



Norwegian University
of Life Sciences

Master's Thesis 2021 30 ECTS

Faculty of Landscape and Society

Department of International Environment and Development Studies

Making EU Trade Policy: The Power of Neoliberalism and the Poverty of Radicalism in the Debate on Trade and Sustainable Development Chapters

Lise Lotte Høye

Master of Science in International Relations

The Department of International Environment and Development Studies, Noragric, is the international gateway for the Norwegian University of Life Sciences (NMBU). Established in 1986, Noragric's contribution to international development lies in the interface between research, education (Bachelor, Master and PhD programmes) and assignments.

The Noragric Master's theses are the final theses submitted by students in order to fulfil the requirements under the Noragric Master's programmes 'International Environmental Studies', 'International Development Studies' and 'International Relations'.

The findings in this thesis do not necessarily reflect the views of Noragric. Extracts from this publication may only be reproduced after prior consultation with the author and on condition that the source is indicated. For rights of reproduction or translation contact Noragric.

© Lise Lotte Høye, February 2021
lise.lotte.hoye@gmail.com

Noragric
Department of International Environment and Development Studies
The Faculty of Landscape and Society
P.O. Box 5003
N-1432 Ås
Norway
Tel.: +47 67 23 00 00
Internet: <https://www.nmbu.no/fakultet/landsam/institutt/noragric>

Declaration

I, Lise Lotte Høye, declare that this thesis is a result of my research investigations and findings. Sources of information other than my own have been acknowledged and a reference list has been appended. This work has not been previously submitted to any other university for award of any type of academic degree.

Signature.....

Date.....

Acknowledgements

Completing this thesis have been a great personal challenge to me, enjoyable and frustrating at the same time. I would not have achieved this goal if it were not for the help of others.

First, I would like to thank my supervisor Katharina Glaab, Associate Professor at NMBU, for her support, both academic and emotional. The compassion you have shown me through these times, and the interest you have shown for this project, has been invaluable in completing this thesis. I also wish to thank Jan Orbie, Associate Professor at Ghent University, for the idea which started the process.

To my friends and my family who inspires me to go the extra mile, Miriam, Ellen Marie, Sofie, Rebekka, Ida, Sofie, Bettina, Ida Kristin, Birte, Janine, Caroline, mom, dad, and everyone at NMBU thank you for making this journey more enjoyable.

This thesis would not have existed without those mentioned here, all errors are however mine alone.

To Sofie,

Your critical mind, your curiosity, and your compassion is what has gotten me here.

Throughout these studies you have shown me the way and have made me see the beauty in complexity.

Thank you for your unwavering support!

Abstract

Trade and sustainable development chapters (TSD) are included in the European Unions (EU) free trade agreements as a part of the ‘value-based trade agenda’. However, the purpose of these chapters remains unclear, and the positive impact on labour rights and environmental protection is yet to be seen. With the stated intention of improving the TSD chapters, the European Commission initiated a review process. Despite these intentions, the outcome was a plan mainly in keeping with the existing approach. This thesis takes a radical ecological economic approach to the question of compatibility of sustainable development, and free trade agreements. This thesis applies a discursive institutionalist framework, in both theory and method. The review process is analysed in relation to different forms of ideational power. The aim is to identify the central ideas of the actors involved, as well as to understand how the actors frame the issue of sustainable development to either protect the dominant discourse or to change it. The main finding is that the proposals of the actors are, for the most part, in keeping with the Commission’s agenda. Most actors argue for a change within the current system. The radical ideas are few and far between. Amongst these actors the view that sustainable development and free trade is incompatible is not widespread. There is a poverty of radical ideas in the debate. The findings in this thesis lead to the conclusion that the ideational power of the Commission, as well as the power of neoliberal ideas, have set limitations on the debate on TSD. The thesis also argues that more research is required to create an alternative model for sustainable trade.

Keywords: Ideational Power; Power through, over, in ideas; Neoliberalism; Ecological Economics; Trade and Sustainable Development (TSD); EU Trade Policy

Innhold

Abbreviations	3
1 Introduction	4
1.1 Research Objective and Questions	6
1.2 Methodology and Limitations	7
1.3 Structure of the Thesis.....	8
2 Trade and Sustainable Development: Discourse and Ideas.....	9
2.1 Neoliberal Free Trade and Sustainable Development	9
2.1.1 Traditional Literature: Changing TSD from Within.....	10
2.1.2 Critical Literature: Compatibility of Sustainable Development and Free Trade.....	13
2.2 Power and EU Trade Policy	17
2.2.1 Power, Actors, and Ideas: Who Creates EU Trade Policy?.....	18
2.2.2 Ideational Power: Power Through, Over and In Ideas	20
2.3 Research Gap.....	23
3 Methodology and Research Design.....	24
3.1 Research Questions	24
3.2 Discursive Institutionalism as a Method	25
3.3 Selection of Documents and Process of Analysis	28
3.4 Limitations and Ethical Considerations.....	32
4 How to Improve Trade and Sustainable Development Chapters	34
4.1 Phase 1 - Launch a Review of Trade and Sustainable Development Chapters: The Commission's 1 st Non-Paper.....	34
4.2 Phase 2 – Collect Statements from Stakeholders	37
4.2.1 The Council	39
4.2.2 The European Parliament	40
4.2.3 Civil Society Organisations.....	42
4.2.4 Business Interest Groups	46
4.2.5 Other Stakeholders	47
4.3 Phase 3 - Make an Action-Plan: The Commission's 2 nd Non-Paper	49
4.4 Summary of Findings	51
5 Power Through, Over, In Ideas: Steering the Outcome Towards a Neoliberal Free Trade Model	52
5.1 Power Through Ideas.....	52
5.2 Power Over Ideas	55
5.3 Power In Ideas	57
5.4 Summary	59
8 Appendix	71
Appendix 1: Coding Scheme.....	71

Abbreviations

CETA – Comprehensive Economic and Trade Agreement – EU-Canada Trade Agreement

CSM – Civil Society Mechanism

CSR – Corporate Social Responsibility

CSO – Civil Society Organisation

DAG – Domestic Advisory Group

EC – European Commission

ECR – European Conservatives and Reformists

EESC – The European Economic and Social Committee

EP – European Parliament

EPP – European People's Party

ETUC – European Trade Union Confederation

EU – European Union

FES – Friedrich-Ebert-Stiftung

FTA – Free Trade Agreement

GSP – Generalised Scheme of Preferences

HSE – Rules on Health, environment and safety

IFAW – The International Fund for Animal Welfare

ILO – International Labour Organization

MEAs – Multilateral Environmental Agreements

MEP – Member of the European Parliament

S&D – Progressive Alliance of Socialists & Democrats

The Council – The Council of the European Union

TSD – Trade and Sustainable Development

TTIP – Transatlantic Trade and Investment Partnership – EU-US Trade Agreement Negotiation

VZBV – The Federation of German Consumer Organizations

WSC – The Wildlife Conservation Society

1 Introduction

We are as an international society facing our largest challenge to date, sustainable development. Climate change, its causes, and the impact of free trade on climate change is still being understood. What is apparent, however, is that climate change amounts to crisis of such proportions that it requires us to drastically change how we live our lives and how we organise our economy. Whilst the living standard for many people has drastically improved, many are still living in poverty, and whilst many countries have undergone huge leaps in development, the inequality within and between countries is still a cause for great concern. Adding to this, contrary to previous development, in the richest countries things are changing for the worse for many people. The assumptions of neoliberal economic policies are flawed. The neoliberal system has not only created a more globalised economy, but it has also led to a reduction in labour rights, employment, and quality of life. It is evident that the benefits from trade are not distributed between people, companies, and states equally.

Concerns over the impact free trade has on global sustainability and inequality has long been raised inside and outside the EU. In addition, many corporations and employees based in the EU are concerned about how increased competition affects them. At the same time new states are becoming important players in international production and trade, and the European Union is under pressure to continue the economic development of its members. These challenges require the EU to think in a new way. But so far, the solution to the problem has been to further liberalise trade, negotiate more and deeper bilateral free trade agreements, increase the competitiveness of European business, and as a result sustainable development has been largely overlooked. Implementing trade and sustainable development chapters in all newer free trade agreements has been one of the Commission's responses to these concerns (Harrison, 2019; Harrison, Barbu, Campling, Richardson & Smith, 2019b, p. 266). The Commission assumes that by implementing provisions on labour rights and environmental protection in free trade agreements that the negative effects of globalised free trade can be mitigated, and even go so far as suggesting that further trade liberalisation is needed to achieve sustainable development (Lawrence, 2020, p. 48; EC, 2017a).

EU trade policy operates under the assumption that free trade and economic growth can proceed whilst at the same time making the world more sustainable. In academia and in society at large there are divergent views on the adverse effects of globalised free trade. Neoliberal economic doctrine includes prescriptions about free trade, market fundamentalism,

competition and the idea that continued economic growth is both possible and necessary for future development. Opposing these ideas are theories that reject neoclassical economics and neoliberalism. These theories are often referred to as heterodox economic theories. Ecological economics, de-growth movements and the donut model prescribes that we must create a system where we produce and consume within planetary boundaries, whilst meeting every person's needs. Sustained economic growth and neoliberal free trade causes environmental degradation and social inequality can lead to economic collapse (Meadows, Meadows, Randers & Behrens III, 1972).

In the European Union's trade policy these heterodox perspectives are seldom represented. Multiple academics have argued that Commission's policies are inherently neoliberal (Holden, 2017; 2019; Jacobs & Orbie, 2020). And even though EUs trade policy has changed over the years, it is still firmly based in neoliberal thought. From previous research it is shown that the revised trade policies have largely been a continuation of the same neoliberal free trade model, and revisions the Commission has done, has largely been "to safeguard it from challenges and criticisms" (Jacobs & Orbie, 2020, p. 3). In Academia the critique of TSD in the current trade agreements have often been related to scope of the TSD chapters, the TSD review mechanism, and the lack of enforcement when breaches of the agreement have been established. Different EU actors have largely argued that the best way forward is to strengthen TSD chapters, and as a result make trade more sustainable. However, multiple studies have shown that the outcomes of TSD chapters so far are at best limited, and that TSD has done little to deliver more labour and environmental protection. (Harrison et al. 2019a; Harrison et al. 2019b, Sicurelli, 2019). It has also been argued that free trade agreements substantially hamper the policy space for states to regulated for environmental and labour protection. This is especially challenging for developing countries (Chang, 2006). Given what we know from ecological economics it is surprising to find that the debate about TSD chapters has largely overlooked whether it is possible to achieve sustainable development through free trade.

In this thesis I will therefore look at how different actors in the EU approach the issue of improving TSD chapters, and how the dominating discourse and ideational power of neoliberal free trade has limited the discussion on TSD.

1.1 Research Objective and Questions

In 2017 the Commission initiated a discussion on trade and sustainable development chapters, through the launch of a non-paper. In the following months member states, parliamentarians, civil society organisation (CSO), business interest groups and academics provided their input. The outcome of the process was the creation of a 15-point action plan in 2018. The plan is largely a continuation of the existing TSD chapters, with minor adjustments. This plan has since guided the Commission in their efforts to improve TSD chapters. As this plan will serve as a template in negotiations of new free trade agreements, it is important to create a better understanding of why the plan looks like it does, and which ideas were debated during its creation. To do so we must study the events of the process itself, the ideas present in the feedback documents, and understand how the commission has used its ideational power to narrow the debate on trade and sustainable development.

This thesis applies a discourse analysis to provide a deeper understanding of the different forms of ideational power which have limited the debate on trade and sustainable development. In the later years, the existing literature on EUs trade policy has expanded, and there has been a subsequent increase in studies which looks at the dominating neoliberal free trade discourse. But few of the studies have conceptualised the different forms of ideational power which impacts the discourse and thereby the creation of policy. Though there have been many studies which criticise the current TSD chapters, the studies which focus on the TSD chapters have either focused on the labour provisions, or the role of civil society. None of the studies have properly incorporated a critical and radical approach to the question of trade and sustainability, which fully incorporates the knowledge from ecological economics. This thesis therefore aims to fill a gap by being the first study which analysis the TSD review process itself. It will also contribute by being one of the few studies on EU trade policy which applies an ecological economic understanding of the compatibility of free trade and sustainable development, when analysing these issues through an ideational power framework which unpack the discourse and ideas in the process.

The research questions have therefore been formulated into three separate questions. The first is an overarching question that concretises what this thesis seeks to contribute to in the grand scheme of things. Whilst the second question directly looks at which ideas are present in the debate, and the third question looks at how discourse has steered the TSD debate:

No 1 - *How does discourse effect the role of sustainable development in EUs trade policy?*

No 2 - *What are the ideas of EU actors on improving trade and sustainable development chapters presented in the TSD review process?*

No 3 - *How does the ideational power of the actors influence the outcome of the TSD review process?*

1.2 Methodology and Limitations

This research utilises a qualitative content analysis in combination with a discourse analysis as the methodological approach. By analysing written documents, the thesis unpacks the ideas and the discourse which dominated in the TSD review process. The TSD process is presented as three different phases. The first being the Commission's first non-paper, the second phase is the written statements from the different stakeholders. The third and final phase is the second non-paper from the Commission which contains a 15-point action plan. These documents are studied individually but also in relation to each other to understand how the neoliberal free trade discourse of the Commission might have limited which issues the stakeholders have debated. This in turn can have made it easier for the Commission to present a plan for the way forward which mainly was in keeping with the existing approach.

Carstensen and Schmidt's (2016) conceptualisation of ideational power provides a comprehensive framework in which the different forms of ideational power of the actors in the process can be understood and it is therefore applied as a theoretical framework. The framework is mainly derived from a constructivist approach to discourse analysis and it links why power matters in analysis of ideas. This research helps uncover how the Commission controlled the debate on trade and sustainable development, and the way in which the Commission has over time been able to limit the debate on TSD, through different forms of ideational power. The idea that free trade and sustainable development should and can go hand-in-hand is by the actors in the EU seen as rational and treated by the actors as an unquestionable constraint on trade policy, and not just as the economic theory it is (Siles-Brügge, 2013, p. 600).

This thesis and its results are limited due to the lack of access to minutes from meetings where the TSD chapters and the non-paper from the Commission was discussed. The full picture of which actors were involved and what they suggested can therefore not be established. The results from the analysis are therefore constrained to a finding which can

only be applied to the actors who sent in written statements. The thesis sees the issue of trade and sustainable development through the lens of ecological economics, and constructivism, which means that it takes a normative stance on free trades viability in the long run. This leads to the rejection of the idea that my personal beliefs can be removed from the inquiry, and that there is an objective truth that can be found by completing this study.

1.3 Structure of the Thesis

This thesis is organised into six chapters. The first chapter introduces the thesis and its topic, research question, methodology and structure. Chapter two provides the necessary context for this research. The chapter is split in two, the first part introduces the discussion and literature on trade and sustainable development chapters in free trade agreements. The second part introduces the literature power and trade policy creation in the EU. It also introduces the theoretical framework of this thesis, power through, over and in ideas. The third chapter discuss the methodological approach, a combination of a discourse analysis and a qualitative content analysis. Chapter four presents the findings from the analysis of the two non-papers and the statements from the stakeholders which participated in the TSD review process. In chapter five the findings from chapter four are analysed through the framework for ideational power which provides a deeper understanding of how the Commission has framed the issue to limit opposition and protect the neoliberal free trade policies from challenges. The thesis is concluded in chapter six.

2 Trade and Sustainable Development: Discourse and Ideas

There are divergent views on the compatibility of free trade and sustainable development. Ecological economics highlight that the purpose of trade should be to produce what we need, and that the accelerating destruction of the environment due to resource depletion and increasing emissions will in the long run cause a bigger threat to the economy than lack of growth in trade. This view has not fully been incorporated into studies on EU trade policy, and research on the trade and sustainable development chapters. There is an increasing number of studies on the TSD chapters in FTAs, and studies on the neoliberal discourse of the Commission, but studies which incorporate an ecological economic perspective are lacking. To understand why there is such a poverty of radical ideas in these debates we must understand the ideational power of the actors involved, but also the power of neoliberal ideas. This thesis looks at the actors in the EU and their ideas on improving trade and sustainable development, ideational power is therefore applied as a theoretical framework.

The first part of the chapter introduces the debates on trade and sustainable development. First presenting the ‘traditional’ literature which focuses on the operational failings of TSD, whilst the second part of this chapter brings in the findings from discourse studies to establish how sustainability has been incorporated as tool to further the neoliberal free trade agenda. I draw on critical economic theories which underline the need to think outside the current free trade model to achieve sustainability. The second part of this chapter brings in literature on power and trade policy. Where the focus in the first section is to establish what the literature on power and trade policy creation tells us about the different actors in the EUs power. The fourth and final part presents the framework for the analysis. This framework incorporates different forms of power and through the conceptualisation of *power through, over, and in ideas*.

2.1 Neoliberal Free Trade and Sustainable Development

The relationship between free trade and sustainable development is contested in public debate but also academia. The literature on EU trade policy is growing. Studies on trade discourse have increased, and the scholars which analyse the TSD chapters through a critical, but firmly descriptive approach has continued to produce studies. But the literature which takes a radical, ecological economic approach is still few and far between. Lucy Ford (2013), David Bailey &

Fabienne Bossuyt (2013) and Mark Langan (2015) have applied a radical approach to the study of EU trade policy. Out of these three articles Lucy Ford is the only author who incorporates ecological concerns. Since then, there has not been any new contributions. In this section the literature which critique TSD chapters without questioning the overall compatibility with free trade is presented as traditional. These studies focus mainly on the operational failings of TSD chapters. Whilst the second part brings in the critical view on EU trade policy and combines the knowledge from this research with an ecological economic critique of the compatibility of free trade and sustainable development.

