutionalised dialogue with civil society can be considered to serve the same goal. That is, by offering a consultation mechanism, the Commission, lacking an electoral mandate, aims to increase its legitimacy as a policy-maker (Hocking 2004) and thus to appease civil society.¹¹

Legal inflation has allowed 'Member States to claim that their particular demands have been taken account of' (McGuire and Lindeque 2010: 1338). In the case of the new generation of FTAs, it has also served as a tool for the Commission to try and satisfy the European Parliament, and thus to claim that it has taken into account particular demands raised at the plenary. Indeed, the latter has been rather vocal in expressing concern about the trade deals, in particular those with India, Central America, Peru and Colombia, due to the limited attention paid to socio-economic and environmental issues (see Agence Europe 2010b, 2010c) and – in the case of India – health protection (European Parliament 2011). The Parliament is also insisting that DG Trade should not compromise on the proposed sustainable development chapter in the trade arrangements still being negotiated with India and the other Asian trade partners (European Parliament 2009, 2010). In a similar vein, the Parliament reacted quite heavily against the decision made by the Commission and the Council to drop the human rights clause in the prospective trade agreement with India (European Parliament 2008).

In responding to criticisms of the new generation of FTAs, the Commission has sought to limit expectations through reference to the impact of internal divisions in preventing more substantive achievements from being realised. Further, even when DG Trade is unable to realise its purported "social agenda" *due to opposition from third countries/regions*, the predictable nature of this external opposition is such that it can be relied upon to legitimate the minimal realisation of substantive social or progressive outcomes and therefore indirectly acts to enhance the legitimacy of DG Trade itself. Thus, DG Trade has been found playing the innocent in those cases where its attempts to embed normative goals in the new trade agreements have failed in the face of strong opposition from the partner governments and subsequent pressure from EU member states to drop the 'contested' issues off the negotiating agenda in order not to compromise the considerable trade benefits of the bilateral arrangements, most notably in the case of India.¹² As noted at the beginning of this article, it is these limiting obstacles, which act to lower and contain expectations, and thereby constitute a form of de-politicisation, that are most commonly referred to by EU trade scholars seeking to understand the inability of the European Union to realise a more substantive progressive agenda. This focus by EU trade scholars, we argue, acts to reproduce (rather than interrogate or demystify) one of the Commission's mechanisms of de-politicisation. In contrast, the critical social science approach adopted herein conceptualises this lowering of expectations as a more general process of de-politicisation generated by the contemporary model of European governance.

Therefore, rather than viewing the EU as a 'conflicted power through trade' (Meunier and Nicolaidis 2006), we instead conceptualise it as a 'conveniently-conflicted counter-hegemon through trade', which seeks to reconcile (potentially contradictory) pressures

to secure expansionary trade relations, the "Othering" of the target countries/regions within which such expansion is targeted, and the de-politicisation of these processes. This, we claim, is sought through the proclamation of (egalitarian, counter-hegemonic) benefits that will accrue to "Other" third countries and regions that form the target for trade liberalization, alongside reference to the convenient inhibiting divisions (both internally and with prospective trade partners) that act to prevent such egalitarian outcomes from being realised and thereby serve to lower public expectations. Whereas empirical approaches have highlighted the role of these internal and external differences in inhibiting a proclaimed "counter-hegemonic" agenda from being realised, we instead provide a plausible account of the process whereby an arguably unrealisable progressive agenda is advanced (but unrealised), and the fact of its non-realisation is (in part) legitimated through reference to the existence of internal and external differences. We claim that this approach, informed by our critical social science approach, is more adequate than alternative accounts that dominate this literature, in that it is both able to provide a plausible explanation for the phenomenon being observed, and acts to illuminate and demystify the relations of domination (and associated ideas) that it claims have resulted in the outcome occurring.