2.1.1 Traditional Literature: Changing TSD from Within

Most of the literature on trade and sustainable development chapters do not question whether effective TSD chapters can mitigate the negative impacts from free trade agreement. The scholars critically engage with the content of the TSD chapters, but do not question the overall sustainability of free trade. The outcome is that even though they criticise TSD, they end up either just providing descriptions of the current approach or proposing solutions within the current model (Bollen, 2018, p. 6). While there are multiple studies on the labour provisions (Campling et al, 2016; Harrison et al., 2019a; Orbie, Martens & Van den Putte, 2017; Bronkers & Gruni, 2018; Marx, Lein & Brando, 2016; Araujo, 2018; Ebert, 2016), and on the role of civil society (Orbie, Martens, Oehri & Van den Putte, 2016; Martens, Van den Putte, Oehri & Orbie, 2018), there is a clear lack of studies on the environmental provisions. This central topics in this traditional literature are descriptions of the different agreements, the effectiveness of different enforcement mechanisms, and the failed operationalising of the civil society mechanism.

TSD chapters include provisions on labour and environmental protection. It does also include commitments not to use labour laws as protectionism, and not to lower standards to attract investment or trade. It also includes provisions on inclusion of civil society and a dispute resolution system (Van Roozendaal, 2017, p. 21; Harrison et al, 2019a, p. 640). TSD chapters refer to the parties commitments to multinational agreements, like the International Labour Organization (ILO) and some Multilateral Environmental Agreements (MEAs). There has been discussion on whether it is sufficient to address trade-labour linkage by making commitments to the ILO Core Conventions (ILO, 2010; Harrison et al., 2019b, p. 271-272). And whether it is sufficient to demand adoption after the FTA is put in place, or if the EU

should pursue a model with pre-ratification of multilateral agreements (Harrison et al. 2019a, p. 643).

The enforcement mechanism has led to much debate and was the primary issue addressed in the Commission's discussion paper (EC, 2017a; EC, 2018c). The TSD chapters are not covered by the same dispute resolution mechanisms as the rest of the FTA. If a violation of the agreement occurs government consultations can be arranged. The civil society mechanism is put in place to monitor implementation and raise concerns, and can therefore request that a case be discussed, but it is up to the governments (i.e. the Commission) to establish a review of the case. If a case is raised, and no agreement is reached between the parties, a panel of expert can be convened. A panel of expert has only been convened once, in a labour case against South Korea (EC, 2021). The commercial chapters in the FTAs have stronger enforcement mechanisms, with the possibility to use sanctions. There are no opportunities for sanctions if TSD provisions are breached, according to the FTA text, however, in 2017 the Court of Justice ruled that if the TSD provisions are breached EU can suspend the FTA (Court of Justice of the European Union, 2017, para 161).

The EUs FTA model has often been compared to the US model, which does include sanctions (Postnikov & Bastiaens, 2014; Leal-Arcas, Anderle, Santos, Uilenbroek & Schragmann, 2020; Araujo, 2018). The experience from the US model, is that sanctions has seldom been used and that in this case the inclusion of labour provisions is also found to have a weak effect on labour rights (Araujo, 2018). Harrison et al. refers to how the ILO has branded the EU model 'promotional', and the US model 'conditional' (2019a, p. 641). Pointing out the differences, and similarities between the models. They argue that the Commission creates a "false dichotomy" in the non-paper (ibid, p. 641). Where they claim that a "reform must proceed in either a conditional or promotional direction." (ibid, p. 641).

Orbie et al (2017, p. 2) describes EUs approach as more cooperative. The civil society is supposed to play a pivotal role in monitoring the implementation, but there are many problems with operationalisation of the mechanism. Civil society organisations were not included during the negotiations and therefore have had little input on the content of the agreements. There have been issues with funding for participants in CSM, some organisations did not prioritise the meetings, whilst many were simply not aware of their existence. And then there were questions about the independence of the organisations who participates, a lack of substantive discussion during the meetings, and concerns over how serious the Commission took the feedback from the CSM and DAG meetings (Harrison et al., 2019a, p.

644; Harrison et al., 2019b, p. 266-269; Orbie et al 2017, p. 13-14). There has been a lack of political will to actively enforce the TSD chapters (Campling et al., 2016, p. 370-371). The South Korea case had been raised multiple times over many years by different civil society actors before the EU requested a panel of experts (EP, 2017, para 5). Showing that the civil society in practice has relatively little power, even though their role is supposed to be important. In summary, the research on trade and sustainable development chapters and their function have varied findings, but in summary they all conclude that the TSD chapters are too limited, have many operational failings, and are not enforced well enough.

Some larger n-studies on the effectiveness of TSD chapters have been conducted, they all review the outcome of trade-labour-linkage. Carrère et al (2017) finds a positive effect on exports, but no effect on labour right in their study on north-south trade agreements. Kim finds that for the US's trade agreements the inclusions of labour standards has made the partner country improve their labour standards before signing the agreement (2012 as cited in Carrère, 2017, p.5). The US model has more actively sought pre-ratification and include the option to use sanctions, which can have an effect on the results (Campling, 2016). This leaves only one other larger N-study that is of relevance to the EU case. Postnikov and Bastiaens argued that inclusion of labour provisions in the EUs FTAs have had a positive impact (2014, p. 935). It is the establishment of the institutions and the empowerment of civil society organisations that is the agreements positive impact.

In-depth case studies on the outcomes of labour standards in the EUs FTAs shows that so far, the outcomes of TSD on labour rights on the ground is minimal (Harrison et al., 2019a, p. 642-647). Orbie et al. found that in the case of the Peruvian FTA the labour provisions were too conservative, were not fully implemented, and had been violated (2017, p. 14). Whilst Van Roozendaal researched South Korea's FTAs and found that the different provisions had “no effect on enabling rights” (2017, p. 20), the impact was the creation of institutions and more public interests in violations, but they served “only a symbolic purpose” (ibid, p. 27).

The one study which does look at the environmental provisions, argues that it has been proven in previous studies that free trade does not have a negative impact on sustainability. The study also that the environmental provisions in the “EU FTAs have the potential to be the true enforcer of environmental and climate change obligations.” (Leal-Arcas, Anderle, Santos, Uilenbroek & Schragmann, 2020, p.13;53). However, the evidence they refer to does not exclude the opposite from being true. If we do assume that free trade does not have a negative

impact on sustainability, then why should TSD chapters be included in FTAs if their role is only to enforce obligations which are not related to trade? This research also over-estimate the outcome from the TSD process and how EUs 'new' approach to TSD will incorporate environmental and climate obligations. As the chapters only contain "best endeavour" requirements, there is difficulty in enforcing these provisions (Harrison et al 2019b, p. 262).

There is no research on the TSD chapters impact on environmental conditions, and it is therefore difficult to state what impact TSD chapters has on the environment. More research should also be done to conclude on the effect of including labour provisions in FTAs. What is clear from this literature review is so far that there is not enough evidence to claim that the labour provisions in the TSD chapters do have a positive impact. As the provisions are weak, and the commitment to their enforcement lacking, the result is that the TSD chapters delivers few results on the ground but produce a picture of improved practice which helps the Commission to fend off opposition to FTAs and allows them to advance the commercial chapters of the free trade agreements. This critique will be further elaborated in the section below.

2.1.2 Critical Literature: Compatibility of Sustainable Development and Free Trade

As I have now demonstrated, most of the literature on trade and sustainable development chapters engage in a limited, practical discussion of TSD chapters. Most of the papers starts from the current free trade system and research how we can make it more sustainable from within. Few of the studies question the ideas and assumptions that FTAs are built on, or question whether we can achieve sustainable development by improving FTAs. However, many of the same scholars have contributed to research on EUs trade discourse. More critical and radical views on the neoliberal nature of the EUs trade policies are present here. It is important to understand the domination of the neoliberal trade policy of the EU, in order to understand how the discourse of sustainable development as dependent on trade liberalisation has transpired.

There is a pluralism in studies of which engage with the discourse of EU trade policy, most draw on either poststructuralism (Mathieu & Weinblum, 2013; Holden 2017; De Ville & Orbie, 2014; Jacobs & Orbie, 2020), or constructivism (Siles-Brügge 2013; Langan, 2015;

Lawrence, 2020). Holden (2019) and De Ville & Siles-Brügge (2018) apply a discursive institutionalist approach. Whilst Jacobs argues for a post-Marxist approach (2020). These studies have shown how neoliberal ideas and the free trade paradigm dominate. Over time the policy and the related discourse evolve and adapt to the context but still remain mainly neoliberal. New concepts are integrated into the dominant neoliberal discourse (Siles-Brügge, 2013; De Ville & Orbie, 2014). Trade strategy documents are published by the Commission approximately every 5 years, along with analysis of Trade Commissioners speeches they collectively serve as a good basis for understanding the trade policies of the EU.

In order to determine the compatibility of TSD and FTAs, it is necessary to place this in a historical context. During the 90s the EU started focusing more on increasing its competitiveness and in 1996 the 'Market Access' strategy was published (EC, 1996). Facilitation of free trade was the primary concern and the idea that it should extend beyond tariffs and quotas. The Trade Commissioner Leon Brittan defended the policies which could lead to difficulties for some of the industries, by referring to the theory of comparative advantage. EU should focus on creating more market openings and increase its higher-value added production to be more competitive (Siles-Brügge, 2013, p. 604). The assumption was that this liberalisation would lead to growth and increased income. (DeVille and Siles-Brügge, 2018, p. 247). Environmental and labour protection was addressed, but largely to warn against it being used as "green protectionism" (EC, 1996, p. 17; De Ville & Siles-Brügge, 2018, p. 247). This 'positive-sum' idea of trade liberalisation would be carried on into the 2000s (Siles-Brügge, 2013, p. 605).

Commissioner Pascal Lamy followed suit. He took office during a period where the competition from new markets become stronger, and anti-globalisation ideas were more present. The idea of "managed globalisation" defined Lamy's period (De Ville & Siles-Brügge, 2018, p. 248). Whilst he showed more concern for the "collective interests of European citizens", he also contributed to the same neoliberal discourse as previous Commissioners (De Ville & Siles-Brügge, 2018, p. 248; Siles-Brügge, 2013, p. 604).

The 'Global Europe' strategy was published in 2006, in a period where the Commission continued to focus on the increasing competition from new economies (EC, 2006). The strategy outlined a commitment to the same neoliberal policies and reaffirmed the dedication to free trade. Market openings was pursued through bilateral free trade agreements and fair trade was a core concern. Fair trade is integrated in the neoliberal discourse, and by

this it is meant that partner countries should not lower their standards to attract trade or investment (De Ville & Siles-Brügge, 2018, p. 249).

After the financial crash, free market proponents gave stern warnings about the dangers of increased protectionism. The Commission followed suit and claimed that “protectionism makes recovery harder” (De Ville & Orbie, 2014, p. 156). And continued to disregard sustainable development, and thereby not fully understanding the negative impacts of free trade. In the ‘Growth, and World Affairs’ strategy from 2010 the Commission focused on “faster growth” as the primary policy objective (EC, 2010, p. 4). Continued trade liberalisation would increase growth. This was important for the Commission because according to the strategy by “2015, 90% of world growth will be generated outside Europe” and the EU needed “to seize the opportunity of higher levels of growth abroad” (EC, 2010, p. 4; De Ville & Orbie, 2014, p. 159). The EU therefore ramped up its efforts to sign FTAs (De Ville & Siles-Brügge, 2018, p. 249). This development meant that elements resembling neomercantilism were introduced into the neoliberal discourse (De Ville & Orbie, 2014, p. 160).

In the mid-2010s there were large protests against the TTIP. The main concerns were that the agreement would lead to lower social, environmental, and public health protection, reduce policy space and a lack of transparency in the negotiations (De Ville & Siles-Brügge, 2018, p. 250). Even though the ‘Trade for All’ strategy was drafted in the same period, the Commission continued to advance the free trade paradigm (EU, 2015). Their solution was to make trade policy “more effective, more transparent and [should...] not only project our interests, but also our values” (EU, 2015, p.5 as cited in De Ville & Siles-Brügge, 2018, p. 250). The commission allocated more space for societal concerns, however mostly with the aim of increasing trade in more sustainable products (De Ville & Siles-Brügge, 2018, p. 250). In chapter 4 I will show that the same opposition, and the same response by the Commission’s is present in the TSD review process.

Trade and sustainable development chapters have been included in FTAs since 2009. The first was signed with South Korea. In the same period the Commission focused on increasing economic gains from trade. Previously the EU had pursued bilateral trade relations with potential new members, or former colonies as a part of its development policies (Bollen, 2016, p.3; Drieghe & Potjomkina, 2019, p. 65-66). In the more recent years market expansion and commercial interest were the core concerns, and the EU shifted its focus to signing agreements with countries where the potential for economic gain for the EU itself is the

greatest (Laursen & Roederer-Rynning, 2017, p. 764; Drieghe & Potjomkina, 2019, p. 66). To summaries, the Commission has pursued expansive trade liberalisation and signed more FTAs than before, whilst at the same time stating that its ‘value-based trade agenda’ with TSD chapters at its core, was a main priority (Harrison et al, 2019a, p. 636; Larusen & Roederer-Rynning, 2017, p. 764; Drieghe & Potjomkina, 2019). The purpose of the TSD chapters have therefore been questioned.

James Harrison looks at the labour provisions in the EU and US free trade agreements and find that there is a gap between the rhetoric of the Commission on the TSD chapters, and what they have delivered so far (2019, p. 706). He is the only scholar who has looked at the TSD reform process, and he concludes that the outcome “contains major deficiencies” (ibid, p. 705), as the process “was not informed by any serious attempt to review the impact of the EU’s existing trade agreements on workers and their rights in the EU” (ibid, p. 720). He concludes that the discourse of the Commission on TSD shows that the EU will continue the soft approach and focus on the “universalist concerns about perceived problems occurring within trade partner countries” (ibid, p. 722).

In her research related to the normative power thesis, Jennifer C. Lawrence concludes that the EU is both defined by its economic interests, as well as its normative aspirations (2020, p. 47). She argues that the Commission does not see a conflict between economic growth and social protection, but rather invokes a discourse in which “markets and social protection work in tandem and reinforce one another” (ibid, p. 48). Lawrence continues by arguing that these different “constitutive logics of the EU” are mediated by including TSD chapters in FTAs (ibid, p. 48). The purpose of the TSD chapters is not to deliver environmental protection or labour rights, but it helps to perpetuate the public perception of the EU as a normative actor and allowing the EU to “resolve the tension” between these two contradictory interests, market integration and the normative ideals (ibid, p. 49). These papers have shown that the purpose with TSD chapters have been to frame the neoliberal free trade policies as more sustainable than what they could potentially become if implemented fully.

The neoliberal design of the trade system is for many taken for granted as a natural order. The theory which free trade is based upon has almost become a natural law, which has diminished the fact that this is a theory, an ideology, and not the only way in which trade can be organised. Free trade principles have been removed from their social construction (De Ville & Siles-Brügge, 2018, p. 243). In the article from 2013, Lucy Ford discusses the inherent unsustainability of continued economic growth. Orthodox economics treats the

negative impacts of free trade as externalities which can be internalised, in a system where the fact that “poverty, inequality and environmental degradation appear to grow alongside economic growth is not readily explained” (Ford, 2013, p. 583). This is supported by Robert Costanza, who explains that one of the main criticisms from ecological economists is the assumption of perpetual economic growth, which has allowed for sustainability to be “ignored” or “postponed” as it is assumed that the problem can be solved through further growth (Costanza, 1989, p.2). From observing growth in natural systems, we know that there is a “fundamental resource constraint” in which the growth does stop (Costanza, 1989, p. 2). The belief that innovation and technological development can solve these issues is seen as flawed (Costanza, 1989, p. 2). Some ecological economists have also argued that the competition that is ingrained in the system of free trade will inevitably lead to lowering of labour and environmental standards (Muradian & Martinez-Alier, 2001, p. 284).

Another important critique is of the assumption that over time demand will shift toward environmental quality and the environmental impact of production will be reduced. Ecological economists point out that it is likely that what did lead to higher demand for environmental quality, is also what led to collapse of ecosystems (Daly, 1993; Muradian & Martinez-Alier, 2001, p. 284). There is a need for governments to regulate to ensure that companies and consumers take responsibility for the pollution and degradation they created. As free trade hinges upon de-regulation, comparative advantage, competition, innovation, and growth which is not conducive to achieve sustainable development, it is highly unlikely that we can achieve sustainable development through free trade. The Commission has internalised a neoliberal discourse, and thereby legitimised free trade as a natural way to organise international trade. By researching what is presented as natural and what is not, we can understand how different ideas and understandings can develop (De Ville & Orbie, 2014, p. 154).

2.2 Power and EU Trade Policy

Now that we have a understanding of the compatibility of TSD and FTAs, it is necessary that we also take a look at power and EU trade policy creation. Power is a contested concept. It can be understood in many ways, and different IR scholars highlight different forms of power. The ones concerned with material and overt power mainly focus on capital, military power and how it shapes relations with other states (Schmidt, 2002). Other scholars focus on how power

relates to ideas, norms, language, discourse. This literature on power and EU trade policy has mainly focused on principle-agent analysis (Elsig, 2007), or theorised whether EU is best described as a normative- or market power.

This chapter first gives an introduction to the main literature which theorise the power of the different actors in the EU in trade policy creation. The second part introduce the theoretical framework for this thesis, which is a conceptualisation of ideational power developed by Carstensen & Schmidt (2016). Power through, over and in ideas combines many different forms of power into one integrated framework which gives this thesis a structure in which the ideational power of the different actors can be understood.

2.2.1 Power, Actors, and Ideas: Who Creates EU Trade Policy?

Many scholars have theorised what it is that best describes the EU as an actor in trade negotiations, as well as which interests that guides its external interests; market- or normative interests. Identified here as the normative-market power divide (Manners, 2002, 2009; Dür, 2008; Damro, 2012, 2015; Drieghe & Potjomkina, 2019; Lawrence, 2020; Martin-Mazé, 2015; Strange, 2015; Langan, 2015; Rosamond, 2014; Van den Putte & Orbie, 2015). Some of these studies also look at the external conditions for EUs export of norms by incorporating the experiences of the partner countries (Kolben, 2006; Elgström, 2007; Garcia & Masselot, 2015; Langan, 2015; Sicurelli, 2019; Moerland & Weinhardt, 2020). Garcia and Masselot relates opposition in Asian countries to a different cultural approach to institutionalisation of norms (2015, p. 246). This is both interesting and of importance to discuss, particularly in relation to what can possibly be achieved in international negotiations as well as providing context to the universalist assumptions of the EU actors in the TSD review process. (Harrison, 2019, p. 722; Rosamond, 2014, p. 141) However, this discussion remains outside the scope of this thesis.