CONCLUSION

This article has argued that existing accounts of EU trade policy have been unable to fully account for the routinely observed constraints upon the EU's frequently declared aspiration to act as a 'force for good' through trade. This, we claim, is due to an insufficiently critical approach to the study of EU trade policy-making, resulting in a tendency to reflect (rather than interrogate) the stated aims and ambitions of EU trade policy-makers. Drawing on a critical discussion of mechanisms of domination that we argue constitute the contemporary model of European governance, and which give rise to a number of pressures being exerted upon EU trade policy, we have therefore sought to reconceptualise the EU as a conveniently-conflicted counter-hegemon through trade. EU trade policy is largely driven by pressures to achieve market expansion, accompanied by a process of "Othering", the legitimation of which is sought (in part) through a discourse highlighting the egalitarian (counter-hegemonic) outcomes that will be achieved through such a process of expansion, whilst internal divergence and external differences ensure (somewhat conveniently) that such egalitarian outcomes will not be realised. As such, we substitute what we claim is a common assumption held by scholars of EU trade policy (i.e. that a global progressive agenda, to be achieved through EU trade policy, is a viable but as yet unrealised aspiration) with an alternative assumption (that EU trade policy is designed to perpetuate core mechanisms of domination and cannot, therefore, be expected to sustain progressive goals). In short, we argue that claims regarding the counter-hegemonic tendencies of the European Union's trade policy are designed to conceal and legitimate an inherently neoliberal project. Understood in such a way, we contend that we are able to provide a more plausible account of the consistently experienced obstacles impeding the realisation of the EU's commonly declared progressive agenda through trade. Thus, rather than viewing the EU as a 'conflicted trade power' (Meunier and Nicolaïdis 2006), our critical social science approach leads us instead to conceptualise the European Union as a conveniently-conflicted counter-hegemon through trade.

¹ We should note that this view is contested by a number of authors, in particular those more positive about the achievements of (or prospects for) the Social Europe agenda (see, for instance, Albers et al. 2006; Heidenreich and Bischoff 2008). However, in attempting to present a conceptualisation of the European Union that focuses on relations of domination, we adopt the more critical conceptualisation that exists within the literature on the grounds that this coheres more readily with our critical social science approach.

² We should note that this claim has also been contested within the literature, perhaps most notably by Andrew Moravcsik (2004), who argues that by the standards of actually-existing democratic systems, the European Union has a number of substantive checks and balances that enable it to approximate the democratic credentials of other existing democracies. Again, however, as we are seeking to present a conceptualisation of relations of domination, we adopt in the present article the view presented within the more critical literature, on the grounds that it coheres with our critical social science approach.

³ Whilst the technocratic nature of EU decision making is problematised in the present article, other scholars have adopted a more benign interpretation (see, for instance, Radaelli 1999).

⁴ ASEAN consists of the following ten states: Brunei/Darussalam, Cambodia, Indonesia, Laos, Malaysia, Burma/Myanmar, Philippines, Singapore, Thailand and Vietnam.

⁵ The Central American region comprises Costa Rica, Panama, Guatemala, Honduras, El Salvador and Nicaragua, while CAN consists of Bolivia, Colombia, Ecuador and Peru.

⁶ Apart from the EU's reluctance to open its market to Myanmar, the possible conclusion of a full region-to-region FTA with ASEAN is hampered by the development discrepancies among the ASEAN economies, as well as by a set of formal complications resulting from the fact that ASEAN is not yet integrated as a customs union and has neither a harmonised legislation nor a representation mechanism.

⁷ See, for instance, interview with then Foreign Minister of Ecuador, Fander Falconi, by the Latin American Press Agency, Prensa Latina, on 7 June 2011.

⁸ It should be noted, of course, that the European Parliament has been granted more powers in relation to EU trade policy-making under the Lisbon Treaty. In particular, new EU trade agreements can no longer come into force without the approval of the Parliament, as the latter now enjoys co-decision power with the Council.

⁹ Illustrative examples of such campaigning and mobilisation initiatives include an open letter signed by over 80 civil society organizations from across Europe, Asia and Latin America in April 2007, calling on the Council of Ministers 'to reject the recommendations from the European Commission that it be granted authority to negotiate the [proposed] FTAs', for they constitute 'a serious threat to social justice, gender equity and sustainable development, both within and outside the EU' (N/A 2007). Another example is a mass rally of more than 2,000 protesters in New Delhi in March 2011, protesting against the proposed inclusion of a 'data exclusivity' clause in the prospective EU-India FTA (EUObserver 2011, 3 March).

¹⁰ Interview with NGO lobbyist, 20 January 2012.

¹¹ Interview with DG Trade official on 9 November 2007.

¹² Interview with senior DG Trade official on 5 November 2007. For more details, see Bossuyt (2009).

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