As with IR studies in general, there are some scholars who focus mainly on states and scholars who approach the question of power, agency, and policy creation from a broader conception of the international actor (Schmidt, 2002). Those who do so look past the external power of the EU and theorise the power of the different actors in the EU to change trade policy. The institutional design of the EU has for a long time allowed the Commission to act unitary in matters of international trade (Strange, 2015, p. 886). The European Commission has had what is referred to as ‘exclusive competency’ in proposing trade policy and negotiate trade agreements since the Treaty of Rome which took effect in 1958 (Bollen, 2016, p. 3).

Elsig (2007) argues that the Commission has been close to autonomous in matters relating to trade. However, Sophie Meunier and Kalypso Nicolaidis describes the EU as a “conflicted trade power”, due to the difference in interests between its members which the Commission needs to combine into one external position (2006, p.). There are other developments which could indicate a reduced autonomy for the Commission.

After the treaty of Lisbon entered into force in 2009, the European Parliament has attained more power over trade policy. The EP must approve all new trade agreements, and the Commission must consult with them during the process. The increased power that the EP has obtained has also meant that more diverse political ideas are present within the institutions of the union. Garcia and Masselot refers to the treaty when they describe the European Parliament as a “key player in future negotiations (2015, p. 248). Whilst Harrison et al (2019a, p. 639) has argued that institutionalising the European Parliaments influence over trade negotiations has led to an increased ambition in the labour chapters, others have argued that the increased power of the European Parliament has not led to increased pressure for protectionist policies. And in continuation, that the trade policy of the Union is still overwhelmingly focused on market liberalisation and creating good conditions for exporters (Siles-Brügge, 2013, p. 612).

As trade agreements have expanded the Commission no longer has exclusive competency in all of the elements included in a trade agreement (Court of Justice of the European Union, 2017, para III). This means that the Commission’s proposals would have to be approved by the member states and is subject to increased “politization” (Laursen & Roederer-Rynning, 2017, p. 764). The member states can have different interests and are also to a varying degree exposed to lobbyism by business and civil society organisations (Dür, 2008, p. 31). Strange (2015, p. 888) for instance argues that the increase in civil society organisations and lobby groups has reduced the primacy of the member states. There are however no indications that the council will be dissolved or lose its power anytime soon. The council has always had an impact on trade policy, some member states has had a more significant influence than others. The dynamics between member countries, as well as their position in matters of trade policy have so far not been sufficiently researched according to Bollen (2018, p. 17).

The influence of civil society is similarly unclear. Whilst they have pushed for radical change during the TTIP negotiations with some effect (Strange, 2015, p. 890) their collective voice has mostly been overheard. Orbie et al theorise that civil society meetings have four

purposes: “1. Instrumental purpose: Supporting the free trade agreements, 2. Functional purpose: Monitoring and Information and 3. Deliberative Purpose: Dialogue and Deliberation, 4. Policy Influence: Advising the Governments” (2017, p. 4). It remains unclear how the civil society’s role in TSD will be operationalised, and thereby how civil societies power in relation to trade and sustainable development chapters will be institutionalised.

Civil society is a diverse group with many different interests, but a broad representation has not always been facilitated by the EU (Harrison et al., 2019b, p. 265; Potjomkina, 2018, p. 4). Though EU defines business interests’ groups as civil society, there are vast differences in the objectives, political ideology, resources, and objectives from what is generally found within other civil society organisations. According to Strange (2015, p. 888) business interest groups have closer relationship with DG Trade. One explanation for their influence and power over trade policy is that the trade is intrinsically linked to business operations and over time the Commission has internalised the same ideas leading some civil society interests to be privileged over others, this has mainly been business interests (Strange, 2015, p. 892).

We have in this chapter explored what the literature tells us about actors in their power to change trade policy. To summarise, there are different approaches to understanding the power and influence of the different actors in the EU. The ruling of ECJ, and the ratification of the Lisbon treaty would give the Council and the EP members more formal power, so far it is unclear if this increased power has materialised to policy influence. In order to understand the neoliberal free trade discourse and how it relates to sustainable development, it can be fruitful to first gain an understanding of what kind of an effect ideational power actually has on EU’s trade policy.

2.2.2 Ideational Power: Power Through, Over and In Ideas

Patrick Holdens (2019) utilisation of Martin B. Carstensen and Vivian Schmidt’s (2016) framework for ideational power, serves as an inspiration for this thesis. To understand how the Commission has steered the discussion during the TSD review process, it is important that we fully understand the power relations between the Commission and the other actors. As shown above, the Commission still holds a tight grip on trade policy.

Carstensen and Schmidt show how ideational power relate to other forms of power, such as structural and institutional power (2016). Though their focus is on positioning ideational power, they also emphasis how ideational power is tied to and affected by different forms of power. Their approach takes inspiration from Foucault and Gramsci, but deviates in that it is more agency-oriented and concentrates more on the interactions between different groups and looks at how their different position affects their power in ideational exchanges (Carstensen & Schmidt, 2016, p. 320). The framework, which is situated in discursive institutionalism, includes three forms of power: *power through ideas*, *power over ideas*, and *power in ideas*.

Power through ideas is the most prominent ideational power among the different forms of discursive institutionalism. It refers to how an actor can persuade others by using ideational elements (Carstensen & Schmidt, 2016, p. 321; 323). In other words, one actor can change another's perceptions with a well-structured argument, the success of which is dependent on how appropriate these arguments are to the audience's beliefs. The most powerful actor is not necessarily the one with the most factually correct argument, but the one with the most persuasive argument. Meaning that an argument must also include the appropriate normative frame.

Power through ideas describes the system in which actors actively can utilise discourse to advance their ideas. It can therefore be used to both change ideas, as well as to maintain the status quo (Carstensen & Schmidt, 2016, p. 325). As a shift in paradigms is not only down to a change in its material condition, making power through ideas is an essential element in creating change (ibid, p. 326). Holden researched how the EU and civil society organisations frames the role of trade policy in the sustainable development goals. He found that both the Commission and the Civil society both had power through ideas. The assumption that the market will cause good outcomes, links liberalisation of markets with economic and social progress. Therefore, the trade policy of the Commission can be presented as good. Despite the fact that there is a greater limitation to the civil society organisations power through ideas is more limited, they have the advantage of "undoubted moral power" when they link their ideas like human rights and sustainably to trade policy (ibid, p. 967).

Power over ideas refers to how an actor can limit discussion and effectively resist alternative ideas from being included during policy making (Carstensen & Schmidt, 2016, p. 321). This can be done by actors who have power to impose their ideas, or by an actor shaming others to conform, or by rejecting other actors' ideas without giving it consideration

(ibid, p. 323, 326). An actor who can use institutional, structural, and coercive power to promote their ideas and control the production of meaning have effective tools at their disposal (ibid, p. 326). Carstensen and Schmidt exemplify this through totalitarian regimes, but this form of ideational power is also used in less extreme cases. We can also see this also exemplified through control of the media or other important information channels, also when the control is not overt and instead more subtle. For instance, this can be seen when communication teams have managed to use elements of power through ideas in order to link the values of the population to their agenda, and effectively communicate this to the population. This form of power could also be utilised by actors who hold less material power, by making some ideas unspeakable. This could be done through shaming where catching someone in a rhetorical trap, can be a useful tool (Holden, 2019, p. 959). The practice of making an idea unspeakable does not always mean that the actor has successfully changed the beliefs of the other actor, but that it might have changed that actor's discourse (Carstensen & Schmidt, 2016, p.327).

In Holden's research he found that the civil society organisations could use power over ideas by shaming the Commission "into confronting the dissonance between trade liberalization and its other professed values", thereby utilising a rhetorical trap to discredit the argumentation of the Commission (Holden, 2019, p. 967). However, the Commission successfully managed to separate the economic discourse from the rights-based discourse, and thereby 'neutralized' the moral economy discourse. The Commission could successfully do this as it has control over the process of idea-making (ibid, p. 966-967).

Power in ideas is strongly linked to structural and institutional power. It refers to how some ideas have the hegemonic or "structuring power" to exclude other ideas from discussion. It refers to the structures of meaning that have been established through a longer period, and the institutions which have been established, and how these institutions contribute to or restrain the ability of actors to promote their ideas (Carstensen & Schmidt, 2016, p. 323). An actor can have hegemony over classification of ideas and create a system in which some ideas can be excluded (ibid, p. 321). This form of ideational power takes into consideration the "systems of knowledge, discursive practices and institutional setups" (ibid, p. 329). It describes the structures that can marginalise certain ideas. There is an evolving nature in this system where incremental changes to "background" ideas can happen over time.

This can also be referred to as hegemonic discourses (Fairclough, 2010 a cited in Holden, 2019, p. 959). It is a two-way process. The actor must be able to successfully use this

power, but the other actors also must consent to this influence. Neoliberal ideas have been depoliticized to such a degree that the ideas recede into the background. The idea that free trade can and should be privileged over other concerns has become so accepted that the political nature of the idea is forgotten (Carstensen & Schmidt, 2016, p. 329; Holden, 2019, p. 968).

2.3 Research Gap

In this chapter I have introduced central literature on the topic of EU trade policy and the debate on trade and sustainable development. I have described the different contestations and presented a theoretical framework for this thesis. The framework will be used in chapter five to highlight the different forms of ideational power and the following explanations for the outcome of the review process. This chapter has highlighted the importance of understanding the ways in which different forms of ideational power impacts which ideas have been taken up in the debate on trade and sustainable development.

There is an increasing amount of discourse analysis on the trade policy of the EU, but so far none that has analysed the statements from the TSD review process. In the studies on the TSD chapters there is a lack of ecological economic perspectives. As the outcome of the review process has guided the Commission in its work on TSD since 2018 I consider it to be an important process to analyse. Most of the discourse studies have focused on the Commission or the European Parliament, whilst this study also looks at other stakeholders, like civil society actors. As seen from the discussion of the literature above there is room to increase the understanding of how different actors internalise or oppose the neoliberal discourse.

In the next chapter I will discuss this thesis methodological foundation, which combines a discourse analysis with a content analysis.

3 Methodology and Research Design

This chapter clarifies the qualitative methodology applied in this thesis. A discourse analysis is used in combination with a qualitative content analysis and applied as a methodological approach to provide a deeper understanding of the discourse on trade and sustainable development within the EU, and the relationship between power and ideas which limits or enables actors to promote different ideas. In an effort to contribute to the overall quality of the thesis this chapter aims to be transparent about the methodological choices, and how the results are found.

The first part of this chapter presents the research questions and what they seek to answer. The second section introduces the discursive institutionalist approach to discourse analysis that this thesis builds on and justifies its appropriateness to answer the research questions. The discussion then moves on to the research design and how the analysis was conducted. In the final section of this chapter the limitations of the thesis and discourse analysis as a method is discussed.

3.1 Research Questions

No 1 - How does discourse effect the role of sustainable development in EUs trade policy?

The first research question aims to improve the understanding of how a dominant discourse impacts EUs policy on trade and sustainable development. This question seeks to answer what the contribution of this thesis is in a larger picture, and therefore will be answered on the basis of the findings from the following research questions.

No 2 - What are the ideas of EU actors on improving trade and sustainable development chapters presented in the TSD review process?

This thesis analyses the TSD review process that was conducted by the European Commission from July 2017 to February 2018. The material for this thesis is therefore the documents published by the Commission during this process, and the statements the Commission received from different stakeholders. The purpose of this question is primarily to understand the response of the different stakeholders to the Commission's non-paper. And secondly to

understand which ideas on trade and sustainable development were included in these statements and in the Commission's non-papers.

No 3 - How does the ideational power of the actors influence the outcome of the TSD review process?

This thesis aims to contribute to a deeper understanding of which ideas the different actors have on improvement of trade and sustainable development chapters. Which ideas are taken up when policy is created is affected by the dominating discourse, how the issue is framed, and the ideational power of the actors. This question therefore looks at how, over time, different forms of ideational power affect which ideas are legitimised and thereby included in policy creation, and which ideas are discarded. It allows use to study how the Commission's ideational power, and the power of neoliberal ideas, steered the discussion on TSD, and in what ways this had an impact on the outcome from the review process. This research question is answered by analysing the statements of the different actors and the non-papers of the Commission but it also draws more on the literature review to contextualise ideational power.

3.2 Discursive Institutionalism as a Method

Central to designing a good research project is applying an appropriate methodological approach. The method should be suited to what the research question aims to answer. The central focus of this thesis is how improvement of trade and sustainable development chapters is framed by the different actors in the EU, and the discourse and power dynamics which influences this framing. Discourse is here understood as what is said, the ideas, but also the “interactive process of exchanging ideas” (Schmidt, 2008, p. 2). Different actors promote different ideas, and in society at large free trade has been contested. This thesis therefore seeks to understand how the ideas of neoliberal free trade are challenged or accepted by the different actors in the EU. Ideas are connected to power and a study of ideas must therefore include an analysis of different forms of power, and the agency of the different actors (Carstensen & Schmidt, 2016, p. 319). Discursive institutionalism provides a framework to analyse what this thesis seeks to understand and is therefore applied as a methodology. Discourse analysis as a method cannot be separated from its theoretical and methodological foundations (Jørgensen & Phillips, 2002, p. 4).

As the objective of this thesis is to understand how different ideas are created and how different forms of power has an effect on which proposals on trade and sustainable development are taken up within the EU, this thesis has an interpretivist epistemology (Bryman, 2016, p. 617). When studying ideas and power there can never be an objective account of the material, meaning that what is regarded as true is shaped by its context and the researcher's views (Jørgensen & Phillips, 2002, p. 21-22). What we know is given by our interpretation. The purpose is therefore not to evaluate the truthfulness of the statements, but the ideational elements of a discourse. By studying an issue through a certain theory, we can distance ourselves from our own subjective ideas, and understand the material in a different way (Jørgensen & Phillips, 2002, p. 22-23).

There are many different approaches to discourse analysis, and most often a post-structuralist or a constructivist understanding is applied (Dunn & Neuman, 2016, p. 7). This thesis applies a discursive institutionalist discourse approach which has roots from the constructivist tradition (Schmidt, 2017). This has an impact on which questions this thesis can answer. As a methodological approach discourse analysis is more concerned with the epistemology and ontology of meaning and knowledge, which has a direct effect on the methodological design, or lack of, that this approach offers. Since there is not one dominating structured methodological approach to discourse analysis, the approach and design has been chosen by appropriateness in this thesis (Jørgensen & Phillips, 2002, p. 2). Due to the page constraint, the different forms of discourse analysis and their assumptions will not be dealt with at length in this thesis. As this thesis takes an existing theoretical framework and applies it, the purpose is not to make a larger contribution to development of theory or methodology, but to the topic which is researched.

This thesis takes some of the methodological structure from a content analysis and applies it to a discourse analysis. A method inspired by content analysis is used to analyse the two non-papers and the statements from the stakeholders. A discourse analysis is applied to understand how the issue of improving trade and sustainable development chapters is framed and how different types of ideational power affects which ideas are formulated (Holden, 2019, p. 957). By doing this, the thesis also takes a stance in the debate about compatibility of the two approaches (Gheyle & Jacobs, 2017, p.6). The position of this thesis is that the epistemological foundations of discourse and content analysis are not always different, as content analysis is not only a positivistic approach which is concerned with counting the presence of a word, concept, or idea within a text, but also interprets concepts and meanings

(Gheyle & Jacobs, 2017, p.6). To utilise certain tools from content analysis and incorporating the results into a discourse analysis is an approach which has been applied by researchers like Holden and Widmaier (Holden, 2019; Widmaier, 2016).

Discursive internationalism is an approach within IR which looks at ideas in policy analysis. The framework of Carstensen and Schmidt is situated within what is referred to as the fourth institutionalism (Schmidt, 2008, p.1; Carstensen, 2015, p. 286). The three first are rational choice institutionalism, historical institutionalism, and sociological institutionalism. For a long time, the focus has been on establishing how ideas matter (Schmidt 2008; Carstensen, 2015, p. 286). When building a strong argument for the importance of ideas in policy analysis they have created a framework that can contribute to an increased understanding of the norms, and ideational elements which make a political idea relevant (Carstensen & Schmidt, 2016, p. 318). The relationship between power and ideas has always been assumed, but according to Carstensen and Schmidt the power of ideas has seldom been theorized sufficiently by the other approaches (2016, p. 318). They have therefore developed a framework which delineates what ideational power is and how it relates to other forms of power (ibid, p.333 and p. 319).

Compulsory-, institutional-, structural- and material power is integrated into the framework, thereby creating a holistic approach to power (Schmidt, 2008, p.1). The approach studies agency, to understand how “ideas are translated into words and action” (ibid, 2008, p. 7). Carstensen and Schmidt define ideational power as “the capacity of actors (whether individual or collective) to influence actors’ normative and cognitive beliefs through the use of ideational elements.” (2016, p. 320). To uncover the relationship between the “elite policy actors” and the “less powerful” groups is therefore meaningful (ibid, p. 319 and 320). The three other forms of institutionalism mentioned above have been better at explaining what is, but the focus in this framework is on what creates change. Ideational novelty is a core issue. And the framework seeks to contribute to a better understanding of how a new idea emerges, as well as how it becomes institutionalised and thereby changes policy (Carstensen, 2015, p. 285).

3.3 Selection of Documents and Process of Analysis

This thesis highlights the relationship between policy making and ideational power. In addition, this thesis aims to understand how the EU, and the different actors within the union, gives meaning to improving trade and sustainable development chapters. The material for this analysis is therefore the non-paper process which the Commission led on improving trade and sustainable development chapters. As this thesis was initiated by a wish to analyse this specific process and its content, the sampling has been purposeful and from the beginning. The two non-papers written by the Commission and all the statements which have been submitted during this process is the sample (Bryman, 2016, p. 418). The selection criterion was that the statement was a response which was included by the Commission in their evaluation.

The review of TSD chapters was initiated by a non-paper published by the European Commission on the official webpage of the European Commission July 11th 2017 (EC, 2017a). The document was published as a part of a news bulletin and titled “*European Commission starts a debate on Trade and Sustainable Development in EU Trade Agreements*” (EC, 2017b). The bulletin was classified as “issues and policies” (EC, n.d.). The non-paper itself was titled “*Trade and Sustainable Development (TSD) chapters in EU Free Trade Agreements (FTAs)*” (EC, 2017a). The first non-paper is 9 pages long. A non-paper is a document which is circulated to facilitate discussion whilst simultaneously relieving the writer of responsibility for the content and commitment to follow up suggestions. The document usually does not contain an official signature or seal, and is commonly used when a party, here the Commission, wants to raise an informal discussion (The Penguin Companion to European Union, 2012).

The second non-paper was published by the Commission on the official webpage 26th of February 2018 and titled “*Feedback and way forward on improving the implementation and enforcement of Trade and Sustainable Development chapters in EU Free Trade Agreements*” (EC, 2018a). This document is classified as an “official document” (EC, n.d.). The following day the webpage was updated with a news bulletin titled “*Commissioner Malmström unveils 15-point plan to make EU trade and sustainable development chapters more effective*” (EC, 2018b). The bulletin describes how the 15-point action plan (found in the second non-paper) was presented by Commissioner Malmström at the Foreign Affairs

Council on trade, as the “culmination of a fruitful eight-month debate in the EU” (EC, 2018b). The second non-paper is 12 pages long.

The statements are written documents which have been submitted by stakeholders to the Commission during this 8-month period. The file containing the statements was accessed through the official webpage of the Commission, and found by using the search function of the page (EC, n.d.). The file is titled “*Feedback to the debate on Trade and Sustainable Development in the EU Trade Agreements*” and was published on July 16th, 2018, five months after the publication of the 15-point action plan (EC, 2018c). This document is also classified as “issues and policies” (EC, n.d.).

During this review process the Commission has concluded meetings with the Council, the European Parliament, and some other stakeholders. As there is not a complete overview of which meetings have been held, this information is based upon the mentions of meetings in the second non-paper (EC, 2018a, p.2). It was attempted to establish a record of all mentioned meetings and their corresponding minutes. However, this was unsuccessful, as not all EU meeting minutes are made publicly available. Moreover, there is also reason to believe that the Commission has consulted with different stakeholders in an informal way as well (EC, 2018a, p.2). This analysis does therefore not include an analysis of what has been said within these meetings.

The feedback document contains 30 texts in total and is 590 pages long. In-between the 26th and 27th statement there is a page called “Other relevant documents” (EC, 2018c, p. 236). After this there are 4 documents, one by the European Economic and Social Committee (EESC), one by ILO and two by different research institutes. In this analysis three of these documents were excluded as they are not statements written for this specific process, but research reports which address enforcement of social provisions in trade agreements. The document from the EESC was also excluded, even though it responds directly to the non-paper. It remains unclear why this document was grouped together with the three research reports as “Other documents” (EC, 2018c, p. 236). One possible explanation could be that it was handed in late and did not inform the second non-paper. This explanation is based on the fact that the document is submitted 12 days before the second non-paper was published. With these exclusions the the total number of statements analysed is 26, with a total of 235 pages. In sum this thesis has analysed 28 texts made up of 256 pages. All the documents have been written in English, except for the statement from France. As the author’s understanding of

French is limited, a native speaker was consulted for analysis of this document. This will be raised as a potential limitation in the section below.

John Scott has established a framework for evaluating the quality of documents. This is made of up four criteria's; 1. Authenticity, 2. Credibility, 3. Representativeness and 4. Meaning (Scott, 1990, p. 6 as cited in Bryman, 2016, p.544). As the documents are published on the Commission's official webpage and referenced in news bulletins and other official documents from the Commission, they are evaluated to be authentic. The second criteria, credibility, is more subjective. The documents published by the Commission are unlikely to have been distorted as they are pdf files which have been published on a public website which is secure. The statements from the stakeholders might have been compromised, however this is unlikely as they have been submitted to the Commission and marked by a reference code, which is printed on every document. If this criterion is to be interpreted as the credibility of the statements within the documents, then this is one of this discourse analysis' purposes (Scott, 1990, p. 6 as cited in Bryman, 2016, p.544). By contributing to understand in which ways the different actors address the credibility of the Commission's statements, and the bigger ideas of the stakeholders the statements credibility is engaged with.

The third criteria is representativeness. These documents are representative as these are all the documents which have been submitted during the review process. They are however only representative of the view of the stakeholders which have submitted them, and the findings of this thesis cannot be generalised to other stakeholders. It is however not the purpose of this thesis to complete an analysis which can be generalised to other populations (Bryman, 2016, p.550). The last criteria, meaning, is again more subjective. The evidence is comprehensible, but some of the language within them is not clear. As this is a discourse analysis this is not seen as a substantial problem for this analysis. The lack of clarity of the statements is a part of the finding of the discourse analysis. The quality of the selected documents therefore fulfils the four criteria's set out by John Scott (1990, p. 6 as cited in Bryman, 2016, p.544).

As presented above discourse analysis does not have a set process for analysis. This thesis has therefore taken inspiration from the methodology of qualitative discourse analysis. The analysis has been structured around the development of codes. Codes are here understood as the labels which are used to describe the meaning of a part of a document (Bryman, 2016, p. 568). These codes have been established through an inductive process (ibid, p. 566). Early on the two non-papers from the Commission and a selection of the feedback documents were

reviewed to discern the main themes. Throughout the literature review (chapter 2) relevant themes was gathered. The themes were then grouped together according to relation and given a code. After the first statements had been analysed, a review of the codes was conducted, and the codes were adjusted to the findings. The codes were given a colour which was used in the analysis.

The table in appendix 1 presents all the codes which have been used in the analysis. Different words and ideas have been grouped together to make up one code. The codes are developed mainly from the literature review. Codes such as ‘fair trade’, relates to ideas like ‘unfair trade’, ‘level playing field’ and ‘race to the bottom’. These ideas have been found to be common in neoliberal discourse where unfair trade practices are understood as the practice of lowering labour or environmental standards to attract more trade and investments. A stated goal of TSD is therefore to ‘level the playing field’ (Chang, 2006, p. 630). Fair, and unfair is understood in a specific way (Matheiu & Weinblum, 2013). Another example is competition, which builds on the neoliberal idea that competition will facilitate innovation and more efficient use of resources (Ravenhill, 2005, p. 21). If an actor highlights the importance of competition it could indicate an affinity for free trade, whilst if an actor rejects competition it could indicate a more radical approach. The finding of one such idea will not allow us to conclude that the actor does in fact believe in the ideas of neoliberalism, but it can allow us to understand if different neoliberal ideas are embedded in the discourse of the actors.

All of the codes, i.e. ideas, can be approached from different angles. An actor could include ‘trade liberalisation’ to argue for it, or to argue against it. If a code is found within a document, then the context is analysed to classify it as either neoliberal, radical, or other. Some of the codes overlap. A sentence might then be marked with multiple colour codes. This has been a dynamic process where the coding has been revised and restructured multiple times. The document itself has also been subject to multiple analysis. Statements were first analysed individually, independent of the group to which they belong. This means that a statement from a Parliament group was analysed and then a statement from a business interest organisation was analysed. After all the statements had gone through this initial analysis, they were categorised according to the group which they belong. The documents were then analysed again to evaluate the difference in discourse within the groups. For the analysis, one statement was copied into a table, one colon for the text, and one for notes. Then words, sentences and paragraphs were colour coded. In the colon for notes a description of the underlying assumptions, and how the statement connected to the document as whole was

noted. As this is a constructivist discourse analysis the context of the actor and each statement is a valuable part of the analysis (Carstensen, 2015, p. 289). Two actors can express almost the same idea in one sentence, but if the context of that sentence is not integrated into the analysis then the analysis might falsely interpret the meaning of the actor.

3.4 Limitations and Ethical Considerations

As discussed above there are different ways of producing knowledge within International Relations. Different epistemologies have different requirements for validity. There are divergent opinions on the applicability of validity as criteria in qualitative research, here the internal validity of this thesis will be addressed (Bryman, 2016, p. 390; Jørgensen & Phillips, 2002, p.32). There should be a clear relationship between the research questions asked and the analysis conducted to answer to them. The assumptions of the theoretical framework must be appropriate to what it seeks to contribute. Moreover, the analysis and the presentation of the results should be derived from logical reasoning (Jørgensen & Philip, 2002, p. 33). External validity is not easily achieved within a discourse analysis as the analysis is based on subjective interpretation (Bryman, 2016, p. 390). The analysis contains 28 documents and is found to be an appropriate sample. Because the objective of this thesis is not to count the prevalence of different codes within the text, but to interpret how these ideas are described and constructed.

A crucial part of interpretive research is to be transparent about the assumptions which influence the research and how this, in combination with the applied method, has a direct effect on the research limitations (Bryman, 2016, p. 393). In completion of this thesis, time constraints have been a factor which has limited the analysis. With more time I could have gathered more information on the process itself, and with more persistent correspondence with the actors involved I could potentially have obtained more information on the meetings which were conducted, who the Commission reached out to and how civil society was involved.

In addition, as this is an interpretative work there is also the risk of false interpretation, especially when translation from French to English. This has been a considerable concern during the analysis. Consequently, the statements and the non-papers have been analysed multiple times. The purpose of this discourse analysis is to engage with the ideas which are

taken up by the actors, and how they construct their discourse. It has sometimes been difficult to discern which idea the actor has proposed or argued against. As mentioned in chapter 3.3 some of the statements are not always clear in terms of the language which is used. By analysing the statements multiple times, it has become easier to situate the statements, and evaluate prominence of the neoliberal discourse, in relation to the other statements. However, there is always a persistent risk of misinterpretation. This is also how the thesis can cause harm. By falsely representing a statement this thesis may contribute to an overly negative or positive perception of an actor or an idea.

As Jan Orbie and Bart Kerremans discuss within the research on EU trade policy there are different outcomes when the analysis is based on different paradigms (2013). This thesis does not seek to contribute to the inter-paradigmatic debate, but instead highlights why it is important to be transparent about the theoretical approach which the research is built on. This thesis is based on a social constructivist approach which assumes that meanings and ideas can be interpreted from written statements. It is also inspired by an evolving political economy approach in which ideas from ecological economics are introduced. The focal argument is that the economy should serve the people and the planet, and that policies on sustainable development needs to have a holistic approach. It is assumed that it is possible to radically change the economic system and create a new international system in which trade is not based on the principles of free trade and the theory of neoliberalism. Neoliberal organisation of markets are not taken to be a natural law, but a system based on a theory.

4 How to Improve Trade and Sustainable Development Chapters

In this chapter I will present the findings from the analysis of the two non-papers, as well as the statements submitted as a response. The findings are presented as three different phases, representing the three stages of the TSD review process. The first phase is the start of the TSD review process where a non-paper was published by the Commission in July 2017. This document is here analysed to reveal the most prominent ideas and the way that the Commission frames trade and sustainable development. In the second phase I have analysed the different actor's response to the non-paper. The third phase is the second non-paper which the Commission published in February 2018. This document presents the outcomes from the discussion through the Commission's lens. This document is therefore reviewed to evaluate which ideas have been taken up by the Commission, and which have been left out. The results from this analysis are then discussed in chapter 5 by incorporating the ideational power framework. The structure of these two chapters as well as the use of Carstensen and Schmidt's (2016) framework of ideational power, are inspired by Patrick Holdens article from 2019.

4.1 Phase 1 - Launch a Review of Trade and Sustainable Development Chapters: The Commission's 1st Non-Paper

In order to provide a sufficient analysis of the TSD review process, we must also incorporate some background information regarding the process. The first phase of the TSD review process started in July 2017, when the Commission Services published a non-paper titled "Trade and Sustainable Development (TSD) chapters in EU Free Trade Agreements (FTAs)" (EC, 2017a). The document was the starting point of a discussion between the Commission and the European Parliament and the Council on labour and environmental provisions in the EUs trade agreements. Even though July 2017 is presented as the starting point here, the debate about TSD chapters in the EU has a long history. Though the Commission states in the non-paper that it set out to "contribute to a discussion" on "improving implementation" (EC, 2017a, p.2), the exact purpose of initiating the process is uncertain. In this I will demonstrate

that the aforementioned purpose is likely to have limited the discussion of trade and sustainable development chapters.

The first non-paper written by the Commission is structured around two options for enforcement and concluded with four questions. Out of the 8.5 pages, 4.5 are dedicated to discussions about enforcement. The Commission states that the current TSD model contain a “comprehensive set of binding provisions” (EC, 2017a, p.2). Option 1 is the existing approach framed as a more ‘assertive way’ (ibid, p.5). It is a non-binding model in which the parties volunteer to uphold multilateral agreements, like the ILO Core Conventions (ILO, 2010). The strongest form of action that can be taken when the provisions are not upheld, is that a panel of experts publish a report. The Commission present the dispute settlement procedure for the TSD chapters in a positive light by saying that it “differs from the general dispute settlement procedure foreseen for the FTA” as it includes a role for civil society (EC, 2017a, p.4). The commission then refrains from mentioning that it does not have a binding dispute settlement mechanism, and therefore is much less enforceable than the commercial chapters.

The second option which the Commission presents is “a model with sanctions” (EC, 2017a, p.7). Here, sanctions are framed in a more negative light than the ‘assertive’ approach in option 1. The Commission presents sanctions in the document by describing the model the US and Canada have designed and discuss the flaws of their models. The Commission then creates a false impression that sanctions can only be designed in this way. The larger part of the section dedicated to evaluation of an approach with sanctions focuses on how there is uncertain results from this approach (EC, 2017a, p. 8-9). What is excluded here is the fact that that there are equally no results from a model *without* sanctions (see chapter 2). Interestingly, we see no equivalent flaws presented in option 1. It is clear that sanctions are not favoured by the Commission (Harrison, et al., 2019a, p. 648). There are legitimate concerns about using sanctions to achieve political goals and this document could have facilitated a discussion on how a model with sanctions could be designed to protect the environment and labour rights, whilst also incorporating mechanisms from multilateral agreements and ensuring that the sanctions did not penalise poor states and labourers. However, the Commission did not facilitate for this debate and instead framed sanctions as an inappropriate solution.

The Commission steers the debate on TSD chapters by focusing on the system of enforcement rather than the purpose which TSD is supposed to fulfil. To justify the inclusion of TSD chapters in FTAs the commission refers to its “value-based trade agenda” (EC, 2017a, p. 1). The Commission points to its communications on ‘harnessing globalisation’ for its

commitments to “fair” trade, and the ‘Trade for All’ strategy for its commitment to “responsible” trade (EC, 2017a, p. 1). Sustainability is argued to be one of the “key objectives of EU trade policy” (EC, 2017a, p.1). As discussed in chapter two, the Trade for All strategy and the communication on harnessing globalisation mainly contains neoliberal ideas on trade liberalisation and competitiveness. The TSD chapters are barely mentioned in these communications and when they are, it is to advance trade in environmental goods. The liberalisation of trade is the dominating interest.

In the part of the non-paper dedicated to evaluation of the current approach the Commission state that there is support for TSD both within the EU, as well as from the trade partners. It is worth taking note of the critique that is included in this section, namely that different actors have called for improvement, and that EU have included TSD chapters in FTAs for a short period of time and therefore is still learning. The commission then swiftly moves on by claiming that “progress is already made”, because there is more dialogue with civil society (EC, 2017a, p. 4). This is interpreted to indicate that a full evaluation of the current approach is not a priority for the Commission.

In the part of the document where the Commission discuss the role and power of civil society, the Commission admit that there are many weaknesses in the current model. But the overall purpose of involving civil society in the process is not addressed. Their proposal, as described in the assertive approach (Option 1), could potentially improve some of the issues, like providing better structures for DAG meetings. Measures that would delegate more power to civil society is not suggested.

The text does not contain many explicit neoliberal statements, however it builds on previous communications, as for instance the Trade for all strategy, and continues the framing of trade and sustainable development as something which is secondary to the functioning of the market. By focusing on enforcement, cooperation with multilateral institutions and empowering of civil society, the Commission can steer away from discussion about the purpose of TSD and the scope of the current chapters. The statement that “not all sustainability issues can be effectively addressed by trade agreements alone” is likely to be true, but it also implies that continued free trade is not directly undermining sustainable development (EC, 2017a, p. 1). In sum these moves made by the Commission limits a discussion about the relationship between free trade and environmental degradation and lowering of labour rights.

4.2 Phase 2 – Collect Statements from Stakeholders

After the non-paper was published the Commission held meetings with the European Parliament and the European Council. In the first non-paper, the Commission states that its purpose is to “contribute to a discussion in the coming months with the European Parliament and the Council” (EC, 2017a, p. 2). Other stakeholders are not mentioned. At some point the Commission included other stakeholders like civil society organisations in this process (EC, 2018a, p 2). There is no overview of which meetings the Commission held, and from the meetings which that have been uncovered it has not been possible to obtain the minutes. Also, there is no public record on what led the Commission to include a broader group of stakeholders. In their feedback IFAW and WCS, which are both civil society organisations, request that the Commission open the consultation process and take their contributions into account. This indicates that the process has not been fully open to all stakeholders alike (EC, 2018c, p. 18;95).

In July 2018, the written statements the Commission had received from different stakeholders, were published on their website. These written statements form the material of which this analysis is built on. In this section the content of the 26 statements will be discussed. Table 1 contains an overview of the actors who have submitted a statement, which group they belong to, how many statements there were from this group of actors, and how many pages their statement is. Some of the actors, like Sweden, has submitted two statements.

This section has been split into five different parts; one for each group of actors. The actors have been grouped together according to their defining feature (Gstöhl & De Bièvre, 2018). Meaning that all statements from member states have been grouped together, whilst all statements from business interest groups have been grouped together. As discussed in chapter 2 the Commission operates with a broad definition of civil society, which also includes business interest groups. In this thesis I have separated business interest groups, civil society organisations and other stakeholders as these have different defining features and different interests. This separation is also done to give a better representation of these statements as this group would have been large compared to the others. This separation will highlight how, within each group of actors, there are divergent views but also some common themes.

<p><u>Members States:</u> <i>6 documents</i></p> <p>The Czech Republic (1)</p> <p>Belgium (1)</p> <p>Sweden (2)</p> <p>Finland (2)</p> <p>France (23)</p> <p>Sweden (15)</p>	<p><u>European Parliament:</u> <i>4 documents</i></p> <p>European Conservatives and Reformists (2)</p> <p>Progressive Alliance of Socialists & Democrats (2)</p> <p>European People's Party (EPP1) - Members of the Committee on International Trade (2)</p> <p>European People's Party (EPP2) – Christofer Fjellner and Daniel Caspary (2)</p>	<p><u>Civil Society:</u> <i>10 documents</i></p> <p>Consumer and Labour The Federation of German Consumer Organizations (15)</p> <p>AK Europa (11)</p> <p>Labour European Trade Union Confederation (ETUC) (4)</p> <p>The Swedish Confederation of Professional Employees, with LO and Saco (2)</p> <p>The Danish Confederation of Trade Unions, by Jens Ladefoged Mortense (62)</p> <p>The Danish Confederation of Trade Unions (16)</p>
<p><u>Business Interest Groups:</u> <i>4 documents</i></p> <p>Euratex (1)</p> <p>Group of 4 (2)</p> <p>BusinessEurope (9)</p> <p>FoodDrinkEurope (3)</p> <p>* Group of 4 is: European Services Forum, EuroCommerce for retail and wholesale, Federation of the European Sporting Goods Industry, Foreign Trade Association</p>	<p><u>Other Stakeholders:</u> <i>2 documents</i></p> <p>Academics 9 academics (9)</p> <p>Foundation Friedrich-Ebert-Stiftung (5)</p>	<p>Environment ClientEarth (14)</p> <p>Conservation and Wildlife Wildlife Conservation Society (6)</p> <p>Conservation and Animal Welfare The International Fund for Animal Welfare (3)</p> <p>Animal Welfare Eurogroup for animals (20)</p>

Table 1: Overview of feedback documents (Page numbers in brackets)

4.2.1 The Council

As shown in table 1, the Council members have in total submitted 6 responses, two from Sweden, the remaining four are from the Czech Republic, Belgium, Finland, and France. At the time there were 28 members of the EU which could have submitted a statement. Almost all of the statements are shorter than two pages, causing difficulties in discerning the discourses and underlying assumptions of the actors.

The analysis of the written statements show that the five out of six responses are steered by the Commission's framing. A large part of the content is focused on enforcement. Sanctions are framed as not being "constructive" (EC, 2018c, p. 184) and according to Belgium Option 1 is a "more assertive partnership on TSD" (ibid, p. 185). They highlight multilateralism as the preferred track to solve sustainable development issues. The member states request more reporting from the Commission, and advocate for using the current model more effectively. These statements have overall low ambitions, and the suggestions they put forward would only represent a minor adjustment in the current TSD approach. The other more common discourse is tied to the role of civil society. They favour empowerment of civil society but does not suggest any meaningful improvements. In a more forward leaning demand, Belgium asks that the DAGs mandate is expanded to the whole trade agreement, and that the Paris agreement be included in the provisions.

France's statement stands out from the others, answering first the questions and then including a 20-page report commissioned during the CETA (EU-Canada trade agreement) negotiations. France asks for more substantial revisions of the existing approach and discuss sustainability of trade agreements and how they could be improved. For example, they suggest that there should be ample policy space for legitimate public policy objectives (EC, 2018c, p. 190). France wants TSD chapters to be included in the trade agreements general dispute settlement procedure, which effectively means that sanctions would become a tool for enforcement of TSD chapters. However, France also adopts a neoliberal discourse by stating that free trade can support sustainable development. Sweden integrates fair trade into the free trade discourse, by linking the two ideas together. The "overarching aim of the TSD chapters [is] to support free and fair trade" (EC, 2018c, p. 186).

Whilst Sweden's national board of trade has written a longer report, is it still rather limited in terms of meaningful statements. It contains a more pronounced neoliberal discourse. The statement shows that the state perceives the purpose of TSD chapters to be to

improve the partner countries practices, because the problem of sustainability in trade agreements is assumed to be located within the partner country, and these countries are dependent on the EUs support to become more sustainable. Other members also express the same idea, where the Czech Republic state that the FTAs should “strengthen the capabilities of partner countries to comply with domestic and international labour and environmental standards” (EC, 2018, p. 184). These statements overlook how European business practices contributed to environmental degradation, and a lowering of labour rights.

Overall, most of the statements are too short to fully discern the underlying assumptions. From the statements we can see that the members and the Commission’s rhetoric is aligned. They focus on the issue of enforcement, and the suggestions for improvement are mainly a continuation of the existing approach where market expansion is prioritised over the protection of the planet and people. Multilateralism is the preferred avenue for regulation of trade and sustainable development, but they do not show opposition to the bilateral track that EU pursues in the commercial chapters.

4.2.2 The European Parliament

There are four texts submitted by MEPs representing different groups within the European Parliament. One from the European Conservatives and Reformists (ECR), one from the Progressive Alliance of Socialists & Democrats (S&D), and two from the European People's Party (EPP1 and EPP2). The statements are all two pages long. The actors use a proportionately large amount of space to affirm support for the Commission’s process, they focus on enforcement, and the content is otherwise limited.

The main focus in the texts is the enforcement mechanism, the point that there is the strongest divergence on. The ECR strongly oppose sanctions and state that the TSD chapters are “enforceable and binding” (EC, 2018c, p. 1). The EPP1 and EPP2 also view the current system as “binding” (ibid, p. 232). All three actors caution that introducing sanctions would lead to lower commitments from the trade partner, and that it would undermine multilateral agreements. They therefore highlight incremental change of the existing approach. Multilateral cooperation and dialogue are seen as the appropriate form of enforcement. ECR, EPP1 and EPP2 want to empower civil society but do not make suggestions that would increase their power. There is a divergence among the actors on how they perceive the scope of the agreements. EPP1 and EPP2 claim that the TSD provisions are “broad in scope” (ibid,

p. 232; 234). Whilst S&D wants future FTAs to have “comprehensive, enforceable, and ambitious TSD chapters (ibid, 231).

The ideas that S&D propose stand out from the three other statements because they warn against continuing with the same TSD chapters, as they have not delivered results yet. S&D want to include a sanctions mechanism, and request that TSD and human rights are included in the general dispute settlement mechanism, which civil society should also be able to use. They also want to expand the scope to include the Paris agreements, and a review mechanism which would create a structure for future adjustments to the agreements. S&D's statement is advancing ideas which oppose many of the Commission's proposals and portrayal of the current approach, however they do not take a stance against free trade agreements or question the feasibility of achieving sustainable development whilst expanding free trade.

EPP2 is explicit about the purpose of international trade, which “serves to promote mutually beneficial economic growth but is also a tool to promote other values that the European Union is pushing for in the multilateral arena” where the TSD chapters are a “cornerstone” (EC, 2018c, p. 234). More cooperation, monitoring and the enforcement of the current TSD chapters, can make “trade policy more effective, leading to higher growth and better jobs in Europe as well as in third countries” (ibid, p. 234) according to EPP2. Whilst the EPP1 state that trade policy should bring “a positive impact in partner states”, which the current model can do effectively (ibid, p. 232). There is a clear presence of a neoliberal discourse in which free trade agreements and economic growth can lead to sustainable development. There are also signs of an underlying assumption that lack of protection are due to the trade partners internal problems only.

A more surprising finding is that the ECR are sensitive to the potential difference in values in the partner country. They claim that for the EU to succeed in exporting “European values” through trade policy, they should focus on “cooperation and dialogue” (EC, 2018c, p. 229). The labour and environmental norms are taken as just that, norms. Whilst the commercial parts of trade agreements are not seen as norms or “European values” (ibid, p.229). The neoliberal free trade ideas have been internalised.

In summary, there is surprisingly little divergence and little content in the statements from the European Parliamentarians. Most of the discourse aligns with the Commission's. Whilst three of the actors propose a continuation with the current model, the S&D does to

some extent use this opportunity to question the purpose and potential of trade and sustainable development chapters, but they do not question the expansion of free trade agreements or point out its negative impact on sustainable development.

4.2.3 Civil Society Organisations

In total 10 statements submitted by civil society organisations. Six from consumer, labour, and trade unions, and four from environmental, animal welfare, wildlife conservation organisations (see table 1). On average the statements are longer than the other actors', express more divergent views, and contain more detailed suggestions. Some contain thick descriptions of the problems with the current approach and the purpose of TSD. As some of the statements bring in both neoliberal and radical ideas it can be hard to evaluate where they position themselves. Some of them do not approach the issue of trade and sustainable development in a holistic manner and therefore advocate against the current system in one part of the text, whilst adopting a free trade discourse in another.

I will in this discussion focus on the points where there is significant deviation in discourse within the group. First, I will quickly discuss how the CSOs address the issue of civil society inclusion, enforcement and scope. There are many more nuances than what is represented here, and the actors have in general provided detailed statements where they propose many different solutions to the problems. On the issue of civil society roles in TSD chapters they all ask to be included more. IFAW and WSC's statements stand out in that they do not propose anything specific. The issues and suggestions which are discussed by them are: increased funding for participants, unclear rules of procedure, lack of follow up and lack of reporting, the possibility for all third parties to be able to raise a complaint independently of governments, and to be included during the negotiations.

All actors address the scope of the TSD chapters and argue for their cause to be maintained within the TSD chapters, examples of this are references to consumer protection, to include the Paris agreement, to include rules on corruption and so forth. There is also here a difference in what they ask for and how progressive their requests are. ETUC asks for the least and just wants to expand the scope of ILO standards. Eurogroup for animals strongly criticise the scope of TSD and frames it as the "key issue" with TSD (EC, 2018c, p.52). AK Europa and ClientEarth are equally critical and point out that TSD chapters "add virtually

nothing of substance” as it only asks the parties to follow the conventions they have already ratified and to volunteer to ratify more (EC, 2018c, 64).

All the organisations support closer cooperation with multilateral organisations. The Danish LO and the Swedish trade unions align their rhetoric with the Commission and warn that even though sanctions may have an effect, that it could lower ambitions and potentially undermine multilateral organisations. The other seven organisations reject the Commission’s portrayal of two Options. In discussing sanctions many of them take a firm stance against the Commission’s rhetoric. In general, they argue that sanctions should be included, though most of them discuss that it has to be done in such a way that it does not hurt labourers, etc. Many of the organisations also address that the Commission has not included the ruling of the Court of Justice in the discussion. Eurogroup for Animals shows how it makes TSD chapters enforceable, but also how the ruling could leave the Commission to pursue narrower TSD chapters to avoid sharing competency.

In this second part I will focus on the content of these statements that could indicate something about their ideas on trade and sustainable development, and whether they address the issue in a holistic and progressive way. The Danish LO align much of their discourse with the Commission’s. They only address labour provisions and suggest that in a similar manner as the GSP system the Commission could incentivise changes by offering market access if labour rights are protected. They do not consider how this increased trade could affect the environment. They also state that this is not a discussion on free trade, but rather a discussion on how fair and regulated trade can create more equal, competitive conditions. Competition is one of the pillars of free trade. How they describe fair trade in the statement they apply the neoliberal understanding of fairness, which is fair for competition, and not what is fair for the workers. As discussed in chapter two a sustainable trade model is unlikely to be achieved through competition, and therefore their claim is rather misplaced as this is a discussion about sustainable development chapters in free trade agreements.

The Swedish trade unions argue that FTAs “must not result in the exploitation of people through competition with wage and working conditions” and want the agreements to protect the policy space to regulate for “public service” (EC, 2018c, p. 104). They also propose provisions on how European business would be able to operate, but they also state that economic growth is important. Where they place themselves is therefore difficult to discern. There is no clear opposition to the free trade approach in the statements from WSC and IFAW. They have criticised the process and how the Commission has directed the

discussion to EP and the Council. WSC also questions the Commission's choice to design this as a non-paper process, and state that they hope that "publishing a non-paper does not mean that it is not a high priority for the Commission" (EC, 2018c, p. 18). The organisations are mostly focused on pressing for more provisions on wildlife protection and illegal wildlife trade. There is no clear opposition to the free trade model, but there is also not an expressed affinity for it.

The statement from ETUC is also unclear in terms of opposition to free trade, or acceptance of neoliberal discourse. The statement mentions social rights once, other than that they only discuss labour rights. ETUC state that there are no results on the ground from the "soft approach" (EC, 2018c, p. 56). And requests that the impact on labour rights is evaluated through the whole agreement. ETUC also points out that the reference to "in a manner affecting trade" reduces the capacity of TSD to deliver better results for labourers (EC, 2018c, p. 56). The organisation never directly addresses the impact of free trade and does not request a radical change. But they do highlight real impact on the ground as the purpose which should be pursued.

VZBV argues that "Binding rules on labour rights and environmental protection in trade agreements are in the consumer interest as competition at the detriment of workers and the environment is not sustainable in the long term" (EC, 2018c, p. 8), but also highlights the benefits consumers have from trade and increased competition, and the market economy. They then go on to say that "However, the advantages of trade liberalisation can only materialise in a rule-based environment that puts an emphasis on a high level of protection" (EC, 2018c, p. 9). This is an example of how it is difficult to evaluate their position.

Eurogroup for animals establishes the holistic approach to sustainable development that the Commission's should pursue, by establish the link between animal welfare, and other forms of sustainability. They argue for the EU to actively work to strengthen social rights, reduce poverty and facilitate development of "third countries" (EC, 2018c, p. 42). The purpose of TSD is framed to be to help partner countries that have much lower standards than the EU. They have a rhetoric which proposes radical changes to the trade policies of the EU, but also have a very neoliberal view on how "third countries" are to be developed by the EU (EC, 2018c, p. 42).

AK Europa argues for TSD for it to have a larger impact. This statement is the only one to point out the importance of environmental provisions and the fundamentally negative

impact trade has on the environment and the climate. Saying that “it is noteworthy that the Commission wants to treat labour and environmental standards equally but does not give equal consideration to environmental standards in its proposal” (EC, 2018c, p. 87). They argue that climate policy will “very soon need considerably more weight” (ibid, p. 87) And address carbon leakage, emissions from transport, and the distributional effect on the labour market to build a new “climate neutral society” (ibid, p. 87). They argue that chapters in trade agreements which go “against climate ambitions” should be deleted, arguing that countries which have “contributed little to climate change should have access to concrete support measures” (ibid, p. 87).

ClientEarth is the most progressive and directly addresses the negative impact of free trade and the framing of the Commission. They have a holistic approach to sustainable development as a concept and equally argue for social, environmental, and human rights to be protected. They argue that the focus of the Commission is misplaced, because having good complaints mechanisms does not solve the problems with TSD. Without strong substantive obligations, there will be little to monitor and enforce. They argue that the EU “*remains committed to create a vast bilateral network of liberalisation obligations for third countries and extensive actionable rights for foreign investors and multinational corporations without meaningful social, environmental, or human rights obligations for either transnational corporations or governments*” (EC, 2018c, p. 71). They also point out how the newly ratified CETA will increase the CO₂ emissions, even though the Commission has framed this agreement as delivering more in terms of sustainable development. ClientEarth wants a shift from trade liberalisation in trade policy to trade regulation for “public interest”. (ibid, 64).

There are many of the actors who strongly oppose the Commission’s portrayal of the current free trade model and its contribution to sustainable development so far. The civil society organisations also provide comprehensive suggestions for improvements, and strongly advocate for an expansion of scope in the provisions. There is however a larger divergence within this group than the others. Whilst most do not oppose free trade, or do not address the issue, some of the actors like AK Europa and ClientEarth specifically oppose the neoliberal free trade model.

4.2.4 Business Interest Groups

There are four statements from business interests' groups; BusinessEurope, Euratex, FoodDrinkEurope and a group of four which I have named 'Group of 4'. Except for BusinessEurope's report the other statements are short, Euratex and the Group of 4 have written one page each, whilst FoodDrink Europe's is three pages. As expected, the content is much more forward leaning in terms of neoliberal discourses and ideas. The ideas are well aligned with the Commission non-paper. They all advance Option 1 and emphasise that sanctions can undermine the multilateral model. They effectively advocate for cooperation and multilateralism as the appropriate way to make TSD more effective. What is not said is that sanctions could potentially have a direct effect on their members bottom lines.

The organisations highlight the status quo as the best way forward. There are many statements about improving effectiveness, with no suggestions for improvements. Except for BusinessEurope's request to include corruption and rules for customs clearance, they do not want to expand the scope of the agreements. Two of the actors do not discuss civil society. These are the only two actors which do not address civil society at all in their statements. BusinessEurope wants to empower civil society and FoodDrinkEurope wants to improve how the DAGs function, also without proposing any actions. This is an interesting observation, as these organisations are by the EU defined as civil society organisations themselves and should have a vested interest in improving the conditions for their inclusion. This finding could potentially be accredited to the fact that these organisations have many institutionalised procedures (specific meetings with the Commission for business interest groups), and private channels of lobbying in which their ideas on trade policy is taken up.

Neoliberal discourses are present throughout all the four statements. FoodDrinkEurope and BusinessEurope state that trade is an important "driver of sustainable development" (EC, 2018c, p. 75; 102). Three of the actors also stress the importance trade has for economic growth, and "call on the EU to ensure that trade policy still contributes to growth and sustainable development" (ibid, 33). BusinessEurope state that "competitiveness and sustainability are not contrasting elements" (ibid, 76). They also propose that by furthering trade liberalisation, both production and accessibility of environmental products can increase. FoodDrinkEurope warn against increasing the pressure on economic operators. The organisations also warn that the Commission should not use trade agreements as a "quick fix" for sustainable development (ibid, p. 101), arguing that sustainable development is a complex

issue, indicating that sustainable development is somehow separate from trade. This is supported by the Group of 4. However, trade is intrinsically connected to sustainable development, and without a sustainable approach to trade there can never be sustainable development.

The actors highlight the need to develop mutually agreed principles and secure fair competition, which will result in a level playing field. BusinessEurope argues that the FTA must be adjusted to each partner country, but also assumes it is only the partner country who must adjust and change its practices. BusinessEurope supports the use of TSD for the “development of third countries” (ibid, 76). which is a discourse also found in the Group of 4s statement. There is no concern for how the trade partners values and norms should be respected.

In summary, the business interest groups have all written statements which strongly support neoliberal free trade and frames many of the issues in the same way as the Commission. Examples of the ideas found in this discourse is the belief that sustainable development can be achieved through free trade, fair competition, growth, and an affinity for the status quo.

4.2.5 Other Stakeholders

This section presents the findings from two texts. One is by a group of nine academics from different Universities and one institute. The second is by Friedrich-Ebert-Stiftung (FES). The texts are respectively 9 and 5 pages long. These two statements only discuss labour provisions.

Both statements refer to the representation of the two options in the non-paper as “misleading” (EC, 2018c, p. 99). Both argue that the presentation of Option 1 and 2 should be revised and suggests that the two approaches could be combined to one stronger model. They also point out that there are other ways of designing sanctions than what the Commission has included. Both actors point to the reference to ‘in a manner affecting trade’ as an important hindrance to the effective enforcement of TSD (ibid, p. 27). FES argues for a more holistic approach where all negative effects on labour rights should be considered within the agreements, they want provisions on minimum wages and HSE (rules on Health, environment and safety) to be included. The Academics also support including a broader scope of labour

provisions and point to research which shows that mere references to ILO Core Conventions is not sufficient. They both advocate for civil society to have effective influence and power. These actors provide comprehensive suggestions for how this should be achieved. For example, by allocating more resources, ensuring better representation, structuring the meetings and their agendas differently, and importantly by establishing a system where civil society can launch a complaint procedure independently of the Commission or the partner country.

The academics focus on thick problem statements of enforcement mechanisms and suggests improvements. They do not indicate clear concerns about free trade as a system. They do however explain why the trade agreements as they are designed have a limited potential to have a positive effect on workers lives. They suggest that it should be evaluated what role corporations has in ensuring that labour rights are upheld. FES argue that the EU should raise more awareness about TSD chapters but opposed to other actors who ask for more public communication, FES asks specifically that it should include meaningful content: “This should not only include arguments about why we trade and why trade is beneficial” (EC, 2018c, p. 97). FES does not explicitly distance itself from the free trade model but does addresses that the gains from trade are not shared equally, advocating for better salaries, and partially put the blame for this inequality on European business practices.

The academics are the only ones (out of 26 statements) to point out that even though the agreements are supposed to be reciprocal, they have not been operationalised in a way that would effectively address labour issues “within the EU” (EC, 2018c, p. 24). FES is concerned about how civil society in partner countries are included and empowered. Their proposals align with the neoliberal idea that the EU can legitimately make prescriptions about how civil society should function within the partner country.

In conclusion these statements continue the trend I have found in the literature review in chapter 2.1.1 where scholars on social provisions in trade agreements focus primarily on labour provisions. The statements are more detailed in their description and there is less ambiguity in their proposed solutions for effective enforcement and civil society involvement, which is also the focus of these statements. They do however propose solutions within the current free trade system, but there are signs of them critically engaging with the purpose of TSD chapters. With FES expressing a concern for how the current trade agreements affect the working conditions for labourers in developing countries. However, FES also assumes that the EU has the right to regulate norms in the partner country. It is therefore not possible to

discern what the views of these actors are on the neoliberal approach to trade that the EU pursues and how compatible that is with sustainable development. What is possible to observe, is that they do not propose a radical change.

4.3 Phase 3 - Make an Action-Plan: The Commission's 2nd Non-Paper

The outcome from the review process is a second non-paper published by the Commission services in February 2018. The document is titled *“Feedback and way forward on improving the implementation and enforcement of Trade and Sustainable Development chapters in EU Free Trade Agreements”* (EC, 2018a) and contains a 15-point action plan. The day after it was published Commissioner Malmström presented the feedback and “the way forward” at a meeting for the Foreign Affairs Council on trade where it was presented as a “roadmap for future work in this area” (EC, 2018b). When Commissioner Hogan went through his public hearing he also stated that the plan would guide his work (EP, 2019). The action plan is also mentioned by the Commission in various reports and news bulletins since it was created (EC, 2021). When an issue is raised as non-paper, and not as an official public hearing there is a risk that the stakeholders have viewed this process as not as important, and that fewer stakeholders have participated in the process. Even though 27 written statements have been submitted, there could potentially have been more. In comparison, the trade policy review process which was initiated in 2020 received more than 400 written statements (EC, 2020, p.1). This process would always have attracted more interest, as it reviews all elements of the EUs trade policies, and not just TSD chapters, but there is still a substantial difference in number of responses.

What has been a non-paper process is now taken up as something which will steer the Commission's future work on TSD. The document includes a 15-point action plan for the way forward. It is split into four categories; “Working Together; Enabling and civil society including the Social Partners to play a greater role in implementation; Delivering; and Transparency and Communication.” (EC, 2018a, p. 2). Due to the focus of this thesis, I will not discuss all elements of the document in detail, but present the most relevant findings in relation to the discursive moves the Commission's makes. In summary, the plan is to not pursue sanctions, but cooperation. Some measures will be introduced to facilitate more involvement from civil society in the implementation phase. The Commission will report

more on progress, and the commitment to multilateral agreements and cooperation with international organisations is reaffirmed.

The commission states that the plan is drafted from the suggestions there were consensus on. Conveniently, the issues where there were a higher degree of consensus were also the ones the Commission had supported in the first non-paper. In the second non-paper there is one short paragraph on the divergence in views, which only address sanctions, leaving all other points of divergence out of its presentation of the debate. The Commission continues to claim that FTAs has a broad scope, but many of the statements addressed specifically the lack of scope as one of the fundamental problems with the TSD chapters.

The Commission has adjusted the policy based on the feedback in terms of the Paris Agreement, as well as more concrete measures to improve the resources and ability of civil society to monitor the implementation. The most meaningful change is that the scope for Civil Society has been expanded to the whole agreement, and not solely TSD. In practice, this means that civil society will potentially be able to give more evidence on how the implementation of the FTAs is progressing and can discuss the effect free market policies has on TSD. This change constitutes an insignificant outcome, as it is still limited to breaches of labour rights and environmental standards directly affect trade.

The Commission presents the newer trade agreements as having higher commitment to climate, because it will seek to include a reference to the Paris Agreement. The parties will not be committed to follow the goals they have set for themselves in the Paris agreement, but as in the CETA agreement they will be encouraged to adhere to these commitments. A discourse which often is referred to as “green growth” is also present. The Commission want to mitigate the climate impact by creating opportunities for more trade, where “clean tech industry”, “energy efficient goods and services”, and “climate friendly goods” are the cornerstones (EC, 2018a, p. 10-11).

The Commission states that the aim of trade agreements is to “maximise the leverage of increased trade and investment on issues like decent work, environmental protection, or the fight against climate change in order to achieve effective and sustainable policy change.” (EC, 2018a, p. 1). And then later that the “The ultimate objective is to foster real and lasting change on the ground, through the effective application of enhanced social and environmental standards, to the direct benefit of the citizens of our FTA partners.” (ibid, p. 1). But the Commission has not made meaningful adjustments to the trade and sustainable development

chapters that would make them capable of delivering on this objective. It is also worth pointing out that labour rights and environmental standards is something which will be enforced within the partner countries, there is still not clear reciprocity within the agreements, and there is not, except for reference to Corporate Social Responsibility (CSR), HSE and inspections, no requirement for business to adjust their practices.

4.4 Summary of Findings

In this chapter I have looked at the Commission's process in reviewing the TSD chapters. I have found that the Commission has limited the debate by leveraging its power to set the agenda for the discussion. By focusing on enforcement and by not taking up the questions of scope or potential to deliver, the Commission has made it difficult to address other elements of TSD. In the review of the statements from the stakeholders I found that there were deviating opinions within all groups, but for some of the groups that deviation was rather minimal. The business interest groups, member states and some of the MEPs had the most forward leaning preference for free trade and reinforced the Commission's discourse of achieving sustainable development through trade liberalisation. Some of the civil society organisations and other stakeholders strongly opposed the Commission's framing of the use of sanctions and the functions of the current TSD model. A few of the civil society organisations strongly opposed trade liberalisation and argued for a more holistic approach to sustainable development, in keeping with ecological economic ideas. It would however be false to represent the feedback from the stakeholders as being very divergent.

The outcome of this unofficial process was a 15-point action plan that is currently used as a framework for TSD chapters in the FTA negotiations. This plan deviates little from the suggestions in the first non-paper, leading to the impression that the influence from the external actors has been minimal. The second non-paper also misrepresented the deviation of opinions of the actors in the process, and largely overlooked or excluded ideas which did not already align with their proposed plan.

5 Power Through, Over, In Ideas: Steering the Outcome Towards a Neoliberal Free Trade Model

This chapter applies ideational power framework to provide a deeper understanding of how the different actors use different forms of ideational power to frame their ideas. As discussed in chapter two there has been deviating opinions amongst different actors on trade and sustainable development chapters in the free trade agreements of the EU. In chapter four I found that even though there were deviating opinions on TSD amongst different actors, the deviation was not as broad as expected. The outcome from the process was mainly a continuation of the existing model, and the adjustments that would be made were largely in keeping with what the Commission has proposed. I will use the framework from Carstensen and Schmidt (2016) to show how the three different types of ideational power have been used by the different actors to advance their arguments and ideas. The Commission has however managed to frame the discussion so that it can fend off the few substantial challenges that have come up during the review.

The framework connects the ideational power to structural and institutionalised power by looking at the power through, over and in ideas. While these different types of power are treated independently, they are connected and can either strengthen or weaken the power of an actor. The power over ideas is linked to the institutional power and the access to control the production of meaning within the EU, whilst the power in ideas also refers to institutional power it relates more to the historical embeddedness of neoliberal ideas within the union. These forms of power are also linked to how well an actor shapes its discourses and how capable it is to structure the argument so that it corresponds to the normative values of the respondent. Over time the Commission's discourse has evolved so that it is still appropriate to the stakeholders in the union.

5.1 Power Through Ideas

Power through ideas refers to the persuasiveness of an argument. The Commission has linked the rationale for the first non-paper to the overarching trade strategy to establish a precedence for its proposals. From looking at the statements we can see that the Commission has had a varied level of success with the framing in the non-paper. While the discourse is supported by some of the actors, others are opposed to it. Business interest group's discourse align with the

Commission's, most of the member states, and three of the Parliament groups. One of the examples of civil society groups framing the issue the same way as the Commission, is the Danish LO which also argued against sanctions, because of the risk that partner countries will oppose this and therefore reduce the overall ambitions in the agreements. This is an argument that was opposed AK Europa, ClientEarth, ETUC, Eurogroup for animals and others, who also have a different understanding of the trade policy objectives.

The power of neoliberalism as an economic system makes the Commission's moves to strengthen the free trade agreements in their current form more legitimate. Neoliberalism's assumptions about the beneficial outcomes of free trade, makes the argument for a continuation of the same system more acceptable to the audience. As discussed in chapter two, the commission combines discourses to protect the overarching neoliberal free trade agenda. They link concepts like fair trade and a level playing field to the ideal of free trade, framing these normative objectives as pillars for competitiveness, which again is a natural pillar in free trade. The Commission makes the same moves here as Holden (2019) found in his research. The Commission focuses on the power of the market to deliver the desired results in terms of social progress. By linking the importance of growth and jobs to the fulfilment of the sustainable development goals the neoliberal policies are perceived more positively (Holden, 2019, p. 1).

The concept of sustainable development is framed to also relate to free trade. By making free trade fundamental to achieve sustainable development, the Commission make these two ideas intrinsically linked. Free trade is over time highlighted as a necessity for future progress, making it easier to structure sustainable development and free trade as complementary. In the second non-paper the Commission presents the text as cooperative and based on the ideas of many actors, making the outcome, the 15-point action plan, a more acceptable outcome. However, most of the final policy comes from the Commission's first non-paper, and there has only been incremental adjustments of the overall policy that can be traced back to the ideas of the other actors.

Other actors can also use power through ideas to advance their policy ideas. When it comes to the member states it is not surprising that they support the same framing as the Commission. They have for a long time been the only actor which has had substantial influence in matters of trade except for the Commission, and their discourse is likely to have aligned over time. It is surprising how few Parliamentarians who took the opportunity to express their views on this matter. From the ones who have submitted statements it is only

S&D and the ECR who formulate more substantial arguments. ECRs, however, align with the Commission's.

Other actors than the Commission could use power through ideas to advocate for their ideas. It is used more effectively by some actors. It requires them to build an argument which does not only bring in facts about the nature of free trade, but also strong arguments that correspond with the values of the receiver. For actors who have values which deviate from the Commission, it can be difficult to structure an argument that is taken up by actors in the EU, but also is in keeping with their values. By referring to the same policy strategies as the Commission, and international conventions, recognised norms, and research, they can build a stronger argument for their proposal. In this process there was a potential for the actors to frame the issue to better advance their ideas. However, the lack of resources as discussed above, and potentially previous experiences with public hearing processes might have affected their proposals.

For civil society it is easier to establish a rights-based discourse which promotes the values of sustainable development independently of free trade. CSOs can more legitimately argue for change to how trade impacts equality, sustainability, development, protection of the environment and labour rights, due to their social and progressive nature. However, some of the civil society actors do not bring in these arguments in their statements. One example of this is the Swedish trade unions, who do refer to rights, but does not build a strong argument for why these rights must be protected for trade to have positive impact.

Some actors have proposed radical changes to the system and critically rebuked the discursive moves made by the Commission's. Since system critique is still a more fringe approach in society at large, the actors who propose radical changes can more easily be opposed, because the arguments and its normative foundations is less suitable to the receiver. Even though their arguments might have been structured well, are well documented, and are built on a strong normative and scientific basis they are easier discard as too extreme or not feasible.

The Commission's does not have ideational dominance through power through ideas, there is opposition to the normative values that the Commission highlights, and some of the actors critically pick apart the Commission's statements. Showing that the ideas and, or the discourse has not been institutionalised by all the actors. However, most of the actor's support, or do not oppose the ideas or the question the discourse.

5.2 Power Over Ideas

The most impactful form of power in the TSD review process has been how much power the Commission has over the process, effectively its *power over ideas*. The Commission, with input from the member states, has made the EU's trade policy from the beginning which gives the Commission the faculty to impose their ideas, and reject new ideas without it being received as illegitimate (Carstensen & Schmidt, 2016, p. 321;323;326). The trade strategy documents, whilst providing transparency, also provide a channel for dispersing the Commission's views on trade policy to the public at fixed intervals. They have used their institutional and structural power over time to control the production of meaning within the EU and there are signs of this in the TSD review process as well.

This form of power includes institutional and structural power, which can be the control over media and other forms of public communication. As there is a high degree of free media within the EU, the Commission cannot use the media like a totalitarian regime, which is exemplified by Carstensen and Schmidt (2016, p. 326). The Commission do have a high level of control of public communication coming from the EU as whole. As they publish trade policy documents, give public speeches, organised collaborative communications, and other communicative acts. Which does contribute to transparency but also functions as a means of mass influence. Their extensive communications efforts can have made the neoliberal free trade discourse more acceptable to the public. A non-paper is an example of this type of public communication, it is one of the institution's procedures. It serves as a product in which the Commission can export their views. Making it a non-paper process makes the process less important, than for example a public consultation process. This can have led to less public interest and thereby for fewer ideas and opinions to have been included. Especially civil society organisations have limited resources and capacity to participate in reviews, and they might have given lower priority to this review, because they might have assumed that since it was a non-paper process, it would not lead to a concrete plan for TSD going forward.

In addition, the review process was not open to all stakeholders from the start. In the first non-paper the Commission stipulates how this process will gather feedback from the Council and the Parliament. Other stakeholders like civil society groups, business interest groups and researchers are not mentioned. It is clear from reviewing the feedback documents that multiple of the respondents were not initially included, amongst other IFAW and WSC

asks for their responses to be included (EC, 2018c, p. 18;95). Many of them also call for an open, inclusive review. In the final paper, the second non-paper, the Commission states that it has consulted with civil society (this includes business interest groups). It is likely that the Commission conducted more meetings after receiving the feedback on the lack of transparency. These meetings were also not open to the public, and as minutes from the meetings were hard to obtain, it is difficult to evaluate how broad the representation was.

The Commission has also controlled the production of meaning. In the first and second non-paper, as I have showed in chapter 4.1, they strategically include certain frames and exclude others. They also left out certain interventions from the discussions. The way that the Commission have dedicated the presentation of the current model and the proposal of Options 1 and 2 to focus overwhelmingly on enforcement they have discursively limited the opportunity to broaden the scope of the debate and the opportunity for actors to critically engage with other questions like the purpose of TSD. Many of the actors do just discuss implementation of the current model, they respond to the questions asked by the commission and focus on whether a model with or without sanctions is the best suited for the situation. As Jens Ladefoged Mortensen wrote the attention devoted to the sanctions debate can “derail the debate” on how to make sustainable development chapters capable of developing sustainable development (EC, 2018c, p. 110).

In the second non-paper, the Commission present the actors as mainly in agreement with the Commission, the critiques that have been expressed have not been represented, many suggestions have been left out, and there are only two sentences about divergence. They include a discussion on divergence but do only present one of the points there was deviating opinions, sanctions. Some examples of ideas which have been left out; Calls for a broader scope, the possibility for civil society to launch a complaint, to change the text so that 'in a manner affecting trade' is removed, and for TSD to have a real observable impact on the ground. By including this section, it seems like the Commission has included the views from a broad group of stakeholders. The reality is that there are only small modifications from the proposed solution in the first non-paper to the final outcome presented in the second non-paper. This is an example of how the Commission has used its power to create an outcome in-line with their neoliberal agenda.

On the other hand, the stakeholders also have power over ideas. The stakeholders have the power to shame the Commission. By confronting the distance between free trade and the values of sustainable development, thereby establishing a rhetoric trap (Holden, 2019, p. 967).

The civil society organisations take up the same idea of protecting the environment and labour rights. But they do not relate these values to the economic ideas of free trade and can therefore establish a discourse in which sustainable development is not intrinsically linked to neoliberal free trade. In summary their ordering of discourse could frame the Commission's discourse in a more negative light. However, since their statements are just input submitted to the Commission their power in these debates is more limited. In addition, as discussed in chapter four many of the actors do not use this arena to affectively argue for their ideas.

The practice of shaming has not been successful in shifting the Commission's position here. It is easier for the Commission to justify and choose the continuation with the current model when there is great divergence and not a very vocal or unilateral public support for a substantial reform. Shaming a powerful actor to change objectives is not easily achieved, it requires the actor to make its ideas and its discourse accepted by a large proportion of the public, or at least a powerful group of the public. And it is therefore difficult to leverage this kind of power. For example, even with the large protests against TTIP, and CETA in France, the French government was still able to pursue a trade agreement that above all reinforces free trade, over sustainable development objectives. As a result, the Commission was able to ratify CETA even though many actors opposed it (Angot, J. L. et al, 2017).

Knowing the importance of establishing a public support for the Commission's agenda, with the problems it has previously faced with oppositions to the current model of trade negotiations, it is surprising that the Commission have not done more to make this process as open and inclusive as possible. The Commission has successfully used the communicative and institutional tools available to it to make this review process seem more open and inclusive than it has been. This will in the future make it seem like the continuation with this approach to sustainable development in trade agreements had broad support.

5.3 Power In Ideas

As discussed in chapter 2.1 and shown in chapter 4.2 the power of neoliberal ideas is contested, and the free trade agenda of the Commission's meets opposition. Still, a neoliberal system in which free trade is considered the optimal solution for sustainable development takes precedence. This is because the discourse has become so initialised to the EU that it is

difficult to powerfully enact other discourses. This shows how neoliberal ideas has structured discourse on trade and sustainable development, also known as power in ideas (Holden, 2019, p. 968).

The neoliberal ideas have become embedded in the trade policy of the EU. The importance of liberalisation of trade continues to be a primary concern in the pursuit to create a better future, even though there is evidence showing that free trade is likely undermining the same objectives as it is supposed to achieve. This structuring power of neoliberalism that has taken place over time, leads the Commission to privilege the more commercial interests in its trade policy over its commitments to sustainable development (Holden, 2019, p. 968).

Since the second world war, economic research and theories has focused on the orthodox assumption taken from classical economic ideas. It has managed to marginalise ideas which do not fit in this conceptualisation of how our economy should work. It is not just within this debate that neoliberal ideas are taken for granted as a natural system. This has been the case for so long that most do not question the system which has been organised. The mere fact that trade is argued to have become more “politicised” in the last decades, shows that for a long-time trade policy has been removed from its political nature (Carstensen & Schmidt, 2016, p.329; Holden, 2019, p. 968; Laursen & Roederer-Rynning, 2017, p. 764). For ideas which are opposed to or contradict with this neoliberal discourse the challenge of establishing an alternative discourse, is a hurdle that might be to challenging to overcome. And for a long time, this has been the case. This does not mean that it is not possible to change the dominating discourse and thereby ideas. The evolving nature of our societies, ideas, challenges, and interactions means that there is potential for other ideas about trade and sustainable development to become mainstream and accepted as legitimate.

Even though there is similarity between power over and power in ideas, as they both relate to institutional power, there is also difference. The power over ideas is how the ideas can be framed and implemented, while the “crystallisation of such ideas is established rules or frames” is power in ideas (Carstensen & Schmidt, 2016, p. 331). Within the EU, this can refer to the institutions that are built to uphold these ideas. Knowing the history of the EU is relevant here as the foundations on which the institution was built on, was that through cooperation and trade there could be more peaceful relations between European countries. Trade has therefore been the foundation of the Union’s development. The focus has for many decades been on building a union which has effective commercial rules which makes trade optimal. Therefore, the union and its members have since the beginning of time been

organised to see trade as a force for good, more than a force for commercial interests. It is curious that in the EU the rules of trade are binding and sanctionable. There is a court system and clearly regulated rules for how trade should be conducted. Therefore, it could be argued that EU has first-hand experience with the importance of creating rules which are binding and sanctionable.

The union has less competency in social and environmental policies because these have not been the exclusive competency of the EU. There has also been strong opposition from the members to expand the social competency of the union. The EU has pushed to become a union which is capable and legitimate in deciding social policies for its members, but it is in the beginning stages of this development. This shows how the historical institutionalism of the EU is a driving force in the Commission's possibility to use power in ideas.

The TSD review process is another example of the ways in which neoliberalism structures ideas within the union, and power in and power over ideas have been the most important ideational powers in this process. The power of neoliberal ideas has met more challenges due to the increasing contestation of the argument over the last decades, which have made the power through ideas more challenging for the Commission to use. The other actors, like the civil society actors, still face many challenges in making their ideas incorporated into new trade policy. Their strongest card is to shame the Commission into adapting their policies. Within the review process the Commission has been able to protect a discourse in which neoliberal policies dominate. This has meant that it can still present a picture of free trade and sustainable development working in tandem.

5.4 Summary

Referring to the research questions presented in chapter three. I will now discuss how these findings respond to these questions. The second research question is: "*What are the ideas of EU actors on improving trade and sustainable development chapters presented in the TSD review process?*". By analysing the content of the Commission's non-papers and the statements sent in by the different stakeholders, I have uncovered the main ideas on trade and sustainable development as expressed by these actors in these documents. I have found that

the Commission and the actors mainly focus on issues like enforcement, inclusion of civil society, and expanding the scope of the agreements to contain more references to multilateral agreements. There is a divergence in views on how effective the TSD chapters have been to date, but there is consensus on the need for them to be included. Some of the actors express an adherence to neoliberal free trade ideas, whilst most of the actors do not explicitly state any preference. A few of the actors actively reject neoliberal free trade ideas. It is found that the Commission has mainly presented ideas on improving TSD chapters which align with the pre-existing approach.

The third research question is: *“How does the ideational power of the actors influence the outcome of the TSD review process?”*. Ideational power is here understood as *power through, over and in ideas*. A finding from the analysis in chapter 4.3 is how the Commission’s discursive moves and framing has affected the process. The Commission uses its power over ideas and its power in ideas to limit the discussion on trade and sustainable development chapters. The Commission also tries to move the discussion in one direction by invoking certain frames (power through ideas) and does have some success in doing this. Some of the actors do agree with the Commission, whilst most are to some degree opposed to the way that TSD is approached today, but do not use the forms of ideational power available to them to form strong opposition, potentially because they do not strongly oppose the ideas for improving TSD. The actors have mainly been unsuccessful in introducing new ideas. Overall, the review process has led to minimal changes in the framework the Commission uses during its negotiations of free trade agreements today.

These findings can tell us something about how ideational power as a theoretical framework explains the issue of change, discourse, and policy creation. The overarching research question is *“How does discourse effect the role of sustainable development in EUs trade policy?”*. This thesis has contributed to a deeper understanding how a neoliberal discourse dominates in the EU. There are few actors who question, or critique, the possibility to achieve sustainable development whilst expanding free trade agreements. As a result of a limited debate, in the TSD review process, is that the 15-point action plan which will guide the Commission in its future work to improve TSD chapters, is a plan mainly based on neoliberal free trade ideas which will most likely not produce significant results in raising environmental standards and improving labour rights. While, still allowing the EU to project an idea that new FTAs are more sustainable than the previous. If we bring in the perspective

from ecological economics, we know that a radical change of trade is needed to achieve sustainable development. This change is not likely to happen from within the Commission.

6 Conclusion and Research Outlook

EU has included trade and sustainable development chapters in its free trade agreement since the FTA with South Korea was ratified in 2009. The purpose and impact of these chapters is still unclear, but most of the preliminary research does not find any impact on the ground for workers. Whilst the Commission frames TSD chapters as a contribution to their value-based trade agenda, scholars' theories that the chapters have been introduced to strengthen public perception of the EU as a normative actor, and to frame free trade agreements as sustainable (Holden, 2019; Lawrence, 2020; Harrison, et al., 2019b). The TSD review process which was initiated by the Commission's non-paper in 2017 ended with the Commission creating an action plan that would guide it in future trade negotiations. However, the outcome of the process was mainly a continuing of the pre-existing approach. This thesis analyses the review process to understand which ideas the different actors proposed, and whether they question the Commission's approach to trade and sustainable development, and the framing of the issue. This is done to understand how the Commission framed the issue but also to see if the actors proposed radical solutions, or if they adopted a neoliberal discourse.

This thesis has combined a discourse analysis with a content analysis to study the power of different ideas on trade and sustainable development. To investigate the relationship between power, discourse, ideas, and policy creation this thesis has applied the framework of ideational power developed by Carstensen and Schmidt (2016). Inspired by Patrick Holdens (2019) application of the framework this thesis has used the framework to understand how different forms of ideational power have shaped the discourse on trade and sustainable development.

This thesis indicates that the Commission framed the TSD chapters as a positive influence on labour rights and environmental protection in order to protect the neoliberal free trade discourse from opposition. By framing trade liberalisation as positive for sustainable development, and thereby over time making free trade associated with good ideals, the Commission has succeeded in arguing for FTAs by speaking to the audience's values (power through ideas). In the TSD review process the Commission framed the core of the problem with TSD as an implementation failure, so that the perception was that through better implementation and enforcement of TSD chapters there could be positive gains from an expansion of bilateral trade agreements. Even though this framing is accepted by many of the actors, there are also actors who oppose the Commission's framing. The stakeholder's

argument was not structured so that it was appropriate for the audience, and their ideas were mainly not included in the final result. Civil society can more legitimately invoke a rights-based, sustainability language, but it lacks the power, coordination, and resources to do so effectively.

Power over and power in ideas has potentially had a larger impact on the pluralism of ideas in the TSD review process. In the non-paper process the Commission has built on previously generalised ideas. By referring to previous trade policy strategies and commitments the Commission can more effectively reject new ideas as they over time have created a dominating discourse (power over ideas) in which sustainable development is framed to be achieved through free trade agreements. The power of neoliberal ideas has been cemented for decades both within the EU but also and more importantly, in the study of economics. The institutional power of the Commission is also an important element. It has since the early days of the EU had control over trade policy creation and has accumulated a strong authority on the issue, as a result the voice of the Commission bears more influence than any other actor in the EU when it comes to trade policy creation. By making the TSD review process a non-paper process the Commission has also lowered the importance of the review, but the outcome has been framed as guiding principles in all future trade negotiations. In summary, the power of the Commission and the power of neoliberal ideas, has limited the debate on trade and sustainable development in the EU.

The purpose of this thesis has been to understand how different stakeholders, and mainly the Commission, adopts the discourse to protect their ideas. And by doing this, contributing to research on trade and sustainable development. A potential next step to improve the quality of this research would be to interview the stakeholders who contributed during the process, and a selection of relevant stakeholders which did not submit statements. It would also be relevant to interview the Commission on their views on the moves of the non-paper which have been identified by this thesis. If the minutes from the meetings had been publicly available, it could have contributed to this analysis.

This research can contribute to an increased understanding of the different views within the EU on trade and sustainable development. In addition, it may contribute to a deeper understanding of the problems with the current model, and a broader grasp on the ideational power of the Commission in trade policy creation. It is however important that more research is done on the environmental impact of the EUs free trade agreements. It is clear from the literature review that there is too little research which is conducted on the direct impact of free

trade agreements on labour rights, environmental protection, and other elements of sustainable development. This research could help to create a truly ecological model for trade.

7 Bibliography

- Angot, J. L. M., et. al. (2017). Rapport au Premier ministre L'impact de l'Accord Économique et Commercial Global entre l'Union européenne et le Canada (AECG/CETA) sur l'environnement, le climat et la santé. Retrieved from https://www.gouvernement.fr/sites/default/files/document/document/2017/09/rapport_de_la_commission_devaluation_du_ceta_-_08.09.2017.pdf
- Araujo, B. M. (2018). Labour Provisions in EU and US Mega-regional Trade Agreements: Rhetoric and Reality. *International and Comparative Law Quarterly*, 67(1), 233-253. <https://doi.org/10.1017/S0020589317000422>
- Bailey, D. and Bossuyt, F. (2013). The European Union as a Conveniently-conflicted Counter hegemon through Trade. *Journal of Contemporary European Research*, 9(4), 560-577 Retrieved from <http://hdl.handle.net/1854/LU-4166207>
- Bryman, A. (2016). *Social Research Methods* (5th ed). Oxford: Oxford University Press.
- Bollen, Y. (2018). EU Trade Policy. In H. Heinelt & S. Münch (Eds.), *Handbook of interpretive approaches to the EU* (pp. 191–206). Cheltenham: Edward Elgar Publishing.
- Bronckers, M. & Gruni, G. (2018). Improving the enforcement of labour standards in the EU's free trade agreements. In D. Prévost, I. Alexovičová & J. H. Pohl (Eds), *Restoring Trust in Trade: Liber Amicorum in Honour of Peter Van den Bossche*. Oxford: Hart Publishing
- Campling, L., Harrison, J., Richardson, B. & Smith, A. (2016). Can labour provisions work beyond the border? Evaluating the effects of EU free trade agreements. *International Labour Review*, 15(3). <https://doi.org/10.1111/j.1564-913X.2015.00037.x>
- Carstensen, M. B. (2015). Conceptualising Ideational Novelty: A Relational Approach. *The British Journal of Politics and International Relations*, 17, 284-297. doi: 10.1111/1467-856X.12030
- Carstensen, M. B. & Schmidt, V. B. (2016). Power through, over and in ideas: conceptualizing ideational power in discursive institutionalism. *Journal of European Public Policy*, 23(3), 318-337. DOI: 10.1080/13501763.2015.1115534
- Carrère, C., Olarreaga, M. & Raess, D. (2017). Labour Clauses in Trade Agreements: Worker protection or protectionism? Fondation pour les études et recherches sur le développement international. Working Paper 200. Retrieved from <https://ferdi.fr/en/publications/labor-clauses-in-trade-agreements-worker-protection-or-protectionism>
- Chang, H.-J. (2006). Policy Space in Historical Perspective with Special Reference to Trade and Industrial Policies. *Economic and Political Weekly*, 41(7), 627-633. <https://www.jstor.org/stable/4417841>
- Costanza, R. (1989). What is Ecological Economics? *Ecological Economics*, 1(1), 1-7. [https://doi.org/10.1016/0921-8009\(89\)90020-7](https://doi.org/10.1016/0921-8009(89)90020-7)
- Court of Justice of the European Union. (2017). Opinion 2/15: Opinion of the Court (Full Court) of 16 May 2017. EU: C: 2017: 376. Retrieved from <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A62015CV0002%2801%29>
- Daly, H. E. (1993). The Perils of Free Trade. *Scientific American*, 269(5), 50-57. Retrieved from <https://www.jstor.org/stable/10.2307/24941683>

Damro, C. (2012). Market power Europe. *Journal of European Public Policy*, 19:5, 682-699, DOI: 10.1080/13501763.2011.646779

De Ville, F. and Orbie, J. (2014). The European commission's neoliberal trade discourse since the crisis: Legitimizing continuity through subtle discursive change. *The British Journal of Politics and International Relations*, 16(1), 149-167. <https://doi.org/10.1111/1467-856X.12022>

De Ville, F. and Siles-Brügge, G. (2018). The role of ideas in legitimating EU trade policy: from the Single Market Programme to the Transatlantic Trade and Investment Partnership. In S. Khorana & M. Garcia (Eds), *Handbook on the EU and International Trade* (p. 243-263). Cheltenham: Edward Elgar.

Drieghe, L. & Potjomkina, D. (2019). EU's value-based approach in trade policy: (free) trade for all? *Global Affairs*, 5(1), 63-72. DOI: 10.1080/23340460.2019.1584539

Dunn, K. C. & Neumann, I. B. (2016). *Undertaking Discourse Analysis for Social Research*. Ann Arbor: University of Miching Press

Dür, A. (2008). Bringing Economic Interests Back Into the Study of EU Trade Policy-Making. *BJPIR* (10), pp. 27-45. doi: 10.1111/j.1467-856x.2007.00316.x

Ebert, F. (2016). Labour Provisions in EU Trade Agreements: What Potential for Channelling Labour Standards-Related Capacity Building?. *International Labour Review*, 155(3), 407-33.

Elsig, M. (2007). The EU's Choice of Regulatory Venues for Trade Negotiations: A Tale of Agency Power? *Journal of Common Market Studies*, 45(4), 927-948. <https://doi.org/10.1111/j.1468-5965.2007.00754.x>

Elgström, O. (2007). Outsiders' Perceptions of the European Union in International Trade Negotiations. *Journal of Common Market Studies*, 45(4), 949-967. <https://doi.org/10.1111/j.1468-5965.2007.00755.x>

European Commission (EC). (1996). Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions the Global Challenge of International Trade: A Market Access Strategy For The European Union. Retrieved from <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:1996:0053:FIN:EN:PDF>

European Commission (EC). (2006). Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions: Global Europe: Competing in the World: A Contribution to the EU's Growth and Jobs Strategy. Retrieved from <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2006:0567:FIN:en:PDF>

European Commission (EC). (2010). Trade, Growth and World Affairs: Trade Policy as a Core Component of the EU's 2020 Strategy. Retrieved from <https://op.europa.eu/en/publication-detail/-/publication/bd154c9c-96b8-4463-9501-44478c014af7>

European Commission (EC). (n.d.). Document search by section: Sustainable Development. Retrieved February 6, 2021, from https://trade.ec.europa.eu/doclib/cfm/doclib_section.cfm?sec=769

European Commission (EC). (2017a). Trade and Sustainable Development (TSD) Chapters in EU Free Trade Agreements (FTAs), Non-Paper of the Commission Services, July 11. Retrieved February 7, 2021, from: http://trade.ec.europa.eu/doclib/docs/2017/july/tradoc_155686.pdf

- European Commission (EC). (2017b, July 11). European Commission starts a debate on Trade and Sustainable Development in EU Trade Agreements. Retrieved February 7, 2021, from <http://trade.ec.europa.eu/doclib/press/index.cfm?id=1689>
- European Commission (EC). (2018a). Feedback and way forward on improving the implementation and enforcement of Trade and Sustainable Development chapters in EU Free Trade Agreements, Non paper of the Commission services, February 26. Retrieved February 7, 2021, from https://trade.ec.europa.eu/doclib/docs/2018/february/tradoc_156618.pdf
- European Commission (EC). (2018b, February 27). Commissioner Malmström unveils 15-point plan to make EU trade and sustainable development chapters more effective. Retrieved February 6, 2021, from <http://trade.ec.europa.eu/doclib/press/index.cfm?id=1803>
- European Commission (EC). (2018c, July 16). Feedback to the debate on Trade and Sustainable Development in the EU Trade Agreements. Retrieved February 6, 2021, from http://trade.ec.europa.eu/doclib/docs/2018/july/tradoc_157122.pdf
- European Commission (EC). (2020). Trade Policy Review 2020: Summary of contributions received: 1st December 2020. Retrieved from https://trade.ec.europa.eu/doclib/docs/2020/december/tradoc_159146.pdf
- European Commission (EC). (2021, January 24). Panel of experts confirms Republic of Korea is in breach of labour commitments under our trade agreement. Retrieved, February 14, 2021, from <https://trade.ec.europa.eu/doclib/press/index.cfm?id=2238>
- European Parliament (EP). (2017). European Parliament resolution of 18 May 2017 on the implementation of the Free Trade Agreement between the European Union and the Republic of Korea (2015/2059(INI)). P8_TA(2017)0225, para 5. Retrieved from https://www.europarl.europa.eu/doceo/document/A-8-2017-0123_EN.html
- European Parliament (EP). (2019). Hearing of Phil Hogan Commissioner-designate (Trade). Committee on International Trade. Retrieved from <https://www.europarl.europa.eu/resources/library/media/20191004RES63483/20191004RES63483.pdf>
- European Union (EU). (2015). Trade for All: Towards a more responsible trade and investment policy. Retrieved from http://trade.ec.europa.eu/doclib/docs/2015/october/tradoc_153846.pdf
- Ford, L. (2013). EU Trade Governance and Policy: A Critical Perspective. *Journal of Contemporary European Research*, 9(4), 578-596. Retrieved from <https://www.jcer.net/index.php/jcer/article/view/424>
- Garcia, M. & Masselot, A. (2015). EU-Asia Free Trade Agreement as tools for social norm/legislation transfer. *Asia Europe Journal*, (13), 241-252. DOI 10.1007/s10308-015-0423-0
- Gheyle, N., & Jacobs, T. (2017). Content Analysis: a short overview. Working Paper. <http://hdl.handle.net/1854/LU-8543687>
- Gstöhl, S. & De Bièvre, D. (2018). Actors and Processes in EU Trade Policy. In *The Trade Policy of the European Union* (pp. 47-83). London: MacMillan Education UK.
- Harrison, J. (2019). The Labour Rights Agenda in Free Trade Agreements. *Journal of World Investment & Trade*, 20, 705–725. Retrieved from <https://core.ac.uk/download/pdf/185246359.pdf>
- Harrison, J., Barbu, M., Campling, L., Ebert, F. C., Martens, D., Marx, A., Orbie, J., Richardson, B. & Smith, A (2019a). Labour Standards Provisions in EU Free Trade Agreements: Reflections on the European Commission’s Reform Agenda. *World Trade Review*, 18(4), 635–657. doi:10.1017/S1474745618000204

- Harrison, J., Barbu, M., Campling, L., Richardson, B. and Smith, A. (2019b). Governing Labour Standards through Free Trade Agreements: Limits of the European Union's Trade and Sustainable Development Chapters. *Journal of Common Market Studies*, 57(2), 260-277. <https://doi.org/10.1111/jcms.12715>
- Holden, P. 2017. Neo-liberalism by default? The European Union's trade and development policy in an era of crisis. *Journal of International Relations and Development*, 20(2), 381-407. DOI: 10.1057/jird.2015.10
- Holden, P. (2019). Finding Common Ground? European Union and European Civil Society Framing of the Role of Trade in the Sustainable Development Goals. *Journal of Common Market Studies*, 57(5), 956-976. DOI: 10.1111/jcms.12862
- Jacobs, T. (2020). The post-Marxist political economy of EU trade. A discourse-theoretical analysis of the construction of political agency in the European Parliament. Retrieved from <http://hdl.handle.net/1854/LU-8664120>
- Jacobs, T. & Orbie, J. 2020. Discourse Theory as a novel approach for critical research on EU Trade Policy. In: Y. Stivachtis, D. Bigo, T. Diez, E. Fanoulis & B. Rosamund (Eds.), *Routledge Handbook of Critical European Studies*. London: Routledge. In press
- Jørgensen, M. & Phillips, L. (2002). *Discourse Analysis as Theory and Method*. London: SAGE Publications
- International Labour Organization (ILO). (2010, 28 July). List of ILO Core Conventions. Retrieved from https://www.ilo.org/asia/decentwork/dwcp/WCMS_143046/lang--en/index.htm
- Kolben, K. (2006). The New Politics of Linkage: India's Opposition to the Worker's Rights Clause. *India Journal of Global Legal Studies*, 13(1), 225- 259. Retrieved from <https://www.repository.law.indiana.edu/ijgls/vol13/iss1/8>
- Langan, M. (2015), The moral economy of EU relations with North African states: DCFTAs under the European Neighbourhood Policy. *Third World Quarterly*, 36 (10), 1827-1844. <https://doi.org/10.1080/01436597.2015.1071660>
- Laursen, F. & Roederer-Rynning, C. (2017) Introduction: the new EU FTAs as contentious market regulation. *Journal of European Integration*, 39(7), 763-779. DOI:10.1080/07036337.2017.1372430
- Lawrence, J. C. (2020). The EU in the Mirror of NPE: Power Europe in the EU's New Trade and Investment Agreements. In Nagy, C. I. (Ed.). *World Trade and Local Public Interest: Trade Liberalization and National Regulatory Sovereignty. Studies in European Economic Law and Regulation, vol 19*. Cham: Springer, Cham. http://doi-org-443.webvpn.fjmu.edu.cn/10.1007/978-3-030-41920-2_1
- Leal-Arcas, R., Anderle, M., Santos, F., Uilenbroek, L. & Schragmann, H. (2020). The Contribution of Free Trade Agreements and Bilateral Investment Treaties to a Sustainable Future. *Zeitschrift für Europarechtliche Studien*, 23(1), 3-76. DOI: [10.5771/1435-439X-2020-1-3](https://doi.org/10.5771/1435-439X-2020-1-3)
- Manners, I. (2002). Normative Power Europe: A contradiction in terms? *Journal of Common Markets Studies*, (40) 2, 235-258. <https://doi.org/10.1111/1468-5965.00353>
- Manners, I. (2009). The Social Dimension of EU Trade Policies: Reflections from a Normative Power Perspective. *European Foreign Affairs Review*, 14(5), 785-803. <https://kluwerlawonline.com/journalarticle/European+Foreign+Affairs+Review/14.5/EERR2009053>
- Martens, D. Van den Putte, L., Oehri, M. and Orbie, J. (2018). Mapping Variation of Civil Society Involvement in EU Trade Agreements: A CSI Index. *European Foreign Affairs Review*, 23(1), 41-62. Retrieved from <http://hdl.handle.net/1854/LU-8565717>

- Martin-Mazé, M. (2015). Unpacking Interests in Normative Power Europe. *Journal of Common Market Studies*, 53(6), 1285-1300. <https://doi.org/10.1111/jcms.12257>
- Marx, A., Lein, B. and Brando, N. (2016). The Protection of Labour Rights in Trade Agreements: The Case of the EU-Colombia Agreement. *Journal of World Trade*, 50(4), 587-610.
- Mathieu, J.F. & Weinblum, S. (2013). The Battle Against Unfair Trade in the EU Trade Policy: A Discourse Analysis of Trade Protection. *Perspectives on European Politics and Society*, 14(2), 185–202. DOI: 10.1080/15705854.2013.785263
- Meadows, D. H., Meadows, D. L., Randers, J. & Behrens III, W. W. (1972). *The Limits To Growth; a Report for the Club of Rome's Project on the Predicament of Mankind*. New York: Universe Books
- Meunier, S. (2007). Managing Globalization? The EU in International Trade Negotiations. *Journal of Common Market Studies*, 45(4), 905-926 <https://doi.org/10.1111/j.1468-5965.2007.00753.x>
- Meunier, S. & Nicolaïdis, K. (2006). The European Union as a conflicted trade power. *Journal of European Public Policy*, 13(6), 906-925. DOI:10.1080/13501760600838623
- Moerland, A. and Weinhardt, C. (2020). Pollicisation 'Reversed': EU Free Trade Negotiations with West Africa and the Caribbean. *Politics and Governance*, 8(1). <http://dx.doi.org/10.17645/pag.v8i1.2680>
- Muradian, R. & Martinez-Alier, J. (2001). Trade and the environment: from a 'Southern' perspective. *Ecological Economics*, 36(2), 281-297. [https://doi.org/10.1016/S0921-8009\(00\)00229-9](https://doi.org/10.1016/S0921-8009(00)00229-9)
- Orbie, J. and Kerremans, B. (2013). Introduction: Theorizing European Union Trade Politics: Contending or Complementary Paradigms? *Journal of Contemporary European Research*, 9(4), Special Issue, 493-500. Retrieved from <https://jcer.net/index.php/jcer/article/view/597>
- Orbie, J., Van den Putte, L. and Martens, D. (2017). Civil Society Meetings in EU Free Trade Agreements: The Purposes Unravelling. Chapter 8 in *Labour Standards in International Economic Law*.
- Orbie J., Van den Putte, L. and Martens, D. (2017). The Impact of Labour Rights Commitments in EU Trade Agreements: The Case of Peru. *Politics and Governance*, Vol 5, Issue 4, pp 6-18
- Orbie, J., Martens, D. & Van den Putte, L. (2017). Civil Society Meetings in EU Free Trade Agreements: The Purposes Unravelling. In H. Gött (Ed.), *Labour Standards in International Economic Law* (p. 135-152). Cham: Springer. DOI: 10.1007/978-3-319-69447-4_8
- Orbie, J. Martens, D., Oehri, M. & Van den Putte, L. (2016). Promoting sustainable development or legitimising free trade? Civil society mechanisms in EU trade agreements. *Third World Thematics: A TWQ Journal*, 1(4), 526-546. DOI:10.1080/23802014.2016.1294032
- Postnikov, E. & Bastiaens, I. (2014). Does dialogue work? The effectiveness of labor standards in EU preferential trade agreements. *Journal of European Public Policy*, 21(6), 923-940. DOI: 10.1080/13501763.2014.910869
- Potjomkina, D. (2018). Multistakeholderism in the EU's Trade Governance. *Institute for European Studies*, 1. Retrieved from <https://biblio.ugent.be/publication/8577993/file/8577994>
- Ravenhill, J. (Ed.) (2005). *Global Political Economy*. Oxford: Oxford University Press.
- Rosamond, B. (2014). Three Ways of Speaking Europe to the World: Markets, Peace, Cosmopolitan Duty and the EU's Normative Power. *The British Journal of Politics and International Relations*, 16(1), 133–148. doi: 10.1111/1467-856X.12013

Schmidt, B. C. (2002). Anarchy, World Politics and the Birth of a Discipline: American International Relations, Pluralist Theory and the Myth of Interwar Idealism. *International Relations*, 16(1), 9–31

Schmidt, V. A. (2008). Discursive Institutionalism: The Explanatory Power of Ideas and Discours. *Annual Review of Political Science*, 11(1). DOI: [10.1146/annurev.polisci.11.060606.135342](https://doi.org/10.1146/annurev.polisci.11.060606.135342)

Schmidt, V. A. (2017). Theorizing Ideas and Discourse in Political Science: Intersubjectivity, Neo-Institutionalisms, and the Power of Ideas. *Critical Review*, 29(2), 248-263.
DOI:10.1080/08913811.2017.1366665

Sicurelli, D. (2019). External conditions for EU normative power through trade. The case of CEPA negotiations with Indonesia. *Asia Europe Journal*, (18), 57-73. <https://doi.org/10.1007/s10308-019-00537-3>

Siles-Brügge, G. (2013). The Power of Economic Ideas: A Constructivist Political Economy of EU trade policy. *Journal of Contemporary European Research*, 9(4), 597-617. Retrieved from <https://www.jcer.net/index.php/jcer/article/view/437>

Strange, M. (2015). Power in Global Trade Governance: Is the EU a Unitary Actor, a Tool for Dominance, or a Site of Contestation? GATS and the TTIP Negotiations. *International Journal of Public Administration*, (38), 884-894. DOI: 10.1080/01900692.2014.982290

The Penguin Companion to European Union. (2012, October 1). Non-paper. Retrieved February 8, 2021, from https://penguincompaniontoeu.com/additional_entries/non-paper/

Van den Putte, L. & Orbie, J. (2015). EU Bilateral Trade Agreements and the Surprising Rise of Labour Provisions. *The International Journal of Comparative Labour Law and Industrial Relations*, 31(3), 263–284. Retrieved from <https://kluwerlawonline.com/journalarticle/International+Journal+of+Comparative+Labour+Law+and+Industrial+Relations/31.3/IJCL2015015>

Van Roozendaal, G. (2017). Where Symbolism Prospers: An Analysis of the Impact on Enabling Rights of Labour Standards Provisions in Trade Agreements with South Korea. *Politics and Governance*, 5(4), 19–29. DOI: 10.17645/pag.v5i4.1087

Widmaier, W.(2016). The power of economic ideas – through, over and in – political time: the construction, conversion and crisis of the neoliberal order in the US and UK. *Journal of European Public Policy*, 23(3), 338-356. DOI: 10.1080/13501763.2015.1115890

8 Appendix

Appendix 1: Coding Scheme

Name of Code	Related Themes	Description
Growth Paradigm	Growth, Market Expansion, Increased Trade, Increased Market Access, Expansion, Innovation	A belief that continued growth is both possible and needed
Fair Trade	Fair, Unfair, Protectionism, Level playing field, Race to the bottom, Protection	A belief that there are trade practices which are fair, and some that are unfair. Two different meanings and context is therefore important.
Universalism	Help them, Mutually Agreed, Common Understanding, Technical Assistance, Support Them, Incentives, Strengthen Their Regulations, Norms, Export Norms, Values, Rights	A combination of ideas or statements which indicates that an actor assumes that EU should and can legitimately regulate what are the right norms for its trade partner
Free Trade	Free Trade, FTA, Less Restrictions, Trade Liberalisation	Explicit use of “free trade” “FTA” and the context of this use.
Enforcement	Sanctions, Rules, Incentives, Material Punishment, Assertive, Option 1, Option 2, Panel of Experts, Raise Complaint, Cooperation, Binding, ECJ Ruling, Transparency, Timeline, Implementation Schedule	How the actors discuss the issue of enforcement and which solution they propose.
Scope of TSD Chapters	ILO, MEA, Consumer Rights, Paris Agreement, Illegal Wildlife Trade, Tax and more	If an actor argues to expand scope, or to maintain the same scope
Labour	Labour, Labourer, Worker, Union, Dumping, HSE, Safety, Wage	The purpose of this code is to make it possible to compare how many, or how much the actors focus on labour
Environment	Environment, Climate, Earth, Ecosystem, Ecological, Nature, Wildlife, Animals, Emissions	The purpose of this code is to make it possible to compare how many, or how much the actors focus on environment
Sustainable Development	Sustainable Development, Sustainability	The purpose of this code is to analyse the use of sustainable development and what it is related to.
Civil Society	Civil Society, CSM, Social Partners, Trade unions, NGOs, Interest groups, DAG	If, and how the actors discuss civil society’s role, and what they ask for in terms of measures to empower them
Neoliberalism	Market, Competition, Effective markets, Deregulate, Protectionism, Universalism, Status-quo, Not	A combination of ideas, or phrases, which indicates a neoliberal preference. This can

	Change, Incrementalism, Innovation, Multilateral Agreements	also include the 'radical code' but in opposition
Radicalism	Anti-capitalist, Capitalism, Marxism, Ecology, Ecosystems, Planetary Boundaries, Human Needs, Regulation, Sustainability, Change	A combination of ideas or phrases which indicates a radical orientation. This can also include the 'neoliberal code' but in opposition
Other	The same as the Neoliberal or Radical code	Where it has been difficult to classify in terms of neoliberal or radical
Opposition or Support to Framing	Framing, Misleading, False, Dichotomy, Option 1 or 2, Questions from EC. Inclusive process, Public Hearing, Support the Commission, Transparency	The code is established to mark instances where the actor explicitly supports the Commission's process or framing. It is also used to mark if an actor responds to the questions given by the Commission, only discusses option 1 or 2, or if the statement contains debates which are not included in the non-paper

Appendix 2: Analysed Texts

European Commission (EC). (2017a). Trade and Sustainable Development (TSD) Chapters in EU Free Trade Agreements (FTAs), Non-Paper of the Commission Services, July 11. Retrieved February 7, 2021, from: http://trade.ec.europa.eu/doclib/docs/2017/july/tradoc_155686.pdf

European Commission (EC). (2018a). Feedback and way forward on improving the implementation and enforcement of Trade and Sustainable Development chapters in EU Free Trade Agreements, Non paper of the Commission services, February 26. Retrieved February 7, 2021, from https://trade.ec.europa.eu/doclib/docs/2018/february/tradoc_156618.pdf

European Commission (EC). (2018c, July 16). Feedback to the debate on Trade and Sustainable Development in the EU Trade Agreements. Retrieved February 6, 2021, from http://trade.ec.europa.eu/doclib/docs/2018/july/tradoc_157122.pdf



Norges miljø- og biovitenskapelige universitet
Noregs miljø- og biovitenskapelige universitet
Norwegian University of Life Sciences

Postboks 5003
NO-1432 Ås
Norway